



ORDINANCE 2023-04 OF THE VILLAGE OF ASHVILLE



AN ORDINANCE TO ACCEPT THE BARBARA ANN HEDGES ARTHURS AND JOSEPH BENTON HEDGES, LANDOWNERS (HEREINAFTER REFERRED TO AS "LANDOWNER") AND FISCHER HOMES (HEREINAFTER THE "DEVELOPER") APPLICATION FOR ANNEXATION BY THE LANDOWNER AND DEVELOPER, ET ALL FOR ANNEXATION OF CERTAIN TERRITORY CONTAINING 55.9126 +/- ACRES IN THE HARRISON TOWNSHIP, COUNTY OF PICKAWAY, STATE OF OHIO TO THE VILLAGE OF ASHVILLE AND DECLARING AN EMERGENCY.

WHEREAS, a petition for annexation of certain property in Harrison Township was duly filed by The Landowner and Developer, et al on November 8, 2022, with Commissioners of Pickaway County and approved by the County Commissioners on December 6, 2022, **Exhibit A**.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ASHVILLE, PICKAWAY COUNTY, STATE OF OHIO THAT:

SECTION ONE

The Village of Ashville accepts the annexation of the territory described in the Petition by owner of Real Estate in Territory Proposed for Annexation to the Village of Ashville, **Exhibit A**.

SECTION TWO

That the Village Clerk is hereby authorized and directed to make three copies of this Ordinance, to each of which shall be attached a copy of the petition, the plat or map accompanying the petition for annexation as an Planned Unit Development District (PUD) under Ashville's Codified Ordinance, Chapter 1165, a copy of the petition, the plat map of map accompanying the petition for annexation, a copy of the transcript of the proceedings of the Board of County Commissioners relating to thereto, and a certificate to the correctness thereof. The Clerk shall then forthwith delivery one copy to the County Auditor, one copy the County Recorder and one copy to the Secretary of State, and shall file notice of this annexation with the Board of Elections after it becomes effective, and the Clerk shall do all other things required by law.

SECTION THREE

That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Village and its inhabitants for the reason that there exists an imperative necessity for the earliest passage of this Ordinance to meet the obligations of the Village and will go into effect immediately upon its passage by Council.

Offered by: R. David Rainey


Seconded to the Motion Offered by: Roger L. Clark

Upon roll call on the adoption of the ordinance, the vote was as follow:

Council Member	Yes	No	Council Member	Yes	No	Council Member	Yes	No	Council Member	Yes	No	Council Member	Yes	No
Roger L. Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Colton Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Randy S. Loveless	<input checked="" type="checkbox"/>	<input type="checkbox"/>	R. David Rainey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Matt Scholl	<input type="checkbox"/>	<input type="checkbox"/>
												Steve Welsh	<input type="checkbox"/>	<input type="checkbox"/>
												Excused Absence	Excused Absence	

ADOPTED THIS THE 3RD DAY OF APRIL, 2023
EFFECTIVE THIS THE 3RD DAY OF APRIL, 2023

ATTEST:


April D. Grube, Clerk-Fiscal Officer

DATE: 4/6/2023

APPROVED:


Nelson R. Embrey II, Mayor

DATE: 4/4/2023

Prepared: 03/02/2023

Revised Date:

Review Date:

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify, that the foregoing is a true and correct copy of the ordinance adopted by the Village of Ashville Council held on 3rd day of April 2023, and that I am duly authorized to execute this certificate.

