

IN THE MATTER OF GRANTING AN ANNEXATION OF 1.863 ACRES, MORE OR LESS, TO THE VILLAGE OF MINSTER FROM JACKSON TOWNSHIP; PETITIONED BY JULIANA M. & RICHARD L. WEIGANDT; FILED BY JASON E. THIS, AGENT.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 17th day of April, 2008 with the following members present:

John N. Bergman Douglas A. Spencer Ivo J. Kramer

Mr. Kramer moved the adoption of the following:

RESOLUTION

WHEREAS, on April 15, 2008, a petition for annexation of 1.863 acres, more or less, was filed as an Expedited Type 1, with the office of the Board of County Commissioners by Jason E. This, named as Agent for petitioners Juliana M. Weigandt and Richard L. Weigandt; and,

WHEREAS, the requirements for the filing of said petition were all met by Agent This, including:

- 1.) The petition meets all the requirements set forth in, and was filed in the manner provided, in the Ohio Revised Code Section 709.022.
- 2.) The persons who signed the petition represent 100% of the owners of the property; signatures having been obtained in the time frame required.
- 3.) An accurate legal description of the perimeter of the territory proposed to be annexed.
- 4.) An accurate map or plat of the territory.
- 5.) Named the party acting as agent for the petitioners.
- 6.) A list of all tracts, lots or parcels in the territory proposed to be annexed and all tracts, lots or parcels located adjacent to the territory to be annexed, listing the name of owner, mailing address and permanent parcel number from the County Auditor's system (ORC 319.28).
- 7.) An annexation agreement of the Village of Minster and Jackson Township as provided for in ORC 709.192.

and,

WHEREAS, the petitioners requested that the special procedure be used and waived their right to appeal any action taken by the Board of County Commissioners; and,

WHEREAS, the Board determined that this annexation is in order, meeting all criteria.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio does hereby approve and grant the annexation of 1.863 acres, more or less, to the Village of Minster as petitioned by Juliana M. Weigandt and Richard L. Weigandt pursuant to ORC Section 709.022.

Mr. Spencer seconded the Resolution and upon the roll being called, the Vote resulted in the adoption of the Resolution as follows:

Adopted this
17th day of
April, 2008

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman yes
John N. Bergman

Douglas A. Spencer Yes
Douglas A. Spencer

Ivo J. Kramer YES
Ivo J. Kramer

- cc: County Auditor
 County Engineer
 Jason E. This, Agent
 Jackson Township Trustees
 Village of Minster

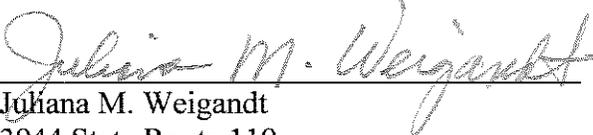
Petitioners therefore petition to annex their property to the Village of Minster from the Township of Jackson pursuant to Ohio Revised Code Section 709.022. The petitioners represent that the property is not unreasonably large and that on balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding area will outweigh the detriments to the territory proposed to be annexed and the surrounding area, if the petition is granted.

Attached to this petition is an original copy of the annexation agreement of the Village of Minster and Jackson Township.

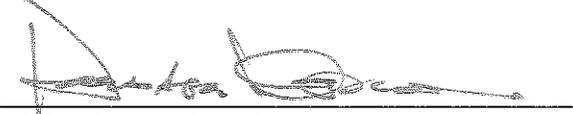
The undersigned hereby appoints and designates, Jason E. This, as agent for the petitioners, P.O. Box 42, New Bremen, Ohio 45869.

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY.

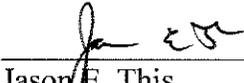
4.14.08
Date:


Juliana M. Weigandt
3944 State Route 119
Minster, Ohio 45865

4.14.08
Date:


Richard L. Weigandt
3944 State Route 119
Minster, Ohio 45865

I hereby accept the designation as agent for petitioners, dated this 14th day of April, 2008.


