City Hall, 209 S. Main Street
Marysville, Ohio 43040-1641
(937) 645-7350
FAX (937) 645-7352
www.marysvilleohio.org

MARYSVILLE CITY COUNCIL AGENDA
October 14, 2024 at 7:00 P.M.
Council Chambers – 209 S. Main Street – 2nd Floor

This meeting is available to watch live or archived by clicking here

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

INVOCATION:

ROLL CALL:

APPROVAL OF MINUTES: September 23, 2024 City Council Meeting Minutes.

PROCLAMATION:

ADMINISTRATIVE REPORT:

REPORT OF CLERK OF COUNCIL:

REPORT OF ECONOMIC DEVELOPMENT:

PARKS AND RECREATION COMMISSION REPORT:

HEARING OF CITIZENS:

RESOLUTION:

Res. A	One Reading Only	RESOLUTION TO REAFFIRM THE CITY OF MARYSVILLE'S COMMITMENT TO DIVERSITY, EQUITY AND INCLUSION AND TO INCORPORATE INTO THE RULES OF COUNCIL, A DIVERSITY, EQUITY AND INCLUSION STATEMENT

Administration:

Citizens:

Council:

ORDINANCES:

Ord. A was reviewed by the Public Safety/Service Committee on September 9, 2024 and at the City Council Work Session on October 7, 2024.

Ord. A 1st Reading Title Only — TO AMEND ORDINANCE 057-2023 REGARDING CITY POLICY 570 – CLOTHING AND EQUIPMENT ALLOWANCE

Administration:

Council:

Ord. B 1st Reading Title Only — TO APPROVE PLANNING COMMISSION'S RECOMMENDATION FOR A ZONING CODE AMENDMENT TO PART ELEVEN – ZONING CODE, SECTION 1121.13 – MANUFACTURING/INNOVATION DISTRICT AND THE APPENDIX – GLOSSARY OF TERMS, BY ZONING ITS USE AND ADDING THE TERM BIOMEDICAL WASTE STERILIZATION FACILITY

Administration:

Council:

Ord. C 1st Reading Title Only — TO APPROVE PLANNING COMMISSION'S RECOMMENDATION FOR A ZONING CODE AMENDMENT TO REZONE +/- 55.55 ACRES WITHIN INNOVATION PARK LOCATED AT 14684 INDUSTRIAL PARKWAY FROM MANUFACTURING/INNOVATION (M/I) DISTRICT TO THE MANUFACTURING/INNOVATION OVERLAY(M/I-O)

Administration:

Council:

Ord. D was presented to the Finance Committee on September 23, 2024.

Ord. D 1st Reading Title Only — TO AUTHORIZE END OF YEAR SUPPLEMENTAL APPROPRIATIONS FOR MULTIPLE FUNDS AND MODIFY THE 2024 ANNUAL BUDGET

Administration:

Council:

Ord. E 2nd Reading Public Hearing — TO APPROVE THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF MARYSVILLE AND OPUS DEVELOPMENT COMPANY, L.L.C.

Administration:

Citizens:

Council:

Ord. F 2nd Reading Public Hearing — TO AMEND CHAPTER 741, MEDICAL MARIJUANA, OF THE CITY OF MARYSVILLE CODIFIED ORDINANCES TO PROHIBIT THE RETAIL DISPENSING OF RECREATIONAL MARIJUANA IN THE CITY OF MARYSVILLE

Administration:

Citizens:

Council:

The First Reading, Title Only, of Ord. G was tabled to September 23, 2024 on September 9, 2024.

Ord. G 2nd Reading Public Hearing — TO APPROVE PLANNING COMMISSION'S RECOMMENDATION TO AMEND CHAPTER 1131, HISTORIC DESIGN REVIEW DISTRICT(S) AND LANDMARK(S) (INCLUDING HISTORIC UPTOWN MARYSVILLE DESIGN REVIEW DISTRICT), SPECIFICALLY, SECTION 1131.11(b)(4) DESIGN GUIDELINES, MATERIALS, WINDOWS AND DOORS, OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF MARYSVILLE

Administration:

Citizens:

Council:

Ord. H 3rd Reading Title Only — TO ACCEPT THE ANNEXATION OF CERTAIN TERRITORY CONTAINING +/-15.1 ACRES (SURROUNDED BY THE ANNEXED LAND KNOWN AS MARYSVILLE EAST SECTION I) IN PARIS TOWNSHIP, UNION COUNTY TO THE CITY OF MARYSVILLE, OHIO

Administration:

Council:

Ord. I 3rd Reading Title Only — TO APPROVE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE A ZONING AMENDMENT APPLICATION TO REVISE THE PLANNED UNIT DEVELOPMENT FOR THE MARYSVILLE EAST SECTION I PLANNED UNIT DEVELOPMENT (PUD)

Administration:

Council:

The Second Reading, Public Hearing for Ord. E was tabled to September 23, 2024 on August 12, 2024

Ord. J 3rd Reading Title Only — TO ACCEPT THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 243.892 ACRES IN PARIS TOWNSHIP, UNION COUNTY TO THE CITY OF MARYSVILLE, OHIO, KNOWN AS MARYSVILLE EAST SECTION III

Administration:

Council:

Ord. K 3rd Reading Title Only — TO APPROVE PLANNING COMMISSION'S RECOMMENDATION TO REZONE EXISTING PARCEL NUMBERS: 2800170080010, 2800170060010, 2800170050000, 2800140280010, 2800170030000 and 2800170010000 FROM U-1, TOWNSHIP ZONING, TO A PLANNED UNIT DEVELOPMENT (PUD) FOR MARYSVILLE EAST SECTION III

Administration:

Council:

Ord. L 3rd Reading Title Only — TO ACCEPT THE ANNEXATION OF CERTAIN TERRITORY CONTAINING +/-6.5 ACRES IN PARIS TOWNSHIP, UNION COUNTY TO THE CITY OF MARYSVILLE, OHIO, CONTIGUOUS TO THE LAND KNOWN AS MARYSVILLE SOUTH

Administration:

Council:

Ord. M was reviewed by the Finance Committee on August 26, 2024 and at the City Council Work Session on September 3, 2024

Ord. M 3rd Reading Title Only — TO AMEND CHAPTER 110 – FACILITY COSTS AND CITY FEES, SECTION 110.06 MUNICIPAL SERVICES, OF THE CODIFIED ORDINANCES OF THE CITY OF MARYSVILLE REGARDING EMS BILLING

Administration:

Council:

COMMENTS OF THE CITY MANAGER AND COUNCIL PERSONS AND GENERAL DISCUSSION:

THE POTENTIAL TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS THE PURCHASE OF PROPERTY:

ADJOURN:

City Hall, 209 S. Main Street
Marysville, Ohio 43040-1641
(937) 645-7350
FAX (937) 645-7352
www.marysvilleohio.org

MARYSVILLE CITY COUNCIL MEETING MINUTES
September 23, 2024 at 7:00 P.M.
Council Chambers – 209 S. Main Street – 2nd Floor

This meeting is available to watch live or archived by clicking here

The meeting was called to order by President Boerger at 7:00 p.m.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by President Boerger.

INVOCATION: The invocation was given by President Boerger.

CITY COUNCIL MEMBERS PRESENT: Donald Boerger, Henk Berbee, J.R. Rausch, Zack Bordner, Scott Hunter and Mark Reams. Steven Wolfe excused.

CITY ADMINISTRATION PRESENT: *Law Director* Tim Aslaner, *Police Chief* Tony Brooks, *Fire Chief* Nate Burns, *Assistant Finance Director* Sandy Hoover, *City Engineer* Kyle Hoyng, *Planning and Development Manager* Ashley Gaver, *Planning Officer* Jeff Beard, *Director of Economic Development* Eric Phillips and *Clerk of Council* McKenzie Proudfoot.

ADDITIONAL PERSONS PRESENT: *Marysville Journal Tribune* Mac Cordell, Kathy Brown, Timmy White, Richard McAllister, Mark Meyer, Bob Bailey, Jennifer Bailey, Bart Barok, J.C. Notestine, Aaron Underhill, David Dilley, Ann Aquillo, Mike Spencer, Alex Vulic and Todd Spencer.

APPROVAL OF MINUTES: Councilman Berbee moved to approve the September 3, 2024 City Council Work Session Meeting Minutes as presented; voice vote in favor was unanimous. Councilman Bordner moved to approve the September 9, 2024 City Council Meeting Minutes as presented; voice vote in favor was unanimous.

PROCLAMATION: President Boerger read the following Proclamation:

September 2024 as National Preparedness Month

WHEREAS: The Federal Emergency Management Agency's Ready Campaign, and other Federal, State, local, private and volunteer agencies are working to increase public awareness in preparing for and responding to emergencies, and are educating individuals on how to be self-sustaining until help can arrive; and

WHEREAS: National Preparedness Month creates an opportunity for Ohioans to be proactive and prepare for disaster. Resilience and communication are an essential part of a safer community; and

WHEREAS: This year's National Preparedness Month theme is, "Resilience with a focus on Asian American, Native Hawaiian, and Pacific Islander (AANHPI) communities, and the importance for diverse communities to prepare for disasters and build resilience before disaster strikes; and

WHEREAS: The Union County Emergency Management Agency is Union County's central point of coordination for response to and recovery from disasters; and

WHEREAS: Investing in the preparedness for all City of Marysville residents, families and businesses can reduce injuries and fatalities in our community; and

WHEREAS: During the month of September, all citizens are encouraged to become educated on and prepare for disasters. Citizens can visit "Ready Ohio" and FEMA's "Ready Gov" for information on making an emergency plan, building disaster supply kits, knowing risks, and preparing for disasters;

NOW, THEREFORE, I, Donald Boerger, Mayor of the City of Marysville, Ohio do hereby proclaim **September 2024 as National Preparedness Month** in the City of Marysville.

Councilman Berbee moved for the Proclamation to be added into the minutes.

Next, Kathy Brown, Deputy Director of the Union County Emergency Management Agency, provided a presentation as shown in Exhibit A. She explained the disaster of donations that can occur. In times of emergency, when there are donation and medical assistance requests that are made by seemingly good sanitarians, but not by the group that is managing the emergency response efforts, it causes other issues that take away from the actual recovery efforts. Councilman Hunter said he has received a presentation on this topic in another setting. Another major difficulty is trying to figure out the credible and non-credible requests on social media. There may be people just trying to help and there may also be malicious intent. He said he can only imagine the challenges their agency faces. Councilman Berbee said it was interesting to see the magnitude of donations in Logan County. Ms. Brown said they had to turn around semi-truckloads of donations, they had no where for the donations to go. It is important to remember that in times of disaster, people are often still in their homes, so they still have the majority of their necessities. Or, they are in a shelter or a hotel with nowhere to put anything. In times of disaster, it is important that everyone wait a few days to assess the needs and wait until a formal location for donations can be designated. In Union County, the Hope Center is the official Donations Manager. They manage donations on a day-to-day basis and in the time of an emergency, their processes would be on a larger scale.

ADMINISTRATIVE REPORT: Chief Brooks provided the following update:

- National Hunting and Fishing Day will occur on Saturday, September 28th from 9:00 a.m. – 12 noon located at the heart of Ohio Reservoir off of Route 33 and Northwest Parkway. Free activities such as fishing, shooting, archery and kayaking will take place.

- Uptown Scarysville will occur on Saturday, October 26th from 10:00 a.m. – 12 noon. Kids can wear their costumes and visit Uptown merchants for candy and other treats. This event is sponsored by the Historic Marysville Business District Association.
- Community Trick-or-Treat will occur on Thursday, October 31st from 6:00 p.m. – 8:00 p.m.

Next, Engineer Hoyng provided the following update from Maintenance and Operations:

- Streets: City Crews continue to perform pavement repairs and crack seal at various locations throughout the City as weather permits.
- Parks: City Crews are performing fall clean-up activities, including power washing playgrounds and shelters, repairing irrigation systems, and landscape maintenance. Also, the lighting for the sand volleyball courts is being installed at Eljer Park.
- Water: Lime hauling efforts at the former Water Treatment Plant and the Park Avenue Waterline Replacement Project are expected to continue this week. The average water production at the Water Treatment Plant last week was 5.12 million gallons per day with a peak of 5.26 million gallons per day.
- Wastewater: City Crews performed general maintenance last week, including wet well cleaning, manhole flushing and cleaning an aeration tank. Also, the Water Reclamation Facility parking lot was paved last week.

Engineer Hoyng provided the following engineering updates regarding Capital Improvement Projects, all of which are weather dependent:

- State Route 31 Phase 3 Improvements: Construction continues on the east side of the roadway. Elwood Avenue at Maple Street will be closed for construction work until mid-to-late October.
- Paving Program: Paving operations continue in Milford Estates and on Palm Drive, 3rd Street, and 4th Street.

REPORT OF CLERK OF COUNCIL: None.

PLANNING COMMISSION REPORT: Manager Gaver stated the September Planning Commission Meeting was cancelled due to a lack of agenda items. The next meeting is scheduled for October 1, 2024 at 6:30 p.m.

DESIGN REVIEW BOARD REPORT: Planning Officer Beard provided the following update from the Design Review Board Meeting that occurred on September 11, 2024:

Home Improvement Grant Applications:
- An application for exterior improvements located at 430 Damascus Road in the Suburban Residential (SRD) zoning district. Approved 6 – Yes and 0 – No.

New Business:
- Exterior Plan/Landscape Plan: An application for a proposed industrial/warehouse facility (OPUS) located off of Innovation Way in the Manufacturing/Innovation (M/I) Zoning District. Approved with Conditions 6 – Yes and 0 – No.

Councilman Reams asked what the Home Improvement Grant was for. Planning Officer Beard said it was for a new roof and exterior painting.

HEARING OF CITIZENS: None.

RESOLUTION:

Res. A One Reading Only — TO ACCEPT THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZE THE NECESSARY TAX LEVIES AND CERTIFY THEM TO THE COUNTY AUDITOR

Administration: Assistant Director Hoover said this is an annual piece of legislation. With this Resolution, the City is certifying the amounts and rates and providing them to the Union County Auditor. Nothing has changed from last year to this year.

Citizens: None.

Council: None.

Councilman Reams moved to pass the legislation and the question put, stood:

Mr. Reams YES; Mr. Rausch YES; Mr. Bordner YES; Mr. Berbee YES; Mr. Boerger YES; Mr. Hunter YES.

Vote 6-0; Motion carried for the passage of Resolution 019-2024.

ORDINANCES:

Ord. A 1st Reading Title Only — TO AMEND CHAPTER 741, MEDICAL MARIJUANA, OF THE CITY OF MARYSVILLE CODIFIED ORDINANCES TO PROHIBIT THE RETAIL DISPENSING OF RECREATIONAL MARIJUANA IN THE CITY OF MARYSVILLE

Administration: Director Aslaner said before Council is an Ordinance to modify chapter 741 with respect to adult use recreational marijuana in the Business Code Section, which would prohibit marijuana dispensaries within the City of Marysville. Processing and cultivation are not addressed in this legislation. The Planning Commission plans to discuss that topic at their October 1, 2024 meeting.

Council: Councilman Hunter said this will not go through the Planning Commission. Director Aslaner said that is correct and is because this amendment is in the Business Code, not the Zoning Code, of the City of Marysville Codified Ordinances. City Council has the authority, through Ohio Revised Code, to prohibit any of the three, processing cultivation and/or retail. Councilman Hunter said Ohio voters voted to allow adult use recreational marijuana, this legislation has no bearing on the right of any person to grow or use recreational marijuana on their own. Director Aslaner said yes, that is correct.

To be back for Second Reading, Public Hearing, on October 14, 2024.

The First Reading, Title Only, of Ord. B was tabled to September 23, 2024 on September 9, 2024.

Ord. B 1st Reading — TO APPROVE PLANNING COMMISSION'S RECOMMENDATION TO AMEND CHAPTER

	Title Only	1131, HISTORIC DESIGN REVIEW DISTRICT(S) AND LANDMARK(S) (INCLUDING HISTORIC UPTOWN MARYSVILLE DESIGN REVIEW DISTRICT), SPECIFICALLY, SECTION 1131.11(b)(4) DESIGN GUIDELINES, MATERIALS, WINDOWS AND DOORS, OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF MARYSVILLE

Administration: Manager Gaver and Planning Officer Beard provided a presentation as shown in Exhibit B.

Council: Councilman Reams asked how the original door on a 150 year old building is determined. Manager Gaver said that topic was discussed at length. Efforts are made to try to match the door to its original state as far back as photographs can be found. The Design Guidelines for Historic Uptown Marysville can also be referenced if needed. Councilman Bordner asked what happens if there is a need to expand the door frame due to ADA requirements. Manager Gaver said they would work with the County, but they may not be required to comply with ADA requirements due to the historical significance of the building. Additionally, a back door may be converted for ADA purposes. President Boerger said he believes this is a step in the right direction. Most of the buildings in the Uptown are older than they appear because they were modernized in the early 1900s. He said he wants to ensure the City's Code enforces property maintenance so that doors and windows do not have to be replaced because they were not properly maintained. More work still needs to be done.

To be back for Second Reading, Public Hearing, on October 14, 2024

Ord. C	2nd Reading Public Hearing	TO ACCEPT THE ANNEXATION OF CERTAIN TERRITORY CONTAINING +/-15.1 ACRES (SURROUNDED BY THE ANNEXED LAND KNOWN AS MARYSVILLE EAST SECTION I) IN PARIS TOWNSHIP, UNION COUNTY TO THE CITY OF MARYSVILLE, OHIO

Administration: Director Aslaner said this land is essentially an island now, and is being annexed into Marysville East Section I to remove the island.

Citizens: David Dilley spoke during Citizen Comments of Ordinance C and Ordinance D. Councilman Hunter made a Point of Order and recommended that Mr. Dilley speak during the Citizen Comments of Ordinance F, as that is the Ordinance that is related to his comments. For ease of reading to allow the reader to understand a summary of the dialogue that occurred during the meeting, Clerk Proudfoot condensed Mr. Dilley's comments, and the dialogue from City Council that followed, to Ordinance F.

Council: None.

To be back for Third Reading, Title Only, on October 14, 2024.

Ord. D	2nd Reading Public Hearing	TO APPROVE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE A ZONING AMENDMENT APPLICATION TO REVISE THE PLANNED UNIT DEVELOPMENT FOR THE MARYSVILLE EAST SECTION I PLANNED UNIT DEVELOPMENT (PUD)

Administration: Director Aslaner explained that is the companion Ordinance to Ordinance C. It revises the PUD to zone the land to be annexed.

Citizens: None.

Council: None.

To be back for Third Reading, Title Only, on October 14, 2024.

The Second Reading, Public Hearing for Ord. E was tabled to September 23, 2024 on August 12, 2024

Ord. E 2nd Reading Public Hearing — TO ACCEPT THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 243.892 ACRES IN PARIS TOWNSHIP, UNION COUNTY TO THE CITY OF MARYSVILLE, OHIO, KNOWN AS MARYSVILLE EAST SECTION III

Administration: None.

Citizens: None.

Council: None.

To be back for Third Reading, Title Only, on October 14, 2024.

Ord. F 2nd Reading Public Hearing — TO APPROVE PLANNING COMMISSION'S RECOMMENDATION TO REZONE EXISTING PARCEL NUMBERS: 2800170080010, 2800170060010, 2800170050000, 2800140280010, 2800170030000 and 2800170010000 FROM U-1, TOWNSHIP ZONING, TO A PLANNED UNIT DEVELOPMENT (PUD) FOR MARYSVILLE EAST SECTION III

Administration: None.

Citizens: David Dilley said he is concerned about Marysville Schools. The upcoming school levy is based on property taxes to fund the Schools. He asked for the difference regarding the amount of money the Schools receive if land has apartments versus single family homes. If Marysville doesn't have a plan for growth, it will end up like Hilliard, instead of having organized growth like Dublin. Dialogue between Mr. Dilley and City Council continued into Council Comments.

Council: President Boerger said Mr. Dilley can follow-up with the Finance Director for specifics regarding his tax questions. Additionally, the City has engaged in a Visioning process to understand what the desires truly are for our community. He wants to see houses with larger lots and higher income jobs. We understand we need balanced growth and are working to make sure that is what happens. Councilman Rausch said we have been planning for 12 to 15 years for growth. Most of the land is in Current Agricultural Use Value (CAUV) which returns pennies on the dollar because the farmer needs to have the tax break to be able to run a farm. When it comes out of CAUV, the amount of property tax received goes up astronomically. Mr. Dilley said school funding is one of his concerns. With high occupancy housing like what is being proposed, the

tenant that lives there doesn't property taxes and they send their kids to our schools. Councilman Rausch said the tenant of apartments absolutely pays property taxes. They pay property tax within the cost of their rent. The idea that renters do not pay property taxes is absolutely incorrect. Mr. Dilley added that he is concerned about school funding and the long term growth of Marysville. He would like to know that Marysville has a long-term plan for its explosive growth which considers the community that is getting potentially higher and higher taxes, which ultimately prevents people from being able to stay in their current home. The School levy is based on property tax, income tax contributions should be reviewed instead. He said he has lived here for 25 years and the City should look into more single-family housing. Councilman Rausch said he would like to respond to the explosive growth comment. The 2024 School Report Card was released from the State. In 10 years, the City has experienced an increase of 634 students. That is not explosive growth. Councilman Reams said regarding income tax versus property tax for the Schools, that is a discussion for the Schools, the City has no say in that decision. He added that property tax is paid by individuals and businesses. For the City, income tax is paid by businesses, residents and people that work in the City and live elsewhere. That is not how a school income tax works. Businesses don't pay an income tax for schools like they do for the City. People that work in the City and live elsewhere also don't pay a school income tax. He said he wasn't a part of the conversation that the School Board had, but he can imagine that was part of their conversation. Mr. Dilley said if any Council Members wish to speak to him further, he will be outside after the meeting. Councilman Bordner said Tax Increment Financing (TIFs) in this community have received a poor reputation. In general, TIFs divert funds from public entities to pay for infrastructure improvements in the TIF area. Ohio Revised Code classifies TIFs in two separate types, residential and commercial. Commercial TIFs also include apartments (which, Councilman Bordner said he is assuming Mr. Dilley is referring to when he says high density housing). For this development, we have heard the concerns of the community and we are working with developers to ensure growth pays for itself, which is what is happening with this PUD. There will not be any TIFs. There will be a New Community Authority, which in simplest terms, is an HOA on steroids, where the businesses and residences in the New Community Authority area will have millage that will help fund infrastructure needs. 100% of the property tax revenue will go to the correct areas, no money will be diverted. We heard the concerns of the residents, we are trying to address multiple things in terms of housing affordability and school funding to make sure Marysville is growing responsibly.

Bob Bailey said he has attended many City Council Meetings and is a civil engineer. He said the City needs this residential development to address the commercial and retail growth Marysville has experienced and will continue to experience, which ultimately, will contribute to the tax base. The planned roadway improvements will be supported by a traffic study and it will be reviewed by the City's Engineering Staff. Without the residential homes, the commercial and industrial users will not have the workers to support their businesses. Or, the workers will come from further away, which will put an additional strain on the roadways. The Economic Development team will have a hard time attracting businesses because there will be nowhere for the workers to live. The Comprehensive Plan also shows that there should be housing in this area. A mix of

housing options are needed, which this PUD provides. Without jobs, students will not stay here either. The population will age and income tax will start decreasing. Then, it will be hard for the City to maintain its infrastructure and provide police and fire services. Taxes will need to be increased, which is not good for people on a fixed income. If larger lots are created, it will drive up the cost of the homes. This is a well thought out PUD.

To be back for Third Reading, Title Only, on October 14, 2024.

Ord. G 2nd Reading Public Hearing — TO ACCEPT THE ANNEXATION OF CERTAIN TERRITORY CONTAINING +/-6.5 ACRES IN PARIS TOWNSHIP, UNION COUNTY TO THE CITY OF MARYSVILLE, OHIO, CONTIGUOUS TO THE LAND KNOWN AS MARYSVILLE SOUTH

Administration: Director Aslaner said this is the first of two annexations along Weaver Road.

Citizens: None.

Council: None.

To be back for Third Reading, Title Only, on October 14, 2024.

Ord. H was reviewed by the Finance Committee on August 26, 2024 and at the City Council Work Session on September 3, 2024

Ord. H 2nd Reading Public Hearing — TO AMEND CHAPTER 110 – FACILITY COSTS AND CITY FEES, SECTION 110.06 MUNICIPAL SERVICES, OF THE CODIFIED ORDINANCES OF THE CITY OF MARYSVILLE REGARDING EMS BILLING

Administration: None.

Citizens: None.

Council: None.

To be back for Third Reading, Title Only, on September 23, 2024.

Ord. I 3rd Reading Title Only — TO APPROVE PLANNING COMMISSION'S RECOMMENDATION FOR A ZONING CODE AMENDMENT TO PART ELEVEN OF THE CODIFIED ORDINANCES OF THE CITY OF MARYSVILLE, CHAPTER 1123 – GENERALLY APPLICABLE DISTRICT REGULATIONS, BY ADDING SECTION 1123.31 – FARM ANIMALS

Administration: None.

Council: Councilman Hunter said he commends the Planning Commission and City Staff for their consideration and thoughtfulness put into this legislation.

Councilman Rausch moved to pass the legislation and the question put, stood:

Mr. Rausch YES; Mr. Bordner YES; Mr. Berbee YES; Mr. Boerger YES;
Mr. Hunter YES; Mr. Reams YES.

Vote 6-0; Motion carried for the passage of Ordinance 037-2024.

Ord. J 3rd Reading Title Only

TO APPROVE AMENDMENTS TO THE AGREEMENT TO CREATE THE MARYSVILLE-JEROME TOWNSHIP JOINT ECONOMIC DEVELOPMENT DISTRICT, AUTHORIZING THE INCLUSION OF CERTAIN ADDITIONAL PROPERTY WITHIN SAID DISTRICT KNOWN AS THE KROGER OUTPARCEL AND JEROME PROFESSIONAL PARK EXPANSION AMENDMENT

Administration: None.

Council: Councilman Berbee said this is for a JEDD, which is a Joint Economic Development District between the City of Marysville and Jerome Township. When this was implemented two-to-three years ago, we knew there would be the need to make amendments as new business came into the JEDD. He said he feels it is time for a refresher because recently, there was an editorial in the newspaper that said the fund the City receives from the workers paying income tax will go into the General Fund, which is not true. 20% will go to Jerome Township, 20% will go to the City of Marysville and the rest will go to pay for infrastructure costs in the area. Most of what the City of Marysville receives will also go right back into infrastructure improvements in the area. The roundabout on Industrial Parkway has a cost of about 2.4 million dollars. That is an example of what the money is being collected for as more roundabouts are needed for the volume of traffic.

Councilman Rausch moved to pass the legislation and the question put, stood:

Mr. Bordner YES; Mr. Berbee YES; Mr. Boerger YES; Mr. Hunter YES;
Mr. Reams YES; Mr. Rausch YES.

Vote 6-0; Motion carried for the passage of Ordinance 038-2024.

Ord. K 3rd Reading Title Only

TO APPROVE AMENDMENTS TO THE AGREEMENT TO CREATE THE MARYSVILLE-JEROME TOWNSHIP JOINT ECONOMIC DEVELOPMENT DISTRICT, AUTHORIZING THE INCLUSION OF CERTAIN ADDITIONAL PROPERTY WITHIN SAID DISTRICT KNOWN AS THE OHIO HEALTH EXPANSION AMENDMENT

Administration: None.

Council: None.

Councilman Hunter moved to pass the legislation and the question put, stood:

Mr. Berbee YES; Mr. Boerger YES; Mr. Hunter YES; Mr. Reams YES;
Mr. Rausch YES; Mr. Bordner YES.

Vote 6-0; Motion carried for the passage of Ordinance 039-2024.

COMMENTS OF THE CITY MANAGER AND COUNCIL PERSONS AND GENERAL DISCUSSION:

Chief Brooks thanked City Council for working with him this evening as he sat in for Manager Emery. He said he appreciates the rest of the Administrative Staff for assisting as well.

Councilman Rausch had no further comments for the evening.

Councilman Reams had no further comments for the evening.

Councilman Hunter commended Mr. Dilley for speaking given Mr. Dilley had acknowledged this was his first meeting. Councilman Hunter said he attended City Council meetings for a year before he ever spoke. Countless times he has heard comments from citizens, but they rarely attend the City Council Meetings and voice their opinions. It is great to have citizens attend meetings and even speak. Additionally, he said it is important to understand the benefit of PUDs as opposed to straight zoning. An example of straight zoning is the Mill Valley housing area, which seems like an endless array of homes. PUDs can bring diversity to what you see. It allows there to not be a continuation of the same thing repeatedly. As developments come through, there will be many voices for or against. It is important to know what is going on. Work being completed now was approved a couple of years ago. The challenge is to look beyond seeing growth as good or bad, but instead to look at it by considering if it is aligned with our Vision statement. Is it well planned, because once it is in place, it will be there for the next 100 years or more. What must be considered is if the proposal is what we want to see for the next 100 years or more.

Councilman Bordner had no further comments for the evening.

Councilman Berbee said he appreciates that Ms. Brown from the Union County EMA had the opportunity to speak. He saw her presentation a couple of weeks ago and invited her to come and speak this evening.

President Boerger thanked Councilman Berbee for bringing the EMA information to our attention. It is fascinating to know how many people are willing to help in times of need and he said he is optimistic for our society moving forward. He also thanked Mr. Dilley for coming to speak. President Boerger said he started attending City Council meetings when he was 12 years old. He was on the Planning Commission and worked his way up to where he is today. He said he believes Marysville is at a crucial point where we can determine our future. At the last election, there was a turnover on City Council. We are trying to create sustainable growth. We will not make the same mistakes as the rest of Central Ohio. Now is our time to make that change.

THE POTENTIAL TO ADJOURN TO EXECUTIVE SESSION TO CONSIDER CONFIDENTIAL INFORMATION RELATED TO THE SPECIFIC BUSINESS STRATEGY OF AN APPLICANT FOR ECONOMIC DEVELOPMENT ASSISTANCE: At 8:29 p.m., Councilman Rausch moved to adjourn to Executive Session to consider confidential information related to the specific business strategy of an applicant for economic development assistance, Councilman Reams seconded, and the question put, stood:

Mr. Boerger YES; Mr. Hunter YES; Mr. Reams YES; Mr. Rausch YES; Mr. Bordner YES; Mr. Berbee YES.

Vote 6-0; Motion carried.

At 9:14 p.m., Council adjourned to Open Session.

ADJOURN: There being no further business to bring before Council, Councilman Rausch moved to adjourn the meeting. Affirmative voice vote in favor was unanimous. The meeting adjourned at 9:14 p.m.

