

# COMMISSION ON ANNEXATION REPORT RIVERLEA AND WORTHINGTON

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July 21, 2011

**Commissioners:**

**Dr. Kirk M. McHugh**

Co-Chair, Commission on Annexation  
President, Riverlea Village Council

**Dr. Louis J.R. Goorey**

Co-Chair, Commission on Annexation  
President, Worthington City Council

**Dr. Robert F. Chosy**

Member, Worthington City Council

**Mr. Scott K. Gordon**

Member, Riverlea Village Council

**Dr. Eric A. MacGilvray**

Member, Riverlea Village Council

**Mr. Robert J. Schmidt, Jr.**

Member, Worthington City Council

## **INTRODUCTION**

The Commission on Annexation was charged, according to Ohio law, to "arrange the conditions of annexation" -- to devise the terms governing the annexation of the territory of the Village of Riverlea into the City of Worthington. A copy of those Conditions are attached and will be forwarded to the legislative authorities of Riverlea and Worthington together with this report.

In performing their work, the Commissioners have attempted to devise terms that might reasonably be expected to be acceptable to a majority of voters in each municipality. This report is designed to provide a summary of the discussions on many of the issues and the legislative history of our work. We hope this will be of value to the voters who consider the proposed annexation as well as to future residents and Worthington City Council members who will implement these conditions, should a positive vote occur.

As Commissioners on Annexation, we all have evaluated the pros and cons of this annexation, especially the financial impacts, and have tried to accurately determine the expenses involved, as well as the contributions, of each entity. That analysis does not thoroughly reflect the positive community benefits that may be obtained by the blending of these two like-minded and neighboring communities. We encourage voters, as they consider this annexation proposal, to look ahead a few years, after the combination work has been accomplished, to what a particularly compatible and efficient and friendly community we can become. In short, we would like to keep our eyes on the terrific final result while we work through getting there.

## **INITIATION OF THE ANNEXATION PROCESS**

In 2010, a group of Riverlea residents circulated a petition expressing their desire that the Village of Riverlea be annexed to the City of Worthington. The group of residents had reviewed the Ohio Statutes regarding the process for annexing a village into a city and initiated the process by circulating a petition in support of annexation. According to Ohio law, at least 25% of the number of Riverlea electors who voted in the last municipal election needed to sign the petition to initiate the "petition method". On February 2, 2011, the Franklin County Board of Elections issued a letter indicating they found the petition to contain the required number of valid signatures.

Pursuant to Ohio law, the Village Council of Riverlea passed an ordinance on February 22, 2011 declaring its intent to enter into annexation negotiations with the City of Worthington and appointing three commissioners to represent the Village in the negotiations. On April 10, 2011, the City Council of Worthington passed an ordinance declaring its intent to enter into annexation negotiations with the Village of Riverlea and appointing three commissioners to represent the City in the negotiations. The Commission on Annexation held its first meeting on April 15, 2011 to negotiate the conditions of the annexation.

## **ANNEXATION ISSUES**

The Commission on Annexation identified issues related to the annexation that should be considered. The Commission met weekly beginning on May 5, 2011 to discuss and explore each issue to determine which items should be included in the conditions of the annexation. The issues they identified and the Commission's determination on each issue are described below.

### **Architectural Review**

The City of Worthington has an established Architectural Review District. Exterior modifications to properties within the District require approval by the Architectural Review Board. The language in the City's Codified Ordinances that define the boundaries of the District is such that the High Street properties in Riverlea will automatically be included in the Architectural Review District upon annexation while non-High Street properties will fall outside of the District. The Commission on Annexation determined that the properties along High Street should be subject to the additional review involved with the Architectural Review District, but the other properties should not be included in the District. The properties outside the District will still be subject to planning, zoning and building code review. No additional action is needed on this item upon annexation since the City's Codified Ordinances already provide for this distinction.

### **Assets & Liabilities**

Upon annexation, the Village of Riverlea will cease to exist, thus a determination is needed regarding the assets and liabilities of the Village. The Commission has determined that all assets and liabilities of the Village of Riverlea will be assumed by the City of Worthington and the City should purchase "tail coverage" insurance to cover the City for potential liabilities that could arise after annexation.

### **Entrance Signs**

The Village of Riverlea has two entrance signs along High Street and one entrance sign on Olentangy Boulevard. The Commission has determined the existing signs will remain and the maintenance of those signs will be assumed by a civic association or volunteers, as is customary with other neighborhood signs in Worthington. If the signs are damaged, the repair and/or replacement of the signs are the responsibility of Riverlea residents. If no one takes on the task of repairing and/or replacing the damaged signs, the City of Worthington may remove the signs.

