



Legislation Text

File #: 0417-2020, **Version:** 1

AN19-010

BACKGROUND:

This ordinance approves the acceptance of certain territory (AN19-010) by the city of Columbus and authorizes its transfer from Clinton 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 November 12, 2019. Franklin County approved the annexation on November 26, 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. 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 Clinton Township. The agreement was authorized by City Council via ordinance 1982-2019, approved July 22, 2019. The annexation agreement also requires that territory (as described in the agreement) annexed to the City of Columbus from Clinton 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.

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 (AN19-010) of Kaeding Development LLC for the annexation of certain territory containing 0.16± acres in Clinton 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 Clinton Township was filed on behalf of Kaeding Development LLC on November 12, 2019; 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 petition was considered and approved by the Franklin County Board of Commissioners at a hearing on November 26, 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 Clinton Township and the City of Columbus requires the City to transfer territory annexed from Clinton Township (as described in the agreement) 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 Kaeding Development LLC in a petition filed with the Franklin County Board of Commissioners on November 12, 2019 and subsequently approved by the Board on November 26, 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 Clinton, and being 0.16 acres out of the parcel of land conveyed to Kaeding Properties, LLC [Auditor's Tax Parcel 130-001393-00] by the deed recorded in the Recorder's Instrument Number 201903130028315, and being further described as follows:

Beginning at the southwest corner of said Kaeding Properties, LLC parcel, said point being the common corner of Lots 45 and 46 of Lincoln Heights as recorded in Plat Book 7, Page 250, the southeast corner of a 0.21 acre parcel of land conveyed to 1486 Chesapeake, LLC, being in the northerly right-of-way line of Chesapeake Avenue, and being at a corner of the existing corporation line of the City of Columbus, as established by Ordinance No. 2305-2012, and recorded in Instrument Number 201212100188742, also as established by Ordinance No. 0729-2013, and recorded in Instrument Number 201310300182319;

thence in a Northerly direction, a distance of approximately 175 feet along the previously mentioned City of Columbus corporation line as established by Ordinance 0729-2013, the westerly line of said Kaeding Properties, LLC parcel (and said Lot 46), and the easterly line of said 1486 Chesapeake, LLC parcel (and said Lot 45), to the northwest corner of said Kaeding Properties, LLC parcel (and said Lot 46), said point being the northeast corner of said 1486 Chesapeake, LLC parcel (and said Lot 45), said point being in the southerly right-of-way line of an alley;

thence in an Easterly direction, a distance of approximately 40 feet along the previously mentioned City of Columbus corporation line as established by Ordinance 0729-2013, the northerly line of said Kaeding Properties, LLC parcel (and said Lot 46), and the southerly line of said alley, to the northeast corner of said Kaeding Properties, LLC parcel (and said Lot 46), said point being the northwest corner of a 0.16 acre parcel of land conveyed to 2 Guys 1474-1476 1/2 Chesapeake Avenue, LLC (and Lot 47), and being at a corner of the existing corporation line of the City of Columbus, as established by Ordinance No. 0065-2012, and recorded in Instrument Number 201203290042780;

thence in a Southerly direction, a distance of approximately 175 feet along the previously mentioned City of Columbus corporation line as established by Ordinance 0065-2012, the easterly line of said Kaeding Properties, LLC parcel (and said Lot 46), the westerly line of said 2 Guys 1474-1476 1/2 Chesapeake Avenue, LLC parcel (and said Lot 47), to the southeast corner of said Kaeding Properties, LLC parcel (and said Lot 46), said point being the southwest corner of said 2 Guys 1474-1476 1/2 Chesapeake Avenue, LLC parcel (and Lot 47), said point being in the northerly rightof-way line of Chesapeake Avenue, and being at a corner of the previously mentioned City of Columbus corporation line as established by Ordinance 2305-2012;

thence in a westerly direction, a distance of approximately 40 feet along the previously mentioned City of Columbus corporation line as established by Ordinance 2305-2012, along the northerly right-of-way line of Chesapeake Avenue, and along the southerly line of said Kaeding Properties, LLC parcel (and said Lot 46), to the Point of Beginning of this description, and containing approximately 0.16 Acres of land, more or less.

The Annexation Area Perimeter is 430 feet; the Annexation Area Contiguous to the Existing Corporation line is 430 feet

resulting in 100% Contiguous Annexation.

The above description was prepared by Smart Services, Inc. (located at 88 W. Church Street, Newark, Ohio) by Brian D. Smart in June of 2019, from the best available County Records. This information was not derived from an actual field survey. The above description is not valid for the transfer of real property, and is not to be utilized in place of a Boundary Survey as defined by the Ohio Administrative Code in Chapter 4733-37.

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 Clinton Township, which by the order of the Board of County Commissioners of Franklin County, Ohio, on November 26, 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.