

Delaware County Commissioners



Barb Lewis
Gary Merrell
Ken O'Brien

County Administrator
Timothy C. Hansley

Clerk to the Commissioners
Jennifer Walraven

June 11, 2015

Sue Ross
City of Powell Clerk
47 Hall Street
Powell, OH 43065-8357

RE: Annexation of 43.8 acres
Liberty Township to City of Powell

Dear Ms. Ross:

The Delaware County Commissioners in Regular Session on June 11, 2015 adopted a Resolution granting Prayer of Petition for 43.8 acres, more or less, from Liberty Township to City of Powell.

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

If you have questions, please call me at 740-833-2105.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Dinovo".

Sarah Dinovo,
Assistant Clerk to the Commissioners



Delaware County Commissioners

Barb Lewis
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RESOLUTION NO. 15-704

IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 43.8 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

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

Whereas, on May 14, 2015, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Thomas L. Hart, agent for the petitioners, of 43.8 acres, more or less, in Liberty Township to the City of Powell; and

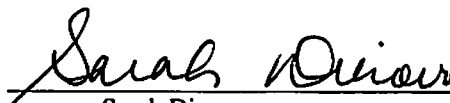
Whereas, ORC Section 709.023-Expedited Type 2 Annexation Petition; Petitions By All Property Owners With Or Without Consent of Municipality & Township(s) – If the Municipality or Township does not file an objection within 25 days after filing of annexation, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation; 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;

Therefore, Be It Resolved, the Delaware County Board of Commissioners grants the annexation petition request to annex 43.8 acres, more or less, in Liberty Township to the City of Powell.

Vote on Motion Mrs. Lewis Aye Mr. O'Brien Aye Mr. Merrell Aye

I, Sarah Dinovo, Assistant Clerk to the Board of 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 June 11, 2015 and appearing upon the official records of the said Board.



Sarah Dinovo
Assistant Clerk to Commissioners

FILED
MAY 14 2015

**EXPEDITED TYPE II PETITION FOR ANNEXATION (SECTION 709.023)
TO THE CITY OF POWELL OF 43.8+/- ACRES, MORE OR LESS,
FROM LIBERTY TOWNSHIP**

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

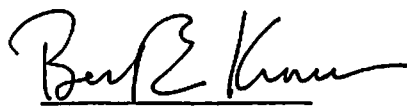
The undersigned, petitioner in the premises, and being THE SOLE OWNER OF REAL ESTATE in the territory described, consisting of 43.88 acres, more or less, with a total length of the annexation perimeter of 6,587.39 feet, more or less, in the Township of Liberty, which area is contiguous along 5,364.45 feet, or 81% 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 (1) OWNER OF REAL ESTATE.

Thomas L. Hart, whose address is Isaac Wiles Burkholder & Teetor LLC, Two Miranova Place, Ste. 700, Columbus, Ohio 43215, is hereby appointed agent for the undersigned Petitioner, as required by Section 709.02 of the Revised Code of Ohio. 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.

"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>
 By: Sawmill Seldom Seen LLC	4300 (E. Fifth Ave.) Columbus, OH 43219	5/7/15

2015 MAY 14 AM 8:57

DELAWARE COUNTY
ENGINEER

EXHIBITS

Exhibit A= Legal Description

Exhibit B= Plat Map

Exhibit C= Adjacent Parcel Owner List

2987974.1 : 05737 00007

Exhibit A

EXPEDITED TYPE 2 ANNEXATION DESCRIPTION 43.88 ACRES

Situated in the State of Ohio, County of Delaware, Township of Liberty, located in Farm Lots 35, 36, and 37, Quarter Township 4, Township 3, Range 19, and Farm Lot 10, Quarter Township 3, Township 3, Range 19, United States Military Lands and being all of lots 3414, 3415, 3416 and 3417 of that Subdivision Plat entitled Seldom Seen Acres of record in Plat Cabinet 2, Slides 245, 245A and 245B as conveyed to Sawmill Seldom Seen LLC, by deeds of record in Official Record 1122, Page 1522 and Official Record 1122, Page 1525, and all of Revere Court as dedicated in said Seldom Seen Acres Plat and part of Seldom Seen Road as dedicated in said Seldom Seen Plat, and part of Seldom Seen Road as dedicated in Plat Cabinet 3, Slide 428 and part of the C.S.X. Transportation (Railroad) tract (all references refer to the records of the Recorder's Office, Delaware County, Ohio) and described as follows:

Beginning at a point in the existing southerly right-of-way line of Seldom Seen Road, being a northwesterly corner of said Lot 3417, being in the existing City of Powell Corporation Line as established in Ordinance Number 2009-16 and of Record in Official Record 907, Page 341;

thence North $02^{\circ} 45' 07''$ East, with said Corporation Line (2009-16), across said Seldom Seen Road, a distance of 60.00 feet, to a point in the existing corporation line of the City of Powell as established in Ordinance Number 2002-30 and of record in Plat Cabinet 2, Slide 790, and the old northerly right-of-way line of Seldom Seen Road;

thence South $87^{\circ} 14' 53''$ East, with said Corporation Line (2002-30) and the old northerly right-of-way line of Seldom Seen Road, a distance of 851.85 feet, to a point in the existing City of Powell corporation line as established in Ordinance Number 92-05 and of record in Plat Cabinet 1, Slide 95, the easterly line of said C.S.X. Transportation tract, the westerly line of the tract conveyed to the City of Powell of record in Official Record 209, Page 1299;

thence South $19^{\circ} 27' 24''$ East, with said Corporation Line (92-05) and with the existing City of Powell as established in Ordinance Number 92-21 and of record in Plat Volume 23, Page 153-157, and the westerly line of the Ammended Subdivision Plat of John D. Wolf Commerce Park Section No.1 of record in Plat Cabinet 2, Slide 180-180A, a distance of 1531.20 feet, to the northwesterly corner of the 1.29 acre tract conveyed to J & C Limited Partnership of record in Official Record 132, Page 549, and the southwesterly corner of said Plat Cabinet 2, Slide 180-180A, on the southerly line of Farm Lot 35;

thence North $87^{\circ} 17' 36''$ West, with the southerly line of Farm Lot 35, and said Corporation Line (90-21), across said C.S.X. tract, and with the northerly line of the 12.494 acre tract conveyed to The Village of Powell Ohio by deed of record in Deed Book 630, Page 779, and with the northerly line of The Woods At Big Bear Farms Condominium 2nd Amendment of record in Plat Cabinet 2, Slide 111-111E, The Woods At Big Bear Farms Condominium 1st Amendment of record in Plat Cabinet 2, Slide 48-76I, and The Woods At the Big Bear Farms Condominium of record in Plat Cabinet 2, Slide 48-48M, a distance of 1751.73 feet to the southwesterly corner of Farm Lot 35;

thence South $02^{\circ} 25' 06''$ West, with said Corporation Line (90-21) the westerly line of said The Woods At Big Bear Farms Condominium, a distance of 67.35 feet, to a southeasterly corner of said Lot 3414;

thence North $87^{\circ} 32' 52''$ West, with the northerly line of Lot 3272 of Big Bear Farms Section 7 of record in Plat Cabinet 2, Slide 137, 137A and 137B, a distance of 37.05 feet, to a point in the easterly right-of-way line of Sawmill Parkway, as shown on said Big Bear Farms Section 7, on the arc of a curve;

Thence with the easterly right-of-way line of said Sawmill Parkway, the following courses and distances:

**EXPEDITED TYPE 2
ANNEXATION DESCRIPTION
43.88 ACRES**

-2-

with a curve to the left, having a central angle of 16° 26' 38", a radius of 1275.00 feet, an arc length of 365.93 feet, a chord bearing of North 19° 39' 02" West, a chord distance of 364.67 feet, to a point of tangency;

North 27° 52' 21" West, a distance of 40.25 feet to the southwesterly corner of Lot 3413 of said Seldom Seen Acres as conveyed to SSA LTD. by deed of record in Official Record 1122, Page 1528;

Thence with the southerly line of said lot 3413, the following courses and distances;

with a curve to the right, having a central angle of 24° 41' 25", a radius of 280.00 feet, an arc length of 120.66 feet, a chord bearing of North 80° 06' 50" East, a chord distance of 119.73 feet, to a point of tangency;

South 87° 32' 28" East, a distance of 191.99 feet to a southeasterly corner thereof;

thence North 27° 52' 21" West, with an easterly line of said Lot 3413, a distance of 467.06 feet, to a point in the southerly right-of-way line of Sawmill Drive and said existing corporation line (2009-16);

thence South 87° 32' 28" East, with said Corporation Line and with said southerly right-of-way line of Sawmill Drive, a distance of 366.38 feet, to a point;

Thence with the perimeter of Bunker Lane and with said Corporation Line (2009-16), the following courses and distances;

South 02° 45' 07" West, a distance of 16.08 feet, to a point;

South 87° 14' 53" East, a distance of 60.00 feet, to a point;

North 02° 45' 07" East, a distance of 619.86 feet, to a point;

South 87° 14' 53" East, a distance of 20.00 feet, to a point;

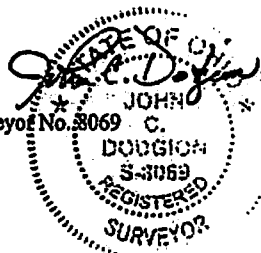
North 02° 45' 07" East, a distance of 20.00 feet, to the Point of Beginning, and containing 43.88 acres of land, more or less.

