

ORDINANCE NO. 86-2020

AN ORDINANCE ASSUMING MAINTENANCE RESPONSIBILITY FOR THE FULL WIDTH OF SUMMIT ROAD BETWEEN THE SOUTHERN/MOST BOUNDARY OF PARCEL NUMBER 010-018030-00.001 AND THE NORTHERN/MOST BOUNDARY OF PARCEL NUMBER 010-018030-00.000 UPON ANNEXATION OF SAID PARCELS INTO THE CITY OF REYNOLDSBURG, AGREEING TO COOPERATE IN THE MAINTENANCE OF SAID ROADWAY, AND INDEMNIFYING THE TOWNSHIP OF THE ETNA AND LICKING COUNTY

WHEREAS, owners of real property located along Summit Road in Etna Township have expressed a desire to annex into the City of Reynoldsburg corporate limits and will file one or more petitions for annexation with the Licking County Commissioners; and

WHEREAS, as a condition of annexation, Ohio Revised Code Section 709.033(A)(6) requires the annexing municipal corporation to assume maintenance responsibility of any and all highways or streets that will be segmented or divided by such annexation; and

WHEREAS, the proposed annexation of parcel numbers 010-018030-00.001 and 010-018030-00.000 (the "Emswiler" parcels) will segment Summit Road from parcels to the north and south of the Emswiler parcels and from parcels directly across Summit Road to the east, which are all located in Etna Township; and

WHEREAS, upon annexation of the Emswiler parcels, the City shall assume responsibility for all areas associated with Summit Road between the northern and southern boundary lines of the Emswiler parcels; and

WHEREAS, the Council of the City of Reynoldsburg has determined that it has the necessary resources to maintain such roads upon annexation of the proposed territory into the City of Reynoldsburg.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG, OHIO;

SECTION 1: The City of Reynoldsburg hereby agrees it will assume maintenance responsibility, including, but not limited to, paving, striping, drainage, installation and maintenance of traffic control devices, and snow removal, of the full width of Summit Road from the southern-most boundary of Parcel Number 010-018030-00.001 and the northern-most boundary of Parcel Number 010-018030-00.000 upon annexation into the City of Reynoldsburg, as shown on the map attached as Exhibit A.

SECTION 2. The maintenance responsibilities assumed by the City of Reynoldsburg in Section 1 above shall commence from and after the effective date of the annexation of the Emswiler parcels.

SECTION 3. The City of Reynoldsburg hereby agrees to indemnify and hold harmless Etna Township and Licking County and their employees [as defined in R.C. 2744.01(B)] from any and all suits, claims, demands, costs, damages, attorney fees, charges, liabilities and expenses whatsoever which Etna and Licking County may at any time sustain or incur or become liable for by reason of or in consequence of injury or death to person or property arising from said City's maintenance of, or failure to properly maintain these sections of Summit Road following their respective annexations, as shown on the map attached as Exhibit A.

SECTION 4: That upon adoption by Council, this Ordinance shall be in effect thirty days following signature by the Mayor.

PASSED this 26th day of October, 2020.



Leandra Jenkins, Council President

ATTEST: 

Mollie Prasher, Clerk of Council

APPROVED: 

Joe Begeny, Mayor

DATE: 10/26/2020

On behalf of the state of Ohio, Licking County, City of Reynoldsburg, I, Mollie Prasher, duly qualified Clerk of Council for the City of Reynoldsburg, do hereby certify that the foregoing are copies of the originals, now on file, and have been certified by me, and the same are a true and correct copies.

WITNESS by my signature, this 26th day of October, 2020.



Mollie Prasher, Clerk of Council
City of Reynoldsburg

RESOLUTION

IN THE MATTER OF FILING EXPEDITED II PETITION AND MAP FOR ANNEXATION - ETNA TOWNSHIP TO THE CITY OF REYNOLDSBURG - CIMINELLA/AGENT - FILE #6-2020 - (137.542+/- ACRES)

BE IT RESOLVED by the Board of County Commissioners, County of Licking, State of Ohio:

That we did hereby receive and file an **EXPEDITED II** annexation petition, map by Anthony Ciminello, 411 East Town Street, Floor 2, Columbus, Ohio 43215, as required by ORC Section 709.02 - 709.11, to annex certain territory, adjacent and contiguous to the City of Reynoldsburg, containing 137.542 +/- acres, more or less, in Etna Township; also known as File #6-2020.

