



**City of Powell, Ohio**

**ORDINANCE 2007-49**

Adopted October 2, 2007

**AN ORDINANCE ACCEPTING THE ANNEXATION OF A 1.618 ACRE TRACT, MORE OR LESS TO THE CITY OF POWELL AND AMENDING THE ZONING MAP, REZONING FROM LIBERTY TOWNSHIP FR-1, FARM RESIDENCE DISTRICT TO CITY OF POWELL PC, PLANNED COMMERCIAL DISTRICT.**

**WHEREAS,** a Petition having been filed for annexation of a 1.618-acre tract, more or less to the City of Powell with the Board of Delaware County Commissioners, by Gary B. Gitlitz, Agent/Petitioner; and

**WHEREAS,** proceedings having been had before the Board of Commissioners of Delaware County on July 12, 2007, wherein said Commissioners approved the annexation; and

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

**WHEREAS,** the Planning and Zoning Commission of the City of Powell at their September 12, 2007 meeting recommended approval of the Zoning Map Amendment for West Lane Columbus LLC, for the property at 3301 and 3313 Home Road; and

**WHEREAS,** the Zoning Map Amendment has been submitted to Council by the Planning & Zoning Commission pursuant to the provisions of Section 1143.11 of the Codified Ordinances of Powell; and

**WHEREAS,** Council has determined that the implementation and approval of the Zoning Map Amendment, which is attached hereto as Exhibit "A" and incorporated herein by reference, and the acceptance of the subject annexation is in the best interest of the residents of the City of Powell.

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

**Section 1:** That Council hereby accepts the annexation of the subject 1.618-acre tract, more or less, a full description of which is attached hereto as Exhibit "A" and incorporated herein by reference.

**Section 2:** That the Zoning Map is hereby amended as follows:

That a 1.618 acre parcel as described in the legal description and survey plat attached hereto as Exhibits "A" and incorporated herein by reference, is rezoned from Liberty Township FR-1, Farm Residence District to City of Powell PC, Planned Commercial District subject to and contingent upon the following conditions as recommended by the Planning and Zoning Commission:

1. That the tracts shall be changed from Liberty Township FR-1, Farm Residence District, to City of Powell PC, Planned Commercial District;
2. That the approval is subject to approval of the property's annexation into the City of Powell by Powell Council.
3. That the subject property shall be added to the Liberty Community Infrastructure Financing Authority.



# Delaware County Commissioners

Glenn A. Evans  
Kris Jordan  
James D. Ward

County Administrator  
David Cannon

Clerk to the Commissioners  
Letha George

July 12, 2007

Susie Ross  
Clerk of Powell Council  
Powell Municipal Building  
47 Hall Street  
Powell, Ohio 43065

RE:           Annexation Petition Of 1.618 Acres  
              Liberty Township To The City Of Powell

Dear Ms. Ross:

The Delaware County Commissioners in Regular Session on Thursday July 12, 2007, adopted a Resolution granting Prayer of Petition for 1.618 acres, more or less, from Liberty Township to the City of Powell.

I am herewith forwarding a certified copy of the Commissioners Journal Resolution, 2 copies of the annexation petition and a copy of all other papers in the Commissioners annexation folder.

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. 07-843

### IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 1.618 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

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

Whereas, on June 15, 2007, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Gary B. Gitlitz, Esq., of Adams, Babner, & Gitlitz, LLC., agent for the petitioners, of 1.618 acres, more or less, in Liberty Township to the City of Powell.

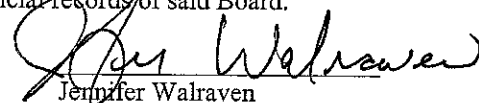
Whereas, ORC Section 709.023-Expedited Type 2 Annexation Petition; Petitions By All Property Owners With Or Without Consent of Municipality & Township(s) – If the Municipality or Township does not file an objection within 25 days after filing of annexation, the Board at its next regular session shall 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 1.618 Acres, more or less, in Liberty Township to the City of Powell.

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

I, Jennifer Walraven, Assistant Clerk of the Board of County Commissioners hereby certify that the foregoing is a true and correct copy of a resolution of the Board of County Commissioners of Delaware County duly adopted on July 12, 2007, and appearing upon the official records of said Board.

