

SPONSOR: E Brown/Adams

## ORDINANCE NO. 118-08

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ANNEXATION AGREEMENT IN ACCORDANCE WITH OHIO REVISED CODE SECTION 709.192, AND DECLARING AN EMERGENCY.

WHEREAS, James A. Bowling and Alice L. Bowling are owners of an approximate .150 acre tract of real property which is adjacent to and abuts the City of Jackson, Ohio; and

WHEREAS, James A. Bowling and Alice L. Bowling are the sole owners of an approximate .150 tract of real property, and they desire to have this tract of real property annexed to the City of Jackson, Ohio; and

WHEREAS, pursuant to O.R.C. Section 709.192 the Trustees of Lick Township have executed an Annexation Agreement stating they have no opposition to the annexation, and the Trustees are agreeable to allow the annexation to proceed in an expedited manner in accordance with O.R.C. 709.022; and

WHEREAS, the City of Jackson has no objection to the annexation of the .150 acre tract of real property, and desire to enter into the Annexation Agreement, attached hereto as Exhibit "A", in order to allow the property to be annexed in an expedited manner.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF OHIO, as follows:

**Section One.** The Mayor is hereby authorized to execute the Annexation Agreement attached hereto as Exhibit "A", in order to allow the annexation to proceed in an expedited manner.

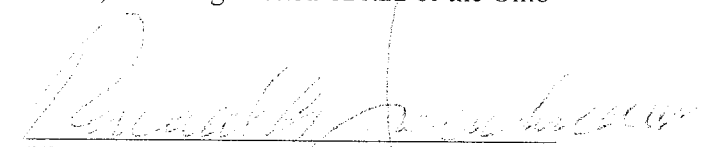
**Section Two.** This Ordinance is hereby declared to be an emergency Ordinance, necessary for the immediate preservation of the public peace, health or safety of the City of Jackson, in that it is necessary to approve this Ordinance as soon as possible in order that the annexation may proceed as quickly as possible. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

**Section Three.** In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause and shall take effect at the earliest time permitted by law.

**Section Four.**

In is hereby found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that the deliberations of this Council that resulted in such formal actions were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Date: 11-24-08

  
PRESIDENT OF COUNCIL

  
CLERK OF COUNCIL

Approved:

Date: 11-25-08

  
MAYOR

Exhibit "A"

**ANNEXATION AGREEMENT**  
(O.R.C. 709.192)

This Agreement is entered into between the City of Jackson, Ohio, (hereinafter "CITY"), an Ohio municipal corporation, and the Trustees of Lick Township, Jackson County, Ohio (hereinafter "TOWNSHIP").

WHEREAS, pursuant to O.R.C. Section 709.022, there is a specialized annexation procedure when all affected parties consent to the annexation of territory into a municipal corporation; and

WHEREAS, as part of the procedure set forth under O.R.C. Section 709.022, an annexation agreement may be entered into between the township and the municipal corporation; and

WHEREAS, James A. Bowling and Alice L. Bowling are owners of real property which is located in Lick Township, Jackson County, Ohio, and the real property is contiguous to the City of Jackson, Ohio; and

WHEREAS, James A. Bowling and Alice L. Bowling, Ross desire to have their real property annexed into the City of Jackson, Ohio; and

WHEREAS, the Trustees of Lick Township, Jackson County, Ohio, have no objections to the proposed annexation and desire to enter into an annexation agreement in order to expedite the annexation process; and

WHEREAS, the City of Jackson, Ohio has no objections to the proposed annexation and desire to enter into an annexation agreement in order to expedite the annexation process; and

WHEREAS, the Trustees of Lick Township, Jackson County, Ohio and the City of Jackson, Ohio desire to enter into an annexation agreement to permit the Bowling annexation petition to proceed under O.R.C. Section 709.022.

The City of Jackson agrees as follows:

1. Upon approval of the Annexation Petition by the Jackson County Commissioners to accept the Bowling property as a part of the City of Jackson, Ohio, and to provide any available utility services which are provided in the area where the Bowling property is located. A copy of the description of the property to be annexed is attached hereto as Exhibit "A".

2. To accept the real property as an R-2 zone, subject to all regulations of an R-2 zone as set forth in the Zoning Regulations of the City of Jackson, Ohio.

3. To be responsible for the provision of all services to the real property, including utility services that are reasonably available, and road services.

The Trustees of Lick Township, Jackson County, Ohio, agree as follows:

1. To recommend the annexation of the Bowling property, as petitioned.

2. To forego any and all claims to the real property, including any tax levies on the real property.

The City of Jackson, Ohio and the Trustees of Lick Township, Jackson County, Ohio, mutually agree as follows:

1. There shall be no payments, in the form of taxes, reimbursement of taxes, or any type of payment, from one party to the other concerning this matter.

2. Upon the approval of the annexation by the Jackson County Commissioners, the parties agree the City of Jackson shall assume jurisdiction of the Bowling property and shall be responsible for providing all services to the property that are reasonably available. The Trustees of Lick County, Jackson County, Ohio shall have no responsibility to provide any services to the Bowling property.

