

TEMPORARY ORDINANCE NO. 23-15

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO ACCEPT A PETITION FOR THE ANNEXATION OF 5.633 +/- ACRES IN PLEASANT TOWNSHIP FOR THE SHERIDAN DRIVE 1 ANNEXATION, AND TO DECLARE AN EMERGENCY

WHEREAS, the Fairfield County Commissioners approved the Sheridan Drive 1 Annexation of 5.633 +/- 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 5.633 +/- 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 5.633 +/- 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.c

A resolution to approve the annexation of 5.633 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 Somerford Square Purchase Co. LLC; Ida Anne Austin, Trustee; Jill Allen, Trustee; Anna L. Hay; Lana I. Cozzens; Vernon Bright; Slater Inter Vivos Trust; Thomas Douglas, Trustee; Thomas Householder, Trustee; Cynthia S. Cook, Trustee; and the City of Lancaster, Ohio.

[Commissioners]

WHEREAS, a petition for annexation of 5.633 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

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[Commissioners]

be annexed and the surrounding area will outweigh the detriments to 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.

A resolution to approve the annexation of 5.633 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 Somerford Square Purchase Co. LLC; Ida Anne Austin, Trustee; Jill Allen, Trustee; Anna L. Hay; Lana I. Cozzens; Vernon Bright; Slater Inter Vivos Trust; Thomas Douglas, Trustee; Thomas Householder, Trustee; Cynthia S. Cook, Trustee; and the City of Lancaster, Ohio.

[Commissioners]

Section 2. Pursuant to ORC 709.03, 709.031, 709.032, and 709.033, the Board of Commissioners hereby grants the petition to annex 5.633 acres, more or less, of Pleasant Township into the City of Lancaster, Ohio.

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.c

A resolution to approve the annexation of 5.633 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 Somerford Square Purchase Co. LLC; Ida Anne Austin, Trustee; Jill Allen, Trustee; Anna L. Hay; Lana I. Cozzens; Vernon Bright; Slater Inter Vivos Trust; Thomas Douglas, Trustee; Thomas Householder, Trustee; Cynthia S. Cook, 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:

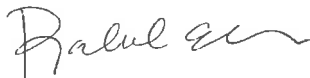
Voting:

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

STATE OF OHIO
FAIRFIELD COUNTY
PLEASANT TOWNSHIP
TOWNSHIP 15, RANGE 18
SECTION 32

LEGEND

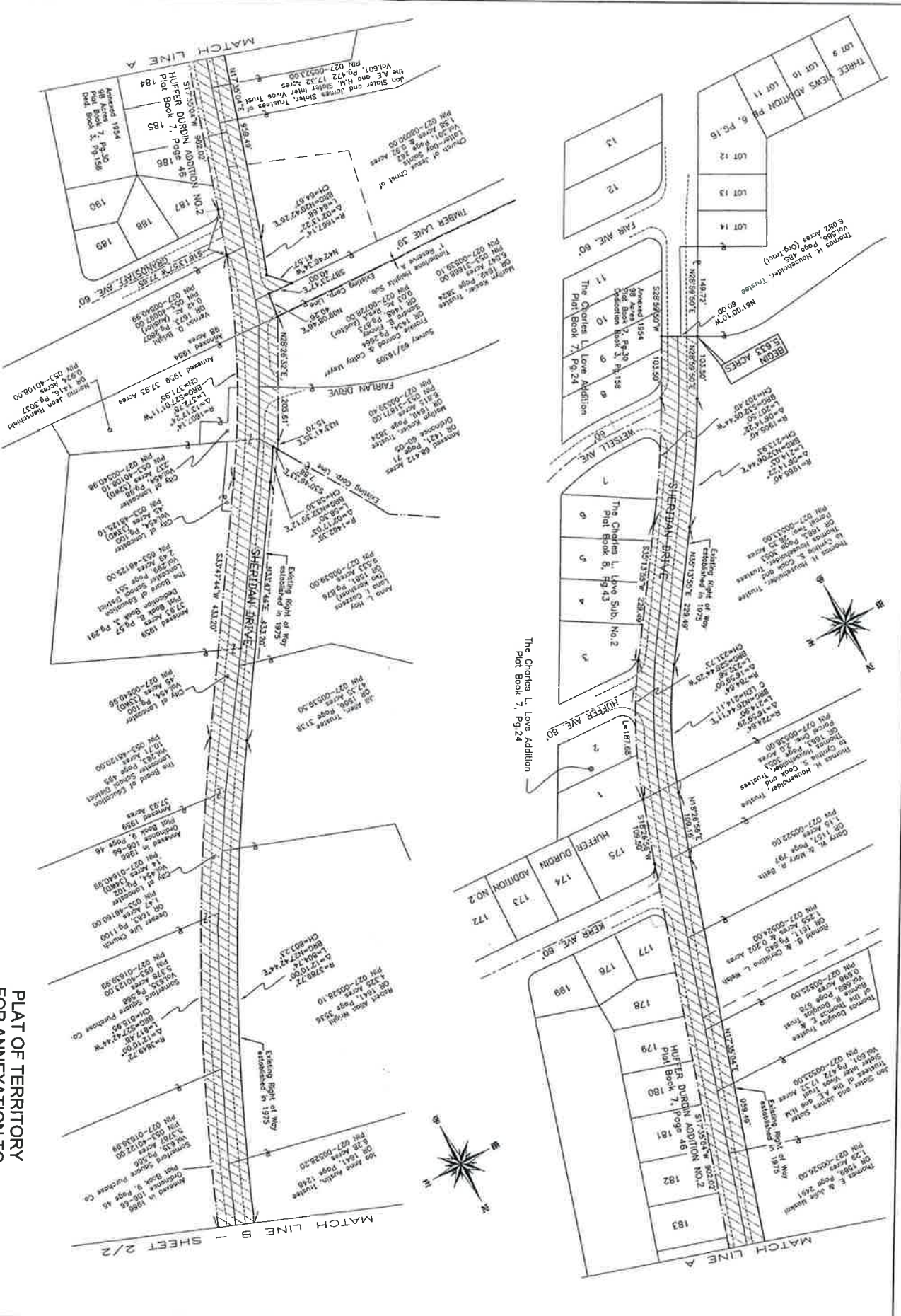
- Proposed Corporation Line
- Existing Corporation Line
- Property Line
- Iron pipe (or other) found
- Angle point in description



Date of Drawing: Oct. 14, 2008
Revised: June 27, 2015
Bearings are based on a survey of 68.412 Acres for
annexation recorded in Official Record 1421, Page 71.

PLAT OF TERRITORY
FOR ANNEXATION TO
THE CITY OF LANCASTER
5.633 ACRES

TOBIN-McFARLAND SURVEYING, INC.
111 West Wheeling Street
Lancaster, Ohio 43130
Ph. 740-687-1710 Fax 740-687-0877



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 5.633 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 blue). 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	027-00528-20	0.35	<i>Ida Anne Austin</i>	
Ida Anne Austin, Trustee	027-00528-00	0.127	<i>Ida Anne Austin</i> Trustee	
			<i>Ida Anne Austin</i> Trustee	

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.

Apr 28, 2015
Date

By: *Ida Anne Austin*
Agent Trustee



PETITION FOR "REGULAR ANNEXATION"
(ORC 709.03)

TO: Fairfield County Commissioners

DATE: ^{FEB} October 6, 2014⁵

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, ~~5.750~~ ^{5.633} 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 blue). 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
Somerford Square Purchase Co. LLC	027-01639-99	0.175	<i>Somerford Sq. Purchase Co</i> <i>[Signature]</i>	
Somerford Square Purchase Co. LLC	027-01638-99	0.236	<i>Somerford Sq. Purchase Co</i> <i>[Signature]</i>	

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 2/9/15

By: [Signature]
Agent
Somerford Sq. Purchase Co.
[Signature]



PETITION FOR "REGULAR ANNEXATION"
(ORC 709.03)