BE IT FURTHER RESOLVED that the file date for this annexation is hereby noted as October 15, 2020 and this annexation will create a divided road for which a Highway Responsibility Ordinance (HRO) is needed. At the time of the filing of this annexation, the HRO is in the process of being executed. Under ORC 709.023(C), the petitioners have 20 days after the filing of the petition to file the HRO with the Board of County Commissioners.

- CC: Michael L. Smith, Auditor
- Clerk, City of Reynoldsburg
- Fiscal Officer, Etna Township Trustees
- Anthony Ciminello, Agent
- E-911
- Jared Knerr, County Engineer
- Brad Mercer, Planning Department
- City of Reynoldsburg Water Department
- City of Reynoldsburg Engineer Dept.
- Sheriff Randy Thorp
- Board of Health
- Board of Elections
- Board of Education
- Bill Hayes, Pros. Atty.
- Mayor, City of Reynoldsburg
- Carolyn Carnes, L.C Pros. Atty
- Angela Farley, Planning Dept.
- FILE

Beverly Adzic
 Beverly Adzic, Clerk
 Licking County Commissioners

I, Beverly Adzic, duly qualified clerk of Licking County Commissioners, do hereby certify that the foregoing document is a true and exact copy.

Motion by **FLOWERS** seconded by **BLACK**

that the resolution be adopted was carried by the following vote:

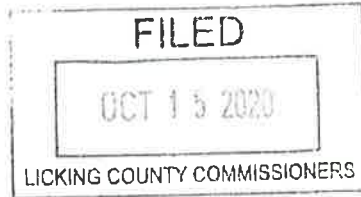
YEAS: *Timothy E. Bubb* * *Rick Black*

NAYS: * *

Timothy E. Bubb
 Duane H. Flowers
 Rick Black

Adopted: October 15, 2020

Beverly Adzic
 Beverly Adzic, Clerk/Administrator



Date: 8/17/2020

(Expedited I or II Only)

To: The Board of County Commissioners of Licking County, Ohio
Licking County Administration Building -4th Floor
20 South Second Street
Newark, Ohio 43055

PETITION FOR EXPEDITED II ANNEXATION OF 137.542 +/- ACRES IN
Etna TOWNSHIP TO THE CITY/VILLAGE OF Reynoldsburg

The undersigned, 100% of the owners of real estate within the area hereinafter described in Exhibit "A" and consisting of 137.542 acres in Etna Township, Licking County, Ohio, adjacent to the City/Village of Reynoldsburg, do hereby respectfully petition the Board of Licking County Commissioners to cause such territory to be annexed to the City/Village of Reynoldsburg under authority of Sections 709.02 to 709.11 of the Revised Code of Ohio.

The number of owners within the area are 4 in total.

1. Attached to this petition and made part hereof is a full legal description marked Exhibit "A".
2. Attached to this petition and made part hereof is an accurate mylar (map) of the area to be annexed, marked Exhibit "B"
3. Attached to this petition and made part hereof is a list of parcels in area to be annexed and adjacent territory that includes name of owner, mailing address of owner and permanent parcel number, marked Exhibit "C".
4. Attached to this petition and made part hereof is a certified copy of either an annexation agreement or a cooperative economic development agreement between the township(s) and the municipality marked Exhibit "D". (Applies to Expedited I, II- if excluded from the township(s), and III only)
5. Petition includes statutory disclosure statement in bold face, capital letters regarding waiver of appeal rights. (Applies to Expedited I and II only)

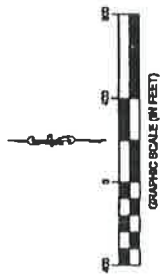
The undersigned petitioners do hereby designate Anthony Ciminello, who is located at 411 East Town Street, Floor 2, Columbus, OH 43215, as their agent. His phone number is (614) 778-7743; Fax number is 614-228-1790; and his email address is anthonyciminello@gmail.com

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY.

