

907
Huddle Rd

ORDINANCE NO. 012-09

AN ORDINANCE ACCEPTING AN ANNEXATION OF PROPERTY AT THE LOCATION OF 907 HUDDLE ROAD AS WAS PETITIONED FOR BY DAVID B. WARD

WHEREAS, David B. Ward has filed a petition with the Henry County Board of Commissioners, pursuant to Chapter 709 of the ORC, specifically, 709.023 of the ORC that requested an expedited type 2 annexation, to annex territory consisting of 1.06 acres of land, more or less, to the City of Napoleon, said property situated in the Township of Napoleon, County of Henry; and, State of Ohio, being in the East part of the Northwest corner of the Southwest quarter of Section 24; and,

WHEREAS, City Council of Napoleon, Ohio, timely passed Ordinance No. 114-08 that agreed to road maintenance and provided a municipal service statement; Ordinance No. 115-08 relating to land use buffers; and, Ordinance No. 116-08 consenting to said annexation; and,

WHEREAS, the Township failed to object to said annexation, thereby constituting consent thereto; and,

WHEREAS, the City amended its service statement at the request of the Henry County Commissioners in Ordinance No. 004-09; and,

WHEREAS, on January 22, 2009, the Henry County Commissioners granted the annexation so requested; and,

WHEREAS, the record (transcript) of the annexation was received and filed with the Clerk of this Council on January 27, 2009 and thereafter was presented to Council by the Clerk on February 2, 2009; and as required by Section 709.04 of the ORC, was let lay before this Council for a period of at least 60 days;

Now Therefore,

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

Section 1. That, the annexation of certain territory that is the subject of this ordinance and more specifically described below is hereby accepted by this Council, being the legislative authority in and for the City of Napoleon, Ohio.

Situated in the Township of Napoleon, County of Henry and State of Ohio, and described as follows:

A parcel of land in the East part of the Northwest corner of the Southwest quarter of Section 24, and more particularly described as follows:

Beginning at an iron pin on the half section line of said section due East 462.04 feet from the corner stone at the Northwest corner of said Southwest quarter section; thence South 00 degrees 15 minutes West, said line parallel to the West section line of said section, 461 feet to an iron pin; thence due East, parallel with the half section line of said section, 100 feet to an iron pin, thence North 00 degrees 15 minutes East, parallel with the West

line of said section, 461 feet to an iron pin on the East and West half section line; thence due West on the half section line 100 feet to the place of beginning, containing 1.06 acres of land, more or less.

Section 2. The Clerk of this Council shall upon the effective date of this Ordinance forward the transcript, including this Ordinance, to the Henry County Recorder, Henry County Auditor, the Henry County Board of Elections and the Ohio Secretary of State.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.


Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 5. That, this Ordinance is effective at the earliest time permitted by law.

Passed: April 6, 2009


Glenn A. Miller, Council President

Approved: LAPRLOS

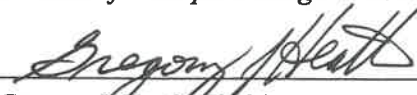

J. Andrew Small, Mayor

VOTE ON PASSAGE 5 Yea 0 Nay 0 Abstain

Attest:


Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 012-09 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 11 day of April, 2009; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.


Gregory J. Heath, Clerk/Finance Director

CERTIFICATION

I, Gregory J. Heath, Clerk of Council/Finance Director of the City of Napoleon, Ohio, do hereby certify this to be a true and accurate copy of Ordinance No. 012-09 of the City of Napoleon, Ohio.



Gregory J. Heath, Clerk of Council/Finance Director

04 / 23 / 2009
Date

SEAL

AUDITORS OFFICE
TRANSFERRED

JUL 23 2009


HENRY CO. AUDITOR

✓ CT

200900075738
Filed for Record in
HENRY COUNTY OHIO
SARA L. NYLES
07-23-2009 At 02:34 pm.
ORDINANCE 300.00
OR Volume 245 Page 466 - 501

200900075738
CITY OF NAPOLEON
PICK UP

City of Napoleon, Ohio
COUNCIL MEETING MINUTES

Monday, April 6, 2009 at 8:00 PM

PRESENT

Council: Glenn Miller (President), Terri Williams, Michael DeWit, John Helberg, James Hershberger
Mayor: J. Andrew Small
City Manager: Dr. Jon A. Bisher
City Law Director: David Grahn
Acting Finance Director: Christine R. Peddicord
Recorder: Barbara Nelson
City Staff: John Becker, Electric Superintendent
Robert Bennett, Fire Chief
Chad Lulfs, City Engineer
Robert Weitzel, Police Chief
Others: Marlyn Krueger; Mary Fran Meekison; Janet Creager; Ken Krueger; John & Janice Leatherman; Marian & J. H. Moden, Jr.; Charlyn Brickner; Kevin Kent; Todd Walters; Heather Miller-Klingler; Shane Klingler; Suzanne & Dean Flightner; Peggy, Jan & Bruce Buckmaster; Eric Holzer; S. Etzler; Earl & Barbara George; Jenell Westhoven; Craig Vogel; Martha, Philip & Michael Menzel; Betsy Aten; Terry Roehl; Matthew Back; Tammy Hall; Chad Hartson; Mark Wantland; Sean & Kelly Wallace; Karsyn McGinn; Sue Kloor; Jeff Rahmel; News Media

ABSENT

Council: Travis Sheaffer, Jeffrey Lankenau
City Staff: Gregory J. Heath, Finance Director/Clerk of Council

Call To Order Council President Miller called the meeting to order at 8:00 PM with the Lord's Prayer.

Approval Of Minutes Minutes of the March 16th Council meeting stand approved with no objections.
Minutes of the March 23rd Council meeting stand approved with no objections.

Citizen Communication
Re: President Miller introduced Marlyn Krueger, who is a resident of W. Washington Street. Krueger gave a presentation titled "The Need for Trees" regarding the proposed removal of trees on W. Washington Street. Her presentation cited reasons to include trees in planning/implementation of City projects: economic value, energy savings, air pollution control, better for business, social value, calming effect on traffic, protecting people on sidewalks, helping children toward better lives, preserving integrity of historic areas, integral part of city's infrastructure, providing better quality of life, enhancing landscape and property values.
W. Washington St.
Project

Krueger reported survey results from over 100 W. Washington St. residents regarding the upcoming project there:

- ❖ Want trees – 99% Yes
- ❖ 5' (or wider) sidewalks - 70% want to retain them
- ❖ Boulevards - 100% want to keep them
- ❖ Street width - 62% keep the same, 17% prefer wider, 21% OK either way
- ❖ Utilities buried from alley to lamp posts - 85% Yes and 15% cost concerns
- ❖ Parking on the street - 69% No, 28% Yes, 3% OK either way
- ❖ Ornamental lights – 91% Yes, 9% No, if they have to pay for them – residents asked the proposed cost for standard lighting

Krueger relayed some suggestions received from residents during the survey:

Safety & Human Resources Committee Technology And Communications Committee

President Miller reported that the Safety and Human Resources Committee meeting scheduled for March 23 was canceled due to lack of agenda items. Acting Chair Helberg reported that the Technology and Communications Committee met on March 23 and recommended:

- a. That Council approve the Disaster Recovery Plan for Information Systems
- b. That Council approve the Long Range Information Technology Strategic Plan
- c. That the City Manager and MIS Director determine the cost and feasibility of commissioning a RF Study.

