

ORDINANCE NO. 2019-11

AN ORDINANCE APPROVING THE ANNEXATION OF 57.16+/- ACRES FROM SCIOTO TOWNSHIP TO THE VILLAGE OF COMMERCIAL POINT AND AMENDING THE ZONING MAP.

WHEREAS, Michael Edward Struckman, Trustee, S & G Commercial Point, Ltd. (the "Petitioner") filed a petition for the annexation of 57.166+/- acres (the "Petition") to the Village of Commercial Point with Pickaway County Board of County Commissioners (the "County Commissioners") on March 4, 2019.

WHEREAS, the Village of Commercial Point on March 21, 2019 passed Resolution No. 16-2019 setting forth the services to be provided to the 57.16 ± acres;

WHEREAS, on April 9, 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 57.16 +/- 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 Ordinance 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.

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:

Motion by: Scott O'Neil _____ 2nd Aaron Grassel _____

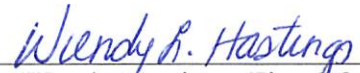
Roll Call:

<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 9th day of September, 2019.



Gary Joiner, Mayor



Wendy Hastings, Fiscal Officer

Approved as to Form:



Frost Brown Todd, LLC

**EXPEDITED TYPE II PETITION FOR ANNEXATION (SECTION 709.023)
TO THE VILLAGE OF COMMERCIAL POINT OF
57.16+/- ACRES, MORE OR LESS,
FROM SCIOTO TOWNSHIP**

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

03-04-19 A09:13. IN

The undersigned, petitioners in the premises, and being THE SOLE OWNERS OF REAL ESTATE in the territory described, consisting of 57.16+/- acres, more or less, with a total length of the annexation perimeter of 8,032.18 feet, more or less, in the Township of Scioto, which area is contiguous along 452.12 feet, or 5.63% is contiguous to the Village of Commercial Point, do hereby pray that said territory be annexed to the Village of Commercial Point, 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 as Exhibit "A" and "B" and made part hereof.

In support of said Petition, the petitioners state that there are within the territory so prayed to be annexed TWO (2) OWNERS OF SAID REAL ESTATE.

Thomas L. Hart, whose address is Isaac Wiles Burkholder & Teetor LLC, Two Miranova Place, Ste. 700, Columbus, Ohio 43215, is hereby appointed agent for the undersigned Petitioners, 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 her 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 Pickaway County Engineer in his examination of an amended plat and description to the Board of 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 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

S&G Commercial Pt. LTD

By Michael Struckman Trustee

S&G Commercial Point, Ltd.
an Ohio limited liability company
by Michael Edward Struckman, Trustee
of the Michael Edward Struckman Trust
u/t/d March 31, 2003, Manager

8960 St. Rt. 762
Orient, OH 43146

3-4-2019

Michael Struckman Trustee

Michael Edward Struckman, Trustee
of the Michael Edward Struckman Trust
u/t/d March 31, 2003

8960 St. Rt. 762
Orient, OH 43146

3-4-2019

EXHIBITS

Exhibit A= Legal Description

Exhibit B= Plat Map

Exhibit C= Adjacent Parcel Owner List

4825-2815-9105.1 : 06918 00030
4846-9517-3477, v. 1.

ANNEXATION OF 57.16 ACRES

Situated in the State of Ohio, County of Pickaway, Scioto Township, VMS 6541 and being all of that 49.656 acre tract as conveyed to S & G Commercial Point LTD & Michael Edward Struckman Trustee, of record in Official Record 758 page 2259 and all of that 7.50 acre tract as conveyed to S & G Commercial Point LTD, of record in Official Record 722 page 2658; all deed references refer to the Records of the Recorder's Office, Pickaway County Ohio and described as follows:

BEGINNING for reference at the centerline intersection of State Route 762 with Gibson Road in the line between VMS 6541 and 6825;

Thence, South 15°51'09" East with the centerline of said Gibson Road and said VMS Division Line a distance of 415.06 feet to a point at the southeasterly corner of a 1.431 acre tract as conveyed to Toni and Steven Smith of record in Deed Book 340 page 35 at the **TRUE POINT OF BEGINNING** for this description;

Thence, South 15°43'15" East continuing with said centerline and said VMS Division line a distance of 1077.50 feet to a point;

Thence South 73°51'04" West a distance of 1888.34 feet to a point on the centerline of Grove Run, in the easterly line of that tract as conveyed to Ball Family Farm LTD of record in Official Record 748 page 1782;

Thence with centerline of said Grove Run and said easterly line the following courses:

