

LAW OFFICE

HALL & HALL

355 E. CENTER STREET

SUITE 101

MARION, OHIO 43302

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F. RILEY HALL
(1922-2004)

KEVIN R. HALL
(740) 383-6109

January 10, 2019

VIA HAND DELIVER and
SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED JAN 15 2019

Marion City Clerk of Council
233 West Center Street
Marion, Ohio 43302

**NOTICE OF DATE, TIME, AND PLACE OF FILING PETITION FOR
ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF MARION,
OHIO BY OWNERS OF REAL ESTATE**

(O.R.C. 709.023 and other relevant sections in Chapter 709 of the Ohio Revised Code)

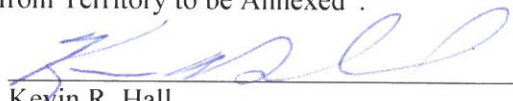
Dear Clerk of Council:

On January 10, 2019, there was filed with the Board of the County Commissioners of Marion County, Ohio, a petition signed by Riffle Creek LLC, being all of the owners of the real estate described in the petition, praying that the territory be annexed to the City of Marion, Ohio, as provided in accordance with O.R.C. Section 709.023 and other relevant sections in Chapter 709 of the Ohio Revised Code of the State of Ohio.

The described territory is adjacent and contiguous with the City of Marion, Ohio. A legal description and a map of the territory accompanied the filing of the petition. Also filed on said date and time was a "List of Owners and Parcels Adjacent to or Across the Road from Territory to be Annexed". The territory to be annexed is also known as 971 Barks Road East, Marion, Ohio 43302.

This notice and the enclosed documents are being provided to you pursuant to O.R.C. Section 709.023 as "owners of property adjacent to the territory proposed for annexation or adjacent to a road that is adjacent to that territory and located directly across the road from that territory".

Enclosed please find a file-stamped copy of the petition with the attached legal description and survey map to said property. Also, please find a file-stamped copy of a "List of Owners and Parcels Adjacent to or Across the Road from Territory to be Annexed".



Kevin R. Hall
Agent for Petitioner,
Riffle Creek LLC



**PETITION BY ONE HUNDRED PERCENT (100%)
OF THE OWNERS OF CERTAIN TERRITORY FOR ANNEXATION
FROM THE TOWNSHIP OF MARION
TO THE CITY OF MARION
PURSUANT TO O.R.C. 709.02, 709.021, 709.023**

**(SPECIAL ANNEXATION PROCEDURE WHERE LAND IS
NOT EXCLUDED FROM TOWNSHIP AND NO AGREEMENT WITH THE TOWNSHIP)**

To: Board of County Commissioners
of Marion County, Ohio
222 West Center Street
Marion, Ohio 43302

1. The undersigned, being all of the owners of the real estate in the following described territory, hereby petitions for annexation of the following territory to the City of Marion, Marion County, Ohio, all in accordance with Sections 709.02, 709.021 and 709.023 and other relevant sections in Chapter 709 of the Ohio Revised Code of the State of Ohio, to-wit:

Being part of the Southeast Quarter of Section 35, Township 5 South, Range 15 East, and being the same 16.548 acre tract of land, now or formerly owned by Riffle Creek LLC, O.R. 992, Page 908, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Beginning at an iron bolt found over an existing 5/8 inch dia. iron pin at the Northeast corner of the Northwest Quarter of the Southeast Quarter of Section 35, said point being on the centerline of County Road 138 (Barks Road East) and East-West Half Section Line of Section 35 and South Corporation Line of the City of Marion, said point being the Northwest corner of hereinafter described 16.548 acre tract;

Thence along the East Line of the Northwest Quarter of the Southeast Quarter of Section 35, **South 00 deg. 11 min. 00 sec. East** for a distance of

1319.08 feet to a 1 inch dia. iron pin set at the Southeast corner of the Northwest Quarter of the Southeast Quarter of Section 35 (passing over a 1 inch dia. iron pin set at a distance of 30.00 feet);

Thence along the South Line of the Northwest Quarter of the Southeast Quarter of Section 35, **South 89 deg. 11 min. 00 sec. West** for a distance of **552.30 feet** to a 1 inch dia. iron pin set;

Thence **North 00 deg. 17 min. 32 sec. East** for a distance of **1317.83 feet** to a railroad spike found on the centerline of County Road 138 and East-West Half Section Line of Section 35 and South Corporation Line of the City of Marion (passing over a 1 inch dia. iron pin set at a distance of 1287.83 feet);

Thence along said centerline, Half Section Line and Corporation Line, **North 89 deg. 02 min. 00 sec. East** for a distance of **541.38 feet** to an iron bolt found over an existing 5/8 inch dia. iron pin and the place of beginning.

Containing **16.548 acres**, more or less, and subject to legal highways, easements, restrictions and agreements of record. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated May 9, 2017. All 1 inch dia. iron pins set are 30 inches long.

