

TEMPORARY ORDINANCE NO. 24-15

PERMANENT ORDINANCE NO. 19-15

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: 11/23/15 after 3rd reading. Vote: Yeas 8 Nays 0

Approved: 11/23/15

Attest: Teresa Lee Sandy

Offered by: Joe Eble

Second by: Harry E. Stiles

Requested by Law Committee

Cathy J. Butler
President of Council

[Signature]
Mayor

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

**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]**

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.

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[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

Signature Page

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:

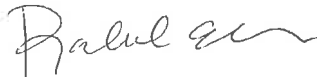
Voting:

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

Board of County Commissioners
Fairfield County, Ohio

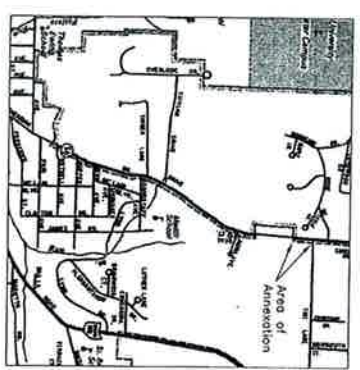
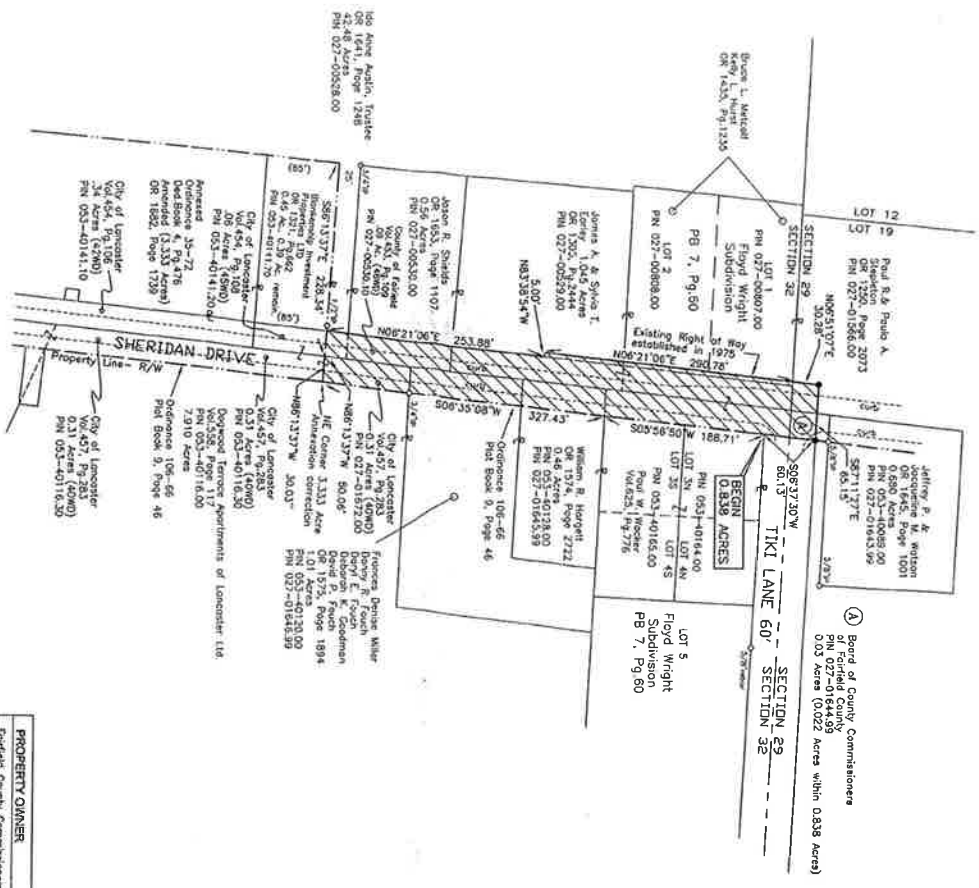
CERTIFICATE OF CLERK

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 68.412 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 106-88 and recorded in plat book 9, page 46, South 05 degrees 58'50" West a distance of 188.71 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 35'08" West a distance of 327.43 feet to the northeast corner of a 3.333 acre annexation tract as recorded in Official Record 1682, Page 1735;

thence with the north line of said 3.333 acre annexation and existing City of Lancaster corporation line North 86 degrees 13'37" West a distance of 60.06 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 06 degrees 21'06" East a distance of 290.78 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 05 degrees 37'30" West a distance of 60.13 feet to the point of beginning, containing 0.838 ACRES.

