

Ordinance 2004-12  
Passed March 23, 2004

**AN ORDINANCE ACCEPTING THE ANNEXATION OF A 3.308 ACRE TRACT, MORE OR LESS TO THE MUNICIPALITY OF POWELL AND DECLARING AN EMERGENCY.**

**WHEREAS,** a Petition having been filed for annexation of a 3.308-acre tract, more or less to the City of Powell with the Board of Delaware County Commissioners, by Kenneth L. Young, Agent for the Petitioners,

**WHEREAS,** proceedings having been had before the Board of Commissioners of Delaware County on Monday, January 19, 2004, 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.

**WHEREAS,** given that the Cooperative Economic Development Agreement between the City of Powell and Liberty Township allows for annexations such as these, this Ordinance is hereby declared to be an emergency measure necessary for the timely construction of two vital City businesses thereby fostering continued economic development within the community.

**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 3.308-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.

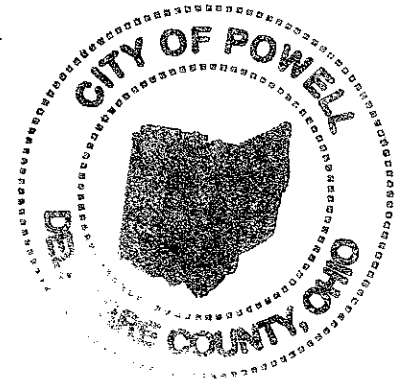
VOTE ON RULE SUSPENSION: N 7 N 0

VOTE ON ORDINANCE 2004-12: N 7 N 0

Dan Wiencek 3/23/04  
Dan Wiencek Date  
Mayor

Dawn Nauman 3/23/04  
Dawn Nauman Date  
Clerk of Council

This Ordinance or resolution has been  
three (3) public places as defined in ordinance  
2004-07 dated 3-2-04.  
This date 3/23/04  
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

## RESOLUTION NO. 04-73

### IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 3.308 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

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

Whereas on December 17, 2004 the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Kenneth L. Young Esq., agent for the petitioners, of 3.308 Acres, more or less, in Liberty Township to the City of Powell.

Whereas, ORC Section 709.023-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.

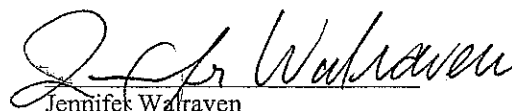
Therefore, Be It Resolved, the Delaware County Board of Commissioners grants the annexation petition request to annex 3.308 Acres, more or less, in Liberty Township to the City of Powell.

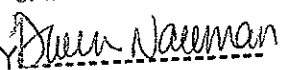
Vote on Motion            Mr. Ward            Aye    Mr. Jordan            Aye    Mrs. Martin            Aye

Approved on January 20, 2004

I hereby certify that the above resolution is a true and correct copy of Commissioners' Journal No. 45, Pages 241-242, Delaware County Commissioners Office, Delaware County, Ohio.

January 20, 2004

  
Jennifer Walraven  
Assistant Clerk to the Commissioners

RECEIVED  
JAN 20 2004  
BY 

Delaware County Commissioners, 101 North Sandusky Street, Delaware, Ohio 43015

(740) 833-2100

(740) 548-7313

FAX: (740) 833-2099

E-mail: county@co.delaware.oh.us





Roth Bacon Young, Attorneys

50 Court Street, Upper Sandusky, OH 43351  
TELEPHONE 419-294-2232 or 800-475-2611 FAX 419-294-2488

605 East Center Street, Marion, OH 43302  
TELEPHONE 740-387-7327 FAX 740-387-7544

Harold D. Roth (1917-1979)  
Forrest H. Bacon  
Jeffrey P. Roth  
David F. Bacon  
Kenneth L. Young  
Jonathan K. Miller, Assoc.

