

RESOLUTION NO. 062-13

**A RESOLUTION IN COMPLIANCE WITH ORC 709.023(C)
RELATING TO THE EXPEDITED TYPE PETITION FOR
ANNEXATION OF 55.062 ACRES, MORE OR LESS, FILED BY
THE NAPOLEON AREA CITY SCHOOL DISTRICT; AND
DECLARING AN EMERGENCY**

WHEREAS, on the 9th day of October, 2013 a Petition for Expedited Type II Annexation of approximately 55.062 acres of land which is currently in the Township of Napoleon, Henry County, Ohio was filed with the Henry County Board of Commissioners by the Napoleon Area City School District; and,

WHEREAS, under the provisions of ORC 709.023(C) the legislative authority of the City of Napoleon shall, by ordinance or resolution, adopt a statement indicating what services, if any, the City of Napoleon will provide to the property proposed for annexation upon annexation; **Now therefore**,

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

Section 1. That, in accordance with ORC 709.023(C), the territory described by the Petition will be provided all customary general governmental and utility services in the same manner and on the same terms and conditions as applicable to other lands within the territorial boundaries of the City of Napoleon. Upon the effective date of the annexation the City of Napoleon will provide the following services to the territory proposed for annexation:

- a. Water Service
- b. Sewer Service
- c. Electric Service
- d. Street Service
- e. Fire/EMS
- f. Police Service
- g. Planning and Zoning

Section 2. Should the territory be annexed, it would be subject to the City of Napoleon Zoning Requirements. The territory's default zoning classification would be C-4, in which a school is a principally permitted use. The default classification would apply until the Zoning Map is amended to include the territory at which time it could remain C-4 or be reclassified as long as the City of Napoleon's Planning and Zoning Codes are complied with.

Section 3. That, the Clerk of Council is hereby directed to forward a copy of this Resolution to the Henry County Board of Commissioners.

Section 4. 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.

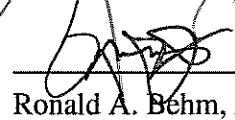
Section 5. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 6. 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 the City to comply with ORC requirements regarding Type II Annexation; 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: October 21, 2013

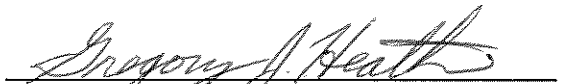

John A. Helberg, Council President

Approved: October 21, 2013


Ronald A. Behm, Mayor

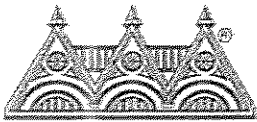
VOTE ON PASSAGE 5 Yea 0 Nay 0 Abstain

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 Resolution No. 062-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____; & 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



Bricker & Eckler
ATTORNEYS AT LAW

COLUMBUS | CLEVELAND
CINCINNATI-DAYTON
MARIETTA

BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215-4291
MAIN: 614 227 2300
FAX: 614 227 2390

www.bricker.com
info@bricker.com

Jennifer A. Flint
OSBA – Certified Specialist in
Appellate Law
614 227 2316
jflint@bricker.com

RECEIVED

OCT 15 2013

Per

GH
Gregory J. Heath, Finance Director/Clerk
City of Napoleon, Ohio

October 9, 2013

VIA CERTIFIED MAIL; RETURN RECEIPT REQUESTED

ATTN: Gregory J. Heath
Clerk of Napoleon City Council
255 West Riverview
Napoleon, OH 43545

Re: Notice of the Filing of Expedited Type 2 Annexation Petition

Dear Clerk of Napoleon City Council:

Per Ohio Revised Code §709.023(B), this is to notify you that on October 9, 2013 at 10:41 a.m., the Napoleon Area City School District Board of Education ("School Board") filed a petition for annexation of property with the Henry County Board of Commissioners, in Henry County, Ohio. The petition seeks to annex property owned by the School Board, which property is described in the attached documents. The property is located in Napoleon Township, and the School Board seeks annexation of such property into the city of Napoleon, Ohio.

Attached are copies of the documents that were filed with the Henry County Board of Commissioners on October 9, 2013, including the petition for annexation.

