

ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY LOCATED EAST OF THE CITY OF MARION, CONTAINING 444.561 ACRES, AND DECLARING AN EMERGENCY

WHEREAS, the City of Marion Planning and Zoning Code at § 1145.013 XII requires an owner of I-3 Mineral Extraction property to petition for the annexation of any contiguous real property owned by it or an affiliated entity to the City of Marion, Marion County, Ohio ("City") if such real property meets the statutory requirements for annexation under Chapter 709 of the Revised Code;

WHEREAS, pursuant to Ordinance No. 2018-25 passed on May 14, 2018, the Council of the City accepted The National Lime & Stone Company's petition for 224.257 acres and zoned such property I-3 Mineral Extraction;

WHEREAS, on January 10, 2019 Brian P. Barger, as the agent for the owners of the real property ("Petitioners") described below and depicted on the attached Exhibit A ("Property") duly filed the petition requesting the annexation of the Property from Marion Township into the City under the special procedure provided for by Ohio Revised Code Sections 709.021 and 709.023 ("Petition");

WHEREAS, the Property is adjacent and contiguous with the City;

WHEREAS, on January 28, 2019, the City pursuant to Ohio Revised Code Section 709.023(C) adopted Resolution No. 2019-05 whereby the City agreed to provide the Property with services;

WHEREAS, Resolution No. 2019-05 provides that a portion of the Property identified as Marion County Auditor Parcel Number 190020000800 becomes subject to the zoning of the City and that the City's Planning and Zoning Code does permit the intended use. Specifically, upon acceptance of the annexation petition, the City shall zone such portion of the Property as I-3 Mineral Extraction for use as a limestone surface mining and associated processing operation under the City's Planning and Zoning Code;

WHEREAS, Resolution No. 2019-05 further provides that the City recognized that the Petition was submitted in accordance with § 1145.013 XII of the City's Planning and Zoning Code and that the remaining parcels of the Property are either currently permitted for mineral extraction or constitute a lawful non-conforming use and thus, no zoning of those parcels is required by the City;

WHEREAS, Resolution No. 2019-05 further provides that the City "hereby consents to the proposed annexation filed by Brian P. Barger" for the Property;

WHEREAS, on February 19, 2019, the Board of Marion County Commissioners ("Commissioners") granted the Petition and instructed its Clerk to enter the action upon the journal and forward to the City a certified copy of the entire record of the annexation proceedings;

WHEREAS, on February 26, 2019, the Clerk of the Commissioners delivered a certified copy of the entire annexation record to the Clerk of Council of the City; and

WHEREAS, sixty days from the date of delivery of the entire annexation have now elapsed in accordance with Ohio Revised Code Section 709.04.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. The proposed annexation, as applied for by the Petitioners that own one hundred percent of the Property, in the Petition filed with the Commissioners on January 10, 2019 that prayed for annexation of the Property to the City and that was approved for annexation to the City by the Commissioners on February 19, 2019 be and is hereby accepted. The Property is legally described as follows:

Situated in the Township of Marion, County of Marion, State of Ohio, and being a part of the NW1/4 of Section 2, a part of the NE1/4, NW1/4, SE1/4 and SW1/4 of Section 3 T5S, R15E, and a part of the SE1/4 of Section 34, T4N, R15E, Grand Prairie Township, a tract of land bounded and described as follows:

Beginning at a mag nail set on the north line of the NE1/4 of said Section 3, described as lying S89°18'03"E a distance of 25.97 feet from a monument box found marking the intersection of the centerline of State Route 4 with the north line of the NW1/4 of said Section 3;

thence from the above described point of beginning and along the north line of the NW1/4, and the north line of the NE1/4 of said Section 3, also being the centerline of Kenton-Galion Road (60' R/W) S89°18'03"E a distance of 1216.22 feet to a railroad spike found marking the southeast corner of a 0.229 acre tract of land conveyed to Marion Rural Electric Coop in Volume 409, Page 554 of the Marion County Deed Records;