### **Land Reserve, Easements, Rights-of-Way**

The Village of Riverlea has ownership and easement rights in property that will be transferred to the City through quit claim deed or other appropriate means of transferring real estate rights. Some of these property rights were acquired by the Village to prevent the connection of streets. The Commission is directing the Worthington City Council to approve a resolution expressing the intent to keep the current layout of streets in Riverlea.

## Representation/Governance

The Commission discussed the eligibility of Riverlea residents to vote in Worthington municipal elections and run for election to Worthington City Council after annexation. Worthington's City Charter requires that "all members of Council shall have been residents and qualified electors of the Municipality continuously for at least two (2) years prior to their election . . ." After annexation, Riverlea residents will be treated the same as any other new resident of Worthington. They will be eligible to vote in the next municipal election and eligible to run for office after two years as a registered voter and resident in Worthington.

## Sanitary Sewers

The Village of Riverlea sanitary sewer system consists of 13,300 lineal feet of sewers ranging in size from 4 inches to 12 inches in diameter. The system also includes a lift station that serves the western portion of the Village. Staff has obtained a plan of the sewer system that indicates that it was constructed circa 1925.

The effluent collected by the system is discharged to a City of Worthington trunk sewer that connects to the City of Columbus transport system and is eventually treated at a City of Columbus facility. As is typical with "satellite" communities that discharge to Columbus, the Village of Riverlea is under "Directors Final Findings and Orders" issued by the Ohio Environmental Protection Agency. The City of Worthington is also subject to "Director's Findings and Orders" from the Ohio EPA.

The Village has contracted with Burgess and Niple to evaluate their sanitary sewers and identify the work that is needed to comply with the Ohio EPA orders. The City Engineer has reviewed the preliminary report from Burgess and Niple and has indicated there is approximately \$650,000 of work needed on the sewer lines. Burgess and Niple is currently conducting flow monitoring for the sewer system, which could result in additional work being identified. The Commission has determined the work needed to comply with the Ohio EPA Findings and Orders will be funded in the same manner that the City funds similar sewer projects throughout Worthington. Currently, those projects are expected to be funded from the City's capital fund. The Commission determined the Riverlea sewer projects should be completed in conjunction with Worthington's Central District sewer projects, which are currently scheduled to occur in the 2013 and 2014 timeframe.

The Village currently operates a lift station that could, and in the City's Engineer's opinion, should be eliminated and replaced with a gravity system once Worthington constructs the Kenyonbrook Relief Sewer that is scheduled to be completed in the next few years. The cost to eliminate the lift station is estimated at \$350,000. This work will be funded from the Village's General Fund balances, which are currently projected to be approximately \$355,000. Any additional Riverlea fund balance revenue remaining after the work is completed will be dedicated to other Riverlea projects. If the cost of lift station removal exceeds the amount of the Village's General Fund balances, the City of Worthington has the option of leaving the lift station in place. If the City chooses to go ahead with the removal, any costs in excess of the

Village's General Fund balances will be the responsibility of Worthington. If the City chooses not to remove the lift station, the Village's General Fund balances will be used to fund the City's financial participation in other projects in Riverlea.

## Streets, Curbs and Gutters

The Village of Riverlea maintains 2.5 centerline miles or 5 lane miles of streets along with 48 associated drainage structures. The streets were constructed circa 1925 with combination curb and gutter, much of which still exists. With previous street repair programs, the gutters in most areas have been overlaid with asphalt such that 2 to 3 inches of curb remains exposed. The asphalt has since been coated with slurry seal, most recently in 2010.

The gutters in Riverlea have been overlaid with asphalt to the point that the curb height has been significantly reduced. This has impacted storm drainage in Riverlea. All of the curbs and gutters need to be replaced to re-establish a functioning storm drainage system. The streets will need to be milled and overlaid when the curbs and gutters are replaced to accommodate the curb and gutter work. Given the recent slurry seal of the streets, the Commission has determined the street, curb and gutter work should not be done immediately after the annexation. It should occur a few years in the future, after the Ohio EPA dictated sewer work is completed in Riverlea, based on the condition of the streets.

