

PROPOSED ANNEXATION TO THE VILLAGE OF KILLBUCK

PART OF THE N.W. QTR. SECTION 15, T-8N, R-7W
AND THE N.E. QTR. SECTION 11, T-8N, R-8W
KILLBUCK TWP., HOLMES COUNTY, OHIO

I HEREBY CERTIFY THAT THE HOLMES COUNTY COMMISSIONERS HAVE APPROVED THE DETACHMENT OF THOSE TRACTS OF LAND AS SHOWN HEREON FROM HOLMES COUNTY AT A MEETING HELD ON THE 25 DAY OF August, 1986.

BY Robert Lee
CHAIRMAN, HOLMES COUNTY COMMISSIONERS

I HEREBY CERTIFY THAT THIS PLAT FOR ANNEXATION WAS APPROVED BY THE VILLAGE COUNCIL OF KILLBUCK, OHIO AT A MEETING HELD ON THE 12th DAY OF May, 1986.

BY Dwight B. Felton Jr.
VILLAGE CLERK

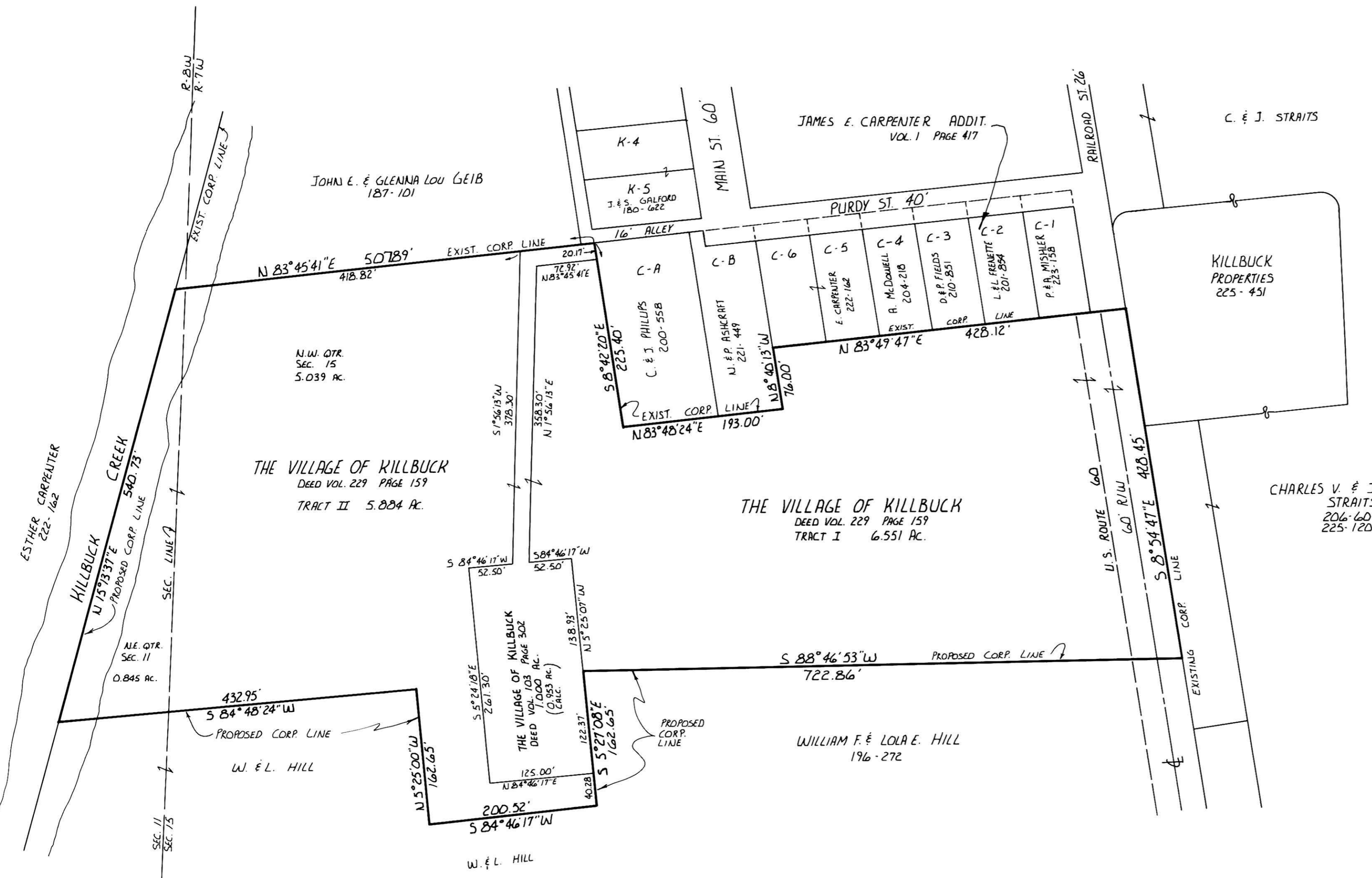
153809

RECEIVED FOR RECORDING THIS 18 DAY OF Nov, 1986
AT 11:00am AND WAS RECORDED IN PLAT BOOK 2
PAGE 191.

BY Richard Brown, Recorder
RECORDER, HOLMES COUNTY, OHIO
Fee: 20.70

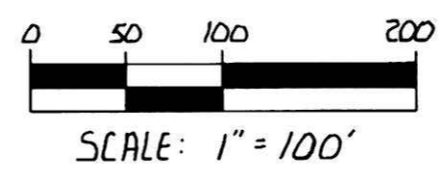
12.590 ACRES IN THE N.W. QTR. SEC. 15, T-8N, R-7W
0.845 ACRES IN THE N.E. QTR. SEC. 11, T-8N, R-8W
13.435 TOTAL ACRES TO BE ANNEXED BY DEEDS

(13.388 TOTAL ACRES CALCULATED)



THIS ANNEXATION PLAT PREPARED FROM
VARIOUS DEEDS, MAPS & SURVEYS OF RECORD.