EXHIBIT A

Disaster Recovery – Don't let it be another disaster

Emergency Management Agency
UNION COUNTY

Donations – Another Disaster?



Just Diapers in Logan County on March 15, 2024 (the tornado occurred 3/14/2024



Indian Lake High School on 3/15/2024. Everything had to be cleared out within one week as school started back up and the gym was no longer available to be used.



Donations left to rot following Superstorm Sandy, in the Bronx, NY

How can we try to prevent the Disaster of Donations



A Plan

- The Hope Center is the Union County Donations Manager. They have a plan to take in any donations that come in, sort the donations, and a plan to distribute the donations to those that have needs.

Preplanning with Organizations to prevent them from taking donations

- 1. If you are an organization that would normally assist during a disaster by accepting donations make a plan to contact the Union County EMA/Union County EOC following an emergency before you accept any donations.
- 2. If you are a policymaker/spokesperson please coordinate with the UCEMA/EOC to verify the unmet needs and donation locations.
- 3. Messaging

Volunteer Management – another disaster waiting to happen



Brian
@BrianAllenWX

Per scanner traffic..Anyone with medical experience' needed to assist in victim triage in Logan County, OH. Triage is located at Indian Lake State Park.
#ohwx #tornado

8:29 PM · Mar 14, 2024 · **28.9K** Views

This was not a credible volunteer request.

Volunteer Management Actions

- 1. Pre-planning so agencies know that volunteers will not be requested immediately until the needs have been assessed.
- 2. Messaging will be sent out that volunteers are not immediately needed and we ask agencies to share this message. Only when IC/EOC/VRC request volunteers is this information accurate.
- 3. Again the Hope Center has agreed to run the Volunteer Reception Center for the County. If volunteers are needed both spontaneous and affiliated volunteers will be run through the Hope Center for assignments.

National Preparedness Month

- 1. Emergency Plans and Kits
- 2. Continuity of Operations Plan



QUESTIONS?



Contact Information



Kathy Brown, Deputy Director



kbrown@unioncountyohio.gov



937-645-2099

Chapter 1131 - Historic Design Review District(s) & Landmark(s)

Section 1131.11 - Design Guidelines: Windows & Doors Material Standards

Background

- Members of Design Review Board (DRB) expressed interest to update the Windows & Doors zoning code section
- Working Group meetings were held with Staff and three board members of the DRB to discuss possible amendments
    - Working Group Goals:
        - Address concerns with Vinyl-Clad as a permitted material
        - Update Code to reflect new types of window products available
        - Provide material options while maintaining historic design characteristics

Existing Zoning Code:
Historic District Design - Section 1131.11(b)(4)

(4) **Windows and Doors.** Windows and doors shall be replaced with similar materials and styles of the original windows and doors.

A. Wood and vinyl-clad wood windows and doors similar to the original are permitted.
B. Storm windows are permitted if painted the same color as the actual window frame and crossbars match with the interior.
C. Rear doors may be replaced with steel doors; however, it is recommended that the doors have character with inserts or windows.

Background

- Staff researched 28 different Cities
- The proposed amendment was presented to the Planning Commission:
  - August 6, 2024:
    - Vote of 6-Yes and 0-No.

Window Material Research

Municipalities with Defined Material Requirements

- Dublin, Ohio
  - Wood
  - Metal-clad wood
  - Vinyl-clad wood
- Delaware, Ohio
  - Wood
  - Aluminum-clad
  - Fiberglass-clad
- Westerville, Ohio
  - Original material
  - Wood
  - Aluminum-clad
  - Vinyl-clad
- Tiffin, Ohio
  - Wood
  - Aluminum-clad
- Tipp City, Ohio
  - Wood
  - Vinyl-clad
- Barberton, Ohio
  - Wood
  - Aluminum-clad
  - Vinyl-clad

- Belford Village, NY
- Cambridge
- Circleville
- Coshocton
- Cuyahoga Falls
- Eaton
- Kent
- Lebanon
- Lorain
- Marion
- Medina
- Millersburg
- Painesville
- Peninsula
- Piqua
- Ravenna
- Sylvania
- Van Wert
- Wadsworth
- Wellington
- Wilmington, NC
- Wooster

Proposed Zoning Code

Proposed Zoning Code

(4) **Windows and Doors.** Windows and doors shall be replaced with similar materials and styles of the original windows and doors.

A. Wood, aluminum-clad, and fiberglass/composite-clad ~~vinyl-clad wood~~ windows ~~and doors similar to the original~~ are permitted.
B. The replacement windows shall match the original window opening width, depth, and integrate historical design elements.
C. Storm windows are permitted if painted the same color as the actual window frame and crossbars match with the interior.
D. The replacement doors shall match the original door opening width, depth, and integrate historical design elements.
E. Rear doors may be replaced with steel doors; however, it is recommended that the doors have character with inserts or windows.

Window Material Selections

- Benefits of ‘Wood, aluminum-clad, and fiberglass/composite-clad’
  - More durable and longer lasting
  - Easier to replicate the current window opening
  - Easier to maintain appearance of historic window design

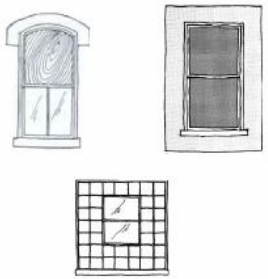
Design Guidelines for Historic Uptown Marysville

Approved by DRB in 2006

Removing Inappropriate Treatments

✔ Remove the following inappropriate window or door treatments:

- sheet metal or plywood covering openings
- masonry or other materials used to fill in openings
- security bars, grates, or grilles that obscure the appearance of windows or doors
- exterior storm or storm/screen combination windows or doors that obscure or alter the character of windows and doors
- inoperable shutters that are attached directly to the exterior wall
- paint applied to the interior or exterior surface of glass.



Missing window sash, inappropriate infill, and windows that have been painted over are among the treatments that destroy the character of windows.

Repairing Damage

✔ When a damaged or missing window or door cannot be repaired or replaced immediately, stabilize the situation to prevent further deterioration.

✔ Repair deteriorated materials and components of windows or doors and their associated features by patching, splicing, or consolidating rather than removing or replacing them.

✔ Retain rather than replace historic or distinctive glass that is not severely cracked and cannot be replaced in kind.

✔ Maintain windows and doors by:

- replacing ordinary broken or missing panes
- keeping joints sealed with appropriate caulking
- keeping painted surfaces well painted
- using concealed weather-stripping at all operable openings
- making sure that all surfaces shed water

Rehabilitation and Other Alterations

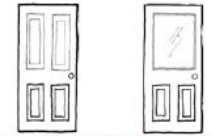
✔ Repair rather than replace window sashes, doors, and frames by:

- repairing any damage or deterioration
- fabricating necessary replacement parts identical to the original
- repluing and reinforcing weak joints
- replacing broken panes (see above)
- applying an appropriate sealant to the joint between the frame and its masonry opening
- repainting

✔ Use glass storefront doors, set in a wood, steel, or aluminum frame, to reinforce a storefront's transparency. Doors for upper-floor entrances should be similar in materials and design to those used for ground-floor spaces, but may have a smaller glass area to appear less important than the main commercial entrance.



Appropriate storefront entry doors rely on large areas of glass.



Upper-floor entry doors generally have little or no glass.

✔ Use windows or doors that fit the original masonry openings. If a standard-sized window or door is too small for an existing opening, obtain a custom-sized unit from one of the many window or door manufacturers with specialty fabrications.

✘ Avoid changing the number or pattern of window and door openings. If a change of use requires additional or fewer windows or doors, such

Questions?

Zack Bordner
Donald Boerger
Henk Berbee
Terry Emery

RESOLUTION _____

RESOLUTION TO REAFFIRM THE CITY OF MARYSVILLE'S COMMITMENT TO DIVERSITY, EQUITY AND INCLUSION AND TO INCORPORATE INTO THE RULES OF COUNCIL, A DIVERSITY, EQUITY AND INCLUSION STATEMENT

WHEREAS, the City of Marysville has reviewed its Diversity, Equity and Inclusion (DEI) related practices, policies, programs and actions; and

WHEREAS, this review revealed an opportunity for the City of Marysville to improve its DEI efforts and to reaffirm its commitment to DEI; and

WHEREAS, the City subscribes to the following Vision Statement, which is outlined below; and

> Marysville, Ohio - the safe, friendly hometown where families and opportunity grow together. We are committed to community pride, healthy families, well-planned neighborhoods and a vibrant economy.

WHEREAS, the City of Marysville's workforce is guided by employee policy that defines professionalism and establishes its Core Values of Respect, Teamwork, Proactive Communication, Quality Customer Service and Accountability throughout the Organization. City Council has adopted, in its Rules of Council, these same Core Values. These Values are further supported by, and align with, Diversity, Equity and Inclusion; and

WHEREAS, the City realizes that a sound approach to DEI is imperative. The approach is grounded in our commitment to uphold the dignity of every person, provide the best possible services to all of our citizens, maintain the City's workforce that is driven by diversity and inclusion, support the local economy, and strengthen the bonds that unite us all as neighbors; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. The City of Marysville embraces the following DEI Statement, which connects to the City's Vision and Core Values:

Diversity, Equity and Inclusion Statement

Our municipality is committed to fostering a community where every resident feels valued, respected, and included. We believe that our strength lies in the diversity of our people, perspectives, and experiences. As stewards of this community, we are dedicated to ensuring that all individuals have the opportunity to contribute to and benefit from our shared prosperity.

We recognize that a thriving community is one where all voices are heard, and all citizens have access to the resources they need to succeed. By promoting a culture of respect, fairness, and opportunity, we honor the principles of liberty and justice that are foundational to our society.

Our approach to diversity, equity, and inclusion is grounded in our commitment to uphold the dignity of every person, support our local economy, and strengthen the bonds that unite us as neighbors. We are dedicated to working together, across differences, to create a community where everyone can flourish.

SECTION II. The Diversity, Equity and Inclusion Statement as referenced above shall be placed into the Rules of Council as outlined in Exhibit A.

One Reading Only _____ _____

PRESIDENT OF COUNCIL

Passed: _____

APPROVED AS TO FORM: ATTEST:

_____ _____

LAW DIRECTOR CLERK OF COUNCIL

EXHIBIT A

Rules of Council

City of Marysville
209 South Main Street
Marysville, Ohio 43040
(937) 645-7356
www.marysvilleohio.org

Effective: February 12, 2024

SECTION I GENERAL AUTHORITIES AND APPLICABILITY

Rule 1.0 **Rules of Council:** These Rules of Council apply when not in conflict with the Charter of the City of Marysville, the City Code of Ordinances or the Rules of the State of Ohio. Until such time as they are amended or new rules are adopted by Resolution, these Rules govern the order and conduct of business of the Council.

Rule 1.1 **Violation of Rules:** During legislative body meetings, any member who thinks the Rules are being violated may make a point of order to call for the presiding officer to enforce the Rules.

Rule 1.2 **Review of Rules:** Council shall review and revise these Rules at least annually, or as needed at a Work Session. Any annual review that requires amendment(s) to the Rules of Council shall be presented as a One Reading Resolution presented to Council by the first regularly scheduled Council Meeting in March. Any changes will be in effect immediately following the passage of the One Reading Resolution supported by a majority of Councilmembers. If the changes are not approved by a majority of members, the existing Rules of Council shall remain in effect.

Rules of Council may be adopted, amended or repealed at any time as deemed necessary by Council by Resolution (one reading only) by a majority vote of Council.

Rule 1.3 **Items not Addressed in the Rules:** To the extent these Rules do not address an issue of parliamentary procedure for legislative body meetings, Roberts Rules of Order shall apply.

SECTION II RULES AND PROCEDURES OF CITY COUNCIL MEETINGS

Rule 2.0 **Meeting Time and Dates**: The day and hour of the regularly scheduled City Council meetings shall be the second and fourth Monday of each month at 7:00 p.m., unless modified by a majority of Councilmembers present. If a meeting falls on a holiday for which City offices are closed in observance, the meeting will take place on the following day (Tuesday) at the same place and time.

Rule 2.1 **Emergency Meetings:** The President, or majority of the Councilmembers, may call an Emergency Meeting by providing 24 hours (when practicable) advance notice of meeting to all members, the City Manager and to all media outlets during or outside of a public meeting.

Rule 2.2 **President and Vice-President**: The officers of Council shall be the President and Vice-President who shall be elected by a majority of Councilmembers present which shall take place at the first meeting in January and begin acting immediately following the close of the meeting. Vote shall be taken by roll call vote. If there is a tie vote for the President and/or Vice-President, the current President and/or Vice-President shall continue to serve until the tie can be broken. The President of Council will preside at all the meetings unless absent, at which time the Vice-President will preside. The most senior Councilmember will preside in the absence of the President and the Vice-President.

Both the President and Vice-President shall serve one-year terms, and may serve consecutive terms.

In the event that the President resigns as an officer of Council or is no longer able to serve as President, the Vice-President shall assume the role of the President for the remainder of the unexpired term. With the vacancy created by the Vice-President becoming President or if the Vice-President is unable to serve, Council shall vote to fill the Vice-President position at the next scheduled meeting.

In the event the Vice-President resigns as an officer of Council or is no longer able to serve as Vice-President, Council shall vote to fill the Vice-President position at the next scheduled meeting.

Rule 2.3 **Order of Business:** The order of business of City Council meetings shall be:

A. Call to Order
B. Pledge of Allegiance
C. Invocation
D. Roll Call
E. Approval of Minutes
F. Commendations, Proclamations, Appointments and/or Special Announcements (in the order shown if one or more occur at the same meeting).
G. Reports
    a. Administrative Report
    b. Report of Clerk of Council
    c. Report of Economic Development (1st meeting of month)
    d. Parks and Recreation Commission Report (1st meeting of the month)
    e. Planning Commission Report (2nd meeting of month)
    f. Design Review Board Report (2nd meeting of month)
H. Hearing of Citizens: For topics not listed on the Agenda.
I. Resolutions: Legislation is read by either the Clerk of Council or the President of Council. Generally, there are three readings:

    a. 1st Reading, Title Only, hears comments from Administration and Council.
    b. 2nd Reading, Public Hearing, hears comments from Administration, Council and Citizens.
    c. 3rd Reading, Title Only, hears comments from Administration and Council.

J. Ordinances: Legislation is read by either the Clerk of Council or the President of Council. Generally, there are three readings:

    a. 1st Reading, Title Only, hears comments from Administration and Council.
    b. 2nd Reading, Public Hearing, hears comments from Administration, Council and Citizens.
    c. 3rd Reading, Title Only, hears comments from Administration and Council.

K. Comments from the City Manager and Councilmembers
L. Adjournment

Rule 2.4 **Council Speaking**: Each Councilmember, before speaking upon any subject, shall address the presiding officer and be recognized.

Rule 2.5 **The Public Addressing City Council**: Anyone, other than a Councilmember, may address the Council by the consent of the presiding officer and shall be limited to five minutes unless approved by a majority of the Councilmembers present. Members of the public must approach the podium when recognized by the presiding officer and speak only from the podium. While members of the public may speak their opinions on City business, personal attacks on Councilmembers and City officials, use of swear words, and signs or displays of disrespect for individuals are prohibited as they impede good communication with the Council. When the public addresses City Council, it is not intended to be a dialogue where Council or Administration respond back and forth with the speaker.

In further interest of time, speakers may be asked to limit their comments to new information and not repeat what prior speakers said.

Rule 2.6 **Voting and Abstention**: Each member of Council shall be required to vote upon all questions before the Council unless a member abstains due to a conflict of interest. An abstention reduces the number of members of the legislative body by the number of Councilmembers who abstain.

Rule 2.7 **Quorum**: A majority of all members of Council shall be considered a quorum for the conducting of business, and a majority vote of all members of Council is necessary for the passage of ordinary legislation. If a lesser number is present than is needed to have a quorum, those present shall adjourn and meet at the next regularly scheduled date and time.

Rule 2.8 **Agenda**: The President will review and finalize the Agenda for City Council Meetings. However, the President of Council shall not exclude from any agenda properly sponsored legislation, unless consent of the sponsor is given to delay. The Clerk of Council will prepare and make available to each Councilmember, City Administration and the general public, the agenda of regularly scheduled Council meetings at least three business days prior to each regular meeting. Persons desiring to introduce legislation will deliver the original of such legislation to the Clerk of Council by noon, four business days preceding the regular meeting. Proposed legislation submitted later than noon, four business days prior to the meeting, will be placed on the agenda for the next subsequent regular Council meeting, unless the legislation is of an emergency nature, in which case, if Council consents, requires a three-fourths vote of all Councilmembers present, it shall be presented at the meeting for which the filing deadline was not met. If practicable, the Clerk shall give advance notice to Councilmembers of the consent legislation prior to the meeting at which it will be presented. Council may not present to the Clerk any changes to the proposed minutes of the preceding meeting after 5:00 p.m. on the day before Council is scheduled to vote to approve said minutes.

SECTION III RULES AND PROCEDURES OF CITY COUNCIL WORK SESSIONS

Rule 3.0 **Purpose:** The primary purpose of Council Work Sessions is to familiarize City Councilmembers with issues, projects, and other matters to include (but are not limited to):

A. Discussion of legislative proposals;
B. Receipt and review of committee reports;

C. Receipt and review of legislative requests and communications from the members of Council and executive departments/divisions.

Rule 3.1 **Meeting Time and Dates**: The day and hour of regularly scheduled Work Session meetings shall be the first Monday of each month at 6:00 p.m., unless modified by a majority of Councilmembers present. If a meeting falls on a holiday for which City offices are closed in observance, the meeting will take place on the following day (Tuesday) at the same place and time.

Rule 3.2 **Order of Business:** The order of business of City Council Work Session meetings shall be:

A. Call to Order
B. Pledge of Allegiance
C. Invocation
D. Roll Call
E. Commendations, Proclamations, Appointments and/or Special Announcements, (in the order shown if one or more occur at the same meeting).
F. Approval of Minutes (if needed, otherwise, minutes are generally only approved at City Council meetings).
G. Finance Committee Report
H. Public Safety/Service Committee Report
I. Resolutions (if needed, otherwise, Resolutions are generally only presented at City Council meetings).
J. Ordinances (if needed, otherwise, Ordinances are generally only presented at City Council meetings).
K. Agenda Items
L. Adjournment

Rule 3.3 **Agenda**: The President of Council will review and finalize the Agenda for City Council Work Session Meetings. However, the President of Council shall not exclude from any agenda properly sponsored legislation, unless consent of the sponsor is given to delay. The Clerk of Council will prepare and make available to each Councilmember, City Administration and the general public, the agenda of regularly scheduled Council Work Session at least three business days prior to each regular meeting. Persons desiring to introduce legislation will deliver the original of such legislation to the Clerk of Council by noon, four business days preceding the regular meeting. Proposed legislation submitted later than noon, four business days prior to the meeting, will be placed on the agenda for the next subsequent regular Council meeting, unless the legislation is of an emergency nature, in which case, if Council consents, requires a three-fourths vote of all Councilmembers present, it shall be presented at the meeting for which the filing deadline was not met. The Clerk shall give advance notice to Councilmembers of the consent legislation prior to the meeting at which it will be presented. Council may not present to the Clerk any changes to the proposed minutes of the preceding meeting after 5:00 p.m. on the day before Council is scheduled to vote to approve said minutes.

Rule 3.4 **Legislation**: City Council reserves the right to read, deliberate, and/or vote on the passage of legislation at a Work Session. If, at a Work Session, a piece of legislation to be heard at first reading had not been placed on the agenda, it may only be heard by consent, requiring a three-

quarters vote of all members of Council present. Legislation scheduled at a subsequent Council meeting for second or third reading may not be heard by consent at a Work Session.

SECTION IV LESIGLATION: RESOLUTIONS AND ORDINANCES

Rule 4.0 **Resolution:** A Resolution is the formal, written enactment of a municipal legislative authority of a less permanent nature, not prescribing any permanent rules of conduct and usually required or applied to the preliminary declaration of legislative intent to be effectuated by the subsequent passage of an Ordinance, or for the disposition of a specific matter not required by statute or charter provision to be done by Ordinance.

Resolutions which do not involve the expenditure of money may be adopted by a majority vote of the members of Council following a single reading by title only, and such Resolutions shall become effective immediately upon their adoption. However, if passed by a majority vote of members present, such Resolutions may also be read at a second and/or third subsequent meeting. Resolutions which involve the expenditure of money shall require three readings on three separate days, unless a reading has been dispensed with by a three-fourths vote of all members of Council.

Rule 4.1 **Ordinance:** An Ordinance is the formal, written enactment of the legislative authority of a municipality in the exercise of a governmental power vested by the Constitution or statutes in the municipality for the regulation of the conduct of its citizens or others subject to its control, and intended to be of permanent duration.

A. On First Reading

    a. Legislation is introduced to Council and the public.
    b. Administration and Council comments are heard.

B. On Second Reading and Public Hearing

    a. Legislation may be read in full and comments from the Administration, Citizens and Council are heard.

C. On Third Reading

    a. Legislation shall be voted on for passage by Council.

    Exception 1: Pursuant to Chapter 1131 of the Codified Ordinances of the City of Marysville, a public hearing must be held for all zoning amendments, which because of notice requirements, may be held at Council's Third Reading.

    Exception 2: There may be exceptions where a citizen's comments may be heard at 3rd Reading. Citizens wishing to speak at 3rd Reading are required to contact the Clerk by 5:00 p.m. on the Friday before the meeting, and may only be heard with the consent of the presiding officer.

Rule 4.2 **Presentation to Council and Sponsorship:** Ordinances and Resolutions shall be introduced to the Council only in typewritten form, with name of the Councilmember(s) or the City Manager introducing the same endorsed thereon.

Planning Commission may sponsor legislation specific only to zoning amendments or mandated recommendations to Council, only if unable to secure a sponsor from the City Manager or Councilmembers.

Rule 4.3 **Form:** The enacting clause of all Ordinances shall be "BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO", except those submitted by initiative petition, which shall be "BE IT ORDAINED BY THE PEOPLE OF THE CITY OF MARYSVILLE". The enacting clause of all Resolutions shall be "BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO", except those submitted by initiative petition, which shall be "BE IT RESOLVED BY THE PEOPLE OF THE CITY OF MARYSVILLE". All legislation before introduction shall be presented by the Clerk of Council in typewritten form. No Ordinance or Resolution or section thereof shall be revised or amended unless the new Ordinance or Resolution contains the entire Ordinance or Resolution, or section revised or amended, and the original Ordinance, Resolution, section, or sections so amended shall be repealed by a majority of Councilmembers present.

Rule 4.4 **Emergency Measure:** If any emergency measure attached to an Ordinance or Resolution fails to receive a two-thirds affirmative vote of all members of Council, such measure shall cease to be before the Council as an emergency measure and shall have the standing that a measure would have had if it had not been read as an emergency measure.

Rule 4.5 **Three Readings:** No Ordinance or Resolution shall be passed until it has been read on three separate days, unless the reading on three separate days has been dispensed with by a three-fourths vote of all members of Council. An exception to this rule is a Resolution which does not involve an expenditure of money, to which there is only one reading.

Furthermore, all Resolutions and Ordinances shall be read by title only unless Council, by majority vote of all its members, requires a reading in full**.**

At the second reading, comments from the public shall be heard.

As an exception to the forgoing, matters of condolence, commendation, recognition, proclamation, or congratulations shall be read in full, adopted by voice vote, and upon acceptance by Council, shall be included in full in Council minutes.

Rule 4.6 **Referral to a Committee, Board or Commission on First Reading:** All Ordinances and Resolutions shall be read by title only the day when introduced. Such legislation may be referred by the presiding officer to a legislative body or may be referred by a vote of three members of Council. Such referral shall be reported back to Council on a date certain determined at time of referral, where it shall be heard on second reading. The legislative body so referred shall, after due consideration, report the same back with or without proposed amendments and with recommendations for approval or disapproval. Written reports, including a minority report, if any, may be prepared and given to the Clerk of Council in time to be placed in Council's packet for the next regularly scheduled meeting.

Rule 4.7 **Referral to Committee, Board or Commission on Second or Third Reading:** Any pending legislation that is on the table for 2nd or 3rd Reading may, by a vote of a majority of the members present on Council, be referred to any legislative body under these rules, or to any appropriate legislative body designated in the motion to refer. When referred back to the Council, such legislation shall have the same standing as it had at the time when referred.

Rule 4.8 **Other Matters Referred:** Other matters, not yet in prepared legislation, may be referred by a Councilmember or the City Manager, to a committee and shall be placed on the respective agenda. Following the referral, if legislation is recommended, it shall be placed on Council's agenda for first reading when it is reported to Council.

Rule 4.9 **Amendments:** It shall be in order to amend an Ordinance or Resolution at any time when not in the hands of a legislative body; but if amended on or after its second reading, it shall again be read as the second reading thereof, which may occur at the same meeting. Errors in copying or writing, apparent on the face of an Ordinance or Resolution, or which do not affect its substance, may be corrected by the Clerk of Council without a Motion to Amend. A majority vote of Councilmembers present shall be necessary for the adoption of an amendment to any legislation pending before the Council.

Section V **MOTIONS**

Rule 5.0 **Purpose and Form**: Motions shall be used only to expedite the orderly transaction of the business of Council and shall not be substituted for Resolutions or Ordinances. No second shall be required for any motion except as specifically provided for in a rule. Upon demand of the presiding officer, any motion shall be reduced to writing. Any such motion may be withdrawn by the maker before it has been amended or voted upon. When a motion is made, it shall be stated by the presiding officer before any debate shall be in order. All motions shall be included in the minutes.

Rule 5.1 **Motions and Voting Procedure:** Appendix A, attached and incorporated herein, sets forth Council voting requirements for City Council and Work Session Meetings. These rules also uniformly apply to all legislative bodies within the City of Marysville, unless otherwise indicated by the legislative bodies individual Rules of Procedure.

Rules 5.2 **Precedence of Motions:** When a question is before the Council, no motion shall be entertained except the following:

A. To adjourn
B. To fix the hour of adjournment
C. For the previous question
D. To postpone (or table) to a day certain
E. To postpone (or table) indefinitely
F. To refer to a committee
G. To amend

RULE 5.3 **Motion to Adjourn into Executive Session:** After a motion to adjourn into Executive Session, there must be a second to the motion.

RULE 5.4 **Motion for the Previous Question:** The motion for the previous question shall require a majority vote of all members present on Council; shall be considered only once; may be renewed after intervening business; shall take precedence over all debatable questions and shall be in order to prevent amendment of undebatable questions. When the previous question is moved, it shall be put as follows: "Shall the main question be now put?". There shall be no further amendment or debate, but pending amendments shall be put in their order before the main question. If the question, "Shall the main question be now put?" be decided in the negative, the main question remains before the Council.

RULE 5.5 **Motion to Postpone to a Day Certain:** A motion to postpone to a day certain shall require a majority vote of the members present; shall be subject to reconsideration; may be renewed after intervening business; shall be debatable as to the propriety of the postponement but not upon the merits of the legislation; and may be amended by changing the date. Upon the arrival of the date to which postponed, the legislation shall be considered in the regular order of business of that day.

RULE 5.6 **Motion to Postpone Indefinitely:** The motion to postpone indefinitely shall have the same effect as motion to lay on the table, and shall require a majority vote of all members present on Council. Motion to postpone indefinitely shall not be reconsidered; shall be debatable and shall open the legislation to debate; may be renewed after intervening business and may not be amended or laid on the table, and shall be subject to previous question.

Rule 5.7 **Reconsideration**: After the decision of any question, any member who voted with the prevailing side may move a reconsideration of any action at the same or the next succeeding meeting, (not including a Work Session) provided, however, that a Resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require a majority vote of all the members present on Council. After a motion for reconsideration has once been acted upon, no other motion for reconsideration on the same question hereof shall be made without a three-fourths vote of members present of Council.

SECTION VI COMMITTEES, BOARDS AND COMMISSIONS OVERVIEW

Rule 6.0 **Committee Assignments:** The President of Council will assign all committee members and nominate committee chairpersons not later than the second council meeting in January of each year. Committees shall not have exact duplication of membership. President and Vice-President shall not be assigned to more than one committee. The nomination of the chairperson will be confirmed or denied by the members of the committee at the first meeting. If the majority votes against the nomination, the committee members will nominate and vote upon their choice for chairperson at the same meeting. Committee meetings shall be open to the public. A Councilmember who is not assigned to a Committee standing or otherwise, may attend only for informational purposes and may not participate (discuss, inquire, or deliberate) in the meeting.

Rule 6.1 **Standing Committees:** The following committees shall be the standing committees of this Council, which standing committee will have referred to it legislation or items for consideration for legislation concerning the divisions and departments of the City, or as otherwise suggested in the referral. No standing committee shall be comprised of solely at-large Councilmembers or ward Councilmembers during their respective election years.

Rule 6.2 **Finance Committee:**

A. Responsibilities: Finance/Audit Committee, Review and Accept monthly finance report per voice vote, Boards, Commissions, Committees and Recognition Resolutions and Personnel Issues.

Rule 6.3 **Public Safety/Service Committee**

A. Responsibilities: Streets Division (Sanitation), Engineering Department, Wastewater Division, Parks and Recreation Division, Water Division, Police Division and Fire Division.

Rule 6.4 **Ad Hoc Committees**: The President of Council may appoint Ad Hoc committees as necessary to deal with matters that do not fall under the purview of standing committees or with affairs that involve a single unusual instance or matter needing attention. An Ad Hoc committee is a temporary committee of the Council established for a special purpose and of limited duration.

Rule 6.5 **Committee Agendas**: An agenda for each meeting shall be made available to the public prior to a scheduled meeting. Minutes shall be recorded and made available to the public.

Rule 6.6 **Boards and Commissions:** The President of Council may appoint a single Councilmember to act as a liaison between Council and one or more City Boards and Commissions and shall be authorized to assign specific duties as they deem necessary.

SECTION VII CITY BOARD AND COMMISSION PROCEDURES

Rule 7.0 **Boards and Commissions:** Section 9.03 of the City Charter and the applicable City Codified Ordinances establish the City's various Boards and Commissions. This section of the Rules of Council establishes the procedures for the recruitment, appointment and management of the Members serving on the City's Boards and Commissions.

Rule 7.1 **Clerk of Council:** The Clerk of Council is the central position assigned to track the recruitment, appointment and process management procedures and to provide status of such as required by City Council.

Rule 7.2 **Subject Matter Experts (SME)**: Each Board and Commission will have a City employee assigned as the primary and alternate SME. The SME acts as a point of contact regarding the assigned Board or Commission. The Clerk of Council will maintain a list of all Board and Commission SMEs and distribute said list to Council and City Administration periodically or upon request.

Rule 7.3 **Human Resources Department (HR):** The Human Resources Department shall provide procedural support in the area of basic HR procedures and as defined by this Section.

