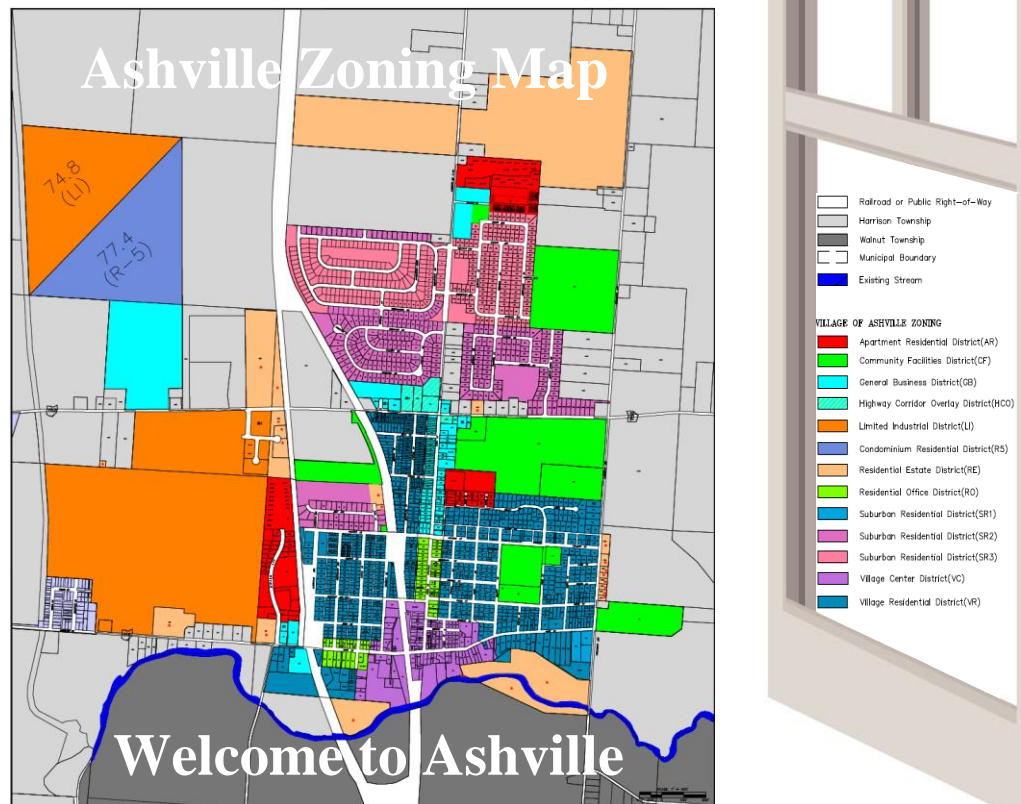


# Application Package for Annexation Village of Ashville

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## The Process at a Glance

1. The completed signed application.
2. Planning and Zoning Committee acts upon application.
3. Village Administrator indicates if utilities are available.
  - a. Residential Impact Questionnaire
4. Utility Resolution is acted upon by Village Council
5. Petition goes to the County Commissioners.
  - a. Attachment A Pickaway County Process
6. Public Hearing at County Commissioners.
7. Sixty (60) day waiting period.
8. Ordinance acted upon by Village Council.

**PLEASE READ THE REST OF THIS APPLICATION PACKAGE CAREFULLY SO THAT YOU FULLY UNDERSTAND THE SUBMISSION REQUIREMENTS AND PROCESS.**

## Annexation Procedures

### Summary

An annexation application is completed. The request is first heard by the Planning and Zoning Committee. (Two or more property owners may request annexation jointly.) The Planning and Zoning Committee looks at the annexation application. The Village Administrator will determine if utilities can be provided. Resolution is heard by Village Council approving utility services. The Applicants petition the County Commissioners. After the County Commissioners process is completed an Ordinance of acceptance is voted on by Village Council, and if approved the annexation becomes effective.

### Steps of Annexation

1. The completed signed application and supporting materials are submitted to the Planning and Zoning Committee at 200 East Station Street, by noon the Friday prior to the Planning and Zoning Committee Meeting. Planning and Zoning meeting schedule can be found at [www.ashvilleohio.gov](http://www.ashvilleohio.gov) or contacting the Village Office at 740-983-6367.
2. Planning and Zoning Committee reviews the application.
3. Village Administrator indicates if utilities are available. A Residential Impact Questionnaire will be completed by applicant for village administrator to make an assessment. The village administrator recommendation will be in writing for Refuse, Water, and Sanitary Sewer. A comment may be made concerning Storm Sewer capacity.
4. Utility Resolution is acted upon by Village Council whom meets the first and third Monday of every month at 7:00 P.M. (three readings of a Resolution are required before Council which can be done in three separate meeting or with the waving second and third reading).
5. Petition goes to the County Commissioners.
  - a. See Attachment A County Process
6. Public Hearing at County Commissioners at 139 West Franklin Street, Circleville, Ohio 43113.
7. Sixty (60) day waiting period.
8. Ordinance acted upon by Village Council (three readings of an Ordinance required before Council which can be done in three separate meeting or with the waving second and third reading).