Name	Address	Date
<u>See Exhibit I attached hereto.</u>	_____	_____
_____	_____	_____
_____	_____	_____

Revised: 01/15/2004mem A: New Annexation procedure revision

**PROPOSED ANNEXATION OF 137.542± ACRES
FROM ETNA TOWNSHIP
TO THE CITY OF REYNOLDSBURG**
SITUATED IN THE STATE OF OHIO, COUNTY OF LICKING, TOWNSHIP OF ETNA
BEING PARTS OF SECTION 9, TOWNSHIP 16, RANGE 20, REFUGEE LANDS



VICINITY MAP - NOT TO SCALE

**PROPOSED ANNEXATION
OF 137.542± ACRES TO THE CITY OF REYNOLDSBURG**

THE ABOVE MAP AND RECORD DRAWING IS A PART OF THE PETITION OF ANNEXATION FILED WITH THE CLERK OF THE COUNTY COMMISSIONERS OF LICKING COUNTY, OHIO, AND IS SUBJECT TO THE PROVISIONS OF THE OHIO REVISED CODE, AS AMENDED, AND THE CITY OF REYNOLDSBURG, OHIO, HAS BEEN ADVISED BY THE CLERK OF THE COUNTY COMMISSIONERS OF LICKING COUNTY, OHIO, THAT THE PETITION IS IN COMPLIANCE WITH THE REQUIREMENTS OF SAID CHAPTER 163 OF THE OHIO REVISED CODE.

NOTES TO THE PETITIONER

THE BOARD OF COUNTY COMMISSIONERS OF LICKING COUNTY, OHIO, HAS REVIEWED A PETITION FOR ANNEXATION OF 137.542± ACRES OF THE TOWNSHIP OF ETNA, TOWNSHIP 16, RANGE 20, REFUGEE LANDS TO THE CITY OF REYNOLDSBURG, OHIO, AND HAS APPROVED THE PETITION AND HAS ADVISED THE PETITIONER THAT THE PETITION IS IN COMPLIANCE WITH THE REQUIREMENTS OF SAID CHAPTER 163 OF THE OHIO REVISED CODE.

PETITION RECEIVED _____ DATE _____
 PETITION APPROVED _____ DATE _____

BOARD OF LICKING COUNTY COMMISSIONERS
 COUNTY OF LICKING, OHIO

TRANSMITTED THE _____ DAY OF _____ 20____ UNDER THE DEPUTY CLERK OF THIS OFFICE.
 COUNTY OF LICKING, OHIO

TRANSFER FEE _____ LICKING COUNTY AUDITOR
 RECORDING FEE _____ CLERK OF THE COUNTY COMMISSIONERS
 PLAT FEE _____ COUNTY AUDITOR
 COUNCIL FEE _____ COUNTY AUDITOR

SEARCHED FOR THE CITY OF REYNOLDSBURG BY _____ INDEXED _____
 SEARCHED FOR THE CITY OF REYNOLDSBURG BY _____ INDEXED _____
 SEARCHED FOR THE CITY OF REYNOLDSBURG BY _____ INDEXED _____
 SEARCHED FOR THE CITY OF REYNOLDSBURG BY _____ INDEXED _____

