

Delaware County Commissioners



Jeff Benton
Barb Lewis
Gary Merrell

County Administrator
Ferzan M. Ahmed

Clerk to the Commissioners
Jennifer Walraven

January 10, 2017

Karen Mitchell
City of Powell Clerk
47 Hall Street
Powell, OH 43065



RE: Annexation of 108.851 acres
Liberty Township to City of Powell

Dear Ms. Mitchell:

The Delaware County Commissioners in Regular Session on January 9, 2017 adopted a Resolution granting Prayer of Petition for 180.851 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,

Sarah Dinovo,
Assistant Clerk to the Commissioners



Delaware County Commissioners

Jeff Benton
Barb Lewis
Gary Merrell

County Administrator
Ferzan M. Ahmed

Clerk to the Commissioners
Jennifer Walraven


RESOLUTION NO. 16-1272

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, THOMAS L. HART, WITH ISAAC, WILES, BURKHOLDER & TEETOR LLC., REQUESTING ANNEXATION OF 108.851 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

It was moved by Mr. Benton, seconded by Mr. Merrell to acknowledge that on December 9, 2016, the Clerk to the Board of Commissioners received an annexation petition request to annex 108.851 acres from Liberty Township to the City of Powell.

Vote on Motion Mrs. Lewis Aye Mr. Benton 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 Commissioners of Delaware County duly adopted December 15, 2016 and appearing upon the official records of the said Board.


Sarah Dinovo
Assistant Clerk to Commissioners



Delaware County Commissioners

Jeff Benton
Barb Lewis
Gary Merrell

County Administrator
Ferzan M. Ahmed

Clerk to the Commissioners
Jennifer Walraven

RESOLUTION NO. 17-09

IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 108.851 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

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

Whereas, on December 9, 2016, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Thomas L. Hart, agent for the petitioners, of 108.851 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 108.851 acres, more or less, in Liberty Township to the City of Powell.

BE IT FURTHER RESOLVED that the Delaware County Board of Commissioners hereby directs the Clerk of the Board to deliver a certified copy of the entire record of the annexation proceedings, including all resolutions of the Board, signed by a majority of the members of the Board, the petition, map, and all other papers on file, and the recording of the proceedings, if a copy is available, to the auditor or clerk of the City of Powell.


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


Barb Lewis
County Commissioner


Gary Merrell
County Commissioner


Jeff Benton
County Commissioner

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 Commissioners of Delaware County duly adopted January 9, 2017 and appearing upon the official records of the said Board.


Sarah Dinovo
Assistant Clerk to Commissioners

**EXPEDITED TYPE II PETITION FOR ANNEXATION (SECTION 709.023)
TO THE CITY OF POWELL OF 108.851+/- ACRES, MORE OR LESS,
FROM LIBERTY TOWNSHIP**

*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 108.851 acres, more or less, with a total length of the annexation perimeter of 10,772 feet, more or less, in the Township of Liberty, which area is contiguous along 2,629 feet, or 24.4% 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 petitioners state that there are within the territory so prayed to be annexed THREE (3) OWNERS 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 Petitioners, 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."

Delaware County Commissioners
101 N Sandusky St.
Delaware, OH 43015-1732

12-9-16/9:42
JmW Am

NAME

ADDRESS

DATE


Jerry L. Smith

27270 Claibourne Rd.
Richwood, OH 43344

12.6.2016


Robert L. Smith

8126 Shannon Glen Blvd.
Dublin, OH 43016

12.6.2016


Timothy K. Shelly

8260 Steitz Road
Powell, OH 43065

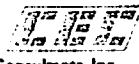
12.6.2016

EXHIBITS

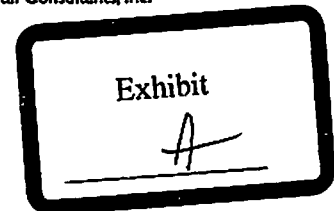
Exhibit A= Legal Description

Exhibit B= Plat Map

Exhibit C= Adjacent Parcel Owner List



**DESCRIPTION OF PROPOSED ANNEXATION OF
108.851 ACRE TRACT
FROM LIBERTY TOWNSHIP TO CITY OF POWELL
DELAWARE COUNTY, OHIO**



