





Neil Toeppe, Mayor

Attest:

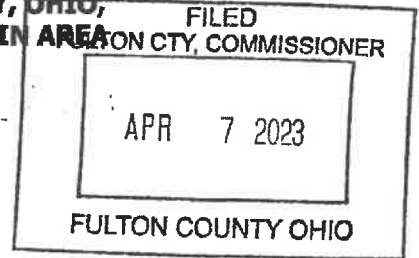
I, Holden Benfield, Fiscal Officer of the Village of Swanton, do hereby certify that this is a true and accurate copy of Ordinance 2023-11 passed on June 26, 2023



Holden Benfield, Fiscal Officer

**PETITION FOR ANNEXATION OF UNINCORPORATED  
TERRITORY LOCATED IN SWAN CREEK TOWNSHIP, CONTINGUOUS  
TO THE VILLAGE OF SWANTON, FULTON COUNTY, OHIO,  
SAID TERRITORY BEING LESS THAN 500 ACRES IN AREA**

(Pursuant to ORC 709.023)



To the Commissioners of Fulton County,  
State of Ohio:

The undersigned Petitioners state that they are 100% of the owners/titleholders of real property as described hereinafter and respectfully petition the Fulton County, Ohio Commissioners for annexation of the hereinafter described real property to the Village of Swanton, Fulton County, Ohio.

The undersigned state that the real property subject to this Petition for Annexation to the Village of Swanton, Fulton County, Ohio, is fully and legally described as follows, to wit:

Exhibit A attached hereto and  
incorporated by reference herein.  
**(TD 26-050328-00.0000)**

The undersigned Petitioners state that attached hereto and incorporated by reference herein in Exhibit A is an accurate survey and map of the territory to be annexed.

The Petitioners hereby authorize Shannon Shulters, to be the duly authorized agent for all Petitioners herein in securing the subject property annexation to the Village of Swanton, Fulton County, Ohio.

A separate list of all tracts, lots and/or parcels located adjacent to the subject annexation territory (including such areas which may lie directly across a roadway from the subject territory sought to be annexed) along with the full name and mailing address for the owner of each adjacent tract, lot or parcel shall be filed separately and simultaneously with this petition in accordance with Ohio Revised Code Section 709.02(D).

The undersigned state as Petitioners herein that they did sign this petition on the date indicated adjacent to their signature.

**[THE BALANCE OF THIS PAGE WAS INTENTIONALLY LEFT BLANK]**

**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.**

Signatures of all owners of the subject real estate sought to be annexed, to wit:

Date signed: 3/17/23, 2023

  
Steven L. McCaw

Date signed: 3/17/23, 2023

  
Dawn M. McCaw

**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.



*Handwritten signature: H. A. 12-7-2022*

Registered Surveyor No. 8784  
Seth D. Schroeder  
Bockrath & Associates  
Engineering and Surveying, LLC

C/L U.S. ROUTE 20A (60' R/W)

N 89°04'12" E  
20.13'

① 30.19' ② 30.46' ③ 60.00'

8 01'31.59" W 310.45'

CASEY J. MCGAW  
0.50 AC. (RECORDED)  
OR V 326 - PG 3723  
PN 28-053869-05.000

STEVEN L. & DAWN M. MCGAW  
0.5337 AC. (TAX RECORD)  
DEED V 267 - PG 127  
PN 28-053869-04.000

TONY THATCHER  
0.947 AC. (RECORDED)  
OR V 343 - PG 486  
PN 28-053869-03.000

GERALD J. MACK  
0.9183 AC. (TAX RECORD)  
OR V 286 - PG 767  
PN 28-053869-02.000

12.77" N  
1.05" W

L1

L2

L3

L4

L5

C/O OF OPEN DITCH

C/O OF OPEN DITCH

④ 37.98'

④ 40.00'

N 01'31.59" E 808.80'

④ 22.20'

④ 438.44' (R)

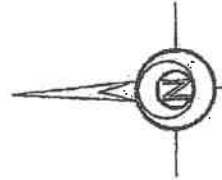
④ 1705° W 439.99' N

**3.272 ACRES**

ALL PN 26-050328-00.000

STEVEN L. & DAWN M. MCGAW  
3.23 AC. (TAX RECORD)  
OR V 262 - PG 792

**COURSE LIST**  
L1 N 73°19'12" E 65.17'  
L2 S 82°17'58" E 56.55'  
L3 S 64°06'38" E 77.95'  
L4 S 50°25'38" E 62.21'  
L5 N 83°02'20" E 19.61'