(Original signature of April D. Grube)

Clerk-Fiscal Officer
(TITLE)



Commissioners:
Jay H. Wippel
Harold R. Henson
Gary K. Scherer

Administrator:
April Dengler
Clerk:
Angela Karr



Pickaway County
Board of County Commissioners
139 West Franklin Street
Circleville, Ohio 43113
Telephone: 740-474-6093 FAX: 740-474-8988
1-800-472-6093
www.pickaway.org

Date: November 10, 2022

To: -Catherine A. Cunningham, Esq., Kegler, Brown & Ritter, 65 E. State Street, Suite 1800, Columbus, Ohio 43215
-Village of Ashville, P.O. Box 195, 200 East Station Street, Ashville, Ohio 43103
-Harrison Township Trustees, P.O. Box 22, Ashville, Ohio 43103
-Tim McGinnis, Pickaway County Development & Planning Director
-Chris Mullins, Pickaway County Engineer

From: Pickaway County Commissioners

Re: Hearing scheduled for:
**Annexation Petition – Joseph B. Hedges & Barbara A. Hedges Arthurs
55.9126 +/- ac. of Harrison Township into Village of Ashville**

Please let this serve as notice that the hearing related to the above-noted annexation petition that was filed in the Pickaway County Commissioners’ Office on November 8, 2022, is scheduled for:

**Tuesday, December 6, 2022
10:30 a.m.
Pickaway County Commissioners’ Office
139 W. Franklin Street
Circleville, Ohio 43113**

If you should have any questions, please contact Angela Karr, Clerk, at 740-477-3649 (Direct) or by email at akarr@pickawaycountyohio.gov

Sincerely,

Angela Karr
Clerk

Enclosure (*excerpt, petition, maps, legal description and adjacent parcel owner list*)

Commissioners:
Jay H. Wippel
Harold R. Henson
Gary K. Scherer

Administrator:
April Dengler
Clerk:
Angela Karr



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The Pickaway County Board of Commissioners met in Regular Session in their office located at 139 West Franklin Street, Circleville, Ohio, on Tuesday, November 8, 2022, with the following members present: Mr. Jay H. Wippel, Mr. Gary K. Scherer and Mr. Harold R. Henson. April Dengler, County Administrator, and Marc Rogols, Deputy County Administrator was also in attendance.

During business conducted while in session, as the first official act related to an Annexation petition filed for the annexation 55.9126 +/- acres of Harrison Township into the Village of Ashville, the commissioners' clerk informed them that the petition was filed on Wednesday, November 2, 2022, and is hereby entered upon the Pickaway County Commissioners' Journal #67, pages dated November 8, 2022. Agent for the petitioners is Catherine Cunningham, Kegler, Esq., Brown & Ritter, 65 E. State Street, Suite 1800, Columbus, Ohio 43215. In the initial review of the annexation petition, all necessary documents appear to have been to be submitted with the annexation petition, with the exception of the ordinance or resolution from the Village of Ashville that it will provide the necessary services. Per ORC §709.023 (C), this must be received within 20 days after the filing of the petition. Per §709.023 (D), the Harrison Township Trustees are to file an ordinance or resolution consenting or objecting to the annexation within 25 days. If no ordinance or resolution is submitted within 25 days, it is presumed to be consent.

- *The Annexation has been placed as a 10:30 a.m. agenda item on the commissioners' December 6, 2022, regular meeting day schedule.*

In the Matter of
Annexation Petition Filed for the
Annexation of 55.9126 +/- Acres of Harrison Township
Into the Village of Ashville for Joseph B. Hedges and
Barbara A. Hedges Arthurs, Petitioners:

Board of County Commissioners
Pickaway County, Ohio

NOV 2 2:16PM '22

PETITION FOR ANNEXATION
OF 55.9126 ACRES, MORE OR LESS,
IN HARRISON TOWNSHIP, PICKAWAY COUNTY, OHIO
TO THE CITY OF ASHVILLE, OHIO
UTILIZING THE SPECIAL PROCEDURE OF
OHIO REVISED CODE SECTION 709.023, ET SEQ.

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

Now come the undersigned petitioners, being one hundred percent (100%) of the owners of certain property as hereinafter described who are included in determining the number of owners needed to sign a petition for annexation and requests that their property be annexed to the Village of Ashville, Ohio. The territory proposed for annexation contains 55.9126 acres, more or less, in Harrison Township, Pickaway County, and is contiguous to the boundary of the Village of Ashville, Ohio for five percent (5%) or more of the perimeter of the territory proposed for annexation. The undersigned understand the property will not be excluded from the township.

