

Ordinance 2003-03

AN ORDINANCE ACCEPTING THE ANNEXATION OF A 49.552 ACRE TRACT, MORE OR LESS TO THE MUNICIPALITY OF POWELL.

WHEREAS, a Petition having been filed for annexation of a 49.552-acre tract, more or less to the City of Powell with the Board of Delaware County Commissioners, by Stephen DeWeese, Agent for the Petitioners,

WHEREAS, proceedings having been had before the Board of Commissioners of Delaware County on October 7, 2002 wherein said Commissioners approved the annexation, and

WHEREAS, more than sixty days having elapsed from the date of filing such approval by the Board of Delaware County Commissioners with the Clerk of the Municipality and

WHEREAS, Council having determined that acceptance of the subject annexation is in the best interest of the residents of the Municipality of Powell.

NOW THEREFORE BE IT ORDAINED BY THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That Council hereby accepts the annexation of the subject 49.552-acre tract, more or less, a full description of which is attached hereto and incorporated herein by reference.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the Municipality of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

Section 3: That this Ordinance shall take effect at the earliest date permitted by law.

VOTE ON RULE SUSPENSION: Y _____ N _____

VOTE ON ORDINANCE 2003-03: Y _____ N _____

Art Schultz Date
Mayor

Dawn Nauman Date
Clerk of Council



Delaware County Commissioners

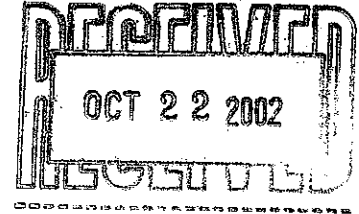
Deborah B. Martin
James D. Ward
Don Wuertz

County Administrator
David Cannon

Clerk to the Commissioners
Letha George

October 10, 2002

Ms. Dawn Nauman
Clerk of City Council
47 Hall Street
Powell, Ohio 43065



RE: Annexation of 49.552 Acres
 Liberty Township to City of Powell

Dear Ms. Nauman:

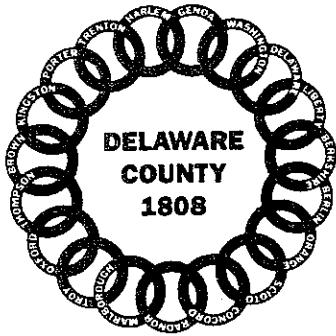
The Delaware County Commissioners in Regular Session on Monday, October 7 2002, adopted a Resolution granting Prayer of Petition for 49.552 acres, more or less, from Liberty Township to the City of Powell.

I am herewith forwarding a copy of the entire record of the annexation proceedings, along with a certified copy of the Commissioners Journal Resolution for annexation and all papers and documents that were filed with Commissioners regarding this annexation.

If you have questions, please feel free to call me at 740-833-2106.

Sincerely,

Letha George,
Clerk to the Commissioners



Delaware County Commissioners

Deborah B. Martin
James D. Ward
Don Wuertz

County Administrator
David Cannon

Clerk to the Commissioners
Letha George

RESOLUTION NO. 02-1271

IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 49.552 ACRES OF LAND
IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

It was moved by Mr. Ward, seconded by Mrs. Martin to approve the following resolution:

Whereas on September 11, 2002, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Stephen S. DeWeese, agent for the petitioners, of 49.552 Acres, more or less, in Liberty Township to the City of Powell.

Whereas, ORC Section 709.23-Expedited Type 2 Annexation Petition; Petitions By All Property Owners With Or Without Consent of Municipality & Township(s) – If the Municipality or Township does not file an objection within 25 days after filing of annexation, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation.

Whereas, 25 days have passed and the Clerk of the Board has not received an objection from the City of Powell or the Township of Liberty.


Therefore, Be It Resolved, the Delaware County Board of Commissioners grants the annexation petition request to annex 49.552 Acres, more or less, in Liberty Township to the City of Powell.