Very truly yours,

Jennifer A. Flint
Attorney and Agent for Petitioner

Enclosures

cc: Trevor M. Hayberger, Napoleon City Law Director (w/encs.; via email)

RECEIVED

OCT 15 2013

EXPEDITED TYPE II PETITION FOR THE ANNEXATION
OF 55.062 ACRES MORE OR LESS
IN THE TOWNSHIP OF NAPOLEON
TO THE CITY OF NAPOLEON, OHIO
PURSUANT TO OHIO REVISED CODE SECTION 709.023

Per AH

Gregory J. Heath, Finance Director/Clerk
City of Napoleon, Ohio

TO THE BOARD OF COUNTY COMMISSIONERS
OF HENRY COUNTY, OHIO:

The undersigned Petitioner in the premises, being ALL OF THE OWNER(S) OF REAL ESTATE in the unincorporated territory of Napoleon Township hereinafter described, consisting of 55.062 acres, more or less, adjacent and contiguous to the city of Napoleon, do hereby petition and request that said territory be annexed to the city of Napoleon under the procedures set forth in Ohio Revised Code Section 709.023.

A full and accurate legal description of the perimeter and an accurate map of said territory petitioned to be annexed are attached hereto and made part hereof.

Jennifer A. Flint, whose address is 100 South Third Street, Columbus, Ohio 43215, is the Agent for the Petitioner, per R.C. 709.02(C)(3).

The owner signing this Petition, by its signature(s), expressly waives any rights it may have to sue on any issue relating to a municipal corporation requiring a buffer as provided in R.C. 709.023, and waives any rights to seek a variance that would relieve or exempt it from that buffer requirement.

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.

OWNER'S NAME

ADDRESS

NAPOLEON AREA CITY SCHOOL DISTRICT
BOARD OF EDUCATION

701 Briarheath Drive, Suite 108
Napoleon, Ohio 43545

By, agents of Board of Education authorized to sign this petition:

Dave E. Long
President of the Board of Education

Date: 10-8-13

Michael R. Bredelman
Treasurer

Date: 10-9-13

Stephen A. Lopez
Superintendent

Date: 10-8-13

OCT 08 2013

Received by
Leisha R. Glick
Clerk

10:41 am

P.O. Box 2628
6655 Providence Street
Whitehouse, Ohio 43571

Phone (419) 877-0400
Fax (419) 877-1140



www.garciasurveyors.com

DBE Certified with ODOT
ODOT Prequalified for right-of-way development
MBE/EDGE Certified with the State of Ohio
MBE Certified with the City of Toledo

6375 Riverside Drive,
Suite 55
Dublin, Ohio 43017

Phone (614) 389-3733
Fax (888) 316-3943

December 7, 2012

Napoleon School Site

A parcel of land being part of the Southeast Quarter (1/4) of Section fifteen (15), Town five (5) North, Range six (6) East in Napoleon Township, Henry County, Ohio, said parcel of land being bounded and described as follows:

Beginning at the intersection of the North line of said Southeast Quarter (1/4) of Section fifteen (15) with the East line of said Southeast Quarter (1/4) of Section fifteen (15), said East line of the Southeast Quarter (1/4) of Section fifteen (15) also being the centerline of Westmoreland Avenue, as it now exists, said point of intersection being marked with a found "X" cut in a monument box lid;

Thence in a southerly direction along said East line of the Southeast Quarter (1/4) of Section fifteen (15), having an assumed bearing of South one (01) degree, twelve (12) minutes, thirty-four (34) seconds West, a distance of one thousand seven hundred forty-eight and thirteen hundredths (1,748.13) feet to a point, said point being marked with a set Mag nail;

Thence North eighty-eight (88) degrees, forty-seven (47) minutes, twenty-six (26) seconds West along a line, passing through a set capped iron rebar at a distance of thirty and zero hundredths (30.00) feet and also passing through a set capped iron rebar at a distance of one thousand two hundred ninety-six and twelve hundredths (1,296.12) feet, a total distance of one thousand six hundred ninety-one and twelve hundredths (1,691.12) feet to the intersection of the centerline of Garrett Creek;

