

Ordinance 2003-24  
Passed May 20, 2003

**AN ORDINANCE ACCEPTING THE ANNEXATION OF A 2.065 ACRE TRACT, MORE OR LESS TO THE MUNICIPALITY OF POWELL.**

**WHEREAS,** a Petition having been filed for annexation of a 2.065-acre tract, more or less to the City of Powell with the Board of Delaware County Commissioners, by Jackson B. Reynolds, Agent for the Petitioners,

**WHEREAS,** proceedings having been had before the Board of Commissioners of Delaware County on Monday, February 10, 2003, 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 2.065-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:**

N \_\_\_\_\_ N \_\_\_\_\_

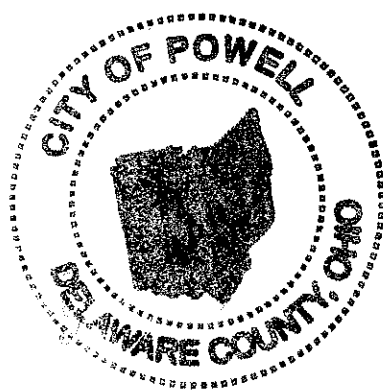
**VOTE ON ORDINANCE 2003-24:**

N 5 N 0

Art Schultz 6/2/03  
Mayor Date

Dawn Nauman 5/23/03  
Clerk of Council Date

This ordinance or resolution is published in three (3) public places as defined in Section 153.01 on this date 4-3-04 dated 4-3-04  
Nauman  
Clerk of Council





# Delaware County Commissioners

Kris Jordan  
Deborah B. Martin  
James D. Ward

County Administrator  
David Cannon

Clerk to the Commissioners  
Letha George

February 12, 2003

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

RE: Annexation of 2.065 Acres  
Liberty Township to City of Powell

Dear Ms. Nauman:

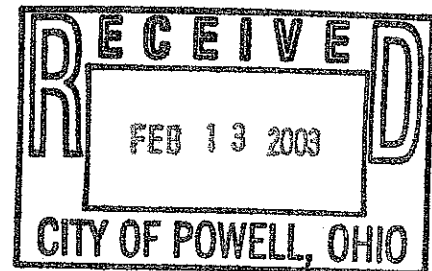
The Delaware County Commissioners in Regular Session on Monday, February 10 2003, adopted a Resolution granting Prayer of Petition for 2.065 acres, more or less, from Liberty Township to the City of Powell.

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

Kris Jordan  
Deborah B. Martin  
James D. Ward

County Administrator  
David Cannon

Clerk to the Commissioners  
Letha George

RESOLUTION NO. 03-174

IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 2.065 ACRES OF LAND  
IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

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

Whereas on January 10, 2003, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by, Jackson B. Reynolds, agent for the petitioners, of 2.065 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 2.065 Acres, more or less, in Liberty Township to the City of Powell.

Vote on Motion                      Mr. Jordan              Aye              Mrs. Martin              Aye              Mr. Ward              Aye

Approved on February 10, 2003

I hereby certify that the above resolution is a true and correct copy of Commissioners' Journal No. 44, Page 84, Delaware County Commissioners Office, Delaware County, Ohio.

February 10, 2003

  
Jennifer Walraven  
Assistant Clerk to the Commissioners

DELAWARE COUNTY

EXPEDITED TYPE II PETITION FOR ANNEXATION (SECTION 709.023)

TO THE City of Powell JAN 10 AM 9:40

OF 2.065± ACRES MORE OR LESS

IN THE TOWNSHIP(S) OF Liberty RECEIVED

TO THE BOARD OF COUNTY COMMISSIONERS  
OF Delaware COUNTY, OHIO:

The undersigned, petitioners in the premises, and being ALL OF THE OWNERS OF REAL ESTATE in the territory hereinafter described, consisting of 2.065± acres with a total perimeter boundary of 1201.68' more or less, in the Township(s) of Liberty which area is contiguous along 885.72' or 74 % and adjacent to the City of Powell, do hereby pray that said territory be annexed to the City of Powell according to the statutes of the State of Ohio and that no island of unincorporated area will be created by this annexation.

A full and accurate description and a plat of said territory so prayed to be annexed are attached hereto and made part hereof.

In support of said Petition, your petitioners state that there is/are within the territory so prayed to be annexed one OWNER(S) OF REAL ESTATE.

Harrison W. Smith, Jr. whose address is 37 West Broad Street, Suite 725, Columbus, Ohio 43215, is hereby appointed Agent for the undersigned Petitioner(s), as required by Section 709.02 of the Revised Code of Ohio. Said agent is hereby authorized to make any amendment and/or deletion which in his absolute and complete discretion is necessary or proper under the circumstances then existing, and in particular to make such amendment in order to correct any discrepancy or mistake noted by the Delaware County Engineer in his examination of the Petition and Plat. Said amendment shall be made by the presentation of an amended plat and description to the Board of County Commissioners on, before, or after the date set for hearing on this Petition.

