

WAYNE COUNTY TAX MAP

Initials SUP FILE# 2022-3980

DATE 10 / 12 / 2022

IDENT. WA. 21-SW; WA. 28-NW  
WA. 29-NE (WC. 265+266)  
WA. 20-SE



COPY

WOOSTER CITY COUNCIL

538 N. Market Street • P.O. Box 1128  
Wooster, Ohio 44691-7082  
Phone 330-263-5200 • www.woosteroh.com

CERTIFICATE

I, Lynne DePaulo, Clerk of Council for the City of Wooster, Ohio, do hereby certify to the Wayne County Auditor that attached hereto are copies of the petition, map, Resolution of Authorization from the Wayne County Commissioners and City of Wooster Ordinance 2022-16, all in relation to the annexation of approximately 75.217 acres on Oak Hill Road and West Milltown Road, and contiguous to the corporation limits, with Parcel Numbers 53-01859.006, 53-01850.008, 53-01918.000, 53,01859.005, 53-01859.004, 53-01859.007, 53-01918.002, 53-01919.000, 53-01312.000, 53-01518.000, 53-01918.001, 53-00030.001 and 53-00030.000 (Jonathan Millea, Agent for Petitioners).

Lynne DePaulo  
Clerk of Council, City of Wooster, OH  
10/6/2022

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

AMT. PD \$16.50 DATE 10 / 13 / 22

JARRA L. UNDERWOOD, AUDITOR

JoAnna Hatten DEPUTY

Filed for Record in Wayne County, Ohio  
202200011989 10/13/2022 02:43 PM COPY  
Jane Carmichael Rec Fees: \$370.00  
ANEX OR Vol 33 Pgs 249 - 292

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

**PETITION FOR ANNEXATION TO THE CITY OF WOOSTER OF 75.217 ACRES, MORE OR LESS IN THE TOWNSHIP OF WAYNE**

**Regular Type 1 Petition O.R.C. 709.01**

**Signature for Dewitt H. & Shepard H. Twichell: Parcels 53-01312.000 and 53-01312.000**

*One of Ten Owners of Real Property within Approximate 75.217-acre territory to be annexed:*

By:

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

By:

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

**PETITION FOR ANNEXATION TO THE CITY OF WOOSTER OF 75.217 ACRES, MORE OR LESS IN THE  
TOWNSHIP OF WAYNE  
Regular Type 1 Petition O.R.C. 709.01**

**Signature for Dewitt H. & Shepard H. Twichell: Parcels 53-01312.000 and 53-01312.000**  
*One of Ten Owners of Real Property within Approximate 75.217-acre territory to be annexed:*

By:

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

By:

Signature: SH. Twichell

Printed Name: SHEPARD H. TWICHELL

Date: 3-3-22

**PETITION FOR ANNEXATION TO THE CITY OF WOOSTER OF 75.217 ACRES, MORE OR LESS IN THE  
TOWNSHIP OF WAYNE  
Regular Type 1 Petition O.R.C. 709.01**

**Signature for AEP Ohio Transmission Company Inc: Parcel 53-00030.000**

*One of Ten Owners of Real Property within Approximate 75.217-acre territory to be annexed:*

By:

DocuSigned by:

*P. Todd Ireland*

Signature:

67F9E8570525421...

Printed Name:

P Todd Ireland

Date:

**2/2/2022 | 6:46 AM PST**

DS  
WR

**Certificate Of Completion**

Envelope Id: 750B917C095140678890684764B360CE

Subject: DOCUSIGN: AEP's Petition for Annexation- Wayne County Ohio (Nicole's)

Source Envelope:

Document Pages: 5

Signatures: 1

Certificate Pages: 3

Initials: 1

AutoNav: Enabled

Envelopeld Stamping: Disabled

Time Zone: (UTC-05:00) Eastern Time (US &amp; Canada)

Status: Completed

Envelope Originator:

Kathleen K Schwab

700 Morrison Road

Gahanna, OH 43230

kkschwab@aep.com

IP Address: 167.239.221.107

**Record Tracking**

Status: Original

2/1/2022 12:14:47 PM

Holder: Kathleen K Schwab

kkschwab@aep.com

Location: DocuSign

**Signer Events**

Nicole C Burigana

ncburigana@aep.com

Security Level: Email, Account Authentication  
(None)**Signature**

Signature Adoption: Drawn on Device

Using IP Address: 161.235.221.106

**Timestamp**

Sent: 2/1/2022 12:23:16 PM

Viewed: 2/1/2022 12:38:09 PM

Signed: 2/1/2022 12:38:51 PM

**Electronic Record and Signature Disclosure:**

Accepted: 10/24/2016 8:47:55 AM

ID: 90796165-c7e9-4ced-a9c4-e663b9bbcd58

P. Todd Ireland

ptireland@aep.com

Manager Real Estate Asset Management

Appalachian Power Company

Security Level: Email, Account Authentication  
(None)

DocuSigned by:



C7F9E8570525421

Signature Adoption: Pre-selected Style

Using IP Address: 167.239.221.105

Sent: 2/1/2022 12:38:52 PM

Resent: 2/2/2022 8:10:56 AM

Viewed: 2/2/2022 9:46:05 AM

Signed: 2/2/2022 9:46:32 AM

**Electronic Record and Signature Disclosure:**

Accepted: 9/9/2015 1:39:12 PM

ID: b88d9a61-54c6-4049-8659-9d8a34e93235

**In Person Signer Events****Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp****Carbon Copy Events****Status****Timestamp****Witness Events****Signature****Timestamp****Notary Events****Signature****Timestamp****Envelope Summary Events****Status****Timestamps**

Envelope Sent

Hashed/Encrypted

2/1/2022 12:23:16 PM

Certified Delivered

Security Checked

2/2/2022 9:46:05 AM

**Envelope Summary Events****Status****Timestamps**

Signing Complete

Security Checked

2/2/2022 9:46:32 AM

Completed

Security Checked

2/2/2022 9:46:32 AM

**Payment Events****Status****Timestamps****Electronic Record and Signature Disclosure**

**ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

Each party agrees that the electronic signatures, whether digital or encrypted, of the parties included in this Agreement are intended to authenticate this writing and to have the same force and effect as manual signatures. Electronic signature means any electronic sound, symbol or process attached to or logically associated with a record and executed and adopted by a party with the intent to sign such record.

Please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

**Listing of All Tracts, Lots, or Parcels in Territory Proposed for Annexation**  
In accordance with ORC 709.02 (D)

Parcel Number	Owner Name	Address	Mailing Address
53-01918.002	PAUMIER LOUIS M & MONICA	3369 OAK HILL RD WOOSTER OH 44691	3369 OAK HILL RD, WOOSTER, OH 44691
53-01859.007	MORROW NANCY A & GREGORY C S/T	3475 OAK HILL RD WOOSTER OH 44691	3475 OAK HILL RD, WOOSTER, OH 44691
53-01918.000	FOSTER JOHN E & REBECCA S	3355 OAK HILL RD WOOSTER OH 44691	3355 OAK HILL RD, WOOSTER, OH 44691
53-01918.001	SHIRER LARRY THOMAS & INEZ F S/T	3363 OAK HILL RD WOOSTER OH 44691	3363 OAK HILL RD, WOOSTER, OH 44691
53-01919.000	SMITH BRYAN A & KENDRA I	3397 OAK HILL RD WOOSTER OH 44691	3397 OAK HILL RD, WOOSTER, OH 44691
53-01859.008	CRAYCRAFT GERALD F & JULIE A	OAK HILL RD WOOSTER OH 44691	3553 OAK HILL RD, WOOSTER, OH 44691
53-00030.000	AEP OHIO TRANSMISSION COMPANY INC	3416 OAK HILL RD WOOSTER OH 44691	PO BOX 16428, COLUMBUS, OH 43216
53-01859.005	R MILLER LAND DEVELOPMENT LTD	3553 OAK HILL RD WOOSTER OH 44691	PO BOX 86, HOLMESVILLE, OH 44633
53-00030.001	FRANKS ANITA L	1076 W MILLTOWN RD WOOSTER OH 44691	1076 W MILLTOWN RD, WOOSTER, OH 44691
53-01859.006	CRAYCRAFT GERALD F & JULIE A	OAK HILL RD WOOSTER OH 44691	3553 OAK HILL RD, WOOSTER, OH 44691
53-01518.000	TWICHELL DEWITT H & SHEPARD H TWICHELL	W MILLTOWN RD WOOSTER OH 44691	1525 CLAY ST APT 6, SAN FRANCISCO, CA 94109
53-01312.000	TWICHELL DEWITT H & SHEPARD H TWICHELL	W MILLTOWN RD WOOSTER OH 44691	1525 CLAY ST APT 6, SAN FRANCISCO, CA 94109
53-01859.004	R MILLER LAND DEVELOPMENT LTD	3553 OAK HILL RD WOOSTER OH 44691	PO BOX 86, HOLMESVILLE, OH 44633

**Listing of All Tracts, Lots, or Parcels Adjacent to Territory Proposed for Annexation**  
In accordance with ORC 709.02 (D)

Parcel Number	Owner Name	Address	Mailing Address
67-02914.000	WOOSTER DEVELOPMENT COMPANY LTD	3146 OAK HILL RD WOOSTER OH 44691	1825 ENTERPRISE DR, WOOSTER OH 44691
53-02015.004	ADAMS DAVID K & CHRISTINE L S/T	1168 W MILLTOWN RD WOOSTER OH 44691	1168 W MILLTOWN RD WOOSTER OH 44691
67-02873.000	BOARD OF EDUCATION WOOSTER CITY	515 851 OLDMAN RD WOOSTER OH 44691	144 N MARKET ST, WOOSTER OH 44691
53-02015.002	RICKETT ENTERPRISES LLC & WAYNE LAWN AND LANDSCAPE LLC	1150 W MILLTOWN RD WOOSTER OH 44691	1150 W MILLTOWN RD WOOSTER OH 44691
53-00556.003	INDORF MATTHEW WAYNE	1065 W MILLTOWN RD WOOSTER OH 44691	1065 W MILLTOWN RD WOOSTER OH 44691
53-01743.033	JOHNSON NEIL S & ERIN J	3640 QUAIL HOLLOW DR WOOSTER OH 44691	3640 QUAIL HOLLOW DR WOOSTER OH 44691
53-01743.008	TROYER KYLE	3711 QUAIL HOLLOW DR WOOSTER OH 44691	3711 QUAIL HOLLOW DR WOOSTER OH 44691
53-01743.013	FAGERT DANIEL G TRUSTEE	1061 HUNT CLUB DR WOOSTER OH 44691	1061 HUNT CLUB DR WOOSTER OH 44691
67-02950.019	BAKER CAROL S YOCOM	894 CHURCH HILL CT WOOSTER OH 44691	894 CHURCH HILL CT WOOSTER OH 44691
67-02950.017	LAMBERT CHARLES L & BERNADETTE S/T	3891 SPRING BROOK WOOSTER OH 44691	3891 SPRING BROOK WOOSTER OH 44691
67-02950.016	MASOWICH GARRY A & KAREN E S/T	3915 SPRING BROOK WOOSTER OH 44691	3915 SPRING BROOK WOOSTER OH 44691
67-02871.029	ABDULLAH HAFIZ MUHAMMAD & SARA SALIM S/T	3911 INVERNESS DR WOOSTER OH 44691	3911 INVERNESS DR WOOSTER OH 44691
67-02871.036	MILLER DAVID B & DIANA A SPRINGER S/T	790 WHITETAIL CROSSING WOOSTER OH 44691	790 WHITETAIL CROSSING WOOSTER OH 44691
67-02871.033	MALLOY WILLIAM F TRUSTEE	744 WHITETAIL CROSSING WOOSTER OH 44691	744 WHITETAIL CROSSING WOOSTER OH 44691
67-02871.032	WILLIAMSON ALICE E	730 WHITETAIL CROSSING WOOSTER OH 44691	730 WHITETAIL CROSSING WOOSTER OH 44691
67-02871.031	SILVER KAREN LEE	716 WHITETAIL CROSSING WOOSTER OH 44691	716 WHITETAIL CROSSING WOOSTER OH 44691
67-02871.037	BURCKHART PATSY A TRUSTEE	800 WHITETAIL CROSSING WOOSTER OH 44691	800 WHITETAIL CROSSING WOOSTER OH 44691
67-02871.035	LEE CHANHEE	776 WHITETAIL CROSSING WOOSTER OH 44691	776 WHITETAIL CROSSING WOOSTER OH 44691
67-02964.000	DONALD & ALICE NOBLE FOUNDATION INC THE	W MILLTOWN RD WOOSTER OH 44691	121 N MARKET ST, WOOSTER OH 44691
53-00556.000	FRANEL ROBERT L & BRENDA K S/T	W MILLTOWN RD WOOSTER OH 44691	1147 W MILLTOWN RD, WOOSTER OH 44691
53-01743.006	HUNT CLUB SUBDIVISION HOMEOWNERS ASSOCIATION INC	3639 QUAIL HOLLOW DR WOOSTER OH 44691	1400 HUNT CLUB DR, WOOSTER OH 44691
67-02868.000	LOWES HOME CENTERS INC	3790 BURBANK RD WOOSTER OH 44691	1000 LOWES BLVD, MOORESVILLE, NC 28117
67-02868.006	KOHL'S ILLINOIS INC	3792 BURBANK RD WOOSTER OH 44691	PO BOX 2148, MILWAUKEE, WI 53201
67-02871.030	WEAVER CUSTOM HOMES INC	WHITETAIL CROSSING WOOSTER OH 44691	124 E LIBERTY ST., SUITE A, WOOSTER OH 44691
53-01692.000	FRANEL ROBERT L & BRENDA K S/T	1147 W MILLTOWN RD WOOSTER OH 44691	1147 W MILLTOWN RD WOOSTER OH 44691
53-00556.001	WECKESSER JAMES M & JANICE E S/T	1099 W MILLTOWN RD WOOSTER OH 44691	1099 W MILLTOWN RD WOOSTER OH 44691
67-02950.018	GREEN GARY J & CHERYL A S/T	3875 SPRING BROOK WOOSTER OH 44691	3875 SPRING BROOK WOOSTER OH 44691
67-02871.034	CHAPMAN ANGELA E & STEVEN W RHOADS TRUSTEES	760 WHITETAIL CROSSING WOOSTER OH 44691	760 WHITETAIL CROSSING WOOSTER OH 44691
67-02967.000	CRAYCRAFT GERALD F & JULIE A S/T	W MILLTOWN RD WOOSTER OH 44691	3553 OAK HILL RD, WOOSTER, OH 44691
53-00556.002	WECKESSER JAMES M & JANICE E S/T	W MILLTOWN RD WOOSTER OH 44691	1099 W MILLTOWN RD, WOOSTER OH 44691
53-01743.034	HUNT CLUB SUBDIVISION HOMEOWNERS ASSOCIATION INC	QUAIL HOLLOW DR WOOSTER OH 44691	1400 HUNT CLUB DR, WOOSTER OH 44691
67-02865.001	LORAL LOWES PROPERTY LLC	3934 BURBANK RD WOOSTER OH 44691	3477 COMMERCE PKWY STE B1, WOOSTER OH 44691
67-02871.078	RESERVE AT DEER CREEK PROPERTYOWNERS COMMON GROUND ASSOC	RIFFEL RD WOOSTER OH 44691	PO BOX 1416, WOOSTER OH 44691



