

Ordinance 20-11

AN ORDINANCE ACCEPTING THE ANNEXATION OF PROPERTIES OWNED BY DAVID LOWERY.

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

WHEREAS, on June 28, 2011 the Fairfield County Commissioners passed Resolution 11-06.28.a, finding that the petition was valid and granting the petition to annex, and

WHEREAS, a complete copy of the record of the annexation proceedings including the Board resolution, the petition, the map and all other papers relating to the annexation is attached incorporated herein, and

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

WHEREAS, the Petition is now before Council for action, and

WHEREAS, in accordance with R.C. Section 709.04 Council may act to accept or reject annexation within 120 days from June 28, 2011, 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 owned by David Lowery.

SECTION 2. This ordinance shall be in full force and effect at the earliest date permitted by law.

DATE PASSED: Aug 30, 2011

ATTEST: Jacinta Sengstacke SIGNED
CLERK

[Signature]
MAYOR

DATE: 8-30-11

DATE: 8/30/11

APPROVED AS TO FORM:

[Signature]
JON BROWNING
VILLAGE SOLICITOR

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

I, Jacinta Seagraves, Fiscal Officer of the Village of Lithopolis, do hereby certify that the attached copies of the petition, maps and all other documents and papers are true and accurate to the original.

Jacinta Seagraves
Name

9/20/2011
Date



Fairfield County Board of Commissioners

COMMISSIONERS

Mike Kiger
Judith K. Shupe
Steven A. Davis

June 28, 2011

CLERK/MANAGER

Branden C. Meyer

Village of Lithopolis
Ms. Jacinta Seagraves, Fiscal Officer
P.O. Box 278
Lithopolis, Ohio 43136

Dear Ms. Seagraves:

I, Branden C. Meyer, Clerk/Manager of the Fairfield County Board of Commissioners, do hereby certify that the attached are true and accurate copies of the petition, maps, and all other papers on file relating to the annexation proceedings presented by Mr. Charles L. Bluestone, agent for the petitioner, in the matter of the annexation of 5.2675 acres of Bloom Township into the Village of Lithopolis.

Sincerely,

A handwritten signature in blue ink that reads "Branden Meyer".

Branden C. Meyer
Clerk/Manager

IN THE MATTER OF a Petition to Annex 5.2675 Acres, more or less, into the Village of Lithopolis pursuant to ORC 709.023, Expedited Type 2 Petition, Annexation of Land by Charles L. Bluestone, Agent for the Petitioner

WHEREAS, a petition for annexation of 5.2675 acres, more or less, from Bloom Township into the Village of Lithopolis was filed with the Fairfield County Board of Commissioners on June 6, 2011, under the expedited process outlined 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 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 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 in this paragraph, "street" or "highway" has the same meaning as in section 4511.01 of the Revised Code; and

WHEREAS, the Village of Lithopolis, Ohio has adopted a municipal services ordinance to provide city services to the property to be annexed and has adopted a resolution of consent for the annexation of the territory.

BE IT RESOLVED by the Board of County Commissioners, County of Fairfield, State of Ohio:

SECTION 1. That the Board of Commissioners finds that the petition is a valid petition to annex and that it meets all the requirements set forth in and was filed in a manner provided in ORC 709.023.

SECTION 2. Pursuant to ORC 709.023, the Board of Commissioners hereby grants the petition to annex 5.2675 acres, more or less, of Bloom Township into the Village of Lithopolis, Ohio.

SECTION 3. That the Clerk/Manager of the Board of Commissioners is instructed to deliver a certified copy of the entire record of the annexation proceedings, including the Board resolution, the petition, the map, and all other papers of the file relating to the annexation proceedings to the Clerk of the Village of Lithopolis, Ohio.

Motion by JUDITH SHUPE seconded by STEVEN DAVIS

that the resolution be adopted was carried by the following vote:

YEAS: SHUPE, DAVIS, KIGER NAYS: NONE

ABSTENTIONS: NONE



Mike Kiger, Commissioner

ADOPTED JUNE 28, 2011

RECEIVED

JUN 24 2011

FAIRFIELD COUNTY COMMISSIONERS

RESOLUTION 02-11

A RESOLUTION CONCERNING SERVICES TO PROPERTY PROPOSED FOR ANNEXATION CONSISTING OF 5.2675 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, sewer, police and franchised solid waste pickup services to the 5.2675 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 5.2675 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: 6/14/11

ATTEST: [Signature]

SIGNED: [Signature]

DATE: 6/14/2011

DATE: 6/14/11

Approved as to form:

- 1 . . P



Fairfield County Engineer

3026 West Fair Avenue
Lancaster, Ohio 43130-8993

Telephone (740) 687-7050
FAX (740) 687-7055

FRANK W. ANDERSON, P.E., P.S.
Fairfield County Engineer

To: Fairfield County Board of Commissioners

Attn: Branden Meyer, Clerk/Mgr.

