

RESOLUTION NO. 22-004

A RESOLUTION INDICATING WHAT SERVICES THE CITY OF CANAL WINCHESTER WILL PROVIDE TO 87.4± ACRES OF LAND, MORE OR LESS, FOR THE ANNEXATION KNOWN AS THE LEVIN ANNEXATION BY DAVID J. ROBINSON, AGENT FOR THE PETITIONERS

WHEREAS, David J. Robinson, agent for the petitioners, has filed petitions with the Franklin County Commissioners for annexation of 87.4 acres of land, more or less, the description and map of which are attached hereto as Exhibits A and B, respectively; and

WHEREAS, David J. Robinson, as agent for the petitioners on January 11, 2022, delivered to the Clerk of the Canal Winchester City Council the notice of the filing of the annexation petition with the Board of County Commissioners of Franklin County and its clerk on January 5, 2022, and

WHEREAS, the Ohio Revised Code requires that within 20 days following the date the petition is filed, the City Council shall, by resolution, adopt a statement as to what services, if any, the City will provide and an approximate date by which it will provide them to the territory proposed for annexation, upon annexation;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

Section 1: That upon annexation to the City of Canal Winchester of the 87.4± acres more or less as delineated on the attached Exhibits A and B, the City will provide the following services by the approximate date indicated as to each, provided all necessary lines, hydrants, and other apparatus are installed by the property owner as required by the City and said services shall be provided under the same conditions and same costs as they are provided to other residents in the City of Canal Winchester:

- (a) Water - upon acceptance of annexation
- (b) Sanitary Sewer - upon acceptance of annexation
- (c) Refuse – upon acceptance of annexation
- (d) Police – upon acceptance of annexation
- (e) Road maintenance-upon acceptance of annexation

Section 2: That the Council of the City of Canal Winchester, pursuant to Ohio Revised Code Section 709.023(D), hereby consents to the annexation.

Section 3: This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

Section 4: That the Clerk of Council shall prepare and furnish to the agent for the petitioners a certified copy of this resolution and file with the Franklin County Board of County Commissioners on or before 20 days from the filing of the annexation petition.

Section 5: That if the territory is annexed and becomes subject to zoning by the City of Canal Winchester and the City permits uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under the current county or township zoning regulations in the adjacent land remaining within the township from which the territory was annexed, the Council of the City of Canal Winchester 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 and the adjacent land remaining

within the township for purposes of this ordinance, buffer includes open space, landscaping, fences, walls, and other structured elements; streets and street rights of way; and bicycle and pedestrian paths and sidewalks.

Section 6: That this resolution shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED 1/18/22

ATTEST Amanda M Jackson
CLERK OF COUNCIL

Cl. Webb
PRESIDENT OF COUNCIL

Marked Street
MAYOR

DATE APPROVED 1-19-22

APPROVED AS TO FORM:

Franklin M. Bays
LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

Amanda M Jackson
Clerk of Council

LEGAL DESCRIPTION**Description of 87.4 ACRES +/- TO BE ANNEXED FROM MADISON TOWNSHIP
TO CITY OF CANAL WINCHESTER**

Situated in the State of Ohio, County of Franklin, Madison Township, Section 14, Township 11 North, Range 21 West, Congress Lands and being a part of a 82.631 acre tract as conveyed to Harriet S. B. Levin of record in Instrument Number 202111220213099 and being PID 181-001377-00, also being a part of a 11.050 acre right-of-way parcel designated 1-WD as conveyed to the Franklin County Commissioners in Instrument Number 201601130004887, a part of a 0.780 acre right-of-way parcel designated 3-WD as conveyed to the Franklin County Commissioners in Instrument Number 201507090092985, a part of a 22.174 acre tract as conveyed to NP Canal Winchester, LLC of record in Instrument Numbers 202010020149925, 202010020149926 and 202008170120505 and being PID 184-003368-00, and a part of a 90.420 acre tract as conveyed to NP Canal Winchester Building 2, LLC of record in Instrument Number 202008170120504 and being PID 184-000879-00, all deed references are on record at the Recorder's Office of Franklin County, Ohio and being more particularly described as follows:

BEGINNING at the northwesterly corner of said 82.631 acre tract, also being on the existing City of Columbus Corporation Line, Ordinance Number 1509-00 of record in Instrument Number 200009130184750;

