

RESOLUTION 27-2022

A RESOLUTION ADOPTING A STATEMENT OF SERVICES FOR A PROPOSED ANNEXATION OF +/- 152.469 ACRES FROM SCIOTO TOWNSHIP (PICKAWAY COUNTY) AND JACKSON TOWNSHIP (FRANKLIN COUNTY) TO THE VILLAGE OF COMMERCIAL POINT, AND DECLARING AN EMERGENCY.

WHEREAS, a petition for an Expedited Type II annexation of +/- 152.469 acres from Scioto Township (Pickaway County) and Jackson Township (Franklin County) was filed with the Board of County Commissioners of Pickaway County, Ohio on June 8, 2022 by Jackson B. Reynolds, III, attorney and agent for Petitioners SB Lane Crabtree LLC and William M. Lane, Trustee of the W.M. Lane Trust, dated as of June 14, 1994 ("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.

WHEREAS, on November 15, 2021, the Village Council enacted Ordinance 2021-38, which authorized and directed the Mayor and Village Administrator to enter into a Pre-Annexation Agreement with Petitioners for the contemplated annexation of +/- 152.469 acres in Scioto Township and Jackson Township; and

WHEREAS, on or about December 20, 2021, the Mayor, Village Administrator, and Petitioners entered into said Pre-Annexation Agreement, Section 1.B of which requires the Village Council to enact a Resolution adopting a statement of services within twenty (20) days of the filing of the annexation petition(s) by the Petitioner with the Pickaway County Board of Commissioners.

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 +/- 152.469 acres subject territory currently in Scioto Township (Pickaway County) and Jackson Township (Franklin 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.

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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.

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 June 28, 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

Roll Call:

Yes Nancy Geiger

Yes Ross Crego

Yes Tracy Joiner

Yes Ryan Mitchem

Yes Jason West

Yes Laura Wolfe

2nd: Nancy Geiger

Vote on Passage of the Resolution:

Motion by: Ross Crego

Roll Call:

Yes Nancy Geiger

Yes Ross Crego

Yes Tracy Joiner

Yes Ryan Mitchem

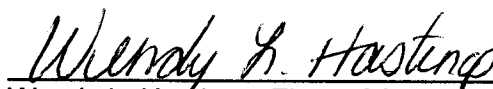
Yes Jason West

Yes Laura Wolfe

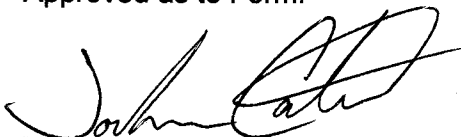
2nd: Ryan Mitchem

Adopted this 20th day of June, 2022.


Allan D. Goldhardt, Mayor


Wendy L. Hastings, Fiscal Officer

Approved as to Form:


Joshua Cartee, Village Solicitor

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Exhibit A

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
Jackson B. Reynolds, III
Agent for Petitioners

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

Paula Baldwin
CLERK'S OFFICE

lane-104-filepet2.not
S:Docs/s&hannex/2022

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Exhibit A (continued)

2022 JUN 27 10:00 AM

EXPEDITED TYPE B PETITION FOR ANNEXATION (SECTION 709.023)
 TO THE VILLAGE OF COMMERCIAL POINT
 OF 132.469 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 132.469 acres with a total perimeter boundary of 11,735.51', more or less, in the Township(s) of Scioto and Jackson which acre is contiguous along 4.287.60' 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 wishes 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 make part hereof.

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

Jackson D. Reynolds, III, whose address is 37 West Broad Street, Suite 468, 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 amendments 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.

NAME	DATE	ADDRESS
By <u>William M. Lane, Trustee</u>	<u>6-7-22</u>	<u>6224 Hardin Rd, Westerville, OH 43081</u>
SB Lane Embroid LLC		
<u>William M. Lane, Trustee</u>	<u>6-7-22</u>	<u>6224 Hardin Rd, Westerville, OH 43081</u>
William M. Lane, Trustee of the W.M. Lane Trust, dated as of June 14, 1994		

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Exhibit A (continued)

**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

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Exhibit A (continued)

State of Ohio :
County of Franklin, : ss

The foregoing instrument was acknowledged before me this 25 day of ~~January~~^{February}, 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 27-2022
Exhibit A (continued)

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 OFF 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

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Exhibit A (continued)

Karschner 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-Novs 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-ann.lbl (nct)
8/2/21 S:\Docs\sd\hlabels\2021

RESOLUTION 27-2022

Exhibit A (continued)

