

ORDINANCE NO. 10-2024

AN ORDINANCE ACCEPTING THE ANNEXATION PETITION OF 136.95 +/- ACRES FROM DARBY TOWNSHIP, MADISON COUNTY, OHIO TO THE VILLAGE OF PLAIN CITY, OHIO

WHEREAS, on December 20, 2023, pursuant to Ohio Revised Code Section 709.023, the property owners seeking the annexation of 136.95 +/- acres of real property in Darby Township, Madison County, Ohio, contiguous to the Village of Plain City (the "Property"), filed a Petition for Annexation for their property to the Village of Plain City with the Madison County, Ohio Board of County Commissioners, a copy of which is attached hereto as Exhibit A, notice of which was duly served upon the Village of Plain City as prescribed by law; and

WHEREAS, pursuant to Ohio Revised Code Section 709.023(C), the Village of Plain City adopted Resolution 03-2024 on January 8, 2024, which indicates the type and scope of services the Village of Plain City will provide to the territory upon annexation to the Village; and

WHEREAS, on January 9, 2024, a certified copy of Resolution 03-2024 was received by the Office of the Clerk of the Madison County Board of Commissioners; and

WHEREAS, the Petition was subject to a public hearing before the Madison County Board of Commissioners on January 23, 2024; and

WHEREAS, pursuant to an action of the Board of County Commissioners, after that hearing the Clerk of the Madison County Board of Commissioners entered on the journal of the Board an order approving the annexation according to law, certified the transcript for the proceeding in connection with the annexation and filed it with the Clerk of Council of the Village of Plain City on January 25, 2024; and

WHEREAS, pursuant to Ohio Revised Code Section 709.04, the Clerk of Council is required to place before Village Council the annexation documents at the next regular meeting of Council following the expiration of sixty (60) days from the receipt by the Clerk of Council; and

WHEREAS, the Village Council is required to accept or reject the Petition for Annexation within 120 days thereafter.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Plain City, Ohio, a majority of the members elected or appointed thereto concurring, as follows:

Section 1. The proposed annexation of 136.95 +/- acres from Darby Township, Madison County, Ohio to the Village of Plain City, a petition for which was filed with the Madison County, Ohio Board of County Commissioners on December 20, 2023 and approved by the

Board of County Commissioners on January 23, 2024 is hereby accepted. The Resolution of the Board's approval and the petition, which graphically depicts and describes the territory that is the subject of the annexation, are attached hereto as Exhibit A and incorporated herein. The certified transcript of the proceedings of the Board of County Commissioners have been on file with the Village Clerk of Council for sixty (60) days.

Section 2. That the Clerk of Council is directed to make three (3) 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 Madison County Board of County Commissioners relating thereto, and a certificate as to the correctness thereof. The Clerk of Council shall then forthwith deliver one copy to the Madison County Auditor, one copy to the Madison County Recorder, and one copy to the Ohio Secretary of State, and shall file notice of this annexation with the Madison County Board of Elections within thirty (30) days after it becomes effective, and 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. It is found that all formal actions of this Council concerning and relating to the passage 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.

Section 4. This Ordinance shall be effective from and after the earliest period provided by law.

Passed: April 22, 2024

Attest: Austin Phelan
Clerk of Council

Jody Carney
Mayor

First reading: April 8, 2024

Vote: ___ yea ___ nay ___ abstain

Second reading: April 22, 2024

Vote: 5 yea 0 nay 0 abstain

Certificate of Publication

The undersigned, being Clerk of Council of the Village of Plain City, hereby certifies that the foregoing was published by posting for 15 days as required by law and in accordance with Section 4.15 of the Codified Ordinances. The posting was done from April 23, 2024 to May 9, 2024 at the Office of the Clerk of Council located at 800 Village Boulevard; all being in the Village of Plain City, Ohio and the Village of Plain City Website at www.plain-city.com.