Rule 7.4 **Selection Team:** The Selection Team shall generally consist of the President of Council, Vice President of Council, SMEs, and HR. No more than two members of Council are permitted to be a part of the Selection Team.

Rule 7.5 **Duties and Qualifications List (DQL):** The SME will establish and maintain a DQL for the Board or Commission. The DQL is developed under the guidance of HR. The DQL is essentially a job description and forms the basis for the recruitment and management of the Members.

Rule 7.6 **Member Recruitment and Appointment:** There are two situations that can create a vacancy on a Board or Commission; (1) an "Opening" is created by the resignation of a currently serving Member or when a term limit has been reached and (2) a "Reappointment" which pertains to a current Member's term ending.

A. Opening: The SME is generally notified by the resigning Member of that Member's resignation. When a term limit has been reached, the Clerk of Council shall notify the Selection Team of a Member's expiring term prior to 90 days before the term's expiration. Regardless, the Clerk of Council shall set in motion the steps outlined below:

a. The applicable SMEs shall review the DQL with HR and make updates as necessary, informing the Clerk of Council if/when updates are made.
b. HR shall ensure the DQL is posted on the City website and other forms of media as necessary to inform the general public of the opening/opportunity.
c. Candidates must submit a Letter of Interest (LOI) and resume for the opening. These documents are collected by the Clerk of Council. Each DQL will also detail the requirement for the submission of the LOI/resume and the process of submission to the Clerk of Council.
d. DQLs may also be posted perpetually on the City website in an effort to generate general interest or LOI/resume submissions without the existence of an actual opening.
e. The Clerk of Council shall track the general interest candidates along with candidates applying for an opening on one candidate list.
f. The Clerk of Council shall supply the LOI/resumes to the Selection Team periodically or upon request.
g. The Clerk of Council shall coordinate with the Selection Team a review of the candidates LOI/resumes. The Team shall then mutually agree to a list of candidates to interview.
h. HR shall contact each candidate and coordinate the interview process with the Selection Team. These interviews may be in-person or virtual.
i. HR shall help formulate questions for the interview.
j. The interview process should result in a recommended candidate for the opening. If a candidate is not identified, the process continues until a recommendation is made.
k. The Clerk of Council will invite the candidate to the City Council Meeting where they are to be recommended for appointment.
l. The Clerk of Council shall notify all candidates who submitted LOI/resumes and/or who were interviewed of the process outcome.
m. After appointment, HR shall ensure all of the necessary employment paperwork is completed.

B. Reappointment: The Clerk of Council shall notify the Selection Team of a Member's expiring term prior to 90 days before the term's expiration. The following steps shall then occur:

a. The SME shall provide input regarding the potential reappointment of the candidate to the Clerk of Council within two weeks of receiving notice.
b. The Clerk of Council shall follow-up with the President of Council regarding the input received.
c. If this process results in a decision to reappoint, the Clerk of Council shall invite the candidate to the City Council Meeting where they are to be recommended for reappointment.
d. If this process results in a decision to not reappoint, the Clerk of Council shall notify the Member. The Clerk of Council shall then initiate the process to fill the opening as outlined in Rule 7.6 A.

Rule 7.7 **Member Continuity/Guidance Folder:** The Clerk of Council shall maintain a continuity/guidance folder for each Member of each Board and Commission (as applicable). The Clerk shall provide these folders to each Member prior to their first meeting. These folders are updated by the Clerk of Council as required.

SECTION VIII EVALUATION OF CITY MANAGER AND CLERK OF COUNCIL

Rule 8.0 **Responsibilities:** City Council shall be responsible for completing the annual evaluations of the City Manager and Clerk of Council and providing the finished forms to Human Resources (HR). The evaluations are based on the calendar year. HR shall provide a "reminder" to the President of Council, each year on or around November 15th and no later than the second Council meeting of November to prompt the start of the evaluation process. This HR reminder shall be by email and will include the appropriate forms. Form HR-2/CM is used for the City Manager and form HR-2 is used for the Clerk of Council. This email shall include a courtesy copy to each Councilmember so they are made aware the process has started. The President of Council, in coordination with HR, is responsible for collecting input from each Councilmember regarding the evaluations. HR will also notify and remind the City Manager and Clerk of Council of the process around November 15th. This reminder will include the forms used and trigger both the City Manager and Clerk of Council each to submit any input (projects, facts, process data, and proposed goals for the following year), to each Council member (email) by December 1st. This input is to provide possible content for the process and the finished evaluations.

Rule 8.1 **Evaluation Process Purpose/Goals:** The evaluation process will be formal, productive and measure the employee's work/results based on their job responsibilities detailed in the applicable performance plan (see HR for current plans). The four goals of this process are; (1) to promote communication and provide useful feedback about job performance, (2) to facilitate better working relationships, (3) to create a professional historical record of performance, and (4) to contribute to the employee's professional development.

Rule 8.2 **Recommendations and Group Norming Session:** Each Councilmember shall provide their written recommendation/draft to HR by December 15th (or sooner as designated by the President of Council) of the reporting period for both the City Manager and Clerk of Council, and using the appropriate forms provided by HR. Council recommendations/drafts may include a rating under each Performance Factor (the 1 through 15 rating, under Section 2), a rating for an Overall Performance (also the 1 through 15, under Section 3), and/or comments to be placed in Section 4 of the forms. On or before the second council meeting in December, Council will meet

to discuss/norm the evaluations of both employees. HR (anyone except the HR Director) attends this meeting and distributes all Council drafts to each Councilmember. The President will lead a review of the input from the employees (and potential goals for the following year), a review of Councilmember comments, and a discussion on the evaluation grades for each factor and the final rating. Councilmembers will come to a majority agreement on all scoring and the content of each evaluation in this session.

Rule 8.3 **Final Evaluation**: HR provides (by email) the final documents from the group norming session to the President of Council in no more than two (2) workdays following the session. The President of Council will ensure the accuracy of the final evaluations. This shall become the single and final evaluation form for both employees.

Rule 8.4 **Completion**: The final completed evaluation forms shall be used during respective meetings between the President of Council and City Manager and Clerk of Council, to review their annual evaluations. The separate meetings with the City Manager and the Clerk of Council will include the President, the Vice-President and the senior member of Council (defined as most total years serving on council) to be included in the meeting. This review shall be accomplished by December 31st. The President of Council shall route the completed forms to HR and make the final version available to all Councilmembers. HR shall ensure the form is filed and considered for executive merit program as applicable per City Policy.

Rule 8.5 **Mid-Year Review:** Council shall, meet sometime between the months of June through August, meet to discuss the performance of the City Manager and Clerk of Council. This will include a review of the possible goals that were established for the year. The outcome of this session may result in subsequent meetings (as necessary) between the President of Council, other council members (as deemed appropriate) and the City Manager and Clerk of Council to meet the process purpose/goals as defined in Rule 8.1.

SECTION IX COUNCIL COMPENSATION

Rule 9.0 **Compensation**: In accordance with Ordinance 35-19, beginning in 2021, Council shall formally review compensation for its members prior to May 1st on a biennial basis.

SECTION X COUNCIL CORE VALUES AND DIVERSITY, EQUITY AND INCLUSION STATEMENT

Rule 10.0 **Purpose**: Council recognizes the fact that all City employees must follow the long-established city policy of professionalism and our core values. The following core values define our culture and are our expectation as to how every employee will approach their respective job. Council is equally committed to these core values and that culture.

- Quality Customer Service
- Accountability Throughout the Organization
- Respect
- Proactive Communication
- Teamwork

Rule 10.1 OPTION 1: Diversity, Equity and Inclusion Statement: Our municipality is committed to fostering a community where every resident feels valued, respected, and included. We believe that our

strength lies in the diversity of our people, perspectives, and experiences. As stewards of this community, we are dedicated to ensuring that all individuals have the opportunity to contribute to and benefit from our shared prosperity.

We recognize that a thriving community is one where all voices are heard, and all citizens have access to the resources they need to succeed. By promoting a culture of respect, fairness, and opportunity, we honor the principles of liberty and justice that are foundational to our society.

Our approach to diversity, equity, and inclusion is grounded in our commitment to uphold the dignity of every person, support our local economy, and strengthen the bonds that unite us as neighbors. We are dedicated to working together, across differences, to create a community where everyone can flourish.

SECTION XI EXPULSION OF CITY COUNCIL MEMBERS FROM ELECTED OFFICE

Rule ~~10.0~~11.0 Under the authority of the Ohio Revised Code, Section 731.45 entitled "Rules – journal – expulsion of members," City Council establishes the grounds and process for the expulsion of a Councilmember from office.

Rule ~~10.1~~11.1 **Grounds for the Expulsion from Office:** A councilmember may be expelled from office upon determination that the councilmember:

Rule ~~10.2.1~~11.1.1: while in office has pled guilty or no contest to or has been convicted of a felony;

Rule ~~10.2.2~~11.1.2: while in office has pled guilty or no contest to or has been convicted of any crime of moral turpitude, violence, fraud or dishonesty;

Rule ~~10.2.3~~11.1.3: while in office has pled guilty or no contest to or has been convicted of any crime involving dereliction of duties as a Councilmember;

Rule ~~10.2.4~~11.1.4: has failed to attend at least four consecutive regularly scheduled meetings of Council without being excused by the President of Council;

Rule ~~10.2.5~~11.1.5: lacks, or is found to have lacked at any time, any eligibility requirement prescribed by the City of Marysville Charter Section 3.02;

Rule ~~10.2.6~~11.1.6: has neglected their duty as a Councilmember or committed misfeasance, malfeasance, or nonfeasance, as a Councilmember.

Rule ~~10.3~~11.2 **Notice and Public Hearing:** Upon Council's finding that grounds exist under Rule 10.2 which subject a Councilmember to expulsion of office, the President (or Vice-President in their absence) of Council shall instruct the Clerk to notify the Councilmember of Council's findings and the Clerk shall further ensure that the Councilmember receives such notice in writing. A member so notified shall receive a public hearing before Council to be held no earlier than ten days nor later than thirty days after notice of such findings has been received. This public

hearing may be held during a Work Session, during a regularly scheduled or a special Council meeting.

Rule ~~10.4~~11.3 **Final Determination:** Council shall make a final determination by motion to approve the expulsion of the Councilmember from office. The Councilmember subject to expulsion of office shall be entitled to vote. A vote of two thirds of all Council Members is required to pass the motion. Upon passage of the motion, the office shall be deemed vacant, and Council shall fill the vacancy as provided in the City of Marysville Charter Section 3.02.

LEGISLATIVE HISTORY

- The above rules of Procedure were adopted at the May 13, 1982 meeting of Council.
- Rule 1.1 was added; Rule 19 was amended; Rules 19.1 and 19.2 were added during March 24, 1983 meeting of Council.
- Rule 2 was amended; Rule 12 was amended; Rule 16 was amended; Rule 19 was amended; Rule 24 was deleted during March 14, 1985 meeting of Council.
- Rule 2A., E. and F. were amended during April 1986 meeting of Council.
- Rule 25 was amended February 9, 1989.
- Rule 15 amended January 10, 1991.
- Rule 8 and Rule 9 amended June 27, 1991.
- Rule 26 added July 11, 1991.
- Rule 3 amended January 9, 1992
- Rule 19 amended January 9, 1992
- Rule 8 amended January 13, 1994
- Rule 19.2 amended August 11, 1994
- Rule 26 amended December 8, 1994
- Rule 1.1 amended November 9, 1995
- Rule 1.1 amended October 24, 1996
- Rule 2(c)(7)(8) amended October 24, 1996
- Rule 26 amended December 12, 1996
- Rule 1.1 amended June 14, 2001
- Rule 1.2 and 1.3 added June 14, 2001
- Rule 2, C & G amended June 14, 2001
- Rule 5 amended June 14, 2001
- Rule 8 amended June 14, 2001
- Rule 9 amended June 14, 2001
- Rule 16 amended June 14, 2001
- Rule 19.1 amended June 14, 2001
- Rule 19.2 amended June 14, 2001
- Rule 20 amended June 14, 2001
- Rule 21 deleted June 14, 2001
- Rule 24 amended June 14, 2001
- Rule 25 amended June 14, 2001
- Rule 1 amended June 27, 2002
- Rule 21 added June 27, 2002
- Rule 22 amended June 27, 2002

- Rule 1.2 amended July 11, 2002
- Rule 8 amended January 23, 2003
- Following rules were amended June 27, 2004: Rules 1, 1.1, 1.2, 2(C, E, F, G) 4, 10, 12, 14, 15, 16, 19, 19.1, 20, 23*, 25*, 26*
- Following rules were deleted June 27, 2004: Rule 7*, 22*, 24*
- Following rules were added June 27, 2004: Rules 6*, 10.1, 27*
  **Due to the addition of Rule 6, rule numbers were adjusted accordingly.*
  **Due to the deletion of Rules 22 and 24, the rule numbers were adjusted accordingly.*
- Rule 2 amended March 24, 2005
- Rule 22* added March 24, 2005
- Rule 26 amended March 24, 2005
  Due to addition of Rule 22, rule numbers were adjusted accordingly.
- Rule 2. C. amended February 9, 2006
- Council Voting Procedure amended February 9, 2006
- Rule 2, G. amended January 25, 2007
- Rule 1.2. amended October 8, 2009
- Rule 2, E. amended November 3, 2009
- Rule 23 amended March 11, 2010
- Rule 24 amended March 11, 2010
- Following rules were amended February 24, 2011: Rules 1.1, 2, 5, 8, 15, 19
- Following rules were amended March 10, 2011: Rules 1.3, 19, 26
- Rule 2 amended April 14, 2011
- Council Voting Procedure amended February 24, 2011
- Following rules were amended March 8, 2012: Rules 2A, 2B, 2.H.1, Rule 23
- Council Voting Procedure amended March 8, 2012
- Following rules were amended on February 14, 2013: Rules 8, 25, 26
- Rule 9 repealed February 14, 2013
- Following rules were amended on March 28, 2013: Rules 2.G., 7, 18, 23
- Following rule was amended on September 12, 2013: Rule 19
- Following rule was amended on March 13, 2014: Rule 8 Following rule was amended on April 10, 2014: Rule 2, H. 2.
- Following rules were amended on March 26, 2015: Rule 19.1 and 26
- Following rule was amended on May 28, 2015: Rule 19 Following rules were amended on January 28, 2016: Rule 1; Rule 1.1; Rule 1.2; Rule 8; Rule 10; Rule 26
- Following rules were amended on February 27, 2017: Title, Rule 19
- Following rules were amended on June 11, 2018: Rule 2E; Rule 8; Rule 19; Rule 20; Rule 27; Rule 28; Rule 29; Rule 30
- Following rules were amended on February 11, 2019: Rule 1; Rule 1.1; Rule 8; and removal of Rule 26
- Rules of Council Format amended February 11, 2019: All Rules reorganized and renumbered accordingly.
- February 10, 2020: The Order of Business was altered. Committee Meetings are no longer advertised as Special Council Meetings; additional Councilmembers may attend for informational purposes only. Biannual review of compensation was listed as a rule.
- February 8, 2021: Annual review was completed which was reflected in Rules of Council. Although no new rules were added, changes were made and documented in the 2021 Rules of Council Committee meeting minutes.

- All Rules were reorganized and renumbered accordingly. Additionally, Section VII was added. Changes were passed on February 27, 2023.
- Section VIII, Evaluation of City Manager and Clerk of Council was edited. Changes were passed on April 10, 2023.
- Multiple changes were passed on February 12, 2024.
- Sections X and XI were amended on October 14, 2024 to add a Diversity, Equity and Inclusion statement.

APPENDIX A: Voting Requirements for City Council and Work Session Meetings

Item	Reference	Procedure	Majority Elected	2/3 Elected	3/4 Elected	Majority Present	3/4 Present
		Action of Council	*Need 4 to pass*	*Need 5 to pass*	*Need 6 to pass*	*To pass: 4 or 5 Present = 3; 6 or 7 Present = 4*	*To pass: 4 Present = 3; 5 Present = 4; 6 Present = 5; 7 Present = 6*
Amendments: Except Planning Commission Zoning Recommendations	Rules of Council: 4.9	Motion; Roll Call				X	
Amendments: Planning Commission Zoning Recommendations	Codified Ordinances: 1141.38	Motion; Roll Call			X		
Approval of Minutes	Roberts Rules of Order	Motion; Voice vote				X	
Selection of Council Officers	Rules of Council: 2.2	Motion; Roll Call				X	
Commendation and Proclamation	Rules of Council: 4.5	Motion; Voice vote					
Consent Legislation	Rules of Council: 2.8	Motion; Roll Call					X
Emergency Clause	Rules of Council: 4.4	Motion; Roll Call		X			
Executive Session: Enter	Rules of Council: 5.3	Motion, Second; Roll Call				X	
Filling Vacancy on Council	Charter: 3.02	Motion; Roll Call	X				
Motion	Rules of Council: 5.0	State "I move that…" Depending on the action, a second may be needed which will be indicated.				X	
Pass Ordinary Legislation	Rules of Council: 4.0, 4.1	Motion; Roll Call	X				
Postpone Indefinitely (Table)	Rules of Council: 5.6	Motion; Roll Call				X	
Postpone to a Day Certain (Table)	Rules of Council: 5.5	Motion; Roll Call				X	
Quorum: Four members must be present in order to conduct a meeting.	Rules of Council: 2.7						
Reconsideration	Rules of Council: 5.7	Motion; Roll Call				X - 1st reconsideration	X - 2nd reconsideration
Refer to Committee: At 2nd or 3rd Reading	Rules of Council: 4.7. When referred back to Council, legislation shall have same standing as it has at the time it was referred. If referred during first reading by presiding officer or by vote of three members of Council, shall come back at 2nd Reading (Rules of Council 3.5)	Motion; Roll Call				X	
Require Reading in Full	Rules of Council: 4.5	Motion; Voice vote	X				
To Adjourn	Roberts Rules of Order	Motion; Voice vote				X	
To Move an Agenda Item	Roberts Rules of Order	Motion; Voice vote				X	
Waive Readings	Rules of Council: 4.5	Motion; Roll Call			X		

Terry Emery

ORDINANCE _____

TO AMEND ORDINANCE 057-2023 REGARDING CITY POLICY 570 – CLOTHING AND EQUIPMENT ALLOWANCE

WHEREAS, the City established, under Ordinance 057-2023, a revision of the Policy Manual to include Section 4 – Pay Policies, and Section 5 – Benefits Policies; and

WHEREAS, Managers have since raised concerns regarding Policy 570 – Clothing and Equipment Allowances; and

WHEREAS , the Executive Staff reviewed the concerns and, led by Human Resources, recommend amending Policy 570 to address those concerns; and

WHEREAS, the City Administration desires to amend Policy 570 as set forth in Exhibit A, attached and incorporated herein; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. Policy 570 – Clothing and Equipment Allowances, of the City of Marysville Policy Manual, attached and incorporated herein as Exhibit A, is hereby amended and adopted effective November 1, 2024.

SECTION II. The remainder of the Policy Manual shall remain intact.

1st Reading _____

2nd Reading _____

3rd Reading _____

Passed: _____

_____
PRESIDENT OF COUNCIL

APPROVED AS TO FORM:

_____
LAW DIRECTOR

ATTEST:

_____
CLERK OF COUNCIL

	The City of Marysville - Policy 570	
	Section: *Benefits*	**Policy Title:** *Clothing and Equipment Allowance*

1. Policy: The City of Marysville supplies clothing and equipment allowances to meet specific job and safety requirements that are clearly contained in the employee's performance plan. These allowances are listed below by department/division and costs. The allowance listed are per employee. Department/division heads will manage the particulars for their area to ensure funds are used for appropriate items and only replaced when reasonably necessary. Allowances are prorated for employees leaving our employment. and, when ~~applicable, reduced for part-time employees (example: returning seasonal PT). New emp~~loyees will receive the full amount for that calendar year to ensure they are equipped and provided the necessary safety items. Permanent Part-Time (PT) employees receive the same amounts as fulltime. Annual PT may receive less, based on managers discretion, as long as safety requirements are met~~and, when applicable,~~ ~~Rates~~Allowances are generally reduced for PT~~part-time~~ employees. Again, based on managers discretion and with safety requirements met ~~(example: returning seasonal PT).~~ The City appreciates all efforts to reduce costs.

2. Authorized Expenditures: Reimbursed expenditures are based on job requirements. These requirements are broken down into the two subcategories of safety and equipment/office clothing management requires the employee to specific use for their job. Safety could include heavier material for pants (example; jeans, overalls) where the employee could reasonably sustain injury (scraps, cuts, etc.) if not otherwise used. Reimbursed office clothing is generally "logo" related clothing only, where the City prefers or directs the employee to wear such clothing. Standard business attire that could otherwise be worn off-duty is not specific employer-directed wear and therefore not reimbursable. Damage to employee clothing, during or out of the course of duty, may be reimbursed on a case-by-case basis.

~~3~~2. Allowances:

Table 570-1

Department	Item	Amount
Administration	~~Annual allowances for~~ City logo tops/shirts	$2~~5~~00
Engineering (Office-based employees)	Safety Clothing/Shoes (annual-turn in receipt), City logo tops/shirts~~Annual allowances for City logo tops/shirts~~	$250
Engineering (Field-based; Facilities, Traffic Techs, and Inspectors)	Safety Clothing/Shoes ~~(annual-turn in receipt)~~, City logo tops/shirts	$500
	Prescription Safety Glasses (not more than one every two years)	**$400 cap**
Public Service (Office-based employees)	~~Annual allowances for~~ City logo tops/shirts	$250
Public Service (Streets, Parks & Recreation, Wastewater, & Water)	Clothing/Shoes Allowance (~~annual-turn in receipt~~); Divisions may elect to provide clothing such as logo'ed shirts, with costs subtracted from the annual allowance	$500
	Prescription Safety Glasses (not more than one every two years)	**$400 cap**
Finance Department	Initial issue of City logo tops/shirts	$275
IT/HR	~~Annual allowances for~~ City logo tops/shirts	$2~~5~~00
~~IT/HR~~	~~Annual allowances for City logo tops/shirts~~	~~$2500~~

NOTE: Logo and colors must be approved by the City Manager.

~~4~~3. ~~Payment~~ Procedures:

- Employees shall submit HR Form 17 – Employee Expense Request and Reimbursement through their supervisor/chain of command for the expense and must receive prior approval from their

supervisor for the purchase. Note: ~~Supervisors must note that~~ Finance does have an approval in these expenditures, so supervisors are responsible for ensuring each request is authorized before providing prior approval to the employee.
- Supervisors may also require employees to show old or damaged clothing and/or equipment.
- After the employee makes the purchase, they resubmit the Form 17 along with receipts through ~~there~~their supervisor to Finance.

~~must pass all receipts to Finance or risk non-reimbursement. See Finance and Policy 625 - *Purchasing Process* for more specifics.~~

~~***4. Abuses:*** Under circumstances where supervisors suspect abuse of this allowance, employees may be required to show old or damaged clothing and/or equipment.~~

ORDINANCE _____

TO APPROVE PLANNING COMMISSION'S RECOMMENDATION FOR A ZONING CODE AMENDMENT TO PART ELEVEN – ZONING CODE, SECTION 1121.13 – MANUFACTURING/INNOVATION DISTRICT AND THE APPENDIX – GLOSSARY OF TERMS, BY ZONING ITS USE AND ADDING THE TERM BIOMEDICAL WASTE STERILIZATION FACILITY

WHEREAS, on October 1, 2024, the City Planning Commission reviewed an application for a Zoning Code Amendment to Part Eleven - Zoning Code, Section 1121.13 Manufacturing/Innovation District and the Appendix – Glossary of Terms, as set forth in Appendix A of Exhibit A, incorporated herein; and

WHEREAS, the City Planning Commission recommended approval for the Zoning Code amendments as set forth in Exhibit A; and

WHEREAS, upon receiving this recommendation from the Planning Commission, the City Council shall consider Planning Commission's recommendation and hold a public hearing on the aforementioned zoning amendment with publication in a newspaper of general circulation with at least seven (7) days' notice of said hearing; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. City Council agrees with the recommendation from Planning Commission and hereby amends Part Eleven - Zoning Code, Section 1121.13 - Manufacturing/Innovation District and the Appendix - Glossary of Terms, as set forth in Appendix A, as set forth in Exhibit A.

SECTION II. The Clerk of Council shall cause the Planning and Zoning Code of the Codified Ordinances to be amended accordingly.

1st Reading _____

2nd Reading _____

3rd Reading _____

Passed: _____

_____
PRESIDENT OF COUNCIL

APPROVED AS TO FORM:

_____
LAW DIRECTOR

ATTEST:

_____
CLERK OF COUNCIL

EXHIBIT A

RESOLUTION _____

TO APPROVE A ZONING CODE AMENDMENT TO PART ELEVEN – ZONING CODE, SECTION 1121.13 – MANUFACTURING/INNOVATION DISTRICT AND THE APPENDIX – GLOSSARY OF TERMS.

WHEREAS, on October 1, 2024, the City Planning Commission has reviewed an application for a Zoning Code Amendment to Part Eleven - Zoning Code, Section 1121.13 - Manufacturing/Innovation District and the Appendix-Glossary of Terms as set forth in Appendix A, incorporated herein; and

WHEREAS, The City Planning Commission recommended APPROVAL for the Zoning Code Amendment, which is set forth in Appendix A, attached and incorporated herein; and

WHEREAS, a recommendation from the City Planning Commission is to be transmitted to City Council pursuant to Section 1141.34 of the Planning and Zoning Code, now therefore;

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. The City Planning Commission recommends to City Council that the requested Zoning Code Amendment to Part Eleven - Zoning Code, Section 1121.13 - Manufacturing/Innovation District and the Appendix-Glossary of Terms be **APPROVED** in accordance with this Resolution.

Passed 10-01-2024

_____
Chairman of Planning Commission

ATTEST:

_____
Planning and Development Manager, Ashley Gaver

APPENDIX A

SECTION 1121.13 DISTRICT USES

V. PERMITTED USES:

- Artisan Workshop
- Biomedical Waste Sterilization Facility
- Building Materials and Hardware (Retail
- Commercial and Industrial Equipment and Machinery Sales, Rental, Leasing and
- Commercial Printing and Publishing
- Contractor Offices
- Essential Public Services and Utilities
- Laboratory Research Facility
- Manufacturing, General
- Nursery
- Professional Offices
- School College or University, Vocation and Technical, Trade or Business
- Vehicle Body Shop
- Vehicle Sales, Rental and Lease Excluding Body Work
- Vehicle Service and Repair Facility
- Veterinarian Animal Hospital and/or Animal Clinic (outside kennels)
- Warehousing, Private/Public
- Wholesale and Distribution
- Wireless Telecommunications Antenna, Facility, and/or Tower

VI. CONDITIONAL USES:

- Extended Stay Hotel
- Ground Passenger Dispatch Facility
- Recycling Center
- Warehousing, Personal Storage/Mini

APPENDIX - GLOSSARY OF TERMS

BIOMEDICAL WASTE STERILIZATION FACILITY: A facility where biomedical waste material is received, sterilized utilizing steam/autoclaving sterilization methods only, and then transported to an off-site location for recycling, re-use, incineration or final disposal. Any Biomedical Waste Sterilization Facility permitted under this definition must be licensed pursuant to Ohio Revised Code § 3734 and the Ohio Environmental Protection Agency, and shall comply with all applicable requirements of the Ohio Environmental Protection Agency and the Ohio Revised Code for such uses. This definition of Biomedical Waste Sterilization Facility expressly excludes any facilities where biomedical waste is treated via any method other than steam/autoclaving sterilization, including, but not limited to, incineration, or where biomedical waste is retained for onsite disposal.

ORDINANCE _____

TO APPROVE PLANNING COMMISSION'S RECOMMENDATION FOR A ZONING CODE AMENDMENT TO REZONE +/- 55.55 ACRES WITHIN INNOVATION PARK LOCATED AT 14684 INDUSTRIAL PARKWAY FROM MANUFACTURING/INNOVATION (M/I) DISTRICT TO THE MANUFACTURING/INNOVATION OVERLAY(M/I-O)

WHEREAS, October 1, 2024, the City Planning Commission reviewed an application for a Zoning Code Amendment to rezone +/- 55.55 acres within Innovation Park located at 14684 Industrial Parkway from Manufacturing/Innovation (M/I) District to the Manufacturing/Innovation Overlay District (M/I-O) as set forth as Appendix A of Exhibit A, incorporated herein; and

WHEREAS, the City Planning Commission recommended approval for the Zoning Code amendment as set forth in Exhibit A; and

WHEREAS, upon receiving this recommendation from the Planning Commission, the City Council shall consider Planning Commission's recommendation and hold a public hearing on the aforementioned zoning amendment with publication in a newspaper of general circulation with at least seven (7) days' notice of said hearing; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. City Council agrees with the recommendation from Planning Commission and hereby rezones +/- 55.55 acres located at 14684 Industrial Parkway within Innovation Park from Manufacturing/Innovation (M/I) District to the Manufacturing/ Innovation Overlay (M/I-O, as set forth in Exhibit A.

SECTION II. The Clerk of Council shall cause the Planning and Zoning Code of the Codified Ordinances to be amended accordingly.

1st Reading _____

2nd Reading _____

3rd Reading _____

Passed: _____

_____
PRESIDENT OF COUNCIL

APPROVED AS TO FORM:

_____
LAW DIRECTOR

ATTEST:

_____
CLERK OF COUNCIL

EXHIBIT A

RESOLUTION _____

TO APPROVE A ZONING CODE AMENDMENT TO REZONE 14684 INDUSTRIAL PARKWAY (WITHIN INNOVATION PARK - +/-55.55 ACRES) FROM MANUFACTURING/INNOVATION (M/I) DISTRICT TO THE MANUFACTURING/INNOVATION OVERLAY(M/I-O).

WHEREAS, on October 1, 2024, the City Planning Commission has reviewed an application for a Zoning Code Amendment to rezone 14684 Industrial Parkway (within Innovation Park - +/-55.55 Acres) from Manufacturing/Innovation (M/I) District to the Manufacturing/Innovation Overlay District (M/I-O) as set forth in Appendix A, incorporated herein; and

WHEREAS, The City Planning Commission recommended APPROVAL for the Zoning Code Amendment, which is set forth in Appendix A, attached and incorporated herein; and

WHEREAS, a recommendation from the City Planning Commission is to be transmitted to City Council pursuant to Section 1141.34 of the Planning and Zoning Code, now therefore;

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. The City Planning Commission recommends to City Council that the requested Zoning Code Amendment to rezone 14684 Industrial Parkway (within Innovation Park - +/-55.55 Acres) from Manufacturing/Innovation (M/I) District to the Manufacturing/Innovation Overlay District (M/I-O) be **APPROVED** in accordance with this Resolution.

