

MEMORANDUM

TO: Dublin City Council
Terry D. Foegler, City Manager

FROM: Stephen J. Smith, Law Director
Asim Z. Haque

DATE: March 4, 2010

RE: Ordinance No. 13-10
Township Boundary Adjustment Legislation (Mullins)

INTRODUCTION:

The City of Dublin ("City") approved, via Ordinance 01-10, the annexation of 5.66 acres of land from Jerome Township, located just north of Jerome High School, east of Hyland Croy Road (the "Annexed Territory"). This annexation was initiated via regular annexation procedures by Jackson B. Reynolds III, agent/attorney for Kevin and Jocelyn Mullins ("Petitioner"). The Board of County Commissioners of Union County approved this annexation at its October 19, 2009 meeting.

The City passed a statement of services for the Annexed Territory on August 17, 2009. It has been determined that Washington Township will provide fire and emergency services to the Annexed Territory once the Annexed Territory is removed from Jerome Township. The City and Petitioner, via a pre-annexation agreement approved by City Council via Ordinance 09-09, were able to come to terms on reparations that would be due to Jerome as a result of this boundary adjustment.

BOUNDARY ADJUSTMENT PETITION:

Ordinance 13-10 would authorize the offices of the Law Director to petition the Board of County Commissioners of Union County to adjust township boundaries in Union County such that the Annexed Territory would be removed from Jerome Township, and placed in Washington Township.

Ohio Revised Code Section 503.07, as well as *State, ex rel. City of Dublin v. Delaware County Board of Commissioners*, 62 Ohio St.3d 55, 577 N.E.2d 1088 (1991), provides the City with the authority to file the petition, and the Union County Commissioners must approve a petition properly submitted to the Commissioners.

RECOMMENDATION:

The Law Department recommends a motion to dispense with the public hearing and approve by emergency action Ordinance No. 13-10.

RECORD OF ORDINANCES

Ordinance No. 13-10

Passed _____, 20____

AN ORDINANCE PETITIONING THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY, OHIO TO ADJUST THE BOUNDARY LINES OF JEROME TOWNSHIP SO AS TO EXCLUDE THAT TERRITORY WHICH, AS A RESULT OF ANNEXATION, NOW LIES WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF DUBLIN, AND DECLARING AN EMERGENCY. (KEVIN AND JOCELYN MULLINS ANNEXATION OF 5.66+/- ACRES, ORD. 01-10)

WHEREAS, on October 19, 2009, the Union County Commissioners approved the petition for annexation of 5.66 acres, more or less, in Jerome Township, filed as a regular annexation petition by Jackson B. Reynolds, III, agent for petitioners Kevin and Jocelyn Mullins, 37 West Broad Street, Suite 725, Columbus, OH 43215;

WHEREAS, the Ohio Revised Code, Section 503.07, authorizes the Dublin City Council to petition the Board of County Commissioners of Union County to change the township boundaries within the municipal corporation;

WHEREAS, the procedure set forth above has been upheld by the Ohio Supreme Court in the case of the *State, ex rel. City of Dublin v. Delaware County Board of Commissioners*, 62 Ohio St.3d 55, 577 N.E.2d 1088 (1991);

WHEREAS, City Council passed a statement of services for the annexed property on August 17, 2009 wherein it was determined that Washington Township would provide fire and emergency services to the annexed property; and

WHEREAS, Washington Township has the largest township jurisdictional area within the City of Dublin, has fully equipped and staffed fire stations, and can respond in the shortest period of time to fire and emergency situations on the annexed property.

NOW, THEREFORE, BE IT ORDAINED by this Council of the City of Dublin, State of Ohio, _____ of the elected members concurring that:

Section 1. The City of Dublin, Ohio, an Ohio Municipal Corporation, hereby petitions the Board of County Commissioners of Union County, Ohio, for a change of township lines of Jerome Township to remove that area included within the corporate limits of the City of Dublin, as shown on the attached Exhibit A, from Jerome Township and place it in Washington Township pursuant to the terms and provisions of the Ohio Revised Code Section 503.07 and related sections, and pursuant to the Ohio Supreme Court decision in the case of *State, ex rel. City of Dublin v. Delaware County Board of Commissioners*, which held that, "a Board of County commissions must comply with a municipal petition for a change of township boundaries in order to make those boundaries conform to the limits of the municipality." 62 Ohio St.3d. 55, 577 N.E.2d 1088, (citing from case headnote).

