

AN ORDINANCE ACCEPTING ANNEXATION OF 5.78 ACRES OF LAND, MORE OR LESS, IN SWANCREEK TOWNSHIP TO THE VILLAGE OF SWANTON, FULTON COUNTY, OHIO, ON PETITION BY TERRY AND SHIRLEY SAMPSEL

BE IT ORDAINED, by the Council of the Village of Swanton, Fulton County, Ohio, all members elected thereto concurring and as follows:

Section One. That on May 7, 2019, the Fulton County Commissioners approved the annexation of certain property to the Village of Swanton. See Exhibit A, attached hereto.

Section Two. The above mentioned tract of land (consisting of 5.78 acres, more or less) is hereby accepted for annexation into the Village of Swanton and is hereby subject to the zoning regulations for the Village of Swanton and the property is hereby classified for zoning purposes as Central Business (B3).

Section Three. An accurate map and plat of the said territory, together with the petition for annexation, and other relevant papers, and certified transcripts of the proceedings of the Fulton County Commissioners, are on file with the Village of Swanton, and the same are also hereby accepted.

Section Four. It is found and determined that all formal actions of this Village Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Village Council, and that all deliberations of this Village Council 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.

Section Five. This ordinance shall take effect and be in full force from and after the earliest date allowed by law.

First Reading: August 12, 2019

Second Reading: August 26, 2019

Third Reading: September 9, 2019

Vote on Passage

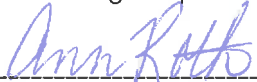
Moved: Rochelle

Second: Westhoven

YEAS: 5

NAYS: 0

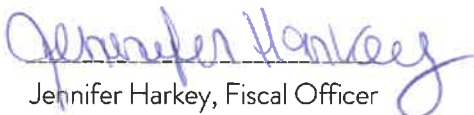
Date of Passage: September 9, 2019



Ann Roth, Mayor

Attest:

I, Jennifer Harkey, Fiscal Officer of the Village of Swanton, do hereby certify that this is a true and accurate copy of Ordinance 2019-31 passed on September 9, 2019


Jennifer Harkey, Fiscal Officer

FILED
FULTON CTY. COMMISSIONERS

FEB 19 2019

FULTON COUNTY OHIO

FILED
CLERK, BD OF COMMISSIONERS

FEB 15 2019

Johnson J.R. T. Swartz
FULTON COUNTY, OHIO

PETITION FOR ANNEXATION

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

Under a Regular Annexation, the annexation proceedings are conducted under authority § 709.02 to § 709.11 of the Ohio Revised Code.

We, the undersigned, being a majority of all the owners of real estate in the territory hereinafter described, hereby petition for annexation of the following described territory to the Village of Swanton, Fulton County, Ohio.

Petitioners have attached hereto and made a part of this petition four legal descriptions of the perimeter of the territory sought to be annexed, marked as "Exhibit A".

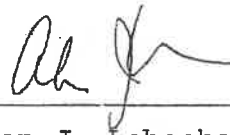
The described territory is contiguous with the Village of Swanton, Ohio.

Petitioners have attached hereto and made a part of this petition, an accurate map or plat of the territory showing the boundaries of the territory sought to be annexed, marked as "Exhibit B". Additionally, a list of all adjacent property owners is filed herewith this Petition.

There are three (3) owners of real estate in the described territory which is sought to be annexed to the Village of Swanton, Ohio.

Alan J. Lehenbauer, Village Solicitor of the Village of Swanton, P.O. Box 237, Swanton, Ohio 43558, is hereby appointed agent for the undersigned Petitioners as required by Ohio Rev. Code § 709.02, 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, refilling, substitution, compromise, increase or deletion or other things or action for granting of this Petition shall be made in the Petition, description and plat by said agent without further expressed consent of the Petitioners.



