



RESOLUTION 23-2023 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 ±1.020 & 1.410 ACRES OF PARCEL NUMBER D1200010010700 AND D1200010010605 FROM HARRISON TOWNSHIP TO THE VILLAGE OF ASHVILLE AND DECLARING AN EMERGENCY.

WHEREAS, a petition for an Expedited II method of annexation of ±1.020 and 1.410 acres shown and described in the attached Exhibits and being Parcel No. D1200010010700 and D1200010010605 (“Annexation Area”) from Harrison Township to the Village of Ashville was filed with the Board of County Commissioners of Pickaway, Ohio on September 22, 2023 by Bruce Moore, agent for Petitioners Kenneth E SR Hardbarger Trustee; 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 S, 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 from uses permitted in the Village that the Village determines are clearly incompatible with the uses of adjacent land remaining in the township 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 7,206.23 feet more or less, of which 2,548.32 feet, more or less, is continuously contiguous with the Village, giving the Annexation Area contiguity for a continuous length of 35.4% with the Village, and the annexation will not create an unincorporated area of the township (no island) that is completely surrounded by the territory proposed for annexation.

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 ±1.020 and 1.410 acres described in Exhibit A and depicted in the annexation map or plat attached as Exhibit B (“Annexation Area”), being Parcel No. D1200010010700 and D1200010010605 in unincorporated Harrison Township, Ohio immediately upon the effective date of this annexation of this property into the Village of Ashville, Ohio as provided by law:

- (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.

Prepared: 01/19/2023
Revised Date: 09/22/2023
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 2nd day of October 2023, and that I am duly authorized to execute this certificate.



Clerk-Fiscal Officer
(TITLE)

(Original signature of April D. Grube)

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- (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.
- (d) Street Maintenance Services. To the extent that any street or highway will be divided or segmented by the boundary line between the township and the Village of Ashville as to create a road maintenance problem, the Village of Ashville shall, as a condition of the annexation, assume the maintenance of that street or highway or to otherwise correct the problem.

The Village Council of the Village of Ashville is aware and supportive of the proposed annexation and development of the property and will have the necessary funds appropriated to provide services to the Annexation Area.

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 unincorporated township.

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

Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this municipality and the further reason that this services resolution must be filed with the Pickaway County Board of Commissioners no later than October 13, 2023. Wherefore, provided this Resolution receives the required affirmative votes of Council, this Resolution shall take effect and be in force immediately upon passage by Council and approval by the Mayor.

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Therefore, this resolution will take effect upon passage.

Offered by: R. David Rainey

Seconded to the Motion Offered by: Colton Henson

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"/>	Colton Henson	<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"/>	Matt Scholl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Steve Welsh	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ADOPTED THIS 2ND DAY OF OCTOBER, 2023.

EFFECTIVE DATE THIS 2ND DAY OF OCTOBER 2023

ATTEST:


 April D. Grube, Clerk-Fiscal Officer

DATE: 10/6/2023

APPROVED:


 Nelson R. Embrey II, Mayor

DATE: 10/6/2023

BRUCE A. MOORE
BMOORE@GRSM.COM
DIRECT DIAL: (614) 917-1952

GORDON&REES
SCULLY MANSUKHANI
YOUR 50 STATE PARTNER®

September 22, 2023

RECEIVED
OCT 02 2023
BY:

VIA CERTIFIED US MAIL -7019 2280 0000 8133 9612

April D. Grube
c/o Village of Ashville, OH
PO Box 195
200 East Station Street
Ashville, OH 43103

Re: Type 2 Annexation Petition, ORC § 709.023, 2.432 Acres
14018 Ashville Pike, Ashville, OH 43103, Harrison Township to the
Village of Ashville

Dear Ms. Grube:

As agent for the petitioners, I am required by Ohio Revised Code §709.023 to provide you notice that an annexation petition was filed with the Pickaway County Commissioners on September 22, 2023 at 9:15 am (the "Petition"). A true and accurate copy of the Petition is enclosed with this letter.

