

ORDINANCE NO. 19-031

AN ORDINANCE TO ACCEPT THE APPLICATION OF WILLIS M. ALSPACH TRUSTEE, JOAN A. ALSPACH TRUSTEE, AND DAVID BENJAMIN ALSPACH TRUSTEE, FOR THE ANNEXATION TO THE CITY OF CANAL WINCHESTER OF CERTAIN TERRITORY IN MADISON TOWNSHIP CONTAINING 88.66+/- ACRES AND BEING LOCATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, TOWNSHIP OF MADISON, NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 11 NORTH, RANGE 21 WEST; AND DECLARING AN EMERGENCY

WHEREAS, an Expedited Type II Petition for annexation of certain territory in Madison Township was duly filed by Willis M. Alspach, Joan A. Alspach, and Davide Benjamin Alspach; and

WHEREAS, the petition was duly considered by the Board of County Commissioners of Franklin County, Ohio, on January 29, 2019, wherein said Commissioners approved the annexation; and

WHEREAS, the Board of County Commissioners certified a transcript of proceedings in connection with said annexation with the map and petition to the Clerk of the City of Canal Winchester who received the same on March 9, 2019; and

WHEREAS, more than sixty days have elapsed from the date of filing of the transcript of such approval by the Board of Franklin County Commissioners with the City Clerk;

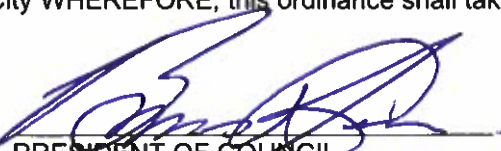
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

Section 1. That the proposed annexation, as applied for in the petition of Willis M. Alspach, Joan. A. Alspach, and David Benjamin Alspach, which petition was filed with the Board of County Commissioners of Franklin County, Ohio on December 26, 2018, and which petition prayed for the annexation to the City of Canal Winchester of certain territory adjacent thereto and hereinafter described, which petition was approved for annexation to the City of Canal Winchester by the Board of County Commissioners on January 29, 2019, be and hereby is accepted. The territory annexed hereby is described in the legal description hereto as Exhibit A and made a part hereof as though fully rewritten here. The certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for annexation and other papers relating to the proceedings thereto of the County Commissioners are all on file with the Clerk of the City of Canal Winchester and have been for more than 60 days.

Section 2. That the Clerk by, and hereby is, authorized and directed to make three copies of this Ordinance, to each of which shall be attached a copy of the transcript of the proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder, and one copy to the Secretary of State, and shall file notice of this annexation with the Board of Elections within thirty days after it becomes effective.

Section 3. That this Ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, and safety of the City of Canal Winchester, such emergency arising from the exigencies of commercial and industrial development of land within the City which provides for the economic and community welfare by providing the creation of jobs in the City WHEREFORE, this ordinance shall take effect and be in force from and after its passage.

DATE PASSED 5/20/19


PRESIDENT OF COUNCIL

ATTEST Amanda M Jackson
CLERK OF COUNCIL


MAYOR

DATE APPROVED 5-21-19

APPROVED AS TO FORM:


LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.


Finance Director/Clerk of Council

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

By CR Date 12/26/18

RECEIVED
DEC 26 2018
Franklin County Planning Department
Franklin County, OH

ANX-31-18

RECEIVED
DEC 26 2018
Franklin County Engineer
Cornell R. Robertson, P.E., P.S.

December 04, 2018

**DESCRIPTION OF AN APPROXIMATE 88.66 ACRE TRACT
AT THE SOUTHEAST CORNER OF BIXBY ROAD AND RAGER ROAD,
MADISON TOWNSHIP, FRANKLIN CO., OHIO**

Situated in the State of Ohio, County of Franklin, Township of Madison, in the northeast quarter of Section 23, Township 11 North, Range 21 West, Congress Lands and being all or portions of the following five (5) tracts of land, all of which having been conveyed to Willis M. Alspach, Trustee (25% Interest) and Joan A. Alspach, Trustee (25% Interest), by deed of record in Instrument No. 201208090115353 and David Benjamin Alspach (50% Interest), by deeds of record in Official Record 3195, Page C 17:

1. a 14.385 acre tract of land, conveyed as Parcel II,
2. a portion of a 16 acre tract of land, conveyed as Parcel I, Tract No. 1,
3. a portion of an original 32 acre tract of land, conveyed as Parcel I, Tract No. 2,
4. a portion of an original 32 acre tract of land, conveyed as Parcel III, and
5. a portion of a 7.65 acre tract of land, conveyed as Parcel IV,

all records referenced to the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a point in the east line of said Section 23, in the west line of Section 24, in the south right-of-way line Bixby Road (variable width), in the east line of said original 32 acre tract, conveyed as Parcel III, in the west line of a 1.19 acre tract of land conveyed to Robert R. & Norma J. Bender, by deed of record in Deed Book 3259, Page 502 and at the northwest corner of The City of Canal Winchester Corporation Limits, as approved by Ordinance No. 726 and recorded in Misc. Record 136, Page 285, said point being southerly an approximate distance of 30 feet from the common corner of Section 23, Section 24, Section 13 and Section 14;

thence southerly along a portion of said west corporation line, along a portion of the common line between Section 23 and Section 24, along a portion of the east line of said original 32 acre tract, conveyed as Parcel III, along the east line of said original 32 acre tract, conveyed as Parcel I, Tract No. 2, along the east line of 16 acre tract, conveyed as Parcel I, Tract No. 1, along the east line of said 14.385 acre tract, along a portion of the west line of said 1.19 acre tract, along the west line of a 2.783 acre tract of land conveyed, as Parcel IV, to Willis M. Alspach, Trustee (25% Interest) and Joan A. Alspach, Trustee (25% Interest), by deed of record in Instrument No. 201208090115353 and David Benjamin Alspach, by deed of record in Official Record 3195, Page D 03 and along a portion of the west line of a 17.34 acre tract of land, conveyed as Parcel III, to Willis M. Alspach, Trustee (25% Interest) and Joan A. Alspach, Trustee (25% Interest), by deed of record in Instrument No. 201208090115353 and David Benjamin Alspach, by deed of record in Official Record 3195, Page D 03 an approximate distance of 2,652 feet to a point in the northeasterly Limited Access right-of-way line of U.S. Route 33 ~ Southeast Expressway (250 feet in width) (FRA-33-(26.21-30.13)), at the southeast corner of said 14.385 acre tract and at the northeast corner of a 20.6276 acre tract of land conveyed to Drill's Realty, by deed of record in Instrument No. 20011105255847, said right-of-way being a perpetual Highway Easement conveyed, as Parcel 67-LA, to the State of Ohio, by deed of record in Deed Book 2399, Page 206;

thence northwesterly along the southwesterly line of said 14.385 acre tract, along the northeasterly Limited Access right-of-way line of U.S. Route 33 ~ Southeast Expressway and along a portion of the northeasterly line of said 20.6276 acre tract an approximate distance of 1,920 feet to a point at the southeast corner of a perpetual Highway Easement conveyed, as Parcel 66-LA, to the State of Ohio, by deed of record in Deed Book 2370, Page 174;

thence northerly crossing a portion of said 14.385 acre tract and along an east line of said Highway Easement an approximate distance of 82 feet to an angle point in the easterly line of said Highway Easement;

thence northerly crossing a portion of said 14.385 acre tract and along an easterly line of said Highway Easement an approximate distance of 78 feet to a point at the north corner of said Highway Easement and in the east right-of-way line of Rager Road 40 feet in width;

December 04, 2018

thence northerly crossing a portion of said 14.385 acre tract, crossing a portion of said original 32 acre tract, conveyed as Parcel I, Tract No. 2, and along the east right-of-way line of Rager Road an approximate distance of 376 feet to a point at the south corner of a 0.43 acre tract of land conveyed, as Parcel 66A-WD, to the State of Ohio, by deed of record in Deed Book 2370, Page 459;

thence northerly crossing a portion of said original 32 acre tract, conveyed as Parcel I, Tract No. 2, and along an easterly line of said 0.43 acre tract an approximate distance of 130 feet to a point at a corner of said 0.43 acre tract;

thence northerly crossing a portion of said original 32 acre tract, conveyed as Parcel I, Tract No. 2, and along an easterly line of said 0.43 acre tract an approximate distance of 100 feet to a point at a corner of said 0.43 acre tract;

thence northerly crossing a portion of said original 32 acre tract, conveyed as Parcel I, Tract No. 2, and along an easterly line of said 0.43 acre tract an approximate distance of 201 feet to a point at a corner of said 0.43 acre tract;

thence northerly crossing a portion of said original 32 acre tract, conveyed as Parcel I, Tract No. 2, along an easterly line of said 0.43 acre tract and crossing a portion of said 7.65 acre tract an approximate distance of 178 feet to a point at the north corner of said 0.43 acre tract and in the east right-of-way line of Rager Road;

thence northerly crossing a portion of said 7.65 acre tract and along the east right-of-way line of Rager Road an approximate distance of 328 feet to a point in a north line of said 7.65 acre tract and in the south line of a 1 acre tract of land conveyed to Teresa L. McCormick, by deed of record in Instrument No. 200909140133203;

thence easterly along a portion of a north line of said 7.65 acre tract and along a portion of the south line of said 1 acre tract an approximate distance of 80 feet to a point at a common corner of said 7.65 acre tract and said 1 acre tract;