Frank W. Anderson, P.E., P.S.

From: Frank W. Anderson, P.E., P.S., Fairfield County Engineer

Subject: Proposed Annexation of 5.2675 Ac. From Bloom Township into the Village of Lithopolis

Date: June 14, 2011

This office has reviewed the revised documents, as submitted via regular mail, for the proposed annexation of a 5.2675 acre parcel fronting on Smith Road. Please note the following comments on this revised submittal:

1. I believe that there is now an acceptable annexation territory plat map submitted for the territory proposed for annexation as described in County Conveyance Standards. It now appears acceptable for recording purposes. The drawing now includes labeling as desired and shows that the right-of-way is not now being proposed for annexation into the Village of Lithopolis. There is now only 5.2675 acres being proposed for annexation with 0.2646 acre show as right-of-way not to be annexed from the original 5.53 ac. Lowrey parcel. Other corrections have been made as suggested.
2. A legal description of the territory to be annexed (without road right-of-way) has been provided and appears acceptable.
3. Since the Smith Road right-of-way is now not included for proposed annexation, based on the submitted legal description provided, the annexation does not create a maintenance problem.
4. The parcel proposed for annexation will have sufficient length contiguous to the existing Village of Lithopolis incorporated territory.

Since the petitioner's representative, Mr. Bluestone, has asked for advice on the revised documents I will send a copy of this memo to Mr. Bluestone. I would not have any problems with the annexation request moving forward. If there are any questions on these comments, please advise.

Enc: copy of what this Office received on June 9th.

c: Mike Arter (FCEO) - Annexation file - Reading File

BLUESTONE LAW OFFICES

141 East Town Street, Suite 100
Columbus, Ohio 43215

Charles L. Bluestone
Attorney-at-Law
Admitted to Practice in OH, NJ and NY

Telephone: (614) 220-5900
Facsimile: (614) 462-1930
bluestonelaw@sbcglobal.net

June 7, 2011

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Ms. Jacinta Seagraves, Village Clerk
Village of Lithopolis
11820 Lithopolis Road
Lithopolis Ohio 43136

Re: Amendment to Petition for Annexation filed by David Lowery
Seeking to Have 5.2675 Acres in Bloom Township
Annexed to the Village of Lithopolis

Dear Ms. Seagraves:

As you will remember, on April 29, 2011, I mailed you a copy of a Petition for Annexation that was filed by our client, David Lowery, with the Fairfield County Commissioners. Following a review by the Fairfield County Engineer, we were asked to submit a revised legal description and map/plat. Enclosed, you will find an Amendment to the Petition for Annexation, to which the revised documents are attached. In addition, I am enclosing two (2) large sized versions of the revised map/plat. Please date-stamp the extra enclosed copy of the Amendment and return the same to me (a postage pre-paid return envelope is enclosed).

Once the annexation process is complete, Mr. Lowery intends to split the 5.2675 acre parcel into two separate parcels. One of the new parcels, which will contain approximately one acre of land, will be utilized as additional backyard space for Mr. and Mrs. Lowery, who live in the adjacent Stoney Bluff Subdivision. The rest of the land, including the house situated on it, is to be sold.

If there are any questions concerning this matter, please call me.

