

# Ordinance No. 7532

## AN ORDINANCE ACCEPTING THE ANNEXATION OF 5.559 ACRES OF LAND LOCATED IN SECTION 29, DEFIANCE TOWNSHIP, DEFIANCE COUNTY, OHIO

**Whereas**, Harvest Life, Inc., filed a Petition seeking the annexation of 5.559 acres of land located in Defiance Township, Section 29, to the City of Defiance; and,

**Whereas**, By Resolution 2447, Council consented to allowance of the Petition by the Board of County Commissioners and declared the services to be provided the territory upon annexation; and,

**Whereas**, The Board of County Commissioners approved the Petition and the Clerk of Council has made the Transcript of Proceedings and related documents available for public inspection in the manner and for the time required by law; and,

**Whereas**, Council finds that acceptance of the territory is in the best interests of the municipality;

**Now therefore**, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** The Petition of Harvest Life, Inc., to annex 5.559 acres of land located in Section 29, Defiance Township, Defiance County, Ohio, as approved by the Board of County Commissioners of Defiance County, Ohio, is approved and the territory therein described is accepted. All municipal officials are authorized to execute such plats and other documents as may be appropriate to conclude the proceedings.

**Section 2:** It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

**Section 3:** This Ordinance shall be effective on the earliest date permitted by law.

Passed: September 3, 2013      Tim Holtsberry  
President of Council

Attest: Lisa Elders, Clerk

Approved: September 3, 2013      Bob Armstrong  
Mayor

# Ordinance No. 7533

## **AN ORDINANCE CONSENTING TO THE IMPROVEMENT OF STATE ROUTE 18 WITHIN THE MUNICIPALITY, PLEDGING COOPERATION WITH THE DIRECTOR OF TRANSPORTATION IN THE COMPLETION OF THE PROPOSED WORK AND DECLARING AN EMERGENCY**

(Preliminary Legislation: DEF 18-26.02--ODOT Project ID No. 87235)

**WHEREAS**, the Department of Transportation has identified a need to reconstruct the State Route 18 (E. Second Street) culvert bridging Preston Run; and,

**WHEREAS**, the City maintains sewerage in the right-of-way to be disturbed by the work; and,

**WHEREAS**, the municipal sewage facilities are aged and in need of replacement and the Department of Transportation has generously offered to reconstruct the same incident to the proposed highway reconstruction; and,

**WHEREAS**, Council concurs that replacement of the Preston Run highway and sewage crossing is necessary and beneficial to the City and its inhabitants;

**Now therefore**, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

**Section 1: Consent Statement:** The City of Defiance consents to the performance of all work proposed to be undertaken within the municipal corporation by the Director of Transportation as ODOT Project ID No. 87235.

**Section 2: Cooperation Statement:** The City will participate in the project in the following manner:

- A. The Department of Transportation and Federal Highway Administration shall bear 100% of the necessary costs of the State highway project.
- B. The City of Defiance shall bear 100% of the cost to replace 239' of sanitary sewer, plug the abandoned sewer, install three manholes and install three residential sewer service line connections, all of which are anticipated to cost approximately \$35,000.00. In the event the City requests that any additional features or appurtenances be included in the design or construction of the highway improvement that are determined by ODOT and/or the Federal Highway Administration to be unnecessary to the State project, the City will pay 100% of all costs attributable to those items.

**Section 3: Utilities and Right-of-Way Statement:** The City agrees that all right-of-way required (if applicable) for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The City understands that right-of-way costs include eligible utility costs and agrees that all utility accommodations, relocations and reimbursements will comply with 23 CFR 65 and the ODOT Utilities Manual as presently adopted.

**Section 4: Maintenance Statement:** Upon completion of the project, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the project in accordance with all applicable State and Federal law including, without limitation, Title 23, U.S.C. §116; (2) provide ample financial provisions, as necessary, for the maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**Section 5: Authority to Sign:** The City Administrator is hereby empowered to enter into and execute such agreements with the Director of Transportation as may be necessary or appropriate to complete the above described project.

