T.R. 338 FARKVIEW DR. SITE MAP NOT TO SCALE

PARKVIEW HEIGHTS SUBDIVISION REPLAT No. 2

REPLAT OF
PARKVIEW HEIGHTS SUBDIVISION

REPLAT OF LOT 6 & ADDITIONAL LANDS (P.19-1895) LOT 15

202100012792
B: 19 P: 4269
FILED FOR RECORD IN
HOLMES COUNTY, OH
ANITA HALL, COUNTY RECORDER
01/05/2021 12:40 PM
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ORV 275 PG 2062 2064 2075

PROPOSED ANNEXATION TO THE VILLAGE OF MILLERSBURG

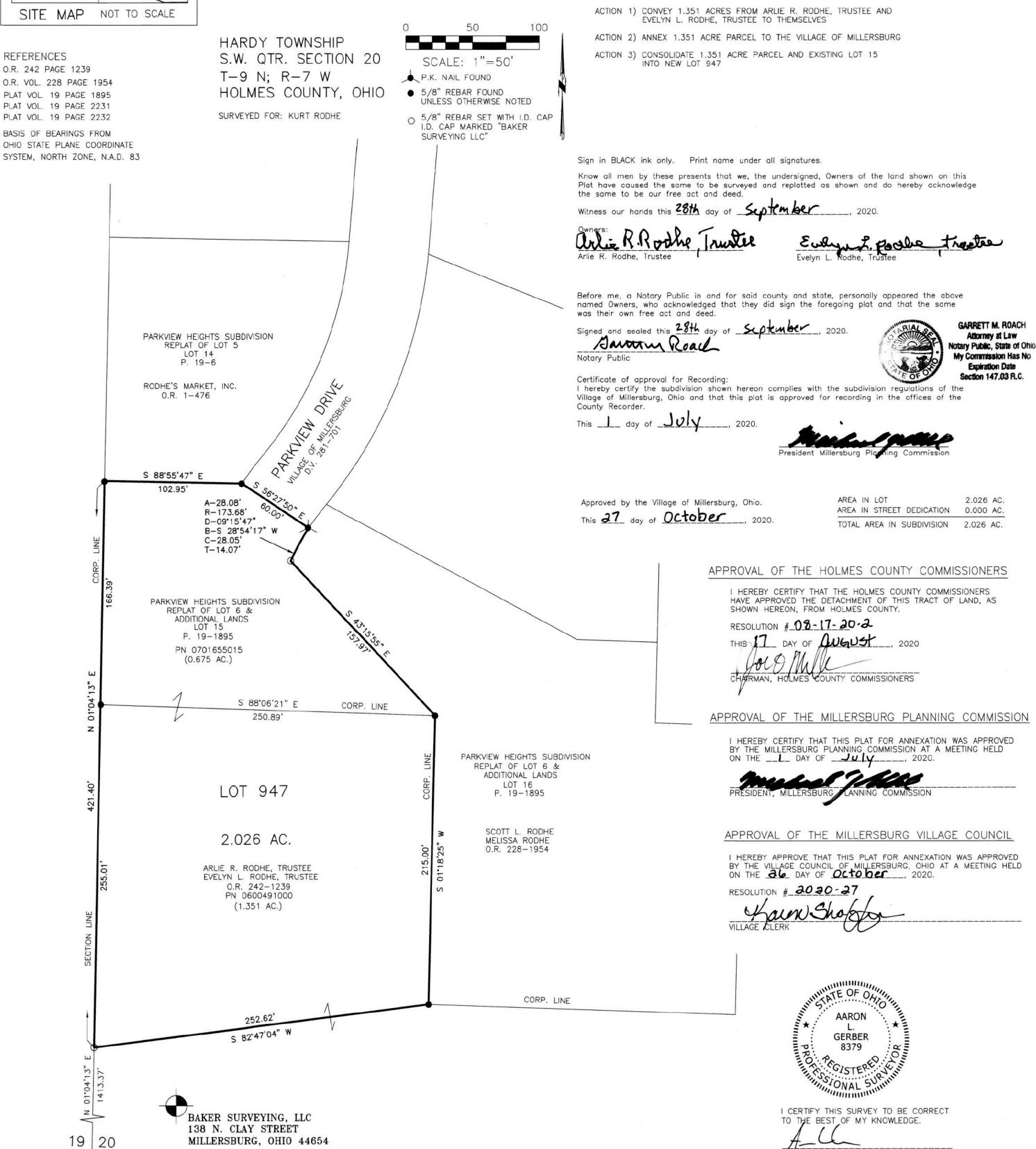
PH. 330-674-4788

EMAIL: bakersurveying@gmail.com

22

21

MASTER PLAT
THE PURPOSE OF THIS SURVEY



P.S. 8379

AARON L. GERBER

ALG\TAB

DATE: MAY 13, 2020

FILE NAME: WORK5\S-260-20\CNK

202100012791 B: 275 P: 2064

FILED FOR RECORD IN
HOLMES COUNTY, OH
ANITA HALL, COUNTY RECORDER

01/05/2021 12:40 PM ANNEXATION . 106.00 PAGES: 11

RESOLUTION 2020-27

(Annexing 1.351 acres to the Village of Millersburg)

VILLAGE OF MILLERSBURG

WHEREAS, Arlie R. Rodhe and Evelyn L. Rodhe are the owners of a parcel of real property containing approximately 1.351 acres of real property described on the Annexation Plat which is made a part hereof by reference. The Owner desires that the property be annexed to the Village of Millersburg, Ohio; and

WHEREAS, pursuant to O.R.C. §§709.021 and 709.022, the Village of Millersburg, Ohio, the Trustees of Hardy Township, Ohio, and Arlie R. Rodhe and Evelyn L. Rodhe entered into a certain Annexation Agreement which is made a part herein by reference; and

WHEREAS, the Owners filed its Petition for Annexation (expedited Type I), which is made a part herein by reference; and

WHEREAS, the Board of County Commissioners, Holmes County, Ohio adopted a resolution granting the annexation request, which is made a part herein by reference;

WHEREAS, the Millersburg Planning and Zoning Board at their meeting on July 1, 2020, recommended to the Village Council that the property be annexed; and

WHEREAS, the Petition, Annexation Agreement and all accompanying materials appear to be in conformance with the law and it further appears that the proposed annexation of the Property is in the best interest of the Village.

NOW, THEREFORE, BE IT RESOLVED that the Village of Millersburg, Ohio, hereby accepts the Petition for Annexation, along with all accompanying materials, grants the annexation as requested and affirms and adopts the Annexation Agreement in its entirety. The annexation shall be effective 30 days after the date of this Resolution.

