

NOTICE OF FILING OF ANNEXATION PETITION


TO: Karen Mitchell, City Council Clerk
City of Powell
47 Hall Road
Powell, OH 43065

In accordance with the provisions of Section 709.03 of the Ohio Revised Code, you are hereby notified that, on the 13th day of March, 2019, the undersigned, as Agent for the Petitioners, filed an Annexation Petition in the office of the Board of County Commissioners of Delaware County, Ohio.

Said Petition prays for annexation to the City of Powell, Ohio, of 11.555 acres, more or less, in Liberty Township.

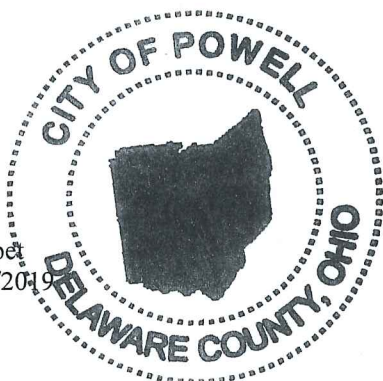
A copy of said Petition, with description and plat, is attached hereto and made a part hereof.

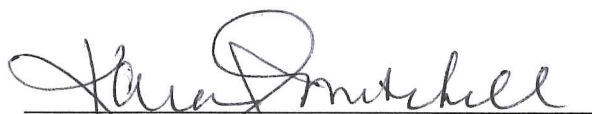
Dated: 3/13/19


Jackson B. Reynolds, III
Agent for Petitioners

RECEIPT OF THE AFOREMENTIONED DOCUMENT(S) IS HEREBY ACKNOWLEDGED
THIS 13 day of March, 2019.

rpdd-homerd-file.pet
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CLERK'S OFFICE

EXPEDITED TYPE II PETITION FOR ANNEXATION (SECTION 709.023)
TO THE CITY OF POWELL
OF 11.555 ACRES MORE OR LESS
IN THE TOWNSHIP OF LIBERTY

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


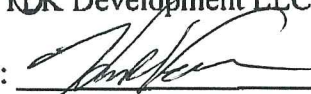
The undersigned, petitioners in the premises, and being ALL OF THE OWNERS OF REAL ESTATE in the territory hereinafter described, consisting of 11.555 acres with a total perimeter boundary of 3,214.17, more or less, in the Township of Liberty which area is contiguous along 715.53 or 22% and adjacent to 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 and made part hereof.

In support of said Petition, your petitioners state that there is/are within the territory so prayed to be annexed two (2) OWNER(S) OF REAL ESTATE.

Jackson B. Reynolds, III, whose address is 37 West Broad Street, Suite 460, Columbus, Ohio 43215, is hereby appointed Agent for the undersigned Petitioner(s), 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 the Petition and Plat. Said amendment shall be made by the presentation of an amended plat and description to the Board of County 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 THE SPECIAL ANNEXATION PROCEDURE SET FORTH IN SECTION 709.023, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR SAID SPECIAL ANNEXATION PROCEDURE.

<u>NAME</u>	<u>DATE</u>	<u>ADDRESS</u>
By: <u></u> TLK Development LLC	<u>2/28/19</u>	<u>267 N. Liberty St., Powell OH 43065</u>
By: <u></u> Horsepower Farms LLC	<u>3/1/19</u>	<u>356 W. Chertney St Powell OH 43065</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

RECEIVED
2019 MAR 13 AM 6:59
DELAWARE COUNTY
COMMISSIONERS

December 1, 2018

City of Powell
47 Hall Street
Powell, OH 43065
Attention: Steve Lutz

Dear Mr. Lutz:

Please accept this letter as confirmation of our appointment of John C. Wicks, member of Home Steitz LLC, as our Agent relating to all matters concerning the current and Annexation, Zoning, and Development Plan applications of our property known as Parcel Number 319-230-01-003-000. I hereby give Mr. Wicks the authority to sign relevant zoning applications, annexation applications, forms and other documents on our behalf, as required by the City of Powell or Delaware County, for the current annexation and zoning applications.

