

DATE: DECEMBER 20, 2010

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 151 - 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE accepting an application for annexation for the Sibila Annexation to the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, a petition for the annexation for certain territory in Perry Township, was duly filed by Jason Haines, Agent for the petitioners, and

WHEREAS, the said petition was duly considered by the Board of County Commissioners of Stark County on September 7, 2010, and

WHEREAS, the Board of County Commissioners on September 7, 2010, approved the annexation of said territory to the City of Massillon as hereinafter described, and

WHEREAS, the Board of County Commissions certified the transcript and pertinent documents of proceedings in connection with said annexation with the map and petition required in connection therewith, to the Auditor of the City of Massillon

WHEREAS, at least two-thirds of the members elected to Council of the City of Massillon Ohio, have found, considered and determined that in order to annex said territory to the City of Massillon, this constitutes an emergency, requiring immediate action.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT

Section 1:

The application of Jason Haines for the petitioners is hereby accepted for the annexation of the following described territory in the County of Stark and adjacent to the City of Massillon, to wit: see Exhibit "A" attached hereto.

Section 2:

The City Council Clerk be and is hereby directed to file certified copies of said annexation containing the petition, map accompanying the petition, a transcript of the proceedings of the County Commissioners, and this Ordinance, with the Stark County Recorder and the Secretary of State.

Section 3:

The Clerk of this Council be and is hereby directed to file with the Clerk of the Board of Commissioners of Stark County, as well as the County Board of Elections, notice in writing of the boundary changes of the City of Massillon hereby affected together with a map of the annexed territory.

Section 4:

This Ordinance is declared to be an emergency measure, the reason for the emergency being that said enactment is necessary for the more efficient operation of the City of Massillon, Ohio, and for the additional reason that it is in the best interest of the property owners in the annexed area that their property become a part of the City of Massillon. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS 20th DAY OF December 2010

APPROVED: Mary Beth Bailey
MARY BETH BAILEY, CLERK OF COUNCIL

Glenn E. Gamber
GLENN E. GAMBER, PRESIDENT

APPROVED: December 21, 2010 Francis H. Cicchinelli, Jr.
FRANCIS H. CICCHINELLI, JR., MAYOR

I hereby certify that the foregoing ordinance is a true copy of the original, as passed by the Council of the City of Massillon, Ohio, and approved as noted thereon:

Mary Beth Bailey
Clerk of Council

Date 12/30/10

PETITION
BY CITIZENS FOR THE SIBILA FAMILY LLC ANNEXATION
TO THE CITY OF MASSILLON, OHIO

TO THE COMMISSIONERS OF STARK COUNTY, STATE OF OHIO:

We, the undersigned, being a majority of the adult owners of real estate in the territory hereinafter described, hereby petition for the annexation of the following described territory to the City of Massillon, Massillon Township, Stark County, Ohio. The following description is based solely on record information found in the Stark County Official Records, a boundary survey was not performed.

Situated in the Township of Perry, County of Stark, and State of Ohio and known as and being part of the Northwest and Southwest Quarter of Section 4, T-10, R-9, and further described as follows:

Beginning at the southeast corner of the Northwest Quarter of Section 4, Perry Township, said point also known as the true place of beginning; thence S 02° 15' 08" W, 733.23 feet along said quarter section line to a point, said point being the southeast corner of a tract of land currently or formerly owned by Sibila Family LLC;

Thence along said Sibila tract the following courses:

N 75° 00' 42" W, 650.87 feet to a point;

N 20° 58' 43" E, 315.94 feet to a point;

N 60° 15' 34" E, 253.62 feet to a point;

N 04° 34' 28" E, 325.96 feet to a point; and crossing over the north line of the Southwest Quarter Section 4, Perry township; thence

N 03° 29' 34" E, 261.27 feet to a point;

N 89° 28' 57" E, 299.81 feet to a point, said point being on the east line of the Northwest Quarter Section 4, Perry Township;

Thence continuing along the quarter section line on a bearing of S 02° 15' 08" W, a distance of 445.24 feet to a point, said point being the Southeast corner of the Northwest Quarter of Section 4, Perry Township, and also being the True Place of Beginning and containing 10.54 acres more or less, subject to all legal highways.

