



## Legislation Text

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**File #:** 0416-2020, **Version:** 1

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### **AN19-008**

#### **BACKGROUND:**

This ordinance approves the acceptance of certain territory (AN19-008) by the city of Columbus and authorizes its transfer from Plain Township to Montgomery Township per an annexation agreement between the City and the Township. The Ohio Revised Code stipulates that to be effective, City acceptance must take place a minimum of 60 days from the receipt by the City Clerk of the approval notice from the county. If City Council does not accept the ordinance within 120 days of its first consideration, the annexation will be considered rejected.

City Council approved a petition ordinance authorizing the Director of Public Service to petition Franklin County for annexation of the site on September 16, 2019. This petition was filed with Franklin County on October 23, 2019. Franklin County approved the annexation on November 5, 2019 and the City Clerk received notice on December 16, 2019. No service ordinance was required because this annexation was filed as a Type 1 application as defined by the ORC.

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 of Columbus from Plain Township be transferred to Montgomery Township. This ordinance authorizes the submission of a petition to the Board of County Commissioners of Franklin County, Ohio, requesting that the boundary lines of Montgomery County 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 Ohio Revised Code. 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 site.

#### **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 (AN19-008) of the Director of Public Service for the annexation of certain territory containing 0.103± 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 by the Director of Public Service on October 23, 2019; and

**WHEREAS**, the petition was considered and approved by the Franklin County Board of Commissioners at a hearing on November 5, 2019; and

**WHEREAS**, on December 16, 2019, 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 the Director of Public Service in a petition filed with the Franklin County Board of Commissioners on October 23, 2019 and subsequently approved by the Board on November 5, 2019 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, Plain Township, and being in Range 16, Township 2, Quarter Township 2, Lot 14. United States Military Lands, being part of a 0.179 acre tract as described in a deed to the City of Columbus of record in Instrument No. 201712260180798, of which 0.060 acres are in the proposed annexation, being a 0.118 acre tract as described in a deed to the City of Columbus of record in Instrument number 201705080061808, of which 0.043 acre are in the proposed annexation, (All references are to records of the Recorders Office, Franklin County, Ohio) and being more particularly described as follows.

Beginning for reference at the southwest corner of said 0.179 acre tract, being at the southwest corner of a 0.955 acre tract as described in a deed to the Grover C. and Martha J. Gillman of record in Instrument Number 200806100088705, being the southeast corner of the West Albany Section 6 subdivision, of record in Plat Book 94 Page 47, being in the centerline of Warner Road;

Thence North 03° 41' 46" East, along the west property line of said 0.179 acre tract, and the west line of said 0.955 acre tract, and the east line of said West Albany Section 6 subdivision, a distance of 20.00 feet to a point in the corporation line of the City of Columbus as established by ordinance number 1081-2004 and being the TRUE POINT OF BEGINNING;

Thence North 03° 41' 46" East, continuing along the west line of said 0.179 acre tract, and said 0.955 acre tract, and the west line of said West Albany Section 6 subdivision, a distance of 10.00 feet to a point;

Thence South 86° 11' 57" East, along the north line of said 0.179 acre tract, and said 0.118 acres tract, a distance of 427.42 feet to a point;

Thence South 88° 56' 43" East, along the north line of said 0.118 acre tract, a distance of 41.74 feet to a point in the existing r/w of said Warner Road;

Thence South 78° 38' 11" West, along the existing r/w of said Warner Road, a distance of 45.87 feet to a point;

Thence North 86° 11' 57" West, through said 0.118 acre tract, and said 0.179 acre tract, along the north existing r/w line of said Warner Road, a distance of 424.82 feet to the TRUE POINT OF BEGINNING, and containing 0.103 acres in the proposed annexation.

This document and exhibit were prepared from deeds and records on file in the Recorders office, Franklin County, Ohio.

This description and exhibit is for Annexation purposes only and is not to be used for transfer.

The bearings are based on the centerline of Warner road as North 86° 11' 57" West.

**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 November 5, 2019 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.