BE IT FURTHER RESOLVED that the Clerk of the Village forward the signed Petition and Annexation Agreement and accompanying materials, along with a copy of this Resolution to the Auditor of Holmes County, Ohio, the Recorder of Holmes County, Ohio and the Secretary of State of Ohio.

		r meeting o	f Millersburg	Village Cour	cil on the	26	_day of
Octob	er	, 2020.					

Notice of this Resolution shall be published in the Wooster Daily Record and/or the Holmes County Bargain Hunter once per week for two (2) consecutive weeks as required by the Ohio Revised Code.

Reading 1 9-28-20 Reading 2 10-12-20 Reading 3 10-26-20

PASSED in Council this 26 day of October , 2020.

Vote: All yea

Karen Shaffer, Clerk ouncil

Brent Hofstetter, President of Counci

Annexation Agreement

This Annexation Agreement (the "Agreement") is made and entered into this <u>lo</u> day of <u>August</u>, 2020, pursuant to Ohio Revised Code Sections 709.021 and 709.022, by and between the Village of Millersburg, Ohio (the "Village") and the Trustees of Hardy Township, Holmes County, Ohio (the "Township") and Arlie R. Rodhe and Evelyn L. Rodhe ("Owners") with reference to the following facts:

- 1. Owners are the owners in fee simple of 1.351 acres of real property described in Exhibit A attached hereto and made a part hereof (the "Property"). A plat map of the Property is attached hereto as Exhibit B and made a part hereof;
- 2. The parties desire to annex the Property to the Village of Millersburg pursuant to and under the authority of Ohio Revised Code Sections 709.021 and 709.022;
- 3. Owners desire to combine the Property with other land that has been previously annexed to the Village known as Lot 15 of the Parkview Heights Subdivision, Holmes County Auditor's Parcel Number 07-01655.015 ("Lot 15") and to develop the Property for use as a single family residential lot;
- 4. Simultaneous herewith, Owners are filing with the Village a Petition for Annexation pursuant to Ohio Revised Code Sections 709.021 and 709.022; and,
- 5. The parties desire to enter into a mutual agreement, which outlines their respective rights, duties and obligations with respect to the annexation of the Property into the Village of Millersburg.