**Section 6:** It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

**Section 7:** This Ordinance is declared to be an Emergency Measure necessary to preserve public health, safety and welfare for the reason that municipal consent to proceed with the work must be filed with the Director of Transportation on or before September 13, 2013, in order for the City to participate in and benefit from the State

Highway Improvement project. As such, this Ordinance shall take immediate effect upon passage with the concurrence of not less than 5 Members of Council and approval of the Mayor.

Tim Holtsberry  
President of Council

Passed: September 3, 2013

Votes for Adoption: 6

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: September 3, 2013

Bob Armstrong  
Mayor

## RESOLUTION No. 2450

### A RESOLUTION DECLARING THE SERVICES TO BE PROVIDED TERRITORY PROPOSED FOR ANNEXATION, ESTABLISHING ZONING RESTRICTIONS PERTAINING THERETO AND DECLARING AN EMERGENCY

**Whereas**, Strait Family, LLC has filed a Petition seeking to annex Lot 5 and a part of Lot 4 in and of the Degler Addition comprising a total of 1.243 acres of land located in Section 30, Richland Township, Defiance County, Ohio, to the City of Defiance; and,

**Whereas**, Revised Code Section 709.023(C) requires Council to adopt a Resolution declaring the services to be provided the territory upon annexation and file the same with the Board of County Commissioners within 20 days following the filing of the Petition;

**Now therefore**, be it resolved by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** The City of Defiance consents to approval of the aforesaid Petition by the Board of County Commissioners and will maintain any street or road divided or segmented by the annexation.

**Section 2:** Lands described by the Petition will be provided all customary general governmental and utility services in the same manner and on the same terms and conditions as are applicable to the provision of like-kind services to other lands within the territorial boundaries of the municipality. In-City rates for water and sewer services furnished to existing consumers located within the territory will take effect on the first day of the first billing cycle beginning after the effective date of the annexation. Billing and payment dates previously established for each consumer will not be altered and charges accrued during the billing cycle in which the annexation takes effect will not be prorated to the date on which the annexation takes effect.

**Section 3:** In the event land within the annexation territory is accorded a municipal zoning designation that permits the land to be used in a manner that is clearly incompatible with the uses permitted by township zoning of adjacent lands, Council will provide for the establishment of a buffer conforming to the requirements of Ohio Revised Code Section 709.23(C) in the Ordinance establishing the municipal zoning district.

**Section 4:** It is found and determined that all legislative actions pertaining to the adoption of this Resolution and all deliberations that affected or influenced all such legislative acts, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

**Section 5:** This Resolution is declared to be an emergency measure necessary to the preservation of the health, safety and welfare of the community for the reason that statutory law requires this Resolution to be promptly filed with the Board of County Commissioners. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: September 3, 2013

Tim Holtsberry  
President of Council

Votes Approving Adoption:  
Votes Opposing Adoption:

Attest: Lisa Elders, Clerk

Approved: September 3, 2013

Bob Armstrong  
Mayor

## RESOLUTION No. 2451

### A RESOLUTION DECLARING THE SERVICES TO BE PROVIDED TERRITORY PROPOSED FOR ANNEXATION, ESTABLISHING ZONING RESTRICTIONS PERTAINING THERETO AND DECLARING AN EMERGENCY

**Whereas**, Kent-McDowell Properties, LLC, has filed a Petition seeking to annex Lots 45, 46 and the westerly 3.34 feet of Lot 47 in and of the Saunders-Snyder Addition, together with adjacent portions of Spruce Street, said parcel comprising a total of 1.40 acres of land located in Section 30, Richland Township, Defiance County, Ohio, to the City of Defiance; and,

**Whereas**, Revised Code Section 709.023(C) requires Council to adopt a Resolution declaring the services to be provided the territory upon annexation and file the same with the Board of County Commissioners within 20 days following the filing of the Petition;

**Now therefore**, be it resolved by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** The City of Defiance consents to approval of the aforesaid Petition by the Board of County Commissioners and will maintain any street or road divided or segmented by the annexation.

