

TEMPORARY ORDINANCE NO. 3-24

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO ACCEPT A PETITION FOR THE ANNEXATION OF 45.1 +/- ACRES IN PLEASANT TOWNSHIP, TO CONSENT TO ANNEXATION, AND TO DECLARE AN EMERGENCY

WHEREAS, pursuant to Ohio Revised Code (“ORC”) Sections 709.021 and 709.023, on January 4, 2024, the City of Lancaster was served with Petitioner’s Expedited Type II Petition for Annexation of 45.1 +/- acres from Pleasant Township to the City of Lancaster; and

WHEREAS, Petitioner and the City have negotiated a Pre-Annexation Agreement which authorizes the City to receive and approve zoning and other development plans, subject to final acceptance of the annexation; and

WHEREAS, the City wishes to accept the Petition for Annexation and consent to the annexation pursuant to ORC Section 709.023(D); 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 the Petition for Expedited Type II Annexation of 45.1 +/- acres herein described in Exhibit A, and consents to the annexation thereof.

SECTION 2. That the City Law Director is hereby authorized to proceed with annexation proceedings on behalf of the City for the 45.1 +/- acres described in Exhibit A, as an Expedited Type II annexation pursuant to ORC Sections 709.021 and 709.023.

SECTION 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the Municipality and its inhabitants and for the further reason that this ordinance is necessary to further economic development and remediate the City’s acute housing shortage; 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 _____

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by _____

I, _____, Clerk of Council do hereby certify that on _____, 2024 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

Received 11/3/24
@ 10:04 a.m.
Tandy

**EXPEDITED TYPE II PETITION FOR ANNEXATION
(PURSUANT TO R.C. SECTION 709.023)
TO THE CITY OF LANCASTER
OF ±45.1 ACRES
IN THE TOWNSHIP OF PLEASANT**



November 4, 2023

*TO THE BOARD OF COUNTY COMMISSIONERS
OF FAIRFIELD COUNTY, OHIO:*

The undersigned, petitioners in the premises, and being ALL OF THE OWNERS OF REAL ESTATE in the territory hereinafter described, consisting of ±45.1 acres, more or less, located in the Township of Pleasant, which area is contiguous along 3,286 feet or 46% and adjacent to the City of Lancaster, Ohio do hereby request that said territory be annexed to the City of Lancaster according to the statutes of the State of Ohio, and specifically the expedited procedure specified in Ohio Revised Code Section 709.023, and that no island of unincorporated area will be created by this annexation.

A full and accurate description and plat of the requested annexation territory are attached hereto and made part hereof.

In support of said Petition, your petitioner states that there are within the territory to be annexed TWO (2) OWNERS OF REAL ESTATE.

David Hodge, Esq., Aaron Underhill, Esq., and Eric Zartman, Esq., whose address is 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054, are hereby appointed Agents for the undersigned Petitioners, as required by Revised Code Section 709.02(C), with full power and authority hereby granted to each said Agent individually to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this petition. Agents' contact information is as follows: Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054; Phone: (614) 335-9320, Fax: (614) 335-9329; and e-mail: david@uhlfirm.com, aaron@uhlfirm.com, and eric@uhlfirm.com.

[Petition signature on following page]

RECEIVED

JAN 04 2024

Fairfield County
Commissioners

WHOMEVER 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 SAID SPECIAL ANNEXATION PROCEDURE.

NAME

DATE

ADDRESS

Paul J. Shull Revocable Living Trust

11/4/2023

1111 Ginder Rd.
Lancaster, OH 43130

By: 

Print Name: Jeffrey H. Shull

Title: Trustee

WHOMEVER 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 SAID SPECIAL ANNEXATION PROCEDURE.

NAME

DATE

ADDRESS

Clara Louise Shull Revocable Living Trust 11/4/2023

1111 Ginder Rd.
Lancaster, OH 43130

By:



Print Name: Jeffrey L. Shull

Title:

Trustee

**Proposed 45.1± Acre Annexation
from Pleasant Township
to the City of Lancaster**

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Situated in the State of Ohio, County of Fairfield, Township of Pleasant, being part of Section 29, Township 15, Range 18, Congress Lands and containing 45.1± acres of land, more or less, said 45.1± acres being part of a 29.512 acre tract of land conveyed to Paul J. Shull, Trustee of the Paul J. Shull Revocable Living Trust and Clara L. Shull, Trustee of the Clara L. Shull Revocable Living Trust in Official Record 690, Pg. 936 as Tract Two and part of a 16.269 acre tract of land also conveyed to Jeffrey L. Shull, Trustee of the Clara Louise Shull Revocable Trust and the Paul J. Shull Revocable Trust in Instrument No. 202300014399 as Tract 2, said 45.1± acres more particularly described as follows:

Beginning at the southeast corner of said 16.269 acre tract, the northeast corner of a 0.90 acre tract conveyed to Tiki Village in D.V. 395, Pg. 662, an angle point of Lot 2 as numbered and delineated for the Chartwell Section One subdivision in Plat Cabinet 1, Sl. 152, and being on a westerly City of Lancaster Corporation Line (Ordinance No 34-73, recorded in Plat Book 10, Pg. 99 and D.R. 4, Pg. 533);

Thence N 87°59'17" W, with the south line of said 16.269 acre tract, the north line of said 0.90 acre tract, and the north line of a 0.734 acre tract of land conveyed to Cindy S. and Rodney Asbury in Instrument No. 202100022476, 369.6± feet to an angle point of said 16.269 acre tract, the southeast corner of a 0.18 acre tract of land conveyed to Jeffrey A. Fox in Instrument No. 202000020772 as Tract #3, and being on the north line of said 0.734 acre tract;

Thence N 64°25'22" W, with the south line of said 16.269 acre tract and the northerly line of said 0.18 acre tract, 131.6± feet to a point on said 0.18 acre tract and the southeast corner of a 5.664 acre tract also conveyed to Paul J. Shull, Trustee of the Paul J. Shull Revocable Living Trust and Clara L. Shull, Trustee of the Clara L. Shull Revocable Living Trust in Instrument No. 202300014399 as Tract 1;

Thence with the east line of said 5.664 acre tract and the west line of said 16.269 acre tract, the following two (2) courses and distances:

1. N 01°45'40" E, 398.1± feet to a point;
2. N 88°01'27" W, 150.3± feet to an angle point of said 5.664 acre tract and said original 16.269 acre tract and the southeast corner of a 0.120 acre tract of land conveyed to Jared C. and Caitlin M. Lister in Instrument No. 202300008234 as Tract #2;

Thence N 02°06'53" E, with the east line of said 0.120 acre tract, the east line of said 5.664 acre tract, and the current west line of said 16.269 acre tract, 371.1± feet to a point;

Thence N 87°54'53" W, with the north line of said 5.664 acre tract and a south line of said 16.269 acre tract, 323.9± feet to a point on the easterly right-of-way of Sheridan Drive (C.R. 56) (60' R/W);

Thence across said 16.269 acre tract and with the easterly right-of-way of said Sheridan Drive (C.R. 56) (60' R/W), with a curve to the right, a central angle of 07°53'40", a radius of 1475.42 feet, an arc length of 203.3± feet, and a chord bearing and distance of N 07°07'25" E, 203.1± feet to a point on the north line of said 16.269 acre tract, the south line of said Tract Two, and being on the easterly right-of-way of said Sheridan Drive (C.R. 56) (60' R/W);

Thence across said 29.512 acre tract and with the easterly right-of-way of said Sheridan Drive (C.R. 56) (60' R/W), with a curve to the right, a central angle of 01°08'34", a radius of 1477.11 feet, an arc length of 29.5± feet, and a chord bearing and distance of N 11°38'13" E, 29.5± feet to an angle point of said 29.512 acre tract, being on the south line of a 0.80 acre tract of land conveyed to Richard J. and Amber M. Shugert in Instrument No. 202200020745, and the easterly right-of-way of said Sheridan Drive (C.R. 56) (60' R/W);

Thence S 75°38'21" E, with a south line of said 29.512 acre tract and the south line of said 0.80 acre tract, 239.5± feet to the southeast corner of said Shugert tract and an angle point of said 29.512 acre tract;

Thence N 14° 21' 55" E, with a west line of said 29.512 acre tract, the east line of said Shugert tract, the east line of a 0.80 acre tract conveyed to Sheridan Rentals, LLC in Instrument No. 201600010552, the east line of a 0.80 acre tract of land conveyed to Sandra Sue Larkin in Instrument No. 200800005350, and the east line of a 0.80 acre tract of land conveyed to Julia A. and John B. Moonan in Instrument No. 201300021662, 500.6± feet to an angle point of said 29.512 acre tract and the northeast corner of said Moonan tract;

Thence N 75° 35' 10" W, with the north line of said Moonan tract and a south line of said 29.512 acre tract, 240.0± feet to a point on the north line of said Moonan tract, a south line of said 29.512 acre tract, and being on the easterly right-of-way of said Sheridan Drive (C.R. 56) (60' R/W);

