



# VILLAGE OF DALTON

330-828-2221

## WAYNE COUNTY TAX MAP

Initials Su.P FILE# 2021-2146

DATE 6 / 16 / 2021

IDENT. SU.05-SE / DA.028

## CERTIFICATE

I, Neena Miller, Fiscal Officer for the Village of Dalton, do hereby certify to the Wayne County Recorder that attached hereto are copies of the petition, map, Resolution of Authorization from the Wayne County Commissioners, the Village of Dalton Resolution #19-20 in relation to the annexation territory, 15.067 acres (property) and contiguous to the present corporation limits.

This Conveyance has been examined and the  
Grantor has complied with Section 310 202  
Of the Revised Code

Fee \$

Exempt ☒

JARRA L. UNDERWOOD, County Auditor

AMT. PD \$1.00 DATE 6 / 16 / 21  
JARRA L. UNDERWOOD, AUDITOR

JoAnna Hatten DEPUTY  
JoAnna Hatten

Neena Miller

Neena Miller, Fiscal Officer  
Village of Dalton, Ohio

Paperwork for this document  
originated in the Commissioner's  
office. The Recorder's office is not  
liable for any papers that are missing.



202100008017

06/16/2021 04:03 PM

Filed for Record in WAYNE County, Ohio

Jane Carmichael

Rec Fees: \$173.20

ANEX OR Vol 32 Pgs 474 - 488

1 WEST MAIN STREET • P.O. BOX 493 • DALTON, OH 44618



**Petition for Annexation  
(Expedited Type I)**


The undersigned ("Petitioner"), being the sole owner of the real property known as Wayne County Auditor's Permanent Parcel Numbers 76-02130.00 and 76-02130.002, which parcels consist of 15.067 acres as more fully described in Exhibit A attached hereto and made a part hereof ("Property") hereby petitions, pursuant to Ohio Revised Code Section 709.022, for the annexation of the Property to the Village of Dalton, Wayne 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 Dalton.
3. The undersigned Petitioner is the owner, as defined in ORC Section 709.02(E), of all of the land in the area proposed to be annexed.
4. An Annexation Agreement entered into effective as of November 5, 2020 by and among the Village of Dalton, the Sugar Creek Township Trustees, and the Petitioner is attached hereto as Exhibit C and made a part hereof.
5. A list of all tracts, lots, or parcels in the territory proposed for annexation, and all tracts, lots, or parcels located adjacent to that territory or directly across the road from it is attached hereto as Exhibit D and made a part hereof.
6. Daniel P. Calvin, Attorney, of 225 N. Market Street, Wooster, Ohio 44691, 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.

[Signatures appear on following page.]

I hereby certify this is a true and  
correct copy of the original on file.

  
Wayne County Commissioners  
Diane L. Auster, clerk

2020 DEC 29 PM 1:12  
WAYNE CO COMMISSIONER

[Signature Page to Petition for Annexation]

**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:

**Dalrho LLC,  
An Ohio limited liability company**

By: 

Name: Dallas Steiner

Title: Manager

Date: Nov 17, 2020

**Acceptance of Appointment**

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

  
Daniel P. Calvin

# Resolution

No. 2021-9

*Board of Wayne County Commissioners*  
*Ron Amstutz    Rebecca S. Foster    Sue A. Smail*

*Adopted:* January 6, 2021

*Subject:* **Approval of an Expedited Type 1 Annexation of Approximately 15.067 Acres located in Sugar Creek Township to the Village of Dalton**

It was moved by Commissioner Amstutz and seconded by Commissioner Foster that the following resolution be adopted:

WHEREAS, a Type 1 Expedited Petition was filed with the Board of Commissioners of Wayne County, Ohio, consisting of approximately 15.067 acres from Sugar Creek Township, Wayne County, Ohio, to the Village of Dalton, Ohio, pursuant to Ohio Revised Code Section 709.022; and

