

TEMPORARY ORDINANCE NO. 12-11

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO DETACH FROM THE CITY OF LANCASTER 7.117 ACRES AND TO DECLARE AN EMERGENCY

WHEREAS, the City of Lancaster and Fairfield County Commissioners have developed a plan to relocate Election House Road to accommodate the Fairfield County Airport; and

WHEREAS, the City of Lancaster and Fairfield County Commissioners desire to plan for clear boundary lines for road maintenance and safety forces; and

WHEREAS, the City of Lancaster and Fairfield County Commissioners through their engineers allocated responsibilities in this project; and

WHEREAS, the Law Director was asked to proceed with de-annexation of a portion of the project to prevent the need for a roadway maintenance agreement;

WHEREAS, the Fairfield County Commissioners own said parcel;

WHEREAS, the land petition is to detach 7.117 acres of land as part of this collaborative project;

WHEREAS, Ohio Revised Code 709.38 permits such detachment;

BE IT ORDAINED by the Council of the City of Lancaster, State of Ohio

SECTION 1. That an application by the Fairfield County Commissioners has been presented to this Council for the detachment of the following described territory from the City of Lancaster of Fairfield County, Ohio: a tract which is comprised of 7.117 acres, Section 27 of Township 15, Range 19, Fairfield County, Ohio see attached Exhibit "A" and "B" for description. The petition is attached as Exhibit C.

SECTION 2. The Council of the City of Lancaster hereby assents and grants the Petition to De-Annex for the parcel described in Exhibit A & B.

SECTION 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to clarify the boundaries of the City for clarity in provision of emergency services including police and fire for the property, wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Date Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Law Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2011 and _____, 2011 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

Exhibit A

LEGAL DESCRIPTION DE-ANNEXATION FROM THE CITY OF LANCASTER 7.117 ACRES

SITUATE IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 15, RANGE 19,
CITY OF LANCASTER, GREENFIELD TOWNSHIP, FAIRFIELD COUNTY, OHIO.

Being a part of a 7.259 acre tract of land described in official record 1553, page 2960 owned by the Board of Commissioners of Fairfield County, Ohio and being more fully described as follows:

Commencing for reference at a railroad spike found in the northwest corner of the northeast quarter of section 27 and being also in the center of Election House Road;

thence, South $03^{\circ}-00'-16''$ West, 672.77 feet, along the westerly line of the northeast quarter of section 27 and the centerline of Election House Road, to a $5/8$ inch diameter rebar with I.D. cap found;

thence, South $86^{\circ}-25'-16''$ East, 22.50 feet, along the grantor's north line, to a $5/8$ inch diameter rebar with I.D. cap set at the intersection of same with the east right of way line of Election House Road and the current westerly corporation line of the City of Lancaster, and being the principal place of beginning of the tract herein de-annexed;

thence, South $86^{\circ}-25'-16''$ East, 1259.68 feet, along the grantor's north line and current north corporation line of the City of Lancaster, to a $5/8$ inch diameter rebar with I.D. cap found at the northwest corner of lot number 601 of River Valley Highlands, Section 8, Phase 2 as filed in Plat Cabinet 2, slot 14;

thence, South $03^{\circ}-29'-07''$ West, 245.83 feet, along the west line of River Valley Highlands, Section 8, Phase 2, to a $5/8$ inch diameter rebar with I.D. cap found;

thence, North $86^{\circ}-27'-11''$ West, 1242.67 feet, to a $5/8$ inch diameter rebar with I.D. cap found;

thence, Southwesterly, 31.57 feet, along the proposed southeasterly right of way line of Election House Road and the arc of a curve to the left having a radius of 37.80 feet, an internal angle of

47°-50'-55" and a chord 30.66 feet in length bearing South 26°-55'-44" West, to a 5/8 inch diameter rebar with I.D. cap found;

thence, North 86°-59'-44" West, 2.50 feet, to the intersection of same with the east right of way line of Election House Road and the current west corporation line of the City of Lancaster;

thence, North 03°-00'-16" East, 274.71 feet, along the east right of way line of Election House Road and the current west corporation line of the City of Lancaster, to the principal place of beginning;

Containing 7.117 acres more or less and being subject to any legal highways and easements of record.

Rebars set are 5/8 inch diameter by 30 inches in length with yellow plastic I.D. cap stamped with CHOICE ONE ENGR SEB LS-7059.

