



LEGISLATIVE COVER MEMO

Introduction: November 10, 2025

Agenda Item: **Resolution 2025-79**

ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF FRANKLIN, OHIO, PURSUANT TO AN ANNEXATION PETITION FILED WITH AND GRANTED BY THE BOARD OF COUNTY COMMISSIONERS OF WARREN COUNTY, OHIO, AS PROVIDED FOR IN OHIO REVISED CODE SECTION 709.023

Submitted by: Jonathan Westendorf, City Manager

Scope/Description: On July 8, 2025, a petition was filed with Warren County for the annexation of 10.003 acres in Franklin Township to the City of Franklin. On August 5, 2025 the Warren County Commissioners approved the proposed annexation. Passage of this resolution accepts the annexation.

Budget Impact: N/A

Exhibits: Exhibit A: Annexation Petition, Map/Legal Description.

Exhibit B: Resolution of the Warren County Board of Commissioners Granting the Annexation Petition

Recommendation: Approval

CITY OF FRANKLIN, OHIO
RESOLUTION 2025-79

ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF FRANKLIN, OHIO, PURSUANT TO AN ANNEXATION PETITION FILED WITH AND GRANTED BY THE BOARD OF COUNTY COMMISSIONERS OF WARREN COUNTY, OHIO, AS PROVIDED FOR IN OHIO REVISED CODE SECTION 709.023

Whereas, on July 8, 2025, a petition was filed with the Board of County Commissioners of Warren County, Ohio pursuant to Ohio Revised Code 709.023, for the annexation of 10.003 +/- acres of territory in Franklin Township to the City of Franklin (City"), a copy of which petition and accompanying map/legal description is attached hereto as Exhibit A; and

Whereas, on August 5, 2025 the Warren County Board of Commissioners approved the proposed annexation pursuant to Board of County Commissioners Resolution 2025-1001, a copy of which is attached hereto as Exhibit B; and

Whereas, a certified copy of the annexation proceedings was provided by Warren County to the Clerk of Franklin City Council on August 6, 2025; and

Whereas, pursuant to Ohio Revised Code 709.04, the Clerk of Council has placed before Franklin City Council the resolution of the Warren County Board of Commissioners granting the petition, as well as the annexation petition and accompanying map/plat and legal description at this next regular meeting following the expiration of sixty (60) days from receipt by the Clerk of the same; and

Whereas, Franklin City Council is authorized under Ohio Revised Code 709.04 to accept or reject the Petition for annexation at this time.

Now, therefore, be it Resolved by the Franklin City Council, County of Warren, State of Ohio, With a Majority of Duly Elected Members Thereof Concurring as Follows:

Section 1. The proposed annexation of 10.003 +/- acres from Franklin Township, Warren County, Ohio to the City of Franklin, a petition for which was filed with the Board of Commissioners, Warren County, Ohio on July 8, 2025 and approved by the Board of County Commissioners on August 5, 2025 is hereby accepted. The petition and accompanying map/plat and legal description are attached hereto as Exhibit A, which graphically depicts and describes the territory that is the subject of the annexation.

Section 2. The Clerk of Council is hereby authorized and directed, pursuant to Ohio Revised Code 709.06, to make three (3) copies of this Resolution, to each of which shall be attached: a copy of the annexation petition and accompanying map/plat/legal description; the transcript of the proceedings of the Warren County Board of Commissioners; and all other resolutions and/or ordinances relating to the annexation, with a certificate as to the correctness of each of the three (3) copies, signed by the Clerk of Council and authenticated by the seal of the City, if any. The Clerk of Council shall forthwith deliver one copy to the County Auditor, one copy to the County Recorder, and one copy to the Ohio Secretary of State. The Clerk of Council shall provide notice of this annexation in writing, along with a copy of the map/plat/legal description, to the Board of Elections of Warren County within thirty (30) days after it becomes effective. The Clerk of Council shall do all other things with respect to the action taken by this Resolution as may be required by law.

Section 3. All formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council, and all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution shall become effective immediately upon its passage.

ADOPTED: November 10, 2025

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 a resolution passed by that body on November 10, 2025.

Khristi Dunn, Clerk of Council

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2025 JUL -8 AM 8:28

**EXPEDITED TYPE II PETITION FOR ANNEXATION (SECTION 709.023) COUNTY
TO THE CITY OF FRANKLIN, OF 10.003 ACRES, MORE OR LESS, COMMISSIONERS
FROM FRANKLIN TOWNSHIP, WARREN COUNTY**

*TO THE BOARD OF COUNTY COMMISSIONERS
OF WARREN COUNTY, OHIO*

The undersigned, petitioners in the premises, and being THE SOLE OWNER OF REAL ESTATE in the territory described, consisting of 10.003 acres, more or less, with a total length of the annexation perimeter of 2,885.53 feet, more or less, in the Township of Franklin, which area is contiguous to the existing boundary of the City of Franklin along 281.83 feet, more or less, such that approximately 9.77% of the perimeter of the area is contiguous to the City of Franklin, do hereby pray that said territory be annexed to the City of Franklin, according to the statutes of the State of Ohio.

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 as Exhibit "A" and "B" and made part hereof.

In support of said Petition, the petitioner states that there is within the territory so prayed to be annexed ONE (1) OWNER OF REAL ESTATE.

Thaddeus M. Boggs, whose address is 10 West Broad Street, Suite 2300, Columbus, Ohio 43215, is hereby appointed Agent for the undersigned petitioners as required by Ohio Revised Code section 709.02. 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 Warren County Engineer in their examination of an amended plat and description to the Board of 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 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."

