



Village Of Fredericksburg

206 North Mill Street
Fredericksburg, Ohio 44627



Joseph Chupp
Mayor



202100003017 03/05/2021 03:14 PM
Filed for Record in WAYNE County, Ohio
Jane Carmichael Rec Fees: \$122.00
ANEX OR Vol 32 Pgs 389 - 381

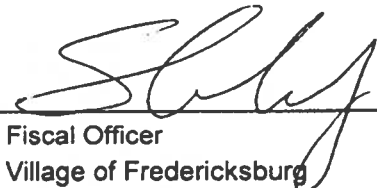
February 12, 2021

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

To Whom It May Concern;

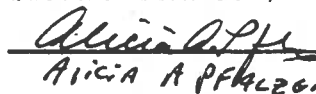
I, Shawn McKelvey, Fiscal Officer of the Village of Fredericksburg, hereby certify that the attached hereto are:

1. 3 copies of the petition for annexation
2. The map or plat accompanying the petition
3. A transcript of the proceedings of the Wayne County Commissioners
4. The Resolution accepting the annexation by the Village of Fredericksburg in relation to the annexation of Permanent Parcel No. ~~45-0410.002~~ 45-00410.002, the real property owned by John A. & Emma A. Miller.


Fiscal Officer
Village of Fredericksburg



AMT. PD 6.50 DATE 3 / 5 / 2021
JARRA L. UNDERWOOD, AUDITOR

 DEPUTY
ALICIA A. PFEIFFER

This Conveyance has been examined and the
Grantor has complied with Section 319.202
Of the Revised Code
Fee \$
Exempt
JARRA L. UNDERWOOD, County Auditor

SA.19-SW-E

PETITION FOR ANNEXATION - REGULAR

We, the undersigned, being a majority of the owners of real estate in the territory hereinafter described, hereby petition for the annexation of the following described territory to the Village of Fredericksburg, Wayne County, Ohio, in the manner provided for by Sections 709.02 to 709.11 of the Revised Code of Ohio.

Petitioners have attached hereto and made a part of this petition a legal description of the perimeter of the territory sought to be annexed, marked as Exhibit "A".


The described territory is contiguous with the Village of Fredericksburg, Ohio.

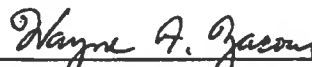
Petitioners have attached hereto and made a part of this petition, an accurate map or plat of the territory sought to be annexed, marked as Exhibit "B".

Attorney Wayne A. Zacour, Taggart Law Firm, LPA, is hereby appointed agent for the undersigned Petitioners as required by Revised Code Section 709.02(C)(3), with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this Petition. Said amendment, alteration, change, correction, withdrawal, refiling, substitution, compromise, increase or deletion or other things or action for granting of this Petition shall be made in the Petition, description and plat by said agent without further expressed consent of the Petitioners.

Submitted with this Petition for Annexation is also a list of the parcels in the area to be annexed and the adjacent territory, which includes the names of owners, mailing addresses of owners, and permanent parcel numbers.

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


Wayne County Commissioners
Diane L. Austen

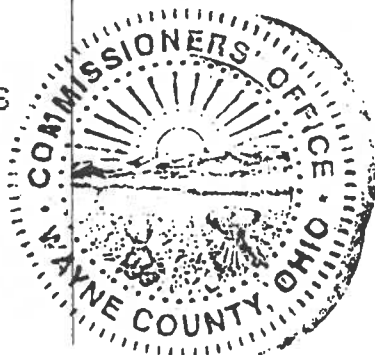

Wayne A. Zacour, Agent

Taggart Law Firm, LPA
140 West Liberty Street,
Wooster, OH 44691

Phone: (330) 264-5141
Fax: (330) 262-1046

E-mail: wazacour@taggartlawfirm.com

WAYNE CO COMMISSIONERS
2020 MAY 6 AM 10:12





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SIGNATURE OF PETITIONERS,
TYPED NAMES AND ADDRESSES

DATE

John A. Miller
John A. Miller
10221 Hogback Road
Fredericksburg, Ohio 44627

Date: 4-29-20

Emma A. Miller
Emma A. Miller
10221 Hogback Road
Fredericksburg, Ohio 44627

Date: 4-29-20



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Exhibit A
(Legal Description)

