

**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. 2023-39, entitled, " **A RESOLUTION INDICATING WHAT SERVICES THE CITY OF POWELL WILL PROVIDE 6.357+/-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 December 5, 2023 by Powell City Council.

*Elaine McCloskey*

Elaine McCloskey  
City Clerk

*12/6/2023*

Date

In accordance with Powell City Charter Resolution No. 2023-39, will be posted at the Village Green Municipal Building, 47 Hall Street, Powell, Ohio from December 6, 2023 until December 21, 2023 and on the City website at [www.cityofpowell.us](http://www.cityofpowell.us).



**RESOLUTION 2023-39**

**A RESOLUTION INDICATING WHAT SERVICES THE CITY OF POWELL WILL PROVIDE 6.357+/-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 November 15, 2023, pursuant to Ohio Revised Code Sections 709.02 through 709.11, Donald T. Plank, as agent for the property owner Horsepower Farms, LLC, filed a Petition with the Delaware County Commissioners seeking annexation of 6.357+/- acres, along West Olentangy Street, 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.

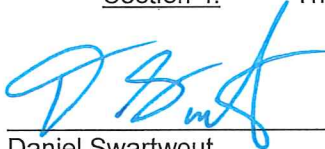
**NOW THEREFORE BE IT RESOLVED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:**

Section 1: That upon annexation to the City of Powell of the 6.357 acres located along West Olentangy Street owned by Horsepower Farms, LLC, 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.

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.



Daniel Swartwout  
Mayor

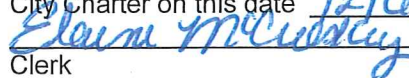
12/5/2023  
Date



Elaine McCloskey  
City Clerk

12/5/2023  
Date

**EFFECTIVE DATE:** December 5, 2023

This legislation has been posted in accordance with the City Charter on this date 12/14/2023  
 City Clerk

**PETITION FOR ANNEXATION  
OF 6.357 ACRES  
FROM LIBERTY TOWNSHIP IN DELAWARE COUNTY  
TO THE CITY OF POWELL, OHIO  
UTILIZING THE SPECIAL PROCEDURE OF R.C. SECTION 709.023 ET SEQ.**

**RECEIVED**  
2023 NOV 15 PM 12:07  
DELAWARE COUNTY  
COMMISSIONERS

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

Now comes the undersigned petitioner, being one hundred percent (100%) of the owners of certain property as hereinafter described, and requests that their property be annexed to the City of Powell, Ohio. The territory proposed for annexation contains 6.357 acres in Liberty Township, Delaware County and is contiguous to the boundary of the City of Powell, Ohio, for five percent (5%) or more of the perimeter of the territory proposed for annexation. The undersigned understands the territory will not be excluded from the township.

An accurate description of the perimeter of the territory sought to be annexed and a map or plat of the above-described territory sought to be annexed is attached hereto and made a part hereof as Exhibit "A" and Exhibit "B".

The annexation will not create an unincorporated area of township that is completely surrounded by the territory proposed for annexation.

There is no annexation agreement between the municipality and the township pursuant to R.C. §709.192 applicable to this annexation or an applicable Cooperative Economic Development Agreement (C.E.D.A.) pursuant to R.C. §701.07.

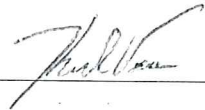
The number of owners in the territory sought to be annexed is one (1) and the number of owners who signed the petition is one (1).

The owner who signs this petition by their signature expressly waives their right to appeal in law or equity from the board of county commissioners' entry of any resolution passed under R.C. §709.023 and waive any rights they may have to sue on any issue relating to a municipal corporation requiring a buffer as provided in R.C. §709.023 and further waive any rights to seek a variance that would relieve or exempt them from that buffer requirement.

