

RESOLUTION NO. 18-19
VILLAGE OF PLAIN CITY, OHIO

A RESOLUTION REGARDING ZONING BUFFERS IN A PROPOSED ANNEXATION OF PROPERTY CONTAINING 9.539 ACRES MORE OR LESS FROM DARBY TOWNSHIP, MADISON COUNTY, OHIO TO THE VILLAGE OF PLAIN CITY, MADISON COUNTY, OHIO PURSUANT TO THE REQUIREMENT OF SECTION 709.023(C) OHIO REVISED CODE.

WHEREAS, a petition has been filed with the Madison County Board of County Commissioners requesting annexation to the Village of Plain City of 9.539 acres, more or less, of land in Darby Township, Madison County, owned by Phillip and Ruth Ann Gingerich.; and

WHEREAS, the Ohio Revised Code requires that where territory sought to be annexed is zoned under Chapter 303 or 519 of the Revised Code that the legislative authority of the municipal corporation adopt an ordinance or resolution stating that if the territory is annexed and becomes subject to zoning by the municipal corporation and the municipal zoning permits uses in the annexed territory that the municipal corporation determines are clearly incompatible with the uses permitted under current county or township zoning regulations on the adjacent land remaining within the township from which the territory was annexed, the legislative authority of the municipal corporation will require, in the zoning ordinance permitting the incompatible uses, that the owner of the annexed territory provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township.

NOW THEREFORE, THE MUNICIPALITY OF PLAIN CITY HEREBY RESOLVES:

Section 1. The Village of Plain City will provide zoning and planning services to the proposed annexation area. If the Village of Plain City rezones the property to permit uses in the annexed territory that the Village of Plain City determines are clearly incompatible with the uses permitted under the current township zoning regulation on the adjacent land remaining within Darby Township, the Village of Plain City will require, in the zoning ordinance permitting the incompatible uses, that the owner of the annexed territory provide a buffer separating the use of the annexed territory and the adjacent land remaining with Darby Township. For the purpose of this section, "buffer" may include open space, landscaping, fences, walls, and other structured elements; street and street right-of-way; and bicycle and pedestrian paths and sidewalks.

Section 2. The Clerk is hereby directed to prepare a certified copy of this Resolution and have it filed with the Madison County Board of County Commissioners prior to the Commissioners' annexation review as required by law.

Passed: July 8, 2019.

Attest: Renee Somnitz Village Fiscal Officer
Dawn Lane Mayor

Waive 3 readings: July 8, 2019. Vote: 6 yea 6 nay 0 abstain
Approve as Emergency: July 8, 2019. Vote: 6 yea 6 nay 0 abstain

CERTIFICATE

The undersigned, Fiscal Officer of the Village of Plain City, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution Number 18-19, passed by the Council of the Village of Plain City, Ohio on the 8th day of July, 2019.

Renee Somnitz
Fiscal Officer, Village of Plain City, Ohio

Approved as to form.
Paul Michael-Lafayette
Village Solicitor

MADISON COUNTY
COMMISSIONERS

2019 JUL -1 PM 12: 22

**EXPEDITED TYPE II PETITION FOR ANNEXATION
(PURSUANT TO R.C. SECTION 709.023)
TO THE VILLAGE OF PLAIN CITY
OF ±9.539 ACRES
IN THE TOWNSHIP OF DARBY**

*TO THE BOARD OF COUNTY COMMISSIONERS
OF MADISON COUNTY, OHIO:*

The undersigned, petitioners in the premises, and being ALL OF THE OWNERS OF REAL ESTATE in the territory hereinafter described, consisting of ±9.539 acres, more or less, located in the Township of Darby, which area is contiguous along 1,832.93 feet or 69.8% and adjacent to the Village of Plain City, do hereby request that said territory be annexed to the Village of Plain City according to the statutes of the State of Ohio, and specifically the expedited procedure specified in Ohio Revised Code Section 709.023, and that no island of unincorporated area will be created by this annexation.

A full and accurate description and plat of the requested annexation territory are attached hereto and made part hereof.

In support of said Petition, your petitioners state that there are within the territory to be annexed TWO (2) OWNERS OF REAL ESTATE.