thence northerly along a portion of a west line of said 7.65 acre tract and along a portion of the east line of said 1 acre tract an approximate distance of 404 feet to a point in the south right-of-way line of Bixby Road;

thence easterly crossing a portion of said 7.65 acre tract and along the south right-of-way line of Bixby Road an approximate distance of 332 feet to a point in an east line of said 7.65 acre tract and in the west line of a 1.35 acre tract of land conveyed to L. Dean Jenkins, by deed of record in Instrument No. 201210250161756;

thence southerly along a portion of an east line of said 7.65 acre tract and along a portion of the west line of said 1.35 acre tract an approximate distance of 406 feet to a point at a corner common to said 7.65 acre tract and said 1.35 acre tract;

thence easterly along a northerly line of said 7.65 acre tract and along the south line of said 1.35 acre tract an approximate distance of 135 feet to a point at a corner common to said 7.65 acre tract and said 1.35 acre tract;

thence northerly along a portion of the east line of said 1.35 acre tract and crossing a portion of said original 32 acre tract, conveyed as Parcel III, an approximate distance of 396 feet to a point at the southwest corner of a 0.780 acre tract of land conveyed, as Parcel 3-WD (FRA-TR229-1.890) for Bixby Road roadway purposes, to the Franklin County Commissioners, by deed of record in Instrument No. 201507090092985;

thence easterly crossing a portion of said original 32 acre tract, conveyed as Parcel III, along a south line of said Parcel 3-WD and along the southerly right-of-way line of Bixby Road an approximate distance of 358 feet to a point;

thence easterly crossing a portion of said original 32 acre tract, conveyed as Parcel III, along a south line of said Parcel 3-WD and along the southerly right-of-way line of Bixby Road an approximate distance of 176 feet to a point;

thence easterly crossing a portion of said original 32 acre tract, conveyed as Parcel III, along a south line of said Parcel 3-WD and along the southerly right-of-way line of Bixby Road an approximate distance of 107 feet to a point;

thence easterly crossing a portion of said original 32 acre tract, conveyed as Parcel III, along a south line of said Parcel 3-WD and along the southerly right-of-way line of Bixby Road an approximate distance of 230 feet to a point at the southeast corner of said 0.780 acre tract (Parcel 3-WD) and in the west line of a 0.713 acre tract of land conveyed to Michael L. & Cassandra J. Sullivan, by deed of record in Instrument No. 201310180177122;

December 04, 2018

thence southerly crossing a portion of said original 32 acre tract, conveyed as Parcel III, and along a portion of the west line of said 0.713 acre tract an approximate distance of 199 feet to a point at the southwest corner of said 0.713 acre tract;

thence easterly crossing a portion of said original 32 acre tract, conveyed as Parcel III, and along the south line of said 0.713 acre tract an approximate distance of 135 feet to a point at the southeast corner of said 0.713 acre tract;

thence northerly crossing a portion of said original 32 acre tract, conveyed as Parcel III, and along a portion of the east line of said 0.713 acre tract an approximate distance of 199 feet to a point in the south right-of-way line of Bixby Road;

thence easterly crossing a portion of said original 32 acre tract, conveyed as Parcel III, and along the southerly right-of-way line of Bixby Road an approximate distance of 240 feet to the place of beginning;

containing approximately 88.66 acres of land, more or less.

