

Ordinance 2005-16  
Passed May 4, 2005

**AN ORDINANCE ACCEPTING THE ANNEXATION OF A 3.999 ACRE TRACT, MORE OR LESS TO THE MUNICIPALITY OF POWELL.**

**WHEREAS,** a Petition having been filed for annexation of a 3.999-acre tract, more or less to the City of Powell with the Board of Delaware County Commissioners, by William D. Fergus, Agent for the Petitioners,

**WHEREAS,** proceedings having been had before the Board of Commissioners of Delaware County on February 14, 2005, 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 3.998-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 \_\_\_\_\_

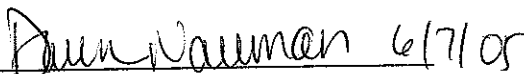
N \_\_\_\_\_

**VOTE ON ORDINANCE 2005-16:**

Y 4

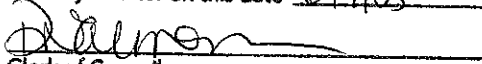
N 1 (Lackey)

  
\_\_\_\_\_  
Dan Wiencek Date  
Mayor

  
\_\_\_\_\_  
Dawn Nauman Date  
Clerk of Council



This legislation has been posted in accordance with  
the City Charter on this date 6/7/05.

  
\_\_\_\_\_  
Clerk of Council



# Delaware County Commissioners

Glenn A. Evans  
Kris Jordan  
James D. Ward

**County Administrator**  
David Cannon

**Clerk to the Commissioners**  
Letha George

February 14, 2005

Dawn Nauman  
Clerk of Powell Council  
Powell Municipal Building  
47 Hall Street  
Powell, Ohio 43065

RE:           Annexation Petition Of 3.999 Acres  
              Liberty Township To The City Of Powell

Dear Ms. Nauman:

The Delaware County Commissioners in Regular Session on Monday, February 14, 2005, adopted a Resolution granting Prayer of Petition for 3.999 acres, more or less, from Liberty Township To The City Of Powell.

I am herewith forwarding a certified copy of the Commissioners Journal Resolution.

If you have questions, please feel free to call me at 740-833-2108.

Sincerely,

Jennifer Walraven,  
Assistant Clerk to the Commissioners



# Delaware County Commissioners

Glenn A. Evans  
Kris Jordan  
James D. Ward

County Administrator  
David Cannon

Clerk to the Commissioners  
Letha George

## RESOLUTION NO. 05-168

### IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 3.999 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

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

Whereas on January 12, 2005, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by William D. Fergus, Jr., agent for the petitioners, of 3.999 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.

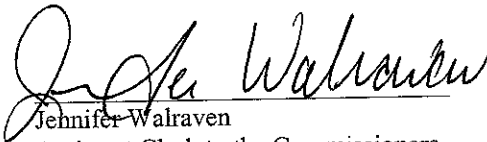
Therefore, Be It Resolved, the Delaware County Board of Commissioners grants the annexation petition request to annex 3.999 Acres, more or less, in Liberty Township to the City of Powell.

Vote on Motion                      Mr. Evans                      Aye                      Mr. Jordan                      Aye                      Mr. Ward                      Aye

Approved on February 14, 2005

I hereby certify that the above resolution is a true and correct copy of Commissioners' Journal No. 46, Page 575, Delaware County Commissioners Office, Delaware County, Ohio.

February 14, 2005

  
Jennifer Walraven  
Assistant Clerk to the Commissioners

#1

**PETITION BY THE OWNER OF REAL ESTATE  
FOR ANNEXATION OF CERTAIN TERRITORY  
TO THE CITY OF POWELL  
UTILIZING SPECIAL PROCEDURE  
PURSUANT TO R.C. 709.023**

To the Commissioners of:  
Delaware County, Ohio

The undersigned, being the sole owner of the following described real estate, situated in the State of Ohio, County of Delaware, Township of Liberty and adjacent to the City of Powell, to wit:

See Exhibit A, attached hereto and made a part hereof.

