
Manos, Martin & Pergram Co., LPA

Attorneys at Law

50 North Sandusky Street
Delaware, Ohio 43015-1926
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CITY OF POWELL
Ordinance 2021-19
Exhibit A

Andrew P. Wecker
740-363-1313, ext. 217
e-mail: awecker@mmpdlaw.com

March 11, 2021

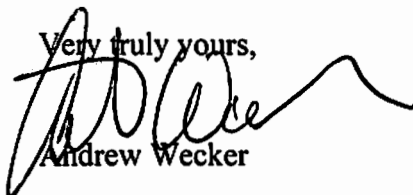
Via Certified Mail
Return Receipt Requested

Ms. Karen Mitchell
City Clerk
City of Powell
47 Hall Street
Powell, OH 43065-8357

Dear Ms. Mitchell:

On March 10, 2021, the undersigned, as agent for the Petitioner, Breagha Plana II, LLC, filed a petition with the Board of County Commissioners of Delaware County, Ohio to annex 35.336 acres of land to the City of Powell, Ohio. A copy of the petition and map and supplemental filing pursuant to Ohio Rev. Code § 709.02(D) are enclosed herewith.

Very truly yours,



Andrew Wecker

tjh
Enclosures
T13736-101

PETITION FOR ANNEXATION – EXPEDITED TYPE 2

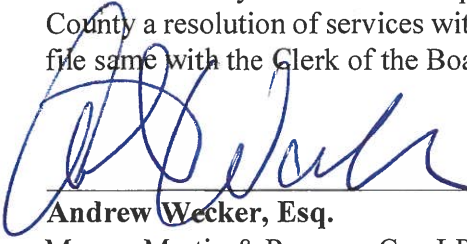
I, the undersigned, being the sole owner of 35.336 acres of real estate in the territory hereinafter described, hereby petitions for the annexation of the following described territory from **Liberty Township** to the **City of Powell**, Delaware County, Ohio, being filed under **Sections 709.021(A)** and **709.023(A)** of the Revised Code of Ohio.

Petitioner has attached hereto and made a part of this petition a legal description of the perimeter of the territory sought to be annexed, marked as **Exhibit “A”**, as prepared by Andrew T. Jordan, P.S., Registered Surveyor No. 8759.

Petitioner has attached hereto and made a part of this petition an accurate map or plat of the territory sought to be annexed, marked **Exhibit “B”**, also as prepared by Andrew T. Jordan, P.S., Registered Surveyor No. 8759. Among other things as noted on Exhibit “A” and Exhibit “B”, the described territory is contiguous with the **City of Powell**, Ohio.

Andrew Wecker, Esq., attorney at law, is hereby appointed agent for the undersigned Petition as required by Revised Code Section 709.02(C)(3), with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this Petition, with specific authorization to correct any discrepancy or mistake noted by the Delaware County Engineer in examination of the Petition or the Exhibits to the Petition. Any such amendment shall be made by the presentation of amended description and map to the Board of County Commissioners on, before, or after the date set for hearing on this Petition. Said amendment, alteration, change, correction, withdrawal, refile, substitution, compromise, increase or deletion or other things or action for granting of this Petition shall be made in the Petition, description and plat by said agent without further expressed consent of the Petition.

The City of Powell will pass and submit to the Board of Commissioners of Delaware County a resolution of services within twenty (20) days of the date of the filing of this Petition and file same with the Clerk of the Board of Commissioners of Delaware County, Ohio.



Andrew Wecker, Esq. FEB 18 2021

Manos, Martin & Pergram Co., LPA
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Delaware, OH 43015

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~~RECEIVED
FEB 18 PM 2021
DELAWARE COUNTY
CLERK OF COMMISSIONERS~~

RECEIVED
2021 MAR 10 PM 1:50
DELAWARE COUNTY
COMMISSIONERS

Return original to:

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

"WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR IN 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 OUT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE."

SIGNATURE OF PETITIONER, TYPED NAME AND ADDRESS

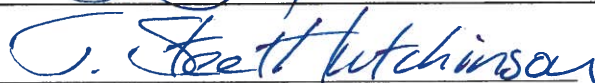
DATE

BREAGHA PLANA II, LLC,
an Ohio limited liability company



November 24, 2020

By



Printed Name and Title

3041 Home Road, P.O. Box 245
Powell, OH 43065

ATTACHMENTS:

Exhibit "A" – Legal Description of 35.336 Acre Tract for Annexation to the City of Powell from the Township of Liberty by Andrew T. Jordan, P.S., Registered Surveyor No. 8759.

Exhibit "B" – Map of Territory to be Annexed Type II Annexation Plat by Andrew T. Jordan, P.S., Registered Surveyor No. 8759.