WHEREAS, the Petition was signed within 180 days of the filing of the Petition by Dallas Steiner, Manager of Dalrho, LLC; and

WHEREAS, the territory proposed for annexation is contiguous to the Village of Dalton, Ohio; and

WHEREAS, the Petition includes an Annexation Agreement as provided in Sections 709.022 and 709.192 of the Ohio Revised Code; and

WHEREAS, the Petition complies with all other legal requirements;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Wayne County, Ohio, that:

Section 1: The Petition for the Annexation of Approximately 15.067 Acres from Sugar Creek Township, Wayne County, Ohio to the Village of Dalton, Ohio, filed by the aforementioned petitioner on December 29, 2020, is hereby approved.

Section 2: A copy of this Resolution, and a complete file of the annexation proceedings, shall be forwarded by the Clerk of this Board to the Village of Dalton, Ohio.

The vote is as follows: Ron Amstutz yea    Rebecca S. Foster yea    Sue A. Smail yea

## CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

  
Diane L. Austen, Clerk

# RECORD OF RESOLUTIONS

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6301

Resolution No. 19-20

Passed December 21, 2020

## A RESOLUTION OF THE VILLAGE OF DALTON, WAYNE COUNTY, OHIO APPROVING ANNEXATION OF 15.067 ACRES OF REAL PROPERTY, AND DECLARING AN EMERGENCY.

WHEREAS, Owner, Dalrho LLC, will file a Petition for Annexation pursuant to Ohio Revised Code Sections 709.021 and 709.022 for the annexation of 15.067 acres of real property described and as shown in Exhibit A attached hereto ("Property"); and

WHEREAS, Pursuant to Ohio Revised Code Section 709.022, the Petition for Annexation shall be accompanied by a certified copy of an annexation agreement provided for in Ohio Revised Code Section 709.192, that is entered into by the municipal corporation and each township any portion of which is included within the territory proposed for annexation; and

WHEREAS, Pursuant to Ohio Revised Code Section 709.192, the Council of the Village of Dalton wishes to enter into an annexation agreement by and between the Board of Township Trustees of Sugar Creek Township, Wayne County, Ohio, the Village of Dalton, Ohio, and Dalrho LLC, an Ohio limited liability company ("Annexation Agreement").

NOW, THEREFORE, BE IT ORDAINED by Council of the Village of Dalton, Wayne County, Ohio that:

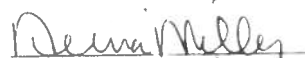
Section 1. The Council of the Village of Dalton agrees to the terms of the Annexation Agreement that is attached hereto as Exhibit B.

Section 2. The Council of the Village of Dalton will provide a fully signed copy of the Annexation Agreement to all signatories of the Annexation Agreement. The Owner will submit the Petition for Annexation, which will include the fully signed Annexation Agreement as an attachment, to the Wayne County Commissioners. Pursuant to Ohio Revised Code Section 709.022, upon the receipt of the Petition for Annexation, which will include the Annexation Agreement, the Wayne County Commissioners, at the board's next regular session, shall enter upon its journal a resolution granting the annexation, without holding a hearing.


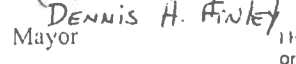
Section 3. This Resolution is an emergency measure necessary for the immediate preservation of the public health, safety, and welfare in order to ensure the territory is incorporated within the Village. This Ordinance shall take effect at the earliest time allowed by law.

Passed in Council this 21st day of December, 2020.

