



Delaware County Commissioners

Jeff Benton
Barb Lewis
Gary Merrell

County Administrator
Michael Frommer

Deputy Administrator
Dawn Huston

Clerk to the Commissioners
Jennifer Walraven

April 12, 2019

City of Powell
47 Hall Street
Powell, Ohio 43065

RE: Annexation of 11.555 acres
 Liberty Township to the City of Powell

Dear Ms. Mitchell:

The Delaware County Commissioners in Regular Session on April 11, 2019 adopted a Resolution granting Prayer of Petition for 11.555 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 blue ink that reads "Sarah Dinovo".

Sarah Dinovo,
Assistant Clerk to the Commissioners



Delaware County Commissioners

Jeff Benton
Barb Lewis
Gary Merrell

County Administrator
Michael Frommer

Deputy Administrator
Dawn Huston

Clerk to the Commissioners
Jennifer Walraven

RESOLUTION NO. 19-255

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, JACKSON B. REYNOLDS III, REQUESTING ANNEXATION OF 11.555 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

It was moved by Mr. Merrell, seconded by Mr. Benton to acknowledge that on March 13, 2019, the Clerk to the Board of Commissioners received an annexation petition request to annex 11.555 acres from Liberty Township to the City of Powell.

Vote on Motion Mr. Merrell Aye Mr. Benton Aye Mrs. Lewis 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 April 12, 2019 and appearing upon the official records of the said Board.



Sarah Dinovo
Assistant Clerk to the Commissioners



Delaware County Commissioners

Jeff Benton
Barb Lewis
Gary Merrell

County Administrator
Michael Frommer

Deputy Administrator
Dawn Huston

Clerk to the Commissioners
Jennifer Walraven

RESOLUTION NO. 19-325

IN THE MATTER OF GRANTING ANNEXATION PETITION, FROM AGENT FOR THE PETITIONER, JACKSON B. REYNOLDS III, REQUESTING ANNEXATION OF 11.555 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

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

Whereas, on March 13, 2019, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Jackson B. Reynold III, agent for the petitioners, of 11.555 acres, more or less, from Liberty Township to the City of Powell; and

Whereas, pursuant to section 709.023 of the Revised Code, if the Municipality or Township does not file an objection within 25 days after filing of the annexation petition, 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 11.555 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 Powell.

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


Jeff Benton
County Commissioner


Barb Lewis
County Commissioner


Gary Merrell
County Commissioner

JEFFREY L. BROWN
GLEN A. DUGGER
JACKSON B. REYNOLDS, III

SMITH & HALE LLC
ATTORNEYS AND COUNSELORS AT LAW
37 WEST BROAD STREET
COLUMBUS, OHIO 43215-4199
www.smithandhale.com

HARRISON W. SMITH, JR.
1926-2009

BEN W. HALE, JR.
1944-2015

614/221-4255

March 13, 2019

The Board of County Commissioners of Delaware County
101 North Sandusky Street
Delaware, OH 43015

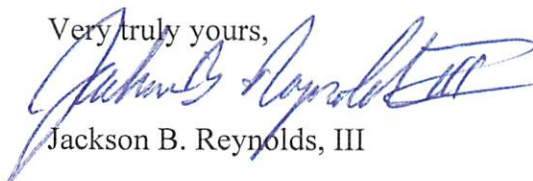
RE: 11.555± acres Annexation Petition from Liberty Township to the City of Powell

Dear Commissioners:

I am filing a petition for annexation of 11.555± acres from Liberty Township to the City of Powell on behalf of TLK Development LLC et al. on March 13, 2019. On behalf of the petitioners, I am requesting consideration of the annexation petition under Section 709.023 of the Ohio Revised Code, or as more commonly known, Expedited Type 2. There is 100% signature rate of property owners and all the requirements under the applicable sections of the Ohio Revised Code have been or will be satisfied by the dates required under the new law.

I will forward to the Clerk the necessary documentation prior to your review and should there be any questions prior to our scheduled meeting please give me a call.

Very truly yours,



Jackson B. Reynolds, III

JBR/nct

rpdd-homerd-bcc.ltr
S:Docs/s&hannex/2019

RECEIVED

2019 MAR 13 AM 6:58

DELAWARE COUNTY
COMMISSIONERS

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:

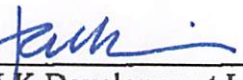
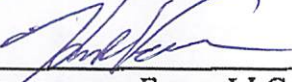
The undersigned, petitioners in the premises, and being ALL OF THE OWNERS OF REAL ESTATE in the territory hereinafter described, consisting of 11.555 acres with a total perimeter boundary of 3,214.17, more or less, in the Township of Liberty which area is contiguous along 715.53 or 22% and adjacent to 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 Olventenay St Powell OH 43065</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

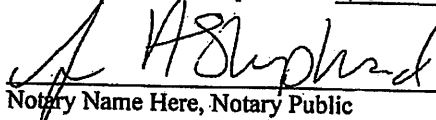
Subscribed and sworn to (or affirmed) before me

this 17th day of DECEMBER, 20 18

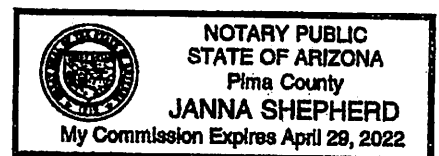
By JANNA SHEPHERD

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:

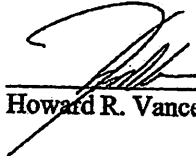
RESOLVED, that the Company be, and it hereby is, authorized and directed to, take such actions as are reasonably required to cause the Annexation to the extent required under the terms of the Annexation Agreement; and

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

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

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

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

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

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

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

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

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.