Vote on Motion Mrs. Martin Aye Mr. Wuertz Absent Mr. Ward Aye

Approved on October 7, 2002

I hereby certify that the above resolution is a true and correct copy of Commissioners' Journal No. 43, Page 515, Delaware County Commissioners Office, Delaware County, Ohio.

October 8, 2002


Jennifer Walraven
Assistant Clerk to the Commissioners

**PETITION BY OWNERS OF REAL ESTATE FOR ANNEXATION OF
CERTAIN TERRITORY TO THE CITY OF POWELL**

**TO THE COMMISSIONERS OF DELAWARE COUNTY
STATE OF OHIO**

The undersigned, being a majority of the owners of real estate in the following described territory, situated in the County of Delaware and adjacent to the City of Powell, to wit:

Situated in the Township of Liberty, County of Delaware and State of Ohio, being more fully described in attached Exhibit "A".

Respectfully petition that the said above described territory may be annexed to the City of Powell.

Stephen S. DeWeese, Attorney, is hereby authorized to act as agent of the petitioners in securing such annexation. His address is: Hill Hill & Allison, 7737 Olentangy River Road, W. Worthington, OH 43235.

An accurate map marked "Map of Territory to be annexed to the City of Powell is attached hereto as Exhibit "B" and made part of this petition.

Type of Annexation. This Petition is requesting annexation to the City of Powell pursuant to Senate Bill 5, Ohio Revised Code Section 709.023, Expedited Procedure Number 2, and to the "Liberty Township - City of Powell Cooperative Economic Development Agreement" (a certified copy of which is attached hereto). Specifically, this petition is requesting annexation under Article 3 of said Agreement, which determines the procedure for annexing property in Liberty Township, Delaware County, Ohio, south of Home Road.

List of Owners of Real Estate in Territory sought to be Annexed:

1. Rutherford West Associates, an Ohio general partnership

General Partners: W. Scott Haynes
 2178 Castle Crest Drive
 Worthington, OH 43085

Frontier Guarantee Corp.
F. Huntington, President
3485 Liberty Street
Grove City, OH 43123

Joseph S. Gardina, Jr.
71 E. Wilson Bridge Road, A-5
Worthington, OH 43085

Harry C. Hershey
6704 Schreiner Street West
Worthington, OH 43085

Audrey M. Cameron
3132 Rivermill Drive
Columbus, OH 43220

Address of Property in Territory: 3419 Rutherford Road, Powell, OH 43065

Parcel No.: 31931101004000

Acreage: 28.369 acres

2. Harold D. and Patsy Coleman

Address of Property in Territory: 3303 Rutherford Road, Powell, OH 43085

Parcel Nos.: 31942202049000, 31931101002000, and 31931101003000

Acreage: 14.878 acres

3. CSX Transportation

Parcel Nos: 31942225903000 and 31931125903000

Acreage: 4.874 acres

Hocking Valley Railway

Parcel No.: 31942225903001

Acreage: 1.431 acres

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL, IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

Signatures of Petitioners:

(1) Rutherford West Associates, an Ohio general partnership

By: W. Scott Haynes 8/24/02
W. Scott Haynes (Date)
General Partner

By: F. Huntington 8-22-02
Frontier Guarantee Corp. (Date)
General Partner
By F. Huntington, President

By: Joseph S. Gardina, Jr. 8-24-02
Joseph S. Gardina, Jr. (Date)
General Partner

By: Harry C. Hershey 8/24/02
Harry C. Hershey (Date)
General Partner

By: Audrey M. Cameron 08/24/02
Audrey M. Cameron (Date)
General Partner

(2) Harold D. and Patsy Coleman

Harold D. Coleman 8-30-02
Harold D. Coleman (Date)

Patsy Coleman 8/30/02
Patsy Coleman (Date)

(3) CSX Transportation

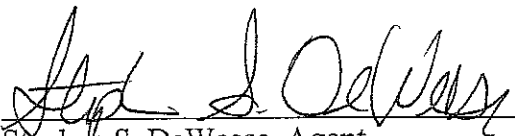
Pursuant to Ohio Revised Code Section 709.02(E), CSX Transportation and Hocking Valley Railway as a railroad, is not required to sign the Petition for Annexation as this statute exempts railroad easements and right-of-ways from the meaning of a property "owner", and as such, its consent is not required for this Petition.

