

RESOLUTION NO. 2017-80

A RESOLUTION EXPRESSING A MUNICIPAL STATEMENT OF SERVICES RELATIVE TO TERRITORY REQUESTED TO BE ANNEXED INTO THE CITY OF HURON.

WHEREAS, on October 12, 2017 pursuant to Ohio Revised Code Section 709.023, the property owners seeking the annexation of approximately 95.5 acres of real property in Huron Township, Erie County, Ohio, contiguous to the City of Huron (the "Property"), re-filed a Petition for Annexation of a said property to the City of Huron with the Board of County Commissioners of Erie County, Ohio, a copy of which is attached hereto as Exhibit "A", notice of which was duly served upon the City of Huron as prescribed by law; and,

WHEREAS, Ohio Revised Code Section 709.023(C) provides that within twenty days after the date that the petition is filed, the municipal corporation to which annexation is sought shall adopt a resolution stating what services the municipal corporation will provide to the territory seeking annexation and an approximate date by which it will provide those services; and,

WHEREAS, Ohio Revised Code Section 709.023(C) also provides that within that same twenty day period, a municipal corporation shall adopt an ordinance or resolution stating that the municipal corporation will require a buffer separating the use of the annexed territory and the adjacent land remaining within the township, if the municipal corporation determines that its permitted zoning is incompatible with the uses permitted under the county or township zoning; and,

WHEREAS, this Council had previously authorized Resolution 2017-69 on September 26, 2017 identifying those municipal services relative to the territory requested to be annexed into the City of Huron.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:


SECTION 1. In the event that the proposed 95.5 acres is annexed to the City of Huron, Ohio, the City will provide to the Property the full range of municipal services available to the property within the City of Huron as established by the Huron Municipal Charter and its Codified Ordinances, including but not limited to police and fire protection, emergency medical services, municipal court, water utility, electric utility, street maintenance, and planning, zoning, building and engineering services, all of which can be provided immediately upon the effective date of the annexation as provided by law.

SECTION 2. Further, in accordance with O.R.C. §709.023(E)(7), this Council states that if a street or highway will be divided or segmented by the boundary line between the township and the City of Huron so as to create a road maintenance problem, the City of Huron hereby agrees as a condition of the annexation that it will assume maintenance of that portion of any such street or highway.

SECTION 3. This Council further states that if the territory proposed for annexation is subject to current zoning regulations adopted under either Chapter 303 or 519 of the Revised Code at the time the petition is filed, this City Council hereby adopts and expressly states that, if the territory is annexed and becomes subject to zoning by the City of Huron and such zoning by the City of Huron permits uses in the annexed territory in which the City determines are clearly incompatible with the uses permitted under the current county or township zoning regulations in the adjacent land remaining within the township from which the territory is annexed, this Council will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township, all in accordance with O.R.C. §709.023(C).

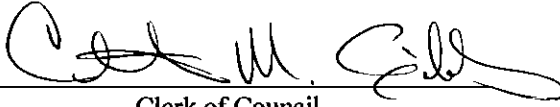
SECTION 4. That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22.

SECTION 5. That this Resolution shall be in full force and effect from and immediately following its adoption.



Brad Hartung, Mayor

ATTEST:



Clerk of Council

ADOPTED:

NOV 14 2017

RECEIVED
OCT 16 2017



cjones@calfee.com
614.621.7004 Direct

BY: *Amg*

Calfee, Halter & Grisswoold LLP
Attorneys at Law

1200 Huntington Center
41 South High Street
Columbus, Ohio 43215-3465
614.621.1500 Phone
calfee.com

October 12, 2017

Clerk of Council
City of Huron
417 S. Main Street
Huron, Ohio 44839

Re: Notice of Filing Petition for Annexation Pursuant to Ohio Revised Code §709.023

To: Clerk of Council, City of Huron, Erie County, Ohio

Take notice that a petitioner seeking the annexation of certain territory located in the Township of Huron, County of Erie, State of Ohio, to the City of Huron, County of Erie, State of Ohio, filed a petition for the annexation in the office of the Board of County Commissioners of Erie County, Ohio on October 12, 2017 at 9:00 a.m.

Attached is an accurate copy of the petition and all attachments or documents accompanying the petition as filed.

The petition contains a full description of the territory sought to be annexed, and other matters required by law, and is signed by the owner of the real estate in such territory.

Very truly yours,

Christopher Jones
Agent for Petitioner

Calfee, Halter & Griswold LLP

AFFIDAVIT OF SERVICE OF NOTICE

County of Erie
State of Ohio

To: Board of County Commissioners of Erie County, Ohio

The undersigned says under oath that he personally delivered the attached "Notice of Filing of Annexation Petition" to the Clerk of the legislative authority of Huron Township by certified mail on October 12, 2017.