thence along the east line of said 0.229 acre tract N26°04'42"E a distance of 33.21 feet to a 1" iron pin with aluminum cap found on the north right of way line of said Kenton-Galion Road and also lying on the existing corporation line of the City of Marion;

thence along said right of way line and existing corporation line S89°18'03"E a distance of 336.41 feet to a 1" iron pin with aluminum cap found;

thence continuing along the existing corporation line of the City of Marion S00°41'57"W a distance of 30.00 feet to a 5/8" iron pin with PAI cap found on the north line of the NE1/4 of said Section 3;

thence along the north line of the NE1/4 of said Section 3, and the north line of the NW1/4 of said Section 2, also being the existing corporation line of the City of Marion S89°18'03"E a distance of 1765.45 feet to an iron pin set marking the southwest corner of the SW1/4 of Section 35, T4S, R15E, passing an iron pin set at 1622.16 feet marking the northeast corner of the NE1/4 of said Section 3;

thence continuing along the existing corporation line of the City of Marion, and along the north line of the NW1/4 of said Section 2 S89°01'22"E a distance of 1767.54 feet to an iron pin set on the easterly right of way line of the Norfolk Southern Railroad;

thence along said easterly right of way line, also being the existing corporation line of the City of Marion S35°19'16"W a distance of 6777.48 feet to a mag nail set marking the intersection of said easterly right of way line with the centerline of Likens Road (60' R/W), passing an iron pin set 36.29 feet north thereof;

thence leaving said existing corporation line and along the south line of the SE1/4 of said Section 3, also being the centerline of said Likens Road N88°55'39"W a distance of 817.82 feet to a mag nail set marking the southwest corner of the SE1/4 of said Section 3, also being the southeast corner of a 3.702 acre tract of land conveyed to the Ohio Edison Company in Volume 338, Page 747 of the Marion County Deed Records;

thence along said east line, also being the west line of the SE1/4 of said Section 3 N01°55'26"E a distance of 329.94 feet to a 5/8" iron pin found marking the northeast corner of said 3.702 acre tract, passing an iron pin set at 30.00 feet;

thence along the north line of said 3.702 acre tract N89°08'26"W a distance of 487.64 feet to a 5/8" iron pin found marking the northwest corner of said 3.702 acre tract;

thence along the west line of said 3.702 acre tract S02°23'18"W a distance of 330.00 feet to a mag nail found on the south line of the SW1/4 of said Section 3, also being the southwest corner of said 3.702 acre tract, passing a 5/8" iron pin found 30.01 feet north thereof;

thence along the south line of the SW1/4 of said Section 3, also being the centerline of Likens Road N89°08'26"W a distance of 1506.00 feet to a mag nail set marking the intersection of the south line of the SW1/4 of said Section 3 with the easterly right of way line of State Route 4 (75' R/W)

thence along the easterly right of way line of said State Route 4 N16°20'54"E a distance of 1200.65 feet to the south line of a 1.758 acre tract of land conveyed to Sharon R. Park in Volume 264, Page 62 of the Marion County Deed Records, passing an iron pin set at 31.13 feet;

thence along said south line S89°35'11"E a distance of 536.14 feet to a 10" wood post found marking the southeast corner of said 1.758 acre tract, passing a 5/8" iron pin found at 5.22 feet;

thence along the east line of said 1.758 acre tract, and the east line of a 1.652 acre tract of land conveyed to Billy L. and Janet E. Coleman in Volume 559, Page 717 of the Marion County Deed Records N03°16'54"E a distance of 175.02 feet to a 10" wood post found marking a southwest corner of a 37.543 acre tract of land conveyed to Russell Bufford in Volume 102, Page 760 of the Marion County Deed Records;

thence along the south line of said 37.543 acre tract S89°05'53"E a distance of 1156.97 feet to a 5/8" iron pin found marking the southeast corner of said 37.543 acre tract;

