



# RESOLUTION 15-2021

## OF THE VILLAGE OF ASHVILLE



### A RESOLUTION ADOPTING A STATEMENT OF SERVICES AND A STATEMENT REGARDING POSSIBLE INCOMPATIBLE LAND USES AND ZONING BUFFER FOR A PROPOSED ANNEXATION OF ±21.419 ACRES FROM HARRISON TOWNSHIP TO THE VILLAGE OF ASHVILLE.

WHEREAS, a petition for an Expedited II method of annexation of ±21.419 acres being Parcel No. D1200010014700 (“Annexation Area”) from Harrison Township was filed with the Board of County Commissioners of Pickaway, Ohio on October 1, 2021, by Philip K. Hartmann, attorney and/or agent for Petitioners Clifton Brothers Land LLC; and

WHEREAS, R.C. 709.023(C) requires that, within twenty days of an annexation petition being filed, the municipal authority shall adopt a statement of services indicating which services the municipal corporation will provide to the territory proposed for annexation and an approximate date by which it will provide services to the territory upon annexation; and

WHEREAS, R.C. 709.023(C) requires that, within twenty days of the annexation petition being filed, the municipality to which annexation is proposed must adopt an ordinance or resolution relating to land uses and buffers if the territory proposed to be annexed is currently subject to either county zoning pursuant to Chapter 303 or township zoning pursuant to Chapter 519 of the Ohio Revised Code; and

WHEREAS, R.C. 709.023(C) defines “buffer” to include open space, landscaping, fences, walls, and other structured elements, streets and street rights-of-way, and bicycle and pedestrian paths and sidewalks; and

WHEREAS, the total perimeter of the Annexation Area is approximately 4,066.35 feet more or less, of which 2,282.95 feet, more or less, is contiguous with the Village, giving 56.1% contiguity, and that no island of unincorporated area will be created by this annexation; and

NOW, AND HEREAFTER BE IT RESOLVED BY THE VILLAGE COUNCIL, VILLAGE OF ASHVILLE, PICKAWAY COUNTY , STATE OF OHIO THAT:

#### SECTION ONE

The Village of Ashville will provide the following municipal services for the ±21.419 acres being Parcel No. D1200010014700 (“Annexation Area”) currently in Harrison Township, Ohio immediately upon the annexation of this property to the Village of Ashville, Ohio:

- (a) Police. The Village of Ashville Police Department will provide, cause to provide, or contract to provide police protection services to the Annexation Area at the same or similar level now being provided to other areas of the Village with similar land use and population.
- (b) Sanitary Sewer Service. The Village of Ashville will provide, cause to provide, or contract to provide sanitary sewer service to the Annexation Area at the same or similar being provided to other areas of the Village with similar land use and population.
- (c) Potable Water Service. The Village of Ashville will provide, cause to provide, or contract to provide potable water to the Annexation Area at the same or similar being provided to other areas of the Village with similar land use and population.

Prepared: 10/06/2021  
Revised Date:  
Review Date:

#### CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify, that the foregoing is a true and correct copy of the resolution adopted by the Village of Ashville Council held on 18<sup>th</sup> day of October 2021, and that I am duly authorized to execute this certificate.



\_\_\_\_\_  
(Original signature of April D. Grube) Clerk-Fiscal Officer  
(TITLE)

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**SECTION TWO**

Should the Annexation Area (a) be annexed and (b) subsequently become subject to zoning pursuant to the Village of Ashville, and (c) the municipal zoning permits uses in the Annexation Area that the Village Council determines are clearly incompatible with the uses permitted under current county or township zoning in the adjacent land remaining in the township from which the property was annexed, the Ashville Village Council will require, in the zoning ordinance permitting the incompatible uses, the owner of the Annexation Area to provide a buffer separating the use of the Annexation Area and the adjacent land remaining within the township should land adjacent to the territory be determined to be unincorporated territory. That the Village Council of the Village of Ashville is aware and supportive of the proposed project (s) and has the necessary funds appropriated in its 2021 budget to complete the project (s) as outlined in this grant application (s), should the grant request be awarded.

**SECTION THREE**

The Clerk of Council shall file a certified copy of this resolution with the Pickaway County Board of Commissioners within twenty days following the date that the petition was filed.

**SECTION FOUR**

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision-making bodies of the Village of Ashville which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

**SECTION FIVE**

All prior legislation, or any parts thereof, which is/are inconsistent with this Resolution is/are hereby repealed as to the inconsistent parts thereto.

**SECTION SIX**

This resolution shall take effect and be in force from and after the earliest period allowed by law.

Therefore, this resolution will take effect upon passage.