Donald T. Plank, Plank Law Firm, LPA, 411 East Town St., 2<sup>nd</sup> Floor, Columbus, Ohio 43215, (614) 947-8600, is hereby appointed agent for the undersigned petitioner, as required by R.C. §709.02. Amendments to correct any discrepancy or mistake noted by the county engineer or others in their examination of the map, plat or description may be made by the presentation of an amended map or plat and description to the Delaware County Board of County Commissioners on, before or after the date set for hearing of this petition unless otherwise specified by law.

**“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.”**

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
Horsepower Farms, LLC	356 West Olentangy Street Powell, Ohio 43065	10/27/23

By:  member Horsepower Farms, LLC

Its: \_\_\_\_\_

Printed Name: Howard R. Vance

**Proposed Type 2 (O.R.C. 709.023)**  
**Annexation of 6.357 Acres**  
**In Liberty Township, Delaware County, Ohio**  
**To The City of Powell, Ohio**

Situated in the State of Ohio, County of Delaware, Township of Liberty, being located in Farm Lot 13 and Farm Lot 14, Section 2, Township 3, Range 19, United States Military Lands and further being all of that 6.357 acre tract of land as conveyed to Horsepower Farms, LLC by deed of record in Official Record Volume 2012, Page 1384, said 6.357 acre tract being more particularly bounded and described as follows. All references to records are on file in the Recorder's Office, Delaware County, Ohio:

**COMMENCING**, at the intersection of the centerline of Home Road (C.R. 124) having a variable width Right of Way with the centerline of Steitz Road (T.R.125) having a variable width Right of Way;

Thence along the centerline of said Steitz Road, bearing South 03°47'10" West, a distance of 540.83 feet to a point thereon, said point also being the Southeast corner of a 1.397 acre tract of land as conveyed to Jefferey W. Reese and Judy A. Reese by deed of record in Deed Book 552, Page 292, and the **TRUE PLACE OF BEGINNING** for said 6.357 acre tract herein to be described;

Thence continuing along the centerline of said Steitz Road, bearing South 03°47'10" West, a distance of 60.00 feet to a point thereon, said point also being the Northeast corner of a 1.10 acre tract of land as conveyed to Linda L. Franz by deed of record in Deed Book 538, Page 797 and Official Record Volume 1206, Page 1593;

Thence along the Northern line of said 1.10 acre tract, bearing North 86°12'50" West, a distance of 320.40 feet to the Northwest corner thereof;

Thence along the Western line of said 1.10 acre tract, bearing South 03°47'10" West, a distance of 150.00 feet to the Southwest corner thereof, the same being a point in the Northern line of that 2.500 acre tract of land as conveyed to Tamera K. Canegali by deed of record in Official Record Volume 1191, Page 506;

Thence along the Northern line of said 2.500 acre tract, bearing North 86°12'50" West, a distance of 160.43 feet to the Northwest corner thereof;

Thence along the Western line of said 2.500 acre tract and the Southerly prolongation thereof, bearing South 03°47'10" West, a distance of 452.97 feet to a point in the Northern line of that 2.000 acre tract of land as conveyed to Steven Dzikowski and Denise L. Dzikowski by deed of record in Official Record Volume 1133, Page 715;

Thence along the Northern line of said 2.500 acre tract and the Northern line of that 6.008 acre tract of land as conveyed to Brandon D. Cook and Jill C. Cook by deed of record in Official Record Volume 1143, Page 2856, bearing North 86°12'50" West, a distance of 466.18 feet to the Northwest corner of said 6.008 acre tract, the same being a point in the Eastern line that Reserve "C" of The Reserve at Scioto Glenn Phase 3 Subdivision of record in Official Record Volume 1477, Page 1443-1444;

Thence along the Eastern line of said Reserve "C" and the Northerly prolongation thereof, bearing North 03°48'39" East, a distance of 512.97 feet to the Southwest corner of Horsepower Farms Condominium Phase 1, Amendment 4 of record in Official Record Volume 1982, Pages 282 – 284;

Thence along the Southern line of said Horsepower Farms Condominium Phase 1, Amendment 4 and the Easterly prolongation thereof, bearing South 86°12'50" East, a distance of 566.39 feet to the Southeast corner of Horsepower Farms Condominium Phase 1, Amendment 5 of record in Official Record Volume 1982, Pages 1057 – 1061;

Thence along an Easterly line of said Horsepower Farms Condominium Phase 1, Amendment 5, bearing North 03°47'10" East, a distance of 150.00 feet to an angle point;

Thence along a Southerly line of said Horsepower Farms Condominium Phase 1, Amendment 5 and the Southern line of said 1.397 acre tract, bearing South 86°12'50" East, a distance of 380.40 feet to a point in the centerline of said Steitz Road and the **TRUE PLACE OF BEGINNING**, containing 6.357 acre, more or less.