### Submission Requirements to Village of Ashville

The following must be submitted to Planning and Zoning located in the Municipal Building at 200 East Station Street.

**Application.** The appropriate completed application form, Exhibit A.

**Only the owner(s) of the property may apply for Annexation.**

**Survey of Property.** A copy of the survey is to verifying boundaries.

**Description of the Property.** A copy of description to identify location.

**Annexation Fee.** The non-refundable application fee is \$100.00.

## **Annexation Procedures Continued**

### **Submission Requirements to the County Commissioners of Pickaway County**

The following must be submitted to the County Commissioners located at 139 West Franklin Street, Circleville, Ohio 43113

**Petition.** A petition requesting the change is forwarded to the County Commissioners, for specific information at 740-474-6093, **Attachment A.**

### **Planning and Zoning Committee Department Reviews**

Planning and Zoning may request information concerning the annexation to Village of Ashville Departments.

- A letter with review comments from Village staff is sent to the applicant within one week.

### **Site Visits**

Please be aware that consideration of an application may require site visits by the staff and members of the appropriate boards or commissions. These visits will be made during daylight hours. If the application is approved, the Zoning Inspector or other staff member may check the site for compliance with the terms of the approval.

### **Types of Annexation**

- i. **Regular Annexation**  
Petitions by at least 51% of the property owners within the territory proposed to be annexed.
- ii. **Expedited Type I Annexation**  
Petitions by all the property owners within the territory proposed to be annexed, with consent of the municipality and township(s), as evidenced by either an annexation agreement or a cooperative economic development agreement (CEDA) being submitted with the petition.
- iii. **Expedited Type 2 Annexation**  
Petitions be all of the property owners within the territory proposed to be annexed, with or without consent of the municipality and township(s). The territory proposed to be annexed is not to be excluded from the township(s), unless otherwise provided by an annexation agreement or CEDA.
- iv. **Expedited Type 3 Annexation**  
Petitions by all of the property owners within the territory proposed to be annexed for the purpose of undertaking a significant economic development project. The territory proposed to be annexed is not to be excluded from the township(s), unless otherwise provided by an annexation agreement of CEDA.
- v. **Annexation by Petition of a Municipality, County, or State Owned Land**  
Petitions by a municipality to annex municipal, county, or state owned land that is contiguous to the municipality. The territory to be annexed is not to be excluded from the township(s).

**ANNEXATION APPLICATION PLANNING & ZONING**  
**VILLAGE OF ASHVILLE**

**Applicant**

Name \_\_\_\_\_  
Mailing Address \_\_\_\_\_ zip \_\_\_\_\_  
Interest if other than owner \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-Mail \_\_\_\_\_

**Property Owner**

Name \_\_\_\_\_  
(IF SAME AS APPLICANT WRITE IT)  
Mailing Address \_\_\_\_\_ zip \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-Mail \_\_\_\_\_

**Subject Property**

Address or location \_\_\_\_\_

Zoning District: \_\_\_\_\_

Existing Use: \_\_\_\_\_

Proposed Use (Include Concept Plan): \_\_\_\_\_

Survey and legal descriptions of the propriety (including acreage): \_\_\_\_\_

**Comments**

Anticipated Type of Annexation Petition from page 4    i.    ii.    iii.    iv.    v.

Attach the name, address, and telephone number of anyone other than the applicant, owner and plan/plat preparer who should receive copies of correspondence or be contacted if additional information is needed.

I certify by my signature that this application is accurate and complete. I further certify that the \$100.00 fee paid for the issuance of this Permit is non-refundable. I acknowledge that I have read and understand the terms and conditions and agree to comply with them.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print or type name \_\_\_\_\_ Title \_\_\_\_\_

1/13/03

*Exhibit B*

LEGAL DESCRIPTION

All that certain piece, parcel or lot of land located in Pickaway County, Ohio, containing \_\_\_\_\_ acres, more or less, and measured and bounded as follows:

**MUST INSERT METES AND BOUNDS DESCRIPTION;  
REFERENCE TO PLAT NOT SUFFICIENT**

**Procedures for the Petitioner or Agent for the Petitioner for Annexations Filed  
With Pickaway County Commissioners' office**