Sincerely,



Kim E. Kelsik
Authorized Member
TLK Development LLC

State of AZ County of PIMA

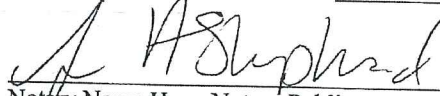
Subscribed and sworn to (or affirmed) before me

this 17th day of DECEMBER, 20 18

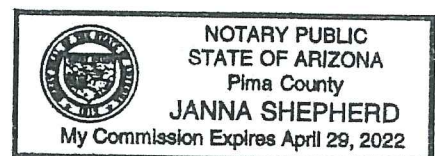
By JANNA SHEPHERD

Personally known _____ OR produced identification X

Type of identification produced AZ DL


Notary Name Here, Notary Public

My Commission Expires APRIL 29, 2022



**MINUTES OF ACTIONS
TAKEN IN WRITING AND WITHOUT A MEETING
BY THE SOLE MEMBER OF
HORSE POWER FARMS, LLC**

The undersigned, being the sole Member of Horse Power Farms, LLC, an Ohio limited liability company ("Company"), does hereby take the following actions in writing and without a meeting effective the 18th day of February, 2019, pursuant to Chapter 1705 of the Ohio Revised Code:

WHEREAS, the Company owns that certain real property located in the State of Ohio, County of Delaware, and Township of Liberty, consisting of 0.549 acres, more or less, being Delaware County tax parcel number 319-230-001-002, and located on Home Road in said Township ("ROW Parcel"); and

WHEREAS, the Company has entered into a certain Annexation and Reimbursement Agreement ("Annexation Agreement") under which it is contemplated that the ROW Parcel shall be annexed into the City of Powell, Ohio under conditions set forth in the Annexation Agreement ("Annexation");

The following resolutions regarding the Annexation and ratification of past actions taken on behalf of the Company are hereby approved:

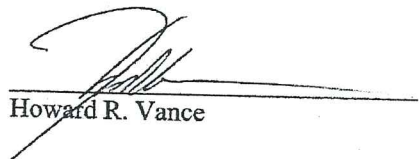
RESOLVED, that the Company be, and it hereby is, authorized and directed to, take such actions as are reasonably required to cause the Annexation to the extent required under the terms of the Annexation Agreement; and

FURTHER RESOLVED, that Howard R. Vance, as the sole Member of the Company, be, and he hereby is, authorized and directed to execute such documents relating to the Annexation as may be required under the terms of the Annexation Agreement and/or by the City of Powell, Ohio; and

FINALLY RESOLVED, that any and all past actions taken Howard R. Vance relating to the relating to the Annexation Agreement and/or the Annexation be, and they hereby are, ratified and adopted as if first set forth herein.

These minutes constitute a complete record of actions taken the sole Member of the Company to be effective on the date first set forth above.

MEMBER:


Howard R. Vance

David R Pearl
6982 Steitz Road
Powell, OH 43065
319-240-01-039-000
319-240-01-040-000

Jack A Price
Eula Gay
7294 Steitz Road
Powell, OH 43065
319-230-01-001-000

Jeanne & Brad Conrad
7344 Steitz Road
Powell, OH 43065
319-230-01-002-000

Jonathan A & Stacey A Petz
4320 Home Road
Powell, OH 43065
319-230-01-004-000

Scioto Reserve Master Association Inc.
3775 Attucks Drive
Powell, OH 43065
319-220-27-001-000

Tracie A Jenkins
4319 Home Road
Powell, OH 43065
319-230-02-001-001

Golf Village Property Owner
3755 Attucks Drive
Powell, OH 43065
319-240-10-006-000

Horsepower Farms LLC
4301 Home Road
Powell, OH 43065
319-230-02-001-000

Annexation Description
11.555 Acres
North side of Home Road (C.R. 124)
West side of Steitz Road (C.R. 125)

-1-

Situated in the State of Ohio, County of Delaware, Township of Liberty, Farm Lots 15 and 16, Quarter 2, Township 3, Range 19, being a 11.555 acre tract, said 11.555 acre tract being part of Parcel No. 2 as conveyed to TLK Development, LLC of record in Official Record 666, Page 198 and part of a 10.006 acre tract conveyed to Horsepower Farms, LLC of record in Official Record 1618, Page 732 and more particularly described as follows:

Beginning at a northeasterly corner of said Parcel No. 2, being the northwesterly corner of a tract of land conveyed to Jack A Price and Eula Gay Price of record in Official Record 243, Page 481, being in the northerly line of Farm Lot 16 and the southerly line of Farm Lot 30;

Thence **S 03° 26' 31" W**, along an easterly line of said Parcel No. 2, **160.00 feet** to a northeasterly corner thereof;

Thence **S 87° 01' 02" E**, along a northerly line of said Parcel No. 2, **109.50 feet** to a northeasterly corner thereof;

Thence **S 03° 22' 58" W**, along an easterly line of said Parcel No. 2, **150.05 feet** to a northeasterly corner thereof;

Thence **S 87° 00' 57" E**, along a northerly line of said Parcel No. 2, **245.30 feet** to a point, said point being in the westerly right-of-way line of Steitz Road as shown on (Del. C.R. 124-2.77) state Right-of-Way plans;

Thence across said Parcel No. 2 and along said westerly right-of-way line, the following four (4) courses;

S 03° 27' 51" W, 81.77 feet;

S 07° 16' 41" W, 150.34 feet;

S 03° 27' 51" W, 199.99 feet;

S 27° 31' 34" W, 60.83 feet to a point in the northerly right-of-way line of said Home Road as shown on (Del. C.R. 124-2.77);

Thence **S 03° 04' 35" W**, across said Parcel No. 2, across said 10.006 acre tract and across said Home Road, **75.00 feet** to a City of Powell Annexation Line (O.R. 826, Pg. 1463, Ord. No. 2007-58)

Thence **N 86° 55' 25" W**, across said 10.006 acre tract, with the northerly line of said City of Powell Annexation line, **715.53 feet** to a point in the westerly line of said 10.006 acre tract;

Thence **N 04° 02' 05" E**, along the westerly line of said 10.006 acre tract, **30.00 feet** to a northwesterly corner thereof, to the centerline of said Home Road and a common line of said Farm Lot 14 and said Farm Lot 15;

Thence **S 86° 55' 25" E**, along the center line of said Home Road and the common line of said Farm Lot 14 and said Farm Lot 15, **59.27 feet** to a point;

Thence **N 03° 26' 18" E**, across said 10.006 acre tract, across said Home Road and along the westerly line of said Parcel No. 2, **841.02 feet** to a northwesterly corner thereof, being in the northerly line of said Farm Lot 16 and the southerly line of Farm Lot 30;

Annexation Description
11.555 Acres
North side of Home Road (C.R. 124)
West side of Steitz Road (C.R. 125)

-2-

Thence **S 87° 00' 57" E**, along a northerly line of said Parcel No. 2 and along the common line of said Farm Lot 16 and Farm Lot 30, **335.57 feet** to the **True Point of Beginning**, and containing **11.555 acres**, more or less.

Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. on February 20, 2019 and is based on existing records from the Delaware County Auditor's and Recorder's Office. A drawing of the above description is attached hereto and made a part thereof.

This description is to be used for annexation purposes only and not to be used in the transfer of land.

The total length of the annexation perimeter is 3214.17 feet, of which 715.53 feet are contiguous with existing City of Powell Corporation lines, being 22% contiguous.

This annexation does not create any islands of township property.

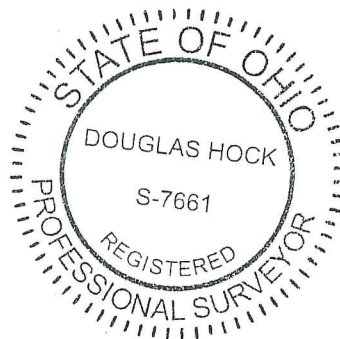
All references used in this description can be found at the Recorder's Office, Delaware County, Ohio.

