

IN THE MATTER OF AUTHORIZING BUDGET ADJUSTMENTS.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 18th of April, 2023.

Commissioner David Bambauer moved the adoption of the following:

RESOLUTION

WHEREAS, the Board has been requested to authorize budget adjustments as follows:

Recorder's Fund:
Amount: From: To:
\$2,492.00 025.0025.530600 (Contract Services) 025.0025.531000 (Reimbursement)

THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio does hereby authorize the County Auditor to complete the budget adjustments as mentioned above.

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

Adopted this
18th day of
April, 2023

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes
John N. Bergman

Douglas A. Spencer, yes
Douglas A. Spencer

David Bambauer, yes
David Bambauer

cc: County Auditor
/Recorder

County Commissioners Office
Auglaize County, Ohio
April 18, 2023

NO. #23-195

IN THE MATTER OF ACCEPTING THE QUOTE FOR THE INSTALLATION OF FIBER TO FAIRGROUND BUILDINGS FROM WABASH MUTUAL TELEPHONE COMPANY.

The Board of Auglaize County Commissioners met in regular session on the 18th day of April, 2023.

Commissioner David Bambauer moved the adoption of the following:

RESOLUTION

WHEREAS, the following Fairground Manager and IT Manager presented two quotes for the fiber to installed to the fairground buildings to the Board of County Commissioners; and,

WHEREAS, the Fairground Manager and IT Manager have recommended to proceed with the quote from Wabash Mutual Telephone Company:

1 1/4" x SDR 13.5 orange duct	\$ 2,625.00
1 1/4" x Comfit Pushfit Coupler	\$ 163.35
Hand Hole Channell 17 x 30 x 24 w/lid	\$ 2,647.32
FOSC 450A Closure A	\$ 897.85
BFO Fibert Single Mode	\$ 2,787.00
Directional Drill	\$16,500.00
4RU Fiber rack mount enclosure loaded	
w/splice trans and LC Duplex	\$ 623.50
1RU Fiber rack mount enclosure loaded	
w/splice tray and LC Duplex	\$ 935.25
2" Bridal ring w/sammies	\$ 264.00
Misc. parts – PVC conduit – PVC LB	\$ 600.00
Construction Labor	\$ 8,950.00
Installation Labor	\$ 1,800.00
Total	\$38,493.27; and,

WHEREAS, such project meets the parameters for broadband improvements as determined by the Board of use of Auglaize Development Funds derived from ARPA dollars.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, does hereby accept and approve the quote from Wabash Mutual Telephone Company for the fiber to the fairgrounds buildings in the amount of \$38,493.27; and,

BE IT FURTHER RESOLVED that the Board of County Commissioners, Auglaize County, Ohio does hereby authorize the President of the Board to execute said quote and the Clerk is hereby authorize to encumber the funds from 053.0053.530600 for Broadband improvement.

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

Adopted this
18th day of
April, 2023

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, Yes
John N. Bergman

Douglas A. Spencer, Yes
Douglas A. Spencer

David Bambauer, Yes
David Bambauer

cc: IT Manager
Wabash Mutual Telephone Company
Fairgrounds Manager

IN THE MATTER OF DOCUMENTING THE FINAL HEARING OF THE HOLLMAN DITCH PROJECT.

The Board of Auglaize County Commissioners met in regular session on the 18th day of April, 2023.

Commissioner David Bambauer moved the adoption of the following:

RESOLUTION

WHEREAS, on April 11, 2023 at 1:30 p.m. in the Assembly Room in the Administration Building located at 209 S. Blackhoof Street, a final hearing was held for the Hollman Ditch project which was petitioned by Kraig MacWhinney and others; and,

WHEREAS, at said Final Hearing, the project was explained to those in attendance by County Engineer Andrew Baumer and Drainage Technician TJ Place, with the Engineer's reports, plans and estimated assessments for said project being presented to the landowners; and,

WHEREAS, at said Final Hearing, the Board of County Commissioners considered the factors outlined in the Ohio Revised Code Section 6131.21; and,

WHEREAS, Commissioner Bambauer made a motion at said hearing to proceed with the petition for the Hollman ditch project and the construction to be completed by September 30, 2024, with no work to be done during the 2023 crop-growing season but no crop restrictions for the 2024 growing-season. Final leveling and seeding be completed by April 15, 2025. Commissioner Spencer seconded the motion. A roll call vote was taken Bambauer-yes and Spencer-yes; and,

WHEREAS, it was determined that a 10 year note for said project funding after the 21 days to pay cash had expired was the best option for said project; and

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, does hereby document the proceedings of the final hearing of the Hollman Ditch project, accepting the length of term of note, schedule of assessments and the completion date of the project.