  
Jennifer Walraven  
Assistant Clerk to Commissioners

ANNEXATION PETITION  
(R.C. 709.023)

DELAWARE COUNTY  
COMMISSIONERS

2007 JUN 15 AM 9:04

RECEIVED

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

The undersigned Jeri K. Slagle and Murfield Family Home Road Property LLC being the owners of three (3) tracts of real estate, collectively described as follows:

Situated in the Township of Liberty, County of Delaware, and State of Ohio and being more particularly described in the attached Exhibit "A": Being Parcel Numbers 319-240-01-028-000; 319-240-01-027-000; and 319-240-01-026-000.

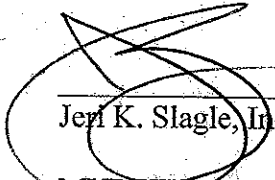
Hereby requests annexation hereof to the City of Powell, Ohio, a contiguous municipal corporation.

The territory proposed for annexation ("The Territory") does not exceed five hundred acres. The total length of the perimeter of the territory is ~~1193~~ feet. The total length of contiguity with the Boundary of The City of Powell is ~~889.15~~ feet. The Calculated total percentage of perimeter contiguity with The City of Powell is 77%. Furthermore, the annexation will not create an unincorporated area of Liberty Township that is completely surrounded by the territory proposed for annexation.

Gary B. Gitlitz, Esq., of Adams, Babner, & Gitlitz, LLC is hereby designated as agent of the Petitioners. An accurate map of the territory sought to be annexed is attached hereto as Exhibit "A."

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.

Owners

  
\_\_\_\_\_  
Jeri K. Slagle, Individually

5/23/07  
Date

MURFIELD FAMILY HOME  
ROAD LLC

By: Marilyn R Murfield

5/23/07  
Date

Its: Member

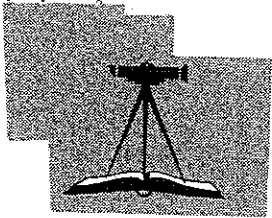
BRANDON MURFIELD, LLC

By: Brandon Murfield  
Brandon Murfield, Member

5/23/07  
Date

LIST OF ADJACENT PROPERTY OWNERS  
TO THE TERRITORY PROPOSED FOR ANNEXATION

- A. Triangle Properties Inc.  
3343 Home Rd  
Parcel ID 319-240-01-029-001
  
- B. Rick Akers  
3296 Home Rd  
Parcel ID 319-240-01-025-000
  
- C. Golf Village North, LLC  
Sawmill Parkway  
Parcel ID 319-210-02-001-000
  
- D. Golf Village North, LLC  
Sawmill Parkway  
Parcel ID 319-210-02-002-000
  
- E. Triangle Properties Inc  
Woodcutter Dr  
Parcel ID 319-240-01-011-005



# Delaware County Engineer

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

Patrick E. Blayney, P.E., FACEC  
Chief Deputy Engineer

June 12, 2007

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 June 7, 2007 of lots/lands 1.618 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