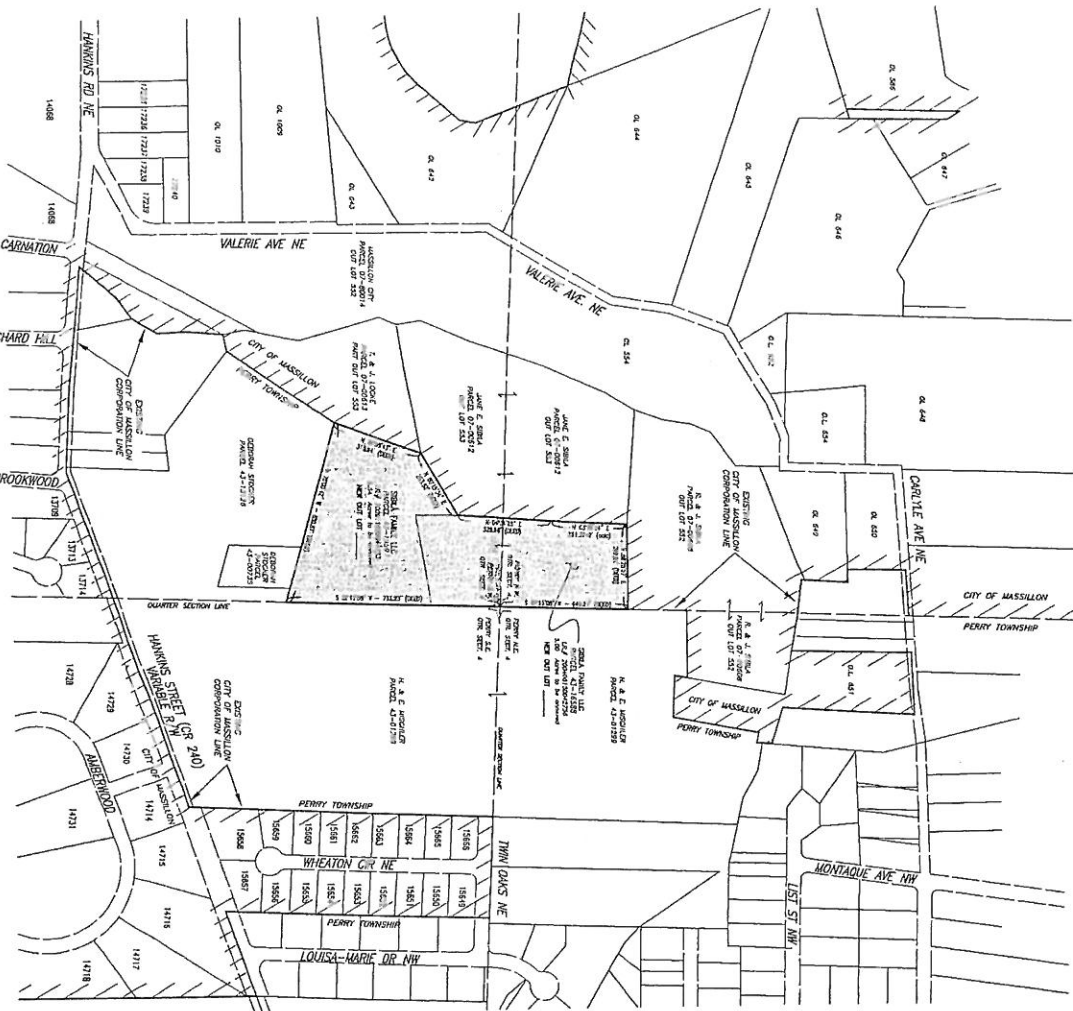
The basis of bearing is S 02° 15' 08" W along the east line of the Northwest Quarter Section 4, Perry Township, as recorded in Instrument # 200911020044733 of the Stark County Official Records.