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

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

A list of parcels in the area proposed for annexation, and parcels adjacent to the territory to be annexed, with owners' names and addresses, is attached hereto as Exhibit C.

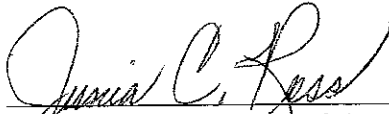
The length of contiguity with the border of the City of Powell is 1220.65 feet. The total length of the boundary of the territory to be annexed is 1675.73 feet. The percentage of contiguity of said boundary with the border of the City of Powell is 73%. No island of unincorporated area is being created by this annexation.

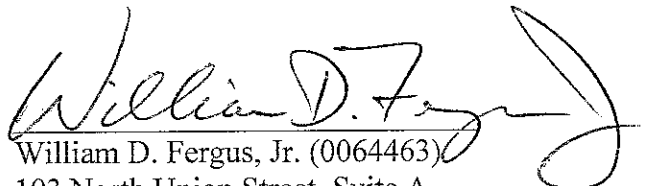
RECEIVED  
JAN 11 PM 2:00  
DELAWARE COUNTY  
COMMISSIONERS

**William D. Fergus, Jr., Attorney at Law, 103 North Union Street, Suite A, Delaware, Ohio 43015 (telephone number: 740-363-1324) is hereby authorized to act as the agent for petitioner in securing such annexation.**

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR IN 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.

1/10/2005  
Date

  
\_\_\_\_\_  
Junia C. Ross, Trustee of the  
Trust of Junia C. Ross, Petitioner

  
\_\_\_\_\_  
William D. Fergus, Jr. (0064463)  
103 North Union Street, Suite A  
Delaware, Ohio 43015  
(740) 363-1324  
(740) 548-5443 (FAX)  
Attorney for Petitioner



# Delaware County Engineer

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

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

January 7, 2005

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 January 3, 2005 of lots/lands 3.999 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



EXHIBIT A

585 Sunbury Road Delaware, OH  
43015-9795  
740.363.6792  
Fax 740.363.6536

e-mail: fbadelaware@fbainc.com  
www.floydbrowne.com

**Description of a 3.999 Acre Tract  
For Annexation Purposes (Expedited type II)  
December 29, 2004**

Situate in the State of Ohio, County of Delaware, Township of Liberty, located in Farm Lot 25, Section 4, Township 3 North, Range 19 West, United States Military Lands, being all of a 4.00 acre tract of land described in deed to Junia C. Ross, Trustee, recorded Official Record Volume 207, Page 2278 and being more particularly described as follows:

**BEGINNING** at the southeast corner of Sawmill Estates, recorded in Plat Book 6, Page 91 (a concrete monument found bears S 06°45'19" W at 0.43 feet);

Thence, North 02°41'24" East, with the east line of said subdivision a distance of 455.08 feet to the southwest corner of Lot 1541 in the Amended Plat of the Woods of Sawmill, recorded in Plat Cabinet 1, Slide 227-231 (an iron pipe found bears S 40°40'14" E at 0.28 feet);

Thence, South 87°15'41" East, with the south line of said Lot 1541 and the south line of Lot 1540 and with the existing corporation boundary (ORD NO. 91-55, recorded Plat Cabinet 1, Slide 60-73), a distance of 382.66 feet to an angle point therein;

Thence, South 02°39'29" West, continue with said existing corporation boundary and with the west line of said subdivision (passing an iron pipe found at 10.31 feet and also at 17.41 feet), in all, a distance of 455.08 feet to the north Right-of-Way line of Zion Drive and also being the southwest corner of said subdivision (an iron pipe found bears S 06°15'16" W at 0.21 feet);

Thence, North 87°15'41" West, with the north line of said Zion Drive and with the existing corporation boundary (ORD NO. 94-47, recorded Plat Cabinet 1, Slide 469), a distance of 382.91 feet to the **TRUE POINT OF BEGINNING**.

Containing 3.999 acres of land, more or less.