Prior Deed, O.R. 992, Page 908

Basis of bearing, Survey by T. L. Boblenz, dated 03/28/1989, centerline C.R. 138, North 89 deg. 02 min. 00 sec. East

Premises also known as: 971 East Barks Road, Marion, Ohio 43302
Permanent Parcel No.: 18-010000.7000

2. The territory does not exceed 500 acres and is adjacent to and contains a contiguous boundary of at least 5% of its perimeter with the City of Marion, Ohio.

3. Attached as Exhibit "A" is an accurate survey map showing the boundaries of the territory sought to be annexed entitled "Map of Territory to be Annexed to the City of Marion, Marion County, State of Ohio" dated May 9, 2017.

4. This annexation will not create an unincorporated area in the township that will completely be surrounded by the territory to be annexed and will not create an island of unincorporated territory.

5. There is one (1) owner of one (1) parcel of real estate, being all of the owners of the real estate in the territory to be annexed, to-wit:

<u>Owner</u>	<u>Parcels/Lots</u>	<u>Permanent Parcel No.</u>
RIFFLE CREEK LLC 971 East Barks Road Marion, Ohio 43302	16.548 acres	18-010000.7000

6. Kevin R. Hall is appointed agent for the petitioners as required by O.R.C. Section 709.02, with full power to amend, increase or decrease area, to do any and all things related thereto, and to take any action necessary for obtaining the granting of this Petition, without further expressed consent of Petitioners. The address of the agent is as follows:

Kevin R. Hall
Attorney at Law
355 East Center Street, Suite 101
Marion, Ohio 43302
Phone: (740) 383-6109

7. This Petition is filed without an agreement between the City of Marion and Marion Township.

WARNING TO PETITIONERS

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. (O.R.C. §709.023)

Petitioner:

RIFFLE CREEK LLC

Date Signed: 10/27, 2018

By: 

Its: J. King McNamara, Authorized Member

EXHIBIT "A"

ANNEXATION PLAT

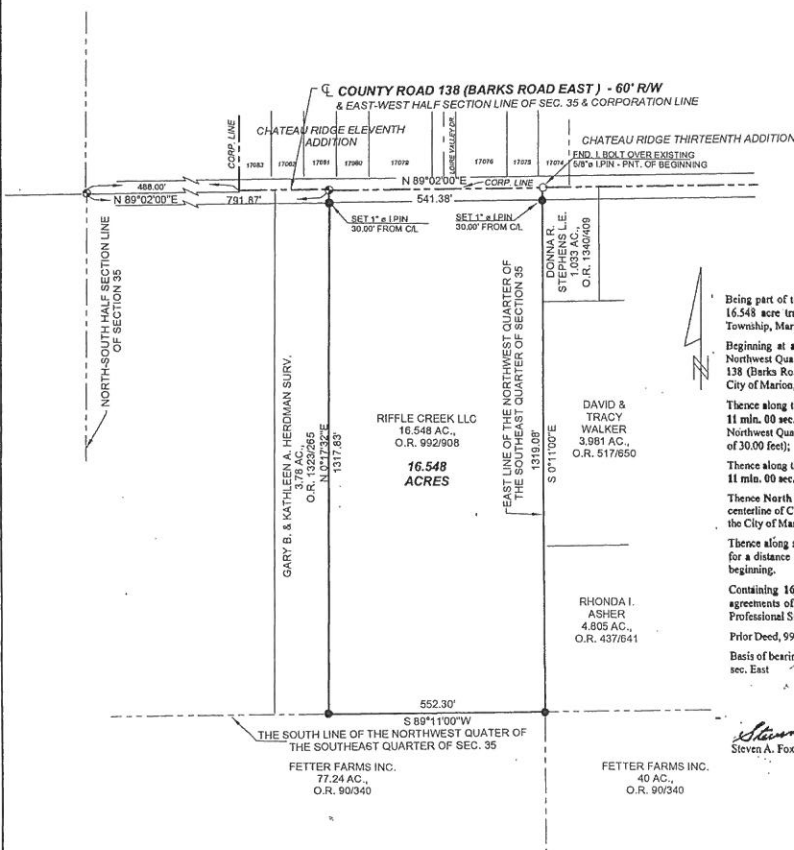
106 S. Elm St.
P.O. Box 133

FOX SURVEYING COMPANY
Prospect, Ohio 43342-0133
foxsurveying@frontier.com

Ph. 740-494-2028
Fax: 740-494-2730

MAP OF TERRITORY TO BE ANNEXED TO
THE CITY OF MARION, MARION COUNTY,
STATE OF OHIO.

BEING PART OF THE SOUTHEAST QUARTER OF SECTION 35, T-5-S,
R-15-E, MARION TOWNSHIP, MARION COUNTY, STATE OF OHIO.