thence along the east line of said 37.543 acre tract, also being the east line of the SW1/4 of said Section 3 N01°55'26"E a distance of 1321.76 feet to a 10" wood post found marking the northeast corner of said 37.543 acre tract and being the center of said Section 3;

thence along the north line of the SW1/4 of said Section 3, also being the north line of said 37.543 acre tract N86°32'43"W a distance of 756.76 feet to a 1" iron pipe found marking the southeast corner of a 5.236 acre tract of land conveyed to Michael D. Fown in Volume 812, Page 832 of the Marion County Official Records;

thence along the east line of said 5.236 acre tract, the east line of a 1.369 acre tract and 1.150 acre tract of land conveyed to Barbara E. Miller in Volume 1448, Page 327 of the Marion County Official Records N00°54'54"E a distance of 790.54 feet to a 3/4" iron pipe found marking the northeast corner of said 1.150 acre tract and lying on the south line of a 4.054 acre tract of land conveyed to Richard K. Green in Volume 1146, Page 746 of the Marion County Official Records;

thence along the south line of said 4.054 acre tract S88°30'28"E a distance of 253.60 feet to a 5/8" iron pin found with Fox cap marking the southeast corner of said 4.054 acre tract;

thence along the east line of said 4.054 acre tract N02°45'42"E a distance of 312.26 feet to a 5/8" iron pin found marking the northeast corner of said 4.054 acre tract;

thence along the north line of said 4.054 acre tract N88°26'53"W a distance of 501.04 feet to an iron pin set on the easterly right of way line said State Route 4;

thence along the easterly right of way line of said State Route 4 N16°24'32"E a distance of 1850.14 feet to the Point of Beginning, passing an iron pin set 31.16 feet southwest thereof and containing 444.561 acres of land, more or less, of which, 49.916 acres lie in the NW1/4 of Section 3, 174.411 acres lie in the NE1/4 of Section 3, 108.088 acres lie in the SE1/4 of Section 3, 50.129 acres lie in the SW1/4 of Section 3, 61.780 acres lie in the NW1/4 of Section 2, all in Marion Township, and 0.237 acre lies in the SE1/4 of Section 34 Grand Prairie Township, subject however to all legal highways and prior easements of record.

NOTE: The bearings in this legal description are based upon an assumed meridian and are used only for the purpose of describing angular measurements.

I.P. Set = 1" x 30" Rebar with Aluminum Cap.

Section 2. The portion of the Property identified as Marion County Auditor Parcel Number 190020000800 shall be zoned I-3 Mineral Extraction for use as a limestone surface mine and associated processing activity under the City zoning code. As part of that I-3 zoning, there shall

be a buffer area of 100 feet from any isolated residential dwelling and the construction of earthen berms at least 8 feet high with a 3:1 slope and vegetation to prevent erosion unless fencing or barrier structures have been agreed to by the surface mine operator. All other portions of the Property are currently permitted or lawful non-conforming uses for mineral extraction and the I-3 zoning is not applicable.

Section 3. The City agrees to provide fire protection, zoning, police protection, street maintenance, emergency services, engineering services, and all other ordinary and necessary municipal services provided within the boundaries of the City on the earliest date allowed by law.

Section 4. The Clerk of Council is hereby authorized and directed to make three copies of this ordinance containing the petition, the map or plat accompanying the petition, a transcript of the proceedings of the Commissioners, and resolutions and ordinances in relation to the annexation, with a certificate as to the correctness thereof. The Clerk of Council shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy of the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty days after it becomes effective, and the Clerk shall do all other things required by law.