Passed 10-01-2024

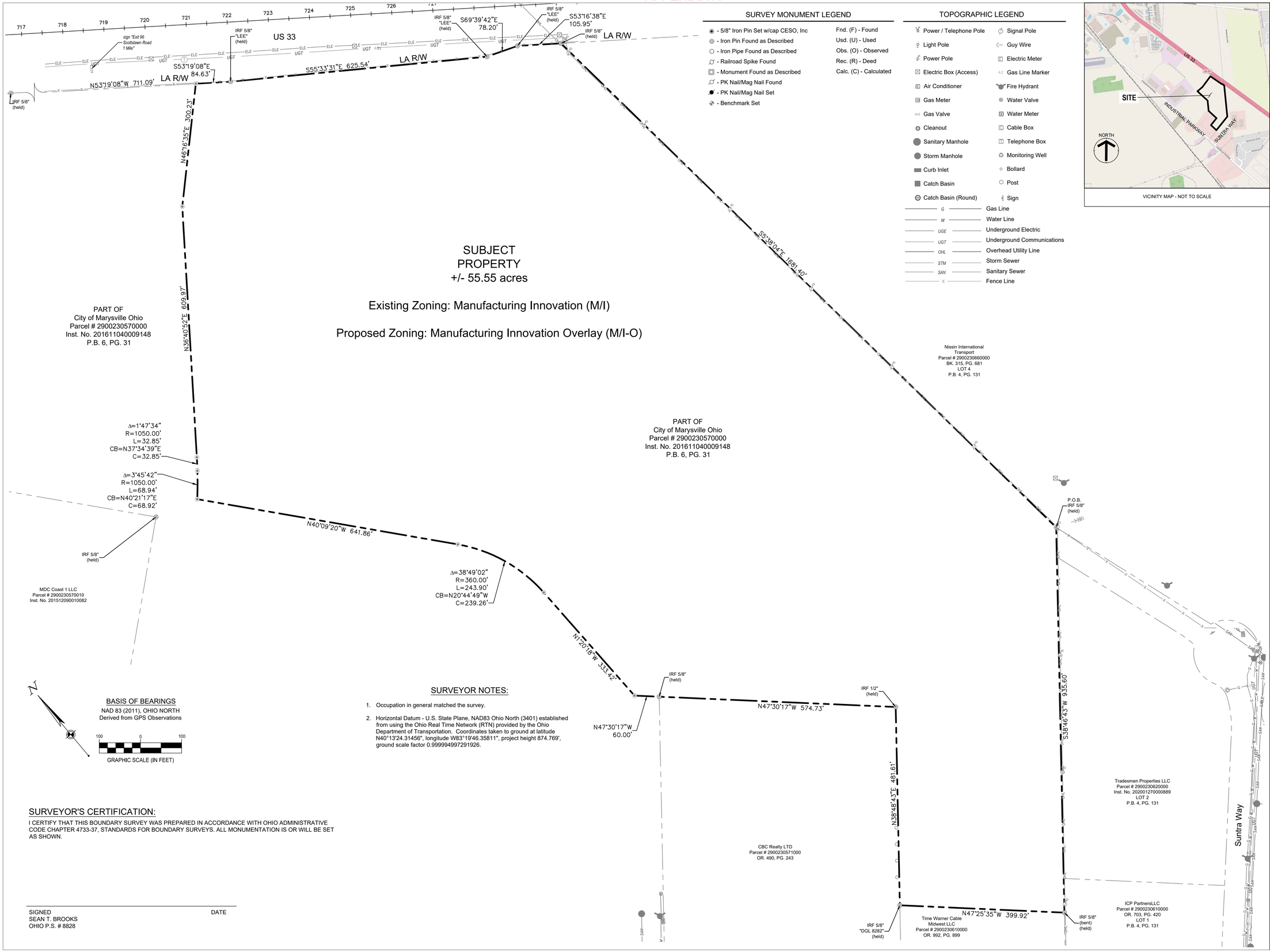
_____
Chairman of Planning Commission

ATTEST:



_____
Planning and Development Manager, Ashley Gaver

APPENDIX A



SURVEY MONUMENT LEGEND

- 5/8" Iron Pin Set w/cap CESO, Inc
- Iron Pin Found as Described
- Iron Pipe Found as Described
- Railroad Spike Found
- Monument Found as Described
- PK Nail/Mag Nail Found
- PK Nail/Mag Nail Set
- Benchmark Set

Fnd. (F) - Found
Usd. (U) - Used
Obs. (O) - Observed
Rec. (R) - Deed
Calc. (C) - Calculated

TOPOGRAPHIC LEGEND

Power / Telephone Pole	Signal Pole
Light Pole	Guy Wire
Power Pole	Electric Meter
Electric Box (Access)	Gas Line Marker
Air Conditioner	Fire Hydrant
Gas Meter	Water Valve
Gas Valve	Water Meter
Cleanout	Cable Box
Sanitary Manhole	Telephone Box
Storm Manhole	Monitoring Well
Curb Inlet	Bollard
Catch Basin	Post
Catch Basin (Round)	Sign
G — Gas Line	
W — Water Line	
UGE — Underground Electric	
UGT — Underground Communications	
OHL — Overhead Utility Line	
STM — Storm Sewer	
SAN — Sanitary Sewer	
X — Fence Line	

VICINITY MAP - NOT TO SCALE

BASIS OF BEARINGS

NAD 83 (2011), OHIO NORTH
Derived from GPS Observations

100 0 100

GRAPHIC SCALE (IN FEET)

SURVEYOR NOTES:

1. Occupation in general matched the survey.
2. Horizontal Datum - U.S. State Plane, NAD83 Ohio North (3401) established from using the Ohio Real Time Network (RTN) provided by the Ohio Department of Transportation. Coordinates taken to ground at latitude N40°13'24.31456", longitude W83°19'46.35811", project height 874.769', ground scale factor 0.999994997291926.

SURVEYOR'S CERTIFICATION:

I CERTIFY THAT THIS BOUNDARY SURVEY WAS PREPARED IN ACCORDANCE WITH OHIO ADMINISTRATIVE CODE CHAPTER 4733-37, STANDARDS FOR BOUNDARY SURVEYS. ALL MONUMENTATION IS OR WILL BE SET AS SHOWN.

SIGNED DATE
SEAN T. BROOKS
OHIO P.S. # 8828

CESO
WWW.CESOINC.COM
3601 Rigby Rd., Suite 300
Miamisburg, OH 45342
Phone: 937.435.8584 Fax: 888.208.4826

KIMLEY HORN

14800 INDUSTRIAL PARKWAY

PART OF VIRGINIA MILITARY SURVEY 2254
CITY OF MARYSVILLE, TOWNSHIP OF PARIS, COUNTY OF UNION, OHIO

Revisions / Submissions

ID	Description	Date

© 2023 CESO, INC.

Project Number:	764640
Scale:	1"=100'
Drawn By:	TBC
Checked By:	STB
Date:	09-09-2024
Issue:	SURVEY

Drawing Title:
ZONING EXHIBIT

APPENDIX A

DESCRIPTION

Containing 55.55+/- Total Acres

Situated in the State of Ohio, County of Union, Township of Paris, City of Marysville, Part of Virginia Miliary Survey 2254, being part of lands conveyed to City of Marysville Ohio, as recorded in Instrument Number 201611040009148 and Plat Book 6, Page 31, and being more particularly described as follows:

Beginning, at a found 5/8" Iron Pin at the northwesterly corner of Lot 2, as recorded in Plat Book 4, Page 131, conveyed to Tradesmen Properties LLC in Instrument No. 202001270000889, and the southerly line of Lot 4, as recorded in Plat Book 4, Page 131 conveyed to Nissin International Transport in Book 315, Page 681;

Thence along the westerly line of said Lot 2 and lands conveyed to ICP Partners LLC in Official Record 703, Page 420, **South 38°46'43" West**, a distance of **935.60 feet** to a found 5/8" Iron Pin (bent) at northeasterly corner of lands conveyed to Time Warner Cable Midwest LLC in Official Record 992, Page 899;

Thence along the northerly line of said Time Warner Cable Midwest LLC parcel, **North 47°25'35" West**, a distance of **399.92 feet** to a found 5/8" Iron Pin with "DGL 8282" cap on the easterly line of lands conveyed to CBC Realty LTD in Official Record 490, Page 243;

Thence along the easterly and northerly line of said lands of CBC Realty LTD for the following courses:

1. **North 38°48'43" East**, a distance of **481.61 feet** to a found 1/2" Iron Pin;
2. **North 47°30'17" West**, a distance of **574.73 feet** to a found 5/8" Iron Pin;

Thence along a new division line for the following courses:

1. **North 47°30'17" West**, a distance of **60.00 feet** to a set 5/8" Iron Pin;
2. **North 01°20'18" West**, a distance of **333.42 feet** to a set 5/8" Iron Pin;
3. Along a curve to the left, having a radius of **360.00 feet**, arc length of **243.90 feet**, central angle of **38°49'02",** subtended by a chord bearing North 20°44'49" West, a distance of 239.26 feet to a set 5/8" Iron Pin**;**
4. **North 40°09'20" West**, a distance of **641.86 feet** to a set 5/8" Iron Pin;
5. Along a non-tangent curve to the left, having a radius of **1050.00 feet**, arc length of **68.94 feet**, central angle of **3°45'42",** subtended by a chord bearing North 40°21'17" East, a distance of 68.92 feet to a set 5/8" Iron Pin**;**
6. Along a compound curve to the left, having a radius of **1050.00 feet**, arc length of **32.85 feet**, central angle of **1°47'34",** subtended by a chord bearing North 37°34'39" West, a distance of 32.85 feet to a set 5/8" Iron Pin**;**
7. **North 36°40'52" East**, a distance of **609.97 feet** to a set 5/8" Iron Pin;
8. **North 46°16'35" East**, a distance of **300.23 feet** to a set 5/8" Iron Pin in the southerly right-of-way line of US 33;

Thence along the southerly right-of-way line of US 33 for the following courses:

1. **South 53°19'08" East**, a distance of **84.63 feet** to a found 5/8" Iron Pin with "Lee" cap;
2. **South 55°33'34" East**, a distance of **625.54 feet** to a found 5/8" Iron Pin with "Lee" cap;
3. **South 69°39'42" East**, a distance of **78.20 feet** to a found 5/8" Iron Pin with "Lee" cap;
4. **South 53°16'38" East**, a distance of **105.95 feet** to a found 5/8" Iron Pin at the northwesterly corner of aforementioned Lot 4;

Thence along the westerly line of said Lot 4, **South 05°38'04" East**, a distance of **1681.40 feet** to the **True Point of Beginning**, containing 55.55 acres, more or less.

Subject to all covenants, restrictions, reservations and easements contained in any instrument of record pertaining to the above described tract of land.

All iron pins called as set are 5/8" x 30" rebar with yellow cap stamped "CESO".

CESO, Inc.

_____

Sean T. Brooks, PS Date
Registered Surveyor No. 8828

Terry Emery

ORDINANCE _____

TO AUTHORIZE END OF YEAR SUPPLEMENTAL APPROPRIATIONS FOR MULTIPLE FUNDS AND MODIFY THE 2024 ANNUAL BUDGET

WHEREAS, several line items need additional funding prior to the end of the year in accordance with expected and planned expenditures. These line items and specific requests for supplemental appropriations are detailed in Exhibit A, which is attached and incorporated herein; and

WHEREAS, most of these appropriations are tied to specific unanticipated costs and the remainder are tied to changes in personnel; and

WHEREAS, the Finance Committee reviewed the 2024 Year End Supplemental appropriations on September 23, 2024 and recommended approval; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. That the supplemental appropriations set forth in Exhibit A are hereby authorized.

SECTION II. That the 2024 Annual Operating Budget of the City of Marysville be amended as identified in Exhibit A.

1st Reading _____ _____

PRESIDENT OF COUNCIL

2nd Reading _____

3rd Reading _____

Passed: _____

APPROVED AS TO FORM: ATTEST:

_____ _____

LAW DIRECTOR CLERK OF COUNCIL

EXHIBIT A

2024 Year End Budget Supplementals

Line Item	Description	Supplemental Amount	Reason
General Fund			
100103-543001	Utilities	$2,050.00	Increased with New Policy Manual Changes
100103-574004	Community Development	$6,800.00	Increased Costs Related to Community Sponsorships
100106-546014	Indigent Burials	$5,000.00	Number of Burials Exceeded Appropriations
100145-511011	Engineers	$24,500.00	Increase Related to Changes in Salary and Employee Changes
100145-511020	PT Employees	$15,500.00	Increase Related to Additional Intern Utilization
100145-511048	Facility Manager	$7,000.00	Increase Related to Changes in Salary and Employee Changes
100145-511049	Facility Employees	$20,000.00	Increase Related to Changes in Salary and Employee Changes
100145-546003	Technical Services Facilities	$81,000.00	Police/Court HVAC problems
	TOTAL GENERAL FUND	**$161,850.00**	
Financial Incentive Fund			
204200-546012	Contract Services	$1,953.50	Income Tax Refund to Moriroku Exceeded 2024 Budget
	TOTAL FINANCIAL INCENTIVE FUND	**$1,953.50**	
Fire Grant Fund			
214015-415458	Grant Revenue	$4,000.00	Grant Revenue not added to the 2024 budget
214132-557000	Grant Expenditure	$4,000.00	Grant Expendiute not added to the 2024 budget
	TOTAL FIRE GRANT	**$8,000.00**	
Street Tree Fund			
224224-511029	Employees	$6,600.00	Increased Payroll Costs Related to Change in Staff (Replacement Hire)
224224-521051	PERS	$900.00	Increased Payroll Costs Related to Change in Staff (Replacement Hire)
224224-521052	Hospital/Medical Insurance	$11,500.00	Increased Payroll Costs Related to Change in Staff (Replacement Hire)
224224-521059	Clothing Allowance	$200.00	Increased Payroll Costs Related to Change in Staff (Replacement Hire)
	TOTAL STREET TREE FUND	**$19,200.00**	
Accrued Leave Fund			
231060-460434	Transfer In	$50,000.00	Increased Revenue for Recent Retirements (Multiple Staff)
	TOTAL ACCRUED LEAVE EST. REV.	**$50,000.00**	
231200-521500	Accrued Leave Payout	$50,000.00	Increased Expense for Recent Retirements (Multiple Staff)
	TOTAL ACCRUED LEAVE APPRO.	**$50,000.00**	
Court, Police, Fire Fund			
232131-511012	Police Chief	$4,000.00	Increase for Salary Change
232131-511016	Administrative Assistant	$54,000.00	Employee Salary Moved into Proper Line Item
232131-511019	Interns	$1,000.00	Increase Related to SRO Program Additions - Paid /w School Revenue
232131-511025	Police Officers	$18,500.00	Increase Related to SRO Program Additions - Paid /w School Revenue
232131-511026	Dispatchers	$3,800.00	Increase Related to SRO Program Additions - Paid /w School Revenue
232131-511027	Corporals	$185,000.00	Increase Related to SRO Program Additions - Paid /w School Revenue
232131-511224	Support Specialists	$3,200.00	Increase Related to SRO Program Additions - Paid /w School Revenue
232131-521057	Medicare	$200.00	Increase Related to SRO Program Additions - Paid /w School Revenue
232131-521060	Police Pension	$27,500.00	Increase Related to SRO Program Additions - Paid /w School Revenue
	TOTAL COURT, POLICE, FIRE APPRO.	**$297,200.00**	
Commercial TIF Fund			
247200-574028	Principal	$300,000.00	Increased Principle Payment to Payoff TIF Short Term Debt
	TOTAL COMMERCIAL TIF FUND	**$300,000.00**	
Debt Service Fund			
337300-574029	Interest	$103,000.00	Increased Interest Payment Not Added to 2024 Budget
	TOTAL DEBT SERVICE FUND	**$103,000.00**	
TIF Capital Fund			
441400-546202	Legal Services	$2,000.00	Legal Costs for TIF related Activity
	TOTAL TIF CAPITAL FUND	**$2,000.00**	
Sanitation Fund			
550550-546006	Insurance & Taxes	$838.66	Increase of City insurance premium

	TOTAL SANITATION FUND	**$838.66**	
Water Fund			
550550-511014	Superintendent	$2,500.00	Payroll Costs Attributed to Changes in Staff and Salaries
550550-511043	Locate Staff	$2,500.00	Payroll Costs Attributed to Changes in Staff and Salaries
550550-511068	Utility Maintenance	$9,000.00	Payroll Costs Attributed to Changes in Staff and Salaries
550550-511069	Utility Serviceman	$11,000.00	Payroll Costs Attributed to Changes in Staff and Salaries
550550-511070	Maintenance Foreman	$2,000.00	Payroll Costs Attributed to Changes in Staff and Salaries
550550-511071	Utility Clerks	$3,600.00	Payroll Costs Attributed to Changes in Staff and Salaries
550550-511148	Filter Plant Operations	$30,000.00	Payroll Costs Attributed to Changes in Staff and Salaries
550550-511223	Project Engineer	$2,000.00	Payroll Costs Attributed to Changes in Staff and Salaries
550550-521051	PERS	$2,600.00	Payroll Costs Attributed to Changes in Staff and Salaries
550550-521052	Hospital/Medical Insurance	$20,000.00	Payroll Costs Attributed to Changes in Staff and Salaries
550550-521059	Clothing Allowance	$1,500.00	Payroll Costs Attributed to Changes in Staff and Salaries
550550-532001	Materials & Supplies	$50,000.00	Temporarially used funds to purchase meters
550550-532016	Water Meters	$100,000.00	Additional Purchasing of Meters
550550-544020	General Fund Services	$60,000.00	Chargebacks
550550-546006	Insurance & Taxes	$113,523.10	Increase of City insurance premium
	TOTAL WATER FUND	**$410,223.10**	
WasterWater Fund			
535535-532001	Materials & Supplies	$50,000.00	Temporarially used funds to purchase meters
535535-532016	Water Meters	$100,000.00	Additional Purchasing of Meters
535535-544020	General Fund Services	$184,000.00	Chargebacks
535535-546006	Insurance & Taxes	$54,700.21	Increase of City insurance premium
	TOTAL WASTERWATER FUND	**$388,700.21**	
Storm Water Fund			
570570-544020	General Fund Services	$58,000.00	Chargebacks
570570-546006	Insurance & Taxes	$582.36	Increase of City insurance premium
	TOTALSTORM WATER FUND	**$58,582.36**	
Marysville Jerome Township JEDD Fund			
981981-544014	Income Tax Contract Share	$70,000.00	
981981-546202	Legal Services	$4,500.00	
	TOTAL UNCLAIMED MONEYS FUND	**$74,500.00**	Approation Necessary for New Agency Fund Created for JEDD

GRAND TOTAL	**$1,926,047.83**
General Fund	**$161,850.00**
Special Revenue Funds	**$728,353.50**
Debt Service Fund	**$103,000.00**
Enterprise Funds	**$858,344.33**
Agency Funds	**$74,500.00**

ORDINANCE _____

TO APPROVE THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF MARYSVILLE AND OPUS DEVELOPMENT COMPANY, L.L.C.

WHEREAS, the City of Marysville (the "City") has encouraged the development of commercial and industrial structures within its boundaries, which development would result in the creation and retention of employment opportunities in the City; and

WHEREAS, to encourage that redevelopment, the City, pursuant to Resolution No. 17-19, adopted by the Council on August 12, 2019 (the "CRA Creation Resolution"), established the area specified in the CRA Creation Resolution as the Marysville Community Reinvestment Area No. 2 (the "CRA") under the authority of Ohio Revised Code ("R.C.") Sections 3735.65 through 3735.70 (the "CRA Act"); and

WHEREAS, pursuant to the CRA Creation Ordinance and the CRA Act, the City and OPUS Development Company, L.L.C., a Delaware limited liability company (the "Developer") desire to enter into a Community Reinvestment Area Agreement (the "CRA Agreement"), substantially in the form attached hereto as Exhibit A and incorporated herein by reference, in connection with the development by the Developer in one or more phases, of an approximately 253,000 square feet Class A industrial manufacturing, technology, and/or general office, and distribution building with flexibility for multi-tenant divisibility (the "Project," as further described in the CRA Agreement) on certain land owned by or to be owned by the Developer in the City (the "Project Site") and located within the jurisdiction of the Marysville Exempted Village School District ("Marysville Schools") and Ohio Hi-Point Career Center ("Ohio Hi-Point", together with Marysville Schools, the "School Districts"), which Project Site is described in Exhibit A to the CRA Agreement; and

WHEREAS, the CRA Agreement will provide Developer with a ten (10) year, 75% real property tax exemption for the assessed value of new structures constructed at the Project Site and any increases in assessed value attributable to remodeling of the new or existing structures, both as further described in the CRA Agreement (each a "CRA Exemption" and collectively, the "CRA Exemptions"); provided, however, the CRA Exemptions shall be subject to the following adjustments: (i) if for twenty-four or more consecutive months during the ten (10) year duration of the CRA Exemptions the Developer fails to satisfy the Base Level Threshold, as defined in the CRA Agreement, then the 75% exemption rate for both CRA Exemptions shall be reduced to 65% for the tax year following such failure and will remain at 65% until the Developer satisfies the Base Level Threshold; and (ii) if for sixty (60) or more consecutive months during the ten (10) year duration of the CRA Exemptions the Developer satisfies the Extension Threshold, as defined in the CRA Agreement, then the ten (10) year duration of both CRA Exemptions shall be extended to twelve (12) years at the same exemption rate of 75%; and

WHEREAS, the City has provided notice of the CRA Agreement to the School Districts; and

WHEREAS, the City intends to share a certain portion of income tax from the Project with the Marysville Schools insofar as such sharing is required by the payment obligations of R.C. Section 5709.82; and

WHEREAS, Developer and the City desire to execute the CRA Agreement to provide for the successful development of the Project Site, which development will create and preserve employment opportunities in the City and will benefit the citizens of the City; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. The CRA Agreement between the City and the Developer, substantially in the form attached to this Ordinance as Exhibit A, is hereby approved and authorized, with changes or amendments thereto not inconsistent with this Ordinance and not substantially adverse to the City as determined by the City Manager. The City Manager, for and in the name of the City, is hereby authorized to execute the CRA Agreement and any amendments thereto deemed by the City Manager to be necessary. The approval of changes or amendments by the City Manager, and the character of the changes or amendments as not being inconsistent with this Ordinance and not being substantially adverse to the City, shall be evidenced conclusively by the execution of the CRA Agreement by the City Manager.

SECTION II. The City shall comply with the payment obligations of R.C. Section 5709.82 with respect to the Marysville Schools.

SECTION III. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any decision-making bodies of the City that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements including Ohio Revised Code Section 121.22.

SECTION IV. This Ordinance shall take effect and be in force at the earliest date permitted by law.

1st Reading October 7, 2024

2nd Reading _____

3rd Reading _____

Passed: _____

_____
PRESIDENT OF COUNCIL

APPROVED AS TO FORM:

_____
LAW DIRECTOR

ATTEST:

_____
CLERK OF COUNCIL

COMMUNITY REINVESTMENT AREA AGREEMENT

This Community Reinvestment Area Agreement (this "Agreement") is made and entered into by and between the CITY OF MARYSVILLE, OHIO (the "City"), a municipal corporation and political subdivision of the State of Ohio (the "State"), through its City Council (the "Council"), and OPUS Development Company, L.L.C., a Delaware limited liability company, with offices located at [____] (together with its successors and assigns, the "Developer"). The City and the Developer are hereinafter referred to as the "Parties," or each a "Party."

WITNESSETH:

WHEREAS, the City desires to pursue all reasonable and legitimate incentive measures to assist, encourage and stimulate development in specific areas of Union County (the "County") that have not enjoyed sufficient reinvestment from remodeling or new construction; and

WHEREAS, the City, by Resolution No. 17-19, adopted by the Council on August 12, 2019 (the "Resolution"), designated the area specified in the Resolution as the Marysville Community Reinvestment Area #2 (the "CRA") pursuant to Ohio Revised Code ("R.C.") Sections 3735.65 through 3735.70 (the "CRA Act"), and authorized a real property tax exemption for the construction of new structures and the remodeling of existing structures in the CRA in accordance with the CRA Act; and

WHEREAS, the Developer has entered into that certain Agreement to Purchase Unimproved Real Estate dated June 13, 2024 (the "Purchase Agreement") with Community Improvement Corporation of Union County, an Ohio non-profit community improvement incorporation (the "CIC"), whereby CIC acted as the authorized agent of the City, for the purchase of an approximately 18+/- acre parcel of undeveloped real property in an industrial and commercial park developed by the City situated along Innovation Way, in the City of Marysville, Union County, identified as a portion of Union County Auditor Tax Parcel ID Number 2900230580000, as more particularly described in Exhibit A attached hereto (the "Project Site"); it being understood, however, the Purchase Agreement contemplates a potential Lot Split whereby the Seller and the City plan to cause the Property to be subdivided from the existing parcel at Developer's cost, which would change the identifying Tax Parcel ID Number associated with the Project Site; and

WHEREAS, the Developer has submitted to the City an application pursuant to the CRA Act and the Resolution (the "Application"), a copy of which is attached hereto as Exhibit B, in order to request a real property tax exemption as permitted by the CRA Act; and

WHEREAS, the Developer proposes to establish on all or a portion of the Project Site a Class A industrial manufacturing, technology, and/or general office, and distribution building with flexibility for multi-tenant divisibility together with related site improvements, as described in the Application (collectively, the "Project"), consisting of an approximately two hundred fifty-three thousand (253,000) square foot building to be constructed (together with any other ancillary structures and site improvements, collectively the "Buildings", or each a "Building"), provided

that the appropriate development incentives are available to support the economic viability of the Project; and

WHEREAS, the Developer will develop the Project Site, but the Developer does not anticipate that it will equip or occupy any portion of the Project Site or hire employees at the Project Site; rather, the Developer intends to develop a Building and lease portions of the Project Site to one or more lessees (each an "Occupant", and collectively, the "Occupants" with those terms further defined below in Section 7) who are anticipated to hire employees at the Project Site; and

WHEREAS, each transfer of the Project Site by the Developer other than by lease may be made pursuant to a certain assignment and assumption agreement as described more fully in Section 15 hereof in order to bind each Owner to and under this Agreement (the Developer and such transferees other than by lease, together with any successors and assigns, collectively or singly, as the context requires, may be referred to hereinafter from time to time as an "Owner" or the "Owners"); and

WHEREAS, pursuant to the CRA Act, the City and the Developer desire to formalize (i) the real property tax exemption in an agreement as required under R.C. Sections 3735.67(A) and 3736.651 for real property to be used for commercial or industrial purposes and (ii) their agreement with respect to other matters hereinafter contained; and

WHEREAS, the Project Site is located in the Marysville Exempted Village School District (the "School District") and the Ohio Hi-Point Technical and Career Center School District ("Ohio Hi-Point"), and the board of education for each of the School District and Ohio Hi-Point (each a "Board of Education" or collectively, the "Boards of Education") have been notified of the proposed approval of this Agreement in accordance with R.C. Sections 3735.671 and 5709.83, or have waived such notice, and has been given a copy of the Application and a draft of this Agreement; and

WHEREAS, the City intends to share a certain portion of income tax from the Project with the School District insofar as such sharing is required by R.C. Section 5709.82; and

WHEREAS, the Council, by Ordinance No. _____, passed on _____, 2024, has approved the terms of this Agreement and authorized its execution on behalf of the City; and

WHEREAS, the Parties recognize that the exact legal and financing structure used by the Developer in developing, equipping and operating the Project may include additional legal entities and may evolve prior to and during the operation of the Project;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the receipt and sufficiency of which are hereby acknowledged, the parties herein agree as follows:

1. Project. The cost of the investments to be made in connection with the Project by the Developer is estimated to equal or exceed ($20,310,000.00) (exclusive of any amounts for

acquisition of machinery and equipment, furniture and fixtures, and inventory) (the "Minimum Investment") that is expected to contain approximately two hundred fifty-three thousand (253,000) square feet of space. There are currently no existing buildings at the Project Site. The parties recognize that costs do not necessarily equal otherwise taxable value. The parties further recognize and agree that (a) the Developer has agreed pursuant to paragraph C of Article 8 of the Purchase Agreement to commence construction of certain Minimum Building Improvements no later than the Construction Commencement Deadline, as such Construction Commencement Deadline may have been extended as provided in the Purchase Agreement; (b) the Developer has further agreed to execute a Right of Repurchase Agreement in CIC's favor such that the CIC may repurchase the Project Site in the event the Developer fails to proceed with the Minimum Building Improvements in the time and manner required by the Purchase Agreement; and (c) the Developer's failure to complete the Minimum Building Improvements by the Construction Commencement Deadline and effectuate a Construction Cure shall be considered a material failure of Developer to fulfill its obligations under this Agreement, regardless of whether the CIC elected to repurchase the Project Site, which material failure may result in termination, suspension, or modification of the exemption from real property taxation granted under this Agreement, pursuant to Section 11 below; the capitalized terms used in this Section 1 and not otherwise defined in this Agreement shall have the meanings ascribed to them in the Purchase Agreement.

2. Project Schedule. Subject to the Purchase Agreement, the scheduled estimated starting month for the Project investments to be made in building, machinery, equipment, furniture, fixtures and/or inventory is approximately [April 2025]; and the scheduled estimated completion month for such investments is approximately [December 2026] (the "Estimated Completion Date"). The Developer shall use good faith efforts to complete the Project by the Estimated Completion Date.

3. Employee Positions. The Developer shall use good faith efforts to create or cause to be created at the Project Site, cumulatively, at least eighty (80) full-time permanent employee positions with an aggregate annual payroll of at least $4,500,000.00 upon full build-out of the Project (such levels of employment and payroll, the "Base Level Threshold"). Should the Base Level Threshold not be satisfied, the real property tax exemption granted to Developer pursuant to this Agreement shall be reduced in accordance with Section 5(B) below. Hiring of such employees is estimated to commence in the first calendar quarter of 2027 and to continue incrementally over the succeeding three (3) years. Currently, the Developer has no employees at the Project Site; therefore, no employee positions or payroll will be retained by the Developer in connection with the Project. The estimates provided in this Section 3 are good faith estimates provided pursuant to R.C. Section 3735.671(B)(8) and shall not be construed in a manner that would limit the amount or term of the tax exemptions provided in this Agreement, except as otherwise provided in Section 5(B) below. The Parties recognize that the employment and payroll estimates associated with the Project contained in this paragraph may increase or decrease. The Parties also recognize that it is anticipated that all employees at the Project Site will be hired by the Occupants.

4. Provision of Information. Each Owner shall provide to the applicable tax incentive review council (the "TIRC") and community reinvestment area housing council ("Housing Council") any information reasonably required by the TIRC and/or the Housing Council to evaluate the compliance of such Owner with the Agreement, if requested by the TIRC and/or the Housing Council, and each Owner shall provide or cause to be provided any information reasonably necessary for the applicable TIRC to make the determinations required under R.C.

