

RESOLUTION NO. 19-19
VILLAGE OF PLAIN CITY, OHIO

A SERVICE RESOLUTION IN SUPPORT OF THE PROPOSED ANNEXATION OF PROPERTY CONTAINING 9.539 ACRES MORE OR LESS FROM DARBY TOWNSHIP, MADISON COUNTY, OHIO TO THE VILLAGE OF PLAIN CITY, MADISON COUNTY, OHIO PURSUANT TO THE REQUIREMENT OF SECTION 709.023 OHIO REVISED CODE AND DECLARING AN EMERGENCY.

WHEREAS, a petition has been filed requesting annexation to the Village of Plain City of 9.539 acres, more or less, of land in Darby Township, Madison County, owned by Phillip and Ruth Ann Gingerich; and

WHEREAS, the Ohio Revised Code requires that a municipal legislative authority shall, within twenty days from the date of the filing of the petition seeking annexation, by ordinance or resolution, to state what services, if any, the municipal corporation will provide to the territory proposed for annexation upon annexation, and an approximate date by which it will provide the services.

NOW THEREFORE, THE MUNICIPALITY OF PLAIN CITY HEREBY RESOLVES:

Section 1. Upon annexation to the Village of Plain City, Ohio of the territory proposed for annexation, the Village of Plain City will provide full-time police protection, police crime prevention, street maintenance, snow and ice removal, new street construction, traffic control, traffic signalization as necessary, engineering services, code enforcement, waste collection, cultural arts, zoning and planning services and building inspection services. In addition, the facilitation of any and all other services provided to or made available to the Citizens of the Village of Plain City, Ohio, as appropriate shall be available as the Territory is developed and such services become appropriate. Extension of all public utility services shall be subject to such regulations and conditions as the Village deems appropriate. If it is determined that a street or highway will be divided so as to create a road maintenance problem the Village of Plain City agrees as a condition of the annexation to assume the maintenance of that street or highway or to otherwise correct the problem. The services will be available and provided when the Village of Plain City's Ordinance or Resolution accepting the annexation becomes effective as provided by law. The approximate date of providing the services is November 2019.

Section 2. The Clerk is hereby directed to prepare a certified copy of this Resolution and have it filed with the Madison County Board of County Commissioners prior to the Commissioners' annexation review as required by law.

PASSED this 8th day of July, 2019.

Waive 3 readings: July 8, 2019. Vote: 6 yea ___ nay ___ abstain

Approve as Emergency: July 8, 2019. Vote: 6 yea ___ nay ___ abstain

ATTEST:

Quenee Sonnett
Fiscal Officer, Village of Plain City, Ohio

Darrin Lane
Mayor of the Village of Plain City, Ohio

CERTIFICATE

The undersigned, Fiscal Officer of the Village of Plain City, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution Number 19-19, passed by the Council of the Village of Plain City, Ohio on the 8th day of July, 2019.

Quenee Sonnett
Fiscal Officer, Village of Plain City, Ohio

Approved as to form.
Paul Michael-Lafayette
Village Solicitor

MADISON COUNTY
COMMISSIONERS

2019 JUL -1 PM 12:22

**EXPEDITED TYPE II PETITION FOR ANNEXATION
(PURSUANT TO R.C. SECTION 709.023)
TO THE VILLAGE OF PLAIN CITY
OF ±9.539 ACRES
IN THE TOWNSHIP OF DARBY**

*TO THE BOARD OF COUNTY COMMISSIONERS
OF MADISON COUNTY, OHIO:*

The undersigned, petitioners in the premises, and being ALL OF THE OWNERS OF REAL ESTATE in the territory hereinafter described, consisting of ±9.539 acres, more or less, located in the Township of Darby, which area is contiguous along 1,832.93 feet or 69.8% and adjacent to the Village of Plain City, do hereby request that said territory be annexed to the Village of Plain City according to the statutes of the State of Ohio, and specifically the expedited procedure specified in Ohio Revised Code Section 709.023, and that no island of unincorporated area will be created by this annexation.

