



# LEGISLATIVE COVER MEMO

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**Introduction:** May 20, 2024

**Public Hearing:** June 3, 2024

**Effective Date:** July 3, 2024

**Agenda Item:** **Ordinance 2024-11**

AUTHORIZING THE ANNEXATION OF 19.665 ACRES OF LAND OWNED BY THE CITY OF FRANKLIN TO THE CITY AND AUTHORIZING THE LAW DIRECTOR TO PROSECUTE SUCH ACTION

**Submitted by:** Jonathan Westendorf, City Manager

**Scope/Description:** The City of Franklin owns 19.665 acres of land which is contiguous to the City limits. The City can annex this land in accordance with Ohio Revised Code Section 709.16. This ordinance is required by Ohio Revised Code Section 709.14 to authorize the annexation and to direct the Law Director to take all steps necessary to effectuate the annexation.

**Vote Required for Passage:** Per Ohio Revised Code Section 709.14 the passage of this Ordinance requires the affirmative vote of a majority of members elected to Council.

**Exhibits:** Exhibit A: Petition for Annexation  
Exhibit B: Legal Description  
Exhibit C: Map

**Recommendation:** Approval

CITY OF FRANKLIN, OHIO  
ORDINANCE 2024-11

**AUTHORIZING THE ANNEXATION OF 19.665 ACRES OF LAND OWNED BY THE CITY OF FRANKLIN TO THE CITY AND  
AUTHORIZING THE LAW DIRECTOR TO PROSECUTE SUCH ACTION**

WHEREAS, the City of Franklin, Ohio, an Ohio municipal corporation, is the sole owner of 19.665 acres of property currently located in Franklin Township, Ohio which property is contiguous with the City of Franklin municipal boundary; and

WHEREAS, R.C. 709.13 et seq. provides the manner and method of annexation by a municipality for municipal-owned land; and

WHEREAS, The City of Franklin, Ohio, an Ohio municipal corporation, seeks to annex such property located in Franklin Township to the City of Franklin pursuant to R.C. 709.13 et seq.; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FRANKLIN, WARREN COUNTY, OHIO THAT:

Section 1. The City of Franklin, Ohio, by a majority of members elected to City Council, hereby authorize the annexation of 19.665 acres of land located in Franklin Township, Ohio which is wholly owned by the City of Franklin, Ohio, to be annexed into the City of Franklin, Ohio, and City Council further directs, empowers, and authorizes the City’s Law Director, Benjamin Yoder of the law firm Bricker Graydon LLP, as the certified agent for petitioner, to cause the annexation petition to be prepared, filed, and heard by the Warren County Commissioners in accordance with R.C. 709.15, and to otherwise prosecute the proceedings necessary to effect the annexation.

Section 2. That City Council hereby authorizes, empowers and directs the City Manager to sign a petition for annexation of 19.665 acres located along State Route 123 to the City of Franklin on behalf of the City (hereinafter referenced as the “Petition”). A copy of the Petition is attached hereto as Exhibit A and made a part hereof. The property to be annexed is more accurately described in Exhibits to the Petition.

Section 3. That any act of any agent, advisor, or employee of the City and of any person designated or authorized to act by the City Manager or the Law Director, which act would have been authorized by the foregoing except that such act was taken prior to the adoption of this ordinance, is hereby ratified, confirmed, approved and adopted as the act of the City.

Section 4. That this ordinance is passed pursuant to R.C. 709.14 et seq. by a majority of the members elected to the City Council of the City of Franklin, Ohio.

Section 5. Upon completion of the annexation, the clerk is authorized and directed to file the necessary documents with the Ohio Secretary of State, the county auditor, the county board of elections, and the county recorder.

Section 6. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 7. This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

INTRODUCED: June 3, 2024

ADOPTED: June 17, 2024

ATTEST: \_\_\_\_\_  
Khristi Dunn, Clerk of Council

APPROVED: \_\_\_\_\_  
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of Ordinance 2024-11 passed by that body on June 17, 2024.