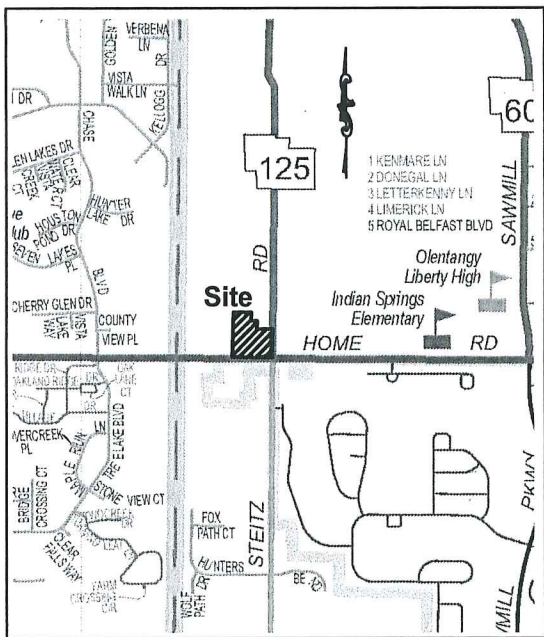
ADVANCED CIVIL DESIGN, INC.

 **2/21/19**
Douglas R. Hock, P.S. 7661 Date:

Z:\17-0005-579\survey\11.555 ac annexation desc (rev 04-23-18).doc

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 2/28/19





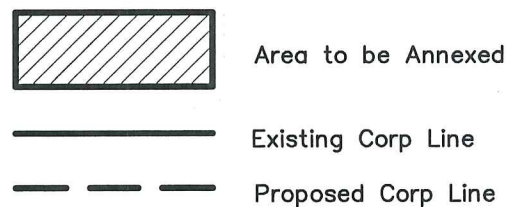
Location Map - NTS

Map of Territory to be
Annexed to the City of Powell

**11.555 ACRE ANNEXATION
TO THE CITY OF POWELL
FROM TOWNSHIP OF
LIBERTY EXPEDITED
TYPE II ANNEXATION
UNDER ORC §709.021
AND §709.023**

Township of Liberty, Delaware County, Ohio
Farm Lots 15 & 16, Section 2,
Township 3, Range 19,
United States Military District