The above description was prepared by Steven E. Bowersox, Ohio Professional Surveyor number 7059, based on a survey performed under his direction dated August 30, 2011, with the bearings used for same being based on NAD 83, GEOID 2003 Ohio South Zone, ODOT VRS CORS Network.

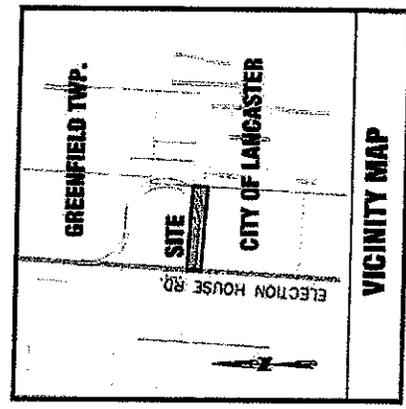


Steven E. Bowersox 8/30/2011
Steven E. Bowersox, PS #7059

Exhibit B

PLAT OF DE-ANNEXATION

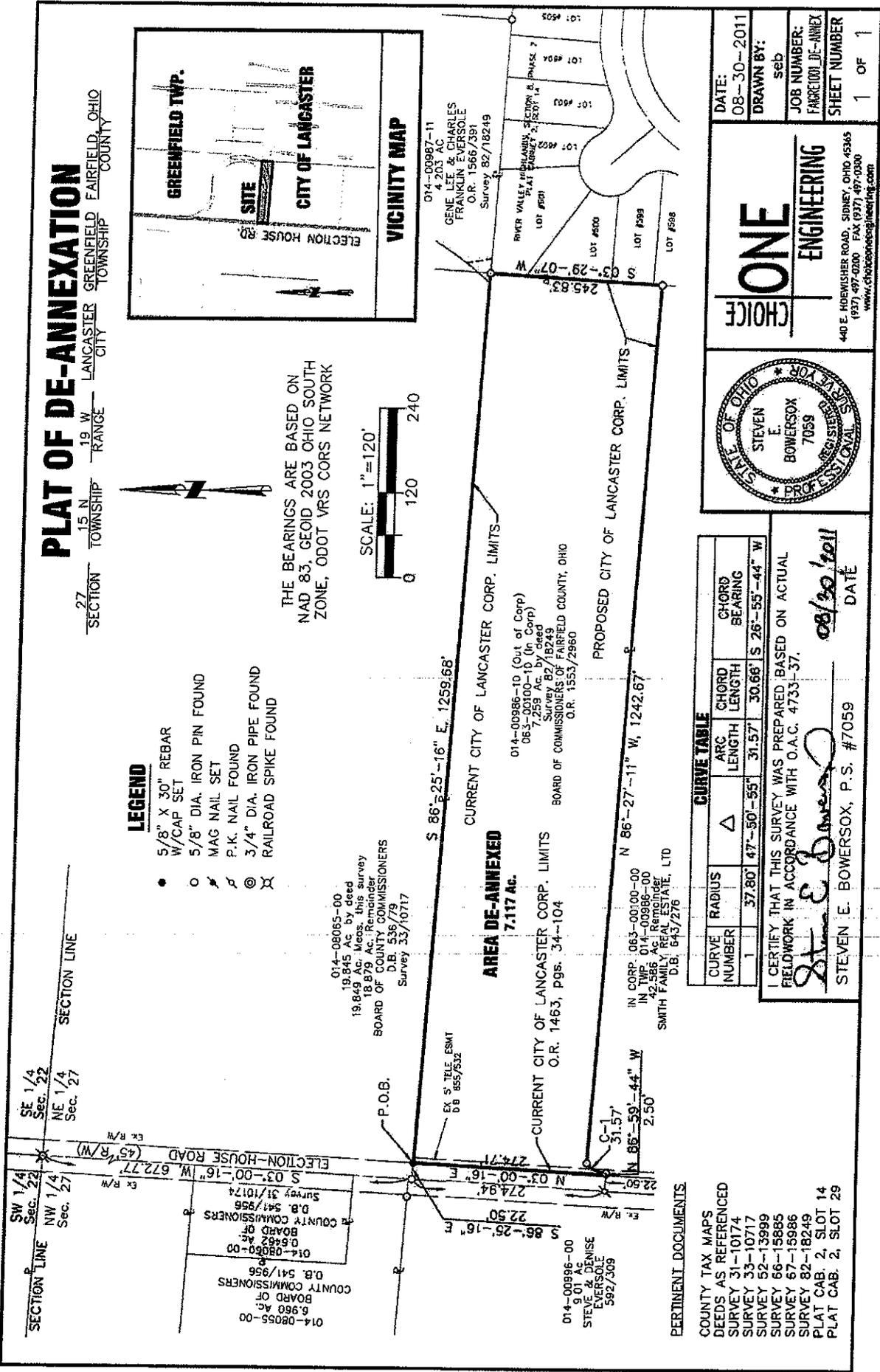
SECTION 27 15 N 19 W
TOWNSHIP LANCASTER GREENFIELD FAIRFIELD, OHIO
CITY RANGE COUNTY