**NOTICE OF FILING OF ANNEXATION PETITION**

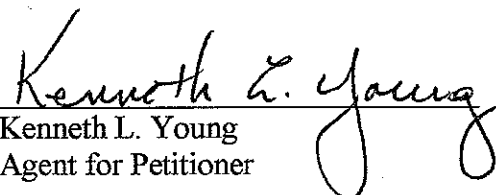
TO: Ms. Dawn Nauman, City Clerk  
City of Powell, Ohio  
47 Hall Street  
Powell, Ohio 43065

In accordance with the provisions of Section 709.023 of the Ohio Revised Code, you are hereby notified that on the 17<sup>th</sup> day of December, 2003, the undersigned, as Agent for the Petitioner, filed an Annexation Petition in the office of the Board of County Commissioners of Delaware County, Ohio.

Said Petition prays for the annexation to the City of Powell, Ohio, of 3.308 acres, more or less, in Liberty Township.


A copy of said Petition, with description and plat, is attached hereto and made a part hereof.

Dated: Dec. 17, 2003

  
Kenneth L. Young  
Agent for Petitioner

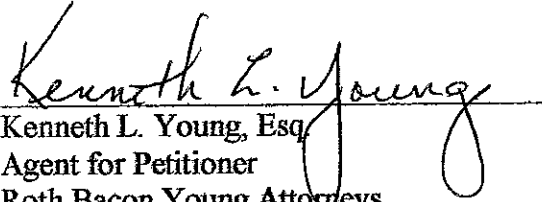
**RECEIPT OF THE AFOREMENTIONED DOCUMENT(S) IS HEREBY  
ACKNOWLEDGED THIS 17<sup>th</sup> DAY OF DECEMBER, 2003.**

Date: Dec 17 2003

  
Clerk's Office of the City of Powell



Respectfully submitted:

A handwritten signature in cursive script that reads "Kenneth L. Young". The signature is written in black ink and is positioned above a horizontal line.

Kenneth L. Young, Esq.  
Agent for Petitioner  
Roth Bacon Young Attorneys  
605 East Center St.  
Marion, Ohio 43302  
Phone: 740.387.7327  
Fax: 740.387.7544  
Email: [rby2@acc-net.com](mailto:rby2@acc-net.com)



**EXPEDITED TYPE 2  
ANNEXATION DESCRIPTION  
ORC REF. #709.021 & #709.23  
3.308 ACRE**

Situated in the State of Ohio, County of Delaware, Township of Liberty, located in Farm Lot 11, Quarter Township 3, Township 3, Range 19, United States Military Lands and being all of Lots 3820 and 3821 of Big Bear Farms Section 4, as numbered and delineated in Plat Cabinet 2, Slide 538, and as conveyed to The First Citizens National Bank by deed of record in Deed Book 667 Page 439, and part of the right-of-way of Galloway Drive. (all references are to the records of the Recorder's Office, Delaware County, Ohio) and being more particularly described as follows:

Beginning at an angle point in the City of Powell Corporation Line, as delineated in Volume 15 Page 72. and recorded in Resolution No. 107, being in the northerly right-of-way line of Powell Road, and being the southwesterly corner of the 3.00 acre tract conveyed to Marjorie A. Latham by deed of record in Official Record 66 Page 293;

Thence North 87° 20' 50" West, a distance of 422.09 feet, with said northerly right-of-way line, and the southerly line of said The First Citizens National Bank tract to a point;

The following three (3) courses along the perimeter of said The First Citizens National Bank tract

1. Thence along the arc of a curve to the right, having a central angle of 89° 56' 48", a radius of 40.00 feet, a chord bearing of North 42° 19' 48" West, and a chord distance of 56.54 feet, to a point in the easterly right-of-way line of Sawmill Parkway;
2. Thence North 02° 37' 22" East, a distance of 207.93 feet, along said easterly right-of-way line, to a point;
3. Thence along the arc of a curve to the right, having a central angle of 03° 21' 46", a radius of 1125.00 feet, a chord bearing of North 04° 19' 29" East, and a chord distance of 66.02 feet, along said easterly right-of-way line, to a point;

Thence South 86° 45' 02" East, a distance of 463.49 feet, along the northerly line of said The First Citizens National Bank tract, and across the right-of-way of said Galloway Drive, to a point in the westerly line of said Latham tract, and the easterly right-of-way line of said Galloway Drive;

Thence South 03° 14' 58" West, along said easterly right-of-way line, and said westerly line, a distance of 309.11 feet to the Point of Beginning, and containing 3.308 acres of land, more or less.