North 13°13'48" West a distance of 375.66 feet to a point;

North 43°37'06" West a distance of 427.40 feet to a point;

South 74°48'25" West a distance of 66.62 feet to a point at the southeasterly corner of a 2.709 acre tract, as conveyed to the Village of Commercial Point of record in Official Record 626 Page 585

North 44°58'35" West with the easterly line of said 2.709 acre tract a distance of 357.64 feet to a point at the northeasterly corner thereof and in the southerly line of a 7.09 acres tract as conveyed to Ramona A. Tipton, of record in Official Record 626 page 585;

Thence North 73°38'13" East with the southerly line of said 7.09 acre tract and the southerly line of a 7.5 acre tract conveyed to Darryl H and Audra Jordan by Official Record 748 page 1248, a distance of 660.27 feet to a point at the southeasterly corner thereof;

Thence North 01°13'58" West with the easterly line of said 7.5 acre tract, a distance of 828.66 feet to a point on the centerline of State Route 762;

Thence North 89°01'28" East, with the said centerline, a distance of 424.09 feet to a point at the northwesterly corner of that 5 acre tract conveyed to David K. and Dawn W. Riley by Deed Book 341 page 201;

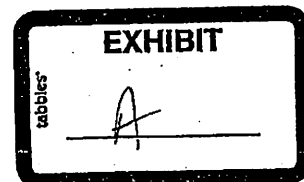
Thence South 01°13'58" East with the westerly line of said 5 acre tract, a distance of 712.09 feet to a point at the southwest corner thereof;

Thence North 73°38'13" East with the southerly line of said 5 acre tract and the southerly line of a 6.778 acre tract conveyed to James Harvey and Juanita L. Joyce by Deed Book 309 page 806 and a 1.431 acre tract conveyed to Toni and Steven Smith by Deed Book 340 page 35, a distance of 1213.91 feet to the **TRUE POINT OF BEGINNING** and containing 57.16 acres.

Bearings are based on GPS observations and South 15°43'15" East for the centerline of Gibson Road as shown of record in Official Record 748 page 1787.

All iron pins called as set are 5/8" x 30" rebar with yellow cap stamped "CESO".

Subject to all covenants, conditions, restrictions, reservations and easements contained in any instrument of record pertaining to the above described tract of land.



This description was prepared from record information from the Pickaway County Engineer, Recorder, and Auditor's Office and is not intended for the transfer of real property.

Total perimeter of annexation area is 8,032 feet, of which 452 feet are contiguous with the Village of Commercial Point, giving 5.6% contiguity.

CESO, Inc.

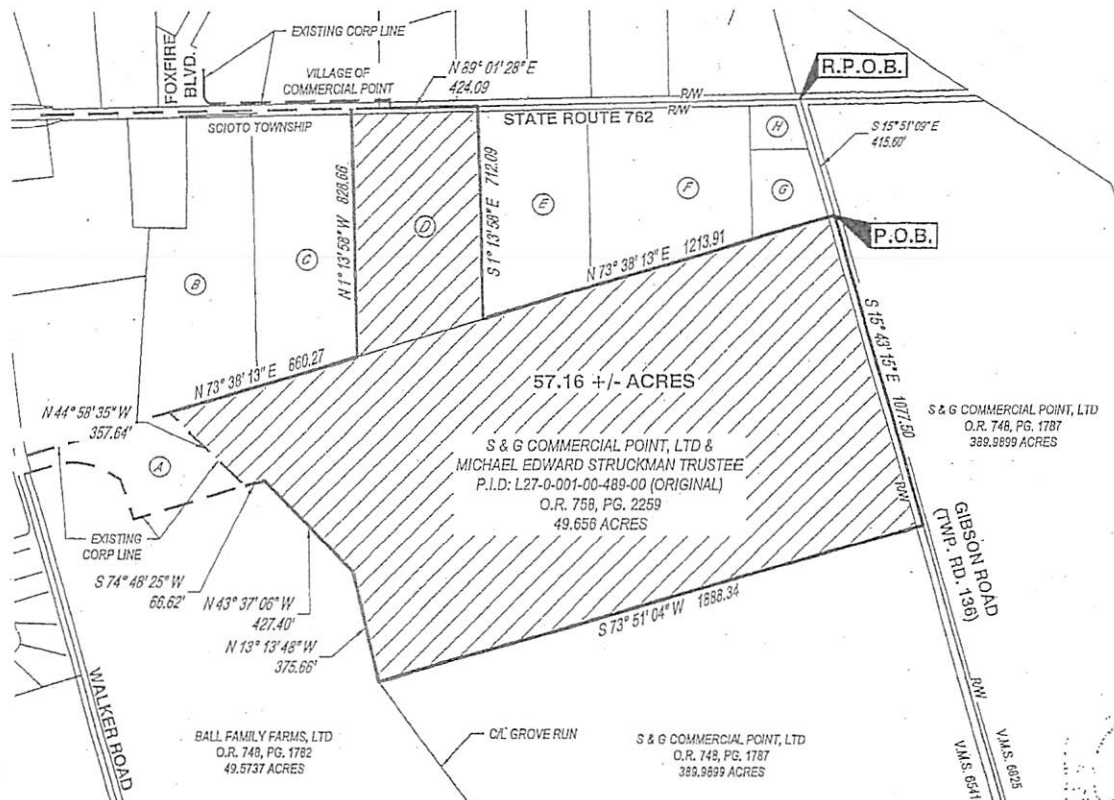
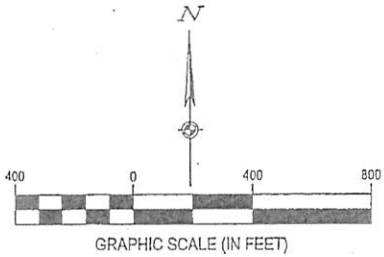
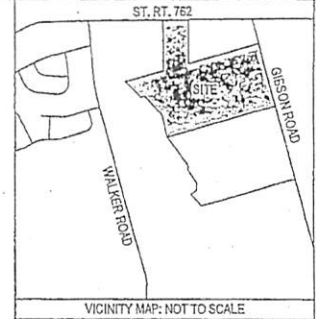