Situated in the State of Ohio, County of Delaware, Township of Liberty, located in Farm Lots 5, 8, and 10, Section 2, Township 3, Range 19, United States Military Lands, and part of 32.794 acres and 5.001 acres, as described in deed to Jerry L. Smith and Robert L. Smith, of record in Official Record Volume 1352, Page 700, and part of that 32.807 acres as described in deed to Jerry L. Smith and Robert L. Smith, of record in Official Record Volume 1352, Page 703, and part of that 44.9 acres described in deed to Timothy K. Shelly, of record in Deed Volume 547, Page 238, all being of record in the Recorder's Office, Delaware County, Ohio and being more particularly described as follows:

BEGINNING at a common corner of said 32.794 acre tract and the Golf Village Subdivision, Section 5 Phase B of record Plat Cabinet 3, Slide 597 and southerly line of Golf Village Section 7 Phase A of record in Plat Cabinet 3, Slide 3 and, said corner being an angle point in the existing City of Powell Corporation Line as established by Ordinance Number 2002-30 and of record in Cabinet 2, Slide 790;

Thence, South 03°06'16" West along the said corporation line and common line of said Golf Village Subdivision, Section 5 Phase B and Golf Village Section 5 Phase A of record in Plat Cabinet 3, Slide 387, a distance of 1316.47 feet to a common corner of said 32.807 acre tract and of a 23.11 acre tract conveyed to Glenna E. Miller in Deed Book 323, Page 74, and Deed Book 578, Page 972;

Thence North 86°16'16" West, along the common line of said 32.807 acre tract, 23.11 acre tract, and a 1.89 acre tract as conveyed to Glenna E Miller of record in Deed Volume 978, Page 972, and the proposed corporation line, a distance of 2298.54 feet to the East right of way line of Township Road 125 (Steitz Road);

Thence North 03°00'00" East, along said East right of way, and along the proposed corporation line, a distance of 150.34 feet a point;

Thence, North 86°33'10" West, leaving said East right of way and with the northerly line of a 5.001 acre tract, as described in deed to Timothy K. Shelly, of record in Deed Volume 781, Page 2874, and along the proposed corporation line, a distance of 560.00 feet to a point;

Thence, with said 5.001 acres, and along the proposed corporation line, the following courses:

North 03°54'35" East, a distance of 55.00 feet, to a point;

North 86°33'10" West, a distance of 479.53 feet, to a point;

South 03°54'35" West, a distance of 303.00 feet, to a point in the southerly line of said Farm Lot 10 and said 44.9 acres, and also being on a line common to said 5.001 acres, and Lot 3631, as shown in Double N Subdivision No. 1, of record in Plat Cabinet 2, Slide 563, and described in deed to Lawrence R. Alldritt, of record in Deed Volume 873, Page 2579;

Thence, South 90°00'00" West, with a line common to said 44.9 acres, and in part with said Lot 3631, and in part with a 5.001 acre tract described in deed to Gary M. Clark, of record in Deed Volume 1135, Page 2770, and along said farm lot line, and along the proposed corporation line, a distance of 425.97 feet, to a point;

Thence, North 03°30'00" East, along a line common to said 44.9 acres, and an original 20.527 acre tract as described in deed to Terry R. Imar, of record in Deed Volume 591, Page 15 to, a distance of 1367.85 feet, to a point at a corner common to said 44.9 acres, said 20.527 acres, and Lot 4730 as shown in Liberty Village, of record in Plat Cabinet 3, Slide 639, and also being on a line common to said Farm Lot 10, and said Farm Lot 11;

Thence, South 89°39'00" East, in part with said common lines, and along the proposed corporation line, a distance of 1465.50 feet, to a point in the East right-of-way of said Township Road 125 (Steitz Road);

Thence, North 03°00'00" East, with said east right of way of Township Road 125 (Steitz Road) and along the proposed corporation line, a distance of 62.99 feet, to a point on a common line to said 32.794 acres and a 1.138 acre tract described in Official Record Volume 591, Page 15 and conveyed to Gregory K. Ackers;

Thence South 86°05'23" East, along the common line of said 32.794 acres, said 1.138 acres, Windsong Subdivision of record in Plat Cabinet 3, Slide 574, and said Golf Village Section 7 Phase A, and passing the angle point of the existing City of Powell Corporation Line at a distance of 990.39 feet, a total distance of 2301.04 feet to the TRUE POINT OF BEGINNING, containing 108.851 acres more or less.

