Legislation Details (With Text)

File #:	2900-2019 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
File created:	10/31/2019	**In control:**	Economic Development Committee
On agenda:	11/25/2019	**Final action:**	11/27/2019
Title:	To accept the application (AN19-009) of 5130 Warner, LLC et al for the annexation of certain territory containing 8.60± 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. ORD2900-2019 AN19-009 Plat and Legal, 2. ORD2900-2019 AN19-009 Service Statement		

Date	Ver.	Action By	Action	Result
11/27/2019	1	CITY CLERK	Attest	
11/26/2019	1	MAYOR	Signed	
11/25/2019	1	COUNCIL PRESIDENT	Signed	
11/25/2019	1	Columbus City Council	Approved	Pass
11/18/2019	1	Columbus City Council	Read for the First Time	

AN19-009

BACKGROUND:
This ordinance approves the acceptance of certain territory (AN19-009) 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. This petition was filed with Franklin County on July 18, 2019. Franklin County approved the annexation on July 30, 2019 and the City Clerk received notice on August 16, 2019. 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 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.

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To accept the application (AN19-009) of 5130 Warner, LLC et al for the annexation of certain territory containing 8.60± 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 5130 Warner, LLC et al on July 18, 2019; and

WHEREAS, the petition was considered and approved by the Franklin County Board of Commissioners at a hearing on July 30, 2019; and

WHEREAS, on August 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 5130 Warner, LLC et al in a petition filed with the Franklin County Board of Commissioners on July 18, 2019 and subsequently approved by the Board on July 30, 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, Township of Plain, being part of Section 15, Township 2, Range 16, United States Military Lands and containing 8.6+/- acres of land, more or less, said 8.6+/- acres being all of those tracts of land (less exceptions) as conveyed to 5130 Warner, LLC of record in Instrument No. 201902130017612 (APN: 220-000567 and APN: 220-000509), all of that tract of land (less exception) as conveyed to Patsy L. Parker (APN: 220-001153) by affidavit in Instrument No. 201204090048712 and originally by Official Record Volume 1399, Page D05 and all of that tract of land (less exception) as conveyed to Judith D. Decenzo (APN: 220-001221) of record in Official Record Volume 15655, Page A03, Official Record Volume 7521, Page C14 and Official Record Volume 2910, Page 452, said 8.6+/- acres more particularly described as follows:

Beginning, at the southwesterly corner of said 5130 Warner tract (APN: 220-000567), said corner being the southeasterly corner of that Original 3 acre tract of land as conveyed to Joshua P. Shremshock and Charmagne P. Schremshock of record in Instrument No. 201602030013391, being the northeasterly corner of that 0.134 acre tract of land as described as Parcel 7WD in the deed to the City of Columbus of record in Instrument No. 201304170063417, the northwesterly corner of that 0.211 acre tract of land as described as Parcel 8WD in the deed to the City of Columbus of record in Instrument No. 201206290093332, being in the northerly right-of-way line of Warner Road (R/W Varies) and being in the northerly line a City of Columbus Corporation Line (Case No. 60-03, Ord. No. 0432-2004, I.N. 200407190166446);

Thence N 03° 26' 45" E, with the westerly line of said 5130 Warner tract and the easterly line of said Schremshock tract, 631.1 feet+/- to a common corner thereof, said corner being in the southerly line of the Village at Albany Crossing Section 1, Part 1 of record in Plat Book 106, Page 61 and said corner also being in the southerly line of a City of Columbus Corporation Line (Case. No. 47-01, Ord. No. 0062-02, I.N. 200205220127027)

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Thence S 86° 16' 15" E, with the northerly line of said 5130 Warner tracts, the northerly line of said Parker tract, the southerly line of said Section 1, Part 1, the southerly line of the Townes at West Albany Condominium 1st Amendment of record in Condominium Plat Book 178, Page 15 and as declared in Instrument No. 200610300217443 and along said City of Columbus Corporation Line, 460.2 feet+/- to a point at the northeasterly corner of said Parker tract, the southeasterly corner of said 1st Amendment, in the westerly line of Townes at West Albany Condominium 7th Amendment, Part 2 of record in Condominium Plat Book 243, Page 58 and as declared in Instrument No. 201503020024812 and to a City of Columbus Corporation Line (Case No. 20-85, Ord. No. 2506-85, O.R. 6886Al3);

Thence S 03° 18' 54" W, with a common line of said Parker tract and said ?1h Amendment, Part 2 and along said City of Corporation Line, 130.9 feet+/- to a common corner thereof, said corner also being the northwesterly corner of said Decenzo tract;
Thence S 86° 50' 01" E, with the southerly line of said ?1h Amendment, Part 2, the northerly line of said Decenzo tract and continuing along said City of Columbus Corporation Line, 171.3 feet+/- to the northeasterly corner of said Decenzo tract, also being the northwesterly corner of that 4.115 acre tract of land as conveyed to Calebs Creek Holdings LLC of record in Instrument No. 201612140172301 and at a northwesterly corner of a City of Columbus Corporation Line (Case No. 85-01, Ord. No. 0637-02, I.N. 200208300215308);

Thence S 03° 24' 37" W, with the easterly line of said Decenzo tract, the westerly line of said 4.115 acre tract and along said City of Columbus Corporation Line, 497.6 feet+/- to the southeasterly corner of said Decenzo tract, the northeasterly corner of that 0.120 acre tract of land described as Parcel lOWD in the deed to the City of Columbus of record in Instrument No. 201205180069909, in the northerly right-of-way line of Warner Road and to the northeasterly corner of said City of Columbus Corporation Line (Case No. 60-03, Ord. No. 0432-2004, I.N. 200407190166446);

Thence with the southerly lines of said Decenzo tract, the northerly lines of said Parcel lOWD, along said right-of-way and said City of Columbus Corporation Line (Case No. 60-03, Ord. No. 0432-2004, I.N. 200407190166446), the following two (2) courses and distances:

N 87° 21' 09" W, 121.2 feet+/- to an angle point;

N 86° 14' 26" W, 48.8 feet+/- to the southwesterly corner of said Decenzo tract, the northwesterly corner of said Parcel l0WD and in the easterly line of said Parker Tract;

Thence S 00° 00' 00" E, with an easterly line of said Parker tract, the westerly line of said Parcel lOWD, along said right-of-way and along said City of Columbus Corporation Line (Case No. 60- 03, Ord. No. 0432-2004, I.N. 200407190166446), 0.5 feet+/- to a southeasterly corner of said Parker tract and the northeasterly corner of that 0.102 acre tract of land described as Parcel 9WD in the deed to the City of Columbus of record in Instrument No. 201205070063748;

Thence N 86° 27' 08" W, with the southerly lines of said Parker tract and said 5130 Warner tracts, with the northerly lines of said Parcel 9WD, with said 8WD, along said northerly right-ofway line said City of Columbus Corporation Line (Case No. 60-03, Ord. No. 0432-2004, I.N. 200407190166446), 462.2 feet+/- to the True Point of Beginning. Containing 8.6+/- acres.

The above description was prepared by Advanced Civil Design Inc. on 5/21/2019 and is based on existing County Auditor records, County Recorder records and an actual field survey.

The total length of the annexation perimeter is 2,524± feet, of which 1,893± feet are contiguous with existing City of Columbus Corporation lines, being 75.0±% contiguous.

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.
This is not to be used for the transfer of land and is for annexation purposes only.

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 30, 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.

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