Very truly yours,


Charles L. Bluestone

CLB/lc
Enclosures
Lithopolis 6 7 11.ltr
Copy w/encls.: David Lowery

BLUESTONE LAW OFFICES

141 East Town Street, Suite 100
Columbus, Ohio 43215

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Attorney-at-Law
Admitted to Practice in OH, NJ and NY

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Facsimile: (614) 462-1930
bluestonelaw@sbcglobal.net

June 7, 2011

Mr. Jeffrey Baird, P.S., P.E.
Fairfield County Engineer's Office
3026 West Fair Avenue
Lancaster, Ohio 43130-3879

RECEIVED

JUN 09 2011

**FAIRFIELD COUNTY
COMMISSIONERS**

Re: Amendment to Petition for Annexation
5.2675 Acres into the Village of Lithopolis
Filed by David Lowery

Dear Mr. Baird:

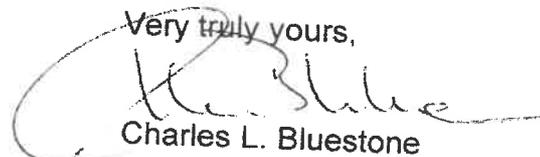
As you know, this firm represents David Lowery who is seeking to have 5.2675 acres (out of the total 5.53 acres) of a parcel located in Bloom Township annexed into the Village of Lithopolis.

Following receipt of the Fairfield County Engineer's comments regarding the original legal description and map/plat that were attached to the Petition for Annexation, Mr. Lowery arranged to have Louis J. Haines, P.S. prepare a new legal description and a new map/plat.

Enclosed, as a courtesy, are four (4) large scale copies of the map/plat and an extra copy of the legal description. I am also providing you with a copy of the Amendment to Petition for Annexation.

When you have had a chance to review these supplemental documents, would you kindly call me to advise that the revised documents meet with your office's approval. Thank you.

Very truly yours,



Charles L. Bluestone

CLB/lc
Enclosures
Fairfield Co Engineer 6 7 11.ltr
Copy w/encls.: David Lowery
Braden C. Meyer

BLUESTONE LAW OFFICES

141 East Town Street, Suite 100
Columbus, Ohio 43215

Charles L. Bluestone
Attorney-at-Law
Admitted to Practice in OH, NJ and NY

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Facsimile: (614) 462-1930
bluestonelaw@sbcglobal.net

June 7, 2011

RECEIVED

JUN 09 2011

**FAIRFIELD COUNTY
COMMISSIONERS**

FEDERAL EXPRESS

Mr. Branden C. Meyer
Clerk/Manager
Fairfield County Board of Commissioners
210 East Main Street, Room 301
Lancaster, Ohio 43130-3879

Re: Amendment to Petition for Annexation
5.2675 Acres into the Village of Lithopolis
Filed by David Lowery

Dear Mr. Meyer:

As you know, this firm represents David Lowery who is seeking to have 5.2675 acres (out of the total 5.53 acres) of a parcel located in Bloom Township annexed into the Village of Lithopolis.

Following receipt of the Fairfield County Engineer's comments regarding the original legal description and map/plat that were attached to the Petition for Annexation, Mr. Lowery arranged to have Louis J. Haines, P.S. prepare a new legal description and a new map/plat.

Enclosed, for filing with the Fairfield County Board of Commissioners, is an Amendment to Petition for Annexation to which copies for the revised documents are attached. I have also enclosed four (4) large scale copies of the map/plat and an extra copy of the legal description. Kindly time-stamp the extra enclosed copies of the documents and then return them to me in the envelope provided.

Under separate cover, I have sent an additional four (4) copies of the map/plat, a copy of the legal description and a copy of the Amendment to Petition for Annexation to Chief Deputy Engineer Jeffrey Baird, P.S., P.E.

Mr. Branden C. Meyer
June 7, 2011
Page 2

When you have had a chance to review these supplemental documents, would you kindly call me to advise what procedural steps next need to be taken in order to complete the annexation process. Thank you.

Very truly yours,



Charles L. Bluestone

CLB/lc
Enclosures
Fairfield Co 6 7 11.ltr
Copy w/encls.: David Lowery

AMENDMENT TO
PETITION FOR ANNEXATION FILED BY DAVID LOWERY

12:30pm
RECEIVED

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

JUN 09 2011

FAIRFIELD COUNTY
COMMISSIONERS

NOW COMES Charles L. Bluestone, Esq., duly appointed as the agent for petitioner David Lowery in connection with that certain Petition for Annexation filed with the Fairfield County Commissioners at 11:30 a.m. on April 27, 2011, seeking to have what was originally described as a 5.5347± acre territory currently located in Bloom Township annexed into the Village of Lithopolis.