\_\_\_\_\_  
Khristi Dunn, Clerk of Council

APPROVED AS TO FORM:

\_\_\_\_\_  
Ben Yoder, Law Director

## PETITION FOR ANNEXATION – MUNICIPAL

We, the undersigned, being 100% of the owners of real estate in the territory hereinafter described, hereby petition for the annexation of the following described territory to the City of Franklin, Warren County, Ohio, in the manner provided for by Section 709.16 of the Revised Code of Ohio.

Petitioner has attached hereto and made a part of this petition a legal description of the perimeter of the territory sought to be annexed, marked as Exhibit “A”.

The described territory is contiguous with the City of Franklin, Ohio, and wholly owned by the City of Franklin, Ohio. The City of Franklin’s legislative authority has authorized annexation of this territory by Ordinance \_\_\_\_ passed on \_\_\_\_\_.

Petitioners have attached hereto and made a part of this petition, an accurate map or plat of the territory sought to be annexed, marked Exhibit “B”.

Ben Yoder, with Bricker Graydon LLP, Law Director of the City of Franklin, is hereby appointed agent for the undersigned Petitioner as required by Revised Code Section 709.02(C)(3), with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this Petition. Said amendment, alteration, change, correction, withdrawal, refiling, substitution, compromise, increase or deletion or other actions for granting of this Petition shall be made in the Petition, description and plat by said agent without further expressed consent of the Petitioners.

Agent:

Petitioner:

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Ben Yoder, Agent for Petitioner  
2 East Mulberry St.  
Lebanon, Ohio 45036  
513-870-6024  
byoder@brickergraydon.com

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Jonathan Westendorf, Franklin City Manager  
1 Benjamin Franklin Way  
Franklin, Ohio 45005  
(937) 743-1101  
JWestendorf@FranklinOhio.org

## **REVIEW**

### **LEGAL DESCRIPTION 19.6650 ACRE TRACT AREA TO BE ANNEXED TO THE CITY OF FRANKLIN, OHIO**

Situated in the State of Ohio, Warren County, Franklin Township, Section 31, Town 2 Range 5, being 18.3251 acres of an 18.722 acre tract of land conveyed to The City of Franklin described in D.N. 2015-037668, being 0.8148 acres of a 1 acre tract conveyed to The City of Franklin Ohio as described in D.N. 2023-013377, all of a 0.267 acre tract, and all of a 0.1898 acre tract of land as conveyed to The City of Franklin described in D.N. 2015-037668, all of 0.0683 acre tract conveyed to The City of Franklin described in D.N. 2023-021924 of the Warren County, Ohio Recorder's Office and being more particularly described as follows:

Beginning on the northeast corner of Lot 38 of Glendell Addition-First Addition as recorded in Plat Book 4, Pg. 35

Thence along the lines of said 18.722 acre tract for the following seven (7) courses and distances;

- 1) S74°13'00"W a distance of 121.43 feet;
- 2) N85°03'00"W a distance of 115.07 feet;
- 3) N60°07'00"W a distance of 139.22 feet;
- 4) N29°53'00"E a distance of 71.02 feet;
- 5) N54°58'30"W a distance of 585.76 feet;
- 6) N16°47'45"E a distance of 350.53 feet;
- 7) N60°02'45"E a distance of 57.76 feet to southwesterly corner of a 1 acre tract conveyed to The City of Franklin Ohio described in D.N. 2023-013377;

Thence along the line of said 1 acre tract, N61°45'00"W, a distance of 117.50 feet to a point in the existing City of Franklin Corporation line;

Thence continuing along the line of said 1 acre tract and along the said existing corporation line, N57°06'04"E a distance of 213.84 feet;

Thence along the line and through said 1 acre tract and said existing corporation line, N75°33'56"E a distance of 187.47 feet to a point in the easterly line of said 1 acre tract;

Thence along the easterly line of said 1 acre tract and said existing corporation line, S01°30'00"E a distance of 117.16 feet to a point in the northerly line of said 18.722 acre tract;

Thence along the lines of said 18.722 acre tract and said existing corporation line for the following two (2) courses and distances;

- 1) S70°24'30"E a distance of 559.42 feet;
- 2) S50°22'35"E a distance of 29.77 feet;