Section 5. This ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and for further reason that the Ohio Revised Code mandates that the City of Marion shall act within the allotted time limit; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of three-fourths of all members elected to Council; otherwise, this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED:

PRESIDENT OF COUNCIL

MAYOR

ATTEST:

CLERK

174.411 Acres in NE $\frac{1}{4}$, Section 3
(1.082 Acres in R/W)

The National & Lime Stone
Company

Total Annexation
444.561 Acres

4.110 Acres
Vol. 275, Page 68
Parcel No.:190020003900

66.000 Acres
Vol. 282, Page 117
Vol. 308, Page 250
Parcel No.:190020004200

0.111 Acre in Railroad
NE $\frac{1}{4}$ Section 3

N 88°01'31" E 2676.50'
North Line SE $\frac{1}{4}$ Section 3

S 88°01'31" W 82.39'

N 35°19'16" E 146.87'

6741.01'
6777.48'

N 01°15'29" E 117.02'
S 01°15'29" W 16.88'

Ohio State (MCI)
Vol. 334, Page 586
392.013 Acres
Parcel No.: 1513000001

from Railroad Track
R/W Map

Survey References

Deeds of Record as Shown on Survey:

Acres in SE $\frac{1}{4}$, Section 3
570 Acres in R/W

ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY
LOCATED EAST OF THE CITY OF MARION CONTAINING 70.309 ACRES
AND DECLARING AN EMERGENCY

WHEREAS, a petition for annexation of certain territory in Marion Township was duly filed by Kevin R. Hall, Attorney and Agent (“Petitioner”) for the property owners Marion Development Inc., and Humble Robinson Group LLC (“Property Owners”), which own one hundred percent of the territory proposed for annexation (“Property”);

WHEREAS, the petition was duly filed with the Board of Marion County Commissioners (“Commissioners”) on January 10, 2019;

WHEREAS, on January 28, 2019, the City of Marion (“City”) pursuant to Ohio Revised Code Section 709.023(C), adopted Resolution No. 2019-07 whereby the City agreed to provide the Property with “fire protection, zoning, police protection, street maintenance, emergency services, engineering services, sewer, sanitation, and all other ordinary and necessary city services provided within the boundaries of the City of Marion”;

WHEREAS, Resolution No. 2019-07 further provides, “that the territory to be annexed becomes subject to the zoning of the City of Marion, Ohio and that Marion City Zoning Code does permit the intended use. Specifically, the City of Marion shall zone the territory proposed to be annexed as I-2, General Industrial District;

WHEREAS, Resolution No. 2019-07 further provides, “that the City of Marion hereby consents to the proposed annexation filed by Kevin R. Hall for the territory described below and further depicted in attached Exhibit A.”;

WHEREAS, no objection has been filed regarding the filing of the Petition or Resolution adopted by the City;

WHEREAS, on February 19, 2019, the Commissioners unanimously passed Resolution #2019-0113 granting the petition for annexation of the Property to the City and instructed its Clerk to enter the action upon the journal and forward to the City a certified copy of the entire record of the annexation processing;

WHEREAS, on February 26, 2019, the Clerk of the Commissioners delivered a certified copy of the entire annexation record to the Clerk of Council of the City; and

WHEREAS, sixty days from the date of delivery of the entire annexation have now elapsed in accordance with Ohio Revised Code Section 709.04.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the proposed annexation as applied for in the petition of Petitioner for the Property Owners, which own one hundred percent of the Property, as filed with the Commissioners on January 10, 2019 that prayed for annexation of the Property to the City and that was approved for annexation to the City by the Commissioners on February 19, 2019 be and is hereby accepted. The Property is legally described as follows:

Situated in the State Ohio, County of Marion, Marion Township, being a part of the Southeast and Northeast Quarters of Section 11, Township 5 South, Range 15 East, being a part of that 31.20 acre parcel

(Tract 2), that 23.2 acre parcel (Tract 4), and that 23.2 acre parcel (Tract 5), all as described in a deed to Marion Development Inc., of record in Deed Volume 375, Page 360, and being all of those 5.027 acre and 15.596 acre parcels, both as described in a deed to Humble Robinson Group, LLC, of record in Book 1434, Page 770, all records referenced herein are on file at the Office of the Recorder for Marion County, Ohio, and being further bounded and described as follows:

Commencing for reference at a railroad spike found 8 inches below the pavement at the intersection of the centerline of survey for Marion-Williamsport Road (County Road 162, variable width, being also the south line of said Section 11) and the centerline of right-of-way for Victory Road (County Road 215-A, 60 feet wide), said point being the southwest corner of that 32.717 acre tract described in a deed to County of Marion, Ohio, of record in Official Record 201, Page 771, and being the southeast corner of that 1,243.363 acre tract described in a deed to State of Ohio, of record in Deed Volume 281, Page 149;

Thence **North 00 degrees 20 minutes 35 seconds East**, along the centerline of right-of-way for said Victory Road, along the west line of said 32.717 acre tract, and along the east line of said 1,243.363 acre tract, (passing at a distance of 689.99 feet a railroad spike found 2 inches below the pavement), a total distance of **1,096.76 feet** to a MAG nail set at the northwest corner of said 32.717 acre tract, being the southwest corner of said 5.027 acre tract, and being the **TRUE POINT OF BEGINNING** for this description;

Thence **North 00 degrees 20 minutes 35 seconds East**, continuing along the centerline of right-of-way for said Victory Road, along the west line of said 5.027 acre tract, continuing along the east line of said 1,243.363 acre tract, along the west line of said Tract 2 and the west line of said Tract 4, (passing at a distance of 223.04 feet a MAG nail set at the northwest corner of said 5.027 acre tract, being the southwest corner of said Tract 2), a total distance of **2,072.78 feet** to a MAG nail set at the southwest corner of that 10.00 acre tract described in a deed to United Mobile Homes of Ohio, Inc., of record in Official Record 65, Page 335;

Thence across said Tract 4, and said Tract 5 along the following two (2) described courses:

1. **South 89 degrees 35 minutes 49 seconds East**, along the south line of said 10.00 acre tract, (passing at a distance of 29.84 feet a 1/2 inch iron pipe found 1 inch below ground and 0.32 feet offline to the south, passing at a distance of 50.00 feet an iron pin set on line, and passing at a distance of 1,346.34 feet an iron pin set on line), a total distance of **1,376.34 feet** to the southeast corner of said 10.00 acre tract, being on the west limited access right-of-way line for United States Route 23 (variable width), as established by Parcel 117-WL (MAR-23-10.63), of record in Deed Volume 435, Page 196, (reference a 1/2 inch iron pipe found South 89 degrees 35 minutes 46 seconds East at a distance of 0.07 feet and a 1 inch iron pipe found with a "R B Assoc" cap North 00 degrees 41 minutes 02 seconds East at a distance of 0.17 feet);

2. **South 07 degrees 09 minutes 48 seconds East**, along said limited access right-of-way line, (passing at a distance of 30.00 feet a 1 inch iron pin set on line, passing at a distance of 529.55 feet a 5/8 inch iron pin set at the northeast corner of said 15.596 acre tract), a total distance of **1,073.35 feet** to a 5/8 inch iron pin set at an angle point; Thence **South 02 degrees 55 minutes 44 seconds East**, along the limited access right-of-way line as established by Parcel 1001-WL (MAR-23-12.17), and along the east line of said 15.596 acre tract, (passing at a distance of 935.54 feet an iron pin set on line), a total distance of **965.54 feet** to a 5/8 inch iron pin found 3 inches above the ground with a "R B Assoc" cap at the southeast corner of said 15.596 acre tract, being the northeast corner of said 32.717 acre tract;

Thence **South 88 degrees 46 minutes 05 seconds West**, along the south line of said 15.596 acre tract, and along the north line of said 32.717 acre tract, (passing at a distance of 30.00 feet an iron pin set on line, passing at a distance of 521.92 feet an iron pin set at the southwest corner of said 15.596 acre tract, being the southeast corner of said 5.027 acre tract, passing at a distance of 1,522.26 feet an iron pin set on line, and passing at a distance of 1,542.31 feet a 5/8 inch iron pin found on line), a total distance of **1,572.26 feet** to the **TRUE POINT OF BEGINNING** for this description.