**\*\*Note at this time, there is no fee charged by the Board of County Commissioners to file an annexation petition\*\***

- **Four (4) original** annexation petitions, (one for: County Engineer; County Prosecutor; Board of County Commissioners (BOCC); and one will ultimately be provided to the Board of Elections if the annexation is granted) signed by the petitioner and by at least 51% of the property owners (**ALL original signatures**) of the proposed territory to be annexed, must be filed with the Clerk of the Pickaway County Commissioners BOCC who will time/date stamp the petition. The petition must contain an accurate legal description of the perimeter, accompanied by an accurate map/plat, of the proposed territory to be annexed.
- Within five (5) days after the petition is filed, the Clerk of the BOCC sets the hearing date, time, and location, then provides in writing that information to the petitioner or agent for the petitioner. The hearing must not be less than sixty (60) or more than ninety (90) days after filing the petition.
- Within five (5) days of receipt of that notice from the BOCC, the petitioner or agent for the petitioner must cause written notice of the filing of the petition; the date and time of the filing; and the date, time and place of the hearing and is to be delivered to: the Clerk of the township that has land included in the petition; the Clerk of the legislative authority of the municipality to which the annexation is proposed. The notice must also include: a copy of the petition; a copy of any other attachments or documents that accompanied the petition as it was filed.
- This notice must be given by certified mail, return receipt request, or by personally serving the clerks. Proof of service in the case of personal services is an affidavit of the person who delivered the notice to the clerk.
- Within 10 days, the petitioner or agent for the petitioner must send by regular mail the following information to the following individuals: all owners within the territory to be annexed; all owners of property adjacent and directly across the street from the territory proposed to be annexed. The mailing must include: a copy of the notice the BOCC sent to the petitioner or agent for the petitioner setting the date, time, and place of hearing; map of territory proposed to be annexed; a statement indicating where the full petition can be reviewed; a statement that any owner who signed the petition may remove their signature from the petition by filing with the clerk a written notice of withdrawal within 21 days after the date the agent mailed the notice; a certification of the date the petitioner or agent for the petitioner mailed the notice to property owners.
- Within 10 days after the date of completion of service, the agent of the petitioners shall file proof of service of notice on the township and municipality.
- Within 10 days after mailing the notices to the property owners, the petitioner or agent for the petitioner shall file with the BOCC a notarized affidavit that a notice was sent by regular mail to the property owners.
- An owner who signed an annexation petition may remove their signature by filing with the BOCC Clerk a written notice of withdrawal. This notice must be filed within 21 days after the agent mailed the notice of the hearing to the owner. After this date, signatures may only be withdrawn or removed at the hearing if the board finds that the signature was obtained under circumstances that constitute fraud, duress, misrepresentation, or under influence.

- The petitioner or agent for the petitioner must cause notice of the substance of the petition and the date, time, and place of the hearing to be published in a newspaper of general circulation within the county. The notice must be published at least once and at least seven (7) days prior to the hearing date.
- Within ten (10) days after the notice is published, the petitioner or agent for the petitioners must file proof of publication with the Clerk of the BOCC. If the notice was published fewer than ten (10) days before the hearing, the proof of publication must be filed at the hearing.
- At least twenty-five (25) days before the hearing, the county engineer must file a report with the board on the accuracy of the legal description of the perimeter and the map or plat. This report is not conclusive upon the BOCC. Failure by the county engineer to make this report does not affect the jurisdiction or duty of the BOCC.
- At least twenty (20) days before the hearing, the legislative authority of the municipality must file with the BOCC an ordinance or resolution that includes a statement indicating what services will be provided to the territory to be annexed and an approximate date it will provide these services. The municipality is entitled, in its sole discretion, to provide additional services.
- At least fifteen (15) days before the hearing, the petition may be amended by the BOCC if the amendment does not add additional territory to the petition. This can only be done with the consent of the petitioner or the agent for the petitioner. No notice of this action is required.
- If the petition is so amended, the BOCC may re-refer the legal description of the perimeter and the map or plat to the county engineer if these items have been revised. The county engineer shall then file a written report on the accuracy of these items on or before the hearing. Again, the report is not conclusive upon the board, and failure to make the report does not affect the jurisdiction or duty of the BOCC to proceed.
- Within thirty (30) days after the conclusion of the hearing, the BOCC must adopt a resolution granting or denying the petition for annexation and enter it upon the BOCC's journal.
- In granting or denying the petition, the resolution must include specifying finds of fact as to whether each of the conditions listed below, which appear in ORC 709.033 (A), 1 through 6 have been met:
  1. The petition meets all the requirements set for in, and was filed in the manner provided in, ORC 709.02.
  2. The persons who signed the petition are owners of real estate located in the territory proposed to be annexed.
  3. The number of valid signatures on the petition constituted a majority of the owners of real estate in the territory as of the date the petition was filed.
  4. The municipality has complied with ORC 709.03 (D), the requirement to adopt by ordinance or resolution and submit a statement indicating what services it will provide and an approximate date it will provide the services to the territory proposed to be annexed, upon annexation.
  5. The territory is not unreasonable large.
  6. On balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding area will outweigh the detriments to the territory proposed to be annexed and the surrounding area, if the annexation petition is granted. "Surrounding area" is defined as the territory within the unincorporated area of any township located one-half mile or less from any of the territory proposed to be annexed.
  7. No street or highway will be divided or segmented by the boundary line between a township and municipality as to create a road maintenance problem. If a street or highway will be so divided or segmented, the municipality has agreed, as a condition of the annexation, that it will assume the maintenance of that street or highway.





