

ORDINANCE NO. 2019-07

AN ORDINANCE APPROVING THE ANNEXATION OF 28.386+/- ACRES FROM SCIOTO TOWNSHIP TO THE VILLAGE OF COMMERCIAL POINT AND AMENDING THE ZONING MAP AND DECLARING AN EMERGENCY.

WHEREAS, Keavin R. Hill, Trustee of the Keavin R. Hill Revocable Trust (the “Petitioner”) filed a petition for the annexation of 28.386+/- acres (the “Petition”) to the Village of Commercial Point with Pickaway County Board of County Commissioners (the “County Commissioners”) on January 25, 2019.

WHEREAS, the Village of Commercial Point on February 4, 2019 passed Resolution No. 09-2019 setting forth the services to be provided to the 28.386 ± acres;

WHEREAS, on March 5, 2019, a hearing was held by the County Commissioners at which time evidence was presented by the Petitioner in favor of the proposed annexation and the legal description of the territory to be annexed;

WHEREAS, the County Commissioners have approved the Petition for Annexation;

WHEREAS, pursuant to the requirements of Ohio Revised Code Section 709.033, the County Commissioners caused to be filed with the Clerk of the Village of Commercial Point a certified transcript of the orders of the County Commissioners showing approval of same and all other papers, including an accurate map of the territory to be annexed;

WHEREAS, sixty (60) days from the date of receipt of the County Resolution granting the petition for annexation, has now lapsed in accordance with Section 709.04 of the Ohio Revised Code;

WHEREAS, the Council of the Village of Commercial Point has determined it to be in the best interest of the Village of Commercial Point, contingent of the final approval of the Petition for Annexation, that the zoning classification of the proposed Annexed Territory in the Village of Commercial Point be established;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, OHIO THAT:

SECTION I: The petition for annexation of 28.386 +/- acres to the Village of Commercial Point is hereby accepted.

SECTION II: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any other committees that result in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION III: That this ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. This emergency measure is necessary for the health, safety and welfare of the residents of Commercial Point, such emergency arises out of the need to comply with the terms of the Pre-Annexation Agreement, Ohio Revised Code and Village Ordinances.

Vote on Suspension of Readings:

Motion by: _____ 2nd _____

Roll Call:

____ Laura Wolfe	____ Aaron Grassel	____ Ben Townsend
____ Bruce Moore	____ Scott O'Neil	____ Jason Thompson

Vote on Passage of the Ordinance and declaring it an emergency:

Motion by: Scott O'Neil _____ 2nd Bruce Moore _____

Roll Call:

<u>Yes</u> Laura Wolfe	<u>Yes</u> Aaron Grassel	<u>Yes</u> Ben Townsend
<u>Yes</u> Bruce Moore	<u>Yes</u> Scott O'Neil	<u>Yes</u> Jason Thompson

Adopted this 15th day of July, 2019.



Gary Joiner, Mayor



Wendy Hastings, Fiscal Officer

Approved as to Form:



Frost Brown Todd, LLC

**PETITION FOR ANNEXATION
OF 28.386 ACRES, MORE OR LESS,
FROM SCIOTO TOWNSHIP IN PICKAWAY COUNTY
TO THE VILLAGE OF COMMERCIAL POINT, OHIO
UTILIZING THE SPECIAL PROCEDURE OF R.C. SECTION 709.023 ET SEQ.**

**TO: THE BOARD OF COUNTY COMMISSIONERS OF
PICKAWAY COUNTY, OHIO**

Now comes the undersigned petitioner, being one hundred percent (100%) of the owners of certain property as hereinafter described and requests that their property be annexed to the Village of Commercial Point, Ohio. The territory proposed for annexation contains approximately 28.386 acres, more or less, in Scioto Township, Pickaway County and is contiguous to the boundary of the Village of Commercial Point, Ohio, for five percent (5%) or more of the perimeter of the territory proposed for annexation. The undersigned understands the territory will not be excluded from the township.

An accurate description of the perimeter of the territory sought to be annexed and a map or plat of the above-described territory sought to be annexed is attached hereto and made a part hereof as Exhibit "A" and Exhibit "B".

The annexation will not create an unincorporated area of township that is completely surrounded by the territory proposed for annexation.

There is no annexation agreement between the municipality and the township pursuant to R.C. §709.192 applicable to this annexation or an applicable Cooperative Economic Development Agreement (C.E.D.A.) pursuant to R.C. §701.07.

The number of owners in the territory sought to be annexed is one (1) and the number of owners who signed the petition is one (1).

The owner who signs this petition by their signature expressly waives their right to appeal in law or equity from the board of county commissioners' entry of any resolution passed under R.C. §709.023 and waive any rights they may have to sue on any issue relating to a municipal corporation requiring a buffer as provided in R.C. §709.023 and further waive any rights to seek a variance that would relieve or exempt them from that buffer requirement.

Donald T. Plank, 411 East Town St., 2nd Floor, Columbus, Ohio 43215, (614) 947-8600, is hereby appointed agent for the undersigned petitioner, as required by R.C. §709.02. Amendments to correct any discrepancy or mistake noted by the county engineer or others in their examination of the map, plat or description may be made by the presentation of an amended map or plat and description to the Pickaway County Board of County Commissioners on, before or after the date set for hearing of this petition unless otherwise specified by law.

"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 THIS SPECIAL ANNEXATION PROCEDURE."