Description of 16.548 Acres
To Be Annexed to City of Marion

Being part of the Southeast Quarter of Section 35, Township 5 South, Range 15 East, and being the same 16.548 acre tract of land, now or formerly owned by Riffle Creek LLC, O.R. 992, page 908, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Beginning at an iron bolt found over an existing 5/8 inch dia. iron pin at the Northeast corner of the Northwest Quarter of the Southeast Quarter of Section 35, said point being on the centerline of County Road 138 (Barks Road East) and East-West Half Section Line of Section 35 and South Corporation Line of the City of Marion, said point being the Northwest corner of hereinafter described 16.548 acre tract;

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Thence along the South Line of the Northwest Quarter of the Southeast Quarter of Section 35, South 89 deg. 11 min. 00 sec. West for a distance of 552.30 feet to a 1 inch dia. iron pin set;

Thence North 00 deg. 17 min. 32 sec. East for a distance of 1317.83 feet to a railroad spike found on the centerline of County Road 138 and East West Half Section Line of Section 35 and South Corporation Line of the City of Marion (passing over a 1 inch dia. iron pin set at a distance of 1287.83 feet);

Thence along said centerline, Half Section Line and Corporation Line, North 89 deg. 02 min. 00 sec. East for a distance of 541.38 feet to an iron bolt found over an existing 5/8 inch dia. iron pin and the place of beginning.

Containing 16.548 acres, more or less, and subject to legal highways, easements, restrictions and agreements of record. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated May 9, 2017. All 1 inch dia. iron pins set are 30 inches long. Prior Deed, 992, page 908

Basis of bearings, Survey by T.L. Boblenz, dated 03/28/1989, centerline C.R. 138, North 89 deg. 02 min. 00 sec. East

Steven A. Fox
Steven A. Fox, P.S. 7000



May 9, 2017
Date of Survey
Job No. 17125

REFERENCE MATERIALS

1 SURVEY BY T.L. BOBLENZ - DATED 03-28-1989

2

3

4

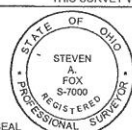
5

Official Record 992 Page 908

Prior Deed Volume Page

Basis of Bearing C.L. OF C.R. 138 - N 89°02'00"E

THIS SURVEY WAS PERFORMED AT THE REQUEST OF: KEVIN HALL/ATTY.



CERTIFICATION

I hereby certify that this plat is a true and correct representation of a survey performed under my responsible direction and supervision and is correct to the best of my knowledge.

Steven A. Fox
Steven A. Fox, Reg. P.S. No. 7000 Date of Survey 05-09-2017

LEGEND

R.R. spike (found unless noted)

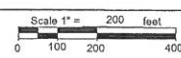
Iron pin / pipe found

Survey nail (set unless noted)

Stone found

State hwy R/W monument found

1" x 1" iron pin set



Survey (MAG) spike set

Monument box found

Dwg. By: JMM / SAF

Job No. 17125

**LIST OF OWNERS AND PARCELS
ADJACENT TO
OR ACROSS THE ROAD
FROM THE TERRITORY PROPOSED
TO BE ANNEXED.**



Now comes Kevin R. Hall, agent for Petitioner, Riffle Creek LLC, and states the following:

- a. The following is the name, address and permanent parcel number of the parcel proposed to be annexed:

RIFFLE CREEK LLC
971 Barks Road East
Marion, Ohio 43302
Permanent Parcel No.: 18-010000.7000

- b. Attached hereto is a list of owners, their addresses and the permanent parcel numbers of those parcels located adjacent to and across the road from the territory proposed to be annexed.

A handwritten signature in black ink, appearing to read "Kevin R. Hall", written over a horizontal line.

Kevin R. Hall (#0038553)
Attorney at Law
355 East Center Street, Suite 101
Marion, Ohio 43302
Phone: (740) 383-6109
Fax: (740) 382-9609
Email: law@hallandhallatty.com
Agent for Petitioner, Riffle Creek LLC

Arthur E. Cheney, IV
Lori B. Cheney
870 Barks Road East
Marion, Ohio 43302
Permanent Parcel No.: 14-436050.3185

Patrick M. Gregory
Patricia A. Gregory
880 Barks Road East
Marion, Ohio 43302
Permanent Parcel No.: 14-436050.3184

Melanie Shaffer
Neil Shaffer
985 Loire Valley Drive
Marion, Ohio 43302
Permanent Parcel No.: 14-436050.3183

Bi Wu Zhang
980 Loire Valley Drive
Marion, Ohio 43302
Permanent Parcel No.: 14-436050.3180

Ronald R. Schifer
Leslie Schifer
910 Barks Road East
Marion, Ohio 43302
Permanent Parcel No.: 14-436050.3179

William Collier
920 Barks Road East
Marion, Ohio 43302
Permanent Parcel No.: 14-436050.3178

Donna R. Stephens (Life Estate)
464 James Way, Apt. 103
Marion, Ohio 43302
Permanent Parcel No.: 18-010000.6900

David Walker
Tracy Walker
1381 Wilson Drive
Marion, Ohio 43302
Permanent Parcel No.: 18-010000.6200

Rhonda I. Asher
1469 Wilson Drive
Marion, Ohio 43302
Permanent Parcel No.: 18-010000.5800

Fetter Farms Inc.
2544 Whetstone River Road South
Marion, Ohio 43302
Permanent Parcel Nos.: 18-010000.8500 and 18-010000.8400

Gary B. Herdman
Kathleen A. Herdman
889 Barks Road East
Marion, Ohio 43302
Permanent Parcel No.: 18-010000.7100