

ORDINANCE NO. 011-14

**AN ORDINANCE OF NAPOLEON CITY COUNCIL
ESTABLISHING A ZONING CLASSIFICATION FOR
TERRITORY CONTAINING 55.062 ACRES OF LAND MORE OR
LESS, IN THE CITY OF NAPOLEON; AND DECLARING AN
EMERGENCY**

WHEREAS, Napoleon Area City School District Board of Education has successfully filed a petition with the Henry County Board of Commissions to annex territory consisting of 55.062 acres of land, more or less, to the City of Napoleon, said property was situated in the Township of Napoleon, County of Henry, State of Ohio; and,

WHEREAS, Section 1125.05 of the Codified Ordinances of Napoleon, Ohio provides that the Planning Commission, may by resolution recommend to the City Council that an Ordinance be adopted establishing the zoning district classification of such annexed land; and,

WHEREAS, the Planning Commission in PC-14-03 did make a recommendation; and,

WHEREAS, a public hearing on this proposed zoning was held by Planning Commission on March 11, 2014; Now Therefore,

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

Section 1. That, the land areas as reference in the preamble of this Resolution, more particularly described below, be zoned Planned Commercial District (C-4):

The property, prior to annexation, was situated in the Township of Napoleon, County of Henry, State of Ohio, but is more fully described in **Exhibit "A"**, which is attached and incorporated herein. Additionally, the property is known as Permanent Parcel No. 071500340100.

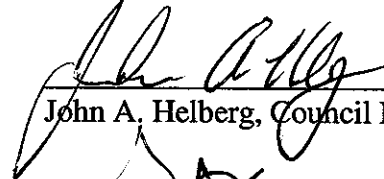
Section 2. That, the official zone map of the City be amended to reflect the zone so established by Section 1. of this Ordinance, said area is shown in **Exhibit "B"** which is attached and incorporated herein;

Section 3. That, it is the finding of this Council, that the City's zoning permitted uses in the annexed territory are not clearly incompatible with uses under the current county or township zoning in the adjacent land remaining in the township, from which the territory was annexed; therefore, the owner of the annexed territory is not at this time required to provide a buffer separating the uses of the annexed territory and the adjacent land remaining in the township.


Section 4. That, it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this 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, 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 assure the prompt and efficient conduct of the municipal operations and proper zoning classification related to public peace, health or safety of the City; 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: March 17, 2014


John A. Helberg, Council President

Approved: March 17, 2014


Ronald A. Benm, Mayor

VOTE ON PASSAGE 6 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. 011-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 9th day of April 2014; & 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

EXHIBIT "A"

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;

DESCRIPTION VERIFIED
HENRY COUNTY ENGINEER

BY: DZ DATE: 12/13

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".

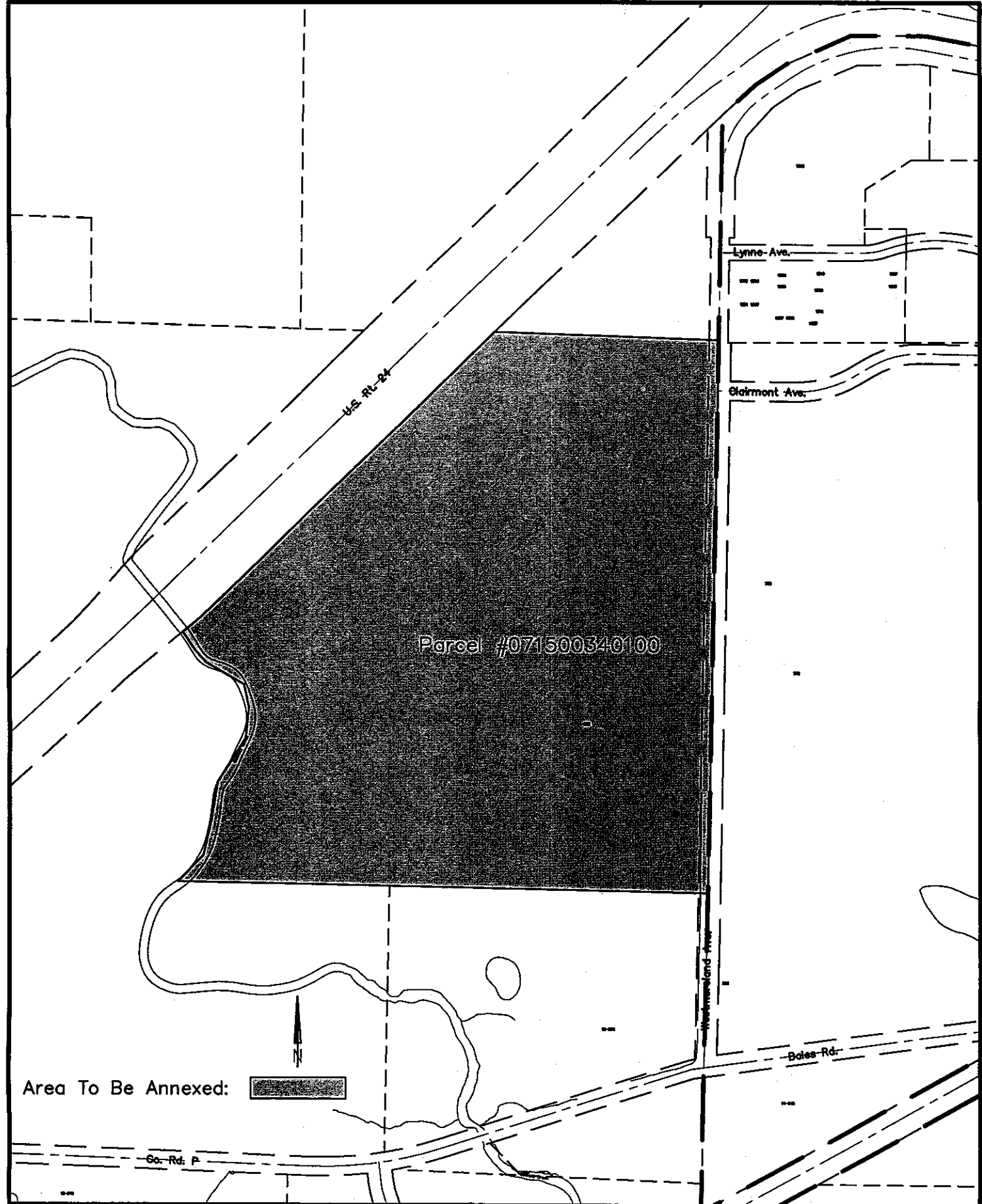
The above described is based on an actual field survey performed under my supervision during August, 2012 and November, 2012.



Prepared by:
Garcia Surveyors, Inc.

A handwritten signature in black ink, appearing to read "S. N. Sanholtz", written over the printed name below.

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



Area To Be Annexed:



Exhibit "B"
725 Westmoreland
Annexation Plat

Created: 12/18/13
Plotted: 3/13/14
Scale: N.T.S.
Sheet 00 Of 00