

Ordinance No. 17-19

AN ORDINANCE ACCEPTING THE ANNEXATION PETITION FILED WITH THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY, OHIO BY F&T HOSTETLER FARMS, LLC, ET AL (“PETITIONERS”) FOR ANNEXATION TO THE VILLAGE OF PLAIN CITY, OHIO OF CERTAIN TERRITORY, AS PROVIDED BY OHIO REVISED CODE SECTION 709.022, *et seq.*

WHEREAS, F&T Hostetler Farms, LLC, et al, through their designated agents, filed with the Board of County Commissioners of Madison County, Ohio, a petition to annex to the Village of Plain City, Ohio, 104.644+/- acres of land, more or less, in Darby Township, Ohio; and

WHEREAS, the Board of County Commissioners of Madison County, Ohio, adopted a resolution on August 13, 2019, granting the petition for annexation; and

WHEREAS, the Clerk of the Board of County Commissioners of Madison County, Ohio, delivered a certified copy of the record of annexation proceedings to the fiscal officer of the Village of Plain City on October 4, 2019, in accordance with Ohio Revised Code Section 709.022 (C); and

WHEREAS, sixty days have expired since the delivery of the certified copy of the annexation proceedings to the fiscal officer of the Village of Plain City; and

WHEREAS, Ohio Revised Code Section 709.04 provides that the legislative authority of the Village shall adopt an ordinance or resolution accepting the petition for annexation; and

WHEREAS, it is the intent of the Village Council to respond accordingly.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Plain City, Ohio, a majority of the members elected or appointed thereto concurring, as follows:

- Section 1.** The proposed annexation of 104.644+/- acres from Darby Township, Madison County, Ohio, to the Village of Plain City, Ohio, is hereby accepted.
- Section 2.** The Fiscal Officer is hereby authorized and directed to make 3 copies of this Ordinance, to each of which shall be attached a copy of the map accompanying the Petition for Annexation, a copy of the transcript of the proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Fiscal officer shall then deliver one copy to the County Auditor, one copy to the County Recorder, and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections of Madison County within 30 days after it becomes effective, and further the Fiscal officer shall do all other things with respect to the action taken by the Ordinance as may be required by law.
- Section 3.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of

Council, and that all 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 of the laws of the State of Ohio.

Section 3. This Ordinance shall take effect at the earliest time allowed by law.

Passed: January 27, 2020.

Attest: Renee Sonnett
Village Fiscal Officer

Darrin Lane
Mayor

First reading: December 9, 2019. Vote: ___ yea ___ nay ___ abstain

Second reading: December 23, 2019. Vote: ___ yea ___ nay ___ abstain

Third reading: January 27, 2020. Vote: 6 yea 0 nay 0 abstain

Certificate of Publication

The undersigned, being Village Fiscal Officer of the Village of Plain City, hereby certifies that the foregoing was published by posting for 15 days as required by law and in accordance with Section 123.01 of the Codified Ordinances. The posting was done from 1-28, 2020 to 12-31, 2020 at the Office of the Fiscal Officer located at 213 South Chillicothe Street; the Plain City Public Library located at 305 W. Main Street; the Security National Bank located at 105 W. Main Street; the Richwood Banking Co. located at 601 W. Main Street; all being in the Village of Plain City, Ohio and the Village of Plain City Website at www.plain-city.com.

Date: February 19, 2020

Renee Sonnett
Village Fiscal Officer

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MADISON, OHIO

PETITION BY OWNER OF REAL ESTATE FOR ANNEXATION
OF 104 ACRES OF LAND MORE OR LESS
IN DARBY TOWNSHIP, MADISON COUNTY, OHIO
TO THE VILLAGE OF PLAIN CITY, OHIO
UTILIZING THE SPECIAL PROCEDURE OF SECTION R.C. §709.023 et
seq.

The undersigned, being authorized to represent the owners of freehold estates in land adjacent to the Village of Plain City, Madison County, Ohio, herein respectfully petition that the real estate hereinafter described be annexed to the Village of Plain City, Madison County, Ohio.

The territory proposed for annexation contains 104 acres, more or less, in Darby Township, Madison County, and is contiguous and adjacent to the boundary of the Village of Plain City, Ohio, for five percent (5%) or more of the perimeter of the territory proposed for annexation. The undersigned understands the property will not be excluded from the township.

An accurate and full description of the perimeter of the territory sought to be annexed is attached hereto and made a part hereof as Exhibit "A".

A map or plat of the territory described in Exhibit "A" and sought to be annexed is attached hereto and made a part hereof as Exhibit "B".

The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation.

