

VILLAGE OF OTTOVILLE, OHIO

ORDINANCE NO. 2017-06

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 Curt Croy, Agent, and

WHEREAS, the said Petition was duly considered by the Board of County Commissioners of Putnam County, Ohio, on April 25, 2017, and

WHEREAS, the Board of County Commissioners has approved the annexation of said territory to the Village of Ottoville as 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 Officer who received same on May 3, 2017, and

WHEREAS, sixty (60) days from the date of said filing has now elapsed in accordance with the provisions of O.R.C. 709.04; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OTTOVILLE, OHIO, TWO-THIRDS OF ITS MEMBERS' CONCURRING THERTO:

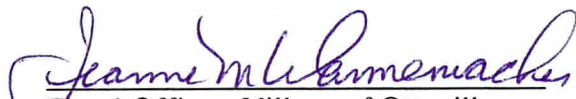
SECTION 1. That the proposed annexation as applied for in the Petition by Curt Croy, Agent, and the owner of the land sought to be annexed and filed with the Board of County Commissioners of Putnam County, Ohio, on April 10, 2017, and which said Petition prayed for annexation to the Village of Ottoville, 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 April 25, 2017, be and the same is hereby accepted. See "Exhibit B" attached hereto and made a part hereof.

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.

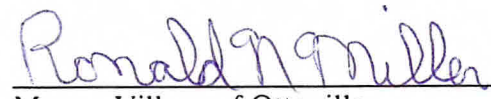
SECTION 2. That the Fiscal Officer be, and she is, hereby authorized and directed to make three copies of this Ordinance to each of which shall be attached a copy of the map accompanying the Petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating hereto and a Certificate as to the correctness thereof. The Fiscal Officer shall then forthwith deliver one copy to the County Recorder, one copy to the County Auditor, and one copy to the secretary of State and do all things required by law.

PASSED: Sept. 25, 2017

ATTEST:


Fiscal Officer, Village of Ottoville

APPROVED:


Mayor, Village of Ottoville

COMMISSIONERS:

John E. Love
Michael A. Lammers
Vincent T. Schroeder

ADMINISTRATOR:

Jack Betscher

**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:

Cindy M. Landwehr
GRANTS/WAGE COORDINATOR:
Ashley M. Siefker
RECYCLING COORDINATOR:
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: April 25, 2017



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 25th day of April, 2017, at the office of said Board with the following members present: Mr. John E. Love, Mr. Vincent T. Schroeder-absent 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 10th day of April, 2017.
and

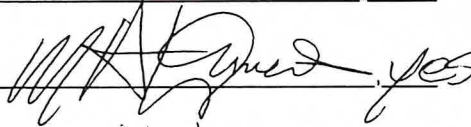
WHEREAS, Said petition is hereby attached and becomes a part of this Resolution. The petition was signed by owners Eugene R. Miller and Sheila K. Miller.
and

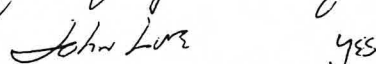
WHEREAS, The owners of the land, which is contiguous with the Village of Ottoville, Ohio, requests that the petition be approved, pursuant to Ohio Revised Code Section 709.022. Curt Croy is appointed agent for the petitioner(s), who specifically elect that this petition for annexation follow the special procedures for annexation as outlined in Ohio Revised Code 709.021.
now therefore, be it

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

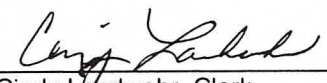
RESOLVED, That the clerk is hereby directed to forward a certified copy of the entire record of the annexation to the Clerk of the Village of Ottoville for further processing.

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

 yes

 yes

 BOARD OF COUNTY COMMISSIONERS
 PUTNAM COUNTY, OHIO

Attest: 
 Cindy Landwehr, Clerk

BY: cml

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

Now come GS Miller Properties, LLC, who is the sole owner 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 Curt Croy, whose address is 115 S. Fair St., Ottawa, OH 45875, and whose phone number is 419-523-5595 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: 3-25-2017

Eugene R. Miller
Eugene R. Miller, Member/Owner

Date: 3-25-17

Sheila K. Miller
Sheila K. Miller, Member/Owner

EXHIBIT A

Situated in the Township of Monterey, County of Putnam and State of Ohio:

Being 316.33 feet in equal width off of the West side of Parcel 2 as recorded in Basil Alt's Second Platting as recorded in Plat Book 19, Page 14A of a part of the Northwest Quarter of the Southeast Quarter and a part of the Southwest Quarter of the Northeast Quarter of Section 19, Township 1 South, Range 5 East, Monterey Township, Putnam County, Ohio and more particularly described:

Commencing at a point on the Half Section line 63.1 feet North 0 deg. 6 min. West of the Northwest corner of the Northwest Quarter of the Southeast Quarter of Section 19, thence South 0 deg. 6 min. East along the Half Section line 798.7 feet to the center of U.S. Route 224, thence North 55 deg. 2 min. East along the center of said highway 385.54 feet, thence North 0 deg. 6 min. West and parallel with the Half Section line 578.29 feet, thence South 89 deg. 54 min. West 316.33 feet to the place of beginning. Containing 5.0 Acres more or less. Subject to road right of way and/or easements.

