

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]

DATE: 6/14/2011

SIGNED: [Signature]

DATE: 6/14/11

**AMENDMENT TO
PETITION FOR ANNEXATION FILED BY DAVID LOWERY**

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

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%.

The annexation will not create an unincorporated area of township that is completely surrounded by the territory proposed for annexation.

Except as expressly noted above, all of the other statements set forth in the original Petition for Annexation continue in full force and effect.

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.

June 7, 2011
Columbus, Ohio

A handwritten signature in black ink, appearing to read 'Charles L. Bluestone', written over a horizontal line.

Charles L. Bluestone, Esq.
Agent for Petitioner

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

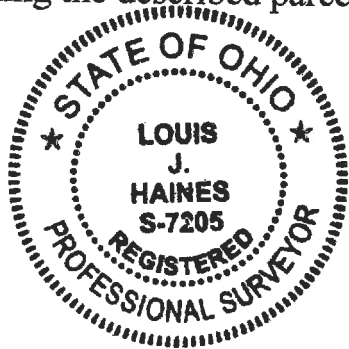
Thence S 40°01'00" E, 604.00 feet +/-, with the common line of said 5.53 and 1.08 acre tracts and the Stoney Bluff Subdivision Section 1, PC-2 Pg-80, to a 3/4" iron pipe found;

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.



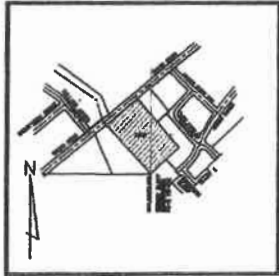
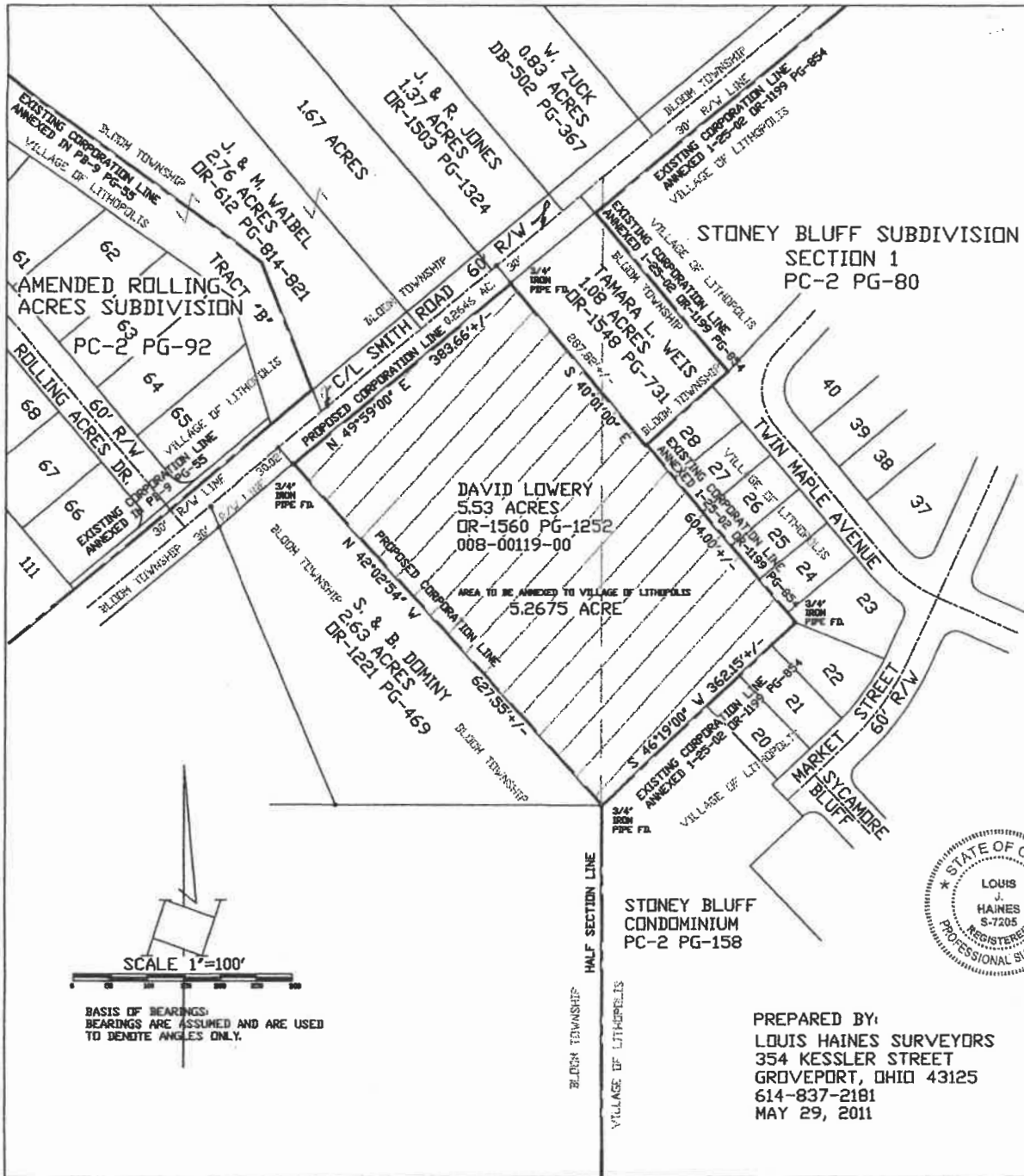
A handwritten signature in black ink, appearing to read "Louis J. Haines", written over a horizontal line.

Louis J. Haines
Professional Surveyor #7205

23annex

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

EXHIBIT
B
Substitute



LOCATION MAP
NO SCALE

NOTE:
THE TOTAL PERIMETER OF THIS ANNEXATION IS 1976.75 FEET,
OF WHICH 678.02 FEET, ARE CONTIGUOUS WITH THE VILLAGE OF
LITHOPOLIS BY DR-1199 PG-854, GIVING A 34% PERIMETER CONTIGUITY.

LINETYPE LEGEND

- EXISTING VILLAGE OF LITHOPOLIS CORPORATION LINE
- PROPOSED VILLAGE OF LITHOPOLIS CORPORATION LINE
- AREA TO BE ANNEXED TO 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

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