

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
COMMISSIONERS

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.



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.

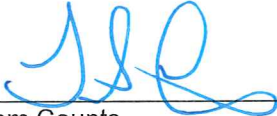
NOW THEREFORE BE IT RESOLVED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

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.

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

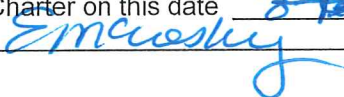
8-6-2024

Date

EFFECTIVE DATE: August 6, 2024

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

Clerk

~~8-7-2024~~ 8-7-2024


City



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

**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

Powell Community Improvement Corporation

ADDRESS

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;

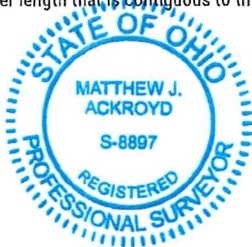
North 2°02'19" East, with the easterly line of said "Wedgewood Park", a distance of 298.00 feet to a point;

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.


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



Supervisor *Aysel Shamsi*

Date *5/15/24*

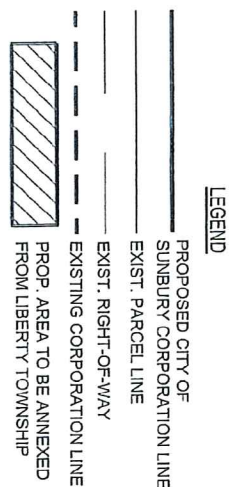


764146_Frost Brown Todd_W Powell
Road_Annexation_2.052-AC



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



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. B. Bauserman
SUPERVISOR Angel Stone
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:

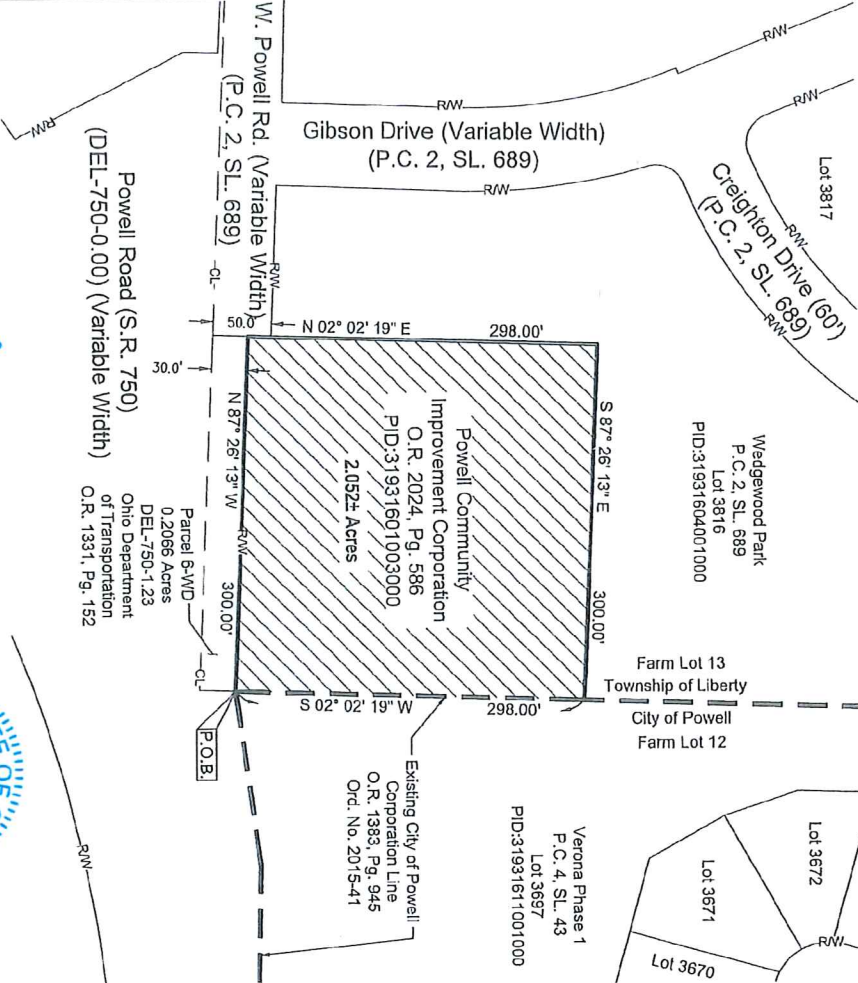
TOTAL PERIMETER OF ANNEXATION AREA IS 1196± FT. OF WHICH 298±
FEET IS CONTIGUOUS WITH THE CITY OF POWELL, BY ORDINANCE
NUMBER 2015-41 AND GIVING 24.92% CONTIGUITY WITH THE EXISTING
CITY OF POWELL CORPORATION LINE.

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 AUDITOR'S
OFFICE, AND IS NOT INTENDED FOR THE TRANSFER OF REAL
PROPERTY



Parcel 8-W/D
0.2066 Acres
DEL-750-1.23
Ohio Department
of Transportation
O.R. 1331, Pg. 152

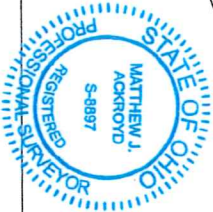
Wedgewood Park
P.C. 2, S.L. 689
Lot 3816
PID:31931604001000

Farm Lot 13
Township of Liberty
City of Powell
Farm Lot 12

Verona Phase 1
P.C. 4, S.L. 43
Lot 3697
PID:31931611001000

Existing City of Powell
Corporation Line
O.R. 1383, Pg. 945
Ord. No. 2015-41

MATTHEW J. ACKROYD, OHIO PS NO 8897
5/14/24
DATE



Annexation
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

WEDGEWOOD PARK OWNERS
ASSOCIATION

VERONA LLC

Address

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

VERONA MASTER HOA
PO BOX 395
GROVE CITY OH 43123
USA