In consideration of the above recitals and for other good and valuable consideration, the receipt of which is acknowledged, the parties covenant and agree as follows:

1. <u>Annexation of Property</u>. Effective as of thirty days after the passage of a resolution of the Village accepting Owners' Petition for Annexation, the Property shall be annexed to the Village of Millersburg, Holmes County, Ohio and the corporate limits of the Village of Millersburg shall be extended to include and encompass the Property. Once annexed to the Village of Millersburg, the Property shall no longer be a part of the territory of Hardy Township and shall be the exclusive territory of the Village of Millersburg for all purposes, including but not limited to, allocation of real property, and income tax proceeds.

After the annexation process is completed, pursuant to a previous agreement between Millersburg and Hardy Township, Millersburg will pay Hardy Township a set one-time fee of \$750.00 which has been determined to be the approximate amount of lost tax revenue Hardy Township would receive over a period of 12 years according to R.C. §709.19(C).

- 2. **Zoning.** Once annexed, the Property shall be classified for zoning purposes as R-3 Village Residential District. Pursuant to Section 1153.04 of the Village's Codified Ordinances, a Request for Change of Zoning District application is being submitted to the Village concurrently with this Agreement, for the purpose of changing the zoning district classification of the Property from R-1 to R-3.
- 3. <u>Utilities</u>. Owners desire that certain utility services be extended and made available to the Property. With respect to the provision of utilities to the Property, the parties agree as follows:
 - A. <u>Construction and Installation of Utilities</u>. Owners shall be primarily responsible for ensuring that gas, water, electric, phone, cable, water and sewage utilities (collectively, the "Utilities") are available to the Property. Owners shall be responsible for obtaining any necessary permits, easements or licenses necessary to extend the Utilities, including the lateral lines, to the boundaries of the Property. The above-referenced utility lines and facilities shall be constructed in accordance with the standards established by the Village and the Ohio Environmental Protection Agency ("OEPA"), if required, for such facilities. The Village and the OEPA, if required, shall approve the plans for all such utility lines prior to commencing construction.
 - B. <u>Provision of Water and Sewage</u>. Upon completion of construction of the necessary water and sewage pipelines and facilities by Owners and connection of these systems to the Village facilities, the Village shall be responsible for providing water and sewage utility services to the Property.
 - C. Ownership of Systems; Maintenance and Repair. After the water and sewer lines are completed per the specifications of the Village and OEPA, if required, the Village will issue a "Certification of Completion", which will indicate the Owner has complied with the design and construction specifications of the Village and the OEPA, if required. Thereupon, the water and sewer lines will be offered for dedication, which offer will be accepted by the Village. The Village shall exercise due diligence to approve the dedication as soon as possible after the offer for dedication is received by the Village. Notwithstanding said dedication, for one year from the acceptance of the dedication, the Owners shall be responsible for all maintenance and repair for said water and sewer lines.

- D. Storm Water. All improvements constructed on the Property by Owners, including, but not limited to driveways and the dwelling shall be designed to channel or divert surface water to the village storm sewer for dispersal.
- **Streets**. The Property will have access to Parkview Drive through Lot 15 which is located inside the Village and fronts on Parkview Drive. Parkview Drive will not have to be extended, and building any new street is not necessary for this annexation.
- Fair Interpretation. Every covenant, term, and provision of this Agreement shall be construed simply according to its fair meaning and not strictly for or against either party.
- 6. Severability. Every provision of this Agreement is intended to be severable. If any term or provision hereof is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity or legality of the remainder of this Agreement.
- Governing Law. This Agreement shall be construed in accordance with, and governed by, the laws of the State of Ohio.
- **Dispute Resolution**. If any party to this agreement believes another party has failed to perform its part of any provision of that agreement, including the failure to make any payment of moneys due under the agreement, that party shall give notice to the other party clearly stating what breach has occurred. The party receiving the notice has ninety days from the receipt of that notice to cure the breach. If the breach has not been cured within that ninety-day period, the party that sent the notice may sue for recovery of the money due under the agreement, sue for specific enforcement of the agreement, or terminate the agreement upon giving notice of termination to all the other parties. The parties agree that they shall exhaust all other available remedies before pursuing termination of the agreement.
- No Construction against Drafter. This Agreement shall be interpreted to give it fair meaning, and any ambiguity shall not be construed against either party.
- Binding Effect. This agreement shall be binding upon and inure to the benefit of 10. the heirs, successors and assigns of the parties.