Bearings are based on a survey of 68.412 acres for annexation filed in Official Record 1421, Page 71 and are used for determining angles only. Rebars set are 5/8 inch by 3/8 inch and have a yellow plastic identification cap stamped "Tobin-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 027-018444.9	0.022 ACRES
Paul R. & Paula A. Shepleton	PN 027-01266.00	0.023 ACRES
Bruce L. Metcalf, Kelly L. Hunt	PN 027-00987.00	0.011 ACRES
William R. Margitt	PN 027-00808.00	0.011 ACRES
James A. & Sylvia T. Early	PN 027-00529.00	0.086 ACRES
Proctor Davis Malar, Bid	PN 027-01848.99	0.149 ACRES
City of Lancaster	PN 027-01672.00	0.070 ACRES
County of Fairfield	PN 027-00520.10	0.084 ACRES
655 Acers Ashton, Trustees	PN 027-00528.00	0.017 ACRES

* Acreage of the parcel within the area being Annexed

NOTE: The right of way for Sheridan Drive (SR55), 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 201 feet, a minimum of 626 feet (508') is contiguous to the City of Lancaster's existing corporation line.

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



BY: *Tobin-McFarland*
Registered Surveyor No. 6416 Date
TOBIN-MCFARLAND SURVEYING, INC.
111 West Wheeling Street
Lancaster, Ohio 43130
Ph. 740-897-1710 Fax 740-897-0877

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

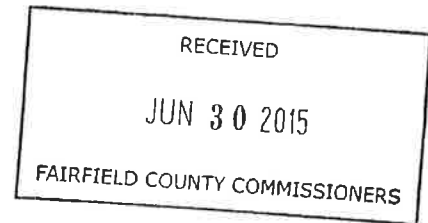
LEGEND
Proposed Corporation Line
Existing Corporation Line
Property Line
Iron pipe (or other) found
Tobin-McFarland ID cap



24-15
c

CITY OF LANCASTER, OHIO
LAW DIRECTOR AND CITY PROSECUTOR
RANDALL T. ULLOM

Clerk of Fairfield County Commissioners
210 E. Main Street, Room 301
Lancaster, Ohio 43130



June 30, 2015

RE: Sheridan Drive #2 Annexation

Response to recommendations of David J. Burgei, GIS/Real Estate Administrator

Dear Ms. Elsea:

I am in receipt of a copy of a letter dated May 29, 2015 from David Burgei to the Fairfield County Board of Commissioners wherein Mr. Burgei requested certain corrections be made by me as Agent for the Petitioners.

I am hereby submitting to you the following documents:

“Amended Exhibit B” correcting then name of the owner by deleting “Apts” from the name of Dogwood Terrace Apartments of Lancaster LTD. and by correcting the parcel number to be 053-40116-00

“Amended Exhibit E” adding the name “fka Kelly L.Hurst

“Amended Exhibit H” changing the amount to be annexed from parcel number 027-00530-10 from 0.09 acres to 0.084 acres and parcel number 027-01644-99 from 0.022 acres to 0.03 acres

“Affidavit of James Edwards” regarding Exhibits to petitions.

Mr. Burgei notes that Exhibits D,E,F,G, and H make reference to exhibits which were not attached to the provided documents. Each of the original petitions contained an Exhibit A which was the legal description of the property to be annexed. In addition, each of the original petitions contained an Exhibit B which was a map which outlined in red the property to be annexed.

Most of the Petitioners only returned the Petition and did not return the Exhibit A and/or Exhibit B. I have attached to this letter a copy of the Exhibit A and Exhibit B which was attached to each of the petitions which were sent to the petitioners.

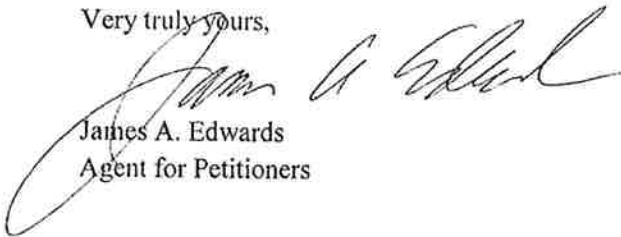
I have attached to this letter an affidavit signed by me stating that Exhibits A and B were in fact attached to each of the petitions when they were mailed to each of the petitioners

I have also attached a revised Survey Map prepared by Rodney McFarland dated June 30, 2015. The revised map addresses all of the issues raised by Mr. Burgei in his letter to the Commissioners dated May 29, 2015.