# Resolution

No. 2022-147

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

*Adopted:* March 16, 2022

*Subject:* **Resolution to Enter Upon the Wayne County Commissioners' Journal  
the Filing of a Petition for Annexation (2022-A1 Regular)**

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

Record of the following Petition for Annexation is hereby entered upon the Wayne County Commissioners' Journal.

**RE: Petition for Annexation 2022-A1 Regular**

(Approx. 75.217 Acres) to the City of Wooster

Agent for the Petitioners: Jonathan S. Millea

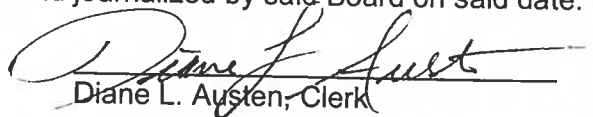
Public Hearing is set on Wednesday, May 11, 2022, immediately following the Commissioners' 9:00a.m. Session at the Wayne County Administration Bldg., 428 W. Liberty St., Wooster, Ohio in the Commissioners' 2<sup>nd</sup> floor meeting room.

As required by Ohio Revised Code for a Regular Annexation, notice of Public Hearing was e-mailed to the Agent for the Petitioners, on March 10, 2022, within 5 days of Petition filing date of March 9, 2022.

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

**May 11, 2022**

The Board of Wayne County Commissioners met for **Public Hearing** with Commissioners Rebecca S. Foster, Sue A. Smail and Ron Amstutz in attendance re: **Annexation.**

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

**Supporting Testimony:**

Joel Montgomery, Dir. of Admin. to the City of Wooster,:

All requirements of Ohio Revised Code (ORC) were followed.

All but 2 owners signed (one due to taking a neutral stance and another didn't take the time to sign).

City of Wooster had hearings and had no opposition at hearings.

Annexation Agreement includes payment to Township in excess of amount required by ORC.

School voted in favor of Annexation and TIF.


Annexation and TIF will enable 8 million in infrastructure improvements in that area.

**Opposing Testimony:**

None

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

Attest:

  
Diane L. Austen, Clerk

# Resolution

No. 2022-294

## Board of Wayne County Commissioners

Ron Amstutz      Rebecca S. Foster      Sue A. Smail

*Adopted:* June 1, 2022

*Subject:* **Approval of a Regular Annexation to the City of Wooster, Wayne County, Ohio (2022-A1 Regular ORC 709.02)**

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

WHEREAS, on March 9, 2022, Jonathan S. Millea, on behalf of Petitioners, filed with the Board of County Commissioners, Wayne County, Ohio, a Petition for Annexation to the City of Wooster, County of Wayne, pursuant to RC 709.02 which Petition was entered on the journal on March 16, 2022, pursuant to Resolution No. 2022-147; 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 over 51% of property 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 City of Wooster has complied with RC 709.03(D) by adopting Ordinance No. 2022-06, 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 May 11, 2022 in the Commissioners' Meeting Room, 428 W. Liberty St., Wooster, Ohio with no opposition to the annexation presented; and

Note: Figures and schedule shown are estimated based on anticipated valuations. Actual revenues will depend on Wayne County Auditor's actual valuation and Owner's actual improvements made within the described territory. City intends to invest approximately \$5 MM in territory at some point in the future, but this is not guaranteed. Anticipated revenues are examples only. City DOES NOT GUARANTEE or suggest that any additional development will occur. Township and City understand that revenues are subject to development appraisals, infrastructure costs, and other factors over which there is no control.

Note: Figures and schedule shown are estimated based on anticipated valuations. Actual revenues will depend on Wayne County Auditor's actual valuation and Owner's actual improvements made within the described territory. City intends to invest approximately \$5 MM in territory at some point in the future, but this is not guaranteed. Anticipated revenues are examples only. City DOES NOT GUARANTEE or suggest that any additional development will occur. Township and City understand that revenues are subject to development appraisals, infrastructure costs, and other factors over which there is no control.

\*Assumptions: TIF enacted with intergovernmental cooperation. \$100K Roundabout and \$100K sewer work in 2023. Completion of sewer construction in 2025, with an undetermined amount of interest accruing thereafter. Loads to early pay-off of debt. 2035 revenues are positive but under 200%, so this is split 50/50. If City elects to end TIF, PILOTs also end. Years 2035+ excess is sufficient for 100% compensation.

Assumptions	2021-22 Year	2022-23 Year
Assumptions TIF enacted with intergovernmental cooperation. \$100K Roundabout design in 2026; construction in 2027; sewer investment and road construction in 2028; and \$16MM development occurs same year, equivalent to 46 new homes. City is still carrying nearly \$3MM debt in 2036	\$2,577,940	\$81,036

**"City constructs infrastructure, no development"**

2022 Territory Valuations Excludes ROW			
Owner	Parcel ID	Valuation	Acreage*
AEP	53-00030 000	\$295,350.00	26.363
Foster	53-01918 000	\$333,070.00	1.705
Shier	53-01918 001	\$275,390.00	1.739
Praumer	53-01918 002	\$224,070.00	1.739
Smith	53-01918 003	\$238,000.00	1.705
Craycraft South	53-01859 008	\$14,030.00	1.632
Morrow	53-01859 007	\$356,940.00	2
Craycraft North	53-01859 006	\$14,070.00	1.636
Miller W	53-01859 005	\$149,650.00	1.249
Miller F	53-01859 004	\$318,050.00	1.751
Twitchell E	53-01312 000	\$171,960.00	19.206
Twitchell W	53-01518 000	\$101,180.00	11.531
Franks	53-00030 001	\$184,030.00	1.44
		\$3,635,620.00	70.2

# Wayne Township, Wayne County

## Resolution #22-10

Be it resolved by the Board of Township Trustees of Wayne Township, Wayne County, Ohio  
to:

Approve the annexation agreement (15-year shared risk agreement) with the City of Wooster  
relating to Petition for Annexation 2022 A-1 Regular (see attachments).

Motion to adopt such Resolution was made by:

Mr. Shamp

And Second by:

Mr. Questel

Roll Call:

Marlin Questel

yes

Tom Buchholz

yes

TJ Shamp

yes.

Adopted the 2<sup>nd</sup> day of May, 2022.

Marlin Questel

Marlin Questel

Tom Buchholz

Tom Buchholz

TJ Shamp

TJ Shamp

Township Trustees

ATTEST:

\* Tammy E. Polen

Fiscal Officer, Tammy E. Polen



ORDINANCE NO. 2022-07

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE WAYNE TOWNSHIP TRUSTEES FOR COMPENSATION OF LOST PROPERTY TAX REVENUES DUE RESULTING FROM ANNEXATION; FOR IMMEDIATE ENACTMENT

WHEREAS, The City of Wooster anticipates accepting the annexation of 75.217 acres of territory from Wayne Township Trustee to establish a Tax Increment Financing Incentive District and facilitate the reconstruction of portions of W. Milltown Road and Oak Hill Road and install a roundabout to ease safety and service concerns; and

WHEREAS, a petition for annexation signed by eight of ten property owners within the 75.217 acre territory was filed on March 9, 2022 with the Wayne County Commissioners by Jonathan Millea, a City of Wooster employee, as the agent for the petitioners, as provided by law; and

WHEREAS, the proposed territory to be annexed is valued at approximately 2.6 Million Dollars and generates approximately \$2,900 in revenue for the Wayne Township Trustees annually, and upon conforming of boundaries, Ohio Revised Code 709.19 prescribes that annexing cities compensate impacted townships on a 12-year schedule with a declining percentage of 80% to 42.5% of the property tax revenues it would have received had the territory not been annexed; and

WHEREAS, the City of Wooster partners with its neighbor, Wayne Township, on multiple projects and in order to simplify the annexation process, seeks to compensate Wayne Township on an alternative schedule to ORC 709.19 and provide additional temporary relief associated with the adverse financial impact of annexation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. The Mayor is hereby authorized to enter into an agreement on behalf of the City of Wooster with the Wayne Township Trustees for real estate tax revenue sharing specific to the 75.217 acre territory to be annexed, as further described in Ordinance No. 2022-06. The agreement will include such terms as the Mayor, in his/her discretion, deems appropriate, in addition to one of the following: (1) The City of Wooster shall compensate Wayne Township 100% of the revenues it would have received from the territory annually, had the territory not been annexed, for a period of 12 years; (2) The City of Wooster shall compensate Wayne Township 50% of its net income derived from real estate tax revenues from the territory to be annexed, less its costs incurred on public infrastructure construction and maintenance within the territory, annually for a period of 15 years, except that in no event shall City compensate Wayne Township less than prescribed by ORC 709.19, nor more than 100% of the revenues the Wayne Township would have received had the territory not been annexed.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council, in compliance with law.