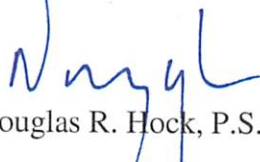
This description is to be used for annexation purposes only and not to be used in the transfer of land.

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.

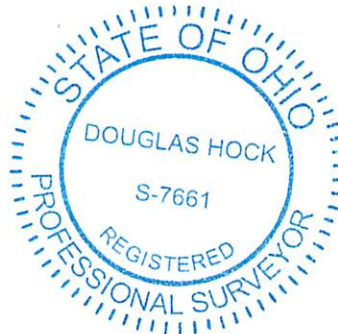
ADVANCED CIVIL DESIGN, INC.


Douglas R. Hock, P.S. 7661

2/21/19
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 <u>2/28/19</u>

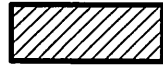


Map of Territory to be
Annexed to the City of Powell

**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



Area to be Annexed



Existing Corp Line

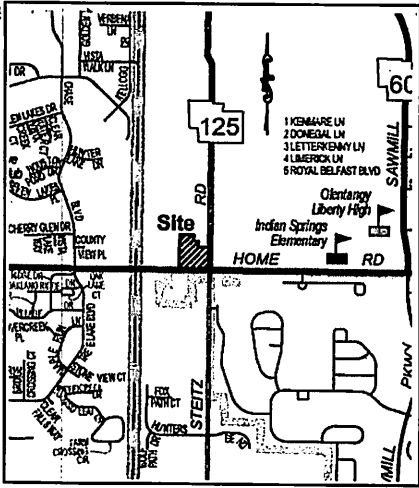


Proposed Corp Line

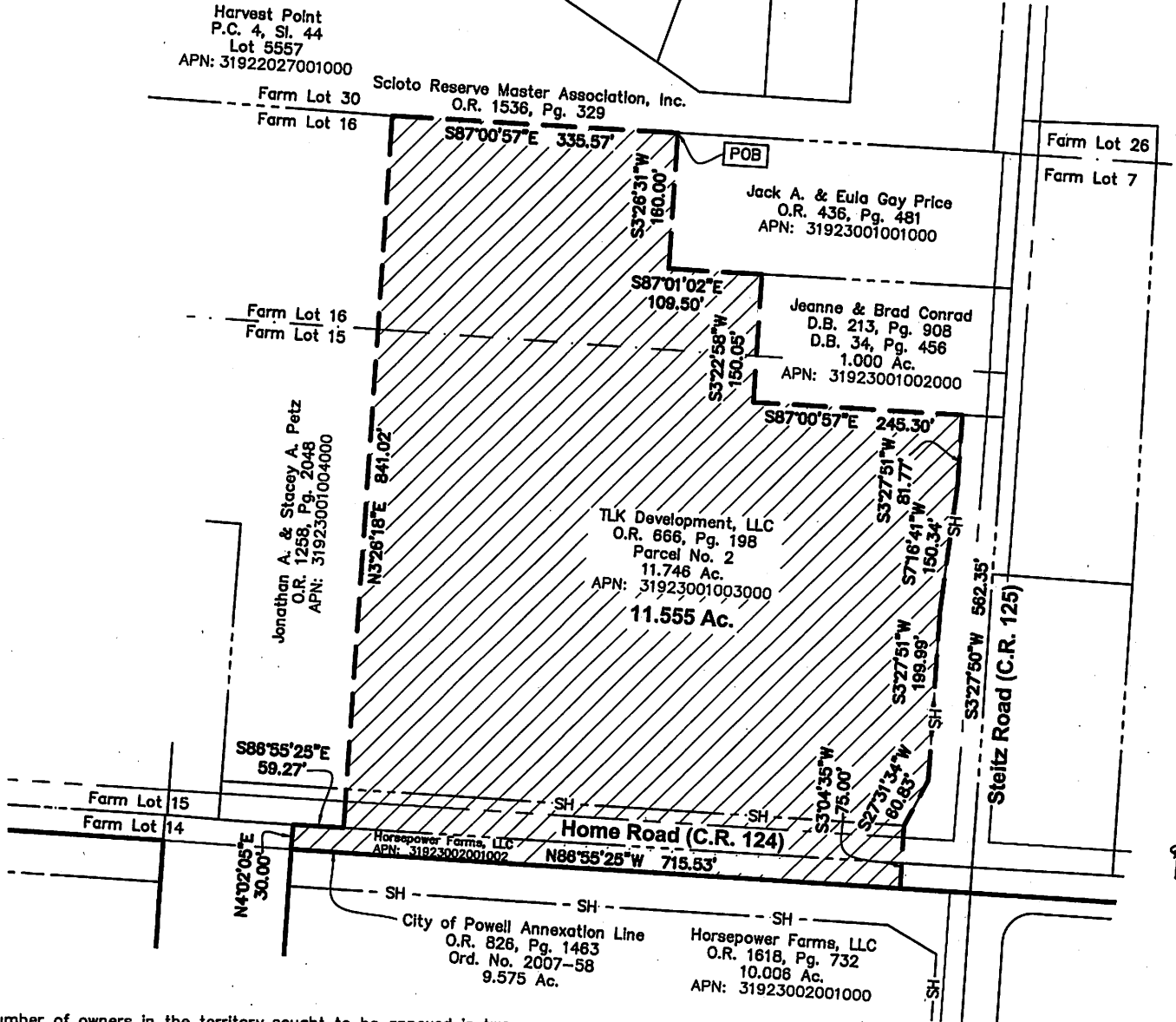
GRAPHIC SCALE



1 inch = 150 feet



Location Map - NTS



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.

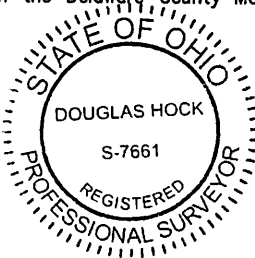
Length of Contiguity: 715.53 feet
Total Length of Perimeter: 3214.17 feet
Percentage of Contiguity: 22%

**DELAWARE COUNTY ENGINEER
Map Department**

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

