

16-13

**AN ORDINANCE ACCEPTING THE ANNEXATION OF PROPERTIES OWNED BY STANLEY AND ELIZABETH BRADLEY, LT BAYS ENTERPRISES MARK SIDLE, PAUL AND PHYLLIS HEDGES, HARRY AND SARAH KROUSE, GARY GREELER AND LITHOPOLIS PO LLC.**

**WHEREAS**, the petitioners have complied with Section 709 of the Revised Code, and

**WHEREAS**, the Fairfield County Commissioners have passed Resolution 2013-08.27.d required under 709.033 and attached, and

**WHEREAS**, the requisite sixty (60) days has passed since the Village Fiscal Officer received the proceedings from Fairfield County, and

**WHEREAS**, Petition is now before Council for actions, and

**WHEREAS**, in accordance with R.C. Section 709.04 Council may act to accept or reject annexation within 120 days from this date, and;

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LITHOPOLIS, FAIRFIELD COUNTY, STATE OF OHIO:**

**SECTION 1.** The Village of Lithopolis, by and through its Village Council, hereby accepts the annexation of certain property herein attached.

**SECTION 2.** This ordinance shall be in full force and effect at the soonest date provided by law.

DATE PASSED:

ATTEST:

CLERK

DATE:

10/29/13

SIGNED:

MAYOR

DATE:

10/29/13

APPROVED AS TO FORM:



VILLAGE SOLICITOR

BY: JON M. BROWNING



# Fairfield County Board of Commissioners

**COMMISSIONERS**

Steven A. Davis  
David L. Levacy  
Mike Kiger

**EXECUTIVE DIRECTOR**

Carri L. Brown

**CLERK**

Rachel A. Elsea

CERTIFICATION

I, Rachel A. Elsea, Clerk of the Board of County Commissioners of Fairfield County, Ohio, do hereby certify that the foregoing is a full, true, and correct copy of a resolution (2013-08.27.d) adopted by said Board at a regularly scheduled and conducted meeting held on August 27, 2013 which resolution is on file and of record in the office of said Board.

A handwritten signature in blue ink, appearing to read "Rachel A. Elsea".

Rachel A. Elsea, Clerk  
August 27, 2013

**A resolution to approve the annexation of 14.6833+/- Acres, more or less, of Bloom Township into the Village of Lithopolis, Pursuant to ORC 709.023, Expedited Type 2 Petition, Annexation of Land by the Village of Lithopolis, Ohio.  
[Commissioners]**

**WHEREAS**, a petition for annexation of 14.6833 acres, more or less, from Bloom Township into the Village of Lithopolis was filed with the Fairfield County Board of Commissioners on August 6, 2013, under the expedited process outlines in Section 709.023 of the Revised Code; and

**WHEREAS**, a legal description and survey of the property to be annexed is attached hereto and incorporated herein; and

**WHEREAS,**

(1) The petition for annexation meets all the requirements set forth in, and was filed in the manner provided in, section 709.023 of the Revised Code;

(2) The persons who signed the petition are owners of the real estate located in the territory proposed for the 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 percent 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) 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 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 in this paragraph, "street" or

**Resolution No. 2013-08.27.d**

**A resolution to approve the annexation of 14.6833+/- Acres, more or less, of Bloom Township into the Village of Lithopolis, Pursuant to ORC 709.022, Expedited Type 2 Petition, Annexation of Land by the Village of Lithopolis, Ohio.**

(Fairfield County Commissioners)

Upon the motion of Commissioner Mike Kiger, seconded by Commissioner David L. Levacy, this resolution has been Adopted:

Voting:

Steven A. Davis, President	Aye
David L. Levacy, Vice President	Aye
Mike Kiger	Aye

Board of County Commissioners  
Fairfield County, Ohio

CERTIFICATE OF CLERK

It is hereby certified that the foregoing is a true and correct transcript of a resolution acted upon by the Board of County Commissioners, Fairfield County, Ohio on the date noted above.



Rachel Elsea, Clerk  
Board of County Commissioners  
Fairfield County, Ohio

# Village of Lithopolis

City of Stone  
Est. 1814

Eric P. Sandine, Mayor  
Ed VanVickle, Administrator · Jacinta Seagraves, Fiscal Officer  
11820 Lithopolis Road · Lithopolis OH 43136  
Lithopolis.org · Ph: 614-837-2031 · Fax: 614-837-2722

August 5, 2013

Fairfield County Commissioners Office  
210 East Main Street  
Room 301  
Lancaster, OH 43130



RE: Bay/Bradley Annexation

Dear Commissioners,

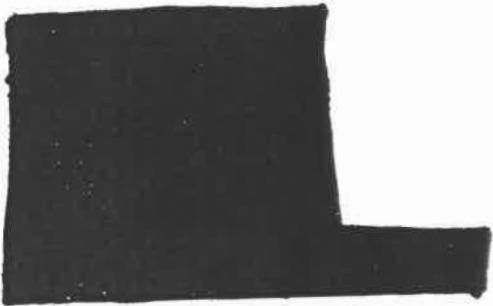
Attached please find the annexation application for the Bay/Bradley Annexation with the revisions required by the County Auditor and Engineers Offices.

