

BOARD OF DEFIANCE COUNTY COMMISSIONERS

RESOLUTION: IN THE MATTER OF: DETACHMENT PETITION APPROVAL FOR 7.71 ACRES OF REAL ESTATE IN DEFIANCE TOWNSHIP FROM THE CITY OF DEFIANCE

DATE: THURSDAY, FEBRUARY 20, 2020

The Board of Commissioners, County of Defiance, State of Ohio met in regular session on the above date in the Defiance County Commissioners' Conference Room with the following members present:

Ryan Mack: PRESENT Michael Pocratsky: PRESENT Gary Plotts: PRESENT

Commissioner PLOTTS moved and Commissioner POCRATSKY seconded the adoption of the following Resolution:

WHEREAS, on the 3rd day of February, 2020, a Petition for Detachment was filed in the Board of Defiance County Commissioners' office by Michael A. Shaffer, Agent for Petitioners; and

WHEREAS, said Petition is brought under Section 709.38 of the Ohio Revised Code; and

WHEREAS, the Petitioner petitioned the Board of Defiance County Commissioners for detachment of 7.71 acres of land, more or less, being a part of the Northeast Corner of the West One Half and the Northwest Corner of the East One Half of the Southwest Quarter of Section 29, Town 4 North, Range 4 East, Defiance Township, Defiance County, Ohio from the City of Defiance, said legal description was subsequently approved by the Defiance County Engineer's Office; and

WHEREAS, on the 22nd day of October, 2019, the City of Defiance assented to the detachment of said territory, pursuant to Section 709.38 of the Ohio Revised Code; and

WHEREAS, the City of Defiance provided written confirmation that there was no "existing indebtedness to which the said territory is attached".

THEREFORE, BE IT RESOLVED BY THE BOARD, that:

1. The Petition meets all requirements and has been filed in the manner prescribed in Section 709.38 of the Ohio Revised Code.
2. The Petitioner is the sole owner of the real estate located within the Territory sought to be detached.
3. There is no amount of existing indebtedness to of the municipal corporation from which the detachment is made, to be ascertained or apportioned to the township.
4. The proposed annexation will not create an unincorporated area of the Township that is completely surrounded by the Territory proposed for detachment.

BE IT FURTHER RESOLVED, that the Board of Defiance County Commissioners, hereby, **Approves**, the Detachment Petition of 7.71 acres of land, more or less, located in Defiance Township, County of Defiance, from the City of Defiance.

NO TRANSFER NECESSARY
JILL R. LITTLE
COUNTY AUDITOR
2-21-2020 NR

20200000750
Filed for Record in
DEFIANCE COUNTY, OHIO
CECILIA A. PARSONS, RECORDER
02/21/2020 02:04 PM PGS:5
COUNTY RESOLUTION 0.00
Book 425 Page 2876

BOARD OF DEFIANCE COUNTY COMMISSIONERS

BE IT FURTHER RESOLVED, that it is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were so adopted in an open meeting of this Board and that all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

The roll call vote upon its adoption resulted as follows:

RYAN MACK	<u>Ryan Mack</u>	<u>yes</u>
MICHAEL POCRATSKY	<u>Michael Pocratsky</u>	<u>yes</u>
GARY PLOTTS	<u>Gary Plotts</u>	<u>yes</u>

MOTION CARRIED:

ATTEST: Stephanie M. Metz, CLERK
STEPHANIE M. METZ

SEAL

I hereby certify this is a true and exact copy
of Journal 163 Resolution No 20-02-055
adopted by Defiance County
Board of Commissioners on 02-20-2020

Stephanie M Metz 02-20-2020
Name & Title Clerk Date

PETITION FOR DETACHMENT

To: Board of County Commissioners of Defiance County, Ohio:

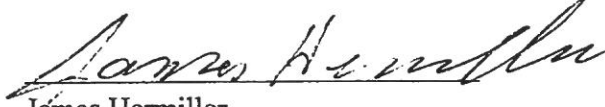
Pursuant to O.R.C. §709.38, the undersigned, Petitioner Hermiller Holdings, LLC, by and through its sole Member, James Hermiller, being the owner in the territory hereinafter described; hereby petitions for detachment of the real estate in the City of Defiance, Ohio and described on Exhibit A attached hereto.