BY: Donald C. Baker
DONALD C. BAKER P.S. 6938
MAY 1, 1986



PROPOSED ANNEXATION

TO THE
VILLAGE OF KILLBUCK

PART OF THE S.E. & S.W. QUARTERS SEC. 6
T-8N, R-7W, KILLBUCK TWP., HOLMES Co., OHIO

7.0084 AC. IN THE S.E. QTR. SEC. 6
4.0513 AC. IN THE S.W. QTR. SEC. 6
11.0597 TOTAL ACRES TO BE ANNEXED

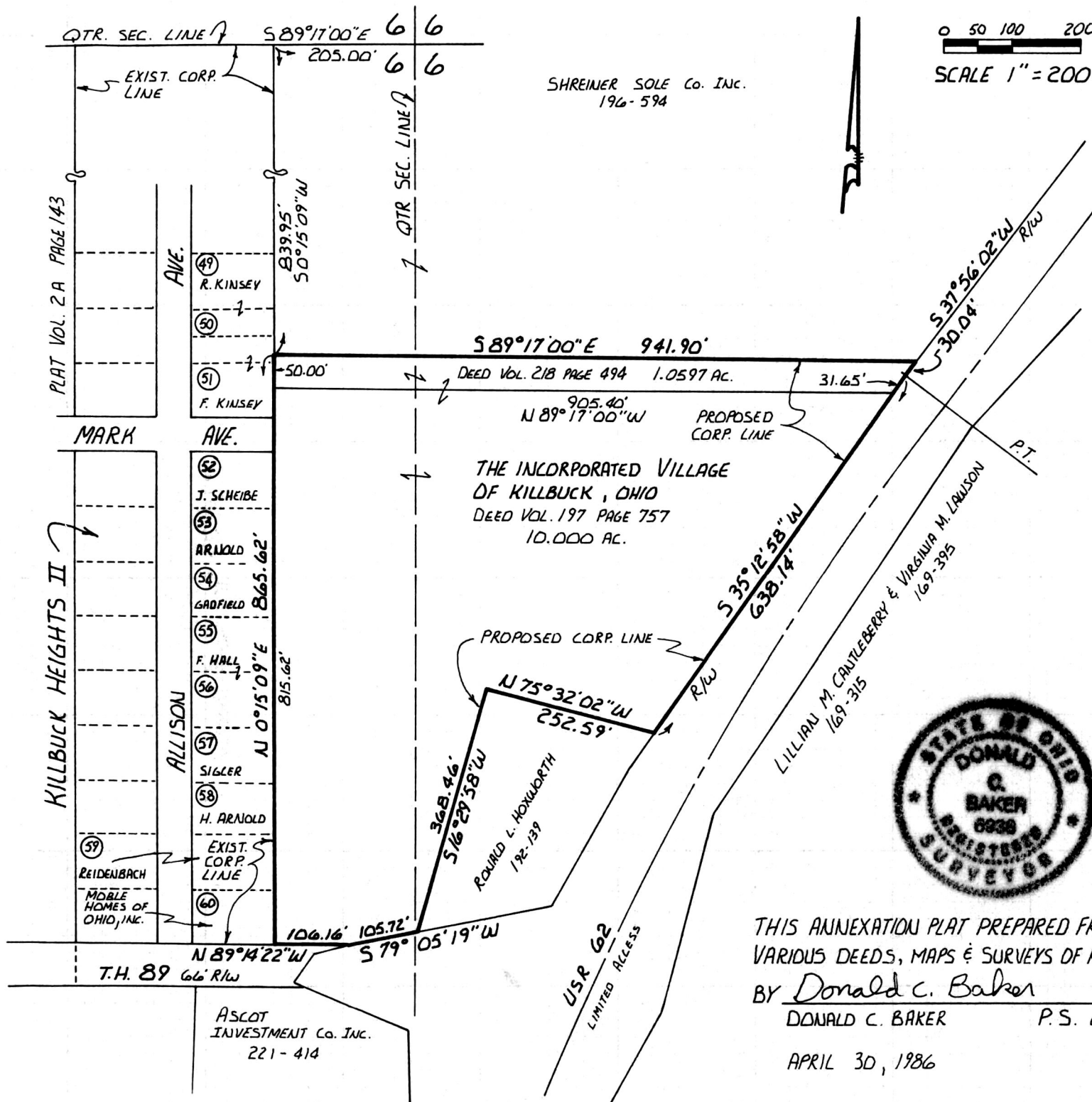
I HEREBY CERTIFY THAT THE HOLMES COUNTY COMMISSIONERS
HAVE APPROVED THIS ANNEXATION AT A MEETING HELD ON
THE 25 DAY OF August, 1986.
BY Robert Lee
CHAIRMAN, HOLMES COUNTY COMMISSIONERS

I HEREBY CERTIFY THAT THIS PLAT FOR ANNEXATION WAS
APPROVED BY THE VILLAGE COUNCIL OF KILLBUCK, OHIO AT A
MEETING HELD ON THE 13th DAY OF May, 1986.
BY Dwight B. Feltz
VILLAGE CLERK

153811
RECEIVED FOR RECORDING THIS 18 DAY OF Nov
1986 AT 11:02AM AND WAS RECORDED, PLAT BOOK 10
PAGE 652.
BY Richard GRAVEN
RECORDER, HOLMES COUNTY, OHIO
Fee: 5.00

0 50 100 200
SCALE 1" = 200'

SHREINER SOLE Co. INC.
196-594



THIS ANNEXATION PLAT PREPARED FROM
VARIOUS DEEDS, MAPS & SURVEYS OF RECORD.
BY Donald C. Baker
DONALD C. BAKER P.S. 6938
APRIL 30, 1986

PROPOSED ANNEXATION TO THE VILLAGE OF KILLBUCK

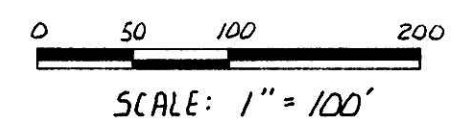
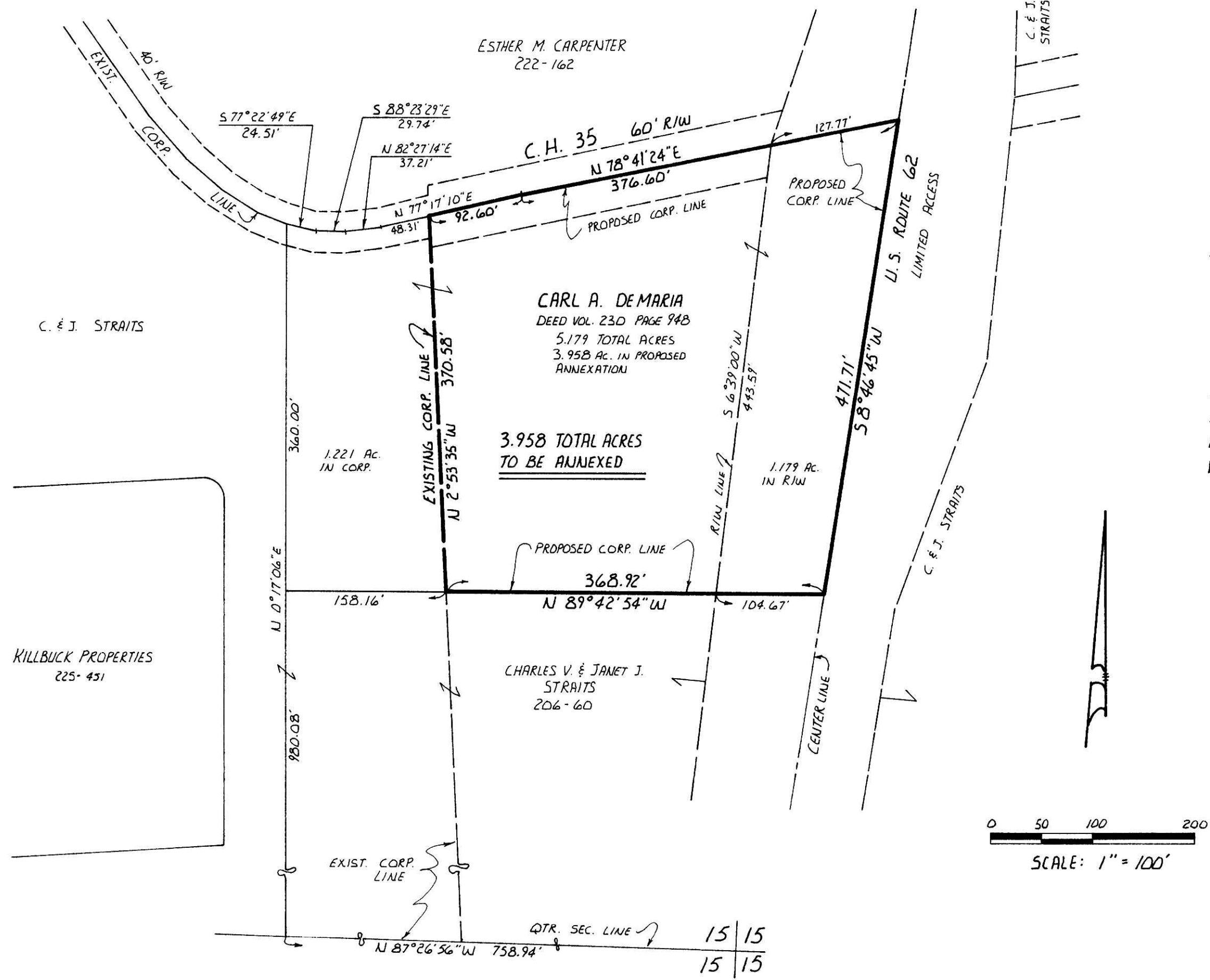
PART OF THE NORTHWEST QUARTER SECTION 15
T-8N, R-7W, KILLBUCK TWP., HOLMES CO., OHIO

Plat Vol 11, Pg 111

I HEREBY CERTIFY THAT THE HOLMES COUNTY COMMISSIONERS
HAVE APPROVED THIS ANNEXATION AT A MEETING HELD ON
THE 25 DAY OF June 1986.
BY Robert Lee
CHAIRMAN, HOLMES COUNTY COMMISSIONERS

I HEREBY CERTIFY THAT THIS PLAT FOR ANNEXATION WAS
APPROVED BY THE VILLAGE COUNCIL OF KILLBUCK, OHIO AT A
MEETING HELD ON THE 12th DAY OF May 1986.
BY Quincy B. Felton
VILLAGE CLERK

153810
RECEIVED FOR RECORDING THIS 18 DAY OF NOV
1986 AT 11:01 AM AND WAS RECORDED IN PLAT
BOOK 11 PAGE 111.
BY Richard Shaver
RECORDER, HOLMES COUNTY, OHIO
Fee: 10:80



THIS ANNEXATION PLAT PREPARED FROM
VARIOUS DEEDS, MAPS & SURVEYS OF RECORD.
BY Donald C. Baker
DONALD C. BAKER P.S. 6938
MAY 1, 1986

COPY

153823

VOL 233 PAGE 377
Pd. 58.00

ORDINANCE NO. 6-1986

AN ORDINANCE AUTHORIZING THE ANNEXATION OF CERTAIN
TERRITORY TO THE VILLAGE OF KILLBUCK, OHIO

WHEREAS the Village of Killbuck, Ohio has made and is making certain improvements in territory adjacent to the Village of Killbuck, or is involved in such improvements, including the Village Park, the Wastewater Treatment Plant and the Community Development Block Grant Project with Wilson Cabinet Co., Inc., and

WHEREAS, the Village Council for the Village of Killbuck, Ohio desires to annex such territory to the Village of Killbuck, Ohio, and

WHEREAS the Village Council finds that the area to be annexed is not unreasonably large, an accurate map has been prepared, and the general good of the territory sought to be annexed will be served; now therefore

BE IT ORDAINED by the Council for the Village of Killbuck, County of Holmes, State of Ohio:

SECTION 1. That the annexation of the territory described in Exhibit A, attached hereto and incorporated herein by reference, to the Village of Killbuck, Ohio be, and the same hereby is, authorized.

