

ORDINANCE NO. 2022-28

AN ORDINANCE APPROVING THE ANNEXATION OF 152.469 +/- ACRES FROM SCIOTO TOWNSHIP, PICKAWAY COUNTY, AND JACKSON TOWNSHIP, FRANKLIN COUNTY, TO THE VILLAGE OF COMMERCIAL POINT AND AMENDING THE ZONING MAP.

WHEREAS, Jackson B. Reynolds, III (the "Petitioner") filed a petition for the annexation of 152.469 +/- acres (the "Petition for Annexation") to the Village of Commercial Point with the Pickaway County Board of County Commissioners (the "County Commissioners") on or about June 8, 2022; and

WHEREAS, on June 20, 2022, the Council of the Village of Commercial Point passed Resolution No. 27-2022 setting forth the services to be provided to the 152.469 ± acres; and

WHEREAS, on July 12, 2022, 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; and

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

WHEREAS, pursuant to the requirements of Ohio Revised Code Section 709.033, on July 25, 2022, 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; and

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

WHEREAS, pursuant to Section 709.04 of the Ohio Revised Code, the Council of the Village of Commercial Point must approve the Petition for Annexation within one hundred twenty (120) days from October 3, 2022, which is no later than January 31, 2023, or else the Petition is considered to be rejected; and

WHEREAS, the Council of the Village of Commercial Point has determined it to be in the best interest of the Village of Commercial Point that the Petition for Annexation be accepted and 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, PICKAWAY COUNTY, OHIO THAT:

SECTION 1. Approval of Petition for Annexation. The Petition for Annexation of 152.469 +/- acres to the Village of Commercial Point, as more fully depicted in the attached Exhibit A (which is incorporated herein by reference), is hereby accepted.

SECTION 2. Amendment of Zoning Map. The Zoning Map of the Village of Commercial Point shall be amended in accordance with Chapter 1179 the Zoning Code of the Village of Commercial Point.

SECTION 3. Open Meetings Certification. 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 resulted 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 4. Effective Date. This Ordinance shall take effect at the earliest date allowed by law.

Vote on Passage of the Ordinance:

Motion by: Ross Crego

2nd: Nancy Geiger

Roll Call:

Yes Nancy Geiger

Yes Ryan Mitchem

Yes Audrea Ratliff


Yes Ross Crego

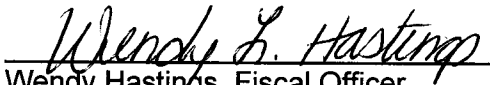
Yes Stacey Plybon

N/A Laura Wolfe

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Adopted this 19th day of December, 2022.


Allan D. Goldhardt, Mayor


Wendy Hastings, Fiscal Officer

Approved as to Form:


Joshua Cartee, Village Solicitor

NOTICE OF FILING OF ANNEXATION PETITION

**TO: Wendy Hastings, Fiscal Officer
Village of Commercial Point
10 West Scioto Street
Commercial Point, OH 43116**

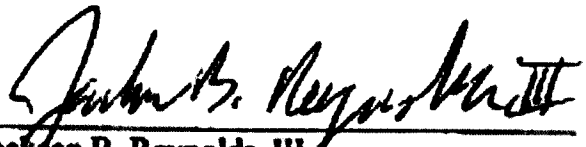
In accordance with the provisions of Section 709.03 of the Ohio Revised Code, you are hereby notified that, on the 8th day of June, 2022, the undersigned, as Agent for the Petitioners, filed an Annexation Petition in the office of the Board of County Commissioners of Pickaway County, Ohio.

Said Petition prays for annexation to the Village of Commercial Point, Ohio, of 152.469 acres, more or less, in Scioto & Jackson Township(s).

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


Dated: _____

6/8/22



Jackson B. Reynolds, III
Agent for Petitioners

RECEIPT OF THE AFOREMENTIONED DOCUMENT(S) IS HEREBY ACKNOWLEDGED
THIS 8 day of June, 20 22.