Aaron L. Underhill, Esq., David L. Hodge, Esq., and Eric J. Zartman, Esq., whose address is 8000 Walton Parkway, Suite 260, Columbus, Ohio 43054, are hereby appointed Agents for the undersigned Petitioners, as required by Section 709.02 of the Ohio Revised Code. Said agents hereby are each individually authorized to make any amendment, deletion, and/or supplementation which in his absolute and complete discretion is necessary or proper under the circumstances then existing, and in particular to do so in order to correct any discrepancy or mistake noted by the Madison County Engineer in his examination of the Petition and/or Plat. Said amendment shall be made by the presentation of an amended plat and description to the Board of County 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
SAID SPECIAL ANNEXATION PROCEDURE.**

[Petition signatures on following counterpart pages]

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NAME

DATE

ADDRESS

Philip J. Gingerich 6-27-19
Philip J. Gingerich

7580 Converse Huff Road
Plain City, Ohio 43064

Ruth Ann Gingerich 6/27/19
Ruth Ann Gingerich

7580 Converse Huff Road
Plain City, Ohio 43064

**ANNEXATION OF 9.539 +/- ACRES
DARBY TOWNSHIP TO THE
VILLAGE OF PLAIN CITY, OHIO**

**ADJACENT PROPERTY OWNERS
& PARCEL NUMBERS**

M/I Homes of Central Ohio
3 Easton Oval, Suite 310
Columbus, Ohio 43219

PN(s): 04-00824.098, 04-00824.099, 04-00824.036, 04-00824.138, 04-00824.083, 04-00824.097, 04-00824.093, 04-00824.096, 04-00824.092, 04-00824.095, 04-00824.094, 04-00824.091, 04-00824.090, 04-00824.089, 04-00824.088, 04-00824.087, 04-00824.086, 04-00824.085, 04-00824.084, 04-00824.152, and 04-00824.154

Haven Fellowship Church
7730 Converse Huff Road
Plain City, Ohio 43064
PN: 02-00370.000

Mary Gingerich
7490 Converse Huff Road
Plain City, Ohio 43064
PN: 02-00088.001

Roger and Ann Weeks
7545 Converse Huff Road
Plain City, Ohio 43064
PN: 02-00168.001

David and Rhoda Helmuth
7655 Converse Huff Road
Plain City, Ohio 43064
PN: 02-00131.002

Joann Lewis
7410 Converse Huff Road
Plain City, Ohio 43064
PN: 02-00157.000

Susie Miller
7560 Converse Huff Road
Plain City, Ohio 43064
PN: 0200183.000

David and Elizabeth Ann Beachy
7475 Converse Huff Road
Plain City, Ohio 43064
PN: 0200168.002

Burl Mayer, Tr.
7575 Converse Huff Road
Plain City, Ohio 43064
PN: 02-00168.000

Joseph Gingerich
9910 Plain City Georgesville Road
Plain City, Ohio 43064
PN: 02-00182.000

**Madison Township (9.539± acres)
Principal Parties List**

Property Owner(s):

Name Jay and Ruth Ann Gingerich
Address 7580 Converse Huff Road
City State, Zip Plain City, Ohio 43064
Phone See attorney's number below
Email See attorney's email below

Developer

Name M/I Homes of Central Ohio
Address 3 Easton Oval, Suite 310
City State, Zip Columbus, Ohio 43219
Phone (614) 418-8608
Email

Attorney:

Name Aaron L. Underhill, Esq., Underhill & Hodge LLC
Address 8000 Walton Parkway, Suite 260
City State, Zip New Albany, Ohio 43054
Phone 614.335.9320
Email aaron@uhlfirm.com



Evans, Mochwort, Hambelton & Thors, Inc.
Engineers • Surveyors • Planners • Scientists
6500 New Albany Road, Columbus, OH 43234
Phone: 614.775.4500 Fax: 614.775.3548
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SURVEY OF ACREAGE PARCEL

