

DATE: MARCH 19, 2012

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 30 - 2012

BY: COMMUNITY DEVELOPMENT COMMITTEE

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

WHEREAS, a petition for the annexation for certain territory in Tuscarawas 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 October 11, 2011, and

WHEREAS, the Board of County Commissioners on October 11, 2011, 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 19th DAY OF March 2012

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

Glenn E. Gamber
GLENN E. GAMBER, PRESIDENT

APPROVED: Katherine Catazaro Perry
KATHERINE CATAZARO PERRY, 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 3/19/12

**PETITION
BY CITIZENS FOR THE BIT OF EDEN 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.

Beginning at a point being the northwest corner of the Northwest Quarter of Section 10, Tuscarawas Township, said point also being the southwest corner of a parcel deeded to Richard G. Rohrer in Instrument #200504040020551 and being **THE TRUE PLACE OF BEGINNING** for the land being further described as follows;

Thence southeasterly along the northerly line of said section line also being the southerly line of said Rohrer parcel S 87°37'50" E, 1599.38 feet to a point, said point also being the northwest corner of a parcel deeded to Richard G. Rohrer in Instrument #200504040020551;

Thence continuing southwesterly along the west line of said Rohrer parcel S 02°16'49" W, 240.00 feet to a point, said point also being on the northerly line of a parcel deeded to D & R Herzog in Instrument #200703290016795;

Thence continuing northwesterly along the north line of said Herzog parcel N 87°37'50" W, 340.00 feet to a point, said point also being the southwest corner of a parcel deeded to Bit of Eden Partners, LLC in Instrument #201101060000682;

Thence continuing along said Bit of Eden, LLC parcel the following courses;

- N 02°16'49" E, 20.00 feet;
- N 87°37'50" W, 1100.90 feet;

Thence continuing southwesterly along west line of said Bit of Eden, LLC parcel S 02°09'20" W, 18.00 feet to a point, said point also being the northeast corner of a parcel deeded to J. Glick Trustee in Instrument #200304030030101;

Thence continuing northwesterly along the northerly line of said Glick parcel N 87°37'50" W, 158.00 feet to a point, said point also being on the west line of the Northwest Quarter Section 10, Tuscarawas Township, and the centerline of Manchester Avenue, SR 93 (60 feet);

Thence continuing northeasterly along the westerly line of said Section Line 10 and centerline of said Manchester Avenue (SR 93), N 02°09'20" E, 238.00 feet to a point, said point also being the **THE TRUE PLACE OF BEGINNING** for the land hereinbefore described and containing 8.298 acres of land, more or less.

The bearings for the above description are based on the northerly line of Section 10, Tuscarawas Township, S 87°37'50"E, as recorded in Instrument #201101060000682 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.

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

MILES OF STATE HIGHWAYS _____
 MILES OF COUNTY ROADS _____
 MILES OF TOWNSHIP ROADS _____

N.W. QTR. SECTION 10 TUSCARAWAS TWP. _____
 TOTAL ACRES IN ANNEXATION _____
 8,298 ACRES (GEO.)

NOTE:

THIS MAP HAS BEEN COMPILED, CALCULATED, AND DRAWN FROM AVAILABLE DEEDS OF RECORD, RECORD PLATS, AND OTHER DOCUMENTS OBTAINED FROM THE OFFICIAL RECORDS MAINTAINED BY THE VARIOUS OFFICES/AGENCIES OF STARK COUNTY, OHIO. A BOUNDARY SURVEY WAS NOT PERFORMED ON ANY PROPERTIES.