Boundary description for annexation of 8.308 acres to Fredericksburg

Situated in the Township of Salt Creek, (T-15N, R-12W), Southwest Quarter of Section 19,
County of Wayne, and State of Ohio:

Known as being lands conveyed to John A. & Emma A. Miller in O.R. 265, Page 903 of Wayne
County Official Records and further bounded and described as follows:

Commencing at the Northwest corner of the Southwest Quarter of Section 19;

Thence S 04 degrees 58' 14" W, 118.80 feet along the township line to a point at the intersection
of Harrison Road (C.R. 2) with Sterling Street (T.R. 439), also being the Northwest corner of
lands conveyed to Eugene A. & Connie M. Cognion in O.R. 275, Page 419 of Wayne County
Official Records;

Thence S 05 degrees 09' 57" W, 210.12 feet along the township line, in Sterling Street (T.R. 439)
and along the West line of said Cognion lands to a point at the Southwest corner of Cognion
lands and the principal place of beginning of the parcel herein described:

Thence with the following FIVE (5) COURSES:

1. S 84 degrees 50' 03" E, 374.01 feet along the South line of said Cognion lands to a point on
the Village of Fredericksburg corporation line;
2. S 05 degrees 02' 59" W, 678.41 feet along said corporation line to a point at the Northwest
corner of lands conveyed to Robin Industries, Inc. in Volume 721, Page 226 of Wayne
County Deed Records;
3. S 32 degrees 50' 15" W, 524.65 feet along the Westerly line of said Robin Industries lands to
a point at the Northeast corner of lands conveyed to Cherry Hill Mining, LLC in O.R. 805,
Page 557 of Wayne County Official Records and in aforesaid Sterling Street (T.R. 439);
4. N 35 degrees 23' 09" W, 202.62 feet along the Northerly line of said Cherry Hill Mining
lands, the Northerly line of lands conveyed to Donald W. Jr. & Cheryl M. Abernathy in O.R.
427, Page 740 of Wayne County Official Records and in Sterling Street (T.R. 439) to a point
on the township line;
5. N 05 degrees 09' 57" E, 989.09 feet along the township line and in Sterling Street (T.R. 439)
to the principal place of beginning and containing within said bounds 8.308 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.