Offered by: Nelson R. Embrey

Seconded to the Motion Offered by: R. David Rainey

Upon roll call on the adoption of the resolution, the vote was as follow:

Council Member	Yes	No	Council Member	Yes	No	Council Member	Yes	No	Council Member	Yes	No	Council Member	Yes	No	Council Member	Yes	No
Roger L. Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Nelson R. Embrey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Randy S. Loveless	<input checked="" type="checkbox"/>	<input type="checkbox"/>	R. David Rainey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Tracie N. Sorvillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Darryl E. Ward	<input type="checkbox"/>	<input type="checkbox"/>
Excused Absence																	

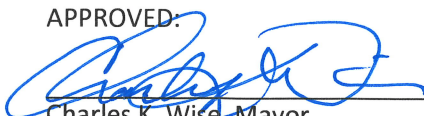
THIS 18<sup>TH</sup> DAY OF OCTOBER, 2021.

ATTEST:

  
April D. Grube, Clerk-Fiscal Officer

DATE: 10/19/2021

APPROVED:

  
Charles K. Wise, Mayor

DATE: 25 Oct 2021

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Exhibit

Commissioners:  
Jay H. Wippel  
Harold R. Henson  
Brian S. Stewart

Administrator:  
April Dengler  
Clerk:  
Angela Karr



Date: October 1, 2021

To: - Philip K. Hartmann, Agent for Petitioner, Frost Brown Todd Attorneys, 10 West Broad Street, Suite 2300, Columbus, Ohio 43215  
-Village of Ashville, Franklin Christman, P.O. Box 195, Ashville, Ohio 43103  
-Harrison Township Trustees, P.O. Box 22, Ashville, Ohio 4303  
-Tim McGinnis, Pickaway County Development & Planning Director  
-Chris Mullins, Pickaway County Engineer

From: Pickaway County Commissioners

Re: Hearing scheduled for: **Expedited Type 2 Annexation Petition – Ronald L. Clifton, Clifton Brothers Land LLC. for Annexation of 21.419 +/- ac. of Harrison Township into Village of Ashville**

Please let this serve as notice that the Hearing related to the above-noted annexation petition that was filed in the Pickaway County Commissioners' Office on March 4, 2019 is scheduled for:

**Tuesday, October 26, 2021**  
**10:30 a.m.**  
**Pickaway County Commissioners' Office**  
**139 W. Franklin Street**  
**Circleville, Ohio 43113**

If you should have any questions, please contact Angela Karr, Clerk, at 740-477-3649 (Direct) or by email at [akarr@pickawaycountyohio.gov](mailto:akarr@pickawaycountyohio.gov).

Sincerely,

Angela Karr  
Clerk

Enclosure (*excerpt, petition, maps, legal description and adjacent parcel owner list*)

RES P 21 3:35P

**EXPEDITED TYPE II PETITION FOR ANNEXATION (SECTION 709.023)  
TO THE VILLAGE OF ASHVILLE OF 21.419 ACRES, MORE OR LESS,  
FROM HARRISON TOWNSHIP, PICKAWAY COUNTY**

*TO THE BOARD OF COUNTY COMMISSIONERS  
OF PICKAWAY COUNTY, OHIO*

The undersigned, petitioners in the premises, and being THE SOLE OWNERS OF REAL ESTATE in the territory described, consisting of 21.419 acres, more or less, with a total length of the annexation perimeter of 4066.35 feet, more or less, in the Township of Harrison, which area is contiguous along 2282.95 feet, more or less, such that approximately 56.1% of the perimeter of the area is contiguous to the Village of Ashville, do hereby pray that said territory be annexed to the Village of Ashville, according to the statutes of the State of Ohio and that no island of unincorporated area will be created by this annexation.

A full and accurate description and a plat of said territory so prayed to be annexed are attached hereto as Exhibit "A" and "B" and made part hereof.

In support of said Petition, the petitioner states that there are within the territory so prayed to be annexed ONE (1) OWNER OF REAL ESTATE.

Philip K. Hartmann, whose address is 10 West Broad Street, Suite 2300, Columbus, Ohio 43215, is hereby appointed Agent for the undersigned petitioners as required by Ohio Revised Code section 709.02(C)(3). Said agent is hereby authorized to make any amendment and/or deletion which in his absolute and complete discretion is necessary or proper under the circumstances then existing, and in particular to make such amendment in order to correct any discrepancy or mistake noted by the PICKAWAY County Engineer in his examination of an amended plat and description to the Board of Pickaway 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 THIS SPECIAL ANNEXATION PROCEDURE."**

21SEP21 3:35

PARCEL D1200010014700 (FULL PARCEL - 21.419 ACRES)