Date: April 23, 2024

Austa Phoebe
Clerk of Council

Ordinance 10-2024
Exhibit A

**PETITION FOR ANNEXATION OF 136.95+/- ACRES
FROM DARBY TOWNSHIP TO THE VILLAGE OF PLAIN CITY, OHIO**

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

Now comes the undersigned Petitioners, being the sole owners of certain real property situated in the County of Madison, Township of Darby, which property is contiguous and adjacent to the Village of Plain City, to wit, see the legal description attached hereto as Exhibit "A."

The undersigned Petitioners request that said real property be annexed to the Village of Plain City, in accordance with the statutes of the State of Ohio, specifically §709.023, as a "Type Two" expedited proceeding. There are four (4) owners 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 10,397.2 feet, a minimum of which 3494.6 feet (33.6 %) is contiguous to the Village of Plain City .

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

Laura MacGregor Comek, Esq., 17 S. High Street., Suite 700, Columbus, Ohio, 43215, is hereby authorized to act as Agent for the Petitioners in securing such annexation. Said Petitioners' Agent is hereby authorized to make any and all amendments and/or deletions to the Petition, map, plat or description which, in her absolute and complete discretion, are proper under the circumstances then existing. In addition, the Petitioners' 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, before or after the date set for hearing of this Petition.

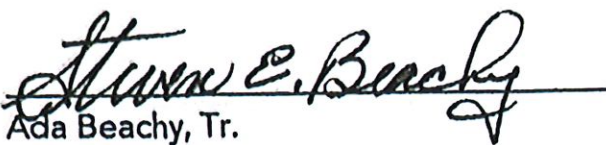
An accurate map approved by the Madison County Engineer is attached hereto and made a part of this Petition as Exhibit "B."

MADISON COUNTY
COMMISSIONERS

SEP 25 PM 2:00

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.

Owner: Ada Beachy, Tr.

Signed: 
By: Ada Beachy, Tr.

Date: 7-18-2023

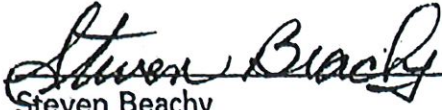
*Owner of Parcel No.: 02-00029.000
situated at 10635 US42, Plain City, OH 43064

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.

Owners: Steven and Loretta Beachy

Signed:

By:

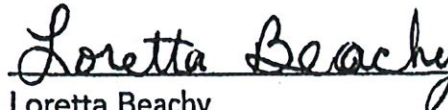

Steven Beachy

Date:

7-18-2023

Signed:

By:


Loretta Beachy

Date:

7-18-2023

*Owners of Parcel Nos.: 02-00029.001
situated at 10335 US42, Plain City, OH 43064

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.

Owner: Pleasant Valley Oak Meadows LLC

Signed:

Steven Beachy

By (printed):

STEVEN BEACHY

Title:

Trustee

Date:

7-18-2023

*Owner of Parcel Nos.: 02-00029.002
situated at 0 US42, Plain City, OH 43064

PROPERTY OWNER OF TERRITORY TO BE ANNEXED:

Parcel ID	Acreage	Owner
02-00029.000	---	Ada Beachy, Tr.
02-00029.001	---	Steven and Loretta Beachy
02-00029.002	---	Pleasant Valley Oak Meadows LLC

Amy M Kirk
10700 US 42
Plain City, OH 43064
02-00185.000

Tyler and Kathryn Harriman
6411 Dickens Ln
Plain City, OH 43064
04-00815.086

Donald and Melissa Seymour ✓
6413 Dickens Ln
Plain City, OH 43064
04-00815.085

Barry Moore and Lindsay Carpenter
6414 Dickens Ln
Plain City, OH 43064
04-00815.084

Stephen and Kerl-Su Lillie
6417 Dickens Ln
Plain City, OH 43064
04-00815.083

Moore Real Estate Group LLC
1491 Polaris Parkway, Ste 384
Columbus, OH 43240
04-00815.098