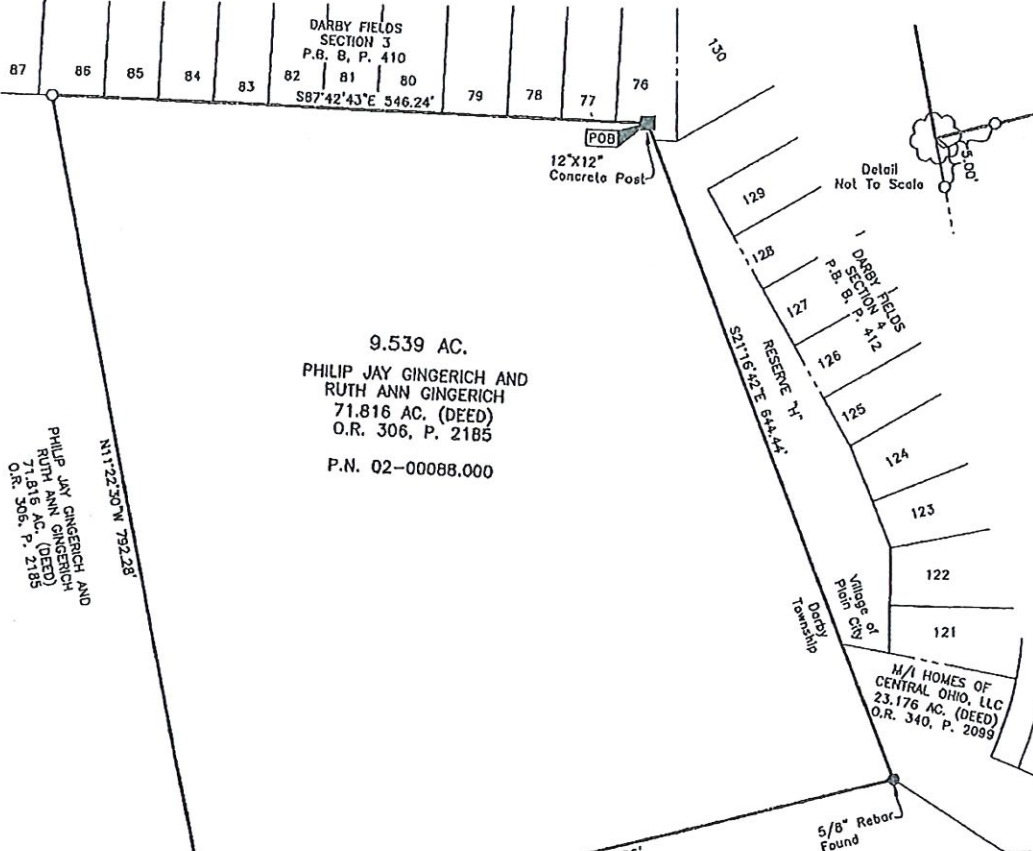
VIRGINIA MILITARY SURVEY NUMBER 5125

TOWNSHIP OF DARBY, COUNTY OF MADISON, STATE OF OHIO

Date: May 17, 2019

Job No: 2019-0537

Scale: 1" = 100'



- = STONE FND.
- = POST FND.
- = I.P. FND.
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- = P.K. NAIL FND.

I.P. Set are 13/16" I.D. iron pipes
30" long with cap inscribed EMHT INC.
200 0 200 400

GRAPHIC SCALE (in feet)

BASIS OF BEARINGS: The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by positional solutions derived by the National Geodetic Survey's Online Positioning Users Service software using GPS observations and observations of selected CORS base stations in the National Spatial Reference System.

SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey performed in May, 2019.