The Fairfield County Engineer has reviewed the legal description and map/plat that were attached to said Petition of Annexation. Upon receiving the County Engineer's comments with regards to those documents, petitioner David Lowery caused Louis J. Haines, P.S. to prepare a new legal description and a new survey map/plat of the territory to be annexed. Copies of the new legal description and new map/plat are attached hereto as "Substitute Exhibit A" and "Substitute Exhibit B" respectfully.

The total length of contiguity of the territory to be annexed with the present boundaries of the Village of Lithopolis has been recalculated as 678.02 feet.

The total length of the perimeter of the territory to be annexed has been recalculated as 1,976.75 feet.

The total percentage of the perimeter of the territory to be annexed that is contiguous with the present boundaries of the Village of Lithopolis has been recalculated as 34%.

May 29, 2011

Description of
Proposed Annexation
of One Parcel of Real Property
which compromise a total of
5.2675 acres of Land
to the Village of Lithopolis, Ohio
from Bloom Township, Fairfield County, Ohio

Situated in the Township of Bloom, County of Fairfield, State of Ohio and being part of Section 11, Township 14, Range 20. of the Congress Lands and being a portion of David Lowery, 5.53 acre parcel of record in Official Record 1560 Page 1252, in the office of Gene Woods, the Recorder of Fairfield County, Ohio;

Commencing at a 3/4" iron pipe found in the existing corporation line of the Village of Lithopolis, as recorded in Official Record 1199 Page 854, at a common corner of said 5.53 acre tract and Stoney Bluff Condominium PC-2 Pg-158;

Thence N 42°02'54" W, 627.55 feet +/-, along the common line of said 5.53 acre tract and S. & B. Dominy 2.63 acre OR-1221 Pg-469, to a 3/4" iron pipe found in the southerly 30 foot Right-of-Way line of Smith Road;

Thence N 49°59'00" E, 383.66 feet +/-, across said 5.53 acre tract, along the Southerly 30 foot Right-of-Way line of Smith Road, to a 3/4" iron pipe found in the common line of said 5.53 acre tract and Tamara L. Weis 1.08 acre OR-1548 Pg-731;



5.2675 acre

Page Two

May 29, 2011

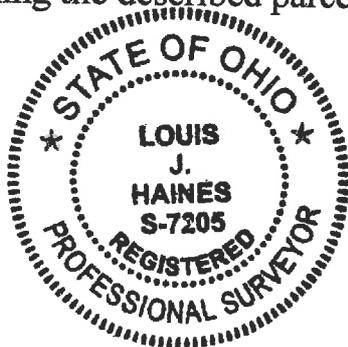
Thence S 40°01'00" E, 604.00 feet +/-, with the common line of said 5.53 and 1.08 acre tracts and the Stoney Bluff Subdivision Section 1, PC-2 Pg-80, to a 3/4" iron pipe found;

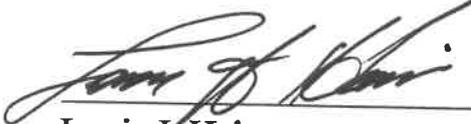
Thence S 46°19'00" W, 362.15 Feet +/-, with a common line of said 5.53 acre tract and subdivision and said condominium to the Point of Beginning;

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

Said property to contain 5.2675 acres in Fairfield County, Ohio, more or less.

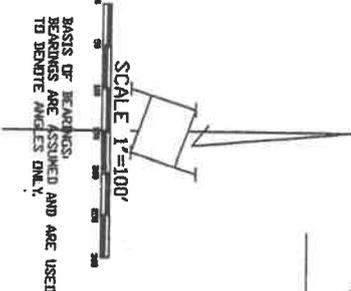
This description was prepared by Louis Haines Surveyors in May of 2011, based of available records for the sole purpose of annexing the described parcels to the Village of Lithopolis, Ohio.