Thence along the northeasterly line of a said 0.0683 acre tract and said existing corporation line, S48°26'41"E, 108.99 feet to the westerly line of relocated State Route 123;

Thence along the westerly line of relocated State Route 123 and continuing along the line of said 0.1898 acre tract and the aforementioned 0.267 acre tract also along said existing corporation line, S16°41'30"E a distance of 320.05 feet to the intersection of the westerly R/W line of relocated State Route 123 and the easterly line of the said 18.722 acre tract;

Thence continuing along the westerly line of State Route 123 through the said 18.722 acre tract and said existing corporation line for the following three (3) courses and distances;

- 1) S16°24'25"E a distance of 77.97 feet;
- 2) S24°09'40"E a distance of 277.47 feet;
- 3) S30°19'40"E a distance of 66.23 feet;

O-24-11  
Exhibit B

Thence along a northerly line of Tama Lane S66°34'00"W a distance of 399.97 feet;

Thence leaving the northerly line of Tama Lane continuing along the lines of said 18.722 acre tract for the following two (2) courses and distances;

- 1) N01°54'00"E a distance of 174.04 feet;
- 2) N72°52'00"W a distance of 151.67 feet to the point of beginning.

Containing 19.6650 acres more or less.

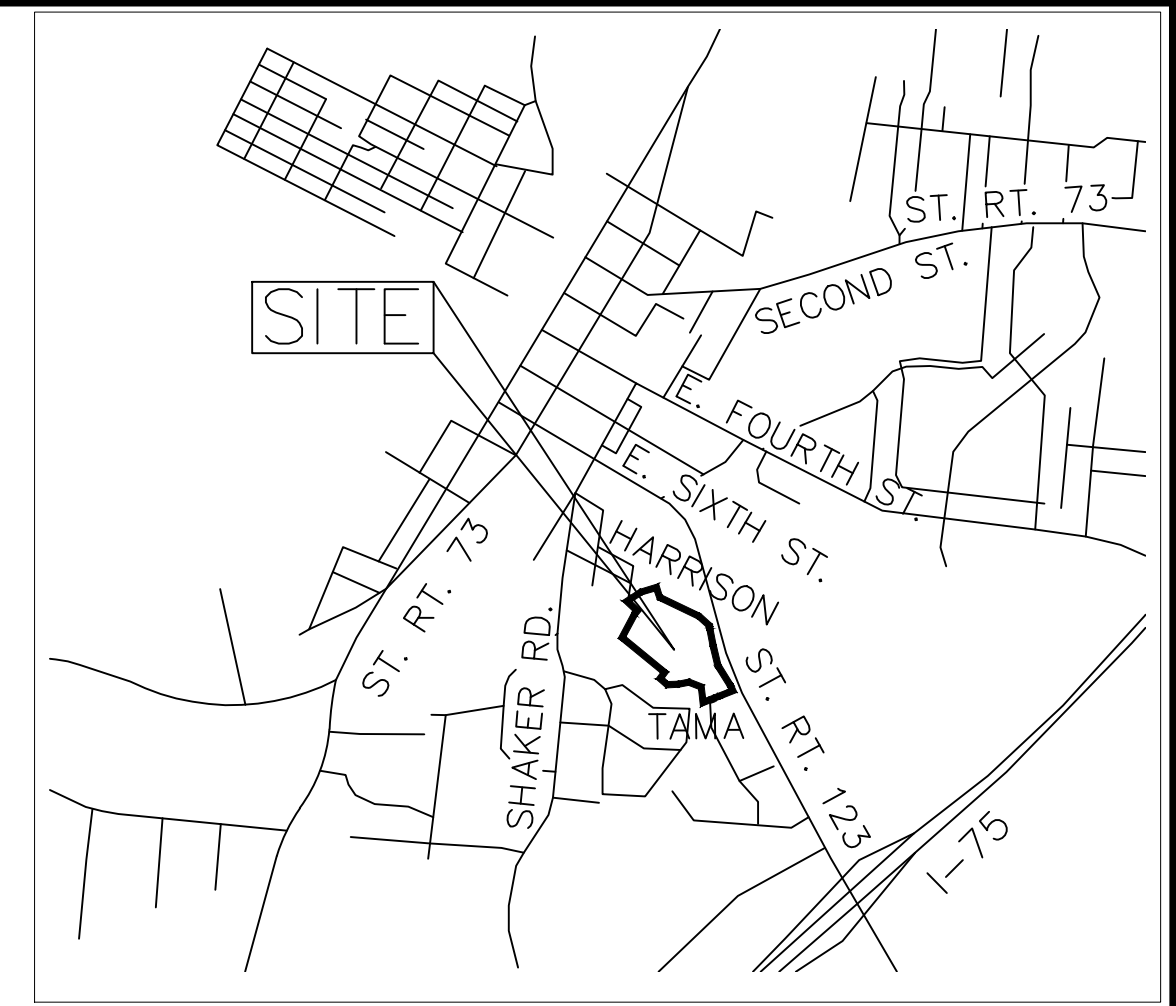
The above description is based on information of record, No Field survey was performed. by Apex Engineering & Surveying, Inc., Justin Lee Schulz, Ohio Professional Surveyor No. 8653. Bearings and Distances are based on deeds and plats of the Warren County Recorder's Office