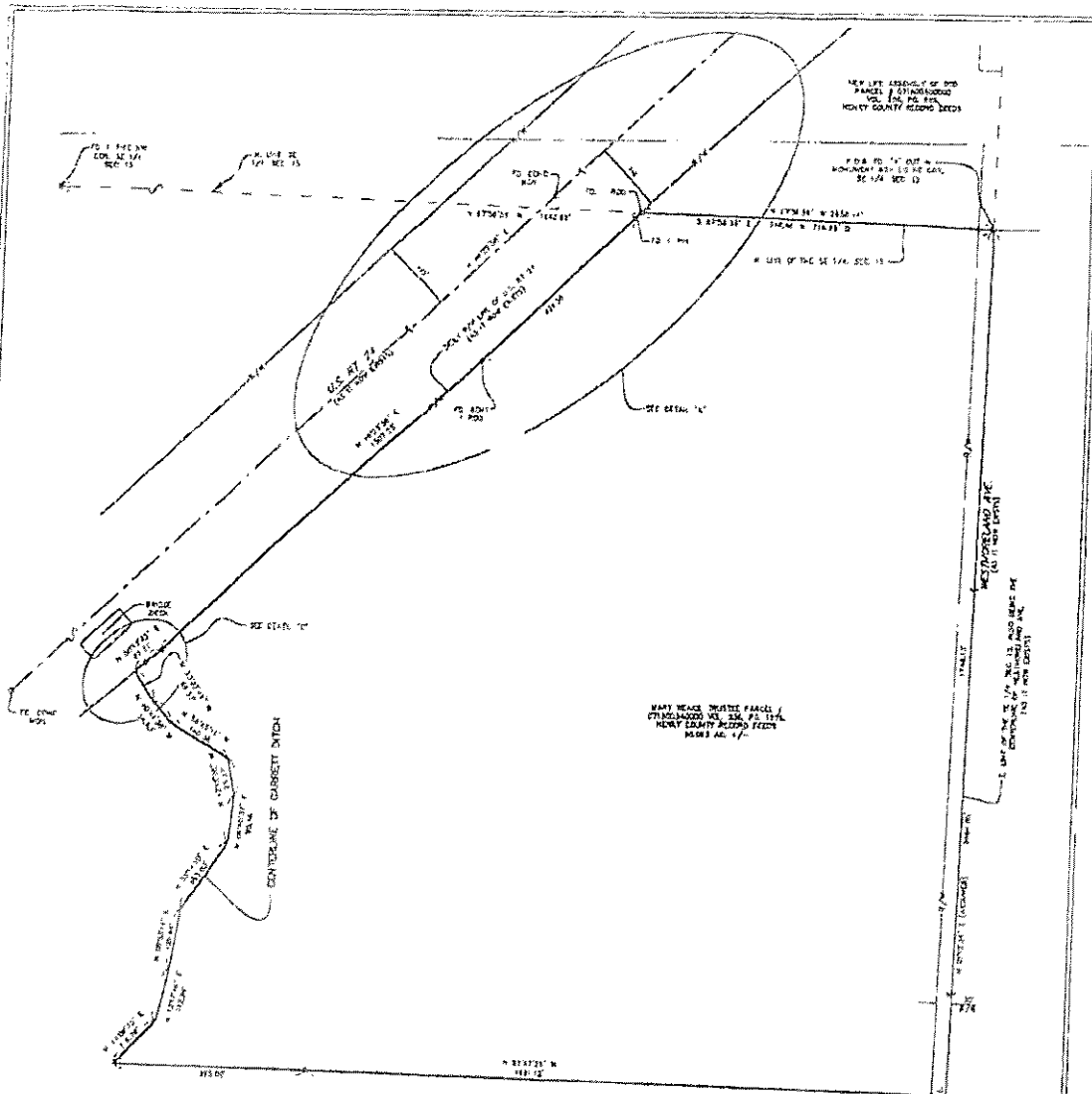
The following nine (09) courses follow on and along said centerline of Garrett Creek:

Thence North forty-four (44) degrees, six (06) minutes, thirty-five (35) seconds East, a distance of one hundred sixteen and seventy-nine hundredths (116.79) feet to a point;

Thence North thirteen (13) degrees, seventeen (17) minutes, forty-six (46) seconds East, a distance of one hundred twelve and eighty-nine hundredths (112.89) feet to a point;

Thence North eight (08) degrees, fifty-three (53) minutes, fourteen (14) seconds East, a distance of one hundred twenty-five and eighty-four hundredths (125.84) feet to a point;

Thence North thirty-three (33) degrees, fourteen (14) minutes, ten (10) seconds East, a distance of one hundred sixty-three and three hundredths (163.03) feet to a point;



NOTICE
 THIS SURVEY WAS PREPARED WITHOUT THE AID OF A TITLE REPORT AND IS SUBJECT TO ANY ADDITIONAL INFORMATION THAT MAY BE DISCLOSED BY SUCH A REPORT.