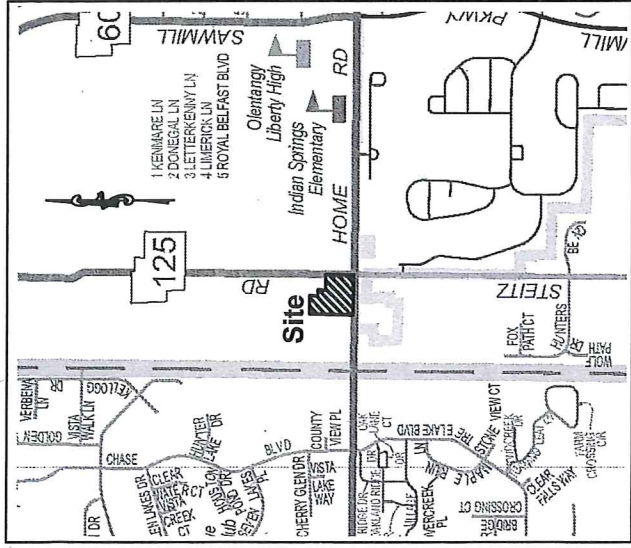
**Chris E. Bauserman, P.E., P.S.,
County Engineer**

Supervisor Date 2/28/19



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



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

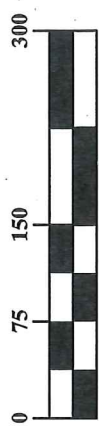


Area to be Annexed

Existing Corp Line

Proposed Corp Line

GRAPHIC SCALE



Harvest Point
P.C. 4, Sl. 44
Lot 5557
APN: 31922027001000

Farm Lot 30
Farm Lot 16

Scioto Reserve Master Association, Inc.
O.R. 1536, Pg. 329

S87°00'57"E 335.57'

Jack A. & Eula Gay Price
O.R. 436, Pg. 481
APN: 31923001001000

Farm Lot 16
Farm Lot 15

Jeanne & Brad Conrad
D.B. 213, Pg. 908
D.B. 34, Pg. 456
1.000 Ac.
APN: 31923001002000

Jonathan A. & Stacey A. Petz
O.R. 1258, Pg. 2048
APN: 31923001004000

TLK Development, LLC
O.R. 666, Pg. 198
Parcel No. 2
11.746 Ac.
APN: 31923001003000

11.555 Ac.

S86°55'25"E
59.27'

Farm Lot 15
Farm Lot 14

Horsepower Farms, LLC
APN: 31923002001002

Home Road (C.R. 124)
N86°55'25"W 715.53'

City of Powell Annexation Line
O.R. 826, Pg. 1463
Ord. No. 2007-58
9.575 Ac.