Jason E. This
Agent for Petitioners
5030 State Route 66
P.O. Box 42
New Bremen, Ohio 45869
419-629-8108
419-629-0328 (FAX)

VOL 160 PAGE 0059

Know All Men by These Presents;

That RICHARD L. WEIGANDT, husband of Grantee,

in consideration of

One Dollar and other good and valuable consideration

to him paid by Juliana M. Weigandt

whose address is 03944 State Route 119, Minster, Ohio 45865

the receipt whereof is hereby acknowledged, do hereby Remise, Release and Forever Quit Claim to the said JULIANA M. WEIGANDT, wife of Grantor,

her heirs and assigns forever,

PARCEL 1:

Situated in the County of Auglaize in the State of Ohio, and in the Village of Minster:

Lot Number Ninety-eight (98) of Block "A" of the Village of Minster, Ohio.

Prior Deed Reference: Volume 238, Page 710

PARCEL 2:

Situated in the Village of Minster, County of Auglaize and State of Ohio:

Block "F" of lot number One Hundred Thirteen (113) in the Village of Minster.

Prior Deed Reference: Volume 42, Page 232 O.E.

PARCEL 3:

Situated in the Village of Minster, County of Auglaize and State of Ohio:

Tract I: Eight (8) feet nine (9) inches off of the south side of Lot Number Eighty-two (82) of Block "A" in the Village of Minster, Ohio;

Tract II: Lot Number Eighty-three (83) of Block "A" in the Village of Minster, Ohio, save and except that part thereof heretofore conveyed by deeds recorded in Volume 190 at page 759 and Volume 220 at page 823 of the Deed Records of Auglaize County, Ohio;

Tract III: Part of Lot Number Eighty-four (84) of Block "A" in the Village of Minster, Ohio, more particularly described as follows: Beginning at the northwest corner of said Lot Number Eighty-four (84); thence south a distance of ten (10) feet to a point; thence east parallel with the north line of said lot Number Eighty-four (84) a distance of One Hundred Ten (110) feet to a point; thence north parallel with the west line of said Lot Number Eighty-four (84) to a point in the north line of said Lot Number Eighty-four (84); thence west along the north line of Lot Number Eighty-four a distance of One Hundred Ten (110) feet to the place of beginning.

Prior Deed Reference: Volume 233, Page 779

(continued)



John Arnold Notary Public
 State of Ohio

(Description continued)

Vol 160 Page 0060

PARCEL 4:

Situating in the Township of Jackson, County of Auglaize and State of Ohio:

Being 1.863 Acres located in the north-east quarter of Section 27, Town 7-S, Range 4-E, Jackson Township, Auglaize County, Ohio and being further described as follows:

Commencing at the north-east corner of Section 27, said point being the center line intersection of State Route #66 and State Route #119. Thence S 89 deg. 25' 25" W along the north line of Section 27 and the center of S.R. #119, a distance of 316.78 feet to a railroad spike and PLACE OF BEGINNING for the tract of land herein described: Bearings stated herein are based upon the State of Ohio R/W Plans. Thence continuing S 89 deg. 25' 25" W, 293.22 feet to a railroad spike; thence S 00 deg. 34' 35" E along the east line of D. B. 207 Pg. 994, a distance of 278.85 feet to an iron pin found, passing through an iron pin at 30.0 ft. and at 50.0 ft; thence N 89 deg. 39' 40" E along the north line of D. B. 156 Pg 165, a distance of 287.4 feet to an iron pin set; thence N 00 deg. 37' E, 280.11 feet to a railroad spike in the north line of Section 27 and PLACE OF BEGINNING, passing through an iron pipe set at 230.11 ft. Containing in all 1.863 Acres and being subject to 0.34 Acres in road R/W be the same more or less, but subject to all legal highways. Survey and description prepared by Thomas W. Steiske, registered surveyor #6177 and recorded in Survey Book "C" Page 75 of the Auglaize County Survey Records.

Subject to Restrictions and Reservations contained in the Warranty Deed recorded in Volume 250, Page

Prior Deed Reference: Volume 250, Page 4



and all the Estate, Title and Interest of the said grantor, Richard L. Weigandt

either in law or in equity, of, in and to the said premises; Together with all the privileges and appurtenances to the same belonging, and all the rents, issues and profits thereof; To Have and to Hold the same to the only proper use of the said grantee, Juliana M. Weigandt

her heirs and assigns forever.