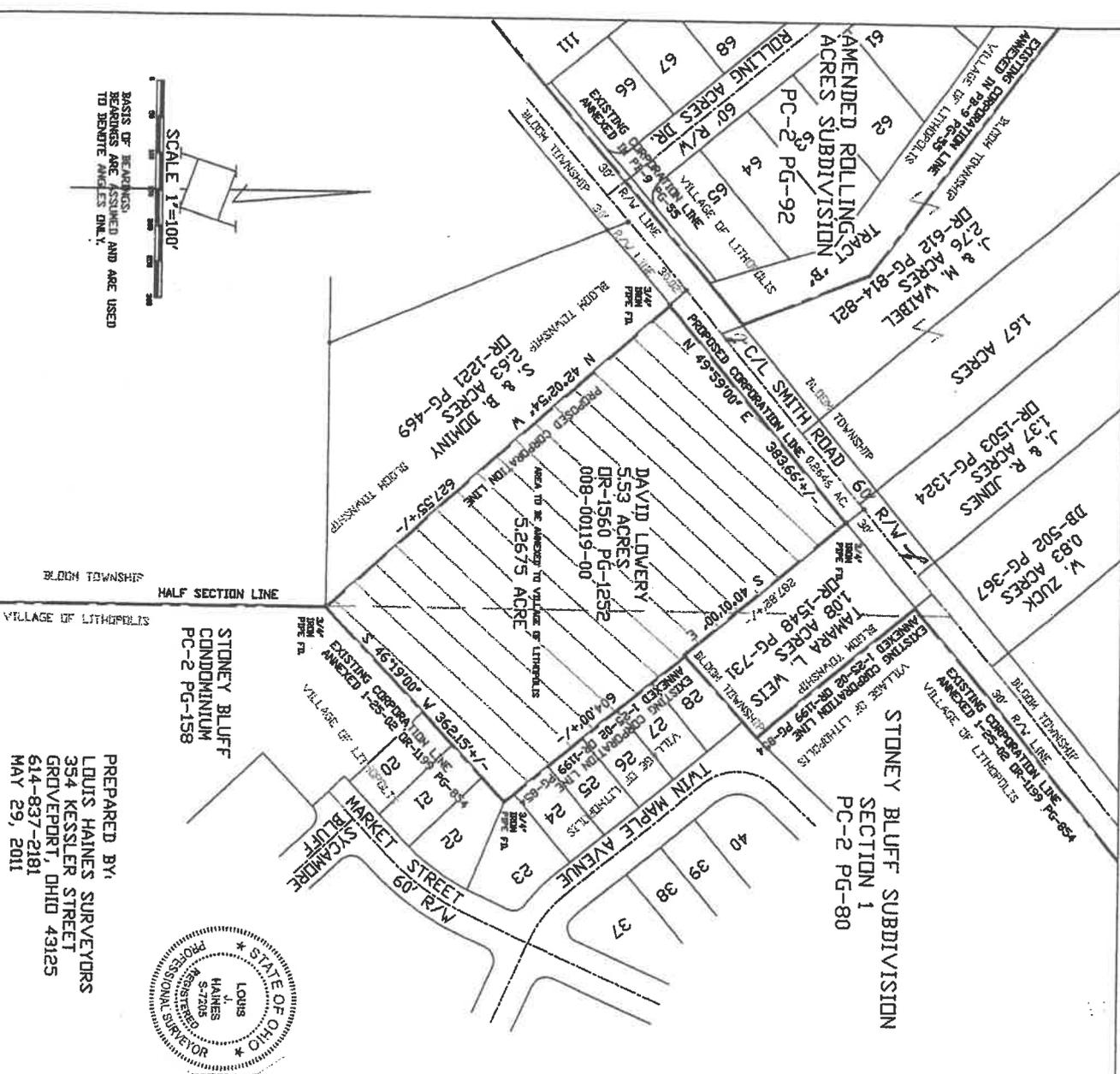

Louis J. Haines
Professional Surveyor #7205

23annex

HAINES SURVEYORS, 354 Kessler Street, Groveport, Ohio 43125
Phone 614-837-2181 Fax- 614-834-7740.



BASES OF MEASUREMENTS AND AREAS ASSUMED TO BE CORRECT AND ARE USED TO DETERMINE ANGLES ONLY.

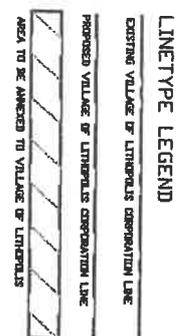


BLOOM TOWNSHIP
VILLAGE OF LITHOPOLIS

PREPARED BY:
LOUIS HAINES SURVEYORS
354 KESSLER STREET
GROVEPORT, OHIO 43125
614-837-2181
MAY 29, 2011



PROPOSED ANNEXATION OF
5.2675 ACRES
IN SECTION -11, TOWNSHIP -14, RANGE 20,
CONGRESS LANDS, BLOOM TWP., FAIRFIELD CO.
FROM
BLOOM TOWNSHIP, FAIRFIELD COUNTY, OHIO
TO
VILLAGE OF LITHOPOLIS, OHIO



NOTE:
TOTAL PERIMETER OF THIS ANNEXATION IS 1974.75 FEET,
OF WHICH 678.92 FEET ARE CONTIGUOUS WITH THE PERIMETER OF
LITHOPOLIS BY DE-1199 PG-854, GIVING A 34% PERIMETER CONTIGUITY.

