

TEMPORARY ORDINANCE NO. 7-15

PERMANENT ORDINANCE NO. 7-15

AN ORDINANCE TO AMEND PERMANENT ORDINANCE 35-72, ACCEPTING APPLICATION FOR ANNEXATION OF TERRITORY, AND TO DECLARE AN EMERGENCY

WHEREAS, Permanent Ordinance 35-72 accepted the annexation of territory into the City of Lancaster; and

WHEREAS, Attorney Robert Johnston represented the landowners seeking annexation of their property into the City of Lancaster in 1972; and

WHEREAS, in preparation for the annexation of roadway right-of-way on Sheridan Drive from Sixth Avenue to Tiki Lane it was discovered that the Plat of Territory for Annexation describing the annexed property submitted with Permanent Ordinance 35-72 and the description provided in Section 1 of the ordinance were in error; and

WHEREAS, the corrected Plat of Territory for Annexation prepared by Tobin-McFarland Surveying is attached hereto as Exhibit A; and

WHEREAS, an affidavit signed by Attorney Robert Johnston explaining the error and the correction is attached hereto as Exhibit B

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO:

SECTION 1. That Permanent Ordinance 35-72 be amended to describe the annexed territory as corrected in the attached Exhibit A.

SECTION 2. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, wherefore this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: 3/14/15 after 3rd reading. Vote: Yeas 8 Nays 0

Approved: 3/14/15

Clerk: Teresa Lee Sandy

Offered by: Gina M. Bentley

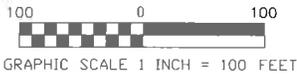
Second by: Harry E. Hiles
Requested by Law Committee

Cathy J. Miller
President of Council

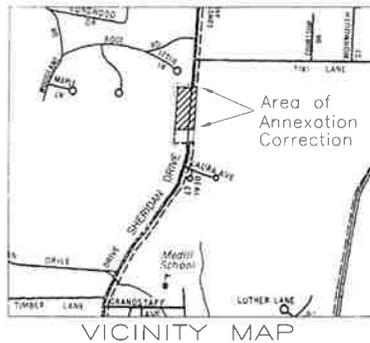
John Smith
Mayor

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2015 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council



**PLAT OF TERRITORY
FOR ANNEXATION TO
THE CITY OF LANCASTER
3.333 ACRES
To Correct the 1972 Annexation
of 3.845 Acres in
Dedication Book 4, Page 476
Ordinance 35-72**



Jason R. Shields
OR 1653, Page 1107
0.57 Acres
PIN 027-00530.00

1972 Annexation
by lead-in distance
County of Fairfield
Vol.453, Pg.109
0.09 Ac.(46WD)

BEGIN 3.333 Acres Annexation
S06°21'06"W, 545.53' from the
intersection of the centerline of
Sheridan Drive with the North
line of Section 32

Frances Denise Miller
Donny R. Fouch
Daryl E. Fouch
Deborah K. Goodman
David P. Fouch
OR 1575, Page 1894
1.01 Acres
PIN 053-40120.00
PIN 027-01646.99

S86°13'37"E 30.03'
Dogwood Terrace Apartments
of Lancaster Ltd.
Vol.404, Page 317
PIN 053-40116.00
7.910 Acres

LEGEND:

- Proposed Corporation Line
- Existing Corporation Line
- Property Line

DESCRIPTION OF 3.333 ACRES

Situated in the State of Ohio, County of Fairfield, City of Lancaster, Township 15, Range 18, Section 32.