In Witness Whereof, the said Richard L. Weigandt

VOL 160 PAGE 0061

hereby releases his right and expectancy of dower in said premises has heretofore set his hand this 25th day of September in the year of our Lord one thousand nine hundred and ninety-two.

Signed and acknowledged in presence of us:

Richard L. Weigandt
RICHARD L. WEIGANDT

Stephen L. Smith
Carolyn W. Smith

The State of Ohio County of Auglaize ss.

Be It Remembered, That on the 25th day of September in the year of our Lord one thousand nine hundred and ninety-two before me, the subscriber, a Notary Public in and for said county, personally came

Richard L. Weigandt, husband of Grantee

the grantor in the foregoing Deed, and acknowledged the signing thereof to be his voluntary act, for the uses and purposes therein mentioned.

In Testimony Whereof, I have heretofore subscribed my name, and affixed my seal, on the day and year last aforesaid.

Stephen L. Smith
Stephen L. Smith, Attorney at Law
Lima, Ohio - State of Ohio
My Commission has no expiration date
Section 4-7-03 R.C.

This instrument was prepared by: Stephen L. Smith Co., L.P.A.
P.O. Box 22, New Bremen, Ohio 45869

RECEIVED
21 39
9/25/02
MARLENE SCHUMAKER
AUGLAIZE CO. RECORDER
92 SEP 25 PM 1:18

Cara L. Meyer
5 Parkview Drive
Minster, Ohio 45865

Lot 59, Parkview Acres SD #5
E15-037-059-00

Cara L. Meyer
5 Parkview Drive
Minster, Ohio 45865

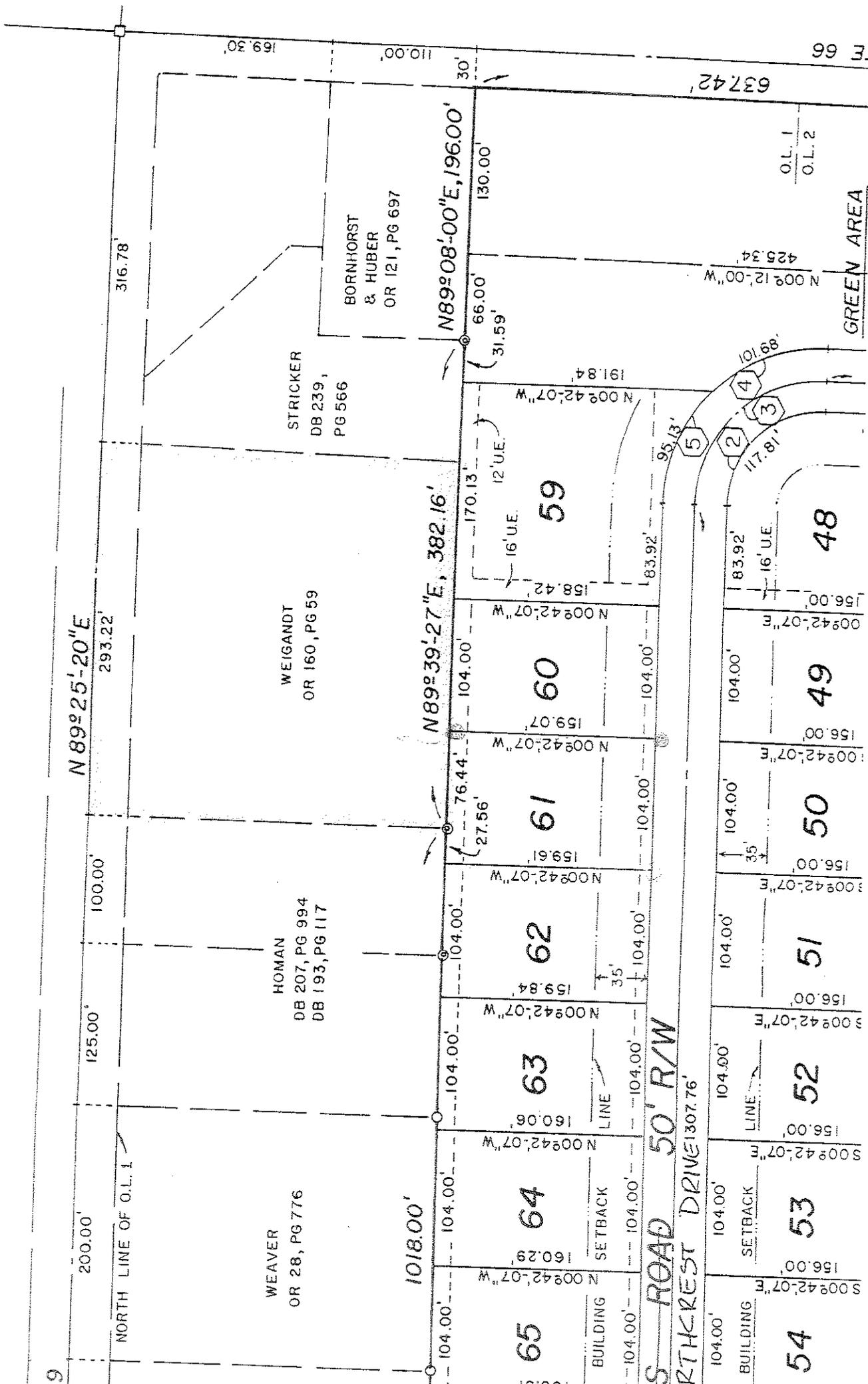
Lot 60, Parkview Acres SD #5
E15-037-060-00