3. This annexation agreement is limited only to the Bowling annexation, and shall not in any way effect any other future annexation.

IN WITNESS WHEREOF, the parties have been duly authorized to affix their hands to duplicates hereof on the 13th day of November, 2008.

Signed in the Presence Of:

CITY OF JACKSON, OHIO

Haren C. Wickline, Notary  
my commission expires 1-10-10

By: \_\_\_\_\_  
RANDY HEATH, Mayor

LICK TOWNSHIP TRUSTEES  
JACKSON COUNTY, OHIO

Haren C. Wickline  
Steve R. Gillies

By: Tom Carlisle  
Tom Carlisle, Trustee

Haren C. Wickline  
Steve R. Gillies

By: Kathy Greer  
Kathy Greer, Trustee

Haren C. Wickline  
Steve R. Gillies

By: Steven Walker  
Steven Walker, Trustee

**DESCRIPTION OF 0.150 ACRES  
FOR  
JAMES A. BOWLING AND ALICE L. BOWLING**

The following described tract is located in the north ½ of SSR lot #113, Township 7 North, Range 18 West, Lick Township, Jackson County, Ohio. Being all of James A. Bowling and Alice L. Bowling's tract as recorded in Volume 200 at Page 399 of the Deed Records, Recorders Office, Jackson County, Ohio and being more accurately described as follows:

Beginning at a 5/8" rebar found at the westerly corner of lot # 15 of the Jackson Heights Subdivision, as recorded in Plat Book 4 at Pages 144-146, thence South 55°47'00" East, along the southwesterly line of lot #15, a distance of 43.00 feet to an iron pin set at the northwesterly corner of lot #17;

Thence South 03°59'00" East, along the westerly line of lot #17, a distance of 98.36 feet to an iron pin set at the northwesterly corner of lot #17;

Thence South 44°46'00" East, along the southwesterly line of lot #17, a distance of 60.00 feet to an iron pin set on the northwesterly line of Anderson Drive (60' wide);

Thence South 45°14'00" West, along the west line of Anderson Drive, a distance of 19.75 feet to a point at the centerline of a creek;

Thence along the centerline of a creek and along the Diane Hickey tract, as recorded in Volume 241 at Page 100, the following five (5) calls:

North 38°37'36" West, a distance of 83.22 feet to a point;

North 53°08'42" West, a distance of 12.08 feet to a point;

North 30°41'28" West, a distance of 34.34 feet to a point;

North 63°01'01" West, a distance of 14.89 feet to a point;

North 29°16'04" West, a distance of 24.01 feet to a point;

North 34°13'00" East, along the southeasterly line of Barbara L. Dunbar's tract, as recorded in Volume 239 at Page 1129, a distance of 59.64 feet to the **POINT OF BEGINNING**, passing an iron pin set for reference at a distance of 10.00 feet.

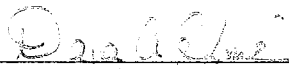
**Containing 0.150 acres**, being all of Auditor's Parcel # H12-005-00-102-00. Being subject to all legal right-of-ways and easements.

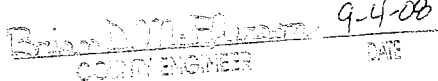
**Being more particularly described and delineated on a 8 ½" by 14" plat (drawing # 07064A01) attached hereto and made a part hereof. This description is valid only if the plat is attached and recorded with the description as a complete document in its original form and not retyped or altered in any way.**

Bearings for this survey are based on the aforesaid Jackson Heights Subdivision Plat.

All iron pins set or previously set for this survey are 5/8" rebar 30" in length with I.D. cap stamped "Dana Exline 7060".