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

Adopted this 18th day
of April, 2023

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman yes
John N. Bergman

Douglas A. Spencer Yes
Douglas A. Spencer

David Bambauer yes
David Bambauer

✓cc: County Engineer

IN THE MATTER OF GRANTING AN ANNEXATION OF 15.719 ACRES, MORE OR LESS, TO THE VILLAGE OF MINSTER FROM JACKSON TOWNSHIP; PETITIONED BY THE TODD REALTY LLC BY TODD WEIGANDT; FILED BY KEITH M. SCHNELLE, AGENT.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 18th day of April, 2023.

Commissioner David Bambauer moved the adoption of the following:

RESOLUTION

WHEREAS, on April 13, 2023, a petition for annexation of a total of 15.719 acres, more or less, was filed as an Expedited Type 1, with the Office of the Board of County Commissioners by Keith M. Schnelle, Agent; and,

WHEREAS, the requirements for the filing of said petition were all met, 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 petitioner 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 15.719 acres, more or less, to the Village of Minster as petitioned Todd Realty LLC by Todd Weigandt filed by Keith M. Schnelle, Agent, by pursuant to ORC Section 709.022.

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

Adopted this
18th day of
April, 2023

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes
John N. Bergman

Douglas A. Spencer, yes
Douglas A. Spencer

David Bambauer, yes
David Bambauer

cc: County Auditor
 County Engineer
 Keith Schnelle, Agent
 Jackson Township Trustees
 Village of Minster

RECEIVED

APR 13 2023

Board of
County Commissioners

PETITION FOR ANNEXATION
EXPEDITED TYPE I

The undersigned, being the sole owner thereof, hereby petitions for the annexation of the following described territory to the Village of Minster, Auglaize County, Ohio, under Sections 709.021(A) & 709.022(A) of the Ohio Revised Code.

The territory sought to be annexed consists of one parcel of 15.719 acres in Jackson Township, Auglaize County, Ohio, and is Parcel No. E1402601300. Petitioner has attached hereto and made a part of this petition, a legal description of the perimeter of the territory sought to be annexed, marked as Exhibit "A".

The territory sought to be annexed is contiguous with a current boundary of the Village of Minster, Ohio.

Petitioner has further attached hereto and made a part of this petition an accurate map or plat of the territory sought to be annexed, marked as Exhibit "B".

Accompanying and filed with this petition are: (i) a certified copy of an annexation agreement between the Village of Minster, Ohio and the Board of Township Trustees of Jackson Township, Auglaize County, Ohio, concerning the territory sought to be annexed, in accordance with Section 709.192 of the Ohio Revised Code; and (ii) a list of the owners of all tracts, lots, or parcels located adjacent to or directly across the road from the territory sought to be annexed.

Keith M. Schnelle, Attorney is hereby appointed agent for the undersigned Petitioner, as required by Ohio Revised Code Section 709.02(C)(3), with full power and authority hereby granted to said agent 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. Said amendment, alteration, change, correction, withdrawal, refile, substitution, compromise, increase or deletion or other things

or action for granting of this Petition shall be made in the Petition, description and plat by said agent without further expressed consent of the Petitioner.



Signature of Agent

Keith M Schnelle
Schnelle Law Office, LLC
P.O. Box 4038
Courtview Center 101-C
100 S. Main Ave.
Sidney, OH 45365-4038
Email: kschnelle@schnellelaw.com
Phone Number: 937/538-4324
Fax Number: 937/538-4328

**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.**

SIGNATURE OF PETITIONER, TYPED NAME AND ADDRESS

Date : 2/28, 2023

Todd Realty LLC

By



Todd Weigandt, sole member
90 N. Main St.
Minster, Ohio 45865

EXHIBIT "A"

LEGAL DESCRIPTION TRACT 2

BEING A PART OF A TRACT OF LAND OWNED BY MICHAEL P. & VIRGINIA M. BENSMAN AS DESCRIBED IN OFFICIAL RECORD 648, PAGE 1006(PARCEL ID E1402601200 AND E1402601300) OF THE AUGLAIZE COUNTY DEED RECORDS, SITUATE IN THE NORTHWEST QUARTER OF SECTION 26, TOWN 7 SOUTH, RANGE 4 EAST, JACKSON TOWNSHIP, AUGLAIZE COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Beginning at a monument box found at the southeast corner of the northwest quarter of Section 26;

thence, North 89°-39'-10" West, 620.55 feet, along the south line of said quarter section and the north right-of-way line of Seventh Street to an iron pin with cap set;