SECTION 2. That the Solicitor for the Village of Killbuck, Ohio be and he hereby is, authorized to prosecute the proceedings necessary to effect such annexation.

SECTION 3. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed at a Regular Meeting of the Village Council on May 12, 1986.

Ralph Kasner
Council President Pro Tempore

ATTEST:

Quimby B Felton Jr.
Village Clerk

APPROVED:
Ralph Kasner
Acting Mayor, Ralph Kasner, per R.C. 733.25

CERTIFICATION

I certify the foregoing to be a true and exact copy of the original on file in my office.

Quimby B Felton Jr.
Quimby Felton, Jr., Clerk

GINDLESBERGER,
MILLER & MAST
ATTORNEYS AT LAW
THE LINCOLN BUILDING
MILLERSBURG, OHIO 44654

216-674-7070

TRANSFER NOT NECESSARY
DATE 11-19-86
AUDITOR Kevin Pyle
mc

EXHIBIT A

PROPOSED ANNEXATION TERRITORY
VILLAGE OF KILLBUCK, OHIO
May 12, 1986

TRACT #1: Being a part of the southwest and southeast quarters of Section 6, T-8N, R-7W of Killbuck Township, Holmes County, Ohio, and also being all of the land conveyed to The Incorporated Village of Killbuck, Ohio by Shreiner Sole Co., Inc. as described in Deed Volume 197, page 757 and Deed Volume 218, page 494, and being described as follows:

Commencing at the northeast corner of the southwest quarter of Section 6, thence N 89° 17' 00" W 205.00 feet along the quarter section line to the northeast corner of Killbuck Heights II; thence S 00° 15' 09" W 839.95 feet along the east line of Killbuck Heights II to the northwest corner of the lands of The Incorporated Village of Killbuck, Ohio.

Thence with the following Eight Courses:

1. S 89° 17' 00" E 941.90 feet along the said Village of Killbuck's north line to a point on the northwesterly right-of-way line of U. S. Route 62;
2. S 37° 56' 02" W 30.04 feet along said right-of-way line to a point;
3. S 35° 12' 58" W 638.14 feet along said right-of-way line to the northeast corner of the lands of Ronald L. Hoxworth as described in Deed Volume 192, page 139;
4. N 75° 32' 02" W 252.59 feet to Hoxworth's northwest corner;
5. S 16° 29' 58" W 368.46 feet to Hoxworth's southwest corner and a point on the northerly right-of-way line of U. S. Route 62;
6. S 79° 05' 19" W 105.72 feet along said northerly right-of-way to a point;
7. N 89° 14' 22" W 106.16 feet along the north right-of-way line of Township Road 89 to the southeast corner of said Killbuck Heights II and the southwest corner of said lands of The Village of Killbuck;
8. N 00° 15' 09" E 865.62 feet along the west line of said lands of The Village of Killbuck to the TRUE POINT OF BEGINNING.

The above described lands contain 4.0513 acres in the southwest quarter of Section 6, and 7.0084 acres in the southeast quarter of Section 6 for a total of 11.0597 acres.

This description prepared from various deeds, maps and surveys of record by Donald C. Baker, P.S. 6938.

TRACT #2: Being a part of the Northwest Quarter of Section 15, T-8N, R-7W, and a part of the Northeast Quarter of Section 11, T-8N, R-8W of Killbuck Township, Holmes County, Ohio, and also being all that land conveyed to the Village of Killbuck as described in Deed Volume 229, page 159 and Deed Volume 103, page 302, and being described as follows:

Proposed Annexation Territory
Village of Killbuck, Ohio
Exhibit A
Page 2

Beginning at the southwest corner of Lot 6 in the James E. Carpenter Addition as recorded in Plat Book 1, page 417, of the Holmes County Plat Records, said point also being on the easterly line of a tract of land now or formerly owned by N. and P. Ashcraft, and the TRUE POINT OF BEGINNING;

thence with the following Twelve courses:

1. N 83° 49' 47" E 428.12 feet along the southerly line of said James E. Carpenter Addition, to a point on the easterly right-of-way line of State Route 60, said point also being on the westerly line of a tract of land now or formerly owned by Killbuck Properties;
2. S 08° 54' 47" E 428.45 feet along the easterly right-of-way line of said State Route 60, the westerly line of said Killbuck Properties, and the westerly line of a tract now or formerly owned by C. and J. Straits to the northeast corner of a tract of land now or formerly owned by W. and L. Hill;
3. S 88° 46' 53" W 722.86 feet along the northerly line of said Hill tract to a point;
4. S 05° 27' 08" E 162.65 feet along the northerly line of said Hill tract to a point;
5. S 84° 46' 17" W 200.52 feet along the northerly line of said Hill tract to a point;
6. N 05° 25' 00" W 162.65 feet along the northerly line of said Hill tract to a point;
7. N 84° 48' 24" W 432.95 feet along the northerly line of said Hill tract to a point on the easterly line of a tract now or formerly owned by E. Carpenter, said point also being in the Killbuck Creek;
8. N 15° 13' 37" E 540.73 feet along the easterly line of said Carpenter tract and along said Killbuck Creek, to the southwest corner of a tract now or formerly owned by J. and G. Geib;
9. N 83° 45' 41" E 507.89 feet along the southerly line of said Geib tract to the northwest corner of a tract now or formerly owned by C. and J. Phillips;
10. S 08° 42' 20" E 225.40 feet along the westerly line of said Phillips tract to the southwest corner of said Phillips tract;
11. N 83° 48' 24" E 193.00 feet along the southerly line of said Phillips tract and said Ashcraft tract to the southeast corner of said Ashcraft tract;

GINDLESBERGER,
MILLER & MAST
ATTORNEYS AT LAW
THE LINCOLN BUILDING
MILLERSBURG, OHIO 44654

216-674-7070

Proposed Annexation Territory
Village of Killbuck, Ohio
Exhibit A
Page 3

12. N 08° 40' 13" W 76.00 feet along the easterly line of said Ashcraft tract to the TRUE POINT OF BEGINNING.

The above described lands contain 12.590 acres in the northwest quarter of Section 15, T-8N, R-7W, and 0.845 acres in the northeast quarter of Section 11, T-8N, R-8W for a total of 13.435 acres by deeds, (13.388 total acres calculated).

This description prepared from various deeds, maps, and surveys of record by Donald C. Baker, P.S. 6938.

TRACT #3: Situated in the Township of Killbuck, County of Holmes, State of Ohio and being part of the Northwest Quarter of Section 15, T-8N, R-7W, and being described as follows:

Commencing at the southeast corner of said Northwest Quarter of Section 15; thence N 87° 26' 56" W 758.94 feet along the quarter section to a point; thence N 00° 17' 06" E 980.08 feet to the southwest corner of a tract now or formerly owned by Carl A. DeMaria; thence S 89° 42' 54" E 158.16 feet along said DeMaria south line to a point on the Village of Killbuck Corporation line, said point being the TRUE POINT OF BEGINNING;

thence with the following Five courses:

1. N 02° 53' 35" W 370.58 feet along said Village of Killbuck Corporation line to a point in the centerline of C.H. 35, said point also being on the northerly line of said DeMaria tract;
2. N 77° 17' 10" E 92.60 feet along the centerline of said C.H. 35 and northerly line of said DeMaria tract to a point;
3. N 78° 41' 24" E 376.60 feet along the centerline of said C.H. 35, and the northerly line of said DeMaria tract to the northeast corner of said DeMaria tract, said corner also being on the centerline of U.S. Route 62;
4. S 08° 46' 45" W 471.71 feet along the easterly line of said DeMaria tract and the centerline of said U.S. Route 62 to the southeast corner of said DeMaria tract;
5. N 89° 42' 54" W 368.92 feet along the south line of said DeMaria tract to the TRUE POINT OF BEGINNING.