Parcel ID No. 25-012151.0000

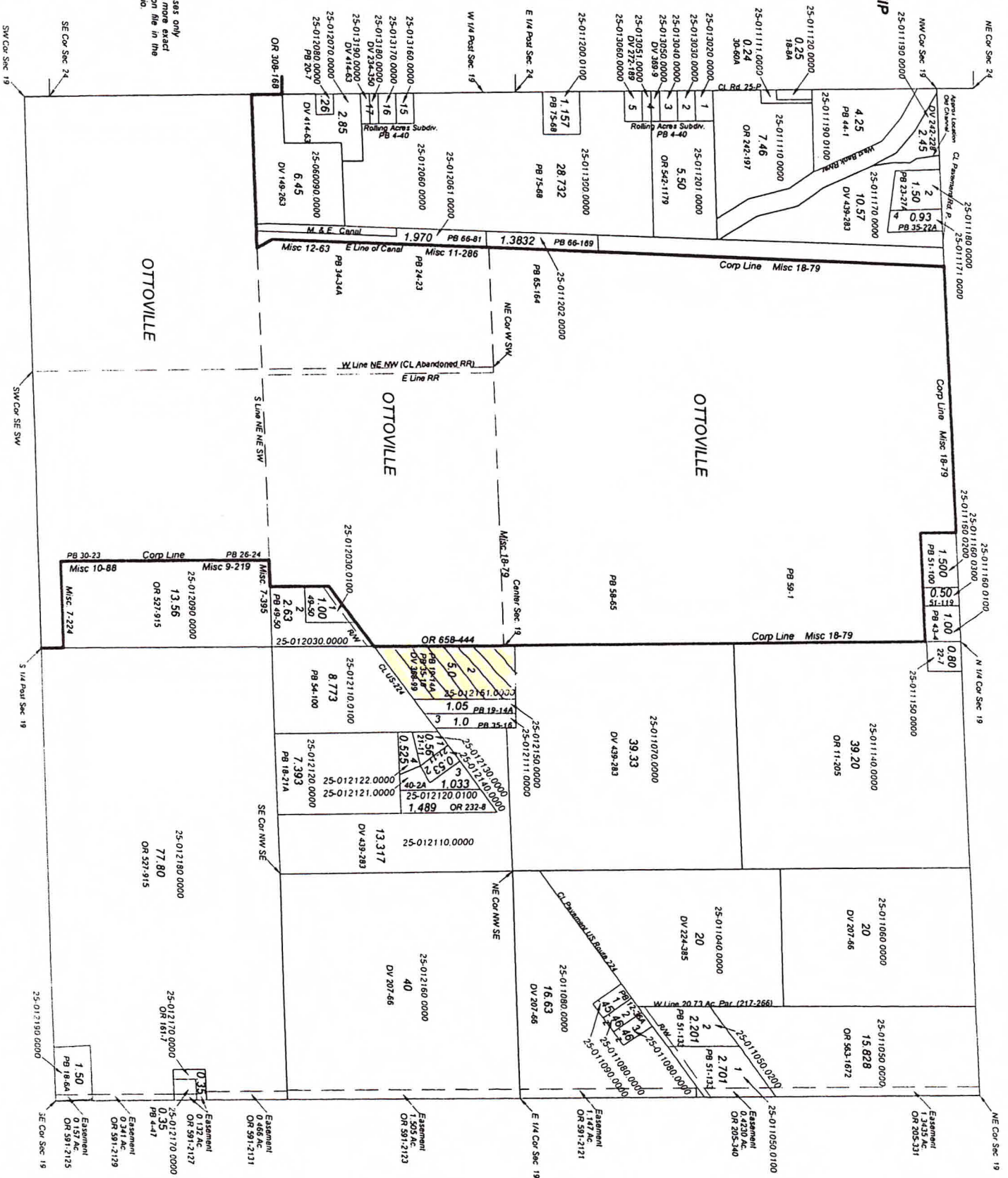
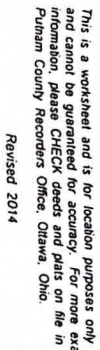
T1SR5E
SECTION 19