Horsepower Farms, LLC
O.R. 1618, Pg. 732
10.006 Ac.
APN: 31923002001000

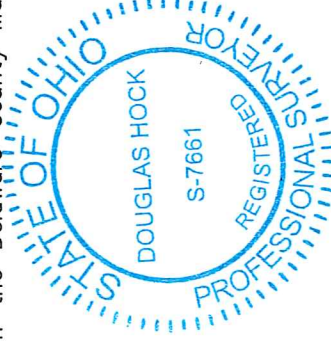
Notes:

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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%



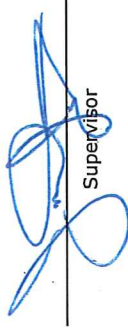
Douglas R. Hock, P.S. 7661
Advanced Civil Design, Inc
422 Beecher Road
Gahanna, OH 43230
Phone 614-428-7750

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


Supervisor
Date: 2/28/19

JEFFREY L. BROWN
GLEN A. DUGGER
JACKSON B. REYNOLDS, III

SMITH & HALE LLC
ATTORNEYS AND COUNSELORS AT LAW
37 WEST BROAD STREET
COLUMBUS, OHIO 43215-4199
www.smithandhale.com

HARRISON W. SMITH, JR.
1926-2009

BEN W. HALE, JR.
1944-2015

614/221-4255

March 21, 2019

The Delaware County Board of County Commissioners
101 North Sandusky Street
Delaware, OH 43015

RE: 11.555± acre annexation to the City of Powell - filing materials

Dear Commissioners:

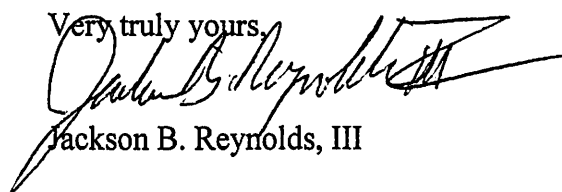
I, on behalf of the petitioners, for the annexation of 11.555± acres from Liberty Township to the City of Powell I hereby file the following documents in accordance with Section 709.023 of the Ohio Revised Code:

1. Affidavit of Filing Petition with Township Clerk(s)
2. Affidavit of Filing Petition with Council Clerk
3. Affidavit of Notice to Surrounding Property Owners
4. Service Resolution #2019-03 from the Powell City Council

It should be noted that the Service Resolution was filed with the Board of County Commissioners by the 20th day after the filing of the annexation petition with your office thereby meeting the timing requirements of Section 709.023 of the Ohio Revised Code.

I look forward to meeting with the Commissioners to review the submitted documents for the annexation to the City of Powell as required under Section 709.023(E). If you have any questions please give me a call.

Very truly yours,



Jackson B. Reynolds, III

JBR/nct

Enclosure

rpdd-homerd-anx.ltr (nct)
S:Docs/s&hannex/2019

RECEIVED

2019 MAR 21 AM 9:33


DELAWARE COUNTY
COMMISSIONERS

AFFIDAVIT OF NOTICE OF FILING OF ANNEXATION PETITION
WITH TOWNSHIP CLERK

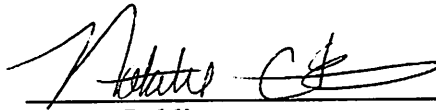
STATE OF OHIO }
COUNTY OF FRANKLIN } SS:

Jackson B. Reynolds, III, being first duly sworn, deposes and says that he is the agent for petitioner(s) in that certain Annexation Petition wherein it is prayed that 11.555± acres, more or less, in Liberty Township to be annexed to the City of Powell, Ohio, said Annexation Petition was filed in accordance with the provisions of Section 709.02 of the Ohio Revised Code with the Delaware County Board of County Commissioners on 13th day of March, 2019. A copy of the Annexation Petition, map and legal description was served personally on the Township Clerk of Liberty Township on 13th day of March, 2019 by the affiant. Said personal service on the Liberty Township Clerk was done within five (5) days of the filing the Annexation Petition with the Franklin County Board of County Commissioners according to Ohio Revised Code Section 709.023.

Further Affiant Sayeth Naught.


Name Jackson B. Reynolds III

Sworn to before me and signed in my presence; a Notary Public in and for said State and County on this 13th day of March, 2019.



Notary Public



Natalie C. Timmons
Notary Public, State of Ohio
My Commission Expires 09-04-2020

Smith 3/16/19

NOTICE OF FILING OF ANNEXATION PETITION

TO: Nancy Denutte, Fiscal Officer
Liberty Township, Delaware County
10104 Brewster Lane, Suite 125
Powell, OH 43065

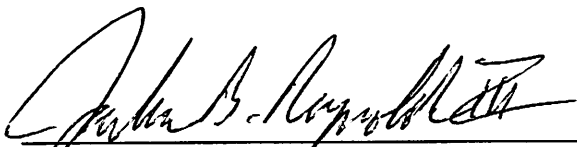
In accordance with the provisions of Section 709.03 of the Ohio Revised Code, you are hereby notified that, on the 13th day of March, 2019, the undersigned, as Agent for the Petitioners, filed an Annexation Petition in the office of the Board of County Commissioners of Delaware County, Ohio.

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

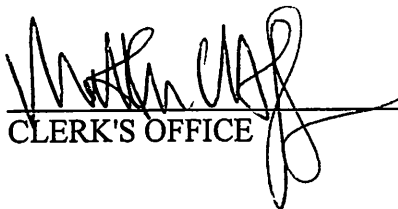
A copy of said Petition, with description and plat, is attached hereto and made a part hereof.

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.