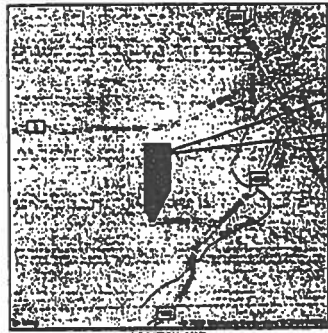
**Exhibit B
(Plat Map)**



**202100003017
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SEE ATTACHED

**TOTAL ANNEXATION
8.308 AC.**



Sheet 1

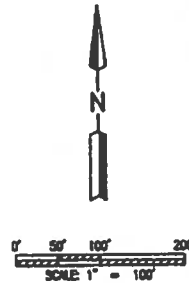
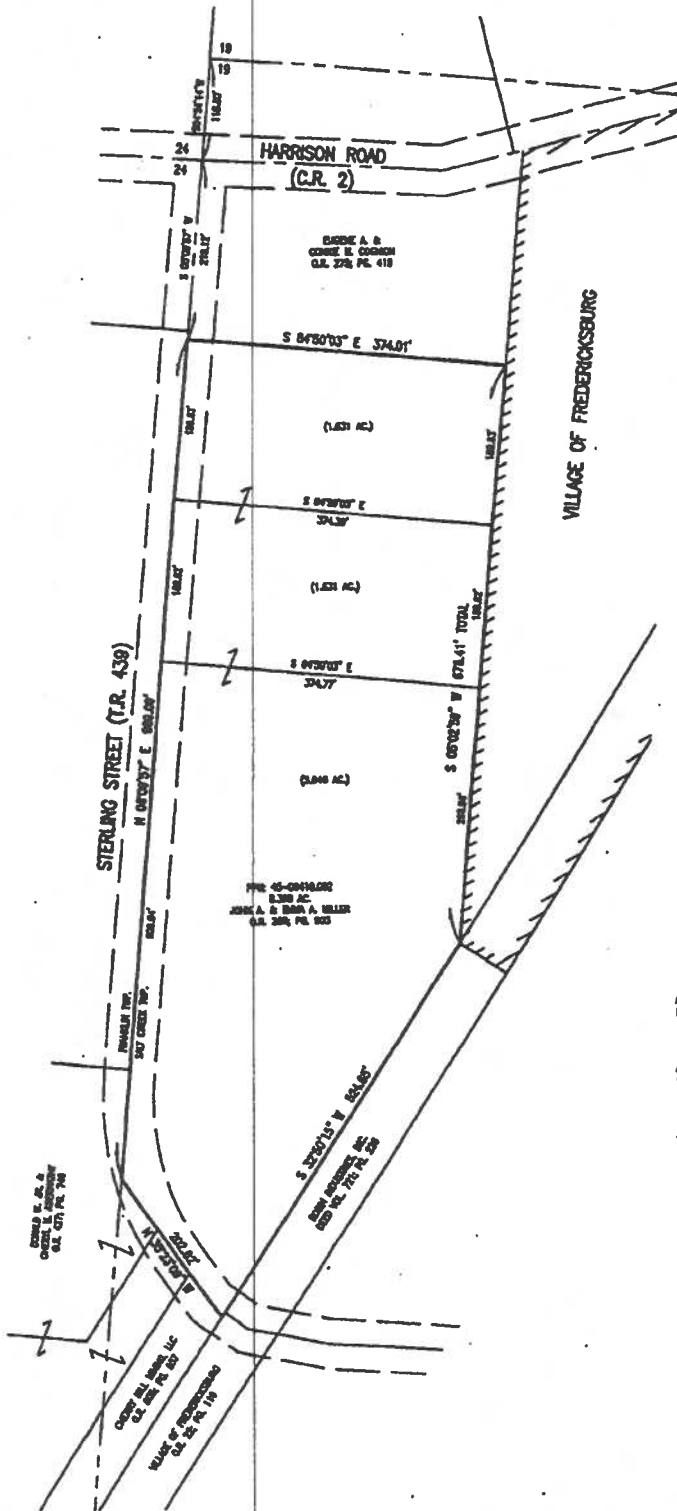
PROJECT LOCATION



202100003017
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**ANNEXATION PLAT
TO THE VILLAGE OF
FREDERICKSBURG**

S.W. QTR. SEC. 19
T-15N R-12W
SALT CREEK TOWNSHIP
WAYNE COUNTY, OHIO



REFERENCE SURVEY:
107-012
107-065
107-080
107-084
DICES OF BEARING
SECTION LINE & WITH STERLING
STREET BEARING MEASUREMENT
SURVEY 107-140

Approved: _____
this ____ day of _____, 20____ Village of Fredericksburg

Approved by Wayne County Commissioners:
this ____ day of _____, 20____

BECKY FOSTER _____ RON ALSTUTZ _____ SUE SHAL _____
Approved for Recording:
this ____ day of _____, 20____ Wayne County Map Office
SUEY PEPPARD _____
Transferred:
this ____ day of _____, 20____ (Sign) _____
Wayne County Auditor's Office
(Print)

Filed for record in Wayne Co., Ohio

JANE CARMICHAEL, RECORDER
DATE _____ AT _____
INSTRUMENT # _____
PLAT VOL. _____ PAGE _____
FEE \$ _____

Distances shown herein are expressed in feet and decimal parts thereof; bearings are used to express angles only; true plan or monuments were found or not as indicated herein. All of which I believe to be correct in the best of my knowledge.

