

ORDINANCE NO: 11 – 1058

AN ORDINANCE APPROVING THE ANNEXATION OF .333 ACRES, MORE OR LESS, IN WASHINGTON TOWNSHIP, LOGAN COUNTY, OHIO TO THE VILLAGE OF RUSSELLS POINT, OHIO AND DECLARING AN EMERGENCY IN THE VILLAGE OF RUSSELLS POINT, OHIO

WHEREAS, a petition for annexation consisting of .333 acres, more or less, in Washington Township, Logan County, Ohio, which is contiguous and adjacent to the Village of Russells Point, Ohio, according to the statutes of the State of Ohio and said land is described in a Petition for Annexation, as filed with the Logan County Commissioners by Robert Eshenbaugh, Agent for the Petitioner, on the 29th day of October, 2010; and

WHEREAS, the Commissioners of Logan County, Ohio, have approved said annexation petition filed by Robert Eshenbaugh, Agent for the Petitioner, pursuant to a hearing at the office of the County Commissioners on November 30, 2010; and

WHEREAS, the Board of County Commissioners of Logan County, Ohio, upon granting said petition for annexation pursuant to a Resolution dated November 30, 2010 has entered it on its journal along with all orders relating to the annexation and has delivered a certified transcript of all orders of the Board of Logan County Commissioners, signed by the members of the Board, the petition, map, and all other papers on file relating to the annexation proceedings to the Clerk-Treasurer of the Village of Russells Point, Ohio, to which said annexation is proposed, pursuant to Ohio Revised Code § 709.033; and

WHEREAS, it is the desire of this Council to accept the premises described below for annexation to the Village of Russells Point, Ohio; and

WHEREAS, Ohio Revised Code § 709.04 requires the acceptance of the territory by the annexing municipal corporation at the next regular session of the Village Council following the expiration of 60 days from the date of filing of said materials with the Clerk-Treasurer pursuant to Ohio Revised Code § 709.033; and

WHEREAS, the said certified transcript was received by and filed with the Clerk-Treasurer on the 8th day of February, 2011; and

WHEREAS, this meeting of the 18th day of April, 2011, is the next regular session of the Village Council following the expiration of 60 days from the 8th day of February, 2011, on which said date the filing of the said certified transcript took place with the Village Clerk-Treasurer; and

WHEREAS, the Village Clerk-Treasurer has laid the transcript and the accompanying map or plat in the petition required pursuant to Ohio Revised Code § 709.04 before this Council; and

WHEREAS, there has been no opposition to the Petition for Annexation.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Russells Point, Ohio:

SECTION I: The Village Council does hereby accept said application for annexation of .333 acres, more or less, in Washington Township, Logan County, Ohio, which land is described in the plat to the Petition filed by Robert Eshenbaugh, Agent for the Petitioners;

SECTION II: The territory described below shall be and herewith is declared to be annexed to and is fully a part of the Village of Russells Point, County of Logan, and State of Ohio:

Being situate in the State of Ohio, County of Logan, Township of Washington, and being a part of the Southeast quarter of Section 36, Town 6, Range 8, and being more particularly described as follows:

Beginning for reference at a Mag nail found on the centerline of State Route 708 (AKA Orchard Island Road) (45' right-of-way) at Station 118+35.62;

thence with the centerline of State Route 708 S-29°31'00"-W, 429.80' (feet) to a Mag nail found;

thence S-60°29'00"-E, 22.50' (feet) to a drill hole found in concrete at the Northwest corner of Lot 46-151 as conveyed to Timothy Johnston, being a 0.352 acre tract, by Deed recorded in Official Record 999, Page 283, of the Logan County Records;

thence with the bounds of said Lot 46-151 the following four (4) courses:

1. S-60°29'00"-E, 5.00' (feet) to a 5/8" diameter iron bar with "EDWARDS" cap found;
2. S-81°39'28"-E, 10.96' (feet) to a 5/8" diameter iron bar with "EDWARDS" cap found;
3. N-29°59'11"-E, 10.40' (feet) to a point on the corner of a concrete sea wall of Indian Lake;
4. S-63°29'44"-E, 6.55' (feet) to a point on a Corporation Line of the Village of Russells Point at the **PRINCIPLE PLACE OF BEGINNING** for the tract hereinafter described;

thence continuing S-63°29'44"-E, with a concrete sea wall, 19.41' (feet) to a point from which a 5/8" diameter iron bar with "EDWARDS" cap found bears S-63°29'44"-E, 10.00' (feet);

thence with a concrete sea wall of said Indian Lake and the bounds of said Lot 46-151, the following eight (8) courses:

1. N-35°02'51"-E, 105.73' (feet) to a point;
2. N-56°16'15"-E, 13.95' (feet) to a point from which a 5/8" diameter iron bar with "EDWARDS" cap found for reference bears S-33°59'37"-E, 12.26' (feet);
3. S-69°19'33"-E, 112.05' (feet) to a point from which a 5/8" diameter iron bar with "EDWARDS" cap found bears S-65°31'04"-W, 10.00' (feet);
4. S-20°21'41"-W, 8.84' (feet) to a point;
5. S-55°34'21"-W, 41.33' (feet) to a point;
6. S-40°52'05"-W, 50.96' (feet) to a point;
7. S-61°23'44"-W, 20.84' (feet) to a point;
8. S-75°11'10"-W, 81.93' (feet) to a point from which a 5/8" diameter iron bar with "EDWARDS" cap found for reference bears N-28°07'00"-E, 10.00' (feet);

thence N-61°53'00"-W, 38.34' (feet) to a point on the aforementioned Corporation Line of the Village of Russells Point from which a 5/8" diameter iron bar with "EDWARDS" cap found for reference at a corner of said Lot 46-151 bears N-61°53'00"-W, 22.43' (feet);

thence with said Corporation Line of the Village of Russells Point N-10°56'00"-E, 37.55' (feet) to the place of beginning.

Containing 0.333 acre.

Being part of Lot 46-151 of the Indian Lake Reservoir Lands as recorded in Plat Cabinet A, Slide 439, and as conveyed to Timothy Johnston by Deed recorded in Official Record 999, Page 283.

The foregoing description prepared by and in accordance with a Survey by William D. Edwards, Professional Surveyor No. 7574, September 13, 2010. All iron bars set are 5/8"x30" iron re-bar with a yellow plastic cap stamped "EDWARDS PS 4792 PS 7574". The basis of bearings for the herein described tract is the centerline of State Route 708 per Official Record 933, Page 797 of the Logan County Records (S-29°31'00"-W).

SECTION III: The Village Clerk-Treasurer shall be and herewith is authorized and directed to make three copies, including the petition, the map or plat accompanying the petition, a transcript of the proceedings of the Board of Commissioners of Logan County, Ohio and resolutions and ordinances in relation to the annexation including this Ordinance and Ordinance No. 10 - 1053, with a certificate to each copy that each such copy is correct pursuant to Ohio Revised Code § 709.06.

SECTION IV: The Village Clerk-Treasurer shall be and herewith is authorized and directed to sign said certificates in her official capacity as the Village Clerk-Treasurer of the Village of Russells Point, Ohio, and shall authenticate said certificates by the seal of the Village of Russells Point, Ohio.

SECTION V: The Village Clerk-Treasurer shall be and herewith is instructed and directed forthwith to deliver one such copy to the Auditor of Logan County, Ohio and one such copy to the Recorder of Logan County, Ohio and to forward the third copy to the Secretary of State of the State of Ohio pursuant to Ohio Revised Code § 709.06.

SECTION VI: Pursuant to Ohio Revised Code § 709.10, the annexation shall become effective 30 days after passage of this Ordinance by this Council and the territory annexed pursuant thereto and described above shall herewith be a part of the municipal corporation of the Village of Russells Point, Ohio. The inhabitants residing therein shall have all the rights and privileges, and shall be subject to the powers, of the municipal corporation of the Village of Russells Point, County of Logan, State of Ohio, as are the inhabitants within the original limits of such municipal corporation.

SECTION VII: That this ordinance is hereby declared to be an emergency measure made necessary to protect the health, safety, and welfare of said Village, provide for its continuous uninterrupted services, and to allow for said annexation of said property at the earliest possible time and to comply with the provisions of the Revised Code; and it shall, therefore, be in force and take effect upon its passage and signature by the Mayor.

Passed: April 18, 2011

Mayor Greg Iiams

Attested: _____
Clerk/Treasurer Mary Sue Leonard

Dave Leonard,
President Pro Tem of Council