

TEMPORARY ORDINANCE NO. 17-15

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO ACCEPT A PETITION FOR THE ANNEXATION OF 3.284 +/- ACRES IN GREENFIELD TOWNSHIP, AND TO DECLARE AN EMERGENCY

WHEREAS, the City of Lancaster, on June 29, 2015, received a copy of the petition to annex 3.284 +/- acres from Greenfield Township to the City of Lancaster; and

WHEREAS, Petitioner and the City entered into an Annexation Agreement which Agreement authorizes the City to receive and approve zoning and other development plans, subject to final acceptance of the annexation; and

WHEREAS, the City wishes to finally accept the Petition for annexation; now, therefore

BE IT ORDAINED by the Council of the City of Lancaster, State of Ohio

SECTION 1. That the City of Lancaster hereby accepts a petition for annexation of 3.284 +/- acres herein described in Exhibit A.

SECTION 2. That the City Law Director is hereby authorized to proceed with annexation proceedings on behalf of the City for the 3.284 +/- acres described in Exhibit A, as a non-conforming annexation pursuant to ORC 709.023.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare and in the interest of economic development. Therefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Approved: _____

President of Council

Attest: _____

Mayor

Offered by: _____

Second by: _____

Requested by Law Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2015 in the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

COPY
6/29/15

RECEIVED

JUN 29 2015

**PETITION FOR ANNEXATION OF 3.284 +/- ACRES
FROM GREENFIELD TOWNSHIP TO THE CITY OF LANCASTER,
OHIO**

FAIRFIELD COUNTY COMMISSIONERS

To the Board of Commissioners of Fairfield County, State of Ohio:

Now comes the undersigned Petitioner, being the sole owner of certain real property situated in the County of Fairfield, Township of Greenfield, which property is contiguous and adjacent to the City of Lancaster, to wit, see the legal description attached hereto as Exhibit "A."

The undersigned Petitioner requests that said real property be annexed to the City of Lancaster, in accordance with the statutes of the State of Ohio, specifically §709.023, as a "Type Two" expedited proceeding. There is one (1) owner of real estate in the territory sought to be annexed.

The territory sought to be annexed with this Petition has a total perimeter boundary of 1775.74 linear feet, a minimum of which 1057.53 feet (60%) is contiguous to the City of Lancaster.

No island of unincorporated area is being created by this annexation.

Laura MacGregor Comek, Esq., 300 East Broad Street, Suite 450, Columbus, Ohio, 43215, is hereby authorized to act as Agent for the Petitioner in securing such annexation. Said Petitioner's Agent is hereby authorized to make any or all amendments and/or deletions to the Petition, map, plat or description which, in their absolute and complete discretion, are proper under the circumstances then existing. In addition, the Petitioner's Agent is authorized to make such amendments and/or deletions to the Petition, map, plat or description in order to correct any discrepancy or mistake noted by the County Engineer, or other, in their examination of the Petition, map, plat or description. Amendments to correct the map, plat or description may be made by the presentation of an amended map, plat or description to the Board of County Commissioners on, before or after the date set for hearing of this Petition.

An accurate map approved by the Fairfield County Engineer is attached hereto and made a part of this Petition as Exhibit "B."

EXHIBIT

A

tabbles

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OR ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

2501 N Memorial Dr. LLC

By: _____

Title: _____

Date: _____

*Owner of Parcel Nos.: 0140097600, 0140113511
3.284 +/- ac. located at 2501 N Memorial Drive., Lancaster, OH 43130

**Annexation Description ~ 3.284 Acres
South Side of Memorial Drive
East Side of Ety Road**

Situated in the State of Ohio, County of Fairfield, Greenfield Township, Sections 26 and 35, Township 15, Range 19, Congress Lands East of Scioto River, being the remainder of a 1.204 acre tract and the remainder of a 3.631 acre tract as conveyed to 2501 N. Memorial Dr. LLC in Official Record 1686, Page 990, and described as follows;

Beginning at the northwest corner of said Section 35, the southwest corner of said Section 26, and being in centerline of Ety Road, variable width;

