

VILLAGE OF OTTOVILLE, OHIO

ORDINANCE NO. 2017-08

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 L. Klausung, Agent, and

WHEREAS, the said Petition was duly considered by the Board of County Commissioners of Putnam County, Ohio, on June 30, 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 July 5, 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:

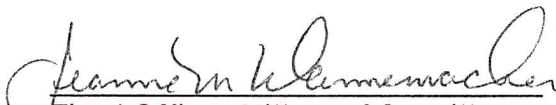
SECTION 1. That the proposed annexation as applied for in the Petition by Jennifer L. Klausung, Agent, and the owner of the land sought to be annexed and filed with the Board of County Commissioners of Putnam County, Ohio, on April 26, 2017, and which said Petition prayed for annexation to the Village 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 June 30, 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: 11-27-17

ATTEST:


Fiscal Officer, Village of Ottoville

APPROVED:


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.

Representative of County Engineer's Office

Signed *Nolan E. Croft* Date 6/27/16

Reference: Section 25 T1S R5E Monterey Township

NMDPT NE SE NE EX SPT 0.907 AC.
Parcel No. 25-017050.0000
OR 569 PG 1929

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

Now come Daniel Kemper and Stephanie Kemper, 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 as Exhibit "B" 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 C 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 L. Klausung, whose address is 814 N. Locust St., Suite 2, 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: 4-26-17


Daniel Kemper, Owner

Date: 4-26-17

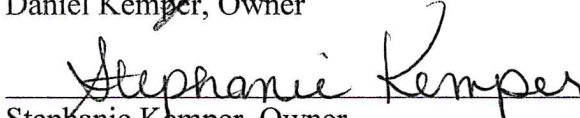

Stephanie Kemper, Owner

EXHIBIT A

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

Being a part of forty acre tract of land situated in the southeast quarter of the northeast quarter of section twenty-five, town one (1) south of range four (4) east, more particularly described as follows: Beginning at the northeast corner of said land, thence south five hundred and twenty four (524) feet, thence west three hundred thirty (330) feet, thence north five hundred and twenty four (524) feet, thence east three hundred thirty (330) feet to the place of beginning, excepting and reserving to a prior owner and his licensees an easement over the existing driveway to enter a field west of the above described premises.

Exception # 1. Beginning at a stone at the northeast corner of the southeast quarter of the northeast quarter of Section Twenty-five (25) (said stone being the point as described in deed record Volume 191, Page 44) thence South along the center of State Route 66 a distance of One Hundred Nineteen and one-half (119.5) feet; thence west and perpendicular to said State Route 66 a distance of One Hundred Seventy (170) feet; thence north and parallel with said State Route 66 a distance of One Hundred Nineteen and one-half (119.5) feet; thence east a distance of One Hundred Seventy (170) feet to the place of beginning.