CLERK'S OFFICE

rpdd-homerd-file1.pet
S:\Docs\s&hannex\2019

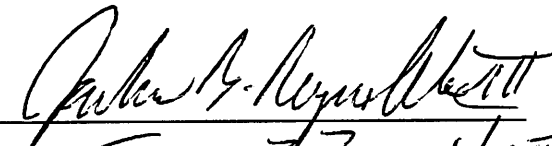
RECEIVED
2019 MAR 13 AM 6:53
DELAWARE COUNTY
COMMISSIONERS

AFFIDAVIT OF NOTICE OF FILING OF ANNEXATION PETITION
WITH MUNICIPAL COUNCIL CLERK

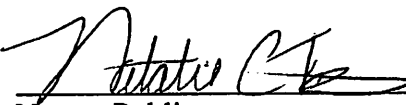
STATE OF OHIO }
COUNTY OF FRANKLIN } SS:

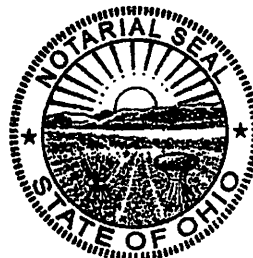
Jackson B. Reynolds, III, being first duly sworn, deposes and says that he is the agent for petitioner(s) in that certain Annexation Petition wherein it is prayed that 11.555± acres, more or less, in Liberty Township to be annexed to the City of Powell, Ohio, said Annexation Petition was filed in accordance with the provisions of Section 709.02 of the Ohio Revised Code with the Delaware County Board of County Commissioners on the 13th day of March, 2019. A copy of the Annexation Petition, map and legal description was served personally on the Council Clerk of City of Powell on the 13th day of March, 2019 by the affiant. Said personal service on the City of Powell Council Clerk was done within five (5) days of the filing the Annexation Petition with the Delaware County Board of County Commissioners according to Ohio Revised Code Section 709.023.

Further Affiant Sayeth Naught.


Name Jackson B. Reynolds III

Sworn to before me and signed in my presence; a Notary Public in and for said State and County on this 13th day of March, 2019.


Notary Public



Natalie C. Timmons
Notary Public, State of Ohio
My Commission Expires 09-04-2020

South Hyle

NOTICE OF FILING OF ANNEXATION PETITION

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

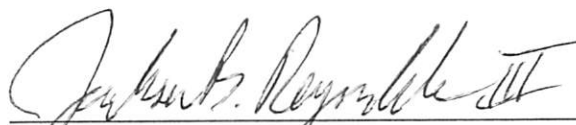
In accordance with the provisions of Section 709.03 of the Ohio Revised Code, you are hereby notified that, on the 13th day of March, 2019, the undersigned, as Agent for the Petitioners, filed an Annexation Petition in the office of the Board of County Commissioners of Delaware County, Ohio.

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

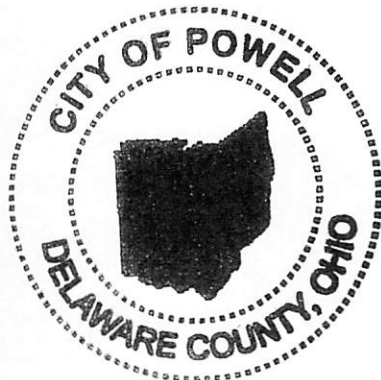
A copy of said Petition, with description and plat, is attached hereto and made a part hereof.

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
S:\Docs\s&hannex\2019


CLERK'S OFFICE

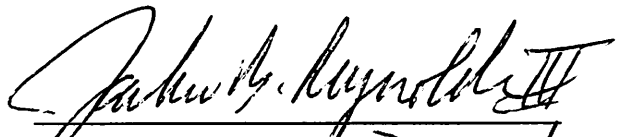
RECEIVED
2019 MAR 13 AM 9:58
DELAWARE COUNTY
COMMISSIONERS

AFFIDAVIT OF NOTICE TO SURROUNDING PROPERTY
OF FILING OF ANNEXATION PETITION


STATE OF OHIO }
COUNTY OF FRANKLIN } SS:

Jackson B. Reynolds, III, being first duly sworn, deposes and says that he is agent for petitioner(s) in that certain Annexation Petition wherein it is prayed that 11.555± acres, more or less, in Liberty Township to be annexed to the City of Powell, Ohio, said Annexation Petition was filed in accordance with the provisions of Section 709.02 of the Ohio Revised Code with the Delaware County Board of County Commissioners on the 13th day of March, 2019. A copy of the Annexation Petition, map and legal description was mailed by First Class U.S. Mail on the 13th day of March, 2019 to each of the surrounding property owners shown on the attached sheet within five (5) days of the filing of the Annexation Petition as required in Section 709.023 of the Ohio Revised Code.

Further Affiant Sayeth Naught.


Name Jackson B. Reynolds III

Sworn to before me and signed in my presence; a Notary Public in and for said State and County on this 13th day of March, 2019.