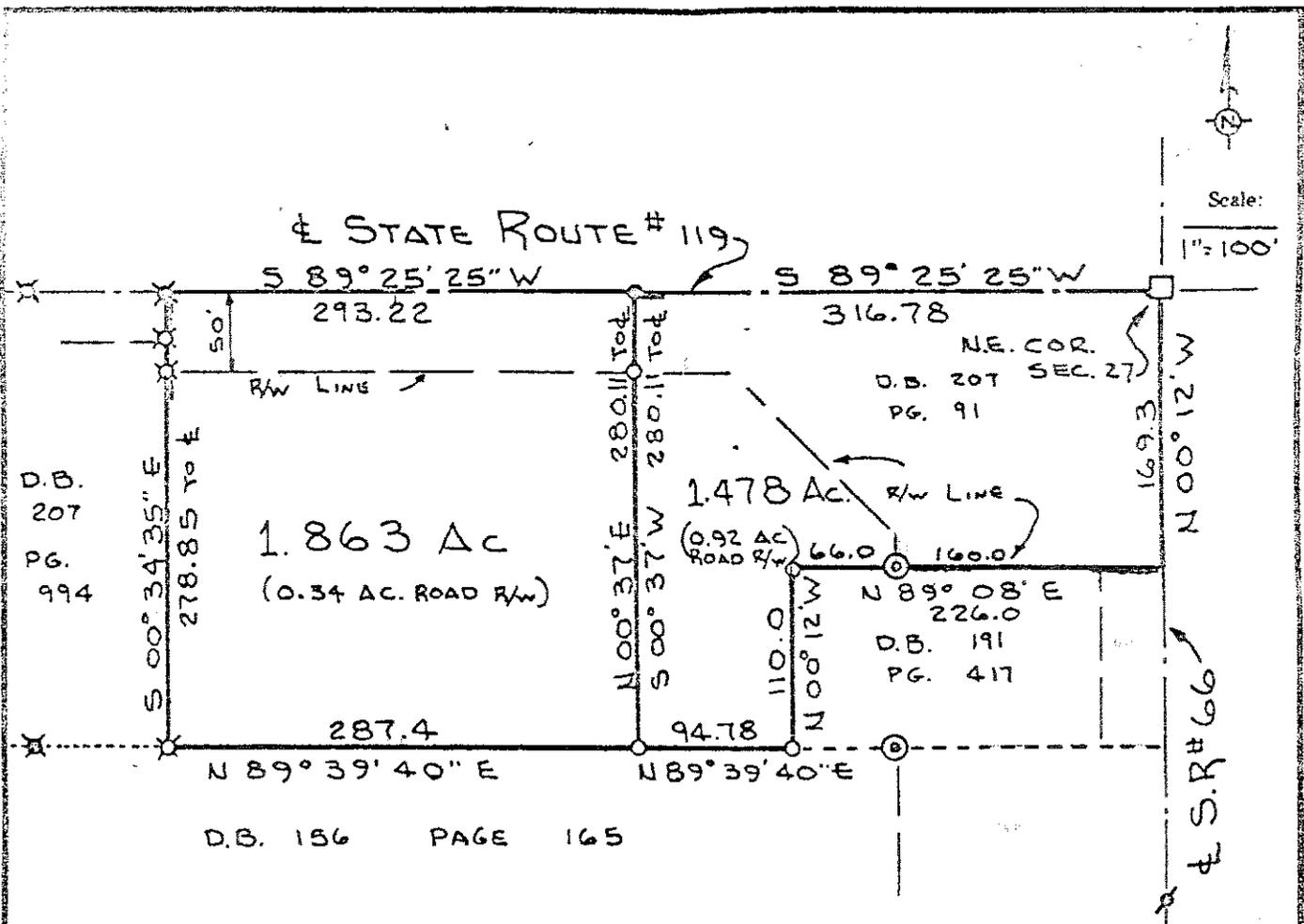
Argus Group
P.O. Box 3
Minster, Ohio 45865