If all technical issues are not resolved by the public hearing on August 4, 2015, I suggest that the Commissioners approve the Annexation Petition conditioned on all issues raised by Mr. Burgei being resolved satisfactorily to him by a certain date.

If you need any additional information or explanation, please contact me.

Very truly yours,

A handwritten signature in cursive script, appearing to read "James A. Edwards". The signature is written in dark ink and is positioned above the printed name and title.

James A. Edwards
Agent for Petitioners

Sheridan Drive #2 response to recommendations of Mr. Burgei



CITY OF LANCASTER, OHIO
LAW DIRECTOR AND CITY PROSECUTOR
RANDALL T. ULLOM

May 13, 2015

Clerk of Fairfield County Commissioners
210 E. Main Street, Room 301
Lancaster, Ohio 43130

**RE: Petition for Annexation
Sheridan Drive No. 2**

Dear Commissioners:

I am by this letter forwarding you a Petition for Annexation to the City of Lancaster, Ohio, of that portion of Sheridan Drive which runs from the northerly boundary of property owned by Blankenship Investment Properties LTD, (1415 Sheridan Drive) to Tiki Lane.

There are eight (8) property owners whose property will be annexed to the City of Lancaster if the annexation is approved by the County and the City. Pursuant to the Ohio Revised Code at least 51% of the property owners within the territory proposed to be annexed must sign the petition. The petition, in counterparts, has been signed by five (5) of the eight (8) affected property owners. **(See Exhibits D, E, F, G, H)**

Currently, part of Sheridan Drive is in the City and part of Sheridan Drive is in the County. This situation has caused jurisdictional issues and confusion as to which governmental entity is to supply governmental service. Once the subject property is annexed to the City of Lancaster, the City of Lancaster will be responsible for governmental service (street, fire, police, ems, etc.) in the annexed area.

The annexation of the subject property will not adversely affect those property owners whose property is in the County. Their property, except the portion in the roadway, will continue to be in the county and continue to receive county services.

Because of the number of property owners involved, the Petition has been prepared in counterparts.

Please find attached hereto the following:

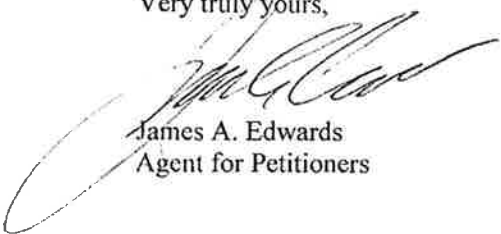
1. Plat of Territory for Annexation to the City of Lancaster for 0.838 acres, prepared by Tobin-McFarland Surveying Inc. (consists of 1 page - 12" X 18". Plat includes map and legal description.
2. List of all tracts, lots and parcels in the territory to be annexed including the name and mailing address of the owner and the permanent parcel number. **(Exhibit A)**

3. List of all tracts, lots and parcels adjacent to that territory or directly across the road, including the name and mailing address of the owner and the permanent parcel number. **(Exhibit B)**
4. Certified copy of township zoning classification from township zoning inspector. **(Exhibit C)**
5. Petition signed in counterparts as follows:
 - a. Paul T. & Paula A. Stepleton **(Exhibit D)**
 - b. Bruce L. Metcalf and Kelly L. Hurst **(Exhibit E)**
 - c. Ida Ann Austin, Trustee b **Exhibit F)**
 - d. City of Lancaster, Ohio **(Exhibit G)**
 - e. Fairfield County **(Exhibit H)**

Please advise me when the Commissioners have scheduled a date for the public hearing.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



James A. Edwards
Agent for Petitioners

Property Owners Whose Property is Contained in the Proposed Annexation
Sheridan Drive #2

James A. & Sylvia Earley
1449 Sheridan Drive NE
Lancaster, OH 43130
Parcel Number: 027-00529-00

David P. Fouch, et. al.
1438 Sheridan Drive
Lancaster, OH 43130
Parcel Numbers: 027-01646-99; 053-40120-00

William R. Hargett
1719 Rosewood Drive
Lancaster, OH 43130
Parcel Numbers: 027-01645-99; 053-40128-00

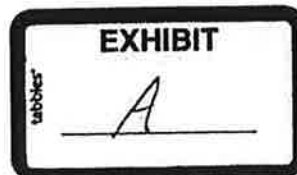
Bruce L. Metcalf & Kelly L. Hurst
1461 Sheridan Drive
Lancaster, OH 43130
Parcel Numbers: 027-00807-00; 027-00808-00