Notary Public



Natalie C. Timmons
Notary Public, State of Ohio
My Commission Expires 09-04-2020

JEFFREY L. BROWN
GLEN A. DUGGER
JACKSON B. REYNOLDS, III

SMITH & HALE LLC
ATTORNEYS AND COUNSELORS AT LAW
37 WEST BROAD STREET
COLUMBUS, OHIO 43215-4199
www.smithandhale.com

*mailed
3/13/19*
HARRISON W. SMITH, JR.
1926-2009

BEN W. HALE, JR.
1944-2015

614/221-4255

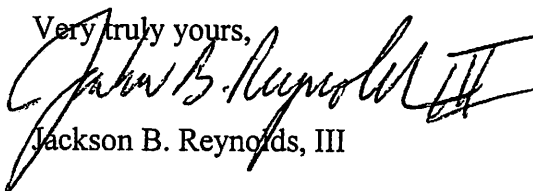
March 13, 2019

Dear Property Owner,

You are being notified that an annexation petition has been filed with the Delaware Board of County Commissioners on March 13, 2019 at 9:30 a.m. The area to be annexed either abuts your property or is across the street from the petition area. The attached map and legal description identifies the annexation area. The annexation petition, which is also included, indicates that 100% of the owners have signed the petition and therefore the annexation process will comply with Section 709.02 of the Ohio Revised Code and as such the County Commissioners will rule on the petition in 30 to 45 days after the filing of the annexation petition.

If you have any questions about the annexation petition please give me a call at 221-4255.

Very truly yours,



Jackson B. Reynolds, III

JBR/nct

Enclosur 

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>[Signature]</u> NLK Development LLC	<u>2/28/19</u>	<u>267 N. Liberty St., Powell OH 43065</u>
By: <u>[Signature]</u> Horsepower Farms LLC	<u>3/1/19</u>	<u>356 W. Olverton St Powell OH 43065</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

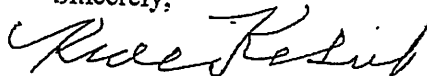
December 1, 2018

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

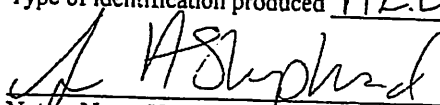
Subscribed and sworn to (or affirmed) before me

this 17th day of DECEMBER, 20 18

By JANNA SHEPHERD

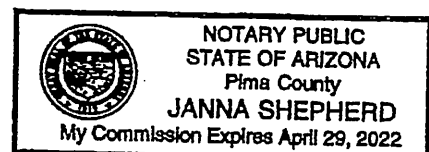
Personally known OR produced identification X

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

rpdd-steitzhome-anx.lbl (nct)
3/4/19 S:Docs/s&hlabels/2019

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.

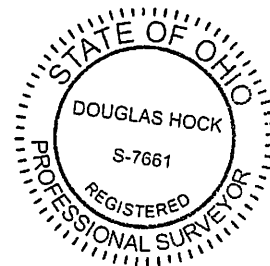
ADVANCED CIVIL DESIGN, INC.

Douglas R. Hock
Douglas R. Hock, P.S. 7661

2/21/19
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 <i>[Signature]</i>	Date <u>2/28/19</u>





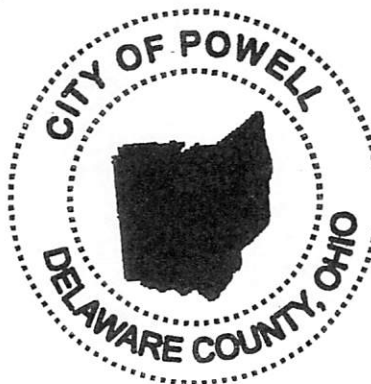
RECEIVED
2019 MAR 20 PM 12:19
DELAWARE COUNTY
COMMISSIONERS

CERTIFICATION

I, Karen J. Mitchell, 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 2019-03, titled, "**A RESOLUTION SPECIFYING THE MUNICIPAL SERVICES TO BE FURNISHED TO 11.555 +/- ACRES, MORE OR LESS, LOCATED AT THE CORNER OF HOME & STEITZ ROADS, WHICH IS PENDING ANNEXATION TO THE CITY OF POWELL.**" and adopted on March 19, 2019 by Powell City Council.


Karen J. Mitchell
City Clerk

3/19/2019
Date



In accordance with the Powell City Charter
Resolution 2019-03 will be posted at the Village Green Municipal Building,
47 Hall Street, Powell, Ohio
From March 20, 2019 through April 10, 2019
And on the City website at www.cityofpowell.us



City of Powell, Ohio

RESOLUTION 2019-03

Adopted March 19, 2019

A RESOLUTION SPECIFYING THE MUNICIPAL SERVICES TO BE FURNISHED TO 11.555 +/- ACRES, MORE OR LESS, LOCATED AT THE CORNER OF HOME & STEITZ ROADS, WHICH IS PENDING ANNEXATION TO THE CITY OF POWELL.