LEGEND

- 5/8" X 30" REBAR W/CAP SET
- 5/8" DIA. IRON PIN FOUND
- ✂ MAG NAIL SET
- ♂ P.K. NAIL FOUND
- ⊙ 3/4" DIA. IRON PIPE FOUND
- ⊗ RAILROAD SPIKE FOUND

THE BEARINGS ARE BASED ON NAD 83, GEOD 2003 OHIO SOUTH ZONE, ODOT VRS CORP NETWORK



CURVE TABLE			
CURVE NUMBER	RADIUS	ARC LENGTH	CHORD BEARING
1	37.80'	47°-50'-55"	31.57' 30.66° S 26°-53'-44" W

CERTIFY THAT THIS SURVEY WAS PREPARED BASED ON ACTUAL FIELDWORK IN ACCORDANCE WITH O.A.C. 4733-37.

Steven E. Bowersox
STEVEN E. BOWERSOX, P.S. #7059
DATE: 08/30/11



CHOICE ONE ENGINEERING

440 E. HOEWISHER ROAD, SIDNEY, OHIO 45345
(937) 497-0200 FAX (937) 497-0500
www.choiceoneengineering.com

DATE: 08-30-2011
DRAWN BY: seb
JOB NUMBER: FAIRFIELD DE-ANNEX
SHEET NUMBER: 1 OF 1

PERTINENT DOCUMENTS

- COUNTY TAX MAPS DEEDS AS REFERENCED
- SURVEY 31-10174
- SURVEY 33-10717
- SURVEY 52-13999
- SURVEY 66-15685
- SURVEY 67-15986
- SURVEY 82-18249
- PLAT CAB. 2, SLOT 14
- PLAT CAB. 2, SLOT 29

IN CORP. 063-00100-00
IN TWP. 014-00986-00
IN R. 142-566
SMITH FAMILY REAL ESTATE, LTD
D.B. 643/276

014-00996-00
9.01 AC
STEVE & DENISE
EVERSOLE
592/309

014-08055-00
19,845 Ac. by deed
19,849 Ac. Meas. this survey
18,879 Ac. Remainder
BOARD OF COUNTY COMMISSIONERS
D.B. 536/79
Survey 33/10717

014-00987-11
4.203 AC
GENE LEE & CHARLES
FRANKLIN EVERSOLE
O.R. 1566/391
Survey 82/18249

014-00986-10 (Out of Corp)
063-00100-10 (In Corp)
7.209 Ac. by deed
Survey 82/18249
BOARD OF COMMISSIONERS OF FAIRFIELD COUNTY, OHIO
O.R. 1553/2960

EX. S' TELE ESMT
DB 655/532

014-00986-10 (Out of Corp)
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Exhibit C

11-09.20.bb

Received
9/21/11 @ 8:15 a.m.

IN THE MATTER OF Approval of a Petition to Detach Territory from Municipality

WHEREAS, the Fairfield County Board of Commissioners are a majority of the freeholder electors on the attached petition in the following described territory of 7.117 acres in the City of Lancaster, County of Fairfield, Ohio; and

WHEREAS, it is necessary for the Fairfield County Board of Commissioners to file a petition to detach this property from the City of Lancaster.

BE IT RESOLVED by the Board of County Commissioners, County of
Fairfield, State of Ohio:

SECTION 1. That the legal description of the property to be detached is listed on the attached petition.

SECTION 2. That the Clerk of this Board is directed to file the petition, together with the map to the City of Lancaster.