Section 2. The Clerk of Council is hereby authorized and directed to certify a copy of this Ordinance, together with a certified copy of the minutes of the meeting at which this Ordinance was adopted, showing its adoption by a vote of the majority of the members of the Dublin City Council, being the "legislative authority of such Municipal Corporation" as set forth in Ohio Revised Code Section 503.07, to the Board of County Commissioners of Union County, Ohio.

Section 3. The City Law Director is hereby authorized and directed to present a certified copy of this Ordinance and a certified copy of the minutes of this meeting to the Board of County Commissioners of Union County, as a petition praying for such changes to the boundary lines of Jerome Township as set forth herein.

RECORD OF ORDINANCES

Ordinance No. 13-10

Passed Page 2, 20

Section 4. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety or welfare, due to the need to ensure Washington Township's jurisdiction in providing fire and emergency services to the area shown on Exhibit A, and shall therefore take effect upon passage.

Passed this _____ day of _____, 2010.

Mayor - Presiding Officer

Attest:

Clerk of Council

PATRIDGE
SURVEYORS & ENGINEERS LLC

PROPOSED TYPE 2 (O.R.C. 709.021 & 709.023)
ANNEXATION OF 5.660 ACRES
PRESENTLY IN JEROME TOWNSHIP, UNION COUNTY
TO THE CITY OF DUBLIN, UNION COUNTY, OHIO

Situated in the State of Ohio, County of Union, Township of Jerome, Virginia Military Survey No. 2925, and being all of a 4.50 and part of a 1.178 acre tract (Parcel Number 17-0024037.000, Union Co. GIS/Map No. 137-00-00-043.000) currently owned by Kevin D. Mullins as recorded in Official Record 117, Page 182, and being more particularly described as follows:

Beginning in the City of Dublin Corporation Line (Ordinance No. 76-01, dated 7/23/01) at the northeast corner of said 4.50 acre tract and the southeast corner of Tartan West Section 5, of record in Plat Book 5, Page 198, and a west line of a tract of ground currently owned by American Italian Golf Association, of record in Deed Book 223, Page 495;

thence South 05° 33' 30" East 499.15 feet, along the east line of said 4.50 acre tract and west line of said American Italian Golf Association tract and existing City of Dublin Corporation Line (Ordinance 76-01), to a point;

thence South 84° 21' 30" West 1002.63 feet, along the south line of said 4.50 and 1.178 acre tract and north line of said American Italian Golf Association tract and existing City of Dublin Corporation Line (Ordinance 76-01), to a point marking a northwest corner of said American Italian Golf Association tract and the northeast corner of a tract currently owned by Board of Education of the Dublin City School District, of record in Official Record 80, Page 209;

thence South 84° 35' 01" West 1073.07 feet, along the south line of said 1.178 acre tract and north line of said Board of Education of the Dublin City School District tract and the existing City of Dublin Corporation Line (Ordinance 12-98, dated 4/2/98), to a point in the east line of Hyland Croy Road;

thence North 11° 56' 27" West 30.20 feet, along the east line of Hyland Croy Road, to a point in the north line of said 1.178 acre tract and south line of a 5.784 acre tract currently owned by Barbara Stroble, of record in Official Record 67, Page 779;

thence North 84° 35' 01" East 1076.43 feet, along the north line of said 1.178 acre tract and south line of said 5.784 acre tract, to a point;

thence North 84° 21' 30" East 609.72 feet, continuing along the north line of said 1.178 acre tract and south line of said 5.784 acre tract, to a point in the west line of said 4.50 acre tract marking the northeast corner of said 1.178 acre tract and southeast corner of said 5.784 acre tract;