WHEREAS, Jackson B. Reynolds, III, agent for the petitioner, has presented a certain petition to the Delaware County Commissioners seeking annexation of 11.555 +/- acres, more or less, located at the northwest corner of Steitz and Home Roads to the City of Powell on March 13, 2019; and

WHEREAS, Section 709.023(C) requires the legislative authority of the municipal corporation to which annexation is proposed to adopt a Resolution stating what services the municipal corporation will provide, and an approximate date by which it will provide them, to the territory proposed for annexation, upon annexation, which legislation must be adopted within twenty days after the date that the petition is filed;

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

Section 1: Upon annexation of the subject premises to the City of Powell, which date is estimated to be on or about August 9, 2019, the City will furnish at a minimum the following City services, and said services shall be provided under the same conditions and same costs as they are provided to other residents in the City of Powell:

- A. Twenty-Four (24) Hour Police protection.
- B. Comprehensive Planning and Zoning supervision.
- C. Certified comprehensive building plan review and inspection for residential and commercial properties.
- D. Street maintenance and repair.
- E. Storm drainage maintenance. The City of Powell has enacted more stringent stormwater regulations than those in effect in Delaware County.
- F. Engineering plan review and inspections.
- G. Parks and Recreation Programming.

Section 2: The 11.555 +/- acre annexation territory was subject to Liberty Township zoning regulations adopted under Chapter 519 of the Ohio Revised Code at the time the annexation petition was filed. If the territory is annexed and becomes subject to 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 Township zoning regulations in effect at the time of the filing of the petition on the land adjacent to the annexation territory remaining within Liberty Township, then the Powell City Council will 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 Liberty Township. The landscape "buffer" may include open space, landscaping mounding, fences, walls, and other structured elements; streets and street rights of way or bicycle and pedestrian paths and sidewalks.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Resolution were adopted in an open meeting of the Council and that all deliberations of this Council and any of the decision making bodies of the

City of Powell which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 4: That this Resolution shall take effect at the earliest possible date permitted by law.

VOTE ON ORDINANCE 2019-03:

Y 6

N 0

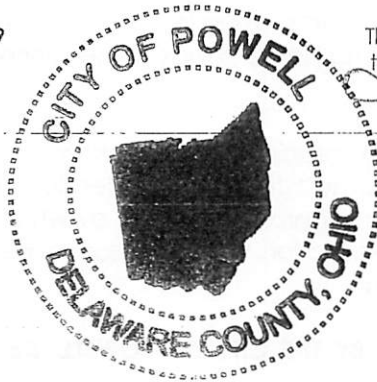
AB 1 (Newcomb)

Jon C. Bennehoof
Jon C. Bennehoof
Mayor

3/19/2019
Date

Karen J. Mitchell 3/19/2019
Karen J. Mitchell
City Clerk

EFFECTIVE DATE: March 19, 2019



This legislation has been posted in accordance with the City Charter on this date 3/19/2019.
Karen J. Mitchell City Clerk

City Council

Jon C. Bennehoof, Mayor

Frank Bertone

Tom Counts

Brian Lorenz

Brendan Newcomb

Melissa Riggins

Daniel Swartwout

NOTICE OF FILING OF ANNEXATION PETITION

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

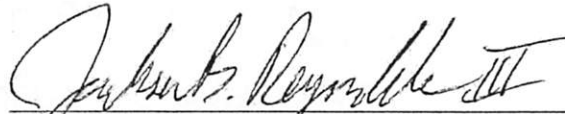
In accordance with the provisions of Section 709.03 of the Ohio Revised Code, you are hereby notified that, on the 13th day of March, 2019, the undersigned, as Agent for the Petitioners, filed an Annexation Petition in the office of the Board of County Commissioners of Delaware County, Ohio.

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

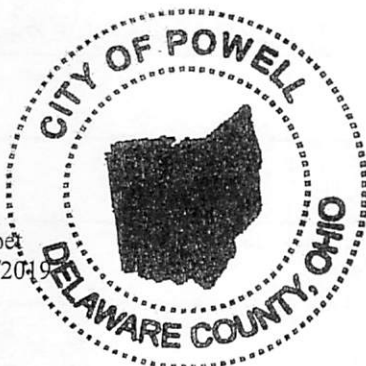
A copy of said Petition, with description and plat, is attached hereto and made a part hereof.

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>[Signature]</u> TKK Development LLC	<u>2/28/19</u>	<u>267 N. Liberty St., Powell OH 43065</u>
By: <u>[Signature]</u> Horsepower Farms LLC	<u>3/1/19</u>	<u>356 W. Chautauay 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

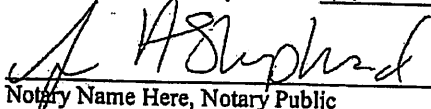
Subscribed and sworn to (or affirmed) before me

this 17th day of DECEMBER, 20 18

By JANNA SHEPHERD

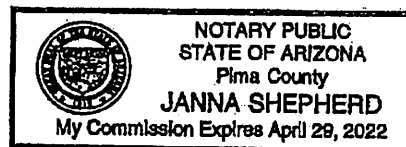
Personally known OR produced identification X

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

rpdd-steitzhome-anx.lbl (net)
3/4/19 S:Docs/s&hlabels/2019

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.