**Basis of Bearings:** Bearings shown hereon are based on the bearing of South 03°47'10" East for the centerline of Steitz Road.

This description is based on information of record and is for Annexation purposes only and is not to be used for transfer of property, it has been prepared by Rolling & Hocevar, Inc. under the direct supervision of Andrew G. Planet, Registered Professional Surveyor Number 7802.

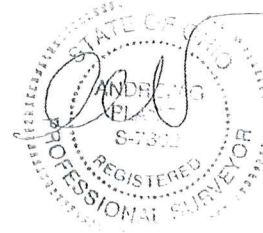
Rolling & Hocevar, Inc.



Andrew G. Planet, P.S.  
Professional Surveyor No. 7802

8-31-2023

Date



- 1289.36 feet of total boundary is contiguous to The City of Powell;
- 3219.74 feet is the perimeter of territory to be annexed;
- 40.05% of the perimeter is contiguous to The City of Powell;
- Total acreage to be annexed is 6.357 acres;
- 60.00 feet of Township Road (Steitz Road) is affected by this annexation;
- 0 feet of County Road is affected by this annexation;

DELAWARE COUNTY ENGINEER  
Map Department

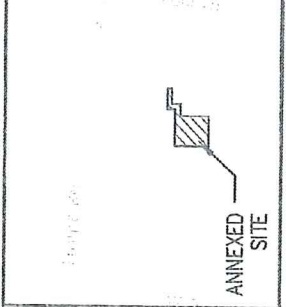
I hereby certify the within to be a true  
copy of the original on file in the Map Department.



By: Rob Lectka

Date: 09/11/2023





MAP OF TERRITORY TO BE ANNEXED  
 TYPE 2 (O.R.C. 709.023)  
 FROM: LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO  
 TO: CITY OF POWELL, DELAWARE COUNTY, OHIO

BEING PART OF FARM LOTS 13 AND 14, SECTION 2,  
 TOWNSHIP 3, RANGE 19, U.S. MILITARY LANDS.

**LEGEND**

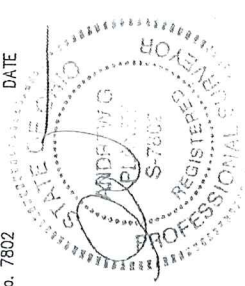
EXISTING CORP LINE ----- CORP. ---  
 PROPOSED CORP LINE -----  
 AREA TO BE ANNEXED [Hatched Box]

1289.36 FEET OF TOTAL BOUNDARY IS CONTIGUOUS TO THE CITY OF POWELL  
 3219.74 FEET IS THE PERIMETER OF TERRITORY TO BE ANNEXED  
 40.05% OF THE PERIMETER IS CONTIGUOUS TO THE CITY OF POWELL  
 TOTAL ACREAGE TO BE ANNEXED IS 6.357 ACRES  
 6000 FEET OF TOWNSHIP ROAD (STEITZ ROAD) IS AFFECTED BY THIS ANNEXATION  
 0 FEET OF COUNTY ROAD IS AFFECTED BY THIS ANNEXATION  
 THIS ANNEXATION DOES NOT CREATE ANY UNINCORPORATED ISLANDS.

I CERTIFY THAT I HAVE PREPARED THIS PLAT FROM RECORDS ON FILE AT THE RECORDER'S OFFICE AND THE MAP DEPARTMENT OF DELAWARE COUNTY, OHIO AND THAT THE SAID PLAT IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE. THIS PLAT DOES NOT REPRESENT AN ACTUAL FIELD SURVEY.

