

**CITY OF DELAWARE  
NOTICE OF CITY COUNCIL WORK SESSION  
COUNCIL CHAMBERS  
6:30 P.M. MEETING**

**AGENDA**

**6:30 PM**

**OCTOBER 17, 2022**

**BEGINNING MAY 31, 2022 THE ELEVATORS AT CITY HALL WILL BE SHUT DOWN AND UNAVAILABLE. TO ENSURE ADA COMPLIANCE, ALL PUBLIC MEETINGS WILL BE STREAMED LIVE AT CITY HALL UNDER "EVENTS" AT [WWW.DELAWAREOHIO.NET](http://WWW.DELAWAREOHIO.NET). ACCOMODATIONS OF A SATELLITE LOCATION WILL BE SET UP ON THE FIRST FLOOR LOBBY AREA WHICH WIILL INCLUDE THE ABILITY TO PROVIDE PUBLIC COMMENT WHEN APPROPRIATE. FOR FURTHER INFORMATION PLEASE EMAIL [EMCCLOSKEY@DELAWAREOHIO.NET](mailto:EMCCLOSKEY@DELAWAREOHIO.NET) OR CALL 740-203-1013.**

- 1. ROLL CALL**
- 2. EXECUTIVE SESSION: pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action**
- 3. PRESENTATION AND DISCUSSION**
  - A. City Utility (Wastewater and Water) Boundaries and Annexation Policy - See Attachments**
- 4. CONSIDERATION OF RESOLUTION NO. 22-50**

Resolution No. 22-50, a resolution indicating what services the City of Delaware will provide to 107.55± acres of land, more or less, description and map are attached hereto for the annexation known as the Donovan Farms, LLC Annexation by Michael R. Shade, agent for the petitioners.
- 5. ADJOURNMENT**



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** October 17, 2022

**SUBMITTED BY:** Elaine McCloskey

**ITEM TYPE:** Presentation

**AGENDA SECTION:** **PRESENTATION AND DISCUSSION**

**SUBJECT:** City Utility (Wastewater and Water) Boundaries and Annexation Policy - See Attachments

## SUGGESTED ACTION:

### ATTACHMENTS:

[Utility Boundary Memo.pdf](#)

[City-County Sewer Agreement.PDF](#)

[City-Delco Water Agreement.PDF](#)

[Utility Boundary Agreements.pdf](#)

[annexation discussion worksession memo\\_10\\_17\\_22.pdf](#)



## MEMORANDUM

TO: City Council  
FROM: Blake Jordan  
DATE: 10/12/2022  
RE: Summary of Boundary Agreements

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Attached to this memo are the three agreements the City of Delaware has entered regarding service boundaries. The first is with Del-Co Water Company, which details an entire boundary agreement, signed in January 2003. The second and third are with the Delaware County Regional Sewer District, and describe the Southwest, South, and Southeast boundary zones. County agreements were entered into in 2007 and 2008.

The nature of all three agreements were to facilitate proper system planning with the avoidance of wasteful duplications, as well as the avoidance of potential dispute or litigation over service areas.

While the agreements generally dictate that no new lines may be constructed within the other party's service zone, there are instances where Del-Co waterlines were already in place inside of the City's boundary. In those cases, Del-Co may still serve existing and new customers from already installed mains.

Each agreement uses a color map with legend, indicating the service areas being agreed to. Additionally, in the Southwest agreement with the County an area is indicated as servable by either party, but annexation would not be required should the City provide sewer service.

## AGREEMENT BETWEEN DELAWARE COUNTY AND THE CITY OF DELAWARE CONCERNING THE PROVISION OF SANITARY SEWER SERVICE IN THE AREA SOUTHWEST OF THE CITY OF DELAWARE

The City of Delaware, Ohio and Delaware County, Ohio for the mutual consideration set forth herein and for other good and valuable consideration, receipt of which is acknowledged by both parties hereby agree as follows:

1. In order to resolve any potential future dispute over the sanitary sewer service areas of the City and County located in the general vicinity of State Route 42, Section Line Road, Freshwater Road and Bunty Station Road, the parties have prepared a color map, attached hereto as Exhibit A, incorporated herein and referenced as to the various agreements set forth herein.
2. The City and County agree that the City shall serve the area on the map designated County – City Agreement Area and that this area shall not be served by the County except as agreed upon in writing.
3. The City and County agree that the City and the County may both serve the area on the map designated City County Service Area 2007 as it extends north to State Route 36, also known as Marysville Road and, if served by the City, that annexation would not be required to obtain City sanitary sewer service.
4. The City and County agree that the County shall serve the area on the map designated Lower Scioto WRF Service Area and that this area shall not be served by the City except as agreed upon in writing.

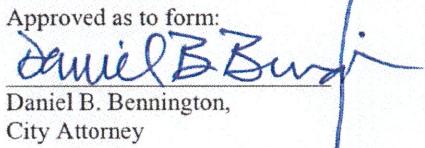
This agreement shall be effective on the date that the last signature is affixed hereto. Electronic versions of this agreement shall be considered the same as originals.

Witness our signatures as set forth below.

Approved as to form:

  
David Yost  
Delaware County Prosecutor

Approved as to form:

  
Daniel B. Bennington,  
City Attorney

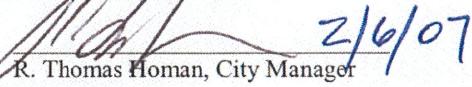
Delaware County, Ohio, by

  
James Ward, Commissioner, date  
1-29-07

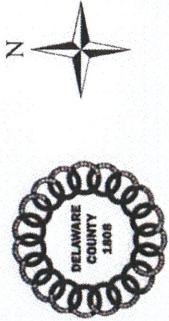
  
Kris Jordan, Commissioner, date

  
Glen Evans, Commissioner

City of Delaware, Ohio, by

  
R. Thomas Homan, City Manager  
2/6/07

**EXHIBIT A - AGREEMENT BETWEEN DELAWARE COUNTY  
AND THE CITY OF DELAWARE CONCERNING  
THE PROVISION OF SANITARY SEWER  
SERVICE IN THE AREA SOUTHWEST  
OF THE CITY OF DELAWARE**



### Legend

-  City of Delaware Water Service Area
-  Corporation Limits- Jan 2007
-  Township Boundary - Jan 2007
-  City-County Service Area Jan 2007
-  County-City Agreement Area
-  Lower Scioto Service Area
-  Delaware Co. Regional Sewer District Service Area



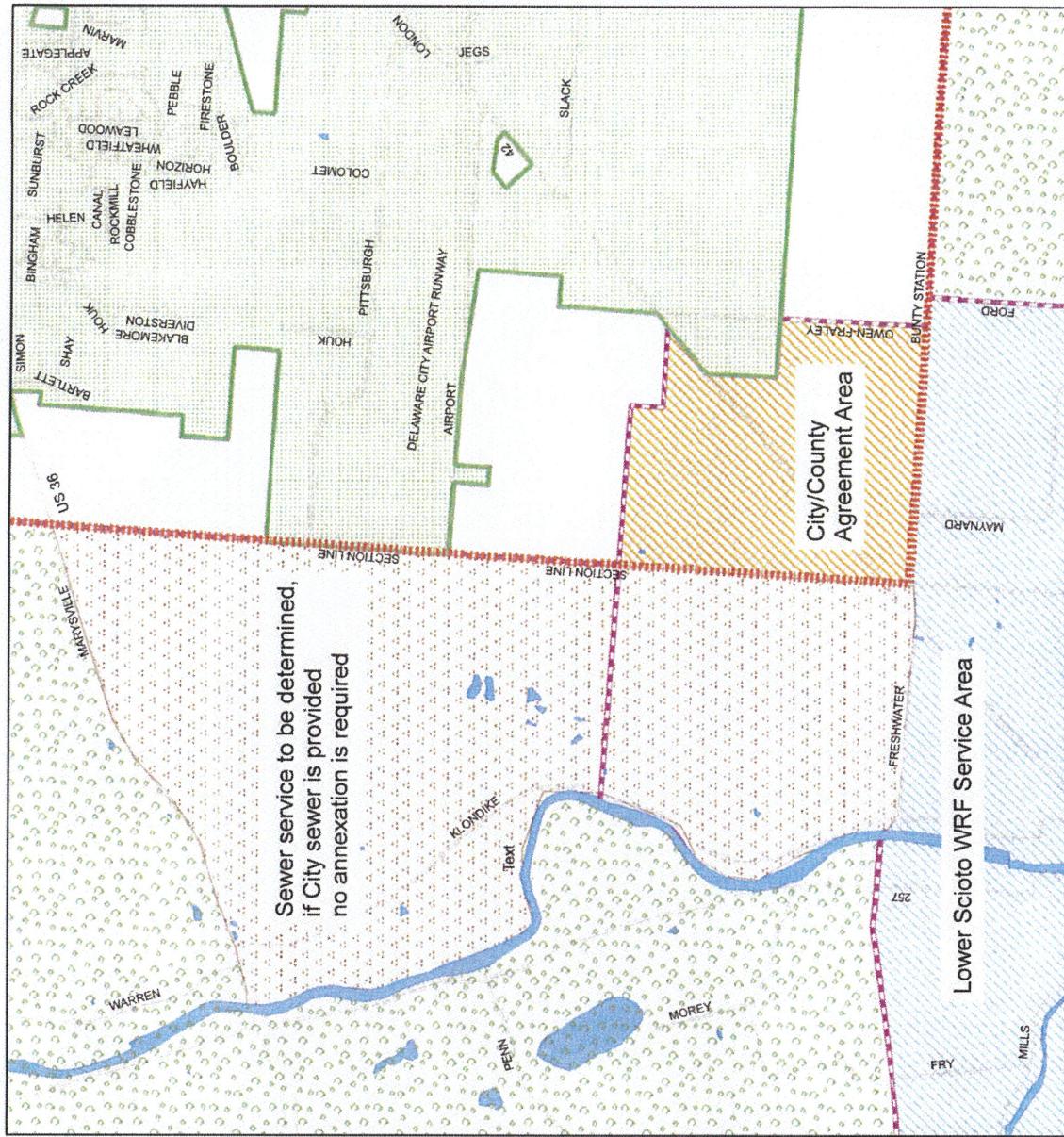
Prepared by  
Delaware County  
Division of Environmental Services  
January 24, 2007

Lower Scioto WRF Service Area

**City/County  
Agreement Area**

Lower Scioto WRF Service Area

## COUNTY/CITY SEWER SERVICE AREAS





# Delaware County Commissioners

Glenn A. Evans

Kris Jordan

James D. Ward

County Administrator

David Cannon

Clerk to the Commissioners

Letha George

RESOLUTION NO. 07-119

**IN THE MATTER OF APPROVING AN AGREEMENT BETWEEN DELAWARE COUNTY AND THE CITY OF DELAWARE CONCERNING THE PROVISION OF SANITARY SEWER SERVICE IN THE AREA SOUTHWEST OF THE CITY OF DELAWARE:**

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the following:

**Agreement Between Delaware County And The City Of Delaware Concerning The Provision Of Sanitary Sewer Service In The Area Southwest Of The City Of Delaware**

The City of Delaware, Ohio and Delaware County, Ohio for the mutual consideration set forth herein and for other good and valuable consideration, receipt of which is acknowledged by both parties hereby agree as follows:

1. In order to resolve any potential future dispute over the sanitary sewer service areas of the City and County located in the general vicinity of State Route 42, Section Line Road, Freshwater Road and Bunty Station Road, the parties have prepared a color map, attached hereto as Exhibit A, incorporated herein and referenced as to the various agreements set forth herein.
2. The City and County agree that the City shall serve the area on the map designated County – City Agreement Area and that this area shall not be served by the County except as agreed upon in writing.
3. The City and County agree that the City and the County may both serve the area on the map designated City County Service Area 2007 as it extends north to State Route 36, also known as Marysville Road and, if served by the City, that annexation would not be required to obtain City sanitary sewer service.
4. The City and County agree that the County shall serve the area on the map designated Lower Scioto WRF Service Area and that this area shall not be served by the City except as agreed upon in writing.

This agreement shall be effective on the date that the last signature is affixed hereto. Electronic versions of this agreement shall be considered the same as originals. Witness our signatures as set forth below.

Vote on Motion

Mr. Ward

Aye

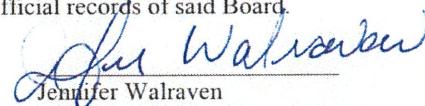
Mr. Jordan

Aye

Mr. Evans

Aye

I, Jennifer Walraven, Assistant Clerk of the Board of County Commissioners hereby certify that the foregoing is a true and correct copy of a resolution of the Board of County Commissioners of Delaware County duly adopted on January 29, 2007, and appearing upon the official records of said Board.



