



## ORDINANCE 2024-42

**AN ORDINANCE ACCEPTING THE ANNEXATION OF 2.052 ACRES, MORE OR LESS, FROM LIBERTY TOWNSHIP TO THE CITY OF POWELL (PETITIONER: POWELL COMMUNITY IMPROVEMENT CORPORATION).**

**WHEREAS,** An annexation petition was filed with the Board of Delaware County Commissioners for annexation of 2.052 acres, more or less, to the City of Powell by Yazan S. Ashrawi, Esq., agent for the petitioner; and

**WHEREAS,** The Board of Commissioners of Delaware County conducted a proceeding and approved the annexation petition on August 29, 2024; and

**WHEREAS,** More than sixty (60) days have elapsed from the date of filing of the transcript of such approval by the Board of Delaware County Commissioners with the City Clerk.

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

Section 1: That the proposed annexation, as submitted by Yazan S. Ashrawi, Esq., Agent for the Petitioner, which petition was filed with the Board of County Commissioners of Delaware County, Ohio on July 31, 2024, 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 29, 2024, 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 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.

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 Auditor, one copy to the County Recorder, and one copy to the Secretary of State, and shall filed notice of this annexation with the Board of Elections within thirty days after it becomes effective.

Section 3: 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 Council and that all deliberations of 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 shall take effect on the earliest period allowed by law.



Tom Counts  
Mayor

11/19/24

Date



Elaine McCloskey  
City Clerk

Date

**EFFECTIVE DATE:** December 19, 2024

This legislation has been posted in accordance with  
the City Charter on this date

11/20/24



City Clerk

0128851.0615531 4859-3633-3271v2

City Council  
Tom Counts, Mayor

Leif Carlson David Lester Christina Drummond Heather Karr Ferzan Ahmed Tyler Herrmann



# Delaware County Commissioners

Jeff Benton  
Barb Lewis  
Gary Merrell

County Administrator  
Tracie Davies

Deputy Administrators  
Dawn Huston  
Aric Hochstettler

Clerk to the Commissioners  
Jennifer Walraven

September 3, 2024

City of Powell  
Attn: Elaine McCloskey  
47 Hall Street  
Powell, Ohio 43065

RECEIVED  
SEP 05 2024

BY: .....

RE: Annexation of 2.052 Acres of Land in the Township of Liberty to the City of Powell

Clerk McCloskey:

The Delaware County Commissioners in Regular Session on August 29, 2024 adopted a Resolution granting Prayer of Petition for Annexation of 2.052 Acres of Land in the Township of Liberty to the City of Powell.

I am herewith forwarding a certified copy of the Commissioners' Journal Resolution 24-677. and a copy of the annexation Petition.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer M. Walraven".

Jennifer M. Walraven  
Clerk to the Board of Commissioners Delaware County  
91 N. Sandusky Street P.O. Box 8006  
Delaware, OH 43015  
740-833-2108





# Delaware County Commissioners

Jeff Benton  
Barb Lewis  
Gary Merrell

County Administrator  
Tracie Davies

Deputy Administrators  
Dawn Huston  
Aric Hochstettler

Clerk to the Commissioners  
Jennifer Walraven

RESOLUTION NO. 24-677

IN THE MATTER OF GRANTING ANNEXATION PETITION FROM POWELL COMMUNITY IMPROVEMENT CORPORATION, REQUESTING ANNEXATION OF 2.052 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

It was moved by Mrs. Lewis, seconded by Mr. Benton, to approve the following resolution:

WHEREAS, on July 31, 2024, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Yazan S. Ashrawi, Attorney-at-Law, agent for the petitioner, Powell Community Improvement Corporation, requesting annexation of 2.052 acres, more or less, from Liberty Township to the City of Powell; and  
WHEREAS, pursuant to section 709.023 of the Revised Code, if the Municipality or Township does not file an objection within 25 days after filing of the annexation petition, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation; and

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;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners grants the petition requesting annexation of 2.052 acres, more or less, from Liberty Township to the City of Powell.

Vote on Motion                      Mrs. Lewis Aye                      Mr. Merrell Aye                      Mr. Benton Aye

I, Brandy Wilson, Deputy Clerk to the Board of Delaware 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 August 29, 2024, and appearing upon the official records of said Board.