By

Matthew A. Kirk
Professional Surveyor No. 7865

Date

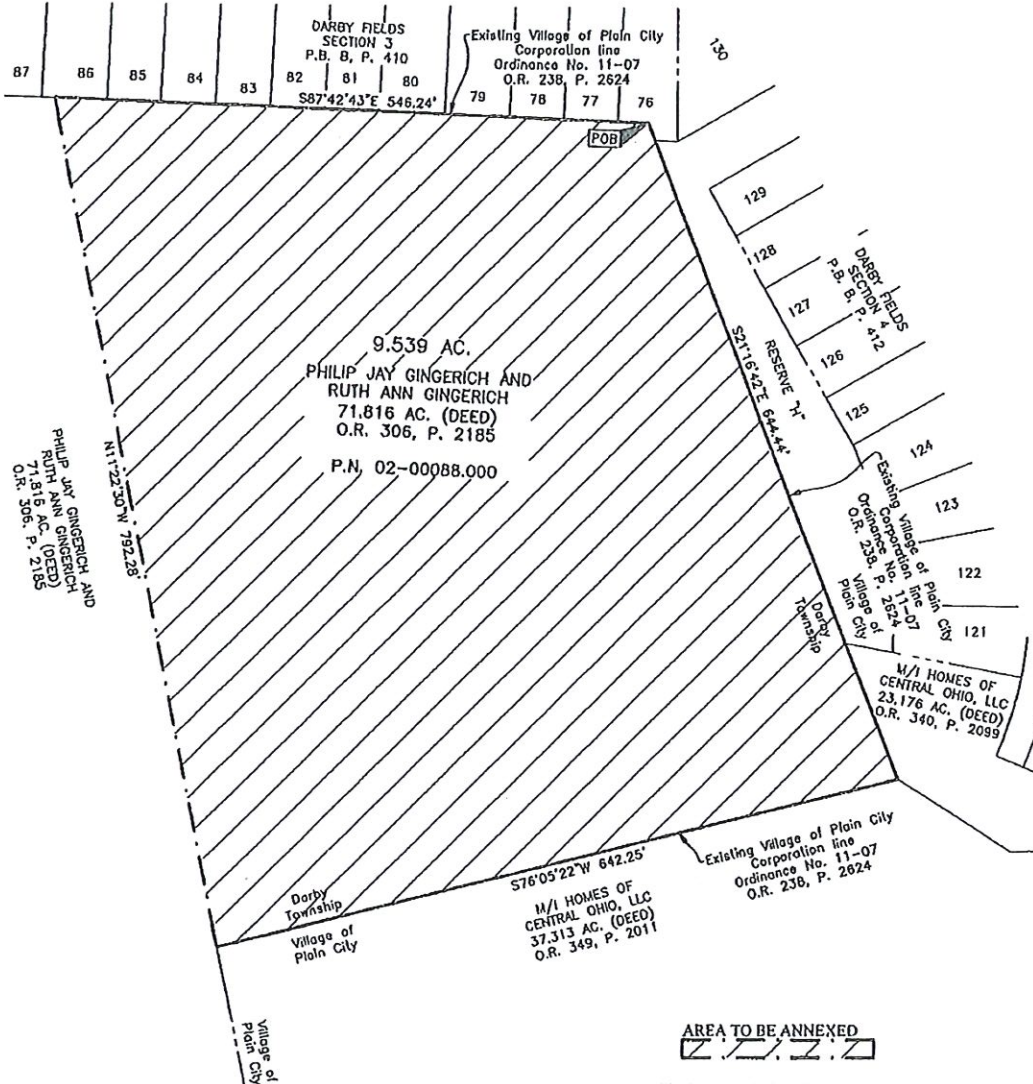
Evans, Mochwal, Horriblston & Pflon, Inc.
Engineers • Surveyors • Planners • Scientists
5500 Hart Albany Road, Columbus, OH 43054
Phone: 614/775-4500 Toll Free: 800/775-3443

ANNEXATION PLAT OF 9.539 ACRES
FROM DARBY TOWNSHIP TO VILLAGE OF PLAIN CITY
VIRGINIA MILITARY SURVEY NUMBER 5125
TOWNSHIP OF DARBY, COUNTY OF MADISON, STATE OF OHIO

Date: May 30, 2019

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PROPOSED CORPORATION LINE

EXISTING CORPORATION LINE

Contiguity Note:

Total perimeter of annexation area is 2625.21 feet, of which 1832.93 feet is contiguous with the Village of Plain City by Ordinance Number 11-07, giving 69.8% perimeter contiguity.

Note:

Note:
This annexation does not create islands of unincorporated areas within the limits of the area to be annexed.

