

RECORD OF RESOLUTIONS

Resolution No. 24-030 Passed on April 1st, 2024

RESOLUTION 24-030, SETTING FORTH A STATEMENT OF MUNICIPAL SERVICES THE VILLAGE OF WEST JEFFERSON WILL PROVIDE TO THE 45.794 +/- ACRES OF LAND (parcel # 08-00143.000), LOCATED IN JEFFERSON TOWNSHIP, AND PROPOSED TO BE ANNEXED TO THE VILLAGE OF WEST JEFFERSON VIA AN EXPEDITED TYPE-II ANNEXATION PURSUANT TO R.C. 709.023; AND THE BUFFER REQUIREMENTS THE VILLAGE OF WEST JEFFERSON WILL ENFORCE AS PROVIDED BY R.C. 709.023(C).

Whereas, on March 13th, 2024 a petition was filed with the Board of County Commissioners of Madison County, Ohio, for the annexation of 45.794 +/- acres, Parcel # 08-00143.000, of territory in Jefferson Township to the Village of West Jefferson, which petition was signed by 100% of the property owners of the territory sought to be annexed; and

Whereas, said territory is adjacent to the Village of West Jefferson, and no street or highway will be divided or segmented by the boundary line between Jefferson Township and the Village of West Jefferson, if the territory is so annexed; and

Whereas, Ohio Revised Code Section 709.023(C) requires that a municipal corporation, by ordinance or resolution, adopt a statement of services setting forth what services it will provide the territory upon its annexation and an approximate date by which it will provide such services, which ordinance or resolution must be adopted and filed with the county commissioners within twenty (20) days after the petition is filed; and

Whereas, Ohio Revised Code Section 709.023(C) requires that a municipal corporation, by ordinance or resolution, require buffers separating any new uses in the annexed territory that the Village Council determines are clearly incompatible with the uses permitted under current township or county zoning regulations in the adjacent land remaining within the township from which the territory was annexed; and

Whereas, the Village of West Jefferson supports the proposed annexation and will provide the services set forth in this Resolution to the territory proposed for annexation, upon its annexation to the Village.

Now Therefore, be it Resolved by the Council of the Village of West Jefferson, County of Madison, State of Ohio, With a Majority of Duly Elected Members Therefore Concurring as Follows:

SECTION I: The following services will be available and provided by the Village of West Jefferson to the territory proposed for annexation once the Village's resolution or ordinance accepting the annexation becomes final as provided by law; provided, the owners and/or their designee(s) are responsible, at their sole expense, for any and all connection(s) to the Village's water main and/or sanitary sewer main, as set forth below. Said services will be provided by the Village of West Jefferson on the terms and conditions, and shall be subject to the rates, rules, and regulations, established by Village ordinances, to the same extent as such are provided to other territory and properties located within the Village of West Jefferson:

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- a. **Sanitary Sewer Service and Potable Water Service:** to the annexed territory, provided the Village is not obligated to and shall not construct or cause to be constructed any extensions and/or connections to the existing public sanitary sewer main and/or public water lines, or any hydrants within the annexed territory. All such extensions/connections, etc. shall be installed pursuant to plans and specifications approved by the Village Engineer in accordance with the Village's usual and customary requirements.
- b. **Police Services**
- c. **Road/Street Maintenance; Ice and Snow Removal:** for publicly dedicated streets and roadways within the village.
- d. **Storm Water Utility Maintenance**
- e. **Zoning**
- f. **All other public services and utilities, to the same extent and under the same conditions as such services and/or utilities are provided to all other citizens and properties within the Village**

SECTION II: If the territory is annexed and becomes subject to the Village of West Jefferson zoning, and the Village's zoning permits uses in the annexed territory that the Village determines are clearly incompatible with the uses permitted under Madison County and/or Jefferson Township zoning regulations, in effect at the time of the filing of the petition, in the adjacent land remaining within Jefferson Township, the Village Council will require, in the zoning ordinance permitting the incompatible uses, that the owner(s) of the annexed territory provide a buffer separating the use of the annexed territory and the adjacent land remaining within Jefferson Township. "Buffer" may include open space, landscaping, fences, walls, and other structured elements, streets, and street rights-of-way; and bicycle and pedestrian paths and sidewalks.