The above description contains a total of **70.309 acres** (including 1.427 acres within the present road occupied of Victory Road), of which:

- 5.027 acres (including 0.153 acres within the present road occupied of Victory Road) within Marion County Auditor's parcel number 200010007001,
- 32.659 acres (including 0.911 acres within the present road occupied of Victory Road) within Marion County Auditor's parcel number 200010007000,
- 17.027 acres (including 0.363 acres within the present road occupied of Victory Road) within Marion County Auditor's parcel number 200010007100,
- And 15.596 acres within Marion County Auditor's parcel number 200010004100.

Bearings described herein are based on Grid North, referenced to the Ohio State Plane Coordinate System (North Zone) and the North America Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey tied to the Ohio Department of Transportation VRS Network.

Iron pins referenced as set are 1 inch diameter by 30 inch long rebar, unless noted as 5/8 inch iron pin set, which are 5/8 inch diameter by 30 inch long rebar with caps inscribed "ASI PS-8438".

The above description was prepared by Brian P. Bingham, Registered Professional Surveyor Number 8438, is based on an actual survey of the premises, and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.
Brian P. Bingham Date
Registered Professional Surveyor No. 8438

Section 2. That the Property shall be zoned I-2, General Industrial District;

Section 3. That the City agrees to provide fire protection, zoning, police protection, street maintenance, emergency services, engineering services, sewer, sanitation, and all other ordinary and necessary municipal services provided within the boundaries of the City on the earliest date allowed by law.

Section 4. The Clerk of Council is hereby authorized and directed to make three copies of this ordinance containing the petition, the map or plat accompanying the petition, a transcript of the proceedings of the Commissioners, and resolutions and ordinances in relation to the annexation, with a certificate as to the correctness thereof. The Clerk of Council shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy of the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty days after it becomes effective, and the Clerk shall do all other things required by law.

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and for further reason that the Ohio Revised Code mandates that the City of Marion shall act within

the allotted time limit; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of three-fourths of all members elected to Council; otherwise, this ordinance shall become effective from and after the earliest period allowed by law.

