

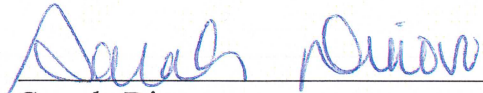


RECEIVED
JAN 17 2024
City Manager's Office
City of Delaware

ORDINANCE CERTIFICATION

I, Sarah Dinovo, being the duly appointed Clerk of City Council of Delaware, Ohio, do hereby swear and attest that the attached document is a true and correct copy of Ordinance No. 24-01 as passed on January 8, 2024 by the Delaware City Council.

SEAL of Clerk


Sarah Dinovo
Clerk of City Council

This Ordinance Certification dated this 8th day of January in the year 2024.

ORDINANCE NO. 24-01

AN ORDINANCE ACCEPTING THE ANNEXATION OF 230.7± ACRES OF LAND MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE KILBOURNE 521 ANNEXATION BY AARON L. UNDERHILL, AGENT FOR THE PETITIONERS.

WHEREAS, Aaron L. Underhill, agent for the petitioners, has filed with the Delaware County Commissioners for annexation of 230.7 acres of land, more or less, the description and map are attached hereto as Exhibits A and B; and

WHEREAS, Aaron Underhill, as agent for the petitioners on September 1, 2023 delivered to the Clerk of the Delaware City Council the notice of his filing of the annexation petition with the Board of County Commissioners of Delaware County and its clerk on August 31, 2023; and

WHEREAS, the Ohio Revised Code requires that within 20 days following the date the petition is filed, the City Council shall, by resolution, adopt a statement as to what services, if any, the City will provide and an approximate date by which it will provide them to the territory proposed for annexation, upon annexation, which was completed when City Council passed a Resolution of Services on September 11, 2023 via Resolution 23-57; and

WHEREAS, the proposed annexation applied for in the petition to the Delaware County Commissioners has been approved, by them for annexation to the City of Delaware on October 12, 2023. (See attached.) The territory to be annexed is described in the attached Exhibits "A" and "B"; and

WHEREAS, the certified transcript of the proceedings for annexation, with an accurate map of the territory, together with the petition of annexation and other papers relating to the proceedings of the County Commissioners, are on file with the Clerk of Council, and have been for more than sixty days.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That Council hereby accepts the annexation of 230.7 acres of land, description, and plat of which are hereby attached as Exhibits "A" and "B" on the annexation known as the Kilbourne 521 Annexation by Aaron L. Underhill, agent for the petitioners ~~with the following condition that:~~

1. ~~Upon its annexation, the property shall be zoned in accordance with the Northwood development plans and text.~~

SECTION 2. That the Clerk of Council is directed to make five copies of this ordinance, to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of 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 Secretary of State, and shall file notice of annexation with the Board of Elections, the County Auditor, the County Recorder, and the County Engineer within thirty days after it becomes effective, and the Clerk shall do all other things required by law.

SECTION 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS 7 NAYS 0
ABSTAIN 0

PASSED: January 8, 2024

YEAS 7 NAYS 0
ABSTAIN 0

ATTEST: Sarah Penon
CITY CLERK

Carol Kay Gogh
MAYOR

Exhibit "A"

Proposed 230.7± Acre Annexation from Brown Township and Delaware Township to the City of Delaware

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Situated in the State of Ohio, County of Delaware, being part of Quarter Townships 3 & 4, Township 5, Ranges 18 & 19, Farm Lots 25, 26, and 27 of Brown Township, Farm Lots 24 and 25 of Delaware Township, United States Military District and containing 230.7± acres of land, more or less, said 230.7± acres being all of a 73.197 acre tract of land conveyed to Ann Grove, TRS in Official Record 2038, Pg. 993 as Parcel 4, and all of a 159.083 acre tract of land also conveyed to Ann Grove, TRS in Official Record 2038, Pg. 993 as Parcel 3, said 230.7± acres more particularly described as follows:

Beginning at the southwest corner of said Parcel 3, the southeast corner of a 12.244 acre tract of land conveyed to the City of Delaware in Official Record 25, Pg. 2607, being on the centerline of Kilbourne Road (S.R. 521) (R/W Varies), the east line of Farm Lot 27 of Delaware Township, Quarter Township 4 and Range 19, the west line of Farm Lot 26 of Brown Township, Quarter Township 3, and Range 18, and being on a City of Delaware Corporation Line (Ordinance No: 94-48 (06/27/1994), Resolution No: 94-107, Volume 8, Pg. 847);