EXHIBIT B

<u>Owner</u>	<u>Mailing Address</u>	<u>Permanent Parcel No.</u>
1. M & W Trailers, Inc.	P.O. Box 519 Ottoville, OH 45876	25-012150.0000
2. Basil V. Alt & Louise M. Alt, Trustees of The Alt Family Living Trust	P.O. Box 87 Ottoville, OH 45876	25-011070.0000 25-012110.0100
3. VORBAS, LLC	P.O. Box 247 Ottoville, OH 45876	25-012030.0000
4. Geise Properties, LLC	15282 Road 25-N Cloverdale, OH 45827	27-108000.0000
5. Port Authority of Northwest Ohio	142 E. Main St. Leipsic, OH 45856	27-056031.0000
6. LP Investments, LLC	P.O. Box 737 Monroe, MI 48161	27-058000.3600

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

**AMENDED
ANNEXATION AGREEMENT
(Pursuant to R.C. 709.022)**

This Agreement is entered into this 13th day of December, 2016, between the Village of Ottoville, Ohio (the "Village"); the Board of Township Trustees of Monterey Township, Putnam County, Ohio (the "Township"); and GS Miller Properties, LLC, (the "Petitioner"); pursuant to R.C. Sections 709.021, 709.022, and 709.192.

WHEREAS, Petitioner is the sole owner of approximately 5 acres of real estate (the "Property"), located in Monterey Township, Putnam County, Ohio, presently being a part of Parcel Number 25-012151.0000, with a legal description described as follows:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

WHEREAS, Petitioner desires to annex the Property to the Village pursuant to the expedited process of annexation set forth in R.C. 709.021 and 709.022; and

WHEREAS, said Property is adjacent to and contiguous to the Village; and

WHEREAS, the Village and the Township, by Resolution or Ordinance 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 in R.C. 709.192. See copies of said legislation of the Village and Township attached hereto as Exhibits "C" and "D".

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, emergency services to the Property, and any subsequent occupants or residents, at the same cost and under the same policies and conditions that such services are provided to other occupants and residents of the Village.

Upon annexation, the Village agrees to provide water services to the Property.

Upon annexation, Petitioner agrees to provide a 15' waterline easement to the Village running east and west the entire length of the Property, along the south boundary of the Property.

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

3. Petitioner's Consent. The Petitioner consents to the annexation of the Property into the Village pursuant to the terms and conditions of this Agreement.

4. The Property/Zoning/CRA. The Property subject to this Agreement shall consist of 5 acres located in Monterey Township, Putnam County, Ohio, as depicted on the map attached hereto as Exhibit "B". The legal description of the Property is attached hereto as Exhibit "A". Property to be zoned Industrial.

Village shall amend the dimensions of its Community Reinvestment Area ("CRA") to include the Property in the CRA area after annexation. Petitioner acknowledges future development at the Property shall need to complete the CRA application and approval process to receive any tax abatements.

5. Mutual Cooperation. Petitioner shall prepare and file an Annexation Petition (the "Petition") with the Putnam County Commissioners pursuant to R.C. 709.022, at Petitioner's expense to annex the Property to the Village. The parties hereto shall cooperate with one another and shall provide whatever cooperation and further assurances are necessary to enable the Petition to be completed and granted.

6. Tax Distribution. Following the annexation of the Property, real estate taxes shall be divided between the Village and the Township pursuant to the Revenue Sharing Agreement between said parties dated December 13, 2016 and being Ordinance #2016-02 of the Village.

7. Severability. In the event any one or more of the provision of this Agreement are held to be invalid, illegal, or unenforceable in any respect, that invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement. Such provisions shall be modified in order to best preserve the intentions of the Village, the Township, and Petitioner. 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.

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

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

10. 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, the Township and Petitioner as authorized by R.C. 709.192. All prior agreements between the parties, either written or oral, are superseded by this Agreement.

The Village, the Township, and Petitioner have executed this Agreement on the date first stated above.

VILLAGE OF OTTOVILLE, OHIO

By: Ronald N Miller
Ronald Miller, Mayor

By: Jeanne M Wannemacher
Jeanne Wannemacher, Fiscal Officer

**MONTEREY TOWNSHIP, PUTNAM
COUNTY, OHIO**

By: Steve Hillers
Steve Hillers, Trustee

By: Rodney Beining
Rodney Beining, Trustee

By: Virgil Miller
Virgil Miller, Trustee

GS MILLER PROPERTIES, LLC:

By: Gene R Miller
Gene R. Miller, Member

By: Sheila K Miller
Sheila K. Miller, Member

APPROVED AS TO LEGAL FORM:

By: Theresa Von Sossan
Theresa Von Sossan
Solicitor, Village of Ottoville, Ohio

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.

Representative of County Engineer's Office

Signed  Date 4/18/17

Reference: Section 19 T1S R5E Monterey Township

PT NW SE & PT SW NE 5.0 Ac.
Parcel No. 25-012151.0000
PB 19 PG 14A
PB 35 PG 16
DV 368 PG 99