**Annexation Petition**

TO THE HONORABLE COUNTY COMMISSIONERS  
OF PICKAWAY COUNTY:

Your petitioner(s), \_\_\_\_\_,  
(names of property owners)

respectfully show:

1. That the petitioner(s) is/are owner(s) of and vested with fee simple title in and to certain lands which lie without but adjacent and contiguous to the Village/City Limits of the of \_\_\_\_\_, described as follows:

A tract of land, designated as \_\_\_\_\_, containing  
(Tract/ name of subdivision, if applicable)  
\_\_\_\_\_ acres as shown on the plat, attached hereto, prepared \_\_\_\_\_ by  
(date)  
\_\_\_\_\_, the

\_\_\_\_\_  
(Name of Engineer or Surveyor)

(direction, ie.northern)

boundary of which being contiguous to the present corporate limits of the Village/City of \_\_\_\_\_.

**LEGAL DESCRIPTION**

SEE ATTACHED EXHIBIT B

Tax Parcel Number \_\_\_\_\_

Property Address, if applicable \_\_\_\_\_

2. That petitioner(s) hereby requests that the previously mentioned tract(s) of land be annexed to the corporate limits of the Village/City of \_\_\_\_\_, as is provided under and by virtue of the Ohio Revised Code of Ohio.

3. It is requested that the tract(s) be annexed under the zoning district classification of \_\_\_\_\_.

\_\_\_\_\_ date \_\_\_\_\_

\_\_\_\_\_ date \_\_\_\_\_

Signature of Property Owner(s)

\_\_\_\_\_  
Address of Property Owner(s)

**If Re-Zoning is Contemplated**  
**Zoning Plat Checklist**

The following information must be shown on the plat:

- (1) The subject property clearly identified
- (2) The existing Village limits
- (3) The seal and signature of surveyor (licensed in Ohio)
- (4) Date of survey
- (5) Tax parcel number
- (6) North arrow and graphic scale
- (7) Location map with sufficient detail to determine the exact position of the subject property
- (8) Owner's name and address
- (9) Exact acreage and square footage
- (10) Bearings and distances of the property
- (11) Current and proposed zoning
- (12) Zoning of surrounding areas
- (13) Names of surrounding property owners
- (14) Existing streets with names and right-of-way widths

**1133.04 NEWLY ANNEXED AREAS.**

Territory which is annexed into the Village of Ashville subsequent to the effective date of this Ordinance shall, upon the effective date of the annexation, be zoned into the RE District. Within three (3) months from the date of annexation, the Planning and Zoning Board shall present a zoning plan for the annexed territory to Village Council. Village Council may hold a public hearing on the proposed zoning plan, as recommended by the Board. If such hearing is held, notice of such hearing shall be given in a newspaper of general circulation within the Municipality not less than thirty (30) days before the date of the hearing. After said hearing, Village Council shall approve, or approve with modification the zoning plan.

Nothing in this Section shall prevent the owner of property within the annexed territory from applying for a zoning amendment, after the effective date of annexation, pursuant to the procedures specified in Chapter 1115 of this Ordinance.

**CHAPTER 1115**  
**Amendments**

<b>1115.01</b>	<b>Power of Council.</b>	<b>1115.05</b>	<b>Recommendation by Planning and Zoning Board.</b>
<b>1115.02</b>	<b>Initiation of amendments.</b>	<b>1115.06</b>	<b>Action by Council.</b>
<b>1115.03</b>	<b>Application.</b>	<b>1115.07</b>	<b>Effective date and referendum.</b>
<b>1115.04</b>	<b>Transmittal of resolution to Planning and Zoning Board.</b>		

This Ordinance available at 200 East Station Street, Ashville, Ohio 43103

Call: 740-983-6367

Website: <http://ashvilleohio.net/ordinances/ordinances.htm>