SECTION 3. This Ordinance is hereby declared to be necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that time is of the essence in making a timely application for the funds described above; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

*Lyne Dittels*  
Clerk, Wooster City Council

1st reading 5-2-22 2nd reading → 3rd reading 5-2-22

Passed: 5-22, 2022

Vote: 7-0

Attest: *Lyons DePaulo*  
Clerk of Council

*Michael B. Bystoff*  
President of Council

Approved: May 3, 2022

*R. J. Brennan*  
Mayor

Introduced by: Craig Sanders

**PETITION FOR ANNEXATION OF ON APPLICATION OF OWNERS OF REAL ESTATE**

*Regular Type 1*  
O.R.C. Sec. 709.02

To: Board of County Commissioners of Wayne County, Ohio

**Whereas**, annexation to the City of Wooster is desired in order to gain access to improved public infrastructure; and

**Whereas**, the City of Wooster and Wayne Township Trustees propose to facilitate this proposed annexation with a revenue sharing agreement or otherwise will follow ORC 709.19; and

**Whereas**, the City of Wooster, the Wayne County Commissioners, the Wooster City School District, and the Wayne Township Trustees contemplate the opportunity to establish a Tax Incremental Financing Incentive District containing at portion of the territory to be annexed to support the reconstruction of roadways, installation of roundabouts, and installation of water and sewer infrastructure, and the ongoing maintenance of such infrastructure, and if so established, would relieve the undersigned property owners of certain assessments that would otherwise have been required for construction; and

**Whereas**, without annexation, the City of Wooster would not be able to construct public infrastructure which is needed to enhance safety for the benefit of the greater public transiting the area as surrounding developments continue to develop; and

**Whereas**, a majority of all property in the proposed territory, measuring approximately 75.217 acres, request and authorize annexation from Wayne Township to the City of Wooster, understanding that City boundaries shall be conformed, at which point those residing on the territory to be annexed will no longer be electors of Wayne Township.

**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 City of Wooster, 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 City of Wooster, Ohio.

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

Jonathan Millea, Development Coordinator for the City of Wooster, 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 of deletion of other things of 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:

Signature of Agent: 

Printed Name: Jonathan S. Millea March 8, 2022

Address: City Administration Bldg., 538 N. Market St.,  
Wooster, Ohio 44691

Phone: 330.263.5250

Email: jmillea@woosteroh.com

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

  
Wayne County Commissioners  
Diane L. Auster, clerk



## EXHIBIT A

### BOUNDARY DESCRIPTION 75.217 Acres

Situated in the State of Ohio, County of Wayne, **Township of Wayne** in the **southeast quarter of Section 20, southwest quarter of Section 21, northwest quarter of Section 28 and the northeast quarter of Section 29, T-16N, R-13W.**

Described as follows:

**Beginning** at the southeast corner of Lot 21 of the Hunt Club Subdivision as recorded in plat volume 24, page 48.

Thence with the following THIRTEEN courses:

- 1) **N 00° 34' 27" W 1272.84 feet**, along the west line of the southwest quarter of Section 21, to the northwest corner of Dewitt H. and Shepard H. Twichell as described in official record volume 624, page 1283.
- 2) **S 89° 45' 44" E 1017.60 feet**, along the north line of Twichell, to the northeast corner thereof.
- 3) **S 03° 35' 57" E 1306.20 feet**, along the east line of Twichell, to a point on the south line of the quarter section and in Milltown Road (Township Road 184).
- 4) **N 89° 43' 57" W 650.94 feet**, along the south line of the quarter section and in Milltown Road, to the northeast corner of Keystone Transload Services, LLC as described in official record volume 708, page 2563.
- 5) **S 00° 23' 53" E 826.44 feet**, into the northwest quarter of Section 28, along the east line of Keystone Transload Services, LLC and the extension thereof, to a point on the north line of Louis M. and Monica Paumier as described in deed volume 639, page 733.
- 6) **S 89° 50' 08" E 164.70 feet**, along the north line of Paumier, to the northeast corner thereof.
- 7) **S 00° 21' 52" E 499.82 feet**, along the east line of Paumier and the extension thereof, to the southeast corner of Larry Thomas and Inez F. Shirer as described in official record volume 386, page 1660 and official record volume 478, page 747.
- 8) **N 89° 51' 19" W 600.00 feet**, along the south line of Shirer and the extension thereof, to a point on the west line of the quarter section and in Oak Hill Road (Township Road 135) at the southwest corner John E. and Rebecca S. Foster as described in deed volume 636, page 39.
- 9) **N 89° 34' 03" W 971.42 feet**, into the northeast quarter of Section 29 and along the south line of AEP Ohio Transmission Company, Inc. as described in official record volume 899, page 1361, to the southwest corner thereof.
- 10) **N 02° 32' 52" W 916.39 feet**, along the west line of AEP Ohio Transmission Company, Inc., to a point in Milltown Road at the northwest corner thereof.

- 11) N 02° 34' 38" W 36.92 feet, along the east line of Robert L. and Brenda Fravel as described in official record volume 921, page 1557, to the southwest corner of Lot 3 of the Milltown Road Subdivision as recorded in plat volume 18, page 17.
- 12) N 51° 47' 04" E 644.91 feet, along the southeasterly line of Lot 3, the extension thereof and passing into the southeast quarter of Section 20 at a distance of 596.59 feet, to the southwest corner of Lot 45 of the Hunt Club Subdivision as recorded in plat volume 24, page 48.
- 13) S 89° 50' 07" E 497.57 feet, along the south line of Lot 45 and the extension thereof, to the Point of Beginning.

This parcel contains 75.217 acres; of which 0.356 Acres lie in the southeast quarter of section 20, 31.470 acres lie in the southwest quarter of Section 21, 15.153 acres lie in the northwest quarter of Section 28 and 28.238 acres lie in the northeast quarter of Section 29.

This description was prepared by Edward A. Gasbarre, P.S. 7036, from information contained in a survey made under his direction, in October of 2021, on behalf of R. W. Gasbarre & Associates, Inc. A copy of that survey is on file at the Wayne County map office. See survey volume \_\_, page \_\_.

All bearings are related and based on the east line of the northeast quarter of Section 29 according to record survey WW-435.

All capped pins, both set and found, are 5/8 inch diameter solid steel rods with identification caps marked "GASBARRE WOOSTER, OHIO" unless otherwise noted.

 10/21/21

Edward A. Gasbarre, P.S. 7036

H:\ADAT4\AJOB\S2K21\Job087\city of Wooster 75.217 Ac Legal.docx

72.217 Ac Total to be Annexed

CERTIFIED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE WAYNE COUNTY COMMISSIONERS.

RESOLUTION No. \_\_\_\_\_

BY: \_\_\_\_\_  
SUE A. SMAL

BY: \_\_\_\_\_  
BECKY FOSTER

BY: \_\_\_\_\_  
RON AMSTUTZ

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE WOOSTER CITY COUNCIL. ORDINANCE No.: \_\_\_\_\_

BY: \_\_\_\_\_

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE CITY OF WOOSTER

BY: \_\_\_\_\_  
ROBERT F. BRENNEMAN, MAYOR

RECEIVED FOR RECORDING THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE WAYNE COUNTY MAP OFFICE.

BY: \_\_\_\_\_  
STACY PEPPARD

RECEIVED FOR TRANSFER THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE WAYNE COUNTY AUDITOR.

BY: \_\_\_\_\_

FEE \_\_\_\_\_

Filed for record in  
WAYNE COUNTY, OHIO

JANE CARMICHAEL, RECORDER

DATE \_\_\_\_\_ AT \_\_\_\_\_ BY: \_\_\_\_\_  
Jane Carmichael

INSTRUMENT # \_\_\_\_\_

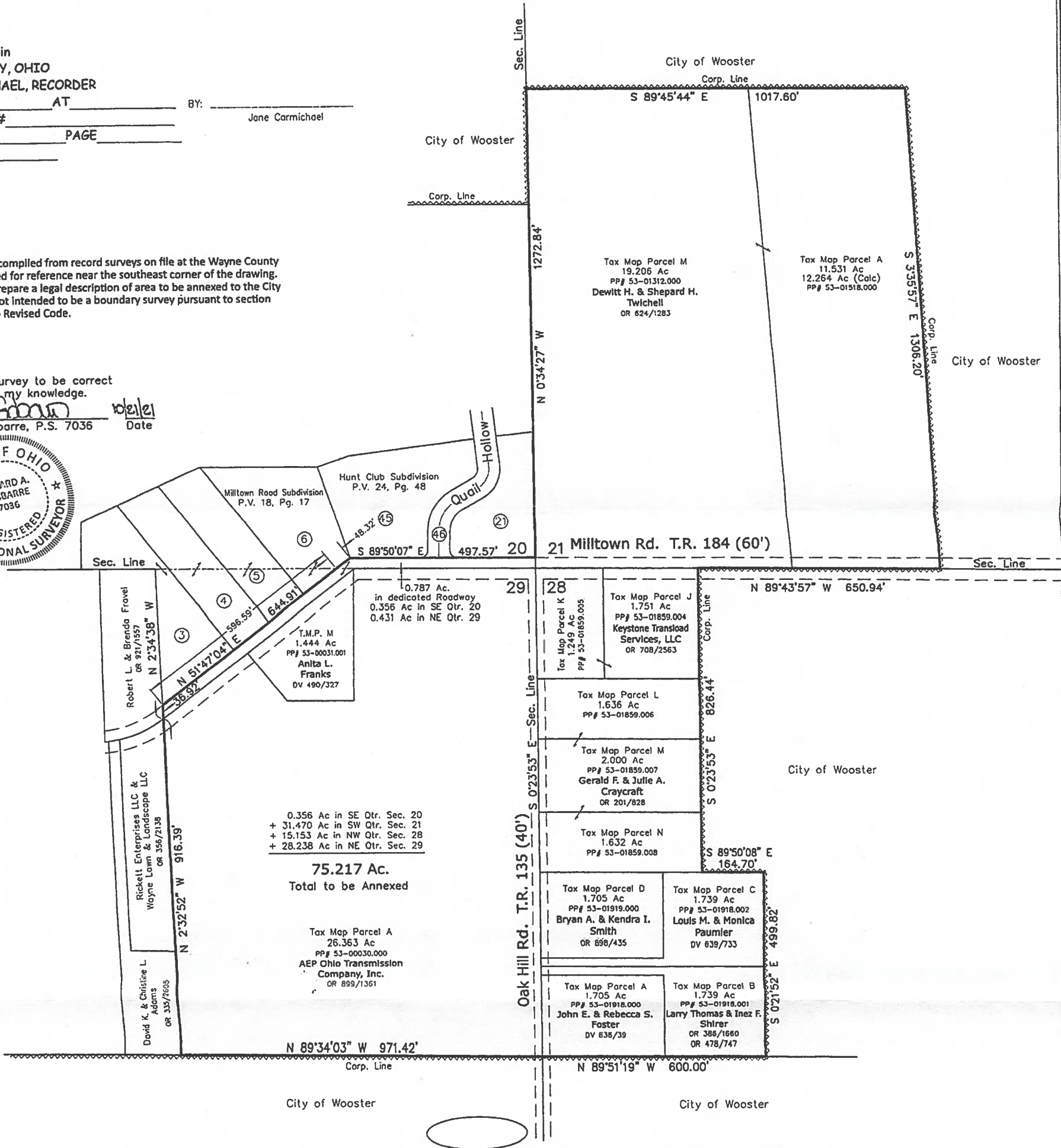
PLAT VOL. \_\_\_\_\_ PAGE \_\_\_\_\_

FEE \$ \_\_\_\_\_

Note:  
This map has been compiled from record surveys on file at the Wayne County Map Office and listed for reference near the southeast corner of the drawing. The purpose is to prepare a legal description of area to be annexed to the City of Wooster and is not intended to be a boundary survey pursuant to section 4733-37 of the Ohio Revised Code.

I believe this survey to be correct  
to the best of my knowledge.

Edward A. Gasbarre, P.S. 7036 Date 10/21/21



Annexation to the City of Wooster

Wayne Township

SE Qtr. Sec. 20, SW Qtr. Sec. 21, NW Qtr. Sec. 28

& NE Qtr. Sec. 29, T-16N, R-13W

Wayne County, Ohio

Legend

- set
- ⊗ set previously found
- 5/8"x30" Steel Rod W/Yellow I.D. Cap
- Marked "Gasbarre Wooster, Ohio"
- - Iron/Steel monument found
- Described in Drawing
- - Stone monument found
- △ - Spike or magna set
- ▲ - Spike or magna found
- ✕ - Fence Line Evident
- R - Record Dimension
- M - Measured Dimension
- U - Used Record Dimension



Basis of Bearings: East line of the NE qtr. of Section 29 per VW-435.  
Ref. Surveys: AA-450, DD-384, FF- 322, H-260, PP-757, OO-28, QQ-121, WW-435  
P.V. 18, Pg. 17, P.V. 24, pg. 48

Drawing 221087 Annexation.dwg

October 21, 2021

R.W. Gasbarre & Associates, Inc.