There being approximately 50.31 acres in said Farm Lot 8 and approximately 20.15 acres in said Farm Lot 5, and 38.39 acres in said Farm Lot 10.

2629 lineal feet of the 10,772 lineal feet herein described (24.4%), is contiguous with the existing City of Powell corporation line.



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read "Mark Alan Smith".

10/12/2016

Mark Alan Smith P.S.
Registered Surveyor No. 8232

Date

County Engineer
Delaware County, Ohio

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

CHRIS E. BAUSERMAN, P.E., P.S.
County Engineer


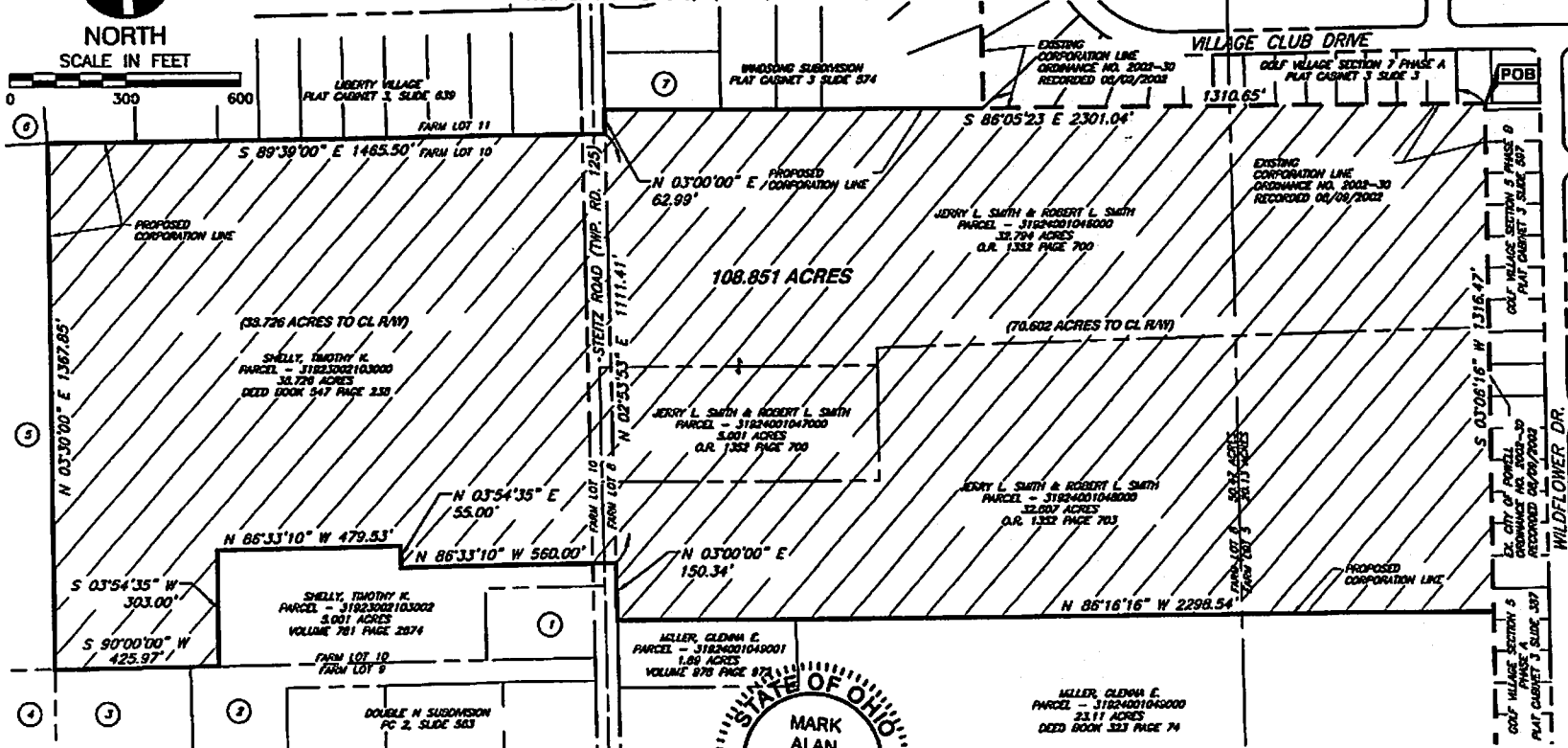
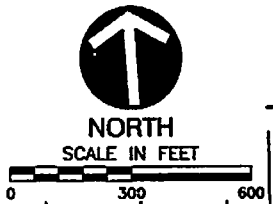
By  Date 10-17-16