The total perimeter of annexation for this description is 6587.39 feet, of which 5364.45 feet is contiguous with the City of Powell by Ordinance Numbers 90-21, 2009-16, 2002-30, and 92-05, giving 81% perimeter contiguity. This annexation does not create any unincorporated islands.

This document was prepared from existing records and is to be used for annexation purposes only.

EVANS, MECHWART, HAMBLETON AND TILTON, INC.

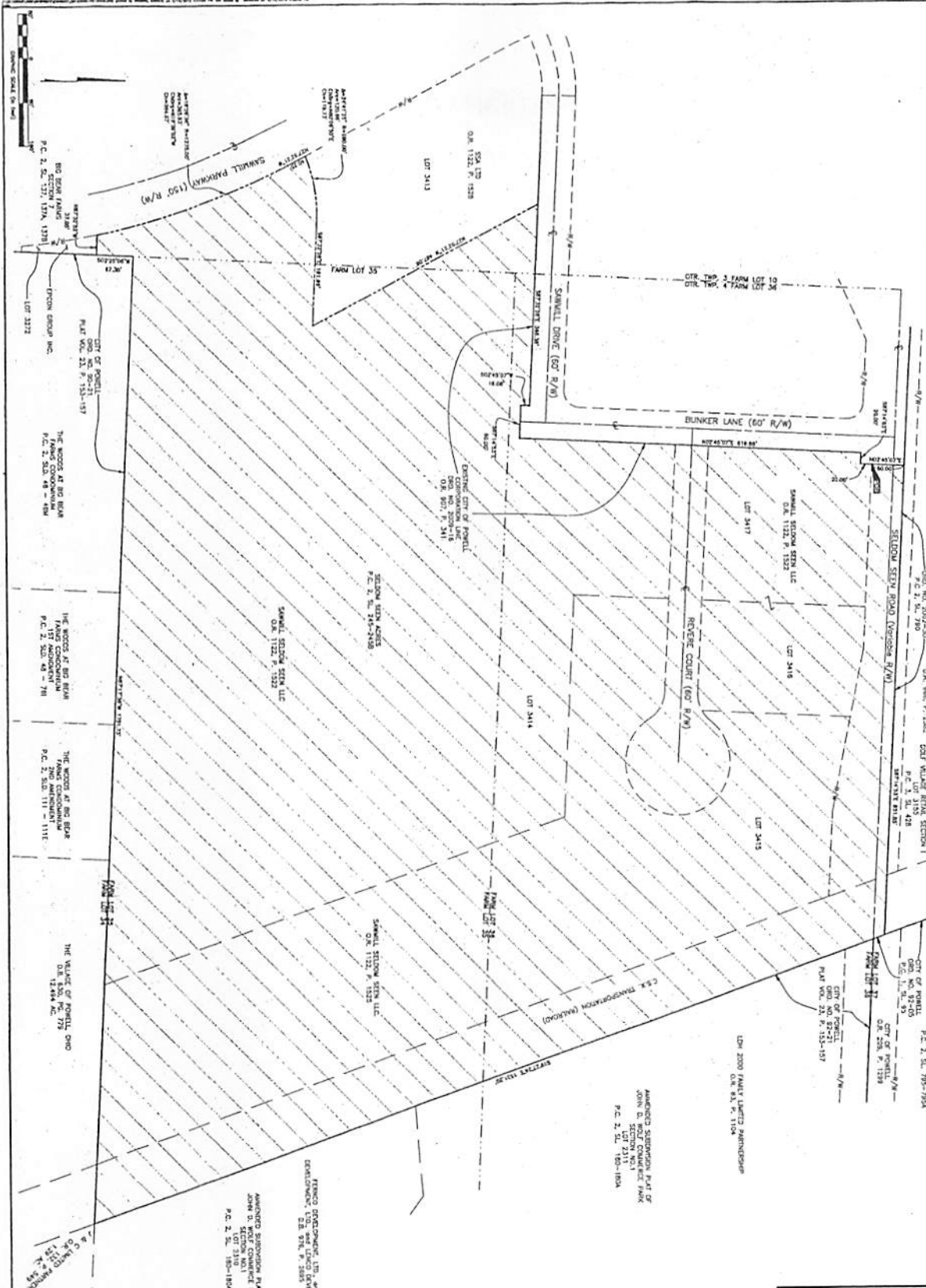
John C. Dodgion
Professional Surveyor No. 3069