The Commission has determined Riverlea residents will be assessed for the cost to mill and overlay the street and replace the curbs and gutters. The work is estimated to cost approximately \$2,000,000, based on the application of an inflation rate to estimate the cost at the projected time of the project. Under State law, the City is required to fund 2% plus the cost of intersections for special assessment projects, which is currently estimated to cost approximately \$100,000. The balance of the project, approximately \$1,900,000, will be funded through an assessment on Riverlea residents. The City must initiate the assessment process by January 1, 2018. Once the curbs and gutters are re-established and the associated mill and overlay of the street is completed, future street, curb and gutter work will be funded in the same manner the City funds street, curb and gutter work throughout Worthington. Those projects are currently funded from the City's capital funds.

## Street Lights & Sidewalks

The Village of Riverlea currently has neither public sidewalks nor a process for the installation of sidewalks or street lighting. City of Worthington residents have the ability to request streetlights and sidewalks in their neighborhood through a petition process. After exploring the issue, the Commission on Annexation determined Riverlea neighborhoods should be treated the same as current Worthington neighborhoods and the petition processes for streetlights and sidewalks will apply as defined in Worthington's Codified Ordinances (Chapters 909 and 905). The Worthington City Council has the authority to direct the installation of new sidewalks and street lights, however this authority has rarely been utilized and would involve approval by the City Council at a public meeting which would be open to residents. The Commission's determination on this issue does not require additional action since the processes are already defined in the City's Codified Ordinances.

## Water Lines and Fire Hydrants

The Village of Riverlea water distribution system consists of 13,500 lineal feet of water lines primarily 4, 6 and 8 inches in diameter constructed circa 1925. Although the waterlines are 85 years old, they appear to be in good condition. There have been eleven (11) water breaks in the village since 1971, which is a very minimal number of breaks. Given this break history, it is likely the lines could continue to be serviceable for a number of years. However, given their age, there is a risk that lines may need to be replaced in the near future.

The Commission on Annexation has determined the water lines should be replaced when they develop more frequent breaks or other problems. Lines that are replaced due to failure of all or a portion of the system within five years may be funded through an assessment on Riverlea residents. Beyond this time period, replacement water lines will be funded in the same manner as water lines throughout Worthington. Currently those projects are funded from the City's capital funds.

There are 18 fire hydrants in Riverlea of varying age and manufacturers. The Worthington Service Department stocks parts for a limited number of manufacturers in order to control inventory. The existing hydrants will be replaced with Worthington standard hydrants as maintenance is required in the future. The hydrant replacements in Riverlea will be funded in the same manner as hydrant replacements throughout Worthington. Currently, the City of Worthington funds hydrant replacements from the City's operating budget.

## Zoning

Upon annexation, properties in Riverlea will be subject to the Worthington Planning and Zoning Code including property use, dimensional requirements and variance processes. The City of Worthington will need to assign a Worthington zoning category to each of the properties in Riverlea. In reviewing the existing characteristics of the current properties in Riverlea, the Commission determined the properties on the west side of Olentangy Boulevard should be zoned R-16 Very Low Density Residence; the properties fronting High Street should be zoned AR-4.5 Low Density Apartment; and the remaining properties in Riverlea should be zoned R-10 Low Density Residence.

Worthington's Codified Ordinances contain different requirements for building and zoning than those that exist in the Riverlea Ordinances. Individuals are encouraged to review Worthington's Ordinances or contact the City of Worthington to determine how the Ordinances may apply to specific properties in Riverlea.

## **Annexation Conditions**

In accordance with State law, the Commission has prepared the Conditions of Annexation, which are based on the determinations they made on the annexation issues. The conditions of the annexation are attached.

## **Effective Date**

The transition after annexation is simplified if the annexation is effective on the first day of a new fiscal year. The City of Worthington's fiscal year coincides with the calendar year. If the question of annexation is approved by voters on November 8, 2011, the preferred effective date for annexation is January 1, 2012. This effective date is contingent upon submittal of the appropriate documents to Franklin County and the State of Ohio in compliance with the State law governing this annexation.

## **Next Steps**

The work of the Commission on Annexation is an important component of the annexation process. Now that the Commission has completed its work, this report and the Conditions of Annexation are presented to the Riverlea Village Council and the Worthington City Council. The two councils, according to State law, shall order the question of annexation to be submitted for a vote of Riverlea and Worthington. If a majority of voters in each Riverlea and Worthington vote in favor of the annexation, the annexation is approved. Although the Worthington City Council has the option to waive the submission of the question to Worthington voters and assent to the annexation, it is the intent of the Worthington Annexation Commissioners to submit the question to voters. If the City Council votes to assent to the annexation, a valid petition by Worthington voters can force the issue to the ballot in Worthington.