

**IN THE MATTER OF GRANTING AN ANNEXATION OF 2.044 ACRES, MORE OR LESS, TO THE CITY OF ST. MARYS FROM NOBLE TOWNSHIP; PETITIONED BY JOHN AND EMILY MEINERDING AND KURT AND DONNA KUFFNER; FILED BY MICHAEL BURKHOLDER, AGENT.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 16th day of May, 2017.

Commissioner Regula moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, on April 17, 2017, a petition for annexation of 2.044 acres, more or less, was filed as an Expedited Type 2, (ORC 709.023) with the Clerk of the Board of County Commissioners by Michael Burkholder, named as Agent for petitioners, John and Emily Meinerding and Kurt and Donna Kuffner; and,

**WHEREAS**, said annexation petition was placed in the Commissioners' Journal 116, pages 618 - 621 on April 18, 2017 pursuant to ORC 709.023; and,

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

- 1.) The petition meets all the requirements set forth in, and was filed in the manner provided, in the Ohio Revised Code Section 709.021.
- 2.) The persons who signed the petition represent 100% of the owner of the property or the representative thereof; signature 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); and,

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

**WHEREAS**, the following Conditions for Annexation under ORC 709.023 have been met:

- A. The petition meets all the requirements set forth in, and was filed in the manner provided in, ORC 709.021.
- B. The persons who signed the petition are owners of property located in the territory proposed to be annexed, and they constitute all owners in the territory.
- C. The territory proposed to be annexed does not exceed 500 acres.
- D. The territory proposed to be annexed shares a contiguous boundary with the municipality for a continuous length of at least 5% of the perimeter of the territory proposed to be annexed.
- E. The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed to be annexed.
- F. The municipality has agreed to provide the territory proposed to be annexed the services specified in the municipal services statement.

Resolution – continued

Annexation to City of St. Marys

2.044 Acres, more or less

Petitioners: John and Emily Meinerding and Kurt and Donna Kuffner

May 16, 2017

G. If a street or highway will be divided or segmented by the boundary line between the municipality and township as to create a road maintenance problem, the municipality has agreed as a condition of annexation to assume maintenance of that street or highway or to otherwise correct the problem; 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 2.044 acres, more or less, to the City of St. Marys as petitioned by the John and Emily Meinerding and Kurt and Donna Kuffner pursuant to ORC Section 709.023.

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

Adopted this  
16th day of  
May, 2017

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

<u>John N. Bergman</u>	yes
John N. Bergman	
<u>Douglas A. Spencer</u>	Yes
Douglas A. Spencer	
<u>Don Regula</u>	yes
Don Regula	

cc: County Auditor  
County Engineer  
Michael Burkholder, Agent  
Noble Township Trustees  
City of St. Marys

**PETITION FOR ANNEXATION**

RECEIVED

APR 17 2017

Board of County Commissioners  
Auglaize County, Ohio

*(Type II Special Annexation Procedure. Section 709.023 of the Ohio Revised Code.)*

The undersigned, being 100 percent of the property owners of the real estate hereinafter described, hereby petition that said real estate be annexed to the City of St. Marys under Section 709.023 of the Ohio Revised Code. Attached as Exhibit A is an accurate legal description of the perimeter of the territory proposed for annexation. The above described real estate is adjacent to the City of St. Marys, Auglaize County, Ohio.

Attached as Exhibit B is an accurate map or plat of all tracts, lots or parcels of the territory proposed for annexation, and all tracts, lots, or parcels located adjacent to that territory or located directly across a street or road adjacent to the territory to be annexed.

Attached as Exhibit C is a list of the following:

- The name and mailing address of the owner of each tract, lot or parcel; and,
- The permanent parcel number for each tract, lot, or parcel as established by the Auglaize County Auditor.

Petitioners state that the territory to be annexed is less than 500 acres and does not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation, nor will the annexation create a maintenance problem as defined in Section 709.023(E)(7) of the Ohio Revised Code.

The filing fee of \$50.00 is submitted herewith.

Michael Burkholder is appointed Agent for the petitioners as required by R.C. 709.02, with full power and authority to act for the undersigned under Chapter 709 of the Revised Code. The address of the Agent is: 101 E. Spring Street, St. Marys, Ohio 45885.