Finance And Budget Committee

Chairperson Williams reported that the Finance and Budget Committee met tonight and took the following action:

- a. Approved first quarter budget adjustments.
- b. Tabled review of funding for downtown revitalization pending information on revenues from hotel/motel tax.

Motion To Remove Ordinance No. 012-09 From The Table

Motion: Williams Second: DeWit
To remove Ordinance No. 012-09 from the table

Passed
Yea-5
Nay-0

Roll call vote on above motion:
Yea- Helberg, Hershberger, Miller, Williams, DeWit
Nay-

Introduction Of Ordinance No. 012-09

President Miller read by title Ordinance No. 012-09 An Ordinance Accepting an Annexation of Property at the Location of 907 Huddle Road as was Petitioned for by David B. Ward

Motion To Approve First Read Of 012-09

Motion: Williams Second: DeWit
To approve first read of Ordinance No. 012-09

Discussion For 012-09

Grahn said this annexation was approved by the County Commissioners. It lay on the table since 2/2/09. A public hearing was held with no objections stated. It must be passed and in effect no later than 120 days after it was received.

Motion To Suspend The Rules For 012-09

Motion: DeWit Second: Hershberger
To suspend the rules requiring three readings for Ordinance No. 012-09

Passed
Yea-5
Nay-0

Roll call vote on above motion:
Yea- Helberg, Hershberger, Miller, Williams, DeWit
Nay-

Passed
Yea-5
Nay-0

Roll call vote to pass Ordinance No. 012-09 under suspension of rules.
Yea- Helberg, Hershberger, Miller, Williams, DeWit
Nay-

Ordinance No. 019-09 To Be Introduced 4/20/09

President Miller stated that Ordinance No. 019-09 will be introduced on April 20, 2009 following a Public Hearing.

Motion To Set Public Hearing For 4/20/09

Motion: Williams Second: DeWit
To set a public hearing for 7:55 PM on April 20.

Passed
Yea-5
Nay-0

Roll call vote on above motion:
Yea- Helberg, Hershberger, Miller, Williams, DeWit
Nay-

DeWit

DeWit suggested Council consider alternate lighting for W. Washington St. since residents there are so insistent. Mayor Small said Bisher will inform residents of the standard allowance per light and they must pay the difference if they prefer alternate lighting. Bisher said this issue normally goes away when someone won't pay. That is why he suggested they go block by block. Becker said decorative lights must meet the standard for lumens. He will get rules regarding spacing, etc. DeWit asked if this can still be added to the base project. Bisher said we've never done this before. DeWit said we've never planted trees before either.

Helberg

Helberg suggested Council consider using roundabouts to eliminate traffic problems (e.g. the five point intersection). Many locations in Lucas County now have roundabouts. Bisher said it is a good idea, but takes up a lot of space and could require property acquisition.

Hershberger

Hershberger thanked Council for their support during his operation. He is happy to be back. President Miller said everyone is happy to have him back.

Peddicord

Peddicord said we are 1-1/2 months ahead of schedule on the audit and should finalize in a couple of weeks.

Grahn

Grahn informed Council that he spoke with the attorney for Brooks Contracting and made a request for settlement. If they don't settle, Grahn will be coming to Council with a request to pursue litigation.

President Miller

President Miller – No items

Bisher

Bisher – No items

Mayor Small

Mayor Small asked Council to approve appointment of Chris Peper to CIC Board.

**Motion To Approve
CIC Board Apptmt.**

Motion: DeWit Second: Hershberger
To approve appointment of Chris Peper to the CIC Board.

**Passed
Yea-5
Nay-0**

Roll call vote on above motion:
Yea - Helberg, Hershberger, Miller, Williams, DeWit
Nay -

Williams

Williams – No items

Approval Of Bills

Bills and reports stand approved as presented with no objections.

Motion To Adjourn

Motion: Williams Second: DeWit
To adjourn the meeting.

**Passed
Yea -5
Nay -0**

Roll call vote on above motion:
Yea- Helberg, Hershberger, Miller, Williams, DeWit
Nay-

Adjournment

Meeting adjourned at 10:33 PM.


Glenn A. Miller, Council President

Approved:
April 20, 2009



J. Andrew Small, Mayor



Gregory J. Heath, Finance Director/Clerk of Council

CERTIFICATION

I, Gregory J. Heath, Finance Director of the City of Napoleon, Ohio, do hereby certify that the above Council minutes of April 6, 2009, is a true and accurate copy of Council minutes of April 6, 2009, of the City of Napoleon, Ohio.



Gregory J. Heath, Finance Director

04, 23, 2009
Date

SEAL

**PETITION TO ANNEX
Pursuant to O.R.C. Section 709.023**

Now comes David B. Ward, sole owner of the following described real estate with a mailing address of 907 Huddle Rd., Napoleon, Ohio, who petitions for the annexation of said real estate to the City of Napoleon, Ohio pursuant to O.R.C. Section 709.023.

Attached hereto is a survey of said real estate. My agent for these proceedings is Richard A. Fisher, P.O. Box 605, Napoleon, Ohio 43545, rfisher@hannafisher.com, Phone: 419-599-1010; Fax: 419-599-0770.

Situated in the Township of Napoleon, County of Henry and State of Ohio, and described as follows:

A parcel of land in the East part of the Northwest corner of the Southwest quarter of Section 24, and more particularly described as follows:

Beginning at an iron pin on the half section line of said section due East 462.04 feet from the corner stone at the Northwest corner of said Southwest quarter section; thence South 00 degrees 15 minutes West, said line parallel to the West section line of said section, 461 feet to an iron pin; thence due East, parallel with the half section line of said section, 100 feet to an iron pin; thence North 00 degrees 15 minutes East, parallel with the West line of said section, 461 feet to an iron pin on the East and West half section line; thence due West on the half section line 100 feet to the place of beginning, containing 1.06 acres of land, more or less.

Permanent Parcel No. 7-240004.0000

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.



Petitioner, David B. Ward



Date signed

TO: Vicki Glick, Clerk of Henry County Commissioners, Henry County, Ohio

NOTICE PURSUANT TO O.R.C. SECTION 709.023

Please be advised that on December 10, 2008 at 9:55 a.m. a Petition To Annex was filed with the Clerk of the Henry County Commissioners, Henry County, Ohio. Attached hereto is a copy of the Petition To Annex as well as a copy of documents which accompanied the Petition To Annex.

