



Legislation Details (With Text)

File #: 2526-2015 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 10/1/2015 **In control:** Development Committee
On agenda: 10/26/2015 **Final action:** 10/29/2015

Title: To accept the application (AN15-013) of Derrer Road LLC for the annexation of certain territory containing 3.354 ± acres in Plain Township and to authorize the submission of a petition to the Board of Commissioners of Franklin County, Ohio, requesting a change in the boundary lines of Montgomery Township so as to make them identical with the corporate boundaries of the city of Columbus for this annexation.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD2526-2015 AN15-013 Service Statement, 2. ORD2526-2015 AN15-013 Map

Date	Ver.	Action By	Action	Result
10/29/2015	1	CITY CLERK	Attest	
10/28/2015	1	MAYOR	Signed	
10/26/2015	1	COUNCIL PRESIDENT	Signed	
10/26/2015	1	Columbus City Council	Approved	Pass
10/19/2015	1	Columbus City Council	Read for the First Time	

AN15-013

BACKGROUND: This ordinance approves the acceptance of certain territory (AN15-013) by the City of Columbus and authorizes its transfer from Plain Township to Montgomery Township per an annexation agreement between the City and Plain Township. The Ohio Revised Code (ORC) stipulates that to be effective, City acceptance must take place a minimum of 60 days (but not more than 180) from the receipt by the City Clerk of the approval notice from the county. Should City Council not take such action within this timeframe, the annexation will not take place. This petition was filed with Franklin County on June 26, 2015. The Board of Commissioners approved the annexation on July 14, 2015 and the City Clerk received notice on July 27, 2015. No service ordinance was required because this annexation was filed as a Type 1 application as defined by the ORC. Although not required, a service statement reflecting the City's ability to provide services for this site upon annexation is attached.

The use of a Type 1 annexation application is stipulated in the annexation agreement between the City and Plain Township. The annexation agreement also requires that territory annexed to the City from Plain Township be transferred to Montgomery Township. This ordinance authorizes the submission of a petition to the Franklin County Board of Commissioners, requesting that the boundary lines of Montgomery Township be changed to make them identical with the corporate limits of the city of Columbus for this annexation. The petition will be filed in accordance with Section 503.07 of the ORC. The subject site is also located within the City's Northeast Pay-As-We-Grow (PAWG) area and if developed will be subject to PAWG funding mechanisms applicable to the area.

FISCAL IMPACT: Provision of municipal services does represent cost to the City; however, the annexation of land also has the potential to create revenue to the City.

To accept the application (AN15-013) of Derrer Road LLC for the annexation of certain territory containing 3.354 ± acres in Plain Township and to authorize the submission of a petition to the Board of Commissioners of Franklin County, Ohio, requesting a change in the boundary lines of Montgomery Township so as to make them identical with the corporate boundaries of the city of Columbus for this annexation.

WHEREAS, a petition for the annexation of certain territory in Plain Township was filed on behalf of Derrer Road LLC on June 26, 2015; and

WHEREAS, while a service ordinance is not required for this type of annexation, the City did conduct a review of the proposed annexation to determine what services would be available to the site upon annexation, the results of which are reflected in the attached service statement; and

WHEREAS, the proposed annexation site is located within the City's Northeast Pay-As-We-Grow (PAWG) area and is subject to the provisions of this program; and

WHEREAS, the petition was considered and approved by the Franklin County Board of Commissioners at a hearing on July 14, 2015; and

WHEREAS, on July 27, 2015, the City Clerk received from Franklin County a certified copy of the resolution addressing the petition; and

WHEREAS, sixty days have now elapsed since receipt of the resolution in accordance with the provisions of the Ohio Revised Code; and

WHEREAS, it is in the best interest of the City of Columbus to accept the annexation of the territory addressed by the petition; and

WHEREAS, the annexation agreement between Plain Township and the City of Columbus requires the City to transfer territory annexed from Plain Township to the city of Columbus and to conform the boundaries of Montgomery Township to make them identical with the corporate limits of the city; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the annexation proposed by Derrer Road LLC in a petition filed with the Franklin County Board of Commissioners on June 26, 2015 and subsequently approved by the Board on July 14, 2015 is hereby accepted and said territory is hereby annexed to the city of Columbus. Said territory is described as follows:

Situated in the State of Ohio, County of County of Franklin, Plain Township, Quarter Section 3, Township 2, Range 16, U.S. Military Lands, and being all of a 1.0824 acre tract as conveyed to Derrer Road, LLC as recorded in Instrument No. 201012220174071, and being all of a 1.8058 acre tract as conveyed to Derrer Road, LLC as recorded in Instrument No. 201012220174070, containing 3.608 acre and being further described as follows:

Beginning in the easterly line of the existing City of Columbus Corporation line as shown in Ordinance No. 639-89 as recorded in O.R. 13292, Pg. D07, and being a northeasterly corner of the existing City of Columbus 0.253 acre tract as recorded in Instrument No. 201407290097673, said point being on the northerly line of Morse Rd. (width varies);

Thence Northerly 489' along the easterly line of said City of Columbus Corporation line (Ordinance No. 639-89), being the easterly line of Homestead at the Preserve Condominiums as recorded in Condo P.B. 129, Pg. 34 (4th Amendment), Condo. P.B. 129, Pg. 34, Condo. P.B. 89, Pg. 29, Condo. P.B. 93, Pg. 47 (3rd Amendment), Condo. P.B. 89, Pg. 29, Condo. P.B. 92, Pg. 17 (2nd Amendment) & Condo. P.B. 89, Pg. 29 to a point;

Thence Easterly 300' along a southerly line of said City of Columbus Corporation line, being the southerly line of said Homestead at the Preserve Condominiums as recorded in Condo P.B. 96, Pg. 13 (14th Amendment), Condo. P.B. 89, Pg. 29 to a point;

Thence Southerly 486' along a westerly line of said existing City of Columbus Corporation line as shown in Ordinance No. 1988-04, being the westerly line of a tract of land as conveyed to LC Preserve Crossing, LLC as recorded in Instrument No. 201312100202911 to a point in the northerly line of said Morse Rd.

Thence along the northerly line of said existing City of Columbus 0.253 acre tract, being the north line of said Morse Rd., the following 3 courses and distances:

Westerly 26', to a point;

Westerly 158', to a point;

Westerly 115', to the true place of beginning, Containing 146100 square feet, 3.354 acres, more or less. Being all of PPN 220-000149-00 & 220-000153-00. This description was prepared from Franklin County Recorder's Office documents is not valid for the transfer of real property, and is not to be utilized in place of a Boundary Survey as defined by the Ohio Administrative Code in Chapter 4733-37.

SECTION 2. That the City Clerk is hereby authorized and directed to make three copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto, and a certificate as to the correctness thereof, the City Clerk shall then forthwith deliver one copy to the County Auditor, one copy to the Board of Elections thereof and do such other things as may be required by law.

SECTION 3. That pursuant to the provisions of Section 503.07 of the Ohio Revised Code the Director of the Department of Development be and is hereby authorized and directed on behalf of the City of Columbus to present to the Board of Commissioners of Franklin County, Ohio, a petition requesting such changes in and extensions of the boundary lines of Montgomery Township as may be necessary so that said township may include therein that portion of Plain Township, which by the order of the Board of County Commissioners of Franklin County, Ohio, on July 14, 2015 was approved for annexation to the city of Columbus, so as to make the boundaries of Montgomery Township co-extensive with the corporate limits of the said city of Columbus in accordance with the maps attached to said petition.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.