Petitioner has attached hereto and made a part of this Petition, a map showing the boundaries of the territory sought to be detached, marked "Map of Territory to be detached from the City of Defiance".

Petitioner states that he has received the consent of the legislative authority of the City of Defiance and it has passed an Ordinance for that purpose, a copy of said Ordinance is attached hereto.

Petitioner requests that the County Board of Commissioners detach said real estate from the City of Defiance and attach it to the contiguous Township, to wit, Defiance Township.

Attorney, Michael A. Shaffer, is hereby appointed agent for the undersigned petitioner as required by Ohio Revised Code 709, with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this petition. Said amendment, alteration, change correction, withdrawal, refiling, substitution, compromise, increase or deletion, or other things or action for the granting of this Petition shall be made in the Petition, description and/or plat by said agent without further expressed consent of the petitioner.


James Hermiller

Ordinance No. 8165

**AN ORDINANCE ASSENTING TO THE DETACHMENT OF TERRITORY
CONSISTING OF 7.72 ACRES IN THE CITY OF DEFIANCE TO
DEFIANCE TOWNSHIP, OHIO**

WHEREAS, the property owner of 20308 County Road 424, Defiance, Ohio plans to petition the Board of Commissioners of Defiance County, Ohio to detach from the City and join the contiguous Defiance Township, Ohio; and,

WHEREAS, Section 709.38 of the Ohio Revised Code permits the detachment of territory from a municipality "with the assent of the legislative authority of the municipal corporation"; and,

WHEREAS, the property owner will petition the Board of Commissioners of Defiance County, Ohio for detachment of the subject property from the municipality upon approval of this Ordinance;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: Council assents to the detachment of territory, more specifically described in "Exhibit A" and attached hereto, from the municipality and into the contiguous township pending approval from the Board of Commissioners of Defiance County, Ohio.

Section 2: The City Administrator is directed to enter into the Water Purchase and Sale Agreement, attached hereto as "Exhibit B", with the property owner upon detachment from the municipal corporation.

Section 3: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

Section 4: This Ordinance shall be effective on the earliest date permitted by law.