CLERK'S OFFICE

**ORDINANCE NO. 2022-28
Exhibit A (continued)**

162016 9 MAY 2022

**EXPEDITED TYPE II PETITION FOR ANNEXATION (SECTION 709.021)
TO THE VILLAGE OF COMMERCIAL POINT
OF 152.469 ACRES MORE OR LESS
IN THE TOWNSHIP(S) OF SCIOTO AND JACKSON**

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

The undersigned, petitioners in the premises, and being ALL OF THE OWNERS OF REAL ESTATE in the territory hereinafter described, consisting of 152.469 acres with a total perimeter boundary of 11,725.51', more or less, in the Township(s) of Scioto and Jackson which area is contiguous along 4,207.60' or 35.88% and adjacent 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 and made part hereof.

In support of said Petition, your petitioners state that there is/are within the territory so prayed to be annexed two (2) OWNER(S) OF REAL ESTATE.

Jackson B Reynolds III, whose address is 37 West Broad Street, Suite 460, Columbus, Ohio 43215, is hereby appointed Agent for the undersigned Petitioner(s), 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 his 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 the Petition and Plat. Said amendment shall be made by the presentation of an amended plat and description to the Board of County 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 THE SPECIAL ANNEXATION PROCEDURE SET FORTH IN SECTION 709.023, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR SAID SPECIAL ANNEXATION PROCEDURE.

<u>NAME</u>	<u>DATE</u>	<u>ADDRESS</u>
By: <u>[Signature]</u> SB Lane Crabtree LLC	<u>6-1-22</u>	<u>6204 Hartman Rd Cincinnati OH 45204</u>
<u>[Signature]</u> William M. Lane, Trustee of the W M Lane Trust, dated as of June 14, 1994	<u>6-1-22</u>	<u>6204 Hartman Rd Cincinnati OH 45204</u>

**COMBINED MEMORANDUM AND
CERTIFICATION OF TRUST**

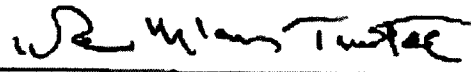
(Pursuant to O.R.C. 5301.255 and O.R.C. 5810.13)

The undersigned, William M. Lane, Trustee of the Declaration of Trust of William M. Lane dated June 14, 1994, having been duly cautioned and sworn states as follows:

1. The Trust currently exists and is known as the William M. Lane Trust dated June 14, 1994.
2. The Trust Grantor is William M. Lane.
3. The currently acting Trustee is William M. Lane whose address is 6064 Harlem Road, Westerville, Ohio 43082.
4. This Trust is revocable by the Grantor, William M. Lane, but has not been revoked, modified nor amended in any manner that would cause the representations contained herein to be incorrect.
5. If William M. Lane is unable or unwilling to act as Trustee, the Succession of the Trustee is as follows: Susan Howe Lane and Lewis Gundy Lane as Co-Trustees.
6. The Trust contains the following powers relative to the acquisition, sale or encumbering of real property by the Trustee and the conveyance of real property by the Trustee:

13.1.6. Real Property. To acquire, hold, improve, develop, manage, sell, and otherwise deal with any real property in any manner and for any purpose that the Trustee considers best.

13.1.12. Borrowing of Funds. To borrow in the name of the trust such sums for such periods and on such terms as the Trustee considers best, including the right to borrow from a corporate Trustee or an affiliate of a corporate Trustee, and to secure any loan by deed of trust, mortgage or pledge; no lender will be bound to see to or be liable for the application of the proceeds; unless otherwise expressly agreed, the Trustee will not be personally liable for any loan, but each loan will be payable only out of the assets comprising the trust.



WILLIAM M. LANE, Trustee

ORDINANCE NO. 2022-28
Exhibit A (continued)

State of Ohio :
County of Franklin, : ss

The foregoing instrument was acknowledged before me this 25 day of ^{February} ~~January~~, 2022
by William M. Lane, Trustee of the William M. Lane Trust dated June 14, 1994.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal on
the date and year last aforesaid.