Christopher Jones
Senior Counsel
Calfee, Halter & Griswold LLP
Agent for the Petitioner



cjones@calfee.com
614.621.7004 Direct

Calfee, Halter & Griswold LLP
Attorneys at Law

1200 Huntington Center
41 South High Street
Columbus, Ohio 43215-3465
614.621.1500 Phone
calfee.com

October 11, 2017

Board of Commissioners
Erie County
2900 Columbus Avenue
Sandusky, Ohio 44870

Re: Petition for Annexation Pursuant to Ohio Revised Code §709.023

To: Board of County Commissioners, Erie County, Ohio

The undersigned, being the owner of the real estate in the territory, hereby petitions pursuant to Ohio Revised Code §709.023 (Type 2 Annexation) for the annexation of the following territory to the City of Huron, Erie County, Ohio:

Real property in the City of Huron, County of Erie, State of Ohio, described as follows:

PARCEL 1:

The West thirty (30) acres of the East forty (40) acres of the South one-half (1/2) of Original Lot Number Twenty-one (21), in Section Number Two (2), Huron Township, Erie County, Ohio. Subject to legal highways.

EXCEPTING THEREFROM:

Situated in part of Lot 21, Town 6 North, Range 22 West, Section 2, Huron Township, Erie County, Ohio, and being more particularly described as follows:

Lying on the left side of the centerline of Right of Way survey of ERI-C.R. 10-7.988 Widening and Resurfacing, made by the Erie County Engineer's Office and located within the following described points in the boundary thereof;

Commencing at an iron pin in a monument box at centerline of Right of Way Station 542+11.82 at the intersection of the centerline of Bogart Road (County Road 10), with the centerline of Rye Beach Road (County Road 122);

Thence North 88° 52' 13" West along the centerline of Bogart Road (County Road 10), a distance of 776.82 feet to a point at centerline of Right of Way Station 534+35.00;

Thence North $01^{\circ} 07' 47''$ East, a distance of 30.00 feet to an iron pin to be set 30.00 feet left of centerline of Right of Way Station 534+35.00 on the existing Northerly Right of Way line of Bogart Road (County Road 10), said pin also being the Principal Place of Beginning for this description;

1. Thence North $01^{\circ} 07' 47''$ East, a distance of 20.00 feet to an iron pin to be set 50.00 feet left of centerline of Right of Way Station 534+35.00;
2. Thence North $88^{\circ} 52' 13''$ West, a distance of 40.00 feet to an iron pin to be set 50.00 feet left of the centerline of Right of Way Station 533+95.00;
3. Thence South $01^{\circ} 07' 47''$ West, a distance of 20.00 feet to an iron pin to be set on the Northerly Right of Way line of said Bogart Road (County Road 10), said pin being located 30.00 feet left of centerline of Right of Way Station 533+95.00;
4. Thence South $88^{\circ} 52' 13''$ East along the Northerly Right of Way line of said Bogart Road (County Road 10), a distance of 40.00 feet to the Place of Beginning.

The above described area contains 0.0184 acre of land, which is part of Erie County Auditor's Parcel Number 39-67002.000.

The bearings are based on Ohio Department of Transportation plans ERI-250-0.00 Right of Way Plan Sheet 6/178 (505-677).

The Stations and offsets referred to herein, are from the centerline of Right of Way of Bogart Road (County Road 10), as found on the ERI-CR 10-7.988 Widening and Resurfacing plans on file and available at the Erie County Engineer's Office.

This description was prepared by Amanda S. Buser, Registered Surveyor No. 8567, and was taken from matters of record and not an actual field survey, on April 23, 2014.

PARCEL 2:

Being the North 1/2 of Lot Number 21 in Section Number 2, Huron Township, Erie County, Ohio; containing 55.55 acres, more or less. Subject to legal highways.

PARCEL 3:

Situated in the Township of Huron, County of Erie and State of Ohio:

Being the East ten (10) acres of the South one-half (1/2) of Lot Number Twenty-One (21), in Section Number Two (2) of said Township. Containing ten (10) acres, more or less. Subject to legal highways.