Beginning at a point in the center of Sheridan Drive at the northeast corner of a 0.06 acre tract described in a deed to the City of Lancaster and recorded in Deed Volume 454, Page 108, said point being South 06 degrees 21' 06" West a distance of 545.53 feet (460.03 feet by previous measurement) from the intersection of the centerline of Sheridan Drive with the north line of Section 32;

Thence South 86 degrees 13'37" East a distance of 30.03 feet to the east right of way line of Sheridan Drive and the existing City of Lancaster corporation line;

Thence with said corporation line South 06 degrees 21'06" West a distance of 560.80 feet (648 feet by previous measurement) to a point at the southeast corner of the annexation recorded in Dedication Book 4, Page 476;

Thence South 88 degrees 55'08" West a distance of 252.05 feet (251.8 feet by previous measurement) to the southwest corner of the annexation recorded in Dedication Book 4, Page 476 and northwest corner of a 1 acre tract described in Official Record 1149, Page 2296;

Thence North 05 degrees 33'17" East a distance of 259.51 feet (259.85 feet by previous measurement) to the northwest corner of a 0.41 acre tract described in Official Record 1149, Page 2287;

Thence North 05 degrees 32'27" East a distance of 322.33 feet (407.7 feet by previous measurement) to the northwest corner of a 0.45 Acre tract described in Official Record 1321, Page 662;

Thence with the north line of said 0.45 Acres South 86 degrees 13'37" East a distance of 228.34 feet to the point of beginning, containing 3.333 Acres.

Bearings are based on a survey of 68.412 acres for annexation recorded in Official Record 1421, Page 71. For additional information see plat of survey made in conjunction with and considered an integral part of this description.

This description is based on a survey made in October of 2008 and updated in February of 2015 by Tobin-McFarland Surveying, Inc., and was prepared by Rodney McFarland, Registered Professional Surveyor No. 6416.

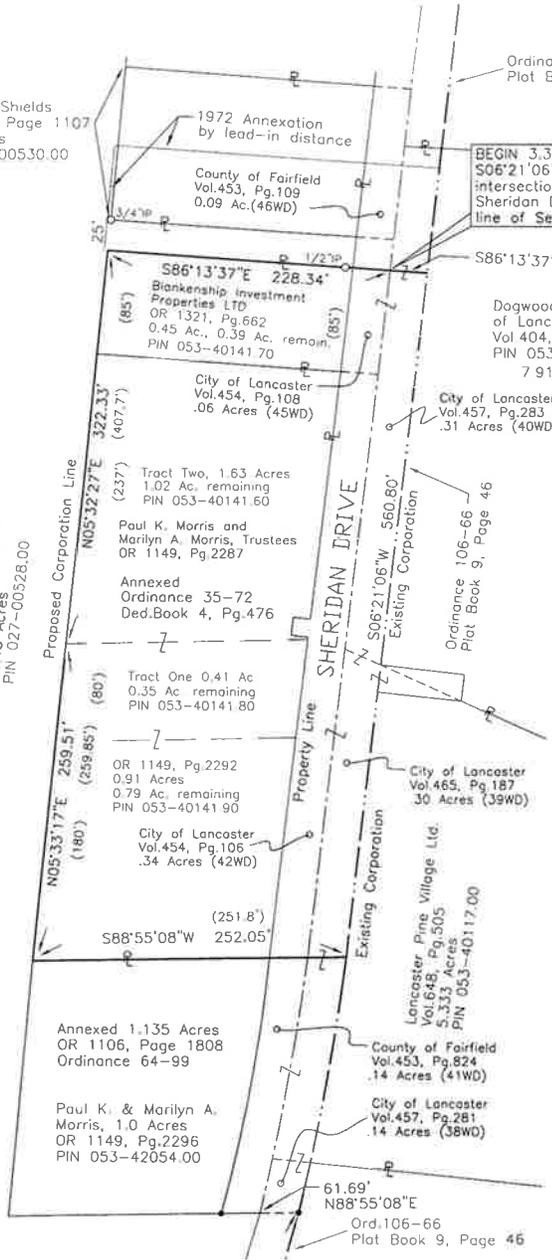
Date of Drawing: Mar.2, 2015

BY:

Registered Surveyor No.6416 Date
Originals are signed in Blue Ink

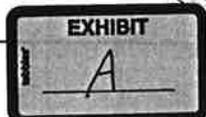
TOBIN-MCFARLAND SURVEYING INC.
111 West Wheeling Street
Lancaster, Ohio 43130

Ph 740-687-1710 Fax 740-687-0877



The territory to be annexed has a total perimeter boundary of 1653 feet, a minimum of which 561 feet (34%) is contiguous to the City of Lancaster's existing corporation line.