Todd Schneider
President of Council

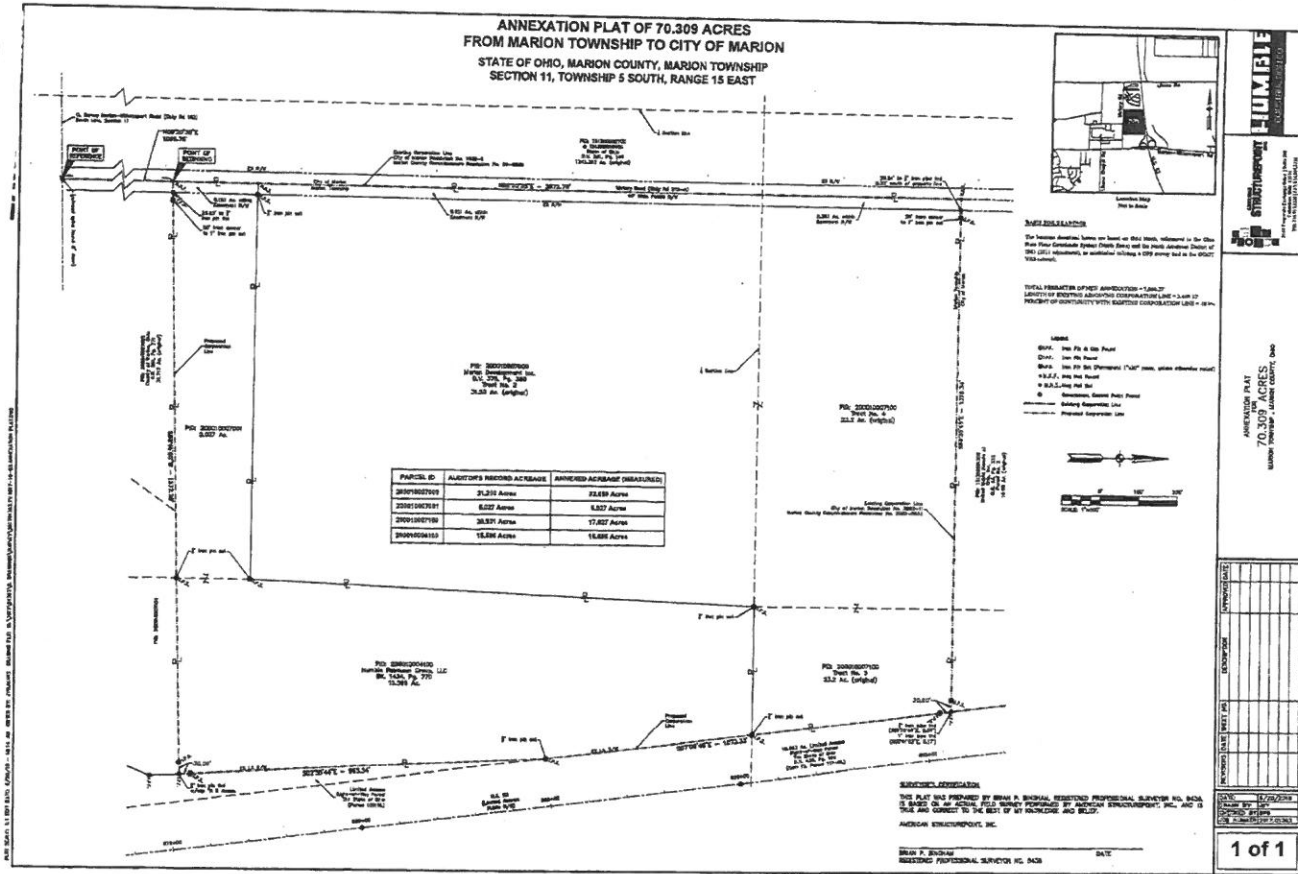
APPROVED:

Mayor Scott Schertzer

Attest:

Tarina Rose, Clerk of Council

Exhibit A



ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY
LOCATED SOUTH OF THE CITY OF MARION CONTAINING 16.548 ACRES
AND DECLARING AN EMERGENCY

WHEREAS, a petition for annexation of certain territory in Marion Township was duly filed by Kevin R. Hall, Attorney and Agent ("Petitioner") for the property owner Riffle Creek LLC ("Property Owner"), which owns one hundred percent of the territory proposed for annexation ("Property");

WHEREAS, the petition was duly filed with the Board of Marion County Commissioners ("Commissioners") on January 10, 2019;

WHEREAS, on January 28, 2019, the City of Marion ("City") pursuant to Ohio Revised Code Section 709.023(C) adopted Resolution No. 2019-08 whereby the City agreed to provide the Property with "fire protection, zoning, police protection, street maintenance, emergency services, engineering services, sewer, sanitation, and all other ordinary and necessary city services provided within the boundaries of the City of Marion";

WHEREAS, Resolution No. 2019-08 further provides, "that the territory to be annexed becomes subject to the zoning of the City of Marion, Ohio and that Marion City Zoning Code does permit the intended use. Specifically, the City of Marion shall zone the territory proposed to be annexed as R-1A2, Residential District, except that the real estate shall be exempt from Marion City Ordinance 618.12 (Noisome, Filthy or Offensive Animals), only to the extent that the real property comprising Parcel Number 18-010000.7000 shall be permitted to have, keep, maintain, and possess horses on the real estate along with appropriate enclosures for such animals as presently permitted under the Marion Township Zoning Resolution;

WHEREAS, Resolution No. 2019-08 further provides, "that the City of Marion hereby consents to the proposed annexation filed by Kevin R. Hall for the territory described below and further depicted in attached Exhibit A.";

WHEREAS, no objection has been filed regarding the filing of the Petition or Resolution adopted by the City;

