

RECORD OF ORDINANCES

Ordinance No. 6-27-2016-3

Passed JUNE 27 2016

**AN ORDINANCE ACCEPTING ANNEXATION
OF 2.006 +/- ACRES (WOODS PROPERTY), DIRECTING THE VILLAGE
SOLICITOR TO PROSECUTE PROCEEDINGS
NECESSARY TO EFFECT IT, AND THE DECLARATION OF AN EMERGENCY**

WHEREAS, it is the desire of the Village of Baltimore to accept the annexation of 2.006 +/- acres, located in Liberty Township, Fairfield County, Ohio, to the Village of Baltimore, Ohio; and,

WHEREAS, the property being annexed is owned by Roger D. Woods and Bernice J. Woods; and,

WHEREAS, the Board of Commissioners of Fairfield County, Ohio, on the 26th day of April, 2016, granted the Petition for Annexation for the tracts owned by the above-named property owners to the Village of Baltimore, Ohio; and,

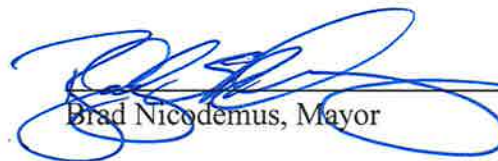
WHEREAS, a certified transcript of the Orders of the Board of County Commissioners was received by the Village of Baltimore on or about the 27th day of April, 2016, and sixty (60) days from said date of receipt have expired as addressed in Ohio Revised Code §709.04;

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

SECTION 1: The Baltimore Village Council hereby accepts the annexation of the tract of land which is herein accurately described and accompanied by an accurate map or plat thereof. Said legal description and map or plat is attached hereto and incorporated herein and designated as EXHIBIT A.

SECTION 2: The Baltimore Village Council further directs Jeffrey Feyko, the Village Solicitor, to prosecute proceedings necessary to effect the above-noted acceptance.

SECTION 3: For the reasons noted in the preamble, this ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals, and welfare of the citizens of Baltimore, Ohio.



Brad Nicodemus, Mayor

DATE OF PASSAGE: 6-27-2016

EFFECTIVE DATE: 6-27-2016

(Continued)

RECORD OF ORDINANCES

Ordinance No. 6-27-2016-3

Passed JUNE 27 2016

ATTEST: 
Kathryn E. Jenkins, Fiscal Officer

SPONSOR: HOCHRADEL

APPROVED AS TO FORM: 
Jeffrey Feyko, Village Solicitor

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance 6-27-2016-3.

Date

Kathryn E. Jenkins, Fiscal Officer



Fairfield County Board of Commissioners

COMMISSIONERS

Steven A. Davis
David L. Levacy
Mike Kiger

COUNTY ADMINISTRATOR

Carri L. Brown

CERTIFICATION

CLERK

Rachel A. Elsea

I, Rachel A. Elsea, Clerk of the Board of County Commissioners of Fairfield County, Ohio, do hereby certify that the foregoing is a full, true, and correct copy of a resolution (2016-04.26.b) adopted by said Board at a regularly scheduled and conducted meeting held on April 26, 2016 which resolution is on file and of record in the office of said Board.

A handwritten signature in cursive script, appearing to read "Rachel A. Elsea".

Rachel A. Elsea, Clerk
April 26, 2016

EXHIBIT A

A resolution to approve the annexation of 2.006+/- Acres, more or less, of Liberty Township into the Village of Baltimore, Pursuant to ORC 709.023, Expedited Type 2 Petition, Annexation of Land by Roger D Woods and Bernice J. Woods. [Commissioners]

WHEREAS, a petition for annexation of 2.006+/- acres, more or less, from Liberty Township into the Village of Baltimore was filed with the Fairfield County Board of Commissioners on April 6, 2016, under the expedited process outlined in Section 709.023 of the Revised Code; and

WHEREAS, a legal description and survey of the property to be annexed is attached hereto and incorporated herein; and

WHEREAS,

(1) The petition for annexation meets all the requirements set forth in, and was filed in the manner provided in, section 709.023 of the Revised Code;

(2) The persons who signed the petition are owners of the real estate located in the territory proposed for the annexation and constitute all of the owners of real estate in that territory;

(3) The territory proposed for annexation does not exceed five hundred acres;

(4) The territory proposed for annexation shares a contiguous boundary with the municipal corporation to which annexation is proposed for a continuous length of at least five percent of the perimeter of the territory proposed for annexation;

(5) The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation.

