

Resolution

No. 2013-188

Board of Wayne County Commissioners

Jim Carmichael Ann M. Obrecht Scott S. Wiggam

Adopted: April 24, 2013

Subject: **Approval of a Regular Annexation of .526 Acres to the City of Wooster, Wayne County, Ohio (2013-A1 Regular ORC709.02)**

It was moved by Mr. Wiggam and seconded by Mrs. Obrecht that the following resolution be adopted:

WHEREAS, on February 6, 2013, Matthew Long, on behalf of Habitat for Humanity in Wayne County, Inc., filed with the Board of County Commissioners, Wayne County, Ohio, a Petition for Annexation of .526 acres to the City of Wooster, County of Wayne, pursuant to RC 709.02 which Petition was entered on the journal on February 13, 2013, pursuant to Resolution No. 2013-80; and

WHEREAS, said Petition is valid in that:

1. The Petition conforms to all of the statutory requirements outlined in Chapter 709 of the Ohio Revised Code and contains all of the matters required by RC 709.02.
2. RC 709.02(C)(1) requires signatures from at least 51% of property owner(s), this Petition is signed by 100% of the owner(s) of the territory proposed to be annexed and no signature is dated more than 180 days before the date of the filing of the Petition [RC 709.02(C)(1)].
3. The Petition includes an accurate legal description of the perimeter and an accurate map or plat of the territory proposed for annexation [RC 709.02(C)(2)].
4. The Petition names Matthew Long to act as Agent for the Petitioner(s) [RC 709.02(C)(3)].
5. The Petition includes a list of all tracts, lots, or parcels proposed to be annexed; and all tracts, lots or parcels located adjacent to the territory to be annexed or directly across the road when a road is adjacent to the territory to be annexed, including the name and mailing address of the owner of each tract, lot or parcel, and the auditor's permanent parcel number for each tract or parcel [RC 709.02(D)];
6. Any owner that is a firm, trustee or corporation has been signed by a person authorized to sign for that entity [RC 709.02(E)];
7. The City of Wooster has complied with RC 709.03(D) by adopting Ordinance No. 2013-27, which indicates what services it will provide upon annexation, and the approximate date it will provide such services, and this Statement of Services was filed with the Board of County Commissioners on March 11, 2013.

WHEREAS, Matthew Long Agent for the Petitioner(s), caused written notice of hearing to be sent to all owners of property adjacent to the property to be annexed and caused a notice of hearing to be published; and

WHEREAS, a hearing on this Petition was held by this Board on April 17, 2013, in the Commissioners' Meeting Room, 428 W. Liberty St., Wooster, Ohio; and

WHEREAS, the record in this matter consists of the following:

- a. The Annexation Petition;
- b. The Notice of Petition for Annexation;
- c. A certification that notice of the filing of the Petition for Annexation was served by publication and by certified mail;
- d. The Ordinance or Resolution from the municipal corporation indicating the services that will be provided;
- e. Digital Recording of Public Hearing and Minutes prepared by Clerk of the Board of County Commissioners approved by the Board on April 24, 2013;

WHEREAS, based upon a preponderance of the substantial, reliable and probative evidence found within the record, this Board finds that:

1. The requirements stated in 709.033(A)(1) – (3) have been met, as stated above.
2. The territory proposed to be annexed is contiguous to the City of Wooster.
3. The territory proposed to be annexed is not unreasonably large; this matter was not in dispute because it consists of .526 acres.
4. On balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding areas will outweigh the detriments to the territory proposed to be annexed and the surrounding area RC 709.033(A)(5).
5. No street or highway will be divided or segmented by the boundary line between a township and the municipality as to create a road maintenance problem.

IT IS HEREBY RESOLVED that the Petition for Annexation be granted.

IT IS FURTHER RESOLVED that a certified copy of this Resolution be sent to the Fiscal Officer of the City of Wooster, the Fiscal Officer of Wayne Township and to the Agent for the Petitioner(s); and then if no appeal is filed within 30 days, certified copies of the Petition, map, and all other papers on file, and the record of these proceedings be delivered to the Fiscal Officer of the City of Wooster in accordance with RC 709.033.

The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.


Diane L. Austen, Clerk

April 17, 2013

The Board of Wayne County Commissioners met for **Public Hearing** with Commissioners Scott S. Wiggam, Jim Carmichael and Ann M. Obrecht in attendance regarding **Annexation 2013A1**. All those wishing to speak were sworn in by the clerk.