**Section 2:** Lands described by the Petition will be provided all customary general governmental and utility services in the same manner and on the same terms and conditions as are applicable to the provision of like-kind services to other lands within the territorial boundaries of the municipality. In-City rates for water and sewer services furnished to existing consumers located within the territory will take effect on the first day of the first billing cycle beginning after the effective date of the annexation. Billing and payment dates previously established for each consumer will not be altered and charges accrued during the billing cycle in which the annexation takes effect will not be prorated to the date on which the annexation takes effect.

**Section 3:** In the event land within the annexation territory is accorded a municipal zoning designation that permits the land to be used in a manner that is clearly incompatible with the uses permitted by township zoning of adjacent lands, Council will provide for the establishment of a buffer conforming to the requirements of Ohio Revised Code Section 709.23(C) in the Ordinance establishing the municipal zoning district.

**Section 4:** It is found and determined that all legislative actions pertaining to the adoption of this Resolution and all deliberations that affected or influenced all such legislative acts, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

**Section 5:** This Resolution is declared to be an emergency measure necessary to the preservation of the health, safety and welfare of the community for the reason that statutory law requires this Resolution to be promptly filed with the Board of County Commissioners. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: September 3, 2013

Tim Holtsberry  
President of Council

Votes Approving Adoption: 6  
Votes Opposing Adoption: 0

Attest: Lisa Elders, Clerk

Approved: September 3, 2013

Bob Armstrong  
Mayor

## RESOLUTION No. 2452

### A RESOLUTION DECLARING THE SERVICES TO BE PROVIDED TERRITORY PROPOSED FOR ANNEXATION, ESTABLISHING ZONING RESTRICTIONS PERTAINING THERETO AND DECLARING AN EMERGENCY

**Whereas**, The Defiance Area Animal Hospital, LLC, has filed a Petition seeking to annex 0.918 acres of land located in Section 12, Noble Township, Defiance County, Ohio, to the City of Defiance; and,

**Whereas**, Revised Code Section 709.023(C) requires Council to adopt a Resolution declaring the services to be provided the territory upon annexation and file the same with the Board of County Commissioners within 20 days following the filing of the Petition;

**Now therefore**, be it resolved by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** The City of Defiance consents to approval of the aforesaid Petition by the Board of County Commissioners. The City of Defiance further represents that an Annexation Agreement exists between the City and Noble Township, a copy of which is attached hereto, which constitutes consent to the annexation by Noble Township. The City will honor the Annexation Agreement notwithstanding that the Petition has been filed pursuant to O.R.C, §709.023 rather than O.R.C, §709.022 and will maintain any street or road divided or segmented by the annexation in accordance with the agreement.

**Section 2:** Lands described by the Petition will be provided all customary general governmental and utility services in the same manner and on the same terms and conditions as are applicable to the provision of like-kind services to other lands within the territorial boundaries of the municipality. In-City rates for water and sewer services furnished to existing consumers located within the territory will take effect on the first day of the first billing cycle beginning after the effective date of the annexation. Billing and payment dates previously established for each consumer will not be altered and charges accrued during the billing cycle in which the annexation takes effect will not be prorated to the date on which the annexation takes effect.

**Section 3:** In the event land within the annexation territory is accorded a municipal zoning designation that permits the land to be used in a manner that is clearly incompatible with the uses permitted by township zoning of adjacent lands, Council will provide for the establishment of a buffer conforming to the requirements of Ohio Revised Code Section 709.23(C) in the Ordinance establishing the municipal zoning district.