Exhibit
B

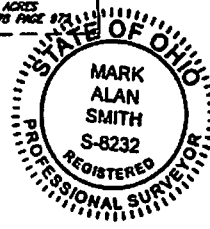
MAP OF TERRITORY TO BE ANNEXED FROM LIBERTY TOWNSHIP TO CITY OF POWELL

SITUATED IN THE STATE OF OHIO, COUNTY OF DELAWARE, TOWNSHIP OF LIBERTY
PART OF FARM LOTS 5, 8, & 10, TOWNSHIP 3, SECTION 2, RANGE 19 OF THE UNITED STATES MILITARY LANDS



- ① SHELLEY, TIMOTHY K. PARCEL - 31823002103001 1.173 ACRES VOLUME 600, PAGE 200
- ② ALDRITZ, LAWRENCE R & GETHMAY D PARCEL - 3182300200003 LOT 3631 VOLUME 673, PAGE 2570
- ③ CLARK, GARY M & TAMARA PARCEL - 3182300200000 5.001 ACRES VOLUME 1133, PAGE 2770
- ④ BARR, TERRY R & PAUL ALDIS PARCEL - 3182300200000 7.81 ACRES VOLUME 581, PAGE 15
- ⑤ BARR, TERRY R & PAUL ALDIS PARCEL - 3182300200000 12.483 ACRES VOLUME 581, PAGE 15
- ⑥ 7TH AMENGE, WELFARE AT SCOTD RESERVE CONDOMINIUM PARCEL - 31823002100542 1.008 ACRES VOLUME 594, PAGE 3103
- ⑦ ACKERS, GREGORY K. PARCEL - 31824001043001 1.132 ACRES VOLUME 33, PG. 2226

I hereby certify the within to be a true copy of the document that is on file in the Map Department.
CHRIS E. BAUSERMAN, P.E., P.S.
County Engineer
By:  Date 10/17/16




LEGEND
 --- EXISTING CORPORATION LINE
 - - - PROPOSED CORPORATION LINE
 - - - EXISTING RIGHT-OF-WAY
 // // // PROPOSED CORPORATION AREA

CONTIGUITY CALCULATION
 2629 LINEAL FEET OF PERIMETER IS CONTIGUOUS WITH THE EXISTING CORPORATION LINE OF THE CITY OF POWELL.
 A TOTAL OF 10,772 LINEAL FEET OF ANNEXED PERIMETER.
 24.4% OF THE PERIMETER OF THE ANNEXED AREA IS CONTIGUOUS TO THE EXISTING CITY OF POWELL CORPORATION LINE.

NO ISLAND OF UNINCORPORATED AREA IS BEING CREATED WITH THIS ANNEXATION.
 THIS ANNEXATION PLAT IS A GENERAL DESCRIPTION OF THE LOCATION OF PROPERTY TO BE ANNEXED AND IS NOT A BOUNDARY SURVEY AS DEFINED IN THE O.A.C. CHAPTER 4733-37.

 10/12/2016
 MARK ALAN SMITH, P.S.
 PROFESSIONAL SURVEYOR 8232

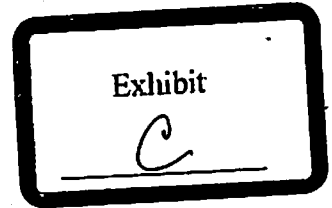
SURVEYOR'S NOTE:
 ALL BEARINGS AND DISTANCES SHOWN ON THIS SURVEY ARE PER DEED OF RECORD AND NOT THE RESULT OF AN ACTUAL BOUNDARY SURVEY.