SECTION III: The Clerk of the Village Council of West Jefferson is hereby directed to immediately forward and file a certified copy of this Resolution to the Board of County Commissioners of Madison County, Ohio (and in no manner later than April 2, 2024).

SECTION IV: This resolution shall take effect at the earliest period of time allowed by law.

Passed this 1st day of April, 2024

Jennifer Warner
Jennifer Warner
President of Council

4-1-24
Date

Date received by Mayor 4-2-24

Date Approved by Mayor 4-2-24

Ray A. Martin
Ray A. Martin, Mayor

ATTEST:

Tisha Edwards
Tisha Edwards
Clerk of Council

4-2-24
Date

Sections Vetoed: _____

Approved as to Form:

J. Michael Murray
J. Michael Murray, Director of Law, or
Joshua W. Beasley, Assistant Director of Law

4/2/24
Date

NOTICE OF FILING PETITION FOR ANNEXATION
RE: ANNEXATION OF 45.773 +/- ACRES
FROM JEFFERSON TOWNSHIP TO THE VILLAGE OF WEST JEFFERSON, OHIO

TO: Tisha Edwards
Clerk of Council
28 East Main Street
West Jefferson, OH 43162

You are hereby notified that on the 13th day of March, 2024, at approximately 2:00 p.m., the undersigned, as Agent for the Petitioners, filed a Petition for Annexation in the office of the Board of County Commissioners of Madison County, Ohio. Said Petition prays for annexation to the Village of West Jefferson, Ohio, of 45.773 +/- acres in Jefferson Township. A copy of said Petition, with description and plat, is attached hereto and made a part hereof.

Respectfully submitted,

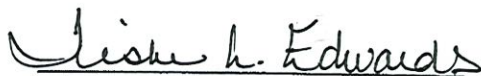


Scott E. North
Porter Wright Morris & Arthur LLP
41 S. High St., 29th Floor
Columbus, OH 43215
Tel: (614) 227-2000
Fax: (614) 227-2100
snorth@porterwright.com

Agent for Petitioners

cc: Madison County Commissioners c/o Amy Rees, Clerk (without enclosure)

RECEIPT OF THE AFOREMENTIONED DOCUMENTS IS HEREBY ACKNOWLEDGED
THIS 13 DAY OF MARCH, 2024.



Clerk of Council
Village of West Jefferson

**PROOF OF NOTICE
ON THE VILLAGE OF WEST JEFFERSON AND JEFFERSON TOWNSHIP
RE: NOTICE OF PETITION FOR ANNEXATION OF 45.773 +/- ACRES
FROM JEFFERSON TOWNSHIP TO THE VILLAGE OF WEST JEFFERSON**

TO: Amy Rees
Madison County Commissioners, Clerk
1 N. Main St.
London, OH 43140

Now comes the undersigned Agent for the Petitioners, and hereby submits its Proof of Service of the Notice of Filing Petition for Annexation of 45.773 +/- acres from Jefferson Township to the Village of Jefferson Township. Attached hereto are copies of the notices that were sent to the Jefferson Township Fiscal Officer and the Village of West Jefferson Clerk, with exhibits.

Respectfully submitted,

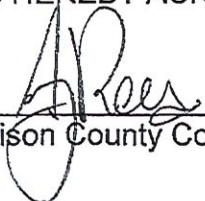


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Fax: (614) 227-2100
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Agent for Petitioners

MADISON COUNTY
COMMISSIONERS
13 MAR 13 PM 12: 59

RECEIPT OF THE AFOREMENTIONED DOCUMENTS IS HEREBY ACKNOWLEDGED
THIS 13TH DAY OF MARCH, 2024.