Section 5709.85 and to evaluate such Owner's compliance with this Agreement, including returns filed pursuant to R.C. Sections 5711.02, 5711.13 and 5727.08 if requested by the applicable TIRC. Upon the request of the applicable TIRC each Owner shall provide the applicable TIRC any information reasonably necessary to perform its review with the nondiscriminatory hiring policies developed by the City under R.C. Section 5709.832.

Pursuant to R.C. Section 5709.85, annually the TIRC shall review the terms of this Agreement and any Assignment and Assumption Agreement granting exemptions under Section 3735.671 of the Revised Code, and shall review any performance or audit reports required to be submitted pursuant to this Agreement or any Assignment and Assumption Agreement. On the basis of such review, the TIRC shall submit to the City a written recommendation for continuation, modification, or cancellation of such Agreement or Assignment and Assumption Agreement. In making its written recommendation, the TIRC will take into consideration (a) any fluctuations in the business cycle unique to the Owner's business, (b) the effect of local and regional market conditions on the Owner, and (c) whether the Owner or parties that have assumed the obligations of the Owner have, collectively, satisfied the job creation and other obligations contained in this Agreement. The City shall hold a meeting within sixty (60) days of receipt of the annual written recommendations to vote to accept, reject, or modify all or any portion of the recommendations. In voting on whether to accept, reject, or modify all or any portion of the TIRC's recommendations, the City shall take into consideration those factors outlined in (a) through (c) of this paragraph. Notwithstanding any of the foregoing, the City agrees that the remedies outlined in Section 11 (D) of this Agreement shall not be available unless the County receives a written recommendation from the TIRC for cancellation of this Agreement or any Assignment and Assumption Agreement for two (2) consecutive years as to the Building.

5. Real Property Tax Exemption.

A. Subject to paragraph (B) of this Section 5, the City hereby grants a ten (10) year, seventy-five percent (75%) real property tax exemption pursuant to R.C. Section 3735.67 for the assessed value of new structures at the Project Site and a ten (10) year, seventy-five percent (75%) real property tax exemption pursuant to R.C. Section 3735.67 for the increase in the assessed value attributable to remodeling at the Project Site. For each separately identifiable real property improvement, the exemption commences the first year such real property improvement would first be taxable were that property not hereby exempted from taxation. No exemption shall commence after tax year 2034 (i.e., tax lien date January 1, 2034) nor extend beyond tax year 2043 (i.e., tax lien date January 1, 2043); unless the exemption duration has been extended pursuant to Section 5(b)(ii) below, in which case no exemption shall commence after tax year 2036 (i.e., tax lien date January 1, 2036) nor extend beyond tax year 2045 (i.e., tax lien date January 1, 2045). In addition, no exemption for remodeling of a particular structure may extend beyond the ten (10) year (or, if extended, twelve (12) year) exemption term for construction of that structure. Although exemption under this Agreement for any separately identifiable real property improvement lasts for only ten (10) years (or, if extended, twelve (12) years) at the most, the real property exemption period for the Project as a whole is expected to last more than ten (10) years. The exemptions set forth in this Section shall apply irrespective of whether the real property is owned by an Owner, or, in accordance with Section 15 of this Agreement, Section 19 of this Agreement, or both Sections 15 and 19 of this Agreement, by another entity or other entities.

B. Notwithstanding paragraph (A) of this Section 5, the ten (10) year, seventy-five percent (75%) exemption granted by the City shall be subject to the following adjustments: (i) if the Base Level Threshold is not met for any span of time commencing on or after January 1, 2029, and continuing for twenty-four (24) consecutive months, the seventy-five percent (75%) exemption rate granted pursuant to paragraph (A) above shall be reduced to sixty-five percent (65%) for the tax year following such failure and will remain at 65% until the Developer meets the Base Level Threshold; and (ii) if there are at the Project Site ninety (90) or more full-time permanent employee positions or an aggregate annual payroll attributable to full-time permanent employee positions of at least $5,400,000.00 and such levels of employment and/or payroll continue for sixty (60) months (such levels of employment or payroll, the "Extension Threshold"), then the ten (10) year exemption term granted pursuant to paragraph (A) above shall be extended to twelve (12) years at a seventy-five percent (75%) exemption rate. Any such extension of the exemption shall not prevent the later reduction of the exemption rate due to the failure to meet the Base Level Threshold. In evaluating whether the Base Level Threshold and/or the Extension Threshold has been satisfied, employees hired by Occupants at the Project Site, and the payrolls attributable to such employees, shall count toward such thresholds.

6. Application for Exemption. The Owner acknowledges that the tax exemption with respect to each real property improvement is subject to the filing of a real property tax exemption application with the Housing Officer designated by the City for the CRA, following the completion of construction of that real property improvement. The City agrees that upon receipt of the real property tax exemption application, the Housing Officer shall certify the tax exemption to the Union County Auditor with respect to the real property improvement or improvements designated in the real property tax exemption application.

7. Payment of Non-Exempt Taxes.

A. Owner shall pay, or cause to be paid by the Occupants, such taxes and real property taxes as are not exempted under this Agreement or otherwise exempted and are charged against such Owner's property and shall file all tax reports and returns as required by law in connection therewith. If such Owner fails to pay such taxes or file such returns and reports, and such failure is not corrected within forty-five (45) days of written notice thereof to such Owner, all exemptions from taxation granted under this Agreement with respect to property of such Owner are rescinded beginning with the year for which such unpaid taxes are charged or such unfiled reports or returns are required to be filed and thereafter; provided, however, that any such recission shall have no effect on exemptions from taxation granted under this Agreement with respect to property of Owners other than such defaulting Owner(s). Further, if such defaulting Owner(s) fail(s) to pay such taxes or file such returns and reports, and such failure is not corrected within forty-five (45) days of written notice thereof to such defaulting Owner(s), such Owner(s) must pay back all real property taxes that would have been charged against property of such Owner(s) in absence of the exemption granted under this Agreement. For purposes of this Section 7, "taxes" means all real property taxes, service payments in lieu of taxes, general and special assessments, and any other governmental charges validly levied or assessed against any parcel of real property located within the Project Site.

B. Each Occupant (as further defined below) shall pay such City municipal income taxes as are levied against such Occupant and shall file all tax reports and returns as

required by law in connection therewith. "Occupant" includes any person having a right to occupy or regularly use all or any portion of any Building, whether such right to occupy or regularly use all or any portion of any Building arises under any lease, license, or other agreement, and whether any such right is granted by an Owner or by any other Occupant, including, but not limited to, third-party logistics companies, but does not include persons that provide limited services to an Owner or an Occupant, such as security guard companies, janitorial service companies and consulting service companies. If an Occupant fails to pay such taxes or file such returns and reports, and such a failure is not corrected by the Occupant or the Owner within ninety (90) days of written notice thereof to such Occupant and to the Owner of the Building (with such notice redacted to the extent necessary to protect confidential information of the Occupant), all exemptions from taxation granted under this Agreement with respect to the Building occupied by such Occupant may be rescinded beginning with the year for which such unpaid taxes are charged or such unfiled reports or returns are required to be filed and thereafter, subject to reinstatement as set forth below. Any such rescission, as provided in this Section, shall have no effect on exemptions from taxation granted under this Agreement with respect to Buildings occupied by Occupants other than such defaulting Occupant. For Buildings occupied by more than one Occupant, any exemption rescinded pursuant to this Section shall only be rescinded for that portion of the Building occupied by the Occupant in violation of this Section ("Partial Rescission"). The remaining portion of the Building shall continue to receive any such exemptions granted pursuant to this Agreement. This Partial Rescission shall be effectuated pursuant to R.C. Section 5713.04, which permits parcels to be split-listed when only a portion is exempt from property tax. Upon the completion of the occupancy of a Building by an Occupant that defaulted under this Section, the Owner of the Building may apply for reinstatement of the exemption for the Building, which reinstatement shall not be unreasonably denied, delayed or conditioned by the City. Payment of the Occupant's past-due City income taxes, penalties or interest, if any, shall not be a condition for reinstatement of the exemption.

In addition, each Owner agrees to cause each Occupant of each such Owner's Buildings to provide such information, in such content, detail, and format as shall be reasonably determined by the City, that may be required by the City to enforce its municipal income tax laws, including its obligations to account for and share income tax revenue with any other entity. Each Owner shall include in any lease, license, or any other agreement with any Occupant an acknowledgment of this obligation. Each Owner acknowledges that failure by an Occupant to provide such information may be grounds for modification or termination of the exemptions granted under this Agreement with respect to the portion of any Building occupied by a defaulting Occupant, after the City first provides ninety (90) days' written notice to the Occupant and the Owner in the manner set forth above.

8. Cooperation of the City. The City shall perform such acts as are reasonably necessary or appropriate to approve, effect, claim, reserve, preserve and maintain the exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions. The City shall give its fullest cooperation in the development of the Project, including, but not limited to: (i) the review, processing and approval of all building, zoning or other permits, and (ii) all other activities related to the Project.

9. Revocation of CRA. If for any reason the City revokes or purports to revoke the designation of the CRA, entitlements granted under this Agreement shall continue for the number of years specified in this Agreement, unless there is an Event of Default by the Owner which is not cured in accordance with Section 11 herein, and consequently, the City terminates or modifies the exemptions from taxation granted in this Agreement with respect to property of such Owner from the date of the Event of Default. Any such termination or modification, as provided in this Section, shall have no effect on exemptions from taxation granted in this Agreement with respect to property of Owners other than such defaulting Owner(s). Except for any amendment, revocation, modification, suspension or termination otherwise permitted under this Agreement, the City agrees that it will not amend or revoke the CRA designation as to the Project Site, or modify the incentives available under that designation for the Project Site, prior to 2045.

10. Certification as to No Delinquent Taxes. Developer hereby certifies for itself that at the time this Agreement is executed, (i) it does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State and does not owe delinquent taxes for which it is liable under R.C. Chapter 5733, 5735, 5739, 5741, 5743, 5747, or 5753, or, if such delinquent taxes are owed, it is currently paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, (ii) it has not filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., and (iii) no such petition has been filed against it. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the R.C. governing payment of those taxes. Each Owner shall make the same certification as that made by the Developer in this Section 10 in any Assignment and Assumption Agreement. If the City determines that the certification as to delinquent taxes required by this Agreement is fraudulent, the City may terminate or modify the exemptions from taxation granted under the Agreement with respect to property of the Owner which has made such fraudulent certification. Any such termination or modification, as provided in this Section, shall have no effect on exemptions from taxation granted under this Agreement with respect to property of Owners other than such defaulting Owner(s).

11. Events of Default and Remedies.

A. Events of Default. Any one or more of the following constitutes an "Event of Default" under this Agreement:

(i) Developer, any Owner or the City fails to perform or observe any material obligation punctually and as due under this Agreement, provided that if a Force Majeure (as such term is defined below) event causes the failure, Developer, any Owner or the City may receive an additional period of time as is reasonably necessary to perform or observe the material obligation in light of the event if it notifies the other of the potential event and the extent of the delay promptly after becoming aware of the event;

(ii) Developer, any Owner or the City makes a representation or warranty in this Agreement that is materially false or misleading at the time it is made;

(iii) Developer or any Owner files a petition for the appointment of a receiver or a trustee with respect to it or any of its property;

(iv) Developer or any Owner makes a general assignment for the benefit of creditors;

(v) A court enters an order for relief pursuant to any Chapter of Title 11 of the U.S. Code, as the same may be amended from time to time, with Developer or any Owner as debtor; or;

(vi) Developer or any Owner files an insolvency proceeding with respect to itself or any proceeding with respect to itself for compromise, adjustment or other relief under the laws of any country or state relating to the relief of debtors;

(vii) If Developer or any Owner fails to use good faith efforts in meeting the Estimated Completion Date in accordance with Section 2;

(viii) If Developer or any Owner fails to use good faith efforts in satisfying the Base Level Threshold in accordance with Section 3.

As used in this Section, "Force Majeure" means any event that is not within the control of a Party or its affiliates, employees, contractors, subcontractors or material suppliers that delays performance of any obligation under this Agreement including, but not limited to, the following acts: acts of God; fires; epidemics; pandemics; landslides; floods; strikes; lockouts or other industrial disturbances; acts of public enemies; acts or orders of any kind of any governmental authority; insurrections; riots; civil disturbances; arrests; explosions; breakage or malfunctions of or accidents to machinery, transmission pipes or canals; partial or entire failures of utilities; shortages of labor, materials, supplies or transportation; lightning, earthquakes, hurricanes, tornadoes, storms or droughts; periods of unusually inclement weather or excessive precipitation; or orders or restraints of any kind of the government of the United States or of the State (and in the case of a Force Majeure claim by a Developer, any Owner, the City or any departments, agencies, political subdivisions or officials that are not in response to a violation of law or regulations.

B. General Right to Cure. In the event of any Event of Default in or breach of this Agreement, or any of its terms or conditions, by any party hereto, the defaulting party will, upon written notice from the other, proceed, as soon as reasonably possible, to cure or remedy such Event of Default or breach, and, in any event, within thirty (30) days after receipt of such notice. In the event such Event of Default or breach is of such nature that it cannot be cured or remedied within said thirty (30) day period, then in such event, the defaulting party will upon written notice from the other commence its actions to cure or remedy said breach within said thirty (30) day period, and proceed diligently thereafter to cure or remedy said breach.

C. Remedies. If a defaulting party fails to cure any Event of Default pursuant to paragraph (B) of this Section, a party may institute such proceedings against the defaulting party as may be necessary or desirable in its opinion to cure and remedy such default or breach. Such remedies include, but are not limited to: suspending or terminating the obligations of the non-defaulting party under this Agreement, provided the aggrieved

party must provide thirty (30) days' notice of any termination to the defaulting party and provided further that the aggrieved party must rescind the termination notice and not terminate the Agreement if the defaulting party cures all Events of Default within a reasonable time thereafter. The obligations of the City may be enforced to the extent permitted by law by mandamus or any suit or proceeding in law or equity. Notwithstanding the above, the parties hereto acknowledge the Developer, or its affiliate, is under contract to purchase or intends to acquire certain real property. Developer's failure to conclude the purchase of any portion of the Project Site for any reason shall not be considered a default. And, in such case, with respect to such parcels not acquired, this Agreement shall be null and void and neither party shall have any further obligation to the other.

D. Additional Remedies for Material Failure. In addition to any other remedy, if operations at a Building with an exemption granted under this Agreement cease for a period of two or more consecutive years (a "Cessation") with either (i) no Occupants, or (ii) Occupants with zero (0) employees or contractors working within a Building, as documented by the TIRC, the City may thereafter terminate the exemption as to such Building and require the repayment of the amount of taxes that would have been payable with respect to such Building on the Project Site had such Building not been exempt from taxation under this Agreement; provided, however, that the City shall not terminate or require repayment with respect to any temporary cessation of operations at any Building within the Project Site during a period while an Owner or operator of a Building is proceeding with due diligence in the remodeling of a substantial portion of the Building to accommodate Occupant uses.

If the TIRC recommends, and the City votes to require, the repayment of the already-received exemption benefits, the City shall direct the County Auditor to strike the relevant portions of the relevant parcels from the exempt list in accordance with R.C. Section 5713.08.

12. Approval by the City; Effective Date. The Owners and the City acknowledge that this Agreement must be approved by formal actions of the legislative authority of the City as a condition for this Agreement to take effect. Because this Agreement was approved by Ordinance No. [_____] of the Council on _____, 2024, this Agreement shall be effective immediately upon its execution.

13. Non-Discriminatory Hiring. By executing this Agreement, the Owners are committing to, and requesting that the Occupants follow, non-discriminating hiring practices, acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.

14. Revocation of Exemptions. Exemptions from taxation granted under this Agreement shall be revoked with respect to an Owner if it is determined that such violating Owner, any successor enterprise to such violating Owner, or any related member of such violating Owner (as those terms are defined in division (C) of R.C. Section 3735.671) has violated the prohibition against entering into the Agreement under R.C. Sections 3735.671(C), 5709.62, or 5709.63 prior to the time prescribed by that division or either of those sections of the R.C.. Any such revocation,

as provided in this Section, shall have no effect on exemptions from taxation granted under this Agreement with respect to property of Owners other than such violating Owner(s).

15. Transfer and/or Assignment; Release from Liability. Except as provided below, this Agreement and the benefits and obligations thereof are not transferable or assignable without the express, written approval of the City Manager, which approval shall not be unreasonably withheld, conditioned or delayed. The City hereby approves the transfer and/or assignment of this Agreement and the benefits and obligations hereof to any entity controlling, controlled by, or under common control with the Developer and (i) in which the Developer has at least 50% direct or indirect ownership; (ii) that has at least 50% direct or indirect ownership of the Developer; (iii) that shares at least 50% direct or indirect common ownership with the Developer; or (iv) Developer or its affiliate serves as managing member (a "Developer Transferee"). The City shall retain the right to consider the approval of the transfer and/or assignment of this Agreement and the benefits and obligations hereof, which approval shall not be unreasonably withheld, conditioned or delayed, to any person or entity other than the Developer or a Developer Transferee, which is a transferee by lease, sale and/or other means of transfer of all or any part of a Building or the Project Site (a "Third-Party Transferee") (such transferred property may be referred to hereinafter as the "Transferred Property"). Provided, however, that as a condition to the right to receive tax exemptions as set forth in this Agreement, each Developer Transferee or Third-Party Transferee shall execute and deliver to the City an Assignment and Assumption Agreement in substantially one of the forms attached hereto as Exhibit C.1 and Exhibit C.2, wherein such Developer Transferee or Third-Party Transferee (i) assumes all obligations of the Developer under this Agreement with respect to the Transferred Property, and (ii) certifies to the validity, as to the Developer Transferee or Third-Party Transferee, of the representations, warranties and covenants contained herein and in the Assignment and Assumption Agreement. Upon the receipt by the City of such Assignment and Assumption Agreement, as to the Transferred Property the Developer Transferee or Third-Party Transferee shall have all entitlements and rights to tax exemptions and obligations as an "Owner" under this Agreement, in the same manner and with like effect as if the Developer Transferee or Third-Party Transferee had been the original Developer and a signatory to this Agreement. The City agrees to execute each such Assignment and Assumption Agreement and to deliver an original thereof to the Developer Transferee or Third-Party Transferee.

16. Counterparts. This Agreement may be signed in one or more counterparts or duplicate signature pages with the same force and effect as if all required signatures were contained in a single original instrument. Any one or more of such counterparts or duplicate signature pages may be removed from any one or more original copies of this Agreement and annexed to other counterparts or duplicate signature pages to form a completely executed original instrument. This Agreement may be executed by emailed transmission and such signature pages will be deemed original originals and that all such counterparts taken together or collectively, as the case may be, will constitute one and the same agreement.

17. Severability; Construction; Headings. If any provision of this Agreement or the application of any such provision to any such person or any circumstance shall be determined to be invalid or unenforceable, then such determination shall not affect any other provision of this Agreement or the application of such provision to any other person or circumstance, all of which other provisions shall remain in full force and effect. If any provision of this Agreement is capable of two constructions one of which would render the provision valid, then such provision shall have

the meaning which renders it valid. The captions and headings in this Agreement are for convenience only and in no way define, limit, prescribe or modify the meaning, scope or intent of any provisions hereof.

18. Validity. The City covenants and agrees that it is prohibited from challenging the validity of this Agreement or the CRA. In that regard, the City waives any defects in any proceedings related to the CRA or this Agreement. If the validity of the CRA or this Agreement is challenged by any entity or individual, whether private or public, the City shall advocate diligently and in good faith in support of the validity of the CRA and this Agreement.

19. Modifications. If, notwithstanding Section 15 of this Agreement, it becomes necessary to modify the terms of this Agreement to reflect the exact legal and financing structure used by the Owners in developing, equipping and operating the Project, the Owners shall request an amendment to this Agreement in a form acceptable to the City. The City will not unreasonably withhold, condition or delay their approval of such amendment provided that the amendment does not materially change the terms of this Agreement and is consistent with the CRA Act and the Resolution.

20. Notices. Any notices, statements, acknowledgements, consents, approvals, certificates or requests required to be given on behalf of any party to this Agreement shall be made in writing addressed as follows and sent by (i) registered or certified mail, return receipt requested, and shall be deemed delivered when the return receipt is signed, refused or unclaimed, (ii) by nationally recognized overnight delivery courier service and shall be deemed delivered the next business day after acceptance by the courier service with instructions for next-business-day delivery, or (iii) by facsimile transmission and shall be deemed deliver upon receipt of confirmation of transmission:

If to the City, to:

City of Marysville
209 S. Main Street
Marysville, OH 43040
Attention: Director of Finance
Phone: (937) 645-7350

If to the Developer, to:

OPUS Development Company, L.L.C.
8801 River Crossing Blvd., Suite 450
Indianapolis, IN 43240
(614) 271-0292
Email: alex.vulic@opus-group.com

With a copy to:

Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
Columbus, OH 43215
Attention: Christopher J. Knezevic

Email: cjknezevic@vorys.com

or to any such other addresses as may be specified by any party, from time to time, by prior written notification.

21. R.C. Section 9.66 Covenants. Each of the Owners affirmatively covenants that it has made no false statements to the State or any local political subdivision in the process of obtaining approval of the CRA tax exemptions; and that it does not owe: (i) any delinquent taxes to the State or a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; and (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not. If any representative of any of the Owners has knowingly made a false statement to the State or any local political subdivision to obtain the CRA tax exemptions, such Owner shall be required to immediately return all benefits received by it under this Agreement pursuant to R.C. Section 9.66(C)(2) and such Owner shall be ineligible for any future economic development assistance from the State, any State agency or a political subdivision pursuant to R.C. Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to R.C. Section 2921.13(D)(1), which is punishable by a fine of not more than $1,000 and/or a term of imprisonment of not more than six (6) months. Any such requirement to return benefits under this Agreement, and/or ineligibility for future economic development assistance, as provided in this Section, shall have no applicability to nor effect on Owners other than such violating Owner(s).

22. Local Support. Additionally, the Developer agrees to the following:

Developer shall recommend to its Occupants that they work closely with the CIC to develop programs with the School District and/or Ohio Hi-Point to develop a practicum, provide an internship program, or provide an alternative form of assistance related to the training and/or education of students of the School Districts and Ohio Hi-Point. Such recommendation shall be in writing, a copy of which shall be provided to the City. During the term of the Exemption, Developer shall contribute six thousand dollars ($6,000.00), in the aggregate, annually to the Union County Community Improvement Corporation (the "CIC") to support the economic development efforts in the community, which contribution includes costs associated with Developer's membership in the Union County Chamber of Commerce during the term of the Exemption. Developer's failure to comply with this Section 22 shall be considered a material failure of Developer to fulfill its obligations under this Agreement; provided, however, Developer shall have thirty (30) days after written notice of such failure to Developer to correct such failure.

23. Annual Monitoring Fee. Annually, Developer shall pay to the CIC $6,000 (the "Annual Monitoring Fee"); provided, however, that the CIC shall waive such Annual Monitoring Fee as long as Developer contributes annually to the CIC as described in Section 22 of this Agreement.

24. Notice of Vacancy. If at any time during the term of this Agreement any Owner shall receive notice from any Occupant that such Occupant shall vacate its right to occupy or use any portion of the Property, such Owner shall, within twenty (20) business days of its receipt of such

notice, use commercially reasonable efforts to send such notice to the City in accordance with the provisions of this Agreement regarding notice.

25. Estoppel Certificate. Upon request of an Owner, the City shall execute and deliver to the Owner or any proposed purchaser, mortgagee or lessee a certificate stating: (a) that the Agreement is in full force and effect, if the same is true; (b) that the Owner is not in default under any of the terms, covenants or conditions of the Agreement, or if the Owner is in default, specifying same; and (c) such other matters as the Owner reasonably requests.

26. Entire Agreement. This Agreement and the Resolution constitute the entire agreement between the Developer and the City pertaining to the subject matter contained herein and therein and supersede all other prior or contemporaneous agreements or understandings between the Developer and the City in connection with such subject matter.

27. Valuation Challenges. The Developer, on behalf of itself and all future Owners, agrees that it shall not initiate proceedings pursuant to R.C. Section 5715.19 for any portion of the Project for any tax year in which that portion of the Project is subject to exemption under this Agreement unless it provides the School District with notice at least twenty (20) days prior to the initiation of such proceedings to allow the School District to participate in the proceedings.

28. Governing Law. This Agreement shall be governed exclusively by and construed in accordance with the laws of the State of Ohio without regard to its conflict of law provisions that would cause the application of the laws of another jurisdiction. Each party hereto irrevocably consents to the exclusive jurisdiction of the U.S. District Court for the Southern District of Ohio.

29. Jury Waiver. Each party hereby irrevocably waives all rights to trial by jury in any action or proceeding arising out of or relating to this Agreement. Each party acknowledges that this waiver is a material consideration and inducement to the execution of this Agreement and constitutes a knowing and voluntary waiver.

30. Contingency. This Agreement is expressly contingent on Developer completing the purchase of the Project Site. If the Developer has not completed the purchase of the Project Site by July 7, 2025, then the City will (absent the existence of compelling circumstances demonstrated by the Developer and acceptable to the City in its sole discretion) terminate this Agreement by written notice to the Developer, in which case this Agreement shall be null and void and neither party shall have any continuing liability to the other.

[Remainder of Page Intentionally Left Blank.]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives to be effective as of _____, 2024.

CITY OF MARYSVILLE, UNION COUNTY, OHIO

By:_____
Terry Emery, City Manager

By Ordinance No. [_____] dated [_____], 2024
Verified and Certified:

_____
Brad Lutz, Director of Finance

APPROVED AS TO FORM:

_____
Tim Aslaner, Law Director

OPUS DEVELOPMENT, L.L.C.

By:_____
Print Name: _____
Title: _____

STATE OF OHIO,

COUNTY OF UNION, SS:

The foregoing instrument was signed and acknowledged before me this ___ day of _____, 2024, by Terry Emery, the City Manager of the City of Marysville, a municipal corporation of the State of Ohio, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

_____
Notary Public

STATE OF _____,

COUNTY OF _____, SS:

The foregoing instrument was signed and acknowledged before me this ___ day of _____, 2024, by _____, the _____ of OPUS Development, L.L.C., a Delaware limited liability company, on behalf of the company. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

_____
Notary Public

EXHIBIT A
TO COMMUNITY REINVESTMENT AREA AGREEMENT

The Project Site is an approximately 18+/- acre site as generally outlined in blue below:



EXHIBIT B
TO COMMUNITY REINVESTMENT AREA AGREEMENT

Application for Community Reinvestment Area Agreement

(Attached Hereto)

BUSINESS APPLICATION FOR CRA TAX INCENTIVE

Section 1 – Contact Information

a) Name of property owner, office address, contact person, and telephone number. Please attach additional pages if multiple enterprise participants.

Opus Development Company, LLC — Enterprise Name
Alex Vulic — Contact Person

8801 River Crossing Blvd., Suite 450, Indianapolis, IN 43240 (614) 271-0292

Address — Phone

Alex.vulic@opus-group.com
Email

b) Project site:

Opus Development Company, LLC — Enterprise Name
Alex Vulic — Contact Person

8801 River Crossing Blvd., Suite 450, Indianapolis, IN 43240 (614) 271-0292

Address — Phone

Alex.vulic@opus-group.com
Email

Section 2 – Business Activity

a) Describe the nature of the primary activity to be conducted at the site (e.g. manufacturing, warehousing, wholesale, retail):

TBD based on determination of tenants. Project is a speculative multi-tenant industrial facility suitable for manufacturing, light assembly, and distribution.

b) List the primary 6 digit North American Industry Classification System (NAICS) # Not applicable, at this time.

Business may list other relevant SIC numbers:
_____

c) If a consolidation, what are the components of the consolidation? Itemize the location, assets, and employment positions to be transferred:
_____

_____

d) Form of business of enterprise (e.g. corporation, partnership, proprietorship, or other):

Limited Liability Company

Section 3 – Principal Ownership

a) Name of principal owner(s) or officers of the business.

Opus Holding, LLC., Matt Rauenhorst, President and Chief Executive Officer

Section 4 - Relocation

a) State the enterprise's current employment level at the proposed project site:

Not applicable

b) Will the project involve the relocation of employment positions or assets from one Ohio location to another? ☐ Yes X No

c) If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

d) State the enterprise's current employment level in Ohio. Itemize for full and part-time and permanent and temporary employees:

e) State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets:

f) What is the projected impact of the relocation, including the number and type of employees and/or assets to be relocated?

Section 5 – Delinquent Taxes or Fees

Does the Property Owner owe:

a) Any delinquent taxes to the State of Ohio or a political subdivision of the state? ☐ Yes
X No

b) Any delinquent taxes, fees, or penalties to Union County or the City of Marysville? ☐ Yes X No

c) Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? ☐ Yes
X No

d) Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not? ☐ Yes X No

e) If **yes** to any of the above, please provide details of each instance including the location, amounts and/or case identification numbers. *Please add additional sheets if necessary.*

Section 6 – Project Description

Please describe the project:

Approximately 253,000 square foot, multi-tenant speculative light industrial/distribution building.

Section 7 – Project Timeline

The project will begin October 2024 and be completed September 2025.

Section 8 - Employment

a) Estimate the number of new employees the property owner will cause to be created at the facility that is the project site. Job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary.

FT New Permanent Employees: 80 FTE
PT New Permanent Employees: _____

FT New Temporary Employees: _____
PT New Temporary Employees: _____

Total New Employees: **80 FTE**

b) Indicate the time frame of projected hiring: 3 years

c) State the proposed schedule for hiring. Itemize by full and part-time and permanent and temporary employees.

Subject to identification of tenant(s).

Section 9 – New & Retained Payroll

a) Estimate the amount of annual payroll new employees will add. *Must be itemized by full and part-time and permanent and temporary new employees.*

FT New Permanent Employees: $ 4,500,000 total payroll
PT New Permanent Employees: $_____
FT New Temporary Employees: $_____
PT New Temporary Employees: $_____

b) Indicate the amount of existing annual payroll relating to job retention resulting from the project.

FT Retained Permanent Employees: $_____
PT Retained Permanent Employees: $_____
FT Retained Temporary Employees: $_____
PT Retained Temporary Employees: $_____

Section 10 – Project Investment

a) Provide an estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

Acquisition of Buildings: $ 1,710,000
Additions/New Construction: $ 18,600,000
Improvements to Existing Buildings: $_____
Machinery & Equipment: $_____
Furniture & Fixtures: $_____
Inventory: $_____

Total New Project Investment: $20,310,000

Section 11 – Assistance Requested

a) Business requests the following tax exemption incentives: 75% for 10 years covering real property improvements as described above.

b) Business's reasons for requesting tax incentives (be quantitatively specific as possible):

Opus is requesting a 75% property tax abatement to remain commercially competitive with similar buildings across Central Ohio. The requested abated will maximize the opportunity to attract qualified businesses to meet the employment targets and increase capital investment in the Project.