EXCEPTING THEREFROM:

Situated in part of Lot 21, Town 6 North, Range 22 West, Section 2, Huron Township, Erie County, Ohio, and being more particularly described as follows:

Lying on the left side of the centerline of Right of Way survey of ERI-C.R. 10-7.988 Widening and Resurfacing made by the Erie County Engineer's Office and located within the following described points in the boundary thereof;

Commencing at an iron pin in a monument box at centerline of Right of Way Station 542+11.82 at the intersection of the centerline of Bogart Road (County Road 10), with the centerline of Rye Beach Road (County Road 122);

Thence North $88^{\circ} 52' 13''$ West along the centerline of Bogart Road (County Road 10), a distance of 21.49 feet to a point at centerline of Right of Way Station 541+90.33;

Thence North $01^{\circ} 07' 47''$ East, a distance of 30.00 feet to a point 30.00 feet left of centerline of Right of Way Station 541+90.33 on the existing Northerly Right of Way line of Bogart Road (County Road 10), said point also being the Principal Place of Beginning for this description;

1. Thence North $88^{\circ} 52' 13''$ West along the Northerly Right of Way line of Bogart Road (County Road 10), a distance of 32.27 feet to an iron pin to be set 30.00 feet left of centerline of Right of Way Station 541+58.06;

2. Thence North $38^{\circ} 20' 14''$ East, a distance of 50.16 feet to an iron pin to be set on the Westerly Right of Way line of Rye Beach Road (County Road 122), said pin being located 69.95 feet left of the centerline of Right of Way Station 541+88.38;

3. Thence South $01^{\circ} 39' 46''$ East along the Westerly Right of Way line of Rye Beach Road (County Road 122), a distance of 40.00 feet to the Place of Beginning.

The above described area containing 0.0148 acre of land, which is part of the Erie County Auditor's Parcel Number 39-67003.000.

The bearings are based on Ohio Department of Transportation plans ERI-250-0.00 Right of Way Plan Sheet 6/178 (505-677).

The Stations and offsets referred to herein, are from the centerline of Right of Way of Bogart Road (County Road 10), as found on the ERI-CR 10-7.988 Widening and Resurfacing plans on file and available at the Erie County Engineer's Office.

This description was prepared by Amanda S. Buser, Registered Surveyor No. 8567, and was taken from matters of record and not an actual field survey, on April 23, 2014.

APN: 39-67001.000 and 39-67002.000 and 39-67003.000

The territory is adjacent and contiguous with the City of Huron.

Attached is an accurate [map/plat] showing the territory proposed for annexation, marked "Map of Territory to be Annexed to the City of Huron."

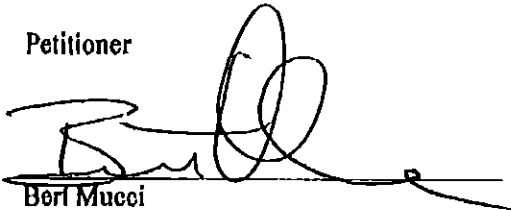
Christopher Jones is appointed agent for the petitioners as required by R.C. 709.02, with full power to amend, increase or decrease the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this petition, without further expressed consent of the petitioner.

Please take notice that, simultaneously with the filing of this petition, Christopher Jones is also filing with the clerk of the board, a list of all tracts, lots, or parcels in the territory proposed for annexation, and all tracts, lots, or parcels located adjacent to that territory, as required by R.C. 709.02.

As required Ohio Revised Code §709.023(A):

