

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. _____ Passed _____, 20____

RESOLUTION WHEREBY THE CITY OF MARION AGREES TO PROVIDE FIRE PROTECTION, ZONING, POLICE PROTECTION, STREET MAINTENANCE AND ALL OTHER ORDINARY CITY SERVICES PROVIDED WITHIN THE BOUNDARIES OF THE CITY OF MARION, TO THE TERRITORY PROPOSED FOR ANNEXATION TO THE CITY, 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 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 of Marion, Marion County, Ohio 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 National Lime and Stone Company aka The National Lime & Stone Company, filed the application to annex the real property described and depicted on the attached Exhibit A into the City of Marion, Ohio;

WHEREAS, the territory proposed for annexation is adjacent and contiguous with the City of Marion, Ohio;

WHEREAS, a notice of filing of petition for annexation was provided to the Clerk of Marion City Council on January 10, 2019, as required pursuant to Ohio Revised Code Section 709.023(B);

WHEREAS, the provisions of Ohio Revised Code Section 709.023(C) require that the legislative authority of the municipal corporation to which annexation is proposed adopt an ordinance or resolution stating what services the municipal corporation will provide, and an approximate date by which it will provide them, to the territory proposed for annexation, upon annexation; and

BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That upon annexation, the City of Marion will provide 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, and such services will be appropriate and sufficient to the above described territory proposed for annexation.

Section 2. That if either Kenton Galion Road or Likens Road will be divided or segmented by the boundary line between Marion Township and the City of Marion as to create a road maintenance problem, the City of Marion has agreed as a condition of the annexation to assume the maintenance of that street or highway or to otherwise correct the problem.

Section 3. That a portion of the territory proposed for annexation identified as Marion County Auditor Parcel Number 190020000800 and described on the attached Exhibit B becomes subject to the zoning of the City of Marion, Ohio and that the City of Marion Planning and Zoning Code does permit the intended use. Specifically, upon acceptance of the annexation petition, the City of Marion shall zone such portion of the territory proposed for annexation as I-3 Mineral Extraction for use as a limestone surface mining and associated processing operation under the City of Marion Planning and Zoning Code. The City recognizes that this petition is submitted in accordance with § 1145.013 XII of the City of Marion Planning and Zoning Code and that the remaining parcels in the territory proposed for annexation are either currently permitted for mineral extraction or constitute a lawful non-conforming use, thus no zoning of those parcels is required by the City.

Section 4. In compliance with Ohio Revised Code Section 709.023(C), the City of Marion’s I-3 Mineral Extraction District requires a buffer area of 100 feet from any isolated residential dwelling; and the construction of earthen berms at least 8 feet

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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.

Section 5. That the City of Marion hereby consents to the proposed annexation filed by Brian P. Barger for the above described territory proposed for annexation and further described and depicted on the attached Exhibit A.

Section 6. That this resolution is hereby 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 the further reason that the Ohio Revised Code mandates that the City of Marion shall act within the allotted twenty (20) day 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 two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

Approved:

Todd Schneider, President of Council

Mayor Scott Schertzer

Attest:

Tarina Rose, Clerk of Council

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Exhibit A
[to be inserted]

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Exhibit B

The Land referred to herein below is situated in the County of Marion, State of Ohio, and is described as follows:

Being part of the Southwest Quarter of Section 3, Township 5 South, Range 15 East, and being part of a 74.998 acre tract of land now or formerly owned by Judith K. Kilbury, et al, O.R. 1067, Page 296, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Beginning at an existing monument box located at the intersection of the centerline of County Road 167 (Likens Road) and South line of Section 3, with the centerline of State Route 4 (Marion-Bucyrus Road), said point being the Southwest corner of hereinafter described 50.818 acre tract;

Thence along the centerline of State Route 4, North 13 deg. 34 min. 15 sec. East for a distance of 1200.44 feet to a survey nail set;

Thence North 87 deg. 38 min. 10 sec. East for a distance of 562.14 feet to a 10 inch diameter wooden fence post found (passing over a 5/8 inch diameter iron pin found at distances of 31.20 feet and 552.14 feet);

Thence North 00 deg. 30 min. 15 sec. East for a distance of 175.02 feet to a 10 inch diameter wooden fence post found (passing over a 5/8 inch diameter iron pin found at a distance of 10.00 feet);

Thence along Grantor's North line, North 88 deg. 07 min. 28 sec. East for a distance of 1156.97 feet to a 5/8 inch diameter iron pin found at Grantor's Northeast corner;

Thence along Grantor's East line, South 00 deg. 51 min. 13 sec. East for a distance of 1,005.51 feet to a 5/8 inch diameter iron pin found;

Thence South 88 deg. 04 min. 55 sec. West for a distance of 487.64 feet to a 5/8 inch diameter iron pin found;

Thence South 00 deg. 23 min. 21 sec. East for a distance of 330.00 feet to a railroad spike found on the centerline of County Road 167 and South line of Section 3 (passing over a 5/8 inch diameter iron pin found at a distance of 299.99 feet);

Thence along the centerline of County Road 167 and said Section line, South 88 deg. 04 min. 55 sec. West for a distance of 1531.94 feet to a monument box found on the centerline of State Route 4 and the Place of Beginning.

Containing 50.818 acres, more or less. Subject to legal highways. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated November 18, 2009. All 5/8 inch diameter iron pins set have a plastic identity cap with the inscription "Fox P.S. 7000."