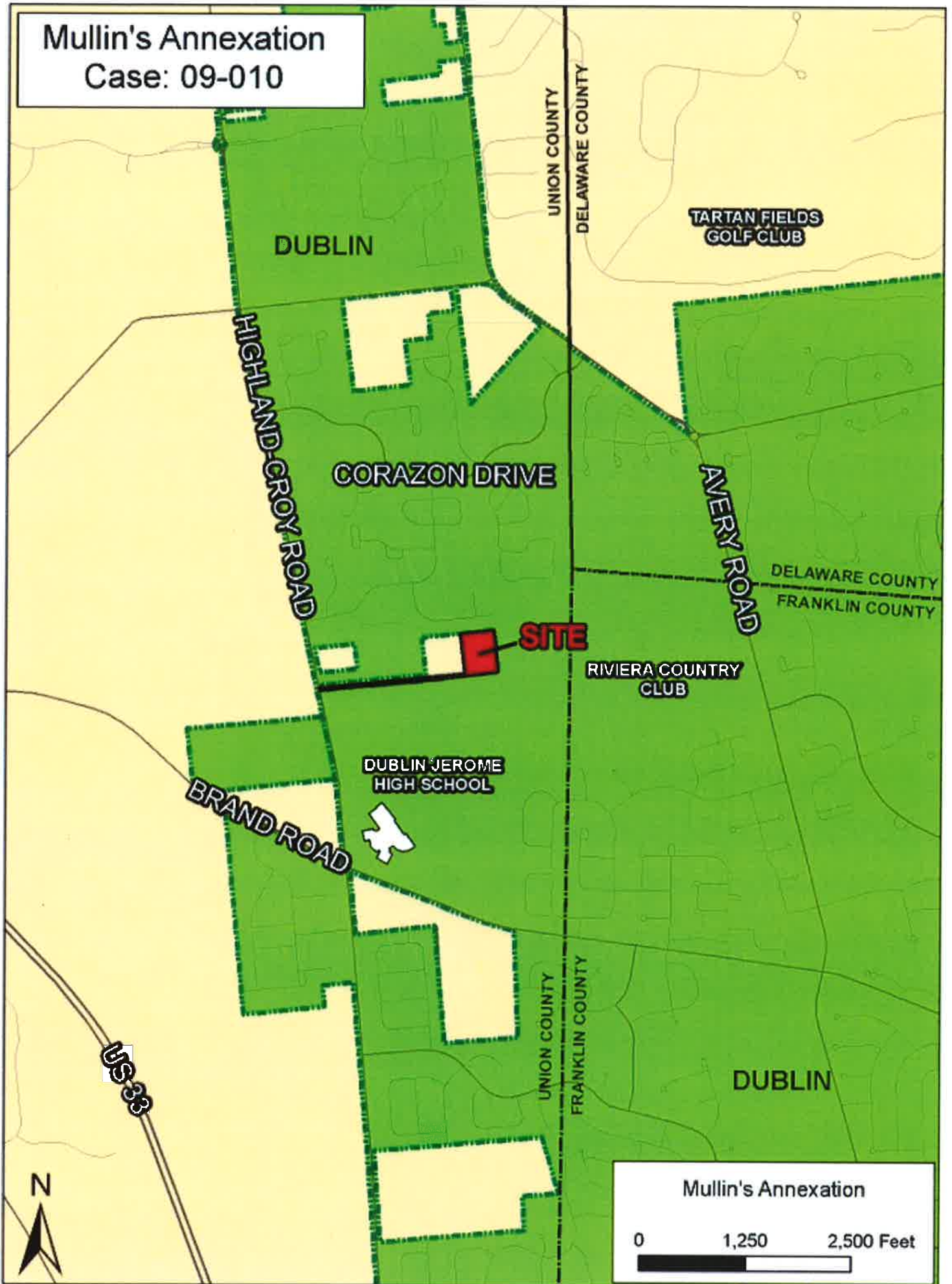
thence North 05° 33' 30" West 468.64 feet, along the west line of said 4.50 acre tract and east line of said 5.784 acre tract, to a point marking the northwest corner of said 4.50 acre tract and northeast corner of said 5.784 acre tract and in the south line of Tartan West Section 5 and existing City of Dublin Corporation Line (Ordinance 76-01);

thence North 84° 17' 00" East 392.91 feet, along the north line of said 4.50 acre tract and south line of Tartan West Section 5 and existing City of Dublin Corporation Line (Ordinance 76-01), to the place of beginning, containing an area of 5.660 acres.

Corporation lines referenced on are as follows: Ordinance No. 12-98 is recorded in Official Record 127, Page 550, Ordinance No. 76-01 is recorded in Official Record 305, Page 657.

This above description is for annexation purposes only and not to be used for transfer of property.

Mullin's Annexation
Case: 09-010



TARTAN FIELDS
GOLF CLUB

DUBLIN

UNION COUNTY
DELAWARE COUNTY

HIGHLAND-CROY ROAD

CORAZON DRIVE

AVERY ROAD

DELAWARE COUNTY
FRANKLIN COUNTY

SITE

RIVIERA COUNTRY
CLUB

DUBLIN JEROME
HIGH SCHOOL

BRAND ROAD

UNION COUNTY
FRANKLIN COUNTY

DUBLIN

US 33

Mullin's Annexation

0 1,250 2,500 Feet