TO: Fairfield County Commissioners

DATE: ~~April~~ ^{May 5} _____, 2015

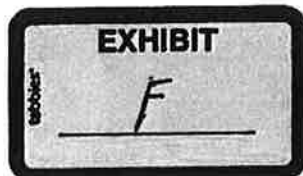
The undersigned, being owners of the real estate described in this petition, do hereby petition the County Commissioners for Fairfield County to annex to the City of Lancaster, Ohio, from Pleasant Township, Fairfield County, Ohio, the 5.633 acres, more or of real estate, the legal description of which is attached hereto and incorporated herein as Exhibit "A" and shown on the attached map of said real estate labeled Exhibit "B" (highlighted in blue). 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
Jill Allen, Trustee	027-00539-50	0.188	<i>Jill Allen Trustee</i>	<i>May 5 2015</i>

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: Jill Allen, Trustee
Agent



PETITION FOR "REGULAR ANNEXATION"
(ORC 709.03)

TO: Fairfield County Commissioners

DATE: ~~April~~ ^{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 5.633 acres, more or 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 blue). 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
Anna L. Hay	027-00539-00	0.201	<i>Anna L. Hay</i>	5/5/15
Lana I. Coggens <i>COZZENS</i>	027-00539-00	0.201	<i>Lana I. Coggens</i>	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.

5/5/15
Date

By: *Anna L. Hay*
Agent
Lana I. Coggens



PETITION FOR "REGULAR ANNEXATION"
(ORC 709.03)

TO: Fairfield County Commissioners

DATE: October _____, 2014

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 5.750 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 blue). Said property is contiguous to the City of Lancaster. Said real estate is owned by the following parties as indicated below:

5.633 JUE

Name	Parcel Number	Acres	Signature	Date
Vernon D. Bright	027-00540-99	0.109	<i>[Signature]</i>	12/21/14

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.

12/21/14
Date

By: *[Signature]*
Agent



PETITION FOR "REGULAR ANNEXATION"
(ORC 709.03)

TO: Fairfield County Commissioners

DATE: October ____, 2014

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 ^{5.633}~~5.750~~ 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 blue). 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
Slater Inter Vivos Trust	027-00523-00	0.075 0.041	<i>[Signature]</i>	12/15/2014
			<i>[Signature]</i>	12/24/2014

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.

12/14/2014 By [Signature]

Date

Slater Inter Vivos Trust
By: *[Signature]*
Jon Slater, Trustee
By: *[Signature]*
James Slater, Trustee



PETITION FOR "REGULAR ANNEXATION"
(ORC 709.03)

TO: Fairfield County Commissioners

DATE: October _____, 2014

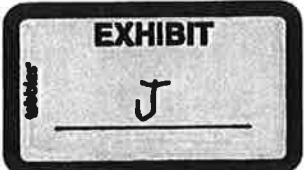
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Name	Parcel Number	Acres	Signature	Date
Thomas Douglas, Trustee	027-00525-00	0.072	<i>Thomas E. Douglas</i>	11/26/15

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.

Date 1/26/15

By: *Thomas E. Douglas*
Agent



PETITION FOR "REGULAR ANNEXATION"
(ORC 709.03)

TO: Fairfield County Commissioners

DATE: Novmeber _____, 2014

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 5.750 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 blue). Said property is contiguous to the City of Lancaster. Said real estate is owned by the following parties as indicated below:

5.633

Name	Parcel Number	Acres	Signature	Date
Cynthia S. Cook, Trustee	027-00538-00	0.196		
	027-00533-00	0.562		
Thomas Householder, Trustee	027-00538-00	0.196	<i>Thomas Householder</i>	<i>11/28/14</i>
		0.562		

0.079

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

By: _____
Cynthia S. Cook, Trustee
By: _____
Thomas Householder, Trustee



PETITION FOR "REGULAR ANNEXATION"
(ORC 709.03)

TO: Fairfield County Commissioners

DATE: October ____, 2014

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 ~~5.750~~ ^{5.633} 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 blue). 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
Cynthia S. Cook, Trustee	027-00538-00 027-00533-00	0.196 0.562	<i>Cynthia S. Cook</i> Trustee	11-27-14
<i>Thomas Householder</i>	"	<i>0.079</i> 0.562		

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.

11-27-14
Date

By: *Cynthia S. Cook* Trustee

