

TEMPORARY ORDINANCE NO. 24-15

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO ACCEPT A PETITION FOR THE ANNEXATION OF 0.838 +/- ACRES IN PLEASANT TOWNSHIP FOR THE SHERIDAN DRIVE 2 ANNEXATION, AND TO DECLARE AN EMERGENCY

WHEREAS, the Fairfield County Commissioners approved the Sheridan Drive 2 Annexation of 0.838 +/- acres in Pleasant Township on August 25, 2015 with resolution 2015-08.25.c attached hereto as Exhibit "A"; and

WHEREAS, the City has complied with all the statutory requirements of ORC Chapter 709 and wishes to accept the Petition for annexation; now, therefore

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

SECTION 1. That the City of Lancaster hereby accepts a petition for annexation of 0.838 +/- acres in Pleasant Township herein described in Exhibit "B" as set forth in the petition filed with the Fairfield County Commissioners attached hereto as Exhibit "C" and approved by the Fairfield County Commissioners by resolution attached hereto as Exhibit "A".

SECTION 2. That the City Law Director is hereby authorized to proceed with annexation proceedings on behalf of the City for the 0.838 +/- acres described in Exhibit "B".

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. Therefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

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

Approved: _____

President of Council

Attest: _____

Mayor

Offered by: _____

Second by: _____

Requested by Law Committee

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

Clerk of Council

2015-08.25.d

A resolution to approve the annexation of 0.084 Acres, more or less, of Pleasant Township into the City of Lancaster, Pursuant to ORC 709.03, 709.031, 709.032, and 709.033 Petition of Annexation of Land by James A. & Sylvia Earley; David P. Fouch, et. al.; William R. Hargett; Bruce L. Metcalf & Kelly L. Hurst; Paul R. & Paula A. Stepleton; Fairfield County Board of Commissioners; Ida Anne Austin, Trustee; and the City of Lancaster, Ohio. [Commissioners]

WHEREAS, a petition for annexation of 0.084 acres, more or less, from Pleasant Township into the City of Lancaster was filed with the Fairfield County Board of Commissioners on May 13, 2015 and amended on June 30, 2015, under the annexation process outlined in Sections 709.03, 709.031, 709.032, and 709.033 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, after a hearing on the foregoing petition for annexation held on August 4, 2015, the Board of Commissioners finds, based upon a preponderance of the substantial, reliable, and probative evidence on the whole record, that each of the following conditions has been met:

(1) That the petition meets all the requirements set forth in, and was filed in the manner provided in, section 709.02 of the Revised Code.

(2) That the persons who signed the petition are owners of real estate located in the territory proposed to be annexed in the petition, and, as of the time the petition was filed with the board of county commissioners, the number of valid signatures on the petition constituted a majority of the owners of real estate in that territory.

(3) That the municipal corporation to which the territory is proposed to be annexed has complied with division (D) of section 709.03 of the Revised Code.

(4) That the territory proposed to be annexed is not unreasonably large.

(5) That 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

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[Commissioners]**

the territory proposed to be annexed and the surrounding area, if the annexation petition is granted. As used herein, "surrounding area" means the territory within the unincorporated area of any township located one-half mile or less from any of the territory proposed to be annexed.

(6) That no street or highway will be divided or segmented by the boundary line between a township and the municipal corporation as to create a road maintenance problem, or, if a street or highway will be so divided or segmented, the municipal corporation has agreed, as a condition of the annexation, that it will assume the maintenance of that street or highway. As used herein, "street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.

WHEREAS, the City of Lancaster, Ohio has adopted the 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.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, COUNTY OF FAIRFIELD, STATE OF OHIO:

Section 1. That the Board of Commissioners incorporates all of the foregoing into this resolution and finds, after a hearing, based upon a preponderance of the substantial, reliable, and probative evidence on the whole record, that the foregoing petition for annexation 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 709.03, 709.031, 709.032, and 709.033.

Section 2. Pursuant to ORC 709.03, 709.031, 709.032, and 709.033, the Board of Commissioners hereby grants the petition to annex 0.084 acres, more or less, of Pleasant Township into the City of Lancaster, Ohio.