Jeffrey A. Miller 12-5-18

Jeffrey A. Miller, PS
Registered Surveyor No. 7211

ANNEXATION OF 57.16 ACRES FROM: SCIOTO TOWNSHIP TO: VILLAGE OF COMMERCIAL POINT

SITUATED IN THE STATE OF OHIO, COUNTY OF PICKAWAY, TOWNSHIPS OF SCIOTO,
BEING LOCATED IN THE VIRGINIA MILITARY SURVEY NO. 6541



Annexation Table			
Owner	Parcel Number	To Be Annexed	Remaining in Township
S & G Commercial Point, Ltd.	L27-0-001-00-489-00 (original)	49.656 Acres	0 Acres
S & G Commercial Point, Ltd.	L27-0-001-00-491-03	7.50 Acres	0 Acres

- | | | |
|--|--|--|
| <p>A: VILLAGE OF COMMERCIAL POINT
2.709 ACRES
D.V. 269, PG. 61</p> <p>B: RAMONA A. TIPTON
7.09 ACRES
O.R. 626, PG. 585</p> <p>C: DARRYL II AND AUDRA JORDAN
7.50 ACRES
O.R. 748, PG. 1248</p> | <p>D: S & G COMMERCIAL POINT, LTD.
7.50 ACRES
O.R. 722, PG. 2658</p> <p>E: DAVID K. RILEY & DAWN W. RILEY
5 ACRES
D.B. 341, PG. 201</p> <p>F: JAMES HARVEY JOYCE & JUANITA L. JOYCE
6.778 ACRES
D.B. 309, PG. 806</p> | <p>G: TONI L. SMITH & STEVEN SMITH
1.431 ACRES
D.B. 340, PG. 35</p> <p>H: JERRY D. KRAFT & CHRISTINE J. ADAMS
0.689 ACRES
O.R. 617, PG. 2600</p> |
|--|--|--|

CONTIGUITY NOTE:
TOTAL PERIMETER OF ANNEXATION AREA IS 8,032.18 FT,
OF WHICH 452.12 FT ARE CONTIGUOUS WITH THE
VILLAGE OF COMMERCIAL POINT BY ORDINANCE
NUMBER _____, GIVING 5.63% CONTIGUITY.

SURVEYOR:
CESO, INC.
2800 CORPORATE EXCHANGE DR, STE 160
COLUMBUS, OH 43231
PHONE: 614.794.7080
CONTACT: JEFFREY A. MILLER, PS

PROPOSED ANNEXATION

WWW.CESOINC.COM

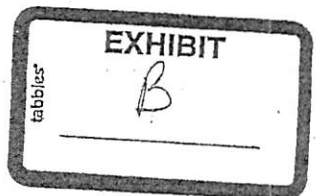
JOB NO.:	755619
REF. SHT.:	N/A
DESIGN:	JEK
DATE:	08.30.2018
SKETCH NO. EXHIBIT A	



THIS EXHIBIT WAS PREPARED FROM RECORD INFORMATION FROM THE PICKAWAY COUNTY ENGINEER, RECORDER, AND AUDITOR'S OFFICE AND IS NOT INTENDED FOR THE TRANSFER OF REAL PROPERTY.