**ANNEXATION ACREAGE BREAKDOWN**

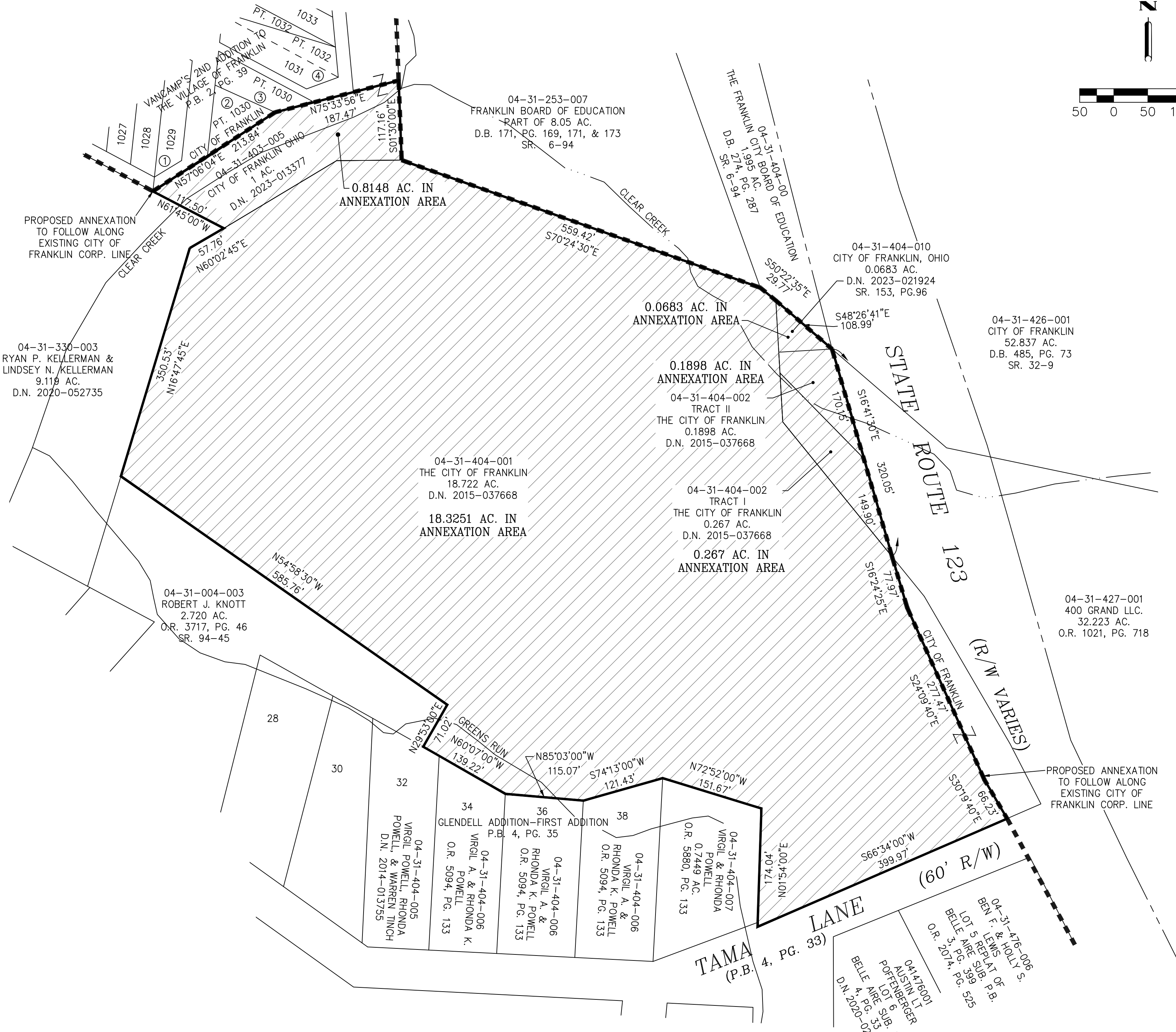
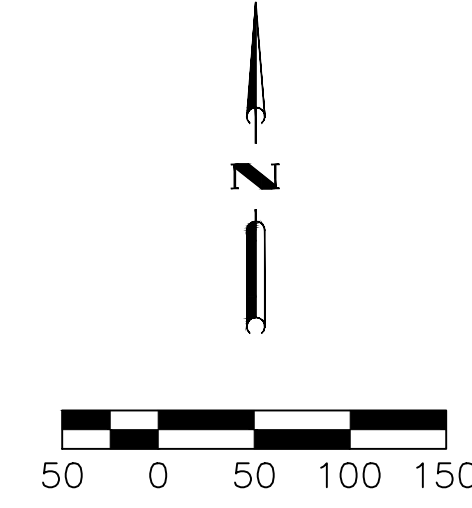
TOTAL ACREAGE OF DEEDS -----20.2471 ACRES  
 18.3251 AC. (04-31-404-001) + (0.8148 AC.) 04-31-403-005 +  
 0.267 AC. (04-31-404-001) TRACT I + 0.1898 AC. (04-31-404-002) TRACT II +  
 + 0.0683 AC. (04-31-404-010)  
 TOTAL ACREAGE OF PROPOSED ANNEXATION-----19.6650 ACRES  
 TOTAL ACRES OF RIGHT OF WAY -----0.0000 ACRES  
 LENGTH OF ST. ROUTE 123-----0.000 ACRES  
 LENGTH OF TAMA LANE-----0.000 ACRES