(6) If a street or highway will be divided or segmented by the boundary line between the township and the municipal corporation as to create a road maintenance problem, the municipal corporation which annexation is proposed has agreed as a condition of the annexation to assume the maintenance of that street or highway or to otherwise correct the problem. As used in this paragraph, "street" or

2016-04.26.b

A resolution to approve the annexation of 2.006+/- Acres, more or less, of Liberty Township into the Village of Baltimore, Pursuant to ORC 709.023, Expedited Type 2 Petition, Annexation of Land by Roger D Woods and Bernice J. Woods. [Commissioners]

"highway" has the same meaning in section 4511.01 of the Revised Code; and

WHEREAS, Baltimore, Ohio has adopted the municipal services ordinance to provide city services to the property to be annexed and has adopted a resolution of consent for the annexation of the territory.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, COUNTY OF FAIRFIELD, STATE OF OHIO:

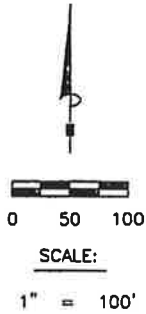
Section 1. That the Board of Commissioners finds that the petition is a valid petition to annex and that it meets all the requirements set forth in and was filed in a manner provided in ORC 709.023.

Section 2. Pursuant to ORC 709.023, the Board of Commissioners hereby grants the petition to annex 2.006 acres, more or less, of Liberty Township into the Village of Baltimore, Ohio.

Section 3. That the Clerk of the Board of Commissioners is instructed to deliver a certified copy of the entire record of the annexation proceedings, including the Board resolution, the petition, the map, and all other papers of the file relating to the annexation proceedings to the Clerk of the Village of Baltimore, Ohio.

ANNEXATION PLAT OF A 2.006 ACRE TRACT

Situated in Liberty Township, Fairfield County, Ohio; being part of the Southeast quarter of Section 24 and part of the Northeast quarter of Section 25, both of Township 16, Range 19.



LEGEND

- Point
- 5/8"x 30" iron pin with 1-1/4" plastic ID cap stamped PLS-5348 found
- 3/4" iron pipe found

REFERENCES:

- Tax maps
- Deed descriptions
- Previous surveys
- Existing monumentation
- Existing public road

REFERENCE BEARING:

The west line of a 2.918 acre tract surveyed by registered surveyor no. 5348 as North 00 degrees 45 minutes 40 seconds West. Bearings are based upon an assumed meridian and are to denote angles only.