Brandy Wilson, Deputy Clerk to Commissioners

Jeff Benton  
County Commissioner

Barb Lewis  
County Commissioner

Gary Merrell  
County Commissioner

Delaware County Commissioners, The Historic Courthouse, 91 North Sandusky Street, Delaware, Ohio 43015

PHONE: (740) 833-2100    FAX: (740) 833-2099    WEB: www.co.delaware.oh.us

FACEBOOK: @DelawareCountyOhio    TWITTER: @DelawareCoOhio    INSTAGRAM: @delawarecoohio



Yazan S. Ashrawi  
Partner  
614.559.7202 (t)  
614.464.1737 (f)  
yashrawi@fbtlaw.com

July 31, 2024

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Elaine McCloskey, City Clerk  
City of Powell, Ohio  
47 Hall Street  
Powell, Ohio 43065

Re: *Notice Pursuant to Ohio Revised Code 709.023*

Dear Ms. McCloskey:

Please be advised, this serves as notice pursuant to Ohio Revised Code 709.023 of the ***Expedited Type II Petition for Annexation (Section 709.023) to the City of Powell, of 2.052± acres, more or less, from Liberty Township, Delaware County*** (“Petition”), which was filed with Delaware County on July 31, 2024, at approximately 2:46 P.M., for the annexation of approximately 2.052 acres of territory from Liberty Township to the City of Powell, Ohio.

A copy of the Petition and corresponding documents are enclosed for your convenience.

Yazan S. Ashrawi

*/s/ Yazan S. Ashrawi*

Yazan S. Ashrawi

0128851.0615531 4883-5154-2480v1

RECEIVED  
2024 AUG -7 AM 8:35  
DELAWARE COUNTY  
COMMISSIONERS





**Powell**  
— OHIO —

## RESOLUTION CERTIFICATION

I, Elaine McCloskey, being the duly appointed City Clerk of the City of Powell, Delaware, County, Ohio, do hereby certify that the attached is a true, complete, and correct copy of Resolution No. 2024-28, entitled, “ **A RESOLUTION INDICATING WHAT SERVICES THE CITY OF POWELL WILL PROVIDE 2.052+/- ACRES OF LAND, LOCATED IN LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO, IF SAID PROPERTY IS HEREAFTER ANNEXED TO THE CITY OF POWELL, OHIO AND TO PROVIDE FOR BUFFER REQUIREMENTS.**” and the corresponding Exhibit “A” adopted on August 6, 2024, by Powell City Council.

*Elaine McCloskey*      *8-6-2024*

Elaine McCloskey  
City Clerk

Date



RECEIVED  
2024 AUG - 7 AM 8:34  
DELAWARE COUNTY  
CLERK'S OFFICE

In accordance with Powell City Charter Resolution No. 2024-28, will be posted at the Village Green Municipal Building, 47 Hall Street, Powell, Ohio from August 6, 2024 until December August 20, 2024 and on the City website at [www.cityofpowell.us](http://www.cityofpowell.us).







**RESOLUTION 2024-28**

**A RESOLUTION INDICATING WHAT SERVICES THE CITY OF POWELL WILL PROVIDE 2.052+/- ACRES OF LAND, LOCATED IN LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO, IF SAID PROPERTY IS HEREAFTER ANNEXED TO THE CITY OF POWELL, OHIO AND TO PROVIDE FOR BUFFER REQUIREMENTS.**

**WHEREAS**, on July 31, 2024, pursuant to Ohio Revised Code Sections 709.02 through 709.11, Yazan S. Ashrawi, Esq., as agent for the property owner Powell Community Improvement Corporation, filed a Petition with the Delaware County Commissioners seeking annexation of 2.052 +/- acres, along W Powell Road, contiguous to the City of Powell, a copy of which is attached hereto as Exhibit "A," notice of which will be duly served upon the City of Powell as prescribed by law; and

**WHEREAS**, Ohio Revised Code Section 709.023(C) provides that within twenty (20) days after the date that the petition is filed, the municipal corporation to which annexation is sought shall adopt a resolution stating what services the municipal corporation will provide to the territory seeking annexation and an approximate date by which it will provide those services should the municipal corporation annex the territory; and

**WHEREAS**, Ohio Revised Code Section 709.023(C) also provides that within that same twenty (20) days period, a municipal corporation shall adopt a resolution stating that if the territory is annexed and becomes subject to zoning by the municipal corporation and that if the municipal corporation's zoning permits uses in the annexed territory that the municipal corporation determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining in the township from which the territory was annexed, the municipal corporation shall require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township.