Section 12 – Obligations

Submission of this application expressly authorizes the City of Marysville and it designees to contact the Ohio Environmental Protection Agency to confirm statements contained within this application and to review applicable confidential records.

As part of this application, the property owner may be required to directly request from the Ohio Department of Taxation a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request.

Applicant agrees to supply additional information upon request: X Yes ☐ No

Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C) (1) and 2921.13(D) (1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefits as well as a fine of not more than $1,000 and/or a term of imprisonment of not more than six months.

Alex Vulic-Opus Development Company, LLC 9/10/24
Name of Property Owner Date

Signature **Vice President**
Title

* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

** Attach to Final Community Reinvestment Area Agreement as Exhibit A

Please note that copies of this proposal must be included in the finalized Community Reinvestment Area Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Development Services Agency within fifteen (15) days of final approval.

EXHIBIT C.1
TO COMMUNITY REINVESTMENT AREA AGREEMENT

Form of Assignment and Assumption Agreement – Intra-Affiliated Group

PARTIAL ASSIGNMENT AND ASSUMPTION AGREEMENT

This PARTIAL ASSIGNMENT AND ASSUMPTION AGREEMENT (the "Agreement") is made and entered into by and between the City of Marysville, Ohio (the "City"), a municipal corporation and political subdivision of the State of Ohio, through the Marysville City Council (the "Council"); _____, a _____ (the "Company") and _____, a _____ (the "Successor"). Except as otherwise provided herein, capitalized terms used herein shall have the same meanings as in the Community Reinvestment Area Agreement between OPUS Development Company, L.L.C., a Delaware limited liability company (the "Developer") and the City, dated _____ (the "CRA Agreement," a copy of which is attached hereto as Exhibit A and incorporated herein).

WITNESSETH:

WHEREAS, pursuant to Ohio Revised Code ("R.C.") Sections 3735.65 through 3735.70 (the "CRA Act"), the City, by Resolution No. 17-19 adopted by the Council on August 12, 2019, created the Marysville Community Reinvestment Area #2 (the "CRA") to include the area specified in the Resolution as and authorized real property tax exemption for the construction of new structures and the remodeling of existing structures in the CRA in accordance with the CRA Act; and

WHEREAS, on _____, the Company and the City entered into the CRA Agreement, concerning the development of a Class A industrial manufacturing, technology, and/or general office, and distribution building with flexibility for multi-tenant divisibility together with related site improvements, at the Project Site as defined in the CRA Agreement (as particularly described in Exhibit A to the CRA Agreement); and

WHEREAS, by virtue of that certain _____ dated as of _____, 20__ (the "Transfer Instrument"), a copy of which is attached hereto as Exhibit B, the Successor has succeeded on _____, 20__ (the "Transfer Date") to the interest of the Company (or a successor to the Company) in all or part of the Project Site or a Building at the Project Site (such transferred property may be referred to hereinafter as the "Transferred Property"); the Transferred Property acquired or leased by the Successor is identified in the Transfer Instrument; and

WHEREAS, the Successor wishes to obtain the benefits of the CRA Agreement, and, as agreed in the CRA Agreement, the City is willing to make these benefits available to the Successor on the terms set forth in the CRA Agreement as long as the Successor executes this Agreement [and the Developer acknowledges its continued obligations under the CRA Agreement NOTE: the

preceding language should be included only if Developer continues to own property at the Project Site].

NOW, THEREFORE, in consideration of the circumstances described above, the covenants contained in the CRA Agreement, and the benefit to be derived by the Successor from the execution hereof, the parties hereto agree as follows:

1. From and after the Transfer Date, the Company hereby assigns (a) all of the obligations, agreements, covenants and restrictions set forth in the CRA Agreement to be performed and observed by Company with respect to the Transferred Property, and (b) all of the benefits of the CRA Agreement with respect to the Transferred Property. From and after the Transfer Date, the Successor hereby (i) agrees to be bound by, assume and perform, or ensure the performance of, all of the obligations, agreements, covenants and restrictions set forth in the CRA Agreement to be performed and observed by the Company with respect to the Transferred Property; and (ii) certifies to the validity, as to the Successor as of the date of this Agreement, of all of the representations, warranties and covenants made by or required of the Company that are contained in the CRA Agreement. Such obligations, agreements, covenants, restrictions, representations, and warranties include, but are not limited to, those contained in the following Sections of the CRA Agreement: Section 1 ("Project"), Section 3 ("Employee Positions"), Section 4 ("Provision of Information"), Section 6 ("Application for Exemption"), Section 7 ("Payment of Non-Exempt Taxes"), Section 10 ("Certification as to No Delinquent Taxes"), Section 13 ("Non-Discriminatory Hiring"), Section 18 ("Validity"), Section 21 ("R.C. Section 9.66 Covenants"), Section 22 ("Local Support") and Section 23 ("Annual Monitoring Fee").

2. The Successor further certifies that, as required by R.C. Section 3735.671(C), (i) the Successor is not a party to a prior agreement granting an exemption from taxation for a structure in Ohio, at which structure the Successor has discontinued operations prior to the expiration of the term of that prior agreement and within the three (3) years immediately prior to the date of this Agreement, (ii) nor is Successor a "successor" to, nor "related member" of, a party as described in the foregoing clause (i). As used in this paragraph, the terms "successor" and "related member" have the meaning as prescribed in R.C. Section 3735.671(C).

3. The City agrees that as to the Transferred Property the Successor has and shall have all entitlements and rights to tax exemptions, and obligations, as both (a) "Owner" under the CRA Agreement, and (b) in the same manner and with like effect as if the Successor had been an original signatory (i.e., the Owner) to the CRA Agreement.

4. Notices to the Successor with respect to the CRA Agreement shall be given as stated in Section 21 thereof, addressed as follows:

_____
_____
_____
Phone: _____
Fax: _____

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives to be effective as of _____.

THE CITY OF MARYSVILLE, UNION COUNTY, OHIO

By:_____

Print Name: _____

Title:_____

By Ordinance No. _____ dated _____, 20__
Verified and Certified:

APPROVED AS TO FORM:

_____
_____

COMPANY

_____, a _____

By:_____

Print Name: _____

Title:_____

SUCCESSOR

_____

By:_____

Print Name: _____

Title:_____

ACKNOWLEDGMENT OF DEVELOPER

The Developer (as defined in the CRA Agreement) hereby confirms its obligations under the CRA Agreement and hereby (i) agrees to be bound by, assume and perform, or ensure the performance of, all of the obligations, agreements, covenants and restrictions set forth in the CRA Agreement to be performed and observed by the Developer (except to the extent to which such obligations, agreements, covenants, and restrictions are expressly assumed by the Successor and related to any Transferred Property); and (ii) certifies to the validity, as to the Developer as of the date of this Agreement, of all of the representations, warranties and covenants made by or required of the Developer that are contained in the CRA Agreement.

[DEVELOPER]

By:_____
Print Name: _____
Title: _____

EXHIBIT A
TO ASSIGNMENT AND ASSUMPTION AGREEMENT

Copy of CRA Agreement

(attached hereto)

EXHIBIT B
TO ASSIGNMENT AND ASSUMPTION AGREEMENT

Copy of Instrument Conveying the Transferred Property

(attached hereto)

EXHIBIT C.2
TO COMMUNITY REINVESTMENT AREA AGREEMENT

Form of Assignment and Assumption Agreement – Third Party

PARTIAL ASSIGNMENT AND ASSUMPTION AGREEMENT

This PARTIAL ASSIGNMENT AND ASSUMPTION AGREEMENT (the "Agreement") is made and entered into by and between the City of Marysville (the "City"), a political subdivision of the State of Ohio, through the Marysville City Council (the "Council"); _____, a _____ (the "Company") and _____, a _____ (the "Successor"). Except as otherwise provided herein, capitalized terms used herein shall have the same meanings as in the Community Reinvestment Area Agreement between OPUS Development Company, L.L.C., a Delaware limited liability company ("Developer") and the City, made effective _____ (the "CRA Agreement,") a copy of which is attached hereto as Exhibit A and incorporated herein.

WITNESSETH:

WHEREAS, pursuant to Ohio Revised Code ("R.C.") Sections 3735.65 through 3735.70 (the "CRA Act"), the City, by Resolution No. 17-19 adopted by the Council on August 12, 2019, created the Marysville Community Reinvestment Area #2 (the "CRA") to include the area specified in the Resolution as and authorized real property tax exemption for the construction of new structures and the remodeling of existing structures in the CRA in accordance with the CRA Act; and

WHEREAS, on _____, the Developer and the City entered into the CRA Agreement, concerning the development of a Class A industrial manufacturing, technology, and/or general office, and distribution building with flexibility for multi-tenant divisibility together with related site improvements, at the Project Site as defined in the CRA Agreement (as particularly described in Exhibit A to the CRA Agreement); and

WHEREAS, by virtue of that certain _____ dated as of _____, 20__, the Company succeeded on _____, 20__ to the interest of the Developer in and to that certain portion of the Project Site hereinafter defined as the Transferred Property; and

WHEREAS, by virtue of that certain Partial Assignment and Assumption Agreement dated as of _____, 20__ (the "Initial Assignment"), a copy of which is attached hereto as Exhibit B and incorporated herein, the Company succeeded on the Transfer Date to the interest of Developer in and to the CRA Agreement with respect to the Transferred Property;

WHEREAS, by virtue of that certain _____ dated as of _____, 20__ (the "Transfer Instrument"), a copy of which is attached hereto as Exhibit C and incorporated herein, the Successor has succeeded on _____, 20__ (the

"Transfer Date") to the interest of the Company (or a successor to the Company) in all or part of the Project Site or a Building at the Project Site (such transferred property may be referred to hereinafter as the "Transferred Property"); the Transferred Property acquired by the Successor is identified in the Transfer Instrument; and

WHEREAS, the Successor wishes to obtain the benefits of the CRA Agreement, and, as agreed in the CRA Agreement, the City is willing to make these benefits available to the Successor on the terms set forth in the CRA Agreement as long as the Successor executes this Agreement [and the Developer acknowledges its continued obligations under the CRA Agreement NOTE: the preceding language should be included only if Developer continues to own property at the Project Site].

NOW, THEREFORE, in consideration of the circumstances described above, the covenants contained in the CRA Agreement, and the benefit to be derived by the Successor from the execution hereof, the parties hereto agree as follows:

1. From and after the Transfer Date, the Company hereby assigns (a) all of the obligations, agreements, covenants and restrictions set forth in the CRA Agreement to be performed and observed by Owners with respect to the Transferred Property, and (b) all of the benefits of the CRA Agreement with respect to the Transferred Property. From and after the Transfer Date, the Successor hereby (i) agrees to be bound by, assume and perform, or ensure the performance of, all of the obligations, agreements, covenants and restrictions set forth in the CRA Agreement to be performed and observed by the Owners with respect to the Transferred Property; and (ii) certifies to the validity, as to the Successor as of the date of this Agreement, of all of the representations, warranties and covenants made by or required of the Owners that are contained in the CRA Agreement. Such obligations, agreements, covenants, restrictions, representations, and warranties include, but are not limited to, those contained in the following Sections of the CRA Agreement: Section 1 ("Project"), Section 3 ("Employee Positions"), Section 4 ("Provision of Information"), Section 6 ("Application for Exemption"), Section 7 ("Payment of Non-Exempt Taxes"), Section 10 ("Certification as to No Delinquent Taxes"), Section 13 ("Non-Discriminatory Hiring"), Section 18 ("Validity"), Section 21 ("R.C. Section 9.66 Covenants"), Section 22 ("Local Support") and Section 23 ("Annual Monitoring Fee").

2. The City acknowledges through the Transfer Date that the CRA Agreement is in full force and effect [the following portion will be included if the facts support it][, confirms that the Company has complied with the CRA Agreement with regard to the Transferred Property,] and releases the Company from liability for any defaults occurring after the Transfer Date with regard to the Transferred Property.

3. The Successor further certifies that, as required by R.C. Section 3735.671(C), (i) the Successor is not a party to a prior agreement granting an exemption from taxation for a structure in Ohio, at which structure the Successor has discontinued operations prior to the expiration of the term of that prior agreement and within the three (3) years immediately prior to the date of this Agreement, (ii) nor is Successor a "successor" to, nor "related member" of, a party as described in the foregoing clause (i). As used in this paragraph, the terms "successor" and "related member" have the meaning as prescribed in R.C. Section 3735.671(C).

4. The City agrees that as to the Transferred Property the Successor has and shall have all entitlements and rights to tax exemptions, and obligations, as both (a) an "Owner" under the CRA Agreement, and (b) in the same manner and with like effect as if the Successor had been an original signatory (i.e., the Developer) to the CRA Agreement.

5. Notices to the Successor with respect to the CRA Agreement shall be given as stated in Section 21 thereof, addressed as follows:

_____
_____
_____
Phone: _____
Fax: _____

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives to be effective as of _____.

THE CITY OF MARYSVILLE, UNION COUNTY, OHIO

By:_____

Print Name: _____

Title:_____

By Ordinance No. _____ dated _____, 20__
Verified and Certified:

APPROVED AS TO FORM:

_____
_____

COMPANY

_____, a _____

By:_____

Print Name: _____

Title:_____

SUCCESSOR

_____

By:_____

Print Name: _____

Title:_____

ACKNOWLEDGMENT OF DEVELOPER

The Developer (as defined in the CRA Agreement) hereby confirms its obligations under the CRA Agreement and hereby (i) agrees to be bound by, assume and perform, or ensure the performance of, all of the obligations, agreements, covenants and restrictions set forth in the CRA Agreement to be performed and observed by the Developer (except to the extent to which such obligations, agreements, covenants, and restrictions are expressly assumed by the Successor and related to any Transferred Property); and (ii) certifies to the validity, as to the Developer as of the date of this Agreement, of all of the representations, warranties and covenants made by or required of the Developer that are contained in the CRA Agreement.

[ ]

By:_____
Print Name: _____
Title: _____

EXHIBIT A
TO ASSIGNMENT AND ASSUMPTION AGREEMENT

Copy of CRA Agreement

(attached hereto)

EXHIBIT B
TO ASSIGNMENT AND ASSUMPTION AGREEMENT

Copy of the Initial Assignment

(attached hereto)

EXHIBIT C
TO ASSIGNMENT AND ASSUMPTION AGREEMENT

Copy of Instrument Conveying the Transferred Property

(attached hereto)

Donald Boerger
Henk Berbee
Zack Bordner

ORDINANCE _____

TO AMEND CHAPTER 741, MEDICAL MARIJUANA, OF THE CITY OF MARYSVILLE CODIFIED ORDINANCES TO PROHIBIT THE RETAIL DISPENSING OF RECREATIONAL MARIJUANA IN THE CITY OF MARYSVILLE

WHEREAS, Ohio voters approved State Issue 2 on November 7, 2023, adopting proposed legislation authorizing the cultivation, sale and use of marijuana products for recreational purposes; and

WHEREAS, pursuant to the operation of Article II, Section 1b of the Ohio Constitution, the proposed legislation now approved by Ohio voters was automatically incorporated into the Ohio Revised Code as Sections 3780.01 through 3780.99 and became effective on December 7, 2023, with no further action required by the Ohio General Assembly (the "Act"); and

WHEREAS, on February 26, 2024, Marysville City Council imposed a moratorium on the issuance and processing of any permits for cultivators, processors and retail dispensaries of adult use marijuana within the City of Marysville; and

WHEREAS, pursuant to Ohio Revised Code Section 3780.25, City Council possesses the authority to adopt an ordinance, by majority vote, to prohibit, or limit the number of adult use cannabis operators permitted within the municipal corporation; and

WHEREAS, Council has determined it to be in the best interest of the community's health, safety and welfare to impose a prohibition on any and all retail dispensing of marijuana for recreational use within the City of Marysville;

WHEREAS, Planning Commission shall review the Planning and Zoning Code regarding the cultivation and processing of recreational marijuana in the City of Marysville, which may cause additional amendments to Chapter 741 in the future; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

Section I. Chapter 741, Medical Marijuana, of the Codified Ordinances of the City of Marysville shall be amended as attached and incorporated herein as in Exhibit A.

1st Reading September 23, 2024

2nd Reading _____

3rd Reading _____

Passed: _____

_____
PRESIDENT OF COUNCIL

APPROVED AS TO FORM:

_____
LAW DIRECTOR

ATTEST:

_____
CLERK OF COUNCIL

CHAPTER 741. ~~MEDICAL~~ MARIJUANA

Sec. 741.01. Definitions.

(A) ***Marijuana*** has the same meaning as Marihuana as defined in Section 3719.01 of the Ohio Revised Code.

(B) ***Medical Marijuana*** means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

(C) ***Recreational Marijuana*** means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a recreational purpose.

(Ord. 32-17. Passed 7-24-2017.)

Sec. 741.02. Cultivation, processing, or retail dispensing of medical marijuana prohibited.

(A) The cultivation, processing, or retail dispensing of medical marijuana within the City of Marysville is hereby prohibited.

(B) Retail dispensaries for adult use recreational marijuana are prohibited.

(B) This section does not prohibit research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity, if otherwise permitted by State law or rule, or local ordinance.

(Ord. 32-17. Passed 7-24-2017.)

Sec. 741.99. Penalties.

(A) Whoever violates Section 741.02(A) is guilty of a minor misdemeanor. Each day of the violation shall constitute~~s~~ a separate offense.

(B) In addition to other penalties provided by law, the Director of Law shall be authorized to institute civil proceedings in a court of competent jurisdiction to enjoin violations of a provision(s) of this chapter; for monetary damages arising from violations of a provision(s) of this chapter; and to take all actions necessary to secure enforcement of any injunction and collect upon any damage award, judgment or fine in contempt levied in relation to a violation of a provision(s) of this chapter.

(Ord. 32-17. Passed 7-24-2017.)

ORDINANCE _____

TO APPROVE PLANNING COMMISSION'S RECOMMENDATION TO AMEND CHAPTER 1131, HISTORIC DESIGN REVIEW DISTRICT(S) AND LANDMARK(S) (INCLUDING HISTORIC UPTOWN MARYSVILLE DESIGN REVIEW DISTRICT), SPECIFICALLY, SECTION 1131.11(b)(4) DESIGN GUIDELINES, MATERIALS, WINDOWS AND DOORS, OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF MARYSVILLE

WHEREAS, on August 6, 2024 the Planning Commission initiated and reviewed a Zoning Code Amendment to Part Eleven – Zoning Code, Chapter 1131 – Historic Design Review District, as set forth in Exhibit A, which is attached and incorporated herein; and

WHEREAS, upon receiving this recommendation from the Planning Commission, the City Council shall consider Planning Commission's recommendations and hold a public hearing on the aforementioned zoning amendment with publication in a newspaper of general circulation with at least seven (7) days' notice of said hearing; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. Having conducted the aforementioned advertised public hearing, City Council agrees with the recommendation from Planning Commission and hereby amends Section 1131.11(b)(4) of the Planning and Zoning Code of Codified Ordinances of the City of Marysville as set forth in Exhibit A, which is attached and incorporated herein.

SECTION II. The Clerk of Council shall cause the Planning and Zoning Code of the Codified Ordinances to be amended accordingly.

1st Reading September 23, 2024

2nd Reading _____

3rd Reading _____

Passed: _____

_____
PRESIDENT OF COUNCIL

APPROVED AS TO FORM:

_____
LAW DIRECTOR

ATTEST:

_____
CLERK OF COUNCIL

Note: First Reading, Title Only, tabled to September 23, 2024 on September 9, 2024

EXHIBIT A

RESOLUTION _____

TO APPROVE A ZONING CODE AMENDMENT TO PART ELEVEN – ZONING CODE, SECTION 1131 – HISTORIC DESIGN REVIEW DISTRICT.

WHEREAS, on August 6, 2024, the City Planning Commission has reviewed an application for a Zoning Code Amendment to Part Eleven - Zoning Code, Section 1131 – Historic Design Review District. as set forth in Appendix A, incorporated herein; and

WHEREAS, The City Planning Commission recommended APPROVAL for the Zoning Code Amendment, which is set forth in Appendix A, attached and incorporated herein; and

WHEREAS, a recommendation from the City Planning Commission is to be transmitted to City Council pursuant to Section 1141.34 of the Planning and Zoning Code, now therefore;

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. The City Planning Commission recommends to City Council that the requested Zoning Code Amendment to Part Eleven - Zoning Code, Section 1131 – Historic Design Review District be **APPROVED** in accordance with this Resolution.

Passed 08-06-2024

_____
Chairman of Planning Commission

ATTEST:

_____
Planning and Development Manager, Ashley Gaver

APPENDIX A

Section 1131.11 - Design Guidelines

(b) **Materials**

(4) **Windows and Doors**. Windows and doors shall be replaced with similar materials and styles of the original windows and doors.

A. Wood, aluminum-clad, and fiberglass/composite-clad windows are permitted.

B. The replacement windows shall match the original window opening width, depth, and integrate historical design elements.

C. Storm windows are permitted if painted the same color as the actual window frame and crossbars match with the interior.

D. The replacement doors shall match the original door opening width,depth, and integrate historical design elements.

E. Rear doors may be replaced with steel doors; however, it is recommended that the doors have character with inserts or windows.

Engineering, Planning and Zoning
City Hall, 209 S. Main Street
Marysville, Ohio 43040-1641
(937) 645-7350
FAX (937) 645-7351
www.marysvilleohio.org

Existing Zoning Code Text

Below is the existing zoning code text for Section 1131.11 b).

Section 1131.11 - Design Guidelines

(b) **Materials**

(4) **Windows and Doors**. Windows and doors shall be replaced with similar materials and styles of the original windows and doors.

A. Wood and vinyl-clad wood windows and doors similar to the original are permitted.
B. Storm windows are permitted if painted the same color as the actual window frame and crossbars match with the interior.
C. Rear doors may be replaced with steel doors; however, it is recommended that the doors have character with inserts or windows.

Proposed Zoning Code Text

Below is the proposed zoning code text redlined for Section 1131.11b).

Section 1131.11 - Design Guidelines

(b) **Materials**

(4) **Windows and Doors**. Windows and doors shall be replaced with similar materials and styles of the original windows and doors.

A. Wood, aluminum-clad, and fiberglass/composite-clad ~~vinyl-clad wood~~ windows ~~and doors similar to the original~~ are permitted.
B. The replacement windows shall match the original window opening width, depth, and integrate historical design elements.
C. Storm windows are permitted if painted the same color as the actual window frame and crossbars match with the interior.
D. The replacement doors shall match the original door opening width, depth, and integrate historical design elements.
E. Rear doors may be replaced with steel doors; however, it is recommended that the doors have character with inserts or windows.

Terry Emery

ORDINANCE _____

TO ACCEPT THE ANNEXATION OF CERTAIN TERRITORY CONTAINING +/-15.1 ACRES (SURROUNDED BY THE ANNEXED LAND KNOWN AS MARYSVILLE EAST SECTION I) IN PARIS TOWNSHIP, UNION COUNTY TO THE CITY OF MARYSVILLE, OHIO

WHEREAS, a petition for the annexation of +/- 15.1 acres in Paris Township, Union County, was duly filed with the Union County Board of County Commissioners; and

WHEREAS, the Board of County Commissioners granted the annexation petition on June 26, 2024; and

WHEREAS, pursuant to Section 709.033 of the Ohio Revised Code, the Board of County Commissioners certified the record of the proceeding in connection with the annexation to the Marysville Clerk of Council, who received it on June 27, 2024; and

WHEREAS, more than sixty (60) days from the date the Clerk of Council received the record of annexation proceedings have elapsed and the Clerk has laid the transcript, accompanying map, and petition before Council at its next regular session following the expiration of the sixty (60) days in accordance with the provisions of the Ohio Revised Code Section 709.04; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. The proposed annexation of +/- 15.1 acres in Paris Township, as applied for in the petition by the petitioners Joshua T. and Amy R. Codner and Frederick Durant as described in the legal description, also shown on the map, and approved for annexation by the Board of County Commissioners of Union County, Ohio on June 26, 2024 be and the same is hereby accepted. The Petition, legal description, map and Union County Commissioners Resolution No. 24-315 approving the Petition are all attached as Exhibit A and incorporated herein.

SECTION II. The Marysville Clerk of Council shall be and 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 of Council 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 fill notice of this annexation

with the Board of Elections within thirty (30) days after it becomes effective and the Clerk shall do all others things required by law.

SECTION III. This Ordinance shall take effect and be in force at the earliest date permitted by law.

1st Reading September 9, 2024

2nd Reading September 23, 2024

3rd Reading _____

Passed: _____

_____
PRESIDENT OF COUNCIL

APPROVED AS TO FORM:

_____
LAW DIRECTOR

ATTEST:

_____
CLERK OF COUNCIL

EXHIBIT A

David A. Lawrence, Commissioner
Dave Burke, Commissioner, Board Vice President
Steve Robinson, Commissioner, Board President

William Narducci, County Administrator
Letitia Rayl, Assistant County Administrator/
Budget Officer
Sara Early, Clerk to the Board

UNION COUNTY COMMISSIONERS
grow with us.

County Office Building
233 West Sixth Street
Marysville, Ohio 43040-1526
www.unioncountyohio.gov

Tel. 937-645-3012
Fax 937-645-3002

commissioners@unioncountyohio.gov

June 27, 2024

Brad Lutz, Finance Director
McKenzie Proudfoot, Clerk of Council
City of Marysville
209 S. Main Street
Marysville, OH 43040

Re: Expedited Type II Petition for Annexation (Section 709.023) to the City of Marysville of 15.1 +/- Acres, From Paris Township

Dear Brad and McKenzie,

On June 26, 2024, Resolution No. 24-315 was approved granting the Petition of Joshua T. Codner, Amy R. Codner, and Frederick Durant for an Expedited Type II Annexation of 15.1 +/- Acres from Paris Township to the City of Marysville.

Enclosed please find the following documents including the Certification of Record of Annexation Proceedings:

1) Expedited Type II Petition for Annexation (Section 709.023) to the City of Marysville of 15.1 +/- Acres, From Paris Township.
2) Affidavit of Notice to Township, Municipality, and Surrounding Property Owners of Annexation Petition Filing.
3) City of Marysville Resolution 012-2024, to Authorize the Services that the City of Marysville will Provide Should the +/- 15.1 Acres Located in Paris Township, Union County, Ohio, Contiguous to the City of Marysville, Be Annexed Into the City, and to Provide for Buffer Requirements.
4) Resolution 24-315: Granting the Petition for Annexation.

Please do not hesitate to contact me if I can be of any further assistance.

Respectfully,

Sara Early
Clerk to the Board of Commissioners

Enc.

RECEIVED
JUN 27 2024
CITY OF
MARYSVILLE

David A. Lawrence, Commissioner
Dave Burke, Commissioner, Board Vice President
Steve Robinson, Commissioner, Board President

William Narducci, County Administrator
Letitia Rayl, Assistant County Administrator/
Budget Officer
Sara Early, Clerk to the Board

UNION COUNTY COMMISSIONERS
grow with us.

County Office Building
233 West Sixth Street
Marysville, Ohio 43040-1526
www.unioncountyohio.gov

Tel. 937-645-3012
Fax 937-645-3002

commissioners@unioncountyohio.gov

CERTIFICATION OF RECORD OF ANNEXATION PROCEEDINGS

In accordance with the Ohio Revised Code §§709.032 and 709.033, 1) the Board of County Commissioners adopted Resolution No. 24-315, granting the Petition of Joshua T. Codner, Amy R. Codner, and Frederick Durant for an Expedited Type II Annexation of 15.1 A. +/- from Paris Township into the City of Marysville on June 26, 2024; and 2) the Clerk to the Board of Commissioners certifies that the attached entire record of the annexation proceedings are true and exact copies of the originals. This record includes the following documents, consisting of 23 pages.

1) Expedited Type II Petition for Annexation (Section 709.023) to the City of Marysville of 15.1 +/- Acres, From Paris Township.
2) Affidavit of Notice to Township, Municipality, and Surrounding Property Owners of Annexation Petition Filing.
3) City of Marysville Resolution 012-2024, to Authorize the Services that the City of Marysville will Provide Should the +/- 15.1 Acres Located in Paris Township, Union County, Ohio, Contiguous to the City of Marysville, Be Annexed Into the City, and to Provide for Buffer Requirements.
4) Resolution 24-315: Granting the Petition for Annexation.

I certify that the attached record is a true and correct copy of the original documents filed with the Board of County Commissioners, Union County, Ohio.

Certified By: Sara Early
Sara Early, Clerk to the Board of Commissioners

Date: 6-27-2024

EXPEDITED TYPE II PETITION FOR ANNEXATION
(PURSUANT TO R.C. SECTION 709.023)
TO THE CITY OF MARYSVILLE
OF ± 15.1 ACRES
IN THE TOWNSHIP OF PARIS



TO THE BOARD OF COUNTY COMMISSIONERS
OF UNION COUNTY, OHIO:

The undersigned, being ALL OF THE OWNERS OF REAL ESTATE in the territory hereinafter described in Exhibit "A", consisting of ± 15.1 acres, more or less, located in the Paris Township, Union County, Ohio, which area is contiguous along ± 3,788.61 feet, or ± 100% of its perimeter, and adjacent to the City of Marysville, do hereby respectfully petition the Board of Union County Commissioners that said territory be annexed to the City of Marysville according to the statutes of the State of Ohio, and specifically the expedited procedure specified in Ohio Revised Code Section 709.023.

The number of owners within the area is two (2).

1. Attached to this petition and made part hereof is a full legal description of the area to be annexed, marked as Exhibit "A".

2. Attached to this petition and made part hereof is an accurate map of the area to be annexed, marked as Exhibit "B".

3. Attached to this petition and made part hereof is a list of parcels in the area to be annexed and adjacent territory that includes the name of the owner, mailing address of owner and permanent parcel number, marked as Exhibit "C".

The undersigned petitioners do hereby designate Aaron Underhill, Esq., David Hodge, Esq., and Eric Zartman, Esq. attorneys, as their agents ("Agents") as required by Revised Code Section 709.02(C)(3), with full power and authority hereby granted to each said Agent individually 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. Agents' contact information is as follows: Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054; Phone: (614) 335-9320, Fax: (614) 335-9329; and e-mail aaron@uhlawfirm.com, david@uhlawfirm.com, and eric@uhlawfirm.com.

WHOMEVER 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 SAID SPECIAL ANNEXATION PROCEDURE.

[*Petition signatures on following pages*]

WHOMEVER 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 SAID SPECIAL ANNEXATION PROCEDURE.