The above described tract contains 3.958 acres:

The above described tract of land encloses and comprises part of a tract of land that was conveyed to Carl A. DeMaria by a deed recorded in Volume 230, page 948 of the Holmes County Deed Records.

This description prepared from various deeds, maps and surveys of record by Donald C. Baker, P.S. 6938.

GINDLESBERGER,
MILLER & MAST
ATTORNEYS AT LAW
THE LINCOLN BUILDING
MILLERSBURG, OHIO 44654

216-674-7070

ANNEXATION PETITION

To the Commissioners of Holmes County, State of Ohio:

1. The Village of Killbuck respectfully represents that by Ordinance No. 6-1986 duly passed by its Council on the 12th day of May, 1986, certain territory was authorized to be annexed to the Village of Killbuck, such territory being described in the Ordinance, a copy of which is attached hereto and incorporated herein by reference. Said Ordinance authorizes the annexation to be prosecuted by the Solicitor for the Village of Killbuck.

2. An accurate map of the territory to be annexed is attached hereto. Said territory is contiguous to the Village of Killbuck.

3. Said Village represents that no voters reside within the area to be annexed, that no election is required under Section 709.17 of the Ohio Revised Code, and that the Board of Commissioners may lawfully set the time and place for hearing under Section 709.031 of the Ohio Revised Code. The Village Solicitor has requested the Board of Elections to verify the absence of voters from the proposed territory in writing upon the record.

4. Upon receiving notice of hearing, the Village Council will adopt by resolution the statement required by Section 709.031(B) of the Ohio Revised Code, and provide a copy of the same for consideration by the Board of Commissioners.

5. The Village of Killbuck respectfully petitions that said territory be annexed to said Village in accordance with law.

VILLAGE OF KILLBUCK

By: Max A. Miller
Max A. Miller, Village Solicitor

GINDLESBERGER,
MILLER & MAST
ATTORNEYS AT LAW
THE LINCOLN BUILDING
MILLENSBURG, OHIO 44654

216-674-7670

ORDINANCE NO. 6-1986

AN ORDINANCE AUTHORIZING THE ANNEXATION OF CERTAIN
TERRITORY TO THE VILLAGE OF KILLBUCK, OHIO

WHEREAS the Village of Killbuck, Ohio has made and is making certain improvements in territory adjacent to the Village of Killbuck, or is involved in such improvements, including the Village Park, the Wastewater Treatment Plant and the Community Development Block Grant Project with Wilson Cabinet Co., Inc., and

WHEREAS, the Village Council for the Village of Killbuck, Ohio desires to annex such territory to the Village of Killbuck, Ohio, and

WHEREAS the Village Council finds that the area to be annexed is not unreasonably large, an accurate map has been prepared, and the general good of the territory sought to be annexed will be served; now therefore

BE IT ORDAINED by the Council for the Village of Killbuck, County of Holmes, State of Ohio:

SECTION 1. That the annexation of the territory described in Exhibit A, attached hereto and incorporated herein by reference, to the Village of Killbuck, Ohio be, and the same hereby is, authorized.

SECTION 2. That the Solicitor for the Village of Killbuck, Ohio be and he hereby is, authorized to prosecute the proceedings necessary to effect such annexation.

SECTION 3. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed at a Regular Meeting of the Village Council on May 12, 1986.

Ralph Kasner
Council President Pro Tempore

ATTEST:

Quimby B. Felton Jr.
Village Clerk

APPROVED:
Ralph Kasner
Acting Mayor, Ralph Kasner, per R.C. 733.25

CERTIFICATION

I certify the foregoing to be a true and exact copy of the original on file in my office.

Quimby B. Felton Jr.
Quimby Felton, Jr., Clerk

GINDLESBERGER,
MILLER & MAST
ATTORNEYS AT LAW
THE LINCOLN BUILDING
MILLERSBURG, OHIO 44654
216-674-7070

EXHIBIT A

PROPOSED ANNEXATION TERRITORY
VILLAGE OF KILLBUCK, OHIO
May 12, 1986

TRACT #1: Being a part of the southwest and southeast quarters of Section 6, T-8N, R-7W of Killbuck Township, Holmes County, Ohio, and also being all of the land conveyed to The Incorporated Village of Killbuck, Ohio by Shreiner Sole Co., Inc. as described in Deed Volume 197, page 757 and Deed Volume 218, page 494, and being described as follows:

Commencing at the northeast corner of the southwest quarter of Section 6, thence N 89° 17' 00" W 205.00 feet along the quarter section line to the northeast corner of Killbuck Heights II; thence S 00° 15' 09" W 839.95 feet along the east line of Killbuck Heights II to the northwest corner of the lands of The Incorporated Village of Killbuck, Ohio.

Thence with the following Eight Courses:

1. S 89° 17' 00" E 941.90 feet along the said Village of Killbuck's north line to a point on the northwesterly right-of-way line of U. S. Route 62;
2. S 37° 56' 02" W 30.04 feet along said right-of-way line to a point;
3. S 35° 12' 58" W 638.14 feet along said right-of-way line to the northeast corner of the lands of Ronald L. Hoxworth as described in Deed Volume 192, page 139;
4. N 75° 32' 02" W 252.59 feet to Hoxworth's northwest corner;
5. S 16° 29' 58" W 368.46 feet to Hoxworth's southwest corner and a point on the northerly right-of-way line of U. S. Route 62;
6. S 79° 05' 19" W 105.72 feet along said northerly right-of-way to a point;
7. N 89° 14' 22" W 106.16 feet along the north right-of-way line of Township Road 89 to the southeast corner of said Killbuck Heights II and the southwest corner of said lands of The Village of Killbuck;
8. N 00° 15' 09" E 865.62 feet along the west line of said lands of The Village of Killbuck to the TRUE POINT OF BEGINNING.

The above described lands contain 4.0513 acres in the southwest quarter of Section 6, and 7.0084 acres in the southeast quarter of Section 6 for a total of 11.0597 acres.

This description prepared from various deeds, maps and surveys of record by Donald C. Baker, P.S. 6938.

TRACT #2: Being a part of the Northwest Quarter of Section 15, T-8N, R-7W, and a part of the Northeast Quarter of Section 11, T-8N, R-8W of Killbuck Township, Holmes County, Ohio, and also being all that land conveyed to the Village of Killbuck as described in Deed Volume 229, page 159 and Deed Volume 103, page 302, and being described as follows:

GINDLESBERGER,
MILLER & MAST
ATTORNEYS AT LAW
THE LINCOLN BUILDING
MILLERSBURG, OHIO 44654

216-674-7070

Proposed Annexation Territory
Village of Killbuck, Ohio
Exhibit A
Page 2

Beginning at the southwest corner of Lot 6 in the James E. Carpenter Addition as recorded in Plat Book 1, page 417, of the Holmes County Plat Records, said point also being on the easterly line of a tract of land now or formerly owned by N. and P. Ashcraft, and the TRUE POINT OF BEGINNING;

thence with the following Twelve courses:

1. N 83° 49' 47" E 428.12 feet along the southerly line of said James E. Carpenter Addition, to a point on the easterly right-of-way line of State Route 60, said point also being on the westerly line of a tract of land now or formerly owned by Killbuck Properties;
2. S 08° 54' 47" E 428.45 feet along the easterly right-of-way line of said State Route 60, the westerly line of said Killbuck Properties, and the westerly line of a tract now or formerly owned by C. and J. Straits to the northeast corner of a tract of land now or formerly owned by W. and L. Hill;
3. S 88° 46' 53" W 722.86 feet along the northerly line of said Hill tract to a point;
4. S 05° 27' 08" E 162.65 feet along the northerly line of said Hill tract to a point;
5. S 84° 46' 17" W 200.52 feet along the northerly line of said Hill tract to a point;
6. N 05° 25' 00" W 162.65 feet along the northerly line of said Hill tract to a point;
7. N 84° 48' 24" W 432.95 feet along the northerly line of said Hill tract to a point on the easterly line of a tract now or formerly owned by E. Carpenter, said point also being in the Killbuck Creek;
8. N 15° 13' 37" E 540.73 feet along the easterly line of said Carpenter tract and along said Killbuck Creek, to the southwest corner of a tract now or formerly owned by J. and G. Geib;
9. N 83° 45' 41" E 507.89 feet along the southerly line of said Geib tract to the northwest corner of a tract now or formerly owned by C. and J. Phillips;
10. S 08° 42' 20" E 225.40 feet along the westerly line of said Phillips tract to the southwest corner of said Phillips tract;
11. N 83° 48' 24" E 193.00 feet along the southerly line of said Phillips tract and said Ashcraft tract to the southeast corner of said Ashcraft tract;