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

Section 1: That upon annexation to the City of Powell of the 2.052 +/- acres along W Powell Road owned by Powell Community Improvement Corporation, and described and delineated on the attached Exhibit "A" the City will provide the full range of available municipal services consistent with those services available to the existing residents of, and to the property within, the City of Powell, including but not limited to police protection, street maintenance, refuse collections via private contract, planning and zoning, and parks and recreation, all of which can be provided immediately upon the effective date of the annexation as provided by law. Should it be determined that as a result of the annexation, the boundary line between the township and the City divides or segments a street or highway so as to create a road maintenance problem for the Village, as a condition of annexation, the City shall assume the maintenance of that street or highway or otherwise correct the problem.

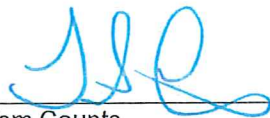
City Council  
Tom Counts, Mayor  
Leif Carlson   David Lester   Christina Drummond   Heather Karr   Ferzan Ahmed   Tyler Herrmann



Section 2: If the Property is annexed and becomes subject to the City of Powell zoning and the City zoning permits uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under applicable county or township zoning regulations in effect at the time of filing of the petition on the land adjacent to the annexed territory remaining in the unincorporated area of the Township, then the City will require the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township.

Section 3: The Clerk of Council is hereby directed to forward and file certified copies of this Resolution with the Delaware County Board of Commissioners immediately upon execution and to furnish a copy to the Agent for Petitioner for the annexation to insure the statutory requirement is met within twenty (20) days following the date that the petition was filed.

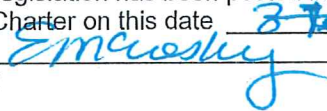
Section 4: This Resolution shall be in full force and effect immediately upon adoption.

  
\_\_\_\_\_  
Tom Counts  
Mayor

8/6/24  
Date

  
\_\_\_\_\_  
Elaine McCloskey  
City Clerk

**EFFECTIVE DATE:** August 6, 2024

This legislation has been posted in accordance with the City Charter on this date ~~8-7-2024~~ 8-7-2024  
  
\_\_\_\_\_  
City Clerk





Yazan S. Ashrawi  
Partner  
614.559.7202 (t)  
614.464.1737 (f)  
yashrawi@fbtlaw.com

July 31, 2024

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Elaine McCloskey, City Clerk  
City of Powell, Ohio  
47 Hall Street  
Powell, Ohio 43065

Re: *Notice Pursuant to Ohio Revised Code 709.023*

Dear Ms. McCloskey:

Please be advised, this serves as notice pursuant to Ohio Revised Code 709.023 of the ***Expedited Type II Petition for Annexation (Section 709.023) to the City of Powell, of 2.052± acres, more or less, from Liberty Township, Delaware County*** (“Petition”), which was filed with Delaware County on July 31, 2024, at approximately 2:46 P.M., for the annexation of approximately 2.052 acres of territory from Liberty Township to the City of Powell, Ohio.

A copy of the Petition and corresponding documents are enclosed for your convenience.

Yazan S. Ashrawi

*/s/ Yazan S. Ashrawi*

Yazan S. Ashrawi

0128851.0615531 4883-5154-2480v1

RECEIVED  
2024 AUG -7 AM 8:35  
DELAWARE COUNTY  
COMMISSIONERS





**EXPEDITED TYPE II PETITION FOR ANNEXATION (SECTION 709.023)  
TO THE CITY OF POWELL, OF 2.052± ACRES, MORE OR LESS,  
FROM LIBERTY TOWNSHIP, DELAWARE COUNTY**

*TO THE BOARD OF COUNTY COMMISSIONERS  
OF DELAWARE COUNTY, OHIO*

The undersigned, petitioners in the premises, and being THE SOLE OWNERS OF REAL ESTATE in the territory described, consisting of 2.052± acres, more or less, with a total length of the annexation perimeter of 1,196± feet, more or less, in the Township of Liberty, which area is contiguous along 298± feet, more or less, such that approximately 24.92% of the perimeter of the area is contiguous 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 as Exhibit "A" and "B" and made part hereof. In support of said Petition, the petitioner states that there are within the territory so prayed to be annexed one OWNER OF REAL ESTATE.