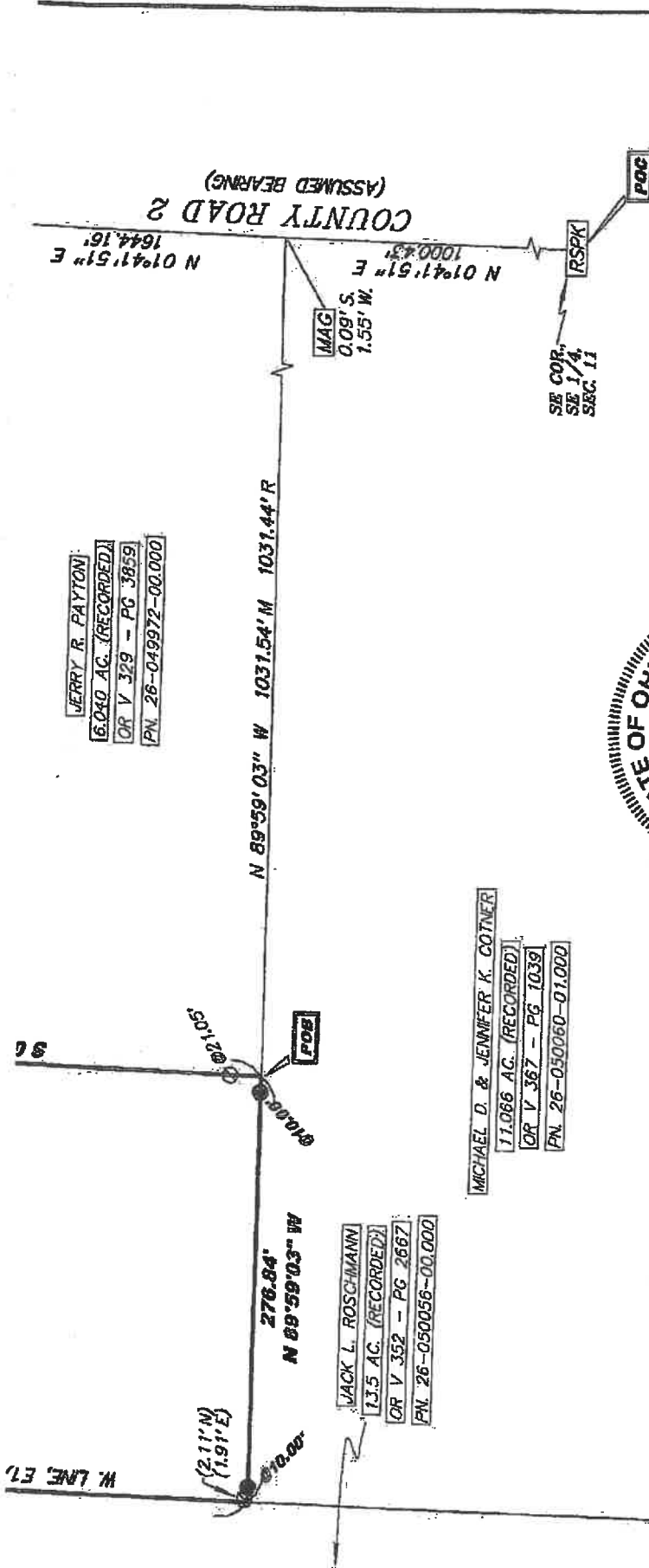
0 50 100 200  
GRAPHIC SCALE 1" = 100'

**LEGEND**

- 5/8 INCH REBAR WITH ID CAP SET
- 5/8 INCH REBAR WITH ID CAP FOUND
- 1/2 INCH REBAR FOUND
- 1 INCH IRON PIPE FOUND
- 2 INCH IRON PIPE FOUND
- ⊠ MAG MONUMENT BOX FOUND
- ⊠ RSPK RAILROAD SPIKE FOUND
- M MEASURED
- R RECORDED
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING

NE COR.  
SE 1/4  
SEC. 11

E1/4



JERRY R. PAYTON  
 6.040 AC. (RECORDED)  
 OR V 329 - PG 3859  
 PN. 26-049972-00.000

N 89°59'03" W 1031.54' M 1031.44' R

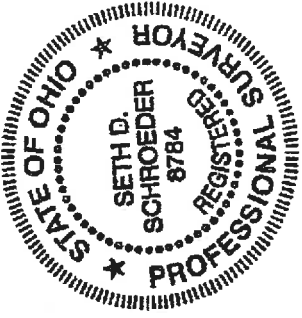
50'±  
 50'±

276.84'  
 N 89°59'03" W

JACK L. ROSCHMANN  
 13.5 AC. (RECORDED)  
 OR V 352 - PG 2667  
 PN. 26-050056-00.000

MICHAEL D. & JENNIFER K. COTNER  
 11.066 AC. (RECORDED)  
 OR V 367 - PG 1039  
 PN. 26-050060-01.000

NOTE: SURVEY BEARINGS BASED ON OHIO NORTH  
 ZONE STATE PLANE COORDINATES OBTAINED FROM  
 THE OHIO DOT VRS NETWORK



THIS SURVEY WAS PERFORMED WITHOUT THE  
 BENEFIT OF A TITLE EXAMINATION. BEYOND  
 THE DEED DOCUMENTS CITED ON THE SURVEY  
 DRAWING THERE MAY BE RECORDED OR UN-  
 RECORDED EASEMENTS AND/OR  
 ENCUMBRANCES BENEFITING OR ENCUMBERING  
 THE SURVEYED PROPERTY WHICH ARE NOT  
 SHOWN ON THIS DRAWING.

FILENAME: 22-427-BDL-12-6-22.scj DATE: 12/6/22

I HEREBY CERTIFY THIS TO BE A SURVEY MADE UNDER MY SUPERVISION  
 AND THAT THE MONUMENTS ARE FOUND AND/OR SET AS INDICATED.

12-7-2022  
 Date

*Seth D. Schroeder*

Seth D. Schroeder, P.S.  
 Registered Surveyor No. 8784  
 115 S. Fair Avenue, Suite A  
 Ottawa, Ohio 45875  
 419-523-5789

SURVEY PLAT FOR:

STEVEN MCCAW

PART OF THE SOUTHEAST 1/4  
 OF SECTION 11, T7N - R8E,  
 SWANCREEK TOWNSHIP,  
 FULTON COUNTY, OHIO

**Bockrath & Associates**  
 Engineering and Surveying, LLC  
 115 S. Fair Avenue, Suite A - Ottawa - Ohio  
 Phone: 419-523-5789



RESOLUTION NO. 2023-110

**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, Swaucreek 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.



*Seth D. Schroeder* 12-7-2022

Registered Surveyor No. 8784  
Seth D. Schroeder  
Bockrath & Associates  
Engineering and Surveying, LLC

AN ORDINANCE SPECIFYING THE APPROVAL OF THE COUNCIL OF THE VILLAGE OF SWANTON, OHIO, OF THE PENDING ANNEXATION FILED BY STEVEN L. AND DAWN M. McCAW WITH THE FULTON COUNTY COMMISSIONERS ON APRIL 7, 2023, TO ANNEX PROPERTY TO THE VILLAGE OF SWANTON, OHIO, AND DECLARING AN EMERGENCY

WHEREAS, Steven L. and Dawn M. McCaw have caused to be filed a Petition for Annexation with the Fulton County Commissioners on April 7, 2023; and

WHEREAS, this Council is desirous of expressing its approval and acceptance of said Petition for Annexation as filed herein;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF SWANTON, OHIO, three-fourths (3/4) of all members elected thereto concurring:

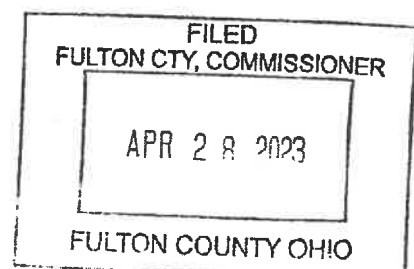
**SECTION I:** That the Petition for Annexation of certain lands titled to Steven L. McCaw and Dawn M. McCaw, to the Village of Swanton, Ohio from Swan Creek Township, Fulton County, Ohio, has been filed with the Fulton County Commissions on April 7, 2023.

**SECTION II:** This Council hereby expresses its consent and approval as to the annexation of said lands to the Village of Swanton. Further, this Council states that by separate Resolution No. 2023-16 it has heretofore agreed to provide Village utility, fire and police services to said lands once same are annexed to the Village of Swanton, Ohio.

**SECTION III:** The express intent of Council herein is in conformity with ORC §709.023(D) and/or all applicable law.

**SECTION IV:** It is hereby found and determined that all formal actions of this Council including any of its committees concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal actions as contained herein were and are in compliance with all legal requirements.

**SECTION V:** This Ordinance 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 annexation of said territory provides for the controlled orderly growth and development of the Village.

WHEREFORE, this Ordinance shall take effect and be in full force immediately upon its passage and approval.

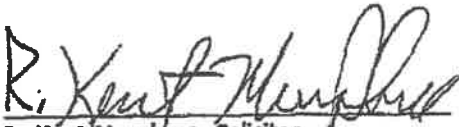
VOTE ON EMERGENCY MEASURE: Yeas: 6 Nays: 0

Adopted on April 24, 2023, as an EMERGENCY MEASURE.

