



Legislation Details (With Text)

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File created: 10/24/2011 **In control:** Development Committee

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Title: To accept the application (AN11-008) of CD Gaming Ventures Inc et al for the annexation of certain territory containing 108 ± acres in Franklin Township; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1862-2011 AN11-008 Service Statement, 2. ORD1862-2011 AN11-008 Map

Date	Ver.	Action By	Action	Result
11/7/2011	1	CITY CLERK	Attest	
11/7/2011	1	MAYOR	Signed	
11/7/2011	1	COUNCIL PRESIDENT	Signed	
11/7/2011	1	Columbus City Council	Approved	Pass

AN11-008

BACKGROUND:

This ordinance approves the acceptance of certain territory (AN11-008) by the City. The Ohio Revised Code stipulates that the once an annexation has been approved by the county, it must be accepted by the receiving municipality in order for the annexation process to be completed. 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 July 22, 2011. City Council approved a service ordinance addressing the site on July 25, 2011. Franklin County approved the annexation on August 23, 2011 and the City Clerk received notice on September 1, 2011. An agreement between the City and petitioner stipulates that the acceptance ordinance be filed as emergency legislation. Emergency action will also maximize revenue to the City.

FISCAL IMPACT:

While provision of municipal services does represent cost, annexation of the site is anticipated to generate substantial income tax revenue to the City.

To accept the application (AN11-008) of CD Gaming Ventures Inc et al for the annexation of certain territory containing 108 ± acres in Franklin Township; and to declare an emergency.

WHEREAS, a petition for the annexation of certain territory in Franklin Township was duly filed on behalf of CD Gaming Ventures Inc et al on July 22, 2011; and

WHEREAS, said petition was duly considered by the Board of County Commissioners of Franklin County, Ohio, and the annexation of said hereinafter described territory to the city of Columbus was approved by said Commissioners by order dated August 23, 2011; and

WHEREAS, the Board of County Commissioners of Franklin County certified the transcript of the proceedings in connection with the said annexation with the map and petition required in connection therewith to the City Clerk who received the same on September 1, 2011; and

WHEREAS, sixty days from the date of said filing have now elapsed 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 sought to be annexed by the aforesaid petition; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is necessary to accept this annexation immediately in order for the City to comply with the terms of a Consent Order and Settlement Agreement, and immediate annexation will also maximize revenue to the City, all for the preservation of the public peace, property, health and safety; now, therefore,

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

Section 1. That the proposed annexation as applied for in the petition of CD Gaming Ventures Inc et al being the majority of owner(s) of real estate in the territory sought to be annexed and filed with the Board of County Commissioners of Franklin County, Ohio on July 22, 2011 in which said petition prayed for annexation to the city of Columbus, Ohio, of certain territory adjacent thereto as hereinafter described, and which said petition was approved for annexation to the city of Columbus by the Board of County Commissioners by order dated August 23, 2011 be and the same 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 Franklin, Township of Franklin, being in Virginia Military Survey Lots 1425 and 1482, and being part of the remainder of a 112.581 acre tract conveyed to CD Gaming Ventures, Inc. as described in Instrument Number 201002050015189, Tract I, a 34.521 acre tract conveyed to CD Gaming Future Expansion, LLC as described in Instrument Number 201102140022643, a 24.936 acre tract conveyed to CD Gaming Parking, LLC as described in Instrument Number 201102140022642, and a 22.259 acre tract conveyed to CD Gaming Future Development, LLC as described in Instrument Number 201102140022644, all references being those of record in the Franklin County, Ohio Recorder's Office and being more particularly described as follows:

Commencing at a monument (FCGS 1379) found at the centerline intersection of West Broad Street (U.S. Route 40) (160') and Georgesville Road (110');

Thence southerly, with the centerline of Georgesville Road and the west line of a 1.048 acre tract conveyed to Board of Franklin County Commissioners as described in Instrument Number 200211270304863, South 07° 07' 57" West, 528.58 feet;

Thence easterly, leaving the centerline of Georgesville Road, crossing said 1.048 acre tract, North 86° 32' 36" East, passing a 5/8" iron pin found on the existing easterly right-of-way line of Georgesville Road at 73.32 feet, a total distance of 91.56 feet to the north line of said 34.521 acre tract, the south line of a 6.423 acre tract conveyed to West Highland Plaza LLC as described in Instrument Number 200212260332012, and on the corporation line of the City of Columbus and Franklin Township as described in Instrument Number 200212260331531, Ord. No. 1348-02, being the **TRUE POINT OF BEGINNING**,

Thence easterly, with said corporation line, the north line of said 34.521 acre tract, the south line of said 6.423 acre tract, the south line of a 2.951 acre tract conveyed to West Highland Plaza as described in Instrument Number