Mark E. Purdy
Mark E. Purdy, P.S. 73307 Date _____



SHAFPER, JOHNSTON, LICHTENWALTER & ASSOCIATES, INC.
Consulting Engineers & Surveyors
3477 Chaucer Parkway, Suite C
Wesley, Ohio 44093
TEL (216) 345-0377 FAX (216) 345-0373 EMAIL: shj@shj-inc.com

DATE	10/15/20
DWG NO: EN-2854-BIGE	JOB NO: EN-2854
SHEET 1 OF 1	



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List of parcels in the area to be annexed and the adjacent territory, including names of owners, mailing addresses of owners (as derived from Wayne County Auditor tax mailing addresses), and permanent parcel numbers:

Name(s):	Mailing Address(es):	Permanent Parcel Number(s):
John A. Miller and Emma A. Miller	10221 Hogback Road, Fredericksburg, OH 44627	45-00410.002
Eugene A. Cognion and Connie M. Cognion	10222 Sterling Road, Fredericksburg, OH 44627	45-00410.011
Robin Industries, Inc.	300 W. Clay St., Fredericksburg, OH 44627	46-00194.000; 46-00370.000; 45-00805.001
Cherry Hill Mining, LLC	1446 Beechdale Dr., Mansfield, OH 44907	45-00041.000
Donald W. Abernathy, Jr. and Cheryla Abernathy	10353 Sterling Road, Fredericksburg, OH 44627	29-00016.001; 29-00016.002; 45-00041.001; 45-00041.002
SC Investments, Inc.	PO Box 212, Holmesville, OH 44633	29-00147.000
Carl R. Phipps, Sr. And Jonnie Jill Phipps	4741 Harrison Road, Fredericksburg, OH 44627	29-00124.000

Resolution

No. 2020-374

Board of Wayne County Commissioners

Ron Amstutz Rebecca S. Foster Sue A. Smail

Adopted: August 5, 2020

Subject: **Approval of a Regular Annexation to the Village of Fredericksburg, Wayne County, Ohio (2020-A3 Regular ORC 709.02)**

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

WHEREAS, on May 6, 2020, Atty. Wayne A. Zacour, on behalf of Petitioners filed with the Board of County Commissioners, Wayne County, Ohio, a Petition for Annexation to the Village of Fredericksburg, County of Wayne, pursuant to RC 709.02 which Petition was entered on the Commissioners' Journal on May 13, 2020, pursuant to Resolution No. 2020-234; and

WHEREAS, said Petition is valid in that:

1. The Petition conforms to all of the statutory requirements outlined in Chapter 709 of the Ohio Revised Code and contains all of the matters required by RC 709.02.
2. RC 709.02(C)(1) requires signatures from at least 51% of property owner(s), this Petition is signed by 100% of the owner(s) of the territory proposed to be annexed and no signature is dated more than 180 days before the date of the filing of the Petition [RC 709.02(C)(1)].
3. The Petition includes an accurate legal description of the perimeter and an accurate map or plat of the territory proposed for annexation [RC 709.02(C)(2)].
4. The Petition names authorized agent for the Petitioner(s) [RC 709.02(C)(3)].
5. The Petition includes a list of all tracts, lots, or parcels proposed to be annexed; and all tracts, lots or parcels located adjacent to the territory to be annexed or directly across the road when a road is adjacent to the territory to be annexed, including the name and mailing address of the owner of each tract, lot or parcel, and the auditor's permanent parcel number for each tract or parcel [RC 709.02(D)];
6. Any owner that is a firm, trustee or corporation has been signed by a person authorized to sign for that entity [RC 709.02(E)];
7. The Village of Fredericksburg has complied with RC 709.03(D) by adopting Ordinance No. 2020-8, which indicates what services it will provide upon annexation, and the approximate date it will provide such services.