**A resolution to approve the annexation of 0.084 Acres, more or less, of Pleasant Township into the City of Lancaster, Pursuant to ORC 709.03, 709.031, 709.032, and 709.033 Petition of Annexation of Land by James A. & Sylvia Earley; David P. Fouch, et. al.; William R. Hargett; Bruce L. Metcalf & Kelly L. Hurst; Paul R. & Paula A. Stepleton; Fairfield County Board of Commissioners; Ida Anne Austin, Trustee; and the City of Lancaster, Ohio.
[Commissioners]**

Section 3. That the Clerk of the Board of Commissioners is instructed upon journalization of this resolution to send a certified copy of this to the agent for the petitioners, the clerk of the legislative authority of the municipal corporation to which annexation is proposed, the fiscal officer of each township in which the territory proposed for annexation is located, and the clerk of the board of county commissioners of each county in which the territory proposed for annexation is located other than the county in which the petition is filed. The clerk of the board shall take no further action until the expiration of thirty days after the date of journalization.

Section 4. After the expiration of that thirty-day period, if no appeal has been timely filed under section 709.07 of the Revised Code, the clerk of the board of county commissioners shall deliver a certified copy of the entire record of the annexation proceedings, including all resolutions of the board, signed by a majority of the members of the board, the petition, map, and all other papers on file, the recording of the proceedings, if a copy is available, and exhibits presented at the hearing relating to the annexation proceedings, to the auditor or clerk of the municipal corporation to which annexation is proposed. If an appeal is filed in a timely manner under section 709.07 of the Revised Code from the determination of the board of county commissioners granting or denying the petition for annexation, the clerk of the board shall take further action only in accordance with that section.

Prepared by: Rachel Elsea

Resolution No. 2015-08.25.d

A resolution to approve the annexation of 0.084 Acres, more or less, of Pleasant Township into the City of Lancaster, Pursuant to ORC 709.03, 709.031, 709.032, and 709.033 Petition of Annexation of Land by James A. & Sylvia Earley; David P. Fouch, et. al.; William R. Hargett; Bruce L. Metcalf & Kelly L. Hurst; Paul R. & Paula A. Stepleton; Fairfield County Board of Commissioners; Ida Anne Austin, Trustee; and the City of Lancaster, Ohio.

(Fairfield County Commissioners)

Upon the motion of Commissioner David L. Levacy, seconded by Commissioner Mike Kiger, this resolution has been Adopted:

Voting:

Steven A. Davis, President	Aye
David L. Levacy, Vice President	Aye
Mike Kiger	Aye

Board of County Commissioners
Fairfield County, Ohio

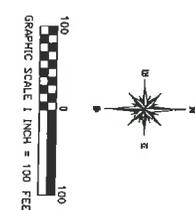
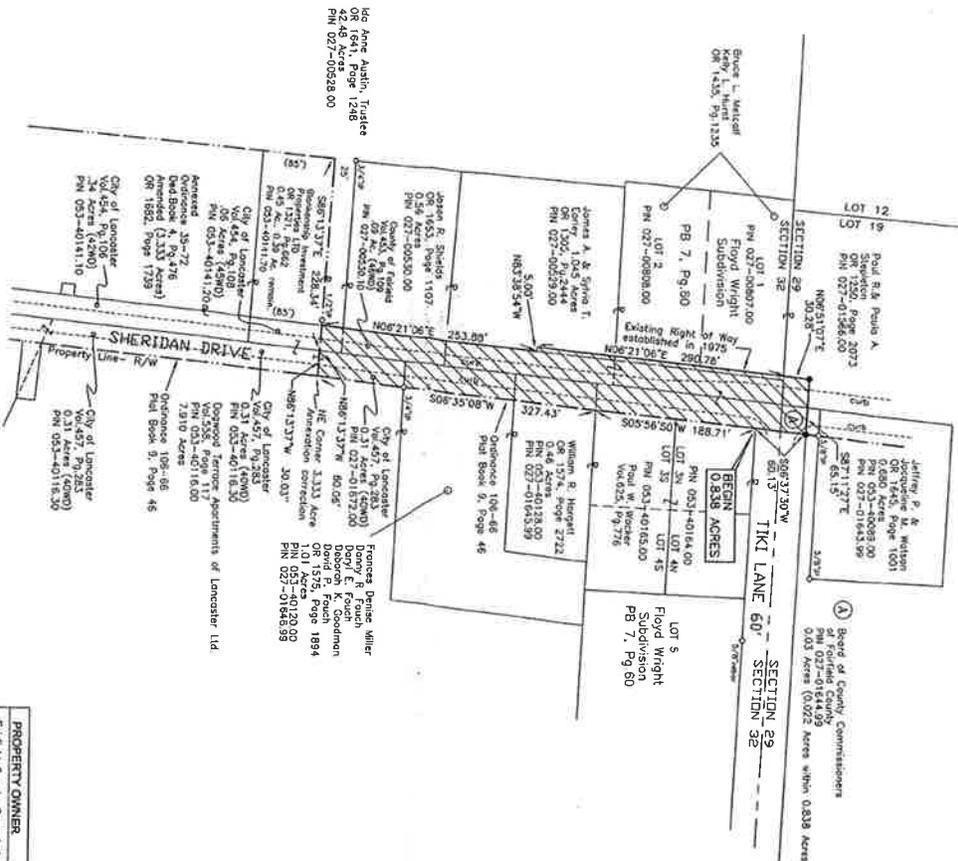
CERTIFICATE OF CLERK