**“WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS’ ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE. ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.”**

  
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Dated: 4/14/17

Dated: 4/14/17

Dated: 4/14/17

Dated: April 14, 2017

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

RECEIVED

APR 17 2017

Board of County Commissioners  
Auglaize County, Ohio

EXHIBIT "A"

AREA PETITIONED FOR ANNEXATION TO  
THE CITY OF ST. MARYS, OHIO, LOCATED IN THE  
NORTHWEST QUARTER OF SECTION 35, T5S, R4E (NOBLE TWP.),  
AUGLAIZE COUNTY, OHIO, CONTAINING 2.044 ACRES, MORE OR LESS

DESCRIPTION

Being a part of the Northwest quarter of Section 35, Noble Township, County of Auglaize, State of Ohio, and being more particularly described as follows:

Commencing for a reference at an existing monument box at the Southwest corner of the North half of said Section 35; thence, South 89° 14' 06" East, along the South line of the Northwest quarter of section 35 a distance of six hundred fifty-nine and 12/100 (659.12) feet to the Point of Beginning;

Thence, North 01° 16' 32" East, a distance of six hundred fifteen and 66/100 (615.66) feet to a point in the centerline of an open ditch;

Thence, South 38° 49' 58" East, a distance of four hundred twenty-eight and 93/100 (428.93) feet to an existing Mag Nail on the centerline of State Route 66;

Thence, South 46° 16' 01" West, along the centerline of State Route 66 a distance of two hundred ninety and 53/100 (290.53) feet to a point;

Thence, South 32° 43' 23" East, a distance of ninety-seven and 73/100 (97.73) feet to a point on the centerline of Shipman Road, also being on the South line of the said Northwest quarter of Section 35;

Thence, North 89° 14' 06" West, along the centerline of Shipman Road and said half section line a distance of one hundred twenty-five and 58/100 (125.58) feet to the Point of Beginning.

Containing 2.044 acres of land, more or less.

# AREA PETITIONED FOR ANNEXATION TO THE CITY OF ST. MARYS

PART OF THE N.W. 1/4 OF SECTION 35  
T-5-S, R-4-E, NOBLE TOWNSHIP,  
AUGLAIZE CO., OHIO

AREA CONTAINS 2.044 ACRES MORE OR LESS

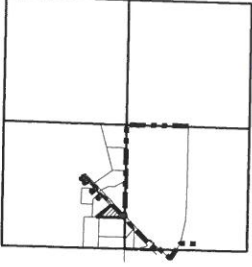
APRIL 2017



SCALE: 1"=200'