JEFFREY A. MILLER
 OHIO F.S.#7211

12.5.18
DATE



V:\PROJECTS\6541 STRUCKMAN ANNEXATION\GIS\SURVEY\FIGURES\ANNEXATION.DWG

LEGEND

- EXIST. VILLAGE OF COMMERCIAL POINT LINE
- EXIST. PARCEL LINE
- PROP. ANNEXATION CORP. LINE
- PROP. AREA TO BE ANNEXED FROM SCIOTO TWP. (57.2ACRES)

EXHIBIT C – ADJACENT PROPERTY OWNERS

1. Parcel No. L2800060004400
Walker Road
Village of Commercial Point
P. O. Box 78
Commercial Point, OH 43116
2. Parcel No. L2700010049400
Ramona Whitt Tipton
5871 St. Rt. 762
Ashville, OH 43103
3. Parcel No. L2700010049105
Christina Dalzell & Darryl & Audra Jordan
5805 St. Rt. 762
Ashville, OH 43103
4. Parcel No. L2700010049103
S&G Commercial Point Ltd.
8960 St. Rt. 762
Orient, OH 43146
5. Parcel No. L2700010049402
David & Dawn Riley
5659 St. Rt. 762
Ashville, OH 43103
6. Parcel No. L2700010049102
James & Juanita Joyce
5645 St. Rt. 762
Ashville, OH 43103
7. Parcel No. L2700010049200
11499 Gibson Road
Steven & Toni Smith
P. O. Box 265
Commercial Point, OH 43116
8. Parcel No. L2700010049300
5543 St. Rt. 762
Jerry Kraft & Christine Adams
118 East Street
Ashville, OH 43103

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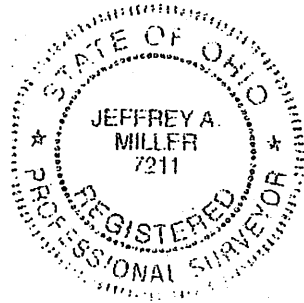
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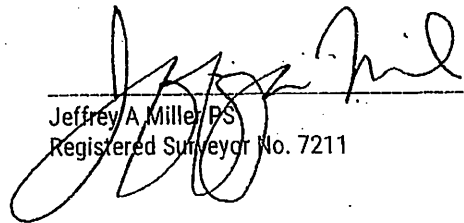
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Total perimeter of annexation area is 8,032 feet, of which 452 feet are contiguous with the Village of Commercial Point, giving 5.6% contiguity.



CESO, Inc.