[REMAINDER OF PAGE INTENTIONALLY BLANK; SIGNATURE PAGE FOLLOWS]

PARCEL 04-21-400-048 (ENTIRE PARCEL)

IMMOBILTEC USA, INC.

By: Steph Miller

Printed Name: Stephen Miller

Title: CFO/Treasurer

Date: May 28, 2025

EXHIBITS

Exhibit A – Legal Description

Exhibit B – Annexation Plat Map

Exhibit C – Adjacent Parcel Owner List

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WARREN COUNTY
COMMISSIONERS

**Exhibit A
Legal Description
10.003 Acres - Annexation**

Situated in Section 21, Town 2, Range 5N, BTM, Franklin Township, Warren County, Ohio, being all the land conveyed to Suvoyee & Teresa Lynn Rudd in D.N. 2018-029033 of the Warren County, Ohio Recorder's Office, the boundary of which being more particularly described as follows:

Beginning at a 5/8" iron pin found at the southwest corner of Carr's Subdivision as recorded in P.B. 5 Pg. 115, said point also being in the centerline of Pennyroyal Road;

Thence along said centerline, S82°42'27"E a distance of 273.00 feet to the northwest corner of a 9.7503 acre (deed) parcel conveyed to LI Investment Group LLC in D.N. 2018-008226;

Thence along the lines of said 9.7503 acre (deed) parcel the following three (3) courses:

1. S05°04'40"W passing a 5/8" iron pin found at a distance of 25.0 feet, a total distance of 297.44 feet to a 5/8" iron pin found;
2. S81°01'57"E a distance of 140.69 feet to a 5/8" iron pin found;
3. S05°04'40"W a distance of 619.48 feet to a point in the north line of Lot 1 of Dayton Daily News as recorded in P.B. 37 Pg. 69, witness a 5/8" iron pin found lying 0.8 feet east;

Thence along said north line and along the north line of a parcel conveyed to Stephen A. & Bonnie J. King in D.N. 2024-015197, N82°37'58"W a distance of 527.13 feet to a point in the east line of Banks Subdivision as recorded in P.B. 3 Pg. 179, witness a bent 1/2" iron pin found lying 0.4 feet south;

Thence along said east line, N05°04'40"E a distance of 854.87 feet to a mag nail found in the south right of way line of Pennyroyal Road;

Thence S84°27'27"E a distance of 110.88 feet to a 5/8" iron pin found;

Thence N07°32'33"E a distance of 62.04 feet to the Point of Beginning.

Containing 10.003 acres of land, more or less and being subject to easements, restrictions and rights of way of record.

Bearings are based on the Ohio State Plane Coordinate System, South Zone, as derived from the Ohio Department of Transportation's Virtual Reference Stationing (VRS)(NAD '83 – 2011)

The above description is based on a field survey performed by The Kleingers Group March 2022 under the direct supervision of Matthew D. Habedank, Ohio Professional Surveyor No. 8611. A plat of survey is filed in Volume _____ Page _____ of the Warren County Engineer's Record of Land Surveys.

Matthew D. Habedank	Date
Ohio Professional Surveyor No. 8611	

**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

Resolution

Number 25-1001

Adopted Date August 05, 2025

APPROVING ANNEXATION OF 10.003 ACRES TO THE CITY OF FRANKLIN FROM FRANKLIN TOWNSHIP, THADDEUS BOGGS, AGENT, PURSUANT TO OHIO REVISED CODE SECTION 709.023 [A.K.A. EXPEDITED TYPE 2 ANNEXATION]

WHEREAS, this Board is in receipt of an annexation petition from Thaddeus Boggs, Agent to annex 10.003 acres to the City of Franklin filed on the 8th day of July 2025; and

WHEREAS, said petition for annexation was filed pursuant to and specifically requests that the Board follow ORC §709.023 [a.k.a. Expedited Type 2 Annexation]; and,

WHEREAS, said petition has been determined to contain/ does not contain the following matters required by law:

- The petition meets all the requirements set for in, and was filed in the manner provided in, ORC 709.021, ORC 709.023(E)(1)
- The person who signed the petition are owners of property located in the territory proposed to be annexed, and they constitute all owners in the territory, ORC 709.023 (E)(2)
- The territory proposed to be annexed does not exceed 500 acres, ORC 709.023 (E)(3)
- The territory proposed to be annexed shares a contiguous boundary with the municipality for a continuous length of at least 5% of the perimeter of the territory proposed to be annexed, ORC 709.023 (E)(4)
- The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed to be annexed, ORC 709.023 (E)(5)
- The municipality has agreed to provide the territory proposed to be annexed the services specified in the municipal services statement, ORC 709.023 (E)(6)
- There is no street or highway that will be divided or segmented by the boundary line between the municipality and township as to create a road maintenance problem, ORC 709.023 (E)(6)

NOW THEREFORE BE IT RESOLVED, that the prayer of said petition be approved.

Mrs. Jones moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mr. Grossmann – yea
Mr. Young – yea
Mrs. Jones – yea

Resolution adopted this 5th day of August 2025.

BOARD OF COUNTY COMMISSIONERS



Krystal Hensley, Clerk

cc: Thaddeus Boggs, Agent
RZC
Auditor _____
City of Franklin

RPC
Map Room
Annexation file
Franklin Township



**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

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**TOM GROSSMANN
SHANNON JONES
DAVID G. YOUNG**


I, the undersigned Clerk for the Board of Warren County Commissioners, hereby certify the attached to be a true and accurate transcript of proceedings of the petition to annex 10.003 acres to the City of Franklin, Ohio.

CLERK OF SAID BOARD


Krystal Hensley

I have received said transcript along with mylar.


Name


Date