(Signatures on following page)

Signature page to Annexation Agreement)

Executed this 10 day of August	, 2020.
"Village"	"Township"
Village of Millersburg, Ohio	Hardy Township Trustees
By: Jeff Huebner Its Mayor	Rodney Ornold Rodney Arhold, Trustee
By: Brent Hofstetter	Kevin Duff, Trustee
Council President	David Crilow, Trustee
"Owners" Arlie R. Rodhe	,
Evelyn L. Rodhe	
State of Ohio: County of Holmes:	
The foregoing instrument was acknown August, 2020, by Jeff Huebner, Mayo	wledged before me this <u>10</u> day of or, of the Village of Millersburg, Ohio.
KAREN S. SHAFFER Notary Public, State of Ohio Holmes County My Comm. Expires Aug. 5, 20 Aug. 18, 20	Notary Public 24

TE OF ON

	State of Ohio: County of Holmes:
	The foregoing instrument was acknowledged before me this <u>10</u> day of <u>August</u> , 2020, by Brent Hofstetter, Council President, of the Village of Millersburg Ohio
No Son	KAREN S. SHAFFER Notary Public, State of Ohlo Holmes County My Comm. Expires Aug. 5.20 Notary Public Notary Public Notary Public
	County of Holmes:
	The foregoing instrument was acknowledged before me this is day of the Land township day of the Land township Trustees.
	State of Ohio: County of Holmes: Notary Public Notary Public
	The foregoing instrument was acknowledged before me this 10 day of 2020, by Kevin Duff, Trustee of the Hardy Township Trustees.
	State of Ohio: County of Holmes Note: y Public State of Ohio My Gammessian Expires March 28, 2023
	The foregoing instrument was acknowledged before me this // day of, 2020, by David Crilow, Trustee of the Hardy Township Trustees.
	Notary Public LINDA S. CAMPBELL Notary Public, State of Ohio 5 My Commission Excires March 26, 2023

State of Ohio: County of Holmes:

> The foregoing instrument was acknowledged before me this 844 day of June, 2020, by Arlie R. Rodhe, Owner.

GARRETT M. ROACH Attorney at Law Notary Public, State of Ohio My Commission Has No **Expiration Date** Section 147.03 R.C.

Haut MRoacl Notary Public

State of Ohio: County of Holmes

The foregoing instrument was acknowledged before me this 874 day of June, 2020, by Evelyn L. Rodhe, Owner.



GARRETT M. ROACH Attorney at Law Notary Public, State of Ohio My Commission Has No **Expiration Date** Section 147.03 R.C.

Motary Public

This instrument prepared by: Chad B. Yoder, Attorney at Law 138 East Jackson Street Millersburg, Ohio 44654 (330)674-3055

4829-6141-1517, v. 1

Petition for Annexation (Expedited Type I)

The undersigned ("Petitioners"), being the sole owners of the real property known as being a portion of the Holmes County Auditor's Permanent Parcel Number 06-00491.000 which is a 1.351 acre parcel more fully described in Exhibit A, attached hereto and made a part hereof (the "Property") hereby petitions, pursuant to Ohio Revised Code Section 709.022, for the annexation of the Property to the Village of Millersburg, Holmes County, Ohio.

In support of its petition, Petitioner states as follows:

- 1. The legal description of the perimeter of the Property is attached hereto as Exhibit A and made a part hereof.
- 2. A plat map of the Property is attached hereto as Exhibit B and made a part hereof. The Property is adjacent to the Village of Millersburg.
- 3. The undersigned Petitioners are the owners, as defined in ORC Section 709.02(E), of all of the land in the area proposed to be annexed.
- 4. Garrett Roach, attorney, of 138 East Jackson Street, Millersburg, Ohio 44654, is hereby appointed agent for Petitioner with full power and authority to do any and all things necessary in connection with the filing, review and approval of this petition.

Acceptance of Appointment

The undersigned, named herein agent for Petitioner, hereby acknowledges and accepts the appointment of agent for said Petitioner.

Garrett Roach

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY.