200707110121493, the south line of a 2.368 acre tract conveyed to Buckeye Express Wash LLC as described in Instrument Number 200807310116827, and the south line of a 2.126 acre tract conveyed to Haydocy Pontiac-GMC Truck Inc. as described in Instrument Number 200308070249570, North 86° 32' 36" East, 1431.97 feet to an angle point in said north line, the southeast corner of said corporation line and 2.126 acre tract, being on the west line of an 8.326 acre tract conveyed to Haydocy Realty Co. LLC as described in Instrument Number 199911050278956 and on the west line of the corporation line of the City of Columbus and Franklin Township as described in Instrument Number 199909080228072, Ord. No. 151-99;

Thence southerly, with said corporation line, the north line of said 34.521 acre tract, and the west line of said 8.326 acre tract, South 03° 27' 56" East, 120.56 feet to an angle point in said north line and being the southwest corner of said 8.326 acre tract;

Thence easterly, with said corporation line, the north line of said 34.521 acre tract, and the south line of said 8.326 acre tract, North 81° 06' 58" East, 593.51 feet to the northeast corner of said 34.521 acre tract, the southeast corner of said corporation line and 8.326 acre tract, being on the west line of Lot No. 49 of Alice Rita Subdivision as recorded in Plat Book 46, Page 30 and the west line of corporation line of the City of Columbus and Franklin Township as described in M.R. 108, Page 124, M.R. 109, Page 31, Ord. No. 165-58;

Thence southerly, with said corporation line, the east lines of said 34.521 acre tract, the remainder of said 112.581 acre tract, and said 24.936 acre tract, being the west line of Lot Nos. 26-49 of said Alice Rita Subdivision, South 03° 14' 07" East, 1381.61 feet to a southeast corner of said 24.936 acre tract and the northeast corner of a tract of land conveyed to Camp Chase Industrial Railroad Corp. as described in Official Record Volume 28363 F03, being on the west line of Lot No. 26 of said Alice Rita Subdivision;

Thence southwesterly, with the south lines of said 24.936 acre tract and said 22.259 acre tract, being the north line of said Camp Chase Industrial Railroad Corp. tract, South 54° 38' 50" West, 1062.31 feet to an angle point in said south and north lines;

Thence southwesterly, with the south line of said 22.259 acre tract and the north line of said Camp Chase Industrial Railroad Corp. tract, South 45° 07' 01" West, 265.42 feet to an angle point in said south and north lines;

Thence southwesterly, with the south line of said 22.259 acre tract and the north line of said Camp Chase Industrial Railroad Corp. tract, South 39° 13' 25" West, 211.64 feet to an angle point in said south and north lines, being on the corporation line of the City of Columbus and Franklin Township as described in M.R. 109, Page 29, Ord. No. 166-58;

Thence southwesterly, with said corporation line, the south line of said 22.259 acre tract, and north line of said Camp Chase Industrial Railroad Corp. tract, South 54° 37' 57" West, 1038.29 feet to a southwest corner of said 22.259 acre tract and a southeast corner of a 9.052 acre tract conveyed to CD Gaming Future Development, LLC. as described in Instrument Number 201102140022646, being on the corporation line of the City of Columbus and Franklin Township as described in O.R. 14730 G13, Ord. No. 7-90;

Thence northeasterly, with said corporation line, the west line of said 22.259 acre tract, and the east line of said 9.052 acre tract, North 27° 15' 29" East, 149.00 feet to an angle point in said west and east lines;

Thence northerly, continuing with said corporation line, the west line of said 22.259 acre tract, and the east line of said 9.052 acre tract, North 22° 08' 13" East, 196.74 feet to an angle point in said west and east lines;

Thence northerly, continuing with said corporation line, the west line of said 22.259 acre tract, and the east line of said 9.052 acre tract, North 05° 10' 59" East, 149.38 feet to an angle point in said west and east lines;

Thence northerly, continuing with said corporation line, the west line of said 22.259 acre tract, and the east line of said 9.052 acre tract, North 03° 24' 52" West, 149.83 feet to an angle point in said west line and at the northeast corner of said 9.052 acre tract;

Thence westerly, with said corporation line, the west line of said 22.259 acre tract, and the north line of said 9.052 acre tract, South 86° 26' 45" West, 502.58 feet;

Thence northerly, crossing said 22.259 acre tract and said 24.936 acre tract, North 07° 07' 57" East, 930.50 feet;

Thence easterly, crossing said 24.936 acre tract, South 82° 52' 03" East, 15.00 feet;

Thence northerly, crossing said 24.936 acre tract and the remainder of said 112.581 acre tract, North 07° 07' 57" East, 450.00 feet;

Thence westerly, crossing the remainder of said 112.581 acre tract, North 82° 52' 03" West, 15.00 feet;

Thence northerly, crossing the remainder of said 112.581 acre tract and said 34.521 acre tract, North 07° 07' 57" East, 944.26 feet to the **TRUE POINT OF BEGINNING**, containing 108 acres and encompasses parcel numbers: 140-003620, 140-007464, 140-007465, and 140-007466.

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 for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.