**STATEMENT BY AGENT OF TERRITORY SOUGHT TO BE ANNEXED TO
THE CITY OF POWELL, OHIO**

POPULAR NAME OF TERRITORY: RUTHERFORD WEST
 AGENT'S NAME: STEPHEN S. DEWEESE
 ADDRESS: 7737 Olentangy River Road
 W. Worthington, OH 43235
 DATE: August 23, 2002

ADDRESS OF PROPERTY AND ACREAGE	NAMES OF ALL OWNERS AS THEY APPEAR ON DEED	OWNER'S ADDRESS	SIGNED PETITION
3419 Rutherford Rd. Powell, OH 43065 28.500 acres	Rutherford West Associates, an Ohio general partnership	2178 Castle Crest Dr. Worthington, OH 43085	Yes
3303 Rutherford Rd. Powell, OH 43065 15.350 acres	Harold D. and Patsy Coleman, husband and wife	3303 Rutherford Rd. Powell, OH 43065	Yes

1. Number of owners of real estate in territory: 2
2. Number of owners of real estate signing petition: 2
3. Per cent of signatures to total number of owners of real estate: 100%



 Stephen S. DeWeese, Agent

EXHIBIT A

05 August 2002

DESCRIPTION OF 49.552± ACRES TO BE ANNEXED FROM LIBERTY TOWNSHIP,
DELAWARE COUNTY, OHIO TO CITY OF POWELL, OHIO
(RUTHERFORD WEST ASSOCIATES, ET AL)

Situated in the State of Ohio, County of Delaware, Township of Liberty, in Lots Nos. 1 and 23, Quarter Township 3, Township 3 North, Range 19 West, United States Military Lands, and in Lots Nos. 39, 40 and 41, Quarter Township 4, Township 3 North, Range 19 West, United States Military Lands, and being all or portions of the following four (4) tracts of land:

- 1) 28.369 acres out of a 28.544 acre tract (28.566 acres by recent survey) conveyed to Rutherford West Associates by deed of record in Deed Book 502, Page 115, all references being to the Recorder's Office, Delaware County, Ohio,
- 2) 14.878 acres out of a 15.34 acre tract (14.907 acres by recent survey) conveyed to Harold D. and Patsy Coleman by deed of record in Deed Boo 368, Page 379,
- 3) 4.874 acres out of CSX Transportation, Inc. main line right-of-way (100 feet wide), and
- 4) All of a 1.41 acre tract (1.431 acres by recent survey) conveyed to The Hocking Valley Railway Company by deed of record in Deed Book 113, Page 249,

All bounded and described as follows:

Beginning at a point at the intersection of the east right-of-way line of CSX Transportation, Inc. with the South line of said Lot No. 39 and the north line of Lot No. Thirty-eight (38), in the east line of Lot No. Two Hundred Sixty-One (261) in Powell Place Phase 3, as shown of record in Plat Cabinet 1, Slides 556 and 556 A, and in the existing City of Powell Corporation Line established by Ordinance No. 92-05 and recorded in Plat Cabinet 1, Slide 95;

Thence N 86°01'06" W along a portion of the south line of said Lot No. 39, along a portion of the north line of said Lot No. 38, crossing said Lot No. 1, crossing CSX Transportation, Inc., along the south line of said 1.431 acre tract, along the south line of said 14.907 acre tract, along the south line of said 28.566 acre tract and along a portion of the north line of an original 88.171 acre tract of land conveyed to Triangle Properties, Inc. by deed of record in Official Record 55, Page 2626, a distance of 1,525.00 feet to a point at the southwest corner of said 28.566 acre tract and at the southeast corner of an original 328.718 acre tract of land conveyed as Parcel No. One to Triangle Properties, Inc. by deed of record in Official Record 53, Page 391;