An accurate description of the perimeter of the territory sought to be annexed is attached hereto and made a part hereof as Exhibit "A." A map or plat of the above-described territory sought to be annexed is attached hereto and made a part hereof as Exhibit "B."

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

There is no annexation agreement between the Village of Ashville and the township pursuant to R.C. 709.192 applicable to this annexation or an applicable Cooperative Economic Development Agreement (C.E.D.A.) pursuant to R.C. 701.07.


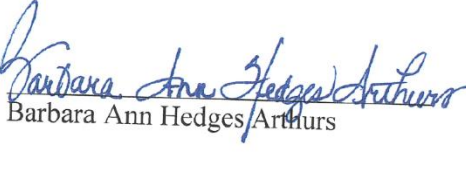
The number of owners in the territory sought to be annexed are two (2). The number of owners in the territory sought to be annexed required to be included in determining the number of owners needed to sign a petition is two (2). The number of owners who signed the petition is two (2).

The owners who signed this petition by their signatures expressly waive their right to appeal in law or equity from the board of county commissioners' entry of any resolution passed under R.C. 709.023 and waive any right they may have to sue on any issue relating to a municipal corporation requiring a buffer as provided in R.C. 709.023 and further waive any right to seek a variance that would relieve or exempt them from that buffer requirement.

NOV 2 2:16PM

Catherine A. Cunningham, Esq., Kegler, Brown, Hill + Ritter, 65 E. State Street, Suite 1800, Columbus, Ohio 43215, (614) 462-5486, is hereby appointed agent for the undersigned petitioners, as required by R.C. 709.02; and said petitioners' agent is hereby authorized to make any amendments and/or deletions which in his/her absolute and complete discretion are proper under the circumstances then existing. In addition, the petitioners' agent is authorized to make such amendments and/or deletions in this petition, map, plat or description in order to correct any discrepancy or mistake noted by the county engineer or others in their examination of the petition, map, plat or description. Amendments to correct the map, plat or description may be made by the presentation of an amended map or plat and description to the Board of County Commissioners on, before or after the date set for hearing of this petition unless otherwise specified by law.

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

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
 Joseph Benton Hedges	4241 County Road 6540 West Plains, MO 65775	09-13-22
 Barbara Ann Hedges Arthurs	4259 County Road 6540 West Plains, MO 65775	09-13-22

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**LIST OF ALL TRACTS, LOTS OR PARCELS INSIDE AND ADJACENT TO
AND/OR ACROSS THE ROAD FROM THE TERRITORY TO BE ANNEXED**

Ohio Revised Code §709.023(C)

