

RECORD OF RESOLUTIONS

Resolution No. 2020-24

Passed July 27

20 20

A RESOLUTION INDICATING WHAT SERVICES THE VILLAGE WILL PROVIDE TO A TRACT TOTALING 2.156± ACRES UPON ANNEXATION AND THE DECLARATION OF AN EMERGENCY

WHEREAS, a Petition for Annexation has been or will soon be filed by the undersigned property owner to annex 2.156± acres from Section 25, Liberty Township, Fairfield County, Ohio, into the Village of Baltimore in accordance with the special procedures set forth in Ohio Revised Code §709.023; and,

WHEREAS, Section 709.023 of the Ohio Revised Code requires that the Village legislature shall by ordinance or resolution adopt a statement indicating what services, if any, the municipality will provide to the territory proposed for annexation upon annexation, and the approximate time frame for providing the same;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF
THE VILLAGE OF BALTIMORE, FAIRFIELD COUNTY, OHIO,
THREE-FOURTH'S (3/4'S) OF ITS MEMBERS CONCURRING:

SECTION 1: The following benefits and services will be available to the tract totaling 2.156± acres proposed for annexation upon annexation to the Village of Baltimore, Ohio:

- A. A staff of municipal employees, including a Village Administrator charged with assisting development;
- B. Municipal police protection which consists of one (1) Police Chief and approximately fourteen (14) police officers;
- C. Miscellaneous other municipal services, including zoning and planning regulations, subdivision regulations, property maintenance code, residential code, municipal swimming pool, municipal park system, and other inherent municipal services authorized by the Ohio Revised Code;
 1. That if the 2.156+/- acre site is annexed and if the Village permits uses in the annexed territory that the Village determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining in the township, the Village shall require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township. The term "buffer," as used herein, includes open space, landscaping, fences, walls, and/or other structured elements; streets and street right-of-way; and bicycle and pedestrian paths and sidewalks."
- D. Water services will be provided by one of the following:
 1. The Village's water system;
- E. Sanitary sewer services from the following available source:
 1. The Village's sanitary sewer facilities, provided that the Village receives confirmation from the Ohio EPA approving additions to the Village's current sewer system, and provided that no additional lines would be paid for by the Village;
- F. The Village shall assume maintenance responsibility for any divided or segmented streets or highways resulting from the annexation, upon annexation approval;

RECORD OF RESOLUTIONS

Resolution No. 2020-22 Passed July 27 20 20

SECTION 2: The approximate time frame for providing the above services, except where otherwise noted, is within sixty (60) days from the date of the approval of the annexation.

SECTION 3: The following persons are the owners of the tracts proposed for annexation into the Village of Baltimore:

Acreage as Per
Annexation Survey

- Kay Annette Hammer 2.156+/-

SECTION 4: The Municipal Fiscal Officer is directed to deliver a certified copy of this resolution to the Board of County Commissioners of Fairfield County, Ohio and to the Clerk of Liberty Township Trustees immediately upon the passage of this resolution.

SECTION 5: This resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and general welfare of the citizens of Baltimore, Ohio, and in order to comply with the time periods mandated by ORC Section 709.023(C). Therefore, this resolution shall become effective immediately upon its passage by Council.



Brad Nicodemus, Mayor

DATE OF PASSAGE: 7-27-2020

EFFECTIVE DATE: 7-27-2020

ATTEST: 

Brian Bibler, Fiscal Officer

SPONSOR: **MOHLER**

APPROVED AS TO FORM: 

Jeffrey Feyko, Village Solicitor

CERTIFICATION

I hereby certify the foregoing to be a true and exact copy of Resolution 2020-22 as enacted by Baltimore Village Council on July 27, 2020.



Brian Bibler, Fiscal Officer

NOTICE OF FILING OF
PETITION FOR ANNEXATION
(UTILIZING THE SPECIAL PROCEDURE
OF ORC SECTION 709.023, ET SEQ

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

TO: Brian Bibler
Fiscal Officer
Village of Baltimore
103 West Market Street
Baltimore, Ohio 43105

Dear Fiscal Officer:

Please take notice that on the 16th day of July, 2020, a Petition for Annexation of 2.156 acres, more or less, from Liberty Township to the Village of Baltimore, Ohio was filed with the Fairfield County Board of County Commissioners. Copies of the petition and attachments accompanying the petition, as filed, are attached.