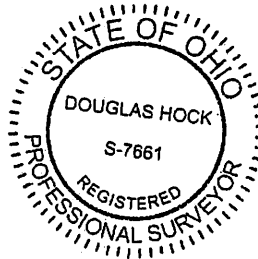
All references used in this description can be found at the Recorder's Office, Delaware County, Ohio.

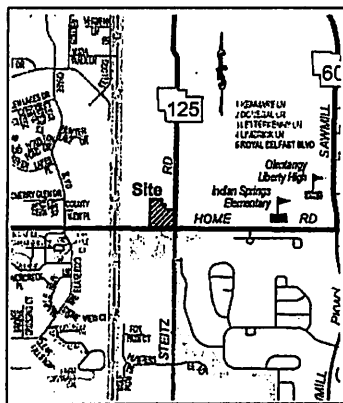
ADVANCED CIVIL DESIGN, INC.

Nayyl 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 <i>[Signature]</i> , Date <u>2/28/19</u>





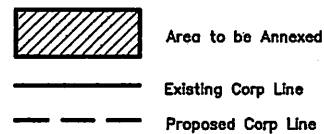
Location Map - NTS

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

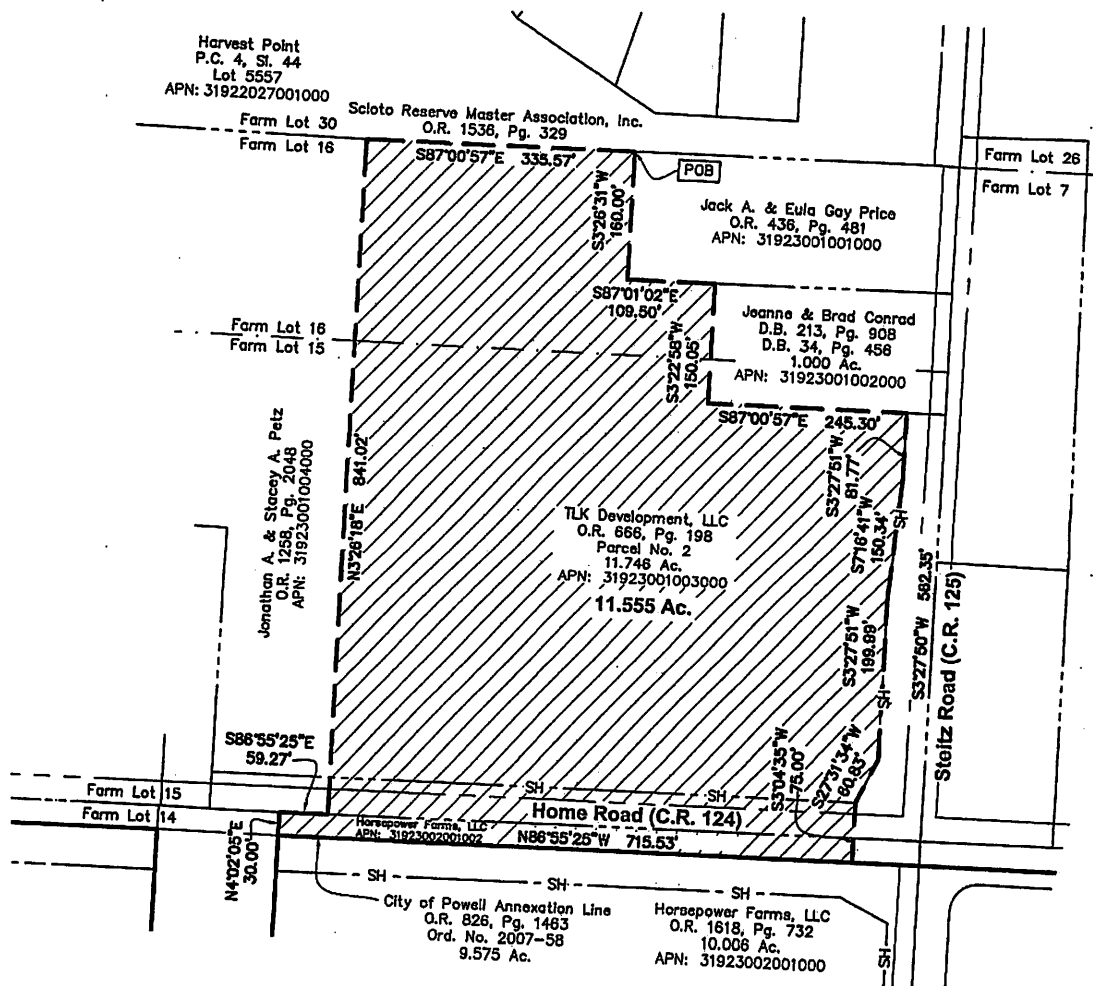
LEGEND



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

[Signature]
Supervisor

2/28/19
Date