PETITIONER:
Joshua T and Amy R Codner
15150 Wildwood Lane
Marysville, Ohio 43040
Parcel 2800210030000

By: _____

Print Name: Joshua Codner

Date: 4-22-24

By: _____

Print Name: Amy R. Codner

Date: 4-22-24

WHOMEVER 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 SAID SPECIAL ANNEXATION PROCEDURE.

PETITIONER:
Frederick Durant
15190 Wildwood Lane
Marysville, Ohio 43040
Parcel 2800210040000

By: _____

Print Name: Frederick Durant

Date: 4/22/2024

A

PROPOSED ANNEXATION OF 15.1 ACRES

FROM: PARIS TOWNSHIP

TO: CITY OF MARYSVILLE

Situate in the State of Ohio, County of Union, Township of Paris, located in Survey Number 2254, Virginia Military District, being all of that 6.942 acre tract conveyed to Joshua T. Codner and Amy R. Codner by deed of record in Official Record 691, Page 51, and that 8.222 acre tract conveyed to Frederick J. Durant by deed of record in Instrument Number 201706300005406 (all references refer to the records of the Recorder's Office, Union County, Ohio), being more particularly described as follows:

BEGINNING in the northeasterly limited access right-of-way line of State Route 33, at the southerly common corner of said 6.942 acre tract and that 27.60 acre tract conveyed to 18530, LLC by deed of record in Instrument Number 202301200000444, and being in the City of Marysville Corporation Line as established by Ordinance Number 003-2024, of record in Instrument Number 202402260001313;

Thence Northerly, with the line common to said 6.942 acre and 27.60 acre tracts, with said Corporation Line, a distance of approximately 1078 feet to a point at the southwesterly corner of that 6 acre tract conveyed to 1833 Farms, LLC by deed of record in Instrument Number 202302060000856;

Thence Easterly, with the northerly line of said 6.942 acre and 8.222 acre tracts, the southerly line of said 6 acre tract, and said Corporation Line, a distance of approximately 502 feet to a point in the westerly line of that 117.357 acre tract conveyed to 18530, LLC by deed of record in Instrument Number 202301200000443, being in the City of Marysville Corporation Line as established by Ordinance Number 006-2024, of record in Instrument Number 202404080002419;

Thence Southerly, with the line common to said 8.222 acre and 117.357 acre tracts, with said Corporation Line (Ord. 006-2024), a distance of approximately 1526 feet to a point in said northeasterly limited access right-of-way line;

Thence Northwesterly, with said northeasterly limited access right-of-way line, the southwesterly line of said 8.222 acre and 6.942 acre tracts, and with said Corporation Line (Ord. 006-2024), a distance of approximately 682 feet to the TRUE POINT OF BEGINNING, containing 15.1 acres, more or less.

This description was prepared for annexation purposes only and is not to be used for transfer.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

4/16/24

Heather L. King
Professional Surveyor No. 8307

HLK
15_1 ac 20240051-VS-EXHB-ANNX-01

PROPOSED ANNEXATION OF 15.1 ACRES

SURVEY NUMBER 2254
VIRGINIA MILITARY DISTRICT
TOWNSHIP OF PARIS, COUNTY OF UNION, STATE OF OHIO

EMHT
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

Date:	Scale:	Job No:	Sheet No:
April 16, 2024	1" = 200'	2024-0051	1 of 1



LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE

AREA TO BE ANNEXED

PROPOSED CITY OF MARYSVILLE CORPORATION LINE

EXISTING CITY OF MARYSVILLE CORPORATION LINE

Contiguity Note:
Total perimeter of annexation area is 3788.61 feet, of which 3788.61 feet is contiguous with the City of Marysville by Ordinance Number 003-2024 and 006-2024, giving 100% perimeter contiguity.

B

STATE OF OHIO
HEATHER L KING
S-8307
REGISTERED PROFESSIONAL SURVEYOR

By _____ 4/16/24
Heather L. King
Professional Surveyor No. 8307
hking@emht.com
Date

J:\2024\0051\Dwg\04-SHEETS\DXHB\[ST]_20240051-VS-EXHB-ANNX-01.dwg plotted by KING, HEATHER on 4/16/2024 12:24:17 PM last saved by HKING on 4/16/2024 12:24:02 PM

[C]

List of Parties

Petitioners:

1.
Property Address:
15150 WILDWOOD LANE
Parcel 2800210030000

Tax Mailing Address
JOSHUA T & AMY R CODNER
15150 WILDWOOD LANE
MARYSVILLE, OH 43040

2.
Property Address:
15190 WILDWOOD LN
Parcel 2800210040000

Tax Mailing Address
FREDERICK DURANT
15190 WILDWOOD LN
MARYSVILLE, OH 43040

Attorney:

AARON UNDERHILL, ESQ.
UNDERHILL AND HODGE LLC
8000 WALTON PARKWAY, SUIRE 260
NEW ALBANY, OHIO 43054

Adjacent Property Owners:

1.
Property Address:
15301 WILDWOOD LN
Parcel 2800210020000

Tax Mailing Address:
1833 FARMS LLC
17421 WALDO RD
MARYSVILLE, OH 43040

2.
Property Address:
0 WATKINS RD

Parcel 2800210050000

Tax Mailing Address:
18530 LLC
17421 WALDO RD
MARYSVILLE, OH 43040

3.
Property Address:
14353 SUNTRA WAY
Parcel 2900230660000

Tax Mailing Adress:
NISSIN INT'L TRANSPORT USA INC
16940 SQUARE DR
MARYSVILLE, OH 43040

4.
Property Address:
14684 INDUSTRIAL PARKWAY
Parcel 2900230570000

Tax Mailing Address:
CITY OF MARYSVILLE, OHIO
209 S MAIN ST
MARYSVILLE, OH 43040

5.
Property Address:
0 WILDWOOD LN
Parcel 2800230571000

Tax Mailing Address
18530 LLC
17421 WALDO RD
MARYSVILLE, OH 43040

PETITIONER:

JOSHUA T & AMY R CODNER
15150 WILDWOOD LANE
MARYSVILLE, OH 43040

FREDERICK DURANT
15190 WILDWOOD LN
MARYSVILLE, OH 43040

ATTORNEY:

AARON UNDERHILL, ESQ.
UNDERHILL & HODGE LLC
8000 WALTON PARKWAY
SUITE 260
NEW ALBANY, OH 43054

SURROUNDING PROPERTY OWNERS:

1833 FARMS LLC
17421 WALDO RD
MARYSVILLE, OH 43040

18530 LLC
17421 WALDO RD
MARYSVILLE, OH 43040

NISSIN INT'L TRANSPORT USA INC
16940 SQUARE DR
MARYSVILLE, OH 43040

CITY OF MARYSVILLE, OHIO
209 S MAIN ST
MARYSVILLE, OH 43040

NOTICE OF FILING EXPEDITED TYPE II ANNEXATION PETITION

TO: CLERK OF THE CITY OF MARYSVILLE, OHIO

In accordance with the provisions of Section 709.023 of the Ohio Revised Code, you are hereby notified that, on May 28, 2024, the undersigned, Agent for the Petitioners, filed an Annexation Petition in the Office of the Board of County Commissioners of Union County, Ohio.

Said Petition prays for annexation to the City of Marysville, Ohio, of ± 15.1 acres currently located in Paris Township.

A copy of said Petition, with description and plat, is attached hereto and made a part hereof.

Dated: May 28 2024

Eric Zartman, Esq.

RECEIPT OF THE AFOREMENTIONED DOCUMENT(S) IS HEREBY ACKNOWLEDGED THIS 28 day of May, 2024.

CLERK

NOTICE OF FILING EXPEDITED TYPE II ANNEXATION PETITION

TO: FISCAL OFFICER/CLERK OF PARIS TOWNSHIP, OHIO

In accordance with the provisions of Section 709.023 of the Ohio Revised Code, you are hereby notified that, on May 29, 2024, the undersigned, Agent for the Petitioners, filed an Annexation Petition in the Office of the Board of County Commissioners of Union County, Ohio.

Said Petition prays for annexation to the City of Columbus, Ohio, of ± 15.1 acres currently located in Paris Township.

A copy of said Petition, with description and plat, is attached hereto and made a part hereof.

Dated: 5-29-24

Eric Zartman, Esq.

RECEIPT OF THE AFOREMENTIONED DOCUMENT(S) IS HEREBY ACKNOWLEDGED THIS 29th day of May, 2024.

FISCAL OFFICER/CLERK

AFFIDAVIT OF NOTICE TO TOWNSHIP, MUNICIPALITY, AND SURROUNDING PROPERTY OWNERS OF ANNEXATION PETITION FILING

STATE OF OHIO }
COUNTY OF FRANKLIN } SS:

Eric Zartman, being first duly sworn, deposes and says that he is an attorney at the law firm of Underhill & Hodge LLC, being the agent for the petitioners in that certain Annexation Petition wherein it is prayed that ± 15.1 acres, more or less, currently located in Paris Township, be annexed to the City of Marysville, Ohio. Said Annexation Petition was filed in accordance with the provisions of Section 709.023 (an "Expedited Type II" annexation) of the Ohio Revised Code with the Union County Board of County Commissioners on 5-28, **2024**.

A copy of the Annexation Petition, petition attachments, map and legal description was served personally on the **Council Clerk of Marysville, Ohio** on 5-28, **2024**. Said personal service on the City of Marysville, Ohio Council Clerk occurred within five (5) days from the date the annexation petition was filed, in accordance with Section 709.023(B) of the Ohio Revised Code.

A copy of the Annexation Petition, petition attachments, map and legal description was served personally on the **Township Clerk/Fiscal Officer of Paris Township** on 5-29, **2024**. Said personal service on the Paris Township Clerk occurred within five (5) days from the date the annexation petition was filed, in accordance with Section 709.023(B) of the Ohio Revised Code.

On 5-29, 2024, a copy of the Annexation Petition, petition attachments, map and legal description were sent by U.S. Mail to all property owners adjacent to and directly across the street from the territory proposed to be annexed. Said mailing occurred within five (5) days from the date the Annexation Petition was filed, in accordance with Section 709.023(B) of the Ohio Revised Code.

Further Affiant Sayeth Naught.

By: /s/ Eric Zartman
Name: Eric Zartman

Sworn to before me and signed in my presence; a Notary Public in and for said State and County on this 30 day of May, 2024.

NOTARIAL SEAL STATE OF OHIO

Justin M. Fox
Attorney At Law
Notary Public, State of Ohio
My Commission Does Not Expire
Sec.147.03 R.C.

Notary Public

Terry Emery

RESOLUTION 012-2024

TO AUTHORIZE THE SERVICES THAT THE CITY OF MARYSVILLE WILL PROVIDE SHOULD THE +/- 15.1 ACRES LOCATED IN PARIS TOWNSHIP, UNION COUNTY, OHIO, CONTIGUOUS TO THE CITY OF MARYSVILLE, BE ANNEXED INTO THE CITY, AND TO PROVIDE FOR BUFFER REQUIREMENTS

WHEREAS, On May 28, 2024, pursuant to Ohio Revised Code Section 709.023, the property owners seeking annexation of +/- 15.1 acres of real property in Paris Township, Union County, Ohio, which is contiguous to the City of Marysville along 100% of its perimeter, filed with the Board of County Commissioners of Union County, Ohio, an Expedited Type II Petition for Annexation of their property to the City of Marysville, a copy of which is attached and incorporated herein as Exhibit A; and

WHEREAS, on May 28, 2024 said Petition was delivered to the City of Marysville from the Board of County Commissioners of Union County, Ohio; and

WHEREAS, Ohio Revised Code Section 709.023 (C) provides that within twenty days after the date that the petition is filed, the municipal corporation to which annexation is sought, shall adopt a resolution stating what services the municipal corporation will provide to the territory seeking annexation and an approximate date by which it will provide those services; and

WHEREAS, the Ohio Revised Code Section 709.023 (C) also provides that within that same twenty day period, the municipal corporation shall adopt an ordinance or resolution stating that, if the territory is annexed and becomes subject to zoning by the municipal corporation and that if the municipality's zoning allows uses in the annexed territory that the municipal corporation determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining in the township from which the territory was annexed, the municipal corporation shall require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land now remaining within the township; now, therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. In the event that the proposed +/- 15.1 acres (the "Property") is annexed to the City of Marysville, Ohio, the City will provide to the Property the full range of municipal services available to the residents of, and to the property within, the City of Marysville, including but not limited to police, fire and EMS protection, sanitary sewers, water lines, storm sewers, public roadway, refuse collection, all of which can be provided immediately upon the effective date of the annexation as provided by law. Should it be determined that as a result of the annexation,

the boundary line between the township and the City divides or segments a street or highway so as to create a road maintenance problem, the City, as a condition of the annexation, shall assume the maintenance of that street or highway or otherwise correct the problem.

SECTION II. If the Property is annexed and becomes subject to the City of Marysville zoning, and the City zoning allows uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under applicable county or township zoning regulations in effect at the time of the filing of the petition on the land adjacent to the annexed territory remaining in the unincorporated area of Paris Township, then the City of Marysville will require the owner or owners of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining with Paris Township.

SECTION III. The Clerk of Council is hereby directed to forward and file certified copies of this Resolution with the Union County Board of County Commissioners and to send a copy to the Agent for the Petitioners for annexation within twenty days following the date that the petition was filed.

SECTION IV. This Resolution is effective upon its adoption.

One Reading Only: June 10, 2024

PRESIDENT OF COUNCIL

Passed: June 10, 2024

APPROVED AS TO FORM:

Assistant Law Director

ATTEST:

CLERK OF COUNCIL

RECEIVED
MAY 2 8 2024
CITY OF MARYSVILLE

EXPEDITED TYPE II PETITION FOR ANNEXATION
(PURSUANT TO R.C. SECTION 709.023)
TO THE CITY OF MARYSVILLE
OF ± 15.1 ACRES
IN THE TOWNSHIP OF PARIS

RECEIVED
MAY 2 8 2024
By Debra Early

TO THE BOARD OF COUNTY COMMISSIONERS
OF UNION COUNTY, OHIO:

The undersigned, being ALL OF THE OWNERS OF REAL ESTATE in the territory hereinafter described in Exhibit "A", consisting of ± 15.1 acres, more or less, located in the Paris Township, Union County, Ohio, which area is contiguous along ± 3,788.61 feet, or ± 100% of its perimeter, and adjacent to the City of Marysville, do hereby respectfully petition the Board of Union County Commissioners that said territory be annexed to the City of Marysville according to the statutes of the State of Ohio, and specifically the expedited procedure specified in Ohio Revised Code Section 709.023.

The number of owners within the area is two (2).

1. Attached to this petition and made part hereof is a full legal description of the area to be annexed, marked as Exhibit "A".
2. Attached to this petition and made part hereof is an accurate map of the area to be annexed, marked as Exhibit "B".
3. Attached to this petition and made part hereof is a list of parcels in the area to be annexed and adjacent territory that includes the name of the owner, mailing address of owner and permanent parcel number, marked as Exhibit "C".

The undersigned petitioners do hereby designate Aaron Underhill, Esq., David Hodge, Esq., and Eric Zartman, Esq. attorneys, as their agents ("Agents") as required by Revised Code Section 709.02(C)(3), with full power and authority hereby granted to each said Agent individually 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. Agents' contact information is as follows: Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054; Phone: (614) 335-9320, Fax: (614) 335-9329; and e-mail aaron@uhlawfirm.com, david@uhlawfirm.com, and eric@uhlawfirm.com.

WHOMEVER 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 SAID SPECIAL ANNEXATION PROCEDURE.

[*Petition signatures on following pages*]

WHOMEVER 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 SAID SPECIAL ANNEXATION PROCEDURE.

PETITIONER:
Joshua T and Amy R Codner
15150 Wildwood Lane
Marysville, Ohio 43040
Parcel 2800210030000

By: _____

Print Name: _____

Date: 4-22-24

By: _____

Print Name: _____

Date: 4-22-24

WHOMEVER 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 SAID SPECIAL ANNEXATION PROCEDURE.

PETITIONER:
Frederick Durant
15190 Wildwood Lane
Marysville, Ohio 43040
Parcel 2800210040000

By: _____

Print Name: Frederick Durant

Date: 4/22/2024

A

PROPOSED ANNEXATION OF 15.1 ACRES

FROM: PARIS TOWNSHIP

TO: CITY OF MARYSVILLE

Situate in the State of Ohio, County of Union, Township of Paris, located in Survey Number 2254, Virginia Military District, being all of that 6.942 acre tract conveyed to Joshua T. Codner and Amy R. Codner by deed of record in Official Record 691, Page 51, and that 8.222 acre tract conveyed to Frederick J. Durant by deed of record in Instrument Number 201706300005406 (all references refer to the records of the Recorder's Office, Union County, Ohio), being more particularly described as follows:

BEGINNING in the northeasterly limited access right-of-way line of State Route 33, at the southerly common corner of said 6.942 acre tract and that 27.60 acre tract conveyed to 18530, LLC by deed of record in Instrument Number 202301200000444, and being in the City of Marysville Corporation Line as established by Ordinance Number 003-2024, of record in Instrument Number 202402260001313;

Thence Northerly, with the line common to said 6.942 acre and 27.60 acre tracts, with said Corporation Line, a distance of approximately 1078 feet to a point at the southwesterly corner of that 6 acre tract conveyed to 1833 Farms, LLC by deed of record in Instrument Number 202302060000856;

Thence Easterly, with the northerly line of said 6.942 acre and 8.222 acre tracts, the southerly line of said 6 acre tract, and said Corporation Line, a distance of approximately 502 feet to a point in the westerly line of that 117.357 acre tract conveyed to 18530, LLC by deed of record in Instrument Number 202301200000443, being in the City of Marysville Corporation Line as established by Ordinance Number 006-2024, of record in Instrument Number 202404080002419;

Thence Southerly, with the line common to said 8.222 acre and 117.357 acre tracts, with said Corporation Line (Ord. 006-2024), a distance of approximately 1526 feet to a point in said northeasterly limited access right-of-way line;

Thence Northwesterly, with said northeasterly limited access right-of-way line, the southwesterly line of said 8.222 acre and 6.942 acre tracts, and with said Corporation Line (Ord. 006-2024), a distance of approximately 682 feet to the TRUE POINT OF BEGINNING, containing 15.1 acres, more or less.

This description was prepared for annexation purposes only and is not to be used for transfer.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King 4/16/24

Heather L. King
Professional Surveyor No. 8307

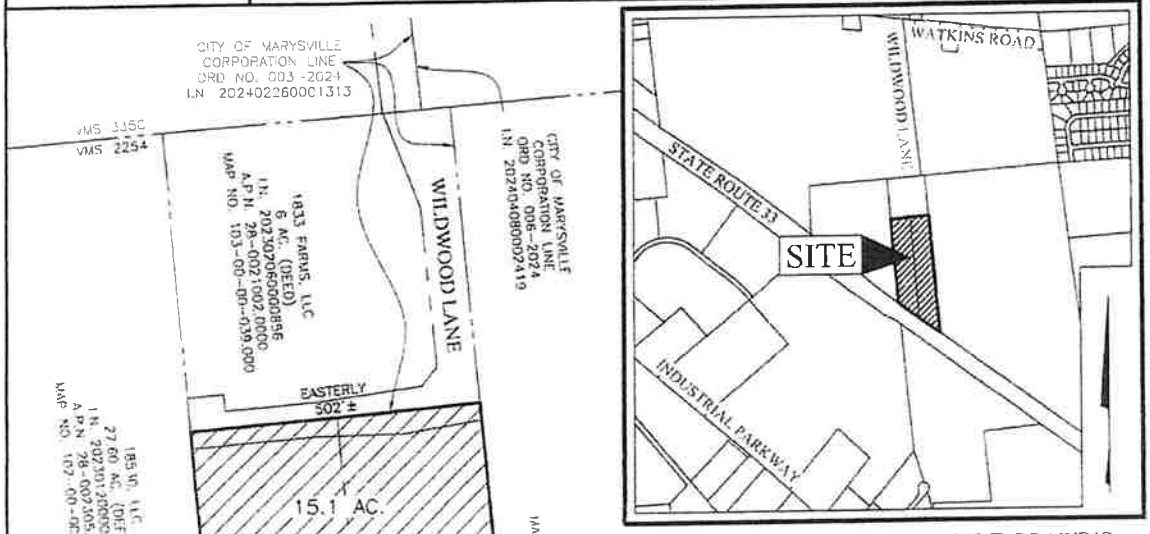
HLK
15_1 ac 20240051-VS-EXHB-ANNX-01

PROPOSED ANNEXATION OF 15.1 ACRES

SURVEY NUMBER 2254
VIRGINIA MILITARY DISTRICT
TOWNSHIP OF PARIS, COUNTY OF UNION, STATE OF OHIO

EMHT
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

Date:	Scale:	Job No:	Sheet No:
April 16, 2024	1" = 200'	2024-0051	1 of 1



LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE

AREA TO BE ANNEXED

PROPOSED CITY OF MARYSVILLE CORPORATION LINE

EXISTING CITY OF MARYSVILLE CORPORATION LINE

Contiguity Note:
Total perimeter of annexation area is 3788.61 feet, of which 3788.61 feet is contiguous with the City of Marysville by Ordinance Number 003-2024 and 006-2024, giving 100% perimeter contiguity.

B

STATE OF OHIO
HEATHER L KING
S-8307
REGISTERED PROFESSIONAL SURVEYOR

By _____ 4/16/24
Heather L. King
Professional Surveyor No. 8307
hking@emht.com
Date



List of Parties

Petitioners:

1.
Property Address:
15150 WILDWOOD LANE
Parcel 2800210030000

Tax Mailing Address
JOSHUA T & AMY R CODNER
15150 WILDWOOD LANE
MARYSVILLE, OH 43040

2.
Property Address:
15190 WILDWOOD LN
Parcel 2800210040000

Tax Mailing Address
FREDERICK DURANT
15190 WILDWOOD LN
MARYSVILLE, OH 43040

Attorney:

AARON UNDERHILL, ESQ.
UNDERHILL AND HODGE LLC
8000 WALTON PARKWAY, SUIRE 260
NEW ALBANY, OHIO 43054

Adjacent Property Owners:

1.
Property Address:
15301 WILDWOOD LN
Parcel 2800210020000

Tax Mailing Address:
1833 FARMS LLC
17421 WALDO RD
MARYSVILLE, OH 43040

2.
Property Address:
0 WATKINS RD

Parcel 2800210050000

Tax Mailing Address:
18530 LLC
17421 WALDO RD
MARYSVILLE, OH 43040

3.
Property Address:
14353 SUNTRA WAY
Parcel 2900230660000

Tax Mailing Adress:
NISSIN INT'L TRANSPORT USA INC
16940 SQUARE DR
MARYSVILLE, OH 43040

4.
Property Address:
14684 INDUSTRIAL PARKWAY
Parcel 2900230570000

Tax Mailing Address:
CITY OF MARYSVILLE, OHIO
209 S MAIN ST
MARYSVILLE, OH 43040

5.
Property Address:
0 WILDWOOD LN
Parcel 2800230571000

Tax Mailing Address
18530 LLC
17421 WALDO RD
MARYSVILLE, OH 43040

PETITIONER:	JOSHUA T & AMY R CODNER 15150 WILDWOOD LANE MARYSVILLE, OH 43040	FREDERICK DURANT 15190 WILDWOOD LN MARYSVILLE, OH 43040
ATTORNEY:	AARON UNDERHILL, ESQ. UNDERHILL & HODGE LLC 8000 WALTON PARKWAY SUITE 260 NEW ALBANY, OH 43054	
SURROUNDING PROPERTY OWNERS:	1833 FARMS LLC 17421 WALDO RD MARYSVILLE, OH 43040	18530 LLC 17421 WALDO RD MARYSVILLE, OH 43040
NISSIN INT'L TRANSPORT USA INC 16940 SQUARE DR MARYSVILLE, OH 43040	CITY OF MARYSVILLE, OHIO 209 S MAIN ST MARYSVILLE, OH 43040	

CERTIFIED TO BE A TRUE & EXACT COPY OF ORIGINAL
Laura Early, Clerk
6-27-2024

RESOLUTION NO. 24-315

A RESOLUTION GRANTING THE PETITION OF JOSHUA T. CODNER, AMY R. CODNER, AND FREDERICK DURANT FOR EXPEDITED TYPE 2 ANNEXATION OF 15.1 A. +/- FROM PARIS TOWNSHIP INTO THE CITY OF MARYSVILLE

WHEREAS, Joshua T. Codner, Amy R. Codner, and Frederick Durant, collectively, Applicant, has presented a Petition by Owner of Real Estate for Annexation of certain land in Paris Township to the City of Marysville, Ohio, utilizing the special procedure of R.C. § 709.023, known as an Expedited Type II annexation, which Petition included a plat and legal description of the area proposed to be annexed; and

WHEREAS, the Applicant filed its Petition on May 28, 2024; and

WHEREAS, the Marysville City Council approved City Resolution 012-2024 on June 10, 2024, which resolution addresses services the City of Marysville will provide should Petition for Annexation be approved and to provide for zoning buffer requirements, and submitted the same to the County on June 12, 2024; and

WHEREAS, Agent for the Applicant on May 30, 2024, filed his affidavit as to service of the Petition as required by R.C. 709.023(B); and

WHEREAS, the Union County Engineer has provided a memorandum regarding the Petition; and

WHEREAS, neither the City of Marysville nor Paris Township has filed a written objection to the proposed annexation; and

WHEREAS, this Board has reviewed the Petition for Annexation with the supporting materials, and based upon that review, FINDS that the Petition satisfies the conditions set out in R.C. §709.023(E).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, UNION COUNTY, OHIO, THAT:

Section 1. The Petition for Expedited Type 2 Annexation into the City of Marysville of 15.1 A., more or less, as legally described in Exhibit A and depicted in Exhibit B, each of which are attached and incorporated by reference, from Paris Township, Union County, Ohio, by Joshua T. Codner, Amy R. Codner, and Frederick Durant is approved.

Section 2. This annexation having been considered under the special statutory procedure as an Expedited Type 2 annexation, unless otherwise provided in an annexation agreement entered into under section 709.192 of the Revised Code or in a cooperative economic development agreement entered into under section 701.07 of the Revised Code, the territory so annexed, as legally described in Exhibit A and depicted in Exhibit B, shall not at any time be excluded from the township under section 503.07 of the Revised Code and, thus, remains subject to the township's real property taxes.

Section 3. The Clerk of the Board is directed to send a certified copy of this Resolution to the Agent for the Petitioners, the Clerk of the City of Marysville, the Fiscal Officer of Paris Township, and the Union County Auditor. The Clerk shall also deliver a certified copy of the entire record of these annexation proceedings, including all resolutions of this Board, signed by a majority of the members of the Board, the petition, map, and all other papers on file, to the clerk of the City of Marysville, the municipal corporation to which annexation is proposed. .

Section 4. The Board finds and determines that all of its formal actions concerning and relating to adopting this Resolution occurred in an open meeting of this Board, and that all deliberations of this Board that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Revised Code §121.22.

David A. Lawrence introduced this resolution and moved its passage; Dave Burke seconded the motion; and after discussion, the chair called a roll call vote, and the results were:

Steve Robinson	Yes	No
Dave Burke	Yes	No
David A. Lawrence	Yes	No

Passed: June 26, 2024

ATTEST: Sara Early
Sara Early, Clerk

BOARD OF COUNTY COMMISSIONERS
UNION COUNTY, OHIO

Steve Robinson

Dave Burke

David A. Lawrence

Approved as to Form:

Thayne D. Gray June 26, 2024
Assistant Prosecuting Attorney

ORDINANCE _____

TO APPROVE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE A ZONING AMENDMENT APPLICATION TO REVISE THE PLANNED UNIT DEVELOPMENT FOR THE MARYSVILLE EAST SECTION I PLANNED UNIT DEVELOPMENT (PUD)

WHEREAS, an application was submitted to the City Planning Commission by the Marysville Land Company (MLC), and the Planning Commission has reviewed the application to add +/- 15.1 acres to Subarea B of the existing PUD district that applies to Marysville East Annexation Section I. The Planning Commission Resolution approving the amendment to the PUD (attached as Appendix A to the Resolution) is attached and incorporated herein as Exhibit A; and

WHEREAS, the +/- 15.1 acres shall be added to Subarea B of the existing PUD district that applies to Marysville East Section I. This amendment does not change any use or development standards that apply to the original acreage with the approved PUD for Marysville East Section I, which remain unchanged and are being restated herein for the sole purpose of convenience; and

WHEREAS, on July 2, 2024, the City Planning Commission reviewed the application and recommended approval of the rezoning amendment to the aforementioned Planned Unit Development (PUD) as set forth and incorporated herein as Exhibit A; and

WHEREAS, upon receiving this recommendation from the Planning Commission, the City Council shall consider Planning Commission's recommendation and hold a public hearing on the aforementioned zoning amendment with the publication of at least seven (7) days' notice of said hearing; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. Having conducted the aforementioned advertised public hearing, City Council hereby approves the recommendation from Planning Commission and hereby amends Subarea B of the Planned Unit Development known as Marysville East Section I, as set forth and incorporated herein as Exhibit A.

SECTION II. The Clerk of Council shall cause the City's Zoning Map to be modified consistent with this amendment.

1st Reading September 9, 2024

2nd Reading September 23, 2024

3rd Reading _____

Passed: _____

_____
PRESIDENT OF COUNCIL

APPROVED AS TO FORM:

_____
LAW DIRECTOR

ATTEST:

_____
CLERK OF COUNCIL

EXHIBIT A

RESOLUTION _____

TO APPROVE A ZONING AMENDMENT APPLICATION TO REVISE THE PLANNED UNIT DEVELOPMENT FOR THE MARYSVILLE EAST SECTION 1 PLANNED UNIT DEVELOPMENT

WHEREAS, on July 2, 2024, the City Planning Commission has reviewed an application for a Zoning Amendment to the Planned Unit Development (PUD) zoning for Marysville East Section 1 PUD as set forth in Appendix A, incorporated herein; and

WHEREAS, The City Planning Commission recommended APPROVAL for the Zoning Amendment of the PUD, which is set forth in Exhibit A, attached and incorporated herein; and

WHEREAS, a recommendation from the City Planning Commission is to be transmitted to City Council pursuant to Section 1141.34 of the Planning and Zoning Code, now therefore;

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. The City Planning Commission recommends to City Council that the requested Amendment to the Planned Unit Development zoning of Marysville East Section 1 be **APPROVED** in accordance with this Resolution.