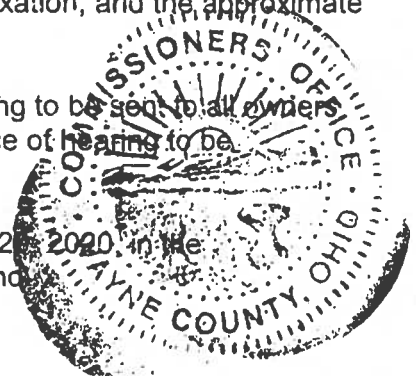
WHEREAS, Agent for the Petitioner(s), caused written notice of hearing to be sent to all owners of property adjacent to the property to be annexed and caused a notice of hearing to be published; and

WHEREAS, a hearing on this Petition was held by this Board on July 21, 2020, in the Commissioners' Meeting Room, 428 W. Liberty St., Wooster, Ohio; and



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WHEREAS, the record in this matter consists of the following:



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- a. The Annexation Petition;
- b. The Notice of Petition for Annexation;
- c. A certification that notice of the filing of the Petition for Annexation was served by publication and by certified mail;
- d. The Ordinance or Resolution from the municipal corporation indicating the services that will be provided;
- e. Digital Recording of Public Hearing prepared by Clerk of the Board of Wayne County Commissioners approved by the Board on August 5, 2020;

WHEREAS, based upon a preponderance of the substantial, reliable and probative evidence found within the record, this Board finds that:

1. The requirements stated in 709.033(A)(1) – (3) have been met, as stated above.
2. The territory proposed to be annexed is not unreasonably large.
3. On balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding areas will outweigh the detriments to the territory proposed to be annexed and the surrounding area RC 709.033(A)(5).
4. No street or highway will be divided or segmented by the boundary line between a township and the municipality as to create a road maintenance problem.

IT IS HEREBY RESOLVED that the Petition for Annexation be granted.

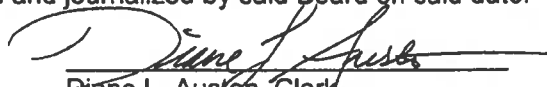
IT IS FURTHER RESOLVED that a certified copy of this Resolution be sent to the Village of Fredericksburg Fiscal Officer, to the Fiscal Officer of Salt Creek Township and to the Agent for the Petitioner(s); and

BE IT FURTHER RESOLVED, if no appeal is filed within 30 days, certified copies of this Resolution, Petition, Map, Statement of Services and all other papers on file along with the minutes of these proceedings be delivered to the Village of Fredericksburg Fiscal Officer in accordance with RC 709.033.

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





July 29, 2020

The Board of Wayne County Commissioners met for **Public Hearing** with Commissioners Rebecca S. Foster, Sue Smail and Ron Amstutz in attendance regarding **Annexation 2020-A3.**

All those wishing to speak were sworn in by Diane Austen, Clerk of the Board of Commissioners.

Opposing Testimony:

No opposition, just a question from, Ms. Abernathy, an owner of property across from the property to be annexed. Her question was what kind of development would be done.

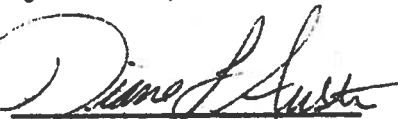
Supporting Testimony:

Atty. Wayne Zacour (Agent for Petitioners):

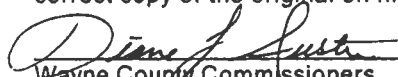
Atty. Zacour stated Petitioners purpose in requesting petition was to allow for development by Schlabach home builders for approx. 20-22 single story 1,400 square foot homes with the following: 2 bedrooms; 2 baths; a sunroom; a den; and a 2-car attached garage. These will be high-energy homes on a concrete slab all with the same floor plan at approx. \$180-\$190,000. A similar development was built a year earlier in Holmesville and was well received. A proposed new street will provide access for the home's driveways.