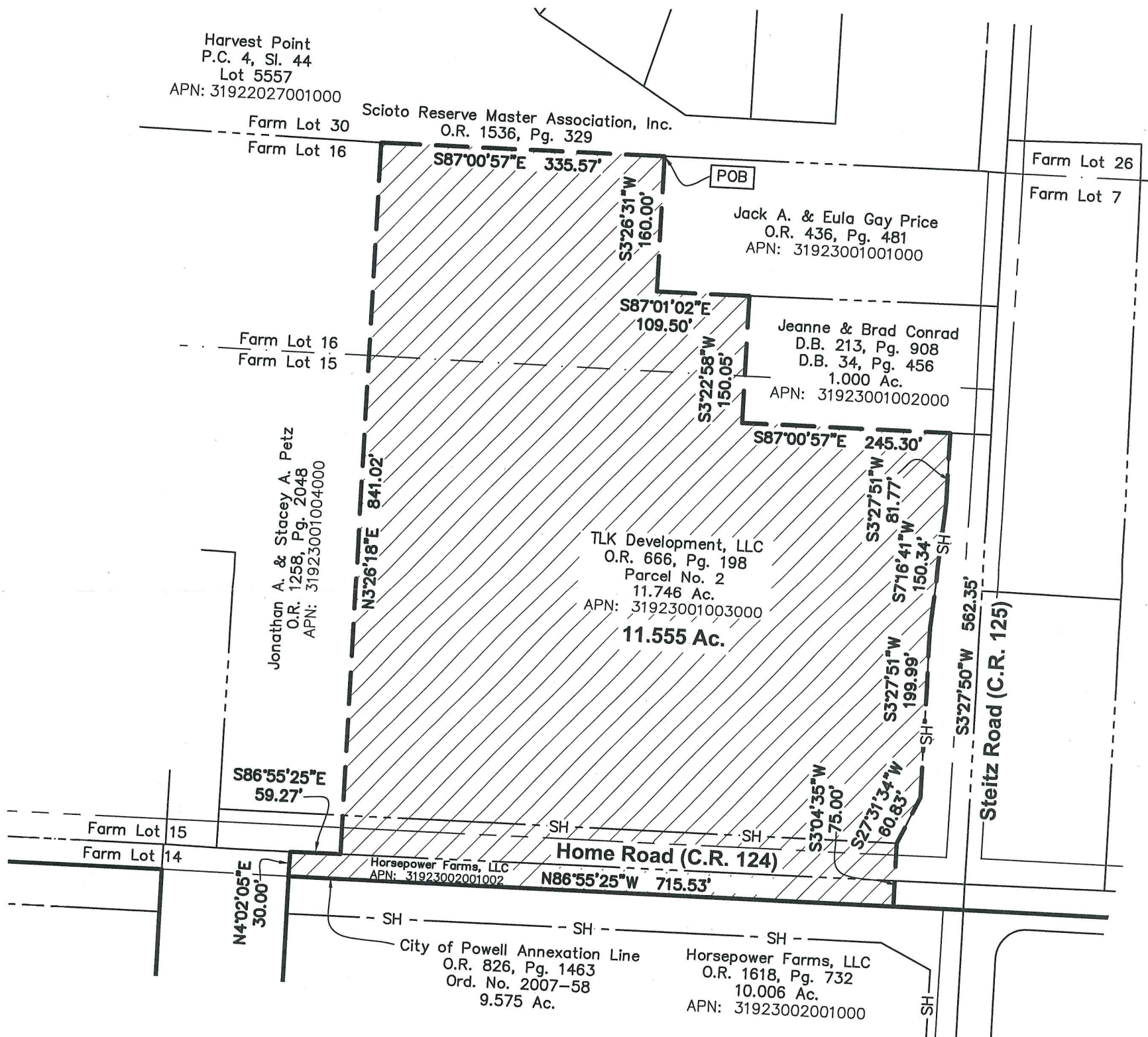
LEGEND



GRAPHIC SCALE



1 inch = 150 feet



Notes:

- 1.) The number of owners in the territory sought to be annexed is two.
- 2.) TLK Development LLC, C/O Kim E. Kelsik is located at 5751 Kolb Road, Tucson, Arizona, 85750 and Horsepower Farms, LLC is located at 4301 Home Road, Powell, Ohio 43065 are the petitioners for said proposed annexation.
- 3.) No islands of unincorporated areas are created by this annexation as defined in ORC 709.023(E)(5).
- 4.) 715.53' of lineal feet of Home Road (C.R. 124) will be annexed into the City of Powell.

Bearings are based on the Ohio State Plane Coordinate System, North Zone, NAD83 (NSRS2007). Said bearings were derived from GPS observation and determine a portion of the existing centerline of Home Road as having a bearing of N86°55'25"W.

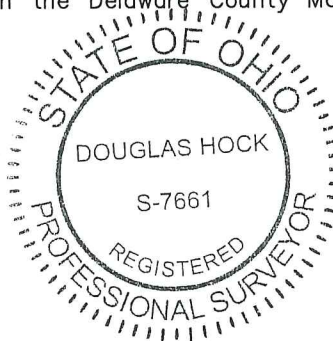
This drawing is based on the existing records from the Delaware County Auditor's office and Delaware County Recorder's office and an actual field survey by Advanced Civil Design, Inc. in April of 2018. A boundary survey for this property has been approved and is on file in the Delaware County Map Department's office.

Length of Contiguity: 715.53 feet
Total Length of Perimeter: 3214.17 feet
Percentage of Contiguity : 22%

Douglas R. Hock, P.S. 7661

Advanced Civil Design, Inc
422 Beecher Road
Gahanna, OH 43230
Phone 614-428-7750

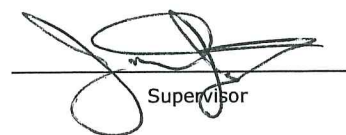
Job No.: 17-0005-579 Date: 04/23/2018
Rev: 02/20/2019



**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**

 2/28/19
Supervisor Date