ATTEST:

  
Neena Miller  
Fiscal Officer

APPROVED:

  
Patrick Sword  
President of Council  
  
Dennis H. Finley  
Mayor

I Heraby Certify  
Ordinance 19-20  
was published in the  
Dalton Gazette  
on  
Dec 30, 2020  
Neena Miller

**Exhibit A**  
**Legal Description**

Boundary description for annexation of 15.067 acres to Dalton

Situated in the Township of Sugar Creek, T-16N; R-11W, Southeast Quarter of Section 5, County of Wayne, and State of Ohio:

Known as being lands conveyed to DALRHO, LLC in O.R. 905; Page 3802 of Wayne County Official Records and further bounded and described as follows:

Commencing at the southeast corner of the Southeast Quarter of Section 5;

Thence N 02° 47' 06" W, 966.07 feet along the section line and the Village of Dalton corporation line to a point and the principal place of beginning of the parcel herein described:

THENCE WITH THE FOLLOWING FIFTEEN (15) COURSES:

1. N 86° 09' 49" W, 828.34 feet along said corporation line to a point;
2. S 02° 47' 26" W, 325.70 feet along said corporation line to a point;
3. N 88° 22' 15" W, 19.88 feet along said corporation line to a point;
4. S 02° 33' 14" W, 101.85 feet along said corporation line to a point;
5. N 89° 35' 49" E, 222.79 feet along said corporation line to a point;
6. S 00° 28' 53" E, 102.42 feet along said corporation line to a point of curvature;
7. southwesterly 674.05 feet along said corporation line and the north line of lands conveyed to Irma R. Troyer in O.R. 581; Page 1438 and O.R. 699; Page 872 of Wayne County Official Records along the arc of a curve deflecting to the left, said curve having a radius of 4583.66 feet, a central angle of 8° 25' 32" and a chord which bears S 85° 18' 52" W, 673.44 feet to a point on the east line of lands conveyed to Lake Harmony, Inc. in Volume 360; Page 57 of Wayne County Deed Records;
8. N 02° 49' 10" E, 1163.40 feet along the east line of said Lake Harmony lands, the east line of lands conveyed to James L. & Germaine Gerber, Trustees in O.R. 754; Page 1981 of Wayne County Official Records, the east line of Louis Gerber Allotment No. 1 as recorded in Volume 4; Page 398 of Wayne County Plat Records and the east line of Carpenter Subdivision as recorded in Volume 26; Page 129 of said records to a point at the southwest corner of lands conveyed to E. Grace King in O.R. 237; Page 197 and O.R.

902; Page 3237 of aforesaid records;

9. **S 86° 38' 00" E, 1286.50** feet along the south line of said King lands to a point on the section line and in Kurzen Road (T.R. 301);
10. **S 02° 47' 06" W, 50.00** feet along the section line and in Kurzen Road (T.R. 301) to a point at the northeast corner of lands conveyed to Living Water Community Church, Inc. in O.R. 646; Page 1705 of Wayne County Official Records;
11. **N 86° 38' 00" W, 755.04** feet along the north line of said Living Water Community Church lands to a point at the northwest corner thereof;
12. **S 02° 42' 33" W, 300.72** feet along a west line of said Living Water Community Church lands to a point;
13. **S 09° 43' 46" W, 143.96** feet along a west line of said Living Water Community Church lands to a point at the southwest corner thereof;
14. **S 86° 09' 37" E, 772.14** feet along the south line of said Living Water Community Church lands to a point at the southeast corner thereof and on the section line and in Kurzen Road (T.R. 301);
15. **S 02° 47' 06" W, 60.00** feet along the section line and in Kurzen Road (T.R. 301) to the principal place of beginning and containing within said bounds 15.067 acres of land, more or less, and subject to all legal highways and easements of record.

This description was prepared by Mark E. Purdy, P.S. #7307 of Shaffer, Johnston, Lichtenwalter & Associates, Inc.

**Exhibit B**  
**Annexation Plat**

See attached.



**Exhibit C**  
**Annexation Agreement**

See attached.

## ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is made and entered into this 5th day of November, 2020, pursuant to Ohio Revised Code Sections 709.021 and 709.022, by and between the **Village of Dalton, Ohio** ("Village"), the **Board of Township Trustees of Sugar Creek Township, Wayne County, Ohio** ("Township") and **Dalrho LLC**, an Ohio limited liability company ("Owner"), with reference to the following facts:

### BACKGROUND

1. Owner is the owner in fee simple of 15.067 acres of real property described in **Exhibit A** attached hereto and made a part hereof ("Property"). A plat map of the Property is attached hereto as **Exhibit B** and made a part hereof.
2. The Property is contiguous with the Village.
3. The parties desire to annex the Property to the Village pursuant to and under the authority of Ohio Revised Code Sections 709.021 and 709.022.
4. Simultaneous herewith, Owner is filing with the Village a Petition for Annexation pursuant to Ohio Revised Code Sections 709.021 and 709.022.
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.

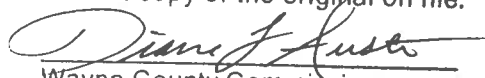
### AGREEMENT

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. **Annexation of Property.** Effective as of thirty days after the passage of a resolution of the Village accepting Owner's Petition for Annexation, the Property shall be annexed to the Village of Dalton, Wayne County, Ohio. However, the Property to be annexed shall not be excluded from the Township, thus, remains subject to the Township's property taxes.
2. **Land Use.** Once annexed, the Property shall not have any specific land use classification. Prior to commencing construction of any buildings on the Property, Owner shall a Land Use Certificate for Owner's intended use of the Property, as provided in Section 150.03 of the Village Building Regulations.
3. **Utilities.** Owner shall be primarily responsible for ensuring that utilities are available to the Property.
4. **Streets.** It is not necessary to build or extend any street for this annexation.

1

I hereby certify this is a true and correct copy of the original on file.

  
Wayne County Commissioners  
Diane L. Auster, clerk

5. Consent of the Township to Annex. Township hereby consents to the annexation of the Property to the Village as evidenced by the execution of this Agreement.

6. Consent of the Village to Annex. Village hereby consents to the annexation of the Property to the Village as evidenced by the execution of this Agreement.

7. **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.

8. **Modification.** This Agreement may not be modified by the Village or Township except in writing and by official legislative action of both the Village and Township. The foregoing notwithstanding, this Agreement shall not be terminated, modified, or amended in any manner that would affect the rights of the Owner without the express written consent of the Owner.

9. **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.

10. **Governing Law.** This Agreement shall be construed in accordance with, and governed by, the laws of the State of Ohio.

11. **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.

12. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the heirs, successors and assigns of the parties.

13. **Authority.** Each of the Parties to this Agreement represents and warrants that each has taken all such actions necessary to authorize it to enter into this Agreement and to be bound thereby, specifically all actions taken by the Township and the Village were conducted in open meetings for which notice was only given in accordance with the Ohio Revised Code.

14. This Agreement may be executed in counterparts, each copy of which will be regarded as an original.

[Signature Page to Annexation Agreement]

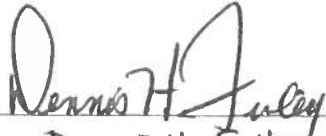
Village

Township

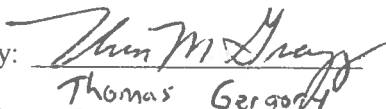
Village of Dalton, Ohio

Board of Township Trustees of Sugar Creek  
Township, Wayne County, Ohio

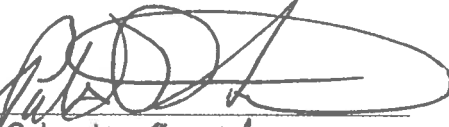
By:

  
DENNIS H. FINLEY  
[Mayor] Dennis Finley

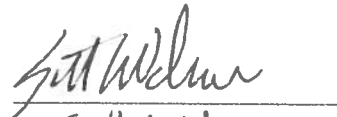
By:

  
Thomas Gergory  
[Trustee] Thomas Gergory


By:

  
Patrick Sword  
[Council President]  
Patrick Sword

By:

  
Scott Widmer  
[Trustee] Scott Widmer

By:

  
Jonathan Hofstetter  
[Trustee]  
JONATHAN HOFSTETTER

Dalrho LLC,  
An Ohio limited liability company

By:



Name: Dallas Steiner

Title: Manager

State of Ohio

County of Wayne

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of December, 2020 by Dennis Finley, Mayor, of the Village of Dalton, Ohio.

