

VILLAGE OF OTTOVILLE, OHIO

ORDINANCE NO. 2021-01

**AN ORDINANCE ACCEPTING ANNEXATION ON APPLICATION OF
FREEHOLDERS**

To accept the application for the annexation of certain territory attached as Exhibit "A" in Monterey Township to the Village of Ottoville.

WHEREAS, a Petition for the annexation of certain territory in Monterey Township was duly filed by Jennifer Klausing, Agent; and;

WHEREAS, the Petition was duly considered by the Board of County Commissioners of Putnam County, Ohio, on May 27, 2021; and

WHEREAS, the Board of County Commissioners has approved the annexation of said territory to the Village of Ottoville hereinafter described; and

WHEREAS, the Board of County Commissioners certified the transcript of the proceedings in connection with said annexation with the map to the Village Fiscal Office who received the same on May 29, 2021; and

WHEREAS, sixty (60) days from the date of said filing has now elapsed in accordance with the provisions of ORC 709.04;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL MEMBERS OF THE VILLAGE OF OTTOVILLE, STATE OF OHIO, OR TWO-THIRDS OF ITS MEMBERS CONCURRING THERETO THAT:

SECTION 1. That the proposed annexation as applied for in the Petition by Jennifer Klausing, Agent, for the owner of the land sought to be annexed and filed with the Board of County Commissioners of Putnam County, Ohio, on May 12, 2021, and which said Petition prayed for annexation to the Village of Ottoville, Ohio, of certain territory adjacent thereto as hereinafter described, and which said Petition was approved for annexation to the Village of Ottoville by the Board of County Commissioners on May 27, 2021, be and the same is hereby accepted. See Exhibit "B" attached hereto and made a part hereof.

SECTION 2. The certified transcript of the proceedings for annexation with an accurate map of said territory, together with other papers relating to the proceedings thereto of said County Commissioners are all on file with the Fiscal Officer of this Village Council and have been for more than sixty (60) days prior to the passage of this Ordinance.

SECTION 3. That the Fiscal Officer be, and she is, hereby authorized and directed to make three copies of this ordinance to each of which shall be attached a copy of the map accompanying the Petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto and a Certificate as to the correctness thereof. The Fiscal Officer shall then forthwith deliver one copy to the County Recorder, on copy to the county Auditor, and on copy to the Secretary of State and do all things required by law.

Passed: October 25, 2021

ATTEST:



Jeanne M. Wannemacher
Fiscal Officer, Village of Ottoville

APPROVED:



Ronald N. Miller
Mayor, Village of Ottoville

COMMISSIONERS:
John C. Schlumbohm
Vincent T. Schroeder
Michael A. Lammers

**BOARD OF COMMISSIONERS
OF PUTNAM COUNTY**
245 E. MAIN STREET, SUITE 101
OTTAWA, OHIO 45875-1968
PHONE: 419-523-3656
FAX: 419-523-9213


CLERK/OFFICE MANAGER:
Cindy M. Landwehr
GRANTS/WAGE COORDINATOR:
Ashley M. Siefker
ASST. CLERK/RECYCLING COORD.:
Alaina L. Siefker

CERTIFICATION

**FROM THE CLERK OF THE BOARD OF COUNTY
COMMISSIONERS**

I, Cindy Landwehr the undersigned, Clerk of the Board of County Commissioners of Putnam County, Ohio, hereby certify that attached hereto is a true and complete transcript of all orders and proceedings of the Board of County Commissioners of Putnam County, Ohio, relative to the petition for annexation of certain territory described therein to the Village of Ottoville, Ohio, together with said petition and the map attached thereto, and all papers on file relating to said matter.

Dated: May 27, 2021.


Cindy Landwehr, Clerk
Board of County Commissioners
Putnam County, Ohio

**All documents must be taken to the Putnam County
Auditor for processing.**

**ANNEXATION
APPROVED**

RESOLUTION

The Board of County Commissioners of Putnam County, Ohio, met in regular session on the 27th day of May, 2021, at the office of said Board with the following members present: Mr. John C. Schlumbohm, Mr. Vincent T. Schroeder and Mr. Michael A. Lammers.