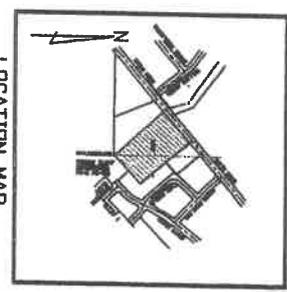


EXHIBIT
B
Substitute

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and complete copy of the foregoing Amendment to Petition for Annexation was served on this 7th day of June 2011, upon the following persons:

By Certified Mail, Return Receipt Requested

Ms. Carol J. Moore
Bloom Township Fiscal Officer/Treasurer
8358 West Ohio State Lane
Lancaster, Ohio 43130

Ms. Jacinta Seagraves, Village Clerk
Village of Lithopolis
11820 Lithopolis Road
Lithopolis Ohio 43136

By Regular, First-Class Mail

Territory to be Annexed:

David Lowery
11535 Smith Road NW
Canal Winchester, Ohio 43110
Parcel No. 0080011900

Surrounding Parcels:

Kenneth E. Moore and Anna M. Moore
134 Rolling Acre Drive
Canal Winchester, Ohio 43065
Parcel No. 0100261300

John F. Waibel and Marilyn B. Waibel,
Trustees
11540 Smith Road NW
Canal Winchester, Ohio 43065
Parcel No. 0080011810 &
0080011811

Kenneth E. Moore and Anna M. Moore
Post Office Box 183
Lithopolis, Ohio 43136
Parcel No. 0100261300

John F. Waibel and Marilyn B. Waibel,
Trustees
5895 Elder Road
Canal Winchester, Ohio 43110
Parcel No. 0080011810 &
0080011811

Jan A. Jones & Robert S. Jones
11520 Smith Road NW
Lithopolis, Ohio 43136
Parcel No. 0080011812

Raymond J. Goral and Cynthia K. Goral
73 West Twin Maple Avenue
Lithopolis, Ohio 43136
Parcel No. 0100245300

Eric L. Getreu
49 West Twin Maple Avenue
Lithopolis, Ohio 43136
Parcel No. 0100245100

John P. Kaut and Carolyn M. Kaut
37 West Twin Maple Avenue
Lithopolis, Ohio 43136
Parcel No. 0100245000

Sheila R. Sheets
405 Market Street
Lithopolis, Ohio 43136
Parcel No. 0100244800

Belinda K. Haynes
433 Market Street
Lithopolis, Ohio 43136
Parcel No. 0100244600

David S. Lowery and Allison Lowery
445 Market Street
Lithopolis, Ohio 43136
Parcel No. 0100244500

Mark T. Harris and Brenda J. Harris
11665 Smith Road NW
Canal Winchester, Ohio 43110
Parcel No. 0080015200

Tamera L. Weis
11511 Smith Road NW
Canal Winchester, Ohio 43110
Parcel No. 0080012010

The Straight & Lamp Lumber Company
61 West Twin Maple Avenue
Lithopolis, Ohio 43136
Parcel No. 0100245200

The Straight & Lamp Lumber Company
Post Office Box 718
Hebron, Ohio 43025
Parcel No. 0100245200

The Straight & Lamp Lumber Company
25 West Twin Maple Avenue
Lithopolis, Ohio 43136
Parcel No. 0100244900

Travis R. Goodwin and Christina Goodwin
423 Market Street
Lithopolis, Ohio 43136
Parcel No. 0100244700

Travis R. Goodwin and Christina Goodwin
2489 Prendergast Place
Reynoldsburg, Ohio 43068
Parcel No. 0100244700

Scott D. Dominy and Bonnie S. Dominy
11589 Smith Road
Lithopolis, Ohio 43136
Parcel No. 0080011910

Duane D. Gibson and Linda J. Gibson
497 Market Street
Lithopolis, Ohio 43136
Parcel No. 0100276100



Charles L. Bluestone