Lot 61, Parkview Acres SD #5
E15-037-061-00

EXHIBIT A

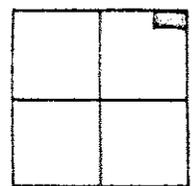
Accurate Map or Plat of the Territory Sought to be Annexed





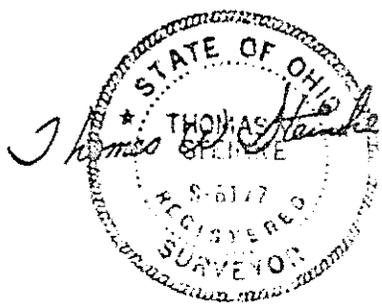
LEGEND

- X R.R. SPIKE FD.
- R.R. SPIKE SET
- X IRON PIN FD.
- IRON PIPE SET
- ⊙ MONUMENT FD.
- ⚡ P.K. NAIL FD.



SEC. 27

SURVEY RECORDED IN
SURVEY BOOK "C"
PAGE 75



Signature by a representative of the County Health Dept. denotes compliance with Health Regulations.
Signed: _____ Date: _____

Signature by a representative of the Auglaize County Regional Planning Commission denotes approval of this plat.
Signed: _____ Date: _____

Signature by a representative of City with 3 mile limit jurisdiction or Twp. Trustees or Village with zoning jurisdiction denotes approval of this plat. Signed: _____ Date: _____
for political S. D. of: _____

Signature by a representative of the County Engineer's Dept. denotes that this plat meets tax map plat requirements.
Signed: _____ Date: _____

Thomas M. Steinkamp
LAND SURVEYING
Wapakoneta & Ross Co. OHIO

Client LAVERN MEYER
County AUGLAIZE Twp. JACKSON Sec. 27
Drawn by JWS Scale 1" = 100' Drwg. No. 17379
Checked by _____ Date MAY 1977
Sheet _____ of _____ (T.T.S.R.) **75**

75

ANNEXATION AGREEMENT
(Expedited Type One Annexation)

This Agreement is entered into this 5 day of February of 2008, between the Village of Minster, Ohio (the "Village") and the Board of Township Trustees of Jackson Township, Auglaize County, Ohio (the "Township"), pursuant to R.C. 709.021, 709.022 and 709.192.

WHEREAS, Juliana M. Weigandt and Richard L. Weigandt (the "Petitioners"), owners of the real estate in the territory hereinafter described (the "Property"), desire to annex the Property into the Village pursuant to the expedited process of annexation set forth in R.C. 709.021 and 709.022; and

WHEREAS, the Village and the Township, by Resolutions duly adopted by their legislative authorities, each have determined that it is in the best interest of all parties involved to enter into this Annexation Agreement (the "Agreement") as provided by R.C. 709.192.

NOW, THEREFORE, in consideration of the above recitals and in consideration of the mutual benefits and promises hereinafter contained, the parties agree as follows:

1. Village Consent and Agreement. The Village consents to the annexation of the Property into the Village and agrees to provide sanitation, police, fire, water and sewer services to the residents of the Property at the same cost and under the same policies and conditions that such services are provided to other residents of the Village.