**STATE OF OHIO
FAIRFIELD COUNTY
CITY OF LANCASTER
TOWNSHIP 15, RANGE 18
SECTION 32**



AFFIDAVIT IN SUPPORT OF AMENDMENT TO ORDINANCE NO. 35-72

Robert E. Johnston, being first duly sworn, deposes and says:

- 1. That he is now and at all times relevant to this affidavit was an attorney at law licensed to practice law in the State of Ohio.**
- 2. That in 1972 he represented Paul K. Morris and Marilyn A. Morris in having their property on Sheridan Drive annexed to the City of Lancaster, Ohio.**
- 3. That Robert C. Reef, Registered Surveyor prepared a map of a part of Section 32, Pleasant Township, Fairfield County, Ohio, which purported to describe the property owned by Paul K. Morris and Marilyn A. Morris which was to be annexed to the City of Lancaster, Ohio.**
- 4. That said plat described 3.845 acres owned by Paul K. Morris and Marilyn A. Morris which was to be annexed to the City of Lancaster.**
- 5. That it has been determined that the starting point for said plat was computed in error and that the northerly boundary of said property, because of the error, actually went through a house which was on property north of the Morris property.**
- 6. That Paul K. Morris and Marilyn A. Morris intended for the northerly property line to be the southerly property line of a 25 foot access to property which is currently owned by Ida Anne Austin, Trustee, and to be the northerly line of property which is currently owned by Blankenship Investment Properties, LTD (known as 1415 Sheridan Drive) and that Morris did not intend for the City boundary to go through their neighbor's house.**
- 7. That Rodney McFarland, Registered Professional Surveyor, has resurveyed the property which was to have been annexed to the City of Lancaster by Ordinance 35-72.**



8. That a copy of the new survey prepared by Rodney McFarland, is attached hereto as Exhibit A.
9. That the new survey describes that parcel which was to have been annexed to the City of Lancaster as containing 3.333 acres.
10. That the owners of the property which was incorrectly annexed to the City of Lancaster have always had their property listed by the County Auditor as being in Pleasant Township, which is what was intended at the time Ordinance 35-72 was passed by the Lancaster City Council.
11. That the purpose of this affidavit is to support an Ordinance being presented to the Lancaster City Council to amend Ordinance 35-72 to correct the legal description which was erroneously described in Ordinance 35-72

Further affiant sayeth not.

Robert E. Johnston

State of Ohio

County of Fairfield, ss

Sworn to before me and subscribed in my presence this ____ day of March, 2015.