It is hereby certified that the foregoing is a true and correct transcript of a resolution acted upon by the Board of County Commissioners, Fairfield County, Ohio on the date noted above.

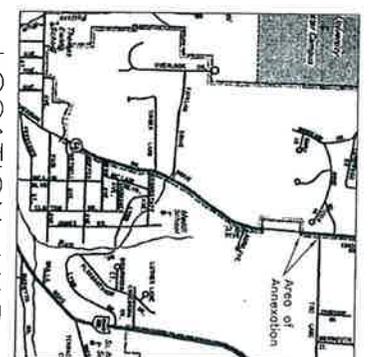


Rachel Elsea, Clerk
Board of County Commissioners
Fairfield County, Ohio

**PLAT OF TERRITORY
FOR ANNEXATION TO
THE CITY OF LANCASTER
0.838 ACRES**



Bearings are based on a survey of 88.412 Acres for
annexation recorded in Official Record 1421, Page 71.



LOCATION MAP

Situated in the State of Ohio, County of Fairfield, Township of Pleasant, Township 15, Range 18, Sections 29 and 32.

Beginning at the northwest corner of Lot 3 in the Floyd Wright Subdivision as recorded in plat book 7, page 60, said point also being the intersection of the south right of way line of Tiki Lane and the east right of way line of Sheridan Drive;

Thence with the east right of way line of Sheridan Drive and the City of Lancaster corporation line as described in Ordinance 106-66 and recorded in plat book 5, page 46; South 05 degrees 56'50" West a distance of 198.71 feet to the southwest corner of said Lot 3;

Thence continuing with the east right of way line of Sheridan Drive and the City of Lancaster corporation line South 06 degrees 35'06" West a distance of 327.43 feet to the northeast corner of a 3.333 acre annexation tract as recorded in Official Record 1882, Page 1739;

Thence with the north line of said 3.333 acre annexation and existing City of Lancaster corporation line North 86 degrees 14'37" West a distance of 60.08 feet to a point;

Thence with the west line of Sheridan Drive North 06 degrees 21'06" East a distance of 253.88 feet to a point;

Thence continuing with said line North 83 degrees 38'54" West a distance of 5.00 feet to a point;

Thence continuing with said line North 08 degrees 21'06" East a distance of 290.79 feet to a point on the north line of Section 32;

Thence North 06 degrees 51'07" East a distance of 30.28 feet to a 5/8 inch rebar set;

Thence South 87 degrees 11'27" East a distance of 65.15 feet to a 5/8 inch rebar set on the existing north right of way line of Tiki Lane;

Thence South 06 degrees 37'30" West a distance of 60.13 feet to the point of beginning.

Bearings are based on a survey of 88.412 acres for annexation filed in Official Record 1421, Page 71, and are used for determining angles only. Rebars set are 5/8 inch by 30 inches and have a yellow plastic identification cap stamped "Tohn-McFarland". For additional information, see plat of survey made in conjunction with and considered an integral part of this description.