Yazan S. Ashrawi, attorney at law, is hereby appointed Agent for the undersigned petitioner as required by Ohio Revised Code section 709.02(C)(3). 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 an amended plat and description to the Board of Commissioners on, before, or after the date set for hearing on this Petition.

AGENT:

  
\_\_\_\_\_  
Yazan S. Ashrawi, Esq.  
FROST BROWN TODD LLP  
10 West Broad Street, Suite 2300  
Columbus, OH 43215-3484  
Telephone: (614) 559-7202  
Facsimile: (614) 464-1737  
yashrawi@fbtlaw.com

RECEIVED  
JUL 31 PM 2:46  
DELAWARE COUNTY  
COMMISSIONERS' OFFICE

**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.**



NAME

*Andrew S. Wild*

ADDRESS

Powell Community Improvement Corporation

47 Hall Street  
Powell, OH 43065

DATE

*7/29/2024*

EXHIBITS

- Exhibit A= Legal Description
- Exhibit B= Plat Map
- Exhibit C= Adjacent Parcel Owner List





Exhibit A



## Proposed Annexation

Containing 2.052 +/- Acres

From Township of Liberty to the City of Powell

The petition is filed as expedited II annexation proceeding  
under sections 709.021 and 709.023 of the Ohio Revised Code

Situated in the State of Ohio, County of Delaware, Township of Liberty, Farm Lot 13, Quarter Township 3, Township 3 North, Range 19 West, United States Military Lands, being all of a 2.052 acre tract (PID 31931601003000) as conveyed to Powell Community Improvement Corporation, of record in Official Record 2024, Page 586, of all document references are to the records the Recorder's Office of Delaware County, Ohio, and being more particularly described as follows:

**BEGINNING** at the southwest corner of Lot 3697 of that subdivision entitled "Verona Phase 1" as dedicated in Plat Cabinet 4, Slide 43, being a point in the existing City of Powell Corporation Line, of record in Official Record 1383, Page 945, Ordinance Number 2015-41, being the northeasterly corner of a 0.2066 acre tract (Parcel 6-WD) as conveyed to the Ohio Department of Transportation, of record in Official Record 1331, Page 152, also in the westerly line of Farm Lot 12 and the easterly line of Farm Lot 13 and being a point in the northerly right of way line of West Powell Road (State Route 750) (DEL-750-0.00);

Thence with the perimeter of said 2.052 acre tract the following courses:

North 87°26'13" West, with the northerly line of said 0.2066 acre tract and said northerly right of way line, a distance of 300.00 feet to the northwesterly corner of said 0.2066 acre tract and being an easterly line of that plat entitled "Wedgewood Park", as dedicated in Plat Cabinet 2, Slide 689;

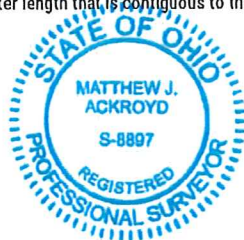
North 2°02'19" East, with the easterly line of said "Wedgewood Park", a distance of 298.00 feet to a point;

South 87°26'13" East, continuing with said easterly line, a distance of 300.00 feet to a point in the westerly line of said "Verona Phase 1" and being the easterly line of said Farm Lot 13 and said existing City of Powell Corporation Line;

South 2°02'19" West, with said easterly line of Farm Lot 13, the westerly line of said "Verona Phase 1", and with said existing City of Powell Corporation Line, a distance of 298.00 feet to the **POINT OF BEGINNING**, containing 2.052 +/- acres, more or less.

This annexation description is a general description of the location of the property to be annexed and is not a boundary survey as defined in the O.A.C. Chapter 4733-37. The above description is for annexation purposes only and not intended to be used for the transfer of real property. This Annexation does not create any unincorporated Islands.