WHEREAS, on February 19, 2019, the Commissioners unanimously passed Resolution #2019-0112 granting the petition for annexation of the Property to the City and instructed its Clerk to enter the action upon the journal and forward to the City a certified copy of the entire record of the annexation processing;

WHEREAS, on February 26, 2019, the Clerk of the Commissioners delivered a certified copy of the entire annexation record to the Clerk of Council of the City; and

WHEREAS, sixty days from the date of delivery of the entire annexation have now elapsed in accordance with Ohio Revised Code Section 709.04.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the proposed annexation as applied for in the petition of Petitioner for the Property Owner, which owns one hundred percent of the Property, as filed with the Commissioners on January 10, 2019 that prayed for annexation of the Property to the City and that was approved for annexation to the City by the Commissioners on February 19, 2019 be and is hereby accepted. The Property is legally described as follows:

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

Section 2. That the Property shall be zoned R-1A, Residential District, except that the real estate shall be exempt from Marion City Ordinance 618.12 (Noisome, Filthy or Offensive Animals), only to the extent that the real property comprising Parcel Number 18-010000.7000 shall be permitted to have, keep, maintain, and possess horses on the real estate along with appropriate enclosures for such animals as presently permitted under the Marion Township Zoning Resolution.

Section 3. That the City agrees to provide fire protection, zoning, police protection, street maintenance, emergency services, engineering services, sewer, sanitation, and all other ordinary and necessary municipal services provided within the boundaries of the City on the earliest date allowed by law.

Section 4. The Clerk of Council is hereby authorized and directed to make three copies of this ordinance containing the petition, the map or plat accompanying the petition, a transcript of the proceedings of the Commissioners, and resolutions and

ordinances in relation to the annexation, with a certificate as to the correctness thereof. The Clerk of Council shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy of the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty days after it becomes effective, and the Clerk shall do all other things required by law.

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and for further reason that the Ohio Revised Code mandates that the City of Marion shall act within the allotted time limit; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of three-fourths of all members elected to Council; otherwise, this ordinance shall become effective from and after the earliest period allowed by law.

Todd Schneider
President of Council

APPROVED:

Mayor Scott Schertzer

Attest:

Tarina Rose, Clerk of Council

EXHIBIT A

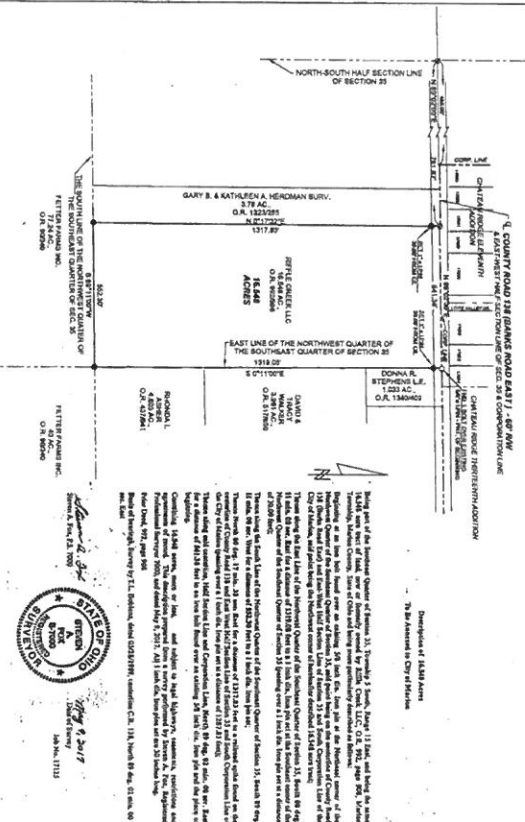
ANNEXATION PLAT
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MAP OF TERRITORY TO BE ANNEXED TO
THE CITY OF MARION, MARION COUNTY,
STATE OF OHIO.

BEING PART OF THE SOUTHEAST QUARTER OF SECTION 36, T-6-S,
R-15-E, MARION TOWNSHIP, MARION COUNTY, STATE OF OHIO.

[illegible]