

RESOLUTION 09-2022

A RESOLUTION ADOPTING A STATEMENT OF SERVICES FOR A PROPOSED ANNEXATION OF +/- 344.391 ACRES FROM SCIOTO TOWNSHIP TO THE VILLAGE OF COMMERCIAL POINT, AND DECLARING AN EMERGENCY.

WHEREAS, a petition for an Expedited Type II annexation of +/- 344.391 acres from Scioto Township was filed with the Board of County Commissioners of Pickaway County, Ohio on February 7, 2022 by Thomas L. Hart, attorney and agent for Petitioners S&G Commercial Point Ltd., Michael Edward Struckman, Trustee, and Lighthouse Community Christian Church Inc. ("Petitioners"); 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 +/- 344.391 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 in order to meet the timing requirements of state annexation law. Therefore, this Resolution shall take immediate effect upon passage.

Vote on Suspension of the Readings:

Motion by: Tracy Joiner

2nd: 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

2nd: Ross Crego

Roll Call:

Yes Nancy Geiger

Yes Tracy Joiner

Yes Jason West

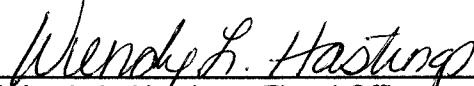
Yes Ross Crego

Yes Ryan Mitchem

Yes Laura Wolfe

Adopted this 8th 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

PROPOSED ANNEXATION

Containing 344.391 +/- Acres

From Scioto Township To The Village of Commercial Point

Situated in the State of Ohio, County of Pickaway, Township of Scioto, being part of William Heath's original Survey No. 1234, Virginia Military Survey No. 6541 and Virginia Military Survey No. 6825 and being all that remains of an original 389.989 acre tract as conveyed to S & G Commercial Point, Ltd. and Michael Edward Struckman, Trustee of record in Official Record 757, Page 1380, PID L2700010048900, and all of a 5.0010 acre tract as conveyed to Lighthouse Community Christian Church Inc. of record in Official Record 612, Page 717, PID L2700010050303, all references being of record in the Recorder's office, Pickaway County, Ohio, and being more particular described as follows:

Beginning at the centerline intersection of State Route 762 with Gibson Road;

Thence North 89°19'39" East with the centerline of said State Route 762, a distance of 584.00 feet, to the westerly line of an original 165.557 acre tract as conveyed to Doersam Farms I, LTD of record in Official Record 716, Page 686.

Thence South 55°50'59" East, with the southwesterly line of said 165.557 acre tract, a distance of 545.74 feet to a corner thereof.

Thence South 22°56'18" East, with the westerly line of said 165.557 acre tract, a distance of 2368.20 feet to a corner thereof, in the northerly line of an 86.254 acre tract as conveyed to Jerry L. Timmons, of record in Official Record 636, Page 2382.

Thence with the perimeter of said 86.254 acre tract the following courses:

South 64°10'17" West, a distance of 35.77 feet, to a corner thereof.

South 23°52'29" East, a distance of 803.60 feet, to a corner thereof.

North 65°02'42" East, a distance of 676.59 feet, to an angle point.

North 59°31'59" East, a distance of 1,922.64 feet, to an easterly corner thereof and the southwesterly corner of said 5.0010 acre tract.

Thence with the perimeter of said 86.254 acre tract and the perimeter of said 5.0010 acre tract the following courses:

North 2°29'44" West, a distance of 602.36 feet, to a corner thereof.

North 83°03'09" East, a distance of 437.56 feet, to a corner thereof in the centerline of State Route 104.

Thence South 02°35'59" East, with said centerline a distance of 2,039.98 feet, to the northeasterly corner of that 1.283 acre tract of land as conveyed to Patrick A. McMillan of record in Official Record 559, Page 1587.

Thence South 65°15'30" West, with the northerly line of said 1.283 acre tract and the northerly line of that 12.407 acre tract or land as conveyed to William B. and Barbara A. Emerick, Joseph L. and Carolyn M. Stockham, of record in Official Record 545, Page 2229 and partially with the northerly line of that 77.004 acre tract as conveyed to Joseph Grimes Caldwell of record in Official Record 172, Page 0172, a distance of 2,177.52 feet, to the northwesterly corner of said 77.004 acre tract.

Thence South 24°40'06" East, with the westerly line of said 77.004 acre tract, a distance of 1496.53 feet, to a northeasterly corner of a 22.564 acre tract as conveyed to Heather P. Theibert and Dustin S. Theibert, of record in Official Record 766, Page 5984.

Thence South 61°40'36" West, with the northerly line of said 22.564 acre tract, a distance of 2,097.41 feet, to the northwesterly corner of said 22.564 acre in the centerline of said Gibson Road.

Thence North 15°26'35" West, with the centerline of said Gibson Road a distance of 4,125.15 feet to the northeasterly corner of a 15.085 acre tract of land as conveyed to Vickie L. Fleming and Dennis C. Fleming of record in Official Record 607, Page 1849.

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Exhibit A (continued)

Thence South 74°10'05" West, with the northerly line of said 15.085 acre tract and partially with the northerly line of a 27.207 acre tract as conveyed to Marc P. and Aimee Cain of record in Official Record 768, Page 4768 a distance of 1611.75 feet to the southeasterly corner of a 49.5737 acre tract as conveyed to Ball Family Farm Ltd. of record in Official Record 748, Page 1782.

Thence with the easterly line of said 49.5737 acre tract the following courses:

North 42°26'44" West a distance of 274.89 feet to a point,

North 52°22'13" East a distance of 112.67 feet to a point,

North 2°05'33" East a distance of 110.21 feet to a point,

North 34°12'46" West a distance of 273.70 feet to a point,

North 10°33'25" East a distance of 57.16 feet to a point,

North 36°53'49" West a distance of 294.30 feet to a point,

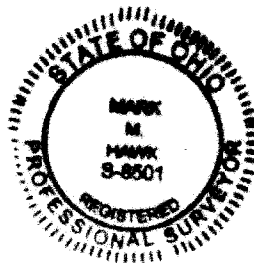
North 38°49'51" West a distance of 291.42 feet to a point, to the southwesterly corner of a 49.656 acre tract as conveyed to S & G Commercial Point, Ltd. and Michael Edward Struckman, Trustee of record in Official Record 758, Page 2259 and a corner of the existing Village of Commercial Point Corporation Line Resolution No. PC-040919-4, Ordinance Date 2019-11, Official Record 767, Page 4385.

Thence North 74°10'04" East with southerly lines of said 49.656 acre tract and the existing Village of Commercial Point Corporation Line, a distance of 1887.27 feet to a corner thereof, in the centerline of said Gibson Road;

North 15°19'10" West with said centerline and said corporation line extended a distance of 1495.19 feet to the **POINT OF BEGINNING** and containing 344.391 acres of land, more or less.

This annexation description is a general description of the location of the property to be annexed and is not a boundary survey as defined in the O.A.C. Chapter 4733.37. The above description is for annexation purposes only and not intended to be used for the transfer of real property.

The above annexation contains 2,967 lineal feet that is contiguous with the Existing Corporation Line of the Village of Commercial Point, with a Total perimeter of 26,322 lineal feet to be annexed, that being 11.3% of the perimeter length that is contiguous to the Existing Corporation Line of the Village of Commercial Point.



CESO, Inc.


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

2021-12-22

Date

SURVEY PLAT and LEGAL DESCRIPTION
MATHEMATICALLY APPROVED
PICKAWAY COUNTY ENGINEER
BY JAT DATE 12/27/21

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Exhibit A (continued)