Notary Public, State of Ohio

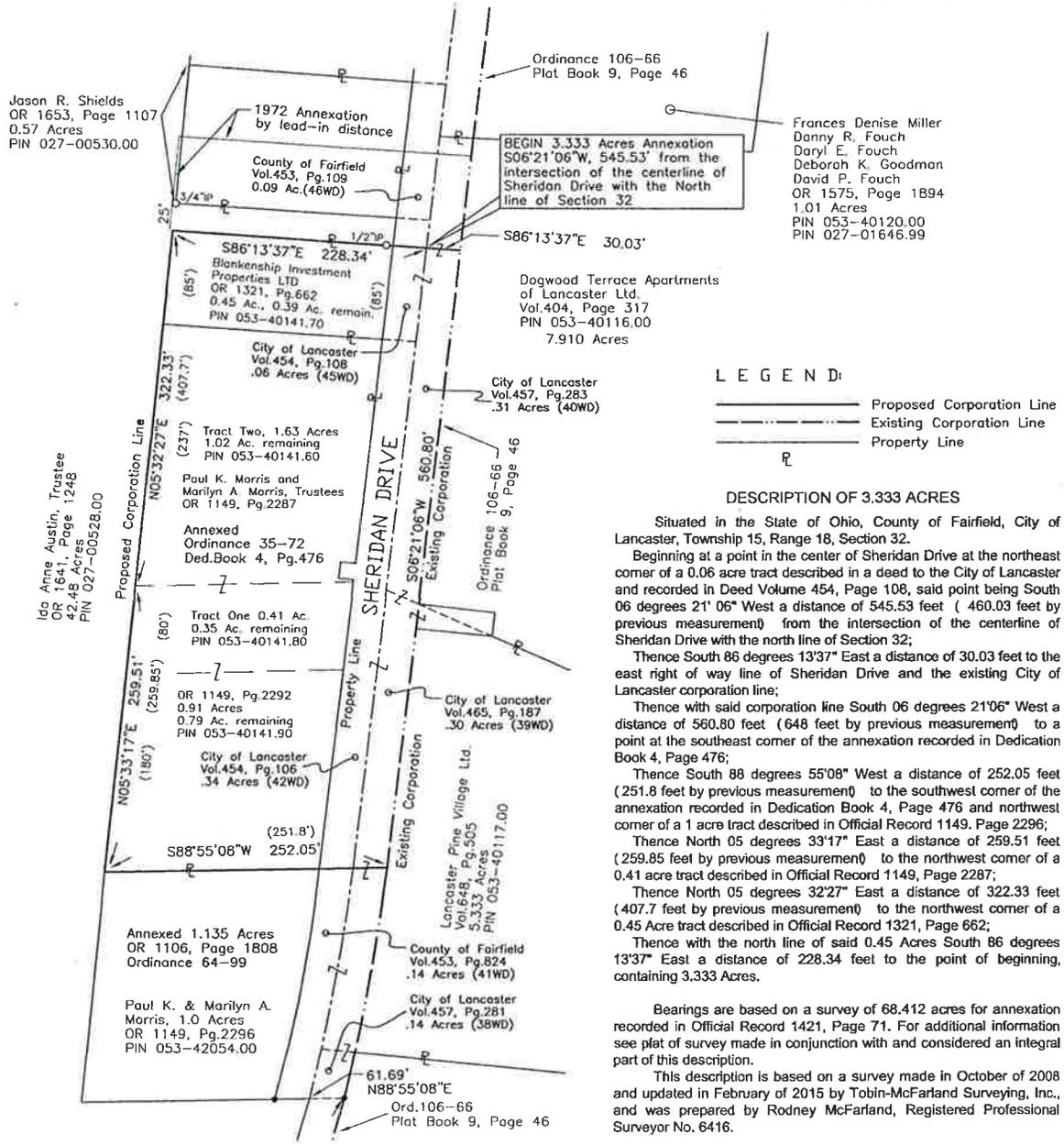
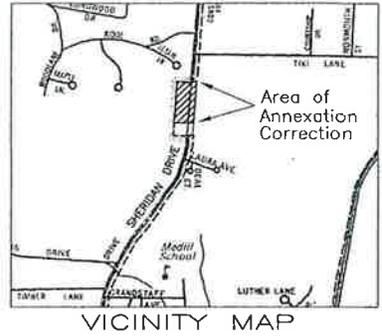
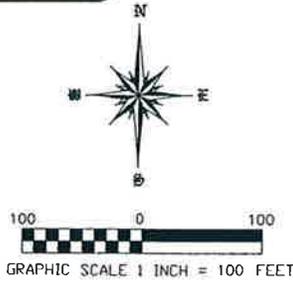
Commission expiration date: _____

This instrument was prepared by:

Randall T. Ullom, Law Director & City Prosecutor for the City of Lancaster, 123 East Chestnut Street, Lancaster, Ohio 43130



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Date of Drawing: Mar.2, 2015

**STATE OF OHIO
FAIRFIELD COUNTY
CITY OF LANCASTER
TOWNSHIP 15, RANGE 18
SECTION 32**



BY: _____
 Registered Surveyor No.6416 Date
TOBIN-McFARLAND SURVEYING INC.
 111 West Wheeling Street
 Lancaster, Ohio 43130
 Ph. 740-687-1710 Fax 740-687-0877