



City of Powell, Ohio

ORDINANCE 2010-45

Adopted March 1, 2011

AN ORDINANCE ACCEPTING THE ANNEXATION OF A 2.501-ACRE TRACT, MORE OR LESS TO THE CITY OF POWELL; AND DECLARING AN EMERGENCY.

WHEREAS, a Petition having been filed for annexation of a 2.501-acre tract, more or less to the City of Powell with the Board of Delaware County Commissioners, by Eugene L. Hollins, Agent; and

WHEREAS, proceedings having been had before the Board of Commissioners of Delaware County on August 16, 2010, 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, Council has determined that 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 the proposed annexation, as applied for in the petition of CVS 5457 OH, LLC which petition was filed with the Board of County Commissioners of Delaware County, Ohio, on July 19, 2010, and which petition prayed for the annexation to the City of Powell of certain territory adjacent thereto and hereinafter described, which petition was approved for annexation to the City of Powell by the Board of County Commissioners on August 16, 2010, be, and hereby is, accepted. The territory annexed hereby is described in the legal description attached hereto as Exhibit "A" and made a part hereof as though fully rewritten herein. The certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for annexation and other papers relating to the proceedings thereto of the County Commissioners are all on file with the Clerk of the City of Powell and have been for more than 60 days. In the event that companion Ordinance 2010-46 shall be the subject of a referendum petition, and a ballot issue is submitted to the electorate and not approved, Council agrees to cooperate in good faith with CVS 5457 OH, LLC to pursue detachment of the annexed territory, if requested by such landowner.

Section 2: That the Clerk be, and hereby is, authorized and directed to make three copies of this Ordinance, to each of which shall be attached a copy of the transcript of proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder, and one copy to the Secretary of State, and shall file notice of this annexation with the Board of Elections within thirty days after it becomes effective.

Section 3: 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 City of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

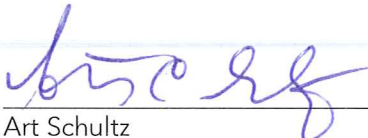
Section 4: That this Ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health and safety of the City of Powell, such emergency arising from the exigencies of commercial and industrial development of land within the City which provides for the economic and community welfare by providing the creation of jobs in the City; wherefore, this Ordinance shall take effect and be in force from and after its passage.

VOTE ON ORDINANCE 2010-45:

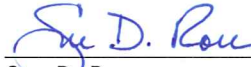
Y 4

N 3

Brenner, Grubbs, Lorenz


Art Schultz
Mayor

3/15/11
Date


Sue D. Ross
City Clerk

3/15/2011
Date

EFFECTIVE DATE: March 1, 2011

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the City Council, by posting a copy thereof in not less than two (2) public places, as determined by Council and as set forth in the City of Powell Charter .


Sue D. Ross
City Clerk



City Council

Art Schultz, Mayor

Sara Marie Brenner

Richard Cline

Tom Counts

Don Grubbs

Jim Hrivnak

Brian Lorenz