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 THE SPECIAL ANNEXATION PROCEDURE SET FORTH IN SECTION 709.023 OF AMENDED SUBSTITUTE SENATE BILL NO. 5 IF SAID BILL IS JUDGED TO BE APPLICABLE TO THESE PROCEEDINGS, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR SAID SPECIAL ANNEXATION PROCEDURE.

NAME	DATE	ADDRESS
By: <u>Rick Belland</u> Powell United Methodist Church	<u>11/8/02</u>	<u>Powell United Methodist Church</u> <u>825 E. Olentangy St. / Box 460</u> <u>Powell, OH 43065</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____



# ADR & ASSOCIATES, LTD.

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Newark, OH 43055

WESTERVILLE OFFICE  
279 North State Street  
Suite 201  
Westerville, OH 43081

PH: (614) 891-8643  
FAX: (614) 891-9872

## ANNEXATION OF 2.065 ACRES FROM: LIBERTY TOWNSHIP TO: THE CITY OF POWELL, OHIO

Situated in the State of Ohio, County of Delaware, Township of Liberty, being a part of Farm Lot 11, Section 4, Township 3, Range 19, United States Military Lands and being all of the 2.065 acre tract as conveyed to Powell United Methodist Church by deed of record in Deed Book 125, Page 1172, records of the Recorder's Office, Delaware County, Ohio, and being more particularly described as follows;

**BEGINNING** at the intersection of the centerline of Powell Road (State Route 750) and the westerly right-of-way line extended of Valley Run Drive, and being on a corner common to the existing City of Powell Corporation line and Liberty Township as created by Ordinance Number 87-15, and being the northeasterly corner of said 2.065 acre tract;

Thence the following three (3) courses and distances along the existing City of Powell Corporation line and Liberty Township and said 2.065 acre tract;

1. South 04° 11' 15" West, a distance of 275.54 feet, along the westerly line of said Valley Run Drive, to a point;
2. North 88° 09' 45" West, a distance of 316.18 feet, along the line common to said 2.065 acre tract and Lot Number 1015 of "DEER RUN" a subdivision of record in Plat Book 21, Page 65 to a point at the corner common to said 2.065 acre tract and Lot Number 1015 and being on the easterly line of the 5.54 acre tract as conveyed to Powell United Methodist Church by deed of record in Deed Book 491, Page 744;
3. North 04° 11' 15" East, a distance of 294.00 feet, along the easterly line of said 5.54 acre tract easement, to a point in the centerline of Powell Road (State Route 750);

Thence South 84° 49' 00" East, a distance of 315.96 feet, along said centerline of Powell Road (State Route 750), leaving the existing City of Powell Corporation line and Liberty Township to the **PLACE OF BEGINNING**, containing 2.065 acres, more or less.

The above description was prepared from public records only and not from an actual field survey.

The description is for annexation purposes only.

<b>DESCRIPTION FOR CLOSING ONLY</b>	
<input type="checkbox"/>	RPC Approval Required <sup>13</sup>
<input type="checkbox"/>	Municipal Approval Required Delaware County Engineer

### ENGINEERS & SURVEYORS

Russell B. Krock, P.E.     Douglas E. Mill     David G. Krock, P.E.

Parcel No.: 319-441-02-001-000

File: 123201AN01.doc



*Robert J. Sands* 10/01/02  
Robert J. Sands Date  
Registered Surveyor #8053

# ADR & ASSOCIATES, LTD.

88 W. CHURCH ST., NEWARK, OHIO 43055 PHONE (740) 345-1921 FAX (740) 345-4994  
 279 N. STATE ST., WESTERVILLE, OHIO 43081 PHONE (614) 891-8644 FAX (614) 891-9872

## EXHIBIT OF ANNEXATION

SITUATED IN THE STATE OF OHIO, COUNTY OF DELAWARE, TOWNSHIP OF LIBERTY,  
 BEING PART OF LOT 11, SECTION 4, TOWNSHIP 3, RANGE 19, UNITED STATES MILITARY LANDS.