Paul R. & Paula A. Stepleton
1407 Leslie Lane NE
Lancaster, OH 43130
Parcel Number: 027-01566-00

Board of County Commissioners
210 East. Main Street, Room 301
Lancaster, OH 43130
Parcel Numbers: 027-00530-10; 027-01644-99

City of Lancaster
c/o Randall T. Ullom
P.O. Box 1008
Lancaster, OH 4310
Parcel Numbers: 027-01672-00

Ida Anne Austin, Trustee
1291 Sheridan Drive
Lancaster, Ohio 43130
Parcel Numbers: 027-00528-00



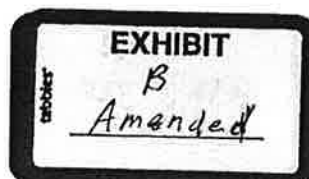
Adjoining Property Owners Whose Property is Adjacent to or Directly Across
The Road from the Property Proposed to be Annexed
Sheridan Drive #2

Blankenship Investment Properties, LTD
8735 Cincinnati Zanesville Road
Amanda, OH 43102
Parcel Number: 053-40141-70

Dogwood Terrace Apartments of Lancaster LTD
c/o Elon Property Management
590 West Kennedy Blvd., 2nd FL
Lakewood, NJ 08701
Parcel Number 053-40116-00

Jason R. Shields
1431 Sheridan Drive
Lancaster, OH 43130
Parcel Number: 027-00530-00


Paul W. Wacker
336 North Columbus Street
Lancaster, OH 43130
Parcel Numbers: 053-40164-00; 053-40165-00



Certificate of Township Zoning Classification

This is to certify that that portion of Pleasant Township, Fairfield County, Ohio which is in the right-of-way of Sheridan Drive, which is proposed to be annexed into the City of Lancaster, Ohio as shown in light blue on the Sheridan Drive Annexation aerial map which is attached hereto as **Exhibit A**, is currently zoned R-1, as shown in yellow on the attached zoning map which is attached hereto as **Exhibit B**.