DEC 10 2008

**Henry County Commissioners
Henry County Office Complex
1853 Oakwood Avenue
Napoleon, Ohio 43545**

PARCEL TO BE ANNEXED:

Situated in the Township of Napoleon, County of Henry and State of Ohio, and described as follows:

A parcel of land in the East part of the Northwest corner of the Southwest quarter of Section 24, and more particularly described as follows:

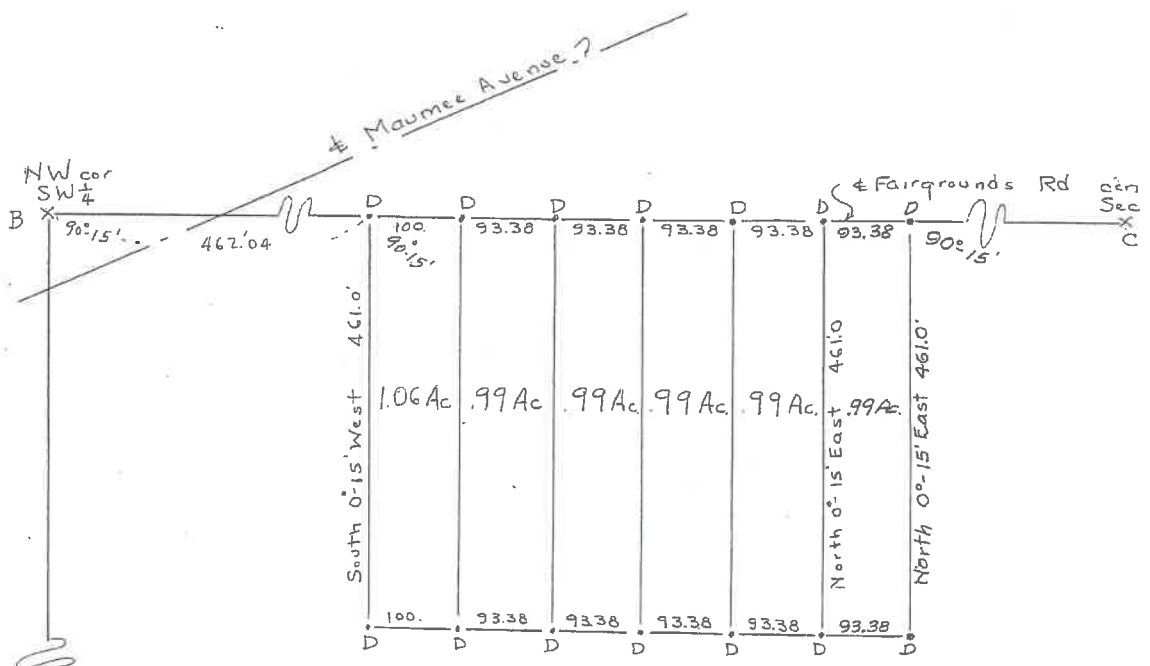
Beginning at an iron pin on the half section line of said section due East 462.04 feet from the corner stone at the Northwest corner of said Southwest quarter section; thence South 00 degrees 15 minutes West, said line parallel to the West section line of said section, 461 feet to an iron pin; thence due East, parallel with the half section line of said section, 100 feet to an iron pin; thence North 00 degrees 15 minutes East, parallel with the West line of said section, 461 feet to an iron pin on the East and West half section line; thence due West on the half section line 100 feet to the place of beginning, containing 1.06 acres of land, more or less.

Permanent Parcel No. 7-240004.0000

Owners Of Parcels Adjacent to or across the road from parcel to be annexed:

- 1) Permanent Parcel No. 7-240020.0000, Timothy Thayer, 658 Appian Ave., Napoleon, Ohio
- 2) Permanent Parcel No. 7-240006.0000, Jerry Walker, 893 Huddle Rd., Napoleon, Ohio
- 3) Permanent Parcel No. 7-240024.0000, Janice Leatherman, Trustee, 543 W. Washington St., Napoleon, Ohio
- 4) Permanent Parcel No. 41-009335.0860, Peace Reformed Church, 638 Huddle Rd., Napoleon, Ohio
- 5) Permanent Parcel No. 41-009335.1060, Gladys Wagner, a life estate, 755 W. Maumee Ave., Napoleon, Ohio; Richard J. Buddelmeyer, fifty percent (50%) remainder interest, 4240 Luck Ave., Little River, South Carolina 29566; Scott M. Buddelmeyer, fifty percent (50%) remainder interest, 422 John St., Holgate, Ohio.

Survey in SW 1/4 Sec. 24 Napoleon Twp. Henry County Ohio



- A - Stone found previous survey
- B - Pipe beside stone found - previous survey
- C - Pipe over stone found previous survey.
- D - Iron pins placed.

I hereby certify the above plat and survey to be correct.
 Surveyed 3-4-46

Carl H. Gerken

AFFIDAVIT

STATE OF OHIO
County of Henry, ss:

The undersigned, Andrea M. Nichols, being first duly sworn according to law, does state and affirm as follows:

I personally served a copy of the Petition To Annex for Petitioner, David B. Ward, upon Vicki Glick, Clerk of the Henry County Commissioners, this 10th day of December, 2008.

Further affiant saith naught.

Andrea M. Nichols
Andrea M. Nichols

Sworn to before me and subscribed in my presence this 10th day of December, 2008.

SEAL

Catherine E. DeWitt
Notary Public, State of Ohio
CATHERINE E. DEWITT
Notary Public, State of Ohio
My Commission Expires
February 19, 2011

RESOLUTION

IN THE MATTER OF ANNEXATION OF A PARCEL OF LAND LOCATED IN NAPOLEON TOWNSHIP INTO THE CITY OF NAPOLEON, OHIO - Petitioner, David B. Ward

PETITION SUBMITTED

Pursuant to O.R.C. Section 709.023 (B) Permanent Parcel No. 7-240004.0000

On this 11th day of December, 2008, Mr. Myers moved the adoption of the following RESOLUTION:

WHEREAS, Attorney Richard A. Fisher, acting as Agent for Petitioner, David B. Ward, filed with the Board of Henry County Commissioners a Petition To Annex pursuant to O.R.C. Section 709.023 for a parcel of land located in the Township of Napoleon, County of Henry and State of Ohio, and which parcel of land is located in the East part of the Northwest corner of the Southwest quarter of Section 24, containing 1.06 acres of land, more or less, into the City of Napoleon, Ohio, (copy of document attached), now therefore be it

RESOLVED, That the Board of Henry County Commissioners do hereby accept the Annexation Petition as submitted and enter said Annexation Petition upon the Commissioners' Journal and to act upon the Petition within 25 days after the Petition is filed.

AND BE IT FURTHER RESOLVED, That it is found and determined that all formal actions of this Board concerning and relating to the adoption of the Resolution were so adopted in an open meeting of this Board and that any deliberations of this Board and any of its committees that resulted in such formal actions were in a meeting open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Mr. Bennett seconded the resolution and the roll being called upon for its adoption, the vote resulted as follows:

Richard J. Bennett YEA
Richard J. Bennett
Richard C. Myers YEA
Richard C. Myers

Attest:

Vicki R. Glick
Vicki R. Glick, Clerk

THOMAS H. VON DEYLEN (Absent)
Thomas H. Von Deylen

I hereby certify that the foregoing is a true and exact copy of Resolution No. 197-04-B duly passed by the Board of County Commissioners, Henry County, Ohio, at its meeting on 12/11/08.