THE BEARINGS ARE BASED ON  
NAD 83, GEOID 2003 OHIO NORTH  
ZONE, ODOT VRS CORS NETWORK

LOCATION SKETCH



SECTION 35  
NOBLE TOWNSHIP

PROPOSED AREA TO  
BE ANNEXED

KURT S. AND KENTON J.  
LAMPERT  
H23-035-002-04 D.R.  
645/1021

ALEX J. & JILL M.  
LAMPERT  
H23-035-002-03  
D.R. 646-1831

JOHN B. AND  
KATHRYN E. LAMPERT  
H23-035-002-02  
D.R. 239/314

TODD A. AND  
STEPHANIE L. FORTMAN  
H23-035-003-00  
D.R. 171/786

TODD A. AND  
STEPHANIE L. FORTMAN  
H23-035-004-00  
D.R. 171/786

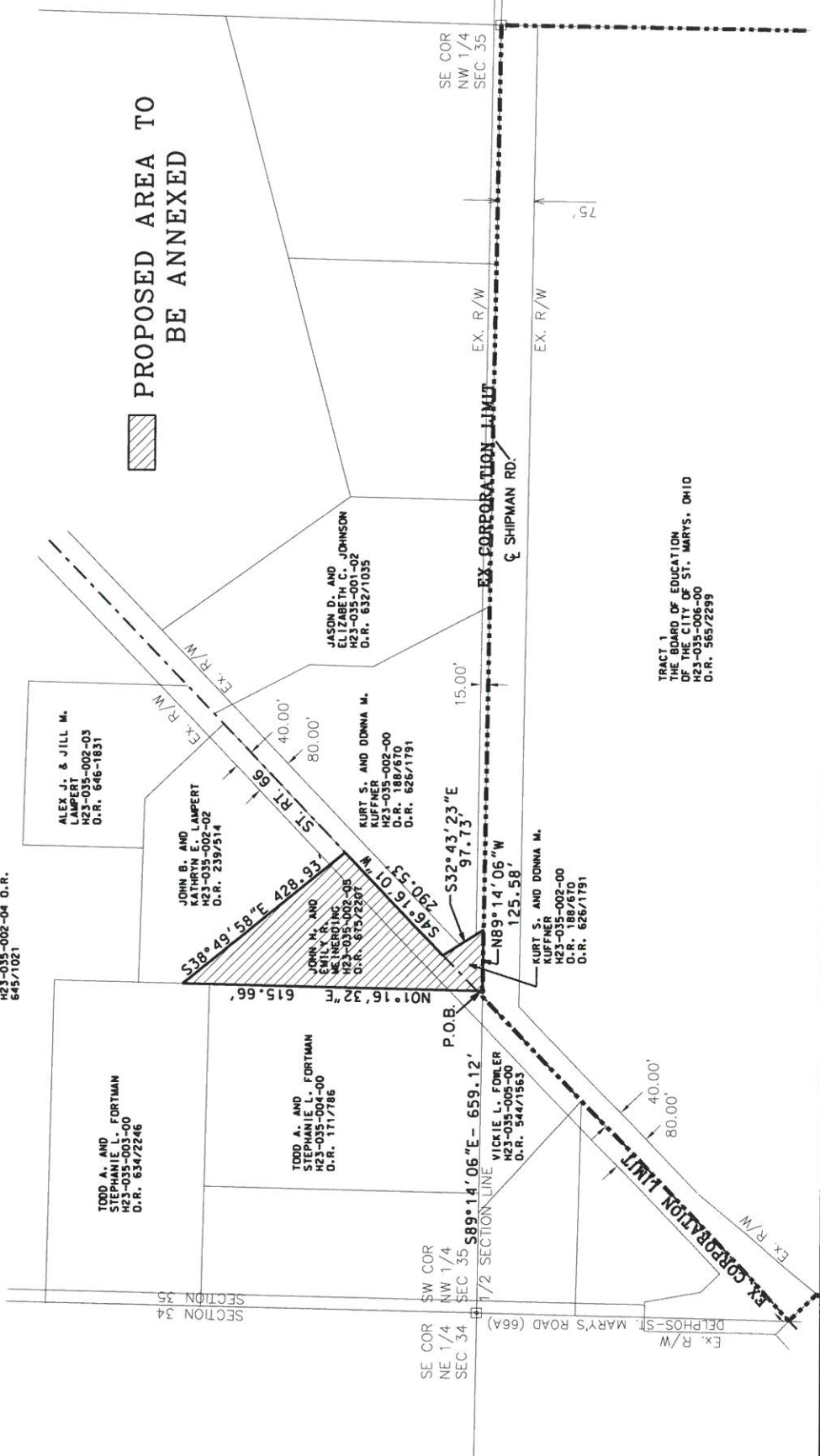
JOHN M. AND  
MEREDITH  
H23-035-002-08  
D.R. 675/2267

KURT S. AND DONNA M.  
KUFFNER  
H23-035-002-00  
D.R. 188/670  
D.R. 626/1791

JASON D. AND  
ELIZABETH C. JOHNSON  
H23-035-001-02  
D.R. 652/1035

KURT S. AND DONNA M.  
KUFFNER  
H23-035-002-00  
D.R. 188/670  
D.R. 626/1791

TRACT  
THE BOARD OF EDUCATION  
OF THE CITY OF ST. MARYS, OHIO  
H23-035-006-00  
D.R. 565/2299



Board of County Commissioners  
Auglaize County, Ohio

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Board of County Commissioners  
Auglaize County, Ohio

EXHIBIT C

List of properties/owners for Annexation Petition to the city of St. Marys

H23-035-002-05  
John and Emily Meinerding  
14586 State Route 66  
St. Marys, OH 45885

0.127 Acres of parcel H23-035-002-00  
Kurt and Donna Kuffner  
14576 State Route 66  
St. Marys, OH 45885

List of Adjacent Property Owners for Annexation Petition to the city of St. Marys

H23-035-002-02  
John and Kathryn Lampert  
14581 State Route 66  
St. Marys, OH 45885

H23-035-004-00; H23-035-003-00  
Todd and Stephanie Fortman  
14501 State Route 66  
St. Marys, OH 45885

H23-035-002-00  
Kurt and Donna Kuffner  
14576 State Route 66  
St. Marys, OH 45885