Alan J. Lehenbauer
Village Solicitor
Agent for Petitioners,
Terry L. & Shirley K. Sampsel
P.O Box 237
Swanton, Ohio 43558
Phone: 419-826-0055
Fax: 419-825-3871
E-mail: mcquadelaw@embarqmail.com

Petitioners



Terry L. Sampsel
Petitioner

Date: 1/30/19



Shirley K. Sampsel
Petitioner

Date: 1/30/19

EXHIBIT A

1) Situated in the County of Fulton, State of Ohio, and in the Township of Swancreek;

Being a part of Lot Number Seven (7) in H.G. Zeller's Plat of Outlots to the Village of Swanton, Fulton County, Ohio, and being located in the Southwest Quarter of Section 12, and more particularly described as follows:

Commencing at the quarter corner of the west side of Section Twelve (12), Town seven (7) North, Range eight (8) East, Swancreek Township, said corner marked by a gas pipe; thence South eighty-seven degrees no minutes East (S 87° 00' E) and binding upon the quarter line a distance of six hundred ninety-five (695) feet to a point; thence South three degrees no minutes West (S 3° 00' W) a distance of four hundred eight and four tenths (408.4) feet to a point, said point marked by a one-half inch gas pipe, and being the place of beginning; thence continuing South three degrees and no minutes West (S 3° 00' W) a distance of two hundred forty (240) feet to a point, said point being the centerline of the Toledo-Chicago Pike Road; thence South eighty-six degrees fifty-seven minutes thirty seconds West (S 86° 57' 30" W) and binding upon said centerline a distance of three hundred eighteen and twenty-six hundredths (318.26) feet to a point; thence North three degrees no minutes East (N 3° 00' E) a distance of two hundred forty (240) feet to a point, said point marked by a one-half inch gas pipe; thence North eighty-six degrees fifty-seven minutes thirty seconds East (N 86° 57' 30" E) a distance of three hundred eighteen and twenty-six hundredths (318.26) feet to a point and the place of beginning and containing one and seventy-four hundredths (1.74) acres of land, more or less. Subject to all legal highways.

Fulton Co. Parcel 26-049708-00.000
Owner: John Ritenour

2) Situated in the Township of Swan Creek, County of Fulton, and State of Ohio: Known as part of Lot No. Eight (8) in H.G. Zeller's Plat of out lots, Swanton, Fulton County, Ohio, described as follows, to-wit: Beginning at an iron pipe which is also the southwest corner of Lot Eight (8); thence running in a northerly direction four hundred seventeen feet (417') to an iron pipe; thence in an easterly direction along a line making an interior angle of 90° with the last mentioned course a distance of two hundred eighteen feet (218') to an iron pipe; thence in a southerly direction along a line making an interior angle with the last mentioned course of 94° 12', a distance of three hundred ninety-three and five-tenths feet (393.5') to an iron pipe; thence in a westerly direction along a line which makes an interior angle of 92° 1' with the last mentioned course a distance of two hundred twenty-two feet (222') to the place of beginning. And the Grantor does hereby remise, release and quit-claim unto the Grantees, their heirs, assigns, all the right, title and interest which the Grantor may have in that part of public road known as the "Chicago Pike" lying in front of the above described property.

Subject to: zoning ordinances, easements, and restrictions of record, and taxes and assessments due and payable after deliver of this deed.

Fulton Co. Parcel 26-049732-00.000
Owners: Terry L. Sampsel and Shirley K. Sampsel

3) Situate in the Township of Swancreek, County of Fulton, and State of Ohio, and being a part of Lot 8 in H.G. Zeller's Plat of the Out-lots to the Village of Swanton, particularly described as commencing at a point on the south line of Lot 8, which is 222 feet easterly from the southwest corner thereof; thence Northerly in a straight line to a point which is 324 feet south of the north line and 218 feet East of the west line of

said lot, said point line being the place of beginning of the parcel herein conveyed; thence continuing North upon the same line which is 218 feet east of the west line, a distance of 80 feet to a point 244 feet south of the North line of said lot; thence east parallel with the north line of said lot 2573 feet to the east line thereof; thence southerly on the east line of said lot 80 feet to a point at the northeast corner of the parcel heretofore conveyed to Charles and Maxine Smith by the deed recorded in Volume 193 at page 17, Record of Deeds, Fulton County, Ohio; thence westerly on a line parallel with the north line of said lot to the place of beginning, subject to legal highways. (Containing .472 acres of land, more or less.)