Jennifer Walraven  
Assistant Clerk to Commissioners

Delaware County Commissioners, 101 North Sandusky Street, Delaware, Ohio 43015

(740) 833-2100

(740) 548-7313

FAX: (740) 833-2099

E-mail: county@co.delaware.oh.us

AGREEMENT BETWEEN DELAWARE COUNTY AND THE CITY OF  
DELAWARE CONCERNING THE PROVISION OF SANITARY SERVICE IN THE  
AREA SOUTH AND SOUTHEAST OF THE CITY OF DELAWARE

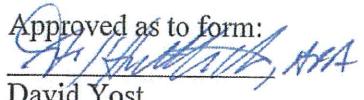
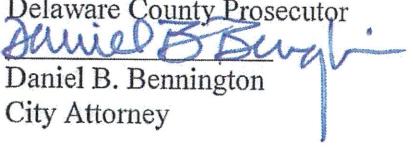
The City of Delaware, Ohio and Delaware County, Ohio for the mutual consideration set forth herein and for other good and valuable consideration, receipt of which is hereby acknowledged by both parties, hereby agree as follows:

1. In order to resolve any potential future dispute over the sanitary sewer service areas of the City and County located in the general area on the West from Ford Road on the South by Bunty Station Road, the Olentangy River, the Southern City Water Service Area and Peachblow Road; on the East by the Conrail Railroad from Peachblow Road to Baker Road, the parties have prepared a color map, attached hereto as Exhibit A, incorporated herein and referenced as to the various agreements set forth herein.
2. The City and County agree that the City shall provide sanitary sewer service to the area on the map designated City Sanitary Service Area. This area shall not be served by the County, except as agreed upon by the parties hereto in writing. The County understands and agrees that, in this area, annexation to the City is a prerequisite to the City's provision of sanitary sewer service, subject to the following exception: single family residences in this area existing as of this agreement are not required to annex, unless and until the existing single family residence in this area existing as of the date of this agreement transfers ownership and becomes contiguous to the City.
3. The City and County agree that the County shall provide sanitary sewer service to the area on the map designated as County Sanitary Service Area. This area shall not be served by the City, except as agreed upon by the parties hereto in writing.
4. Available sewer capacity for sanitary sewer service within the County Sanitary Sewer Service Area shall be determined by the County. In the event that lands within the County Sanitary Sewer Service Area are annexed, the provision of additional capacity above that of the sewer design criteria for the annexed lands will be the responsibility of the entity desiring sanitary sewer capacity as approved by the County.
5. An election to not enforce any provision of this Agreement shall in no way constitute an election to not enforce a provision in any prior, concurrent, or subsequent occurrence. Any election to not enforce any provision of this Agreement shall not be binding upon the party making the election in any prior, concurrent, or subsequent occurrence. No waiver of breach of any provision of this Agreement shall in any way constitute a waiver of any prior, concurrent, or subsequent breach of this Agreement or any provision of this Agreement shall be deemed waived, and no breach excused, unless waiver or consent is expressly made in writing by the party claimed to have waived or consented.

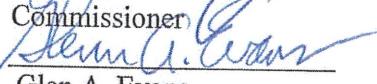
6. The City and County agree that the County will notify the City in writing when a request is made to the County for sanitary sewer service within the City sanitary sewer service area and the City will notify the County in writing when a request for sanitary sewer service is made to the City within the County sanitary sewer service area.

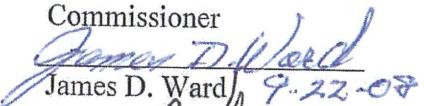
This agreement shall be effective on the date that the last signature is affixed hereto. Electronic versions of this agreement shall be considered the same as originals.

Approved as to form:

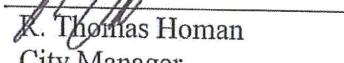
  
David Yost  
Delaware County Prosecutor  
  
Daniel B. Bennington  
City Attorney

Delaware County, Ohio by

  
Kristopher W. Jordan,  
Commissioner  
  
Glen A. Evans  
Commissioner

  
James D. Ward 9-22-08  
Commissioner

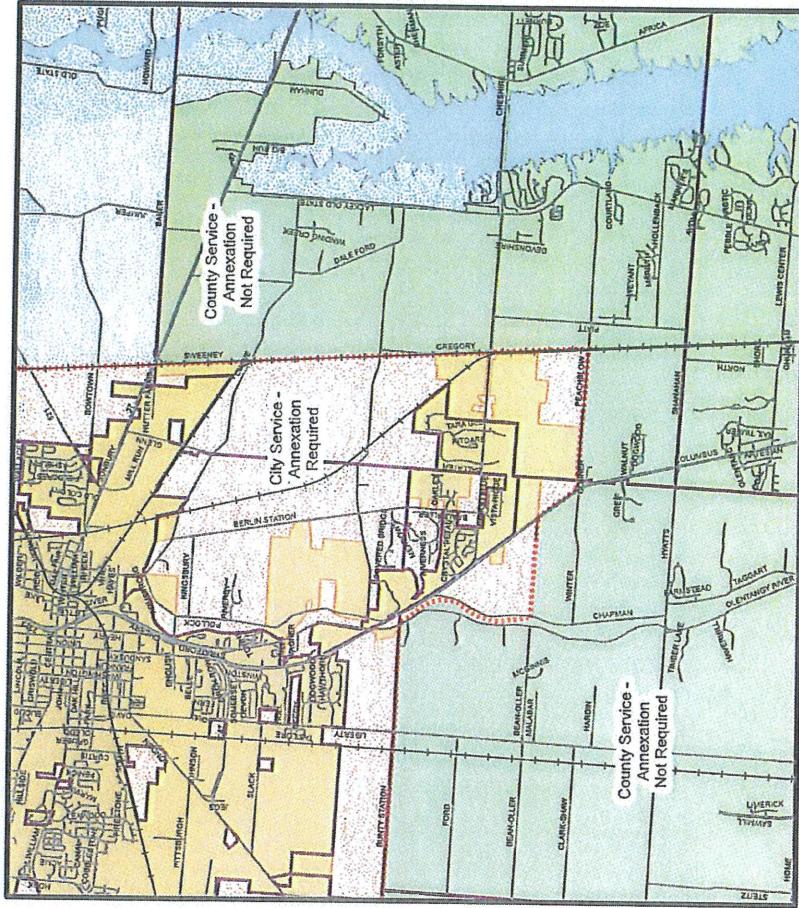
City of Delaware, by

  
K. Thomas Homan  
City Manager

**EXHIBIT A**

**AGREEMENT BETWEEN**  
**THE CITY OF DELAWARE AND DELAWARE COUNTY**  
**CONCERNING THE PROVISION OF SANITARY SEWER**  
**SERVICE IN THE AREAS EAST AND SOUTHEAST**  
**OF THE CITY OF DELAWARE**

**CITY / COUNTY SEWER SERVICE AREA**

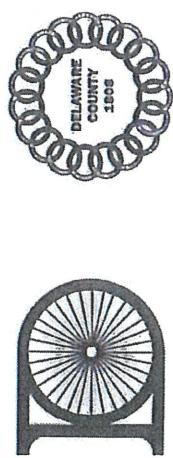


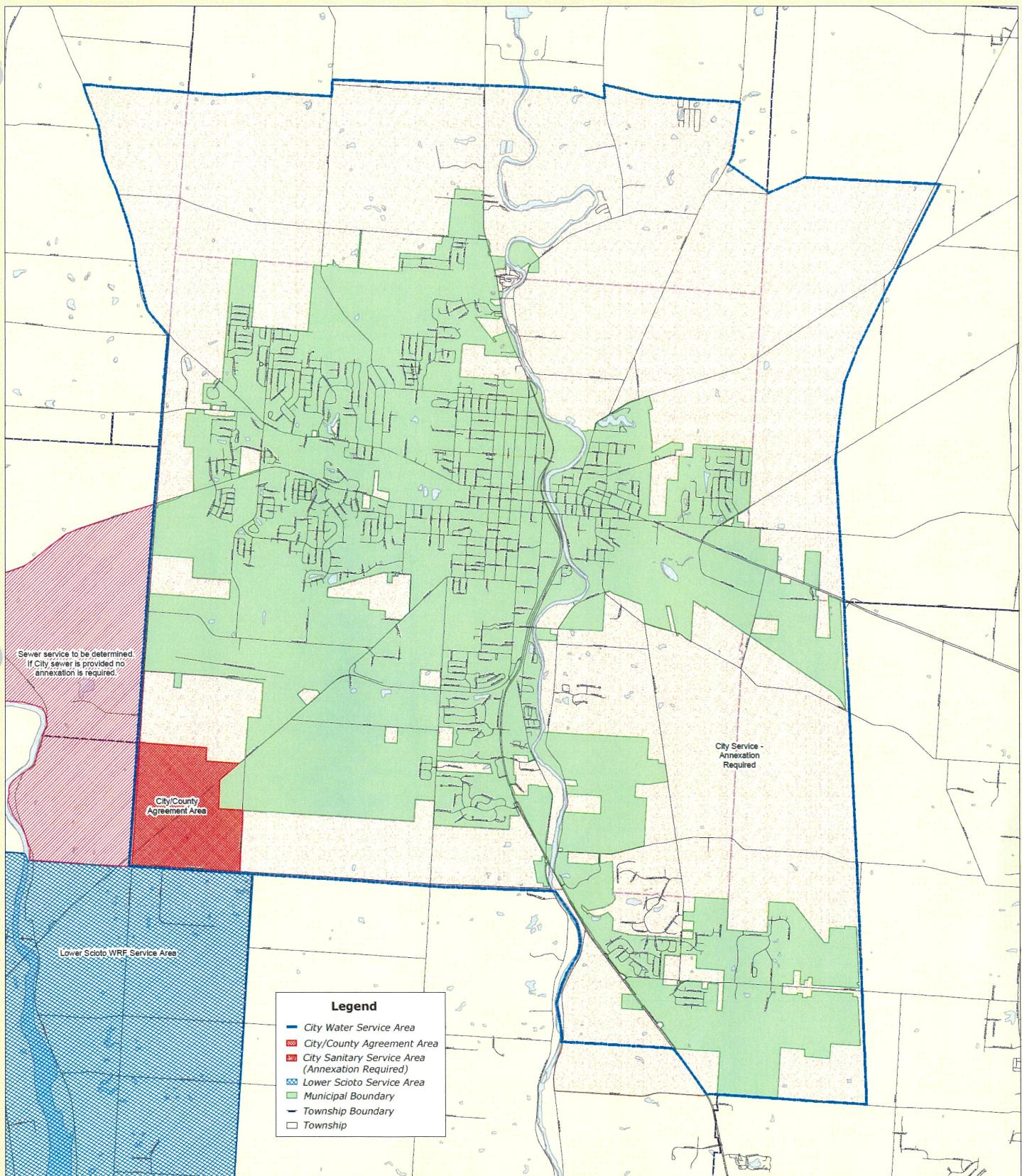
Prepared by  
 Delaware County  
 Division of Environmental Services  
 September 2007  
 Revised June 2008

0 4,125 8,250 16,500 24,750 33,000 Feet



**NOTE:**  
 Single-family residences existing as of (date) are  
 not required to annex, as provided in the Agreement,  
 to the City of Delaware if provided City sanitary sewer service.





## City/County Sewer Service Areas

### DISCLAIMER

This map is a representation of compiled public information. It is believed to be accurate and does not reflect the stated boundaries, but the City of Delaware and its employees make no guarantees implied or otherwise to the accuracy or completeness. While efforts do not occur any guarantee is made to its use. This map is a survey and is not to be used for design. No part of this map may be reproduced or transmitted in any means without the express and written permission of the City of Delaware or its department. CDD does not accept a request regarding the methods used to produce this map and they can be furnished upon request.



Prepared by Delware CDD March 20, 2002

AGREEMENT

THIS AGREEMENT made and entered into as of this 6<sup>th</sup> day of January, 20073 by and between **DEL-CO WATER COMPANY, INC.**, an Ohio corporation having its principal place of business at 6773 Olentangy River Road, Delaware, Ohio, hereinafter referred to as "Del-Co", and the **CITY OF DELAWARE, OHIO**, an Ohio municipal corporation, hereinafter referred to as "Delaware".