Nicholas and Carrie McCullough
6419 Dickens Ln
Plain City, OH 43064
04-00815.082

Jacquelyn and Brandon Smith
6421 Dickens Ln
Plain City, OH 43064
04-00815.081

Shelley and Brian Brown
6423 Dickens Ln
Plain City, OH 43064
04-00815.080

Timothy and Elizabeth Pothast
6425 Dickens Ln
Plain City, OH 43064
04-00815.062

Bryan Hites
6726 Hawthorne Dr.
Plain City, OH 43064
04-00815.061

Thomas Jaskiewicz
1050 Willow Creek Ct.
Plain City, OH 43064
04-00815.055

Michelle and Shawn Hay
1052 Willow Creek Ct.
Plain City, OH 43064
04-00815.054

Brett and Katelyn Hartline
1053 Willow Creek Ct.
Plain City, OH 43064
04-00815.053

Kaitlyn McGinnis and Zachary Spiker
704 Fairlawn Dr.
Columbus, OH 43214
04-00815.052

Cynthia Phillips
80 Coachman Dr.
Plain City, OH 43064
04-00803.014

Emmanuel and Wanda Crawford
90 Coachman Dr.
Plain City, OH 43064
04-00815.015

Darby Fields HOA LLC
5550 Blazer Parkway, Ste 175
Dublin, OH 43017
04-00824.037

Joann Lewis
PO Box 153
Richwood, OH 43344
02-00332.001

Lauren and Eli Karn
10190 US42
Plain City, OH 43064

Plain City One LLC
6295 Cosgray Rd.
Dublin, OH 43016
04-00816.000

Joann Lewis
7410 Converse Huff Rd.
Plain City, OH 43064
02-00157.000

Richard and Betty Izzard
70 Coachmen Dr.
Plain City, OH 43064
04-00803.013

Richard and Betty Izzard
351 W Bigelow
Plain City, OH 43064

**Proposed 136.95± Acre Annexation
From Darby Township
to the Village of Plain City
-1-**

Situated in the State of Ohio, County of Madison, Township of Darby, being part of Survey Nos. 7389, 7432, 7929 & 8305 of the Virginia Military Survey and containing 136.95± acres, said 136.95± acres being part of that 1.770 acre tract of land as conveyed to Ada Beachy, Trustee or successor Trustees of the Ada Beachy Family Trust of record in Official Record 267, Page 1124, part of that 3.243 acre tract of land as conveyed to Steven and Loretta Beachy of record in Official Record 214, Page 2563, part of that 77 acre tract and 22 acre and 115 pole tract and all of that 15 acre and 91 square rod tract and 23 acre tract, all as conveyed to Pleasant Valley Oak Meadows, LLC of record in Official Record 213, Page 1205, said 136.95± being more particularly described as follows;

Beginning, at the northeasterly corner of said 15 acre and 91 square rod tract, said corner also being the northwesterly corner of Reserve "F" of Darby Fields Section 2 of record in Plat Book B, Page 398, being southeasterly corner of Lot 84 and the southwesterly corner of Lot 85 as numbered and delineated upon the record plat for Carriage Estates Section 4 of record in Plat Book Slide B13 and being at a southwesterly corner of an existing Village of Plain City Corporation Line;

Thence S 01°39'46" W, with an easterly line of said 15 acre and 91 square rod tract, a westerly line of said Reserve "F" and along said existing Corporation Line, 595.10'± feet a common corner thereof, said corner also being a northeasterly corner of said 77 acre tract and northwesterly corner of said 23 acre tract;

Thence S 88°28'57" E, with a northerly line of said 23 acre tract, a southerly line of said Reserve "F" and along said existing Corporation Line, 542.79'± feet to a common corner thereof;

Thence S 01°25'40" W, with an easterly line of said 23 acre tract, westerly line of said Reserve "F" and along said existing Corporation Line, 520.96'± feet to a common corner thereof, said corner also being a northwesterly corner of that 81.14 acre tract of land as conveyed to Joanne Lewis of record in Deed Book 279, Page 1718 and Instrument No. 201200003932;

Thence S 01°29'38" W, with an easterly line of said 23 acre tract, westerly line of said 81.14 acre tract and leaving said existing Corporation Line, 1323.47'± feet to a common corner thereof;