Thence N 02° 55' 15" E, with the west line of said Parcel 3, the east line of said 12.244 acre tract, the east lines of Lots 8367-8369 as numbered and delineated for Kensington Place Section 6, Part 1 in Plat Cabinet 3, Sl. 57A, the east line of said Farm Lot 27 of Delaware Township, Quarter Township 4 and Range 19, the west line of Farm Lot 26 of Brown Township, Quarter Township 3, and Range 18, with said City of Delaware Corporation Line, and another easterly City of Delaware Corporation Line (Ordinance No: 94-31 (06/27/1994), Resolution No: 94-128, Volume 8, Pg. 797), 950.0± feet to a point on the west line of said Parcel 3, being on the east line of said Lot 8369, being on the east line of said Farm Lot 27 of Delaware Township, Quarter Township 4 and Range 19, the west line said Farm Lot 26 of Brown Township, Quarter Township 3, and Range 18, and being on said City of Delaware Corporation Line;

Thence N 03° 16' 36" E, with the west line of said Parcel 3, the east lines of said Lot 8369, Lots 8370-8376 and 8402 as numbered and delineated for Kensington Place Section 6, Part 1 in Plat Cabinet 3, Sl. 57A, the east line of Brittany Drive as dedicated in said plat, the east lines of Lots 8423-8432 and 8459 as numbered and delineated for Kensington Place Section 6, Part 2 in Plat Cabinet 3, Sl. 283, the east line of Wallace Drive as dedicated in said plat, the east line of said Farm Lots 26 and 27 of Delaware Township, Quarter Township 4 and Range 19, the west line of said Farm Lot 26 of Brown Township, Quarter Township 3, and Range 18, with said City of Delaware Corporation Line, 1658.2± feet to the northeast corner of said Lot 8459, the southeast corner of said Parcel 4, a point on the west line of said Parcel 3, the east line of said Farm Lot 26 of Delaware Township, Quarter Township 4 and Range 19, the west line of said Farm Lot 26 of Brown Township, Quarter Township 3, and Range 18, and being on an angle point of said City of Delaware Corporation Line;

Thence N 85° 55' 03" W, with the south line of said Parcel 4, the north line of said 8459, the north lines of said Lots 8404 and 8449-8458 of said Kensington Place Section 6, Part 2, the north line of Asburn Drive as dedicated on said plat, the north lines of Lots 7603-7615 of Kensington Place Section 3, Part 2 of Plat Cabinet 2, Sl. 345, and with said City of Delaware Corporation Line, 1627.2± feet to a point on the north line of said Lot 7603;

Thence N 86° 04' 15" W, with the north line of said Lot 7603, the north lines of Lots 7601 and 7602 of said subdivision, the south line of Parcel 4, and said City of Delaware Corporation Line, 141.9± feet to a point on the north line of said Lot 7601, the southwest corner of said Parcel 4, the southeast corner of a 22.05 acre tract of land conveyed to Lana R. Long in Official Record 505, Pg. 2107, and being on said City of Delaware Corporation Line;

Thence N 12° 06' 25" W, with the west line of said Parcel 4 and the east line of said 22.05 acre tract, 1042.5± feet to the northwest corner of said Parcel 4, the northeast corner of said 22.05 acre tract, and being on the southerly right-of-way of a rail road conveyed to New York Central Lines LLC;

Thence N 62° 24' 57" E, with the southerly right-of-way of said rail road, the north lines of said Parcel 4 and Parcel 3, across said Farm Lots 24 and 25 of Delaware Township, Quarter Township 4, Range 19 and Farm Lot 27 of Brown Township, Quarter Township 3, Range 18 4672.0± feet to the northeast corner of said Parcel 3, the northwest corner of an original 20.42 acre tract of land conveyed to Elm Valley, LLC in Official Record 51, Pg. 180, and being on the southerly right-of-way of said rail road;

Thence S 03° 19' 41" W, with the east line of said Parcel 3, the west line of said original 20.42 acre tract, 1466.2± feet to an angle point of said Parcel 3, the southwest corner of said original 20.42 acre tract, and the north line of an original 21.8 acre tract of land conveyed to Elm Valley, LLC in Official Record 51, Pg. 180;

Thence N 87° 01' 01" W, with the north line of said original 21.8 acre tract, the north line of an original 70 acre tract also conveyed to Elm Valley, LLC in Official Record 51, Pg. 180, and a south line of said Trac No. 2, 689.7± feet to an angle point of said Parcel 3 and the northwest corner of said original 70 acre tract;

Thence S 03° 50' 07" W, with the east line of said Parcel 3, the west line of said original 70 acre tract, and the west line of an original 5.058 acre tract conveyed to Thomas Z. and Ellen Sue Davis in Official Record 1031, Pg. 2582, 3173.0± feet to the current southeast corner of said Parcel 3, being on the west line of said original 5.058 acre tract and being on the northeast corner of a 1.6126 acre tract of land conveyed to the Delaware County Board of Commissioners in Official Record 2000, Pg. 81 as Parcel 7-WD, and being on the northeasterly corner of Byxhe Parkway;