CROSS REFERENCE
 SEE THE PAGE 1488, HENRY COUNTY RECORD BOOKS.

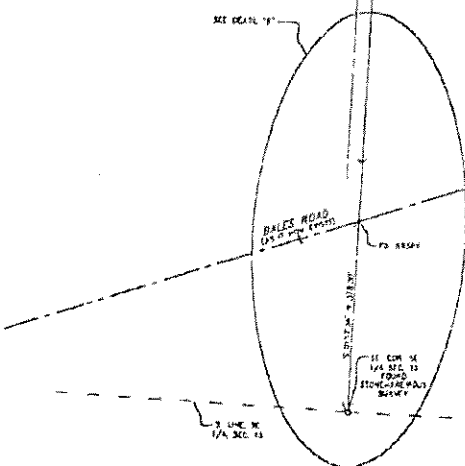
CONTAINING
 0.0513 ACRES OF 1.346317 ACRES (77 OR 33.5337 AC. 0.0513 ACRES BEING 3.75% OF 1.346317 ACRES) AS SHOWN ON THIS SURVEY.

EXAMINER'S CERTIFICATION
 I HEREBY CERTIFY THAT THE INFORMATION FURNISHED TO ME IS TRUE AND CORRECT AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF OHIO.

[Signature]
 Steven C. Garcia, Surveyor No. 8842



- 1. SET CORNER AND MARK
- 2. SET AND MARK
- 3. PLACE AND MARK
- 4. PLACE AND MARK
- 5. PLACE AND MARK
- 6. PLACE AND MARK
- 7. PLACE AND MARK
- 8. PLACE AND MARK



REVISION	DATE	BY	REASON
1	11-17-16	SG	PRELIMINARY SURVEY
2			

DATE	BY	REASON
11-17-16	SG	PRELIMINARY SURVEY

PARCEL SPLIT SURVEY
 OF A PARCEL OF LAND BEING PART OF THE SE 1/4, SEC. 15, T. 4 N., R. 12 W., MAPLETON TOWNSHIP, HENRY COUNTY, OHIO.
 PREPARED FOR AND AT THE REQUEST OF THE MAPLETON SCHOOL DISTRICT.

Garcia Surveyors, Inc.
 P.O. Box 2828 Wapakoneta, OH 45371
 Phone: (937) 877-5400 Fax: (937) 877-1166
 Mobile: (618) 467-6368 E-Mail: steven@garciasurveyors.com
 8465 Bellflower Drive Suite 120 Columbus, OH 43217
 Phone: (614) 266-3783 Fax: (614) 266-3843 E-Mail: mhenry@garciasurveyors.com

RECEIVED

OCT 15 2013

Per GH.
Gregory J. Heath, Finance Director/Clerk
City of Napoleon, Ohio

**TO THE BOARD OF COUNTY COMMISSIONERS
OF HENRY COUNTY, OHIO:**

Per R.C. 709.02(D), the following represents a list of: all tracts, lots or parcels in the territory proposed for the annexation of 55.062 acres, more or less, owned by the Napoleon Area City School District Board of Education, which territory is adjacent and contiguous to the city of Napoleon and is the subject of a Petition for Annexation per R.C. 709.023; and all tracts, lots or parcels located adjacent to that territory or directly across the road and/or roads from it (when the road and/or roads is/are adjacent to it); including the name and mailing address of the owner of each such tract, lot or parcel, and the permanent parcel number from the county auditor's permanent parcel numbering system for each such tract, lot or parcel:

Parcels in the Territory Proposed for Annexation (55.062 acres)