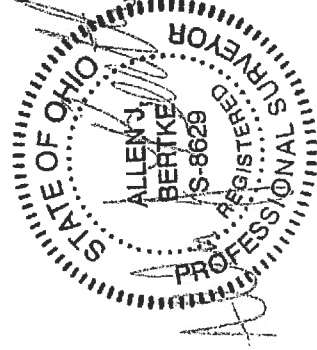
thence, North 01°-05'-01" East, 1106.69 feet, to an iron pin with cap set on the south line of a tract of land owned by Dorothy A. Bensman Trustee as described in Official Record 592, Page 1736;

thence, South 89°-38'-32" East, 617.03 feet, along the south line of said Dorothy A. Bensman tract to an iron pin with cap set on the east line of said quarter section;

thence, South 00°-54'-05" West, 1106.53 feet, along the east line of said quarter section and a westerly line of said Dorothy A. Bensman tract to the place of beginning.

Containing 15.719 acres more or less and all being subject to any legal highways and easements of record. The bearings are assumed and used to denote angles only.

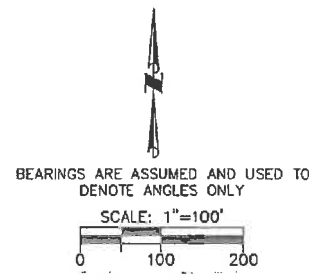
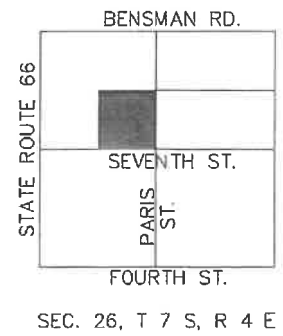
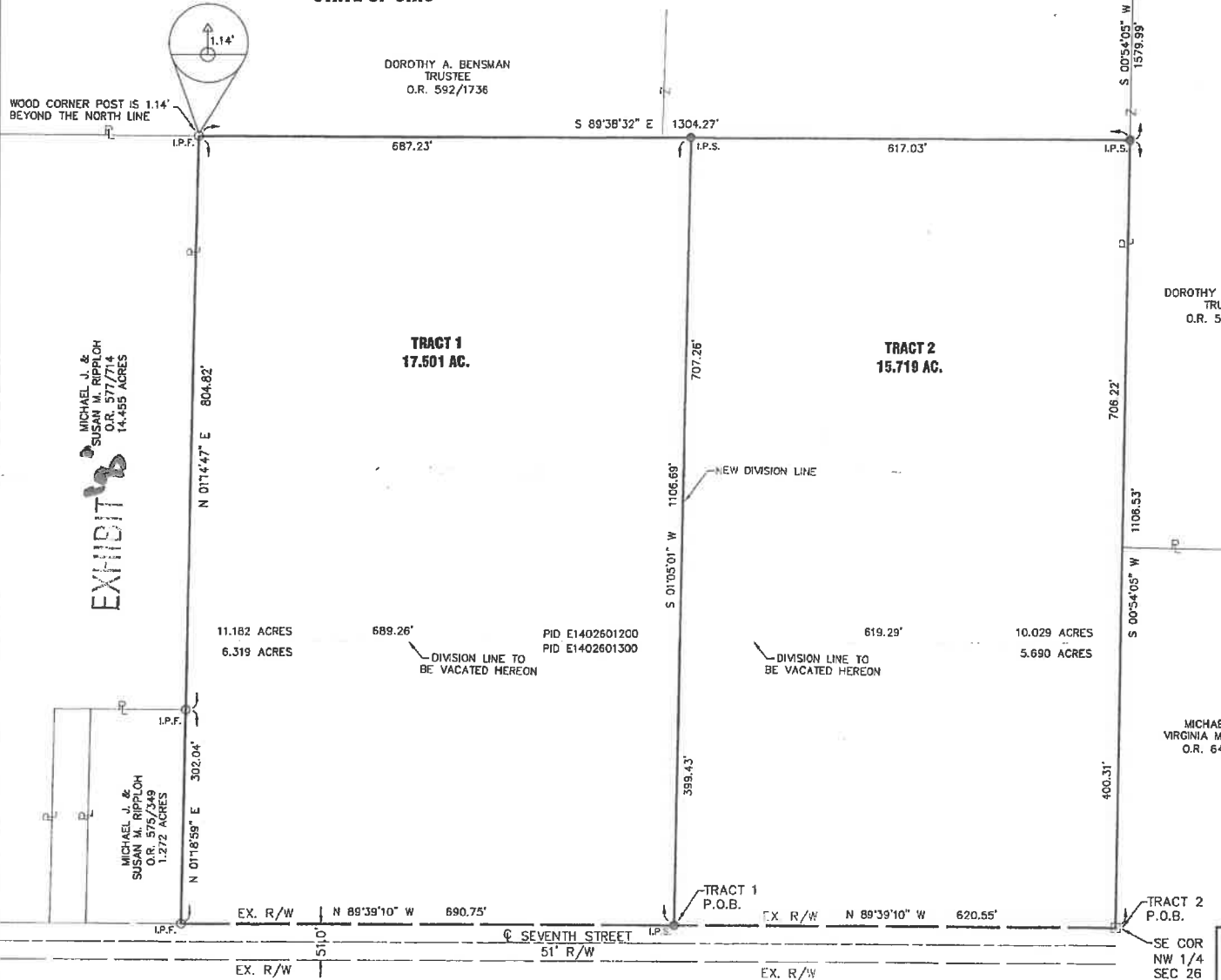
The above description was prepared by Allen J. Bertke, Ohio Professional Surveyor Number 8629, based on a field survey performed under his direct supervision and dated February 3, 2016.