A full and accurate description and plat of the requested annexation territory are attached hereto and made part hereof.

In support of said Petition, your petitioners state that there are within the territory to be annexed TWO (2) OWNERS OF REAL ESTATE.

Aaron L. Underhill, Esq., David L. Hodge, Esq., and Eric J. Zartman, Esq., whose address is 8000 Walton Parkway, Suite 260, Columbus, Ohio 43054, are hereby appointed Agents for the undersigned Petitioners, as required by Section 709.02 of the Ohio Revised Code. Said agents hereby are each individually authorized to make any amendment, deletion, and/or supplementation which in his absolute and complete discretion is necessary or proper under the circumstances then existing, and in particular to do so in order to correct any discrepancy or mistake noted by the Madison County Engineer in his examination of the Petition and/or Plat. Said amendment shall be made by the presentation of an amended plat and description to the Board of County Commissioners on, before, or after the date set for hearing on this Petition.

**WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR
RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF
COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION
PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE,
ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL
THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR
SAID SPECIAL ANNEXATION PROCEDURE.**

[Petition signatures on following counterpart pages]

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR SAID SPECIAL ANNEXATION PROCEDURE.

NAME

DATE

ADDRESS

Philip J. Gingerich 6-27-19
Philip J. Gingerich

7580 Converse Huff Road
Plain City, Ohio 43064

Ruth Ann Gingerich 6/27/19
Ruth Ann Gingerich

7580 Converse Huff Road
Plain City, Ohio 43064

**ANNEXATION OF 9.539 +/- ACRES
DARBY TOWNSHIP TO THE
VILLAGE OF PLAIN CITY, OHIO**

**ADJACENT PROPERTY OWNERS
& PARCEL NUMBERS**

M/I Homes of Central Ohio
3 Easton Oval, Suite 310
Columbus, Ohio 43219

PN(s): 04-00824.098, 04-00824.099, 04-
00824.036, 04-00824.138, 04-00824.083, 04-
00824.097, 04-00824.093, 04-00824.096, 04-
00824.092, 04-00824.095, 04-00824.094, 04-
00824.091, 04-00824.090, 04-00824.089, 04-
00824.088, 04-00824.087, 04-00824.086, 04-
00824.085, 04-00824.084, 04-00824.152, and 04-
00824.154

Haven Fellowship Church
7730 Converse Huff Road
Plain City, Ohio 43064
PN: 02-00370.000

Mary Gingerich
7490 Converse Huff Road
Plain City, Ohio 43064
PN: 02-00088.001

Roger and Ann Weeks
7545 Converse Huff Road
Plain City, Ohio 43064
PN: 02-00168.001

David and Rhoda Helmuth
7655 Converse Huff Road
Plain City, Ohio 43064
PN: 02-00131.002

Joann Lewis
7410 Converse Huff Road
Plain City, Ohio 43064
PN: 02-00157.000

Susie Miller
7560 Converse Huff Road
Plain City, Ohio 43064
PN: 0200183.000

David and Elizabeth Ann Beachy
7475 Converse Huff Road
Plain City, Ohio 43064
PN: 0200168.002

Burl Mayer, Tr.
7575 Converse Huff Road
Plain City, Ohio 43064
PN: 02-00168.000

Joseph Gingerich
9910 Plain City Georgesville Road
Plain City, Ohio 43064
PN: 02-00182.000

**Madison Township (9.539± acres)
Principal Parties List**

Property Owner(s):

Name Jay and Ruth Ann Gingerich
Address 7580 Converse Huff Road
City State, Zip Plain City, Ohio 43064
Phone See attorney's number below
Email See attorney's email below

Developer

Name M/I Homes of Central Ohio
Address 3 Easton Oval, Suite 310
City State, Zip Columbus, Ohio 43219
Phone (614) 418-8608
Email

Attorney:

Name Aaron L. Underhill, Esq., Underhill & Hodge LLC
Address 8000 Walton Parkway, Suite 260
City State, Zip New Albany, Ohio 43054
Phone 614.335.9320
Email aaron@uhlfirm.com



Evans, MacIntyre, Hamilton & Thayer, Inc.
Engineers • Surveyors • Planners • Scientists
6900 New Albany Road, Columbus, OH 43234
Phone: 614.775.6500 Fax: 614.775.6518
emht.com

SURVEY OF ACREAGE PARCEL

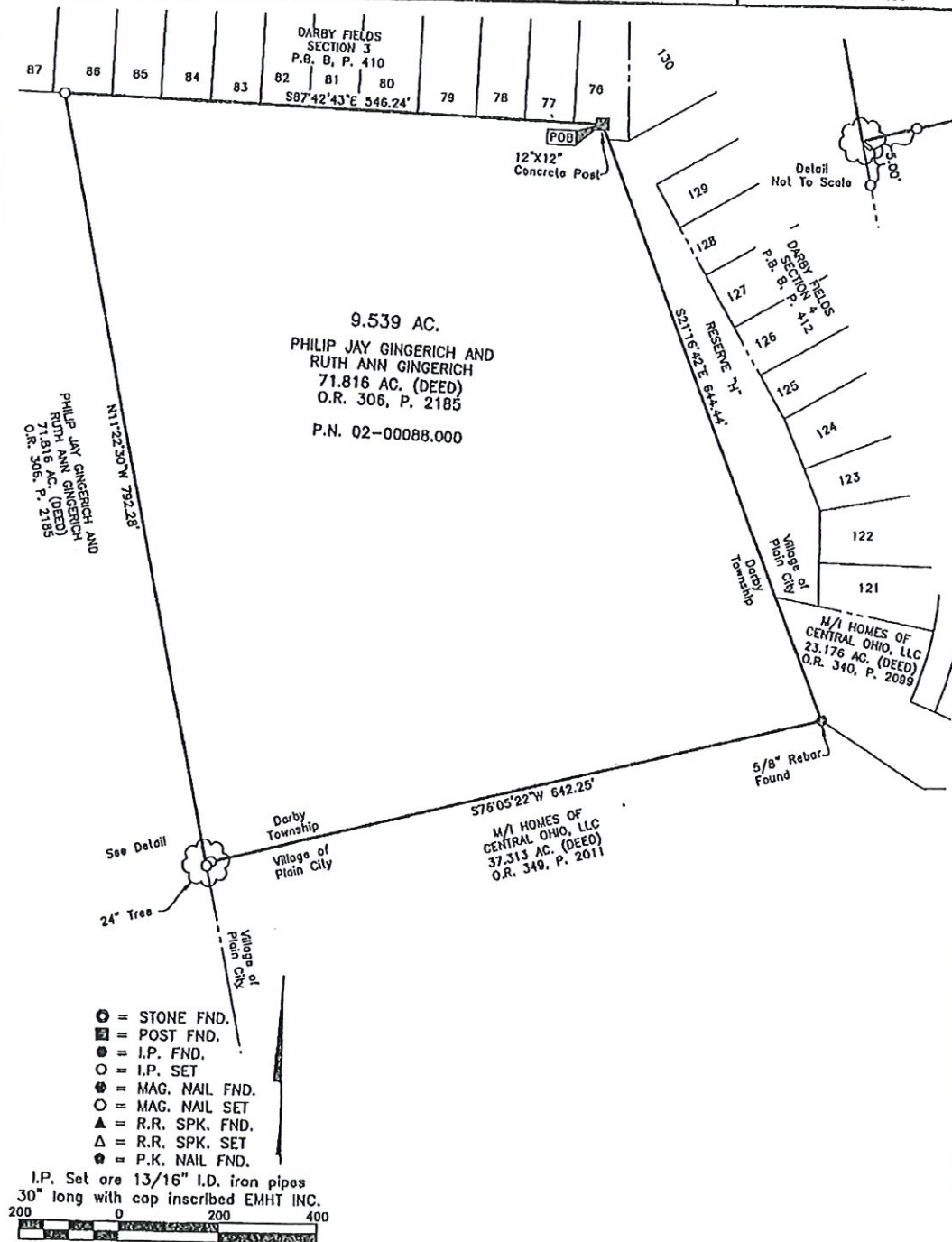
VIRGINIA MILITARY SURVEY NUMBER 5125

TOWNSHIP OF DARBY, COUNTY OF MADISON, STATE OF OHIO

Date: May 17, 2019

Job No: 2019-0537

Scale: 1" = 100'



