

**EXPEDITED TYPE II PETITION FOR ANNEXATION
(PURSUANT TO R.C. SECTION 709.023)
OF ±8.897 ACRES
FROM THE TOWNSHIP OF LIBERTY
TO
THE CITY OF POWELL**

*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 ±8.897 acres, more or less, located in the Township of Liberty, which area is contiguous along 439.95 feet or 20.1% of its perimeter with the incorporated boundary of the City of Powell, do hereby request that said territory be annexed to the City of Powell according to the statutes of the State of Ohio, and specifically the expedited procedure specified in Ohio Revised Code Section 709.023, and that no island of unincorporated area will be created by this annexation.

A full and accurate description and plat of the requested annexation territory are attached hereto and made part hereof.

In support of said Petition, your petitioners state that there are within the territory to be annexed ONE OWNER OF REAL ESTATE.

Aaron Underhill, Esq., David Hodge, Esq. and Eric Zartman, Esq., whose address is Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260, Columbus, Ohio 43054, are hereby appointed Agents for the undersigned Petitioners, as required by Section 709.02 of the Ohio Revised Code. Said Agents hereby are each individually authorized to take any action on behalf of the Petitioners in furtherance of the approval of this Petition and to make any amendment, deletion, and/or supplementation which in his/her absolute and complete discretion is necessary or proper under the circumstances then existing, and in particular to do so in order to correct any discrepancy or mistake noted by the Delaware County Engineer in his examination of the Petition, legal description, and/or plat. Said amendment shall be made by the presentation of an amended Petition, legal description, and/or plat to the Board of County Commissioners on, before, or after the date set for hearing on this Petition.

DELAWARE COUNTY
COMMISSIONERS

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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 SAID SPECIAL ANNEXATION PROCEDURE.

NAME

ADDRESS

Liberty Reserve, LLC
c/o Thomas M. Bell

1377 La Rochelle Drive
Upper Arlington, Ohio 43221

Signature:

By: 

Authorized Representative:

Aaron L. Underhill
Attorney-in fact for Liberty Reserve, LLC
Pursuant to a resolution of its sole member dated
August 21, 2020

Date:

September 1, 2020

**ACTION IN WRITING BY THE SOLE MEMBER OF
LIBERTY RESERVE, LLC**

The undersigned, being the sole member of Liberty Reserve, LLC, an Ohio limited liability company (the "Company"), does hereby authorize and take the following action in writing as of (and to be effective beginning on) the 21st day of August, 2020.

RESOLVED, that Aaron L. Underhill is hereby granted authority to sign and execute, on behalf of the Company as its attorney-in-fact, an annexation petition to be filed with the County Commissioners of Delaware County, Ohio, which petition shall seek and request the annexation, to the City of Powell, Ohio, of certain real property owned by the Company consisting of 8.897+/- acres located to the north of and adjacent to Home Road; and

RESOLVED, that the signature of Aaron L. Underhill on said petition shall be deemed to be the duly authorized signature of the Company as the owner of the aforementioned property.

By: 

Thomas M. Bell, Trustee Belper Company Money Purchase
Plan Pension
Sole Member of Liberty Reserve, LLC

**Adjacent Property Owners
8.897 +/- Acre Annexation
Liberty Reserve LLC, Owner**

[illegible]

**EXPEDITED TYPE 2 ANNEXATION
8.897 +/-ACRES**

FROM: LIBERTY TOWNSHIP

TO: CITY OF POWELL

Situated in the State of Ohio, County of Delaware, Liberty Township, Range 19, TWP. 3, Section 2, United States Military Lands, being in the N.W. part of Lot 7, and being comprised of all of that 6.892 & 1.71 acre tract as conveyed to the Liberty Reserve LLC., by deed of record in D.B. 1711, PG. 1769 Recorder's Office, Delaware County Ohio, and said 8.897 acre tract of land being more particularly described as follows:

BEGINNING at the south right-of-way line of Home Road 60' (CO. Rd 124) and the south line of 0.629 acre tract as conveyed to Home Road Dedication by deed of record in D.V. 944, PG. 2404, the east line of a 13.775 acre tract as conveyed to Liberty Grand LLC., by deed of record in D.B. 1704, PG. 2532, thence;

N 02° 34' 49" E, a distance of **867.27 feet**, along the west line of said 6.892 & 1.71 acres and the east line of said 13.775 acre tract to an iron pin found, at the northwest corner of said 6.892 & 1.71 Acre tract, the northeast corner of said 13.775 acre tract, and the south line of a 76.467 acre tract as conveyed to Mi Homes of Central Ohio LLC., thence;

S 86° 02' 27" E, a distance of **456.33 feet**, along the north line of said 6.892 & 1.71 acre tract and the south line of said 76.467 acre tract to an iron pin set being the northeast corner of said 6.892 & 1.71 acre tract, the south line of said 76.467 acre tract, and the northwest corner of a 7.018 acre tract as conveyed to Beautiful Savior Lutheran Church, Powell, Ohio, an Ohio Corporation by deed of record in D.B. 1277, PG 1093, thence;

S 03° 39' 45" W, a distance of **862.59 feet**, along the east line of said 6.892 & 1.71 acre tract and the west line of said 7.018 acre tract, to a point on the south line of said 0.629 acre tract, thence;

N 86° 37' 11" W, a distance of **439.95 feet**, along the south line of said 0.629 acre tract, on the common line of Liberty Township and the City of Powell, to the **TRUE POINT OF BEGINNING**, containing 8.897 acre, more or less.


Michael R. Ziska

8/14/2020
Professional Surveyor No. 8621




MAP DEPARTMENT	
DELAWARE COUNTY ENGINEER	
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	8/19/20 DATE

Exhibit A

NOTICE OF FILING EXPEDITED TYPE II ANNEXATION PETITION

TO: CLERK OF THE CITY OF POWELL

In accordance with the provisions of Section 709.023 of the Ohio Revised Code, you are hereby notified that, on September 1, 2020, the undersigned, 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 ± 8.897 acres in Liberty Township.

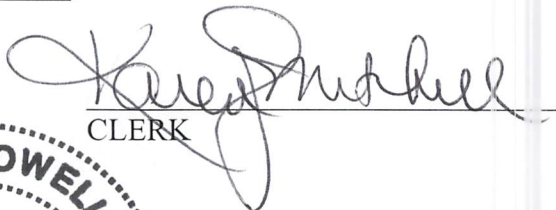
A copy of said Petition, with description and plat, is attached hereto and made a part hereof.

Dated: September 1, 2020



Aaron Underhill, Esq.

RECEIPT OF THE AFOREMENTIONED DOCUMENT(S) IS HEREBY ACKNOWLEDGED
THIS 1 day of September, 2020.


CLERK