Thence, leaving said existing City of Columbus Corporation Line and easterly with a northerly line of said 82.631 acre tract, a distance of approximately 166 feet to a point on the westerly right-of-way line of Winchester Pike;

Thence, southeasterly with the westerly right-of-way line of Winchester Pike and across said 82.631 acre tract, a distance of approximately 1,939 feet to a point on a northwesterly line of a 11.050 acre Right-of-Way tract known as Parcel 1-WD conveyed to Franklin County Commissioners by Instrument Number 201601130004887 and as shown on the plans known as FRA-TR229-1.890 on file with the Franklin County Engineer;

Thence, southwesterly with the westerly right-of-way line of Winchester Pike and the westerly line of said 11.050 acre right-of-way parcel, a distance of approximately 10 feet;

Thence, continuing with the westerly right-of-way line of Winchester Pike and the westerly line of said right-of-way parcel and northerly line of said 82.631 acre tract, a distance of approximately 1,203 feet to a point at the intersection of the northerly right-of-way of Winchester Pike and the northerly right-of-way of Bixby Road;

Thence southeasterly, crossing Bixby Road and through said 11.050 acre right-of-way parcel, a distance of approximately 291 feet to a point on the eastern line of said Section 14,

Thence, southerly with said section line and through said 11.050 acre right-of-way parcel, a distance of approximately 216 feet to a point on the southerly right-of-way line of Bixby Road, the westerly line of a 1.191 acre tract as conveyed to Jeffrey L. Bender of record in Instrument Number 202001160007610, the easterly line of a 90.420 acre tract as conveyed to NP Canal Winchester of record in Instrument Number 202008170120504 and the existing City of Canal Winchester Corporation Line, Ordinance Number 19-031;

Thence, with and through the southerly right-of-way of Bixby Road being in part with the southerly line of said 0.780 acre right-of-way parcel, through said 90.420 acre tract, also continuing with said existing City of Canal Winchester Corporation Line by said Ordinance Number 19-031 of record in Instrument Number _____, Ordinance Number 19-056 of record in Instrument Number 201912310176081, Ordinance Number 19-057 of record in Instrument Number 201912310176083, and Ordinance 19-055 of record in Instrument Number 201912310176079, the following courses and distances:

Westerly, a distance of approximately 609 feet to a point;

Southwesterly, a distance of approximately 107 feet to a point;

Westerly, a distance of approximately 195 feet to the northeast corner of an 82.462 acre tract as conveyed to NP Canal Winchester, LLC of record in Instrument Number 202008170120504;

Thence, continuing with the southerly right-of-way of Bixby Road and southerly line of said 0.078 acre right-of-way parcel, the existing City of Canal Winchester Corporation Line and through said 22.174 acre tract, the following courses and distances:

Westerly, a distance of approximately 333 feet to a point;

Northerly, a distance of approximately 14 feet to a point;

Thence westerly, through and with the southerly right-of-way line of Bixby Road and with the existing City of Canal Winchester Corporation Line, a distance of approximately 545 feet to a point on the easterly right-of-way of Rager Road, on the northerly line of said 22.174 acre tract, , and on the existing City of Canal Winchester Corporation Line;

Thence westerly, continuing with the southerly right-of-way line of Bixby Road, through said 46.277 acre tract, the northerly line of a 46.277 acre tract as conveyed to Dale C. Schacht & Teresa L. Schacht of record in Instrument Number 202109170185967 and with a proposed City of Canal Winchester Corporation Line, a distance of approximately 903 feet to a point;

Thence northerly, leaving said existing City of Canal Winchester Corporation line and crossing Bixby Road, a distance of approximately 60 feet to a point on the westerly line of said 82.631 acre tract, the northerly right-of-way of Bixby Road, and the said existing City of Columbus Corporation Line;

Thence, northerly with said City of Columbus Corporation Line, and with the westerly line of said 82.631 acre tract, a distance of approximately 2,459 feet to the **TRUE POINT OF BEGINNING**, containing 87.4 acres of land, more or less.

The above annexation contains a perimeter distance of 1,807 feet contiguous with the existing City of Canal Winchester Corporation line and a total perimeter of 9,053 feet to be annexed, giving 20.0% of the perimeter length contiguous to the existing City of Canal Winchester Corporation line.

