



Legislation Text

File #: 3206-2017, **Version:** 1

AN17-014

BACKGROUND:

This ordinance approves the acceptance of certain territory (AN17-014) 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 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 August 25, 2017. City Council approved a service ordinance addressing the site on November 20, 2017. Franklin County approved the annexation on September 12, 2017 and the City Clerk received notice on September 27, 2017. 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 (AN17-014) of Anthony J. Panzone, et al. for the annexation of certain territory containing 16.09± 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 Anthony J. Panzone, et al. on August 25, 2017; 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 September 12, 2017; and

WHEREAS, on September 27, 2017, 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 Anthony J. Panzone, et al. in a petition filed with the Franklin County Board of Commissioners on August 25, 2017 and subsequently approved by the Board on September 12, 2017 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, in Section 6, Township 2, Range 16, United States Military Lands, being comprised of all of Lots 1, 2 and 5 of the subdivision entitled "Hickory Point", of record in Plat Book 54, Page 100, said Lots 1 and 2 being conveyed to Benjamin Simms and Janet Simms by deed of record in Instrument Number 201604060041099, and said Lot 5 being conveyed to Anthony J. Panzone by deed of record in Instrument Number 201610120138879, all of that 1.00 acre and part of that 7.04 acre tract conveyed to Phillip J. Gardner, Trustee by deed of record in Instrument Number 201004090042903, and part of the existing right of way of Lee Road (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

BEGINNING at the northeasterly corner of said Lot 1, the southeasterly corner of that 0.833 acre tract conveyed to Gary William Whitley and Barbara Ann Whitley by deed of record in Official Record 7539D09, in the westerly line of that 1.774 acre tract conveyed to Richard K. and Janice M. Blackburn by deed of record in Instrument Number 2005013100181197, Everville LLC by deed of record in Instrument Number 200803040032896, Patrick R. and Linda Bruck by deed of record in Deed book 3635, Page 414, Henry L. Reeb, Jr. and Theresa k. Jeffers by deed of record in Instrument Number 200512060256223, Joseph j. Yusko and Bonnie L. Yusko by deed of record in Instrument Number 201604200048293 and Michael R. and Celeste C. Dawley by deed of record in Official Record 1848B05;

Thence South 03° 42' 38" West, with said westerly line, the westerly line of that 10.410 acre tract conveyed to the City of Columbus, Ohio by deed of record in Instrument Number 201012300178816, and with the existing City of Columbus corporation line as established by Ordinance Number 0924-2005, of record in Instrument Number 200508180168048, a distance of 150.12 feet to the northeasterly corner of Lot 6 of said subdivision;

Thence South 81° 44' 34" West, with the northerly line of said Lot 6, a distance of 325.16 feet to a corner thereof;

Thence North 55° 11' 09" West, with said northerly line, a distance of 197.93 feet to a point in the easterly right-of-way line of Lee Road;

Thence South 34° 47' 37" West, with said easterly right-of-way line, a distance of 205.92 feet to the southwesterly corner of said Lot 3 of said subdivision;

Thence South 54° 38' 27" East, with the southerly line of said Lot 3, a distance of 354.21 feet to a point in the westerly line of said Lot 6;

Thence South 03° 47' 24" West, with said westerly line, a distance of 551.86 feet to a point in the northerly line of the subdivision entitled "Upper Albany West Section 9", of record in Plat Book 117, Page 20, in the existing City of Columbus corporation line as established by Ordinance Number 1880-02, of record in Instrument Number 200303200080585;

Thence North 87° 52' 40" West, with said northerly line and with said City of Columbus corporation line, a distance of 406.18 feet to a point in the easterly line of that 1.075 acre tract conveyed to Pius K. Piedu and Emily L. Piedu by deed of record in Instrument Number 201402110017279, the common Township line of Blendon and Plain Townships;

Thence North 03° 28' 43" East, with said easterly line and the easterly lines of that 1.61 acre tract conveyed to Janice L. Carroll by deeds of record in Deed Book 3262, Page 171 and Instrument Number 201208090115507, that 1.290 acre tract conveyed to Carlos Gutierrez and Carolina Gutierrez by deed of record in Instrument Number 201304010052883 and with said Township line, a distance of 361.65 feet to the southwesterly corner of Lot 4 of said "Hickory Point";

Thence with the boundary of said Lot 4 the following courses and distances:

South 88° 01' 48" East, a distance of 147.84 feet to a point;

North 02° 35' 14" East, a distance of 287.99 feet to a point;

North 54° 51' 33" West, a distance of 79.39 feet to a point; and

South 34° 48' 08" West, a distance of 145.69 feet to a point in said Township line.;

Thence North 03° 28' 43" East, with the easterly lines of the subdivision entitled "Cautela Subdivision", of record in Plat Book 60, Page 99, that 33.00 acre tract conveyed to Phillip J. Gardner, Trustee by deed of record in Instrument Number 201004090042903, that 15.011 acre tract conveyed to Jon E. Reichle and Tamara L. Smith by deed of record in Instrument Number 201211070169642, and with said Township line, a distance of 1415.54 feet to the southwesterly corner of that 9.368 acre tract conveyed to Mark S. Cain and Adriana C. Cain by deed of record in Instrument Number 201102040018510;

Thence South 55° 38' 37" East, with the southerly line of said 9.368 acre tract, a distance of 46.62 feet to the northwesterly corner of that 1.447 acre tract conveyed to George Ed Greenlee and Francyl Lynn Greenlee by deed of record in Deed Book 2722, Page 56;

Thence South 03° 57' 46" West, with the westerly line of said 1.447 acre tract, a distance of 115.87 feet to the southwesterly corner thereof;

Thence South 55° 30' 09" East, with the southerly line of said 1.447 acre tract, a distance of 570.10 feet to a point in the westerly right-of-way line of Lee Road;

Thence South 34° 46' 37" West, with said westerly right-of-way line, a distance of 366.49 feet to a point;

Thence South 57° 39' 52" East, crossing said Lee Road and with the southerly line of said 0.833 acre tract, a distance of 418.01 feet to the POINT OF BEGINNING, containing 16.09 acres of land, more or less.

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 September 12, 2017 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.