

ORDINANCE NO. 2013- 3645

TO ACCEPT THE APPLICATION FOR ANNEXATION FOR THE PARCEL BEING PART OF LOT 3 COLE PARTITION, WHITAKER RESERVE AND PART OF THE NORTHWEST ¼ OF SECTION 22, TOWN-FIVE (5) NORTH, RANGE-FIFTEEN (15) EAST, SANDUSKY TOWNSHIP, SANDUSKY COUNTY, STATE OF OHIO CONTAINING 3.9379 ACRES, MORE OR LESS, APPROVED FOR ANNEXATION BY THE BOARD OF SANDUSKY COUNTY COMMISSIONERS IN RESOLUTION 2013-110 AND TO ADOPT THE RECOMMENDATION OF THE ASSISTANT ENGINEER FOR THE INTERIM ZONING OF THE AREA TO BE B-2 GENERAL COMMERCIAL DISTRICT.

WHEREAS, a petition for the annexation of certain territory in Sandusky County was duly filed by Kula Hoty Lynch, Agent for Petitioners, and

WHEREAS, the petition was duly considered by the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners approved the annexation of the territory to the City of Fremont as hereinafter described on March 28, 2013 by Resolution 2013-110; and

WHEREAS, the Board of County Commissioners certifies that the transcript of the proceedings in connection with the annexation and the map and the Petition required in connection therewith was transmitted to the City Clerk who received the same on March 28, 2013; and

WHEREAS, sixty (60) days from the date of the filing have now elapsed in accordance with the provisions of the Ohio Revised Code Section 709.04;

WHEREAS, the Fremont City Assistant Engineer recommended the interim zoning for the area to be zoned as B-2 General Commercial District.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FREMONT, STATE OF OHIO:

SECTION 1. That the proposed annexation as applied for in the Petition of Hoty Fremont Investments, Ltd., filed with the Board of County Commissioners of Sandusky County, in which the Petition prayed for the annexation to the City of Fremont, Ohio of certain territory adjacent thereto as hereinafter described, in which the Petition was

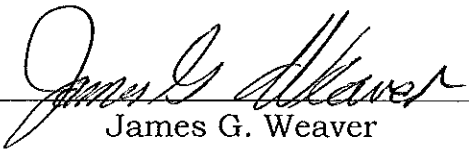
approved for annexation to the City of Fremont by the Board of County Commissioners by Resolution 2013-110 on March 28, 2013, be and the same is hereby accepted. A copy of the territory to be annexed is attached as Exhibit A.

SECTION 2. The Clerk of City Council be and she is hereby authorized and 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 relating thereto and a certificate as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder, and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective, and the Clerk shall do all other things required by law.

SECTION 3. The interim zoning classification of the annexed territory shall be zoned B-2 General Commercial District.

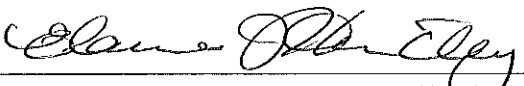
SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio.


SECTION 5. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.


James G. Weaver
President of Council

PASSED: 7-18-13
Effective date: 7-18-13

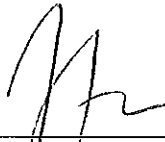
YEAS: 7 NAYS: 0


Elaine J. Huntley, City Council Clerk


James H. Ellis III, Mayor

ORDI796

Approved as to form by:



James F. Melle, Law/Director
City of Fremont, Ohio



**KUSMER &
ASSOCIATES, INC.**

Architects

Engineers

Surveyors

**LEGAL DESCRIPTION FOR A 3.9379 ACRE PARCEL
SEAN CENTER RETAIL PLAZA**

Being a parcel of land situated in part of Lot 3, Cole Partition, Whitaker Reserve and part of the northwest quarter (1/4) of Section Twenty-Two (22), Town-Five (5) North, Range-Fifteen (15) East, Sandusky Township, Sandusky County, Ohio described as follows:

- 1.) Commencing at a railroad spike marking the intersection of the east-west half (1/2) section line of Section Twenty-Two (22) and the centerline of Fangboner Road (County Road 166) (right-of-way varies);
- 2.) thence N 00° 00' 00" E two hundred forty-one and forty-four hundredths (241.44) feet along the centerline of Fangboner Road (County Road 166) (right-of-way varies) to a set P.K. nail;
- 3.) thence N 89° 56' 16" E three hundred forty-nine and ninety-one hundredths (349.91) feet along the north line of Outlot 412 to a set concrete monument with an iron rod marking the POINT OF BEGINNING, passing at twenty-five (25.00) feet a set iron rod on the east right-of-way of Fangboner Road (County Road 166) (right-of-way varies), said line also being the south line of a parcel of land now or formerly owned by Marjorie V. Schwochow, Trustee (Vol. 420, Pg. 44) and the City of Fremont Corporation Line;
- 4.) thence N 00° 03' 44" W three hundred seventy-seven (377.00) feet to a set concrete monument with an iron rod, passing at forty (40.00) feet a set iron rod on line;

- 5.) thence N 89° 56' 16" E four hundred fifty-five (455.00) feet to a set concrete monument with an iron rod, passing at three hundred seventy-five (375.00) feet a set iron rod on line;
- 6.) thence S 00° 03' 44" E three hundred seventy-seven (377.00) feet along the west line of a parcel of land now or formerly owned by ANR Properties, LTD (Vol. 423, Pg. 307) to a set concrete monument with an iron rod;
- 7.) thence S 89° 56' 16" W four hundred fifty-five (455.00) feet along the north line of Outlot 412 to the POINT OF BEGINNING, passing at forty (40.00) feet a set monument box with an iron rod on line and also passing at eighty (80.00) feet a found iron rod on line, said line also being the south line of a parcel of land now or formerly owned by Marjorie V. Schwochow, Trustee (Vol. 420, Pg. 44) and the City of Fremont Corporation Line.

Containing in all 3.9379 acres of land, more or less, subject to all highways and easements.

3.2456 acres in the property (future building area)
0.6923 acres in the r/w (Sean Drive extension)

All set and found iron rods are 5/8", unless otherwise noted.

The bearings are assumed and for angular measurements only.

This legal description is based upon a survey performed for Hoty Enterprises by Dean R. Frederick, #8131 of D. R. Frederick & Associates in December, 2012.