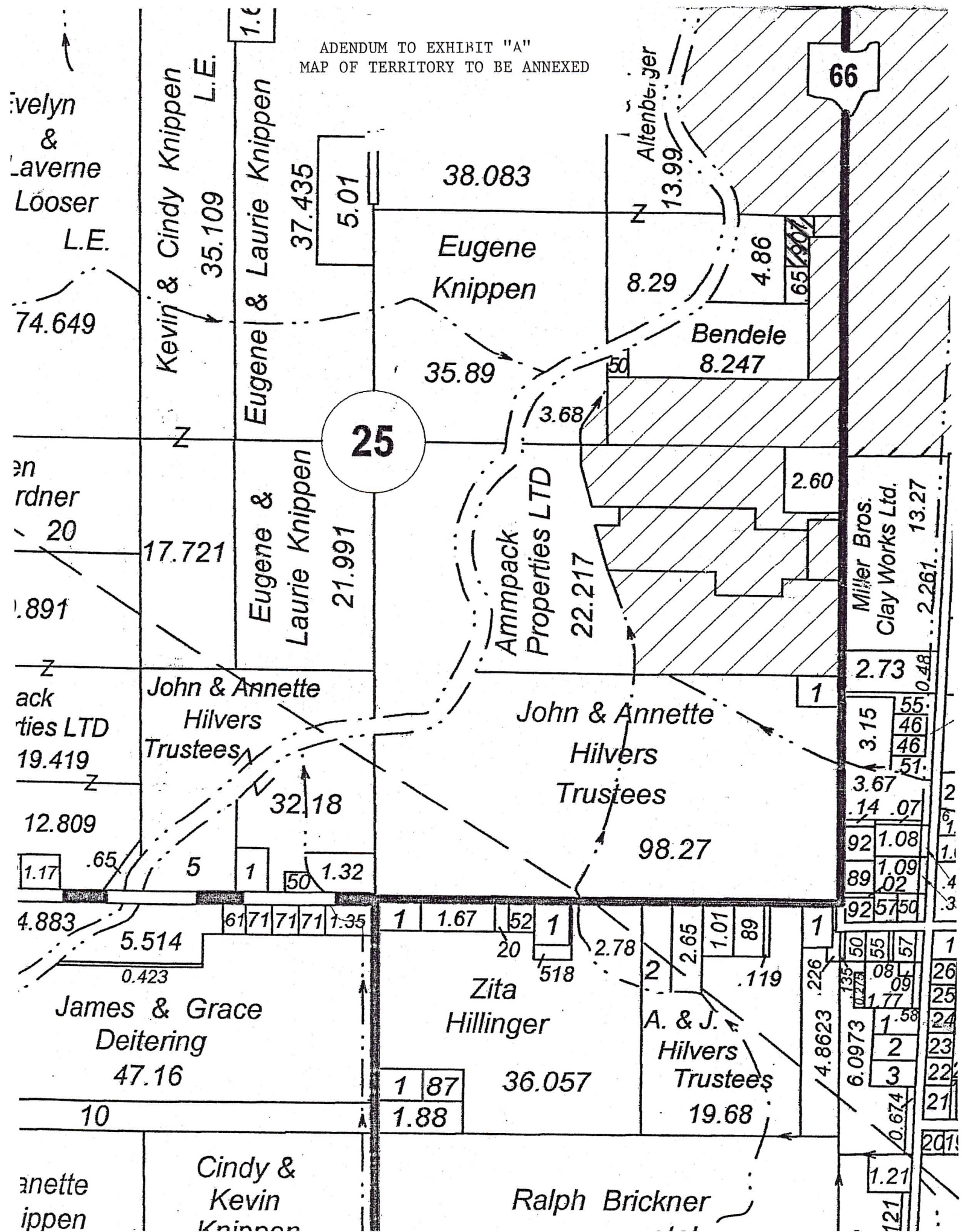
Exception #2. The Southeast part of the Northeast part of the Southeast Quarter of the Northeast Quarter of Section 25, Monterey Township, Putnam County, Ohio, and more particularly described: Commencing at a point in the center of State Route 66 119.5 feet South of a stone at the Northeast corner of the Southeast Quarter of the Northeast Quarter of Section 25, (said stone being the point as described in record Volume 191, Page 44) thence South along the center of State Route 66, 404.5 feet; thence north 89 deg. 21 min West 195.0 feet; thence North 404.5 feet; thence South 89 deg. 21 min. east 195.0 feet to the place of beginning.

Exception #3. Being a parcel of land situated in the Northeast quarter of Section 25, T-1-S, R-4-E, Monterey Township, Putnam County, Ohio and more particularly described as follows: Commencing at a railroad spike found at the southeast corner of said Northeast quarter of said Section 25; thence N00°01'41"W (basis of bearing previous survey) with the east line of said Northeast quarter (also the centerline of State Route 66), 796.21 feet to a PK nail and shiner found; thence N 89°23'02"W, 195 feet to a capped 5/8 inch rebar found and the PLACE OF BEGINNING; thence continuing N 89°23'02"W, 135.00 feet to a capped 5/8 inch rebar found; thence N00°01'06"E, 211.00 feet to a capped 5/8 inch rebar set; thence S 89°22'59"E, 134.81 feet to a capped 5/8 inch rebar set; thence S00°02'02"E, 211.00 feet to the PLACE OF BEGINNING containing 0.653 acre more or less and subject to all legal easements of record.

A survey of this description was made by Richard D. Morrissey, L.S. 6470.

Subject to all legal highways, easements, right of ways, restrictions, reservations, covenants, set-back lines, platting and zoning regulations, and conditions of record or in use in or on the subject premises.