WITNESSETH:

WHEREAS, Del-Co and Delaware operate public water systems serving residents and businesses in Delaware County and the City of Delaware, Ohio; and

WHEREAS, Del-Co and Delaware have been and are continually expanding their respective water systems to meet the present and future needs of the citizens of Delaware County and the City of Delaware, Ohio; and

WHEREAS, in expanding their respective systems, Del-Co and Delaware are desirous of facilitating system planning and avoiding wasteful duplication and potential litigation, all of which can be best accomplished through a cooperative agreement; and

WHEREAS, the Delaware City Council enacted Resolution 02-41 authorizing the execution of this agreement.

NOW, THEREFORE, Del-Co and Delaware hereby agree as follows:

1. As between Del-Co and Delaware, Del-Co shall have the sole and exclusive right to provide water utility services to all portions of Delaware

County, Ohio not shown on the map attached hereto as Exhibit A as the area reserved for service by Delaware; and Delaware shall have the sole and exclusive right to provide water utility services to that portion of Delaware County, Ohio shown on the map attached hereto as Exhibit A as the area reserved for service by Delaware, subject to the following qualifications:

A. In the event that property within Del-Co's Delaware County service area might become annexed to Delaware, Del-Co agrees to provide all water utility services, including fire protection services, to Delaware's published construction and code requirements to the property so annexed or permit Delaware to provide such services. Should Del-Co elect not to provide such services to the property so annexed or to be annexed, it shall so notify Delaware within thirty (30) days of a request by Delaware or by affected property owners, in which event Delaware shall have the right to provide such services. Should Del-Co initially elect not to provide such services to property to be annexed and should the proposed annexation fail, Del-Co shall not be deemed to have permanently waived its sole and exclusive right to provide water utility services within the affected area; and the foregoing notice procedure must be followed with respect to any future annexation or proposed annexation of said property or area.

B. Del-Co's agreement to provide all water utility services to Delaware's published construction and code requirements under the circumstances described in Paragraph A above shall be strictly limited to the construction and code requirements described in Exhibit B and shall not be

construed to extend to such matters as the rates or fees to be charged, line extension policies and agreements, operating policies and procedures, water quality, or general system requirements, which shall remain under the exclusive authority and discretion of Del-Co within the annexed area.

C. Upon initiation of any annexation proceedings pursuant to Chapter 709 of the Ohio Revised Code and upon Delaware's request or the request of the affected property owners, should Del-Co elect to provide water utility services to the affected area, Del-Co shall provide Delaware with a statement regarding its intention so as to enable Delaware to adopt the resolution of services required by Chapter 709 of the Ohio Revised Code (Ohio's Annexation Law).

D. Del-Co reserves the right to continue service to its existing customers and to extend service to new customers who desire to receive service from existing service lines within the area shown in Exhibit A as the area reserved as Delaware's service area.

E. Del-Co also reserves the right, if requested, to provide service within the area shown in Exhibit A as the area reserved as Delaware's service area if Delaware fails or refuses to do so provided that Delaware is given reasonable notice of any such request and a reasonable opportunity to provide the requested service.

F. The reservations set forth in Paragraphs D and E above shall not be construed as imposing any obligation on Del-Co to provide any service as a result of this Agreement.

G. The reservation and delineation of service areas as depicted in Exhibit A shall not prohibit either party from extending water lines through the other party's service area or from establishing water storage facilities therein provided that such line extensions or water storage facilities shall not be used to provide service within the other party's service area except as otherwise provided in this Agreement.

H. The RECDS must approve the delineation of service areas set forth in Paragraph A above, if required.

2. In all areas subject to this Agreement in which Delaware provides sanitary sewer service and Del-Co provides water service, Del-Co will use its best efforts to provide Delaware with monthly water usage information for Delaware's sanitary sewer customers in a manner, form, and time frame which will facilitate Delaware's billing for sewer usage subject to the parties' mutual compliance with any applicable privacy laws, rights, or privileges and to reimbursement of Del-Co by Delaware of any costs incurred in providing such information.

3. This Agreement shall not become effective until all approvals necessary to effectuate all portions of the Agreement have been obtained, and Del-Co and Delaware will proceed as expeditiously as possible to obtain such approvals.

4. The parties each acknowledge that the other party has meritorious claims under state and federal law whereby each might attempt to lawfully preclude the other from providing water utility services to the service areas

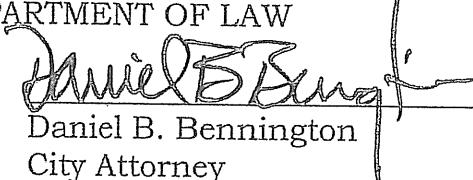
reserved respectively to each of them by this Agreement and that each of them has agreed to forego any and all of such claims in order to obtain, mutually, the objects and purposes of this Agreement which each believes to be in the best interest of its citizens and customers and in the public interest as a whole.

5. Immediately upon the execution of this Agreement, the parties will cooperate in good faith to establish and construct such interconnections between their respective water systems as they consider and deem mutually beneficial, each of which shall be the subject of a separate agreement.

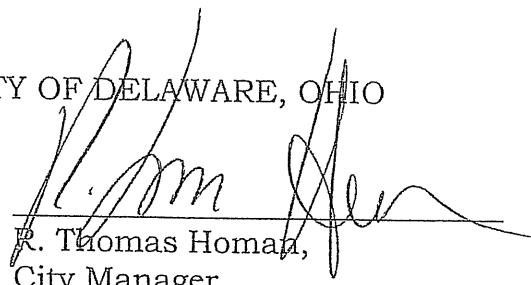
IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written by officers or agents duly authorized in the premises.

Approved as to form:

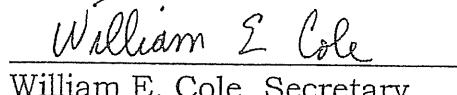
CITY OF DELAWARE  
DEPARTMENT OF LAW

By:   
Daniel B. Bennington  
City Attorney

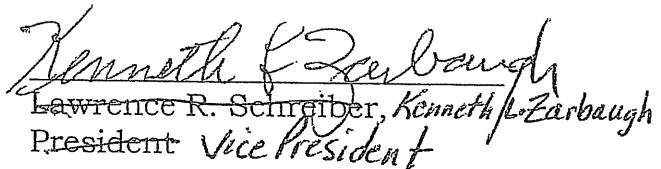
CITY OF DELAWARE, OHIO

By:   
R. Thomas Homan,  
City Manager

Attest:

By:   
William E. Cole  
Secretary

DEL-CO WATER COMPANY, INC.

By:   
Lawrence R. Schreiber, Kenneth L. Zarbaugh  
President Vice President

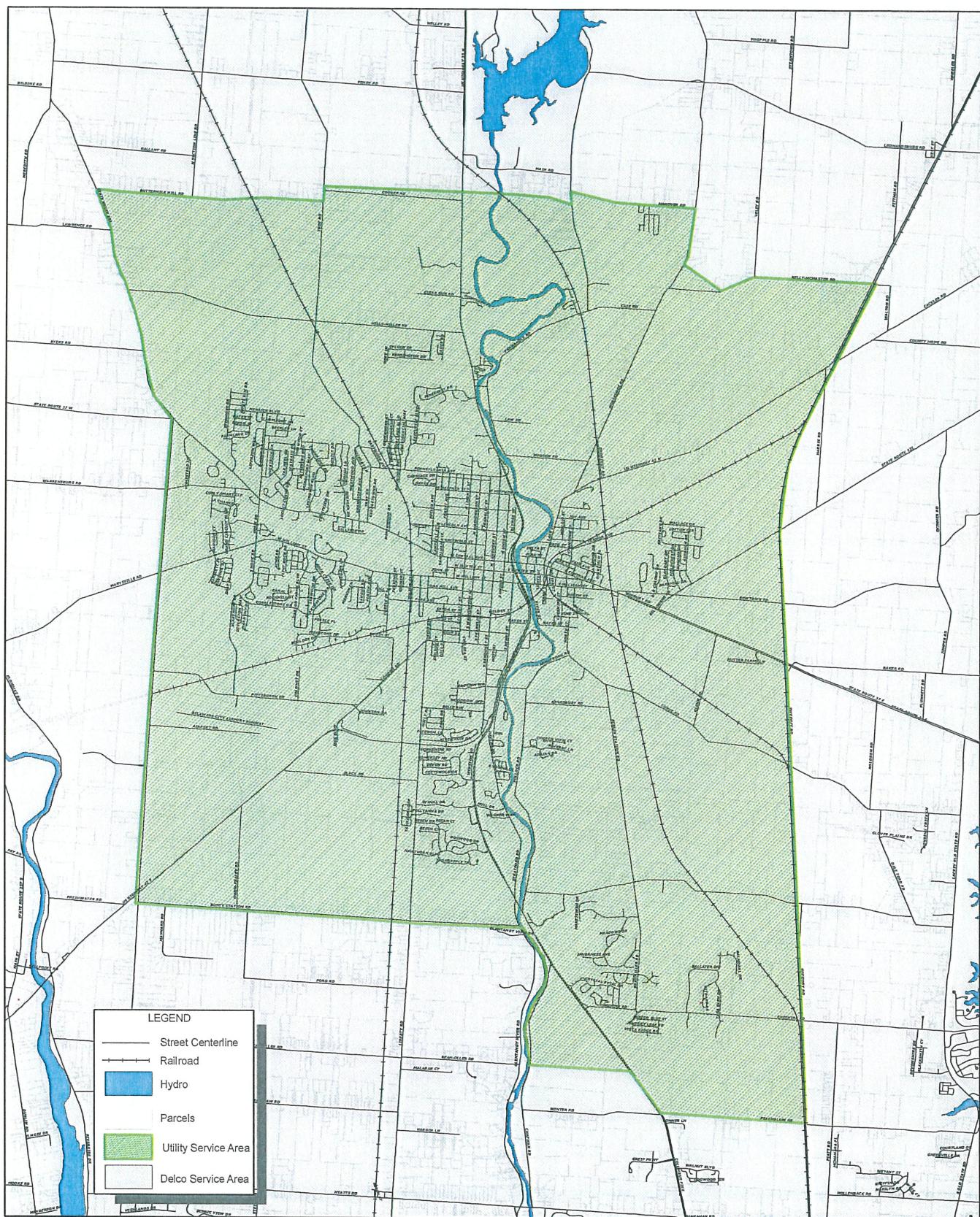
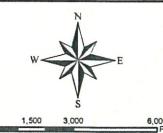


EXHIBIT "A"  
CITY OF DELAWARE - DELCO WATER COMPANY  
WATER DISTRIBUTION SERVICE AREA AGREEMENT

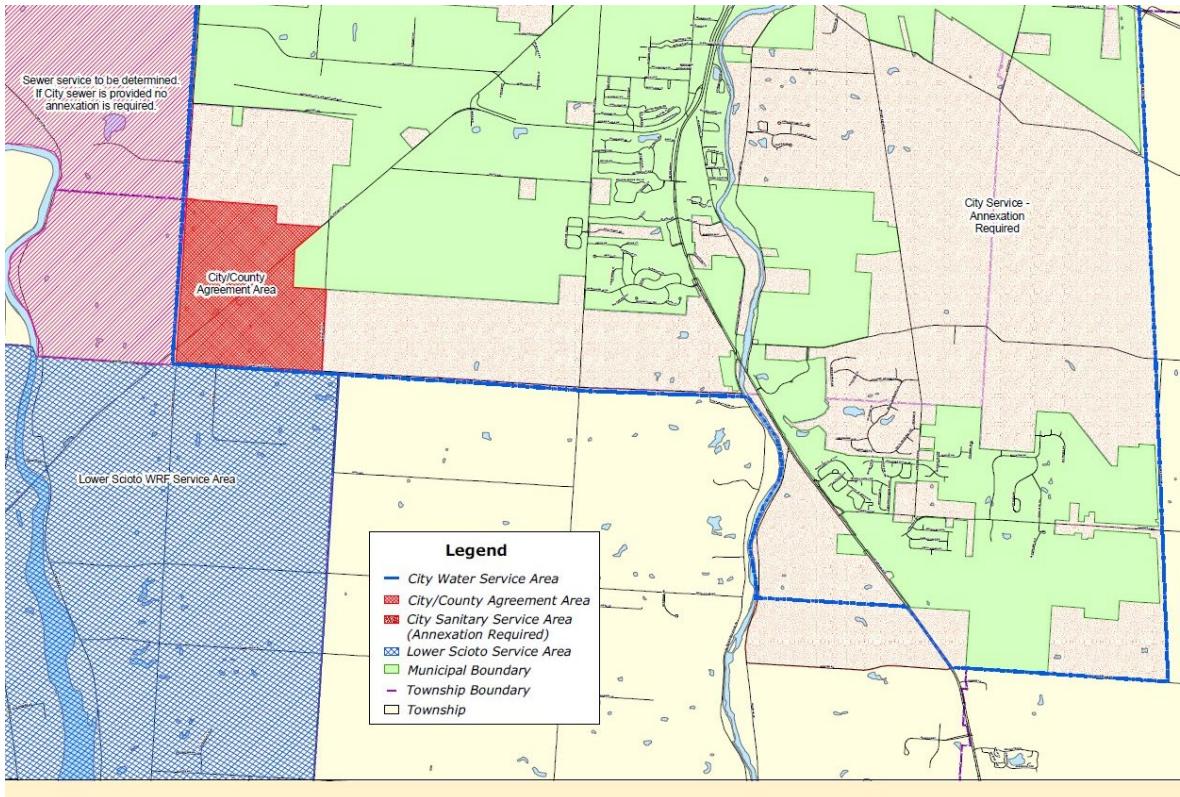




# Utility Boundary Agreements

Public Utilities | 10/17/2022

# Agreements



## 3 Current Boundary Agreements

Del-Co Water Company – January 6, 2003

-Full Boundary Agreement

Delaware County Regional Sewer – February 6, 2007

-Southwest Area Agreement (Shown)

Delaware County Regional Sewer – September 22, 2008

- South and Southeast Areas

# Utility Service Outside of Municipal Boundary



LET THE FOLLOWING BE KNOWN: Parcel ID: \_\_\_\_\_

That (name) \_\_\_\_\_, ( marital status S / M ), at Delaware, Ohio, is the owner of the following described real estate:

See Description in attached Deed, also known as (address) \_\_\_\_\_

For the last conveyance, see Deed Book         , Page         , Recorder's Office, Delaware County, Ohio.