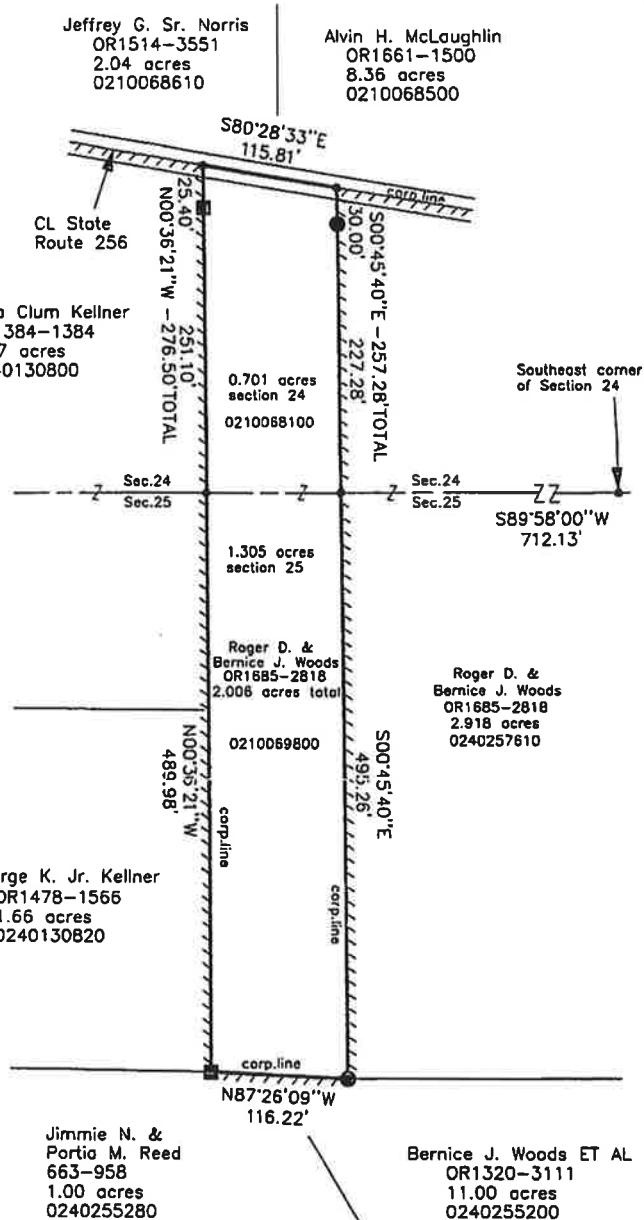
NATIONAL FLOOD INSURANCE PROGRAM
COMMUNITY PANEL NO. 39045C0154G
EFFECTIVE DATE: January 6, 2012
FLOOD ZONE "X"

NOTE:

Based on an original survey on the 3rd day of May, 2007.

CERTIFICATION:

I hereby certify that an actual survey was made under my supervision of the premises shown hereon on the 18th day of February, 2016 and that the plat is a correct representation of the premises as described by said survey.



S. Vince Evans 3/10/16
Registered Surveyor No. 8127



Survey by: S. Vince Evans Surveying - S. Vince Evans P.S. 8127
64103 Woodgeard Road, Creola, Ohio 45622
Phone (740) 380-3884
FAX (740) 380-5071



Village of Baltimore
Fairfield County

103 West Market Street
Baltimore, Ohio 43105

Phone: 740-862-4491
Fax: 740-862-4368

Brad Nicodemus
Mayor

Teri Wise
Village Administrator

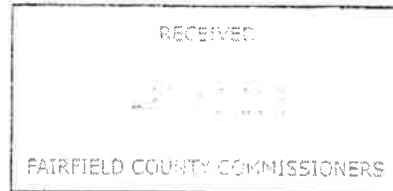
Kathryn E. Jenkins
Fiscal Officer

Jeffrey Feyko
Village Solicitor
115 N. Center Street
Pickerington OH 43147
Phone: (614) 837-1870
Fax: (614) 837-2235

April 6, 2016

By Hand Delivery

Attention: Rachel A. Elsea, Clerk
Fairfield County Commissioners
210 East Main Street, Room 301
Lancaster, Ohio 43130



RE: Petition for Annexation of 2.006 Acres, More Or less, in Liberty Township,
Fairfield County, Ohio to the Village of Baltimore, Ohio,
Utilizing the Special Procedure of O.R.C. Section 709.023, et seq.

Dear Rachel:

Please find enclosed the original and seven (7) copies of the following documents regarding the above annexation:

- Petition for Annexation of 2.006 +/- Acres;
- Legal description of the perimeter of the 2.006 +/- acres;
- Plat of Survey of the 2.006 +/- acres;
- List of Parcels Adjacent to/Across the Road from property to be annexed;

Also enclosed is a check made payable to the Fairfield County Commissioners in the amount of \$125.00. Once filed, please return any additional copies to my office.

Thank you for your assistance, and please call if you have any questions.