197-04-B

Vicki R. Glick
Clerk of the Board 11/27/09

ORDINANCE NO. 114-08

AN ORDINANCE ADOPTING A MUNICIPAL SERVICE STATEMENT FOR A CERTAIN ANNEXATION PETITIONED BY DAVID B. WARD AT THE LOCATION OF 907 HUDDLE ROAD, AGREEING TO ROAD MAINTENANCE; AND DECLARING AN EMERGENCY

WHEREAS, on December 10, 2008, David B. Ward caused to be filed an annexation petition with the Henry County Board of County Commissioners pursuant to ORC 709.023 to annex real estate with a mailing address of 907 Huddle Road, Napoleon, Henry County, Ohio; and,

WHEREAS, the municipality is required, within 20 days after the petition is filed, to adopt an ordinance or resolution relating to municipal services to be provided to the territory if the territory proposed to be annexed is annexed; Now Therefore,

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

Section 1. That, if territory that is the subject of this ordinance and as more specifically described below is annexed, the municipality will provide, the following municipal services to the extent as provided to other parts of the municipality and subject to continuation of such services to other parts of the municipality:

1. Police Service Protection (effective date being immediate upon annexation)
2. Fire Service Protection (effective date being immediate upon annexation)
3. Emergency Medical Service (effective date being immediate upon annexation)
4. Water Service (effective date being immediate upon annexation)
5. Electrical Service (effective date being immediate upon annexation)
6. Residential Garbage Service (effective date immediate upon annexation)

Situated in the Township of Napoleon, County of Henry and State of Ohio, and described as follows:

A parcel of land in the East part of the Northwest corner of the Southwest quarter of Section 24, and more particularly described as follows:

Beginning at an iron pin on the half section line of said section due East 462.04 feet from the corner stone at the Northwest corner of said Southwest quarter section; thence South 00 degrees 15 minutes West, said line parallel to the West section line of said section, 461 feet to an iron pin; thence due East, parallel with the half section line of said section, 100 feet to an iron pin, thence North 00 degrees 15 minutes East, parallel with the West line of said section, 461 feet to an iron pin on the East and West half section line; thence due West on the half section line 100 feet to the place of beginning, containing 1.06 acres of land, more or less.

Section 2. That, in the event a street or highway will be divided or segmented by the boundary line between the municipality and township as to create a road maintenance problem, the municipality will agree as a condition of annexation to assume maintenance of that street or highway or to otherwise correct the problem.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 5. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to timely meet the statutory requirements for filing this ordinance with the Board of Henry County Commissioners; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: December 29, 2008


Glenn A. Miller, Council President

Approved: 29 DECEMBER 08


J. Andrew Small, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:


Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 114-08 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 5 day of January, 2009; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.


Gregory J. Heath, Clerk/Finance Director

CERTIFICATION

I, Gregory J. Heath, Clerk of Council/Finance Director for the City of Napoleon, Ohio, do hereby certify that the attached copy of Ordinance No. 114-08 is a true and accurate copy of Ordinance No. 114-08 of the City of Napoleon, Ohio.



Gregory J. Heath, Clerk of Council/Finance Director

12/30/2008
Date

SEAL

DEC 30 2008
Linda R. Gluck
Clerk

ORDINANCE NO. 115-08

**AN ORDINANCE RELATING TO LAND USES AND ZONING
BUFFERS FOR A CERTAIN ANNEXATION FILED BY DAVID B.
WARD AT THE LOCATION OF 907 HUDDLE ROAD AND
DECLARING AN EMERGENCY**

WHEREAS, on December 10, 2008, David B. Ward caused to be filed an annexation petition with the Henry County Board of County Commissioners pursuant to ORC 709.023 to annex real estate with a mailing address of 907 Huddle Road, Napoleon, Henry County, Ohio; and,

WHEREAS, the municipality is required, within 20 days after the petition is filed, to adopt an ordinance or resolution relating to land uses and zoning buffers if the territory proposed to be annexed is currently subject to either county or township zoning; and,

WHEREAS, the territory proposed for annexation currently is sited in Napoleon Township and subject to township zoning; Now Therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON,
OHIO:**

Section 1. That, if territory that is the subject of this ordinance and more specifically described below is annexed, and becomes subject to the municipalities zoning, and the municipal zoning permits uses in the annexed territory that the municipality determines are clearly incompatible with uses under the current county or township zoning in the adjacent land remaining in the township, from which territory was annexed, then the municipality will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the uses of the annexed territory and the adjacent land remaining in the township.

Situated in the Township of Napoleon, County of Henry and State of Ohio, and described as follows:

A parcel of land in the East part of the Northwest corner of the Southwest quarter of Section 24, and more particularly described as follows:

Beginning at an iron pin on the half section line of said section due East 462.04 feet from the corner stone at the Northwest corner of said Southwest quarter section; thence South 00 degrees 15 minutes West, said line parallel to the West section line of said section, 461 feet to an iron pin; thence due East, parallel with the half section line of said section, 100 feet to an iron pin, thence North 00 degrees 15 minutes East, parallel with the West line of said section, 461 feet to an iron pin on the East and West half section line; thence due West on the half section line 100 feet to the place of beginning, containing 1.06 acres of land, more or less.

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal

requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

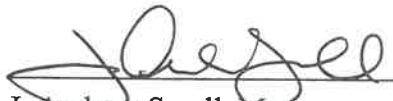
Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to timely meet the statutory requirements for filing this ordinance with the Board of Henry County Commissioners; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: December 29, 2008


Glenn A. Miller, Council President

Approved: 29 DECEMBER 08


J. Andrew Small, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:


Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 115-08 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 5 day of January, 2009; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.


Gregory J. Heath, Clerk/Finance Director

CERTIFICATION

I, Gregory J. Heath, Clerk of Council/Finance Director for the City of Napoleon, Ohio, do hereby certify that the attached copy of Ordinance No. 115-08 is a true and accurate copy of Ordinance No. 115-08 of the City of Napoleon, Ohio.



Gregory J. Heath, Clerk of Council/Finance Director

12, 30, 2008
Date

SEAL

DEC 30 2008
Linda R. Gleich
Clerk

ORDINANCE NO. 116-08

**AN ORDINANCE CONSENTING TO AN ANNEXATION
PETITIONED BY DAVID B. WARD AT THE LOCATION OF 907
HUDDLE ROAD; AND DECLARING AN EMERGENCY**

WHEREAS, on December 10, 2008, David B. Ward caused to be filed an annexation petition with the Henry County Board of County Commissioners pursuant to ORC 709.023 to annex real estate with a mailing address of 907 Huddle Road, Napoleon, Henry County, Ohio; and,

WHEREAS, the municipality is required to timely adopt an ordinance or resolution consenting to the annexation if it decides to so consent; Now Therefore,

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

Section 1. That, the annexation of certain territory that is the subject of this ordinance and more specifically described below is consented to by this Municipality.

Situated in the Township of Napoleon, County of Henry and State of Ohio, and described as follows:

A parcel of land in the East part of the Northwest corner of the Southwest quarter of Section 24, and more particularly described as follows:

Beginning at an iron pin on the half section line of said section due East 462.04 feet from the corner stone at the Northwest corner of said Southwest quarter section; thence South 00 degrees 15 minutes West, said line parallel to the West section line of said section, 461 feet to an iron pin; thence due East, parallel with the half section line of said section, 100 feet to an iron pin, thence North 00 degrees 15 minutes East, parallel with the West line of said section, 461 feet to an iron pin on the East and West half section line; thence due West on the half section line 100 feet to the place of beginning, containing 1.06 acres of land, more or less.

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to timely meet the statutory requirements for filing this ordinance

with the Board of Henry County Commissioners; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: December 29, 2008

[Signature]
Glenn A. Miller, Council President

Approved: 29 DECEMBER 08

[Signature]
J. Andrew Small, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:

[Signature]
Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 116-08 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 5 day of January, 2009; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

[Signature]
Gregory J. Heath, Clerk/Finance Director

DEC 30 2008
[Signature]
Clerk

CERTIFICATION

I, Gregory J. Heath, Finance Director of the City of Napoleon, Ohio, do hereby certify that the above Ordinance No. 116-08 is a true and accurate copy of Ordinance No. 116-08 of the City of Napoleon, Ohio.