Passed: October 22, 2019

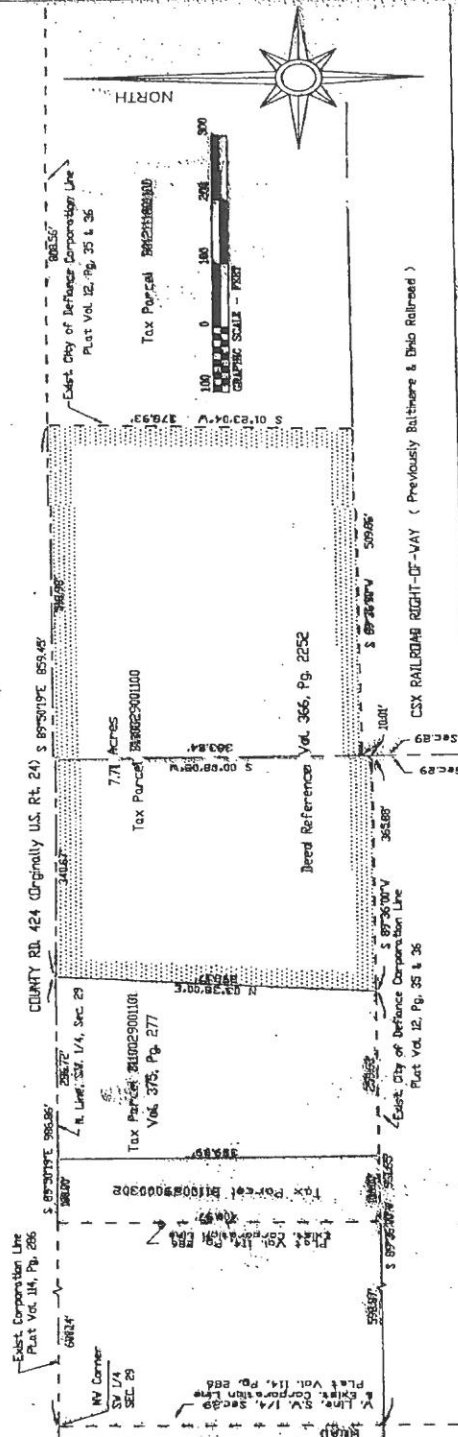
David McMaster
President of Council

Attest: Lisa Elders, Clerk

Approved: October 22, 2019

Michael McCann
Mayor

AN EXHIBIT OF A PETITIONED ANNEXATION TO THE CITY OF DEFIANCE, OHIO
 BEING A TRACT OF LAND LOCATED IN THE NORTHEAST CORNER OF THE WEST ONE HALF AND THE NORTHWEST CORNER OF THE
 EAST ONE HALF OF THE SOUTHWEST ONE QUARTER OF SECTION 29, TOWNSHIP 4 NORTH, RANGE 4 EAST, DEFIANCE TOWNSHIP,
 DEFIANCE COUNTY, OHIO



ANNEXATION BOUNDARY DESCRIPTION
 Being a tract of land located in the Northeast corner of the West one half and the Northwest corner of the East one half of the Southwest one quarter of Section No. 29, Township 4 South, Range 4 East, Defiance Township, Defiance County, Ohio and more particularly described as follows:
 Beginning at a point located on the North line of the Southwest one quarter of Section 29, said point of beginning also represented as the Northwest corner of a tract of land described in Volume 366, Page 2252 of the Deed Records of the Defiance County Recorder; thence South 89° 30' 19" East on the North line of the Southwest one quarter a distance of 599.85 feet to the Northeast corner of the parcel described in Volume 366, Page 2252, also being a Northeast corner of the existing Corporation line to the City of Defiance (as established within an Annexation Plat recorded in Volume 12, Page 35, 36 of the Plat Records located in the office of the Defiance County Recorder) thence South 89° 30' 19" West on the East line of the parcel described in Volume 366, Page 2252, and along the existing City of Defiance Corporation line, a distance of 378.93 feet to a point on the North right-of-way line of the CSX Railroad; thence South 89° 36' 00" West on the North right-of-way line of the CSX Railroad, also being the South line of the tract of land described in Volume 366, Page 2252, to a point of intersection with the division line between the East and West one halves of the Southwest one quarter of Section 29, thence South 00° 02' 02" West on said division line and continuing along the Southern line of the tract of land described in Volume 366, Page 2252, a distance of 10.01 feet to a point thence South 90° 36' 00" West, continuing on the North right-of-way line of the CSX Railroad, the South line of the tract of land described in Volume 366, Page 2252, and the existing City of Defiance Corporation line, a distance of 365.88 feet to the Southwest corner of the tract of land described in Volume 366, Page 2252; thence North 89° 39' 00" East on the West line of the parcel described in Volume 366, Page 2252 a distance of 398.17 feet to the point of beginning, containing 7.71 acres, more or less.

We, the Defiance County Commissioners, do hereby approve this plat, and release said property for annexation to the City of Defiance, Ohio.
 Commissioners: *[Signature]*
 Date: 04-23-2014

We, the Council of the City of Defiance Ohio, do hereby approve this plat and accept said described property for annexation to Defiance.
 By Ordinance No. 106, this 1 day of April, 20 14
 By *[Signature]*
 Clerk

I, the Defiance County Engineer, do hereby approve this plat.
 Date: April 23, 2014
[Signature]
 Varron Schletter, P.E. P.S.

I, the Defiance County Recorder do hereby certify that this plat has been recorded in Volume 44, page 201 of the Plat Records of the County of Defiance, Ohio.
 Date: 5/1/2014
843.20
 Fee
 I, the Defiance County Auditor, acknowledge receipt of this plat for record purposes.
 Date: 5-1-2014
[Signature]
 Defiance County Auditor

The distances and directions denoted on this drawing and the accompanying description are referenced from existing deeds of record, previous surveys by this surveyor, recorded surveys by others and existing recorded annexation drawings. I certify this to be a document prepared by me and to be correct to the best of my knowledge.
 Rev: Dec 28, 2013
 Robert B. Embsinger
 Registered Surveyor No. 5520

Denotes boundary of area proposed for annexation.
 Denotes boundaries of earlier annexations.