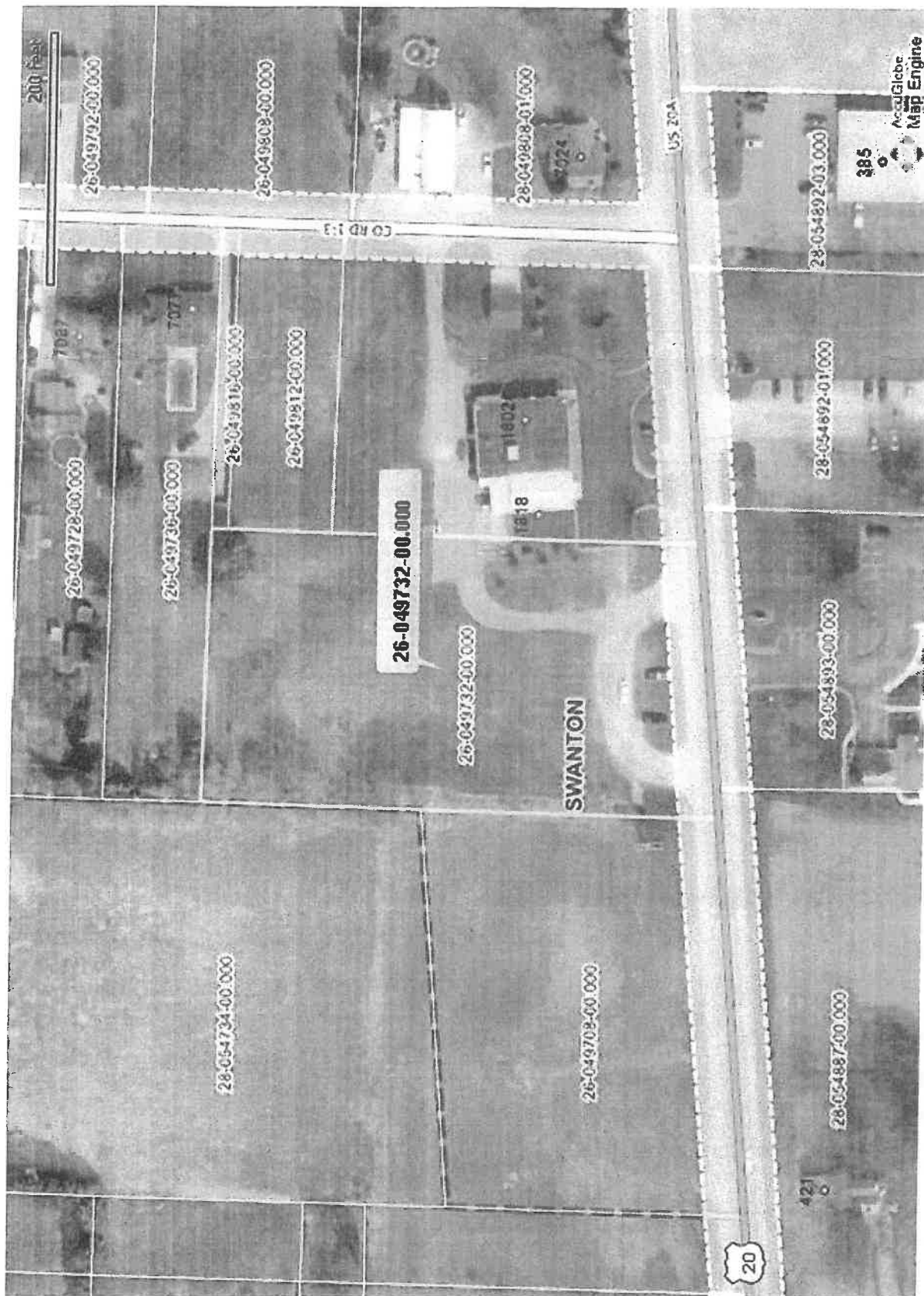
Fulton Co. Parcel 26-049812-00.000
Owners: Terry L. Sampsel and Shirley K. Sampsel