Mr. Lammers moved the adoption of the following Resolution:

WHEREAS, The Clerk of the Board of County Commissioners has informed the Board that a petition praying for annexation of certain territory in Monterey Township to the Village of Ottoville, Putnam County, Ohio, was filed on the 12th day of May, 2021. and

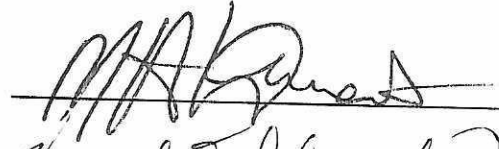
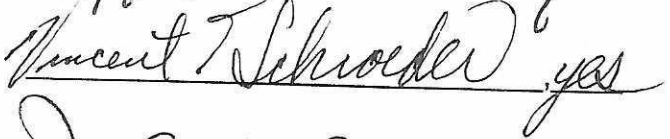

WHEREAS, Said petition is hereby attached and becomes a part of this Resolution. The petition was signed by owners Austin Markward and Katelyn Markward. and

WHEREAS, The owners of the land, which is contiguous with the Village of Ottoville, Ohio, requests that the petition be approved, pursuant to Ohio Revised Code Section 709.022. Jennifer Klausing is appointed agent for the petitioner(s), who specifically elect that this petition for annexation follow the special procedures for annexation as outlined in Ohio Revised Code 709.022. now therefore, be it

RESOLVED, The petition for annexation to the Village of Ottoville is hereby granted. and be it further

RESOLVED, That the clerk is hereby directed to forward a certified copy of the entire record of the annexation to the Clerk of the Village of Ottoville for further processing.

Mr. Schlumbohm seconded the motion and the roll being called upon its adoption, the vote resulted as follows:

 yes
 yes
 yes
BOARD OF COUNTY COMMISSIONERS
PUTNAM COUNTY, OHIO

PETITION FOR ANNEXATION ON APPLICATION OF OWNERS
PUSUANT TO OHIO REVISED CODE 709.022

Now come Austin Markward and Katelyn Markward, who are the sole owners of the property described below, and hereby petitions for the annexation of this property to the Village of Ottoville, Putnam County, Ohio:

See Attached Exhibit "A" for legal description

The above described territory is adjacent to and contiguous to the Village of Ottoville.

As the sole owner of the property proposed to be annexed, said owners request that their Petition be considered under Section 709.021 of the Ohio Revised Code, and that they be permitted to proceed with their Annexation Petition under Section 790.022 as a special procedure with the consent of all parties.

Attached hereto and made a part hereof is an original of the Annexation Agreement between the Village of Ottoville and the Monterey Township Trustees.

Attached hereto and made a part of this Petition as Exhibit A is a description of the tract proposed to be annexed, and as an Addendum to Exhibit A, a copy of the map of the property proposed to be annexed.

Accompanying this Petition as Exhibit B is a list of all tracts of land contiguous to the property proposed to be annexed, and which lie directly across any road from the property proposed to be annexed, together with the mailing addresses of the owners and the auditor's permanent parcel numbers assigned to each tract.

We have designated Jennifer Klausing, whose address is 814 N. Locust St., Ottawa, OH 45875, and whose phone number is 419-523-3322 to act as our agent in this matter.

The following parties consent to this annexation:

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.

Date: 4/13/2021


Austin Markward

Date: 4/13/2021



Katelyn Markward

EXHIBIT "A"

TO BE ANNEXED TO THE VILLAGE OF OTTOVILLE 2.000 ACRES

SITUATED IN THE NORTHEAST QUARTER OF SECTION 30, TOWN 1 SOUTH, RANGE 5 EAST, MONTEREY TOWNSHIP, PUTNAM COUNTY, OHIO. BEING PART OF A 51.326 ACRE TRACT AS DESCRIBED IN OFFICAL RECORD VOLUME 172, PAGE 192, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A MONUMENT BOX FOUND AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF SECTION 30;

THENCE ALONG THE NORTH LINE OF SAID QUARTER, ALSO BEING THE CENTERLINE OF RAOD Q, N.89°55'56"E., A DISTANCE OF 220.00 FEET TO A MAG NAIL SET:

THENCE LEAVING SAID NORTH LINE AND RUNNING ALONG A NEW DIVISION LINE ON THE FOLLOWING TWO (2) COURSES AND DISTANCES:

- 1. S.01°51'28"W., A DISTANCE OF 396.22 FEET TO A 5/8" IRON OIN SET, PASSING A 5/8" PIN SET AT 20.00 FEET;**
- 2. N.89°55;56"W., A DISTNACE OF 220.00 FEET TO A 5/8" IRON OIN SET IN THE WEST LINE OF SAID NORTHEASTQUARTER;**

THENCE ALONG SAID WEST LINE, N.01°51'28"E., A DISTANCE OF 396.22 FEET TO THE POINT OF BEGINNING, PASSING A 5/8" IRON PIN FOUND AT 376.22 FEET;

CONTAINING 2.000 ACRE, MORE OR LESS, AND BEING SUBJECT TO ALL LEGAL HIGHWAYS, RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, COVENANTS, AND/OR CONDITIONS OF RECORD.