[Signature]
SEAL
Gregory J. Heath, Finance Director

Date 12/30/2008



City of NAPOLEON, Ohio

255 WEST RIVERVIEW AVENUE • P.O. BOX 151
NAPOLEON, OHIO 43545-0151
PHONE: (419) 592-4010 • FAX: (419) 599-8393
WEB PAGE: www.napoleonohio.com

JAN 07 2009

January 6, 2009

MAYOR
J. Andrew Small

Henry County Board of Commissioners
1853 Oakwood Avenue
Napoleon, Ohio 43545

COUNCILMEMBERS
Glenn A. Miller, President
Terri A. Williams
Michael J. DeWit
John A. Helberg
Jim Hershberger
Jeffrey R. Lankenau
Travis A. Sheaffer

RE: Huddle Road Annexation

Dear Board:

I write in regard to the sanitary sewer line that is located adjacent to lots 815, 833, 855, 873, 893, and 907 which is on the south side of Huddle Road. As City Manager, I assert that once a majority of the above identified lots on the south side of Huddle Road become annexed to the City, I will both support and encourage City Council to accept the said sewer line once properly offered to the City for transfer of ownership and control by the Henry County Sewer District and/or Township; moreover, thereafter maintain the said sewer line.

CITY MANAGER
Jon A. Bisher

CITY LAW DIRECTOR
David M. Grahn

CITY FINANCE DIRECTOR
Gregory J. Heath

CITY ENGINEER
Chad E. Lulfs, P.E., P.S.

Sincerely,

Dr. Jon A. Bisher
City Manager

JAB:rd

cc: Melissa Peper Firestone, Asst. County Prosecutor

Records Retention
CM-5
1 Year



SCANNED

RESOLUTION

IN THE MATTER OF TABLING ADOPTION OF DAVID WARD ANNEXATION PETITION AND WAIVING TIME FRAMES

APPROVAL

On this 8th day of January, 2009, Mr. Von Deylen moved the adoption of the following RESOLUTION:

WHEREAS, The Board of Henry County Commissioners met with Attorney Melissa Firestone, Attorney David Grahn, Attorney Richard Fisher, Napoleon Township Trustee Ed Hoeffel and Petitioner David Ward to discuss the Annexation Petition submitted by David Ward and the questions regarding sewer services to his property, and

WHEREAS, the questions about sewer services are still unresolved, all agreed to table the adoption of this Annexation Petition and waiving the time frames in order to resolve various questions and address the Annexation Petition within the 45 day review period, which will be up on January 25, 2009, now therefore be it

RESOLVED, That the Board of Henry County Commissioners do hereby approve of tabling the adoption of the Annexation Petition filed by David Ward and waive the time frames in order to resolve various questions and address the Annexation Petition within the 45 day review period, which will be up on January 25, 2009.

AND BE IT FURTHER RESOLVED, That it is found and determined that all formal actions of this Board concerning and relating to the adoption of the Resolution were so adopted in an open meeting of this Board and that any deliberations of this Board and any of its committees that resulted in such formal actions were in a meeting open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Mr. Hasted seconded the resolution and the roll being called upon for its adoption, the vote resulted as follows:

Richard C. Myers YEA
Richard C. Myers

Thomas H. Von Deylen YEA
Thomas H. Von Deylen

Robert E. Hastedt YEA
Robert E. Hastedt

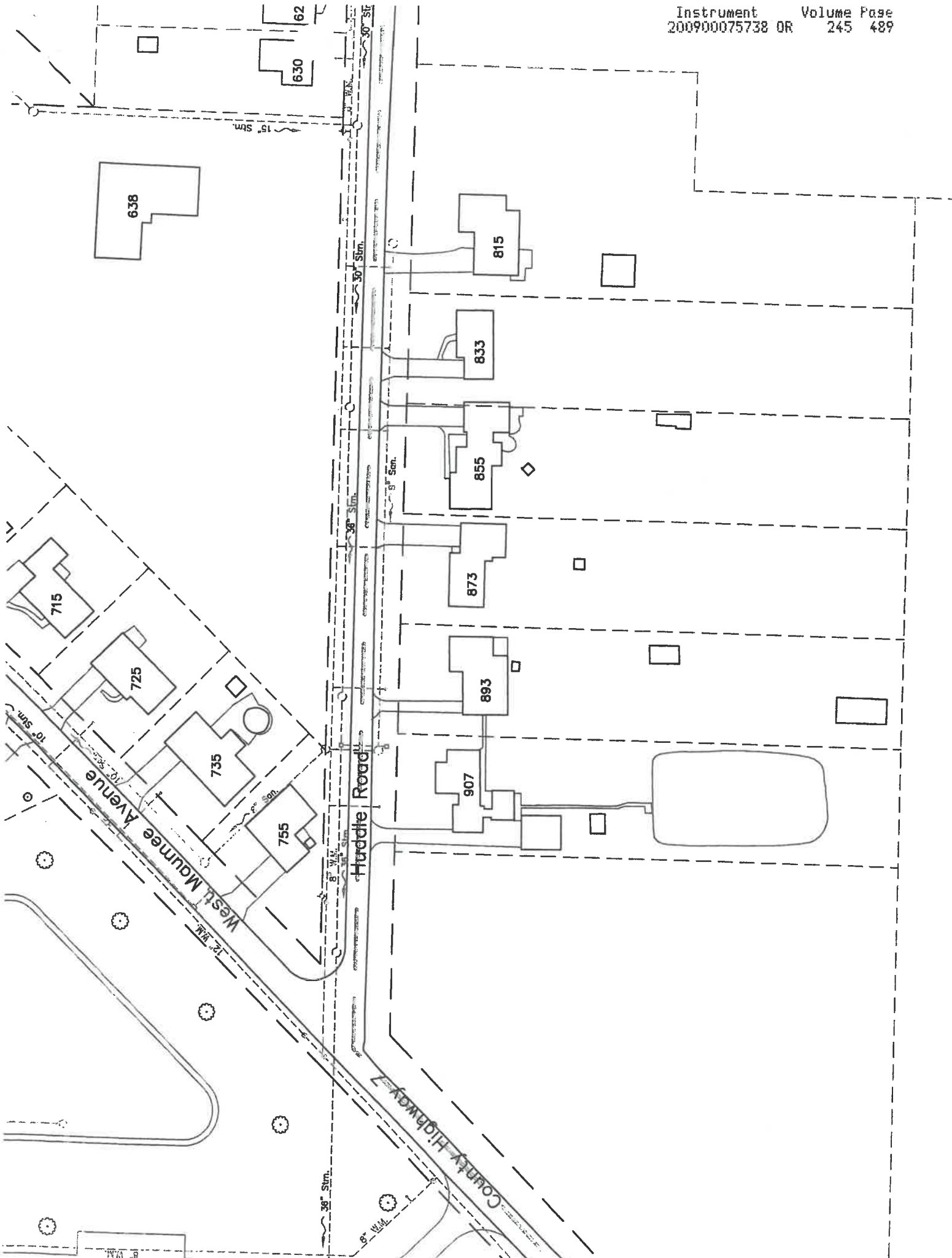
Attest:

Vicki R. Glick
Vicki R. Glick, Clerk

I hereby certify that the foregoing is a true and exact copy of Resolution No. 197-10-A duly passed by the Board of County Commissioners, Henry County, Ohio, at its meeting on 1/8/09.