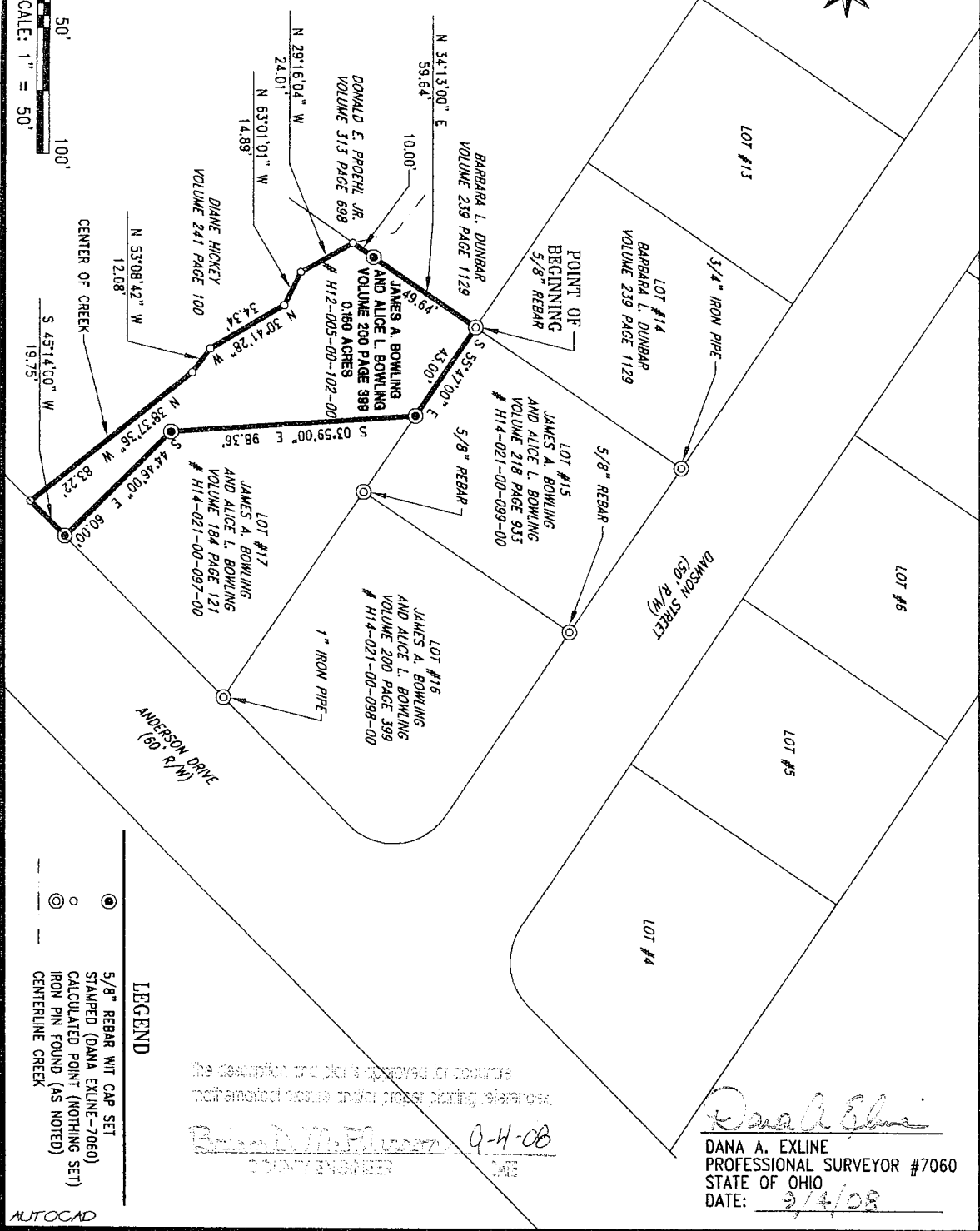
The above description was prepared from an actual field survey completed in August of 2008 by Dana A. Exline, Ohio Professional Surveyor #7060.

  
\_\_\_\_\_  
Dana A. Exline  
Professional Surveyor #7060  
State of Ohio  
Date: 9/4/08

The description and plat is approved for accurate  
mathematical closure and/or proper plotting reference.  
  
\_\_\_\_\_  
COOR. ENGINEER      DATE 9-4-08



NORTH ORIENTATION IS BASED ON JACKSON HEIGHTS SUBDIVISION PLAT BOOK 4 PAGE 144-146



**LEGEND**

- 5/8" REBAR WITH CAP SET
- STAMPED (DANA EXLINE-7060)
- CALCULATED POINT (NOTHING SET)
- IRON PIN FOUND (AS NOTED)
- CENTERLINE CREEK

The description and plat is approved for accurate mathematical closure and/or proper starting reference.

*Dana A. Exline*  
 DANA A. EXLINE  
 PROFESSIONAL SURVEYOR  
 9-4-08  
 DATE

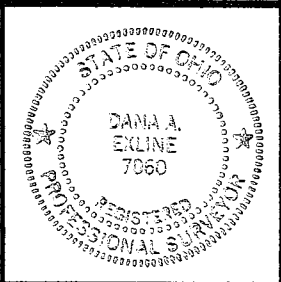
*Dana A. Exline*  
 DANA A. EXLINE  
 PROFESSIONAL SURVEYOR #7060  
 STATE OF OHIO  
 DATE: 9/4/08

AUTOCAD

**NOTES:**

- 1) THIS BOUNDARY SURVEY DOES NOT PURPORT TO REFLECT ALL EASEMENTS AND/OR ENCUMBRANCES AFFECTING THE TITLE TO THE SUBJECT PROPERTY.
- 2) NO TITLE REPORT FURNISHED.
- 3) DEED REFERENCE: VOLUME 200 PAGE 399

<b>PLAT OF SURVEY</b>		
FOR THE ANNEXATION OF A		
<b>0.150 ACRE TRACT</b>		
LOCATED IN THE NORTH 1/2 OF SSR LOT #113 TWP 7 N, RANGE 18 WEST, LICK TOWNSHIP, JACKSON COUNTY, OHIO		
CALC. BY: D. EXLINE	SCALE: 1" = 50'	SURVEY DATE: 09/03/08
DRAWN BY: B. MURPHY	DRAWING NO.: 07064A01	
CHECKED BY: D. EXLINE	RECORD RESEARCH DATE: AUGUST 2008	



10356 State Route 139  
 Jackson, Ohio 45640

Phone: (740) 286-7024

**EXLINE SURVEYING, INC.**

Fax: (740) 286-0012