This annexation description of the location of the property to be annexed and is not a boundary survey as defined in O.A.C. Chapter 4733.37.

CESO, Inc.

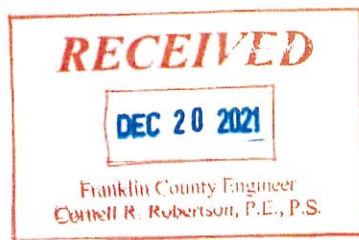


[Handwritten Signature]

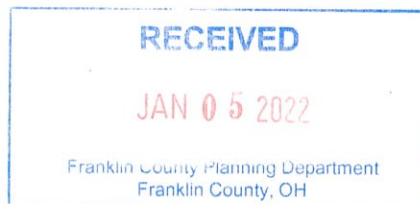
2021-12-17

Mark M. Hawk, PS
Ohio Registered Professional
Surveyor No. S-8501

Date:



ANNEXATION
PLAN & DESCRIPTION
ACCEPTED
CORNELL R. ROBERTSON, P.E., P.S.
FRANKLIN COUNTY ENGINEER
BY *[Signature]* DATE 12/20/2021



AN 21-01-22

Exhibit B

PROPOSED ANNEXATION OF 87.4± ACRES FROM: MADISON TOWNSHIP TO: CITY OF CANAL WINCHESTER

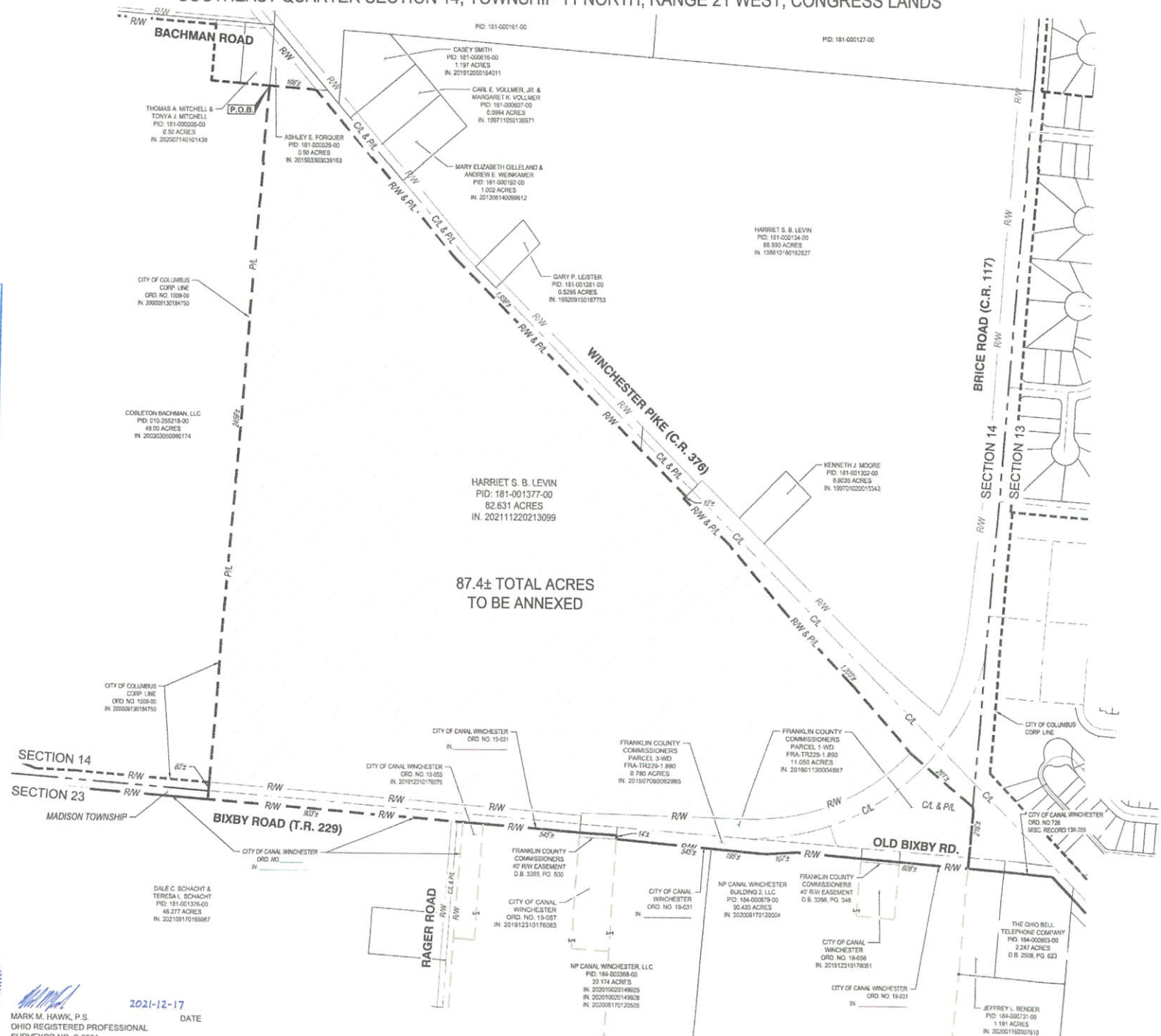
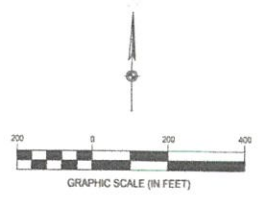
STATE OF OHIO, COUNTY OF FRANKLIN, TOWNSHIP OF MADISON SOUTHEAST QUARTER SECTION 14, TOWNSHIP 11 NORTH, RANGE 21 WEST, CONGRESS LANDS