Respectfully,



JEFFREY FEYKO, Agent for Petitioner
Baltimore Village Solicitor
115 North Center Street
Pickerington, Ohio 43147
Phone: (614) 837-1870
Fax: (614) 837-2235



**PETITION FOR ANNEXATION OF 2.156 ACRES,
MORE OR LESS, IN LIBERTY TOWNSHIP, FAIRFIELD
COUNTY, OHIO, TO THE VILLAGE OF BALTIMORE,
OHIO, UTILIZING THE SPECIAL PROCEDURE OF
OHIO REVISED CODE SECTION 709.023 ET SEQ.**

TO: The Board of County Commissioners of Fairfield County, Ohio

Now come the undersigned Petitioners in these premises, being one hundred percent (100%) of the owners of certain property as hereinafter described and request that their property be annexed to the Village of Baltimore, Ohio. The territory proposed for annexation contains 2.156 acres, more or less, in Liberty Township, Fairfield County, and is contiguous to the boundary of the Village of Baltimore, Ohio, for five percent (5%) or more of the territory proposed for annexation. The undersigned understand that the property will not be excluded from the Township upon the approval of the annexation request.

An accurate description of the perimeter and area of the territory sought to be annexed is attached hereto and made a part hereof as EXHIBIT A. A map or plat of the above described territory sought to be annexed is attached hereto and made a part hereof as EXHIBIT B. The territory proposed for annexation does not exceed five hundred (500) acres.

The annexation will not create an unincorporated area of Township that is completely surrounded by the territory proposed for annexation.

There is no annexation agreement between the municipality and the Township pursuant to ORC §709.192 applicable to this annexation or an applicable Cooperative Economic Development Agreement (C.E.D.A.) pursuant to ORC §701.07.

The number of owners in the territory sought to be annexed is one (1) and the number of owners who signed the petition is one (1).

The owners who signed this petition by their signatures expressly waive their right to appeal in law or equity from the Board of County Commissioners' entry of any resolution passed under ORC §709.023 and waive any right that they may have to sue on any issue relating to a municipal corporation requiring a buffer as provided in ORC §709.023 and further waive any rights to seek a variance that would relieve or exempt them from that buffer requirement.

Jeffrey Feyko, 115 North Center Street, Pickerington, Ohio, (614-837-1870), is hereby appointed agent for the undersigned Petitioners, as required by ORC §709.02, and said Petitioners' agent is hereby authorized to make any amendments and/or deletions which in his absolute and complete discretion are proper under the circumstances then existing. In addition, the Petitioners' agent is authorized to make such amendments and/or deletions in this petition, map, plat or description in order to correct any discrepancy or mistake noted by the County Engineer or others in their examination of the petition, map, plat or description. Amendments to correct the map, plat or description may be made by the presentation of an amended map or plat and description to the Board of County Commissioners on, before or after the date set for hearing of this petition unless otherwise specified by law.

“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.”

Kay Annette Hammer

KAY ANNETTE HAMMER, Owner

P.O. Box 266

Jamestown, KS 66948

Parcel No.: 021-00708.10

Total Acreage of this Owner: 2.156 +/-

Date: 06-26-2020

**LEGAL DESCRIPTION
TRACT OF LAND
KAY ANNETTE HAMMER
2.156 ACRES**

Situated in the State of Ohio, County of Fairfield, Township of Liberty, being located in the Southwest 1/4 of Section 25, Township 16, Range 19, and being part of a 157.25 acre tract of land conveyed to Kay Annette Hammer by deed as recorded in Official Record 1484, Page 240 (all references to deeds, microfiche, plats, surveys, etc. refer to the Fairfield County Recorder's Office or Engineer's Office) and being more particularly described as follows:

COMMENCING FOR REFERENCE at a 3/4" iron pipe found with no cap at the southeast corner of Creekview Subdivision Phase 1 as recorded in Plat Cabinet 1, Slot 45, also being the southeast corner of Lot 17 of said Creekview Subdivision Phase 1, also being on the westerly right of way line of South Main Street – State Route 158 (variable width), and also being on the north line of a 7.08 acre tract of land conveyed to Walnut Creek Baptist Church, Inc. as recorded in Volume 509, Page 474;

Thence along the north line of said 7.08 acre tract, South 86°19'49" East, for a distance of 42.26 feet to a rail road spike set 3" below pavement at the intersection of the Half Section Line of Section 25 and the centerline of said South Main Street – State Route 158, also being the southwest corner of a 15.00 acre tract of land conveyed to Liberty Union-Thurston Board of Education as recorded in Volume 484, Page 699, also being the northeast corner of said 7.08 acre tract of land and also being the northwest corner said 157.25 acre tract of land;

Thence along the west line of said 157.25 acre tract, also being the east line of said 7.08 acre tract, South 22°40'07" West, for a distance of 31.73 feet to a rail road spike set 3" below pavement at the **TRUE POINT OF BEGINNING**;

Thence leaving said centerline and across said 157.25 acre tract along a new dividing line for the following three (3) courses:

- 1) **South 86°19'49" East**, for a distance of **332.59 feet** to an iron pin set (passing an iron pin set at 31.73 feet);
- 2) **South 03°40'11" West**, for a distance of **250.00 feet** to an iron pin set;
- 3) **North 86°19'49" West**, for a distance of **418.67 feet** to a rail road spike set 3" below pavement on the west line of said 157.25 acre tract, also being the east line of said 7.08 acre tract (passing an iron pin set at 31.73 feet);

Thence along said west and east lines, **North 22°40'07" East**, for a distance of **264.40 feet** to the **TRUE POINT OF BEGINNING**.