THE ABOVE DESCRIPTION AND BEARING SYSTEM IS BASED ON A SURVEY PREPARED BY MICHAEL L. HOWBERT, REGISTERED PROFESSIONAL SURVEYOR NO. 7959, IN FEBRUARY OF 2021

Addendum Exhibit A

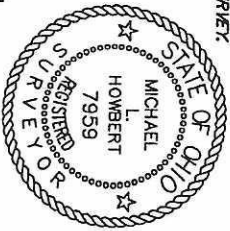
PLAT OF SURVEY FOR A. MARKWARD

SITUATED IN:
THE NE 1/4, SECTION 30
TOWN 1 S, RANGE 5 E,
MONTEREY TOWNSHIP,
PUTNAM COUNTY, OHIO



THIS PLAT IS BASED ON AN ACTUAL FIELD SURVEY.

Michael L. Howbert
MICHAEL L. HOWBERT
REGISTERED PROFESSIONAL
SURVEYOR NO. 7959 IN OHIO
FEB. 2, 2021



8477 NEMEC ROAD
FORT JENNINGS, OHIO 43044
419-845-0289

DATE: 2/2/21
CLIENT: A. MARKWARD
JOB #: 020-02-21
REV: SCALE: 1" = 60'
CHK:

FILE: AMARKWARD21.DWG



MICHAEL J. &
O.R. 1
51.

THIS PARCE
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PAGE 35
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NOTES:
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SHOWN HERE

EXHIBIT B

<u>Owner</u>	<u>Mailing Address</u>	<u>Permanent Parcel No.</u>
1. Michael J. Schneeg John W. Schneeg	13497-D Road M Ottawa, OH 45875	25-020060.0000
2. David J. Fischbach	24250 Road Q Ft. Jennings, OH 45844	25-012180.0000
3. Brandon J. Kimmet	P.O.Box 379 Ottoville, OH 45876	27-048200.0000
4. Donald J. Kramer Judy L. Kramer	P.O. Box 101 Ottoville, OH 45876	27-049142.0700 27-065000.0000 27-058000.4023
5. Randall Honigford	P.O. Box 501 Ottoville, OH 45876	27-058000.4022

This Instrument Prepared by:
Hopkins, Klausing, Schroeder & Von Sosson, LLC
Jennifer L. Klausing
Attorney-at-Law
814 N. Locust St., Suite 2
Ottawa, Ohio 45875

ANNEXATION AGREEMENT

This Agreement is made at Putnam County, Ohio, by and between the **Township of Monterey (hereinafter "Township")**, whose mailing address is Ottoville, Ohio 45875, and the **Village of Ottoville, (hereinafter "Village")**, whose mailing address is P.O. Box 488, Ottoville, Ohio 45876. The purpose of said Agreement is for the identification of property to be annexed into said Village that is currently identified in the boundaries of said Township. The parties further agree and recognize that

WHEREAS, a certain area of land described as attached in Exhibit "A" is proposed for annexation from the Township to the Village; and

WHEREAS, both the Township and the Village residents will benefit from the provisions of this Agreement; and

WHEREAS, the Township and the Village are desirous of entering into an Agreement which contemplates that certain properties located in Putnam County will be annexed into the Village; and

WHEREAS, the Township and the Village wish to agree on issues which will arise as a result of such annexation including the allocation of tax revenues and services to property.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained in the Agreement the parties hereby agree as follows:

ARTICLE ONE: PROPERTY

The property as identified in Exhibit "A" and containing certain acreage and is now located in the Township of Monterey, Putnam County, Ohio and referred to as the Markward property.

ARTICLE TWO: CONSIDERATION BY THE VILLAGE

The parties agree to follow their previous "Agreement for Revenue Sharing" as attached and incorporated hereto as Exhibit "B".