If there are any questions or concerns, please contact me at 614-837-2031.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Sandine".

Eric Sandine, Mayor  
Village of Lithopolis



Application for  
**Annexation  
Petition**

**Expedited Type 2**  
Pursuant to ORC §709.023



Property Information	
Site Address	SEE ATTACHED
Parcel ID(s)	SEE ATTACHED
From Township	BLOOM
Total Acreage	14.6833 ± ACRES
To Municipality	LITHOPOLIS

Property Owner Information	
Name	SEE ATTACHED
Address	
Phone #	
Fax #	
Email	

Attorney/Agent Information	
Name	JON M. BROWNING
Address	243 N. FIFTH ST. SUITE 420 COLUMBUS, OH 43215
Phone #	614-221-8988
Fax #	614-221-0003
Email	jbrowning@browninglaw.us

Staff Use Only
Case #
Hearing date:
Date filed:
Fee paid
Receipt #
Notifications deadline: 5 days
Svc statement deadline: 20 days

Document Submission
The following documents must accompany this application on letter-sized 8 1/2" x 11" paper:
<input checked="" type="checkbox"/> Legal description of property
<input checked="" type="checkbox"/> Map/plot of property
<input checked="" type="checkbox"/> List of adjacent properties

Waiver of Right to Appeal			
<p>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.</p>			
PLEASE SEE ATTACHED SIGNATURE SHEETS			
Property Owner	Date	Property Owner	Date
Property Owner	Date	Property Owner	Date

Signed: Stanley M Bradley, Trustee

Printed Name: Stanley M. Bradley, Trustee (Plat 008-00097.20)

Address: P.O. Box 117 Lithopolis OH 43136-0117

Phone: 614 725-8035

Date: February 20, 2013

Signed: Elizabeth A. Bradley, Trustee

Printed Name: Elizabeth A. Bradley, Trustee (Plat 008-00097.20)

Address: PO Box 117 Lithopolis, OH 43136-0117

Phone: 614-833-6498

Date: 20 February 2013

Signed: Stanley Maxwell Bradley, Trustee

Printed Name: Stanley Maxwell Bradley, Trustee (Plat 008-00097.00)

Address: P.O. Box 117 Lithopolis OH 43136-0117

Phone: 614 725-8035

Date: February 20, 2013

Signed: Elizabeth Ann Bradley, Trustee

Printed Name: Elizabeth Ann Bradley, Trustee (Plat 008-00097.00)

Address: PO Box 117 Lithopolis, OH 43136-0117

Phone: 614-833-6498

Date: 15 July 2013

Signed: Lloyd T. Bay, Managing Member

Printed Name: L.T. Bay Enterprises, LLC, by Lloyd T. Bay,  
Managing Member of L.T. Bay Enterprises, LLC  
(Plat 008-00097.10)

Address: 6750 Lithopolis Rd, Carroll, Oh 43112

Phone: (614) 778-3899

Date: 16 Jul 2013

Signed: Mark Sidle

Printed Name: Mark Sidle (Plat 008-01799.99)

Address: 240 W. Columbus St, Lithopolis OH 43136

Phone: 614-837-1160

Date: 07-15-2013

Signed: Paul Hedges

Printed Name: Paul Hedges (Plat 008-01797.00)

Address: 9095 Lane Crest Rd  
Amanda, Oh. 43102

Phone: 740-969-2683

Date: 7-16-13

*Signature to be  
used for Bay,  
Bradley annexation*



Signed: Phyllis Hedges  
Printed Name: Phyllis Hedges (Plat 008-01797.00)  
Address: 9095 Lane Circle Rd  
Amma, Ohio 43102  
Phone: 740-969-2683  
Date: 7-16-2013

Signature to  
be used only  
for Bay, Bradley  
Occupation  
EPS

Signed: Harry C Krouse  
Printed Name: Harry Krouse (Plat 008-01796.00)  
Address: 290 W. Columbus St - Lithopolis, Ohio  
Phone: 614 834-4418  
Date: 7/15/13

Signed: Sarah Krouse  
Printed Name: Sarah Krouse (Plat 008-01796.00)  
Address: 290 W. Columbus St - Lithopolis, Ohio  
Phone: 614-834-4418  
Date: 7/15/13

Signed: Gary Greeler

Printed Name: Gary Greeler (Plat 0080180099)

Address: 9059 Concord Rd Powell Oh 43065

Phone: 740 881-4406

Date: 2/25/13

Signed: Donna Shirey

Printed Name: Lithopolis-PO LLC, by DONNA SHIREY,  
Managing Member of Lithopolis-PO LLC.  
(Parcel No. 0080179800)

Address: 230 NE Juniper St. #200 Pasquach, WA  
98027

Phone: 206.605.7211

Date: 3.8.13

STATE OF Washington, King COUNTY, ss.