14400 Highway 66, Inc.
 45110 Main Street, Suite 100, Columbus, OH 43230
 Phone: 614.885.1338 • Fax: 614.885.1347
 www.45110.com
 Surveying Department • Township • Metropolitan Council • Analytical Calculations

AN EMPLOYEE OWNED COMPANY



6/8/2022

RESOLUTION OF A 152.469 ACRE PARCEL For ANNEXATION INTO THE CITY OF COMMERCIAL POINTE, OHIO

Situated in the Township of Nelson, County of Pickaway, and also the Township of Jackson, County of Franklin in the State of Ohio and being a part of the Block Book's VMS No. 1100 and also being part of Lot Number 2 of the first partitioned among the heirs of Lewis Foster as recorded in Survey Plat Book 2, Page 24 of the Franklin County Record of Plats and being a portion in a parcel of land as conveyed to 301 Lane Estates, LLC (PPI 1-27-0-011-00-34-010 Pickaway County) and recorded in Volume 0625, Page 364k of the Pickaway County Deed Records and also a portion in a parcel of land as conveyed to North Lane Estates, Tenants and recorded in Volume 0140, Page 043h of the Pickaway County Record of deeds and more fully described and identified as follows:

Beginning at a stone monument found on the Franklin County/Pickaway County line and labeled P.C.G.S. No. 54 on the Franklin County Survey record, thence N 47° 31' 01" W, along said County line, 38.00 feet to a "Central" 500' capped iron pin found and the True Place of Beginning of the parcel herein described.

Corner No. 1: Thence S 04° 42' 47" W, continuing along the westerly line of a parcel of land as conveyed to the Sycamore River Development LLC as recorded in O.R. 735, PG. 230 of the Pickaway County Record of Deeds, 973.88 feet to a "Central" 500' capped iron pin found.

Corner No. 2: Thence S 03° 12' 09" W, continuing along the westerly line of said Sycamore River Development LLC parcel, 352.20 feet to a concrete post found.

Corner No. 3: Thence S 89° 11' 08" W, along the westerly line of a parcel of land as conveyed to K. Brown LLC and recorded in O.R. 758, PG. 209B of said Pickaway County Record, 4,207.50 feet on a pin and the westerly line of State Survey 304 (60 feet wide) and ending over an iron pin set at 4,172.46 feet.

Corner No. 4: Thence N 00° 24' 51" W, along said State Survey 304 section, 1,519.65 feet to a post.

Corner No. 5: Thence N 93° 13' 20" E, along the southerly line of a parcel of land as conveyed to Scardiner Properties LLC and recorded in D.B. 076, PG. 3036 of said Pickaway County Record of Deeds, 4,446.98 feet on a capped 500' iron pin found (one is damaged) and passing over an iron pin set at 38.00 feet and then at 3,087.18 feet on the right-of-way line and the intersection of the Franklin and Pickaway County lines respectively.

Corner No. 6: Thence S 18° 29' 45" E, along said Sycamore River Development LLC parcel, 267.38 feet to the Place of Beginning and containing 152.469 acres of land, more or less, (5.778 Acres in Franklin County), 1148.091 acres in Pickaway County, 2.790 acres of Roadway (as surveyed by Tenness R. Allison, P.S., Ohio Registration No. 5-1170, for CTE Engineering, Inc., in May, 2022, but subject to all legal marks, highways, rights of ways, easements and tenets of record).

This Annexation does not create an unincorporated area of the township completely surrounded by the territory proposed for annexation. Total Percentage of the Annexation Area is 11.2255% of which 4,207.60% is contiguous with the City of Commercial Pointe, resulting in 75.88% contiguity.

The Block of Printing is Ohio State Plane Coordinates: North Zone, and NAD 1983 (8011). All iron pins are 3/8 inch x 5/8 inch in size with plastic caps stamped "CTE Engineering-7170".

T. Allison
 Date



T. Allison
 Tenness R. Allison, P.S., Professional Surveyor of No. 5-1178

SURVEY PLAT and LEGAL DESCRIPTION
 MATHEMATICALLY APPROVED
 PICKAWAY COUNTY ENGINEER
 BY *JRH* DATE 7/10/22



ANNEXATION
 PLAT & DESCRIPTION
 ACCEPTABLE
 CORNELL R. ROBERTSON, P.E., P.S.
 FRANKLIN COUNTY ENGINEER
 By *JRH* 1- 05/17/2022

D:\Dept 10 Civil Survey\Projects\2022\023\002\SRM\SR-200 CivilPointe Annex - SR 104\Drawings\plan\Annexation Desc - 152.469 ac parcel.dwg
 Offices: Ohio, Indiana, West Virginia, India