**Section 4:** It is found and determined that all legislative actions pertaining to the adoption of this Resolution and all deliberations that affected or influenced all such legislative acts, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

**Section 5:** This Resolution is declared to be an emergency measure necessary to the preservation of the health, safety and welfare of the community for the reason that statutory law requires this Resolution to be promptly filed with the Board of County Commissioners. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: September 3, 2013

Tim Holtsberry  
President of Council

Votes Approving Adoption: 6  
Votes Opposing Adoption: 0

Attest: Lisa Elders, Clerk

Approved: September 3, 2013

Bob Armstrong  
Mayor

## RESOLUTION No. 2453

### A RESOLUTION DECLARING THE SERVICES TO BE PROVIDED TERRITORY PROPOSED FOR ANNEXATION, ESTABLISHING ZONING RESTRICTIONS PERTAINING THERETO AND DECLARING AN EMERGENCY

**Whereas** , Lewis E. Allen has filed a Petition seeking to annex 1.014 acres of land located in Section 12, Noble Township, Defiance County, Ohio, to the City of Defiance; and,

**Whereas** , Revised Code Section 709.023(C) requires Council to adopt a Resolution declaring the services to be provided the territory upon annexation and file the same with the Board of County Commissioners within 20 days following the filing of the Petition;

**Now therefore** , be it resolved by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** The City of Defiance consents to approval of the aforesaid Petition by the Board of County Commissioners. The City of Defiance further represents that an Annexation Agreement exists between the City and Noble Township, a copy of which is attached hereto, which constitutes consent to the annexation by Noble Township. The City will honor the Annexation Agreement notwithstanding that the Petition has been filed pursuant to O.R.C, §709.023 rather than O.R.C, §709.022 and will maintain any street or road divided or segmented by the annexation in accordance with the agreement.

**Section 2:** Lands described by the Petition will be provided all customary general governmental and utility services in the same manner and on the same terms and conditions as are applicable to the provision of like-kind services to other lands within the territorial boundaries of the municipality. In-City rates for water and sewer services furnished to existing consumers located within the territory will take effect on the first day of the first billing cycle beginning after the effective date of the annexation. Billing and payment dates previously established for each consumer will not be altered and charges accrued during the billing cycle in which the annexation takes effect will not be prorated to the date on which the annexation takes effect.

**Section 3:** In the event land within the annexation territory is accorded a municipal zoning designation that permits the land to be used in a manner that is clearly incompatible with the uses permitted by township zoning of adjacent lands, Council will provide for the establishment of a buffer conforming to the requirements of Ohio Revised Code Section 709.23(C) in the Ordinance establishing the municipal zoning district.

**Section 4:** It is found and determined that all legislative actions pertaining to the adoption of this Resolution and all deliberations that affected or influenced all such legislative acts, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

**Section 5:** This Resolution is declared to be an emergency measure necessary to the preservation of the health, safety and welfare of the community for the reason that statutory law requires this Resolution to be promptly filed with the Board of County Commissioners. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: September 3 \_\_\_\_\_, 2013

Tim Holtsberry  
President of Council

Votes Approving Adoption: 6

Votes Opposing Adoption: 0

Attest: Lisa Elders \_\_\_\_\_, Clerk

Approved: September 3 \_\_\_\_\_, 2013

Bob Armstrong  
Mayor

## RESOLUTION No. 2454

### A RESOLUTION DECLARING THE SERVICES TO BE PROVIDED TERRITORY PROPOSED FOR ANNEXATION, ESTABLISHING ZONING RESTRICTIONS PERTAINING THERETO AND DECLARING AN EMERGENCY

**Whereas**, Napoleon Wash-In-Fill, Inc. has filed a Petition seeking to annex a part of Lot 69 in and of the Saunders-Snyder Addition, together with adjacent unsubdivided lands comprising a total of 0.657 acres of land located in Section 30, Richland Township, Defiance County, Ohio, to the City of Defiance; and,

**Whereas**, Revised Code Section 709.023(C) requires Council to adopt a Resolution declaring the services to be provided the territory upon annexation and file the same with the Board of County Commissioners within 20 days following the filing of the Petition;

**Now therefore**, be it resolved by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** The City of Defiance consents to approval of the aforesaid Petition by the Board of County Commissioners and will maintain any street or road divided or segmented by the annexation. The City further recognizes the Petition as one seeking annexation pursuant to Ohio Revised Code Section 709.023 and agrees that the territory will not be withdrawn from the township.