Sworn to and subscribed to me this 8<sup>th</sup> day of March 2013 by \_\_\_\_\_.



[Signature]  
Notary Public

**VILLAGE OF LITHOPOLIS**  
**BAY/BRADLEY ANNEXATION**

**Adjacent Property Owner List**

<b>NAME</b>	<b>ADDRESS</b>	<b>PARCEL</b>
Cline, Howard L & Frances L	11430 Elder Ln NW	008-00096.00
Hall, Harold J & Ina M	11506 Elder Ln NW	008-00137.00
Shackelford, James A II	11560 Elder Ln NW	008-00133.00
Jordan, Eugene R. & Dorothy J	11540 Elder Ln NW	008-00141.00
Young, Berry & Sarah	0 Elder Ln NW	008-01801.00
Stakely Properties LLC	197 West Columbus Street	010-02270.00
Krouse, Harry & Sarah	290 West Columbus Street	010-02305.00
Wagner, Brenda J	320 West Columbus Street	010-02304.00
Watkins, John R & Ruth V	330 West Columbus Street	010-02303.00
Hess, Jeffrey T	340 West Columbus Street	010-02302.00
Paul, James & Carol	350 West Columbus Street	010-02301.00
Wynkoop, Thomas L & Terra L	360 West Columbus Street	010-02300.00
Stalder, James R & Karen A	370 West Columbus Street	010-02299.00
Carrier, Mark D	182 West South Street	010-02286.00
Leyndecker, Albert M II	11565 Lithopolis Road	010-02547.00
Lithopolis Road LLC	11575 Lithopolis Road	010-02548.00
Hedges, Paul A & Phyllis Y	272 West Columbus Street	010-02089.00
Krouse, Harry & Sarah	290 West Columbus Street	010-02090.00
Sidle, Mark	240 West Columbus Street	010-02091.00
Lithopolis-PO LLC	260 West Columbus Street	010-02092.10
Greeler, Gary W	206 West Columbus Street	010-02093.00

October 17, 2012

**Description of  
Proposed Annexation  
of Real Property  
which is comprised of a total of  
14.6833 acres of Land  
to The Village of Lithopolis, Ohio  
from Bloom Township, Fairfield County, Ohio**

Situated in the State of Ohio, County of Fairfield, Bloom Township, located in Section 07, Township 14, Range 20, and being a portion of the Road Right-of-Way of Lithopolis Road Dedicated on the record Plat for Bloom Canyon Addition, Plat Book 08, Page 37, and all of a 7.40 acre tract conveyed to Stanley M. Bradley, Trustee and Elizabeth A. Bradley, Trustee in Official Record 1484 Page 1605, and all of a 1.60 acre tract conveyed to Stanley M. Bradley, Trustee and Elizabeth A. Bradley, Trustee in Official Record 1480 Page 1609, all of a 0.03 acres conveyed to Harry Krouse and Sarah Krouse Official Record 1546 Page 297, all of a 0.10 acres conveyed to Paul & Phyllis Hedges Deed Book 586 Page 221, all of a 0.07 acres conveyed to Lithopolis-PO, LLC. Official Record 1314 Page 1828, all of a 0.11 acre tract conveyed to Mark Sidle Volume 681 Page 895, all of a 0.04 acre tract conveyed to Gary Greeler Official Record 1593 Page 1144, and all of a 4.74 acre tract conveyed to L T Bay Enterprises, LLC. Deed Book 465 Page 471, records of the Recorder's Office, Fairfield County, Ohio, and being more particularly bounded and described as follows:

beginning at a 1 inch iron pipe found the southwest corner of said 7.40 acre tract, the south east corner of Lithopolis Road, LLC. 4.82 acre OR-1571 Pg-2039, and at a Southeasterly corner of the Village of Lithopolis Corporation Line as Shown on the Annexation in Ordinance 02-03, recorded in OR-1296 Pg-345.