There is no annexation agreement between the municipality and township pursuant to R.C. §709.192 applicable to this annexation nor an applicable Cooperative Economic Development Agreement (C.E.D.A.) pursuant to R.C. §701.07.

For the purposes of this petition, the number of owners required to sign the petition by R.C. §709.021 have signed.

The owners who sign this petition by their signature expressly waive their right to appeal in law or equity from the Board of County Commissioners' entry of any resolution passed under R.C. §709.023 and waive any rights they may have to sue on any issue relating to a municipal corporation requiring a buffer as provided in R.C. §709.023 and

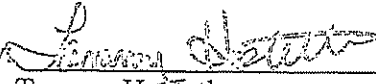
further waive any rights to seek a variance that would relieve or exempt them from the buffer requirement.

Nathan E. Cahall, whose mailing address is 213 Chillicothe Street, Plain City Ohio, 43064, is hereby appointed agent for the undersigned petitioners, as required by §709.02, Ohio Revised Code; and said petitioner's agent is hereby authorized to make any amendments and/or deletions which in his absolute and complete discretion are proper under the circumstances then existing. In addition, the petitioner's agent is authorized to make such amendments and/or deletions in the petition, map, plat, or description in order to correct any discrepancy or mistake noted by the County Engineer or others in their examination of the petition, map, plat, or description. Amendments to correct the map, plat, or description may be made by the presentation of an amended map or plat and description to the Board of County Commissioners on, before, or after the date set for the hearing of this petition unless otherwise specified by law.

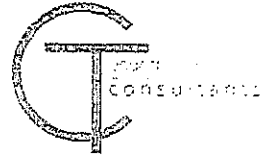
**WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR
RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF
COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION
PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE,
ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO
COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY
LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.**

PETITIONER:

F&T Hostetler Farms, LLC
an Ohio limited liability company

By 
Tammy Hostetler

Date Signed: 4-16-19



**DESCRIPTION OF 104.636 ACRES
MADISON COUNTY, OHIO**

Situated in the State of Ohio, County of Madison, Township of Darby, VMS 8636 & 7753, and being part of that 104.225 acres conveyed to F & T Hostetler Farms LLC of record in Instrument 201312200214, all of record in the Madison County Recorder's office and being more particularly described as follows;

BEGINNING; at a 3/4 inch pipe found at a corner common to Lot 93 of the Village at Plain City, Section 4, a resubdivision of Lot 4 of Plain City Commons, and a 0.572 acre tract conveyed to Dan J Lapp, Trustee, of record in Official Record Volume 294, Page 870, said pipe also being on the existing Village of Plain City corporation line;

Thence, South 19°25'53" West, with said existing corporation line, a distance of 2284.69 feet, to a 5/8 inch rebar found with cap (unreadable) at a corner common with said 104.225 acres and a 99.014 acre tract conveyed to Plain City One LLC, of record in Official Record Volume 199, Page 318;

Thence, South 38°31'49" West, continuing with said existing corporation line and a line common with said 104.225 acres and said 99.014 acres, a distance of 486.10 feet, to a corner common with said 104.225 acres and a 79.50 acre tract conveyed to Norman A. Beachy, of record in Official Record Volume 313, Page 7;

Thence, North 63°56'43" West, leaving said existing corporation line and with a line common to said 104.225 acres and said 79.50 acres, a distance of 2093.60 feet, to a corner common with said 104.225 acres and a 5.9202 acre tract conveyed to Randall Lynn Miller, of record in Official Record Volume 211, Page 200, said common corner also being on the centerline right-of-way of Lafayette Plain City Road (50 feet wide);

Thence, North 51°00'00" West, with said centerline right-of-way, and with a line common to said