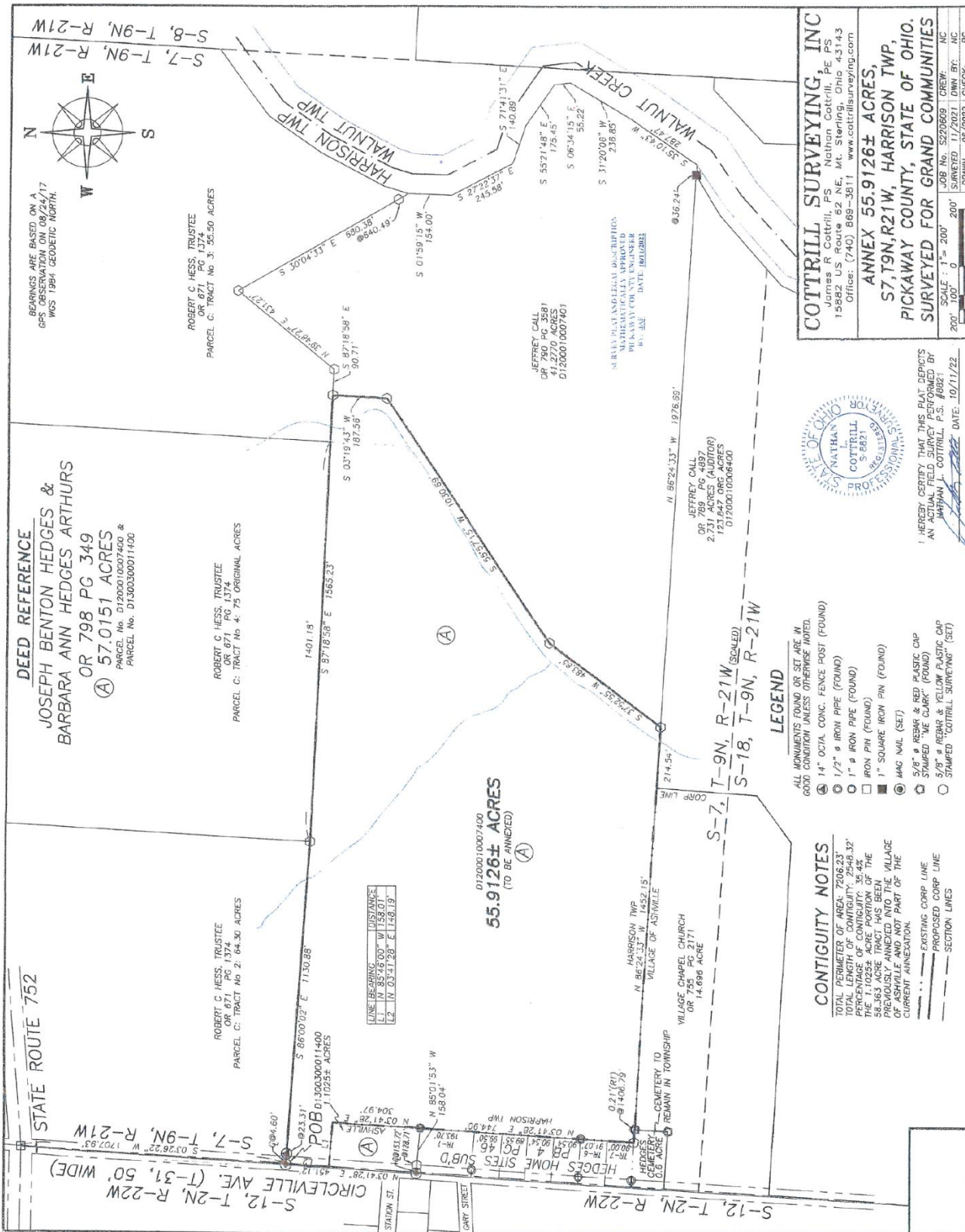
**Proposed Annexation of 55.9126 Acres in Harrison Township,
to the Village of Ashville, Pickaway County, Ohio**

<u>Name of Owner</u>	<u>Mailing Address</u>	<u>Parcel Number</u>
Barbara Ann Hedges Arthurs	4259 County Road 6540 West Plains, MO 65775	D12-0-001-00-074-00 D12-0-001-00-066-00
Joseph Benton Hedges	4241 County Road 6540 West Plains, MO 65775	D12-0-001-00-074-00 D12-0-001-00-066-00
Robert C. Hess, Trustee	14 S. Paint Street, Suite 2 Chillicothe, OH 45601	D12-0-001-00-076-00 D12-0-001-00-077-00 D12-0-001-00-078-00
Jeffrey Call	15026 Lockbourne Eastern Road Ashville, OH 43103	D12-0-001-00-064-00
Village Chapel Church	30 Circleville Avenue Ashville, OH 43103	D13-0-023-00-023-00
Bells Estate, LLC	7874 South Bloomfield Royalton Road Ashville, OH 43103	D13-0-030-00-121-00
Dorothy E. Gentilini	11860 Circleville Avenue Ashville, OH 43103	D13-0-030-00-120-00
Thomas A. Bausum Nancy L. Bausum	11850 Circleville Avenue Ashville, OH 43103	D13-0-030-00-119-00
Christopher M. Fleming Kari B. Fleming	11820 Circleville Avenue Ashville, OH 43103	D13-0-030-00-118-00 D13-0-030-00-117-00
Scott Acord Thecala Acord Nicholas Acord Betsy Acord	329 Circleville Avenue Ashville, OH 43103	D13-0-030-00-116-00