Professional Land Surveyors  
401 South Market St. - P.O. Box 44  
Wooster, Ohio 44691  
PH 330-264-9499

PETITION FOR ANNEXATION TO THE CITY OF WOOSTER OF 75.217 ACRES, MORE OR LESS IN THE  
TOWNSHIP OF WAYNE

Regular Type 1 Petition O.R.C. 709.01

Signature for Gerald F. & Julie A. Craycraft: Parcels 53-01859.006, [REDACTED], 53-01859.008.  
One of Ten Owners of Real Property within Approximate 75.217-acre territory to be annexed:

By:

Signature:

Printed Name:

Date:

By:

Signature:

Printed Name:

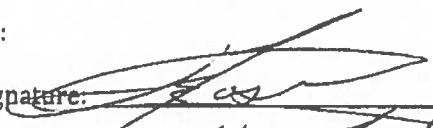
Date:

**PETITION FOR ANNEXATION TO THE CITY OF WOOSTER OF 75.217 ACRES, MORE OR LESS IN THE  
TOWNSHIP OF WAYNE  
Regular Type 1 Petition O.R.C. 709.01**

**Signature for John E. & Rebecca S. Foster: Parcel 53-01918.000**

*One of Ten Owners of Real Property within Approximate 75.217-acre territory to be annexed:*

By:

Signature: 

Printed Name: John Foster

Date: 1-28-22

By:

Signature: 

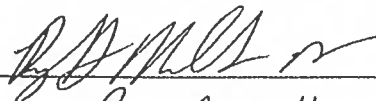
Printed Name: REBECCA S. FOSTER

Date: 1-26-22

PETITION FOR ANNEXATION TO THE CITY OF WOOSTER OF 75.217 ACRES, MORE OR LESS IN THE  
TOWNSHIP OF WAYNE  
Regular Type 1 Petition O.R.C. 709.01

Signature for R Miller Land Development Ltd: Parcels 53-01859.005 and 53-01859.004  
One of Ten Owners of Real Property within Approximate 75.217-acre territory to be annexed:

By:

Signature:  Member R. Miller Land Development LTD.

Printed Name: Roy A Miller Jr

Date: 2-2-22

By:

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

**PETITION FOR ANNEXATION TO THE CITY OF WOOSTER OF 75.217 ACRES, MORE OR LESS IN THE  
TOWNSHIP OF WAYNE**

**Regular Type 1 Petition O.R.C. 709.01**

**Signature for Nancy Morrow: Parcel 53-01859.007 (3475 Oak Hill Rd., Wooster, Oh 44691)**

*One of Ten Owners of Real Property within Approximate 75.217-acre territory to be annexed:*

By:

Signature: \_\_\_\_\_

*Nancy A. Morrow*

Printed Name: \_\_\_\_\_

*Nancy A. Morrow*

Date: \_\_\_\_\_

*12-29-21*

By:

Signature: \_\_\_\_\_

*Gregory C. Morrow*

Printed Name: \_\_\_\_\_

*Gregory C. Morrow*

Date: \_\_\_\_\_


*12/29/21*

**PETITION FOR ANNEXATION TO THE CITY OF WOOSTER OF 75.217 ACRES, MORE OR LESS IN THE  
TOWNSHIP OF WAYNE  
Regular Type 1 Petition O.R.C. 709.01**

**Signature for Louis M. & Monica Paumier: Parcel 53-01918.002**

*One of Ten Owners of Real Property within Approximate 75.217-acre territory to be annexed:*

By:

Signature: 

Printed Name: Louis M. Paumier

Date: 1-11-2022

By:

Signature: 

Printed Name: Monica Paumier

Date: 1-11-2022



**PETITION FOR ANNEXATION TO THE CITY OF WOOSTER OF 75.217 ACRES, MORE OR LESS IN THE  
TOWNSHIP OF WAYNE  
Regular Type 1 Petition O.R.C. 709.01**

**Signature for Bryan A. & Kendra I. Smith: Parcel 53-01919.000**

*One of Ten Owners of Real Property within Approximate 75.217-acre territory to be annexed:*

By:

Signature:  \_\_\_\_\_

Printed Name: Bryan Smith

Date: 1/12/2022

By:

Signature:  \_\_\_\_\_

Printed Name: Kendra Smith

Date: 1/12/2022

ORDINANCE NO. 2022-06

AN ORDINANCE STATING TO THE WAYNE COUNTY COMMISSIONERS, PURSUANT TO REVISED CODE SECTION 709.023, THE SERVICES WHICH THE CITY OF WOOSTER WOULD BE ABLE TO PROVIDE FOR A MULTIPLE PARCEL SITE KNOWN AS PARCELS 53-01859.006, 53-01850.008, 53-01918.000, 53-01859.005, 53-01859.004, 53-01859.007, 53-01918.002, 53-01919.000, 53-01312.000, 53-01518.000, 53-01918.001, 53-00030.001 AND 53-00030.000 WHICH ARE CONTIGUOUS TO THE CITY OF WOOSTER, AND ALLOWING FOR IMMEDIATE ENACTMENT. (Jonathan Millea, Agent for Petitioners)

WHEREAS, Jonathan Millea, agent for Petitioners, has, pursuant to Revised Code Section 709.023, filed a petition with the Wayne County Commissioners seeking annexation of 75.217 acres of land owned by petitioners in Wayne Township, adjacent to the City of Wooster (a map of said area is attached hereto); and

WHEREAS, Revised Code Section 709.023 provides that upon the clerk of the municipal legislative authority receiving notice of a proposed annexation, the municipal legislative authority shall, by ordinance or resolution, adopt a statement indicating what services, if any, the municipal corporation will be able to provide upon annexation of the territory proposed for annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1: That upon annexation to the City of Wooster, the land contained in the petition for annexation would receive the following services from the City of Wooster:

- A. Police protection from the full-time police department of the City of Wooster; and fire protection and emergency squad services from the full-time fire department of the City of Wooster. The projected response time for first arriving fire and emergency units is 4.5 minutes. Full force travel time would be 8 minutes from stations #1 and #3. These services would be immediately available.
- B. A sixteen-inch water line is located along Oak Hill Road, immediately adjacent to the territory proposed for annexation and accessible for extension thereto upon the Petitioners paying the necessary fees and obtaining the necessary permits. The water plant and water resources of the City of Wooster have sufficient capacity to serve this property. This service is planned to be available in the future, however approximate availability dates are not possible at this time.
- C. An eight-inch sanitary sewer is located on Oak Hill Road approximately 60 feet east of the territory proposed for annexation and accessible for extension thereto upon the Petitioners paying the necessary fees and obtaining the necessary permits. The water pollution control plant has sufficient capacity to serve this property. This service is planned to be available in the future, however approximate availability dates are not possible at this time.

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

*Cheryl D. Dufault*  
Clerk, Wooster City Council

- D. The City would also provide miscellaneous other city services, including, but not limited to, residential solid waste pickup, maintenance of dedicated streets and access to parks and recreation facilities. These services would be immediately available.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 3. This Ordinance is hereby declared to be necessary to the immediate preservation of the public health, peace, safety and welfare of the City or providing for the usual daily operation of a municipal department or division, and for the further reason that it is necessary to act pursuant to statute to provide timely notice to the Wayne County Commissioners of services which the City would provide in order to facilitate the orderly process of annexation; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 3/21/22 2nd reading → 3rd reading 3/21/22

Passed: 3/21, 2022

Vote: 7-0

Attest: Lynne DePaulo  
Clerk of Council

Michael E. Bryant  
President of Council

Approved: March 22, 2022

Rob Breussman  
Mayor

Introduced by: Robert Reynolds

**Robert F. Breneman**  
Mayor



**Kevin J. Gibbons**  
Deputy Director of Law  
Phone (330) 263-5243  
Fax: (330) 263-5262  
Email: kgibbons@woosteroh.com

538 N. Market Street, P.O. Box 1128  
Wooster, Ohio 44691-7082

October 12, 2022

Mr. Scott Miller  
Wayne County Engineer  
3151 W Old Lincoln Way  
Wooster, OH 44691

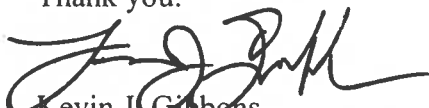
Engineer Miller:

The City of Wooster is attempting to file a transfer of property as a result of annexation of approximately 75 acres of land into the City. The Ordinance (2022-06) passed by the Wooster City Council contains a scrivener's error where a permanent parcel number has a typographical error (PP# 53-01850.008 should be 53-01859.008). However, pursuant to the Petition for Annexation filed with the Wayne County Commissioners, the correct permanent parcel can be determined.

A "scrivener's error" is a phrase commonly associated with legal documents where a mistake or omission has occurred. The hallmark of the "scrivener's error" exception is that "the meaning genuinely intended but inadequately expressed must be absolutely clear." *United States v. XCitement Video, Inc.*, 513 U.S. 64, 82, 115 S.Ct. 464, 130 L.Ed.2d 372 (1994). The Supreme Court of Ohio recognized it as an exception to strict statutory construction in *Stanton v. Frankel Bros. Realty Co.*, 117 Ohio St. 345, 350, 5 Ohio Law Abs. 734, 158 N.E. 868 (1927), where it stated "...courts will not permit a statute to be defeated on account of a mistake or error, where the intention of the Legislature can be collected from the whole statute, or where one word has been erroneously used for another, and where the context affords means of correction. The strict letter of a statute must yield to the obvious intent. *Baldwin v. Buckles*, 6th Dist. Lucan L-19-1013, 2020-Ohio-2759 ¶¶ 33-34.

Here the intent of the Legislature (Wooster City Council) can be collected from annexation petition and affords the means of correction that the law allows. We trust that your office will accept our petition for filing despite the scrivener's error.

Thank you.

  
Kevin J. Gibbons  
Deputy Director of Law



WAYNE COUNTY ENGINEER'S OFFICE  
SCOTT A. MILLER, P.E., P.S.  
WAYNE COUNTY ENGINEER

March 28, 2022

Board of Wayne County Commissioners  
428 West Liberty Street  
Wooster, OH 44691

**RE: Petition for Annexation to City of Wooster  
13 Parcels – 75.217 Acres situated in Wayne Twp.  
County Engineer's Report Submission**

Dear Commissioners:

I have reviewed the Petition for Regular Annexation of 13 parcels and portion of Milltown Road R/W totaling 75.217 Acres in Wayne Township to City of Wooster submitted by Mr. Jonathan S. Millea, Development Coordinator for the City of Wooster, and received in my office by email on March 9, 2022. I offer the following Engineering Report per ORC 709.031(A).

1. The proposed 13 parcels and current owners for annexation are as follows:

Parcel Number	Owner Name
53-01918.002	Paumier, Louis M & Monica
53-01859.007	Morrow, Nancy A & Gregory C S/T
53-01918.000	Foster, John E & Rebecca S
53-01918.001	Shirer, Larry Thomas & Inez F S/T
53-01919.000	Smith, Bryan A & Kendra I
53-01859.008	Craycraft, Gerald F & Julie A
53-00030.000	AEP Ohio Transmission Co. Inc.
53-01859.005	R Miller Land Development Ltd
53-00030.001	Franks, Anita L
53-01859.006	Craycraft, Gerald F & Julie A
53-01518.000	Twichell, Dewitt H & Shepard H
53-01312.000	Twichell, Dewitt H & Shepard H
53-01859.004	R Miller Land Development Ltd

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

*Diane L. Auster*  
Wayne County Commissioners  
Diane L. Auster, clerk

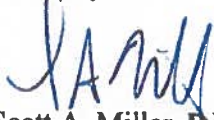
The total area of said parcels and portion of Milltown Road R/W is 75.217 Acres  
as surveyed by Edward A. Gasbarre, P.S.

3151 WEST OLD LINCOLN WAY WOOSTER, OHIO 44691  
TEL (330) 287-5500 FAX (330) 287-5520  
[www.wayne-county-engineer.com](http://www.wayne-county-engineer.com)

2. The parcels and Milltown Road R/W are contiguous, follows existing property lines and are adjacent to the City of Wooster.
3. The petition includes an accurate legal description of perimeter and is attached with a few comments marked in red.
4. The petition includes an accurate Annexation Plat and is attached with a few comments marked in red.
5. The petitioner will need to provide an original description and plat for commissioner's approval and recording.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. A. Miller', is written over the printed name.

Scott A. Miller, P.E., P.S.  
Wayne County Engineer

Enclosures

Cc: Wayne County Commissioners (email and interoffice mail)  
File



72.217 Ac Total to be Annexed

CERTIFIED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE WAYNE COUNTY COMMISSIONERS.