Thence N 89°32'40" W, with a northerly line of said 81.14 acre tract, a southerly line of said 23 acre tract and a southerly line of said 77 acre tract, 1752.15'± feet to a common corner thereof, said corner also being in the easterly line of that Original 34.025 acre tract of land described as Parcel Two, First Tract as conveyed to Eli and Lauren Karn of record in Official Record 358, Page 2303 (Instrument No. 201900005398);

Thence with common lines of said 77 acre tract and said 34.025 acre tract, the following two (2) courses and distances:

N 14°38'20" E, 434.32'± feet to a common corner thereof;

N 75°55'57" W, 1208.08'± feet to the easterly right-of-way line of U.S. 42 (60')(MAD. 42 (S.H. 241 SEC. A));

Thence across said 77 acre, said 3.243 acre, said 22 acre 115 pole and said 1.770 acre tracts and along said easterly right-of-way line, the following three (3) courses and distances:

N 14°49'50" E, 1237.36'± feet to an angle point;

N 13°54'50" E, 828.12'± feet to a point of curvature in said right-of-way line;

Exh. A, pl

**Proposed 136.95± Acre Annexation
From Darby Township
to the Village of Plain City**

-2-

With a curve to the left having a central angle of $1^{\circ}46'20'' \pm$ and a radius of $3849.72' \pm$ feet, an arc length of $119.08' \pm$ and a chord bearing and distance of $N 13^{\circ}01'40'' E$, $119.08' \pm$ feet to a northerly line of said 1.770 acre tract and to an existing Village of Plain City Corporation Line;

Thence with a northerly line of said 1.770 acre tract, a northerly line of said 22 acre 115 pole tract, a northerly line of said 15 acre 91 square rod tract, a southerly line of that 3.4980 acre tract of land as conveyed to Moore Real Estate Group, LLC of record in Official Record 395, Page 2293 (Instrument No. 202200000114), a southerly line of Copperfield Section 3, Phase 2 of record in Plat Book B, Page 372, a southerly line of Copperfield Section 2 of record in Plat Book B, Page 259 and partially with a southerly line of said Carriage Estates Section 4, the following two (2) courses and distances:

S $77^{\circ}47'13'' E$, $1674.94' \pm$ feet to an angle point;

S $76^{\circ}54'43'' E$, $160.78' \pm$ feet to the True Point of Beginning, containing $136.95 \pm$ acres more or less.

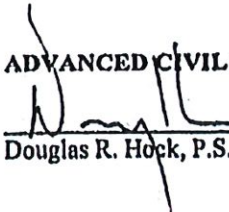
The above description was prepared by Advanced Civil Design Inc. on September 25, 2023 and is based on existing Madison County Auditor records, Madison County Recorder records and an actual field survey conducted in June 2023.

The total length of annexation perimeter is $10,397.2 \pm$ feet, of which $3,494.6 \pm$ feet are contiguous with existing Village of Plain City Corporation Lines, being $33.6 \pm \%$ contiguous.

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

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

ADVANCED CIVIL DESIGN INC.


Douglas R. Hock, P.S. 7661

10/4/23
Date:

x:\23-0006-836\23-0006-836 136.95 ac annex desc.doc



Exh A, p2



Board of Madison County Commissioners

Resolution No. 151-24

Presented by Laura MacGregor Comek, Esq.

**A Resolution Approving a Petition to annex 136.95 +/- acres from
Darby Township to the Village of Plain City - Case #ANX- 1-24**

WHEREAS, an Expedited Type 2 annexation was filed by Laura MacGregor Comek, Esq. on behalf of the petitioners with the Madison County Commissioners' Clerk on December 20, 2023; and

WHEREAS, the Commissioners of Madison County, State of Ohio, proceeded to Journalize the petition on 12/26/2023, and solicited to and/or been heard by all persons desiring to be reviewed for or against the granting of the Expedited Type 2 petition, and having considered all the facts with reference thereto, being fully advised; and

WHEREAS, the Commissioners make the following findings based upon the exhibits and testimony presented at the review of this matter:

1. The petition does meet all the requirements set forth in, and was filed in the manner provided in, section 709.021 of the Revised Code.
2. The persons who signed the petition are owners of the real estate located in the territory proposed for annexation and constitute all of the owners of real estate in that territory.
3. The territory proposed for annexation does not exceed five hundred acres.
4. The territory proposed for annexation shares a contiguous boundary with the municipal corporation to which annexation is proposed for a continuous length of at least five percent of the perimeter of the territory proposed for annexation.
5. The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation.
6. The municipal corporation to which annexation is proposed has passed Ordinance 03-2024 agreeing to provide to the territory proposed for annexation certain services and adopting a statement regarding possible incompatible land uses and zoning buffer. The ordinance was passed by the Village of Plain City on January 8, 2023.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY, OHIO:


That, in accordance with the findings made in the preamble, which are incorporated herein, the prayer of the Petition be approved, and the territory sought to be annexed by the petition filed herein shall be annexed to the Village of Plain City, in accordance with the law; that the orders and proceedings of this board relating to the Petition, and map and description attached thereto, and all papers on file relating to this matter be delivered forthwith to the Clerk of Council, Village of Plain City, Ohio.

Dated this 23rd day of January, 2023.


Dr. Tony Xenikis, President
Madison County Board of Commissioners

Vote: Forrest Y, Xenikis Y, Wallace Y

I, Amy Rees, the duly qualified and acting Clerk of the Board of Madison County Commissioners, located in Madison County, Ohio, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Madison County Commissioners of said Madison County, Ohio at a regular meeting held on the 23rd day of January, 2023.


Amy Rees, Clerk
Madison County Board of Commissioners

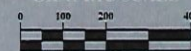


Location Map - NTS

136.95± ACRE ANNEXATION FROM THE TOWNSHIP OF DARBY TO THE VILLAGE OF PLAIN CITY

Darby Township, Madison County, Ohio
Virginia Military Survey No. 7389, 7432, 7929 & 8305