Supporting Testimony:

Agent for Petitioner, Atty. Matthew Long

All required notices have been given, notification has been printed in a local newspaper and Statement of Services has been approved by the City of Wooster.

Atty. Long stated the Petitioner, Habitat for Humanity, had requested the annexation for the purposes of bringing in city services for building a residential home on the property.

Opposing Testimony:

John Ott (residence - on the corner of Mechanicsburg & Linwood)

John Collier (residence – Lot 37 diagonal from property requested to be annexed)

Mr. Ott asked if there was documentation on the effects of Habitat Homes on neighborhood property values.

Atty. Long said he did not have any such data, however, Habitat has been building “top-shelf houses”.

Mr. Ott asked if there would be one or two houses placed on the property.

Atty. Long stated issue not related to the annexation itself and that the parcel would have to abide by City of Wooster Planning & Zoning the same as it does now due to the 3-mile outside of city limits rule.

Atty. Long suggested a call could be made to Habitat for Humanity President, Jane DalPra for more information regarding the specific project being contemplated.

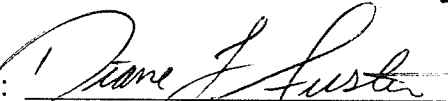
Mr. Collier mentioned there were two tax codes associated with the property and wanted to know if there will be two houses built, stating that if that is the case, he would object to that.


Atty. Long said the two tax accounts were simply how it was divided when the whole area was subdivided before Habitat acquired it.


There being no further business to come before the Board, Mrs. Obrecht moved the hearing be adjourned and Mr. Wiggam seconded the motion.

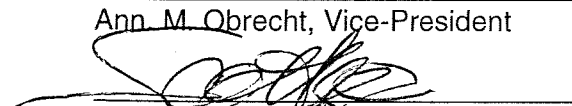
The vote is as follows: Jim Carmichael yea Ann M. Obrecht yea Scott S. Wiggam yea

Attest:


Diane L. Austen, Clerk


Jim Carmichael, President

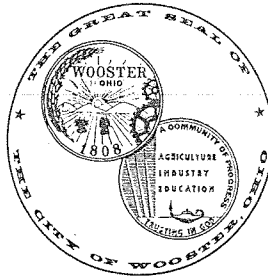

Ann M. Obrecht, Vice-President


Scott S. Wiggam, Member
Wayne County Commissioners

This Conveyance has been examined and the
Grantor has complied with Section 319.202
Of the Revised Code

Fee \$ _____
Exempt

JARRA L. UNDERWOOD, County Auditor



AMT. PD. \$1.00 DATE 9/27/2013
JARRA L. UNDERWOOD, AUDITOR
Linda Kohrer DEPUTY
LINDA KOHRER

WOOSTER CITY COUNCIL

538 N. Market Street • P.O. Box 1128
Wooster, Ohio 44691-7082
Phone 330-263-5200 • www.woosteroh.com

CERTIFICATE

I, Amy M. Hamilton, Clerk of Council for the City of Wooster, Ohio, do hereby certify to the Wayne County Auditor that attached hereto are copies of the petition, map, Resolution of Authorization from the Wayne County Commissioners and City of Wooster Ordinance #2013-26, all in relation to the annexation of two parcels (#53-00028.000, .283 acre and Parcel #53-00029.000, .243 acre) and, totaling .526 acres) on territory located on the east side of Mechanicsburg Road, north of its intersection with Crosswind Court. (Matthew A. Long, Esq., Agent for Petitioners Habitat for Humanity in Wayne County, Inc.)

Amy M Hamilton

Amy M. Hamilton
Clerk of Council
City of Wooster, Ohio

ORDINANCE NO. 2013-26

AN ORDINANCE ACCEPTING APPLICATION FOR THE ANNEXATION OF TERRITORY LOCATED ON THE EAST SIDE OF MECHANICSBURG ROAD, NORTH OF ITS INTERSECTION WITH CROSSWIND COURT, AND CONTIGUOUS TO THE CORPORATION LIMITS (Matthew A. Long, Esq., Agent for Petitioner Habitat for Humanity in Wayne County, Inc.)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That the proposed annexation (consisting of approx 0.526 ac.), as applied for in the petition described above, and as approved for annexation to the City of Wooster by the Board of County Commissioners of Wayne County on April 24, 2013, is hereby accepted. The territory to be annexed is described in the petition, a copy of which is attached hereto and incorporated herein by reference.