Michael E. Flowers

Notary Public

MICHAEL E. FLOWERS, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

This instrument is prepared by Steptoe & Johnson PLLC
41 S. High Street, Suite 2200
Columbus, OH 43215
614-221-5100

RESOLUTION

A RESOLUTION OF THE SB LANE CRABTREE LLC AUTHORIZING WILLIAM M. LANE, AND HIS DESIGNEE, TO SIGN PETITIONS FOR THE ANNEXATION OF 152.459± ACRES OF PROPERTY INTO THE VILLAGE OF COMMERCIAL POINT, OHIO AND TAKE ALL OTHER ACTIONS NECESSARY IN FURTHERANCE OF PURSUING AND COMPLETING SAID ANNEXATION.

RESOLVED, To authorize William M. Lane and his designee, to sign and file a petition for the annexation of 152.469± acres into the Village of Commercial Point, Ohio and to take all other actions necessary in furtherance of pursuing and completing said annexations.

Background: From time to time SB Lane Crabtree LLC property will need to be annexed into the Village of Commercial Point, Ohio for various reasons including, but not limited to, construction, rezoning, etc. or to carry out the terms of agreements that contemplate annexation. The immediate need for this resolution is to authorize the filing of an annexation petition for the annexation of 152.469± acres to the Village of Commercial Point, Ohio.

This resolution also grants authority to William M. Lane, and his designee, in the future to sign and file petitions for annexation and take all other necessary actions in furtherance of pursuing and completing any future annexations.

ADOPTED BY THE SOLE MEMBER OF SB LANE CRABTREE LLC ON THE 25TH DAY OF FEBRUARY, 2022.

SB Lane Crabtree LLC

By: Sarah Lane Crabtree, trustee
Sarah Lane Crabtree, Trustee

Its: Sole member

Attest: Douglas E. Crabtree

ORDINANCE NO. 2022-28
Exhibit A (continued)

Kerschner Properties Ltd
13445 Tollgate Road
Pickerington, OH 43147
L2700010053700 / L2700010054000
160-000029

Scioto River Development LLC
1515 Des Peres Road, Suite 300
St. Louis, MO 63131
L2700010054200 / 160-001501

K-Nova LLC
700 Home Road
Akron, OH 44310
L4000010000600

Southeast Ohio Land Company
442 East Northwood Avenue
Columbus, OH 43201
L2700150100200 / L2700150100100

South Point Church of Columbus
4965 Southern Point Blvd.
Orient, OH 43146
L2700010053920

James R & Brenda K Robins
c/o Diana Coffman Trustee
9291 ST RT 104
Lockbourne, OH 43137
L2700010053903 / L2700010053905

Earl & Rosemary Borders
9321 SR 104
Lockbourne, OH 43137
L2700010053902

Sarah E Edwards Trustee
9371 ST RT 104
Lockbourne, OH 43137
L2700010053901

Emogene Eldridge
9118 Kepler Ford Road
Orient, OH 43146
L2700010053600

lane-commercialpoint-104-anx.tbl (nct)
8/2/21 S:\Docs\s&hlabels\2021

**ORDINANCE NO. 2022-28
Exhibit A (continued)**

© Copyright 1984
 National Board of Surveying and Mapping, Inc.
 1500 22nd Street, N.W., Atlanta, GA 30336
 (404) 525-8800

AN EMPLOYEE OWNED COMPANY



Established 1927

100-311-2021

DESCRIPTION OF A 152.400 ACRE PARCEL

For

ANNEXATION INTO THE CITY OF COMMERCIAL POINT, OHIO

Situated in the Township of Seneca County of Pickaway and also the Township of Adams County of Franklin in the State of Ohio and being a part of the Robert Rose's VMS No. 1100 and also being part of Lot Number 2 of the East partitioned among the heirs of Lewis Linnar as recorded in Survey Plat Book 2, Page 74 of the Franklin County Record of Deeds and being a parcel of land as conveyed to S.H. Lane Contract, LLC (1999-0-001-00-54100 Pickaway County) and recorded in Volume 0625, Page 26-B of the Pickaway County Deed Records and also a parcel of land as conveyed to Sarah Lane Contract, Trustee and recorded in Volume 0140, Page 20-B of the Pickaway County Record of Deeds and more fully bounded and described as follows:

Beginning at a stone monument found on the Franklin County/Pickaway County line and labeled FUGS No. 54 in the Franklin County Survey showing thence N E 1/2 011° W, along said county line, 2019 feet to a "Central" 5° N capped iron pin found and the True Place of Beginning of the parcel herein described.

Course No. 1, Thence S 04° 12' 17" W, continuing along the westerly line of a parcel of land as conveyed to the Seneca River Development LLC as recorded in O.R. 725-193-870 of the Pickaway County Record of Deeds, 971.88 feet to a "Central" 58° capped iron pin found.

Course No. 2, Thence S 85° 12' 19" W, continuing along the westerly line of said Seneca River Development LLC parcel, 112.20 feet to a concrete post found.

Course No. 3, Thence S 81° 17' 06" W, along the northerly line of a parcel of land as conveyed to K Nova LLC and recorded in O.R. 718, Pt. 2099 of said Pickaway County Record, 4,207.50 feet to a point and the corner line of State Route 104 (60 feet wide) and passing over an iron pin set at 4,177.46 feet.

Course No. 4, Thence N 01° 51' 21" W, along said State Route 104 centerline, 1,519.65 feet to a point.

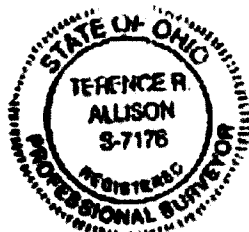
Course No. 5, Thence N 51° 13' 20" E, along the southerly line of a parcel of land as conveyed to Kervoliner Properties LLC and recorded in D.R. 656, Pt. 202b of said Pickaway County Record of Deeds, 4,446.98 feet to a capped 58° iron pin found (cap is damaged) and passing over an iron pin set at 30.00 feet and also at 5,087.38 feet at the right of way line and the intersection of the Franklin and Pickaway County lines respectively.

Course No. 6, Thence S 28° 09' 45" E, along said Seneca River Development LLC parcel, 247.38 feet to the Place of Beginning and containing 152.400 acres of land, more or less, (3,378 Acres in Franklin County), (148.491 acres in Pickaway County, 2.793 acres of Runway) as surveyed by Terence R. Allison, P.S., (Ohio Registration No. S-7176 for C.T.I. Engineering Inc., in May, 2021, but subject to all legal roads, highways, right of ways, easements and terms of record.

This Annexation does not create an unincorporated area of the township completely surrounded by the territory proposed for annexation. Total Per-acre of the Annexation Area is 11,725.51' of which 4,207.47' is contiguous with the City of Commercial Point, resulting in 75.88% contiguity.

The Plans of Bearing is Ohio State Plane Coordinate, South Zone, and NAD 1983 (2011)
 All iron pins are are 3/8 inch N 58° inch rebar with plastic caps stamped "CTI Engineering-7176"

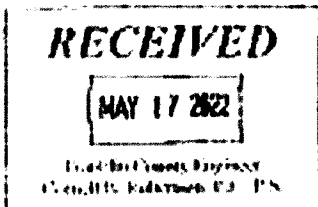
5/20/21
 Date



Terence R. Allison
 Terence R. Allison, P.S. Professional Surveyor No. S-7176

**SURVEY PLAT and LEGAL DESCRIPTION
 MATHEMATICALLY APPROVED
 PICKAWAY COUNTY ENGINEER**

BY MAF DATE 5/10/21



**ANNEXATION
 PLAT & DESCRIPTION
 ACCEPTABLE
 CORNELL R. ROBERTSON, P.E., P.S.
 FRANKLIN COUNTY ENGINEER**

By CR 5/17/2022

**ORDINANCE NO. 2022-28
Exhibit A (continued)**

CTL Engineering, Inc.
450 Grant Street, Suite 110, Alton, Ohio 44311
Phone: 330/994-1980 • Fax: 330/994-1987
e-mail: tallison@ctleng.com