The total perimeter of the annexation area is 1531.49 feet, of which 309.11 feet is contiguous with the City of Powell Municipality (Resolution No. 107), giving 20% perimeter contiguity. This annexation does not create any unincorporated islands.

County Engineer  
Delaware Co., Ohio

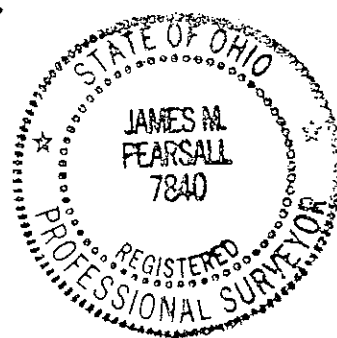
EVANS, MECHWART, HAMBLETON & TILTON, INC.

I hereby certify the within to be a true  
copy of the original on file in the Map Department  
CHRIS E. BAUSERMAN, County Engineer

*James M. Pearsall*  
James M. Pearsall  
Registered Surveyor No. 7840

12/7/07  
Date

By *William F. Stillman* Title  
JMP:tnw/dec03  
3.308 acre 20031758  
12/15/03





**ANNEX 6 INC.**  
 ENGINEERS, SURVEYORS, PLANNERS, SCIENTISTS  
 EVANS, MEECHWART, HAMBLETON & JILTON, INC.  
 170 MILL STREET, CANTON, OHIO 43220-3034  
 TEL: 614-471-5150 • FAX: 614-471-9256

SCALE 1" = 60'

Note:  
 Expedited Type 2 Annexation  
 ORC, Ref. No. 709.021 & 709.03

Note:  
 Total perimeter of  
 annexation area is  
 1531.49 feet, of which  
 309.11 feet is contiguous with  
 the City of Powell Municipality  
 (Resolution #107), giving  
 20% perimeter contiguity.

Note:  
 This annexation does not create  
 any unincorporated islands.

EXISTING CITY OF DELAWARE CORP. LINE  
 PROPOSED CITY OF DELAWARE CORP. LINE

AREA TO BE ANNEXED

County Engineer  
 Delaware Co., Ohio

I hereby certify the within to be a true  
 copy of the original on file in the Map Department  
 CHRIS E. BAUSERMAN, County Engineer

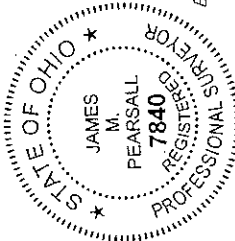
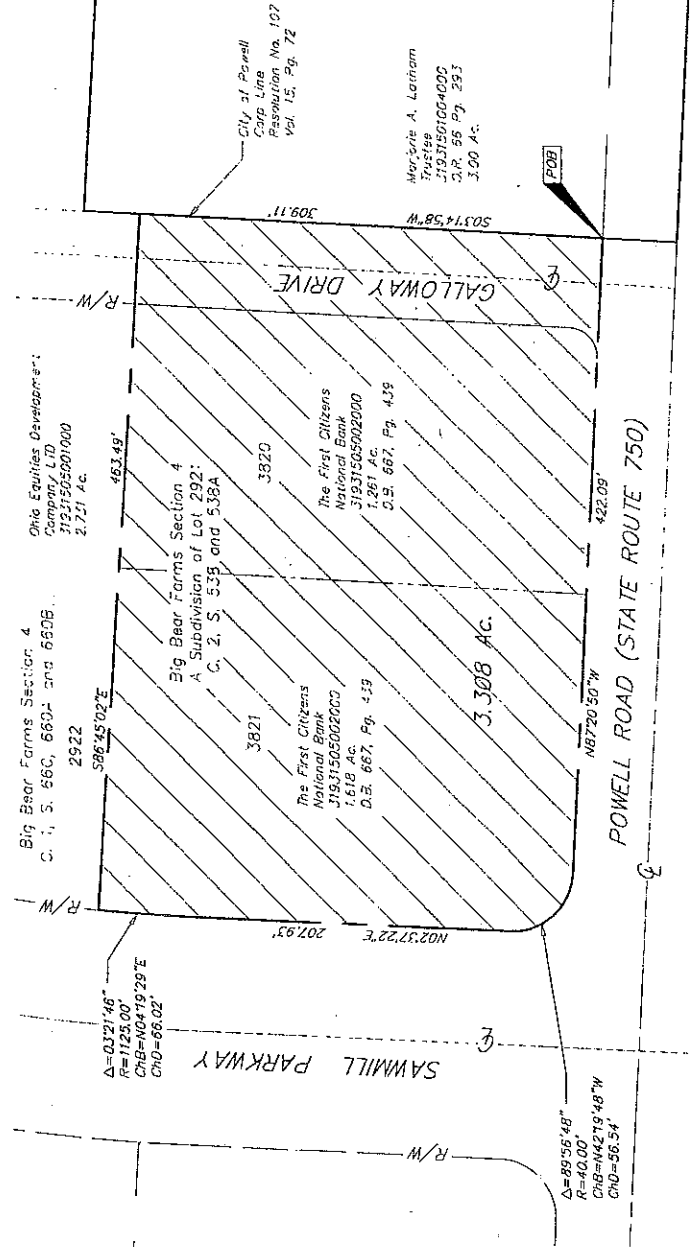
*William J. Stollin* Title 12/15/03