GINDLESBERGER,
MILLER & MAST
ATTORNEYS AT LAW
THE LINCOLN BUILDING
MILLERSBURG, OHIO 44654

216-674-7070

Proposed Annexation Territory
Village of Killbuck, Ohio
Exhibit A
Page 3

12. N 08° 40' 13" W 76.00 feet along the easterly line of said Ashcraft tract to the TRUE POINT OF BEGINNING.

The above described lands contain 12.590 acres in the northwest quarter of Section 15, T-8N, R-7W, and 0.845 acres in the northeast quarter of Section 11, T-8N, R-8W for a total of 13.435 acres by deeds, (13.388 total acres calculated).

This description prepared from various deeds, maps, and surveys of record by Donald C. Baker, P.S. 6938.

TRACT #3: Situated in the Township of Killbuck, County of Holmes, State of Ohio and being part of the Northwest Quarter of Section 15, T-8N, R-7W, and being described as follows:

Commencing at the southeast corner of said Northwest Quarter of Section 15; thence N 87° 26' 56" W 758.94 feet along the quarter section to a point; thence N 00° 17' 06" E 980.08 feet to the southwest corner of a tract now or formerly owned by Carl A. DeMaria; thence S 89° 42' 54" E 158.16 feet along said DeMaria south line to a point on the Village of Killbuck Corporation line, said point being the TRUE POINT OF BEGINNING;

thence with the following five courses:

1. N 02° 53' 35" W 370.58 feet along said Village of Killbuck Corporation line to a point in the centerline of C.H. 35, said point also being on the northerly line of said DeMaria tract;
2. N 77° 17' 10" E 92.60 feet along the centerline of said C.H. 35 and northerly line of said DeMaria tract to a point;
3. N 78° 41' 24" E 376.60 feet along the centerline of said C.H. 35, and the northerly line of said DeMaria tract to the northeast corner of said DeMaria tract, said corner also being on the centerline of U.S. Route 62;
4. S 08° 46' 45" W 471.71 feet along the easterly line of said DeMaria tract and the centerline of said U.S. Route 62 to the southeast corner of said DeMaria tract;
5. N 89° 42' 54" W 368.92 feet along the south line of said DeMaria tract to the TRUE POINT OF BEGINNING.

The above described tract contains 3.958 acres.

The above described tract of land encloses and comprises part of a tract of land that was conveyed to Carl A. DeMaria by a deed recorded in Volume 230, page 948 of the Holmes County Deed Records.

This description prepared from various deeds, maps and surveys of record by Donald C. Baker, P.S. 6938.

GINOLESBERGER,
MILLER & MAST
ATTORNEYS AT LAW
THE LINCOLN BUILDING
MILLERSBURG, OHIO 44654

216-674-7070

PLAT MAPS

The Plat Maps for the foregoing annexation were intentionally omitted from this certified copy of the Annexation Proceedings, delivered to the Holmes County Recorder, for the reason that said Plat Maps were already recorded in the Recorder's Office. See Volume 2 Page 191, Volume 10 Page 652, and Volume 11 Page 111, Plat Records, Holmes County, Ohio.

QUIMBY FELTON, JR.
Clerk
Village of Killbuck, Ohio

GINDLESBERGER,
MILLER & MAST
ATTORNEYS AT LAW
THE LINCOLN BUILDING
MILLERSBURG, OHIO 44654

216-674-7070

ANNEXATION PETITION

To the Commissioners of Holmes County, State of Ohio:

1. The Village of Killbuck respectfully represents that by Ordinance No. 6-1986 duly passed by its Council on the 12th day of May, 1986, certain territory was authorized to be annexed to the Village of Killbuck, such territory being described in the Ordinance, a copy of which is attached hereto and incorporated herein by reference. Said Ordinance authorizes the annexation to be prosecuted by the Solicitor for the Village of Killbuck.

2. An accurate map of the territory to be annexed is attached hereto. Said territory is contiguous to the Village of Killbuck.

3. Said Village represents that no voters reside within the area to be annexed, that no election is required under Section 709.17 of the Ohio Revised Code, and that the Board of Commissioners may lawfully set the time and place for hearing under Section 709.031 of the Ohio Revised Code. The Village Solicitor has requested the Board of Elections to verify the absence of voters from the proposed territory in writing upon the record.

4. Upon receiving notice of hearing, the Village Council will adopt by resolution the statement required by Section 709.031(B) of the Ohio Revised Code, and provide a copy of the same for consideration by the Board of Commissioners.

5. The Village of Killbuck respectfully petitions that said territory be annexed to said Village in accordance with law.

VILLAGE OF KILLBUCK

By: Max A. Miller
Max A. Miller, Village Solicitor

RECEIVED

JUN 16 1986

Holmes County
Commissioners

RECORDED
Vol. 27 Pg. 274
Commissioners
Journal

HEARING DATE: August 25, 1986
TIME: 2:00 p.m.
PLACE: Commissioner's Office

Judith L. Miller
Clerk to the Board
Holmes County Commissioners

GINDLESBERGER,
MILLER & MAST
ATTORNEYS AT LAW
THE LINCOLN BUILDING
MILLERSBURG, OHIO 44654

216-674-7070

NOTICE OF TIME AND PLACE OF HEARING
Ohio Revised Code 709.031

Notice is hereby given that on the 16th day of June, 1986, there was presented to the Board of Commissioners of the County of Holmes, State of Ohio, a Petition signed by Killbuck Village Solicitor, Max A. Miller, for the annexation of the following described territory situated in the Township of Killbuck, County of Holmes and adjacent to the Village of Killbuck, to-wit:

PROPOSED ANNEXATION TERRITORY
VILLAGE OF KILLBUCK, OHIO
May 12, 1986

TRACT #1: Being a part of the southwest and southeast quarters of Section 6, T-8N, R-7W of Killbuck Township, Holmes County, Ohio, and also being all of the land conveyed to The Incorporated Village of Killbuck, Ohio by Shreiner Sole Co., Inc. as described in Deed Volume 197, page 757 and Deed Volume 218, page 494, and being described as follows:

Commencing at the northeast corner of the southwest quarter of Section 6, thence N 89° 17' 00" W 205.00 feet along the quarter section line to the northeast corner of Killbuck Heights II; thence S 00° 15' 09" W 839.95 feet along the east line of Killbuck Heights II to the northwest corner of the lands of The Incorporated Village of Killbuck, Ohio.

Thence with the following Eight Courses:

1. S 89° 17' 00" E 941.90 feet along the said Village of Killbuck's north line to a point on the northwesterly right-of-way line of U. S. Route 62;
2. S 37° 56' 02" W 30.04 feet along said right-of-way line to a point;
3. S 35° 12' 58" W 638.14 feet along said right-of-way line to the northeast corner of the lands of Ronald L. Hoxworth as described in Deed Volume 192, page 139;
4. N 75° 32' 02" W 252.59 feet to Hoxworth's northwest corner;
5. S 16° 29' 58" W 368.46 feet to Hoxworth's southwest corner and a point on the northerly right-of-way line of U. S. Route 62;
6. S 79° 05' 19" W 105.72 feet along said northerly right-of-way to a point;
7. N 89° 14' 22" W 106.16 feet along the north right-of-way line of Township Road 89 to the southeast corner of said Killbuck Heights II and the southwest corner of said lands of The Village of Killbuck;
8. N 00° 15' 09" E 865.62 feet along the west line of said lands of The Village of Killbuck to the TRUE POINT OF BEGINNING.

The above described lands contain 4.0513 acres in the southwest quarter of Section 6, and 7.0084 acres in the southeast quarter of Section 6 for a total of 11.0597 acres.