Petitioner,

Arlie R. Rodhe

Date: 10 - 7 4 2020

Petitioner,

Evelyn L. Rodhe

Onte: / (1) 11 2020 14046 2420 0247 11 4



HOLMES COUNTY COMMISSIONERS

2 COURT STREET, SUITE 14 MILLERSBURG, OHIO 44654-2001 PHONE (330) 674-0286 FAX (330) 674-0566 E-MAIL: HCC@CO.HOLMES.OH.US



Resolution #08-17-20-2

RESOLUTION APPROVING AN ANNEXATION INTO THE VILLAGE OF MILLERSBURG

WHEREAS, Arlie and Evelyn Rodhe (the "Owners") are the sole owners of the real property known as being a portion of the Holmes County Auditor's Permanent Parcel Number 06-00491.000 which is a 1.351-acre parcel more fully described in Exhibit A, attached hereto and made a part hereof (the "Property"); and

WHEREAS, the Owners have filed a Petition with this Board requesting said property be annexed into the Village of Millersburg; and

WHEREAS, said Petition contains the signatures of 100% of the owners of said property who consent to the annexation and includes bold faces type a warning that the Owners have waived their right to appeal any action taken by the County Commissioners on said Petition; and

WHEREAS, said Petition is accompanied by a valid certified copy of the Annexation Agreement as described in Revised Code Section 709.192, signed by the Owners, the Hardy Township Trustees and the Village of Millersburg; and

WHEREAS, Revised Code Section 709.022 provides that given all of the above, the Holmes County Commissioners at its next regularly scheduled meeting after receipt of this Petition, must enter a Resolution granting annexation without hearing;

THEREFORE, BE IT RESOLVED that the Holmes County Commissioners approve the annexation of the Property into the Village of Millersburg.

Mr. **Eyler** moved for adoption of the preceding Resolution. Mr. **Ault** seconded the motion. Upon roll call the vote was as follows:

Joe D. Miller yes/n

Rob Ault (ves/no

Raymond Eyler / January (yes/no

The below signed Clerk to the Board hereby certifies that the preceding Resolution is a true and exact copy of a Resolution adopted during the regular business meeting of August 17, 2020 and recorded in Commissioners Journal 51 under that date.

Susan L. Schie, Clerk to the Board Holmes County Board of Commissioners

Description 1.351 acre parcel

Being a part of the southwest quarter of Section 20, Hardy Township, T-9 N, R-7 W, Holmes County, Ohio, also known as part of the lands conveyed to Arlie R. Rodhe, Trustee and Evelyn L. Rodhe, Trustee in Official Record vol. 242 page 1239, PN 0600491000.

Described as follows:

Commencing at a 5/8 inch rebar found marking the southwest corner of the southwest quarter of Section 20, thence N 01 degrees 04' 13" E 1413.37 feet along the section line to an iron pin set the TRUE POINT OF BEGINNING.

thence with the following FOUR (4) COURSES:

- 1) N 01 degrees 04' 13" E 255.01 feet along the section line to a 5/8 inch rebar found;
- S 88 degrees 06' 21' E 250.89 feet along the corporation line and through the lands of said Rodhe and along the south line of Lot 15 of Parkview Heights Subdivision Replat of Lot 6 & Additional Lands (Plat vol. 19 page 1895) to a 5/8 inch rebar found;
- 3) S 01 degrees 18' 25" W 215.00 feet along the corporation line and along the west line of Lot 16 of said Parkview Heights Subdivision Replat of Lot 6 & Additional Lands and along Scott L. Rodhe and Melissa Rodhe's (O.R. 228 page 1954) west line to a 5/8 inch rebar found;
- 4) S 82 degrees 47' 04" W 252.62 feet through the lands of said Arlie R. Rodhe, Trustee and Evelyn L. Rodhe, Trustee to the TRUE POINT OF BEGINNING.

This parcel contains 1.351 acres, but subject to all highways and easements of record.

All iron pins set are 5/8 inch rebars with a plastic identification cap marked "Baker Surveying LLC".

Basis of bearings from Ohio State Plane Coordinate System, North Zone, N.A.D. 83.