Proposed 230.7± Acre Annexation
from Brown Township and Delaware Township
to the City of Delaware

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Thence with the east line of said Parcel 3, the west line of said Parcel 7-WD, and the right-of-way of said Byxbe Parkway the following four (4) courses and distances:

1. N 86° 18' 34" W, 158.8± feet to a point;
2. S 01° 10' 26" E, 166.5± feet to a point;
3. S 14° 50' 24" E, 142.6± feet to a point;
4. S 27° 43' 17" E, 142.8± feet to a point at the intersection of the westerly right-of-way of said Byxbe Parkway and the northerly right-of-way of said Kilbourne Road (S.R. 521) (R/W Varies);

Thence with the common line of said Parcel 7-WD, said Parcel 3, and the right-of-way of said Kilbourne Road (S.R. 521) (R/W Varies) the following three (3) courses and distances:

1. S 33° 44' 33" W, 164.9± feet to a point;
2. S 59° 01' 43" W, 205.0± feet to a point;
3. S 30° 58' 17" E, 50.0± feet to a point on a southeast corner of said Parcel 3, a westerly line of said Parcel 7-WD. and being on the centerline of said Kilbourne Road (S.R. 521) (R/W Varies);

Thence S 59° 01' 43" W, with the south line of said Parcel 3, the north line of a 63.11 acre tract of land conveyed to the Delaware County Board of Commissioners in Official Record 1660, Pg. 319, and the centerline of said Kilbourne Road (S.R. 521) (R/W Varies), 1190.7± feet to the Point of Beginning, containing 230.7± acres.

The above description was prepared by Advanced Civil Design Inc. on August 30, 2023 and is based on existing Delaware County Auditor records and Delaware County Recorder's records.

The total length of the annexation perimeter is 17,642± feet, of which 4,377± feet are contiguous with existing City of Columbus Corporation lines, being ±25% contiguous.

The total length of County roads along this annexation is 1,896± feet.

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

This is not to be used for the transfer of land and is for annexation purposes only.

DELAWARE COUNTY ENGINEER
Map Department

I hereby certify the within to be a true copy of the original on file in the Map Department

William F. Still 8/30/23
By: Date:

Chris B...

ADVANCED CIVIL DESIGN, INC.

Douglas R. Hock 8/30/23
Date:

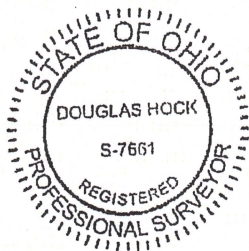



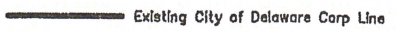
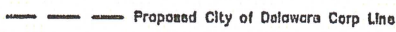
Exhibit "B"

Length of Contiguity: ±4,377 feet
 Total Length of Perimeter: ±17,642 feet
 Percentage of Contiguity: ±25%

No islands of township property are created by this annexation.

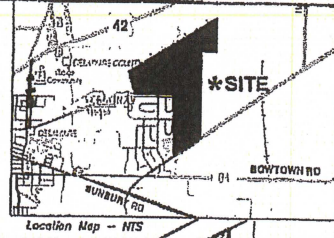
The total length of County roads along this annexation: ±1,896 feet

Legend

-  Area to be Annexed
-  Existing City of Delaware Corp Line
-  Proposed City of Delaware Corp Line