  
Neil Toeppe, Mayor

ATTEST:

  
Clerk of Council

  
R. Kent Murphree, Solicitor

RESOLUTION 2023-409

In the Matter of Resolution Approving ) Office of County Commissioners
Petition for Annexation 2023-2 to Village ) Fulton County, Ohio
of Swanton ) May 18, 2023

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on May 18, 2023, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Jon Rupp
Jeff Rupp
Joe Short

Commissioner Jon Rupp moved for the adoption of the resolution herein.

WHEREAS, a Petition for Annexation (2023-2), as provided under §709.02(C), and (E), and §709.021, §709.022, and §709.023 of the Ohio Revised Code, of certain territory Fulton County, Steven and Dawn McCaw, as owner and title holder, with Shannon Shulters appointed as agent, whose mailing address is 219 Chestnut Street, Swanton, Ohio 43558, and having been filed in the office of the Board praying that the following described territory be annexed to the Village of Swanton:

Parcel 1: 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 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 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 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 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 Sates Route 20A and passing a 5/8 inch rebar with ID cap set at 286.80 feet and passing 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 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 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).

PP# 26-050328-00.000



WHEREAS, there is one owner of said described property and has signed this petition; and

WHEREAS, petitioner has attached hereto and made a part of this petition, an accurate map of the territory showing the boundaries of the territory sought to be annexed labeled as Exhibit "A"; and

WHEREAS, the Board of County Commissioners of Fulton County, Ohio do hereby find as follows:

1. The petition contains all matter required by law, including, without limitation, ORC §709.021, §709.02, and §709.23, to wit:
  - a. An accurate legal description and map of the territory sought to be annexed
  - b. All signatures are of "owners", authorized to sign the petition and have title to the property on the date the petition was filed, including a date it was obtained and not obtained more than 180 days before filing
  - c. The name and address of the person to act as agent for the petitioner is included
  - d. Includes statutory disclosure statement in bold face, capital letters, regarding waiver of appeal rights
  - e. The list of parcels in the area to be annexed and adjacent territory that includes name of owner, mailing address and permanent parcel number was submitted with the petition
2. The matters alleged in the petition are true.
3. Proof of service to all government officials has been filed in accordance with §709.023(B) of the Ohio Revised Code.
4. The person or persons whose names are subscribed to the petition are owners of real property in the territory described in the petition, and as of the time the petition was filed, the number of valid signatures on the petition constituted a majority of the owners of real estate in the territory proposed to be annexed.
5. The real property proposed for annexation is continuous to the Village of Swanton.
6. The map and description of the territory contained in "Exhibit A" are accurate.
7. The territory proposed to be annexed does not exceed 500 acres.
8. The annexation will not create an incorporated area of the township that is completely surrounded by the territory proposed to be annexed.
9. The Village of Swanton passed Resolution 2023-16, dated April 7, 2023, thereby stating that the Village will provide the availability of water, sewer, police, fire, and rescue protection, as well as other services currently provided to properties and citizens located within the Village of Delta to the territory sought to be annexed; and
10. The Township of Swan creek has filed an ordinance/resolution consenting to the annexation within 25 days after the petition was filed thereby deeming consent thereof; and

THEREFORE BE IT RESOLVED, the Fulton County Board of Commissioners hereby ORDER that the prayer of the petition be and is hereby granted and that the above-described territory be annexed to the Village of Swanton; and

BE IT FURTHER RESOLVED, that a CERTIFIED copy of the entire record of the annexation proceedings of this Board relating thereto together with the accompanying map and petition and all other papers pertaining thereto be delivered forthwith to the Administrator for the Village of Swanton; and

BE IT FURTHER RESOLVED, by the Board of County Commissioners, County of Fulton, State of Ohio 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 Joe Short seconded the resolution and upon calling the roll, the following vote was taken:

**Voting Aye thereon:**

**Voting Nay thereon:**

**Abstain:**

  
\_\_\_\_\_  
Jon Rupp

\_\_\_\_\_  
Jon Rupp

\_\_\_\_\_  
Jon Rupp

  
\_\_\_\_\_  
Jeff Rupp

\_\_\_\_\_  
Jeff Rupp

\_\_\_\_\_  
Jeff Rupp

  
\_\_\_\_\_  
Joe Short

\_\_\_\_\_  
Joe Short

\_\_\_\_\_  
Joe Short

**BOARD OF COUNTY COMMISSIONERS  
FULTON COUNTY, OHIO**

Attest:   
\_\_\_\_\_  
Andrea Gerken, Assistant Clerk