

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 NORTH OF THE CITY OF MARION, CONTAINING .661 ACRES, MORE OR LESS, AND DECLARING AN EMERGENCY

WHEREAS, the City of Marion requires that any property owner seeking sanitary sewer service to the City of Marion, that is located adjacent to but outside the boundaries of the municipal corporation, to petition for annexation of the real property desired to be served by the City of Marion, if the real estate is contiguous to the City of Marion and if it meets the statutory requirements for annexation under Chapter 709 of the Revised Code; and

WHEREAS, on April 28, 2022, Kevin R. Hall, as the agent for Petitioners, Ibrahim Aldamen & 1303 N. Main Street, Inc., filed the application to annex the real property described and depicted on the attached Exhibit A into the City of Marion, Ohio; and

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

WHEREAS, a notice of filing of petition for annexation was provided to the Clerk of Marion City Council on April 28, 2022, as required pursuant to Ohio Revised Code Section 709.023(B); and

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. The aforementioned services will be provided on the day the annexation takes effect by law.

Section 2. That the City of Marion hereby consents to the proposed annexation filed by Kevin R. Hall for the above-described territory proposed for annexation and further described and depicted on the attached Exhibit A and Exhibit B.

Section 3. 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:

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Todd Schneider, President of Council

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Mayor Scott Schertzer

Attest:

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Tarina Rose, Clerk of Council

Council Vote: Ayes \_\_\_\_\_ -- Nays \_\_\_\_\_



## EXHIBIT B



### LEGAL DESCRIPTION

#### 0.661 acres annexation area

Being part of the northwest quarter of Section 15, and being part of the northeast quarter of Section 16, Township 5 South, Range 15 East, Marion Township, Marion County, State of Ohio, and being a tract of land more particularly described as follows:

Commencing at a railroad spike found located at the intersection of the centerline of County Road 162 (Marion-Williamsport Rd.) and the north line of Section 15 with the centerline of North Main Street (State Route 4 & 423)(60 ft.) and the existing corporation line of the City of Marion;

Thence along the centerline of North Main Street and said existing corporation line South 5 deg. 57 min. 00 sec. East for a distance of 437.23 feet to a survey (MAG) spike found, said point being the northeast corner of a 0.661 acre tract, now or formerly owned by Ibrahim Aldamen & 1303 N. Main St. Inc., Official Record 1588, pg. 99, the northeast corner of hereinafter described 0.661 acre tract and the true point of beginning.

Thence continuing along said centerline and said corporation line, then leaving said corporation line South 5 deg. 57 min. 00 sec. East for a distance of 160.00 feet to a survey (MAG) spike found (passing over a railroad spike found at the end of said corporation line at a distance of 35.09 feet);

Thence along the south line of said 0.661 acre tract, and then along the north line of Lot 40 in Marion Lime and Stone Co. Addition (Plat Book 3, page 151), and along the north line of a 1.455 acre tract, now or formerly owned by Sid T. & Ronda White, Surv., Official Record 1413, page 311 South 84 deg. 03 min. 00 sec. West for a distance of 180.00 feet to a 1 inch dia. iron pin found (passing over a survey marker found located on the northeast corner of Lot 40, and passing the common line between Section 15 & Section 16 at a distance of 120.81 feet, more or less);


Thence along the common line between said 0.661 acre tract, and a 0.8608 acre tract, now or formerly owned by North Main Storage, LLC., Official Record 1390, page 98, Tract 2 the following courses and distances:

**North 5 deg. 57 min. 00 sec. West** for a distance of 160.00 feet to a 5/8 inch dia. iron pin found;

**North 84 deg. 03 min. 00 sec. East** for a distance of 180.00 feet to a survey (MAG) spike found located on the centerline of North Main Street (passing over the common line between Section 16 & 15 at a distance of 83.30 feet, more or less, and passing over a survey (MAG) spike found located on the west right-of-way of North Main Street at a distance of 150.00 feet), the existing corporation line of the City of Marion, and the true place of beginning.

Containing 0.399 acres, more or less, in Section 15, and 0.262 acres, more or less, in Section 16, for a total of 0.661 acres, more or less, of which 0.110 acres, more or less is contained within the right-of-way of North Main Street, and subject to legal highways, easements, restrictions and agreements of record.

Basis of Bearing: MAR. CO. S.H. 110, SEC. H. Right-Of-Way Plans, South 5 deg. 57 min. 00 sec. East

 <p style="text-align: center;"><b>CERTIFICATION</b></p> <p>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.</p> <p style="text-align: right;"><i>Benjamin J. Zucker</i> Benjamin J. Zucker, Reg. P.S. No. 8802      Date of Survey 01-12-2022</p>	<p style="text-align: center;"><b>LEGEND</b></p> <p style="text-align: center;">Scale 1" = 50 feet</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> <ul style="list-style-type: none"> <li>● R.R. spike find.</li> <li>○ 5/8" dia. iron pin find.</li> <li>⊕ Survey nail set</li> <li>□ Stone found</li> <li>○ State hwy-R/W monument find.</li> <li>● 5/8" dia. iron pin set with a plastic cap</li> <li>● stamped "FOX-SURVEYING CO"</li> </ul> </td> <td style="width: 50%; border: none;"> <ul style="list-style-type: none"> <li>⊗ Survey (MAG) spike find.</li> <li>⊠ Monument Box found</li> </ul> </td> </tr> </table> <p style="text-align: right; font-size: small;">Job No.: 22004</p>	<ul style="list-style-type: none"> <li>● R.R. spike find.</li> <li>○ 5/8" dia. iron pin find.</li> <li>⊕ Survey nail set</li> <li>□ Stone found</li> <li>○ State hwy-R/W monument find.</li> <li>● 5/8" dia. iron pin set with a plastic cap</li> <li>● stamped "FOX-SURVEYING CO"</li> </ul>	<ul style="list-style-type: none"> <li>⊗ Survey (MAG) spike find.</li> <li>⊠ Monument Box found</li> </ul>
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