PERIMETER OF ANNEXATION TERRITORY =3,894 FEET  
 CONTIGUOUS BOUNDARY WITH THE CITY OF FRANKLIN =1,785 FEET  
 CONTIGUITY WITH THE CITY OF FRANKLIN = 45.8%

**FRANKLIN PARK AREA ANNEXATION**  
**MAP OF AREA CONTAINING 19.6650 ACRES MORE OR LESS TO BE ANNEXED TO**  
**THE CITY OF FRANKLIN, OHIO**  
 SITUATED IN  
**SECTION 31, TOWN 2, RANGE 5**  
**FRANKLIN TOWNSHIP**  
**WARREN COUNTY, OHIO**



VICINITY MAP  
NTS



- ① 04-31-402-002  
JENNIFER TURPIN &  
KEVIN S. TURPIN  
LOT 1029  
D.N. 2014-000854
- ② 04-31-403-004  
KENNETH R. GROSS &  
SALLY L. GROSS  
PT. LOT 1030  
O.R. 672, PG. 405
- ③ 04-31-403-003  
MARTHA L. GROSS  
PT. LOT 1030  
D.B. 497, PG. 905  
D.N. 2021-031965
- ④ 04-31-403-002  
MISTY LEE GROSS  
LOT 1031  
PT. LOT 1032  
O.R. 5283, PG. 359