ATTEST
 CLERK, CITY OF _____

CONTINGENCY NOTE

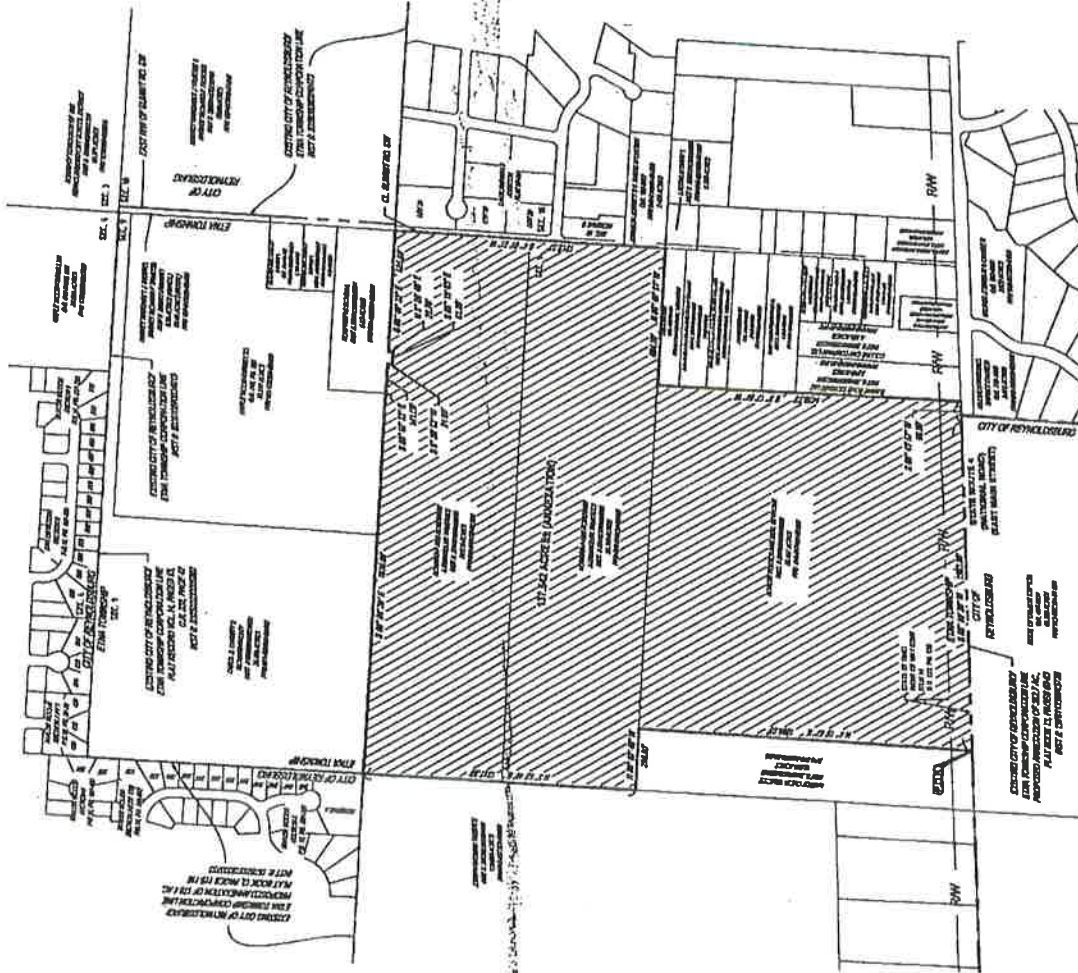
THE TOTAL PERIMETER OF ANNEXATION AREA IS 16,800± FEET, OF WHICH 16,800 FEET ARE CONTIGUOUS WITH THE CITY OF REYNOLDSBURG, OHIO, CONTIGUITY.

THIS EXHIBIT WAS PREPARED FROM RECORD INFORMATION FROM THE LICKING COUNTY ENGINEER, RECORDS AND AUDITOR, AND IS NOT INTENDED FOR THE TRANSFER OF REAL PROPERTY.

STATE OF OHIO
 JEFFREY A. MILLER
 9711
 REGISTERED PROFESSIONAL SURVEYOR

DATE: 9/21/20
 DATE: _____

STATE ROUTE 60		LICKING COUNTY, OHIO	
SCALE: 1"=100'	DATE: 9/21/20	JOB NO.: 78184	SHEET NO.: 1 OF 1
DRAWN BY: _____	CHECKED BY: _____	DATE: _____	DATE: _____
DESIGNED BY: _____	DATE: _____	DATE: _____	DATE: _____
CESO WWW.CESODIG.COM			



LEGEND

--- EXIST. ETNA TOWNSHIP CORP. LINE
 --- EXIST. PARCEL LINE
 --- PROPOSED ANNEXATION CORP. LINE
 [Hatched Area] AREA TO BE ANNEXED (137.542± ACRES)



LEGAL DESCRIPTION

Description of 137.542 ACRES +/- TO BE ANNEXED FROM ETNA TOWNSHIP TO THE CITY OF REYNOLDSBURG

Situated in the State of Ohio, County of Licking, Township of Etna, and being located in Section 9, Township 16, Range 20 of the Refugee Lands, and being all the lands conveyed to Howard P and Rosemary A Emsweiler Trustees, Instrument Number 201401090000565 and being PPN 010-018030-00.000, all the lands of Howard P and Rosemary A Emsweiler Trustees, Instrument Number 201401090000565 and being PPN 010-018030-00.001, all the lands of Robert Foster and Neal Seymour, Instrument Number 201909100019058 and being PPN 010-017466-00.000, and as follows:

Beginning, in the centerline of National Road (State Route 40), at the southwesterly corner of said 58.417 acre tract of land as conveyed to Robert Foster and Neal Seymour, the southeasterly corner of a 10.990 acre tract of land as conveyed to Nastev Cveta Trustee of record in Instrument Number 200003220008898, and on the existing City of Reynoldsburg corporation line of record in Proposed Annexation of 362.7 Ac., Plat Book 13, Pages 60-63;

Thence, along the easterly and northerly lines of said 10.990 acre tract the following two (2) courses:

1. North 4°15'57" East, a distance of 1596.05 feet to a point,
2. North 86°07'48" West, a distance of 298.50 feet to a point on the easterly line of a 129.893 acre tract of land as conveyed to Joseph Bauman Trustee of record in Instrument Number 201301170001449;

Thence, North 03°53'49" East along the easterly line of said 129.893 acre tract, a distance of 1317.20 feet to the southeasterly corner of Reserve A of Taylor Woods Section 5 of record in Plat Book 15, Pages 307-308 at an angle point in the existing City of Reynoldsburg corporation line of record in Proposed Annexation of 179.4 Ac., Plat Book 13, Pages 115-116 and being the southwesterly corner of a 36.479 acre tract of land as conveyed to Carol S. Christy and Richard Halley of record in Instrument Number 200809150020609;

Thence, South 86°04'30" East with the southerly line of said 36.479 acre tract and the southerly line of a 35.517 acre tract of land as conveyed to Maplewood Farms, LTD. of record in Official Record 849, Page 558, a distance of 1836.88 feet to a point on the southerly line of a 5.03 acre tract of land as conveyed to Humphreys Donna L of record in Instrument Number 201312050029764;

Thence, along the southerly line of said 5.03 acre tract the following five (5) courses:

1. South 86°07'32" East a distance of 141.09 feet to a point,
2. South 5°28'52" West a distance of 21.89 feet to a point,
3. South 85°18'03" East a distance of 61.29 feet to a point,
4. North 3°28'46" East a distance of 22.76 feet to a point,
5. South 86°07'32" East a distance of 585.59 feet to a point at the northeasterly corner of aforementioned 39.828 acre tract and the southeasterly corner of said 5.03 acre tract and the centerline of Summit Road SW;

Thence, South 4°01'31" West along easterly line of said 39.828 acre tract, said centerline Summit Road SW and easterly line of aforementioned 38.329 acre tract of land as conveyed to Howard P and Rosemary A Emsweiler Trustees a distance of 1312.37 feet to the southeasterly corner of said 38.329 acre tract of land and the northeasterly corner of a 1.500 acre tract of land as conveyed to Lisa A Maters of record in Official Record 489, Page 405;

Thence, North 86°07'51" West along said southerly line of said 38.329 acre tract of land and northerly line of said 1.500 acre tract of land a distance of 664.59 feet to the northwesterly corner of said 1.500 acre tract of land;

Thence, South 3°17'07" West along westerly line of said 1.500 tract of land, westerly line of a 1.980 acre tract of land as conveyed to Douglas A Ballman & Evelyn May Ballman of record in Instrument Number 200709180024633, westerly line of a 1.500 acre tract of land as conveyed to Douglas A Ballman & Evelyn May Ballman of record in Instrument Number 200708030020363, westerly line of a 2.496 acre tract of land as conveyed to Joan B Ogershok of record in Official Record 844, Page 619, westerly line of a 2.500 acre tract of land as conveyed to Mary Ellen Praither ET AL of record in Instrument Number 200503170007854 a distance of 1450.73 feet to the southwesterly corner of a 3.010 acre tract of land as conveyed to Summit Road Storage LLC of record in Instrument number 201002080002541 and the centerline of aforementioned National Road;


Thence, along said centerline of National Road the following two (2) courses:

1. South 88°43'57" West a distance of 96.50 feet to a point, passing a corner of aforementioned City of Reynoldsburg corporation line at a distance of 65.86 feet;
2. South 88°50'28" West with said City of Reynoldsburg corporation line a distance of 1593.90 feet to the **Point of Beginning**;



The annexation description of the location of the property to be annexed and is not a boundary survey as defined in O.A.C. Chapter 4733.37. The above annexation contains a perimeter distance of 10,999.35 feet, of which 1624.54 feet are contiguous with the existing City of Reynoldsburg Corporation Line, and 14.8% of the perimeter length is contiguous to the City of Reynoldsburg Corporation line.

Ceso Inc.



Jeffrey A. Miller 8-17-20

Jeffrey A. Miller, PS Registered Surveyor No. 7211

Exhibit 1

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

Howard P Emswiler trust

By: Howard P. Emswiler, Trustee of the Howard P. Emswiler Revocable Trust U/A Dated December 27, 1978, as Amended.

Address: 13167 MORSE RD SW PATASKALA OH 43062

Date: 8-22-2020

Rosemary A Emswiler trust

By: Rosemary A. Emswiler, Trustee of the Rosemary A. Emswiler Revocable Trust U/A Dated December 27, 1978, as Amended.