PROPERTY OWNER	PARCEL NUMBER	ACREAGE
Fairfield County Commissioners	PN 027-01644.9	0.022 ACRES
Paul R. & Paula A. Stapleton	PN 027-01566.00	0.023 ACRES
Bruce L. Metcalf	PN 027-00807.00	0.011 ACRES
Bruce L. Metcalf	PN 027-00808.00	0.011 ACRES
William R. Hergott	PN 027-01545.99	0.066 ACRES
James A. & Sylvia T. Erney	PN 027-00028.00	0.149 ACRES
Frances Denise Miller	PN 027-01644.99	0.080 ACRES
City of Lancaster	PN 027-01672.00	0.020 ACRES
City of Fairfield	PN 027-00030.10	0.084 ACRES
Joe Anne Austin, Trustee	PN 027-00528.00	0.017 ACRES

*Acreage of the parcel within the area being Annexed

NOTE:
The right of way for Sheridan Drive (CR56), in the area being annexed, was acquired by the City of Lancaster for a road improvement project in 1975. See the existing plans on file with the County Engineer for reference.

The territory to be annexed has a total perimeter boundary of 1291 feet, a minimum of which 636 feet (50%) is contiguous to the City of Lancaster's existing corporation line.

BY: *Robert McFarland*
Registered Surveyor No. 6418 Date

Date of Drawing: Oct. 14, 2008
Revised: June 30, 2015



TOBIN-MCFARLAND SURVEYING, INC.
111 West Wheeling Street
Lancaster, Ohio 43130
Ph. 740-857-1710 Fax 740-407-0877

STATE OF OHIO
FAIRFIELD COUNTY
PLEASANT TOWNSHIP
TOWNSHIP 15, RANGE 18
SECTIONS 29 & 32

LEGEND
Proposed Corporation Line
Existing Corporation Line
Property Line

Iron pipe (or other) found.
5/8" x 30" rebar set with a Tohn-McFarland ID cap.

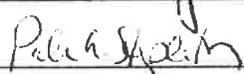
Joe Anne Austin, Trustee
OR 1841, Page 1248
PN 027-00528.00

PETITION FOR "REGULAR ANNEXATION"
(ORC 709.03)

TO: Fairfield County Commissioners

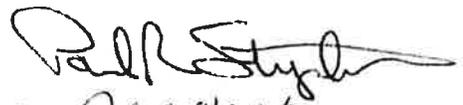
DATE: April 26, 2015

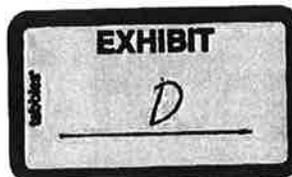
The undersigned, being owners of the real estate described in this petition, do hereby petition the County Commissioners for Fairfield County to annex to the City of Lancaster, Ohio, from Pleasant Township, Fairfield County, Ohio, the 0.838 acres, more or less of real estate, the legal description of which is attached hereto and incorporated herein as Exhibit "A" and shown on the attached map of said real estate labeled Exhibit "B" (highlighted in red). Said property is contiguous to the City of Lancaster. Said real estate is owned by the following parties as indicated below:

Name	Parcel Number	Acres	Signature	Date
Paul R. Stepleton	027-01566-00	0.023		4/26/15
Paula A. Stepleton	027-01566-00	0.023		4/26/15

James A. Edwards, c/o Office of the Law Director, 121 E. Chestnut Street, 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 noted by the 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.

4/26/15
Date


By: Paula A. Stepleton
Agent



PETITION FOR "REGULAR ANNEXATION"
(ORC 709.03)

TO: Fairfield County Commissioners

DATE: April _____, 2015

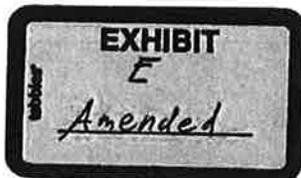
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Owner Name and Address	Parcel Number	Acres	Signature	Date
Bruce L. Metcalf	027-00807-00 027-00808-00	0.011	<i>B. L. Metcalf</i>	5-7-15
Kelly L. Metcalf FKA Kelly L. Hurst <i>J44</i>	027-00807-00 027-00808-00	0.011	<i>Kelly Metcalf</i>	5-7-15

James A. Edwards, c/o Office of the Law Director, 121 E. Chestnut Street, 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 noted by the 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.