NAME

DATE

  
\_\_\_\_\_  
Ronald L. Clifton on behalf of  
Clifton Brothers Land LLC

9-14-21

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Exhibit

Clifton Brothers Annexation	Physical Address	Property Owner	Mailing Address
<b>Property to be Annexed</b>			
D1200010014700	0 State Route 52, Ashville, Ohio 43103	Clifton Brothers Land LLC	P.O. Box 5, Ashville, Ohio 43103
<b>Adjacent Parcels</b>			
D1300100007200	3219 State Route 752, Ashville, Ohio 43103	The Village of Ashville	P.O. Box 195, Ashville, Ohio 43103
<b>Across State Route 752 From Property (West to East)</b>			
D1200010013600	3134 State Route 752, Ashville, Ohio 43103	Kimberly K. Welch	9560 Neiswander Road, Ashville, Ohio 43103
D1200010013501	3188 State Route 752, Ashville, Ohio 43103	Martha M. Secrest	P.O. Box 143, Ashville, Ohio 43103
D1200010013500	3220 State Route 752, Ashville, Ohio 43103	Gustave H. and Dawn Peterson	3220 State Route 752, Ashville, Ohio 43103
<b>Across Railroad Tracks to West (North to South)</b>			
D1300270004203	0 Commerce Court, Ashville, Ohio 43103	Prairie Acres LLC	184 West Main Street, Ashville, Ohio 43103
D1300270004204	102 Commerce Court, Ashville, Ohio 43103	RK Information Services, LLC	11437 Matville Road, Orient, Ohio 43146
D1300270004205	0 Commerce Court, Ashville, Ohio 43103	Prairie Acres LLC	184 West Main Street, Ashville, Ohio 43103
D1300050111201	3005 State Route 752, Ashville, Ohio 43103	Prairie Acres LLC	184 West Main Street, Ashville, Ohio 43103

'21 SEP 21 3:35P

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21SEP21 3:35PM

ANNEXATION DESCRIPTION ~ 21.419 ACRES

Situated in the State of Ohio, County of Pickaway, Township of Harrison, and being part of Section 12, Township 2, Range 22, and being all of that 21.419 acre tract of land (Parcel # D12-0-001-00-147-00) conveyed to Clifton Brothers Land LLC, of record in Official Record 775, Page 1149 (all references used in this description refer to the records of the Recorder's Office, Pickaway County, Ohio), said 21.419 acre tract being more particularly described as follows:

Beginning at a 5/8 inch rebar found at a northwesterly corner of that 11.268 tract of land conveyed to the Village of Ashville, of record in Official Record 694, Page 977, and annexed into the Village of Ashville by Ordinance No. 2015-09, and shown for record in Official Record 721, Page 1151, also being in the easterly line of the CSXT Railroad;

Thence with the easterly line of said CSXT Railroad, North 4°20'49" West, passing a 5/8 inch rebar found at 788.25 feet, a total distance of 818.25 feet to a point in the centerline of State Route 752;

Thence with the centerline of said State Route 752, South 87°28'55" East, a distance of 965.15 feet to a northwesterly corner of said 11.268 acre Village of Ashville tract, also being an angle point in the existing Village of Ashville Corporation Line;

Thence with westerly and northerly lines of said 11.268 acre Village of Ashville tract, also with the existing Village of Ashville Corporation Line, the following six courses:

- 1) South 28°56'14" East, passing over a 5/8 inch rebar found at 23.42 feet, a total distance of 52.61 feet to a 5/8 inch rebar found;
- 2) South 2°31'05" West, a distance of 155.12 feet to a 5/8 inch rebar found;
- 3) South 87°28'55" East, a distance of 94.89 feet to a 5/8 inch rebar found;
- 4) South 24°41'17" East, a distance of 188.43 feet to a 5/8 inch rebar found;
- 5) Along the arc of a curve to the right having a radius of 2715.00 feet, a central angle of 10°50'17", an arc length of 513.57 feet, and the chord of which bears South 20°42'24" East, a chord distance of 512.80 feet to a 5/8 inch rebar found;
- 6) North 86°17'48" West, a distance of 1278.33 feet to the point of beginning, and containing 21.419 acres of land, more or less.

Subject to all restrictions, easements, and rights of way of previous record or otherwise legally established.

Basis of Bearings: The centerline of State Route 752 was assigned a bearing of South 87°28'55" East as described for record in Official Record 775, Page 1149, Recorder's Office, Pickaway County, Ohio.