RESOLUTION No. \_\_\_\_\_

BY: \_\_\_\_\_  
SUE A. SMAIL

BY: \_\_\_\_\_  
BECKY FOSTER

BY: \_\_\_\_\_  
RON AMSTUTZ

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE WOOSTER CITY COUNCIL. ORDINANCE No.: \_\_\_\_\_

BY: \_\_\_\_\_

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE CITY OF WOOSTER

BY: \_\_\_\_\_  
ROBERT F. BRENNEMAN, MAYOR

RECEIVED FOR RECORDING THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE WAYNE COUNTY MAP OFFICE.

BY: \_\_\_\_\_  
STACY PEPPARD

RECEIVED FOR TRANSFER THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE WAYNE COUNTY AUDITOR.

BY: \_\_\_\_\_

FEE \_\_\_\_\_

Filed for record in  
WAYNE COUNTY, OHIO  
JANE CARMICHAEL, RECORDER

DATE \_\_\_\_\_ AT \_\_\_\_\_ BY: \_\_\_\_\_  
Jane Carmichael

INSTRUMENT # \_\_\_\_\_

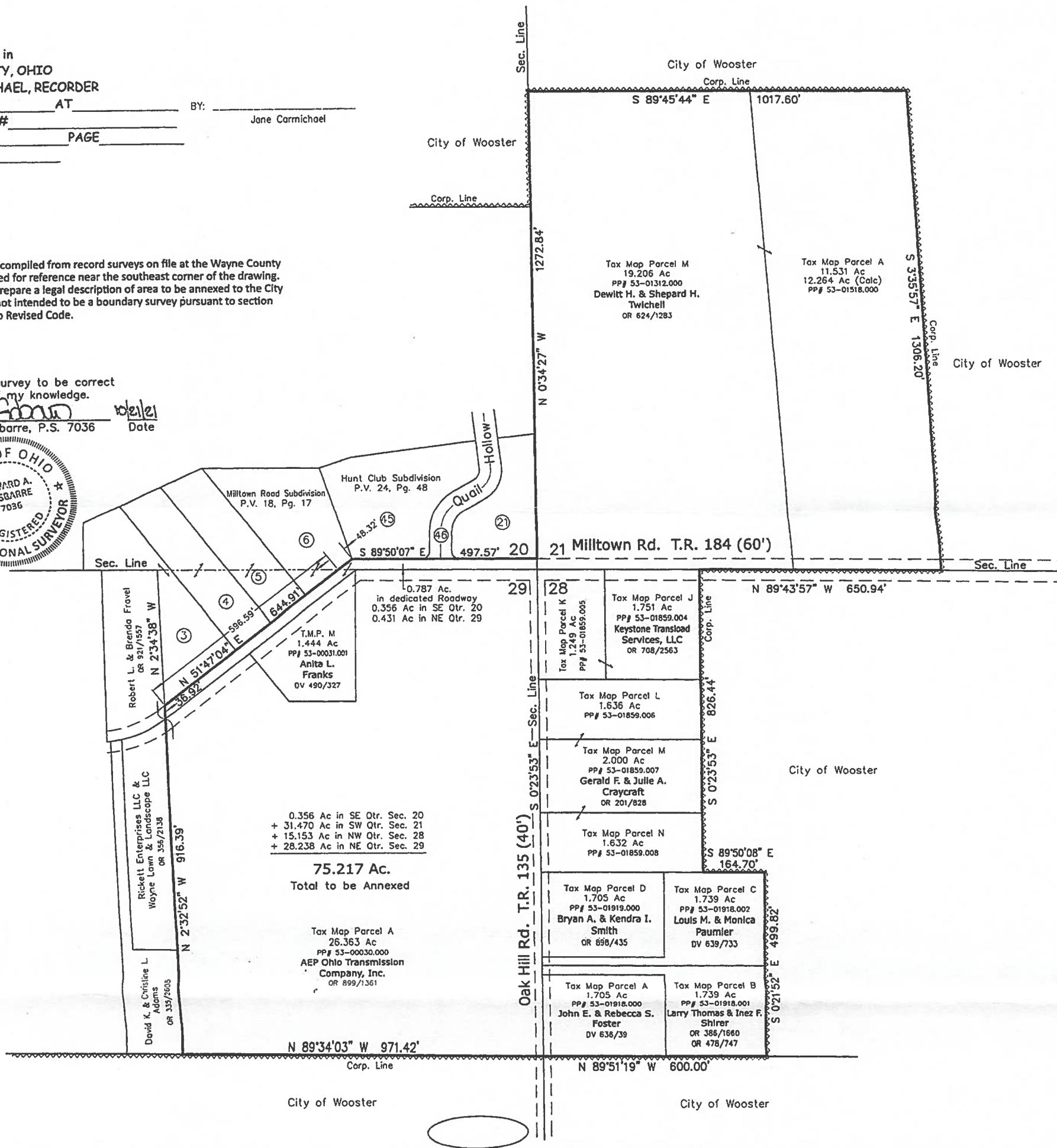
PLAT VOL. \_\_\_\_\_ PAGE \_\_\_\_\_

FEE \$ \_\_\_\_\_

Note:  
This map has been compiled from record surveys on file at the Wayne County Map Office and listed for reference near the southeast corner of the drawing. The purpose is to prepare a legal description of area to be annexed to the City of Wooster and is not intended to be a boundary survey pursuant to section 4733-37 of the Ohio Revised Code.

I believe this survey to be correct  
to the best of my knowledge.

Edward A. Gasbarre, P.S. 7036 Date 12/21/21



### Annexation to the City of Wooster

Wayne Township

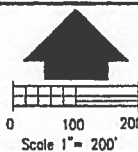
SE Qtr. Sec. 20, SW Qtr. Sec. 21, NW Qtr. Sec. 28

& NE Qtr. Sec. 29, T-16N, R-13W

Wayne County, Ohio

#### Legend

- set ☒ set previously found
- △ - Spike or magnet set
- ▲ - Spike or magnet found
- ✖ - Fence Line Evident
- - Iron/Steel monument found
- R - Record Dimension
- M - Measured Dimension
- U - Used Record Dimension
- - Stone monument found



Based on Bearings: East line of the NE qtr. of Section 29 per WW-435.  
Ref. Surveys: AA-450, DD-384, FF-322, II-260, PP-757, QQ-28, OO-121, WW-435  
P.V. 18, Pg. 17, P.V. 24, pg. 48

Drawing 221087 Annexation.dwg

October 21, 2021

R.W. Gasbarre & Associates, Inc.

Professional Land Surveyors  
401 South Market St. - P.O. Box 44  
Wooster, Ohio 44691  
PH 330-264-9499

## EXHIBIT A

### BOUNDARY DESCRIPTION 75.217 Acres

Situated in the State of Ohio, County of Wayne, Township of Wayne in the southeast quarter of Section 20, southwest quarter of Section 21, northwest quarter of Section 28 and the northeast quarter of Section 29, T-16N, R-13W.

Described as follows:

**Beginning** at the southeast corner of Lot 21 of the Hunt Club Subdivision as recorded in plat volume 24, page 48.

Thence with the following THIRTEEN courses:

- 1) N 00° 34' 27" W 1272.84 feet, along the west line of the southwest quarter of Section 21, to the northwest corner of Dewitt H. and Shepard H. Twichell as described in official record volume 624, page 1283.
- 2) S 89° 45' 44" E 1017.60 feet, along the north line of Twichell, to the northeast corner thereof.
- 3) S 03° 35' 57" E 1306.20 feet, along the east line of Twichell, to a point on the south line of the quarter section and in Milltown Road (Township Road 184).
- 4) N 89° 43' 57" W 650.94 feet, along the south line of the quarter section and in Milltown Road, to the northeast corner of Keystone Transload Services, LLC as described in official record volume 708, page 2563.
- 5) S 00° 23' 53" E 826.44 feet, into the northwest quarter of Section 28, along the east line of Keystone Transload Services, LLC and the extension thereof, to a point on the north line of Louis M. and Monica Paumier as described in deed volume 639, page 733.
- 6) S 89° 50' 08" E 164.70 feet, along the north line of Paumier, to the northeast corner thereof.
- 7) S 00° 21' 52" E 499.82 feet, along the east line of Paumier and the extension thereof, to the southeast corner of Larry Thomas and Inez F. Shirer as described in official record volume 386, page 1660 and official record volume 478, page 747.
- 8) N 89° 51' 19" W 600.00 feet, along the south line of Shirer and the extension thereof, to a point on the west line of the quarter section and in Oak Hill Road (Township Road 135) at the southwest corner John E. and Rebecca S. Foster as described in deed volume 636, page 39.
- 9) N 89° 34' 03" W 971.42 feet, into the northeast quarter of Section 29 and along the south line of AEP Ohio Transmission Company, Inc. as described in official record volume 899, page 1361, to the southwest corner thereof.
- 10) N 02° 32' 52" W 916.39 feet, along the west line of AEP Ohio Transmission Company, Inc., to a point in Milltown Road at the northwest corner thereof.



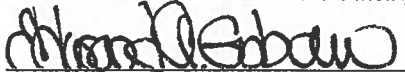
- 11) N 02° 34' 38" W 36.92 feet, along the east line of Robert L. and Brenda Fravel as described in official record volume 921, page 1557, to the southwest corner of Lot 3 of the Milltown Road Subdivision as recorded in plat volume 18, page 17.
- 12) N 51° 47' 04" E 644.91 feet, along the southeasterly line of Lot 3, the extension thereof and passing into the southeast quarter of Section 20 at a distance of 596.59 feet, to the southwest corner of Lot 45 of the Hunt Club Subdivision as recorded in plat volume 24, page 48.
- 13) S 89° 50' 07" E 497.57 feet, along the south line of Lot 45 and the extension thereof, to the Point of Beginning.

**This parcel contains 75.217 acres;** of which 0.356 Acres lie in the southeast quarter of section 20, 31.470 acres lie in the southwest quarter of Section 21, 15.153 acres lie in the northwest quarter of Section 28 and 28.238 acres lie in the northeast quarter of Section 29.

This description was prepared by Edward A. Gasbarre, P.S. 7036, from information contained in a survey made under his direction, in October of 2021, on behalf of R. W. Gasbarre & Associates, Inc. A copy of that survey is on file at the Wayne County map office. See survey volume   , page   .

All bearings are related and based on the east line of the northeast quarter of Section 29 according to record survey WW-435.

All capped pins, both set and found, are 5/8 inch diameter solid steel rods with identification caps marked "GASBARRE WOOSTER, OHIO" unless otherwise noted.