The undersigned declare, pursuant to the requirement mandated by the City of Delaware, Ohio, in order for the said (name) \_\_\_\_\_ to tap into the City of Delaware water supply system, that at such time as the above-described real estate is or becomes contiguous to the City of Delaware, he, and his successors, heirs or assigns shall immediately prepare and file an annexation petition pursuant to the grantor(s), and successors, heirs or assigns shall immediately prepare and file an annexation petition pursuant to ORC 709.02 for such real estate to be annexed to the City of Delaware. Further, if an annexation petition is presented to him, his successors, heirs or assigns, which would permit the annexation of such real estate to the City of Delaware, he agrees, on behalf of himself, his successors, heirs or assigns, to join in such petition.

Further, this restriction shall run with the land and shall inure to the benefit of the City of Delaware, so that in the event that (name) \_\_\_\_\_, his/her successors, heirs or assigns, shall violate this restriction and fail to annex such real estate when it become contiguous to the City of Delaware, or fails to join an annexation petition upon its presentation, the City of Delaware shall be entitled to enforce the restriction by means of an appropriate action of law or equity and to recover its costs.

By signing this agreement, the undersigned does not waive or release, and specifically reserves all of his legal rights.

WITNESS his hand this \_\_\_\_\_ day of \_\_\_\_\_ (month) \_\_\_\_\_ (year)

SIGNED AND ACKNOWLEDGED IN  
THE PRESENCE OF:

STATE OF OHIO,  
COUNTY OF DELAWARE, SS:

Before me, a Notary Public in and for said County and State, personally appeared the above named , who acknowledged that he did sign the foregoing instrument and that the same is his free and voluntary act and deed.

---

Notary Public

## Agreement to Annex Form

All new requests for service located outside of the City must submit a completed agreement to annex form

Agreement is notarized and filed with the County Recorder to remain with the property

Upon becoming contiguous property owner is obligated to petition for annexation in order to remain a utility customer

# Utility Service Outside of Municipal Boundary



LET THE FOLLOWING BE KNOWN:

Parcel ID: \_\_\_\_\_

That (name) \_\_\_\_\_ (marital status S / M ), at Delaware, Ohio, is the owner of the following described real estate:

See Description in attached Deed, also known as (address) \_\_\_\_\_

For the last conveyance, see Deed Book \_\_\_\_\_, Page \_\_\_\_\_, Recorder's Office, Delaware County, Ohio.

The undersigned declare, pursuant to the requirement mandated by the City of Delaware, Ohio, in order for the said (name) \_\_\_\_\_ to tap into the City of Delaware water supply system, that at such time as the above-described real estate is or becomes contiguous to the City of Delaware, he, and his successors, heirs or assigns shall immediately prepare and file an annexation petition pursuant to the grantor(s), and successors, heirs or assigns shall immediately prepare and file an annexation petition pursuant to ORC 709.02 for such real estate to be annexed to the City of Delaware. Further, if an annexation petition is presented to him, his successors, heirs or assigns, which would permit the annexation of such real estate to the City of Delaware, he agrees, on behalf of himself, his successors, heirs or assigns, to join in such petition.

Further, this restriction shall run with the land and shall inure to the benefit of the City of Delaware, so that in the event that (name) \_\_\_\_\_, his/her successors, heirs or assigns, shall violate this restriction and fail to annex such real estate when it become contiguous to the City of Delaware, or fails to join an annexation petition upon its presentation, the City of Delaware shall be entitled to enforce the restriction by means of an appropriate action of law or equity and to recover its costs.

By signing this agreement, the undersigned does not waive or release, and specifically reserves all of his legal rights.

WITNESS his hand this \_\_\_\_\_ day of \_\_\_\_\_ (month) \_\_\_\_\_ (year)

SIGNED AND ACKNOWLEDGED IN  
THE PRESENCE OF:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF OHIO,  
COUNTY OF DELAWARE, SS:

Before me, a Notary Public in and for said County and State, personally appeared the above named: \_\_\_\_\_, who acknowledged that he did sign the foregoing instrument and that the same is his free and voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Delaware, Ohio, this day of \_\_\_\_\_ (month) \_\_\_\_\_ (year)

\_\_\_\_\_  
Notary Public

## 913.20(c) and 917.21(c)

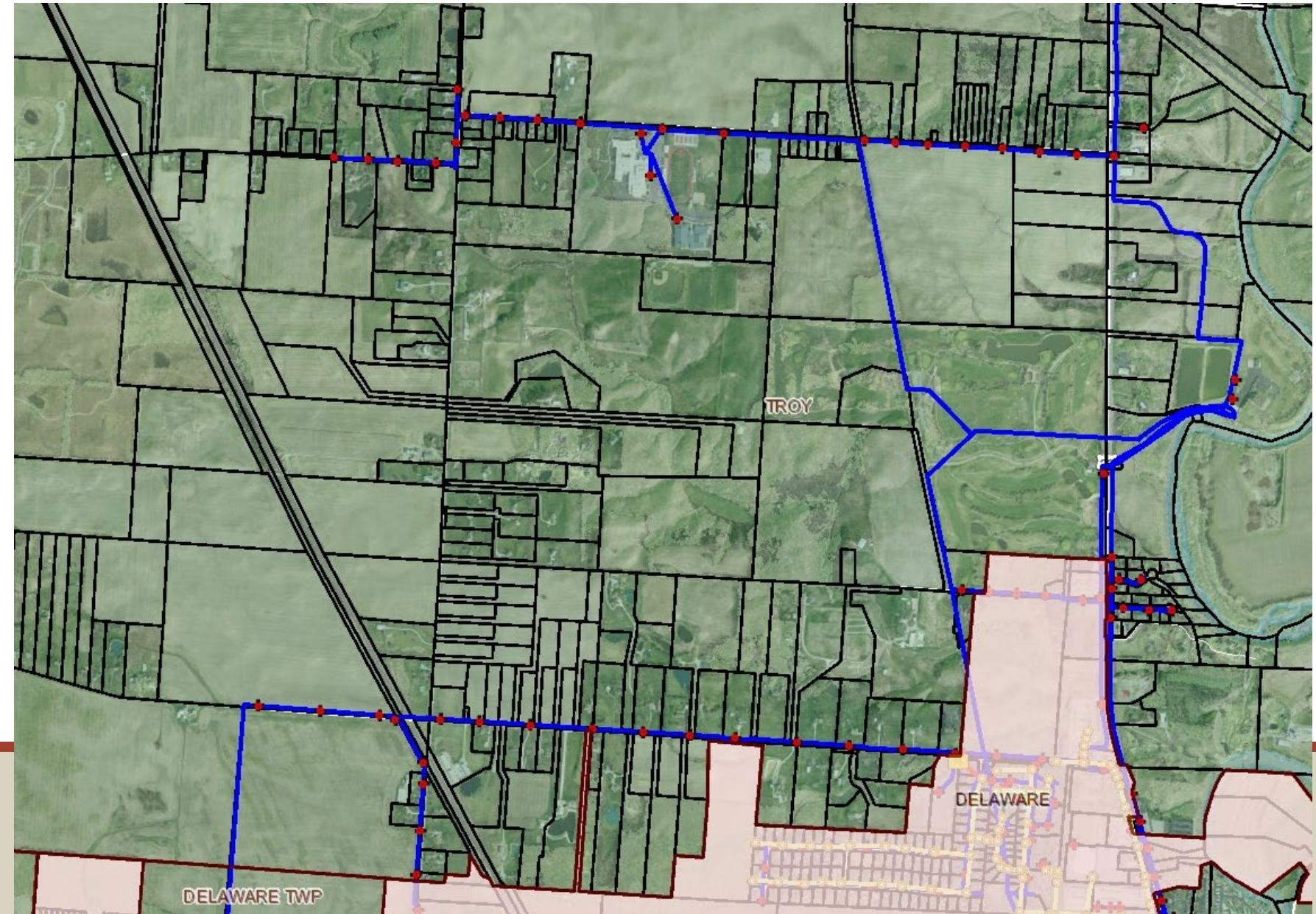
(c) Existing customers or new water (sanitary sewer) connection permits issued for properties located outside of the City limits will be charged the above mentioned fee on condition that the owner of the property to be served shall, within sixty days of the time said property becomes contiguous to the City of Delaware, prepare and file or join in the preparation and filing of an annexation petition pursuant to Ohio R.C. 709.02 for such property to be annexed to the City of Delaware. The failure of any such nonresident wastewater customer to comply with this condition shall be grounds for immediate termination of sanitary sewer service to the property.

# Unannexed Areas with Service

There are currently 168 water and 88 sewer service connections outside of City boundaries

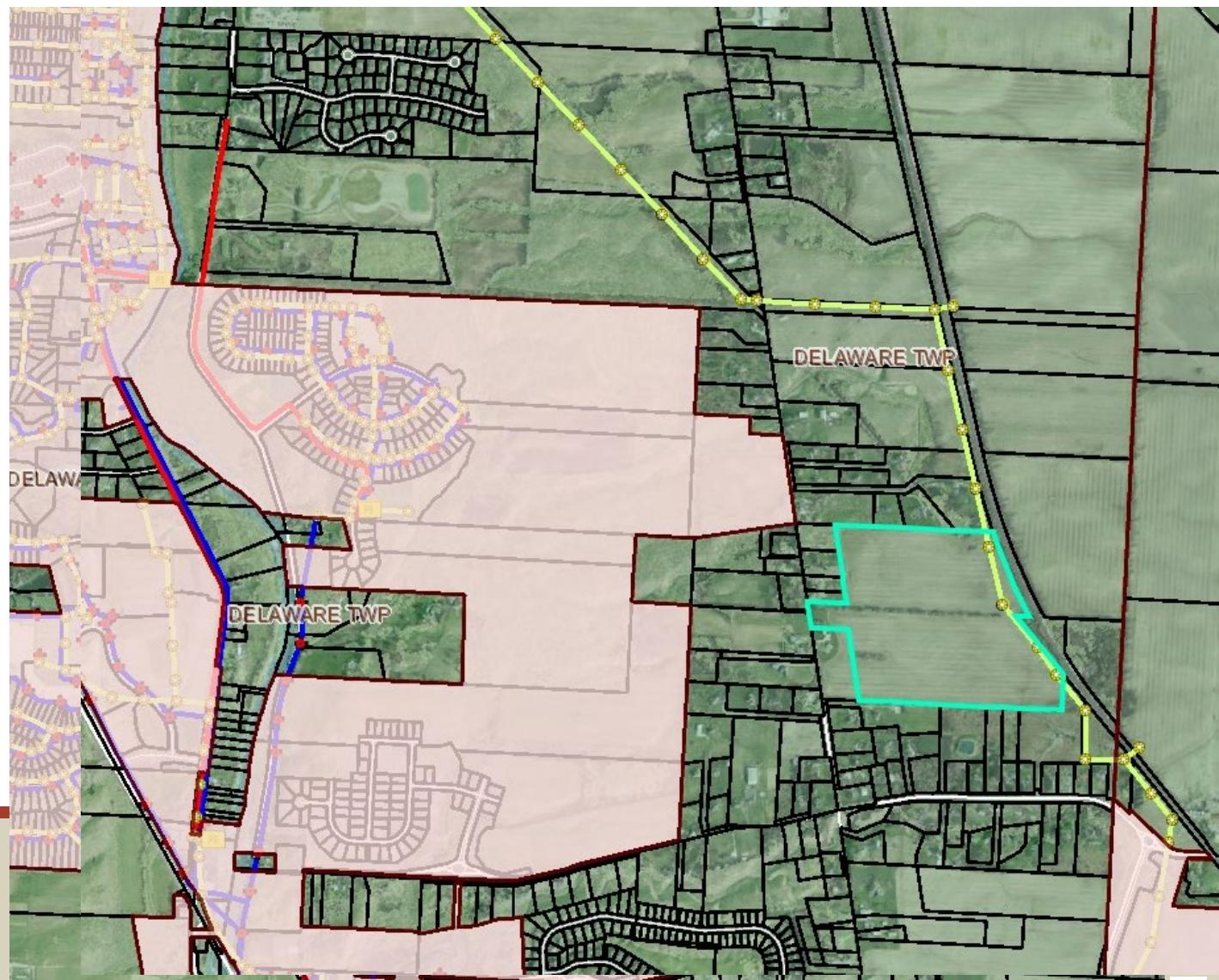
Generally, these connections are single family, rural style, residences