2. Township Consent. The Township consents to the annexation of the Property into the Village.

3. The Property. The real property subject to this Agreement shall consist of 1.863 acres located in Jackson Township, Auglaize County, Ohio, as depicted on the map attached hereto as Exhibit A. A legal description of the Property is attached hereto as Exhibit B.

4. Tax Distribution. Following the annexation of the Property, the Township will continue to receive real estate tax revenues levied on the Property in accordance with the Ohio Revised Code.

5. Severability. In the event any one or more of the provisions of this Agreement are held to be invalid, illegal, or unenforceable in any respect, that invalidity, illegality, or unenforceability shall not affect any other provisions of this Agreement. Such provisions shall be modified in order to best preserve the intention of the Village and the Township. The Agreement as modified shall remain in full force and effect. If such provisions cannot be so modified, then such provisions shall be severed and the remaining provisions of the Agreement shall remain in full force and effect.

6. Governing Law. This Agreement shall be governed exclusively by and construed in accordance with the laws of the State of Ohio.

7. Binding Effect. This Agreement shall inure to the benefit of and shall be binding upon the Village and the Township, their legal representatives, successors and assigns.

8. Entire Agreement. This Agreement constitutes the entire agreement of the parties and may be amended or modified only through a writing duly executed by the Village/Township as authorized by R.C. § 709.192. All prior agreements between the parties, either written or oral, are superseded by this Agreement.

IN WITNESS WHEREOF, the Village and Township have executed this Agreement.

VILLAGE OF MINSTER, OHIO

By: Dennis Kitzmiller, Mayor
Dennis Kitzmiller, Mayor

Attest: John Stechschulte
John Stechschulte, Clerk

BOARD OF TOWNSHIP TRUSTEES
OF JACKSON TOWNSHIP, AUGLAIZE
COUNTY, OHIO

By: Maurice Heitbrink
Maurice Heitbrink, Trustee

By: Ken Sommer
Ken Sommer, Trustee

By: Carl Albers
Carl Albers, Trustee

APPROVED AS TO LEGAL FORM:

By: _____
James Hearn
Solicitor, Village of Minster, Ohio

COUNCIL MEMBER	YES	NO	ABSTAIN
Rick Schwartz	X		
Tom Herkenhoff	X		
Randy Huelsman	X		
Steve Kitzmiller	X		
Craig Oldiges	X		
Derrick Seaver	X		
Mayor Dennis Kitzmiller			

ORDINANCE 08-01-03

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT BY THE VILLAGE OF MINSTER WITH JACKSON TOWNSHIP, AUGLAIZE COUNTY, OHIO AND TO DECLARE AN EMERGENCY

WHEREAS, Section 709.022 of the Ohio Revised Code grants the filing of a petition for annexation under a special procedure when all parties provide consent; and

WHEREAS, under these special procedures the petition for annexation must be accompanied by a certified copy of an annexation agreement that is entered into by the municipal corporation and each township any portion of which is included within the territory proposed for annexation; and

WHEREAS, Juliana M. Weigandt and Richard L. Weigandt, husband and wife, (Petitioner), owner of the real estate depicted by the site map in Exhibit A, attached hereto and further described on Exhibit B (the Property), desires to annex the Property into the Village, per the expedited process of annexation stated in Ohio Revised Code Section 709.022; and

WHEREAS, an annexation agreement as outlined in Ohio Revised Code Section 709.192 has been presented for consideration to both the Village of Minster and Jackson Township; and

WHEREAS, the trustees of Jackson Township, Auglaize County, Ohio in a public meeting on February 5 2008 considered and approved such Annexation Agreement between the Township and the Village of Minster.

NOW, THEREFORE, BE IT ORDAINED BY THE Council of the Village of Minster, Auglaize County, Ohio, to-wit:

SECTION 1: The Village of Minster has determined that it is in the best interest of the Petitioner and the Village to enter into an Agreement as provided for by Ohio Revised Code Section 709.192

SECTION 2: That the form of the Annexation Agreement attached hereto as Exhibit C is hereby approved, subject to and with any and all changes therein provided.

SECTION 3: That the Mayor is hereby authorized and directed to execute an Annexation Agreement substantially in the form of Exhibit C between the Village of Minster and the Jackson Township Trustees for the property petitioned to be annexed by the Petitioners.