ANNEXATION PLAT OF THE CITY OF CANAL WINCHESTER, OHIO, TO THE CITY OF CANAL WINCHESTER, OHIO, BY ORDER OF THE BOARD OF SUPERVISORS OF THE CITY OF CANAL WINCHESTER, OHIO.

RECEIVED DEC 20 2021 Franklin County Engineer Cheryl R. Roberts, P.E., P.S.

RECEIVED JAN 05 2022 Franklin County Planning Department Franklin County, OH

ANX-01-22



87.4± TOTAL ACRES TO BE ANNEXED

- LEGEND: EXISTING CITY OF CANAL WINCHESTER CORP. LINE, PROPOSED CITY OF CANAL WINCHESTER CORP. LINE, PREVIOUS CITY OF CANAL WINCHESTER ANNEXATION LINES, EXISTING CITY OF COLUMBUS CORP. LINE, SECTION LINE, PARCEL LINE, ROAD CENTER LINE, RIGHT-OF-WAY, AREA TO BE ANNEXED

THIS EXHIBIT WAS PREPARED FROM RECORD INFORMATION FROM THE FRANKLIN COUNTY ENGINEER, RECORDER, AND AUDITORS OFFICE, AND IS NOT INTENDED FOR THE TRANSFER OF REAL PROPERTY.

CONTIGUITY NOTE: TOTAL PERIMETER OF ANNEXATION AREA IS 9,263 FT. AND 1,456 FT ARE CONTIGUOUS WITH THE CITY OF CANAL WINCHESTER BY ORDINANCE NUMBER 19-021, AND 136-FT ARE CONTIGUOUS WITH THE CITY OF CANAL WINCHESTER BY ORDINANCE NUMBER 19-006, AND 144-F T ARE CONTIGUOUS WITH THE CITY OF CANAL WINCHESTER BY ORDINANCE NUMBER 19-057, AND 72-F T ARE CONTIGUOUS WITH THE CITY OF CANAL WINCHESTER BY ORDINANCE NUMBER 19-055, GIVING 22.0% CONTIGUITY.



MARK M. HAWK, P.S. OHIO REGISTERED PROFESSIONAL SURVEYOR No. 68901 DATE 2021-12-17

SURVEYOR: CESO, INC. 2800 CORPORATE EXCHANGE DR. STE 400 COLUMBUS, OH 43221 PHONE: 614.794.7880 CONTACT: JEFFREY A. MILLER, PS

ANNEXATION EXHIBIT 87.4± ACRES. TOWNSHIP OF MADISON COUNTY OF FRANKLIN, OHIO. SCALE: 1" = 200'. DATE: 12/16/2021. DESIGN: DAV. DRAWN: DAV. JOB NO: 759721. SHEET NO: [blank]