Notable exceptions:  
Riverby Community  
Greenlawn Drive

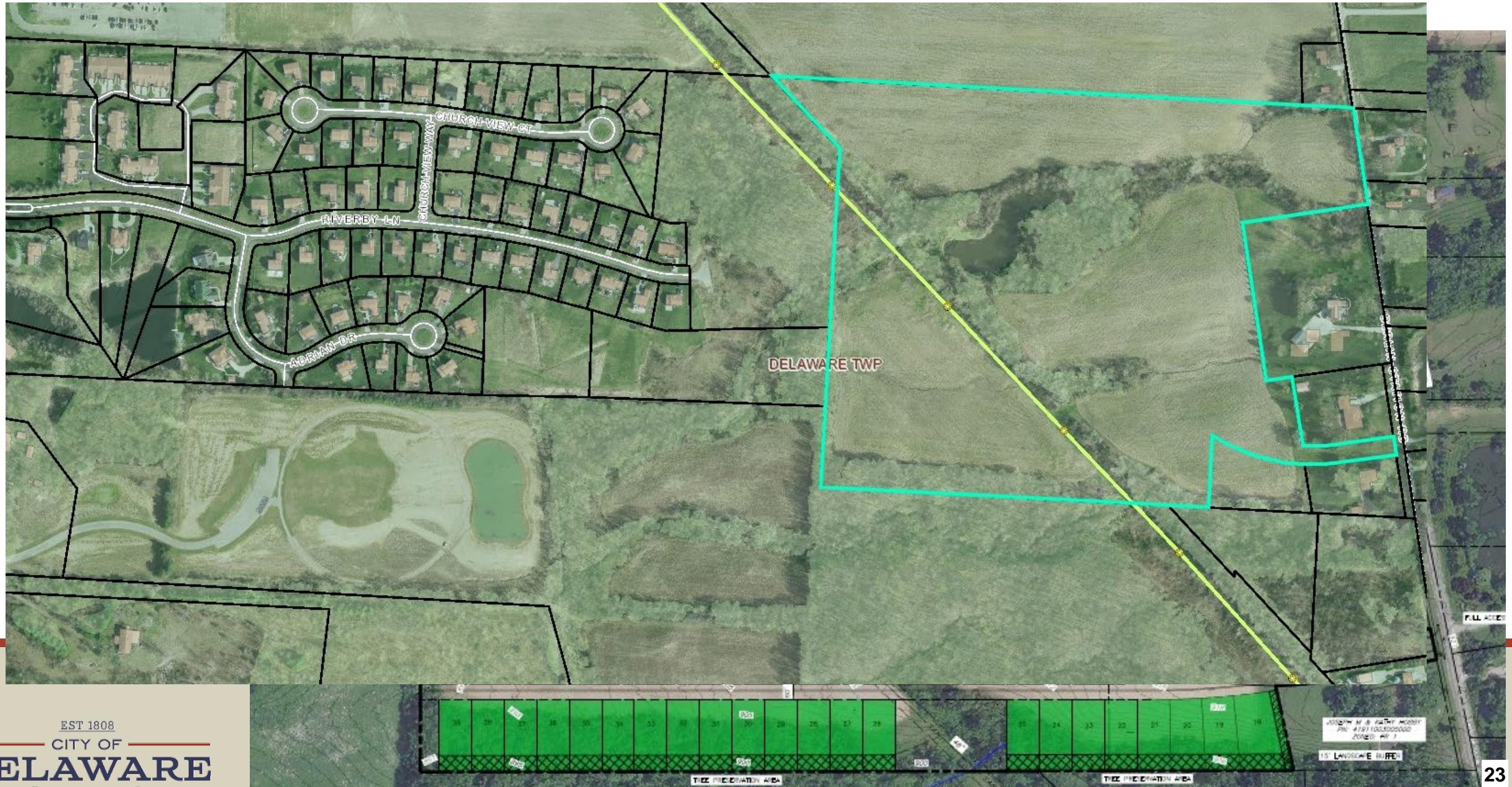


# Properties for Consideration

- Margaret Heintzelman property on Berlin Station Rd
  - S.E. Highland sewer currently runs through property
  - Water to be extended from intersection of Terra Alta Dr and Berlin Station Rd by future developer
- Jeg Coughlin property on Berlin Station Rd
  - S.E. Highland sewer currently runs through property
  - Water to be extended from intersection of Terra Alta Dr and Berlin Station Rd by future developer



# Addison Estates Proposed Development

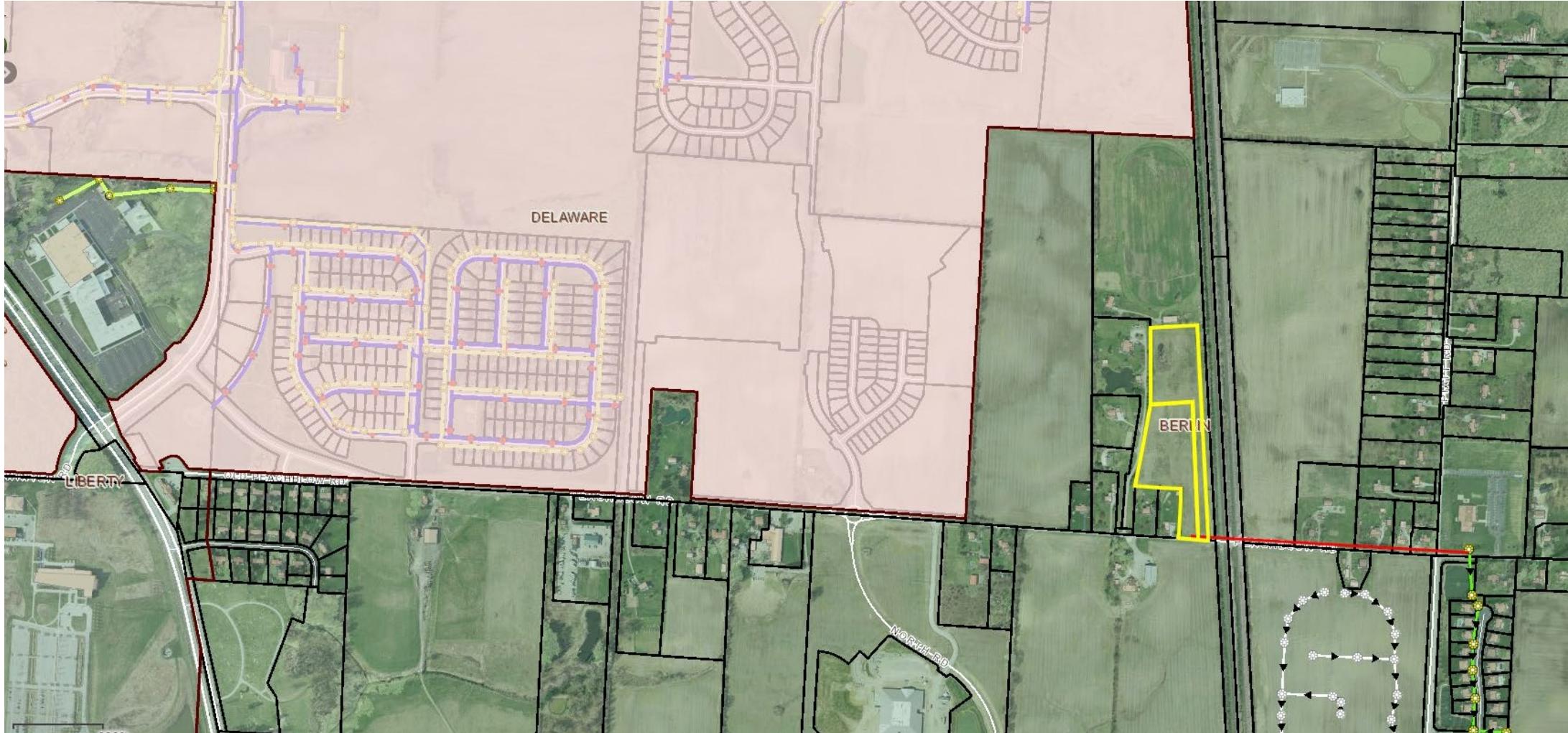


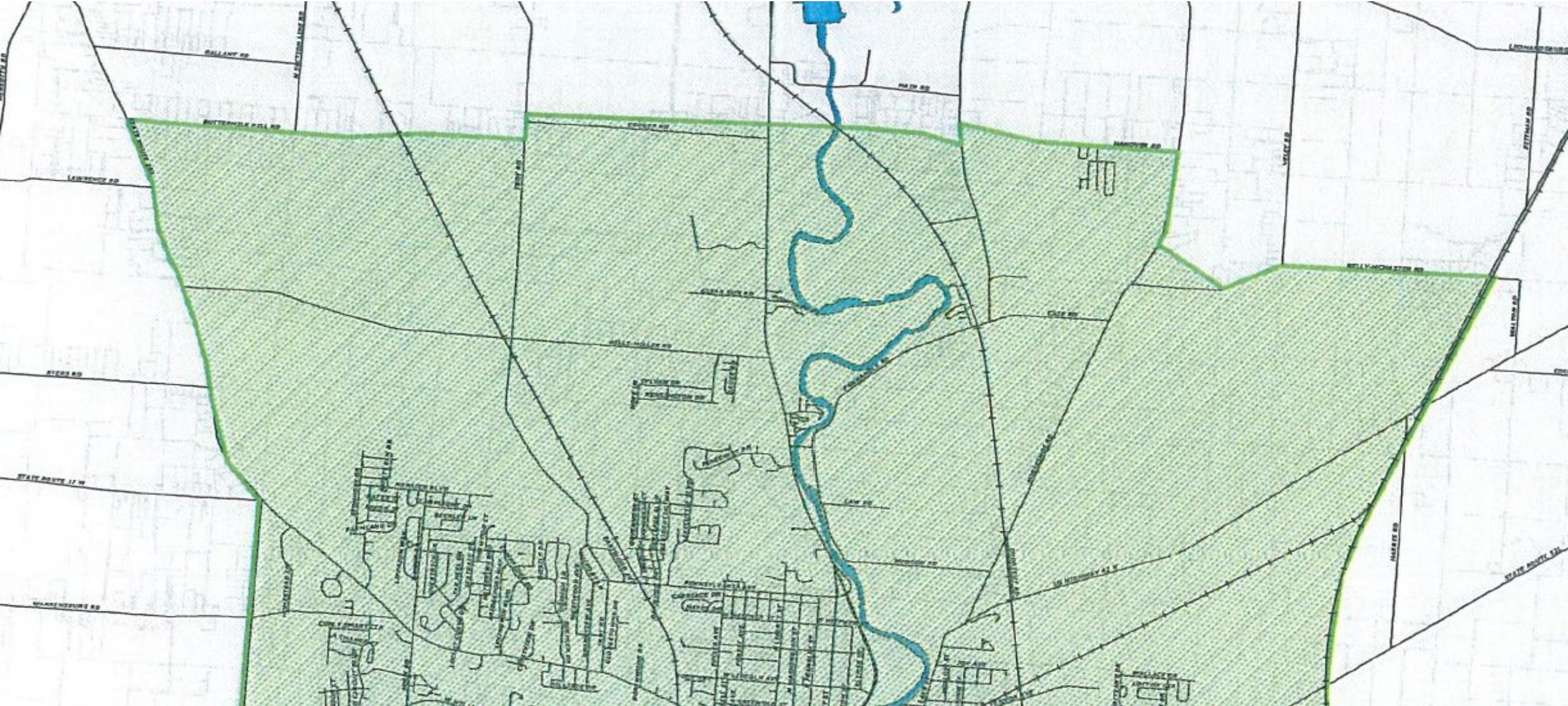
EST 1808

CITY OF

**DELAWARE**  
OHIO

# Buckeye Swim Club







## MEMORANDUM

TO: R. Thomas Homan, City Manager  
FROM: David M. Efland, FAICP Director of Planning & Community Development  
DATE: 10/13/22  
RE: Work Session of Council 10/17/22 (Utility Boundaries and Annexation)

---

There are several relevant sections of Delaware Together that should be considered within a broader discussion of utility boundary service areas, annexation, and general growth and development of the community. The most direct elements are:

### **GOAL A: MANAGE GROWTH AND CHANGE**

Direct, design and encourage new development to promote compatible land uses, create strong quality of place including a mix of uses where appropriate, support fiscal health and promote sustainability.