The above annexation contains 298 +/- lineal feet that is contiguous with the Existing Corporation Line of the City of Powell, with a total perimeter of 1196 +/- lineal feet to be annexed to the City of Powell, that being 24.92% of the perimeter length that is contiguous to the Existing Corporation Line of the City of Powell



CESO Inc.

A handwritten signature in blue ink, dated 5/14/24.

Matthew J. Ackroyd, PS  
Registered Surveyor No. 8897

Delaware County Engineer:  
Map Department

I hereby certify the within to be a true copy of the original on file in the Map Department.

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

A handwritten signature in blue ink, reading "Chris Bauserman".

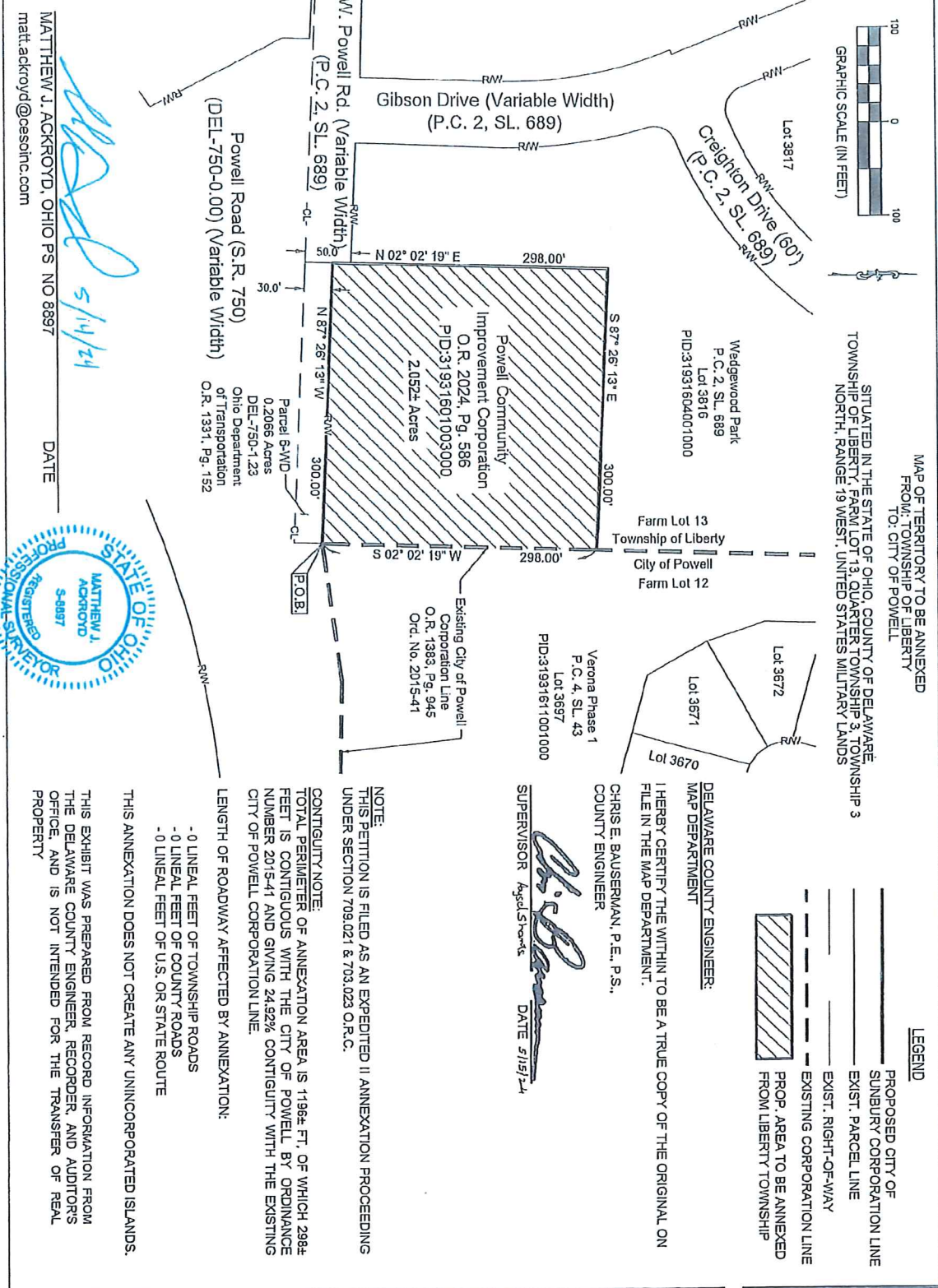
Supervisor Aysel Shamsi

Date 5/15/24



764146\_Frost Brown Todd\_W Powell  
Road\_Annexation\_2.052-AC





MAP OF TERRITORY TO BE ANNEXED  
 FROM: TOWNSHIP OF LIBERTY  
 TO: CITY OF POWELL

SITUATED IN THE STATE OF OHIO, COUNTY OF DELAWARE,  
 TOWNSHIP OF LIBERTY, FARM LOT 13, QUARTER TOWNSHIP 3, TOWNSHIP 3  
 NORTH, RANGE 19 WEST, UNITED STATES MILITARY LANDS

**LEGEND**

PROPOSED CITY OF SUNBURY CORPORATION LINE

EXIST. PARCEL LINE

EXIST. RIGHT-OF-WAY

EXISTING CORPORATION LINE

PROP. AREA TO BE ANNEXED FROM LIBERTY TOWNSHIP

DELAWARE COUNTY ENGINEER:  
 MAP DEPARTMENT

I HEREBY CERTIFY THE WITHIN TO BE A TRUE COPY OF THE ORIGINAL ON FILE IN THE MAP DEPARTMENT.

CHRIS E. BAUSERMAN, P.E., P.S.,  
 COUNTY ENGINEER

*Dr. J. Benson*  
 SUPERVISOR  