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GRAPHIC SCALE (in feet)

By Matthew A. Kirk
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MADISON COUNTY
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Name **Aaron L. Underhill, Esq., Underhill & Hodge LLC**
Address **8000 Walton Parkway, Suite 260**
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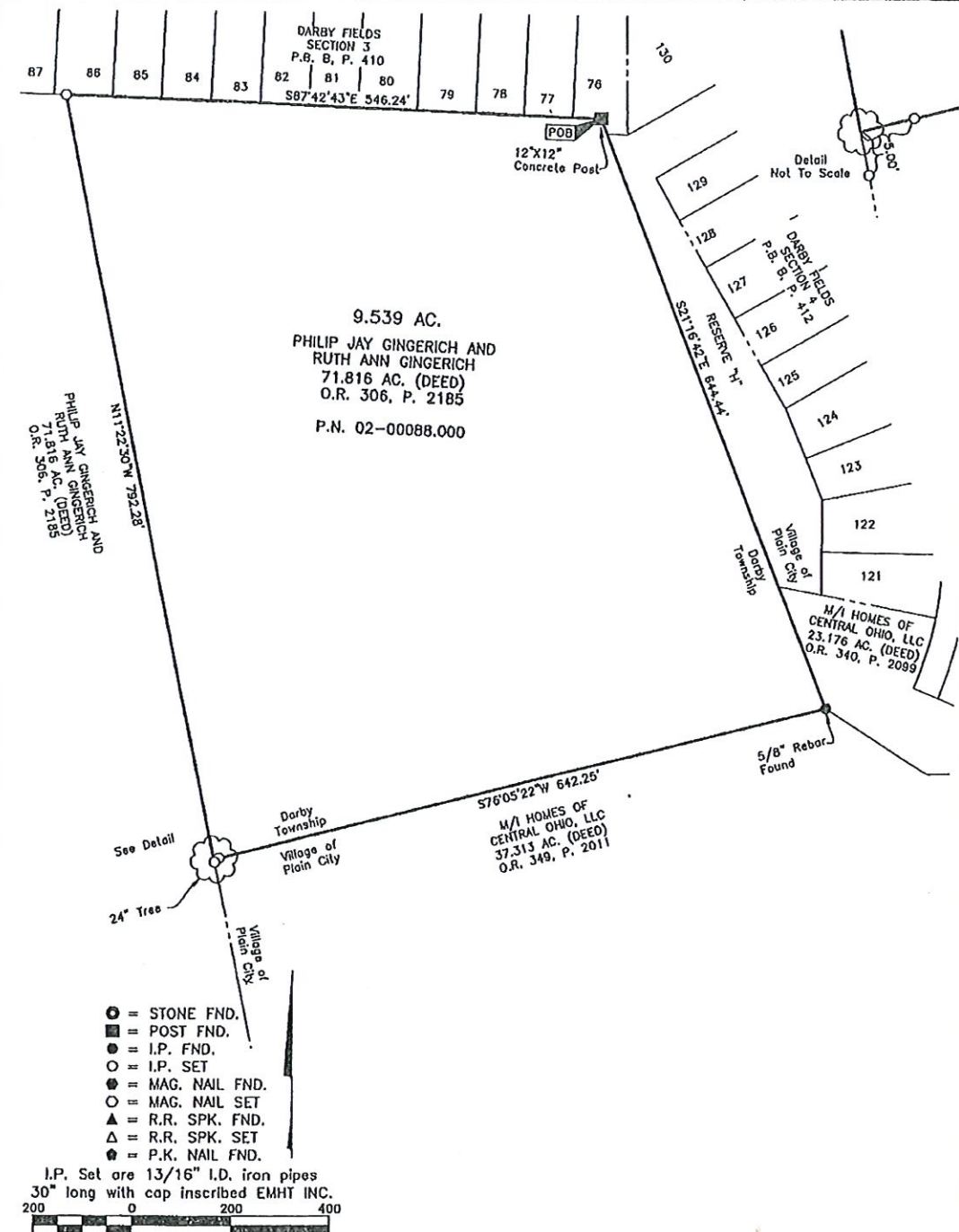
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TOWNSHIP OF DARBY, COUNTY OF MADISON, STATE OF OHIO

Date: May 17, 2019

Job No: 2019-0537

Scale: 1" = 100'