 10/21/21

Edward A. Gasbarre, P.S. 7036

H:\ADAT4\AJOB\52K21\Job087\city of Wooster 75.217 Ac Legal.docx

**Listing of All Tracts, Lots, or Parcels in Territory Proposed for Annexation  
In accordance with ORC 709.02 (D)**

Parcel Number	Owner Name	Address	Mailing Address
53-01918.002	PAUMIER LOUIS M & MONICA	3369 OAK HILL RD WOOSTER OH 44691	3369 OAK HILL RD, WOOSTER, OH 44691
53-01859.007	MORROW NANCY A & GREGORY C S/T	3475 OAK HILL RD WOOSTER OH 44691	3475 OAK HILL RD, WOOSTER, OH 44691
53-01918.000	FOSTER JOHN E & REBECCA S	3355 OAK HILL RD WOOSTER OH 44691	3355 OAK HILL RD, WOOSTER, OH 44691
53-01918.001	SHIRER LARRY THOMAS & INEZ F S/T	3363 OAK HILL RD WOOSTER OH 44691	3363 OAK HILL RD, WOOSTER, OH 44691
53-01919.000	SMITH BRYAN A & KENDRA I	3397 OAK HILL RD WOOSTER OH 44691	3397 OAK HILL RD, WOOSTER, OH 44691
53-01859.008	CRAYCRAFT GERALD F & JULIE A	OAK HILL RD WOOSTER OH 44691	3553 OAK HILL RD, WOOSTER, OH 44691 3475
53-00030.000	AEP OHIO TRANSMISSION COMPANY INC	3416 OAK HILL RD WOOSTER OH 44691	PO BOX 16428, COLUMBUS, OH 43216
53-01859.005	R MILLER LAND DEVELOPMENT LTD	3553 OAK HILL RD WOOSTER OH 44691	PO BOX 86, HOLMESVILLE, OH 44633
53-00030.001	FRANKS ANITA L	1076 W MILLTOWN RD WOOSTER OH 44691	1076 W MILLTOWN RD, WOOSTER, OH 44691
53-01859.006	CRAYCRAFT GERALD F & JULIE A	OAK HILL RD WOOSTER OH 44691	3553 OAK HILL RD, WOOSTER, OH 44691 3475
53-01518.000	TWICHELL DEWITT H & SHEPARD H TWICHELL	W MILLTOWN RD WOOSTER OH 44691	1525 CLAY ST APT 6, SAN FRANCISCO, CA 94109
53-01312.000	TWICHELL DEWITT H & SHEPARD H TWICHELL	W MILLTOWN RD WOOSTER OH 44691	1525 CLAY ST APT 6, SAN FRANCISCO, CA 94109
53-01859.004	R MILLER LAND DEVELOPMENT LTD	3555 OAK HILL RD WOOSTER OH 44691	PO BOX 86, HOLMESVILLE, OH 44633

**Listing of All Tracts, Lots, or Parcels Adjacent to Territory Proposed for Annexation  
In accordance with ORC 709.02 (D)**

Parcel Number	Owner Name	Address	Mailing Address
67-02914.000	WOOSTER DEVELOPMENT COMPANY LTD	3146 OAK HILL RD WOOSTER OH 44691	1825 ENTERPRISE DR, WOOSTER OH 44691
53-02015.004	ADAMS DAVID K & CHRISTINE L S/T	1168 W MILLTOWN RD WOOSTER OH 44691	1168 W MILLTOWN RD WOOSTER OH 44691
67-02873.000	BOARD OF EDUCATION WOOSTER CITY	515 851 OLDMAN RD WOOSTER OH 44691	144 N MARKET ST, WOOSTER OH 44691
53-02015.002	RICKETT ENTERPRISES LLC & WAYNE LAWN AND LANDSCAPE LLC	1150 W MILLTOWN RD WOOSTER OH 44691	1150 W MILLTOWN RD WOOSTER OH 44691
53-00556.003	INDORF MATTHEW WAYNE	1065 W MILLTOWN RD WOOSTER OH 44691	1065 W MILLTOWN RD WOOSTER OH 44691
53-01743.033	JOHNSON NEIL S & ERIN J	3640 QUAIL HOLLOW DR WOOSTER OH 44691	3640 QUAIL HOLLOW DR WOOSTER OH 44691
53-01743.008	TROYER KYLE	3711 QUAIL HOLLOW DR WOOSTER OH 44691	3711 QUAIL HOLLOW DR WOOSTER OH 44691
53-01743.013	FAGERT DANIEL G TRUSTEE	1061 HUNT CLUB DR WOOSTER OH 44691	1061 HUNT CLUB DR WOOSTER OH 44691
67-02950.019	BAKER CAROL S YOCOM	894 CHURCH HILL CT WOOSTER OH 44691	894 CHURCH HILL CT WOOSTER OH 44691
67-02950.017	LAMBERT CHARLES L & BERNADETTE M S/T	3891 SPRING BROOK WOOSTER OH 44691	3891 SPRING BROOK WOOSTER OH 44691
67-02950.016	MASOWICH GARRY A & KAREN E S/T	3915 SPRING BROOK WOOSTER OH 44691	3915 SPRING BROOK WOOSTER OH 44691
67-02871.029	ABDULLAH HAFIZ MUHAMMAD & SARA SALIM S/T	3911 INVERNESS DR WOOSTER OH 44691	3911 INVERNESS DR WOOSTER OH 44691
67-02871.036	MILLER DAVID B & DIANA A SPRINGER S/T	790 WHITETAIL CROSSING WOOSTER OH 44691	790 WHITETAIL CROSSING WOOSTER OH 44691
67-02871.033	MALLOY WILLIAM F TRUSTEE	744 WHITETAIL CROSSING WOOSTER OH 44691	744 WHITETAIL CROSSING WOOSTER OH 44691
67-02871.032	WILLIAMSON ALICE E	730 WHITETAIL CROSSING WOOSTER OH 44691	730 WHITETAIL CROSSING WOOSTER OH 44691
67-02871.031	SILVER KAREN LEE	716 WHITETAIL CROSSING WOOSTER OH 44691	716 WHITETAIL CROSSING WOOSTER OH 44691
67-02871.037	BURCKHART PATSY A TRUSTEE	800 WHITETAIL CROSSING WOOSTER OH 44691	800 WHITETAIL CROSSING WOOSTER OH 44691
67-02871.035	LEE CHANHEE	776 WHITETAIL CROSSING WOOSTER OH 44691	776 WHITETAIL CROSSING WOOSTER OH 44691
67-02964.000	DONALD & ALICE NOBLE FOUNDATION INC THE	W MILLTOWN RD WOOSTER OH 44691	121 N MARKET ST, WOOSTER OH 44691
53-00556.000	FRAVEL ROBERT L & BRENDA K S/T	W MILLTOWN RD WOOSTER OH 44691	1147 W MILLTOWN RD, WOOSTER OH 44691
53-01743.006	HUNT CLUB SUBDIVISION HOMEOWNERS ASSOCIATION INC	3639 QUAIL HOLLOW DR WOOSTER OH 44691	1400 HUNT CLUB DR, WOOSTER OH 44691
67-02868.000	LOWES HOME CENTERS INC	3790 BURBANK RD WOOSTER OH 44691	1000 LOWES BLVD, MOORESVILLE, NC 28117
67-02868.006	KOHL'S ILLINOIS INC	3792 BURBANK RD WOOSTER OH 44691	PO BOX 2148, MILWAUKEE, WI 53201
67-02871.030	WEAVER CUSTOM HOMES INC	WHITETAIL CROSSING WOOSTER OH 44691	124 E LIBERTY ST., SUITE A, WOOSTER OH 44691
53-01692.000	FRAVEL ROBERT L & BRENDA K S/T	1147 W MILLTOWN RD WOOSTER OH 44691	1147 W MILLTOWN RD WOOSTER OH 44691
53-00556.001	WECKESSER JAMES M & JANICE E S/T	1099 W MILLTOWN RD WOOSTER OH 44691	1099 W MILLTOWN RD WOOSTER OH 44691
67-02950.018	GREEN GARY J & CHERYL A S/T	3875 SPRING BROOK WOOSTER OH 44691	3875 SPRING BROOK WOOSTER OH 44691
67-02871.034	CHAPMAN ANGELA E & STEVEN W RHOADS TRUSTEES	760 WHITETAIL CROSSING WOOSTER OH 44691	760 WHITETAIL CROSSING WOOSTER OH 44691
67-02967.000	CRAYCRAFT GERALD F & JULIE A S/T	W MILLTOWN RD WOOSTER OH 44691	3553 OAK HILL RD, WOOSTER, OH 44691
53-00556.002	WECKESSER JAMES M & JANICE E S/T	W MILLTOWN RD WOOSTER OH 44691	1099 W MILLTOWN RD, WOOSTER OH 44691
53-01743.034	HUNT CLUB SUBDIVISION HOMEOWNERS ASSOCIATION INC	QUAIL HOLLOW DR WOOSTER OH 44691	1400 HUNT CLUB DR, WOOSTER OH 44691
67-02865.001	LORAL LOWES PROPERTY LLC	3934 BURBANK RD WOOSTER OH 44691	3477 COMMERCE PKWY STE B1, WOOSTER OH 44691
67-02871.078	RESERVE AT DEER CREEK PROPERTYOWNERS COMMON GROUND ASSOC	RIFFEL RD WOOSTER OH 44691	PO BOX 1416, WOOSTER OH 44691

New

## Annexation Agreement

THIS ANNEXATION AGREEMENT (the "Agreement") is made and entered into this 2nd day of May, 2022 pursuant to Ohio Revised Code ("ORC") Sections 709.02, 709.021, 709.022, and 709.192 by and between the City of Wooster, Ohio (the "City"); and the Trustees of Wayne Township, Wayne County, Ohio (the "Township"), with reference to the following facts:

1. Owners are the owners in fee simple of certain real property described in Exhibit A attached hereto and made a part hereof (the "Property"), totaling approximately 75.217 acres. A plat map of the Property is attached hereto as Exhibit B and made a part hereof; and
2. Owners desire to incorporate the Property into the City of Wooster to receive public infrastructure and access thereto in accordance with the ordinances of the City; and
3. Township wishes to share in the risk of City's infrastructure investment to be made in the territory, whereby, for a fifteen (15) year period, it will receive up to one hundred percent (100%) of revenue it would have received if the annexation had not occurred in years in which the City's Cumulative Territory Revenues exceed its Cumulative Territory Revenues, except in any event, revenues shall never be less than ORC709.19; and  
City proposes to reconstruct portions of Oak Hill and W. Milltown Roads and extend public sewer, and finance such improvements through the creation of a tax incremental finance ("TIF") incentive district, thereby limiting said Owner's obligations for public road infrastructure assessment fees and sewer tap-in fees, and enabling future taxable real estate development; and  
The parties desire to annex the Property to the City pursuant to and under the authority of the ORC, and especially Sections 709.02, 709.021, 709.022, and 709.192; and
6. 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 City.

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

*James R. Hanks*  
Cliff, Wooster City Council

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 on or about thirty days after the passage of an ordinance of the City accepting Owners' Petition for Annexation, the Property shall be annexed to the City, and the corporate limits of the City shall be extended to include and encompass the Property. Once annexed to the City, the Property shall no longer be a part of the territory of Wayne Township and shall become a portion of Killbuck Township (generally coterminous with the City) thereby becoming the exclusive territory of the City for all purposes, including but not limited to, allocation of real property and income tax proceeds. Township shall agree to provide full cooperation with City and Owners regarding annexation and shall, by way of example, but without limitation, do the following:

- A. Agreement to Annex. Township hereby consents to the annexation of the Property to City, pursuant to ORC 709.912 along with ORC 709.02. Township further agrees to authorize its designated representative to sign any petitions or other documents prepared by Owners or City or their agents to consent to the annexation of any roadways or other property owned by it within the Property area.

- B. Appearance at Hearings. Township further agrees, at the written request of City, to appear at any hearings before the Wayne County Board of Commissioners and assist City in the annexation of the Property, including providing testimony under oath that Township agrees to the Annexation.
- C. Waiver of Right to Appeal. Township waives any objections to said annexation and waives any rights it may have to contest such annexation, including rights of appeal or injunctive relief, including but not limited to, any rights it may have under ORC Section 709.07 or Chapter 2506.
- D. Not Seek Detachment. Township agrees and covenants that it: (a) will not assist or encourage any person or entity owning all or any portion of the Property to petition for the detachment of all or any portion of the Property from City; and (b) it will not advocate for the detachment of all or any portion of the Property from City before the Wayne County Board of Commissioners or to any individual member of the Board of Commissioners.
- E. Failure to Annex. In the event of the failure of the annexation of the property, this Agreement shall be null and void.

## **2. Revenue Sharing on Annexed Territory.**

- A. Definitions: The following definitions apply to this section:
  - a. Cumulative Territory Expenses includes the cumulative total of all costs incurred by the City to establish public infrastructure and perform maintenance of the new public infrastructure within the territory, not limited to sanitary sewer utilities, storm water utilities, water utilities, roadway construction and improvements, sidewalk and bike trail infrastructure, and any corresponding financing costs, including interest.
  - b. Cumulative Territory Revenues includes the cumulative total revenues received by the City from millage and payments-in-lieu-of-taxes resulting from the territory excluding roll-back payments received, less any payments made by the City to other governments related to payments-in-lieu-of-taxes, and less any previous-year payments made by City to Township in excess of those prescribed by 709.19 specific to new real estate development within the territory.
- B. Revenue Sharing: The parties agree that the City shall annually disclose its year-end Cumulative Territory Expenses and Cumulative Territory Revenues. City shall compensate the Township in the following manner for a period of fifteen (15) years from the date of annexation. The estimated financial implications and schedule of this arrangement are shared in attached Exhibit C, with actual revenues being dependent on the Wayne County Auditor's valuation of the territories described and actual improvements made, over which Parties have no control. City anticipates, but expressly does not guarantee, an investment of approximately \$5,000,000 or greater in new infrastructure to be expended within the territory during the term of this agreement.
  - a. When City's Cumulative Territory Revenues exceeds City's Cumulative Infrastructure Expenses by 200% or more, 100% of the revenues it would have received from the annexed territory.
  - b. When City's Cumulative Territory Revenues exceeds City's Cumulative Infrastructure Expenses by less than 200%, 50% of the net excess.
  - c. When City's Cumulative Territory Revenues is less than City's Cumulative Infrastructure Expenses, compensation as per Ohio Revised Code 709.19.