4) Situate in the County of Fulton, State of Ohio and in the Township of Swancreek, and being a part of Lot eight (8) in H.G. Zeller's Plat of the Out-lots to the Village of Swanton, particularly described as commencing at a point on the south line of said Lot eight (8), which is two hundred twenty-two (222) feet easterly from the southwest corner thereof; thence northerly in a straight line to a point which is three hundred twenty-four (324) feet south of the north line and two hundred eighteen (218) feet east of the west line of said Lot, said point being the place of beginning of the parcel herein conveyed; thence easterly on a line parallel with the north line of said lot a distance of two hundred fifty-seven (257) feet to the east line of said Lot; thence southerly along the east line of said Lot to the southeast corner of said Lot; thence westerly along the south line of said Lot to the place of beginning, containing 1.5713 acres of land, but subject to legal highways.

Fulton Co. Parcel 26-049820-00.000
Owners: Terry L. Sampsel and Shirley K. Sampsel

Fulton County GIS

EXHIBIT B



Notes

**LIST OF PROPERTY OWNERS
PURSUANT TO O.R.C. SECTION 709.02(D)**

Annexation Petition for Fulton County Parcel Nos. 26-049708-00.000,
26-049732-00.000, 26-049812-00.000 & 26-049820-00.000

No.	Parcel No.	Property Owner	Mailing Address
1	28-054735-00.000	John Ritenour	PO Box 1843 Eglin AFB-FL 32542
2	28-054734-00.000	Scott J. & Heather Turner	4110 Herdmans Cir Maumee, OH 43537
3	26-049736-00.000	Jason L. & Kristy A. Ramirez	7077 Co. Rd. 1-3, Swanton, OH 43558
4	26-049816-00.000	Jason L. & Kristy A. Ramirez	7077 Co. Rd. 1-3, Swanton, OH 43558
5	26-049808-00.000	Meller Builders & Supply Co.	Jerry L. Meller, et al P.O. Box 83, Swanton, OH 43558
6	28-049808-01.000	Alan L. & Janet M. Bonifas, Trustees	Alan L. Bonifas 7024 Co. Rd. 1-3, Swanton, OH 43558
7	28-054887-00.000	Velma R. Hallett & Christopher J. Hallett, Co-Trustees	P.O. Box 208, Swanton, OH 43558
8	28-054893-00.000	Swanton Care Realty LLC	457 Oak Glen Rd, Howell NJ 07731
9	28-054892-01.000	AMA Holdings LLC	P.O. Box 239, Swanton, OH 43558
10	28-054892-03.000	Boulder Creek Limited Partnership	10121 Northfield Rd., Northfield, OH 44067

RESOLUTION 2019-137

In the Matter of Scheduling the Time) Office of County Commissioners
Of Hearing for the Annexation Petition) Fulton County, Ohio
2019-001- Sampsel) February 19, 2019

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on February 19, 2019, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Jon Rupp
Bill Rufenacht
Jeff Rupp

Commissioner Bill Rufenacht moved the adoption of the following Resolution:

WHEREAS, on February 15, 2019 Village of Swanton filed Annexation 2019-001- Sampsel with the Fulton County Commissioners Office and after review of said petition the Commissioners need to set a date and time for a hearing ;

THEREFORE BE IT RESOLVED, That February 2019 at 4:30 AM in the Board Room of the office of the Fulton County Commissioners at 152 South Fulton Street, Basement Meeting Room, Wauseon, Ohio, is hereby fixed as the time and place, for the hearing on annexation 2019-001-Sampsel ; and

BE IT FURTHER RESOLVED that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners 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.