- = STONE FND.
- = POST FND.
- = I.P. FND.
- = I.P. SET
- ⊙ = MAG. NAIL FND.
- = MAG. NAIL SET
- ▲ = R.R. SPK. FND.
- △ = R.R. SPK. SET
- ⬤ = P.K. NAIL FND.

I.P. Set are 13/16" I.D. iron pipes
30" long with cap inscribed EMHT INC.

GRAPHIC SCALE (in feet)

BASIS OF BEARINGS: The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by positional solutions derived by the National Geodetic Survey's Online Positioning Users Service software using GPS observations and observations of selected CORS base stations in the National Spatial Reference System.

SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey performed in May, 2019.

By

Matthew A. Kirk
Professional Surveyor No. 7865

Date



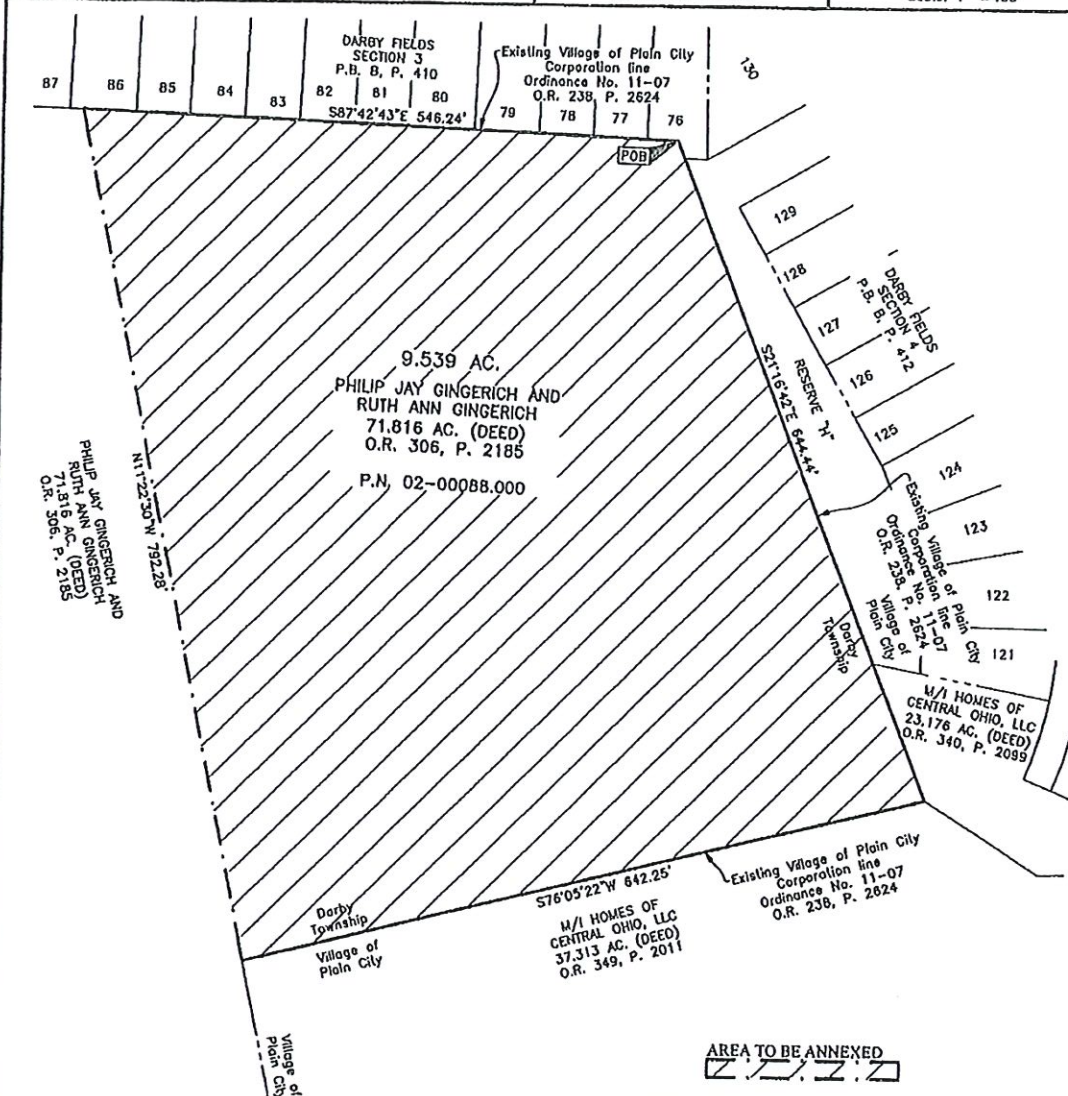
Evans, McWhorter, Hamilton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43244
Phone: 614.775.4300 Toll Free: 800.775.3444
emht.com

