

TEMPORARY ORDINANCE NO. 10-11

PERMANENT ORDINANCE NO. 10-11

AN ORDINANCE CONSENTING TO ANNEXATION FOR THE OLIVEDALE PARCEL

WHEREAS, the City of Lancaster, on April 11, 2011, passed an ordinance to initiate annexation of 10.246+/- in Ordinance 4-11 for the field at Olivedale; and

WHEREAS, on August 17, 2011, the Petition was filed by the City for the Annexation with the Fairfield County Commissioners seeking annexation of the 10.246+/- acres into the City of Lancaster, and

WHEREAS, the County Commissioners granted the annexation on September 6, 2011;

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

SECTION 1. That the City hereby consents and accepts the annexation of 10.246 +/- acres pursuant to Ohio Revised Code 709.02.3 as described in Exhibit A.

SECTION 2. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law after its passage by Council and approval by the Mayor.

Passed: 9/26/11 after 2nd reading. Vote: Yeas 8 Nays 0

Date Approved: 9/26/11


President of Council

Clerk: Teresa Lee Sandy


Mayor

Offered by: Melody L. Bobbitt

Second by: Yon Hale

Requested by Law Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2010 and _____, 2010 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council



Fairfield County Board of Commis

EXHIBIT

A

COMMISSIONERS

Mike Kiger
Judith K. Shupe
Steven A. Davis

September 6, 2011

CLERK/MANAGER

Branden C. Meyer

Terre Vandervoort
Law Director & City Prosecutor
P.O. Box 1008
Lancaster, Ohio 43130

Dear Ms. Vandervoort:

I, Branden C. Meyer, Clerk/Manager of the Fairfield County Board of Commissioners, do hereby certify that the attached are true and accurate copies of the petition, maps, and all other papers on file relating to the annexation proceedings presented by City of Lancaster, in the matter of the annexation of petition to annex 10.246+/- acres, more or less of Hocking Township into the City of Lancaster.

Sincerely,

A handwritten signature in cursive script that reads "Branden Meyer".

Branden C. Meyer
Clerk/Manager,
Fairfield County Board of Commissioners

Enc.

IN THE MATTER OF a Petition to Annex 10.246+/- Acres, more or less, of Hocking Township into the City of Lancaster, Pursuant to ORC 709.16, Petition for Annexation of Municipal Owned Land, Submitted by the City of Lancaster

WHEREAS, a petition for annexation of 10.246+/- acres, more or less, from Hocking Township into the City of Lancaster was filed with the Fairfield County Board of Commissioners on August 17, 2011, under the process outlined in Section 709.16 of the Revised Code; and

WHEREAS, a legal description and survey of the property to be annexed is attached hereto and incorporated herein; and

WHEREAS,

- (1) The petition for annexation meets all the requirements set forth in, and was filed in the manner provided in section 709.16 of the Revised Code;
- (2) The person who signed the petition is the authorized agent for the petitioners;
- (3) The territory proposed for annexation is contiguous to the City of Lancaster and owned solely by the City of Lancaster;
- (4) The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation;
- (5) If a street or highway will be divided or segmented by the boundary line between the township and the municipal corporation as to create a road maintenance problem, the municipal corporation to which annexation is proposed has agreed as a condition of the annexation to assume the maintenance of that street or highway or to otherwise correct the problem. As used in this paragraph, "street" or "highway" has the same meaning as in section 4511.01 of the Revised Code; and

WHEREAS, the City of Lancaster, Ohio has adopted a municipal services ordinance to provide city services to the property to be annexed and has adopted a resolution of consent for the annexation of the territory.

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

SECTION 1. That the Board of Commissioners finds that the petition is a valid petition to annex and that it meets all the requirements set forth in and was filed in a manner provided in ORC 709.16.

SECTION 2. Pursuant to ORC 709.16, the Board of Commissioners hereby grants the petition to annex 10.246+/- acres, more or less, of Hocking Township into the City of Lancaster, Ohio.