197-10-A

Vicki R. Glick
Clerk of the Board 1/27/09



197 – 10

The Board of Henry County Commissioners met in regular session on this 8th day of January, 2009 with Richard C. Myers, Thomas H. Von Deylen and Robert E. Hastedt present.

The Board approved bills, minutes and signed resolutions.

8:30 a.m. Consideration of the Petition for Annexation filed by David Ward

In attendance: Attorneys Melissa Firestone, David Grahn and Richard Fisher; Napoleon Township Trustee Ed Hoeffel; Petitioner David Ward; and Planner Nick Rettig

A motion was made by Commissioner Von Deylen and seconded by Commissioner Hastedt to remove the issue from being tabled on consideration of the Petition for Annexation filed by David Ward in order to discuss this Petition and the concerns raised.

Mr. Myers – Yes

Mr. Von Deylen – Yes

Mr. Hastedt – Yes

- **Attorney Firestone –** There are concerns to ownership of the sewer line on Huddle Road. On the plat for this sewer line there is no sign off by the county and the county was not involved.
- **Planner Nick Rettig –** The sewer line was put in by the city and the township. There were city/county agreements that have been terminated. Nothing shows ownership.
- **Commissioner Von Deylen –** Has concerns that after all the properties are annexed in to the city that the city could cut off services. Commissioners want to make sure that those properties annexed in that there will be assurance that no cut off of services will happen.
- **Attorney Grahn –** Mr. Ward did file a lawsuit about the sewer line. There was an agreement given to the county in 1983 but that agreement has been terminated. The county did receive a letter from City Manager Jon Bisher as a "Letter of Intent" that the city does not object to take the line, if the Board wants to turn over to the city now and the city would accept maintenance. After the city has approved, Mr. Ward would get a reduction in rates.
- **Commissioner Von Deylen –** The Water & Sewer Board would get the sewer line from the city. In an Expedited Type 2 Annexation the owner waives all rights of appeal. There are conditions that must be met according Ohio Revised Code with services to be provided. Tom is looking for completeness. The Ordinance showing services is poorly written. Are there any objections?
- **Attorney Grahn –** There were no objections raised by the city or the township within in the time frame. Mr. Ward's property is the first one that has been filed. Nick is a blessing to the county. The city is part of the county. Water & Sewer Agreements stifles growth. The city is in a partnership with the county. Once the District clears up ownership the city would accept the sewer line and that would make David Ward a part of the city.
- **Commissioner Von Deylen –** Wants ownership of lines cleared up. Huddle Road line is not the city's but the Filling Home line is. Looking for consistency.
- **Attorney Grahn –** Looking at documents and who installed each line and each line needs to be looked at independently. The city is here to support the Petition.
- **Commissioner Von Deylen –** Ed, does the township have any objections to the ordinances?
- **Attorney Grahn –** An objection had to be made within 25 days of the filing of the Petition.
- **Ed Hoeffel –** The Napoleon Township Trustees held their last meeting on December 24, 2008. Ed has not seen the Petition. Susan Witt signed for it on December 15, 2008. Has not seen the Ordinances.
- **Commissioner Von Deylen –** Called CCAO and was told if the city has not adequately addressed the sewer issue can deny. If the city cannot offer any services can David Ward withdraw his Petition?
- **David Ward –** Are the services up to code? Who owns the electric pole in back of his house? It is not up to code? Being forced to annex.
- **Commissioner Myers –** Why didn't Ordinance include sewer?
- **Attorney Grahn –** Ownership not clear.
- **Attorney Firestone –** Can we add language that would say tentatively that the city would own the line in the future?
- **Commissioner Von Deylen –** If this was reversed, you (David Grahn) would require that it be in there. I know you would.
- **Attorney Grahn –** Commissioners need to either approve or not approve the Petition. Tom has a genuine concern but you need to follow the law on what you do hereby today.
- **Attorney Firestone –** In that there we no objections by the township or Mr. Ward you need to approve the Petition.
- **Commissioner Myers –** What happens to the next annexation?
- **Attorney Grahn –** The Water & Sewer District needs to dedicate the line to the city.
- **Commissioner Von Deylen –** What if we deny it today?
- **Attorney Grahn –** There is time and money involved in publishing the Ordinances. We will correct the issue depending on the Water & Sewer District does...

- **Attorney Fisher – Why didn't we receive copies of the Ordinances?
- **Attorney Grahn – Mr. Ward can't object but he can withdraw his Petition.
- **Attorney Fisher – If Mr. Ward doesn't withdraw what are his assurances he will have services?
- **Attorney Grahn – The city wouldn't take away services but the District could.
- **Attorney Fisher – Wants something in the Ordinances about sewer services.
- **Attorney Grahn – Are we in agreement to consent to waive the time frames and add wording to accept the sewer line upon establishing ownership of the line?
- **David Ward – EPA forced him to be hooked into the sewer line; all the outlets were cut; hooked back into the storm sewer; had back-up into his house.
- **Trustee Ed Hoeffel – Next township meeting is January 19, 2009 and this issue will be discussed.
- **Planner Nick Rettig – Nick will schedule a Special Water & Sewer District meeting – scheduled for January 12, 2009 at 3:30 p.m.

RESOLUTION A – Approve tabling adoption of Annexation Petition filed by David Ward and consent to waiving of time frames from the filing of the Petition, in order to review issues concerning the annexation and the questions in regard to sewer services, and using up to the 45 days designated as a review period and this 45 days will be up on January 25, 2009.

9:00 a.m. Attorney Melissa Firestone – Solid Waste Manager Mike Imbrock – Tim Schumm
Reviewed information and time line put together by Eastman & Smith to handle the Henry County Solid Waste management Plan Revisions.

RESOLUTION B – Approve Amendment to the Henry County Solid Waste District Solid Waste Management Plan.

9:30 a.m. Mike Imbrock – Landfill Monthly Review
Agenda attached of Items discussed.

RESOLUTION C – Approve Office Space Reimbursement Agreement between the Henry County Child Support Enforcement Agency and the Board of Henry County Commissioners for costs of renovations of the new office space in the Oakwood Office Complex with a twenty (20) year term from January 1, 2009 to December 31, 2028.

RESOLUTION D – Approve IV-D Service Contract between Henry County Child Support Enforcement Agency and Tamara Renollet for Administrative Hearing & Paternity Officer services with a contract amount of \$16,500.00.

RESOLUTION E – Approve Then And Now purchase orders.

RESOLUTION F – Approve the re-appointment of Dave Von Deylen to the Regional Port Authority of Northwest Ohio for a four (4) year term beginning January 1, 2009.

There being no further business to discuss, the meeting was adjourned until the next regular scheduled meeting or upon call of the President.

