

VILLAGE OF HAMERSVILLE, OHIO

RESOLUTION NO. 2017-04

A RESOLUTION AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT WITH THE TOWNSHIP OF CLARK, BROWN COUNTY, OHIO REGARDING A PROPOSED ANNEXATION BY TERESA LANG WILSON, RODNEY L. GRAY, LISA D. GRAY, ROBERT R. POLLITT, STEVEN MATTHEW ERNST,  
RACHELL L. ERNST AND ROGER W. ADKINS

BE IT RESOLVED by the Council of the Village of Hamersville, Brown County, Ohio, two-thirds (2/3) or more of all members thereof concurring as follows:

SECTION 1. That the Village of Hamersville shall enter into an Annexation Agreement with the Township of Clark, Brown County, Ohio regarding a proposed annexation to the Village of Hamersville, Ohio by; Teresa Lang Wilson (formerly known as Teresa Lang), Rodney L. Gray, Lisa D. Gray, Robert R. Pollitt, Steven Matthew Ernst, Rachell L. Ernst and Roger W. Adkins, a copy of such annexation agreement being attached hereto and incorporated herein by reference.

SECTION 2. That the Mayor of the Village of Hamersville and the Fiscal Officer of The Village of Hamersville shall be and hereby are authorized and directed to execute such Annexation Agreement on behalf of the Village of Hamersville.

PASSED: August 14, 2017

Betty J. Kuyatnik  
Mayor

ATTEST:

Dammie Ogle  
Fiscal Officer

ANNEXATION AGREEMENT  
(RC 709.192)

This Annexation Agreement is entered into by and between the Village of Hamersville, Brown County, Ohio, hereinafter known as the VILLAGE and the Township of Clark, Brown County, Ohio, hereinafter known as the TOWNSHIP,

WITNESSETH:

WHEREAS, Ohio Revised Code Section 709.192 authorizes municipal corporations and townships of the State of Ohio to enter into annexation agreements, and

WHEREAS, the legislative authority of the VILLAGE has authorized the execution of this Annexation Agreement by Resolution No. 2017-05 duly adopted on the 14<sup>th</sup> day of August, 2017; and

WHEREAS, the board of township trustees of the TOWNSHIP have authorized the execution of this Annexation Agreement by Resolution duly adopted on the 20<sup>th</sup> day of July, 2017;

NOW THEREFORE, it is hereby agreed by the VILLAGE and the TOWNSHIP as follows:

1. Teresa Lang Wilson (formerly known as Teresa Lang), Rodney L. Gray, Lisa D. Gray, Robert R. Pollitt, Steven Matthew Ernst, Rachell L. Ernst and Roger W. Adkins, Trustee will petition for the annexation of the following territory, hereinafter referred to as the "Territory" to the VILLAGE pursuant to Ohio Revised Code Section 709.021:

Situate in H. Richeson Military Survey No. 3627, Clark Township, Brown County, Ohio, and being 0.057 Acres in right-of-way Identified with Parcel No. 030031120000 conveyed to Roger W. Adkins, Trustee in Official Record 283, page 1275 and being 0.046 Acres in right-of-way identified with Parcel No. 030001120201 conveyed to Steven Matthew and Rachell E. Ernst in Official Record 368, page 708 and being 0.067 Acres identified with no Parcel No. conveyed to Robert R. Pollitt In Deed Book 151, page 306 and being 1.473 Acres, including 0.037 Acres in right-of-way, identified as Parcel No. 030023400000 conveyed to Rodney L. and Lisa D. Gray in Official Record 32, page 178 and being 1.838 Acres, including 0.060 Acres In right-of-way, identified as Parcel No.

030042720000 conveyed to Teresa Lang in Official Record 131, page 776 in the Brown County, Ohio Recorder's Office and being bounded and more particularly described as follows.

Starting at a magnail found in the centerline of Fite Avenue at the most southeasterly corner of Steven and Brenda Ernst's 3.94 Acre tract as recorded in Deed Book 276, page 561 in the Brown County, Ohio Recorder's Office;

Thence from said starting point and with the line of said Steven and Brenda Ernst North 44 degrees 13 minutes 05 seconds West a distance of 15.00 feet to a 1" iron pin found on the existing corporation line of the Village of Hamersville and on the northerly right-of-way line of said Fite Avenue;

Thence with the said existing corporation line of the Village of Hamersville and the northerly right-of-way line of said Fite Avenue North 45 degrees 03 minutes 54 seconds East a distance of 51.63 feet to a 1" iron pin set and the true point of beginning;