AN EMPLOYEE OWNED COMPANY



Consulting Engineers • Surveying • Testing • Inspection Services • Analytical Laboratories

Established 1927

November 9, 2022

DESCRIPTION OF A 3.778 ACRE PARCEL

Situated in the Township of Jackson, County of Franklin and State of Ohio, Virginia Survey No. 1108 being a part of an original 176 acres and 100 poles tract of land, less an 1.1 acre exception, (PPN L27-0-001-00-541-00 Pickaway County) as conveyed to SB Lane Crabtree, LLC, one-half interest and recorded in Volume 0625, Page 2648 (Pickaway County) and William M. Lane, Trustee, one-half interest, by deed recorded in Volume 351 page 167 (Pickaway County), documents referenced herein are of record in the Offices of the Franklin County and Pickaway County Recorder's Office and more fully bounded and described as follows:

Beginning at a stone monument found on the Franklin County/Pickaway County Line and labeled FCGS SO 54 and bearing South 87 degrees 2 minutes 14 seconds East a distance of 4591.05 feet from a monument found on Franklin County/Pickaway County Line and labeled FCGS SO 51, thence from FCGS SO 54 North 87 degrees 02 minutes 01 seconds West, along said county line, 39.09 feet to a "Central" Capped iron pin found at the west line of the 80.025 acre tract conveyed to Scioto River Dev. LLC by deed recorded in Instrument No. 201607220095000 (Franklin County) and OR 725, Page 830 Pickaway County Record of Deeds and the **True Place of Beginning of the parcel herein described;**

Course No. 1: Thence, North 87 degrees 02 minutes 14 seconds West, continuing along said County line, 1,431.18 feet to an iron pin set at the intersection of said county line with the southerly line of a parcel of land as conveyed to Kerschner Properties, LTD by deed recorded in Instrument No. 200503070041338 (Franklin County) and Deed Volume 0565, Page 2026 (Pickaway County);

Course No. 2: Thence North 83 degrees 13 minutes 30 seconds East, along said southerly property line, 1,359.60 feet to a capped iron pin found (cap is damaged) and the westerly line of a 80.025 acre tract of land as conveyed to the Scioto River Development LLC by deed recorded in Instrument No. 201607220095000 (Franklin County) and OR 725, Page 830 (Pickaway County);

Course No. 3: Thence South 18 degrees 39 minutes 45 seconds East, along said westerly line, 247.38 feet to the **Place of Beginning and containing 3.778 acres of land, more or less, as surveyed by Terence R. Allison, P.S., Ohio Registration No. S-7176, for CTL Engineering Inc., in May, 2021, but subject to all legal roads, highways, right of ways, easements and leases of record. This description prepared by David M. Baker, P.S., Ohio Registration No. S-7644 based on field survey by Terence R. Allison.**

The Basis of Bearing is Ohio State Plane Coordinates, South Zone, and NAD 1983(2011), the Franklin County/Pickaway County Line bearing from FCGS SO 51 to FCGS SO 54 being observed as South 87 degrees 2 minutes 14 seconds East.

All iron pins set are 30 inch X 5/8 inch rebar with plastic caps stamped "CTL Engineering-7176".

New Entry
3.778
acre
ADJ. 40
(160)
29
+
1501

11/24/2022
Date

David M. Baker
David M. Baker, P.S. Professional Surveyor No. S-7644

Offices: Ohio, Indiana, Kentucky, Pennsylvania, Virginia, West Virginia, India

C:\Survey\Projects\21100030MOR-SB Crabtree Annex. SR 104\Description Parcel 1 3.778 Acres 20221108.docx