This description prepared from various deeds, maps and surveys of record by Donald C. Baker, P.S. 6938.

TRACT #2: Being a part of the Northwest Quarter of Section 15, T-8N, R-7W, and a part of the Northeast Quarter of Section 11, T-8N, R-8W of Killbuck Township, Holmes County, Ohio, and also being all that land conveyed to the Village of Killbuck as described in Deed Volume 229, page 159 and Deed Volume 103, page 302, and being described as follows:

Proposed Annexation Territory
Village of Killbuck, Ohio
Exhibit A
Page 2

Beginning at the southwest corner of Lot 6 in the James E. Carpenter Addition as recorded in Plat Book 1, page 417, of the Holmes County Plat Records, said point also being on the easterly line of a tract of land now or formerly owned by N. and P. Ashcraft, and the TRUE POINT OF BEGINNING;

thence with the following Twelve courses:

1. N 83° 49' 47" E 428.12 feet along the southerly line of said James E. Carpenter Addition, to a point on the easterly right-of-way line of State Route 60, said point also being on the westerly line of a tract of land now or formerly owned by Killbuck Properties;
2. S 08° 54' 47" E 428.45 feet along the easterly right-of-way line of said State Route 60, the westerly line of said Killbuck Properties, and the westerly line of a tract now or formerly owned by C. and J. Straits to the northeast corner of a tract of land now or formerly owned by W. and L. Hill;
3. S 88° 46' 53" W 722.86 feet along the northerly line of said Hill tract to a point;
4. S 05° 27' 08" E 162.65 feet along the northerly line of said Hill tract to a point;
5. S 84° 46' 17" W 200.52 feet along the northerly line of said Hill tract to a point;
6. N 05° 25' 00" W 162.65 feet along the northerly line of said Hill tract to a point;
7. N 84° 48' 24" W 432.95 feet along the northerly line of said Hill tract to a point on the easterly line of a tract now or formerly owned by E. Carpenter, said point also being in the Killbuck Creek;
8. N 15° 13' 37" E 540.73 feet along the easterly line of said Carpenter tract and along said Killbuck Creek, to the southwest corner of a tract now or formerly owned by J. and G. Geib;
9. N 83° 45' 41" E 507.89 feet along the southerly line of said Geib tract to the northwest corner of a tract now or formerly owned by C. and J. Phillips;
10. S 08° 42' 20" E 225.40 feet along the westerly line of said Phillips tract to the southwest corner of said Phillips tract;
11. N 83° 48' 24" E 193.00 feet along the southerly line of said Phillips tract and said Ashcraft tract to the southeast corner of said Ashcraft tract;

Proposed Annexation Territory
Village of Killbuck, Ohio
Exhibit A
Page 3

12. N 08° 40' 13" W 76.00 feet along the easterly line of said Ashcraft tract to the TRUE POINT OF BEGINNING.

The above described lands contain 12.590 acres in the northwest quarter of Section 15, T-8N, R-7W, and 0.845 acres in the northeast quarter of Section 11, T-8N, R-8W for a total of 13.435 acres by deeds, (13.388 total acres calculated).

This description prepared from various deeds, maps, and surveys of record by Donald C. Baker, P.S. 6938.

TRACT #3: Situated in the Township of Killbuck, County of Holmes, State of Ohio and being part of the Northwest Quarter of Section 15, T-8N, R-7W, and being described as follows:

Commencing at the southeast corner of said Northwest Quarter of Section 15; thence N 87° 26' 56" W 758.94 feet along the quarter section to a point; thence N 00° 17' 06" E 980.08 feet to the southwest corner of a tract now or formerly owned by Carl A. DeMaria; thence S 89° 42' 54" E 158.16 feet along said DeMaria south line to a point on the Village of Killbuck Corporation line, said point being the TRUE POINT OF BEGINNING;

thence with the following Five courses:

1. N 02° 53' 35" W 370.58 feet along said Village of Killbuck Corporation line to a point in the centerline of C.H. 35, said point also being on the northerly line of said DeMaria tract;
2. N 77° 17' 10" E 92.60 feet along the centerline of said C.H. 35 and northerly line of said DeMaria tract to a point;
3. N 78° 41' 24" E 376.60 feet along the centerline of said C.H. 35, and the northerly line of said DeMaria tract to the northeast corner of said DeMaria tract, said corner also being on the centerline of U.S. Route 62;
4. S 08° 46' 45" W 471.71 feet along the easterly line of said DeMaria tract and the centerline of said U.S. Route 62 to the southeast corner of said DeMaria tract;
5. N 89° 42' 54" W 368.92 feet along the south line of said DeMaria tract to the TRUE POINT OF BEGINNING.

The above described tract contains 3.958 acres.

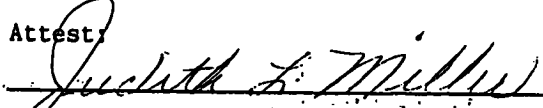
The above described tract of land encloses and comprises part of a tract of land that was conveyed to Carl A. DeMaria by a deed recorded in Volume 230, page 948 of the Holmes County Deed Records.

This description prepared from various deeds, maps and surveys of record by Donald C. Baker, P.S. 6938.

Total proposed acreage (all three tracts) is 28.4057 acres.

The Holmes County Board of Commissioners has fixed the 25th day of August, 1986, at 2:00 p.m., as the time for the hearing of said Petition at the office of the Commissioners in the Holmes County Courthouse, Millersburg, Ohio.

Attest:



Judith L. Miller
Clerk to the Board
Holmes County Commissioners

Dated:
June 16, 1986

VOL 233 PAGE 392

THE STATE OF OHIO

Holmes County, ss.

Geraldine Dindinger of
The Holmes County Farmer-Hub

a newspaper of general circulation within said Holmes County, being
duly sworn, depose and say that the notice of which the annexed is

a true copy was published in said newspaper 4 consecutive

weeks, commencing on the 17th day of July

A. D., 1986

Geraldine Dindinger

SWORN TO AND SUBSCRIBED before me this

7th day of August, 1986

By *Marilyn Ann Shearer*

Printer's Fee \$ 510.00

Affidavit

TOTAL \$ 510.00

MA. LYN ANN SHEARER
Notary Public, State of Ohio
My Commission Expires February 6, 1989

30" 4X

LEGAL NOTICE

Notice is hereby given that on the 16th day of June, 1986, there was presented to the Board of Commissioners of the County of Holmes, State of Ohio, a Petition for annexation of the following described territory to the Village of Killbuck, Ohio, situated in the Township of Killbuck, County of Holmes, and adjacent to the Village of Killbuck, to-wit:

TRACT #1: Being a part of the southwest and southeast quarters of Section 6, T-8N, R-76W of Killbuck Township, Holmes County, Ohio, and also being all of the land conveyed to The Incorporated Village of Killbuck, Ohio, by Shreiner Sole Co., Inc., as described in Deed Volume 197, Page 757 and Deed Volume 218, page 494, and being described as follows:

Commencing at the northeast corner of the southwest quarter of Section 6, thence N 89° 17' 00" W 205.00 feet along the quarter section line to the northeast corner of Killbuck Heights II; thence S 00° 15' 09" W 839.95 feet along the east line of Killbuck Heights II to the northwest corner of the lands of The Incorporated Village of Killbuck, Ohio.