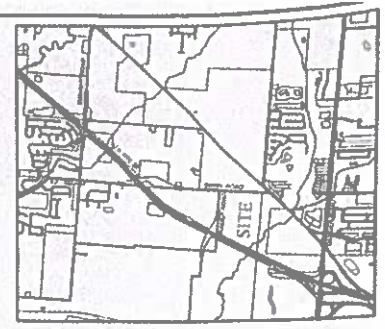
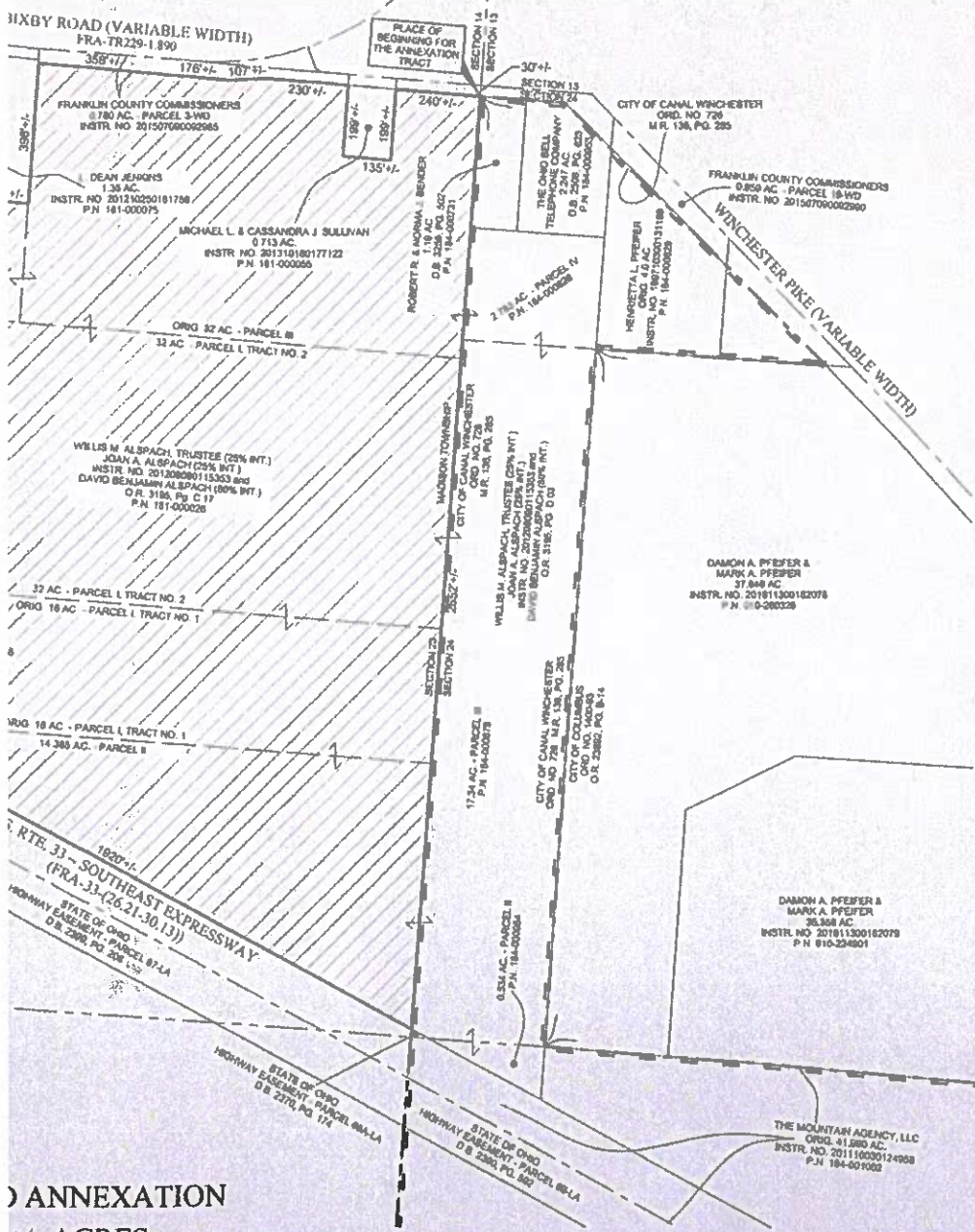
The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio from best available Court House records, in November, 2018. The above description was prepared for annexation purposes only and not intended for transfer of real property.

Kevin L. Baxter

12/04/18

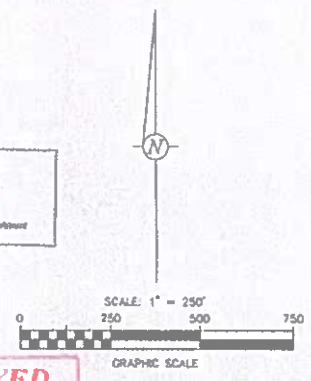
Kevin L. Baxter ~ Ohio Surveyor #7697





LOCATION MAP
NO SCALE

RECEIVED
DEC 26 2018
Franklin County Engineer Department
Franklin County, OH
ANX-31-18



RECEIVED
DEC 26 2018
Franklin County Engineer
Cornell R. Robertson, P.E., P.S.

ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE
CORNELL R. ROBERTSON, P.E., P.S.
FRANKLIN COUNTY ENGINEER
By: [Signature] Date: 12/26/18

LEGEND

- Existing City of Canal Winchester Corporation Line
- Existing City of Columbus Corporation Line
- Proposed City of Canal Winchester Corporation Line
- Area to be Annexed

NOTE:
This plat was prepared by Bird + Bull, Inc. from the best available Court House records in November, 2018, and not from an actual field survey.

This annexation does not create an unincorporated area of the township completely surrounded by the territory proposed for annexation.

Total perimeter of annexation is 6,441 feet of which 2,652 feet is contiguous with City of Canal Winchester resulting in 28.1% of perimeter contiguity.

ANNEXATION
+/- ACRES
FROM
FRANKLIN COUNTY, OHIO
TO
WINCHESTER, FRANKLIN COUNTY, OHIO
R. 21 W., CONGRESS LANDS

Bird+Bull
Engineers & Surveyors
3500 Stouffer Rd., Ste. 225
Columbus, Ohio 43235
Ph: (614) 761-1661
Fax: (614) 761-1328
WWW.BIRDBULL.COM