**Section 2:** Lands described by the Petition will be provided all customary general governmental and utility services in the same manner and on the same terms and conditions as are applicable to the provision of like-kind services to other lands within the territorial boundaries of the municipality. In-City rates for water and sewer services furnished to existing consumers located within the territory will take effect on the first day of the first billing cycle beginning after the effective date of the annexation. Billing and payment dates previously established for each consumer will not be altered and charges accrued during the billing cycle in which the annexation takes effect will not be prorated to the date on which the annexation takes effect.

**Section 3:** In the event land within the annexation territory is accorded a municipal zoning designation that permits the land to be used in a manner that is clearly incompatible with the uses permitted by township zoning of adjacent lands, Council will provide for the establishment of a buffer conforming to the requirements of Ohio Revised Code Section 709.23(C) in the Ordinance establishing the municipal zoning district.

**Section 4:** It is found and determined that all legislative actions pertaining to the adoption of this Resolution and all deliberations that affected or influenced all such legislative acts, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

**Section 5:** This Resolution is declared to be an emergency measure necessary to the preservation of the health, safety and welfare of the community for the reason that statutory law requires this Resolution to be promptly filed with the Board of County Commissioners. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: September 3, 2013

Tim Holtsberry  
President of Council

Votes Approving Adoption: 6

Votes Opposing Adoption: 0

Attest: Lisa Elders, Clerk

Approved: September 3, 2013

Bob Armstrong  
Mayor

## RESOLUTION No. 2455

### A RESOLUTION DECLARING THE SERVICES TO BE PROVIDED TERRITORY PROPOSED FOR ANNEXATION, ESTABLISHING ZONING RESTRICTIONS PERTAINING THERETO AND DECLARING AN EMERGENCY

**Whereas**, Indoor Auto Mart, LLC, Kenneth L. VanStreader and George E. Taylor have filed a Petition seeking to annex Lots 34, 35, 36, a part of Lot 66, 67 and 68 in and of the Saunders-Snyder Addition comprising a total of 2.263 acres of land located in Section 30, Richland Township, Defiance County, Ohio, to the City of Defiance; and,

**Whereas**, Revised Code Section 709.023(C) requires Council to adopt a Resolution declaring the services to be provided the territory upon annexation and file the same with the Board of County Commissioners within 20 days following the filing of the Petition;

**Now therefore**, be it resolved by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** The City of Defiance consents to approval of the aforesaid Petition by the Board of County Commissioners and will maintain any street or road divided or segmented by the annexation.

**Section 2:** Lands described by the Petition will be provided all customary general governmental and utility services in the same manner and on the same terms and conditions as are applicable to the provision of like-kind services to other lands within the territorial boundaries of the municipality. In-City rates for water and sewer services furnished to existing consumers located within the territory will take effect on the first day of the first billing cycle beginning after the effective date of the annexation. Billing and payment dates previously established for each consumer will not be altered and charges accrued during the billing cycle in which the annexation takes effect will not be prorated to the date on which the annexation takes effect.

**Section 3:** In the event land within the annexation territory is accorded a municipal zoning designation that permits the land to be used in a manner that is clearly incompatible with the uses permitted by township zoning of adjacent lands, Council will provide for the establishment of a buffer conforming to the requirements of Ohio Revised Code Section 709.23(C) in the Ordinance establishing the municipal zoning district.