- C. Term: City's revenue sharing obligations with regard to the annexation will permanently cease on the sixteenth (16<sup>th</sup>) anniversary of the annexation.
- D. Payment: During the term of this Agreement, within 45 days of receipt of applicable funds from the Wayne County Auditor, City shall provide Township with the Township Tax Payments.
- E. Disputes: Any dispute arising out of or related to calculation of Township Tax Payments shall be submitted to the Wayne County Auditor, whose written response shall be binding on the parties.

**3. Fire Protection.** The parties further agree that, during the term of this Agreement, ~~fire protection~~ <sup>all municipal services</sup> for the Property will be provided by the City at the City's sole expense, and the Township shall not receive any millage relating to the Township Fire District relating to the Property. JP 5/2/2022

**4. Tax Valuation Changes.** The parties agree that any party may object to tax assessments or evaluations or re-evaluations of all or any part of the Property from time to time. The parties shall cooperate with each other such that the party with the legal standing to challenge such assessments or valuations or re-evaluations shall diligently pursue those challenges on behalf of itself and/or another party.

**5. Post Annexation Governmental Services.** The parties agree that the Property is entitled to standard governmental services by City in the same manner such services are provided to other areas of City.

**6. Mediation and Notice of Claimed Breach.** In the event the parties have a dispute as to any of the terms or to the applicability of this Agreement, the parties agree to use their best efforts to resolve the dispute through a mutually acceptable mediation process or, if they are unable to agree, to utilize whatever mediation process may then be in existence and used by the Wayne County Common Pleas Court. Each party retains all legal rights available to it under this Agreement and under the law.

If any party to this Agreement believes any other party has failed to perform its part of any provision of this Agreement, including the failure to make any payment of monies due under this Agreement, the complaining party shall give notice to the other party, clearly stating what breach the complaining party alleges 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, then the complaining party may seek remedies under this Agreement, including suit for recovery of the money due under the Agreement and suit for specific enforcement of this Agreement.

**7. Liberal Construction.** The parties agree that, just as ORC 709.192 is to be liberally construed to allow parties to enter into annexation agreements, this Agreement shall be liberally construed in order to facilitate the desire of both parties to carry out this Agreement by providing government improvements, facilities and services, by promoting and supporting economic development, by creating and preserving employment opportunities, and by allowing the sharing by City, Township, County and State of Ohio in the benefits of economic development, even if such development does not occur in an unincorporated area. Further, each provision of this Agreement shall be construed and interpreted so as to permit maximum advantage to the parties as is allowed by ORC 709.192.

**8. Modification.** This Agreement may not be modified by the City or Township except by official legislative action of both City and Township. This Agreement may be terminated prior to the expiration of its term by mutual consent of City and Township, as evidenced by official legislative action by each.

**9. Legal Construction.** In the event that any one or more of the provisions contained in the Agreement are held to be invalid, illegal or unenforceable in any respect, the invalidity, illegality or unenforceability shall not be affected by any other provision of this Agreement. The titles of the paragraphs of this Agreement are descriptive only and are not to be considered substantive provisions of this Agreement. This Agreement is intended to conform to ORC 709.192 in all respects.

**10. Governing Law.** This Agreement, and all the rights, duties and obligations of City and Township, shall be construed under and in accordance with the laws of the State of Ohio, and all obligations of the parties hereunder are performable in Wayne County, Ohio.

IN WITNESS WHEREOF, the City of Wooster, Ohio, by Robert F. Breneman, its duly-elected Mayor, and pursuant to authority granted by the adoption of Ordinance No. 2022-7, has caused this instrument to be executed this 2nd day of May 2022; and Wayne Township of Wayne County, Ohio, by Tom Buchholz, its Trustee, has caused this instrument to be executed on this 2nd day of May 2022, and, by T.J. Shamp, its Trustee, has caused this instrument to be executed on this 2nd day of May 2022, and by Marlin Questel, its Trustee, has caused this instrument to be executed on this 2nd day of May 2022.

**SIGNATORIES:**

**CITY OF WOOSTER, OHIO**

by Robert F. Breneman  
Robert F. Breneman, Mayor

**WAYNE TOWNSHIP TRUSTEES**

by Tom Buchholz  
Tom Buchholz, Trustee

by T.J. Shamp  
T.J. Shamp, Trustee

by Marlin Questel  
Marlin Questel, Trustee

Approved as to form: [Signature]  
John Scavelli, Attorney at Law  
538 N. Market Street  
Wooster, Ohio 44691  
Tel. 330.263.5248 / Fax 330.263.5247

72.217 Ac Total to be Annexed

CERTIFIED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE WAYNE COUNTY COMMISSIONERS.

RESOLUTION No. \_\_\_\_\_

BY: \_\_\_\_\_  
SUE A. SMAL

BY: \_\_\_\_\_  
BECKY FOSTER

BY: \_\_\_\_\_  
RON AMSTUTZ

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE WOOSTER CITY COUNCIL. ORDINANCE No. \_\_\_\_\_

BY: \_\_\_\_\_

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE CITY OF WOOSTER

BY: \_\_\_\_\_  
ROBERT F. BRENEMAN, MAYOR

RECEIVED FOR RECORDING THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE WAYNE COUNTY MAP OFFICE.

BY: \_\_\_\_\_  
STACY PEPPARD

RECEIVED FOR TRANSFER THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE WAYNE COUNTY AUDITOR.

BY: \_\_\_\_\_

FEE \_\_\_\_\_

Filed for record in  
WAYNE COUNTY, OHIO  
JANE CARMICHAEL, RECORDER

DATE \_\_\_\_\_ AT \_\_\_\_\_ BY: \_\_\_\_\_  
Jane Carmichael

INSTRUMENT # \_\_\_\_\_

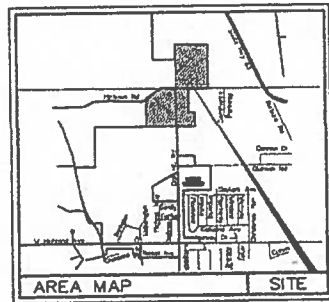
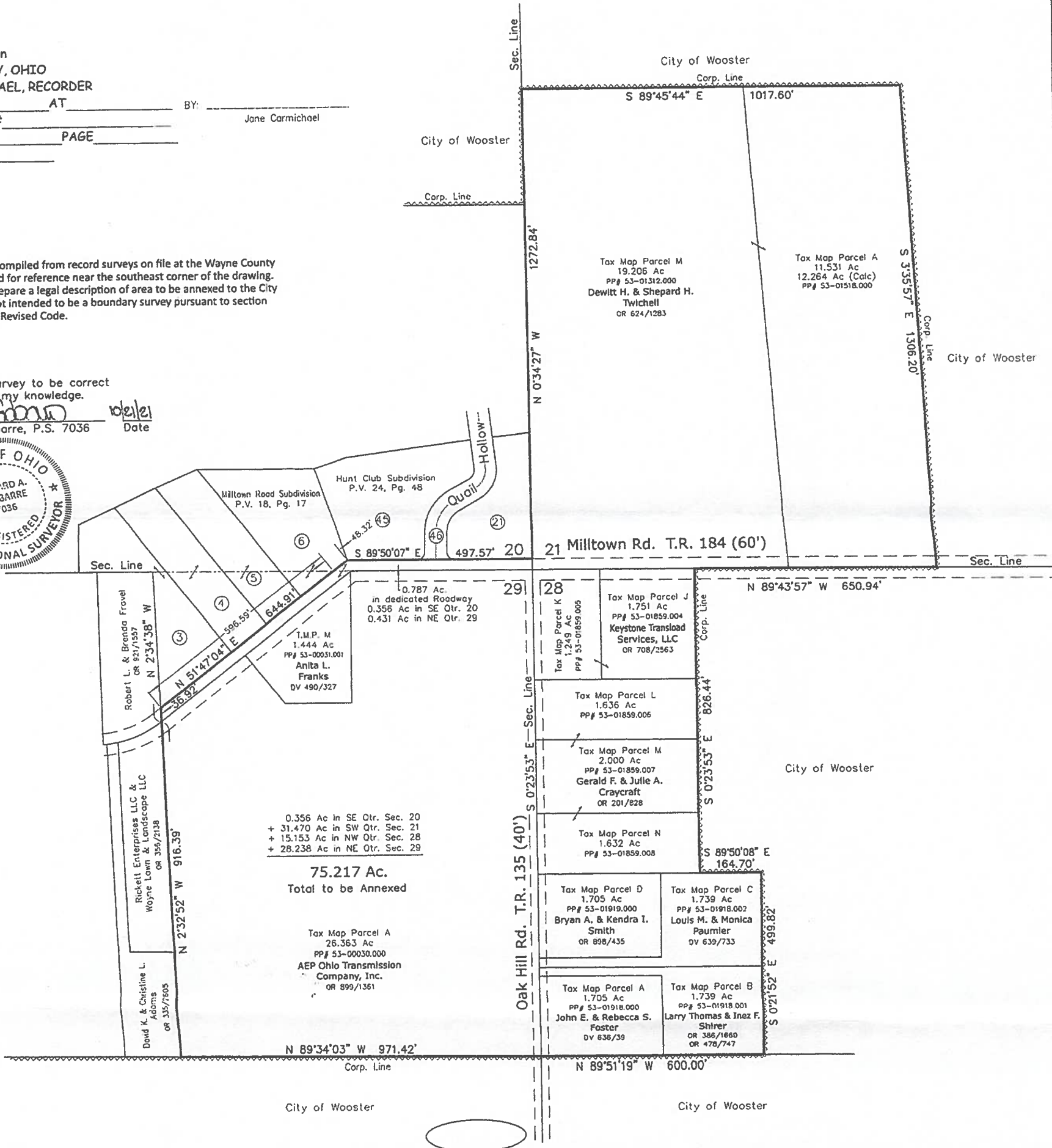
PLAT VOL. \_\_\_\_\_ PAGE \_\_\_\_\_

FEE \$ \_\_\_\_\_

Note:  
This map has been compiled from record surveys on file at the Wayne County Map Office and listed for reference near the southeast corner of the drawing. The purpose is to prepare a legal description of area to be annexed to the City of Wooster and is not intended to be a boundary survey pursuant to section 4733-37 of the Ohio Revised Code.

I believe this survey to be correct  
to the best of my knowledge.

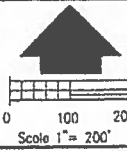
Edward A. Gasbarre, P.S. 7036 Date 10/21/21



### Annexation to the City of Wooster

Wayne Township  
SE Qtr. Sec. 20, SW Qtr. Sec. 21, NW Qtr. Sec. 28  
& NE Qtr. Sec. 29, T-16N, R-13W  
Wayne County, Ohio

- Legend
- set
  - set previously found
  - 5/8"x30" Steel Rod W/Yellow I.D. Cap
  - Marked "Gasbarre Wooster, Ohio"
  - - Iron/Steel monument found
  - Described in Drawing
  - - Stone monument found
  - △ - Spike or magnet set
  - ▲ - Spike or magnet found
  - X-X- Fence Line Evident
  - R - Record Dimension
  - M - Measured Dimension
  - U - Used Record Dimension



Basis of Bearings: East line of the NE qtr. of Section 29 per WW-435.  
Ref. Surveys: AA-450, DD-384, FF-322, II-260, PP-757, QQ-28, QQ-121, WW-435  
P.V. 18, Pg. 17, P.V. 24, pg. 48  
Drawing 221087 Annexation.dwg

October 21, 2021  
R.W. Gasbarre & Associates, Inc.  
Professional Land Surveyors  
401 South Market St. - P.O. Box 44  
Wooster, Ohio 44691  
PH 330-264-9499

## EXHIBIT A

### BOUNDARY DESCRIPTION 75.217 Acres

Situated in the State of Ohio, County of Wayne, Township of Wayne in the southeast quarter of Section 20, southwest quarter of Section 21, northwest quarter of Section 28 and the northeast quarter of Section 29, T-16N, R-13W.