Thence N 13°13'06" E, across said 29.512 acre tract and with the easterly right-of-way of said Sheridan Drive (C.R. 56) (60' R/W), 474.0± feet to point on a north line of said 29.512 acre tract, the south line of a 1.53 acre tract of land conveyed to Hazel F. Poston in Decd Book 546, Pg. 806, and being on the easterly right-of-way of said Sheridan Drive (C.R. 56) (60' R/W);

Thence S 87°08'15" E, with a north line of said 29.512 acre tract and the south line of said 1.53 acre tract, 299.1± feet to an angle point of said 29.512 acre tract and the southeast corner of said 1.53 acre tract;

**Proposed 45.1± Acre Annexation
from Pleasant Township
to the City of Lancaster**

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Thence **N 04°41'36" E**, with a west line of said 29.512 acre tract and the east line of said 1.53 acre tract, **200.0± feet** to the northwest corner of said 29.512 acre tract, the northeast corner of said 1.53 acre tract, the southeast corner of a 3.00 acre tract of land conveyed to Aim High Miss Low, LLC in Instrument No. 202100024966, a southwest corner of an original 41.09 acre tract of land conveyed to the Board of Education Lancaster City Schools in Official Record 1705, Pg. 2831, and being on a southerly City of Lancaster Corporation Line (Resolution No. 93-03, Ordinance No. 3793, and recorded in D.R. 6, Pg. 419);

Thence **S 87°08'19" E**, with the south line of said original 41.09 acre tract, the north line of said 29.512 acre tract, and said City of Lancaster Corporation Line, **993.8± feet** to the southeast corner of said original 41.09 acre tract, the northeast corner of said 29.512 acre tract, a northwest corner of Reserve "A" as dedicated for the Brentwood Subdivision Section 1 in Plat Cabinet 2, Sl. 111, the southwest corner of a 3.097 acre tract of land conveyed to Plum Hollow, LLC in Official Record 1783, Pg. 2987, and the intersection of said City of Lancaster Corporation Line (Resolution No. 93_03, Ordinance No. 3793, and recorded in D.R. 6, Pg. 419) and said City of Lancaster Corporation Line (Ordinance No. 34-73, recorded in Plat Book 10, Pg. 99 and D.R. 4, Pg. 533);

Thence with the east line of said 29.512 acre tract, the west line of said Reserve "A", and said southerly City of Lancaster Corporation Line, the following two (2) courses and distances:

1. **S 30° 53' 04" W, 506.6± feet** to a point;
2. **S 04° 49' 54" W of 684.5± feet** to a point;

Thence **S 21° 23' 23" W**, with the east line of said 29.512 acre tract, the east line of said 16.269 acre tract, the west line of said Reserve "A", the west line of Tract "A" as dedicated for the Habitat Valley subdivision in Plat Cabinet 2, Sl. 13, and said City of Lancaster Corporation Line, **573.3± feet** to an angle point of said 16.269 acre tract and Tract "A";

Thence **S 11° 48' 59" W**, with the east line of said 16.269 acre tract, the west line of Tract "A", and the west line of said Lot 2, **528.0± feet** to the **Point of Beginning**, containing **45.1± acres**.

The above description was prepared by Advanced Civil Design Inc. on October 30, 2023 and is based on existing Fairfield County Auditor and Recorder records.

The total length of the annexation perimeter is 7,217± feet, of which 3,286± feet are contiguous with existing City of Lancaster Corporation lines, being 46±% contiguous.

All references used in this description can be found at the Fairfield Recorder's Office, Fairfield County, Ohio.

This is not to be used for the transfer of land and is for annexation purposes only

ADVANCED CIVIL DESIGN, INC.

Douglas R. Hock, P.S. 7661 Date:

NOTICE OF FILING EXPEDITED TYPE II ANNEXATION PETITION

TO: CLERK OF THE CITY OF LANCASTER, OHIO

In accordance with the provisions of Section 709.023 of the Ohio Revised Code, you are hereby notified that, on January 4, 2024, the undersigned, Agent for the Petitioners, filed an Annexation Petition in the Office of the Board of County Commissioners of Fairfield County, Ohio.

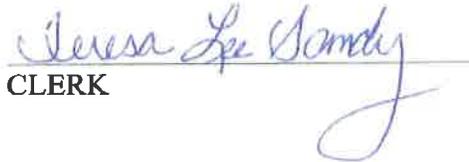
Said Petition prays for annexation to the City of Lancaster, Ohio, of ±45.1 acres in Pleasant Township.

A copy of said Petition, with description and plat, is attached hereto and made a part hereof.

Dated: January 4, 2024


Eric Zartman, Esq.

RECEIPT OF THE AFOREMENTIONED DOCUMENT(S) IS HEREBY ACKNOWLEDGED
THIS 4th day of January, 2024.


CLERK