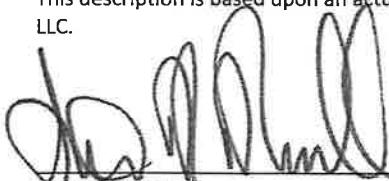
Containing a total of 2.156 acres, more or less.

Being a 2.156 acre part of Tax Parcel 021-00708--00.

All iron pins set are 3/4" inside diameter iron pipe being 30 inches in length with a 1" yellow plastic cap inscribed "Sands Decker".

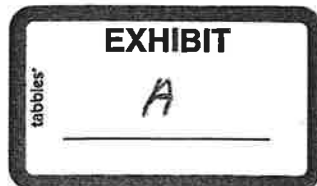
Bearings are based on the Ohio State Plane Coordinate System, South Zone (NAD83) by GPS observation.

This description is based upon an actual field survey performed in March, 2020 by Sands Decker, CPS, LLC.



Steven W. Newell
Ohio Registered
Professional Surveyor 7212

07/13/2020
Date



SURVEY EXHIBIT OF

2.156 ACRE TRACT

**PART OF LAND OF KAY ANNETTE HAMMER,
SW 1/4 SECTION 25, TOWNSHIP 16, RANGE 19,
TOWNSHIP OF LIBERTY, COUNTY OF FAIRFIELD,
STATE OF OHIO**



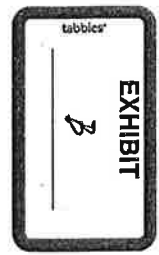
OFFICES

LIBERTY UNION – THURSTON
BOARD OF EDUCATION
PID: 024-08200-00
VOL. 484, PG. 699
15.00 AC. (DEED)

128 East Main Street
Logan, Ohio 43138
740-385-2140

1495 Old Henderson Road
Columbus, Ohio 43220
614-459-6992

507 Main Street
Zanesville, Ohio 43701
740-450-1640



NORTH

GRAPHIC SCALE



1" = 60'

SURVEYOR'S NOTES

- 1) BASED ON RECORDS ON FILE AT THE FAIRFIELD COUNTY RECORDER'S OFFICE AND THE FAIRFIELD COUNTY ENGINEER'S OFFICE.
 - 2) REFERENCES: DOCUMENTS NOTED HEREON.
 - 3) BEARINGS ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM – OHIO SOUTH ZONE (NAD83) BY GPS OBSERVATION, REFERENCED TO THE ODOT VRS NETWORK.
 - 4) ALL IRON PINS SET ARE 3/4" INSIDE DIAMETER IRON PIPES, 30" IN LENGTH WITH A 1" DIAMETER YELLOW CAP STAMPED "SANDS DECKER."
- 3/4" IRON PIPE FOUND W/ NO CAP
 - IRON PIN SET
 - ▲ RAIL ROAD SPIKE SET 3" BELOW PAVEMENT

CREEKVIEW SUBDIVISION
PHASE 1
P.C. 1, SLOT 45
LOT 17

R.P.O.B.

T.P.O.B.

WALNUT CREEK BAPTIST
CHURCH, INC.
PID: 024-08415-00
VOL. 509, PG. 474
7.08 AC. (AUDITOR)

KAY ANNETTE HAMMER
PID: 021-00708-10
O.R. 1827, PG. 1812
2.156 AC. (DEED)

KAY ANNETTE HAMMER
PID: 021-00708-00
O.R. 1484, PG. 240
(CERT. OF TRANSFER)
157.25 AC. (DEED)



CERTIFICATION

THIS DRAWING IS REPRESENTATIVE OF AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECT SUPERVISION IN MARCH, 2020. THIS DRAWING IS REPRESENTATIVE OF A BOUNDARY SURVEY IN CONFORMANCE WITH OAC 4733-37 STANDARDS FOR BOUNDARY SURVEYS.

SANDS DECKER CPS

(Signature)

07/13/2020
DATE

STEVEN W. NEWELL
OHIO PROFESSIONAL
SURVEYOR 7212

S:\Linden Avenue LLC 3922 Dollar General Baltimore\Dwg

**LIST OF ALL TRACTS, LOTS OR PARCELS INSIDE
AND ADJACENT TO AND/OR ACROSS THE ROAD
FROM THE TERRITORY TO BE ANNEXED
(PURSUANT TO ORC §709.02[D])**

NAME OF OWNER	MAILING ADDRESS	PARCEL NUMBER	ACRES
Kay Annette Hammer	P.O. Box 266 Jamestown, KS 66948	0210070800	153.344
Liberty Union Thurston Board of Education	621 Washington St. Baltimore, Ohio 43105	0240820000	14.94
Walnut Creek Baptist Church Inc.	1109 S. Main St. Baltimore, Ohio 43105	0240841500	7.08