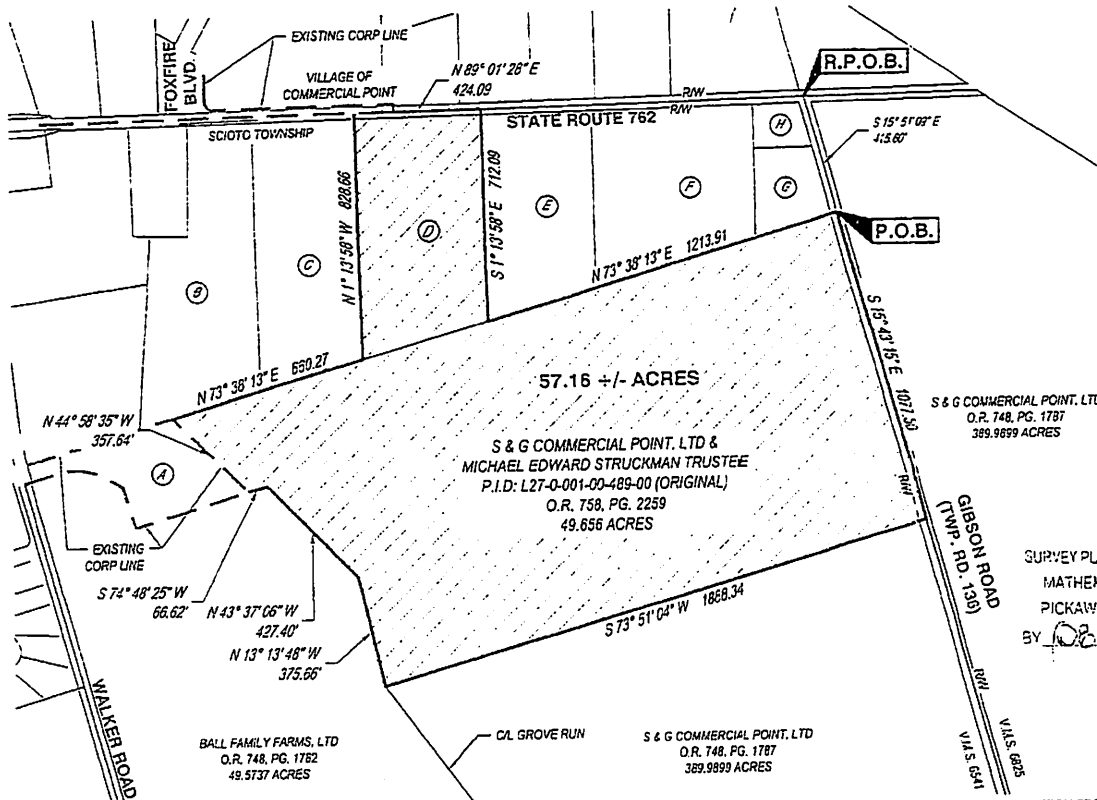
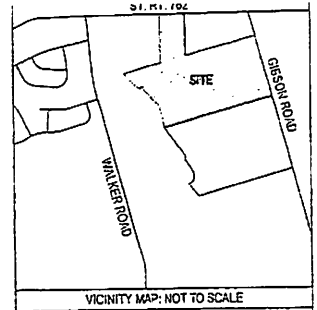
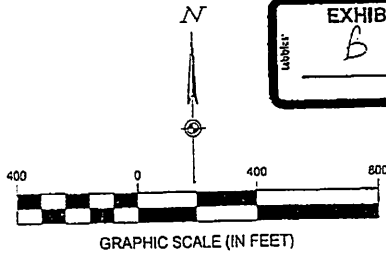
 12-5-19
Jeffrey A. Miller, PS
Registered Surveyor No. 7211

SURVEY PLAT and LEGAL DESCRIPTION
MATHEMATICALLY APPROVED
PICKAWAY COUNTY ENGINEER
BY REB DATE 3-23-19

ANNEXATION OF 57.16 ACRES FROM: SCIOTO TOWNSHIP TO: VILLAGE OF COMMERCIAL POINT

SITUATED IN THE STATE OF OHIO, COUNTY OF PICKAWAY, TOWNSHIPS OF SCIOTO,
BEING LOCATED IN THE VIRGINIA MILITARY SURVEY NO. 6541

EXHIBIT
B



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7.50 ACRES
O.R. 722, PG. 2555 | G: TONI L SMITH & STEVEN SMITH
1.431 ACRES
D.B. 340, PG. 35 |
| B: RAMONA A. TIPTON
7.79 ACRES
O.P. 62E, PG. 565 | E: DAVID K. RILEY & DAWN W. RILEY
5 ACRES
O.B. 341, PG. 201 | H: JERRY D. KRAFT & CHRISTINE J. ADAMS
0.568 ACRES
C.R. 617, PG. 2600 |
| C: DARRYL II AND AUDRA JORDAN
7.50 ACRES
O.R. 748, PG. 1249 | F: JAMES HARVEY JOYCE & JUANITA L. JOYCE
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SURVEYOR:
 CESO, INC.
 2600 CORPORATE EXCHANGE DR, STE 100
 COLUMBUS, OH 43231
 PHONE: 614.794.7080
 CONTACT: JEFFREY A. MILLER, PS

SURVEY PLAT and LEGAL DESCRIPTION
 MATHEMATICALLY APPROVED
 PICKAWAY COUNTY ENGINEER
 BY *J.A.M.* DATE *5-23-19*

PROPOSED ANNEXATION

WWW.CESODIG.COM

JOB NO.:	755619
REF. SHT.:	N/A
DESIGN:	JEK
DATE:	08.30.2018
SKETCH NO. EXHIBIT A	

THIS EXHIBIT WAS PREPARED FROM RECORD INFORMATION FROM THE PICKAWAY COUNTY ENGINEER, RECORDER, AND AUDITOR'S OFFICE, AND IS NOT INTENDED FOR THE TRANSFER OF REAL PROPERTY.

Jeffrey A. Miller
 JEFFREY A. MILLER
 OHIO P.S.#7271
 DATE *7.5.18*

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LEGEND

	EXIST. VILLAGE OF COMMERCIAL POINT LINE
	EXIST. PARCEL LINE
	PROP. ANNEXATION CORP LINE
	PROP. AREA TO BE ANNEXED FROM SCIOTO TWP. (57.2ACRES)