Clerk, Madison County Commissioners

DESCRIPTION OF 45.794 ACRES
LYING EAST OF STATE ROUTE 29
AND NORTH OF U.S. 40

Situated in the State of Ohio, County of Madison, Township of Jefferson, being part of Virginia Military Survey No. 3888, 10929 and 12148, and being part of a 103.260 acre tract conveyed to Thirty-Four Corp. (68%) and M 3 T Corp. (32%), by deed of record in Official Record 165, Page 2379, and all of a 1.000 acre tract conveyed to Thirty-Four Corp. (68%) and M 3 T Corp. (32%), by deed of record in Official Record 402, Page 381, Recorder's Office, Madison County, Ohio, and being bounded and more particularly described as follows:

Beginning for reference, at a P.K. nail found, at the original centerline intersection of State Route 29 (60 feet wide) and U.S. 40 (width varies);

Thence with the following two (2) courses and distances, along the centerline of said U.S. 40:

- 1) North 86°32'33" East, a distance of 715.25 feet, to a railroad spike found, at an angle point;
- 2) North 86°33'55" East, a distance of 518.86 feet, to a railroad spike found, at a southwesterly corner of said 103.260 acre tract, and the southeasterly corner of a 35.694 acre tract conveyed to Toagosei America Inc., by deed of record in Deed Book 296, Page 433, and being the Point of True Beginning;

Thence North 11°22'11" East, a distance of 1627.56 feet, along the line common to said 103.260 acre and 35.694 acre tracts, and along the easterly line of a 93.847 acre tract conveyed to The Nature Conservancy, by deed of record in Deed Book 47, Page 542, to a 3/4 inch iron pin found, at the northwesterly corner of said 103.260 acre tract;

Thence with the following two (2) courses and distances, along the lines common to said 103.260 acre and 93.847 acre tracts:

- 1) North 71°06'34" East, a distance of 668.55 feet, passing a 1 inch iron pin found with a cap stamped "5969" and a distance of 334.17 feet, to a 1 inch iron pin found with a cap stamped "5969";
- 2) North 86°04'32" East, a distance of 539.58 feet, passing a 1 inch iron pin found with a cap stamped "5969" at a distance of 412.47 feet, to a rebar set, at the northeasterly corner of said 103.260 acre tract, and the northwesterly corner of a 39.31 acre tract conveyed to MT JL, LLC, by deed of record in Official Record 419, Page 278;

Thence South 09°21'22" West, a distance of 1801.00 feet, passing a 1 inch iron pin found with a cap stamped "5969" at the northeasterly corner of said 1.000 acre tract at a distance of 1503.63 feet, and a 1 inch iron pin found with a cap stamped "5969" on the northerly right-of-way of said U.S. 40 at a distance of 1759.98 feet, along the line common to said 103.260 acre and 39.31 acre tracts, and the easterly line of said 1.000 acre tract, to a MAG nail set, at the southerly common corner of said 1.000 acre and 39.31 acre tracts, and in the centerline of said U.S. 40;

Thence South 86°33'55" West, a distance of 1201.08 feet, along the centerline of said U.S. 40, and the line common to said 1.000 acre and 103.260 acre tracts, then across said 103.260 acre tract, and then along the southerly line of said 103.260 acre tract, to the Point of True Beginning, containing 45.794 acres, of which 1.149 acres lies within the right-of-way of U.S. 40, 21.621 acres lies withing Virginia Military Survey No. 3888, 22.710 acres lies withing Virginia Military Survey No. 10929 and 1.463 acres lies withing Virginia Military Survey No. 12148, more or less, and being subject to all easements, restrictions and rights-of-way of record.

The bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (CORS). Said bearings originated from a field traverse which was referenced to said Coordinate System by GPS observations and observations of selected stations in the Ohio Department of Transportation Real-Time-Network. The portion of the centerline of U.S. 40, having a bearing of South 86°33'55" West and monumented as shown hereon, is designated the "basis of bearing" for this description.

All rebar set are 5/8 inch DIA. 30 inches in length, with a red plastic cap stamped with the name "Landmark Survey".

The above description is based on an actual field survey performed in February of 2024.



LANDMARK SURVEY GROUP, INC.

Scott D. Grundei 3/11/24
Scott D. Grundei, P.S. Date
Registered Surveyor No. 8047