1AC-26-6B

BENSMAN SURVEY

33.220 ACRES SITUATED IN THE NORTHWEST QUARTER OF SECTION 26,
JACKSON TOWNSHIP, TOWN 7 SOUTH, RANGE 4 EAST, COUNTY OF AUGLAIZE,
STATE OF OHIO



LAND SURVEY REFERENCE
BOOK J, PAGE 524
BOOK Q, PAGE 233
BOOK Q, PAGE 261

LEGEND

- I.P.S. 5/8" X 30" REBAR W/CAP SET
- I.P.F. IRON PIN FOUND
- ⊠ MONUMENT BOX W/IP FOUND
- △ POST FOUND

Allen J. Bertke
ALLEN J. BERTKE, P.S. #8629

2-10-2016
DATE



CHOICE ONE ENGINEERING

440 E. HIDEWISHER ROAD SENECA, OHIO 43085 (931) 472-0289
203 W. LOVELAND AVENUE LOVELAND, OHIO 43140 (512) 239-8554
www.choiceoneengineering.com

DATE:	02-03-16
DRAWN BY:	AJB
JOB NUMBER:	AUGJAC1601
SHEET NUMBER	1 OF 1

JAC-26-6

**LIST OF PROPERTY OWNERS ADJOINING
PROPOSED TERRITORY TO BE ANNEXED
TO VILLAGE OF MINSTER- 15.719 ACRES
Petitioner: Todd Realty LLC**

Parcel ID: E1526702200

**Owner: ELSASS, TRAVIS M. & SMITH, APRIL N.
Address: 516 E. SEVENTH STREET, MINSTER, OHIO 45865**

Parcel ID: E1526703400

**Owner: HERMILLER, KYLE R. & ALISON N.
Address: 1363 WINCHESTER DR., TROY, OHIO 45375**

Parcel ID: E1526703300

**Owner: TODD REALTY LTD.
Address: 90 N. MAIN, MINSTER, OHIO 45865**

Parcel ID: E1526703200

**Owner: THEMAMAN, MARK G. & BARBARA L.
Address: 159 STALLO ROAD, MINSTER, OHIO 45865**

Parcel ID: E1526703100

**Owner: ECHOLS, CONNOR D. & MEIRING, TAYLOR R.
Address: 245 S. HIGH ST., APT 710, COLUMBUS, OHIO 43215**

Parcel ID: E1526701200

**Owner: PINSON, MATTHEW JAMES & MISTY MICHELLE.
Address: 3200 NORWICH TERRACE, ALEXANDRIA, VA 22309**

Parcel ID: E1526701100

**Owner: OSTERLOH, JOSHUA P. & AMANDA L.
Address: 81 STONEGTE DRIVE, MINSTER, OHIO 45865**

Parcel ID: E1402600300 & E1402601401

**Owner: VIER BRUDER FARM, LLC
Address: 04538 WUEBKER RD., MINSTER, OHIO 45865**

Parcel ID: E1402601402

**Owner: BENSMAN, MICHAEL P. & VIRGINIA M.
Address: 272 N. PARIS STREET, MINSTER, OHIO 45865**

Parcel ID: E1526806300, E1526806400, E1526806500 & E1526806900

**Owner: ARGUS HOLDINGS.
Address: PO BOX 3, MINSTER, OHIO 45865**

ANNEXATION AGREEMENT
(Expedited Type One Annexation)

This Agreement is entered into this 7 day of February, 2023, 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, TODD REALTY LTD., (the "Petitioner"), owner 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 15.719 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, the date first written above.