thence N 38°45'10" E, 966.53 feet, along the common line of said 7.40 and 4.82 acre tracts and the common line of said 7.40 and A. Leyndecker 1.19 acre OR-1521 Pg-2094, into Bloom Canyon Addition PB-08 Pg-37 with said corporation line, to a point in the north Right-of-Way of Lithopolis Road, the existing Corporation Line of The Village of Lithopolis by Annexation Ordinance in April 25, 1958 in PB-08 Pg-38, Ded. Rec. 03 Page 268, passing a 1 inch iron pipe found at 905.69 feet;

thence S 41°42'57" E, 358.96 feet, with the North Right-of-Way line of Lithopolis Road and said Corporation line, to a 3/4" iron pipe found at the beginning of a curve in said line;

thence along said North Right-of-Way line, with a curve to the Left, having a radius of 1843.51 feet, a delta of 07°21'04", an Arc length of 236.52 feet, a tangent of 118.42 feet and a chord bearing of S 45°23'29" E, a chord distance of 236.36 feet, to a point at the end of said curve in Wagnalls Drive;

thence S 49°04'01" E, 119.67 feet, with said Right-of-Way and corporation line, to a 3/4" iron pipe found, at the southeast corner of Lot 13 in said subdivision;

thence S 49°04'36" E, 488.51 feet, with the north Right-of Way Line of Lithopolis Road and said Corporation Line, with the north line of said 0.03 acre, 0.10 acre, 0.07 acre, 0.11 acre, and 0.04 acre tracts to a 3/4" iron pipe found, in said line and in the west line of the original Lithopolis Town Plat as recorded in Plat Book 01  
Page 25;

thence S 40°44'22" W, 390.85 feet, crossing Lithopolis Road, with the west line of said Original Town Plat and the east line of L T Bay Enterprises, LLC. 4.74 acre Deed Book 465 Page 471, to a point in Elder Lane at a common corner of said 4.74 acre tract and Francis L. Cline, Trustee 2.765 acre Official Record 1548 Page 1945 & Howard F. Cline 2.765 acre Official Record 1548 Page 1947;

thence N 49°31'42" W, 574.00 feet, with a common line of said 4.74 and 2.765 acre tracts, to a stone found at a common corner of said tracts and Harold J. Hall and Ina M. Hall 2.75 acre Volume 1391 Page 2354, passing a 3/4" iron pipe set at 25.00 feet;

thence N 89°50'30" W, 779.94 feet, with the common line of said 1.60, 7.40, 2.75 acre tracts and Eugene R. Jordan & Dorothy J. Jordan 2.75 acre Vol-663 Pg-559, James A. Shackelford II 2.57 acre OR-1102 Pg-501, Sarah Young & Berry Young 0.26 acre DB-355 Pg-216, to the Point of Beginning;

Together with and subject to covenants, easements, and restrictions of record.

Said property to contain 14.6833 acres in Fairfield County, Ohio, more or less.

This description was prepared by Louis Haines Surveyors in October of 2012 based of available records for the sole purpose of annexing the described parcels to the Village of Lithopolis, Ohio.



A handwritten signature in cursive script, appearing to read "Louis J. Haines".

Louis J. Haines  
Professional Surveyor 7205

*Oct-17-2012*



RESOLUTION 05-13

RESOLUTION CONCERNING SERVICES AND ZONING FOR PROPERTY PROPOSED FOR ANNEXATION CONSISTING OF 14.6833 ACRES IN BLOOM TOWNSHIP TO THE VILLAGE OF LITHOPOLIS (EXHIBIT A) AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF LITHOPOLIS, OHIO:

SECTION 1. The village of Lithopolis shall provide water, sanitary sewer, police and franchised solid waste pickup services to the 14.6833 acres proposed for annexation as described in the annexation packet attached as Exhibit A and incorporated by reference. Such services shall be available upon annexation.

SECTION 2. That if this 14.6833 acres site is annexed and if the Village of Lithopolis permits uses in the annexed territory that the Village of Lithopolis determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining in the township, the Village of Lithopolis shall 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. The term "buffer", as used herein, includes open space, landscaping, fences, walls, and/or other structured elements; streets and street right-of-way; and bicycle and pedestrian paths and sidewalks.

SECTION 3. If a street or highway is divided or segmented by a newly created municipal or township boundary line as to create a road maintenance problem, the Village of Lithopolis shall assume the maintenance of that street or highway or shall otherwise correct the problem. "Street" and "Highway" shall have the same meaning as in Section 4511.01 of the Ohio Revised Code.

SECTION 4. That the Fiscal Officer of the Village of Lithopolis shall file a certified copy of the Resolution hereby adopted, to the Board of County Commissioners of Fairfield County within twenty (20) days of the date the annexation petition was filed with their office.

SECTION 5. That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the public safety and health, and further so the Resolution can be submitted to the County Commissioners within the timelines required by the Ohio Revised Code; wherefor upon adoption by Council this Resolution shall be in effect immediately upon signature by the Mayor.

DATE PASSED: 8/13/13

ATTEST: Jacinta Seagraves

DATE: 8/13/2013

SIGNED: [Signature]

DATE: 8/13/2013

Approved as to form:

[Signature]  
Jon Browning, Village Solicitor

I, Jacinta Seagraves Fiscal Officer for the Village of Lithopolis do hereby certify that this is a true and accurate copy of: Resolution 05-13