Thence N 2°32'58" E along a west line of said 28.566 acre tract and along a portion of an east line of said original 328.718 acre tract a distance of 1,471.31 feet to a point at a northwest corner of said 28.566 acre tract;

Thence S 85°34'34" E along a north line of said 28.566 acre tract a distance of 168.00 feet to a point at a corner of said 28.566 acre tract;

Thence N 2°32'58" E along a portion of a west line of said 28.566 acre tract a distance of 499.99 feet to a point in the south right-of-way line of Rutherford Road-Township Road No. 122 (40 feet wide);

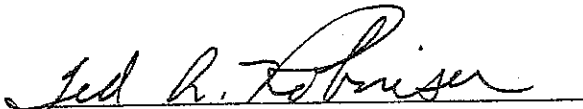
Thence S 85°34'34" E along the south right-of-way line of Rutherford Road, crossing said 28.566 acre tract, crossing said 14.907 acre tract, crossing CSX Transportation, Inc. and parallel with and 20.00 feet southerly by perpendicular measurement from the centerline of Rutherford Road and from the north line of said Lot No. 23 a distance of 601.93 feet to a point in the curved east right-of-way line of CSX Transportation, Inc.;

Thence Southerly along the curved east right-of-way line of CSX Transportation, Inc. and with a curve to the left data of which is: radius = 11,409.20 feet and sub-delta = 3°05'07", a sub-chord distance of 614.31 feet bearing S 17°11'10" E to the point of tangency;

Thence S 18°43'43" E along the east right-of-way line of CSX Transportation, Inc., along the west lines of Lots Nos. Two Hundred Fifty-two (252) and Two Hundred Fifty-three (253) in said Powell Place Phase 3, along a portion of the west line of said Lot No. 261 and along a portion of said City of Powell Corporation Line established by Ordinance No. 92-05 a distance of 1,508.87 feet to the place of beginning;

Containing 49.552 acres of land more or less.

The above description was prepared by Ted L. Robinson, Ohio Surveyor No. 5361, of C.F. Bird + R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus Ohio, partially from best available Court House records and partially from actual field surveys performed under his supervision, all in July, 2002. Basis of bearings is the centerline of Rutherford Road, being S 85°34'34" E, as shown of record in Deed Book 502, Page 115.


Ted L. Robinson
Ohio Surveyor #5361



Hill Hill & Allison

Attorneys & Counselors at Law
7737 Olentangy River Road
West Worthington, Ohio 43235-1316

John W. Hill
James H. Allison
John W. Hill Jr.
Stephen S. DeWeese
Eric D. Martineau

Telephone: (614) 848-6500
FAX: (614) 848-6516

September 11, 2002

Clerk of Delaware County Commissioners
Courthouse
Delaware, OH 43015


Re: Petition by Owners of Real Estate for Annexation

Dear Sir or Madam:

Please be advised that the undersigned, as agent for the Petitioners for Annexation of the attached Petition, hereby certify that immediately after the filing of this Petition, the Petition and the attachments thereto will be served in the manner prescribed by Ohio Revised Code Section 709.023 upon the City of Powell, the Liberty Township Trustees, and the adjacent land owners as defined in Ohio Revised Code Section 709.023, a list of which owners is attached hereto.

Please call with any questions.

