



## Legislation Details (With Text)

**File #:** 0236-2012      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 1/30/2012      **In control:** Development Committee

**On agenda:** 2/27/2012      **Final action:** 2/29/2012

**Title:** To accept the application (AN11-012) of Scioto Downs Inc. for the annexation of certain territory containing 208.3± acres in Hamilton Township; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0236-2012 AN11-012 Service Statement, 2. ORD0236-2012 AN11-012 Annexation Map

Date	Ver.	Action By	Action	Result
2/29/2012	2	CITY CLERK	Attest	
2/28/2012	2	MAYOR	Signed	
2/27/2012	2	COUNCIL PRESIDENT	Signed	
2/27/2012	1	Columbus City Council	Amended to Emergency	Pass
2/27/2012	1	Columbus City Council	Approved as Amended	Pass
2/13/2012	1	Columbus City Council	Read for the First Time	

### AN11-012

**BACKGROUND:** This ordinance approves the acceptance of certain territory (AN11-012) by the City. The Ohio Revised Code stipulates that the once an annexation has been approved, it must be accepted by the receiving municipality. 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 November 4, 2011. City Council approved a service ordinance addressing the site on November 21, 2011. Franklin County approved the annexation on December 6, 2011 and the City Clerk received notice on December 12, 2011. An agreement between the City and petitioner stipulates an expeditious annexation process to be completed by March 1, 2012.

**FISCAL IMPACT:** Provision of municipal services does represent costs to the City, however development plans for this site and associated jobs are anticipated to result in significant revenue.

To accept the application (AN11-012) of Scioto Downs Inc. for the annexation of certain territory containing 208.3± acres in Hamilton Township; **and to declare an emergency.**

**WHEREAS,** a petition for the annexation of certain territory in Hamilton Township was duly filed on behalf of Scioto Downs Inc. on November 4, 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 December 6, 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 December 12, 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 ~~now therefore~~,

**WHEREAS**, an emergency exists in the usual daily operations of the Department of Development in that it is immediately necessary to pass this ordinance as an emergency measure in recognition of an agreement between the City and petitioner which stipulates an expeditious annexation process to be concluded by March and maximizes City income tax revenue from construction activity at the site; for the preservation of the public health, peace, property, safety, and welfare; 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 Scioto Downs 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 November 4, 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 December 6, 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 Hamilton, being a part of Section 33, Township 4, Range 22, Congress Lands, also being in the name of Scioto Downs, Inc. of record in Instrument Number 200308080251644 and 200704020055939, also being in the name of State of Ohio, Department of Transportation of record in Instrument Number 200704020055939 and 201012160171173, also being in the name of Edward J. Herrmann, Bishop of record in Deed Volume 3689, Page 713 on file in the Recorder's Office, Franklin County, Ohio. All together being 208.316 acres of land conveyed to Scioto Downs, Inc., State of Ohio, Department of Transportation, Edward J. Herrmann, Bishop, and adjacent public road right-of-way, being more approximately described as follows:

Beginning at a ¾" iron pipe found on the northerly property line of a 210.917 acre tract, being in the name of Scioto Downs, Inc. (Instrument Number 200308080251644), also being on the existing corporation line (Ord #1740-78, M.R. 170, PG 789) and being on the south line of a 495.945 tract conveyed to Tamarack Enterprises II (Instrument Number 200108080182912), also being located 54.96' more less from a 1" diameter iron pipe found with a yellow plastic cap inscribed "Bird & Bull, Inc." at the northwest corner of said 210.917 acre tract, the centerline of South High Street (U.S. Route 23) at station no. 463+92.64 of the centerline survey PIC-23-17.66 and FRA-23-(0.00-5.37) and the southwest corner of said 495.945 tract conveyed to Tamarack Enterprises II (Instrument Number 200108080182912);

Thence easterly, along the north line of said 210.917 acre tract, also being the south line of said 495.945 acre tract, also following the existing corporation line (Ord #1740-78, M.R. 170, PG 789), a distance of 2,761.4 feet, more or less, to a point in the westerly line of Parsons Avenue;

Thence southerly, along the westerly line of Parsons Avenue a distance of 1,050 feet, more or less, also following the existing corporation line (Ord #1740-78, M.R. 170, PG 789) to a point in the westerly line of Parsons Avenue;

Thence easterly, a distance of 75 feet, more or less, to a point along the south line of a 181 acre tract conveyed to City of Columbus, also being the intersection of the existing corporation line described within Ord #1740-78 and Ord #972-95;

Thence southerly, along the easterly right-of-way line of Parsons Avenue, a distance of 868 feet, more or less, to a point along the easterly right-of-way of Parsons Avenue, also following the existing corporation line (Ord #972-95, O.R. 29162 A08);

Thence southwesterly, along the easterly right-of-way line of Parsons Avenue, a distance of 304 feet, more or less, to a point along the easterly right-of-way of Parsons Avenue, also following the existing corporation line (Ord #972-95, O.R. 29162 A08);

Thence southerly, along the easterly right-of-way line of Parsons Avenue, a distance of 494 feet, more or less, to a point along the easterly right-of-way of Parsons Avenue, also following the existing corporation line (Ord #972-95, O.R. 29162 A08);

Thence southwesterly, along the easterly right-of-way line of Parsons Avenue, a distance of 464 feet, more or less, to a point along the easterly right-of-way of Parsons Avenue, also following the existing corporation line (Ord #972-95, O.R. 29162 A08);

Thence southwesterly, along the easterly right-of-way line of Parsons Avenue, a distance of 690 feet, more or less, also following the existing corporation line (Ord #972-95, O.R. 29162 A08); to a point along the southerly right-of-way of London Groveport Road, and being on southeasterly corner of the 6.031 acre tract conveyed to State of Ohio, Department of Transportation (Instrument Number 201012160171173);

Thence westerly, along the southerly right-of-way line of London Groveport Road, a distance of 1,889 feet, more or less, also following the existing corporation line (Ord #972-95, O.R. 29162 A08) to a point on the southerly right-of-way of London Groveport Road, also being 27 feet, more or less, east of the easterly right-of-way of South High Street (U.S. 23) and being a point within the 19.479 acre tract conveyed to Edward J. Herrmann, Bishop (Deed Volume 3689, Page 713);

Thence northerly, over and across said tracts 19.479 acre tract and 210.917 acre tract , a distance of 75 feet, more or less, to a point along the easterly right-of-way of South High Street, also being a point along the northerly right-of-way of London Groveport Road;

Thence northwesterly, along the easterly right-of-way of South High Street, a distance of 73 feet, more or less, to a point along the easterly right-of-way of South High Street.

Thence northerly, along the easterly right-of-way of South High Street, a distance of 248 feet, more or less, to a point along the easterly right-of-way of South High Street and a point on the existing corporation line described within Ord #1740-78, M.R. 170, PG 789;

Thence northerly along the easterly right-of-way line of South High Street, a distance of 3,406 feet, more or less, over and across said 210.917 acre tract, also following the existing corporation line (Ord #1740-78, M.R. 170, PG 789), to the point of beginning.

Containing about 208.316 acres, more or less, being in the name of Scioto Downs, Inc., State of Ohio, Department of Transportation, Edward J. Herrmann, Bishop, and adjacent public road right-of-way.

This annexation description is a general of the location of property to be annexed and is not based on an actual survey of the property herein and does not meet the "Minimum Standards for Boundary Surveys" contained in O.R.C Chapter 4733.

**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 this ordinance shall take effect and be in force from and after the earliest period allowed by law. That for the reasons stated in the preambles 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 and after its passage and approvals by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.**