MASSILLON CITY COUNCIL

ACCEPTED BY THE CITY COUNCIL OF MASSILLON, OHIO, BY ORDINANCE NO. _____
 PASSED THIS _____ DAY OF _____ 20____

CLERK _____

COUNCIL PRESIDENT _____

CITY ENGINEER

CITY LOT NUMBERS ASSIGNED THIS _____ DAY OF _____ 20____

CITY ENGINEER _____

COUNTY AUDITOR

ENTERED THIS _____ DAY OF _____ 20____

COUNTY AUDITOR _____

COUNTY RECORDER

RECEIVED FOR RECORD THIS _____ DAY OF _____ 20____
 RECORDED IN INSTRUMENT _____ THIS _____ DAY OF _____ 20____

COUNTY RECORDER _____

STARK COUNTY COMMISSIONERS

APPROVED FOR ANNEXATION BY THE STARK COUNTY COMMISSIONERS
 ADOPTED THIS _____ DAY OF _____ 20____

COUNTY COMMISSIONERS _____

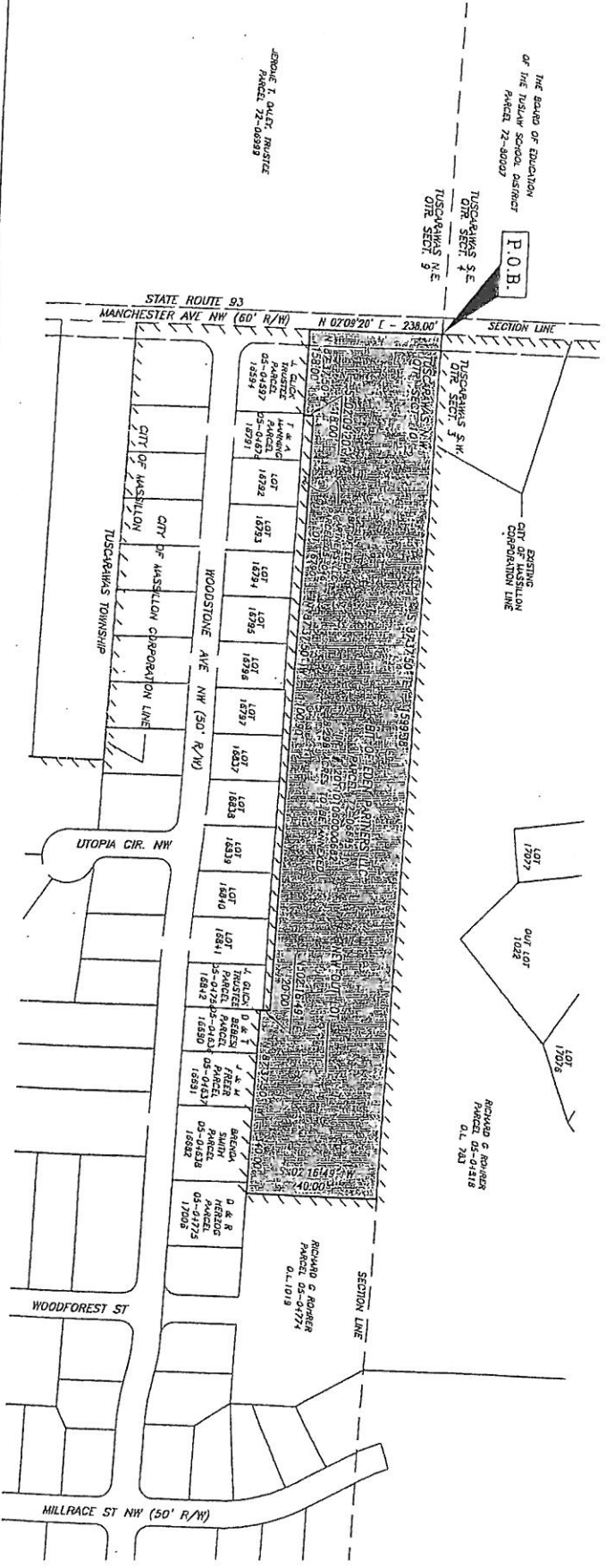
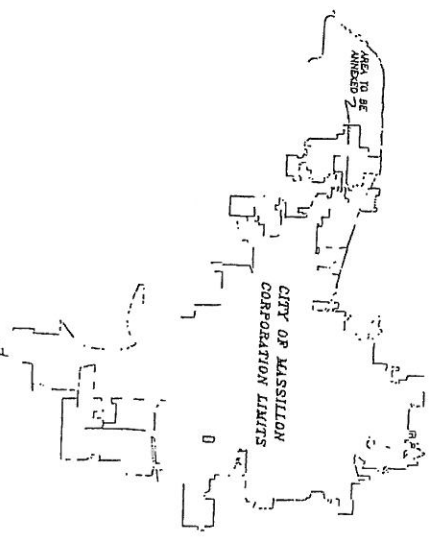
STARK COUNTY COMMISSIONERS _____

BASIS OF BEARING

THE BEARINGS ARE BASED ON THE NORTHERLY LINE OF THE NORTHWEST QUARTER SECTION 10, TUSCARAWAS TOWNSHIP, HAVING A BEARING OF S 87°25'00" E AS DESCRIBED IN I.R.# 201101060000582 OF THE STARK COUNTY OFFICIAL RECORDS.

LOCATION MAP

NOT TO SCALE



BIT OF EDEN ANNEXATION
 PART OF THE NW SECTION 10, TUSCARAWAS TOWNSHIP
 ANNEXATION MAP
 CITY OF MASSILLON
 STARK COUNTY, OHIO

DATE: FEB 2011
 BY: [Signature]
 SCALE: 1" = 400'
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

REVISIONS:
 DATE: _____
 DESCRIPTION: _____

DESIGNED BY: [Signature]
 11A00101.DWG
 11A001