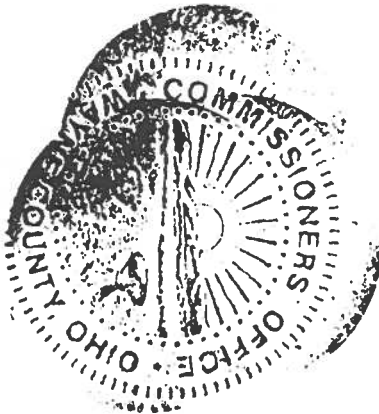
Receiving no other requests to comment; the hearing was adjourned.

Attest:


Diane L. Austen, Clerk

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


Wayne County Commissioners
Diane L. Austen





RESOLUTION NO. 2021-3

A RESOLUTION ACCEPTING THE ANNEXATION OF PERMANENT PARCEL 45-0410.002 INTO THE VILLAGE

WHEREAS, the Board of County Commissioners by Resolution adopted August 5, 2020 approved the regular annexation of real property to the Village of Fredericksburg, and

WHEREAS, the Fiscal Officer received Commissioners' Resolution on September 8, 2020, and

WHEREAS, at Council's regularly scheduled meeting of September 14, 2020, Council was informed of the receipt of the Resolution which would be formally presented to them after the 60 day waiting period at the November 9, 2020 meeting,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF FREDERICKSBURG, WAYNE COUNTY, OHIO AS FOLLOWS:

Section 1: The Village accepts the annexation of Permanent Parcel 45-00410.002 whose legal description is attached and marked Exhibit A and fully incorporated herein.

Section 2: The Fiscal Officer is directed to certify three copies of the petition, the map or plat accompanying the petition, a transcript of the proceedings of the Wayne County Commissioners, and this Resolution and all other resolutions relating to the annexation of Permanent Parcel 45-00410.002.

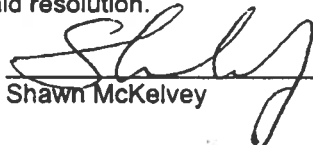
PASSED: JANUARY 11, 2021

ATTEST:


FISCAL OFFICER


Joseph Chupp, MAYOR

I, Shawn McKelvey, Fiscal Officer of the Council of the Village of Fredericksburg, Ohio do hereby certify that I will post copies of this resolution in five (5) public places as selected by the Council of the Village of Fredericksburg for a period of not less than fifteen (15) days prior to the effective date of said resolution.


Shawn McKelvey

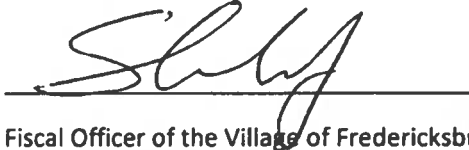


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CERTIFICATE

I, Shawn McKelvey, Fiscal Officer of the Village of Fredericksburg in said County, and in whose custody the files, journals, and records are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing Resolution 2021-3 is taken and copied from the original Resolution 2021-3 now on file with said Village, that the foregoing Resolution 2021-3 has been compared by me with the said original and that the same is a true and correct copy thereof.