 DATE 5/15/24

**NOTE:**  
 THIS PETITION IS FILED AS AN EXPEDITED II ANNEXATION PROCEEDING UNDER SECTION 709.021 & 703.023 O.R.C.

**CONTIGUITY NOTE:**  
 TOTAL PERIMETER OF ANNEXATION AREA IS 1198± FT. OF WHICH 298± FEET IS CONTIGUOUS WITH THE CITY OF POWELL BY ORDINANCE NUMBER 2015-41 AND GIVING 24.92% CONTIGUITY WITH THE EXISTING CITY OF POWELL CORPORATION LINE.

**LENGTH OF ROADWAY AFFECTED BY ANNEXATION:**

- 0 LINEAL FEET OF TOWNSHIP ROADS
- 0 LINEAL FEET OF COUNTY ROADS
- 0 LINEAL FEET OF U.S. OR STATE ROUTE

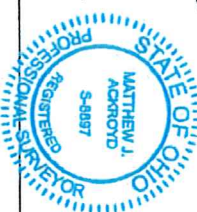
THIS ANNEXATION DOES NOT CREATE ANY UNINCORPORATED ISLANDS.

THIS EXHIBIT WAS PREPARED FROM RECORD INFORMATION FROM THE DELAWARE COUNTY ENGINEER, RECORDER, AND AUDITORS OFFICE, AND IS NOT INTENDED FOR THE TRANSFER OF REAL PROPERTY

MATTHEW J. ACKROYD, OHIO PS NO 8897  
 matt.ackroyd@cesoinc.com

*Matthew J. Ackroyd*  
 5/14/24

DATE



|                   |           |
|-------------------|-----------|
| <b>Annexation</b> |           |
| 2.052± Acres      |           |
| Project Number:   | 764146    |
| Scale:            | 1"=100'   |
| Drawn By:         | VJM       |
| Checked By:       | ALB       |
| Date:             | 5/10/2024 |
| Issue:            | N/A       |
| Drawing Title:    |           |





Exhibit C

Owner

Address

WEDGEWOOD PARK OWNERS  
ASSOCIATION

WEDGEWOOD PARK OWNERS ASSOC  
ATTN: PSAM  
P O BOX 395  
GROVE CITY OH 43123  
USA

VERONA LLC

VERONA MASTER HOA  
PO BOX 395  
GROVE CITY OH 43123  
USA