  
Notary Public

State of Ohio

County of Wayne

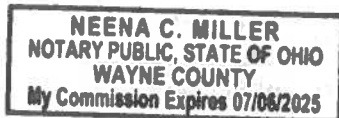


07/06/2025

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of December, 2020, by Pat Sward, Council President, of the Village of Dalton, Ohio.

Neena Miller  
Notary Public

State of Ohio  
County of Wayne



The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of November, 2020, by Thomas Gregory Trustee of the Board of Township Trustees of Sugar Creek Township.



**Bonnie F McGinty**  
Notary Public, State of Ohio  
My Commission Expires  
10/1/2025

State of Ohio  
County of Wayne

Bonnie F. McGinty  
Notary Public

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of November, 2020, by Scott E Widmer, Trustee of the Board of Township Trustees of Sugar Creek Township.



**Bonnie F McGinty**  
Notary Public, State of Ohio  
My Commission Expires  
10/1/2025

State of Ohio  
County of Wayne

Bonnie F. McGinty  
Notary Public

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of November, 2020, by Jonathan McElrath, Trustee of the Board of Township Trustees of Sugar Creek Township. .



**Bonnie F McGinty**  
Notary Public, State of Ohio  
My Commission Expires  
10/1/2025

State of Ohio  
County of Wayne

Bonnie F. McGinty  
Notary Public

**Exhibit D**  
**Property and Adjacent Tracts**

<b>Parcel Number</b>	<b>Name</b>	<b>Mailing Address</b>
76 -00120.000	Mark L. Berg	235 Pres Vannes Dr., Dalton, OH 44618
76 -00236.000	Robert W. Carpenter, Jr. and Victoria M Carpenter	283 Pres Vannes Dr., Dalton, OH 44618
76-02110.000	Grace E. King	14179 Bair Road, Dalton, OH 44618
76 -02108.000	Living Water Community Church Inc.	200 N Kurzen Road, Dalton, OH 44618
76-02130.001	Living Water Community Church Inc.	200 N Kurzen Road, Dalton, OH 44618
50-01087.000	100 Kurzen Ltd.	107 Tommy Henrich DR NW, Massillon, OH 44647
50-01085.000	DAS Dutch Kitchen Inc.	1503 S. Water St., Kent, OH 44240
76-00254.000	Robert W. Carpenter, Jr. and Victoria M Carpenter	283 Pres Vannes Dr., Dalton, OH 44618
76 -00419.000	Jason L. Geiser	107 Pres Vannes Dr., Dalton, OH 44618
76 -00420.000	Jason L. Geiser	107 Pres Vannes Dr., Dalton, OH 44618
76 -00928.000	Richard Watson Neil	143 Pres Vannes Dr., Dalton, OH 44618
76 00418.000	David & Diane Fischnich	167 Pres Vannes Dr., Dalton, OH 44618
76 -01056.000	Larry M. Olsen	189 Pres Vannes Dr., Dalton, OH 44618
76 -00119.000	Kathryn S. Hofstetter	213 Pres Vannes Dr., Dalton, OH 44618
76 -01426.000	Overhead Door Corporation	2501 S. State Highway 121, Bus Suite 200, Lewisville, TX 75067
76 -01420.000	Melinda D. Bates	213 Kurzen Road N, Dalton, OH 44618
76-02122.000	Irma R. Troyer	3458 Bandy Road, Homeworth, OH 44634
50-01084.000	TZN Holdings, Ltd.	3000 Old Airport Road, Wooster, Ohio 44691
76 -00404.001	James L. Gerber and Germaine Gerber, Trustees	1850 Blackberry Lane, Orrville, OH 44667
76-01998.000	Lake Harmony Inc.	PO Box 621, Dalton, OH 44618