ARTICLE THREE: CONSIDERATION GIVEN BY THE TOWNSHIP

The Township, on behalf of itself, its agents, servants, members, trustees, employees, representatives, assigns, and successors, hereby fully releases and discharges the Village and its officers, officials, agents, servants, members, employees, representatives, assignees and successors, from any and all rights, claims, and actions,

known or unknown, which the Township and its above-mentioned successors have or might have stemming from any differences or claims arising from the above-mentioned annexation, including rights to appeal.

The Township hereby assents to the annexation of the Markward property into the Village and agrees that it shall not challenge, oppose or assist any person or entity to challenge or appose, before the Board of County Commissioners of Putnam County, the Council of the Village, or any Court, the petition(s) of any owner(s) of properties to have the Markward property annexed into the Village.

ARTICLE FOUR: ALLOCATION OF TAXES

During the Non-Conforming Period the Township will receive 100% of real and personal property taxes assessed against the Markward property.

In the event the Markward property is annexed into the Village all associated taxes for said Markward property will be allocated to the Village.

ARTICLE FIVE: EFFECT OF AGREEMENT

This Agreement is a complete resolution of the matters of the annexation of the Markward property between the parties and shall not be treated as any admission by either party for any purpose.

ARTICLE SIX: MODIFICATION

This Agreement may not be modified or terminated in any manner except by official legislative action of both the Township and the Village.

ARTICLE SEVENTH: BINDING AGREEMENT

This Agreement shall be binding upon parties and their agents, servants, members, officials, trustees, employees, representatives, assigns and successors.

ARTICLE EIGHT: LEGAL CONSTRUCTION

In the event that any one or more of the provisions contained in this Agreement are held to be invalid, illegal or unenforceable in any respect, the invalidity, illegality or unenforceability shall not affect any other provision of this Agreement.

ARTICLE NINE: GOVERNING LAW

This Agreement, and all the rights, duties and obligations of the Village and the Township shall be construed under and in accordance with the laws of the State of Ohio, and all obligations of the parties hereunder are performable in Putnam County, Ohio

THE TOWNSHIP OF MONTEREY:

THE VILLAGE OF OTTOVILLE:

By: Joseph M. Wehri
Joseph M. Wehri, Trustee

By: Ronald N. Miller
Ronald N. Miller, Mayor

And: Rodney Beining
Rodney Beining, Trustee

And: Jeanne M. Wannemacher
Jeanne M. Wannemacher, Fiscal Officer

And: Steven R. Hilvers
Steven R. Hilvers, Trustee

Authorized by the Township of Monterey Resolution _____,
passed on April 19, 2021 and by the
Village of Ottoville Resolution _____, passed on April 26, 2021

EXHIBIT "A"

TO BE ANNEXED TO THE VILLAGE OF OTTOVILLE 2.000 ACRES

Situated in the Northeast quarter of Section 30, TOWN 1 SOUTH, RANGE 5 EAST, MONTEREY TOWNSHIP, PUTNAM COUNTY, OHIO. BEING PART OF A 51.326 ACRE TRACT AS DESCRIBED IN OFFICIAL RECORD VOLUME 172, PAGE 192, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

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- 2. N.89°55;56"W., A DISTANCE OF 220.00 FEET TO A 5/8" IRON PIN SET IN THE WEST LINE OF SAID NORTHEAST QUARTER;**

**THENCE ALONG SAID WEST LINE, N.01°51'28"E., A DISTANCE OF 396.22 FEET
TO THE POINT OF BEGINNING, PASSING A 5/8" IRON PIN FOUND AT 376.22 FEET;**

CONTAINING 2.000 ACRE, MORE OR LESS, AND BEING SUBJECT TO ALL LEGAL HIGHWAYS, RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, COVENANTS, AND/OR CONDITIONS OF RECORD.

THE ABOVE DESCRIPTION AND BEARING SYSTEM IS BASED ON A SURVEY PREPARED BY MICHAEL L. HOWBERT, REGISTERED PROFESSIONAL SURVEYOR NO. 7959, IN FEBRUARY OF 2021

Exhibit B

VILLAGE OF OTTOVILLE, OHIO

ORDINANCE NO. 2016-02

**AN AGREEMENT FOR REVENUE SHARING
REPEALING ORDINANCE #282**

This agreement made and entered into by and between the Village of Ottoville, Ohio, by and through its Mayor and Fiscal Officer, hereinafter referred to as the "Village", and Monterey Township, Putnam County, Ohio, by and through its duly elected trustees, hereinafter referred to as the "Township".