Address: 13167 Morse Rd. SW. Pataskala, Ohio 43062

Date: 8-22-2020

Exhibit 1

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Robert Foster

Address: _____

Date: _____

Neal Seymour

Neal Seymour

Address: 7815 South Bloomfield Royalton Rd Ashville, Ohio 43103

Date: 8/21/20

State of Ohio

County of Pickaway ss:

Sworn to and subscribed in my presence Neal Seymour
on this the 21 day of August, 2020.

Kelly J. Hart
Kelly J. Hart
August 21, 2020



KELLY J HART
Notary Public
State of Ohio
My Comm. Expires
March 26, 2025

Exhibit 1

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.



JONNA CARNEY
Notary Public, State of Ohio
My Comm. Expires Sept. 19, 2020
Recorded in Licking County

Robert Foster

Robert Foster

Address: 4202 Beaver Run Rd-Sw Hebron Oh
143025

Date: 8-24-20

Neal Seymour

Address: _____

Date: _____

EXHIBIT C

Adjacent Property Owners		
PID	Owner Name	Mailing Address
PO 010-018030-00.000	Howard P. & Rosemary A. Emswiler, Trustees	13167 Morse Road, Pataskala, Ohio 43062
PO 010-018030-00.001	Howard P. & Rosemary A. Emswiler, Trustees	13167 Morse Road, Pataskala, Ohio 43062
PO 010-017466-00.000	Robert Foster & Neal Seymour	7815 South Bloomfield-Royalton Road, Ashville, Ohio 43103
1 013-027588-00.276	Taylor Woods Ltd. Partnership, c/o Donald W. Kelley	250 East Broad Street, Columbus, Ohio 43215
2 011-026598-00.003	Maple Woods Farms, Ltd.	8718 Summit Road SW, Reynoldsburg, Ohio 43068
3 011-026598-00.000	Donna Humphreys	Post Office Box 604, Reynoldsburg, Ohio 43068
4 011-026598-00.002	Carol S. Christy & Richard Halley	146 Commodore Drive, Milledgeville, Georgia 31061
5 012-027282-00.000	Joseph Bauman, Trustee	9154 Mink Road, Pataskala, Ohio 43062
6 107-017808-00.000	Margaret J. & Richard F. Harvey, Trustees	12506 Palmer Road SW, Reynoldsburg, Ohio 43068
7 010-018816-00.000	Craig S. Milner	139 Lakeview Drive, Reynoldsburg, Ohio 43068
8 010-018780-00.000	Clifford J. & Emilee P. Fehr	17 Lakeland Drive, Reynoldsburg, Ohio 43068
9 010-016998-00.000	Cyeta Nastev, Trustee	6291 Headley Road, Gahanna, Ohio 43230
10 010-019752-00.000	Lisa A. Masters	9206 Summit Road, Reynoldsburg, Ohio 43068
11 010-021876-00.000	Lakeland Hills Association, c/o P. Keith Brown	298 Lakeland Drive SW, Etna, Ohio 43068
12 010-018804-00.000	Jeffrey S. Johnson & Susan M. Luebbe	9173 Summit Road, Reynoldsburg, Ohio 43068
13 010-021888-00.000	Mary L. Laughlin	9207 South Summit Road, Reynoldsburg, Ohio 43068
14 010-018960-00.000	Douglas A. & Evelyn May Ballman	9228 Summit Road, Reynoldsburg, Ohio 43068
15 010-020490-00.000	Douglas A. & Evelyn May Ballman	9228 Summit Road, Reynoldsburg, Ohio 43068
16 010-022914-00.000	Joan B. Ogershok	9288 Summit Road SW, Reynoldsburg, Ohio 43068
17 010-021120-00.000	Mary E. Praither	9306 Summit Road SW, Reynoldsburg, Ohio 43068
18 010-018012-01.000	Summit Road Storage LLC, c/o Jon Hanson	160 Rolen Road SW, Etna, Ohio 43068
19 013-027284-01.000	State of Ohio-AGR	8995 East Main Street, Reynoldsburg, Ohio 43068
20 010-019200-00.000	Hilview Freewill Baptist Church	14441 National Road SW, Etna, Ohio 43068
21 010-021618-00.000	Scott Allen Bina	138 Lakeview Drive SW, Reynoldsburg, Ohio 43068