ANNEXATION PLAT OF 9.539 ACRES FROM DARBY TOWNSHIP TO VILLAGE OF PLAIN CITY VIRGINIA MILITARY SURVEY NUMBER 5125 TOWNSHIP OF DARBY, COUNTY OF MADISON, STATE OF OHIO

Dats: May 30, 2019

Job No: 2019-0537

Scale: 1" = 100'



By

Matthew A. Kirk
Professional Surveyor No. 7865

Date

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MADISON, OHIO**

**PETITION BY OWNER OF REAL ESTATE FOR ANNEXATION
OF 104 ACRES OF LAND MORE OR LESS
IN DARBY TOWNSHIP, MADISON COUNTY, OHIO
TO THE VILLAGE OF PLAIN CITY, OHIO
UTILIZING THE SPECIAL PROCEDURE OF SECTION R.C. §709.023 et
seq.**

The undersigned, being authorized to represent the owners of freehold estates in land adjacent to the Village of Plain City, Madison County, Ohio, herein respectfully petition that the real estate hereinafter described be annexed to the Village of Plain City, Madison County, Ohio.

The territory proposed for annexation contains 104 acres, more or less, in Darby Township, Madison County, and is contiguous and adjacent to the boundary of the Village of Plain City, Ohio, for five percent (5%) or more of the perimeter of the territory proposed for annexation. The undersigned understands the property will not be excluded from the township.

An accurate and full description of the perimeter of the territory sought to be annexed is attached hereto and made a part hereof as Exhibit "A".

A map or plat of the territory described in Exhibit "A" and sought to be annexed is attached hereto and made a part hereof as Exhibit "B".

The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation.

There is no annexation agreement between the municipality and township pursuant to R.C. §709.192 applicable to this annexation nor an applicable Cooperative Economic Development Agreement (C.E.D.A.) pursuant to R.C. §701.07.

For the purposes of this petition, the number of owners required to sign the petition by R.C. §709.021 have signed.

The owners who sign this petition by their signature expressly waive their right to appeal in law or equity from the Board of County Commissioners' entry of any resolution passed under R.C. §709.023 and waive any rights they may have to sue on any issue relating to a municipal corporation requiring a buffer as provided in R.C. §709.023 and

further waive any rights to seek a variance that would relieve or exempt them from the buffer requirement.