Thence along the westerly line of said Section 26, the centerline of Ety Road, and an original westerly line of said 3.631 acre tract, N 04° 00' 12" E, 14.00 feet to the current southwest corner of said 3.631 acre tract and the current northwest corner of the remainder of a tract as conveyed to Joan Kaminsky Winderl of record in Deed Book 638, Page 60;

Thence along a current southerly line of said 3.631 acre tract and the current northerly line of the remainder of said tract as conveyed to Joan Kaminsky Winderl, S 85° 55' 36" E, 16.50 feet to the original easterly right of way line of Ety Road as it was originally 33 feet wide, and being the **TRUE POINT OF BEGINNING** for the land herein described;

Thence along the original easterly right of way line of Ety Road crossing said 3.631 acre tract, and crossing a 0.123 acre highway easement conveyed to the City of Lancaster in Official Record 1470, Page 2426, N 04° 00' 12" E, 167.81 feet to a westerly line of said 3.631 acre tract and the easterly line of a 0.46 acre tract as conveyed to Jay Nauman in Official Record 1427, Page 3120;

Thence along the westerly line of said 3.631 acre tract and the easterly line of said 0.46 acre tract passing over the current right of way line of Ety Road as created with said Highway Easement, N 35° 40' 21" E, 155.39 feet to a 5/8" Rebar found, capped "Tobin-McFarland" in the southerly right of way line of Memorial Drive per Deed Book 278, Page 197 and ODOT Plan FAI-33-10.81;

Thence with the southerly right of way line of Memorial Drive along a curve to the right, having a central angle of 03° 23' 38", a radius of 11384.16 feet and an arc length of 674.33 feet, a chord bearing and chord distance of S 55° 17' 57" E, a total distance of 674.23 feet, (passing over a 5/8" Rebar found, capped "Tobin-McFarland" chord bearing and distance S 55° 26' 20", 618.78 feet at the intersection of the section line between said 26 and 35) to the southwest corner of a 1.253 acre tract conveyed to City of Lancaster in Official Record 1482, Page 1768, the northwest corner of a 9.726 acre tract conveyed to Cole GE Lancaster OH, LLC in Official Record 1555, Page 2666, and being in the easterly line of said 1.204 acre tract;

Thence leaving the southerly right of way line of Memorial Drive with the easterly line of said 3.631 acre tract, the easterly line of said 1.204 acre tract, and the westerly line of said 9.726 acre tract, S 39° 51' 45" W, 60.00 feet to the southeast corner of said 1.204 acre tract, the northeast corner of a 3.032 acre tract as conveyed to John J. Hostasa and Mariellen J. Hostasa in Deed Book 624, Page 776;

Thence along the south line of said 1.204 acre tract and the northerly line of said 3.032 acre tract, N 85° 55' 36" W, 487.71 feet to a pk nail found marking the current southwest corner of said 1.204 acre tract and the southeast corner of said Joan Kaminsky Winderl tract;

Thence along the current westerly line of said 1.204 acre, the westerly line of said 3.631 acre tract, and the easterly line of said Joan Kaminsky Winderl tract, N 04° 01' 22" E, 92.00 feet to a 5/8" rebar found at an angle point in the southerly line of said 3.631 acre tract, and being the northeast corner of said Joan Kaminsky Winderl tract;

Thence along the current southerly line of said 3.631 acre tract, the north line of said Joan Kaminsky Winderl tract, N 85° 55' 36" W, 138.50 feet to the **True Point of Beginning**,

containing **3.284 acres**, more or less, with 0.903 acres being in Section 35, and 2.381 acres being in Section 26.

This description is based on existing records from Fairfield County, and an actual field survey made by Advanced Civil Design, Inc. in February 2012 and February 2015. A drawing of the above description has been prepared and made a part hereof.

All references used in this description can be found at the Recorder's Office, Fairfield County, Ohio.

Bearings are based on the Ohio State Plane Coordinate System NAD83 (CORS 96). A bearing of N 04° 00' 12" E was held for the centerline of Ety Road.

The total length of the annexation perimeter is about 1776 feet, of which about 1058 feet are contiguous with existing City of Lancaster Corporation Lines, being 60% contiguous. This annexation does not create any islands of township property.