SECTION 3. That the Clerk/Manager of the Board of Commissioners is instructed to deliver a certified copy of the entire record of the annexation proceedings, including the Board resolution, the petition, the map, and all other papers of the file relating to the annexation proceedings to the Clerk of the City of Lancaster, Ohio.

Motion by JUDITH SHUPE seconded by STEVEN DAVIS

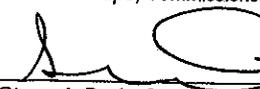
that the resolution be adopted was carried by the following vote:

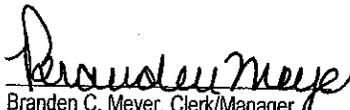
YEAS: SHUPE, DAVIS, KIGER NAYS: NONE

ABSTENTIONS: NONE

 ADOPTED SEPTEMBER 6, 2011
Mike Kiger, Commissioner


Judith K. Shupe, Commissioner


Steven A. Davis, Commissioner


Branden C. Meyer, Clerk/Manager

Jon A. Slater, Jr.

210 East Main Street, Rm 105
Lancaster, Ohio 43130-3882

FAIRFIELD COUNTY AUDITOR
GIS DEPARTMENT

Voice (740) 652-7055
Fax (740) 681-5596

To: Fairfield County Board of Commissioners

Attn: Branden Meyer, Clerk/Manager

From: David Burgei, GIS Administrator

Subject: Proposed Annexation of 10.246 acres to the City of Lancaster, Hocking Township.

Date: August 26, 2011

We have reviewed the proposed annexation as presented with the documentation you sent. Please see our comments listed below.

1. The total acreage stated on the annexation is 10.246 acres. The acreage currently on the Auditor's Tax Duplicate for PIN 018-08030.00 is 9.70 acres (Deed Volume 387, Page 77), and for PIN 018-08175.00 is 1.55 acres (Deed Volume 542, Page 176). The Auditor's acreage is based on the recorded deed acreage.
2. The annexation will not affect the recorded acreage.
3. If the petitioners would like the acreage to match the acreage on the annexation plat, a new survey will need to be completed and the new descriptions will need to be recorded before the annexation occurs.
4. As a point of information Deed 387, Page 77 and Deed 542, Page 172 are both in the City of Lancaster name, but have overlapping property descriptions.

This concludes the comments from the GIS Department. Please feel free to contact me with any questions, thank you.

The annexation from Hocking Township into the City of Lancaster of 10.248 acres as received in our office last week appears to be acceptable to the County Engineer's Office. This is all City-owned property. I believe if there were no commissioner's actions at all this would still be annexed due to 100 % City property involved.

Two things could be noted:

1. Approximately 450 ft. additionally of U.S 22 will become a city street (for maintenance purposes).
2. By County Conveyance Stds. the western most "points" on U.S. 22 would need some monumentation, although the Legal description only references "points." In the past this has been allowed to occur after Commissioner's approval. The "point" is to have monumentation to ascertain where corporation signs must be moved to but in this the City is the petitioner.

That concludes comments at this time.

Frank Anderson
Fairfield County Engineer

RECEIVED

AUG 17 2011

FAIRFIELD COUNTY
COMMISSIONERS

NOTICE OF FILING

Pursuant to ORC 709.16

TO: Clerk of Lancaster City Council, (personal delivery)
Clerk of Hocking Township (certified mail)
Lancaster City Engineer (hand delivered)
Honorable David Smith, Mayor (hand delivered)
Frank Anderson, County Engineer (regular mail)
Mitch Overton, Park Superintendent City of Lancaster (placed in his City Hall mailbox)

Please be informed that a "Petition for Annexation" was filed on August 17, 2011,
at 8:30 AM/PM, in the office of the Fairfield County Commissioners. A copy of said petition
(with exhibits) is attached hereto.