Respectfully,

Jeffrey Feyko
Village Solicitor

JF/bch
Enclosures

cc: Baltimore Fiscal Officer
Baltimore Village Administrator

**PETITION FOR ANNEXATION OF 2.006 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.**

RECEIVED

APR 08 2011

FAIRFIELD COUNTY COMMISSIONERS

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 2.006 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 two (2) and the number of owners who signed the petition is two (2).

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.”

Roger D. Woods

ROGER D. WOODS, Owner

and

Bernice J. Woods

BERNICE J. WOODS, Owner

299 Holder Road

Baltimore, Ohio 43105

Parcel Nos. 0210068100 and 0210069800

Total Acreage of this Owners: 2.006 +/-

Date: _____

4-5-16

**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
Jeffrey G. Norris, Sr.	152 Baltimore-Somerset Rd. Baltimore, Ohio 43105	0210068610	2.04
Alvin H. McLaughlin	9380 Nioga Toope Dr. Mt. Sterling, Ohio 43143	0210068500	8.36
Roger D. & Bernice J. Woods	299 Holder Rd. Baltimore, Ohio 43105	0240257610	2.92
Bernice J. Woods and Jimmie N. & Portia M. Reed	299 Holder Rd. Baltimore, Ohio 43105	0240255200	11
Jimmie N. & Portia M. Reed	3780 Wheeling Rd. Lancaster, Ohio 43130	0240255280	1
Connie M. Kellner & George K. Kellner, Jr.	4381 Sanderling Circle East Boynton Beach, Florida 33436	0240130820	1.66
Virginia Clum Kellner	118 Holder Rd. Baltimore, Ohio 43105	0240130800	3.07

SURVEY DESCRIPTION OF A 2.006 ACRE TRACT FOR ANNEXATION

Situated in Liberty Township, Fairfield County, Ohio; being part of the Southeast quarter of Section 24 and part of the Northeast quarter of Section 25, both of Township 16, Range 19; and being more particularly described as follows:

Being all of a 2.006 acre tract as described in Volume OR1685, Page 2818, to Roger D. and Bernice J. Woods.(Parcel No. 0210068100 and Parcel No. 0210069800)

Commencing at a Point at the Southeast corner of Section 24;
Thence with the south line of Section 24, South 89 degrees 58 minutes 00 seconds West a distance of 712.13 feet to a Point and being the point of Beginning of the tract of land to be described;

Thence leaving the south line of Section 24 and with the Corporation line of the Village of Baltimore, South 00 degrees 45 minutes 40 seconds East a distance of 495.26 feet to a 5/8" iron pin with 1-1/4" plastic ID cap stamped PLS-5348 found;
Thence with the Corporation line of the Village of Baltimore, North 87 degrees 26 minutes 09 seconds West a distance of 116.22 feet to a 3/4" iron pipe found;
Thence with the Corporation line of the Village of Baltimore, North 00 degrees 36 minutes 21 seconds West a distance of 489.98 feet to a Point on the south line of Section 24;
Thence with the Corporation line of the Village of Baltimore, North 00 degrees 36 minutes 21 seconds West a distance of 276.50 feet to a Point in the centerline of State Route 256, passing a 3/4" iron pipe found at a distance of 251.10 feet;
Thence with the centerline of said State Route 256, South 80 degrees 28 minutes 33 seconds East a distance of 115.81 feet to a Point;
Thence leaving the centerline of said State Route 256 and with the Corporation line of the Village of Baltimore, South 00 degrees 45 minutes 40 seconds East a distance of 257.28 feet, passing a 5/8" iron pin with 1-1/4" plastic ID cap stamped PLS-5348 found at a distance of 30.00 feet, to the point of beginning and containing 2.006 acres (1.305 acres in Section 25 and 0.701 acres in Section 24), more or less, subject to the public easement of said State Route 256 and any other public or private easements of record.

The above 2.006 acre survey was based upon information obtained from tax maps, deed descriptions, previous surveys, existing monumentation, and an existing public road. The reference bearing for this survey is the west line of a 2.918 acre tract surveyed by registered surveyor no. 5348 as North 00 degrees 45 minutes 40 seconds West. Bearings are based upon an assumed meridian and are to denote angles only.