This description was written for annexation purposes only and is not intended to be used in the transfer of property.



ADVANCED CIVIL DESIGN, INC.

Jonathan E. Phelps 6/22/15
Jonathan E. Phelps, P.S. 8241

PROPERTY OWNERS OF TERRITORY TO BE ANNEXED:

2501 N. MEMORIAL DR. LLC
c/o Laura MacGregor Comek, Esq.
Laura M Comek Law LLC
300 E. Broad St., Ste 450
Columbus, Ohio 43215
Ph: 614.560.1488
laura@comeklaw.com

Parcel No.: 0140097600, 0140113511
3.284 +/- ac. located at 2501 N MEMORIAL DR., LANCASTER OH 43130

ADJACENT/SURROUNDING PROPERTY OWNERS

Owner - Tax Mailing Address: Parcel ID - Property Address:

Adjacent Parcels:

Map Ref Number	Property Owner	Site Address	Mailing Address
1	2501 N MEMORIAL DR LLC	2501 N MEMORIAL DR	C/O L COMEK 300 E. Broad St. STE 450 COLUMBUS OH 43215
2A	THE CITY OF LANCASTER	0 MEMORIAL DR	121 E CHESTNUT ST STE 100 LANCASTER OH 43130
2B	THE CITY OF LANCASTER	0 COLUMBUS-LANCASTER RD	104 E MAIN ST LANCASTER OH 43130
3	COLE GE LANCASTER OH, LLC	1394 ETY SHOPS WAY	GIANT EAGLE INC-REAL ESTATE DEPT 101 KAPPA DRIVE PITTSBURGH PA 15238
4	JOHN J. & MARIELLEN J. HOSTASA	1402, 1414 ETY RD	8362 WILLOWBRIDGE PLACE CANAL WINCHESTER OH 43110
5	WINDERL/KAMINSKY PROPERTIES LTD	1424 ETY RD	1424 ETY RD NW LANCASTER OH 43130
6	JAY NAUMAN	0 COLUMBUS-LANCASTER RD NW	1491 MARIETTA RD LANCASTER OH 43130
7	TAYLOR CHEVROLET INC	2510 N MEMORIAL DR	1900 LANC-COLS RD NW LANCASTER OH 43130

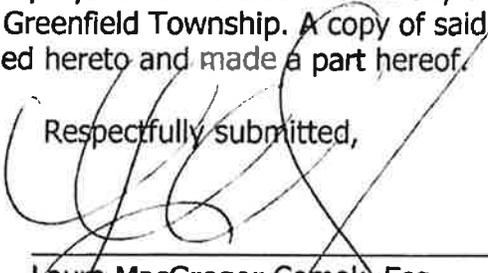
NOTICE OF FILING PETITION FOR ANNEXATION
RE: ANNEXATION OF 3.284+/- ACRES
FROM GREENFIELD TOWNSHIP TO THE CITY OF LANCASTER

To: Teresa L. Sandy, Lancaster City Council Clerk
104 E Main St.
Lancaster, Ohio 43130

You are hereby notified that on the 21st day of June, 2015, at approximately 1:30 p.m., the undersigned, as Agent for the Petitioners, filed a Petition for Annexation in the office of the Board of County Commissioners of Fairfield County, Ohio.

Said Petition prays for annexation to the City of Lancaster, Ohio, of 3.284+/- acres in Greenfield Township. A copy of said Petition, with description and plat, is attached hereto and made a part hereof.

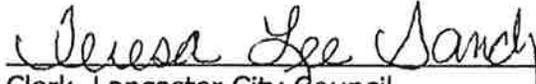
Respectfully submitted,



Laura MacGregor Comek, Esq.
300 E. Broad Street, Suite 450
Columbus, Ohio 43215
Phone: (614) 560-1488
Agent for Petitioner

cc: Fairfield County Commissioners c/o Staci A. Knisley (w/o encl.)

RECEIPT OF THE AFOREMENTIONED DOCUMENTS IS HEREBY ACKNOWLEDGED
THIS DAY OF 29th, 2015.



Clerk, Lancaster City Council