**TOTAL ANNEXATION  
15.067 AC.**

E. GRACE, 1895  
O.R. 602, P.C. 3237

710  
PPN: 47-02130.000  
6.847 AC.  
O.R. 602, P.C. 3602

710  
PPN: 47-02130.002  
8.225 AC.  
O.R. 602, P.C. 3602

A=674.05'  
B=453.66'  
C=673.44'

804 R. TROPER  
O.R. 602, P.C. 872

JAMES L. & GERMAINE  
GERBER, TRUSTEES  
O.R. 754, P.C. 1981

LAKE HARMONY, INC.  
DEED VOL. 300, P.C. 57

LOT 21  
ROBERT W. &  
VICTORIA M. CESSER  
O.R. 754, P.C. 1793

LOT 20  
JASON L. &  
TERESA M. CESSER  
O.R. 852, P.C. 483

LOT 19  
JASON L. &  
TERESA M. CESSER  
O.R. 852, P.C. 483

LOT 18  
ROBERT W. &  
VICTORIA M. CESSER  
O.R. 852, P.C. 1006

LOT 17  
DAVE FESCHICH  
DEED VOL. 535, P.C. 559

LOT 16  
LAURENCE L. CESSER  
DEED VOL. 602, P.C. 882

LOT 15  
VICTORIA M. CESSER  
DEED VOL. 602, P.C. 525

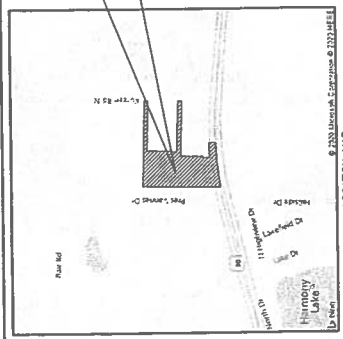
LOT 14  
MARK L. BECK  
O.R. 602, P.C. 481

LOT 31  
ROBERT W. &  
VICTORIA M. CESSER  
O.R. 654, P.C. 445

E. LINCOLN WAY (U.S. 30)

VILLAGE OF DALTON

KURZEN ROAD (T.R. 301)



# ANNEXATION PLAT TO THE VILLAGE OF DALTON

S.E. QTR. SEC. 5  
T-16N; R-11W  
SUGAR CREEK TOWNSHIP  
WAYNE COUNTY, OHIO

REFERENCE SURVEY:  
"00"-746  
"00"-289  
BASIS OF BEARING:  
MAGNETIC  
EAST LINE OF QUARTER SECTION  
FROM SURVEY "00"-57

SCALE: 1" = 100'

Approved this 21<sup>st</sup> day of June, 2021.

Approved by Wayne County Commissioners:  
this 21<sup>st</sup> day of January, 2021.

Approved for Recording:  
this 11<sup>th</sup> day of June, 2021.

Transferred:  
this \_\_\_ day of \_\_\_, 20\_\_.

Filed for record in Wayne Co., Ohio

AUDITOR: 1.00	DATE: AT
RECORDER: 43.20	INSTRUMENT #
TOTAL: 44.20	PAGE
FEE \$	

**SHAFFER, JOHNSTON, LICHTENWALTER & ASSOCIATES, INC.**  
Consulting Engineers & Surveyors  
3477 Lakeside C  
Wesley, Ohio 44093  
TEL (330) 345-6377 FAX (330) 345-6375 EMAIL sjl@shaffer-inc.com

**SHAFFER, JOHNSTON, LICHTENWALTER & ASSOCIATES, INC.**  
Consulting Engineers & Surveyors  
3477 Lakeside C  
Wesley, Ohio 44093  
TEL (330) 345-6377 FAX (330) 345-6375 EMAIL sjl@shaffer-inc.com

DWG NO: SW-5844-BASE JOB NO: SW-5844 SHEET 1 OF 1