5-7-15
Date

By: *B. L. Metcalf*
Kelly Metcalf
Agent



PETITION FOR "REGULAR ANNEXATION"
(ORC 709.03)

TO: Fairfield County Commissioners

DATE: May 5, 2015

The undersigned, being owners of the real estate described in this petition, do hereby petition the County Commissioners for Fairfield County to annex to the City of Lancaster, Ohio, from Pleasant Township, Fairfield County, Ohio, the 0.838 acres, more or less of real estate, the legal description of which is attached hereto and incorporated herein as Exhibit "A" and shown on the attached map of said real estate labeled Exhibit "B" (highlighted in red). Said property is contiguous to the City of Lancaster. Said real estate is owned by the following parties as indicated below:

Name	Parcel Number	Acres	Signature	Date
Ida Anne Austin, Trustee	027-00528-00	0.017	<i>Ida Anne Austin</i> Trustee	5-5-15

James A. Edwards, c/o Office of the Law Director, 121 E. Chestnut Street, 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 noted by the 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.

May 5 2015
Date

By: Ida Anne Austin
Agent Trustee

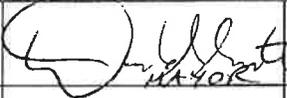


PETITION FOR "REGULAR ANNEXATION"
(ORC 709.03)

TO: Fairfield County Commissioners

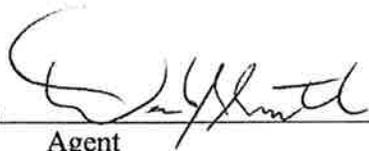
DATE: April _____, 2015

The undersigned, being owners of the real estate described in this petition, do hereby petition the County Commissioners for Fairfield County to annex to the City of Lancaster, Ohio, from Pleasant Township, Fairfield County, Ohio, the 0.838 acres, more or less of real estate, the legal description of which is attached hereto and incorporated herein as Exhibit "A" and shown on the attached map of said real estate labeled Exhibit "B" (highlighted in red). Said property is contiguous to the City of Lancaster. Said real estate is owned by the following parties as indicated below:

Name	Parcel Number	Acres	Signature	Date
City of Lancaster, Ohio	027-01672-00	0.070	 James A. Edwards	4-10-15

James A. Edwards, c/o Office of the Law Director, 121 E. Chestnut Street, 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 noted by the 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.

Date 4-10-15

By: 
Agent

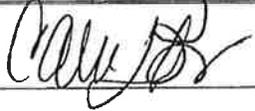


PETITION FOR "REGULAR ANNEXATION"
(ORC 709.03)

TO: Fairfield County Commissioners

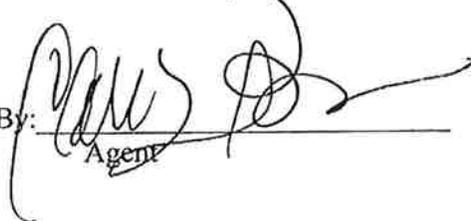
DATE: April 13, 2015

The undersigned, being owners of the real estate described in this petition, do hereby petition the County Commissioners for Fairfield County to annex to the City of Lancaster, Ohio, from Pleasant Township, Fairfield County, Ohio, the 0.838 acres, more or less of real estate, the legal description of which is attached hereto and incorporated herein as Exhibit "A" and shown on the attached map of said real estate labeled Exhibit "B" (highlighted in red). Said property is contiguous to the City of Lancaster. Said real estate is owned by the following parties as indicated below:

Name	Parcel Number	Acres	Signature	Date
Board of Commissioners of Fairfield County, Ohio	027-01644-99 027-00530.10	0.022 0.00 <u>.084</u> <i>f.g.</i>		4/13/15

James A. Edwards, c/o Office of the Law Director, 121 E. Chestnut Street, 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 noted by the 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.

4.13.15
Date

By: 
Agent