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<u>Name of Owner</u>	<u>Mailing Address</u>	<u>Parcel Number</u>
John Paul Elliott Mary Ann Elliott	11780 Circleville Avenue Ashville, OH 43103	D13-0-030-00-115-00
Kim M. Martin	161 Circleville Avenue Ashville, OH 43103	D13-0-025-00-031-00
Arthur Stevens	1068 Ballah Road Orient, OH 43146	D13-0-029-00-020-00
Stephen F. Hedges	219 Circleville Avenue Ashville, OH 43103	D13-0-029-00-019-00
Kenneth L. Post Sharren L. Post	309 Circleville Avenue Ashville, OH 43103	D13-0-030-00-102-01
Joseph N. Swetnam, Trustee Daniel R. Swetnam, Trustee	319 Circleville Avenue Ashville, OH 43103	D13-0-030-00-103-00

Annexation
Petition
Exhibit B



'22 NOV 2 2:21 PM

ORDINANCE 2023-04
TUESDAY, DECEMBER 6, 2022
OFFICE OF THE BOARD OF COMMISSIONERS
PICKAWAY COUNTY, OHIO

The Pickaway County Board of Commissioners met in Regular Session in their office located at 139 West Franklin Street, Circleville, Ohio, on Tuesday, December 6, 2022, with the following members present: Mr. Jay H. Wippel, Mr. Harold R. Henson and Mr. Gary K. Scherer. April Dengler, County Administrator, and Marc Rogols, Deputy County Administrator were also in attendance.

TUESDAY, DECEMBER 6, 2022
OFFICE OF THE BOARD OF COMMISSIONERS
PICKAWAY COUNTY, OHIO

**In the Matter of
Engineer's Request to Utilize the
Department of Administrative Services Contract, RS1010870
to Purchase F450 Crew Cab 4x4 Chassis:**

During business conducted while in session, Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, granting permission for Sterlin C. Mullins, Pickaway County Engineer, to utilize the Department of Administrative Services, Contract RS1010870 to purchase a MY2023 F450 Crew Cab 4x4 Chassis for the Pickaway County Sanitarian. The motion also includes the opportunity for local dealers to submit a proposal, as per exact specifications, to allow them to sell the same type of Excavator to Pickaway County at a lower price than that of the contract as provisions provide by Ohio law.

Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

**In the Matter of
Report Provided by Sheriff Hafey:**

The following is a summary of the report provided by Sheriff Hafey, Pickaway County Sheriff.

- Sheriff Hafey reported that two out of the three boilers are down and is estimated to around \$70,000 to repair. They are working on gathering quotes to get repaired quickly.
- They went to Pickaway-Ross Joint Vocational; they are starting a Police Academy and Sheriff Hafey is on the advisory board. It will be a good partnership and also discussion for a correction academy.
- Fatality accidents have increased over the last few weeks.
- The Sheriff's Office raised \$2,200 from No Shave November. They will be providing for two families.

**In the Matter of
Resolution Approving the Annexation Petition for the
Annexation of 55.9126 Acres +/- in Harrison Township into the Village of Ashville –
Joseph B. Hedges and Barbara A. Hedges Arthurs, Petitioners:**

During business conducted while in session, the commissioners held a meeting and reviewed the Annexation petition filed in their office on November 8, 2022, for the annexation of 55.9126 +/- acres of Harrison Township of Pickaway County into the Village Ashville. Catherine A. Cunningham, Esq., Kegler Brown & Ritter is the agent for the petitioners, Joseph B. Hedges and Barbara A. Hedges Arthurs, Petitioners, 65 E. State Street, Suite 1800, Columbus, Ohio 43215.