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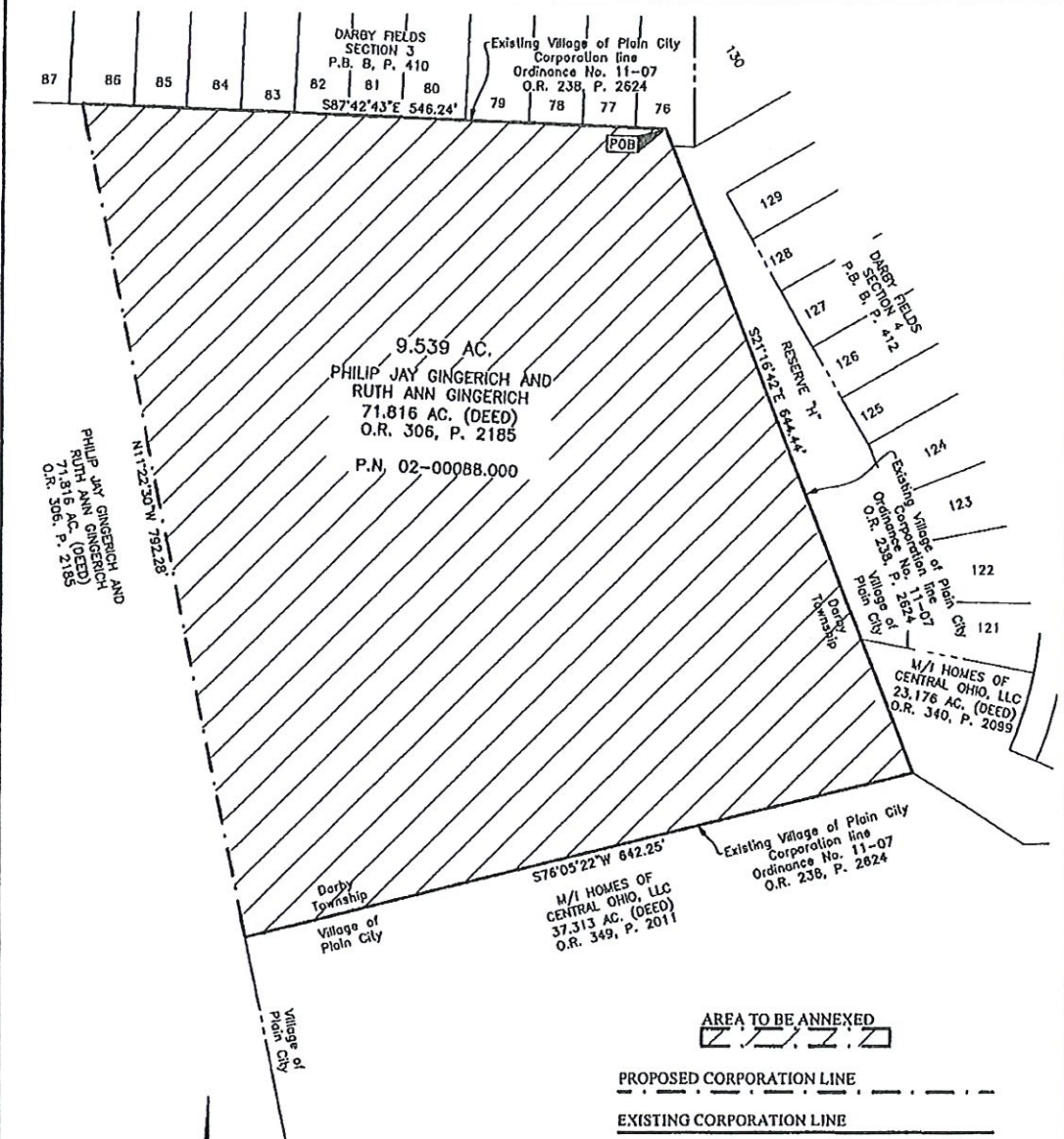
Evans, Machwa, Hamilton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 Haystack Road, Columbus, OH 43054
Phone: 614.775.4300 Fax: 614.775.4349
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ANNEXATION PLAT OF 9.539 ACRES FROM DARBY TOWNSHIP TO VILLAGE OF PLAIN CITY VIRGINIA MILITARY SURVEY NUMBER 5125 TOWNSHIP OF DARBY, COUNTY OF MADISON, STATE OF OHIO

Date: May 30, 2019

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