Nathan E. Cahall, whose mailing address is 213 Chillicothe Street, Plain City Ohio, 43064, is hereby appointed agent for the undersigned petitioners, as required by §709.02, Ohio Revised Code; and said petitioner's agent is hereby authorized to make any amendments and/or deletions which in his absolute and complete discretion are proper under the circumstances then existing. In addition, the petitioner's agent is authorized to make such amendments and/or deletions in the petition, map, plat, or description in order to correct any discrepancy or mistake noted by the County Engineer or others in their examination of the petition, map, plat, or description. Amendments to correct the map, plat, or description may be made by the presentation of an amended map or plat and description to the Board of County Commissioners on, before, or after the date set for the hearing of this petition unless otherwise specified by law.

**WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR
RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF
COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION
PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE,
ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO
COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY
LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.**

PETITIONER:

F&T Hostetler Farms, LLC
an Ohio limited liability company

By 
Tammy Hostetler

Date Signed: 4-16-19

ANNEXATION STATE OF OHIO, COUNTY OF MADISON, TOWNSHIP OF DARBY, VMS 9535 & 7753

Map #	Owner	Address	PIE	AC
A	WATSON MARION, WATSON ANITA Z	8437 COUNTRY VIEW DR PLAIN CITY, OHIO 43064	04-00812.067	N/A
B	WATSON MARION E, WATSON MARIE E	8435 COUNTRY VIEW DR PLAIN CITY, OHIO 43064	04-00812.066	N/A
C	CHARITTE CINCINNATI S	8433 COUNTRY VIEW DR PLAIN CITY, OHIO 43064	04-00812.065	N/A
D	MURPHY EUGENE E	8431 COUNTRY VIEW DR PLAIN CITY, OHIO 43064	04-00812.064	N/A
E	SHIFF GARY R, SHIFF HELEN R	8429 COUNTRY VIEW DR PLAIN CITY, OHIO 43064	04-00812.063	N/A
F	WOO CALE A, WOO MANCA	8417 COUNTRY VIEW DR PLAIN CITY, OHIO 43064	04-00812.062	N/A
G	BALDI JERRY H	8415 COUNTRY VIEW DR PLAIN CITY, OHIO 43064	04-00812.061	N/A
H	CHACO EILEEN S	8413 COUNTRY VIEW DR PLAIN CITY, OHIO 43064	04-00812.060	N/A
I	WINGERT DELORET L, WINGERT MARGY F	8411 COUNTRY VIEW DR PLAIN CITY, OHIO 43064	04-00812.059	N/A
J	SCOTT BRUCE, SCOTT MARGARET A	8409 COUNTRY VIEW DR PLAIN CITY, OHIO 43064	04-00812.058	N/A
K	KEEFE NORMAN, KEEFE MADALYN	8407 COUNTRY VIEW DR PLAIN CITY, OHIO 43064	04-00812.057	N/A
L	ENGEL MARGY M, ENGEL PETER J	8405 COUNTRY VIEW DR PLAIN CITY, OHIO 43064	04-00812.057	N/A
M	MAHUT LEAH E, MAHUT JOHN C	8403 COUNTRY VIEW DR PLAIN CITY, OHIO 43064	04-00812.056	N/A
N	BRUNER SUSAN E	8401 COUNTRY VIEW DR PLAIN CITY, OHIO 43064	04-00812.055	N/A
