

Ordinance 2003-29
Passed May 20, 2003

AN ORDINANCE ACCEPTING THE ANNEXATION OF A 0.9 ACRE TRACT, MORE OR LESS TO THE MUNICIPALITY OF POWELL.

WHEREAS, a Petition having been filed for annexation of a 0.9-acre tract, more or less to the City of Powell with the Board of Delaware County Commissioners, by Harrison W. Smith Jr., Agent for the Petitioners,

WHEREAS, proceedings having been had before the Board of Commissioners of Delaware County on Monday, March 3, 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 0.9-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 5 N 0

VOTE ON ORDINANCE 2003-29: N 5 N 0

Art Schultz Date 6/3/03
Art Schultz
Mayor

Dawn Nauman Date 5/23/03
Dawn Nauman
Clerk of Council



This ordinance or resolution has been posted in
three (3) public places as defined in ordinance
94-11 dated 4-3-94
on this date 5/30/03

Dawn Nauman
Clerk of Council



Delaware County Commissioners

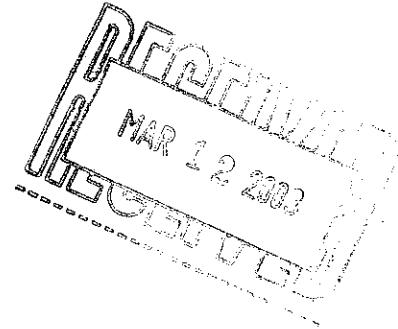
Kris Jordan
Deborah B. Martin
James D. Ward

County Administrator
David Cannon

Clerk to the Commissioners
Letha George

March 11, 2003

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



RE: Annexation of 0.9 Acres
 Liberty Township to City of Powell

Dear Ms. Nauman:

The Delaware County Commissioners in Regular Session on Monday, March 3 2003, adopted a Resolution granting Prayer of Petition for 0.9 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. 03-275

IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 0.9 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

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

Whereas on January 24, 2003, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Harrison W. Smith (Jackson Reynolds), agent for the petitioners, of 0.9 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.

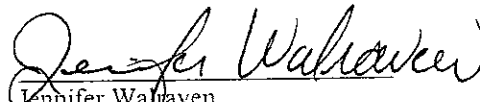
Therefore, Be It Resolved, the Delaware County Board of Commissioners grants the annexation petition request to annex 0.9 Acres, more or less, in Liberty Township to the City of Powell.

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

Approved on March 3, 2003

I hereby certify that the above resolution is a true and correct copy of Commissioners' Journal No. 44, Page 139, Delaware County Commissioners Office, Delaware County, Ohio.

March 4, 2003


Jennifer Walraven
Assistant Clerk to the Commissioners

EXPEDITED TYPE II PETITION FOR ANNEXATION (SECTION 709.023)

TO THE City of Powell
OF 0.9 +/- ACRES MORE OR LESS
IN THE TOWNSHIP(S) OF Liberty

RECEIVED
JUN 21 11:00 AM
DELAWARE COUNTY
COMMISSIONERS

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 0.9 +/- acres with a total perimeter boundary of 810', more or less, in the Township(s) of Liberty which area is contiguous along 213' or 26 % 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.

<u>NAME</u>	<u>DATE</u>	<u>ADDRESS</u>
By: <u>[Signature]</u> Liberty 8112 Land Company	<u>1/17/05</u>	<u>2772 Clarion Ct Columbus</u> <u>OH 43220</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**EXPEDITED TYPE 2
ANNEXATION DESCRIPTION
ORC REF. #709.021 & #709.03
0.922 ACRE**

Situated in the State of Ohio, County of Delaware, Township of Liberty, Farm Lot 1 Section 2, Township 3, Range 19, United States Military Lands and being part of that 40.642 acre tract as conveyed to Liberty 8112 Land Company of record in Deed Book 566, Page 343 (all references refer to the records of the Recorder's Office, Delaware County, Ohio) and more particularly bounded and described as follows:

Beginning at a point in the northerly right-of-way line of said Rutherford Road, in the easterly line of said 40.642 acre tract, being the easterly line of said Farm Lot 1;

thence North 89° 29' 56" West, with said northerly right-of-way line, a distance of 159.49 feet to the southwesterly corner of said 40.642 acre tract, in an easterly line of that tract as conveyed to CSX Transportation, Inc.;

thence North 13° 38' 58" West, with said easterly line, a distance of 222.37 feet to a point in the existing City of Powell Corporation Line as established by Ordinance Number 2002-47;

thence South 89° 26' 24" East, with said existing City of Powell Corporation Line, a distance of 213.36 feet to an easterly line of said 40.642 acre tract, being said Farm Lot line;

thence South 00° 22' 14" West, with an easterly line of said 40.642 acre tract, being said Farm Lot line, a distance of 215.40 feet to the Point of Beginning and containing approximately 0.922 acre of land, more or less.

