



LEGISLATIVE COVER MEMO

Introduction: December 2, 2024

Agenda Item: **Resolution 2024-72**

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 709.16

Submitted by: Jonathan Westendorf, City Manager

Scope/Description: On August 29, 2024, a petition was filed with Warren County for the annexation of 19.665 acres in Franklin Township to the City of Franklin. On June 17, 2024 Council adopted Resolution 2024-11, authorizing this annexation. On September 24, 2024 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 2024-72

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 709.16

Whereas, on August 29, 2024, a petition was filed with the Board of County Commissioners of Warren County, Ohio pursuant to Ohio Revised Code 709.16, for the annexation of 19.665 +/- acres of territory in Franklin Township to the City of Franklin (City"), which territory is owned by the City, a copy of which petition and accompanying map/legal description is attached hereto as Exhibit A; and

Whereas, on September 24, 2024 the Warren County Board of Commissioners approved the proposed annexation pursuant to Board of County Commissioners Resolution 2024-1279, 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 September 25, 2024; 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 19.665 +/- 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 August 29, 2024 and approved by the Board of County Commissioners on September 24, 2024 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: December 2, 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 a resolution passed by that body on December 2, 2024.

Khristi Dunn, Clerk of Council

PETITION FOR ANNEXATION – MUNICIPAL

RECEIVED
2024 AUG 29 AM 10:45
WARREN COUNTY
CLERK OF COURTS

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 0-24-11 passed on JUNE 3, 2024.

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, refile, 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:

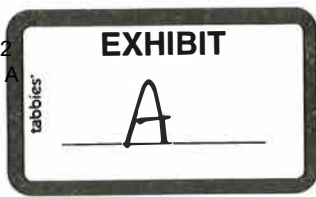


Ben Yoder, Agent for Petitioner
2 East Mulberry St.
Lebanon, Ohio 45036
513-870-6024
byoder@brickergraydon.com

Petitioner:



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;



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.

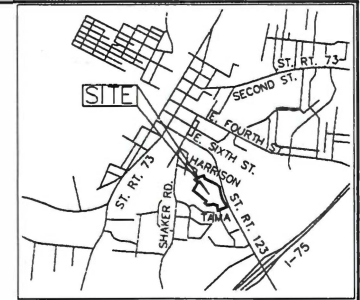
The above description is based on information of record, No Field survey was performed. by Apex Engineering & Surveying, Inc., Justin Lee Schulz, Ohio Professional Surveyor No. 8653. Bearings and Distances are based on deeds and plats of the Warren County Recorder's Office

O-24-11

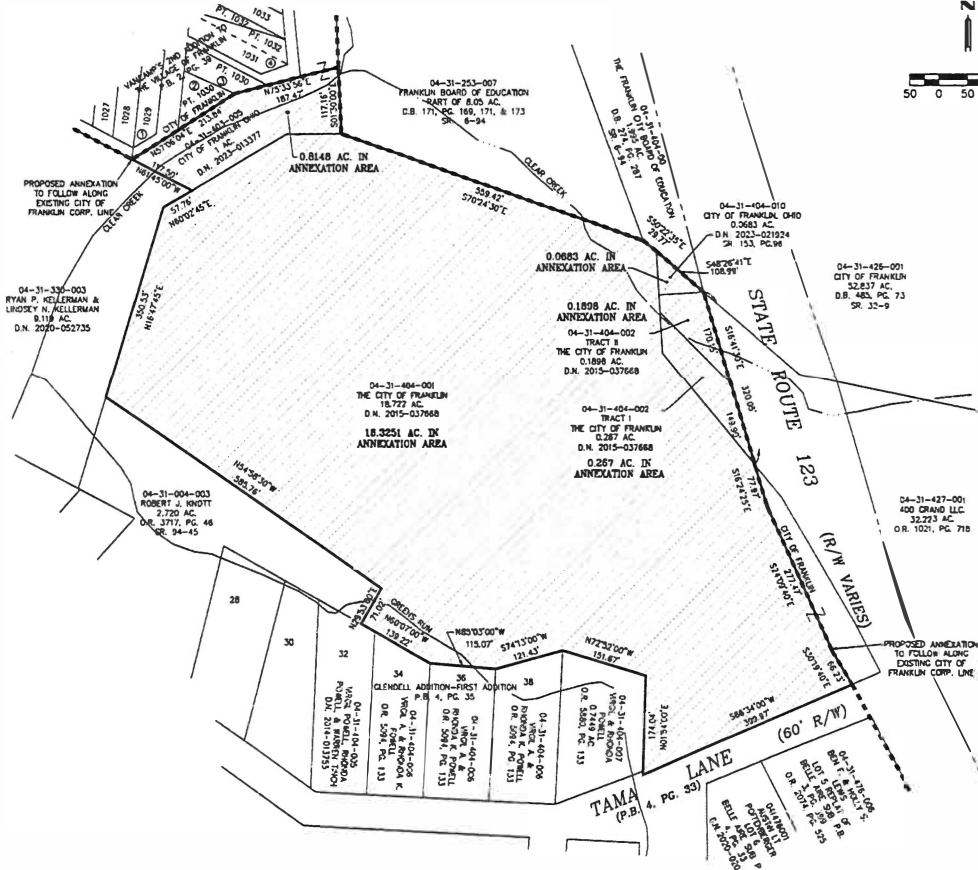
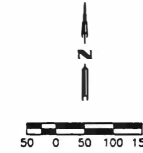
ANNEXATION ACREAGE BREAKDOWN
 TOTAL ACREAGE OF DEEDS ----- 20.2471 ACRES
 18.3251 AC. (04-31-404-001) + (0.8148 AC.) 04-31-403-000 +
 0.2467 AC. (04-31-404-001) TRACT 1 + 0.1898 AC. (04-31-404-002) TRACT 2 +
 = 0.0683 AC. (04-31-404-002)
 TOTAL ACREAGE OF PROPOSED ANNEXATION ----- 19.6650 ACRES
 TOTAL ACRES OF RIGHT OF WAY ----- 0.0000 ACRES
 LENGTH OF ST. ROUTE 123 ----- 0.0000 ACRES
 LENGTH OF TAMA LANE ----- 0.0000 ACRES