Summary of Annexation Territory:  
Total Length of Contiguity = 1220.65'  
Total Perimeter 1,675.73'  
Contiguity Percentage = 73%

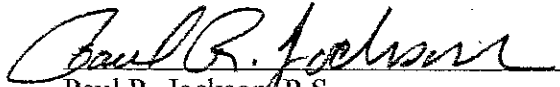
Length of Public R/W (Zion Drive) = 382.91 Linear Feet

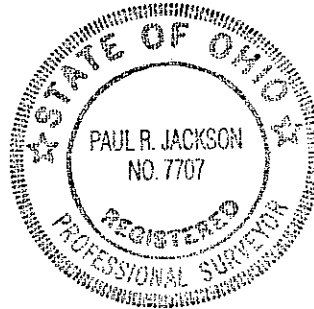
No island of unincorporated area is being created with this annexation.

The above description is based on and referenced to an Annexation Exhibit prepared by Floyd Browne Associates, Inc. dated December 29, 2004, attached hereto and made a part hereof and is for Annexation purposes only (Expedited, Type II Annexation) and as such is not intended for fee transfer.

Basis of Bearings is N 87°15'41" W on the centerline of Zion Drive, State Plane Coordinate System, Ohio North Zone based on GPS Observations using Delaware County Geodetic Control Monuments.

All references are to the records of the Recorder's Office, Delaware County, Ohio.

  
Paul R. Jackson, P.S.  
Ohio Registered Surveyor No. 7707



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

By William F. Stillion Title

1/7/05



## **EXHIBIT C**

### **Parcel in the area proposed for annexation:**

PIN No. 319-433-02-026-000

Owner name and mailing address:  
Junia C. Ross, Trustee  
10241 Sawmill Road  
Powell, Ohio 43065

### **Parcels adjacent to the territory proposed to be annexed:**

1. PIN No. 319-433-02-027-000

Junia C. Ross, Trustee  
10241 Sawmill Road  
Powell, Ohio 43065

2. PIN No. 319-433-02-028-000  
10241 Sawmill Road

Junia C. Ross, Trustee  
10241 Sawmill Road  
Powell, Ohio 43065

3. PIN No. 319-433-02-029-000  
10273 Sawmill Road

Victor M. Harris  
10273 Sawmill Road  
Powell, Ohio 43065

4. PIN No. 319-433-02-030-000  
10299 Sawmill Road

Albert & Mary Mabe  
10299 Sawmill Road  
Powell, Ohio 43065

5. PIN No. 319-433-02-032-000  
10331 Sawmill Road

Yong C. Hwang  
Myong S. Hwang  
10331 Sawmill Road  
Powell, Ohio 43065

6. PIN No. 319-433-02-031-000  
Sawmill Road

Commons of Powell, LLC  
5303 Wilcox Road  
Dublin, Ohio 43016

7. PIN No. 319-433-02-021-000  
521 Eagleview Court

Jeffrey L. Sheets  
521 Eagleview Court  
Powell, Ohio 43065

8. PIN No. 319-433-02-022-000  
517 Eagleview Court

Gerald & Virginia Kucan  
517 Eagleview Court  
Powell, Ohio 43065

9. PIN No. 319-433-02-023-000  
509 Eagleview Court

Katherine A. Power  
509 Eagleview Court  
Powell, Ohio 43065

10. PIN No. 319-433-02-024-000  
497 Eagleview Court

Michael A. Cali, Jr.  
Tina Leigh Cali  
497 Eagleview Court  
Powell, Ohio 43065

11. PIN No. 319-433-02-025-000  
487 Eagleview Court

Jerald C. & Natalie J. Snow  
487 Eagleview Court  
Powell, Ohio 43065

12. PIN No. 319-432-14-002-000  
459 Vinwood Lane

Craig E. & Deborah W. Heaslip  
459 Vinwood Lane  
Powell, Ohio 43065

13. PIN No. 319-432-14-001-000  
465 Vinwood Lane

William L. Weygandt  
Mary L. Rawlins  
465 Vinwood Lane  
Powell, Ohio 43065