This description was prepared from existing records and is not to be used for transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



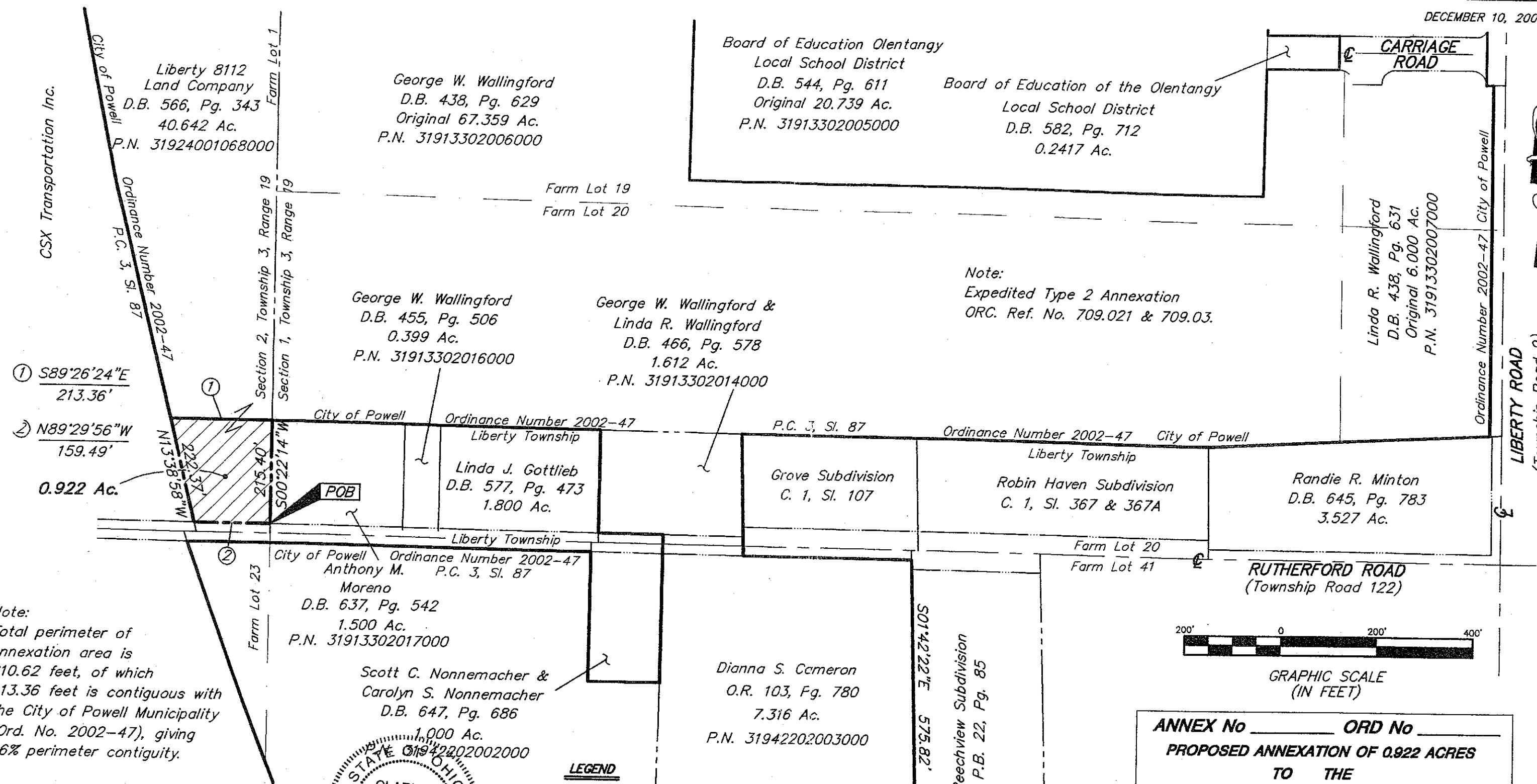
Clark E. White 1/22/03

Clark E. White
Registered Surveyor No. 7868

ANNEXATION EXHIBIT
 LOCATED IN
 FARM LOT 1, SECTION 2, TOWNSHIP 3, RANGE 19
 UNITED STATES MILITARY LANDS
 TOWNSHIP OF LIBERTY, DELAWARE COUNTY, OHIO

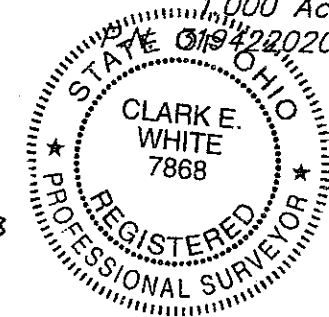
SCALE 1" = 200'

DECEMBER 10, 2002



- ① $S89^{\circ}26'24''E$
213.36'
- ② $N89^{\circ}29'56''W$
159.49'

Note:
 Total perimeter of
 annexation area is
 810.62 feet, of which
 213.36 feet is contiguous with
 the City of Powell Municipality
 (Ord. No. 2002-47), giving
 26% perimeter contiguity.



LEGEND

EXISTING CITY OF POWELL CORP. LINE

PROPOSED CITY OF POWELL CORP. LINE

AREA TO BE ANNEXED

ANNEX No _____ **ORD No** _____
PROPOSED ANNEXATION OF 0.922 ACRES
TO THE
CITY OF POWELL
FROM
LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO
DATE JANUARY 2003 SCALE 1" = 200'



By *Clark E. White* 11/24/03
 Professional Surveyor No. 7868