ADENDUM TO EXHIBIT "A"
MAP OF TERRITORY TO BE ANNEXED



ANNEXATION AGREEMENT
(Pursuant to O.R.C. 709.022)

This agreement is entered into this ____ day of February, 2017, between the Village of Ottoville, Ohio (the "Village"); the Board of Township Trustees of Monterey Township, Putnam County, Ohio (the "Township"); and Daniel Kemper and Stephanie Kemper, (the "Petitioner"); pursuant to R.C. Sections 709.021, 709.022, and 709.192.

WHEREAS, Petitioner is the sole owner of approximately 0.9070 acres of real estate (the "Property"), located in Monterey Township, Putnam County, Ohio, Parcel Number 25-017050.0000, 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 as 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 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:

Section 1. Village Consent and Agreement. The Village hereby consents to the annexation of the Property to the Village and agrees to provide water and sanitation services, police, fire, and 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.

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

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

Section 4. The Property/Zoning/CRA. The Property subject to this Agreement shall consist of approximately 0.9070 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 is to be zoned Residential.

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

Section 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.

Section 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.

Section 7. 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 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 so modified, then such provisions shall be severed and the remaining provisions of the Agreement shall remain in full force and effect.

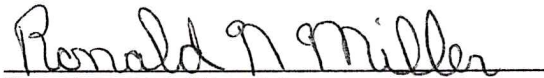
Section 8. Governing Law. This Agreement shall be governed exclusively by and construed in accordance with the laws of the State of Ohio.

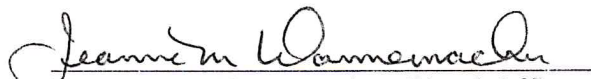
Section 9. Binding Effect. This Agreement shall inure to the benefit of and shall be binding upon the Village, the Township and the Petitioner, their legal representative, successors and assigns.

Section 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 Petitioners have executed this Agreement on the date first stated above.

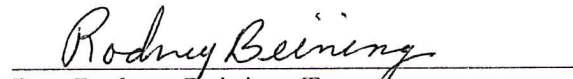
VILLAGE OF OTTOVILLE, OHIO:



By: Ronald Miller, Mayor


By: Jeanne Wannemacher, Fiscal Officer


MONTERERY TOWNSHIP, PUTNAM COUNTY, OHIO:

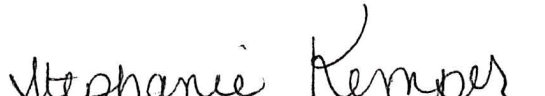

By: Steve Hilvers, Trustee


By: Rodney Beining, Trustee


By: Virgil Miller, Trustee

PETITIONERS:


Daniel Kemper, Owner


Stephanie Kemper, Owner

APPROVED AS TO LEGAL FORM:

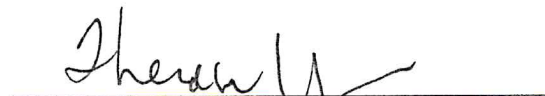

By: Theresa Von Sossan
Solicitor, Village of Ottoville, Ohio

EXHIBIT C

<u>Owner</u>	<u>Mailing Address</u>	<u>Permanent Parcel No.</u>
1. Michael R. Bendele, et al 3	P.O. Box 152 Ottoville, OH 45876	27-056100.0000
2. Carl E. Byrne & Nancy M. Byrne	P.O. Box 182 Ottoville, OH 45876	27-056105.0000
3. Michael R. Bendele & Jennifer J. Bendele	P.O. Box 152 Ottoville, OH 45876	27-056106.0000 25-017050.0100
4. Robert P. Bendele	P.O. Box 4 Ottoville, OH 45876	25-017030.0000
5. Monica A. Miller & Donald B. Miller	P.O. Box 211 Ottoville, OH 45876	27-055120.0000
6. Seth Bendele	P.O. Box 143 Ottoville, OH 45875	27-068000.0000

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

ST. RT. 224

PARK DR.

LITTLE AUGLAIZE RIVER

W. THIRD STREET

E. THIRD STREET

WINKELMAN COURT

N. OTTO STREET

WINK

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W. FOURTH STREET

E. FOURTH STREET

WINKELMAN COURT

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W. FIFTH STREET

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CHOICE
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SIDNEY
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