VILLAGE OF MINSTER, OHIO

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

By: Dennis Kitzmiller
Dennis Kitzmiller, Mayor

Attest: Brittany Hemmelgarn
Brittany Hemmelgarn, Clerk

By: _____
James Steinemann, Trustee

By: Ken Sommer
Ken Sommer, Trustee

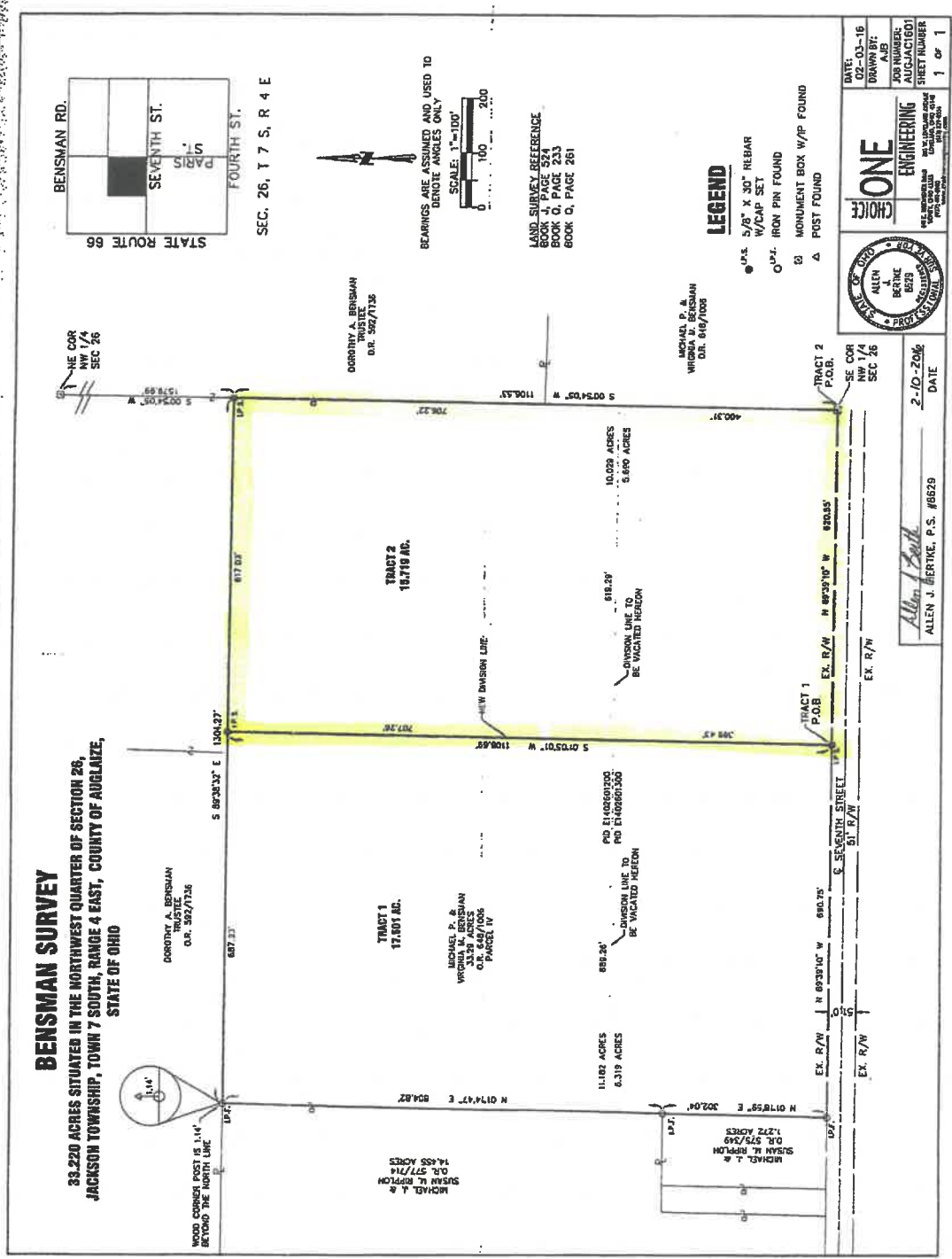
By: Matt Olberding
Matt Olberding, Trustee