Described as follows:

**Beginning** at the southeast corner of Lot 21 of the Hunt Club Subdivision as recorded in plat volume 24, page 48.

Thence with the following THIRTEEN courses:

- 1) N 00° 34' 27" W 1272.84 feet, along the west line of the southwest quarter of Section 21, to the northwest corner of Dewitt H. and Shepard H. Twichell as described in official record volume 624, page 1283.
- 2) S 89° 45' 44" E 1017.60 feet, along the north line of Twichell, to the northeast corner thereof.
- 3) S 03° 35' 57" E 1306.20 feet, along the east line of Twichell, to a point on the south line of the quarter section and in Milltown Road (Township Road 184).
- 4) N 89° 43' 57" W 650.94 feet, along the south line of the quarter section and in Milltown Road, to the northeast corner of Keystone Transload Services, LLC as described in official record volume 708, page 2563.
- 5) S 00° 23' 53" E 826.44 feet, into the northwest quarter of Section 28, along the east line of Keystone Transload Services, LLC and the extension thereof, to a point on the north line of Louis M. and Monica Paumier as described in deed volume 639, page 733.
- 6) S 89° 50' 08" E 164.70 feet, along the north line of Paumier, to the northeast corner thereof.
- 7) S 00° 21' 52" E 499.82 feet, along the east line of Paumier and the extension thereof, to the southeast corner of Larry Thomas and Inez F. Shirer as described in official record volume 386, page 1660 and official record volume 478, page 747.
- 8) N 89° 51' 19" W 600.00 feet, along the south line of Shirer and the extension thereof, to a point on the west line of the quarter section and in Oak Hill Road (Township Road 135) at the southwest corner John E. and Rebecca S. Foster as described in deed volume 636, page 39.
- 9) N 89° 34' 03" W 971.42 feet, into the northeast quarter of Section 29 and along the south line of AEP Ohio Transmission Company, Inc. as described in official record volume 899, page 1361, to the southwest corner thereof.
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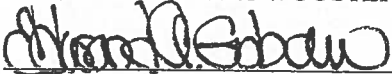
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- 13) S 89° 50' 07" E 497.57 feet, along the south line of Lot 45 and the extension thereof, to the Point of Beginning.

This parcel contains 75.217 acres; of which 0.356 Acres lie in the southeast quarter of section 20, 31.470 acres lie in the southwest quarter of Section 21, 15.153 acres lie in the northwest quarter of Section 28 and 28.238 acres lie in the northeast quarter of Section 29.

This description was prepared by Edward A. Gasbarre, P.S. 7036, from information contained in a survey made under his direction, in October of 2021, on behalf of R.W. Gasbarre & Associates, Inc. A copy of that survey is on file at the Wayne County map office. See survey volume \_\_\_, page \_\_\_.

All bearings are related and based on the east line of the northeast quarter of Section 29 according to record survey WW-435.

All capped pins, both set and found, are 5/8 inch diameter solid steel rods with identification caps marked "GASBARRE WOOSTER, OHIO" unless otherwise noted.

 10/21/21

Edward A. Gasbarre, P.S. 7036

H:\ADAT4\AJOB\52K21\Uob087\city of Wooster 75.217 Ac Legal.docx

ORDINANCE NO. 2022-16

AN ORDINANCE ACCEPTING APPLICATION FOR THE ANNEXATION OF TERRITORY LOCATED ON OAK HILL ROAD AND WEST MILLTOWN ROAD, AND CONTIGUOUS TO THE CORPORATION LIMITS (Jonathan Millea, Agent for Petitioners)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That the proposed annexation, consisting of approximately 75.217 acres at the intersection of Milltown Road and Oak Hill Road, with parcel numbers PN: 53-01859.006, 53-01850.008, 53-01918.000, 53-01859.005, 53-01859.004, 53-01859.007, 53-01918.002, 53-01919.000, 53-01312.000, 53-01518.000, 53-01918.001, 53-00030.001 AND 53-00030.000 as applied for in the petition described above, and as approved for annexation to the City of Wooster by the Board of County Commissioners of Wayne County on June 1, 2022, is accepted. The territory to be annexed is described in the petition, a copy of which is attached and incorporated by reference.

The certified transcript of the proceedings for annexation, together with an accurate map of the territory, the petition for annexation and other papers relating to the proceedings of the Wayne County Commissioners, are on file with the Clerk of this Council, and have been for more than sixty (60) days.

SECTION 2. The Clerk of Council is directed to make three (3) copies of this Ordinance, to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners of Wayne County relating hereto, and a certificate as to the correctness. The Clerk shall then deliver one copy of these documents to the Wayne County Auditor, one copy to the Wayne County Recorder and one copy to the Secretary of State, and shall file notice of this annexation with the Wayne County Board of Elections within thirty (30) days after it becomes effective; and the Clerk shall do all other things required by law.

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees in compliance with the law.

SECTION 4. This Ordinance shall take effect and be in full force from and after the earliest date allowed by law.

1<sup>st</sup> reading 9-6-22 2<sup>nd</sup> reading → 3<sup>rd</sup> reading 9-6-22

Passed: 9-6, 2022

Vote: 6-0

Attest: Lynne DePaulo  
Clerk of Council  
Lynne DePaulo

Michael E. Buytendyk  
President of Council  
Michael Buytendyk

Approved: Sept. 7, 2022

Robert F. Breneman  
Mayor Robert F. Breneman

Introduced by: Bob Reynolds

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

Lynne DePaulo  
Clerk, Wooster City Council

72.217 Ac Total to be Annexed

CERTIFIED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE WAYNE COUNTY COMMISSIONERS.

RESOLUTION No. \_\_\_\_\_

BY: \_\_\_\_\_  
SUE A. SMAL

BY: \_\_\_\_\_  
BECKY FOSTER

BY: \_\_\_\_\_  
RON AMSTUTZ

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE WOOSTER CITY COUNCIL. ORDINANCE No.: \_\_\_\_\_

BY: \_\_\_\_\_

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE CITY OF WOOSTER

BY: \_\_\_\_\_  
ROBERT F. BRENEWMAN, MAYOR

RECEIVED FOR RECORDING THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE WAYNE COUNTY MAP OFFICE.

BY: \_\_\_\_\_  
STACY PEPPARD

RECEIVED FOR TRANSFER THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE WAYNE COUNTY AUDITOR.

BY: \_\_\_\_\_

FEE \_\_\_\_\_

Filed for record in  
WAYNE COUNTY, OHIO  
JANE CARMICHAEL, RECORDER

DATE \_\_\_\_\_ AT \_\_\_\_\_ BY: \_\_\_\_\_  
Jane Carmichael

INSTRUMENT # \_\_\_\_\_

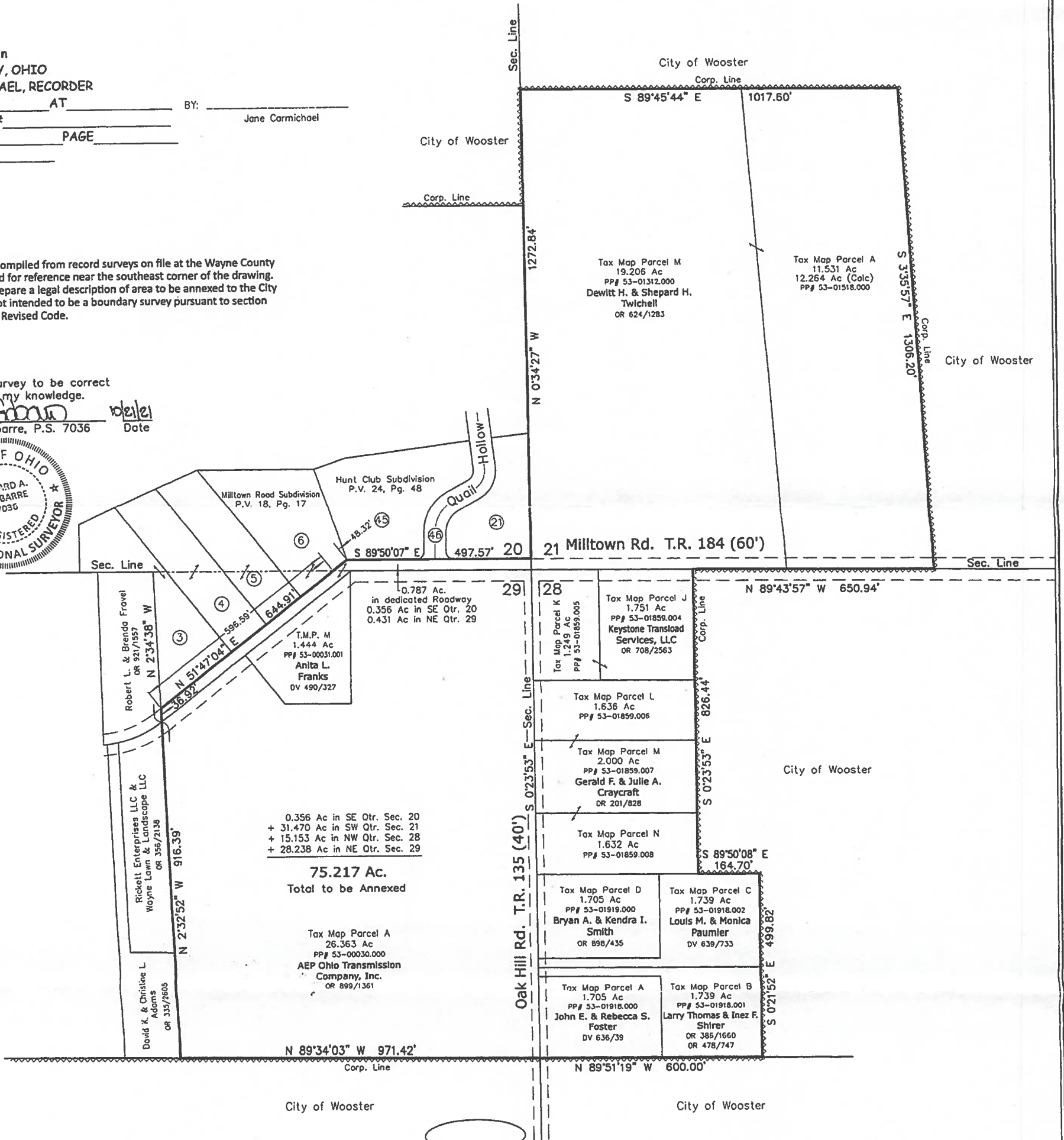
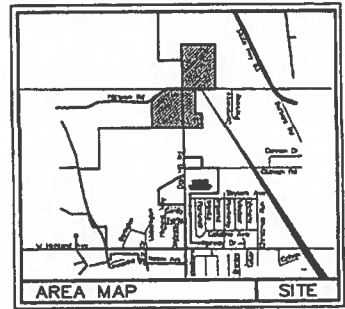
PLAT VOL. \_\_\_\_\_ PAGE \_\_\_\_\_

FEE \$ \_\_\_\_\_

Note:  
This map has been compiled from record surveys on file at the Wayne County Map Office and listed for reference near the southeast corner of the drawing. The purpose is to prepare a legal description of area to be annexed to the City of Wooster and is not intended to be a boundary survey pursuant to section 4733-37 of the Ohio Revised Code.

I believe this survey to be correct  
to the best of my knowledge.

Edward A. Gasbarre 10/21/21  
Edward A. Gasbarre, P.S. 7036 Date

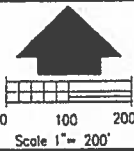


### Annexation to the City of Wooster

Wayne Township  
SE Qtr. Sec. 20, SW Qtr. Sec. 21, NW Qtr. Sec. 28  
& NE Qtr. Sec. 29, T-16N, R-13W  
Wayne County, Ohio

#### Legend

- set set previously found - Spike or magnet set
- 5/8"x30" Steel Rod W/Yellow I.D. Cap - Spike or magnet found
- Marked "Gasbarre Wooster, Ohio"
- - Iron/Steel monument found
- Described in Drawing
- - Stone monument found
- R - Record Dimension
- M - Measured Dimension
- U - Used Record Dimension
- X-X - Fence Line Evident



Base of Bearings: East line of the NE qtr. of Section 29 per WW-435.  
Ref. Surveys: AA-450, DD-384, FF-322, II-260, PP-757, QQ-28, QQ-121, WW-435  
P.V. 18, Pg. 17, P.V. 24, pg. 48  
Drawing 221087 Annexation.dwg  
October 21, 2021

**R.W. Gasbarre**  
& Associates, Inc.

Professional Land Surveyors  
401 South Market St. - P.O. Box 44  
Wooster, Ohio 44691  
PH 330-264-9499