See Holmes County Plat Book 9, page 9009 for survey. This survey made and description prepared by Aaron L. Gerber, P.S. 8379. May 13, 2020

Aaron L. Gerber

P.S. 8379

AARON L. SERBER 8379

TRANSFER NOT NECESSARY

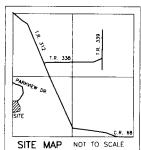
AUDITOR

12/16/2020; flat hequired o

1913

EXHIBIT





PARKVIEW HEIGHTS SUBDIVISION REPLAT No. 2

REPLAT OF PARKVIEW HEIGHTS SUBDIVISION REPLAT OF LOT 6 & ADDITIONAL LANDS (P.19-1895) LOT 15

PROPOSED ANNEXATION TO THE VILLAGE OF MILLERSBURG MASTER PLAT THE PURPOSE OF THIS SURVEY SITE MAP ACTION 1) CONVEY 1.351 ACRES FROM ARLIE R RODHE, TRUSTEE AND EVELYN L. RODHE, TRUSTEE TO THEMSELVES ACTION 2) ANNEX 1.351 ACRE PARCEL TO THE VILLAGE OF MILLERSBURG HARDY TOWNSHIP REFERENCES

O.R. 242 PAGE 1239

O.R. VOL. 228 PAGE 1954

PLAT VOL. 19 PAGE 1895

PLAT VOL. 19 PAGE 2231

PLAT VOL. 19 PAGE 2232 ACTION 3) CONSOLIDATE 1.351 ACRE PARCEL AND EXISTING LOT 15 INTO NEW LOT 947 S.W. QTR. SECTION 20 T-9 N; R-7 W SCALE: 1"=50' HOLMES COUNTY, OHIO 5/8" REBAR FOUND UNLESS OTHERWISE NOTED O 5/8" REBAR SET WITH I.D. CAP I.D. CAP MARKED "BAKER SURVEYING LLC" SURVEYED FOR: KURT RODHE Sign in BLACK ink only. Print name under all signatures Know all men by these presents that we, the undersigned, Owners of the land shown on this Plat have caused the same to be surveyed and replatted as shown and do hereby acknowledge the same to be our free act and deed. Witness our hands this ____ day of _____, 2020. Evelyn L. Rodhe, Trustee Before me, a Notory Public in and for said county and state, personally appeared the above named Owners, who acknowledged that they did sign the foregoing plot and that the same was their own free act and deed 100 May 100 Ma Certificate of approval for Recording:
I hereby certify the subdivision shown hereon complies with the subdivision regulations of the Village of Millersburg. Ohio and that this plat is approved for recording in the offices of the County Recorder. RODHE'S MARKET, INC. O.R. 1-476 President Millersburg Planning Commission AREA IN LOT 2.026 AC AREA IN STREET DEDICATION 0.000 AC. TOTAL AREA IN SUBDIVISION 2.026 AC. Approved by the Village of Millersburg, Ohio. CORP. APPROVAL OF THE HOLMES COUNTY COMMISSIONERS I HEREBY CERTIFY THAT THE HOLMES COUNTY COMMISSIONERS HAVE APPROVED THE DETACHMENT OF THIS TRACT OF LAND, AS SHOWN HEREON, FROM HOLMES COUNTY. KVIEW HEIGHTS SUBDIVISION REPLAT OF LOT 6 & ADDITIONAL LANDS LOT 15 P. 19-1895 PN. 0701655015 (0.675 AC.) RESOLUTION #_____ THIS _____, DAY OF ______, 2020 CHAIRMAN, HOLMES COUNTY COMMISSIONERS S 88'06'21" E CORP. LINE APPROVAL OF THE MILLERSBURG PLANNING COMMISSION HEREBY CERTIFY THAT THIS PLAT FOR ANNEXATION WAS APPROVED BY THE MILLERSBURG PLANNING COMMISSION AT A MEETING HELD ON THE ______ DAY OF _______, 2020. PARKVIEW HEIGHTS SUBDIVISION REPLAT OF LOT 6 & ADDITIONAL LANDS LOT 947 PRESIDENT, MILLERSBURG PLANNING COMMISSION 2.026 AC. MELISSA RODHE O.R. 228-1954 APPROVAL OF THE MILLERSBURG VILLAGE COUNCIL 215.00' ARLIE R. RODHE, TRUSTEE EVELYN L. RODHE, TRUSTEE O.R. 242-1239 PN 0600491000 (1.351 AC.) RESOLUTION #_____ VILLAGE CLERK SECTION S 82'47'04" W 01'04'13" E GISTERE ONAL SU BAKER SURVEYING, LLC 138 N. CLAY STREET MILLERSBURG, OHIO 44654 PH. 330-674-4788 EMAIL: bakersurveying@gmail.com I CERTIFY THIS SURVEY TO BE CORRECT TO THE BEST OF MY KNOWLEDGE. AARON L. GERBER P.S. E
DATE: MAY 13, 2020
ALC\TAB
FILE NAME: WORKS\S-260-20\CNK 19 20 P.S. 8379 22 21