GRAPHIC SCALE  
 (IN FEET)

ANNEXATION  
 LOCATED IN  
 FARM LOT 11, QUARTER TOWNSHIP 3, TOWNSHIP 3, RANGE 19  
 UNITED STATES MILITARY LANDS  
 TOWNSHIP OF LIBERTY, DELAWARE COUNTY, OHIO

Revised  
 DECEMBER 3, 2003  
 DECEMBER 15, 2003



ANNEX NO. \_\_\_\_\_ ORD NO. \_\_\_\_\_  
 PROPOSED ANNEXATION OF 3.308 ACRES  
 TO THE  
 CITY OF POWELL  
 FROM  
 LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO  
 DATE: DECEMBER 2003 SCALE 1" = 100'

BY: *James M. Pearsall* 12/15/03  
 Professional Surveyor No. 7840



**SURROUNDING PROPERTY OWNERS**

Marjorie A. Latham, Trustee  
3951 Clearview Ave.  
Powell, OH 43220  
Parcel #: 31931501004000

KC Properties I, Ltd.  
9505 Galloway Dr.  
Powell, Ohio 43065  
Parcel #: 31931505003000

Ohio Equities Development Company, Ltd.  
9595 Galloway Dr.  
Powell, Ohio 43065  
Parcel #: 31931505001000  
Parcel #: 31934101001001

Planned Equities Development Company, Ltd.  
3952 W. Powell Rd.  
Powell, Ohio 43065  
Parcel #: 31931501005001

National City Bank  
3932 W. Powell Rd.  
Powell, Ohio 43065  
Parcel #: 31931501005002

JDA Properties, LLC  
9684 Sawmill Parkway  
Powell, Ohio 43065  
Parcel #: 31934101001000



**PETITION FOR ANNEXATION: EXPEDITED TYPE TWO (O.R.C. 709.023)  
TO THE CITY OF POWELL, OHIO  
OF 3.308 ACRES MORE OR LESS  
IN THE TOWNSHIP OF LIBERTY**

To The Board of the 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 3.308 acres with a total perimeter boundary of 1531.49 feet more or less, in the Township of Liberty which area is contiguous along 309.11 feet or 20% 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 petitioner states that there is within said territory so prayed to be annexed ONE OWNER OF REAL ESTATE.

Kenneth L. Young, Esq., whose address is 605 East Center St., Marion, Ohio 43302 is hereby appointed Agent for the undersigned Petitioner, 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 SPECEAL ANNEXATION PROCEDURE SET FORTH IN SECTION 709.023, 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>
The First Citizens National Bank	<u>12/10/03</u>	9595 Sawmill Parkway Powell, Ohio 43065

By: Robert E. McClure  
Robert E. McClure  
Executive Vice President & Chief Operating Officer