Thence from said true point of beginning and with the said existing corporation line of the Village of Hamersville and on the northerly right-of-way line of said Fite Avenue North 45 degrees 03 minutes 54 seconds East a distance of 278.61 feet to a 1" iron pin found;

Thence with the said existing corporation line of the Village of Hamersville South 53 degrees 55 minutes 56 seconds East a distance of 480.41 feet to a point on the line of Robert Scott King's 25.510 Acre tract, reference a 1" iron pin set North 53 degrees 55 minutes 56 seconds West a distance of 1.00 feet;

Thence with the line of said Robert Scott King's 25.510 Acre tract and continuing with the line of Robert Scott King's 105.971 Acre tract South 44 degrees 40 minutes 29 seconds West a distance of 358.74 feet to a 1/2" iron pin found corner to Michael Lee, Sr. and Margie A. Moore, Trustees;

Thence with the line of said Moore, Trustees North 44 degrees 20 minutes 03 seconds West a distance of 476.96 feet to the place of beginning CONTAINING 3.481 ACRES more or less subject, however, to all legal highways and easements of record.

Basis of bearing is South 45 degrees 03 minutes 54 seconds West based on 2T-141-425 and all other bearings are based on angles and distances measured in the field.

This description was prepared by Christopher S. Renshaw, P.S., Ohio Registration No. 8319 on 17 November 2009, based on an actual field survey.

2. This Annexation Agreement pertains only to the annexation of the Territory referred to above.

3. Neither the VILLAGE nor the TOWNSHIP are zoned and this Annexation Agreement does not purport to deal with land use planning matters.

4. Nothing contained in this Annexation Agreement shall be construed to provide for joint services and/or permanent improvements by the VILLAGE or the TOWNSHIP within incorporated or unincorporated areas.

5. Nothing contained in this Annexation Agreement shall be construed to provide for services and/or permanent improvements by the VILLAGE in the unincorporated areas of the TOWNSHIP.

6. Nothing contained in this Annexation Agreement shall be construed to provide for services and/or permanent improvements by the TOWNSHIP in the incorporated areas of the VILLAGE.

7. Nothing contained in this Annexation Agreement shall be construed to provide for the payment of service fees to the VILLAGE by the TOWNSHIP.

8. Nothing contained in this Annexation Agreement shall be construed to provide for the payment of service fees to the TOWNSHIP by the VILLAGE.

9. There shall be no reallocation of minimum mandated levies established pursuant to section 5705.31 of the Revised Code between the VILLAGE and the TOWNSHIP in connection with this annexation.

10. Nothing contained in this Annexation Agreement shall be construed to require the issuance of notes and bonds or other debt obligations by the VILLAGE or the TOWNSHIP for public purposes.

11. The VILLAGE will provide the following services to the Territory following annexation thereof: police protection, fire protection and such public utilities as may be available, provided the VILLAGE is able to furnish such utilities without over-burdening the existing infrastructure of the

VILLAGE and provided such territory is sufficiently developed to make delivery of such services economically feasible, all pursuant to and in accordance with the ordinances and resolutions of the VILLAGE.

12. Nothing contained in this Annexation Agreement shall be construed to regulate the VILLAGE or the TOWNSHIP as to the application of tax abatement statutes within the Territory subsequent to the execution of this Annexation Agreement.

13. Nothing contained in this Annexation Agreement shall be construed to require the changing of township boundaries under Chapter 503 of the Revised Code to exclude newly annexed territory from the original township and providing services to that territory.

14. Nothing contained in this Annexation Agreement shall be construed to require the payment, in lieu of taxes, to the TOWNSHIP by the VILLAGE in addition to or in lieu of other payments required by law to be made to the TOWNSHIP by the VILLAGE.

15. The TOWNSHIP consents to the petition of Teresa Lang Wilson (formerly known as Teresa Lang), Rodney L. Gray, Lisa D. Gray, Robert R. Pollitt, Steven Matthew Ernst, Rachell L. Ernst and Roger W. Adkins, Trustee for the annexation of the Territory to the VILLAGE.

16. The VILLAGE consents to the petition of Teresa Lang Wilson (formerly known as Teresa Lang), Rodney L. Gray, Lisa D. Gray, Robert R. Pollitt, Steven Matthew Ernst, Rachell L. Ernst and Roger W. Adkins, Trustee for the annexation of the Territory to the VILLAGE.

Executed by the VILLAGE this 14<sup>th</sup> day of August, 2017.