Witness my signature, this 8th day of February, 2021

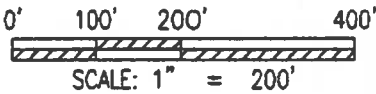


Fiscal Officer of the Village of Fredericksburg
Wayne County, Ohio



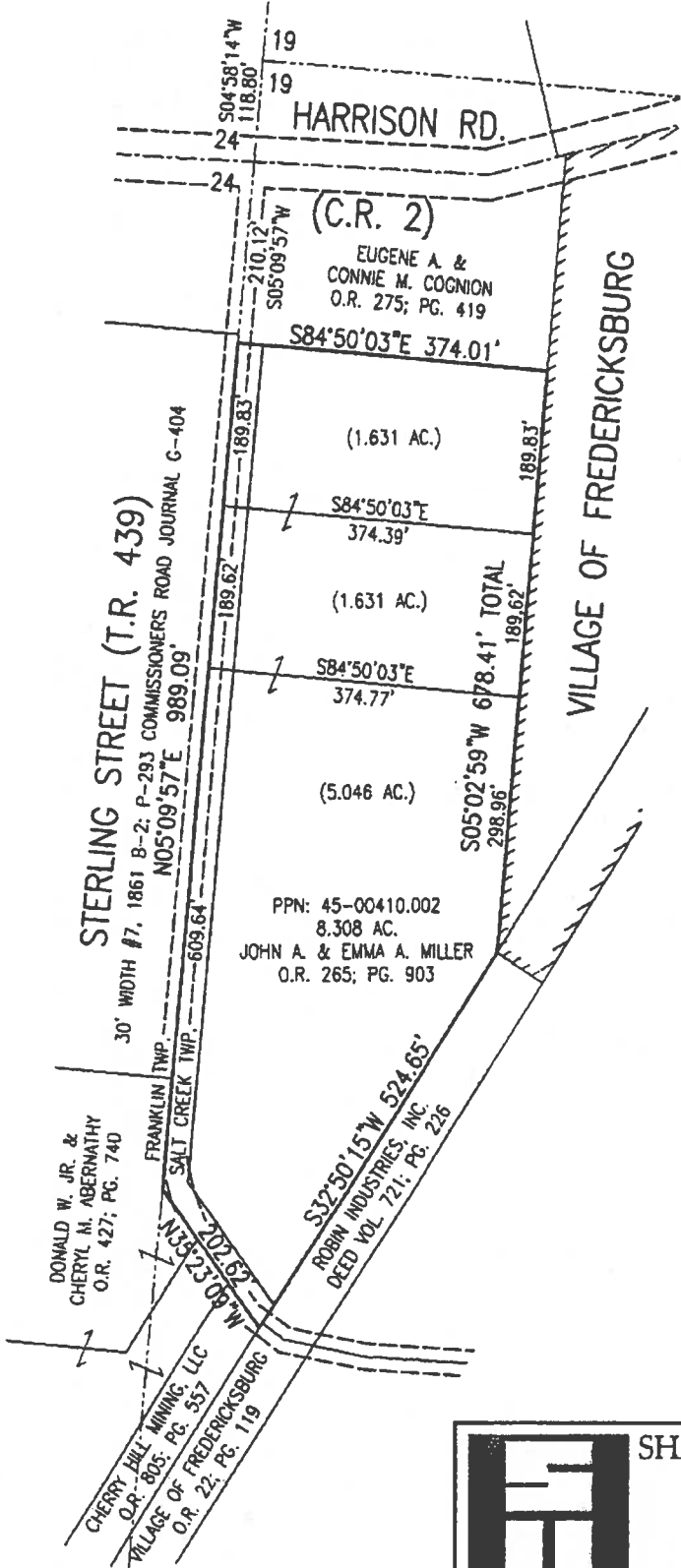


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ANNEXATION TO THE VILLAGE OF FREDERICKSBURG

SALT CREEK TOWNSHIP
T-15N; R-12W
S.W. QTR. SEC. 19
WAYNE COUNTY, OHIO



SHAFFER, JOHNSTON, LICHTENWALTER
& ASSOCIATES, INC.

Consulting Engineers & Surveyors

3477 Commerce Parkway, Suite C
Wooster, Ohio 44691

TEL (330) 345-6377 FAX (330) 345-6725 EMAIL sjl@sjl-inc.com

DRAWN C. Folo	CHECKED	1" = 200'	SCALE	DATE 03/03/21
DWG NO: EW-2654-BASE	JOB NO: EW-2654	SHEET 1 OF 1		

OK