NAME

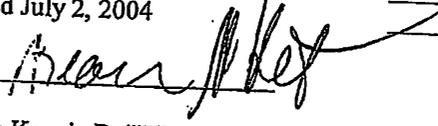
ADDRESS

DATE

Keavin R. Hill, Trustee of the
Keavin R. Hill Revocable Trust
Dated July 2, 2004

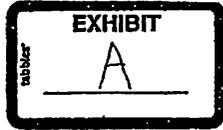
10-2-18

By:



Print: Keavin R. Hill

Its: Trustee



Legal Description for Annexation
28.331 Acres

Situated in the Township of Scioto, County of Pickaway, State of Ohio, and being a part of Virginia Military Survey No. 6541, and being more particularly described as follows;

Being a Survey of a 28.16 Acre parcel to be annexed into the Village of Commercial Point, as being part of an original 31.5 Acre parcel conveyed to Keavin R. Hill, Trustee of the Keavin R. Hill Revocable Trust, as recorded in O.R. Volume 676, Page 2538, in the Pickaway County Deed Records, also being all of P.P.N. L27-0-001-00-457-00 (25.51 Acres per tax duplicate) & all of P.P.N. L27-0-001-00-458-00 (2.65 Acres per tax duplicate), and further described as follows;

Commencing at a 3/4" o.d iron pipe found marking the Northwest corner of Walker Pointe Section 3, Phase A, as recorded in Plat Cabinet 2, Slide 107, in the Pickaway County Plat Records, being on the West and South Corporation Lines of the Village of Commercial Point, and being the PRINCIPLE PLACE OF BEGINNING of the 28.331 Acre parcel herein to be described;

Thence, S 16°53'21" E 1443.33 feet with the West line of said Walker Pointe Section 3 Phase A and extending along the West line of Walker Pointe Section 3 Phase B, also being the West Corporation Line of the Village of Commercial Point and the East line of said parcel conveyed to Hill of which this description is a part, to an iron pin set on the North line of Parcel Two: Tract One conveyed to Michael Edward Struckman, Trustee of the Michael Edward Struckham Trust, as recorded in O.R. Volume 621, Page 912;

Thence, S 73°34'52" W 905.94 feet leaving said Corporation line with the North line of said Parcel Two: Tract One conveyed to Struckham, the same being the South line of said parcel conveyed to Hill of which this description is a part, to an iron pin set on the East line of Parcel Three conveyed to Michael Edward Struckman, Trustee of the Michael Edward Struckham Trust, as recorded in O.R. Volume 621, Page 912;

Thence, N 16°44'25" W 1286.49 feet with the East line of said Parcel Three conveyed to Struckham, the same being the West line of said parcel conveyed to Hill of which this description is a part, to an iron pin set on the South Corporation Line of the Village of Commercial Point;

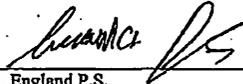
Thence, N 63°42'42" E 914.85 feet with the South Corporation Line of the Village of Commercial Point, across said original 31.5 Acre parcel conveyed to Hill of which this description is a part, along the North line of P.P.N. L27-0-001-00-457-00, to the PRINCIPLE PLACE OF BEGINNING, and containing 28.331 Acres, more or less, and is subject to all legal easements, right of ways, zoning restrictions, and ordinances of record.

The bearings of the above description are based on the West line of Walker Pointe Section 3, Phase B, as being N 16°53'21" W, and is based on the Ohio State Plane Coordinate System, South Zone, NAD83. Said bearing was established by Static and RTK GPS Observations, and was determined b using national Geodetic Survey, OPUS-S Service.

All iron pins set are 5/8" o.d. iron pins 30" long with red caps labeled "Watcon #S-7452".

The above description is based on an actual field survey by Watcon Engineering & Surveying, under the direct supervision of Scott A. England, Ohio Registered Surveyor #S-7452 in September of 2018.

Dated 10/19/18


Scott A. England P.S.
Ohio Registered Surveyor #7452

For Annexation Purpose Only
SURVEY PLAT and LEGAL DESCRIPTION
MATHEMATICALLY APPROVED
PICKAWAY COUNTY ENGINEER
BY REB DATE 10-22-18
Any Future Transfer Will
Require a New Survey



Adjacent Property Owners			
	PID	Owner Name	Mailing Address
PO	L27-0-001-00-457-00	Keavin R. Hill, Trustee	8901 St Rt 762, Orient, OH 43146
PO	L27-0-001-00-458-00	Keavin R. Hill, Trustee	8901 St Rt 762, Orient, OH 43146
	1 L28-0-006-00-024-00	Keavin R. Hill, Trustee	8901 St Rt 762, Orient, OH 43146
	2 L28-0-006-00-024-01	Keavin R. Hill, Trustee	8901 St Rt 762, Orient, OH 43146
	3 L27-0-001-00-410-00	Michael Edward Struckman, Trustee	8960 St Rt 762, Orient, OH 43146
	4 L27-0-001-00-412-00	Michael Edward Struckman, Trustee	8960 St Rt 762, Orient, OH 43146
	5 L28-0-006-00-038-00	Brian K. Lundy and Cheryl A. Lundy	P.O. Box 236, Commercial Point, OH 43116
	6 L28-0-006-00-043-00	Michael Edward Struckman, Trustee	8960 St Rt 762, Orient, OH 43146
	7 L28-0-010-00-165-00	Amanda Moore	318 Adrien Court, Commercial Point, OH 43116
	8 L28-0-006-00-045-00	Maronda Homes Inc.	3148 Broadway, Suite 305, Grove City, OH 43123
	9 L28-0-010-00-166-00	Richard Jaurez and Solange M. Juarez	319 Adrien Court, Commercial Point, OH 43116
	10 L28-0-010-00-183-00	Julie A. Spencer	436 Alberta Drive, Commercial Point, OH 43116
	11 L28-0-010-00-184-00	Janet S. Pifer and Brian T. Pifer	500 Heidish Drive, Commercial Point, OH 43116
	12 L28-0-010-00-185-00	Beth A. Baker Watt	502 Heidish Drive, Commercial Point, OH 43116