NATIONAL FLOOD INSURANCE PROGRAM

COMMUNITY PANEL NO. 39045C0154G

EFFECTIVE DATE: January 6, 2012

FLOOD ZONE "X"

All iron pins set by this survey are 5/8" by 30" and are capped by a 1-1/4" plastic identification cap stamped "SVE-8127".

The above described property was originally surveyed by S. Vince Evans, Ohio Registered Surveyor No. 8127, on May 3, 2007 and updated for Annexation on February 12, 2016.

S. Vince Evans 3/10/16
S. Vince Evans, P. S. 8127

Survey by: S. Vince Evans Surveying
S. Vince Evans, P. S. 8127
64104 Woodgeard Road
Creola, Ohio 45622
Phone (740) 380-3884
FAX (740) 596-5831



RECORD OF RESOLUTIONS

Resolution No. 4-25-2016-1

Passed APRIL 25

2016

**A RESOLUTION AMENDING RESOLUTION 4-11-2016-3
(A RESOLUTION INDICATING WHAT SERVICES
THE VILLAGE WILL PROVIDE TO A TRACT
TOTALING 2.006± ACRES UPON ANNEXATION
AND THE DECLARATION OF AN EMERGENCY)
AND THE DECLARATION OF AN EMERGENCY**

WHEREAS, the Village adopted as an emergency measure Resolution 4-11-2016-3 (A Resolution Indicating What Services the Village Will Provide to a Tract Totaling 2.006+/- Acres Upon Annexation and the Declaration of an Emergency), on or about April 11, 2016;

WHEREAS, the Board of County Commissioners has requested an amendment to the Resolution, addressing the issue of zoning and incompatible uses; and.

WHEREAS, this resolution needs to be adopted on an emergency basis, as 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: That Paragraph C of Section 1 of Resolution 4-11-2016-3, which currently reads in relevant part as follows:

"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;"

be and hereby is amended to read as follows:

"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 2.006+/- 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."

SECTION 2: All other provisions of Resolution 4-11-2016-3, not specifically amended herein, shall remain in full force and effect.

RECORD OF RESOLUTIONS

Resolution No. 4-25-2016-1

Enacted April 25

2016

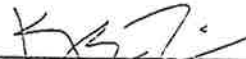
SECTION 3: The Municipal Fiscal Officer is directed to deliver a certified copy of this resolution to the Board of County Commissioners of Fairfield County, Ohio and to the Clerk of Liberty Township Trustees immediately upon the passage of this resolution.

SECTION 4: 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: 4-25-2016

EFFECTIVE DATE: 4-25-2016

ATTEST: 
Kathryn E. Jenkins, Fiscal Officer

SPONSOR: House

APPROVED AS TO FORM: 
Jeffrey Feyko, Village Solicitor

CERTIFICATION

I hereby certify the foregoing to be a true and exact copy of Resolution 4-25-2016-

1 as enacted by Baltimore Village Council on April 25, 2016.


Kathryn E. Jenkins, Fiscal Officer

Signature Page

Resolution No. 2016-04.26.b

A resolution to approve the annexation of 2.006+/- Acres, more or less, of Liberty Township into the Village of Baltimore, Pursuant to ORC 709.023, Expedited Type 2 Petition, Annexation of Land by Roger D Woods and Bernice J. Woods.

(Fairfield County Commissioners)

Upon the motion of Commissioner Steven A. Davis, seconded by Commissioner Mike Kiger, this resolution has been Adopted:

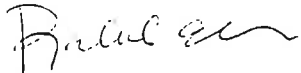
Voting:

David L. Levacy, President	Aye
Steven A. Davis, Vice President	Aye
Mike Kiger	Aye

Board of County Commissioners
Fairfield County, Ohio

CERTIFICATE OF CLERK

It is hereby certified that the foregoing is a true and correct transcript of a resolution acted upon by the Board of County Commissioners, Fairfield County, Ohio on the date noted above.



Rachel Elsea
Board of County Commissioners
Fairfield County, Ohio