**Section 4:** It is found and determined that all legislative actions pertaining to the adoption of this Resolution and all deliberations that affected or influenced all such legislative acts, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

**Section 5:** This Resolution is declared to be an emergency measure necessary to the preservation of the health, safety and welfare of the community for the reason that statutory law requires this Resolution to be promptly filed with the Board of County Commissioners. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: September 3, 2013

Tim Holtsberry  
President of Council

Votes Approving Adoption: 6

Votes Opposing Adoption: 0

Attest: Lisa Elders, Clerk

Approved: September 3, 2013

Bob Armstrong  
Mayor

## RESOLUTION No. 2456

### A RESOLUTION DECLARING THE SERVICES TO BE PROVIDED TERRITORY PROPOSED FOR ANNEXATION, ESTABLISHING ZONING RESTRICTIONS PERTAINING THERETO AND DECLARING AN EMERGENCY

**Whereas**, Short North Properties, Ltd., Joyce Knoll and Frederick Schuette have filed a Petition seeking to annex 6.00 acres of land located in Section 11, Noble Township, Defiance County, Ohio, to the City of Defiance; and,

**Whereas**, Revised Code Section 709.023(C) requires Council to adopt a Resolution declaring the services to be provided the territory upon annexation and file the same with the Board of County Commissioners within 20 days following the filing of the Petition;

**Now therefore**, be it resolved by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** The City of Defiance consents to approval of the aforesaid Petition by the Board of County Commissioners. The City of Defiance further represents that an Annexation Agreement exists between the City and Noble Township, a copy of which is attached hereto, which constitutes consent to the annexation by Noble Township. The City will honor the Annexation Agreement notwithstanding that the Petition has been filed pursuant to O.R.C, §709.023 rather than O.R.C, §709.022 and will maintain any street or road divided or segmented by the annexation in accordance with the agreement.

**Section 2:** Lands described by the Petition will be provided all customary general governmental and utility services in the same manner and on the same terms and conditions as are applicable to the provision of like-kind services to other lands within the territorial boundaries of the municipality. In-City rates for water and sewer services furnished to existing consumers located within the territory will take effect on the first day of the first billing cycle beginning after the effective date of the annexation. Billing and payment dates previously established for each consumer will not be altered and charges accrued during the billing cycle in which the annexation takes effect will not be prorated to the date on which the annexation takes effect.

**Section 3:** In the event land within the annexation territory is accorded a municipal zoning designation that permits the land to be used in a manner that is clearly incompatible with the uses permitted by township zoning of adjacent lands, Council will provide for the establishment of a buffer conforming to the requirements of Ohio Revised Code Section 709.23(C) in the Ordinance establishing the municipal zoning district.

**Section 4:** It is found and determined that all legislative actions pertaining to the adoption of this Resolution and all deliberations that affected or influenced all such legislative acts, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

**Section 5:** This Resolution is declared to be an emergency measure necessary to the preservation of the health, safety and welfare of the community for the reason that statutory law requires this Resolution to be promptly filed with the Board of County Commissioners. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: September 3, 2013

Tim Holtsberry  
President of Council

Votes Approving Adoption: 6

Votes Opposing Adoption: 0

Attest: Lisa Elders, Clerk

Approved: September 3, 2013

Bob Armstrong  
Mayor

## RESOLUTION No. 2457

### A RESOLUTION DECLARING THE SERVICES TO BE PROVIDED TERRITORY PROPOSED FOR ANNEXATION, ESTABLISHING ZONING RESTRICTIONS PERTAINING THERETO AND DECLARING AN EMERGENCY

**Whereas**, Clear Channel Broadcasting, Inc., has filed a Petition seeking to annex a part of Lot 46 in and of the Westwood Addition and consisting of 13.050 acres of land located in Section 27, Defiance Township, Defiance County, Ohio, to the City of Defiance; and,

**Whereas**, Revised Code Section 709.023(C) requires Council to adopt a Resolution declaring the services to be provided the territory upon annexation and file the same with the Board of County Commissioners within 20 days following the filing of the Petition;

**Now therefore**, be it resolved by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** The City of Defiance consents to approval of the aforesaid Petition by the Board of County Commissioners and will maintain any street or road divided or segmented by the annexation.