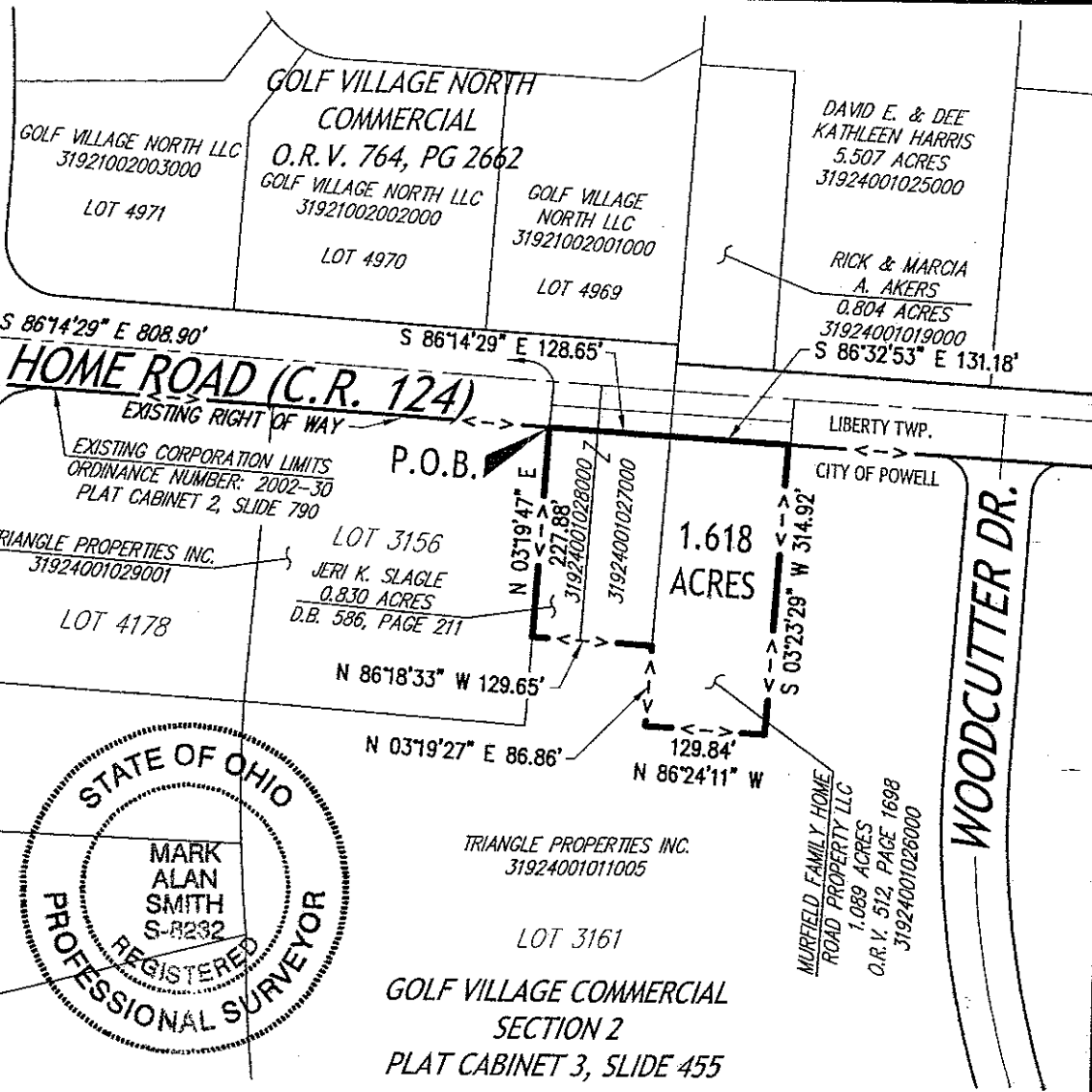


Central Ohio  
740.363.6792  
740.363.6536 fax  
800.325.7647

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MAP OF TERRITORY TO BE ANNEXED TO  
**THE CITY OF POWELL**

SITUATED IN THE STATE OF OHIO, COUNTY OF DELAWARE, TOWNSHIP OF LIBERTY,  
BEING PART OF FARM LOT 3, SECTION 2, TOWNSHIP 3 NORTH, RANGE 19 WEST,  
UNITED STATES MILITARY LANDS



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 *Chris E. Bauserman*  
6/20/07 Title

ANNEXATION PLAT - ANNEX-07-60639.DWG - 6/7/2007 2:44:49 PM

**NOTE**

NO ISLAND OF UNINCORPORATED AREA IS BEING CREATED WITH THIS ANNEXATION.

**NOTE**

ALL RECORD INFORMATION SHOWN HEREON WAS OBTAINED FROM THE RECORDER'S OFFICE, DELAWARE COUNTY, OHIO.

**BASIS OF BEARINGS**

BEARINGS ARE BASED ON THE EAST LINE OF LOT 3156 (N 03°19'47" E) IN GOLF VILLAGE COMMERCIAL SECTION 2 RECORDED IN PLAT CABINET 3, SLIDE 455.

**SUMMARY OF ANNEXATION TERRITORY**

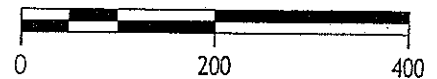
TOTAL LENGTH OF CONTIGUITY = 889.15'  
TOTAL PERIMETER = 1148.99'  
CONTIGUITY PERCENTAGE = 77%  
EXPEDITED II ANNEXATION

**NOTE**

THE INTENT OF THIS EXHIBIT IS TO REPRESENT TERRITORY TO BE ANNEXED TO THE CITY OF POWELL

**AREA TO BE ANNEXED**

SLAGLE PROPERTY = 0.684 ACRES  
MURFIELD FAMILY PROPERTY = 0.934 ACRES



**NORTH**

I HEREBY STATE THAT THIS SURVEY IS BASED ON RECORD INFORMATION OBTAINED FROM RECORDER'S OFFICE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS CORRECT.

*Mark Alan Smith*  
**MARK ALAN SMITH, PS**  
PROFESSIONAL SURVEYOR NO. 8232

DATE *6/20/07*

PAGE 3 OF 3  
DRAWN BY: K.A.S.  
CHECKED BY: M.A.S.

FILE NO. 07-60639