Thence with the following eight courses:

- 1. S 89° 17' 00" E 941.90 feet along the said Village of Killbuck's north line to a point on the northwesterly right-of-way line of U.S. Route 62;
2. S 37° 56' 02" W 30.04 feet along said right-of-way line to a point;
3. S 35° 12' 58" W 638.14 feet along with right-of-way line to the northeast corner of the lands of Ronald L. Hoxworth as described in Deed Volume 192, page 139;
4. N 75° 32' 02" W 252.59 feet to Hoxworth's northwest corner;
5. S 16° 29' 58" W 368.46 feet to Hoxworth's southwest corner and a point on the northerly right-of-way line of U.S. Route 62;
6. S 79° 05' 19" W 105.72 feet along said northerly right-of-way to a point;
7. N 89° 14' 22" W 106.16 feet along the north right-of-way line of Township Road 89 to the southeast corner of said Killbuck Heights II and the southwest corner of said lands of The Village of Killbuck;
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thence with the following Twelve courses:

- 1. N 83° 49' 47" E 428.12 feet along the southerly line of said James E. Carpenter Addition, to a point on the easterly right-of-way line of State Route 60, said point also being on the westerly line of a tract of land now or formerly owned by Killbuck Properties;
2. S 08° 54' 47" E 428.45 feet along the easterly right-of-way line of said State Route 60, the westerly line of said Killbuck Properties, and the westerly line of a tract now or formerly owned by C. and J. Straits to the northeast corner of a tract of land now or formerly owned by W. and L. Hill;
3. S 88° 46' 53" W 722.86 feet along the northerly line of said Hill tract to a point;
4. S 05° 27' 08" E 162.65 feet along the northerly line of said Hill tract to a point;
5. S 84° 46' 17" W 200.52 feet along the northerly line of said Hill tract to a point;
6. N 05° 25' 00" W 162.65 feet along the northerly line of said Hill tract to a point;
7. N 84° 48' 24" W 432.95 feet along the northerly line of said Hill tract to a point on the easterly line of a tract now or formerly owned by E. Carpenter, said point also being in the Killbuck Creek;
8. N 15° 13' 37" E 540.73 feet along the easterly line of said Carpenter tract and along said Killbuck Creek, to the southwest corner of a tract now or formerly owned by J. and G. Geib;
9. N 83° 45' 41" E 507.89 feet along the southerly line of said Geib tract to the northwest corner of a tract now or formerly owned by C. and J. Phillips;
10. S 08° 42' 20" E 225.40 feet along the westerly line of said Phillips tract to the southwest corner of said Phillips tract;
11. N 83° 48' 24" E 193.00 feet along the southerly line of said Phillips tract and said Ashcraft tract to the southeast corner of said Ashcraft tract;
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TRACT #3: Situated in the Township of Killbuck, County of Holmes, State of Ohio and being part of the Northwest Quarter of Section 15, T-8N, R-7W, and being described as follows:

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thence with the following Five courses:

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4. S 08° 46' 45" W 471.71 feet along the easterly line of said DeMaria tract and the centerline of said U.S. Route 62 to the southeast corner of said DeMaria tract;
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The above described tract contains 3.958 acres.

The above described tract of land encloses and comprises part of a tract of land that was conveyed to Carl A. DeMaria by a deed recorded in Volume 230, Page 948 of the Holmes County Deed Records.

This description prepared from various deeds, maps and surveys of record by Donald C. Baker, P.S. 6938.

Total acreage contained in all three tracts is 28.4057 acres.

The Holmes County Board of Commissioners has fixed the 25th day of August, 1986, at 2 p.m., as the time for the hearing of said Petition at the office of the Commissioners in the Holmes County Courthouse, Millersburg, Ohio.

Max A. Miller
Village Solicitor
Village of Killbuck
Killbuck, Ohio

Dated: July 7, 1986

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GINDLESBERGER, MILLER & MAST
ATTORNEYS AT LAW

THOMAS D. GINDLESBERGER
MAX A. MILLER
DIANE STROMME MAST

June 3, 1986

THE LINCOLN BUILDING
12 SOUTH MONROE STREET
MILLERSBURG, OHIO 44654

(216) 674-7070

Mrs. Marge Riggle
Holmes County Board of Elections
Court House - First Floor
Millersburg, Ohio 44654

In re: Village of Killbuck, Ohio Annexation

Dear Mrs. Riggle:

I am herewith enclosing a copy of the Ordinance passed by the Village of Killbuck authorizing annexation of certain territory to the Village. Also enclosed with the Ordinance are copies of the maps showing the areas to be annexed.

Since this annexation is initiated by the Village, an election would need to be held under Section 709.17 of the Ohio Revised Code if there were any electors residing in the territory to be annexed. It is my belief that there are no electors residing within these areas, and would request that you direct a letter to the Holmes County Board of Commissioners verifying that no electors reside within these three areas.

For your information, the areas concerned involve the proposed site for the Village of Killbuck Wastewater Treatment Plant, the Village Park, and the parcel purchased by Carl DeMaria for construction of the Wilson Cabinet Co., Inc. building in the Straits Industrial Development.

Your certification that no electors reside within this area would allow us to proceed directly with a hearing on the petition for annexation without the need for election. See 1944 Atty. Gen. Op. No. 6759.

I do appreciate very much your assistance in this matter. If you have any questions regarding this request, please contact me at your earliest convenience.

Yours very truly,

GINDLESBERGER, MILLER & MAST

Max A. Miller

MAM:nfb

Enclosure

**BOARD OF ELECTIONS
HOLMES COUNTY**

MILLERSBURG, OHIO 44654

Telephone 672-5921

June 30 , 1986

Holmes County Board of Commissioners
Court House - First Floor
Millersburg , Ohio 44654

Dear Commissioners:

This is to certify that to our knowledge there are no electors residing in the territory to be annexed to the Village of Killbuck.

The areas concerned involve the proposed site for the Village of Killbuck Wastewater Treatment Plant, the Village Park, and the parcel purchased by Carl DeMaria for construction of the Wilson Cabinet Co., Inc. building in the Straits Industrial Development.

Yours very truly,

Betty L. Fowler

Betty L. Fowler, Dir.

Holmes County Board of Elections
Court House
Millersburg, Ohio 44654

RECEIVED

JUN 30 1986

Holmes County
Commissioners

ENCLOSURE 233 PAGE 396

GINDLESBERGER, MILLER & MAST
ATTORNEYS AT LAW

THOMAS D. GINDLESBERGER
MAX A. MILLER
DIANE STROMME MAST

July 3, 1986

THE LINCOLN BUILDING
12 SOUTH MONROE STREET
MILLERSBURG, OHIO 44654

(216) 674-7070

Mrs. Anita F. Carpenter, Clerk
Township of Killbuck
2612 T.R. 87, R. #1
Killbuck, Ohio 44637

In re: Annexation to Village of
Killbuck, Ohio

Dear Mrs. Carpenter:

I serve as Solicitor for the Village of Killbuck, and as such have been authorized to prosecute an annexation of certain territory to the Village of Killbuck. This territory consists of the land proposed for the construction of the new wastewater treatment plant, the land owned by Carl DeMaria being used for the construction of the Wilson Cabinet Co., Inc. facility, and the Killbuck Village Park. The annexation petition was recently filed with the Holmes County Commissioner pursuant to an ordinance passed by Village Council.

Section 709.031 of the Ohio Revised Code requires that I deliver to you a copy of the Notice of Time and Place of Hearing issued by the County Commissioners. I am therefore enclosing a copy of that Notice for your file.

If you have any questions regarding this annexation, you may feel free to contact Mayor Henry Yoder or myself at your convenience.

Yours very truly,

GINDLESBERGER, MILLER & MAST

Max A. Miller, Solicitor
Village of Killbuck, Ohio

MAM:plm
Enclosure

cc: Henry Yoder, Mayor

RESOLUTION NO. 12-1986

RESOLUTION ADOPTING STATEMENT
REGARDING SERVICES TO BE PROVIDED
TO TERRITORY PROPOSED FOR ANNEXATION

WHEREAS on the 12th day of May, 1986, the Village of Killbuck did authorize the annexation of certain territory to the Village of Killbuck, Ohio, and

WHEREAS the Village has received notice of the time and place for the hearing on its petition for annexation before the Board of County Commissioners, and

WHEREAS Section 709.031(B) of the Ohio Revised Code requires the municipal legislative authority to adopt by ordinance or resolution a statement indicating what services if any the municipal corporation will provide to the territory proposed for annexation; now therefore

BE IT RESOLVED by the Council for the Village of Killbuck, Ohio:

SECTION 1. With respect to Tract #1 described in Exhibit A to said ordinance, the proposed territory to be annexed consists of the Village Park currently operated by the Board of Park Trustees for the Village of Killbuck, Ohio. Said territory is currently operated as, and will continue to be operated as, a Village Park. Said territory is owned by the Village of Killbuck, Ohio.

SECTION 2. With respect to Tract #2 described in Exhibit A to said ordinance, the proposed territory to be annexed is the site upon which the new Wastewater Treatment Plant will be constructed with the assistance of a grant from the Ohio Environmental Protection Agency. Tract #2 is also owned by the Village of Killbuck, Ohio.

SECTION 3. With respect to Tract #3, the proposed territory to be annexed is owned by Carl A. DeMaria, who is constructing an industrial facility to house the Wilson Cabinet Co., Inc. The Village of Killbuck is currently involved in such project through the Community Development Block Grant Program conducted by the Ohio Department of Development. With the use of funds from said grant, the Village will be laying water and sewer lines to the building being constructed on said property.