O	FREY SABAH T	5100 COUNTRY PLACE DR PLAIN CITY, OHIO 43064	04-00812.001	N/A
P	SCHE GERALDINE	5102 COUNTRY PLACE DR PLAIN CITY, OHIO 43064	04-00812.002	N/A
Q	BEACH DONNA J	5104 COUNTRY PLACE DR PLAIN CITY, OHIO 43064	04-00812.003	N/A
R	FINLEY GREGORIANA H	5106 COUNTRY PLACE DR PLAIN CITY, OHIO 43064	04-00812.004	N/A
S	ROSE JOHN G	31055 DORNE DR PLAIN CITY OH 43064	07-00124.005	1.00
T	LOVE PAUL	6275 PERRY AVE DR PLAIN CITY OH 43064	07-00125.000	0.57
U	BRON DAVID, BRON OSCARINA	5201 WASHINGTON DR PLAIN CITY OH 43064	04-00640.100	N/A
V	WATSON MARIE WY PLAIN CITY OH	1000 WATSON MARIE WY PLAIN CITY OH 43064	04-00640.099	N/A
W	DANIEL WALTER E, DANIEL DANIELLE H ROBER	1000 WATSON MARIE WY PLAIN CITY OH 43064	04-00640.098	N/A
X	SPANGLER BRANDON, SPANGLER KATHY	1000 WATSON MARIE WY PLAIN CITY OH 43064	04-00640.097	N/A
Y	MUCKER JOHN, JONES JENNIFER	1000 WATSON MARIE WY PLAIN CITY OH 43064	04-00640.096	N/A
Z	LACKEY KATH	1000 WATSON MARIE WY PLAIN CITY OH 43064	04-00640.095	N/A
AA	MITCHELL STEPHEN D	1000 WATSON MARIE WY PLAIN CITY OH 43064	04-00640.094	N/A
BB	FUTY SABAH F	1000 WATSON MARIE WY PLAIN CITY OH 43064	04-00640.093	N/A
CC	BEALS RICHARD GLEN, BEALS LINDA ANN	1000 WATSON MARIE WY PLAIN CITY OH 43064	04-00640.092	N/A
DD	GARDNER BRANDON L, GARDNER ELIZABETH ANN	1000 WATSON MARIE WY PLAIN CITY OH 43064	04-00640.091	N/A
EE	CONNEL NORMAN, CONNEL GREGORY L	1000 WATSON MARIE WY PLAIN CITY OH 43064	04-00640.090	N/A
FF	MAYES CAMERON M, MAYES ADRIEL S	1000 WATSON MARIE WY PLAIN CITY OH 43064	04-00640.089	N/A
GG	JULIAN JENNIFER M, JULIAN LARRY V	1000 WATSON MARIE WY PLAIN CITY OH 43064	04-00640.088	N/A
HH	CURRYAN MATTHEW S, CURRYAN MARGY S	1000 WATSON MARIE WY PLAIN CITY OH 43064	04-00640.087	N/A
II	PLAIN CITY CRT LLC	645 HUBBY DR PLAIN CITY OH 43064	04-00640.086	N/A
JJ	FUTY JENN E, FUTY DOMINIQUE LANE	1000 WATSON MARIE WY PLAIN CITY OH 43064	04-00640.085	N/A
KK	BEACH DONNA J	5104 COUNTRY PLACE DR PLAIN CITY OH 43064	04-00812.002	50.40
LL	BEACH DONNA J	5104 COUNTRY PLACE DR PLAIN CITY OH 43064	04-00812.001	79.50
MM	HULLER LINDA S, FLETCHER LINDA D	4641 DOWD ROAD PLAIN CITY OH 43064	02-00145.000	89.83
NN	HULLER LINDA S, FLETCHER LINDA D	4641 DOWD ROAD PLAIN CITY OH 43064	02-00145.000	89.83
OO	HULLER LINDA S, FLETCHER LINDA D	4641 DOWD ROAD PLAIN CITY OH 43064	02-00145.000	89.83
PP	HULLER LINDA S, FLETCHER LINDA D	4641 DOWD ROAD PLAIN CITY OH 43064	02-00145.000	89.83
QQ	HULLER LINDA S, FLETCHER LINDA D	4641 DOWD ROAD PLAIN CITY OH 43064	02-00145.000	89.83
RR	PLAIN CITY UNITED METHODIST CHURCH INC	120 WEST MAIN ST PLAIN CITY OH 43064	02-00057.003	18.81



REVISION	DATE
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HOSTETLER ANNEXATION
DARBY TOWNSHIP - THE VILLAGE OF
PLAIN CITY

PROJECT NO.	190235
DRAWING NUMBER	ANNEX
DATE	09/12/13
BY	2
CHECKED BY	2
APPROVED BY	2