Map #	Owner	Address
A	WATSON AARON, WATSON MIRA Z	1437 COUNTY VIEW DR PLAIN CITY, OHIO 43064
B	WATSON KEVIN E, WATSON KAREN E	1435 COUNTY VIEW DR PLAIN CITY, OHIO 43064
C	GRANTHEE CAROLYN S	1432 COUNTY VIEW DR PLAIN CITY, OHIO 43064
D	WATSON KATHARINE C	1431 COUNTY VIEW DR PLAIN CITY, OHIO 43064
E	STUFF GARY R, STUFF HELEEN	1428 COUNTY VIEW DR PLAIN CITY, OHIO 43064
F	BOO CATE R, BOO MARCIA	1427 COUNTY VIEW DR PLAIN CITY, OHIO 43064
G	BAUM MARY B	1413 COUNTY VIEW DR PLAIN CITY, OHIO 43064
H	CRAGO BILLY S	1401 COUNTY VIEW DR PLAIN CITY, OHIO 43064
I	WINGERT DEBBIE L, WINGERT MARCEY F	1411 COUNTY VIEW DR PLAIN CITY, OHIO 43064
J	SCOTT BRUCE, SCOTT MARGARET A	1407 COUNTY VIEW DR PLAIN CITY, OHIO 43064
K	KELLEN ROBERT, KELLEN MARGARET	1405 COUNTY VIEW DR PLAIN CITY, OHIO 43064
L	FRIGEL MARCY A, FRIGEL PETER A	1405 COUNTY VIEW DR PLAIN CITY, OHIO 43064
M	WAGNER ESTER E, WAGNER JOHANN C	1404 COUNTY VIEW DR PLAIN CITY, OHIO 43064
N	BRUNER SUSAN E	1403 COUNTY VIEW DR PLAIN CITY, OHIO 43064
O	FRAY SARAH T	1400 COUNTY PLACE DR PLAIN CITY, OHIO 43064
P	SMITH GERMALOU E	1400 COUNTY PLACE DR PLAIN CITY, OHIO 43064
Q	BECKER DOMINIA J	1400 COUNTY PLACE DR PLAIN CITY, OHIO 43064
R	BECKER DOMINIA H	1400 COUNTY PLACE DR PLAIN CITY, OHIO 43064
S	MORSE JONAS G	1400 DOWNING DR PLAIN CITY OH 43064
T	DAVE DAVE J	6735 PINE HILL DR PLAIN CITY OH 43064
U	FRANK DAVID, FRANK CASSANDRA	3200 WASHINGTON DR PLAIN CITY OH 43064
V	THOMAS DOMINIA M	1002 WEAVER VILLE DR PLAIN CITY OH 43064
W	DANIEL WALTER R, DANIEL DOMINIQUE M ANTHON	1001 WEAVER VILLE DR PLAIN CITY OH 43064
X	FRANKLIN BRADY, FRANKLIN KATHRYN	1001 WEAVER VILLE DR PLAIN CITY OH 43064
Y	BRUCKER JOHN, BRUCKER MARGARET	1000 WEAVER VILLE DR PLAIN CITY OH 43064
Z	BACKER KEVIN	1000 WEAVER VILLE DR PLAIN CITY OH 43064
AA	MICHELLE STEPHEN D	1000 WEAVER VILLE DR PLAIN CITY OH 43064
AB	WUTY SARA F	1000 WEAVER VILLE DR PLAIN CITY OH 43064
AC	CEAS RICHARD GLEN, CEAS SHIDA ANN	1000 WEAVER VILLE DR PLAIN CITY OH 43064
AD	CAROLINE BRADY, CAROLINE ELIZABETH	1000 WEAVER VILLE DR PLAIN CITY OH 43064
AE	CONNEL ROBERT, CONNELL KATHRYN	1000 WEAVER VILLE DR PLAIN CITY OH 43064
AF	HAYES CARRIE ANN, HAYES ASHLEY S	1000 WEAVER VILLE DR PLAIN CITY OH 43064
AG	WILSON MARGARET M, WILSON JACQUELYN	1000 WEAVER VILLE DR PLAIN CITY OH 43064
AH	CUNNINGHAM STEPHANIE S, CUNNINGHAM HILARY S	1000 WEAVER VILLE DR PLAIN CITY OH 43064
AI	BRUBAKER STEPHANIE HOPE, BRUBAKER WALTER D	1000 WEAVER VILLE DR PLAIN CITY OH 43064
AJ	PLAIN CITY CHELSEA C	815 WEAVER VILLE DR PLAIN CITY OH 43064
AK	WATSON KEVIN E, WATSON KAREN E	815 CONSUMERS ROAD DEUBLIN OH 43015
AL	WATSON KEVIN E, WATSON KAREN E	815 CONSUMERS ROAD DEUBLIN OH 43015
AM	WATSON KEVIN E, WATSON KAREN E	815 CONSUMERS ROAD DEUBLIN OH 43015
AN	PLAIN CITY UNITED METHODIST CHURCH	340 WEST MAIN ST PLAIN CITY OH 43064

ANNEXATION
STATE OF OHIO, COUNTY OF MADISON, TOWNSHIP OF DARBY, VMS 803 & 773

Project No.	190235
Drawing Title	ANNEX
Sheet	2
Scale	AS SHOWN
DATE	
APPROVED BY	
CHECKED BY	
DESIGNED BY	
DATE	
PROJECT NO.	190235
DRAWING TITLE	ANNEX
SHEET	2

HOSTETLER ANNEXATION
DARBY TOWNSHIP - THE VILLAGE OF
PLAIN CITY