04-31-330-003  
RYAN P. KELLERMAN &  
LINDSEY N. KELLERMAN  
9.119 AC.  
D.N. 2020-052735

04-31-404-001  
THE CITY OF FRANKLIN  
18.722 AC.  
D.N. 2015-037668

04-31-404-002  
TRACT I  
THE CITY OF FRANKLIN  
0.267 AC.  
D.N. 2015-037668

04-31-426-001  
CITY OF FRANKLIN  
52.837 AC.  
D.B. 485, PG. 73  
SR. 32-9

04-31-427-001  
400 GRAND LLC.  
32.223 AC.  
O.R. 1021, PG. 718

**SURVEYOR NOTES:**

- 1.) SOURCE DOCUMENTS AS NOTED.
- 2.) BEARINGS BASED ON WARREN COUNTY RECORDER'S OFFICE DEED REFERENCES
- 3.) ALL BOUNDARY INFORMATION FROM RECORDS, NO FIELD SURVEY HAS BEEN PERFORMED



I HEREBY CERTIFY THAT THIS ANNEXATION PLAN AND THE BEARINGS SHOWN HEREON ARE BASED ON DEEDS AND PLATS AS RECORDED IN WARREN COUNTY.

**REVIEW**

JUSTIN L. SCHULZ  
OHIO PROFESSIONAL SURVEYOR NO. 8653

A CURRENT TITLE EXAMINATION/REPORT IS NECESSARY TO DETERMINE ANY ADDITIONAL EASEMENTS, RESTRICTIONS, COVENANTS, CONDITIONS OR ENCUMBRANCES WHICH MAY AFFECT THE LANDS HEREON.

**LEGEND**

- AREA TO BE ANNEXED
- EXISTING CORPORATION LINE
- PROPOSED CORPORATION LINE

**CITY OF FRANKLIN CLERK**

CLERK \_\_\_\_\_ DATE \_\_\_\_\_

**WARREN COUNTY COMMISSIONERS**

WE, THE BOARD OF COUNTY COMMISSIONERS OF WARREN COUNTY, OHIO DO HEREBY APPROVE THIS PLAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

COMMISSIONER \_\_\_\_\_ DATE \_\_\_\_\_  
 COMMISSIONER \_\_\_\_\_ DATE \_\_\_\_\_  
 COMMISSIONER \_\_\_\_\_ DATE \_\_\_\_\_

**WARREN COUNTY AUDITOR**

ENTERED FOR TRANSFER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

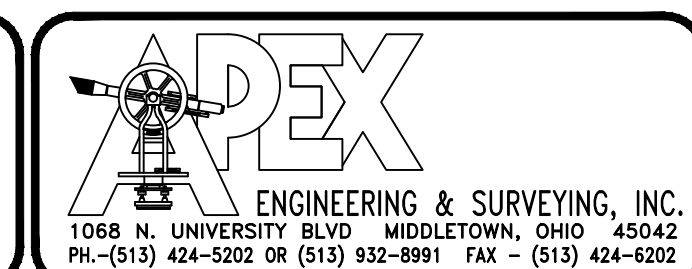
BY: \_\_\_\_\_ DEPUTY AUDITOR  
 \_\_\_\_\_ AUDITOR, WARREN COUNTY, OHIO

**WARREN COUNTY RECORDER**

FILE NO. \_\_\_\_\_  
 RECEIVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_ M.  
 RECORDED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_ M.  
 RECORDED IN PLAT BOOK NO. \_\_\_\_\_, PAGE \_\_\_\_\_, FEE \$ \_\_\_\_\_

BY: \_\_\_\_\_ DEPUTY RECORDER  
 \_\_\_\_\_ RECORDER, WARREN COUNTY, OHIO

SCALE: 1"=100'  
 DATE: DEC. 2015  
 DRAWN: P.J.L  
 DESIGNED:  
 CHECKED: KRC



REVISIONS:  
 1. OCT 2023-JLS  
 2. MARCH 2024-JLS  
 3. APRIL 2024-JLS  
 4.  
 PROJECT: 151718 SHEET 1 OF 1  
 DRAWING: 1920705B