- Parcel Number: 071500340000

Owner: The Napoleon Area City School District Board of Education

Address: 701 Briarheath Drive, Napoleon, Ohio 43545

- Parcel Numbers: 071500320000

Owner: The Napoleon Area City School District Board of Education

Address: 701 Briarheath Drive, Napoleon, Ohio 43545

Parcels Adjacent to/Directly Across the Street From the Territory Proposed for Annexation

- Parcel Number: 411401920000

Owner: The Napoleon Area City School District Board of Education

Address: 701 Briarheath Drive, Napoleon, Ohio 43545

- Parcel Number: 071500400000

Owner: MDC Holdings, LLC

Address: 6205 State Route 110, Napoleon, Ohio 43545

- Parcel Number: 071500340000

Owner: Mary Weaks, Trustee

Address: 16199 Co Rd J, Wauseon, Ohio 43567

- Parcel Number: 071500320000
Owner: Mary Weaks, Trustee
Address: 16199 Co Rd J, Wauseon, Ohio 43567
- Parcel Number: 071500400100
Owner: Betty Burns
Address: 1504 Kershaw Loop, Fayetteville, North Carolina 28314
- Parcel Numbers: 41-149187.2050, 41-149187.2120, 41-149187.2130, 41-149187.2140, 41-149187.2150, 41-149187.2160, 41-149187.2170, 41-149187.2180
Owner: Ron Wiechers
Address: 8-245 US Highway 6, Napoleon, Ohio 43545
- Parcel Number: 41-149187.2010
Owner: Joyce Beck
Address: 1369 Lynne Avenue, Napoleon, Ohio 43545
- Parcel Number: 41-149187.2000
Owner: Darwin Sonnenberg
Address: 1367 Lynne Avenue, Napoleon, Ohio 43545
- Parcel Number: 41-149187.2020
Owner: Priscilla Garbers
Address: 1371 Lynne Avenue, Napoleon, Ohio 43545
- Parcel Number: 41-149187.2030
Owner: Frank Von Seggem
Address: 1373 Lynne Avenue, Napoleon, Ohio 43545
- Parcel Number: 41-149187.2040
Owner: Alma Dachenhaus
Address: 1359 Lynne Avenue, Napoleon, Ohio 43545

- Parcel Number: 41-149187.2060
Owner: David Parcher
Address: 1357 Lynne Avenue, Napoleon, Ohio 43545
- Parcel Number: 41-149187.2070
Owner: Judy Swerline
Address: 1353 Lynne Avenue, Napoleon, Ohio 43545
- Parcel Number: 41-149187.2080
Owner: Encil Rebeau
Address: 1339 Lynne Avenue, Napoleon, Ohio 43545
- Parcel Number: 41-149187.2090
Owner: Edwin Delventhal
Address: 1341 Lynne Avenue, Napoleon, Ohio 43545
- Parcel Number: 41-149187.2100
Owner: Aline Wilson
Address: 1343 Lynne Avenue, Napoleon, Ohio 43545
- Parcel Number: 41-149187.2110
Owner: Michael Snyder
Address: 790 Crooked Tree Drive, Petoskey, Michigan 49770
- Parcel Number: 41-149187.2190
Owner: Alice Moriarity
Address: 1315 Lynne Avenue, Napoleon, Ohio 43545

RESOLUTION

IN THE MATTER OF THE ANNEXATION OF ONE
PARCEL LOCATED IN NAPOLEON TOWNSHIP,
- HENRY COUNTY, OHIO,
ADJACENT TO THE CITY OF NAPOLEON,
HENRY COUNTY, OHIO
CONTAINING 55.062 acres of land, more or less
PETITIONERS:

Napoleon Area City School District
Board of Education

Parcel No:

EXPEDITED TYPE 2 ANNEXATION
Pursuant to O.R.C. Section 709.023

PETITION SUBMITTED

On this 10th day of October, 2013, Mr. Miller moved the adoption of the following
RESOLUTION:

WHEREAS, Attorney Jennifer A. Flint, acting as Agent for the above listed Petitioners per R.C. 709.02(C)(3), filed with the Board of Henry County Commissioners a Petition For Annexation pursuant to O.R.C. Section 709.023 for one (1) parcel, as listed above, located in Napoleon Township, County of Henry and State of Ohio, and which parcel is described on the attached Petition, to be annexed into the City of Napoleon, Henry County, Ohio (copy of Petition attached), now therefore be it

RESOLVED, That the Board of Henry County Commissioners does hereby accept the Annexation Petition as submitted and enter said Annexation Petition upon the Commissioners' Journal.