ANDREW G. PLANET, P.S. No. 7802  
 DATE 8-31-2023

By *Andrew G. Planet*  
 Rob Lectica 09/11/2023  
 Date

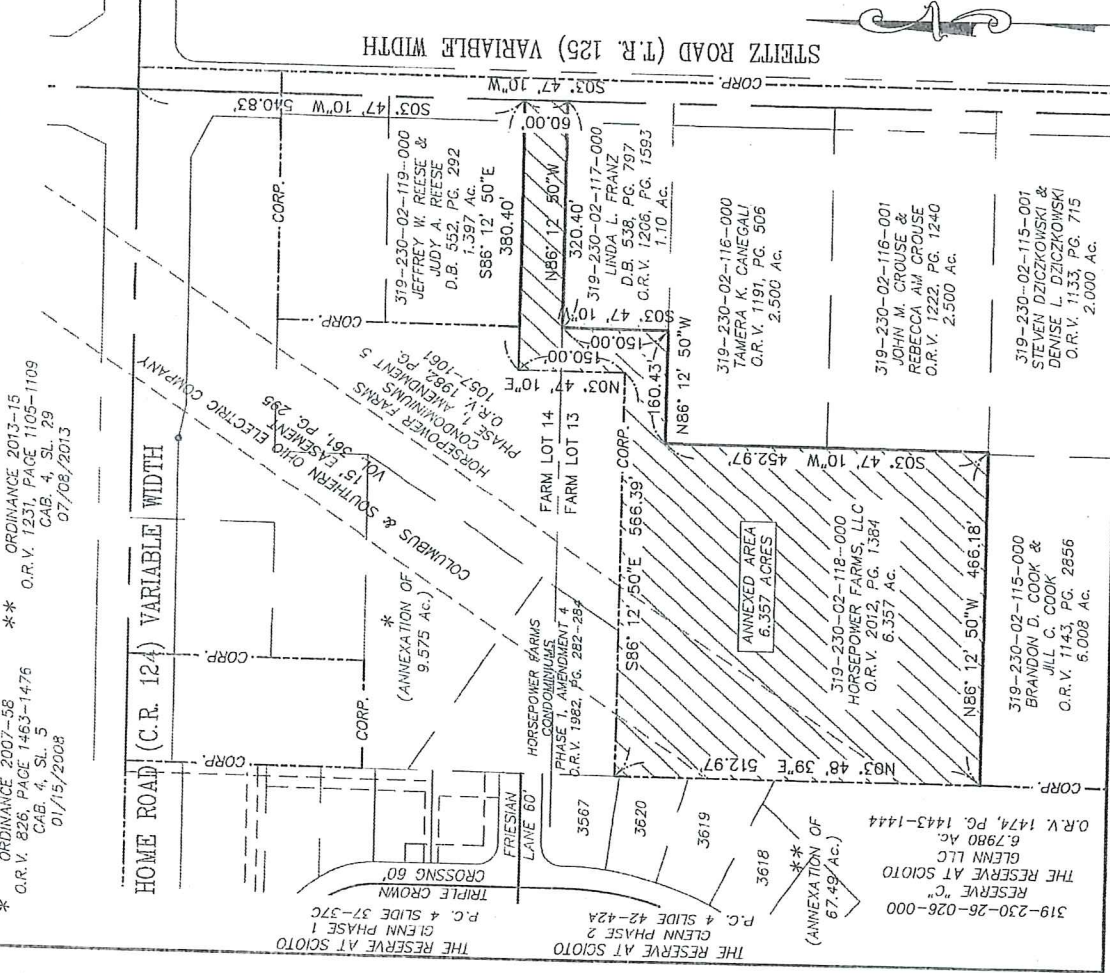


780 E. Smith Road Suite B  
 Medina, Ohio 44256  
 Phone: (330) 723-1828  
 RH Proj. No. 31,758

SURVEY PREPARED BY:  
  
**ROLLING & HOYER INC.**  
 A Geo Innovation Group Affiliate

**GRAPHIC SCALE**  
 0 100 200 400  
 SCALE: 1 inch = 200 ft.

**BASIS OF BEARINGS:**  
 The bearings shown on this survey are based on the bearing of South 03°47'10" West for the centerline of Steitz Road.