PERIMETER OF ANNEXATION TERRITORY = 3,894 FEET
 CONTIGUOUS BOUNDARY WITH THE CITY OF FRANKLIN = 1,785 FEET
 CONTIGUITY WITH THE CITY OF FRANKLIN = 43.82

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
N78



- ① 04-31-403-002
JENNIFER TURPIN &
KEVIN S. TURPIN
LOT 1029
D.N. 2014-000854
- ② 04-31-403-004
KENNETH R. GROSS &
SALLY L. GROSS
PT. LOT 1032
D.R. 872, PG. 405
- ③ 04-31-403-003
MARTHA L. GROSS
PT. LOT 1030
D.B. 493, PG. 905
D.N. 2021-031845
- ④ 04-31-403-002
MISTY LEE GROSS
LOT 1031
PT. LOT 1032
D.R. 5283, PG. 359

SURVEYOR NOTES:

- 1) SOURCE DOCUMENTS AS NOTED.
- 2) BEARINGS BASED ON WARREN COUNTY RECORDER'S OFFICE DEED REFERENCES.
- 3) ALL BOUNDARY INFORMATION FROM RECORDS WHO FIELD SURVEY HAS BEEN PERFORMED.



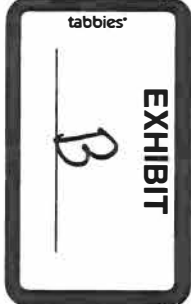
I HEREBY CERTIFY THAT THIS ANNEXATION PLAN AND THE BEARINGS SHOWN HEREON WERE BASED ON DEEDS AND PLATS AS REFERENCED IN WARREN COUNTY RECORDER'S OFFICE DEED REFERENCES.

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

BE THE BOARD OF COUNTY COMMISSIONERS OF WARREN COUNTY, OHIO DO HEREBY APPROVE THIS PLAN ON THIS _____ DAY OF _____ 20____

COMMISSIONER _____ DATE _____

COMMISSIONER _____ DATE _____

COMMISSIONER _____ DATE _____

WARREN COUNTY AUDITOR

ENTERED FOR TRANSFER THIS _____ DAY OF _____ 20____

BY: _____ 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: _____ RECORDER, WARREN COUNTY, OHIO

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



PROJECT: 151718
SHEET 1 OF 1
DATE: OCT 2024-LS
DATE: APRIL 2024-LS
DATE: APRIL 2024-LS

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**

RECEIVED
2024 AUG 29 AM 10:46
WARREN COUNTY
COMMISSIONERS

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
Khristi Dunn, Clerk of Council

APPROVED: Brent Centers
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
Khristi Dunn, Clerk of Council

APPROVED AS TO FORM:

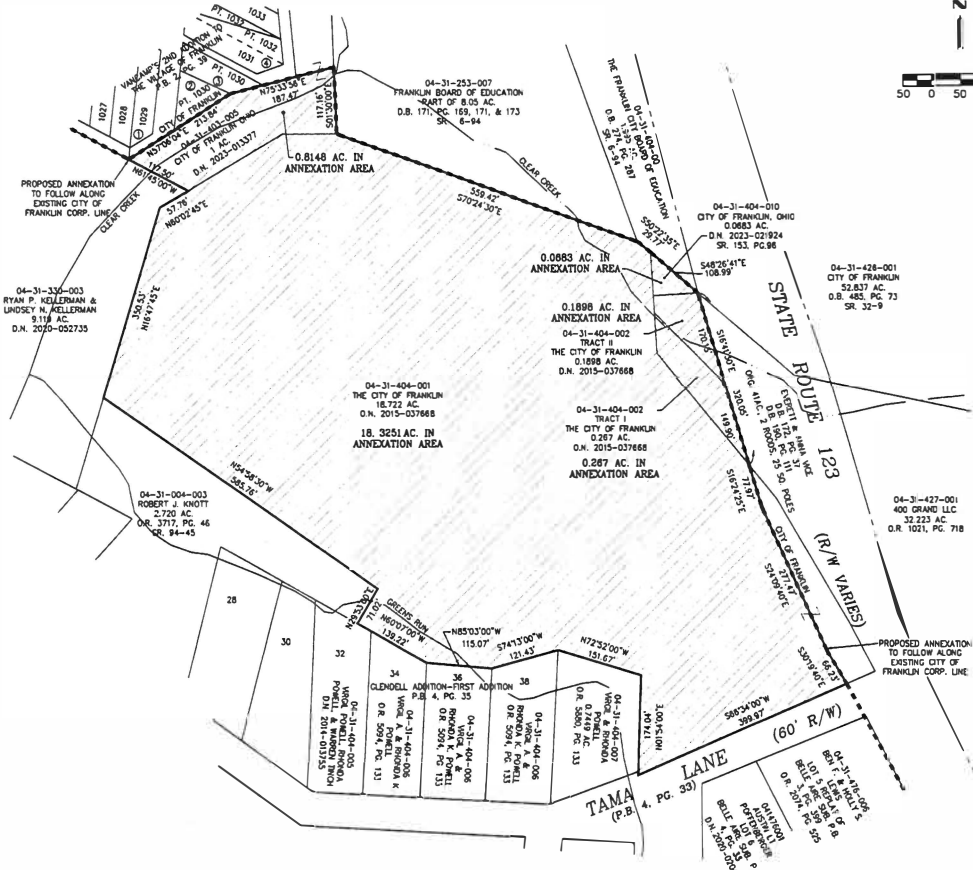
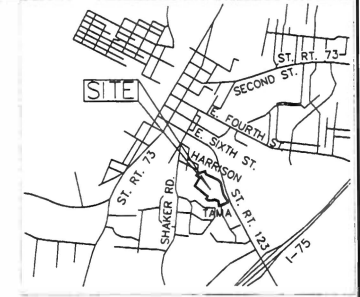
Bern Yoder
Bern Yoder, Law Director

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 = 3,884 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



- | | |
|---|---|
| 04-31-403-002
JENNIFER TURPIN &
KEVIN S. TURPIN
LOT 1029
D.N. 2014-000854 | 04-31-403-003
MARTHA L. GROSS
PT. LOT 1030
D.B. 497, PG. 905
D.N. 2021-031985 |
| 04-31-403-004
KENDRICK R. GROSS &
SALLY L. GROSS
PT. LOT 1030
D.R. 672, PG. 405 | 04-31-403-002
MISTY LEE GROSS
LOT 1031
PT. LOT 1032
D.R. 5283, PG. 358 |

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 PLAT AND THE BEARINGS SHOWN HEREON ARE BASED ON DEEDS AND PLATS AS RECORDED IN WARREN COUNTY

Justin L. Schulz
 JUSTIN L. SCHULZ
 OHIO PROFESSIONAL SURVEYOR NO. 8663
 7/10/24 DATE

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

Justin L. Schulz
 CLERK
 07-10-2024 DATE

WARREN COUNTY COMMISSIONERS

BE 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: _____ AUDITOR, WARREN COUNTY, OHIO

WARREN COUNTY RECORDER

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

BY: _____ RECORDER, WARREN COUNTY, OHIO

SCALE: 1"=100'
 DATE: DEC. 2013
 DRAWING: PA
 DESIGNED: KRC
 CHECKED: KRC



REVISIONS:
 1. OCT 2023 - A.S.
 2. MARCH 2024 - A.S.
 3. APRIL 2024 - A.S.
 PROJECT: 151718
 SHEET: 1 OF 1
 DRAWING: 19207020

Resolution

Number 24-1279

Adopted Date September 24, 2024

APPROVING ANNEXATION OF 19.665 ACRES, KNOWN AS THE FRANKLIN PARK AREA ANNEXATION, TO THE CITY OF FRANKLIN, BEN YODER, AGENT, PURSUANT TO OHIO REVISED CODE SECTION 709.16 [A.K.A. MUNICIPAL OWNED PROPERTY ANNEXATION]

WHEREAS, this Board is in receipt of an annexation petition from Ben Yoder, Agent to annex 19.665 acres (Franklin Park Area Annexation) to the City of Franklin filed on the 29th day of August 2024; and

WHEREAS, said petition for annexation was filed pursuant to and specifically requests that the Board follow ORC §709.16 [a.k.a. Municipally Owned Annexation]; and,

WHEREAS, said petition has been determined to contain the following matters required by law:

- The petition set forth that under an ordinance of the municipality the territory described in the petition was authorized to be annexed.
- Includes an accurate legal description of the perimeter of the territory proposed to be annexed.
- Includes an accurate map or plat of the territory proposed to be annexed.

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

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

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

Resolution adopted this 24th day of September 2024.

BOARD OF COUNTY COMMISSIONERS



Krystal Powell, Clerk

cc: Ben Yoder, Agent
RZC
Auditor _____
City of Franklin
Board of Elections

RPC
Map Room
Annexation file
Franklin Township