SECTION 4: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in those formal actions were in compliance with the Law.

SECTION 5: This ordinance shall be in full force and take effect from and after the earliest period allowed by law.

PASSED AND ADOPTED by the legislative Authority of the Village of Minster on this 19th day of February, 2008.


Dennis Kitzmiller, Mayor

ATTEST:


John Stechschulte, Clerk

IN THE MATTER OF AUTHORIZING EXPENSES FOR THE CORONER AND STAFF TO ATTEND A MEETING.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 17th day of April, 2008 with the following members present:

John N. Bergman Douglas A. Spencer Ivo J. Kramer

Mr. Kramer moved the adoption of the following:

RESOLUTION

WHEREAS, the Board of County Commissioners was informed by Dr. Thomas R. Freytag, M.D., Auglaize County Coroner, that he and his staff will be attending the following workshop:

On May 8 - 10, 2008 - Coroner Dr. Freytag, his investigator and secretary will attend the Ohio State Coroners Association meeting in Toledo, Ohio;
and,

WHEREAS, expenses requested to be authorized for payment are:

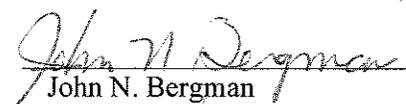
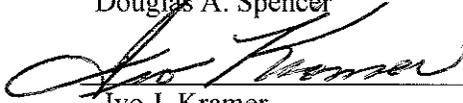
For May 8 - 10 - Lodging Expenses, \$95.00 per night plus taxes and Meal reimbursement;

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, does hereby approve and authorize the above requested travel expenses and does order bills to be paid upon proper presentation providing all is in accordance with the County Travel Policy.

Mr. Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
17th day of
April, 2008

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

	, <u>yes</u>
John N. Bergman	
	, <u>Yes</u>
Douglas A. Spencer	
	, <u>YES</u>
Ivo J. Kramer	

cc: / Auglaize County Coroner

IN THE MATTER OF THE REAPPOINTING RON GORBY AND MARK BUEHLER TO THE AUGLAIZE/SHELBY COUNTIES ZONING BOARD OF APPEALS AND REAPPOINT RANDY KUCK AS ZONING INSPECTOR FOR THE NEIL ARMSTRONG AIRPORT.

The Auglaize/Shelby Airport Zoning Board, consisting of the Joint Boards of County Commissioners of Auglaize and Shelby Counties, Ohio met on the 15th day of April, 2008 with the following members present:

Auglaize County: John Bereman, Doris Spencer, Joe Krutmer

Shelby County: Dale DeLoe, _____, _____

Mr. DeLoe moved the adoption of the following:

RESOLUTION

WHEREAS, Ron Gorby and Mark Buehler were appointed by the Auglaize/Shelby County Airport Zoning Board to serve on the Auglaize/Shelby County Airport Zoning Board of Appeals; and,

WHEREAS, the terms for Mr. Gorby and Mr. Buehler terminated as of December 31, 2007; and,

WHEREAS, both persons were contacted about serving another full three year term on said Board of Appeals pursuant to Article 10.1 of the Airport Zoning Regulations for the Neil Armstrong; and,

WHEREAS, Mr. Gorby and Mr. Buehler agreed to serve another full term of three years; and,

WHEREAS, each year, the Auglaize/Shelby County Airport Zoning Board meets the need of reappointing Randy Kuck as the Zoning Inspector for said Airport.

THEREFORE, BE IT RESOLVED that the Auglaize/Shelby County Airport Zoning Board, does hereby re-appoint Ron Gorby and Mark Buehler to the Auglaize/Shelby County Airport Zoning Board of Appeals for a three year term retroactive to commence January 1, 2008 and terminate December 31, 2010; and,

BE IT FURTHER RESOLVED that said Zoning Board does also reappoint Randy Kuck to serve as Zoning Inspector for the Auglaize/Shelby County Airport Zoning Board .

Mr. Joe Krutmer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
15th day of
April, 2008

AUGLAIZE COUNTY, OHIO

SHELBY COUNTY, OHIO

[Signature]
[Signature]
[Signature]

[Signature]

cc: Todd Kitzmiller - Airport Authority President
Above mentioned appointees