The certified transcript of the proceedings for annexation, together with an accurate map of the territory, the petition for annexation and other papers relating to the proceedings of the Wayne County Commissioners, are on file with the Clerk of this Council, and have been for more than sixty (60) days.

SECTION 2. The Clerk of Council is hereby directed to make three (3) 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 of Wayne County relating thereto, and a certificate as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the Wayne County Auditor, one copy to the Wayne County Recorder and one copy to the Secretary of State, and shall file notice of this annexation with the Wayne County Board of Elections within thirty (30) days after it becomes effective; and the Clerk shall do all other things required by law.

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 4. This Ordinance shall take effect and be in full force from and after the earliest date allowed by law.

1st reading 7-1-13 2nd reading 8-19-13 3rd reading 8-19-13

Passed: August 19, 2013

Vote: 7-0

Attest: Amy M Hamilton
Clerk of Council

Michael E. Bytler
President of Council

Approved: August 20, 2013

Rose Breuer
Mayor

Introduced by: Barbara A. Knapic

I hereby certify this is a true and correct copy of the original on file.

Amy M Hamilton
Clerk, Wooster City Council

PETITION FOR ANNEXATION

To the Board of Commissioners of Wayne County, State of Ohio

The undersigned, being a majority of the owners of real estate in the following described territory within the County of Wayne and adjacent to the City of Wooster, Ohio, petitions the Board of Commissioners of Wayne County, Ohio, to annex the territory described below to the City of Wooster. The territory to be annexed is fully described as follows:

See attached Exhibit A.

The Tax Account Numbers are: 53-00028.000 and 53-00029.000.

The parcels described herein for annexation consists of .526 acres.

An accurate map of this territory is attached hereto and incorporated herein as a part of this Petition as Exhibit B.

Matthew A. Long, 225 North Market Street, Wooster, Ohio, is hereby appointed and authorized to act as agent for the undersigned petitioner in securing such annexation with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area; to substitute an agent; to do any and all things essential thereto and to take any action necessary for obtaining the granting of this petition. Said amendment, alteration, change, correction, withdrawal, refile, substituting, compromise, increase or deletion, or other actions for granting of this petition shall be made in the petition, description and/or plat by said agent without further expressed consent of petitioner.

The total number of owners of real estate in the above-described territory is one (1).

Jane L. DalPra
Jane DalPra, President

Date: February 5th, 2013

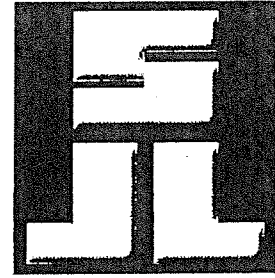
2013 FEB - 6 P 2:14
COUNTY CLERK
WAYNE COUNTY, OHIO

I hereby certify this is a true and correct copy of the original on file

Diane L. Austen
Wayne County Commissioners
Diane L. Austen

Exhibit A

**SHAFFER, JOHNSTON, LICHTENWALTER
& ASSOCIATES, INC.
ENGINEERS & SURVEYORS**



Boundary description of a 0.526 acre parcel

Job No. EW 832OB

Situated in the Township of Wayne, County of Wayne and State of Ohio and known as being a part of the Northwest and Northeast Quarters of Section 32, T-16N; R-13W, also known as being a part of lands conveyed to Habitat for Humanity in Wayne County Inc. in O.R. 731; Page 437 of Wayne County Official Records and further bound and described as follows:

Commencing at a 1" pipe found at the northeast corner of the Northwest Quarter of Section 32;

Thence S 00° 21' 42" E, 264.00 feet along the quarter section line to an angle iron found on the southerly line of lands conveyed to David R. and Melinda A. Martin in O.R. 355; Page 422 of Wayne County Official Records and the principal place of beginning of the parcel herein described:

THENCE WITH THE FOLLOWING FIVE (5) COURSES:

- 1) N 88° 37' 40" E, 52.72 feet along the southerly line of said Martin lands to a 1" angle iron found at the southeast corner thereof and on the Wooster City Corporation Line and the westerly line of Lot 8691 in Crosswinds Allotment as recorded in Volume 26; Page 110 of Wayne County Plat Records;
- 2) S 00° 21' 42" E, 200.90 feet along said corporation line and the westerly line of said Lot 8691 to a ¾" pipe found at the southwest corner of Lot 8691 and on the northerly right of way line of Crosswind Court;
- 3) S 88° 37' 40" W, 93.41 feet, passing through the quarter section line at 52.72 feet, along said corporation line and the northerly right of way line of Crosswind Court to a point in Mechanicsburg Road (C.R. 22) ~ witnessed by a capped pin marked "S.J.L., INC." found N 88° 37' 40" E, 30.52 feet;
- 4) N 12° 02' 29" W, 204.40 feet in Mechanicsburg Road (C.R. 22) to a point at the southwest corner of aforesaid Martin lands ~ witnessed by a capped pin marked "S.J.L., INC." found N 88° 37' 40" E, 30.52 feet;

Continued on Page 2

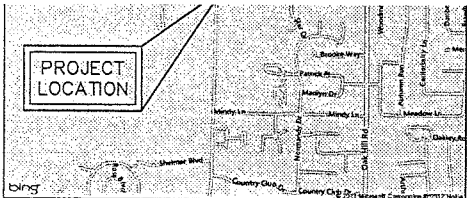
Page 2 (Description of 0.526 ac.)

- 5) **N 88° 37' 40" E, 82.08** feet along the southerly line of said Martin lands to the principal place of beginning and containing within said bounds 0.526 acre of land, of which 0.283 acre is in the Northwest Quarter of Section 32 and 0.243 acre is in the Northeast Quarter of Section 32, more or less, and subject to all legal highways and easements of record.

This description was prepared from a survey made by Mark E. Purdy, P.S. #7307 of Shaffer, Johnston, Lichtenwalter & Associates, Inc. in January of 2013.

Bearings are to an assumed meridian.

See Wayne County Survey Records Volume ____; Page ____ for survey.



LOCATION MAP

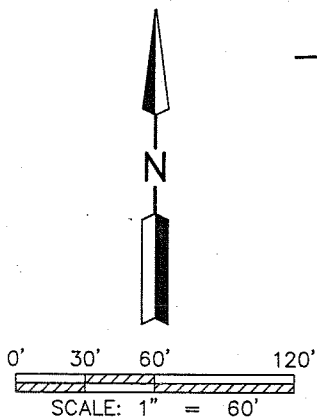
W. HIGHLAND AVENUE (C.R. 106)

REFERENCE SURVEY:

- 'M'-447
- 'R'-458
- 'AA'-279
- 'RR'-743

BASIS OF BEARING:
The bearings are to an assumed meridian.

- ✕ SPIKE FOUND
- I.P. OR PIPE FOUND
- 5/8" REBAR SET WITH I.D. CAP MARKED SJL INC



Approved by The Council of the City of Wooster this 19th day of August, 2013.

Robert F. Breussner Mayor
Ann M. Hamilton Clerk

Approved by Wayne County Commissioners this 25th day of Sept, 2013

Scott S. Wiggan SCOTT S. WIGGAN
Jim Carmichael JIM CARMICHAEL
Ann M. Obrecht ANN M. OBRECHT

Approved for Recording:

this ___ day of _____, 20__

Transferred:

this ___ day of _____, 20__

Filed for Record:

this ___ day of _____, 20__

___ @ ___ in Vol. ___ Pg. ___

AUDITOR:	_____
RECORDER:	_____
TOTAL:	_____

Distances shown hereon are expressed in feet and decimal parts thereof, bearings are to an assumed meridian and are used to express angles only, iron pins or monuments were found or set as indicated hereon. All of which I believe to be correct to the best of my knowledge.

By: *Mark E. Purdy* 1-17-13
Mark E. Purdy, P.S. #7307 Date

SHAFFER, JOHNSTON, LICHTENWALTER & ASSOCIATES, INC.
Consulting Engineers & Surveyors
3477 Commerce Parkway, Suite C
Wooster, Ohio 44691
TEL (330) 345-6377 FAX (330) 345-6725 EMAIL sjl@sjl-inc.com

DRAWN C. Falb	CHECKED	SCALE 1" = 60'	DATE 01/17/13
DWG NO: EW-832B-ANNEX		JOB NO: EW-8320B	
SHEET 1 OF 1			