Date

02/24/2015

**43.88 ACRE ANNEXATION EXHIBIT
FROM LIBERTY TOWNSHIP 3, TOWNSHIP 3, RANGE 19, FARMLOTS 35, 36, AND 37, QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 19
LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO**



LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE

NOTE: This exhibit was prepared from record information from the Delaware County Recorder's Office and is not intended for the purpose of a deed or other instrument.

NOTE: The annexation does not create any unrecorded areas.

NOTE: The proposed Type 2 Annexation is subject to the approval of the Board of Health and the Board of Public Works.

NOTE: The total perimeter of the annexation area is 2,534.45 feet. It complies with Ordinance No. 2009-16, 2009-20, and 83-02) along 81% perimeter compliance.

DESIGNING CITY OF POWELL CORP. LINE
PROPOSED CITY OF POWELL CORP. LINE
AREA TO BE ANNEXED

ANNEXED NO. 010 NO. 2014-2015
PROPOSED ANNEXATION OF 43.88 ACRES
TO THE TOWNSHIP OF POWELL, OHIO
LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO
DATE: 1/14/2015

ANNEXED SUBDIVISION, PART OF SECTION NO. 11, TOWNSHIP 3, RANGE 19, LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO
SECTION NO. 11
DATE: 1/14/2015



EMHHT
 Date: February 19, 2015
 Scale: 1" = 80'
 Project No: 2014-2015
 Drawing No: 1 of 1
 Title: ANNEXATION EXHIBIT

EXHIBIT C

ADJACENT PARCEL OWNERS

Subject Parcels to be Annexed:

1. #31942302002000
9121 Sawmill Parkway
Powell, OH 43065
Sawmill Seldom Seen LLC
4300 East Fifth Avenue
Columbus, OH 43219
2. #31942302001000
8957 Bunker Lane
Powell, OH 43065
Sawmill Seldom Seen LLC
4300 East Fifth Avenue
Columbus, OH 43219
3. #31942302001002
3280 Revere Court
Powell, OH 43065
Sawmill Seldom Seen LLC
4300 East Fifth Avenue
Columbus, OH 43219
4. #31942302001003
8882 Revere Court
Powell, OH 43065
Sawmill Seldom Seen LLC
4300 East Fifth Avenue
Columbus, OH 43219

Adjacent Parcels:

1. #31942202051000
Seldom Seen Road
Powell, OH 43065
City of Powell
47 Hall St
Powell, OH 43065

2. #31931401023000
3474 Sawmill Drive
Powell, OH 43065
Realty Income Properties 24 LLC
3474 Sawmill Drive
Powell, OH 43065
3. #31931401022001
2.996 Acres, Lot 3413 Seldom Seen Acres
Sawmill Parkway
Powell, OH 43065
SSA Ltd.
Sawmill Parkway
Powell, OH 43065
4. #31931401023001
1.859 Acres, Lots 4497 Seldom Seen Acres
Realty Income Properties 24 LLC
Sawmill Road
Powell, OH 43065
5. #31942305003000
425 Village Park Drive
Powell, OH 43065
Fernco Development Ltd.
425 Village Park Drive
Powell, OH 43065
6. #31942305002000
489 Village Park Drive
Powell, OH 43065
LDH 2000 Family Limited Partnership
c/o Countryside Construction
P. O. Box 389
Delaware, OH 43015
7. #31942601002001
321 Bear Woods Drive
Powell, OH 43065
Village of Powell
47 Hall Street
Powell, OH 43065

8. #31942601002537
340 Park Woods Lane
Powell, OH 43065
Paul A. Bischoff
340 Park Woods Lane
Powell, OH 43065
9. #31942601002554
335 Bear Woods Drive
Powell, OH 43065
Continuing Partners Limited Partnership
335 Bear Woods Drive
Powell, OH 43065
10. #31942601002527
393 Park Woods Lane
Powell, OH 43065
Julia Baranova Benet
393 Park Woods Lane
Powell, OH 43065