 Civil & Environmental Consultants, Inc. 250 Old Wilson Bridge Road · Suite 250 · Worthington, OH 43085 614-540-6633 · 688-698-6803 www.cecinc.com	PULTE GROUP STEITZ ROAD LIBERTY TOWNSHIP DELAWARE COUNTY, OHIO	
	ANNEXATION PLAT	
DRAWN BY: JEC DATE: OCTOBER 2016	CHECKED BY: JWC DWG SCALE: 1"=300'	APPROVED BY: MAS PROJECT NO: 152-227
		DRAWING NO.: 1 OF 1

A:\10151\152-227-Survey\Draw\152227-010-ANNEX-01.dwg [AutoCAD] 15/10/12/2016 - (P:\P\A) - LF: 10/12/2016 11:36 AM

Exhibit C - Annexation Petition 108.853 ac

3522559v1



Petition Parcel Owners

31924001046000 Smith, Robert & Smith, Jerry
31924001047000 Smith, Robert & Smith, Jerry
31924001048000 Smith, Robert & Smith, Jerry
31923002103000 Shelly, Timothy K.

Steitz Road, Powell, OH 43065
8213 Steitz Road, Powell, OH 43065
Steitz Road, Powell, OH 43065
Steitz Road, Powell, OH 43065

Adjacent Parcel Owners

Parcel No.	Owner
31924001045001	Ackers, Gregory & Annamaria Bory-Ackers
31923002099003	Aldritt, Lawrence & Bethany
31923023002000	Badiga, Vijaya & Madhuri Mushunuri
31923002106562	Baynton, Fay
31923002106561	Brubaker, A. Steele
31923002089000	Clark, Gary & Tamara Osborn-Clark
31923002106560	Fazio, Christopher
31923021009000	Fredell, Jeremy & Samantha
31923023004000	Fuller-Napier, Stormi
31923002086000	Imar, Terry & Pati, Alexis
31923002085000	Imar, Terry & Pati, Alexis
31923023006000	Lewis, Joseph & Andrea
31923023009000	Loeper, Sandra & Cox, Virginia
31923002106557	Mancinotti, Paul & Rebecca
31923002106563	Mort, Jane
31923002106559	Winner, Jaclyn & Stephen
31923002106559	Ross, James
31923023008000	Sapp, Andrew & Tara
31923002106558	Schwenk, Marlynn, Trustee
31923002103002	Shelly, Timothy K
31923002103001	Shelly, Timothy K
31923002103000	Shelly, Timothy K
31924001046000	Smith, Robert & Smith, Jerry
31924001048000	Smith, Robert & Smith, Jerry
31924001047000	Smith, Robert & Smith, Jerry

Address
8059 Steitz Road, Powell OH 43065
8304 Steitz Road, Powell, OH 43065
4388 Hunters Bend, Powell, OH 43065
8095 Farm Crossing Cir, Powell, OH 43065
8091 Farm Crossing Cir, Powell, OH 43065
4730 Rutherford Road, Powell, OH 43065
8099 Farm Crossing Cir., Powell, OH 43065
8090 Wolf Path Dr., Powell, OH 43065
4422 Hunters Bend, Powell, OH 43065
4808 Rutherford Road, Powell, OH 43065
4808 Rutherford Road, Powell, OH 43065
4460 Hunters Bend, Powell, OH 43065
4514 Hunters Bend, Powell, OH 43065
8121 Farm Crossing Cir., Powell, OH 43065
8083 Farm Crossing Cir., Powell, OH 43065
4364 Hunters Bend, Powell, OH 43065
8103 Farm Crossing Cir., Powell, OH 43065
4498 Hunters Bend, Powell, OH 43065
8125 Farm Crossing Cir., Powell, OH 43065
8260 Steitz Road, Powell, OH 43065
8296 Steitz Road, Powell, OH 43065
Steitz Road, Powell, OH 43065
Steitz Road, Powell, OH 43065
Steitz Road, Powell, OH 43065
8213 Steitz Road, Powell, OH 43065

