

RESOLUTION NO. 2023-16

A RESOLUTION INDICATING THE VILLAGE OF SWANTON, FULTON COUNTY, OHIO, WILL PROVIDE UTILITIES, FIRE AND POLICE PROTECTION SERVICES TO CERTAIN PROPERTY TITLED TO STEVEN L. McCAW AND DAWN M. McCAW, WHICH HOLDERS ARE SEEKING ANNEXATION OF SAID PROPERTY PURSUANT TO FULTON COUNTY ANNEXATION PETITION FILED WITH THE FULTON COUNTY COMMISSIONERS ON APRIL 7, 2023 TO THE VILLAGE OF SWANTON, AND DECLARING AN EMERGENCY.

WHEREAS, it is the intention of this Council to provide utilities services, fire and police protection to certain property sought to be annexed to the Village of Swanton, pursuant to the Fulton County Annexation Petition filed with the Fulton County Commissioners on April 7, 2023, and the now record titleholders of said property being petitioners, Steven L. McCaw and Dawn M. McCaw; and

WHEREAS, this Resolution for the provision of these services complies with Ohio Revised Code Section 709.023(C), and all applicable law.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF SWANTON, FULTON COUNTY, OHIO, and three-fourths (3/4) of all member elected thereto concurring:

SECTION I: That pursuant to Ohio Revised Code Section 709.023(C), and all applicable law, the Council of the Village of Swanton hereby expresses its desire and intent to:

- i) Provide, at the earliest opportunity permitted, sewer and/or water services, fire and police protection to the following property sought to be annexed to the Village of Swanton and described pursuant to Exhibit A hereto attached; and
- ii) Based upon observation and review, said annexation parcel Exhibit A does not appear to be contrary to zoning uses or provisions of ORC § 303 or

ORC § 519. In the event upon annexation of the territory, the Village of Swanton shall determine any incompatible zoning uses under current County or Township Regulations in adjacent township territory, the Village of Swanton shall, upon establishing final zoning under the Village of Swanton Zoning Code for the annexed parcel, provide for "appropriate buffer space," within the meaning of ORC § 709.023(c) and impose provisions for same upon the annexed parcel; and

- iii) Further, the Village of Swanton shall maintain any and all applicable streets or highway areas, if any, segmented by the annexation of the subject areas, which streets or highways may pursuant to law become subject to the jurisdiction of the Village of Swanton.

SECTION II: That the Solicitor of the Village is hereby directed to deliver a copy of this Resolution to the Clerk of the County Commissioners and proceed to do all things necessary and proper for the final approval of said annexation.

SECTION III: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council and that the deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION IV: This Resolution is hereby declared to be an Emergency Measure necessary for the immediate preservation of the public peace, health and safety of said Village and its inhabitants, and for the further reason that this Resolution is necessary to provide for the future planning, orderly growth and development of the Village of Swanton and surrounding environs.

WHEREFORE, this Resolution shall take effect and be in full force immediately after its passage as provided by law.

Vote on Emergency Measure: Yeas: 6 Nays: 0

Adopted: April 24, 2023 as an Emergency Measure.


Neil Toeppe, Mayor

ATTEST:


Clerk of Council


R. Kent Murphree, Solicitor

Bockrath & Associates Engineering and Surveying, LLC
115 S. Fair Avenue, Suite A - Ottawa, OH 45875
(419) 523-5789

3.272 ACRES

Situated as being part of the Southeast Quarter of Section 11, Township 7 North, Range 8 East, Swancreek Township, Fulton County, Ohio, also being all of a 3.23 acre tract of land as recorded in Official Records Volume 262, Page 795 and more particularly described as follows:

Commencing at a Railroad spike found marking the Southeast Corner of Section 11;

Thence North $01^{\circ}41'51''$ East along the East line of the Southeast Quarter (Centerline of County Road 2) a distance of 1000.43 feet to a point marking the Southeast corner of a 6.040 acre tract as recorded in Official Records Volume 329, Page 3859 (referenced by a Mag nail found lying 0.09 feet South and 1.55 feet West);

Thence North $89^{\circ}59'03''$ West along the South line of said 6.040 acre tract and along the North line of a 11.066 acre tract as recorded in Official Records Volume 367, Page 1039 a distance of 1031.54 feet to a point marking the Southwest corner of said 6.040 acre tract and lying in a 36 inch Red Oak tree and the POINT OF BEGINNING;

Thence North $89^{\circ}59'03''$ West continuing along the North line of said 11.066 acre tract a distance of 276.84 feet to a point on the West line of the East half of the Southeast Quarter and lying in a 36 inch Elm tree and being on the East line of a 13.50 acre tract of land as recorded in Official Records Volume 352, Page 2667 and passing a 5/8 inch rebar with ID cap set at 10.00 feet and passing a 5/8 inch rebar with ID cap set at 266.84 feet and (referenced by a 5/8 inch rebar with ID cap found lying 2.11 feet North and 1.91 feet East);

Thence North $01^{\circ}31'59''$ East along the East line of said 13.50 acres and the West line of the East half of the Southeast Quarter a distance of 808.80 feet to a point on the Centerline of United States Route 20A and passing a 5/8 inch rebar with ID cap set at 286.80 feet and passing a 5/8 inch rebar with ID cap set at 473.60 feet and passing a 1 inch iron pipe at 778.61 feet;

Thence North $85^{\circ}04'12''$ East along the Centerline of U. S. Route 20A a distance of 20.13 feet to a point marking the Northwest corner of a 0.50 acre tract as recorded in Official Records Volume 326, Page 3723;

Thence South $01^{\circ}31'59''$ West along the West line of said 0.50 acre tract a distance of 310.45 feet to a point on the Centerline of an Open Ditch (referenced by a 2 inch iron pipe found lying 17.77 feet North and 1.08 feet West) and passing a point at 30.46 feet (referenced by a 1/2 inch rebar found lying 0.60 feet East)

Thence following the Centerline of said Open Ditch the following five courses;

North 73°19'12" East a distance of 65.17 feet to a point;

South 82°17'58" East a distance of 56.55 feet to a point;

South 64°06'38" East a distance of 77.95 feet to a point;

South 50°25'38" East a distance of 62.21 feet to a point;

North 83°02'20" East a distance of 19.61 feet to a point marking the Northwest corner of a previously mentioned 6.040 acre tract;

Thence South 01°38'05" West along the West line of said 6.040 acre tract a distance of 439.99 feet to the POINT OF BEGINNING, and passing a 5/8 inch rebar with ID cap found at 40.00 feet and passing a 5/8 inch rebar with ID cap found at 418.94 feet, said tract containing 3.272 acres of land, more or less.

Subject to all legal highways, easements, and restrictions of use whether apparent and/or of record and is from an actual survey performed in December, 2022, under the supervision of Ohio Professional Surveyor Seth D. Schroeder, Ohio Surveyor No. 8784.

Note: The bearings used in this description are on an assumed meridian assuming the East line of the Southeast Quarter of Section 11 (County Road 2) to be North 01°41'51" East and are for the purpose of angle determination only.



S.D.S. 12-7-2022
Registered Surveyor No. 8784
Seth D. Schroeder
Bockrath & Associates
Engineering and Surveying, LLC

