



## Legislation Text

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**File #:** 0796-2023, **Version:** 1

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### **BACKGROUND:**

This ordinance approves the acceptance of certain territory (AN22-014) 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 November 22, 2022. Franklin County approved the annexation on December 6, 2022 and the City Clerk received notice on January 17, 2023. 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 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 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 (AN22-014) of Jeff and Tina Miller; Mark and Lesley Sowie for the annexation of certain territory containing 9.81± acres in Plain Township.

**WHEREAS**, a petition for the annexation of certain territory in Plain Township was filed on behalf of Jeff and Tina Miller; Mark and Lesley Sowie on November 22, 2022; and

**WHEREAS**, the petition was considered and approved by the Franklin County Board of Commissioners at a hearing on December 6, 2022; and

**WHEREAS**, on January 17, 2023, 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; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the annexation proposed by Tina Miller; Mark and Lesley Sowie in a petition filed with the Franklin County Board of Commissioners on November 22, 2022 and subsequently approved by the Board on December 6, 2022 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 in Section 2, Township 2, Range 16, United States Military Lands and containing 9.81+/- acres, said 9.81+/- acres being part of that 5.017 acre tract of land as conveyed to Jeff D. Miller and Tina M. Miller of record in Official Record 5283, Page A06 and part of that 5.012 acre tract of land as conveyed to Mark M. Sowle and Lesley A. Sowle of record in Instrument No. 200404130081712, said 9.81+/- more particularly described as follows;

Beginning for Reference, at the northeasterly corner of said 5.017 acre tract, said corner also being the southeasterly corner of that 5.068 acre tract of land as conveyed to Vincent E. Golden and Karen S. Golden of record in Official Record 6405, Page D06 and being in the centerline of Harlem Road (R/W Varies)(Road Record 0, Page 0);

Thence N 85° 25' 18" W, with the common line of said 5.017 acre tract and said 5.068 acre tract and across said right-of-way, 30.24+/- feet to a point in the westerly right-of-way line of said Harlem Road (R/W Varies)(Road Record 0, Page 0) and being the southeasterly corner of an existing City of Columbus Corporation Line (Case No. Anx-Reg-01-05, Ord. #0948-2005, I.N. 200508180168051);

Thence S 02° 36' 00" E, across said 5.017 acre tract, said 5.012 acre tract and with said westerly right-of- way line, 312.00+/- feet to a point in the southerly line of said 5.012 acre tract, also being the northeasterly corner of that 2.00 acre tract of land as conveyed to Frederick L Williamson of record in Official Record 23435, Page G17 and the northwesterly corner of that 0.5167 acre tract of land described as Parcel 22-WD of record in Instrument No. 201907290093255;

Thence N 85° 25' 18" W, with the southerly line of said 5.012 acre tract, the northerly line of said 2.00 acre tract and the northerly line of that 2.00 acre tract of land as conveyed to Paula J Jenkins and Martha J Marcum of record in Instrument No. 201606010068498, 335.53+/- feet to a northwesterly corner of said Jenkins/Marcum tract, also being northeasterly corner of that 1.00 acre tract of land as conveyed to Offerpad SPE Borrower A LLC of record in Instrument No. 202205270080569 and being the northeasterly corner of an existing City of Columbus Corporation Line (Case No. 14-88, Ord. #1778-88, O.R. 12119F15);

Thence N 85° 25' 18" W, continuing with the southerly line of said 5.012 acre tract, the northerly line of said 1.00 acre tract and the northerly line of said existing City of Columbus Corporation Line (Case No. 14-88, Ord. #1778-88, O.R. 12119F15), 105.82+/- feet to a northwesterly corner of said 1.00 acre tract, said existing City of Columbus Corporation Line (Case No. 14-88, Ord. #1778-88, O.R. 12119F15) and the northeasterly corner of that 2.00 acre tract of land as conveyed to Morad Tawfik and Amany W. Tawfik of record in Instrument No. 199705020084543;

Thence N 85° 25' 18" W, continuing with the southerly line of said 5.012 acre tract, the northerly line of said 2.00 acre Tawfik tract, the northerly line of that 2.00 acre tract of land as conveyed to 5582 Central College Rd, LLC of record in Instrument No. 202003300043369 and the northerly line of that 2.045 acre tract of land as conveyed to 5536 Central Col Rd, LLC of record in Instrument No. 202112130225729, 592.95+/- feet to a northwesterly corner of said 2.045 acre tract, the northeasterly corner of that Orig. 6.460 acre tract of land as conveyed to Sean Moran and Jean L. Moran of record in Instrument No.

202105190089227, also being the northeasterly corner of an existing City of Columbus Corporation Line (Case No. 42-87, Ord. #656-88, O.R. 11475A01);

Thence N 85° 25' 18" W, continuing with the southerly line of said 5.012 acre tract, the northerly line of said Orig. 6.460 acre tract and along said existing City of Columbus Corporation Line (Case No. 42-87, Ord. #656-88, O.R. 11475A01), 363.46+/- feet to a southwesterly corner of said 5.012 acre tract and a southeasterly corner of that 5.619 acre tract of land as conveyed to Brandon J. Murfield of record in Instrument No. 202107220129689;

Thence N 03° 33' 37" E, with westerly lines of said 5.012 acre tract and said 5.017 acre tract and an easterly line of said 5.619 acre tract, 309.60+/- feet to a northwesterly corner of said 5.017 acre tract, a southwesterly corner of said 5.068 acre tract and a southwesterly corner of said existing City of Columbus Corporation Line (Case No. Anx-Reg-01-05, Ord. #0948-2005, I.N. 200508180168051);

Thence S 85° 25' 18" E, with the common line of said 5.017 acre tract, said 5.619 acre tract and said existing City of Columbus Corporation Line (Case No. Anx-Reg-01-05, Ord. #0948-2005, I.N. 200508180168051), 1364.28+/- feet to the True Point of Beginning. Containing 9.81+/- acres, more or less. The above description was written by Advanced Civil Design on August 18, 2022. A drawing of the above description is attached hereto and made a part thereof.

The total length of the annexation perimeter is about 3383.6 feet, of which about 1833.6 feet are contiguous with existing City of Columbus Corporation Lines, being about 54.2% contiguous. This annexation does not create any islands of township property.

This description was written for annexation purposes only and was not intended to be used in the transfer of lands.

**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 December 6, 2022 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.