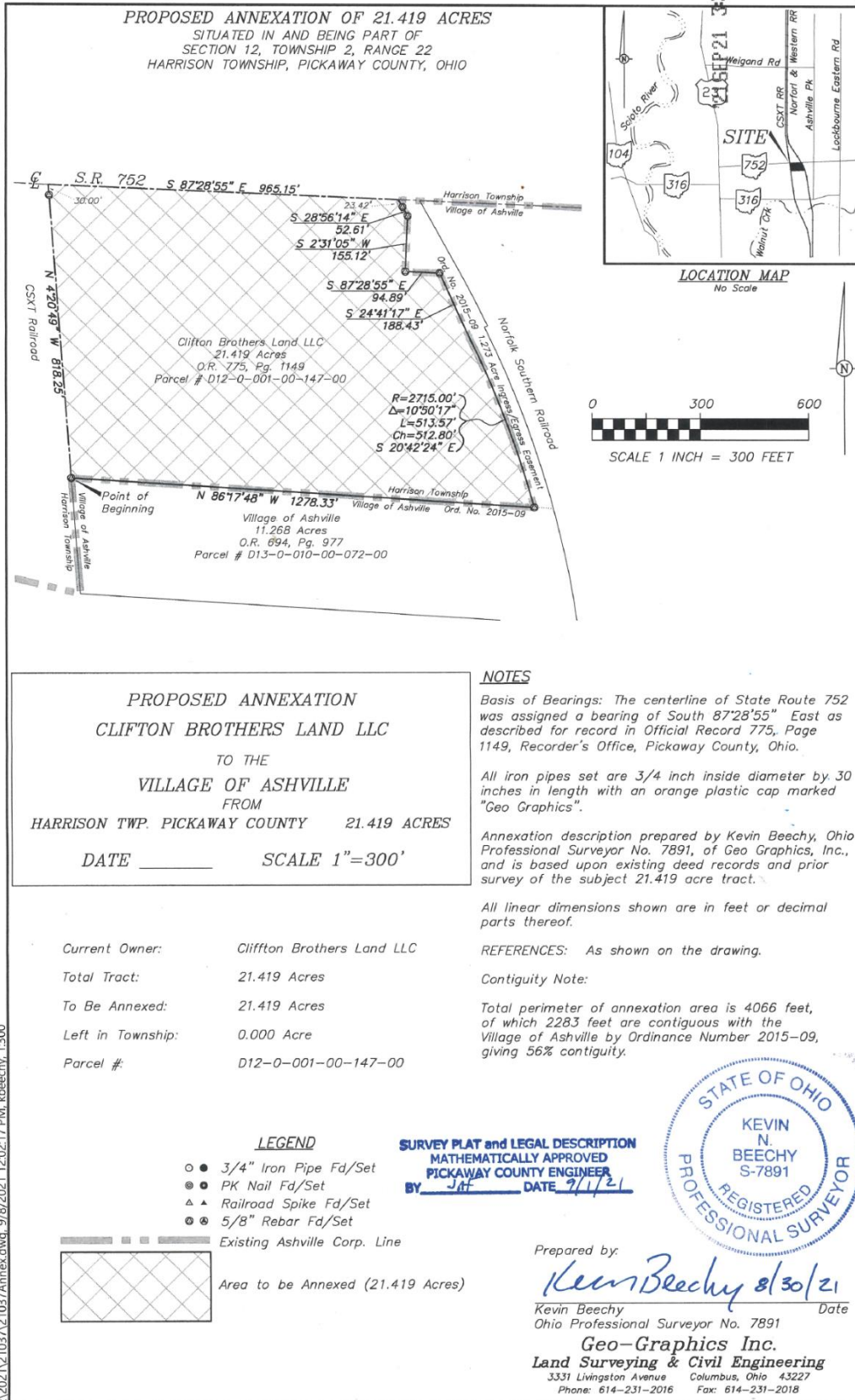
All iron pipes set are 3/4 inch inside diameter by 30 inches in length with an orange plastic cap marked "Geo Graphics".

Annexation description prepared by Kevin Beechy, Ohio Professional Surveyor No. 7891, of Geo Graphics, Inc., and is based upon existing deed records and prior survey of the subject 21.419 acre tract.

*Kevin Beechy 8/30/21*  
 Kevin Beechy Date  
 Ohio Professional Surveyor No. 7891



SURVEY PLAT and LEGAL DESCRIPTION  
 MATHEMATICALLY APPROVED  
 PICKAWAY COUNTY ENGINEER  
 BY AT DATE 9/1/21



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Pickaway County Commissioners  
139 W Franklin St  
Circleville OH 43113

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USPS CERTIFIED MAIL



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VILLAGE OF ASHVILLE  
FRANKLIN CHRISTMAN  
PO BOX 195  
ASHVILLE OH 43103-0195

Clifton Brothers Land LLC