H23-035-005-00  
Vickie Fowler  
14439 State Route 66  
St. Marys, OH 45885

H43-351-001-03  
St. Marys Board of Education  
2550 State Route 66  
St. Marys, OH 45885

RESOLUTION NO. 2017-11

AN EMERGENCY RESOLUTION RELATING TO ZONING MATTERS AND THE  
PROVISION OF SERVICES TO A PARCEL TO BE ANNEXED TO  
THE CITY OF ST. MARYS

WHEREAS, a Petition for Annexation to the City of St. Marys has been filed or will shortly be filed to annex part of the Noble Township, Auglaize County, Ohio, being 2.044 acres in the Northwest quarter of Section 35 of said township; and

WHEREAS, Section 709.023 of the Revised Code requires that a municipal corporation adopt by resolution a statement as to the services to be provided to a property proposed for annexation; and

WHEREAS, said Section also requires a statement relative to the future zoning of said parcel and for the provision of a buffer area.

NOW, THEREFORE, BE IT RESOLVED BY COUNCIL FOR THE CITY OF ST. MARYS, OHIO:

SECTION 1. That in regard to the territory proposed for annexation, being 2,044 acres in Section 35 of the Northwest quarter of Noble Township, the City of St. Marys, notes the status of utility services as follows:

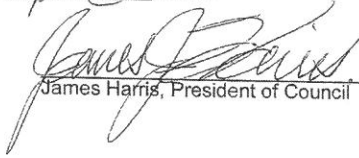
1. The City is able to extend water service to said premises, as service to an adjacent property exists.
2. The City is able to extend sanitary sewer service to said premises as service to an adjacent property exists.
3. The City is able to extend electrical service to said premises as service to an adjacent property exists.
4. These extension of the above services will be available within 120 days after annexation.

SECTION 2. The territory proposed for annexation is subject to the current zoning regulations of Noble Township. In regards to the same, the City states as follows:

1. Upon the annexation to the City, and after the proper legislation is enacted, the territory proposed for annexation shall be subject to the Zoning Ordinance of the City of St. Marys. It is anticipated that the territory will be zoned "residential".
2. The City believes that such zoning is not incompatible with uses permitted under current township zoning. Should for some reason the property be incompatible with adjacent zoning or properties still located in the Township, the City would require the construction of a buffer separating said use.

SECTION 3. That this is an emergency resolution, the reason for the emergency is that the adopted form of this Resolution must be submitted to the Auglaize County Commissioners within certain time limits imposed by the Revised Code, all of which is necessary for the health, welfare and safety of the citizens of St. Marys; therefore this resolution shall take effect and be in force immediately upon its passage.

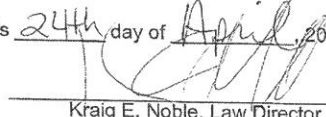
Passed this 24th day of April, 2017.

  
James Harris, President of Council

ATTEST:

  
Clerk of Council

Approved by the Law Director this 24th day of April, 2017.

  
Kraig E. Noble, Law Director

Approved this 24th day of April, 2017.

  
Patrick McGowan, Mayor

This Resolution prepared by:  
Kraig E. Noble, Director of Law  
146 East Spring Street, St. Marys, OH 45885  
F:\St. Marys City\Ordinances and Resolutions\Ordinances\2017\Annexation.wpd



**IN THE MATTER OF APPOINTING ANGELA HAMBERG TO THE AUGLAIZE COUNTY REVOLVING LOAN FUND BOARD.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 16th day of May, 2017.

Commissioner Regula moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, on January 6, 2004, in Resolution #04-009, the Board of County Commissioners made appointments to the Auglaize County Revolving Loan Fund Board; and,

**WHEREAS**, Wayne York, was a member of the Local Board, and has ended his Economic Development leadership for the Village of New Bremen with Angela Hamberg accepting this Economic Development position; and,

**WHEREAS**, Ms. Hamberg has consented to replace Mr. York on the Local Board.

**THEREFORE BE IT RESOLVED**, that the Board of County Commissioners, Auglaize County, Ohio does hereby appoint Angela Hamberg to the Auglaize County Revolving Loan Board.

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

Adopted this  
16th day of  
May, 2017

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

John N. Bergman . yes  
John N. Bergman  
Douglas A. Spencer . Yes  
Douglas A. Spencer  
Don Regula . yes  
Don Regula

✓cc: RLF Coordinator  
✓Angela Hamberg