GRAPHIC SCALE



1 Inch = 200 feet

Copperfield Section 3, Phase 2 Ownerships

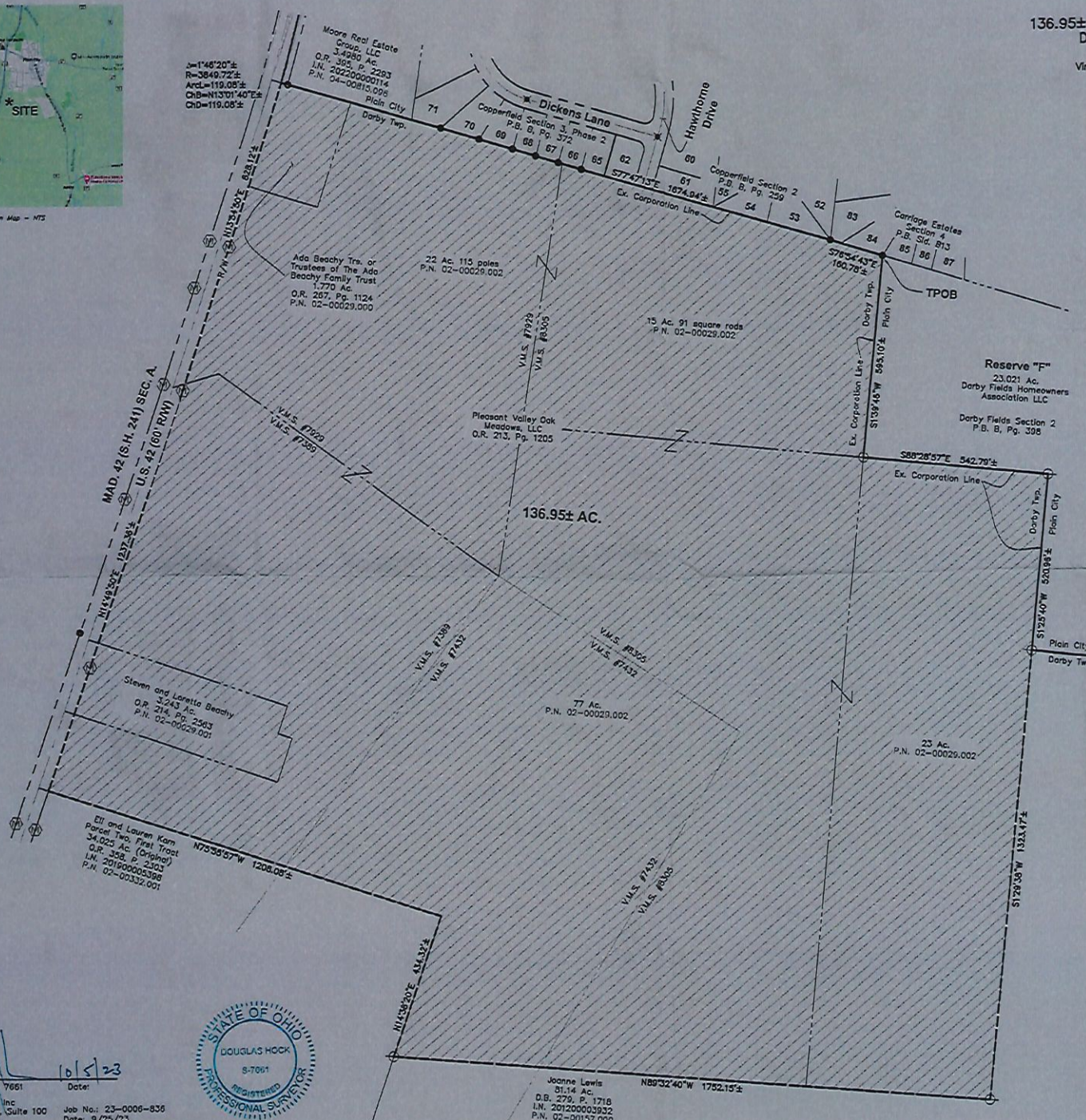
Lot 71 - Tyler and Kathryn Harrison - P.I.D. 04-00815.086
Lot 70 - Donald E. & Melissa A. Seymour - P.I.D. 04-00815.085
Lot 69 - Barry Moore & Lindsay Carpenter - P.I.D. 04-00815.084
Lot 68 - Stephen R. Little & Ker-Su Coleman - P.I.D. 04-00815.083
Lot 67 - Nicholas W. & Carrie A. McCullough - P.I.D. 04-00815.082
Lot 66 - Jacquelyn Ann & Brandon Taylor Smith - P.I.D. 04-00815.081
Lot 65 - Shelley Loessie & Brian Michael Brown - P.I.D. 04-00815.080

Copperfield Section 2 Ownerships

Lot 62 - Timothy M. & Elizabeth A. Pothost - P.I.D. 04-00815.082
Lot 61 - Bryan J. Hites - P.I.D. 04-00815.081
Lot 59 - Thomas William Jaskiewicz - P.I.D. 04-00815.055
Lot 54 - Michelle L. & Shawn R. Hay - P.I.D. 04-00815.054
Lot 53 - Brett T. Martine & Katelyn M. Clark - P.I.D. 04-00815.053
Lot 52 - Kaitlyn McGinnis & Zachary Spyker - P.I.D. 04-00815.052

Carriage Estates Section 4 Ownerships

Lot 83 - Richard E. Izzard & Betty L. Izzard, Trustees - P.I.D. 04-00803.013
Lot 84 - Cynthia S. Phillips - P.I.D. 04-00803.014
Lot 85 - Emmanuel O. & Wanda K. Crawford - P.I.D. 04-00803.015



Length of Contiguity: ±3,494.6 feet
Total Length of Perimeter: ±10,397.2 feet
Percentage of Contiguity: ±33.6%

No islands of township property are created by this annexation.

Legend

- Area to be Annexed
- Existing Village of Plain City Corp Line
- Proposed Village of Plain City Corp Line

Douglas R. Hock, P.S. 7661

Date:

Job No.: 23-0006-836
Date: 9/25/23

Advanced Civil Design, Inc.
781 Science Boulevard, Suite 100
Columbus, OH 43230
Phone 614-428-7750