WHEREAS, the Village and the Township believe it is imperative and in the best interests of both concerned parties that there be cooperation in developing the area in a manner that is a benefit to all residents of the Village and Township in a positive way; and

WHEREAS, the Village and the Township desire to collectively approach economic development of the general area in concert, but within the scope of existing laws; and

WHEREAS, certain land contiguous to the Village is being proposed to be annexed from the Township to the Village; and

WHEREAS, pursuant to the authority of Revised Code 709.191 the Village and the Township desire to enter an agreement whereby the Village agrees to make an annual payment to the Township to compensate the Township for the lost tax revenues and to incorporate certain of their agreements and understandings with respect to the future development of this property so that future Village officials and future Boards of Trustees of the Township will be able to rely on a consistent and an appropriate pattern of economic development and treatment of financial issues with respect thereto.

NOW THEREFORE, the parties agree as follows:

SECTION 1. Consideration

The Village and Township agree and understand that certain parcels of property currently located in the Township will be annexed to the Village in the future. Accordingly, the Village and Township agree that when this property is annexed to the Village, the Village will pay and/or reimburse the Township for "Lost Tax Revenues". The Lost Tax Revenues are the amount of money that the Township would have received had the area not been annexed, based on the valuation and millage at the time of annexation.

SECTION 2. Area

The Village shall reimburse the Township for "lost tax revenues" resulting from the annexation of all parcels of land from the Township.

SECTION 3. Amount of Payment

The amount of the annual payment shall be based on the assessed value of the property at the time of annexation, multiplied by the difference between the rates of taxation (millage) that the Township receives for property located in the Township, less the tax rate that the Township received for property located within the Village. The rates of taxation for this computation shall be based on the rates at the time of annexation. If the taxes are abated pursuant to law, the Township's share shall be reduced accordingly.

SECTION 4. Procedure for Payment

Payment shall be made as soon as statement is received from the Putnam County Auditor's office.

SECTION 5. Number of Payments

The parties agree that the annual payment required in this agreement shall be continued for a period of ten (10) years.

SECTION 6. Default

The parties agree that in the event of nonpayment by the Village, the Township may make application to the Putnam County Budget Commission for payment directly out of funds due the Village from local government fund sources.

SECTION 7. Annexation/Future Annexation

The Township will not object to the annexation request made by the owners of the real property located in the area provided this Agreement is entered. The Township and Village further agree that this Agreement shall be contingent upon approval of the proposed annexation of these parcels to the Village. The Township and the Village further agree that this Agreement shall be the basis of all further revenue sharing agreements between the Village and the Township for any future annexations.

SECTION 8. Binding

This Agreement shall be binding upon the Village and the Township and shall only terminate or be amended by mutual written agreement with the Village and the Township. A copy of this Agreement shall be filed with the Putnam County Auditor.

SECTION 9. Emergency Measure

This ordinance is hereby declared to be an emergency measure in that the health, safety, and general welfare of the residents of the Village of Ottoville, Ohio, require the immediate passage of this franchise ordinance to provide for the continuation of growth within the Village and this ordinance shall go into force and effect immediately upon its passage.

Witnesseth:

MONTEREY TOWNSHIP TRUSTEES

Curtis A. Craig

Curtis A. Craig

Curtis A. Craig

By: Rodney Beining
Trustee

By: St. J. D.
Trustee

By: Timothy Miller
Trustee

VILLAGE OF OTTOVILLE

Carlo A. Cruz

Reginald F. Miller

By: Ronald N. Miller
Mayor

By: Jeanne M. Wannemacher
Fiscal Officer

Date passed: December 13, 2016

ATTEST:

Jeanne M. Wannemacher
Jeanne M. Wannemacher,
Fiscal Officer, Village of Ottoville

APPROVED:

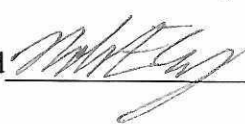
Ronald N. Miller
Ronald N. Miller
Mayor, Village of Ottoville

Michael L. Lenhart
PUTNAM COUNTY ENGINEER
245 EAST MAIN ST., SUITE 205
OTTAWA, OHIO 45875-1962

PHONE 419-523-6931
FAX 419-523-6014

The Auditor's tax parcel/parcels petitioned to be annexed are adequately defined with the description/descriptions and plat/maps submitted with the petition.

Putnam County Engineer's Office

Signed  Date 5/21/21

Reference: Section 30 T1S R5E Monterey Township

NWCOR WPT NE 2.000 Ac
Parcel No. 25-020060.0100
PB 91 PG 202