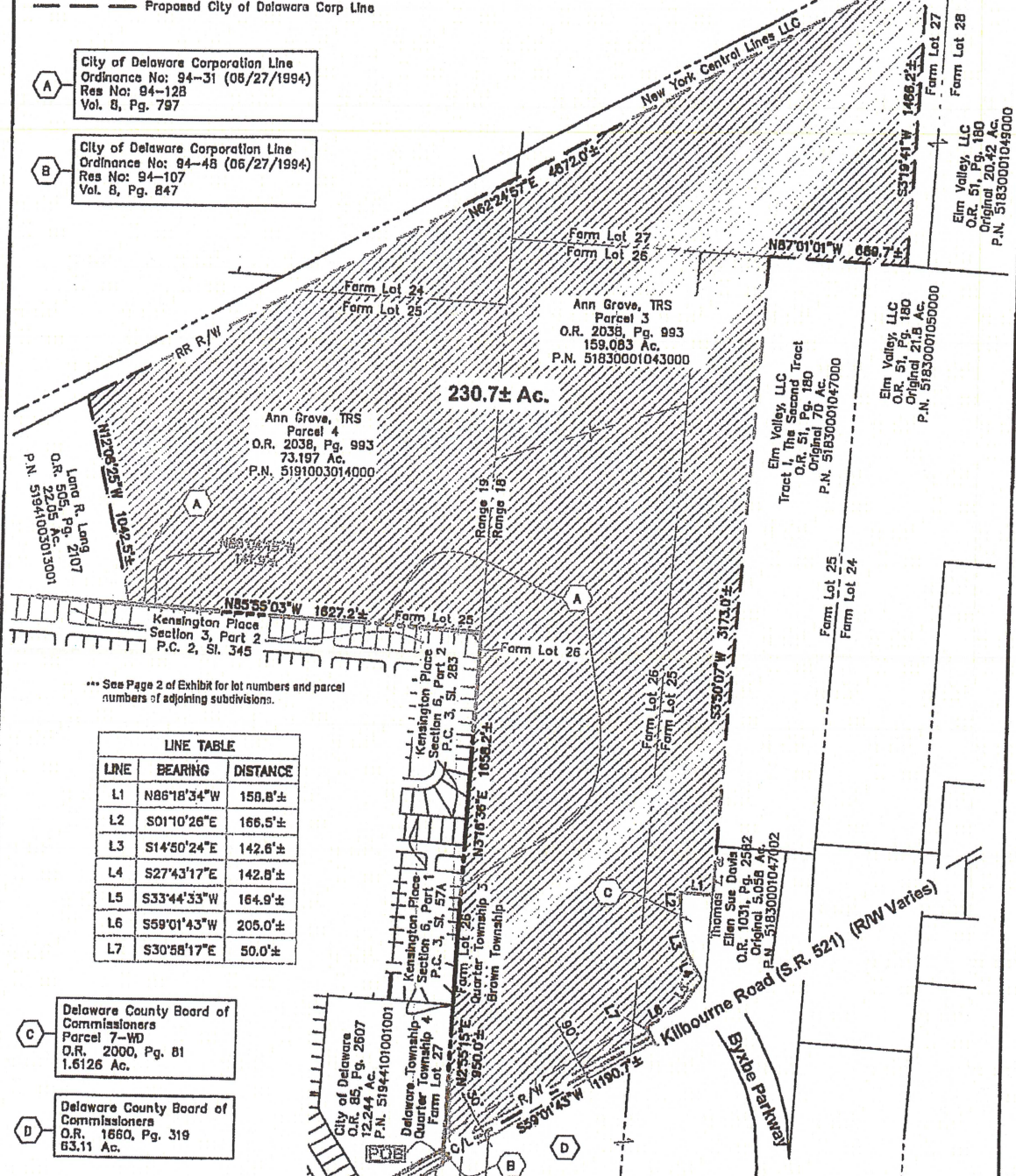
230.7± ACRE ANNEXATION FROM THE TOWNSHIPS OF BROWN AND DELAWARE TO THE CITY OF DELAWARE

Quarter Township 3 & 4, Township 5, Range 18 & 19
 Farm Lots 25, 26 & 27 of Brown Township
 Farm Lots 24 & 25 of Delaware Township
 United States Military District
 Delaware County, Ohio



A City of Delaware Corporation Line
 Ordinance No: 94-31 (05/27/1994)
 Res No: 94-12B
 Vol. 8, Pg. 797

B City of Delaware Corporation Line
 Ordinance No: 94-48 (05/27/1994)
 Res No: 94-107
 Vol. 8, Pg. 847



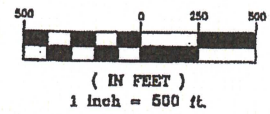
*** See Page 2 of Exhibit for lot numbers and parcel numbers of adjoining subdivisions.

LINE	BEARING	DISTANCE
L1	N86°18'34"W	158.8'±
L2	S01°10'26"E	166.5'±
L3	S14°50'24"E	142.6'±
L4	S27°43'17"E	142.8'±
L5	S33°44'33"W	164.9'±
L6	S59°01'43"W	205.0'±
L7	S30°58'17"E	50.0'±

C Delaware County Board of Commissioners
 Parcel 7-YD
 O.R. 2000, Pg. 81
 1.6126 Ac.

D Delaware County Board of Commissioners
 O.R. 1660, Pg. 319
 63.11 Ac.

GRAPHIC SCALE



DRAWN BY: JRM JOB NO.: 21-0017-889
 DATE: 8/30/2023 CHECKED BY: DRB



**ADVANCED
 CIVIL DESIGN**
 ENGINEERS

781 Science Blvd., Suite 100
 Gahanna, Ohio 43230
 ph 614.428.7750
 fax 614.428.7753

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