Within 20 days after the petition is filed, the City of Napoleon to which annexation is proposed must adopt an ordinance or resolution relating to municipal services.

Within 25 days after the Petition has been filed, the City of Napoleon and the Napoleon Township Trustees, may adopt an ordinance or resolution consenting or objecting to the proposed annexation and file the information with the Board of Henry County Commissioners.

If no objections are received, the Henry County Board of County Commissioners will grant the annexation and enter on the Journal at the next regular session.

(Appointment to consider the approval of the annexation request is scheduled on Tuesday / November 5, 2013 at 10:00 a.m.)

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

Robert E. Hastedt YEA
Robert E. Hastedt

Glenn A. Miller YEA
Glenn A. Miller

Thomas H. Von Deylen YEA
Thomas H. Von Deylen

Attest:

Vicki R. Glick
Vicki R. Glick, Clerk

Thence North six (06) degrees, forty (40) minutes, thirty-seven (37) seconds East, a distance of ninety-five and forty-six hundredths (95.46) feet to a point;

Thence North twelve (12) degrees, fifteen (15) minutes, eight (08) seconds West, a distance of seventy-five and twenty-seven hundredths (75.27) feet to a point;

Thence North fifty-nine (59) degrees, forty-nine (49) minutes, eleven (11) seconds West, a distance of one hundred forty and fifty-six hundredths (140.56) feet to a point;

Thence North forty (40) degrees, forty-one (41) minutes, thirty-eight (38) seconds West, a distance of fifty-four and sixty-three hundredths (54.63) feet to a point;

Thence North thirty-three (33) degrees, thirty-three (33) minutes, forty-nine (49) seconds West, a distance of sixty-nine and fifty-seven hundredths (69.57) feet to the intersection of the southeasterly right-of-way line of U.S. Route 24, as it now exists;

The following two (02) courses follow on and along said southeasterly right-of-way line of U.S. Route 24, as it now exists:

Thence North fifty (50) degrees, thirteen (13) minutes, forty-two (42) seconds East, passing through a set capped iron rebar at a distance of twenty-eight and twenty-one hundredths (28.21) feet, a total distance of sixty-seven and twenty-one hundredths (67.21) feet to a point, said point being marked with a set capped iron rebar;

Thence North forty-six (46) degrees, twenty-two (22) minutes, fifty-eight (58) seconds East, a distance of one thousand three hundred seven and twenty-three hundredths (1,307.23) feet to the intersection of said North line of the Southeast Quarter (1/4) of Section fifteen (15);

Thence South eighty-seven (87) degrees, fifty-six (56) minutes, fifty-nine (59) seconds East along said North line of the Southeast Quarter (1/4) of Section fifteen (15), passing through a set capped iron rebar at a distance of six hundred eighty-four and forty-six hundredths (684.46) feet, a total distance of seven hundred fourteen and forty-six hundredths (714.46) feet to the Point of Beginning.

Said parcel of land containing an area of 2,398,517 square feet or 55.062 acres of land, more or less. Subject to legal highways.

Said parcel of land having a present road occupied area of 52,451 square feet or 1.204 acres of land, more or less.

The above described parcel of land is subject to any and all leases, easements or restrictions of record.

December 7, 2012
Napoleon School Site

The bearings used hereon are based on an assumed meridian and are solely for the purpose of calculating angular measurement.

Prior Deed Reference is Volume 238, Page 1926, Henry County Deed Records.

Said set capped iron rebar being a 5/8" diameter with a plastic cap stamped "PS 6842".

The above described is based on an actual field survey performed under my supervision during August, 2012 and November, 2012.



Prepared by:
Garcia Surveyors, Inc.

A handwritten signature in black ink, appearing to read "S N S", which corresponds to Steven N. Sancholtz.

Steven N. Sancholtz, P.S.
Registered Surveyor No. 6842