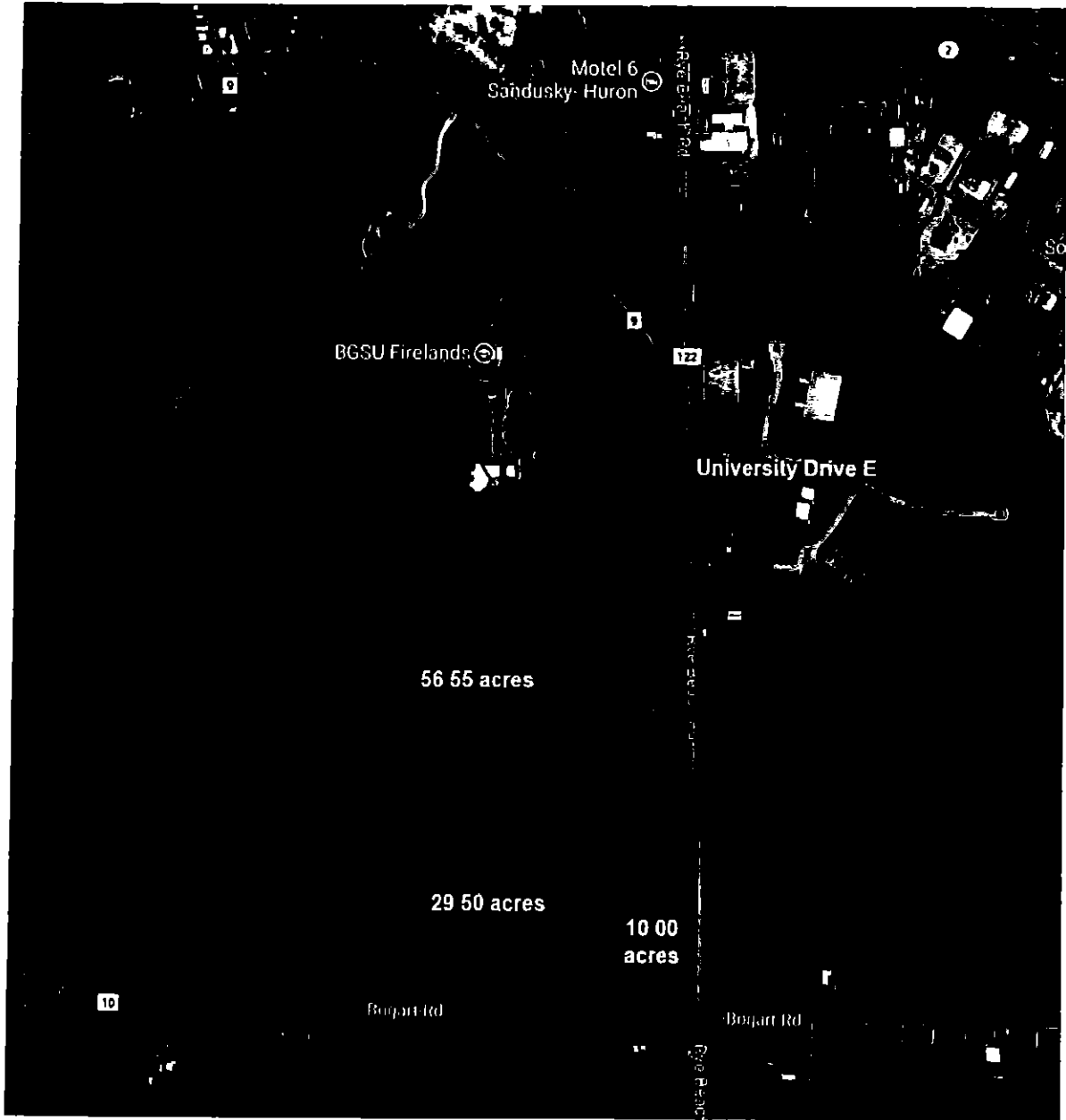
WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE

Petitioner

A handwritten signature in black ink, appearing to read "Bert Mucci", written over a horizontal line.

Bert Mucci
Mimi Land Company LLC

Map of Territory to be Annexed to the City of Huron



ADJACENT PROPERTY OWNERS

Western Boundary of Mucci Property

1. Parcel No. 39-00382.004
John R. Rockwell Jr. et al
9801 Huron Avery Road
Millan, Ohio 44846
2. Parcel No. 39-00517.000
John R. Rockwell Jr. et al
10710 Huron Avery Road
Millan, Ohio 44846
3. Parcel No. 39-00518.000
John R. Rockwell Jr. et al
10710 Huron Avery Road
Millan, Ohio 44846

Northern Boundary of Mucci Property

4. Parcel No. 39-67004.000
BGSU / State of Ohio
901 Rye Beach Road
Huron, Ohio 44839
5. Parcel No. 39-67005.000
BGSU / State of Ohio
901 Rye Beach Road
Huron, Ohio 44839

Eastern Boundary of Rye Beach Road

6. Parcel No. 42-01896.000
Myrna L. Schlessman Trustee
1202 Bogart Road
Huron, Ohio 44839
7. Parcel No. 42-00093.000
Myrna L. Schlessman Trustee
1202 Bogart Road
Huron, Ohio 44839
8. Parcel No. 42-00120.000
Bishop of Toledo
Financial Services
1933 Spielbusch Avenue
Toledo, Ohio 43604-5360
9. Parcel No. 42-01973.000
Helen Knupke

1002 Rye Beach Road
Huron, Ohio 44839

10. Parcel No. 42-01972.000
Helen Knupke
1002 Rye Beach Road
Huron, Ohio 44839

11. Parcel No. 42-00762.000
Charles and Eileen Jenkins
922 Rye Beach Road
Huron, Ohio 44839

Southern Boundary of Bogart Road – West of Rye Beach Road

12. Parcel No. 39-00055.001
Board of Township Trustees of Huron Township
1820 Bogart Road
Huron, Ohio 44839

13. Parcel No. 39-00055.002
DMS Farms LTD.
1212 Bogart Road
Huron, Ohio 44839

14. Parcel No. 39-00055.000
Paul D. Beatty
1305 Rye Beach Road
Huron, Ohio 44839

15. Parcel No. 39-00479.000
Rennle Funnl
1510 Bogart Road
Huron, Ohio 44839

16. Parcel No. 39-00056.000
Paul D. Beatty
1305 Rye Beach Road
Huron, Ohio 44839

Southern Boundary of Bogart Road – East of Rye Beach Road

17. Parcel No. 39-00573.000
Kenneth L. Schlessman Trustee
1318 Bogart Road
Huron, Ohio 44839