31923002106564 Summerhill, Eileen, Trustee
31923023005000 Sybert, Curtis & Robin
31923023007000 Walker, John & Kellie
31923023003000 Yaeger, Darren Trustee & Renee Yaeger, Tr
31924021009000 Barcus, Todd & Amy
31924021013000 Bryant, Gregory & Lisa
31924011035000 Cady, Robert & Lisa
31924011037000 Dewitt, Jason & Pritz, Jennifer
31924011038000 Flaugher, Ryan & Melissa
31924011034000 Kelly, Kenneth & Megan
31924021014000 Magistrale, Nicholas & Amy
31924001049000 Miller, Glenna
31924001049001 Miller, Glenna
31924011033000 Paruchuri, Trivenkata & Madalapu, Ashalatha
31924021012000 Schumick, Margery & Anton
31924021010000 Shear, Kathleen & Christopher
31924021011000 Taylor, Christopher & Monique
31924011036000 Wilson, Joshua & Kacey
31924011039000 Woerth, Brian & Elizabeth
31924026008000 Bosma, Karen & Cordell
31924011031000 Chu Ping-Lang & Ching-Yi
31924011023000 Churchill, Donald & Michelle, Trustees
31924027002000 Dozer, Timothy & Laura
31924011014000 Fogle, Rachael
31924011027000 Golf Village Property Owners Association
31924011025000 Green, John & Heather
31924011020000 Jennings, Brian & Gosnell, Amy
31924011029000 Johnson, Jean
31924011016000 Johnson, Stuart & Patricia
31924011015000 Kominiarek, Jeffrey & McDougall, Jennifer
31924026007000 Kuhns, Ross & Suzanne
31924011011000 McKee, Stephen & Susan
31924011019000 Mesewicz, Mark
31924011022000 Meyer, James & Rebecca
31924027004000 Miller, Christopher & Tracy
31924011024000 Osborne, Derric & Mary

8079 Farm Crossing Cir., Powell, OH 43065
4442 Hunters Bend, Powell, OH 43065
4480 Hunters Bend, Powell, OH 43065
4406 Hunters Bend, Powell, OH 43065
8276 Wildflower Dr., Powell, OH 43065
8218 Wildflower Dr., Powell, OH 43065
8134 Wildflower Dr., Powell, OH 43065
8160 Wildflower Dr., Powell, OH 43065
8174 Wildflower Dr., Powell, OH 43065
8120 Wildflower Dr., Powell, OH 43065
8204 Wildflower Dr., Powell, OH 43065
8349 Steitz Road, Powell, OH 43065
3299 Steitz Road, Powell, OH 43065
8106 Wildflower Dr., Powell, OH 43065
8232 Wildflower Dr., Powell, OH 43065
8262 Wildflower Dr., Powell, OH 43065
8248 Wildflower Dr., Powell, OH 43065
8146 Wildflower Dr., Powell, OH 43065
8186 Wildflower Dr., Powell, OH 43065
4194 Village Club Dr., Powell, OH 43065
8078 Wildflower Dr., Powell, OH 43065
4364 Village Club Dr., Powell, OH 43065
4273 Hunters Bend, Powell, OH 43065
4238 Village Club Dr., Powell OH 43065
c/o Real Property Mgmt, 9054 Cotter St., Lewis Center, OH 43035
4394 Village Club Dr., Powell, OH 43065
4320 Village Club Dr., Powell, OH 43065
8050 Wildflower Dr., Powell, OH 43065
4162 Village Club Dr., Powell, OH 43065
4248 Village Club Dr., Powell, OH 43065
4120 Hunters Bend, Powell, OH 43065
4198 Village Club Dr., Powell, OH 43065
4306 Village Club Dr., Powell, OH 43065
4349 Village Club Dr., Powell, OH 43065
4215 Hunters Bend, Powell, OH 43065
4380 Village Club Dr., Powell, OH 43065

31924011028000 Pechinak, Michael & Maureen
31924011013000 Penn, Nelson & Robyn
31924011032000 Ramakkagari, Chenna & Duttala, Neelima
31924011021000 Regits, Willie, Trustee
31924027003000 Repasky, Jennifer
31924011018000 Smith, Andrew & Carlyn
31924011030000 Tebeau, William & Jodi
31924011012000 Tordoff, William & Shari
31924027001000 Windsong Homeowners' Association

8038 Wildflower Dr., Powell, OH 43065
4224 Village Club Dr., Powell, OH 43065
8092 Wildflower Dr., Powell, OH 43065
4334 Village Club Dr., Powell, OH 43065
4251 Hunters Bend, Powell, OH 43065
4290 Village Club Dr., Powell, OH 43065
8064 Wildflower Dr., Powell, OH 43065
4212 Village Club Dr., Powell, OH 43065
c/o Kevin Yates, 4210 Hunters Bend, Powell, OH 43065