W Robert Kusner
July 11, 2013

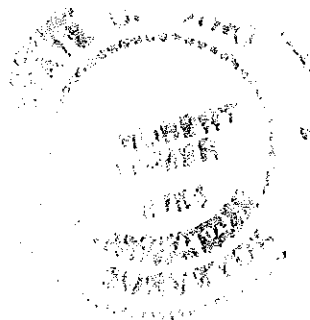
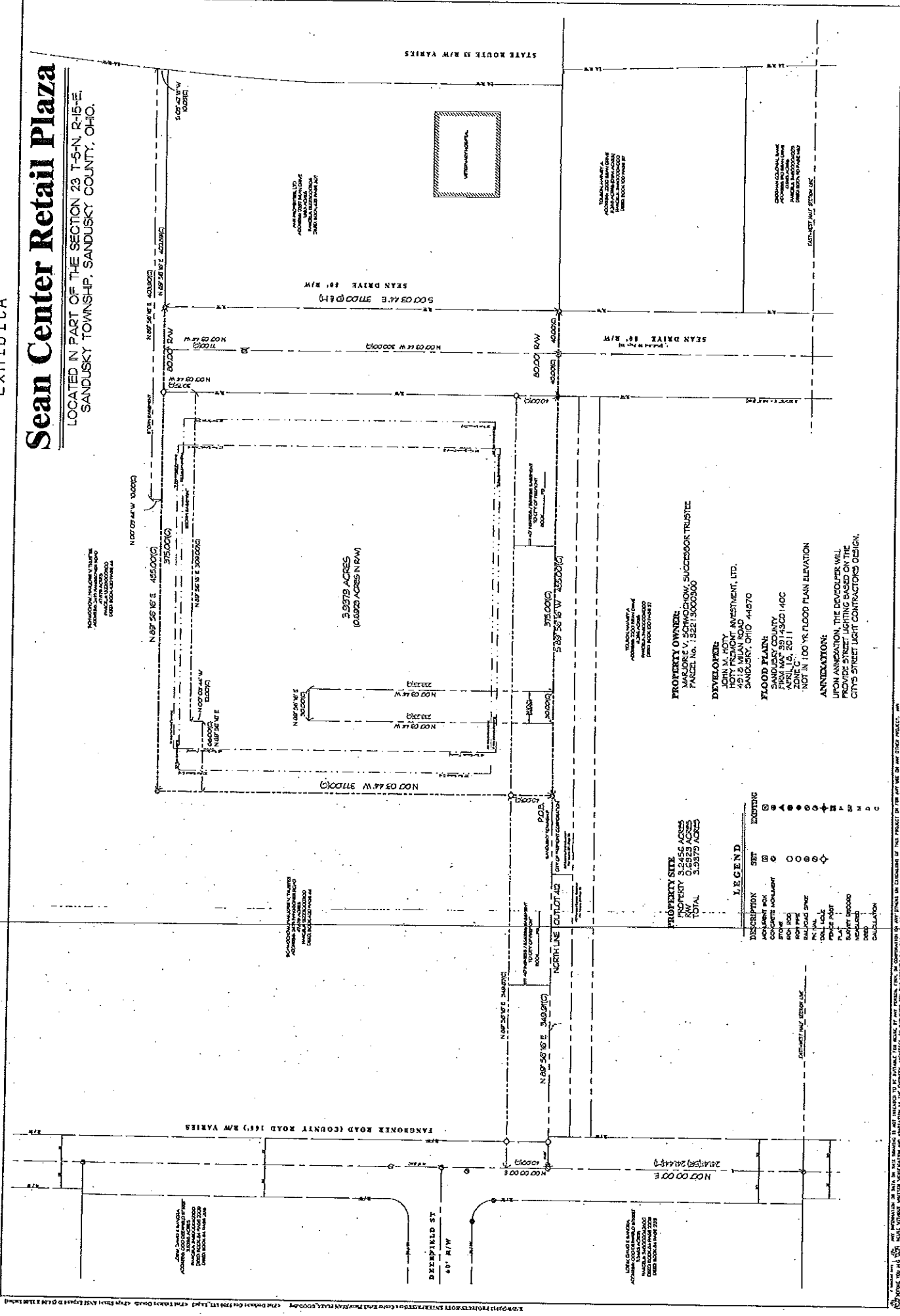


Exhibit A

Sean Center Retail Plaza

LOCATED IN PART OF THE SECTION 23 T-5-N, R-15-E,
SANDUSKY TOWNSHIP, SANDUSKY COUNTY, OHIO.



3,337.9 ACRES
(0.0623 ACRES IN R/W)

PROPERTY OWNER:
MARJORIE V. SCHWACHOW, SUCCESSOR TRUSTEE
PARCEL NO. 152213003000

DEVELOPER:
JOHN M. HOFF, INVESTMENT, LTD.
4912 MILAN ROAD
SANDUSKY, OHIO 44870

FLOOD PLAIN:
SANDUSKY COUNTY
FIRM MAY 99143C0140C
APRIL 15, 2011
NOT IN 100 YR. FLOOD PLAIN ELEVATION

ANNEXATIONS:
UPON ANNEXATION, THE DEVELOPER WILL
PROVIDE STREET LIGHTING BASED ON THE
CITY'S STREET LIGHT CONTRACTORS DESIGN.

PROPERTY SITE SUMMARY

DESCRIPTION	AREA (ACRES)
PROPERTY	3,337.9
R/W	0.0623
TOTAL	3,337.9

LEGEND

DESCRIPTION	SET	EXISTING
ADJACENT PLOT	□	□
CONCRETE MONUMENT	○	○
STORM	○	○
SEWER	○	○
GAS	○	○
UTILITY	○	○
PROPOSED	○	○
MEASUREMENT	○	○
DEED	○	○
CALCULATION	○	○