**Section 2:** Lands described by the Petition will be provided all customary general governmental and utility services in the same manner and on the same terms and conditions as are applicable to the provision of like-kind services to other lands within the territorial boundaries of the municipality. In-City rates for water and sewer services furnished to existing consumers located within the territory will take effect on the first day of the first billing cycle beginning after the effective date of the annexation. Billing and payment dates previously established for each consumer will not be altered and charges accrued during the billing cycle in which the annexation takes effect will not be prorated to the date on which the annexation takes effect.

**Section 3:** In the event land within the annexation territory is accorded a municipal zoning designation that permits the land to be used in a manner that is clearly incompatible with the uses permitted by township zoning of adjacent lands, Council will provide for the establishment of a buffer conforming to the requirements of Ohio Revised Code Section 709.23(C) in the Ordinance establishing the municipal zoning district.

**Section 4:** It is found and determined that all legislative actions pertaining to the adoption of this Resolution and all deliberations that affected or influenced all such legislative acts, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

**Section 5:** This Resolution is declared to be an emergency measure necessary to the preservation of the health, safety and welfare of the community for the reason that statutory law requires this Resolution to be promptly filed with the Board of County Commissioners. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: September 3, 2013

Tim Holtsberry  
President of Council

Votes Approving Adoption: 6  
Votes Opposing Adoption: 0

Attest: Lisa Elders, Clerk

Approved: September 3, 2013

Bob Armstrong  
Mayor

## RESOLUTION No. 2458

### A RESOLUTION DECLARING THE SERVICES TO BE PROVIDED TERRITORY PROPOSED FOR ANNEXATION, ESTABLISHING ZONING RESTRICTIONS PERTAINING THERETO AND DECLARING AN EMERGENCY

**Whereas** , Safran Defiance, LLC, Wyse-Beck Company and Kenneth J. Moninger have filed a Petition seeking to annex 12.456 acres of land located in Section 11, Noble Township, Defiance County, Ohio, to the City of Defiance; and,

**Whereas** , Revised Code Section 709.023(C) requires Council to adopt a Resolution declaring the services to be provided the territory upon annexation and file the same with the Board of County Commissioners within 20 days following the filing of the Petition;

**Now therefore** , be it resolved by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** The City of Defiance consents to approval of the aforesaid Petition by the Board of County Commissioners. The City of Defiance further represents that an Annexation Agreement exists between the City and Noble Township, a copy of which is attached hereto, which constitutes consent to the annexation by Noble Township. The City will honor the Annexation Agreement notwithstanding that the Petition has been filed pursuant to O.R.C, §709.023 rather than O.R.C, §709.022 and will maintain any street or road divided or segmented by the annexation in accordance with the agreement.

**Section 2:** Lands described by the Petition will be provided all customary general governmental and utility services in the same manner and on the same terms and conditions as are applicable to the provision of like-kind services to other lands within the territorial boundaries of the municipality. In-City rates for water and sewer services furnished to existing consumers located within the territory will take effect on the first day of the first billing cycle beginning after the effective date of the annexation. Billing and payment dates previously established for each consumer will not be altered and charges accrued during the billing cycle in which the annexation takes effect will not be prorated to the date on which the annexation takes effect.

**Section 3:** In the event land within the annexation territory is accorded a municipal zoning designation that permits the land to be used in a manner that is clearly incompatible with the uses permitted by township zoning of adjacent lands, Council will provide for the establishment of a buffer conforming to the requirements of Ohio Revised Code Section 709.23(C) in the Ordinance establishing the municipal zoning district.

**Section 4:** It is found and determined that all legislative actions pertaining to the adoption of this Resolution and all deliberations that affected or influenced all such legislative acts, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

**Section 5:** This Resolution is declared to be an emergency measure necessary to the preservation of the health, safety and welfare of the community for the reason that statutory law requires this Resolution to be promptly filed with the Board of County Commissioners. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: September 3 , 2013

Tim Holtsberry  
President of Council

Votes Approving Adoption: 6

Votes Opposing Adoption: 0

Attest: Lisa Elders , Clerk

Approved: September 3 , 2013

Bob Armstrong  
Mayor