Sincerely,



Stephen S. DeWeese

Lot#	Parcel #	Mailing Address
	319-311-01-005-00	Goff Maguerite R 3419 Rutherford Road Powell, Ohio 43065-9734
323	319-311-01-007-000	Williams Denise A 1818 Scottglen Court Columbus, Ohio 43229
322	319-311-01-006-000 319-314-01-001-000	Triangle Properties Inc. Suite 100 470 Olde Worthington Road Westerville, Ohio 43082-8913
3991	319-311-02-008-000	Centex Homes Suite 10 2550 Corporate Exchange Drive Columbus, Ohio 43231
3990	319-311-02-007-000	
3989	319-311-02-008-000	
3988	319-311-02-009-000	
3987	319-311-02-010-000	
3986	319-311-02-011-000	
3985	319-311-02-012-000	
3984	319-311-02-013-000	
3983	319-311-02-014-000	
3982	319-311-02-015-000	
3981	319-311-02-017-000	
3980	319-311-02-018-000	
3979	319-311-02-019-000	
1903	419-310-01-055-000	Walton Edward S Eleanor B 3980 Liberty Road Delaware, Ohio 43015
1902	419-310-01-054-000	Mcmillan Joseph B Deborah L 3984 Liberty Road Powell, Ohio 43065

1885 319-413-01-021-000

Penza Sam Lawrence
Elizabeth Anne
1700 Roundwyck Lane
Powell, Ohio 43065

1888 319-413-01-018-000

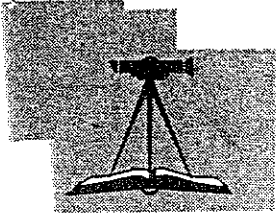
Brown George E
Nancy S
1640 Roundwyck Lane
Powell, Ohio 43065-8416

319-311-01-001-000

Cameron Dianna S
2553 Chartwell Road
Columbus, Ohio 43220

319-240-01-068-000

Liberty 8112 Land Company
George W. Wallingford
2000 W. Henderson Road #240
Columbus, OH 43220



Delaware County Engineer

Chris Bauserman, P.E., P.S.
County Engineer

Scott A. Pike, P.E.
Chief Deputy Engineer

RECEIVED

September 5, 2002

Delaware County Commissioners
101 North Sandusky Street
Delaware, Ohio 43015

Honorable Commissioners,

Subject: Annexation Petition

Transmitted herewith is information regarding an annexation petition received on September 3, 2002 of lots/lands 49.552 acres, more or less, in Liberty Township petitioned to be annexed to the City of Powell. This letter shall serve as approval / disapproval of the submitted plat and description as required by the final statement of resolution No. 02-955 Section 1.0.

Upon Review and in accordance with Section 1.0 of Resolution No. 02-955 (Establishing General Orders for the Hearing of Annexation Petitions), the annexation plat and description was found to be:

APPROVED

DISAPPROVED (see below, information is either missing or incorrect)

- | | | |
|---|---|---|
| <input type="checkbox"/> The type of annexation requested | <input type="checkbox"/> Not a metes and bounds description | <input type="checkbox"/> Not a readable scale |
| <input type="checkbox"/> Multiple sheets | <input type="checkbox"/> Bearings and Distances | <input type="checkbox"/> Not all public roads shown/denoted |
| <input type="checkbox"/> Adjoining municipal corporation limits | <input type="checkbox"/> Public land survey system | <input type="checkbox"/> Subdivision references |
| <input type="checkbox"/> Lot numbers | <input type="checkbox"/> Identification / Situate information | <input type="checkbox"/> Acreage |
| <input type="checkbox"/> Length of County / Township roads | <input type="checkbox"/> North Arrow | <input type="checkbox"/> Map Scale |
| <input type="checkbox"/> Date, name, and seal of surveyor | | |

If the annexation is of type Expedited II under ORC Sections 709.021 and 709.023 it shall also need the following

- | | | |
|---|--|--|
| <input type="checkbox"/> Total length of contiguity | <input type="checkbox"/> Total length of perimeter | <input type="checkbox"/> Calculated percentage of contiguity |
| <input type="checkbox"/> Statement about unincorporated islands | | |

Additional Comment(s):

Sincerely,

DELAWARE COUNTY ENGINEER

Chris Bauserman, P.E., P.S.
County Engineer
Delaware County

wfs
cc: File