With no annexation agreement or cooperative economic development agreement filed with the Annexation petition, the territory to be annexed may not, at any time, be withdrawn or excluded from the township pursuant to ORC 503.07. The annexed land thus remains subject to the township's real property taxes.

Commissioner Gary Scherer offered the motion, seconded by Commissioner Harold Henson, to adopt the following Resolution:

Resolution No: PC-120622-98

WHEREAS, an Annexation petition that met all of the engineering and legal requirements was properly filed in the Pickaway County Board of Commissioners' office on or about November 8, 2022, for the annexation of 55.9126 +/- acres of Harrison Township of Pickaway County to be annexed into the Village of Ashville; and,

WHEREAS, the persons who signed the petition, Joseph B. Hedges, 4241 County Road 6540, West Plains, MO 65775 and Barbara A. Hedges Arthurs, 4259 County Road 6540 West Plains, MO 65775, trustee of the property to be annexed; and,

**TUESDAY, DECEMBER 6, 2022
OFFICE OF THE BOARD OF COMMISSIONERS
PICKAWAY COUNTY, OHIO**

WHEREAS, the petition contains the signatures of all of the property owners in the territory to be annexed; and,

WHEREAS, the territory to be annexed does not exceed 500 acres; and,

WHEREAS, the territory to be annexed share a common boundary with the municipality for a continuous length of at least 5% of the perimeter of the territory to be annexed; and,

WHEREAS, the annexation will not create an unincorporated area of the township that is completely surrounded by the territory to be annexed; and,

WHEREAS, no street or highway will be divided by the boundary between the municipality and township so as to create a road maintenance problem; and,

WHEREAS, the Village of Ashville passed Resolution 20-2022 November 8, 2022 adopting a Statement of Services and a Statement regarding possible incompatible land uses and zoning buffer for a proposed annexation of 55.9126 +/- acres of parcel number D1200010007400 from Harrison Township to the Village of Ashville and declaring an emergency; and,

THEREFORE BE IT RESOLVED, that the Pickaway County Board of Commissioners hereby approves the Annexation of 55.9126 +/- acres of Harrison Township of Pickaway County into the Village of Ashville, Pickaway County, Ohio, filed by Catherine A. Cunningham, Esq., the agent for the petitioners, Joseph B. Hedges and Barbara A. Hedges Arthurs.

Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Henson, yes; Commissioner Scherer, absent. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

~Certification~

I, Angela Karr, Clerk to the Pickaway County Board of Commissioners, hereby certify that this is a true and accurate record of the proceedings of the board and may be found in Journal #67, pages dated December 6, 2022.

Angela Karr

**In the Matter of
Report Provided by April Dengler:**

The following is a summary of the report provided by April Dengler, County Administrator:

- Ms. Dengler provided an updated presentation for today's budget meeting.
- Ms. Dengler met with Marc Rogols and the Building Department to discuss inspections services with the Village of Ashville.
- Patriots Engineering gave their recommendation for contract award for the Brownfield grant property Crane Plastic Manufacturing.

**In the Matter of
Brownfield Properties Grant, Crane Plastics Manufacturing
Demolition Contract Recommendation from
Project Engineers, Patriot Engineering and Environmental Inc.:**

Patriot Engineering and Environmental, Inc., Engineers for the Brownfield Properties Grant, Crane Plastics Manufacturing Demolition (600 Clinton Street), submitted their letter of recommendation for the contract award for the demolition contractor. Three sealed bids were received and opened at the November 22, 2022, Pickaway County Commissioners' Meeting. All bids were turned over to Patriot Engineers for final review.