Richard C Myers Pres.
Richard C. Myers

Thomas H. Von Deylen
Thomas H. Von Deylen

Robert E. Hastedt
Robert E. Hastedt

Attest:
Vicki R. Glick
Vicki R. Glick, Clerk

I hereby certify that the foregoing
is a true and exact copy of
Minutes Resolution No. 197-10
approved by the Board of County
Commissioners, Henry County, Ohio,
at its meeting on 1/08/09.
Vicki R. Glick
Clerk of the Board 1/27/09

SCANNED

JAN 20 2009

RESOLUTION NO. 003-09

**A RESOLUTION ACCEPTING OWNERSHIP AND CONTROL OF
THE SANITARY SEWER LINE THAT IS LOCATED ADJACENT
TO LOTS 815, 833, 855, 873, 893, AND 907 OF HUDDLE ROAD;
AND DECLARING AN EMERGENCY**

WHEREAS, the City designed and constructed the sanitary sewer line that runs adjacent to Lots 815, 833, 855, 873, 893, and 907 of Huddle Road (south side of the roadway) as part of a project known as "Huddle Road Widening and Improvements Project"; completed on or about the year 1992, and;

WHEREAS, there existed at the time of the project a Sewer Agreement between the Board of County Commissioners of Henry County, Ohio, and the City of Napoleon, Ohio, dated October 24, 1983, that provided in pertinent part for those lines constructed after the October 24, 1983, that "the trunk sewer mains and local service mains outside the corporate limits of Napoleon, when completed, shall be owned by the County"; and,

WHEREAS, subsequent to the October 24, 1983 contract and other applicable contracts thereafter, the County Commissioners of Henry County, Ohio, turned ownership and control of its sewers over to the Henry County Regional Water and Sewer District; and,

WHEREAS, the Board of Trustees of the District on or about January 12, 2009, passed a resolution, transferring any ownership it may have in the said sewer line over to the City of Napoleon, Ohio; and,

WHEREAS, the Board of Henry County Commissioners on January 15, 2009, also, for purpose of clearing any question of ownership, passed a similar resolution transferring any ownership it may have in the said sewer line over to the City of Napoleon, Ohio; and,

WHEREAS, Napoleon Township Trustees claim no ownership to said line and are in the process at their January 19, 2009 meeting by motion or resolution find the same; or, in the alternative pass any interest the Township may have in the sewer to the City; and,

WHEREAS, it has been recommended by the City Manager to accept the ownership and control of the sanitary sewer line, especially in light of the proposed annexation(s) along Huddle Road; Now Therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON,
OHIO:**

Section 1. That, the City of Napoleon, Ohio, by and through its Council, hereby accepts the ownership and control of the sanitary sewer line that is located adjacent to Lots 815, 833, 855, 873, 893, and 907 of Huddle Road, Henry County, Ohio (south side of the roadway).

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for annexation of certain properties along Huddle road to proceed; moreover, to provide continued sanitary sewer service to the area; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: January 19, 2009

[Signature]
Glenn A. Miller, Council President

Approved: 19 JAN 09

[Signature]
J. Andrew Small, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest:

[Signature]
Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 003-09 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 26 day of January, 2009; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

[Signature]
Gregory J. Heath, Clerk/Finance Director

CERTIFICATION

I, Gregory J. Heath, Clerk of Council/Finance Director for the City of Napoleon, Ohio, do hereby certify that the attached copy of Ordinance No. 003-09 is a true and accurate copy of Ordinance No. 003-09 of the City of Napoleon, Ohio.

[Signature]
Gregory J. Heath, Clerk of Council/Finance Director

1 / 20 / 2009
Date

SEAL

JAN 29 2009

ORDINANCE NO. 004-09

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 114-08 BEING A MUNICIPAL SERVICE STATEMENT FOR A CERTAIN ANNEXATION PETITIONED BY DAVID B. WARD AT THE LOCATION OF 907 HUDDLE ROAD AND AGREEING TO ROAD MAINTENANCE; AND DECLARING AN EMERGENCY

WHEREAS, on December 10, 2008, David B. Ward caused to be filed an annexation petition with the Henry County Board of County Commissioners pursuant to ORC 709.023 to annex real estate with a mailing address of 907 Huddle Road, Napoleon, Henry County, Ohio; and,

WHEREAS, the municipality as required, within 20 days after the petition was filed, adopted an ordinance relating to municipal services to be provided to the territory if the territory proposed to be annexed is annexed; and,

WHEREAS, there was a bona fide question as to ownership of the current sanitary sewer that runs on the south side of Huddle road; and,

WHEREAS, since the passage of Ordinance No. 114-08, the question of ownership of the existing sanitary service has been resolved; and,

WHEREAS, the Henry County Board of County Commissioners requested that the City further address the sanitary sewer service in the area in its municipal service statement; Now Therefore,

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

Section 1. That, Section 1 of Ordinance No. 114-08 is hereby amended and enacted as follows:

"That, if territory that is the subject of this ordinance and as more specifically described below is annexed, the municipality will provide, the following municipal services to the extent as provided to other parts of the municipality and subject to continuation of such services to other parts of the municipality:

1. Police Service Protection (effective date being immediate upon annexation)
2. Fire Service Protection (effective date being immediate upon annexation)
3. Emergency Medical Service (effective date being immediate upon annexation)
4. Water Service (effective date being immediate upon annexation)
5. Electrical Service (effective date being immediate upon annexation)
6. Residential Garbage Service (effective date immediate upon annexation)
7. ***SANITARY SEWER SERVICE (EFFECTIVE DATE IMMEDIATE UPON ANNEXATION)***

Situated in the Township of Napoleon, County of Henry and State of Ohio, and described as follows:

A parcel of land in the East part of the Northwest corner of the Southwest quarter of Section 24, and more particularly described as follows:

Beginning at an iron pin on the half section line of said section due East 462.04 feet from the corner stone at the Northwest corner of said Southwest quarter section; thence South 00 degrees 15 minutes West, said line parallel to the West section line of said section, 461 feet to an iron pin; thence due East, parallel with the half section line of said section, 100 feet to an iron pin, thence North 00 degrees 15 minutes East, parallel with the West line of said section, 461 feet to an iron pin on the East and West half section line; thence due West on the half section line 100 feet to the place of beginning, containing 1.06 acres of land, more or less."

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 3. That, Section 1 of Ordinance No. 114-08, as existed prior to the enactment of this Ordinance, is hereby repealed.

Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 5. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to timely meet the statutory requirements for filing this ordinance with the Board of Henry County Commissioners; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: January 19, 2009


Glenn A. Miller, Council President

Approved: 19 JAN 09


J. Andrew Small, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest:


Gregory V. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 004-09 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 26 day of January, 2009; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.


Gregory J. Heath, Clerk/Finance Director

CERTIFICATION

I, Gregory J. Heath, Clerk of Council/Finance Director for the City of Napoleon, Ohio, do hereby certify that the attached copy of Ordinance No. 004-09 is a true and accurate copy of Ordinance No. 004-09 of the City of Napoleon, Ohio.


Gregory J. Heath, Clerk of Council/Finance Director

1 / 20 / 2009
Date

SEAL

SCANNED

The Board of Henry County Commissioners met in regular session on this 22nd day of January, 2009 with Richard C. Myers, Thomas H. Von Deylen and Robert E. Hastedt present. The Board approved bills, minutes and signed resolutions.

8:30 a.m. City Law Director David Grahn – David B. Ward Annexation Petition

A motion was made by Commissioner Von Deylen and seconded by Commissioner Hastedt to remove from the table the Annexation Petition filed by David B. Ward.

Mr. Myers – Yes Mr. Von Deylen – Yes Mr. Hastedt – Yes

**David Grahn explained to the Board that City Council passed two Ordinances accepting the sewer line and did an Amendment of services. Once the documents are submitted to the City Clerk this lays for 60 days before action by City Council.

**Commissioner Von Deylen told David that he had talked with Attorneys Melissa Firestone and Richard Fisher and the county again denies and disputes past ownership of the sewer line.

**Commissioner Myers explained that he is voting "No" because he doesn't like that the property owners were threatened to have their water shut off and forced into annexing their property.