Commissioner Jeff Rupp seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye thereon:	Voting Nay thereon:	Abstain:
<u>Jon Rupp</u> Jon Rupp	<u>Jon Rupp</u> Jon Rupp	<u>Jon Rupp</u> Jon Rupp
<u>Bill Rufenacht</u> Bill Rufenacht	<u>Bill Rufenacht</u> Bill Rufenacht	<u>Bill Rufenacht</u> Bill Rufenacht
<u>Jeff Rupp</u> Jeff Rupp	<u>Jeff Rupp</u> Jeff Rupp	<u>Jeff Rupp</u> Jeff Rupp

BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO

Attest: Teri Suarez
Teri Suarez, Clerk

RECEIVED

APR 08 2019


VILLAGE OF SWANTON

ADDENDUM TO PETITION FOR ANNEXATION 2019-001-SAMPSEL

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

The undersigned agent for Petitioners, Terry L. Sampsel and Shirley K. Sampsel, has authority to amend and correct their petition for annexation without their further expressed consent.

The undersigned agent, to correct said petition, hereby removes "Exhibit A" attached to said petition and replaces same with, and makes a part of said petition, the attached hereto "Amended Exhibit A" with four legal descriptions of the perimeter of the territory sought to be annexed.



Alan J. Lehenbauer
Village Solicitor
Agent for Petitioners,
Terry L. & Shirley K. Sampsel
P.O Box 237
Swanton, Ohio 43558
Phone: 419-826-0055
Fax: 419-825-3871
E-mail: mcquadelaw@embarqmail.com

FILED
FULTON CTY. COMMISSIONERS

APR 08 2019

FULTON COUNTY OHIO

"AMENDED EXHIBIT A"

1) Situated in the County of Fulton, State of Ohio, and in the Township of Swancreek;

Being a part of Lot Number Seven (7) in H.G. Zeller's Plat of Outlots to the Village of Swanton, Fulton County, Ohio, and being located in the Southwest Quarter of Section 12, and more particularly described as follows:

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Fulton Co. Parcel 26-049708-00.000
Owner: John Ritenour

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Subject to: zoning ordinances, easements, and restrictions of record, and taxes and assessments due and payable after deliver of this deed.

Fulton Co. Parcel 26-049732-00.000

Owners: Terry L. Sampsel and Shirley K. Sampsel.

3) Situate in the Township of Swancreek, County of Fulton, and State of Ohio, and being a part of Lot 8 in H.G. Zeller's Plat of the Out-lots to the Village of Swanton, particularly described as commencing at a point on the south line of Lot 8, which is 222 feet easterly from the southwest corner thereof; thence Northerly in a straight line to a point which is 324 feet south of the north line and 218 feet East of the west line of

said lot, said point line being the place of beginning of the parcel herein conveyed; thence continuing North upon the same line which is 218 feet east of the west line, a distance of 80 feet to a point 244 feet south of the North line of said lot; thence east parallel with the north line of said lot 257 feet to the east line thereof; thence southerly on the east line of said lot 80 feet to a point at the northeast corner of the parcel heretofore conveyed to Charles and Maxine Smith by the deed recorded in Volume 193 at page 17, Record of Deeds, Fulton County, Ohio; thence westerly on a line parallel with the north line of said lot to the place of beginning, subject to legal highways. (Containing .472 acres of land, more or less.)

Fulton Co. Parcel 26-049812-00.000

Owners: Terry L. Sampsel and Shirley K. Sampsel

4) Situate in the County of Fulton, State of Ohio and in the Township of Swancreek, and being a part of Lot eight (8) in H.G. Zeller's Plat of the Out-lots to the Village of Swanton, particularly described as beginning at a point on the south line of said Lot eight (8); which is two hundred twenty-two (222) feet easterly from the southwest corner thereof; thence northerly in a straight line to a point which is three hundred twenty-four (324) feet south of the north line and two hundred eighteen (218) feet east of the west line of said Lot; thence easterly on a line parallel with the north line of said lot a distance of two hundred fifty-seven (257) feet to the east line of said Lot; thence southerly along the east line of said Lot to the southeast corner of said Lot; thence westerly along the south line of said Lot to the place of beginning, containing 1.5713 acres of land, but subject to legal highways.

Fulton Co. Parcel 26-049820-00.000

Owners: Terry L. Sampsel and Shirley K. Sampsel