Betty J. Kutzick  
Mayor

ATTEST:

Dominic Oglet  
Clerk

Executed by the TOWNSHIP this 20<sup>th</sup> day of July, 2017

[Signature]  
Township Trustee

[Signature]  
Township Trustee

[Signature]  
Township Trustee

ATTEST:

[Signature]  
Township Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of an Annexation Agreement approved by the Council of the Village of Hamersville, Brown County, Ohio on the 14<sup>th</sup> day of

August, 2017.

[Signature]  
Village Clerk

Dated: 8-14-17

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of an Annexation Agreement approved by the Board of Township Trustees of Clark Township, Brown County, Ohio on the

20<sup>th</sup> day of July, 2017.

[Signature]  
Township Clerk

Dated: 7-20-2017

## *Brown County Board of Commissioners*

Daryll R. Gray, President ~ Tony Applegate, Member ~ Barry L. Woodruff, Member  
Sarah Beath, Clerk ~ Lisa Spiller, Coord. Clerk  
website: [www.browncountyohio.gov](http://www.browncountyohio.gov) ~ email: [commissioners@browncountyohio.gov](mailto:commissioners@browncountyohio.gov)

### RESOLUTION # 10302017-1

#### A RESOLUTION GRANTING PETITION FOR THE ANNEXATION OF OF LAND INTO THE VILLAGE OF HAMERSVILLE

WHEREAS, pursuant to Sections, 709.02, and 709.022 of the Ohio Revised Code, an annexation petition for the annexation of property owned by Teresa Lang Wilson fka Teresa Lang, Rodney L. Gray, Lisa D. Gray, Robert R. Pollitt, Steven Matthew Ernst, Rachell L. Ernst and Roger W. Adkins of unincorporated land located in Clark Township, Brown County, Ohio, into the Incorporated Village of Hamersville, was filed with the Clerk of the Board of Commissioners on October 4, 2017.

WHEREAS, proof of the service of the notice of the filing of the petition of annexation upon all necessary landowners, the Trustees of Clark Township and the Clerk of the Village of Hamersville within five (5) days of the date of filing has been presented to the Board of Commissioners;

WHEREAS, the Village of Hamersville has, within twenty (20) days of the filing date, adopted a Resolution, No. 2017-04, pursuant to Section 709.023 (C) of the Revised Code;

WHEREAS, the consent of the Board of Trustees for Clark Township has, within twenty (20) days of the filing date, adopted a Resolution, No. 2017-02, pursuant to Section 709.023 (C) of the Revised Code;

WHEREAS, the Board of Commissioners have examined the petition and find the same to be proper in all respects; and

WHEREAS, the Brown County Board of County Commissioners met in regular session on this 30th day of October, 2017 at the office of said Board, with the following members being present:

Daryll Gray, President  
Tony Applegate, Member  
Barry Woodruff, Member

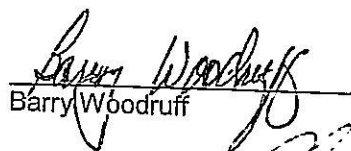
Mr. Woodruff moved for adoption of the following resolution:

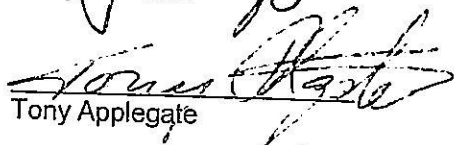
BE IT HEREBY RESOLVED that the petition for the annexation of property owned by Teresa Lang Wilson fka Teresa Lang, Rodney L. Gray, Lisa D. Gray, Robert R. Pollitt, Steven Matthew Ernst, Rachell L. Ernst and Roger W. Adkins of land located in the unincorporated area of Clark Township, Brown County, Ohio,

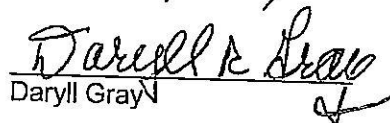
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into the Incorporated Village of Hamersville, Ohio, filed with the Clerk of this Board on the 4<sup>th</sup> day of October 2017 be and hereby is, adopted.

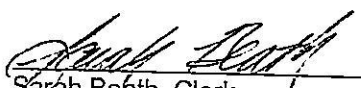
Mr. Applegate seconded the adoption of the resolution and the roll being called upon its adoption, the vote resulted as follows:

  
Barry Woodruff      yea,

  
Tony Applegate      yea,

  
Daryll Gray      yea,

ATTESTED TO:  
This 30<sup>th</sup>, day of October, 2017

  
Sarah Beath, Clerk  
Board of Commissioners  
Brown County Ohio