Motion by JUDITH SHUPE seconded by STEVEN DAVIS

that the resolution be adopted was carried by the following vote:

YEAS: SHUPE, DAVIS, KIGER NAYS: NONE

ABSTENTIONS: NONE

Mike Kiger ADOPTED SEPTEMBER 20, 2011
Mike Kiger, Commissioner

Judith K. Shupe
Judith K. Shupe, Commissioner

Steven A. Davis
Steven A. Davis, Commissioner

Branden Meyer
Branden C. Meyer, Clerk/Manager

Petition to Detach Territory from Municipality

The undersigned are a majority of the freeholder electors in the following described territory of 7.117 acres in the City of Lancaster, County of Fairfield, Ohio:

LEGAL DESCRIPTION DE-ANNEXATION FROM THE CITY OF LANCASTER 7.117 ACRES

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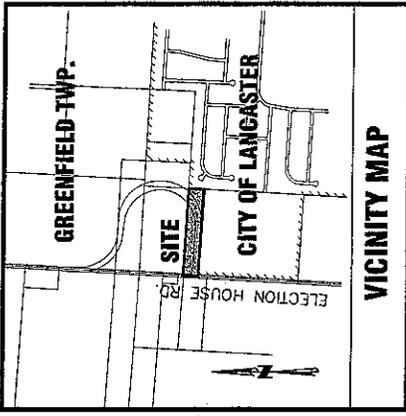
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Annexation/De Annexation Docs/PTCFDA 3 7 2011

PLAT OF DE-ANNEXATION

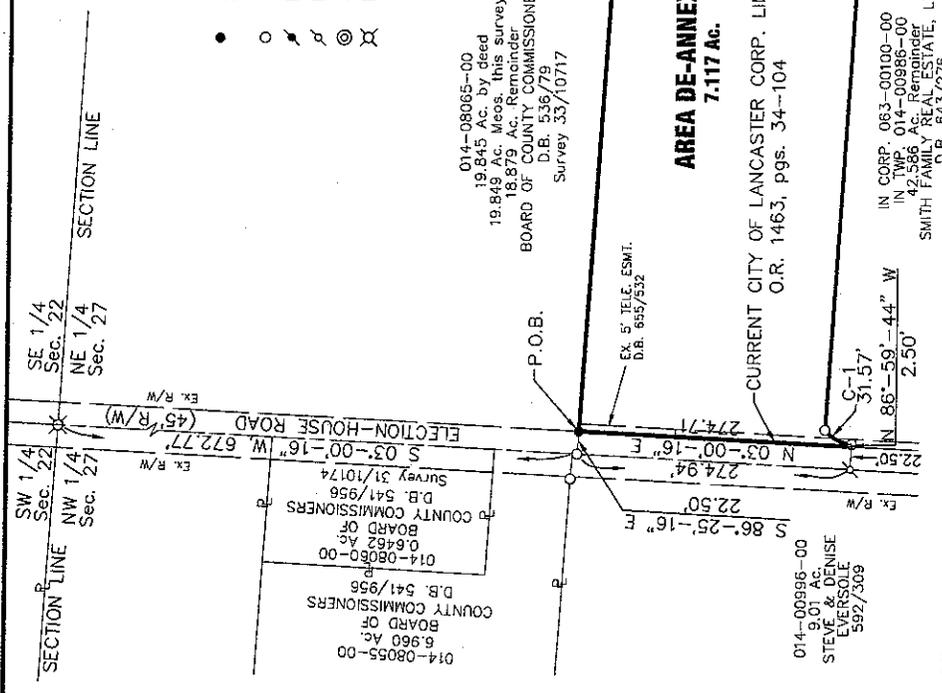
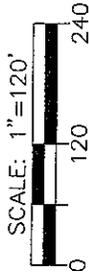
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Steven E. Bowersox
STEVEN E. BOWERSOX, P.S. #7059
DATE: 08/30/2011



CHOICE
ONE

ENGINEERING

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7.259 AC. by deed
Survey 82/18249
O.R. 1553/2960
BOARD OF COMMISSIONERS OF FAIRFIELD COUNTY, OHIO

AREA DE-ANNEXED
7.117 AC.

014-08055-00
6.960 AC.
BOARD OF COUNTY COMMISSIONERS
D.B. 541/956

014-08060-00
6.453 AC.
BOARD OF COUNTY COMMISSIONERS
D.B. 541/956

014-08065-00
19.845 AC. by deed
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BOARD OF COMMISSIONERS OF FAIRFIELD COUNTY, OHIO

PROPOSED CITY OF LANCASTER CORP. LIMITS

CURRENT CITY OF LANCASTER CORP. LIMITS

S. 86°-25'-16" E, 1259.68'

N 86°-27'-11" W, 1242.67'

IN CORP. 063-00100-00
IN TWP. 014-00986-00
42.586 Ac. Remainder
SMITH FAMILY REAL ESTATE, LTD.
D.B. 643/276

EX. 5' TELE. ESMT.
D.B. 655/532

P.O.B.

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