RUSSELL & MARY BLACKSTONE  
 D.B. 417, PG. 77  
 POINT OF BEGINNING

DEER RUN  
 P.B. 21, PG. 65-67

VALLEY RUN DRIVE 50' R/W

FRANK BLACKSTONE  
 D.B. 465, PG. 499

LAURIE M. CONNOR  
 D.B. 530, PG. 830

710

709

GRAVES ADDITION  
 P.B. 11, PG. 167

LIBERTY TWP.  
 POWELL CORP. LIMITS

ORD. NO. 87-15  
 POWELL ROAD (SR 750) 60' R/W  
 LIBERTY TWP.  
 POWELL CORP. LIMITS

POWELL UNITED METHODIST CHURCH  
 D.B. 125 PG. 1172-1173  
 PID NO. 31944102001000

POWELL UNITED METHODIST CHURCH  
 D.B. 491 PG. 744  
 5.54 AC.  
 PID NO. 31944201001000

N88°09'45"W 316.18'

S04°11'15"W 275.54'

N04°11'15"E 294.00'

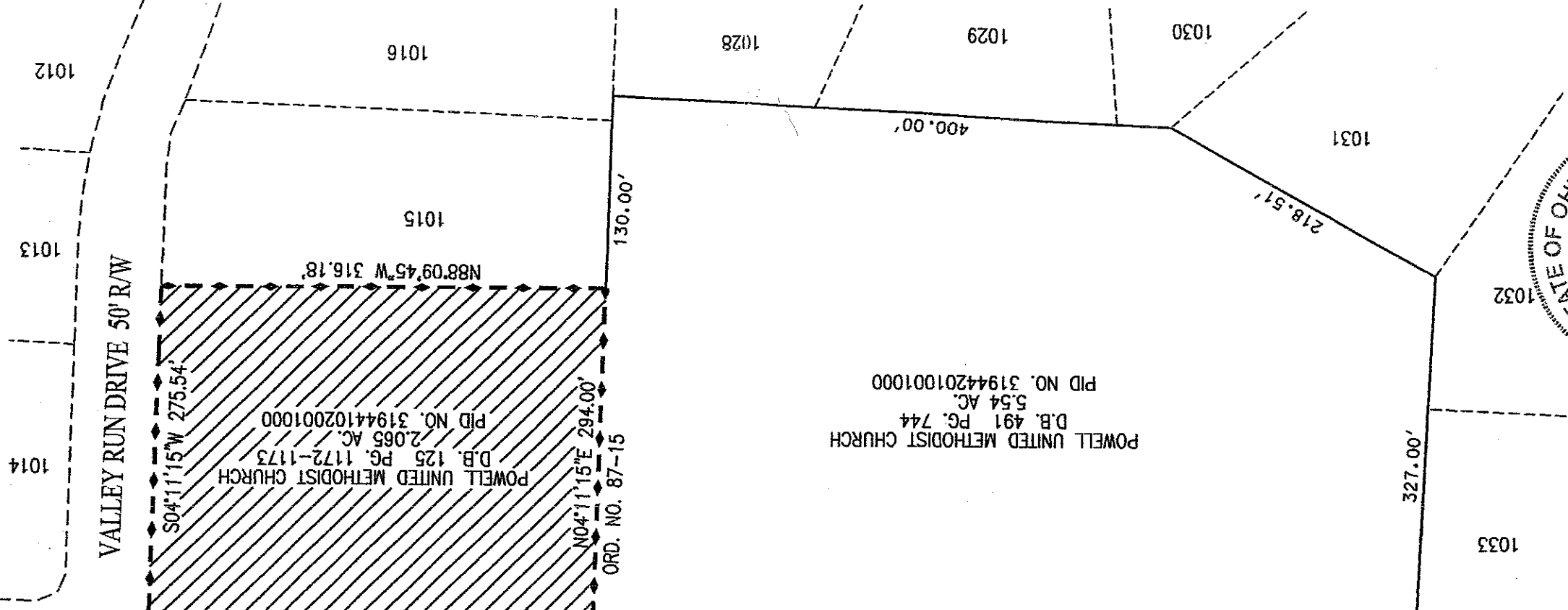
ORD. NO. 87-15

130.00'

400.00'

218.51'

327.00'



DEER RUN  
 P.B. 21, PG. 65-67

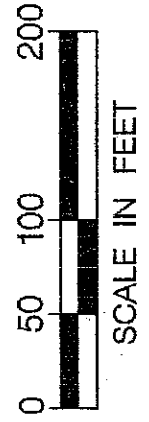
PARCELS DEPICTED HEREON  
 ARE FROM PUBLIC RECORDS  
 BEARINGS SHOWN HEREON  
 ARE REFERENCED TO  
 DEED BOOK 125, PG. 1172-1173

**LEGEND**

- = EXISTING CITY OF POWELL CORPORATION LIMITS
- = PROPOSED CITY OF POWELL CORPORATION LIMITS
- = AREA TO BE ANNEXED



*Robert J. Sands* 10/22/01  
 ROBERT J. SANDS DATE  
 REG. SURVEYOR #8053



SCALE: 1" = 100'	DRN. BY: JMG	JOB NO. 123201
DATE: 09/30/02	CHK. BY: RJS	PAGE 1 OF 1