**OBJECTIVE A.4** – Manage outward growth beyond the existing corporate boundary, but within the utility boundary.

*Unchecked, unplanned and unconstrained annexation and outward expansion of development beyond current City limits can strain municipal finances (due to the cost to service areas), the environment (due to the impacts on natural resources, and other factors) and quality of life (due to the potential for greater social isolation from disconnected communities and less choice for amenities and recreation within close proximity). Growth should be directed when possible to the Focus Areas identified in this plan. Other potential development in unincorporated areas should be carefully considered. There are several large areas of potential, focused annexations which are within the long standing utility boundaries of the City and within the Focus Areas. The City has made large investments in its utility infrastructure to be able, in part, to service these areas in anticipation of annexation when appropriate.*

### **Actions**

**A.4.1** Create guidelines for supporting annexations. An annexation policy would identify priority areas for potential future annexation and outline terms for properties annexing into the City. Those terms should include rezoning of a property in accordance with this plan as well as any

subsequent area plans that are created. This means that the unincorporated portion of the Southeast Focus Area and the unincorporated portion of the Southwest Focus Area would be the priority for potential new annexations over the planning period of this plan. Annexation policies should also be considered in light of school district synergies.

**A.4.2** Develop criteria to be used for development outside of Focus Areas. Development located outside of Focus Areas should be based upon the following criteria for the proposal (See Chapter 5 for Focus Area Maps):

- It meets the goals, principles and objectives of the Comprehensive Plan;
- It is consistent with the Zoning Code and development policies of the City;
- It does not conflict or compete with current development and infrastructure needs of the City; and
- It fulfills fiscal sustainability goals and/or a strategic need for the City.

## **GOAL E: LEVERAGE RESOURCES, INFRASTRUCTURE AND AMENITIES**

**OBJECTIVE E.12** - Provide safe and sufficient water and sanitary sewer facilities.

*Planning for water and sanitary sewer must be considered in parallel with land use planning in order to promote development that is fiscally prudent, environmentally sustainable and makes the best use of land resources. Utilities decisions should inform land use decisions and, conversely, land use decisions should take into account available utilities. The City can proactively coordinate these efforts.*

### **Actions**

**E.12.1** Implement water and sewer master plans. The City must implement water and sewer master plans in order to assess the current service relative to demands placed by land uses and activities and to provide a framework for future actions. The plans provide an important roadmap to ensure a match between where, how much and what type of service is provided.

**E.12.2** Keep water and sewer plans updated. Water and sewer plans should be regularly updated including in accordance with the adoption and implementation of this Comprehensive Plan.

**E.12.3** Assess policies requiring annexation. Currently annexation is generally required when utilities are to be extended. In particular, as Focus Areas identified in this plan are developed, it will be important to be strategic about annexation relative to water and sanitary sewer provision.

In addition, there may be other unique situations that may require an approach that differs from what is usually pursued.

---

Additionally, Delaware Together built upon the previous plan's elements relative to these issues which were implemented in various major improvements to utility infrastructure. Delaware Together Chapter 6 – Fiscal Sustainability contains discussion that might help inform and frame the discussion around annexation, utility boundaries and outward growth from the current jurisdictional boundary including:

- Page 94 of the Plan in this Chapter titled – The Relationship Between Land Use and Fiscal Health;
- Page 103 beginning with New Development;
- Page 104 in its entirety (particularly the box titled “Role of Annexation”).

Attempting to align policies and plans related to utility provision, annexation, growth, development, transportation, etc. (if for no other reason than to ensure the city does not inadvertently get ‘boxed in’) while being strategic and flexible are all key considerations within this subject. Annexation in Ohio is imperfect at best as is utility boundary provision. There are many elements within Delaware Together that can bear upon this overall discussion and only the most direct are highlighted herein. The complexity and complication of these elements together with significant changes to annexation law in the State of Ohio through the decades, results in this being an intricate, nuanced, and complex subject and warranting potential policy development as indicated in Delaware Together while individual requests and situations are dealt with as they may come forward to City Council for consideration.



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** October 17, 2022

**SUBMITTED BY:** Elaine McCloskey

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** **CONSIDERATION OF RESOLUTION NO. 22-50**

**SUBJECT:** Resolution No. 22-50, a resolution indicating what services the City of Delaware will provide to 107.55± acres of land, more or less, description and map are attached hereto for the annexation known as the Donovan Farms, LLC Annexation by Michael R. Shade, agent for the petitioners.

**SUGGESTED ACTION:**

**ATTACHMENTS:**

[fact sheet res 22-50 res of services Donovan Farms.pdf](#)

[res 22-50, res of services Donovan Farms.pdf](#)

[Donovan Farms Petition.pdf](#)

[Donovan Farms Annexation Petition - Aerial Map.pdf](#)

[Donovan Farms Annexation Petition - Location Map.pdf](#)



## FACT SHEET

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AGENDA ITEM NO: 4

DATE: 10/17/2022

ORDINANCE NO:

RESOLUTION NO: 22-50

READING: FIRST

PUBLIC HEARING: NO

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Dave Efland, Planning and Community Development Director

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION INDICATING WHAT SERVICES THE CITY OF DELAWARE WILL PROVIDE TO 107.55± ACRES OF LAND, MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO FOR THE ANNEXATION KNOWN AS THE DONOVAN FARMS, LLC ANNEXATION BY MICHAEL R. SHADE, AGENT FOR THE PETITIONERS.

**BACKGROUND:**

This process involves several steps and actions by the County and City in order for an annexation to ultimately be accepted by the City.

This is the first City step in the State of Ohio dictated process that requires the City to express its ability and intention to provide services to the property. This does not mean that the City will be paying for or constructing any, ultimately, required services or infrastructure, but rather simply that it has the ability to serve it.

City Council will have the opportunity during the next and final city step in the process to accept, accept with limited conditions, or reject the final annexation. The final step typically takes many months to even be able to set the final annexation matter before City Council.

At this time, there is no objection from Staff as to the Resolution of Services. Staff would anticipate conceptually recommending that any final annexation be conditioned upon the following:

1. The extension of any needed infrastructure such as water, sewer, or roadways shall be at the cost to the developer.

**REASON WHY LEGISLATION IS NEEDED:**

The Ohio Revised Code provides the process that annexations must follow throughout Ohio. This is the first city step in that process requiring passage of a resolution indicating what services the city will provide to the subject site. Based on the timelines established in the Ohio Revised Code, this resolution must be passed at this meeting, after which it will be sent to the County for the next step in the annexation process. **While this resolution moves the annexation forward, this is not the final legislation Council will consider in order to accept the annexation. Sixty days after the County approves the annexation, it will be presented at the first regular session of Council and must be approved or rejected within 120 days from the date of the annexation being placed on the agenda.**

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

N/A

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

Dave Efland, Planning and Community Development Director

**RECOMMENDATION:**

Approval of Resolution of Services

**ATTACHMENT(S)**

Petition for Annexation

Map

RESOLUTION NO. 22-50

A RESOLUTION INDICATING WHAT SERVICES THE CITY OF DELAWARE WILL PROVIDE TO 107.55± ACRES OF LAND, MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO FOR THE ANNEXATION KNOWN AS THE DONOVAN FARMS, LLC ANNEXATION BY MICHAEL R. SHADE, AGENT FOR THE PETITIONERS.

WHEREAS, Michael R. Shade, agent for the petitioners, has filed with the Delaware County Commissioners for annexation of 107.55 acres of land, more or less, the description and map are attached hereto; and

WHEREAS, Michael R. Shade, as agent for the petitioners on October 4, 2022 delivered to the Clerk of the Delaware City Council the notice of his filing of the annexation petition with the Board of County Commissioners of Delaware County and its clerk on October 4, 2022; and

WHEREAS, the Ohio Revised Code, Section 709.023 (c), requires that within 20 days following the date the petition is filed, the City Council shall, by resolution, adopt a statement as to what services, if any, the City will provide and an approximate date by which it will provide them to the territory proposed for annexation, upon annexation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That upon annexation to the City of Delaware of 107.55± acres more or less as delineated on the attached Exhibits, the City will provide the following services by the approximate date indicated as to each, provided all necessary lines, hydrants, and other apparatus are installed by the property owner as required by the City and said services shall be provided under the same conditions and same costs as they are provided to other residents in the City of Delaware:

- (a) Water - upon acceptance of annexation
- (b) Sanitary Sewer - upon acceptance of annexation
- (c) Refuse – upon acceptance of annexation
- (d) Fire – upon acceptance of annexation
- (e) Police – upon acceptance of annexation
- (f) Road maintenance-upon acceptance of annexation

SECTION 2. That the Council of the City of Delaware, pursuant to Ohio Revised Code Section 709.023(D), hereby consents to the annexation.

SECTION 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

SECTION 4. That the Clerk of Council shall prepare and furnish to the agent for the petitioners a certified copy of this resolution and file with the Delaware County Board of County Commissioners on or before 20 days from the filing of the annexation petition.

SECTION 5. That if the territory is annexed and becomes subject to zoning by the City of Delaware and the City permits uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under the current county or township zoning regulations in the adjacent land remaining within the township from which the territory was annexed, the Council of the City of Delaware will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed and the adjacent land remaining within the township for purposes of this ordinance, buffer includes open space, landscaping, fences, walls, and other structured elements; streets and street rights of way; and bicycle and pedestrian paths and sidewalks.

SECTION 6. That this resolution shall take effect and be in force immediately after this passage.

PASSED: \_\_\_\_\_, 2022

YEAS \_\_\_\_ NAYS \_\_\_\_  
ABSTAIN \_\_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

## NOTICE

Elaine McCloskey  
Clerk of City Council  
City of Delaware  
1 South Sandusky Street  
Delaware, OH 43015



THIS NOTICE IS TO CORRECT THE HEARING DATE REGARDING THE LETTER PREVIOUSLY SENT TO YOU ON OCTOBER 4, 2022 PERTAINING TO THE PETITION OF ANNEXATION BEFORE THE DELAWARE COUNTY COMMISSIONERS, to wit:

**PETITION FOR DONOVAN FARMS, INC., AN OHIO FOR PROFIT CORPORATION, OF 107.55 ACRES AND INCLUSIVE OF PETITIONER'S PROPERTY LOCATED TO THE CENTERLINE OF SOUTH SECTION LINE ROAD, ANNEXATION TO THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF DELAWARE, DELAWARE COUNTY, OHIO CONSISTING OF 107.55 TOTAL ACRES: EXPEDITED TYPE 2 ANNEXATION**

IN THE ORIGINAL MAILINGS, THE DATE WAS INCORRECTLY STATED DUE TO SCRIVNER ERROR AS MONDAY, OCTOBER 31<sup>ST</sup>, 2022 AT 9:30 AM AT THE COMMISSIONER'S HEARING ROOM, 91 N. SANDUSKY STREET, SECOND FLOOR DELAWARE, OHIO 43015.

**THE CORRECT TIME AND DATE IS THURSDAY, NOVEMBER 3RD, 2022 AT 9:30 AM AT THE COMMISSIONER'S HEARING ROOM, 91 N. SANDUSKY STREET, SECOND FLOOR DELAWARE, OHIO 43015. PLEASE NOTE FOR YOUR RECORDS.**

Mailed October 10, 2022.