Terre L. Vandervoort
Law Director & City Prosecutor
Agent for Petitioners
P.O. Box 1008
Lancaster, Ohio 43130
(740) 687-6616

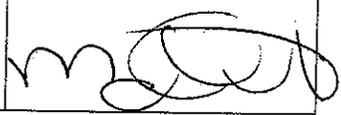
PETITION FOR ANNEXATION
Pursuant to ORC 709.16 (Municipal Owned Petition)

TO: Fairfield County Commissioners

DATE: August 10, 2011

The undersigned municipality, being owners of the real estate described in this petition, and known as Olivedale Senior Facility (field area), do hereby petition the County Commissioners for Fairfield County to annex to the City of Lancaster, Ohio, from Hocking Township, Fairfield County, Ohio the 10.246 +/- acres, more or less, or real estate, the legal description and map of which is attached hereto and incorporated herein as Exhibit "A". Said property is contiguous to the City of Lancaster and owned solely by the City of Lancaster.

(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.)

Owner Name and Address	Tract & Township	Parcel	Acres	Signature
City of Lancaster, P.O. Box 1008, Lancaster, Ohio 43130	Tract 1 (Hocking Township)	018-08030-00	8.543	
		018-08175-00	1.376	
		053-68345-00	.327	
		10.246		

Page (2)

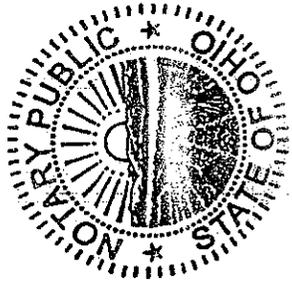
Terre L. Vandervoort, Law Director, City of Lancaster, P.O. Box 1008, Lancaster, Ohio 43130, shall act as agent for the petitioners. Said agent is hereby authorized to make any amendment and/or deletion which is in his/her absolute and complete discretion is necessary or proper under the circumstances then existing, and in particular to make such amendment in order to correct any discrepancy or mistake noticed by the Fairfield County Engineer in his/her examination of the petition and plat. Said amendment shall be made by the presentation of an amended plat and description to the board of County Commissioners on, or after the date set for hearing on this Petition.

8/10/2011
Date

By: Terre L. Vandervoort
Agent

I, Teresa Lee Sandy, Notary and Clerk of Council, hereby certify this to be a true and correct copy of the original legislation passed by Lancaster City Council at their Meeting held on Monday, April 11, 2011

Witness my signature and seal this 16th day of August, 2011.
Teresa Lee Sandy
Notary Public & Clerk of Council



TERESA LEE SANDY
Notary Public, State of Ohio
My Commission Expires
10-3-2014

TEMPORARY ORDINANCE NO. 5-11
PERMANENT ORDINANCE NO. 4-11

AN ORDINANCE TO AUTHORIZE A PETITION FOR THE ANNEXATION OF 10.246 +/- ACRES KNOWN AS OLIVEDALE SENIOR FACILITY IN HOCKING TOWNSHIP PURSUANT TO OHIO REVISED CODE 709.16 AND TO DECLARE AN EMERGENCY

WHEREAS, part of the Olivedale property currently lies within the City of Lancaster and the other part lies in the township; and

WHEREAS, the City desires for clarity of safety service response that the entire property be within the City;

BE IT ORDAINED BY COUNCIL OF THE CITY OF LANCASTER, FAIRFIELD COUNTY, STATE OF OHIO

SECTION 1. That Council for the City of Lancaster hereby authorizes the Service-Safety Director to file a petition for annexation of the 10.246 +/- acres herein described in Exhibit A, pursuant to ORC 709.16.

SECTION 2. That the City Law Director is hereby authorized to commence with annexation proceedings on behalf of the City for the 10.246 +/- acres described in Exhibit A.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare by allowing for the provision of City Police and Fire services through the annexation of the property.

Passed: 4/11/2011 after 2nd reading. Vote: Yeas 9 Nays 0

Date Approved: 4/11/2011

Clerk: Teresa Lee Sandy

Henry D. Orr
President of Council

Offered by: Melody K. Bobbitt

[Signature]
Mayor

Second by: Steve Johnson

Requested by Law Committee

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

Clerk of Council