Dated: December 15, 2014



John Bowman
Pleasant Township Zoning
Inspector



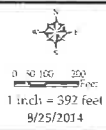


EXHIBIT
A

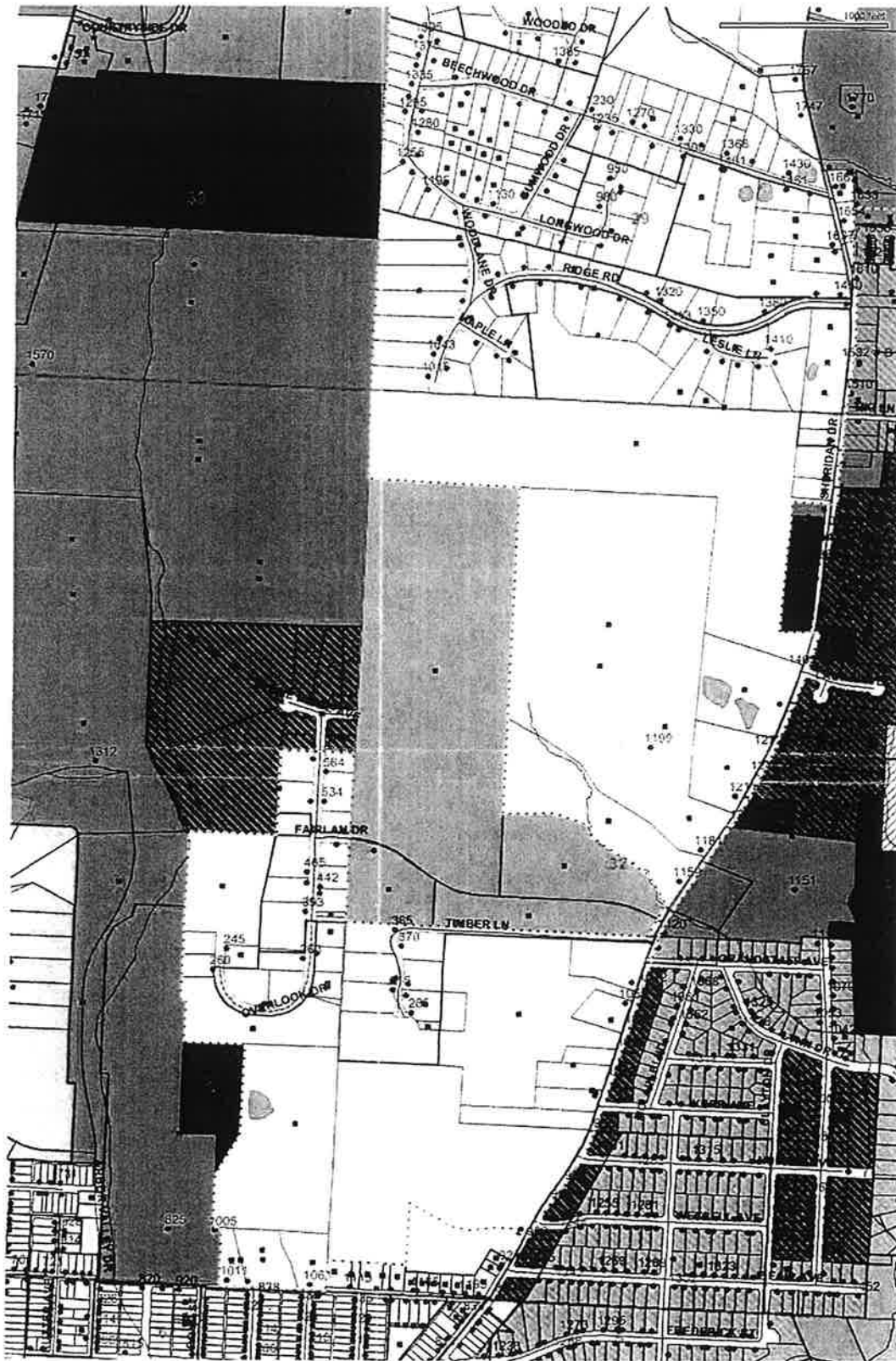


Sheridan Drive Annexation

- Private
- County Roads
- Interstate Roads
- Municipal Roads
- State Routes
- Ramps
- Township Roads
- US Routes
- Corp Lines
- Annexation Area (approx.)



THIS PLAN IS A PRELIMINARY PLAN AND IS NOT A GUARANTEE OF ACCURACY. THE CITY OF SHERIDAN, WYOMING, IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE CITY OF SHERIDAN, WYOMING, IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS PLAN. THE CITY OF SHERIDAN, WYOMING, IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS PLAN. THE CITY OF SHERIDAN, WYOMING, IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS PLAN.



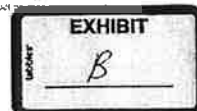
Jon A. Huber, Jr.

Surveyor
 10000
 10000
 10000



Map Disclaimer

The information on this map was derived from Fairfield County's Geographic Information System (GIS). Extensive detail and attention was given to the creation of this map to maximize its accuracy, but as provided "as is". Fairfield County cannot accept responsibility for any errors, omissions, or potential inaccuracies that may have occurred before, during, or after production. Therefore, Fairfield County does not warrant, guarantee or represent the data to be fit for a particular use or purpose. Although information from land field surveys may have been utilized during the creation of this product, in no way does this product represent or constitute a Land Survey. Users are cautioned to field verify information on this product.



AFFIDAVIT REGARDING SHERIDAN DRIVE ANNEXATION #2

State of Ohio


County of Fairfield: ss

James A. Edwards, being first duly sworn, deposes and says:

1. That I am the agent of the petitioners who have petitioned that a portion of Sheridan Drive be annexed into the City of Lancaster, Ohio.
2. That I personally sent petitions to each of the property owners whose property was proposed to be annexed into the City of Lancaster, Ohio.
3. That an Exhibit A, containing the legal description of the property to be annexed to the City of Lancaster, Ohio, was attached to each petition when it was sent to each affected property owner.
4. That an Exhibit B, which was a map that outlined in Red the portion of Sheridan Drive which was to be annexed into the City of Lancaster, Ohio, was attached to each petition when it was sent to each affected property owner.
5. That many of the property owners returned the signed petition for annexation without Exhibit A and Exhibit B.
6. The purpose of this affidavit is to clarify that although the petitions for annexation filed with the County Commissioners did not include Exhibit A or Exhibit B, said Exhibits were in fact attached to the petitions for annexation when they were provided to each affected property owner.

Further affiant sayeth not.

June 30, 2015


James A. Edwards

Sworn to and subscribed before me, this 30th day of June, 2015.



TERESA LEE SANDY
Notary Public, State of Ohio
My Commission Expires 10/9/19



Notary Public, State of Ohio
My Commission expires 10/9/19