Michael R. Shade  
Agent for Petitioners



Michael R. Shade  
 Agent for Petitioners  
 236 West Central Avenue  
 Delaware, Ohio 43015  
 (740) 363-9232  
 Fax (740) 363-0146

October 4, 2022

CITY OF DELAWARE  
 1 S. SANDUSKY STREET  
 DELAWARE OH 43015

**Re: PETITION FOR DONOVAN FARMS, INC., AN OHIO FOR PROFIT CORPORATION, OF  
 107.55 ACRES AND INCLUSIVE OF PETITIONER'S PROPERTY LOCATED TO THE CENTERLINE OF SOUTH  
 SECTION LINE ROAD, ANNEXATION TO THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF  
 DELAWARE, DELAWARE COUNTY, OHIO CONSISTING OF 107.55 TOTAL ACRES: EXPEDITED TYPE 2  
 ANNEXATION**

Dear Property Owner:

The Delaware County Auditor's Office shows you are the owner of a tract, parcel or lot assigned permanent tax parcel number 51933002033004 which adjoins or is across the road from the lands of the above identified Annexation Property. Accordingly, pursuant to the requirements of Chapter 709 ORC (Ohio Revised Code) and the Annexation Guidelines adopted by the Board of County Commissioners of Delaware County, Ohio, you are hereby notified that a petition for the above referenced annexation, a copy of which is enclosed, was filed with the Board of County Commissioners of Delaware County, Ohio and its Clerk on October 4, 2022 at approximately 9:33 o'clock a.m. This is an Expedited Type 2 Annexation proceeding under the Guidelines and Procedures adopted by Resolution of the Board of Delaware County Commissioners for the processing of an annexation proceeding and is being submitted pursuant to the provisions of Section 709.021 ORC when owners unanimously request annexation and Section 709.023 ORC when the area being annexed is not to be excluded from Delaware Township, Delaware County, Ohio.

This action matter will come before the Board of Delaware County Commissioners of Delaware County, Ohio on October 31, 2022 at 9:30 a.m. at the Commissioner's Hearing Room, 91 N. Sandusky Street, Second Floor, Delaware, Ohio 43015 unless objections are filed.

Very truly yours,  
  
 Michael R. Shade  
 Agent for Petitioners

Enclosures

**BOARD OF COUNTY COMMISSIONERS OF**  
**DELAWARE COUNTY, OHIO**

**PETITION**  
**FOR DONOVAN FARMS, INC., AN OHIO FOR PROFIT**  
**CORPORATION, OF 107.55 ACRES AND INCLUSIVE OF**  
**PETITIONER'S PROPERTY LOCATED TO THE CENTERLINE OF**  
**SOUTH SECTION LINE ROAD, ANNEXATION TO THE CITY OF**  
**DELAWARE, OHIO FROM THE TOWNSHIP OF DELAWARE,**  
**DELAWARE COUNTY, OHIO CONSISTING OF 107.55 TOTAL**  
**ACRES:**

**EXPEDITED TYPE 2 ANNEXATION**

---

**Petitioner:**

Donovan Farms, Inc.  
C/O Donovan D. Mooney  
Treasurer & Trustee  
400 Kent Road  
Riverside, IL 60546

**Agent for Petitioners:**

Michael R. Shade  
Attorney at Law  
Shade and Shade LLC  
236 West Central Avenue  
Delaware, Ohio 43015  
Phone: (740) 363-9232  
Fax: (740) 363-0146  
Email: [mrs@ss-dta.com](mailto:mrs@ss-dta.com)

RECEIVED  
10/1 OCT - 4 AM 9:36  
DELAWARE COUNTY  
COMMISSIONERS

1	<p><u>PETITION</u></p> <p>EXHIBIT A: DESCRIPTION OF LANDS TO BE ANNEXED</p> <p>EXHIBIT B: MAP OF PROPOSED LANDS TO BE ANNEXED</p>
2	<p><u>LIST OF ADJOINING PROPERTY OWNERS</u></p>
3	<p><u>LETTER OF DELAWARE COUNTY ENGINEER APPROVING LEGAL DESCRIPTION AND PLAT OF ANNEXATION</u></p>
4	<p><u>PROOF OF SERVICES</u></p> <p>A) LETTERS TO GOVERNMENT</p> <p>B) LETTER TO ADJOINING PROPERTY OWNERS</p>
5	<p><u>MUNICIPAL RESOLUTIONS</u></p> <p>A) RESOLUTION OF SERVICES</p> <p>B) RESOLUTION DEALING WITH INCOMPATIBLE LAND USES AND BUFFERS</p>

TAB A

**BOARD OF COUNTY COMMISSIONERS OF**  
**DELAWARE COUNTY, OHIO**

**PETITION FOR DONOVAN FARMS, INC., AN OHIO FOR PROFIT  
CORPORATION, OF 107.55 ACRES AND INCLUSIVE OF PETITIONER'S PROPERTY  
LOCATED TO THE CENTERLINE OF SOUTH SECTION LINE ROAD, ANNEXATION TO  
THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF DELAWARE,  
DELAWARE COUNTY, OHIO CONSISTING OF 107.55 TOTAL ACRES: EXPEDITED  
TYPE 2 ANNEXATION**

To: **The Board of County Commissioners of Delaware County, Ohio**

1. The undersigned petitioner ("the Petitioner" herein), being all of the owners of real estate in the following described territory consisting of 107.55 acres situated in the Townships of Delaware, County of Delaware, Ohio which area is contiguous with, adjacent to, and/or surrounded by the City of Delaware in part, to wit: see the legal description attached hereto as Exhibit A and the attached map, both of which are incorporated by reference herein ("described territory"), respectfully petition that the described territory be annexed to the City of Delaware, Ohio.

The description of the described territory ("the description" herein) and map were prepared by Joseph Duganich, P.S., Professional Surveyor No. S-8263, LSSE, Civil Engineers and Surveyors, for annexation purposes, from information of record in the Delaware County Courthouse and a new full survey of the subject premises. All record references, unless otherwise noted, are to public records on file at the Delaware County Recorder's Office; all statutory references, unless otherwise noted, are to the Ohio Revised Code.

2. In support of this Petition, the petitioners state that there are within the described territory sought to be annexed one (1) owner of the real estate. The real estate within area to be annexed and included in the description is owned as indicated on the following table:

Name of Petitioner	Address	Acreage Information	Deed Reference	Parcel ID No.
Donovan Farms, Inc.	1723 S. Section Line Road Delaware, OH 43015  Mail Address: C/O Donovan D. Mooney Treasurer & Trustee 400 Kent Road Riverside, IL 60546	Total Lands owned is 107.55 ac. Inclusive of Petitioner's Property Located to the Centerline of South Section Line Road  <b>Total Lands Annexed is 107.55 acres.</b>	Deed Book 369, Page 409	419-220-01-003-000 419-220-01-004-000 419-220-01-005-000
	<b>Total Lands to be Annexed</b>	<b>107.55 Acres</b>		

All public road rights of way abutting any part of the described territory are being annexed into and will be in the City of Delaware, Ohio as set forth above and per the Map of Territory to Be Annexed.

3. Michael R. Shade is hereby appointed Agent for the undersigned Petitioner ("the Agent" herein), as required by § 709.02 and the Agent's address is 236 West Central Avenue, Delaware, Ohio 43015. The agent is hereby authorized to make any amendment and/or decision which in his absolute and complete discretion is necessary or proper under the circumstances then existing and is specifically authorized to make any such amendment to correct any discrepancy or mistake noted by the Delaware County Engineer in his examination of the Petition and Plat. Any such amendment shall be made by the presentation of an amended description and map to the Board of County Commissioners on, before, or after the date set for hearing on this Petition.

4. An accurate map marked "Map of Territory to be Annexed to the City of Delaware" is attached hereto and made part of this petition.

5. A list containing the required information concerning all tracts, lots, and parcels adjacent to or across the road from the area sought to be annexed is being filed by the Agent at the time of the filing of this Petition.

6. No island of unincorporated area is being created by this annexation.

7. This petition is filed as an Expedited II annexation proceeding under the Guidelines and Procedures adopted by Resolution of the Board of Delaware County Commissioners for the processing of annexation proceedings and is being submitted pursuant the provisions of § 709.021 when owners unanimously request annexation and § 709.023 when the area being annexed is not to be excluded from the township. The area sought to be annexed shall not upon the annexation be excluded from Delaware Township, Delaware County, Ohio in conformity with the provisions of § 709.023.

8. The City of Delaware, Ohio will pass and submit to the Board of County Commissioners of Delaware County, Ohio a resolution of services within twenty (20) days of the date of the filing of this petition and file same with the Clerk of the Board of County Commissioners of Delaware County, Ohio and the Board of Commissioners and the City of Delaware will have to enter into an agreement to service all existing right of way areas on Section Line Road adjacent to this property at the time of acceptance of the annexation by the City of Delaware.

9. The current zoning in the Township of Delaware, Delaware County, Ohio is presently Farm Residential District (FR-1) and is presently used as farmland only and Right of Way. The comprehensive plan duly adopted by the City of Delaware, Ohio did anticipate this area was in its Delaware Together Comprehensive Plan and is designated as a Business Campus Area and permits eight (8) Appropriate Development Types, to wit: Industrial Campus Activity Center, Industrial (Corridor Industrial), Commercial Corridor, Community-Scale Activity Center, Regional-Scale Activity Center, Late Suburban Single-Family (on greenfield sites), Multifamily context (on greenfield sites) and Suburban Mixed Residential (on greenfield sites). This proposed use may somewhat be an incompatible land uses to the Industrial District of Scioto Township on the West and other Industrial zoned areas on the East and South in the City of Delaware but may not be incompatible to the long-term use plan for the area. The land surrounding on three (3) sides of the proposed annexed parcels are currently within the City of Delaware and currently zoned A-1 PMU Agricultural District with a Planned Mixed-Use Overlay and R-3 on the North and Northeast, M-1 on the East, and M-2 on the South. The City of Delaware, Ohio will pass a resolution requiring that any buffering necessary as

provided in Section 702.023 of the Ohio Revised Code shall be complied with and will follow the buffering requirements of the City of Delaware, Ohio Zoning Ordinances. Said resolution of services and buffering will be passed and submitted to the Board of County Commissioners of Delaware County, Ohio by the City of Delaware, Ohio within twenty (20) day of the date of the filing of this petition and file same with the Clerk of the Board of County Commissioners of Delaware County, Ohio.

**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.**

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.

Signatures of Petitioner:

Donovan Farms, Inc.

Don D. Mooney  
Donovan D. Mooney, Treasurer & Trustee

Dated: 9, 2022, 2022

Lands of Donovan Farms, Inc.

## LEGAL DESCRIPTION

Lands of Donovan Farms, Inc.

PN 419-220-01-003-000 and 419-220-01-005-000

D.B.V. 369, Page 409

107.55 Total Acres for Annexation

All that parcel of land situated on the east side of Section Line Road – County Road 5 (60' R/W), being part of Farm Lots 16 and 20, Quarter-Township 2, Township 4, Range 19 of U.S.M.L, Delaware Township, Delaware County, State of Ohio, bounded and described as follows:

Beginning at a point on the northwestern corner of lands to be annexed herein described, said point being along the centerline of Section Line Road – County Road 5 (60' R/W) and contiguous to lands to the north of N/F of Section Line Partners, LLC as described on O.R.V. 920, Page 611; thence the following courses and distances:

- 1) S 85° 48' 18" E along said Section Line Partners, LLC a distance of 1,853.24' to a point on the north R/W line of Boulder Drive (60' R/W); thence,
- 2) S 03° 01' 57" W along the western terminus of Boulder Drive and along lands N/F of City of Delaware as described on O.R.V. 1058, Page 444 a distance of 856.06' to a point; thence,
- 3) S 85° 55' 27" E along said City of Delaware a distance of 1,745.89' to a point on the western line of lands N/F of Medrock, LLC as described in O.R.V. 123, Page 1143; thence,
- 4) S 04° 23' 25" W along said Medrock, LLC a distance of 854.82' to a point on the northern line of lands N/F of Charter Nex Films, Inc. as described in O.R.V. 1683, Page 17; thence,
- 5) N 85° 58' 34" W along said Charter Nex Films, Inc., lands of N/F 1600 Pittsburgh, LLC as described in O.R.V. 1436, Page 1913, lands of N/F 1700 Pittsburgh, LLC as described in O.R.V. 750, Page 1748, lands of N/F 1800 Pittsburgh, LLC as described in O.R.V. 750, Page 1743, lands of N/F OHCOL102 Good 1932 Pittsburgh Drive, LLC as described in O.R.V. 1634, Page 1449, and lands of N/F Gardner David Noel et al. as described in D.B.V. 535, Page 358 a distance of 3,604.06' to a point on the centerline of said Section Line Road; thence,
- 6) N 03° 52' 37" E along the centerline of Section Line Road a distance of 1,717.86' to a point, the point of beginning.