Jason Haines, 151 Lincoln Way East, Massillon, OH 44646 is hereby appointed agent for the undersigned petitioners as required by ORC 709.02 with full power and authority hereby granted to said agent to amend, alter, change, withdraw, refile, substitute, and to take any action necessary for obtaining the granting of this petition. Said amendment, compromise, increase or deletion, or other things for granting this petition shall be made in the petition, description, and/or plat by said agent without further expressed consent of the petitioners.

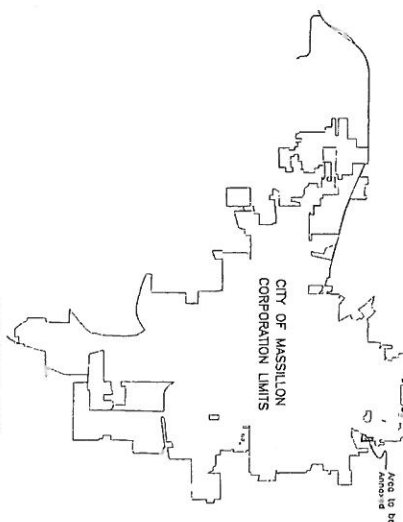
BASE OF BEARING
 The bearings are based on the East line of the Northwest Quarter Section 4, Perry Township, as being a bearing of S 02°15'08" W as described in Imaging Number 20091102044123 of the Stark County Official Records.

PERMITS DOCUMENTS
 DEEDS:
 VOL. 2874 PAGE 466
 VOL. 380 PAGE 220
 L.R. # 20040815004735
 L.R. # 20091102044123

TAX MAPS:
 MASSILLON TAX MAP 8
 MASSILLON TAX MAP 15
 MASSILLON TAX MAP 17
 PERRY TOWNSHIP MAP 4



LOCATION MAP
 NOT TO SCALE



MAP OF TERRITORY TO BE ANNEXED TO THE CITY OF MASSILLON, OHIO

Miles of State Highways _____ 0
 Miles of County Roads (Incl. Section 4) _____ 0
 Miles of Township Roads _____ 0
 N.E. 1/4, Sec. 4, Twp. 4 N., R. 10 E., S. 34 N. _____ 3.04 acres
 S.W. 1/4, Sec. 4, Twp. 4 N., R. 10 E., S. 34 N. _____ 7.50 acres
 Total Acreage in Annexation _____ 10.54 acres (10.54)

NOTE:

This map is compiled, calculated, and drawn from available deeds of record, and is subject to the same errors and omissions as the original records mentioned by the various offices of Stark County, Ohio. No survey was performed.

MASSILLON CITY COUNCIL

Accepted by the City Council of Massillon, Ohio, by Ordinance No. _____ Passed this _____ day of _____, 20____.

CITY ENGINEER _____ Licensed Professional Engineer
 City lot numbers assigned this _____ day of _____, 20____.

COUNTY AUDITOR _____ City Engineer
 Entered this _____ day of _____, 20____.

COUNTY RECORDER _____ County Auditor
 Received for record this _____ day of _____, 20____.
 Recorded in instrument _____ this _____ day of _____, 20____.

STARK COUNTY COMMISSIONERS
 Adopted this _____ day of _____, 20____.
 Adopted by the _____ of the Stark County Commissioners.

STARK COUNTY COMMISSIONER

Sibila Family LLC Annexation
 Part of the NW and SW Quarter Section 4, Perry Township
 Annexation Map
 City of Massillon
 Stark County, Ohio

North Arrow
 Scale: 1" = 200 Feet
 Date: APRIL 2010
 Drawn by: JAH
 Check by: KAD
 Date: APRIL 2010

MASSILLON
 RE: SIBILA FAMILY LLC
 DATE: 10/03/2010
 DESCRIPTION: ANNEXATION
 10.54 ACRES