The Pickaway County Commissioners will vote upon whether to approve the annexation. Please do not hesitate to contact me at (614) 296-2386 if you have any questions.

**PLEASE NOTE, THIS IS NOT AN ANNEXATION OF YOUR PROPERTY.
IT IS AN ANNEXATION OF ONLY THE PARCELS LISTED IN THE PETITION.**

Sincerely,

GORDON REES SCULLY MANSUKHANI, LLP



Bruce A. Moore

Enclosures: 1

PETITION FOR ANNEXATION OF 2.432 ACRES, MORE OR LESS, IN HARRISON TOWNSHIP, PICKAWAY COUNTY, OHIO TO THE CITY OF ASHVILLE, OHIO UTILIZING THE SPECIAL PROCEDURE OF OHIO REVISED CODE SECTION 709.023, ET SEQ

Now come the undersigned petitioners, being one hundred percent (100%) of the owners of certain property, as hereinafter described, who are included in determining the number of owners needed to sign a petition for annexation and requests that their property be annexed to the Village of Ashville, Ohio. The territory proposed for annexation contains 2.432 acres, more or less, in Harrison Township, Pickaway County, and is contiguous to the boundary of the Village of Ashville, Ohio for five percent, or more, of the perimeter of the territory proposed for annexation. The undersigned understand the property will not be excluded from the township.

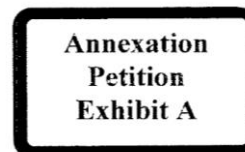
An accurate description of the perimeter of the territory sought to be annexed is attached hereto and made a part hereof as Exhibit "A." A map or plat of the above-described territory sought to be annexed is attached hereto and made a part hereof as Exhibit "B."

The annexation will not create an unincorporated area of township that is completely surrounded by the territory proposed for annexation.

There is no annexation agreement between the Village of Ashville and the township pursuant to R.C. 709.192 applicable to this annexation or an applicable Cooperative Economic Development Agreement (C.E.D.A.) pursuant to R.C. 701.07.

The number of owners in the territory sought to be annexed is two. The number of owners in the territory sought to be annexed required to be included in determining the number of owners needed to sign a petition is two. The number of owners who signed this Petition is two.

The owners who signed this petition by their signatures expressly waive their right to appeal in law or equity from the board of county commissioners' entry of any resolution passed under R.C. 709.023 and waive any right they may have to sue on any issue relating to a municipal



corporation requiring a buffer as provided in R.C. 709.023 and further waive any right to seek a variance that would relieve or exempt them from that buffer requirement.

Bruce A. Moore, Esq., Gordon & Rees Skully Mansukhani, 41 S. High St. Suite 2495, Columbus, OH 43215, (614) 296-2386, is hereby appointed agent for the undersigned petitioners, as required by R.C. 709.02; and said petitioners' agent is hereby authorized to make any amendments and/or deletions which in his/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 in this petition, map, plat or description in order to correct any discrepancy or mistake noted by the county engineer or others 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 or plat and description to the Board of County Commissioners on, before or after the date set for hearing of this petition unless otherwise specified by law.

“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.”

NAME

ADDRESS

DATE


George Hardbarger

14018 Ashville Pike
Ashville, OH 43103

17 September 2023


Samantha Hardbarger

14018 Ashville Pike
Ashville, OH 43103

9/17/23

Exhibit A**Legal Description**

Situated in the Township of Harrison, County of Pickaway and State of Ohio and being a part of the Northeast Quarter of Section 12, Township 2, Range 22, bounded and described as follows:

Tract 1:

Situated in the Township of Harrison, County of Pickaway and State of Ohio: Beginning at the corner stone at the Northwest corner to the tract, said stone being in the East and West Section Line and the North and South Half Section Line and the center of the Circleville Northern Road; thence S. 4 deg. 10' W. 150 feet with said Half-Section Line and the center of said road to a 1 inch pipe; thence S. 85 deg. E. 297 feet to a 1 Inch pipe in the line between this land and the land of Ralph Peters, passing a 1 inch pipe at 23¹/₂ feet; thence N. 4 deg. 10' E. 150 feet with said farm line to the corner stone in the Section Line; thence N. 85 deg. 20' W. 297 feet with the Section Line and the line between this tract and the land of Harry M. Trego to place of beginning. Containing 1.022 acres of land more or less. Situated in Harrison Township, Pickaway County, State of Ohio and in the Northeast Quarter of Section No. 12. Township No. 2. Range 22 M.S. and being in a 10.06 acre tract of land purchased by George Hardbarger et al of Jesse Barch, recorded in Deed Record Vol. 124, Page 580, Pickaway County. Containing 1.022 acres, more or less.

Prior Reference: O.R. Vol. 115, Page 589
O.R. Vol. 630, Page 2629
Deed Vol. 187, Page 17
Auditor's Parcel No. D12-0-001-00-107-00

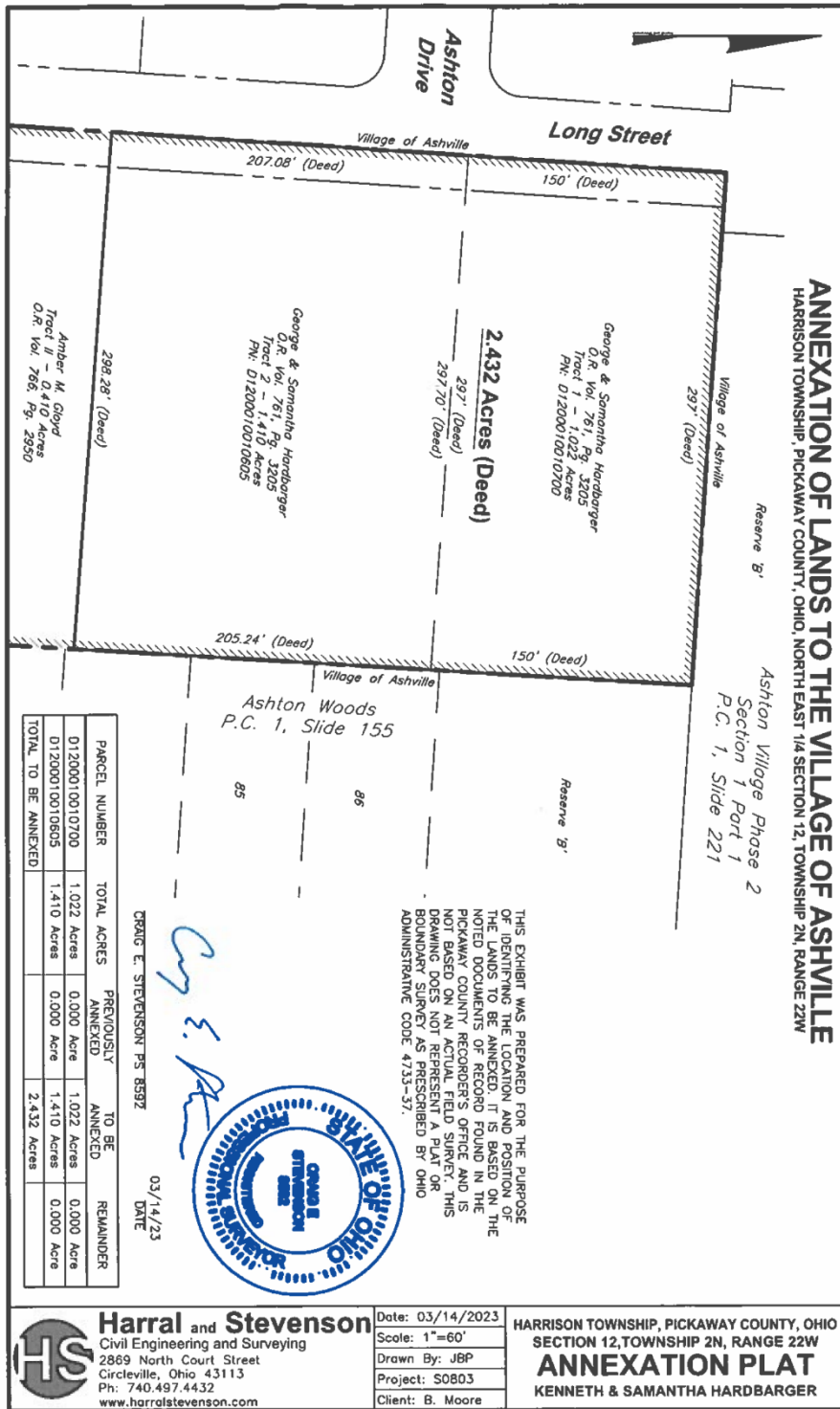
Tract 2:

Situated in the Township of Harrison, County of Pickaway and State of Ohio and being a part of the Northeast Quarter of Section 12, Township 2, Range 22 bounded and described as follows: Beginning at a P.K. nail set in the centerline of the Ashville Pike S. 4° 10' W. 150.00 feet distant from the northwest corner of the northeast quarter of Section 12, Township 2, Range 22; thence S. 85° 06' 40" E. 297.70 feet (passing a 1/4" iron pin found at 22.95 feet) to a point from which a 1/2" iron pin found bears S. 85° 06' 40" E. 1.05 feet distant; thence S. 4° 00' W. 205.24 feet to a point from which a 1/2" iron pin found bears S. 85° 28' E. 0.62 feet distant; thence N. 85° 28' W. 298.28 feet (passing a 1/2" rebar set at 273.28 feet) to a point in the centerline of the road; thence N. 4° 10' E. 207.08 feet to the place of beginning. Containing 1.410 acres, more or less.

This transfer to adjoining landowner has not been approved as a permanent homesite.

Prior Reference: O.R. Vol. 115, Page 590
O.R. Vol. 630, Page 2629
Deed Vol. 276, Page 87
Auditor's Parcel No. D12-0-001-00-107-00

Exhibit B



Parcel ID #	Owner Name	Owner Tax Mailing Address	Owner Mailing Address	Property Address or Site Address
D1200010010700	George & Samantha Hardbarger	14018 Ashville Pk., Ashville, OH 43013	14018 Ashville Pk., Ashville, OH 43013	
D1200010010605	George & Samantha Hardbarger	14018 Ashville Pk., Ashville, OH 43013	14018 Ashville Pk., Ashville, OH 43013	0 Ashville Pk.
D1300360002700	Ashton Village Phase 2 Homeowners Association		c/o Towne Properties 777A Dearborne Park Lane Worthington, OH 43085	
D1300360003600	Ashton Village Phase 2 Homeowners Association		c/o Towne Properties 777A Dearborne Park Lane Worthington, OH 43085	
D1300340002000	Mark Conrad	555 Davidson Dr., Ashville, OH 43103	555 Davidson Dr., Ashville, OH 43103	555 Davidson Dr.
D1300340001900	Daniel Mabe	551 Davidson Dr., Ashville, OH 43103	551 Davidson Dr., Ashville, OH 43103	551 Davidson Dr.
D1300340001800	Christopher and Christina Weaver	547 Davidson Dr., Ashville, OH 43103	547 Davidson Dr., Ashville, OH 43103	547 Davidson Dr.
D1200010010604	Amber Gloyd	24 Bloomfield Hills Dr., Ashville, OH 43013	14100 Ashville Pk., Ashville, OH 43103	0 Ashville Pk.
D1300050000212	Linda Summers		523 Long St., Ashville, OH 43103	523 Long St.
D1300050000211	Shelby Shoemaker		2 Ashton Dr., Ashville, OH 43103	2 Ashton Dr.
D1300050000205	Joel Olsen		1 Ashton Dr., Ashville, OH 43103	1 Ashton Dr.