**DESCRIPTION FOR A 35.336 ACRE ANNEXATION
FROM LIBERTY TOWNSHIP TO CITY OF POWELL**

Situated in the State of Ohio, County of Delaware, Township of Liberty, being in Farm Lot 2, Section 2, Township 3 North, Range 19 West of the United States Military Lands, being,

- All of that 21.587 acre tract as described in deed to **Breagha Plana II, LLC, an Ohio limited liability company**, recorded in Official Record volume 1084, page 393, (all records referenced herein are to the Delaware County Recorder's Office, unless otherwise stated), being known as Delaware County Auditor's number 319-240-01-004-000.
- All of that 13.749 acre tract as described in a deed to **Breagha Plana II, LLC, an Ohio limited liability company**, recorded in Official Record volume 1084, page 393, being known as Delaware County Auditor's number 319-240-01-005-000.

and being more particularly described as follows.

COMMENCING for reference at the northwest corner of Farm Lot 14, and in the asset line of the said Farm Lot 2, and being the east line of the said Section 2, and being the northeast corner of a 3.484 acre right-of-way taking known as 21-WDV as shown in the plan set DEL-CR124-4.11 on record with the Delaware County Engineer's Office as conveyed to Board of Commissioners of Delaware County, Ohio by the instrument conveyed as Official Record volume 952, page 672, and being the northwest corner of the Clay C. Darnell Subdivision as shown in Plat Book volume 5, page 79;

Thence along the said westerly line of Farm Lot 14, the westerly line of the said Clay C. Darnell Subdivision, the said easterly line of Farm Lot 2, the said easterly line of Section 2, and the said easterly line of the 21-WDV tract, South 02 degrees 19 minutes 00 seconds West for a distance of 122.74 feet to the southeast corner of the said 21-WDV tract, being the northeast corner of 21.587 acre tract, and being the northwest corner of parcel conveyed to Board of Trustees of Liberty Township by the instrument filed as Deed Book volume 496, page 199, and being on the southerly right-of-way line of Home Road (Varied Width), and being the true **POINT OF BEGINNING** of the parcel herein described;

Thence along the easterly line of the said 21.587 acre tract and said 13.749 acre tract, the westerly line of the said Board of Trustees of Liberty Township tract, the said easterly line of Farm Lot 2, the said easterly line of Section 2, the said westerly line of Farm Lot 14, the westerly line of Section 1, the westerly lines of Farm Lots 15 and 16, South 02 degrees 19 minutes 00 seconds West for a distance of 1,890.25 feet to the southeast corner of the said 13.749 acre tract, the northeast corner of a 9.556 acre tract as conveyed to Breagha Plana II, LLC, an Ohio limited liability company by the instrument filed as Official Record volume 1084, page 393, and being on the existing northerly corporation line of a 9.556 acre tract annexed to City of Powell, Ohio, by Ordinance No. 2005-43 (08-16-2005), Resolution No. 05-773 as filed in Instrument Number 200500041967;



Thence along the said northerly corporation line, the southerly line of the said 13.749 acre tract, and the northerly line of the said 9.556 acre tract, North 87 degrees 29 minutes 09 seconds West for a distance of 842.53 feet to the southwest corner of the said 13.749 acre tract, the northeast corner of the said 9.556 acre tract, the northeast corner of the said existing corporation line, and on the easterly right-of-way line of CSX Transportation Inc.;

Thence along the westerly line of the said 13.749 acre tract, the westerly line of a said 21.587 acre tract, and the said easterly right-of-way line of CSX Transportation Inc., North 02 degrees 19 minutes 00 seconds East for a distance of 1784.53 feet, to the northwest corner of the said 21.587 acre tract, being the southwest corner of the said 21-WDV tract and being on the said southerly right-of-way line of Home Road;

Thence along the northerly line of the said 21.587 acre tract, the southerly line of the said 21-WDV tract, and the said southerly right-of-way line of Home Road; South 87 degrees 31 minutes 03 seconds East for a distance of 134.55 feet to an angle point;

Thence continuing along the last described line, North 84 degrees 01 minutes 25 seconds East for a distance of 715.46 feet to the **TRUE POINT OF BEGINNING** for this description.

The above description contains a total area of **35.336 acres** (0.000 of which are within the present road occupied), of which:

- 21.587 acres is all of PID# 319-240-01-004-000
- 13.749 acres is all of PID# 319-240-01-005-000

Bearing described herein are based on the east line of Farm Lot 2, of Section 2, Range 19, Township 3, Liberty Township, being South 02 degrees 19 minutes 00 seconds West, as referenced in the deed filed as Official Record volume 1084, Page 393 on field in the records of Delaware County, Ohio.

This description was prepared by Andrew T. Jordan, Registered Professional Surveyor Number 8759.

American Structurepoint, Inc.




Andrew T. Jordan
Registered Professional Surveyor No. 8759



04-22-2019

Date

<p>DELAWARE COUNTY ENGINEER Map Department</p> <p>I hereby certify that this document is a true copy of the original on file in the Map Department.</p> <p>Chris E. Bauserman, P.E., P.S., County Engineer</p>  <p>Department Manager April 25, 2019</p>