\* ORDINANCE 2007-58  
 O.R.V. 826, PAGE 1463-1476  
 CAB. 4, SL. 5  
 01/15/2008

\*\* ORDINANCE 2013-15  
 O.R.V. 1237, PAGE 1105-1109  
 CAB. 4, SL. 29  
 07/05/2013

Parcel ID #	Owner Name	Owner Tax Mailing Address	Owner Mailing Address	Property Address or Site Address
319-230-02-118-000	Horsepower Farms LLC	356 West Olentangy Street, Powell, Ohio 43065	7560 Steitz Road, Powell, Ohio 43065	7560 Steitz Road, Powell, Ohio 43065
319-230-02-001-528	James L. Beeson	5873 Willow Bend Lane, Westerville, Ohio 43082	4301 Home Road, Powell, Ohio 43065	4301 Home Road, Unit 4A, Powell, Ohio 43065
319-230-02-001-550	6E LLC	Post Office Box 70, Gladwyn, Pennsylvania 19035	4301 Home Road, Powell, Ohio 43065	4301 Home Road, Unit 6E, Powell, Ohio 43065
319-230-02-119-000	Jeffrey W. & Judy Reese	Wells Fargo - N/A (Mortgage)	7540 Steitz Road, Powell, Ohio 43065	7540 Steitz Road, Powell, Ohio 43065
319-240-10-001-000	Golf Village Property Owners Association	3755 Attucks Drive, Powell, Ohio 43065	Hickory Rock Drive, Powell, Ohio 43065	Hickory Rock Drive, Powell, Ohio 43065
319-230-02-117-000	Linda L. Franz	Corelogics - N/A (Mortgage)	7570 Steitz Road, Powell, Ohio 43065	7570 Steitz Road, Powell, Ohio 43065
319-230-02-116-000	Tamera K. Canegali	7620 Steitz Road, Powell, Ohio 43065	7620 Steitz Road, Powell, Ohio 43065	7620 Steitz Road, Powell, Ohio 43065
319-230-02-116-001	John M. & Rebecca AM Crouse	7648 Steitz Road, Powell, Ohio 43065	7648 Steitz Road, Powell, Ohio 43065	7648 Steitz Road, Powell, Ohio 43065
319-230-02-115-001	Steven & Denise L. Dziczkowski	7690 Steitz Road, Powell, Ohio 43065	7690 Steitz Road, Powell, Ohio 43065	7690 Steitz Road, Powell, Ohio 43065
319-230-02-115-000	Brandon D. & Jill C. Cook	7700 Steitz Road, Powell, Ohio 43065	7700 Steitz Road, Powell, Ohio 43065	7700 Steitz Road, Powell, Ohio 43065
319-230-26-026-000	The Reserve at Scioto Glenn LLC	3755 Attucks Drive, Powell, Ohio 43065	Bachman Drive, Powell, Ohio 43065	Bachman Drive, Powell, Ohio 43065
319-230-26-003-000	Erik J. & Catherine A. Hohler	Letera - N/A (Mortgage)	2571 Triple Crown Xing, Powell, Ohio 43065	2571 Triple Crown Xing, Powell, Ohio 43065
319-230-26-002-000	James R. & Nancy B. Staack	2587 Triple Crown Xing, Powell, Ohio 43065	2587 Triple Crown Xing, Powell, Ohio 43065	2587 Triple Crown Xing, Powell, Ohio 43065
319-230-26-001-000	Jayur S. & Priya J. Patel	Corelogics - N/A (Mortgage)	2594 Triple Crown Xing, Powell, Ohio 43065	2594 Triple Crown Xing, Powell, Ohio 43065