SECTION 4. The solicitor for the Village of Killbuck, Ohio is hereby directed to provide a copy of this Resolution to the Board of County Commissioners pursuant to Section 709.031(B) of the Ohio Revised Code.

SECTION 5. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed at a special meeting of the Village Council held on the 4th day of August, 1986.

Ralph Kerner
Council President Pro Tempore

ATTEST:

Quincy B. Felton Jr.
Village Clerk

APPROVED:

Henry [Signature]
Mayor

GINDLESBERGER,
MILLER & MAST
ATTORNEYS AT LAW
THE LINCOLN BUILDING
MILLSBURG, OHIO 44654
216-674-7070

BEFORE THE BOARD OF COUNTY COMMISSIONERS, HOLMES COUNTY, OHIO

In re: Annexation of certain territory to the Village of Killbuck

JOURNAL ENTRY

WHEREAS on June 16, 1986, Max A. Miller, Solicitor for the Village of Killbuck, County of Holmes, and State of Ohio did file an Annexation Petition with the Board pursuant to an ordinance adopted by the Council for said Village on May 12, 1986; and

WHEREAS the Clerk did enter said Petition and attachments thereto upon the Commissioner's Journal and filed the same with the Holmes County Auditor, and

WHEREAS said Village Solicitor did cause written notice of the filing of these proceedings and the date of this hearing to be delivered to the Clerk of Killbuck Township, Holmes County, Ohio, and did cause notice of the time and place of hearing to be published in the Holmes County Farmer-Hub pursuant to law, and

WHEREAS the Board of County Commissioners finds that (a) the Petition contains all matters required by Section 709.02 of the Ohio Revised Code; (b) notice of the filing of said Petition and of this hearing has been published as required by Section 709.031 of the Ohio Revised Code; (c) no electors reside within the territory to be annexed to the Village of Killbuck, pursuant to a letter of June 30, 1986 from the Holmes County Board of Elections; (d) the Village of Killbuck has complied with division (B) of Section 709.031 of the Ohio Revised Code, and has filed with the Board a copy of Resolution

GINDLESBERGER,
MILLER & MAST
ATTORNEYS AT LAW
THE LINCOLN BUILDING
MILLERSBURG, OHIO 44654

216-674-7070

No. 12-1986 regarding services to be provided to said territory; (e) the territory included in the Annexation Petition is not unreasonably large; the plat map is accurate; and the general good of the territory sought to be annexed will be served if the Annexation Petition is granted. It is therefore

ORDERED that said annexation be approved, and that a certified transcript of these proceedings and all orders of the Board be delivered to the Clerk of the Village of Killbuck, Ohio for further filings in accordance with law.

The foregoing action was taken upon the motion of Mr. Nowels with a second by Mr. Hershberger, and all Commissioners voting (aye).

BOARD OF COUNTY COMMISSIONERS
HOLMES COUNTY, OHIO

DATED: August 25, 1986

Jack E. Nowels
Jack E. Nowels
Clayton Hershberger
Clayton Hershberger
Robert Lee
Robert Lee

GINDLESBERGER,
MILLER & MAST
ATTORNEYS AT LAW
THE LINCOLN BUILDING
MILLERSBURG, OHIO 44654

216-674-7070

RECORDED
Vol. 27 Pg. 324
Commissioners
Journal

Commissioner Journal

VOL 233 PAGE 401
324

Wm. Lillenthal & Sons, Cambridge, O.-14019 SP 208 August 25, 1986

O.D.O.T. COOPERATION RESOLUTION - SR 39W

RESOLUTION OF COUNTY COMMISSIONERS PROPOSING TO COOPERATE WITH THE DIRECTOR OF TRANSPORTATION

Mr. Nowels moved the adoption of the following resolution:

WHEREAS, the public interest demands the improvement hereinafter described.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Holmes County, State of Ohio, hereinafter referred to as the County, that:

SECTION 1

The public interest demands the improvement, under the provisions of Chapter 5521 Ohio Revised Code, of that part of State Route No. 39, situated in the County of Holmes, State of Ohio, and described as follows: Being the replacement of the existing bridge over Killbuck Creek on the State Route 39, West Jackson Street, in the Village of Millersburg and the necessary approach work from a point approximately 0.28 mile west of State Route 83 (Clay Street) and being approximately 0.04 mile in length.

SECTION 2.

The County does hereby propose to cooperate with the Director of Transportation in said improvement as follows: By contributing 19% of the preliminary engineering cost, 10% of the right of way cost, and 10% of the construction cost of the improvements.

SECTION 3.

The County Engineer is hereby empowered and directed on behalf of the County to enter into agreements with the Director of Transportation necessary to complete the planning and construction of this improvement.

Thereupon, Mr. Hershberger seconded the said motion and upon the roll being called, the result of the vote was as follows: (all voted yes)

KNO HO CO CAPITAL ASSISTANCE GRANT HEARING

The hour of 2:00 p.m. having arrived as the time set aside and advertised for a public hearing to receive public comment regarding application to the Ohio Department of Transportation for a Capital Assistance grant under Section 18 of the Urban Mass Transportation Act of 1964, as amended. (see this journal, pages 301/302)

No persons were present to comment on the grant and at 2:30 p.m., Mr. Hershberger moved that the hearing be declared closed, Mr. Nowels seconded the motion, Mr. Lee voted yes.

KILLBUCK VILLAGE ANNEXATION HEARING

The hour of 2:00 p.m. having arrived as the time set aside and advertised for a public hearing to receive comments regarding the merits of the proposed annexation of property to the Village of Killbuck. (See this journal, page 273). No persons were in attendance, save Attorney Max Miller, Solicitor, Village of Killbuck, Ohio. At 2:15 p.m. the hearing was declared closed on a motion by Mr. Hershberger, seconded by Mr. Nowels, Mr. Lee voted yes. The following Resolution was caused to be entered into the Commissioner's Journal:

WHEREAS, on June 16, 1986, Max A. Miller, Solicitor for the Village of Killbuck, County of Holmes, and State of Ohio, did file an Annexation Petition with the Board pursuant to an ordinance adopted by the Council for said Village on May 12, 1986; and

WHEREAS, the clerk did enter said Petition and attachments thereto upon the Commissioner's Journal and filed the same with the Holmes County Auditor, and

WHEREAS, said Village Solicitor did cause written notice of the filing of these proceedings and the date of this hearing to be delivered to the Clerk of Killbuck Township, Holmes County, Ohio, and did cause notice of the time and place of hearing to be published in the Holmes County Farmer-Hub pursuant to law, and

WHEREAS, the Board of County Commissioners finds that (a) the Petition contains all matters required by Section 709.02 of the Ohio Revised Code; (b) notice of the filing of said Petition and of this hearing has been published as required by Section 709.031 of the Ohio Revised Code; (c) no electors reside within the territory to be annexed to the Village of Killbuck, pursuant to a letter of June 30, 1986 from the Holmes County Board of Elections; (d) the Village of Killbuck has complied with division (B) of Section 709.031 of the Ohio Revised Code, and has filed with the Board a copy of Resolution No. 12-1986 regarding services to be provided to said territory; (e) the territory included in the Annexation Petition is not unreasonably large; the plat map is accurate; and the general good of the territory sought to be annexed will be served if the Annexation Petition is granted. It is therefore

ORDERED that said annexation be approved, and that a certified transcript of these proceedings and all orders of the Board be delivered to the Clerk of the Village of Killbuck, Ohio for further filings in accordance with law.

The foregoing action was taken upon the motion of Mr. Nowels, with a second by Mr. Hershberger, and all Commissioners voting (aye).

CERTIFICATE OF VILLAGE CLERK

R.C. 709.06

Pursuant to Section 709.06 of the Ohio Revised Code, I Quimby Felton, Jr., Clerk for the Village of Killbuck, Ohio, do hereby certify that the foregoing documents are true and correct copies of the Petition, Plat, Proceeding of the Board of County Commissions, Resolutions, and Ordinances relating to the annexation of certain territory described therein to the Village of Killbuck, Ohio.

Signed this 30th day of October, 1986.



Quimby B. Felton Jr.
Quimby Felton, Jr.
Clerk
Village of Killbuck, Ohio

This instrument prepared by
Max Miller, Attorney at Law

153923

NOV 19 1986
Rec'd. _____ AT 10:52 O'CLOCK AM
Recorded Nov. 19, 1986 Holmes Co. Ohio Fee: 58.00
Max Miller Vol. 233 Pg. 377 Recorder Richard Weaver

Max Miller

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