

**RESOLUTION 08-2022**

**A RESOLUTION ADOPTING A STATEMENT OF SERVICES FOR A PROPOSED ANNEXATION OF +/- 60.962 ACRES FROM SCIOTO TOWNSHIP TO THE VILLAGE OF COMMERCIAL POINT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, a petition for an Expedited Type II annexation of +/- 60.962 acres from Scioto Township was filed with the Board of County Commissioners of Pickaway County, Ohio on February 7, 2022 by the attorney and agent for Petitioner Ronin Holdings LLC (“Petitioner”); and

**WHEREAS**, R.C. 709.023(C) requires that, within twenty days of an annexation petition being filed, the municipal legislative authority shall adopt a statement of services indicating which services the municipal corporation will provide to the territory proposed for annexation and an approximate date by which it will provide services to the territory upon annexation; and

**WHEREAS**, R.C. 709.023(C) requires that, within twenty days of the annexation petition being filed, the municipality to which annexation is proposed must adopt an ordinance or resolution relating to land uses and buffers if the territory proposed to be annexed is currently subject to either county zoning pursuant to Chapter 303 or township zoning pursuant to Chapter 519 of the Ohio Revised Code; and

**WHEREAS**, R.C. 709.023(C) defines “buffer” to include open space, landscaping, fences, walls, and other structured elements, streets, and street rights-of-way, and bicycle and pedestrian paths and sidewalks; and

**WHEREAS**, the total perimeter of the proposed annexed territory is at least 5% contiguous with territory currently within the Village of Commercial Point.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, PICKAWAY COUNTY, OHIO THAT:**

**Section 1. Statement of Services.** The Village of Commercial Point will provide the following municipal services for the +/- 60.962 acres subject territory currently in Scioto Township (Pickaway County) as described in the petition for annexation, which is attached hereto as Exhibit A (“Property”), immediately upon the annexation of the area to the Village of Commercial Point, Ohio:

- (a) Potable Water;
- (b) Zoning under Village Ordinances;
- (c) Police;
- (d) Refuse and recycling pickup under current contract;
- (e) Snow removal and street maintenance.

**Section 2. Statement as to Sanitary Sewer Capacity.** At this time, the Village of Commercial Point does not have the capacity to provide the Property with sanitary sewer service. The provision of such services to the Property is subject to and conditioned upon the then available plant capacity at the time the contemplated development of the Property requires such service, and such service shall be provided on a first-come, first-served basis when such service capacity is available. The Village estimates, but in no way guarantees, that such sanitary sewer capacity will be available within three (3) calendar years from the date of the adoption of this Resolution.

**Section 3. Zoning.** Should the territory (a) be annexed and (b) subsequently become subject to zoning pursuant to the Village, and (c) the municipal zoning permits uses in the annexed territory that the Village Council determines are clearly incompatible with the uses permitted under current county or township zoning in the adjacent land remaining in the township from which the territory was annexed, the Village Council 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 territory and the adjacent land remaining within the township should land adjacent to the territory be determined to be unincorporated territory.

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**Section 4. Open Meetings Certification.** 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 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 5. Emergency Declaration; Effective Date.** Council declares this Resolution to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of the Village of Commercial Point and the further reason that this statement of services Resolution must be filed with the Pickaway County Board of Commissioners no later than February 27, 2022 to comply with the timing requirements under state annexation law. Therefore, this Resolution shall take immediate effect upon passage.

Vote on Suspension of the Readings:

Motion by: Tracy Joiner

2<sup>nd</sup>: Nancy Geiger

Roll Call:

Yes Nancy Geiger

Yes Tracy Joiner

Yes Jason West

Yes Ross Crego

Yes Ryan Mitchem

Yes Laura Wolfe

Vote on Passage of the Resolution:

Motion by: Tracy Joiner

2<sup>nd</sup>: Laura Wolfe

Roll Call:

Yes Nancy Geiger

Yes Tracy Joiner

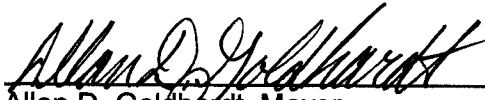
Yes Jason West

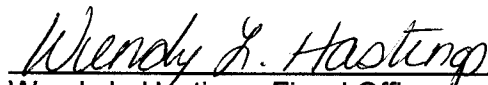
Yes Ross Crego

Yes Ryan Mitchem

Yes Laura Wolfe

Adopted this 8<sup>th</sup> day of February, 2022.

  
Allan D. Goldhardt, Mayor

  
Wendy L. Hastings, Fiscal Officer

Approved as to Form:

  
Joshua Cartee, Village Solicitor

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**Exhibit A**

**60.962 ACRES**

Situated in the State of Ohio, County of Pickaway, Township of Scioto, in Virginia Military Survey Number 1189, being part of that 74.31 acre tract of land conveyed to Rouin Holdings, LLC, by deed of record in Official Record 656, Page 2470, also being all of Parcel Number L27-0-001-00-529-00 (a 39.90 acre tract by Auditor), (all references refer to the records of the Recorder's Office, Pickaway County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at a magnetic nail set at the northeasterly corner of the subdivision entitled "Foxfire Phase 1 Part 1", of record in Plat Cabinet 4, Slide 13, in the existing Village of Commercial Point corporation line, in the centerline of State Route 104;

Thence South 84° 14' 15" West, partly with said corporation line, partly with the northerly line of said "Foxfire Phase 1 Part 1", and partly with the northerly line of that 138.760 acre tract conveyed to M/I Homes of Central Ohio, LLC by deed of record in Official Record 776, Page 692, a distance of 962.33 feet to an iron pin set at the TRUE POINT OF BEGINNING for this description;

Thence South 84° 14' 15" West, partly with said corporation line, partly with the northerly line of said 138.760 acre tract, and partly with the northerly line of that 113.972 acre tract conveyed to Foxfire Golf Club, Inc. by deed of record in Official Record 776, Page 685, a distance of 4409.72 feet to a 1.65' x 1.65' concrete post found at the southeasterly corner of that 83.26 acre tract conveyed to Robert G. Hall, Trustee by deed of record in Official Record 721, Page 2323;

Thence North 08° 42' 38" West, with the easterly line of said 83.26 acre tract, a distance of 600.83 feet to an iron pin set at the southwesterly corner of that 265.59 acre tract conveyed to James R. Jahn, Trustee by deed of record in Official Record 739, Page 2124;

Thence North 84° 14' 17" East, with the southerly line of said 265.59 acre tract, a distance of 4441.76 feet to an iron pin set in the common line to Virginia Military Survey Numbers 557 and 1189;

Thence South 05° 39' 13" East, with said VMS line, a distance of 599.99 feet to the TRUE POINT OF BEGINNING, containing 60.962 acres of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (2011). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by positional solutions derived by the National Geodetic Survey's Online Positioning Users Service software using GPS observations and observations of selected CORS base stations in the National Spatial Reference System. A bearing of South 03° 04' 50" East, assigned to the centerline of State Route 104, is designated the basis of bearings for this description.

This description is based on an actual field survey performed by, or under the direct supervision of, Matthew A. Kirk, Professional Surveyor Number 7865, in October, 2021.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Matthew A Kirk*  
Matthew A. Kirk  
Professional Surveyor No. 7865

9 Nov 21  
Date



**SURVEY PLAT and LEGAL DESCRIPTION**  
**MATHEMATICALLY APPROVED**  
**PICKAWAY COUNTY ENGINEER**  
BY JSE DATE 11/18/21