RESOLUTION A – Grant the Annexation Petition submitted by David B. Ward for property located at 907 Huddle Road, Napoleon, Ohio.

RESOLUTION B – Approve payment of Invoice #40 in the amount of \$502.56 to The Mannik & Smith Group for the Napoleon-Henry Bridge.

RESOLUTION C – Approve the re-appointments to the Country View Haven Advisory Committee: Les McCaslin, Tom Mack and Connie Panning and appoint Dawn Miller to fill the unexpired term of Michelle Kistner.

9:00 a.m. Mike Imbrock – Solid Waste Coordinator

RESOLUTION D – Approve 2009 Scrap Tire Grant Application with a request of \$75,000.00 to be submitted to the Ohio Department of Natural Resources, Division of Recycling & Litter Prevention.

The 2009 Recycling Agreement with Zack's Recycling has not been signed yet due to the drastic change in the recycling market and no mills accepting the recycling material. Zack's has been stock piling the recycled items and if he would haul according to the Agreement he would take a loss of \$40.00 per haul. All were in agreement in adding an additional clause to the Agreement to be able to change the scope of work during this unpredictable market. Change will be reviewed by the Prosecutor's office before document is signed.

9:30 a.m. Jeremy Zachrich and Jennifer Lydy – Zack's Recycling

RESOLUTION E – Authorize Henry County Solid Waste to apply for a 2009 Market Development Grant in the amount of \$179,500.00 through the Ohio Department of Natural Resources in cooperation with Zack's Recycling, Napoleon, Ohio.

10:00 a.m. Nick Rettig – County Planner / Charlie Griffith / Tom Statler – Poggemeyer's / and Dr. Tom Stuckey and Marl Yoder with Northwest State College

Poggemeyer's presented their Proposal to complete their work on the Collaboration Feasibility Study for the Henry County Water and Sewer District that the county received in the amount of \$80,000.00 and will be subcontracting some of the work to Northwest State College. Proposal will be received by Prosecutor before approving by Resolution. (Information attached)

11:00 a.m. Beth Spurgeon – Dog Warden Monthly Update

Beth informed the Board that 3,800 dog tags have been sold year to date for 2009. Expenses, revenue and questions were reviewed.

RESOLUTION F – Approve Budget Adjustments for various departments.

I hereby certify that the foregoing is a true and exact copy of Minutes Resolution No. 197-14 duly passed by the Board of County Commissioners, Henry County, Ohio, at its meeting on 1/22/09.
Wicki A. Gerik
Clerk of the Board 1/27/09



RESOLUTION G – Approve Then And Now purchase orders.

There being no further business to discuss, the meeting was adjourned until the next regular scheduled meeting or upon call of the President.

Richard C Myers Pres.
Richard C. Myers

Thomas H Von Deylen
Thomas H. Von Deylen

Robert E Hastedt
Robert E. Hastedt

Attest:

Vicki R Glick
Vicki R. Glick, Clerk

RESOLUTION 197-14-A

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF HENRY COUNTY, OHIO GRANTING
ANNEXATION OF CERTAIN TERRITORY AS PETITIONED
FOR BY DAVID B. WARD CONTAINING 1.06 ACRES OF LAND
MORE OR LESS, KNOWN AS 907 HUDDLE ROAD**

ON THIS 22ND DAY OF JANUARY, 2009, COMMISSIONER
VON DEYLEN MOVED THE ADOPTION OF THE
FOLLOWING **RESOLUTION**:

WHEREAS, David B. Ward has filed a petition with the Henry County Board of Commissions, pursuant to Chapter 709 of the ORC, specifically, 709.023 of the ORC that request an expedited 2 annexation, to annex territory consisting of 1.06 acres of land, more or less, to the City of Napoleon, said property situated in the Township of Napoleon, County of Henry and State of Ohio, being in the East part of the Northwest corner of the Southwest quarter of Section 24; and,

WHEREAS, City Council of Napoleon, Ohio, timely passed Ordinance No. 114-08 that agreed to road maintenance and provided a municipal service statement; Ordinance No. 115-08 relating to land use buffers; and, Ordinance No. 116-08 consenting to said annexation; and,

WHEREAS, City Council of Napoleon, Ohio, passed Ordinance No. 004-09 amending Section 1 of Ordinance No. 114-08 being a municipal service statement; and Ordinance 003-09 accepting ownership and control of the sanitary sewer line that is located adjacent to Lots 815, 833, 855, 873, 893 and 907 of Huddle Road, and declaring an emergency; and,

WHEREAS, proper notices have been filed; and,

WHEREAS, the Township failed to object to said annexation, thereby constituting consent thereto; and,

WHEREAS, the territory to be annexed shall not be excluded or removed from the Township under ORC 503.07; Now Therefore,

**BE IT RESOLVED BY THE HENRY COUNTY BOARD OF
COMMISSIONERS:**

Section 1. That, this Board of Commissioners in and for Henry County, Ohio, hereby grants the annexation of the following described territory:

(DESCRIPTION)

Situated in the Township of Napoleon, County of Henry and State of Ohio, and described as follows:

197-14-A

A parcel of land in the East part of the Northwest corner of the Southwest quarter of Section 24, and more particularly described as follows:

Beginning at an iron pin on the half section line of said section due East 462.04 feet from the corner stone at the Northwest corner of said Southwest quarter section; thence South 00 degrees 15 minutes West, said line parallel to the West section line of said section, 461 feet to an iron pin; thence due East, parallel with the half section line of said section, 100 feet to an iron pin, thence North 00 degrees 15 minutes East, parallel with the West line of said section, 461 feet to an iron pin on the East and West half section line; thence due West on the half section line 100 feet to the place of beginning, containing 1.06 acres of land, more or less.

Section 2. That, in the event that a review and findings are deemed required, then this Board also finds all of the following:

"That"

- (1) The petition meets all the requirements set forth in, and was filed in the manner provided in, section 709.021 of the Revised Code.
 - (2) The person who signed the petition is the owner of the real estate located in the territory proposed for 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 per cent 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) The municipal corporation to which annexation is proposed has agreed to provide to the territory proposed for annexation the services specified in the relevant ordinance or resolution adopted under division (C) of section 709.023 of the ORC.
 - (7) 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 to 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 herein, "street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.
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Section 3. That, the Clerk of this Board shall furnish a certified copy of the entire record of the annexation proceeding to the clerk of the City of Napoleon, Ohio and the Agent for the petitioner, the entire record includes: (1) all resolutions of the board, signed by a majority of the members of the board, (2) the petition, (3) the map (plat), (4) all other papers on file, and (5) the recording of the proceedings if a copy is available (however, no hearing recording or hearing exhibits are involved, since no hearing is statutorily required.)

Section 4. That, it is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in open meetings of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. That, upon passage, this Resolution shall take immediate effect.

Commissioner Hastedt seconded the resolution and the roll being called upon for its adoption, the vote resulted as follows:

Adopted: January 22, 2009

Richard C Myers No
Richard C. Myers
Commissioner

Thomas H Von Deylen YEA
Thomas H. Von Deylen
Commissioner

Robert E Hastedt YEA
Robert E. Hastedt
Commissioner

Attest:

Wicki R. Glick
Clerk

I hereby certify that the foregoing is a true and exact copy of Resolution No. 197-14-A duly passed by the Board of County Commissioners, Henry County, Ohio, at its meeting on 1/22/09.
Wicki R. Glick
Clerk of the Board 1/27/09