APPROVED AS TO LEGAL FORM:

By: _____

James Hearn, Solicitor
Village of Minster, Ohio

EXHIBIT A
Accurate Map or Plat of the Territory Sought to be Annexed



JAC-26-16

EXHIBIT B

Accurate Legal Description of the Territory Sought to be Annexed

**LEGAL DESCRIPTION
TRACT 2**

BEING A PART OF A TRACT OF LAND OWNED BY MICHAEL P. & VIRGINIA M. BENSMAN AS DESCRIBED IN OFFICIAL RECORD 648, PAGE 1006(PARCEL ID E1402601200 AND E1402601300) OF THE AUGLAIZE COUNTY DEED RECORDS, SITUATE IN THE NORTHWEST QUARTER OF SECTION 26, TOWN 7 SOUTH, RANGE 4 EAST, JACKSON TOWNSHIP, AUGLAIZE COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Beginning at a monument box found at the southeast corner of the northwest quarter of Section 26;

thence, North 89°-39'-10" West, 620.55 feet, along the south line of said quarter section and the north right-of-way line of Seventh Street to an iron pin with cap set;

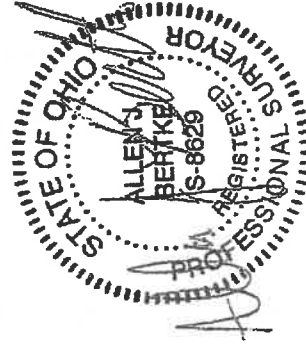
thence, North 01°-05'-01" East, 1106.69 feet, to an iron pin with cap set on the south line of a tract of land owned by Dorothy A. Bensman Trustee as described in Official Record 592, Page 1736;

thence, South 89°-38'-32" East, 617.03 feet, along the south line of said Dorothy A. Bensman tract to an iron pin with cap set on the east line of said quarter section;

thence, South 00°-54'-05" West, 1106.53 feet, along the east line of said quarter section and a westerly line of said Dorothy A. Bensman tract to the place of beginning.

Containing 15.719 acres more or less and all being subject to any legal highways and easements of record. The bearings are assumed and used to denote angles only.

The above description was prepared by Allen J. Bertke, Ohio Professional Surveyor Number 8629, based on a field survey performed under his direct supervision and dated February 3, 2016.



JAC-26-6B

Esther Leffel

From: Kurt Rodeheffer
Sent: Monday, April 17, 2023 4:06 PM
To: Esther Leffel; Andrew Baumer
Cc: CommissionersEmail
Subject: RE: Annexation - Village of Minster

Esther,

Legal description is accurate, and the proposed annexation area is contiguous to the existing corporation line along the entire west and south sides.

Kurt Rodeheffer
Auglaize County Mapping/GIS Office ♦ 209 S. Blackhoof Street, Suite 104 ♦ Wapakoneta OH 45895
Phone: 419-739-6740 ♦ Fax: 419-739-6741 ♦ email: krodeheffer@auglaizecounty.org

From: Esther Leffel <eleffel@auglaizecounty.org>
Sent: Thursday, April 13, 2023 12:08 PM
To: Kurt Rodeheffer <krodeheffer@auglaizecounty.org>; Andrew Baumer <abaumer@auglaizecounty.org>
Cc: CommissionersEmail <Commissioners@auglaizecounty.org>
Subject: Annexation - Village of Minster

Kurt and Andrew,

Please review the legal description and map to make sure everything is accurate for the Expedited 1 containing 15.719 acres. Please make sure that the real estate is contiguous to the Village of Minster.
Thank you,

Esther Leffel

Board of Auglaize County Commissioners Clerk
209 S. Blackhoof Street, Room 201
Wapakoneta, Ohio 45895
419-739-6710 – Main Line
419-739-6718 – Direct Line

From: commissionersoffice@auglaizecounty.org <commissionersoffice@auglaizecounty.org>
Sent: Thursday, April 13, 2023 12:26 PM
To: Esther Leffel <eleffel@auglaizecounty.org>
Subject: Message from KM_368e