Said parcel for annexation containing 107.55 acres, being lands of Donovan Farms, Inc. as shown on an Annexation Plat dated September 16, 2022 as prepared by Joseph Duganich, P.S. Ohio #8263 of LSSE.

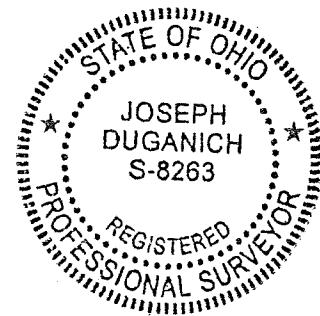
Lands of Donovan Farms, Inc.

SEAL

SURVEYOR

Joseph Duganich  
Joseph Duganich, P.S.  
Registration No. S-8263

September 19, 2022



DELAWARE COUNTY ENGINEER

Map Department

John D. Anderson  
I hereby certify the within to be a true copy of the original on file in the Map Department

County Engineer

William F. Stull

Supervisor

9/28/22

Date



TAB B

LIST OF PROPERTY OWNERS

<u>North of Property to be Annexed</u>	<u>Acres</u>	<u>PIN</u>
SECTIONLINE PARTNERS, LLC 102 HIDDEN PASTURES DR CRAMERTON NC 28032	53.279	51933002037007
JOHN M HOPFINGER STATUTORY AGENT FOR ROUTE 36 PARTNERS LLC 5695 AVERY RD DUBLIN OH 43016		
<u>East of Property to be Annexed</u>		
DEDICATED ROAD RIGHT OF WAY		99999914000000
CITY OF DELAWARE 1 S SANDUSKY ST DELAWARE OH 43015	31.688	51933002033004
(East and North of the Property)		
MEDROCK LLC 895 STONERIDGE LN DUBLIN OH 43017	4.071	41922001025000
P. RONALD SABATINO STATUTORY AGENT OF MEDROCK, LLC 3895 STONERIDGE LANE DUBLIN OH 43017		

South of Property to be Annexed

CHARTER NEX FILMS INC 21.783 41922001017005  
1188 S HOUK RD  
DELWARE OH 43015

CORPORATION SERVICE COMPANY  
STATUTORY AGENT OF  
CHARTER NEX FILMS, INC  
3366 RIVERSIDE DRIVE, SUITE 103  
UPPER ARLINGTON OH 43221

1600 PITTSBURGH LLC 9.495 41922001006004  
1600 PITTSBURGH DR  
DELWARE OH 4301

TRANSCONTINENTAL AGENTS, INC.  
STATUTORY AGENT OF  
1600 PITTSBURGH LLC  
1160 DUBLIN ROAD  
SUITE 400  
COLUMBUS OH 43215

1700 PITTSBURGH LLC 6.441 41922001006003  
1700 PITTSBURGH DR  
DELWARE OH 4301

TRANSCONTINENTAL AGENTS, INC.  
STATUTORY AGENT OF  
1700 PITTSBURGH LLC  
1160 DUBLIN ROAD  
SUITE 400  
COLUMBUS OH 43215

1800 PITTSBURGH LLC 6.210 41922001006002  
 1800 PITTSBURGH DR  
 DELAWARE OH 4301

TRANSCONTINENTAL AGENTS, INC.  
 STATUTORY AGENT OF  
 1800 PITTSBURGH LLC  
 1160 DUBLIN ROAD  
 SUITE 400  
 COLUMBUS OH 43215

OHCOLI02 GOOD 1932 7.175 41922001006001  
 PITTSBURGH DRIVE LLC  
 1932 PITTSBURGH DR  
 DELAWARE OH 43015

CORPORATION SERVICE COMPANY  
 STAUTORY AGENT OF  
 OHCOLI02 GOOD 1932 PITTSBURGH DRIVE LLC  
 3366 RIVERSIDE DRIVE, SUITE 103  
 UPPER ARLINGTON OH 43221

DAVID NOEL GARDNER ET. AL. 37.791 41922001006000  
 4432 LIGHT HOUSE LN  
 NAPLES FL 34112

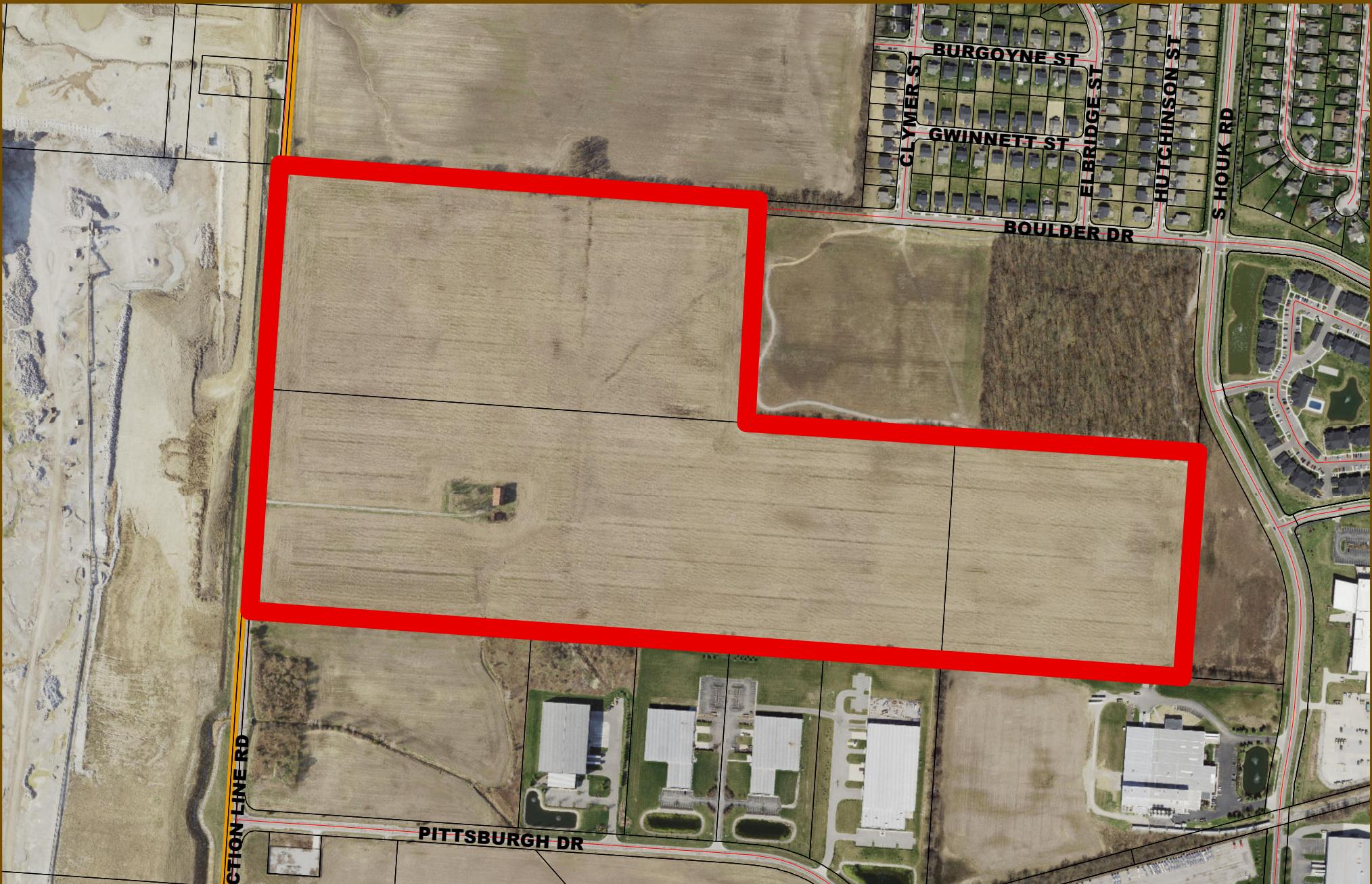
West of Property to be Annexed

NATIONAL LIME & STONE CO 106.304 42011001001000  
 P O BOX 120 .696 42011001001001  
 FINDLAY OH 45840

SHEILA D. HUBER  
 STATUTORY AGENT OF  
 THE NATIONAL LIME & STONE COMPANY  
 551 LAKE CASCADES PARKWAY  
 FINDLAY OH 45840SUITE 300

## TAB C

LETTERS PREVIOUSLY REQUIRED UNDER THIS TAB ARE NO LONGER REQUIRED PER  
THE DELAWARE COUNTY ENGINEER AND MAP ROOM DEPARTMENT.

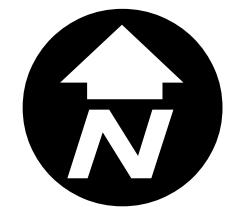


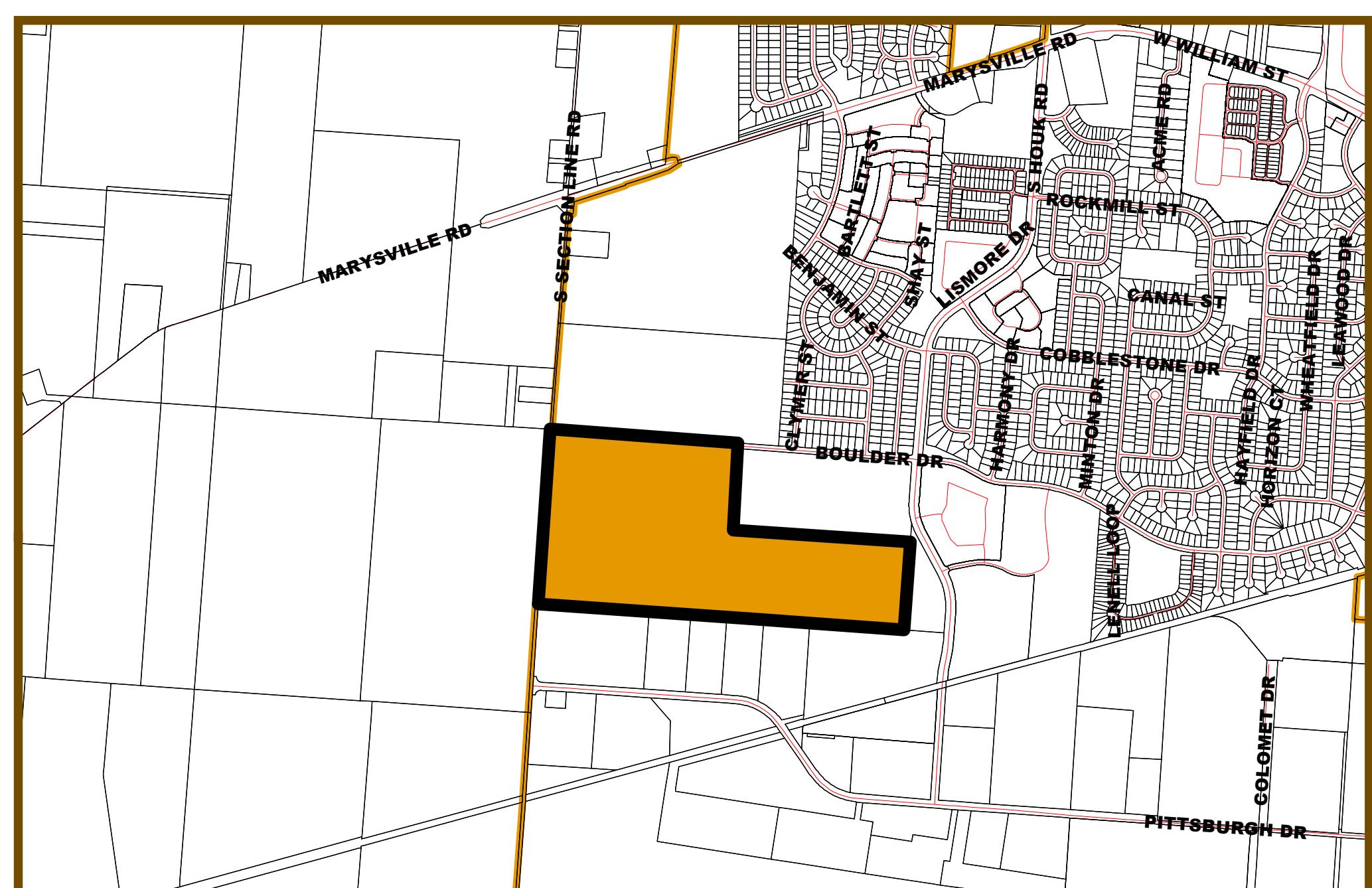
EST 1808

CITY OF

**DELAWARE**  
OHIO

Annexation Petition  
Donovan Farms  
Aerial (2021) Map





EST 1808

• CITY OF

# DELAWARE



# Annexation Petition Donovan Farms Location Map

