



City of Gahanna

Signature

Office of the Clerk of Council
200 South Hamilton Road
Gahanna, Ohio 43230

Ordinance: ORD-0110-2015

File ID: ORD-0110-2015

Type: Ordinance

Status: Passed

In Control: City Council

Version: 1

Final Action: 10/19/2015

At a meeting of the City Council on 10/19/2015, a motion was made by Jamie Leeseberg, seconded by Michael Schnetzer, that this Ordinance be Introduced, Second Reading Waived, and Adopted as an Emergency. The motion passed.

Yes: 7 Angelou, Jolley, Leeseberg, Renner, Schnetzer, Kneeland and Larick

AN ORDINANCE ADOPTING A STATEMENT INDICATING THE SERVICES THE CITY OF GAHANNA, OHIO, WILL PROVIDE TO THE 2.1+/- ACRES LOCATED IN JEFFERSON TOWNSHIP, FRANKLIN COUNTY, PROPOSED TO BE ANNEXED TO THE CITY OF GAHANNA UPON ANNEXATION; SAID PROPERTY LOCATED AT 6607 CLARK STATE ROAD; REQUEST BY MARK D. LUDWIG; AND CITY BUFFER REQUIREMENTS AS PROVIDED IN OHIO REVISED CODE 709.023; AND TO DECLARE AN EMERGENCY.

WHEREAS, a Petition has been filed with the Board of County Commissioners of Franklin County, Ohio by Mark D. Ludwig for the annexation of 2.1+/- acres located on parcel numbers 170-000647 and 170-001500 in Jefferson Township to the City of Gahanna; and

WHEREAS, Ohio Revised Code Section 709.023(C) requires that a municipal corporation shall, by ordinance or resolution, adopt a statement indicating what services, if any, the municipal corporation will provide to the territory upon annexation, which legislation must be adopted and filed with the county commissioners within twenty (20) days after the petition is filed; and

WHEREAS, fire service is now being provided to the annexation territory by Jefferson Township and the territory will remain in Jefferson Township and continue to receive Jefferson Township fire services as a matter of law following the annexation, if approved; and

WHEREAS, Ohio Revised Code Section 709.023(C) also requires that a municipal corporation shall, by ordinance or resolution, require buffers separating any new uses that clearly are incompatible with the uses permitted under current township zoning regulations in the adjacent land remaining in the unincorporated township; and

WHEREAS, it is necessary to effect this legislation immediately to adopt it within the time required by law and for the orderly progression of the annexation procedure, and for the preservation of the public peace, property, health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GAHANNA, COUNTY OF FRANKLIN, STATE OF OHIO:

Section 1. That within ten (10) days of the effective date of the annexation of the 2.1+/- acres to the City of Gahanna, as shown on the map and description attached hereto as EXHIBIT A, the City of Gahanna will provide to the entire annexed territory the following services: police, water, sanitary sewer, roadway maintenance, sanitation, economic development and planning, and parks and recreation. Water service is available through the City of Gahanna from an existing 12-inch waterline on Clark State Road across the frontage of the property. Sanitary sewer service is available from the City of Gahanna from an existing 8-inch sanitary sewer approximately 250 feet west of the proposed annexation. Upon being annexed to the City of Gahanna, the proposed annexation shall receive roadway maintenance, service and sanitation services as provided in Chapter 941 (Garbage and Refuse Collection) of the Codified Ordinances of Gahanna.

Section 2. That the 2.1+/- acre annexation territory is subject to Jefferson Township zoning regulations. If the territory is annexed and becomes subject to Gahanna zoning and the city zoning permits uses in the annexed territory that the city determines are clearly incompatible with the uses permitted under applicable township zoning regulations in effect at the time of the filing of the petition on the land adjacent to the annexation territory remaining within Jefferson Township, then Gahanna City Council will require the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Jefferson Township. The landscape "buffer" may include open space, landscaping, fences, walls, and other structured elements, streets and street rights-of-way, or bicycle and pedestrian paths and sidewalks.

Section 3. That if any street or highway is divided or segmented by the boundary line between the township and the City of Gahanna as to create a maintenance problem, Gahanna agrees to assume the maintenance of the portion of the street or highway for which there is a maintenance problem or to otherwise correct the problem.

Section 4. That pursuant to Section 121.05(b) of the Codified Ordinances of the City of Gahanna the Clerk of Council shall obtain from the City Engineer the right-of-way required by the approved Master Thoroughfare Plan for the City. The City Engineer has stated that in accordance with the adopted Gahanna Thoroughfare Plan of the City, Clark State Road is identified to require 80 feet of right-of-way; the current right-of-way for this property is 60 feet, therefore the dedication of an additional 10 feet of right-of-way shall be designated as a condition of accepting the proposed annexation.

Section 5. That the Clerk of Council is hereby authorized and directed to deliver a copy of this legislation to the office of the Board of Commissioners of Franklin County within twenty (20) days of the date of the filing of the petition.

Section 6. That, for the reasons set forth in the preamble hereinabove, this Ordinance is declared emergency legislation, and shall be in full force and effect immediately upon passage by this Council and on date of signature approval by the Mayor.

President  Date 10/20/15
Thomas R. Kneeland

Attest by Kimberly Banning
Kimberly Banning, CMC
Clerk of Council

Date 10/20/15

Approved by the Mayor Rebecca W. Stinchcomb
Rebecca W. Stinchcomb

Date 10/20/15

Approved as to Form Shane W. Ewald
Shane W. Ewald
City Attorney

Date 10/20/15