Passed 7-2-2024

_____
Chairman of Planning Commission

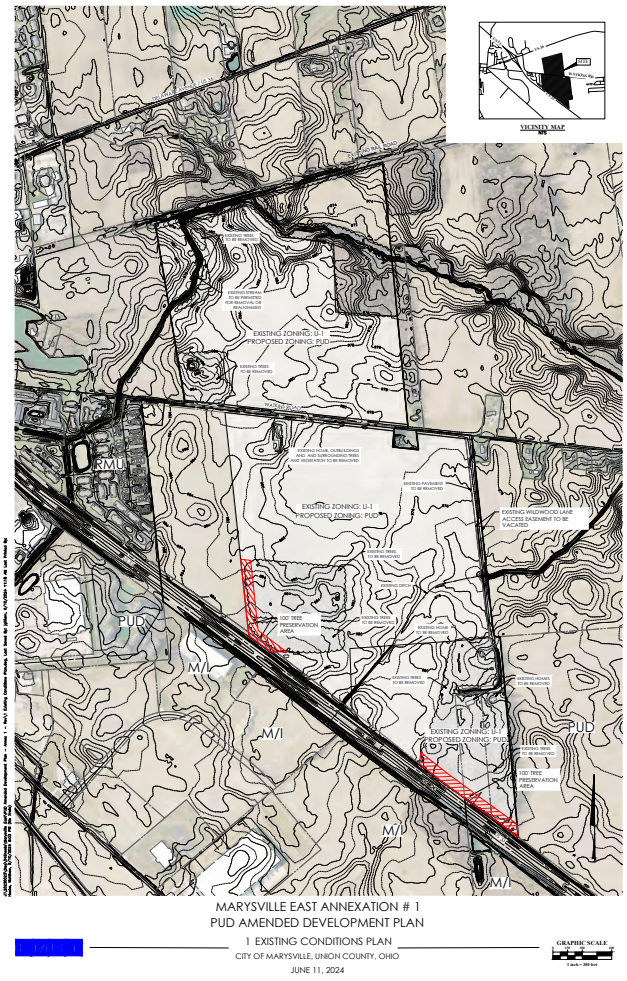
ATTEST:

_____
Planning and Development Manager, Ashley Gaver

APPENDIX A

Marysville East Annexation #1

Marysville, Ohio



PUD Development Plan Submittal – October 17, 2023

Subarea B Amendment to Add Property – June 11, 2024

Subarea B – Manufacturing/Innovation District

The PUD Development Plan for Marysville East Annexation #1 was approved by City Council as Ordinance 004-2024 on January 8, 2024. The Marysville Land Company (MLC) is in contract to purchase two parcels totaling 15.1+/- acres located north of U.S. 33 and bound on all other sides by Subarea B of the Marysville East PUD. These parcels were not under the applicant's control during prior Marysville East Development Plan approvals and are currently being annexed into Marysville. The Marysville East Annexation #1 PUD Development Plan is being amended to include these two parcels.

The 15.1+/- acres shall be added to Subarea B of the existing PUD district that applies to Marysville East Annexation #1. This amendment does not change any use or development standards that apply to the original acreage with the approved PUD for Marysville East Annexation #1, which remain unchanged and are being restated herein for the sole purpose of convenience.

Following approval of this amendment, the 15.1+/- acres that are the subject of this application will be deemed to be part of Marysville East Annexation #1, PUD Subarea B. The total acreage of this subarea is 266.4+/- acres. Following approval of the addition of the 15.1+/- acres, all references to Marysville East Annexation #1 in this text shall be deemed to include this additional acreage.

Subarea B consists of ~266.4 acres generally located to the north/northeast of and adjacent to US Route 33, extending northward through Watkins Road to the old railroad tracks generally running east-west. This industrial/manufacturing area will provide for future business development within the Marysville area and will lead to new employers, employees, and residents. In addition, this area will generate tax revenues for the Schools, City, and County.

In implementing this subarea, the applicant will rely on the underlying Manufacturing/Innovation District (M/I) and Light Manufacturing District (LMD) zoning designation and requirements contained in Section 1121.13 and 1121.14 respectively, as they exist and are effective on the date when this zoning text is approved by City Council, except to the extent variance and divergences are identified below and in this Development Plan application. If there is a conflict between these standards and the provisions of Section 1121.13 or 1121.14, the standards in this text shall apply.

List of Permitted Uses

- Artisan Workshop
- Commercial and Industrial Equipment and Machinery Sales, Rental, Leasing
- Commercial Printing and Publishing
- Contractor Offices
- Essential Public Services and Utilities – includes electrical substations
- Essential Private Services and Utilities – includes water or material storage tanks, generator yards, chillers, and other exterior equipment reasonably necessary for the operation of a permitted use
- Laboratory Research Facility
- Manufacturing, General
- Professional Offices
- School, College or University, Vocation and Technical, Trade or Business

- Warehousing, Private/Public
- Wholesale and Distribution
- Data Processing/Call Center
- Data Center
- Light Manufacturing
- Wireless Telecommunications Antenna, Facility, and/or Tower

For purposes of clarity, such permitted uses shall include as a permitted use, among other uses that are permitted, production and assembly uses. The term "data centers" shall mean "facilities containing large groups of networked computer servers typically used by organizations for the remote storage, processing, and distribution of large amounts of data and information.

Conditional Uses. The following uses shall be conditional uses in this subarea which are subject to review and approval in accordance with City Code Sections 1141.22 through 1141.28:

- Ground Passenger Dispatch
- Warehousing, Personal Storage/Mini
- Recycling Centers, if operated at an industrial scale
- Extended Stay Hotel

The term "Recycling Centers" shall mean "a facility designed to accept recyclable material including but not limited to plastics, paper products, batteries, and electronic equipment in bulk for the purpose of converting such products into reusable raw material or extracting therefrom reusable components or material and which does not accept material from individual consumers or the general public."

Accessory Structures

- Permitted accessory structures shall not be limited to those listed in applicable provisions of the Code or those defined below, but also shall include accessory buildings that customarily accompany the primary use on a property, as approved as part of the Design Review application.
    - Approved Accessory Structures:
        - Electrical substations
        - Water or material storage tanks
        - Generator yards
        - Chillers, including roof-top and ground mounted equipment
        - Other external equipment reasonably necessary for operations of permitted or conditional uses

Lots Size, Open Space, or Coverage Ratio

- The minimum lot width shall be 100' within this subarea, and the minimum lot size shall be 2.0 acres.
- Maximum building height – 70'
- Open space will be a minimum of 10%
- There is no maximum lot coverage for this subarea as long as all setbacks are satisfied.

Setbacks

- Parking and pavement and building setbacks in Subarea B, all of which shall be measured from either the edge of right-of-way or the perimeter boundary of Subarea B, as

applicable, shall be as follows:

- Unless otherwise specified below, setbacks from the perimeter boundary of Subarea B shall be a minimum of 50' for parking and pavement and 100' for buildings.
- Setbacks from Road A and Watkins Road shall be a minimum of 50' from the ROW for parking and pavement and 100' from the ROW for buildings.
- The minimum setback from the US 33 ROW will be 100' for parking, pavement, and buildings.
- The minimum setbacks from interior public roads which are not otherwise specified herein shall be 25' from the edge of the right-of-way for parking and pavement and 50' from the edge of the right-of-way for buildings.
- The minimum setback from the northern perimeter boundary line of this subarea shall be 25' for parking and pavement and 50' for buildings.
- An existing private drive is located generally along the eastern edge of this subarea within a private easement area which is defined in an instrument that is of record with the Office of the Recorder of Union County and includes, but is not limited to, Wildwood Lane. Existing or replacement pavement shall be permitted to be located within the required minimum setbacks that overlap with this easement area. The minimum required setbacks from this private easement area shall no longer apply should said easement be terminated or released.

- In the event that a future parcel(s) located within or adjacent to a subarea comes under common ownership or control, or is zoned to allow compatible non-residential uses, then any minimum building, pavement, or landscaping setbacks set forth in this text as they apply to common or perimeter property line setbacks shall no longer apply.

Access, Parking, Loading, and Pedestrian Connectivity

- Access to subarea B is defined under General Development Standards as part of the Thoroughfare Plan and includes improvements to Watkins Road and the construction of a new Road A.
  - Entrances into the subarea from Watkins Road and Road A and the associated internal roadways will be defined as part of the Engineering phase of each project.
- Off-Street Parking and Loading: Parking and loading spaces shall be provided in accordance with Code Chapter 1127. For data center uses, off-street parking shall be provided at the minimum rate of one space for each employee on the main shift, and off-street loading spaces shall be provided at the minimum rate of one loading space per building.
- Pedestrian Connectivity will be determined as part of the approval of each project and will include sidewalks, and/or multi-purpose trails which will serve as a connection to the main trail system along both sides of Watkins Road and Road A, as appropriate. Public pedestrian connections shall be located within or immediately adjacent to the public street right-of-way and shall follow City Engineering requirements. No pedestrian connections shall be required along US 33.

Landscaping

- Perimeter fencing will be added to the south side along US 33 as well as both sides of Subarea B along Watkins Road. Fencing along Road A is defined in the General Development Standards. Perimeter fencing along US 33 shall be located not less than 10' from the edge of the US 33 right-of-way unless otherwise required to accommodate stormwater drainage. Perimeter fencing along Watkins Road shall be located 1' outside the Watkins Road right-of-way or the adjacent sidewalk or mixed-use path, whichever is greater.

- The landscape treatment along the eastern and western boundaries of subarea B will include a three-foot (3') mound located within the parking and pavement setback. This mounding requirement may be waived with the approval of the City Arborist if necessary to preserve and maintain existing tree stands. This landscaping treatment requirement is eliminated should subarea B be expanded in future annexations or zonings beyond the boundaries of this application.
- Service and Loading Areas: Service areas and loading docks shall be screened to limit visibility from off-site with a minimum opacity of 75%.
- Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.
- Buffering, Preservation, Landscaping, and Screening: The following landscaping requirements shall apply to this subarea:
    - Tree Preservation Zones: A Tree Preservation Zone shall be located to preserve and protect trees in locations that are identified on the Existing Conditions Exhibits. Within Tree Preservation Zones, the developer shall preserve existing healthy and mature trees, provided that trees may be removed if they present a danger to persons or property or as necessary to extend utilities. Understory may be removed for any reason, and plants or trees that are of a noxious and invasive species may also be removed. All other existing tree stands noted on Exhibit – Subarea B Existing Conditions Plans may be removed from this Subarea. These trees will be removed as soon as zoning entitlements and environmental assessments are complete and the City of Marysville's Tree replacement program will not apply to these areas. A tree-clearing exhibit is included in this application to be certain what areas will be cleared. Within the subareas, any trees located outside of the boundaries of the tree clearing exhibit that are removed shall be subject to the provisions of the City of Marysville Codified Ordinances regarding major tree preservation and replacement.
    - Within parking areas large unbroken expanses of parking lot shall be avoided. Large lots should be separated into a series of smaller interconnected lots separated by peninsulas or islands. No individual landscape areas shall be smaller than three hundred fifty (350) square feet. For each one hundred (100) square feet of parking area, a minimum of five (5) square feet of landscaped area shall be provided. Within the parking lot landscape islands or peninsulas at least one deciduous canopy tree with a clear trunk of at least five (5) feet above the ground shall be planted. Vehicular use area requirement, one (1) standard tree with a nursery caliper of not less than two (2) inches shall be planted for each fifty (50) feet of vehicular use area and/or parking area perimeter distance.

Open Space

- As used in this text, the term "open space" shall mean "an area of land unoccupied by buildings, structures, storage or vehicular use areas, except for recreational structures, and which is generally used for the purpose of providing grassed or landscaped areas, preservation of natural features, environmental protection, preservation of scenic views, or similar purposes. In calculating minimum open space requirements in this subarea, the definition in this paragraph shall be used. Within this subarea, open spaces may be, but shall not be required to be, open for use by the general public.

Fencing

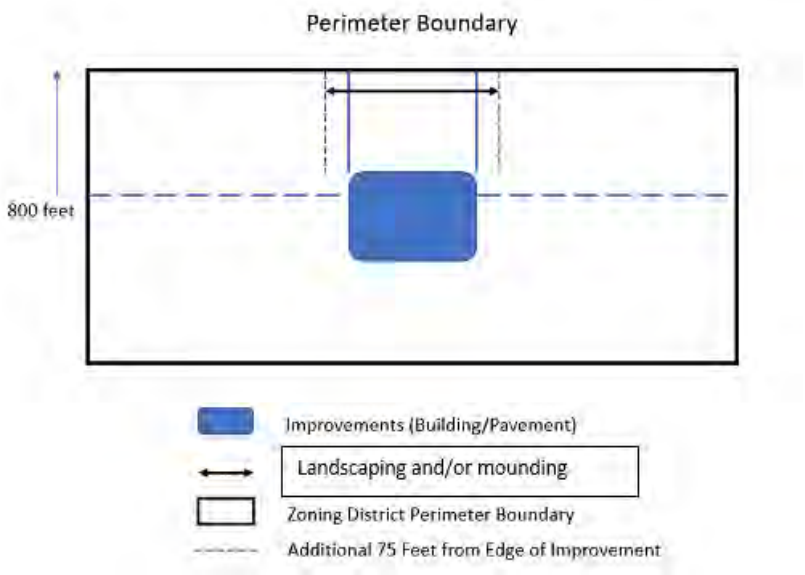
- Code Section 1123.20.c.(1) shall not apply to Subareas B. Vinyl, barbed wire, and chain link fencing shall be prohibited in this subarea, except that black vinyl-coated chain link fencing shall be permitted. The setback requirements for fencing that apply to this subarea are set forth in Codified Ordinances Section 1121.13 (M/I District) and are minimum requirements. Any fencing that is adjacent to or in front of a building façade that fronts a public roadway shall be screened with landscaping which will achieve at least 50% opacity and a height of 75% of the fence height within 5 years of installation.

Perimeter Landscape Standards

- The following perimeter landscaping standards shall apply to the exclusion of Code Section 1125.06 as they relate to required buffering between development pertaining to any permitted or conditional use in this subarea and adjacent residential uses. For those perimeter boundaries of Subarea B which abut real property (i) containing existing residential uses or, as determined at the time that an application is filed for a building permit ("Building Permit") on real property located within this subarea, has a zoning classification which permits the development and operation of residential uses thereon, and (ii) that is not owned by the applicant for the Building Permit or by the applicant for the rezoning/Preliminary Development Plan approval that pertains to Subarea B or its affiliates (any real property meeting either of the foregoing criteria to be referred to herein as "Residential Property"), a minimum average 6-foot high mound shall be installed on the property to which the Building Permit applies along the shared property line with the abutting property. The mound shall include a landscape buffer which shall consist of a mixture of deciduous trees, evergreens, and bushes to provide an opacity of at least 80% on the date that is 4 years after planting to a minimum height of 10 feet above ground level. These mounds shall be installed within the required minimum pavement setback area as required by this zoning text. For purposes of determining which properties qualify as Residential Property hereunder, if two properties have an intervening public street right-of-way between them, they shall still be considered abutting, and in these circumstances breaks in required mounding and landscaping shall be permitted to accommodate vehicular and pedestrian access points.
    - If existing trees are found within perimeter areas that have existing screening and buffering, the mounding may be omitted and the existing trees may be utilized as the required screening. The requirement for a minimum 80% opacity within 4 years after installation is still applicable with this alternative and, therefore, if necessary, additional landscaping materials (i.e., deciduous trees, evergreens, or bushes) shall be planted along those perimeter boundary areas to meet the minimum 80% opacity requirement. The plan for these areas must be reviewed and approved by the Design Review Board.

    - Phasing of Residential Screening. In recognition of the significant amount of land area and the lengths of the perimeter boundaries contained within Subarea B, for all portions of Subarea B where there is required mounding and landscaping, it may be installed in phases. For each phase of development in Subarea B, such required mounding and landscaping shall be installed when it is anticipated (as provided in plans associated with relevant applications) that buildings, paved parking areas, and/or above-ground equipment or utility infrastructure, once constructed within that phase, will be located within 800 feet of the relevant perimeter boundary line. At a minimum for each phase, this mounding and landscaping shall be installed along the portion of the relevant perimeter boundary line of the subarea between two points which are determined by extending two straight lines from the perimeter boundary line of the subarea to the furthest distance on each side where planned

improvements are to be constructed in that phase, and then adjusting those lines so that they are an additional distance of 150 apart. The following illustration is being provided as an example of this requirement:



Architecture

- Building Designs - The following design requirements and criteria shall apply to all permitted building typologies in this subarea and Section 1133 of the zoning code shall not apply except with respect to Office Buildings:
    - Building designs shall not mix architectural elements or ornamentation from different styles.
    - Buildings shall be required to employ a consistent use of materials on all elevations.
    - The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Subject to functional requirements for a specific building, door openings and windows should be arranged in a regular or symmetric manner except appropriate to highlight entrances. Primary entrances shall be made sufficiently prominent that they can be easily identified from a distance, except on buildings where pedestrian traffic is expected to be minimal such as, but not necessarily limited to, data centers or warehouses, or in the context of multi-building projects where the visibility of building entrances may be obstructed.
    - Elements such as meter boxes, utility conduits, generators, water and material tanks, and roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems shall be excluded from the requirements of this section.
    - Additional building images for each major typology are included in the Exhibits.
- Building Forms
    - All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.
    - Gable or hip roofs shall be avoided unless a building design replicates a traditional American architectural style that employs such roof forms. Flat roofs are permitted.
- Materials
    - Exterior building materials shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be

permitted, along with contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., Hardi-plank or equivalent) shall be permitted on buildings not employing traditional styles. The use of reflective or mirrored glass shall be prohibited.

- Primary building colors shall be natural or neutral colors, including variations in the shade of colors in order to break up long facades. Up to two (2) additional colors may be used as accent elements. Fluorescent building colors are prohibited.
- Prefabricated metal buildings, untreated masonry block structures, and buildings featuring untreated poured concrete exterior walls are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by tenants or persons on a regular basis may be constructed using pre-engineered metal.
- Generally, the quantity of materials selected for a building shall be minimized. A single material selection for each of the independent building components of roof, wall, and accents is permitted. Accents will feature at a minimum a different design element which could be an alternative material or color.
- Loading docks are not required to have the same degree of finish as a main entry unless they are visible from a public right-of-way.

- Additional Standards
  - In designing buildings, the user or applicant shall take into account the following, which are intended to set a level of expectation for the quality of design:
    - Architectural designs for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall be of high quality while taking into account the unique nature of the use(s) that will be found therein.
    - Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height. The distance between offsets, recesses, and/or projections will vary depending on the size of a particular building, the size of exterior building panels, and the number and location of entry points.
    - The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.
    - Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not look aged or dated even many years after the facility is built.
    - HVAC, generators and similar equipment and associated gravel or concrete yards or pads shall be located subject to the minimum building setbacks.
- Roof-Mounted Equipment
  - Screening of all roof-mounted equipment shall be required on all four sides of buildings using materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided to screen the equipment from off-site view as measured from the property line of the parcel. Parapets (among other architectural elements) may be used to provide screening. Where a

building is screened from view from outside of this subarea by a building located within this subarea, the Design Review Board may waive or reduce these screening requirements.

- Data Center Buildings
    - The images below are intended to demonstrate data center building types that would be acceptable for development and construction in this subarea. These images are not meant to require any particular building type to be designed in the manner that is illustrated, and a variety of building aesthetics and character is encouraged throughout the subarea. The buildings that are shown below are representations of the quality of buildings that will be manifested from compliance with the architectural requirements for this subarea:







Signage

- The standards and requirements of relevant provisions of the City's Codified Ordinances for signage shall be the baseline for permitted signage in this subarea. Notwithstanding the foregoing, an applicant may present a master signage plan as part of a Design Review Board application for subarea B – Industrial. This master signage plan will be coordinated with the residential and multi-family subareas to provide a similar design theme. Such a plan shall identify the types of signs, number of signs, maximum heights, maximum sign areas, and general designs of proposed signs (not including content that falls under state or federal constitutional protections). If approved, the master sign plan, once approved, shall provide rights, obligations, and standards for signage within the entirety of this subarea. To the extent that a master signage plan conflicts with any standard in relevant provisions of the Codified Ordinances, the standards in the master signage plan shall apply, and to the extent that the master signage plan is silent on a particular standard, the relevant standard in the Codified Ordinances shall apply.

Lighting

- All parking lot and private driveway lighting shall be cut-off type fixtures and downcast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.

- All parking lot lighting within an individual development project shall be of the same light source type and style.
- All parking lot light poles shall be constructed of metal, shall be dark in color, and consistent throughout each individual development. Light poles, including the base, shall not exceed 28 feet in height, except that light poles located within 300 feet of properties where residential uses exist or are permitted shall be no higher than 18 feet in height, each height measurement to include the base and as measured from the pavement level.
- No permanent-colored lights which would result in a "color washing" of a building or neon or florescent lights shall be used on the exterior of any building.
- All other lighting on the site shall be in accordance with the Code.
- Street lighting must meet the City's standards and specifications.
- No light spillage onto properties that are adjacent to this subarea shall be permitted from lighting sources within this subarea.

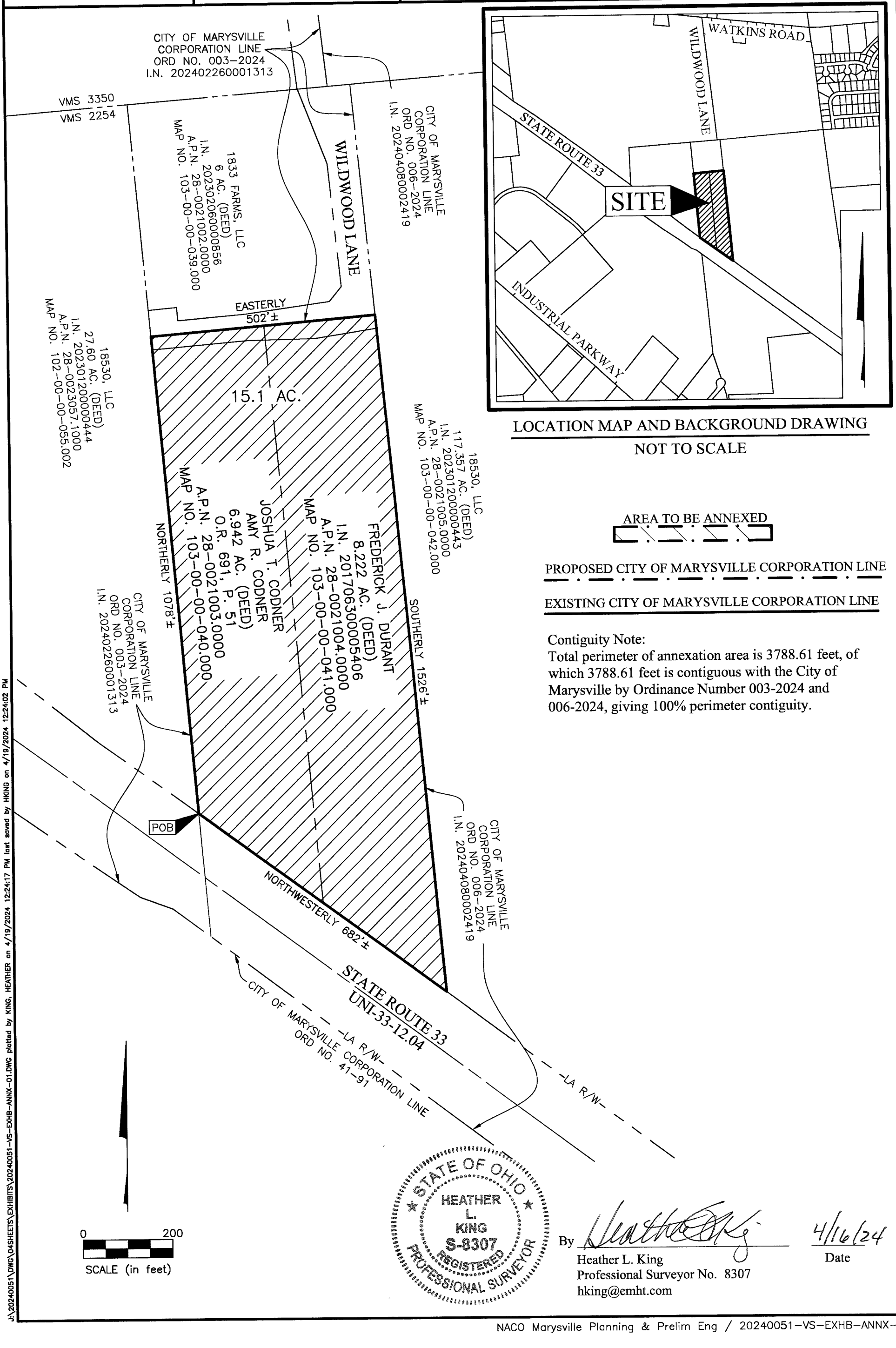
APPENDIX A

EMH&T
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

PROPOSED ANNEXATION OF 15.1 ACRES

SURVEY NUMBER 2254
VIRGINIA MILITARY DISTRICT
TOWNSHIP OF PARIS, COUNTY OF UNION, STATE OF OHIO

Date: April 16, 2024	Scale: 1" = 200'	Job No: 2024-0051	Sheet No: 1 of 1



LOCATION MAP AND BACKGROUND DRAWING

NOT TO SCALE

AREA TO BE ANNEXED

PROPOSED CITY OF MARYSVILLE CORPORATION LINE

EXISTING CITY OF MARYSVILLE CORPORATION LINE

Contiguity Note:
Total perimeter of annexation area is 3788.61 feet, of which 3788.61 feet is contiguous with the City of Marysville by Ordinance Number 003-2024 and 006-2024, giving 100% perimeter contiguity.

STATE OF OHIO
HEATHER L. KING
S-8307
REGISTERED PROFESSIONAL SURVEYOR

By _____ 4/16/24
Heather L. King
Professional Surveyor No. 8307
hking@emht.com
Date

J:\20240051\DWG\04SHEETS\EXHIBITS\20240051-VS-EXHB-ANNX-01.DWG plotted by KING, HEATHER on 4/19/2024 12:24:17 PM last saved by HKING on 4/19/2024 12:24:02 PM

APPENDIX A

PROPOSED ANNEXATION OF 15.1 ACRES

FROM: PARIS TOWNSHIP

TO: CITY OF MARYSVILLE

Situate in the State of Ohio, County of Union, Township of Paris, located in Survey Number 2254, Virginia Military District, being all of that 6.942 acre tract conveyed to Joshua T. Codner and Amy R. Codner by deed of record in Official Record 691, Page 51, and that 8.222 acre tract conveyed to Frederick J. Durant by deed of record in Instrument Number 201706300005406 (all references refer to the records of the Recorder's Office, Union County, Ohio), being more particularly described as follows:

BEGINNING in the northeasterly limited access right-of-way line of State Route 33, at the southerly common corner of said 6.942 acre tract and that 27.60 acre tract conveyed to 18530, LLC by deed of record in Instrument Number 202301200000444, and being in the City of Marysville Corporation Line as established by Ordinance Number 003-2024, of record in Instrument Number 202402260001313;

Thence Northerly, with the line common to said 6.942 acre and 27.60 acre tracts, with said Corporation Line, a distance of approximately 1078 feet to a point at the southwesterly corner of that 6 acre tract conveyed to 1833 Farms, LLC by deed of record in Instrument Number 202302060000856;

Thence Easterly, with the northerly line of said 6.942 acre and 8.222 acre tracts, the southerly line of said 6 acre tract, and said Corporation Line, a distance of approximately 502 feet to a point in the westerly line of that 117.357 acre tract conveyed to 18530, LLC by deed of record in Instrument Number 202301200000443, being in the City of Marysville Corporation Line as established by Ordinance Number 006-2024, of record in Instrument Number 202404080002419;

Thence Southerly, with the line common to said 8.222 acre and 117.357 acre tracts, with said Corporation Line (Ord. 006-2024), a distance of approximately 1526 feet to a point in said northeasterly limited access right-of-way line;

Thence Northwesterly, with said northeasterly limited access right-of-way line, the southwesterly line of said 8.222 acre and 6.942 acre tracts, and with said Corporation Line (Ord. 006-2024), a distance of approximately 682 feet to the TRUE POINT OF BEGINNING, containing 15.1 acres, more or less.

This description was prepared for annexation purposes only and is not to be used for transfer.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

4/16/24

Heather L. King
Professional Surveyor No. 8307

HLK
15_1 ac 20240051-VS-EXHB-ANNX-01

County Engineer
Environmental Engineer
Building Department
233 W. Sixth Street
Marysville, Ohio 43040
P 937. 645. 3018
F 937. 645. 3161
www.unioncountyohio.gov/engineer

Marysville Operations Facility
16400 County Home Road
Marysville, Ohio 43040
P 937. 645. 3017
F 937. 645. 3111
Richwood Outpost
190 Beatty Avenue
Richwood, Ohio 43344

APPENDIX A

Public Service with integrity

Date: 4/17/2024

Kyle Hoyng, P.E.
City of Marysville
209 S. Main Street
Marysville, Ohio 43040

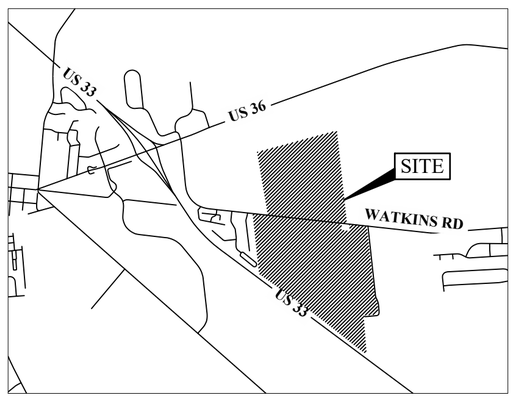
Kyle:
The above referenced and attached annexation plat and description of 15.14 acres being annexed into the City of Marysville has been reviewed for overall closure, acreage, and adjoining deed information. The results of this review are acceptable. Final review and approval will follow after formal submission to the County commissioners and adoption by the City of Marysville.

If there are any questions feel free to contact us.

Sincerely,

Chris Clapsaddle
Mapping Manager
(937) 645-3021

cc: City of Marysville Planning and Zoning



VICINITY MAP
NTS

DELAWARE AVENUE / US 36

EXISTING RAIL ROAD

EXISTING TREES TO BE REMOVED

EXISTING STREAM TO BE PERMITTED FOR REMOVAL OR REALIGNMENT

EXISTING ZONING: U-1
PROPOSED ZONING: PUD

EXISTING TREES TO BE REMOVED

WATKINS ROAD

EXISTING HOME, OUTBUILDINGS AND AND SURROUNDING TREES AND VEGETATION TO BE REMOVED

RMU

EXISTING PAVEMENT TO BE REMOVED

EXISTING ZONING: U-1
PROPOSED ZONING: PUD[78]

EXISTING WILDWOOD LANE ACCESS EASEMENT TO BE VACATED

EXISTING TREES TO BE REMOVED

EXISTING DITCH

100' TREE PRESERVATION AREA

EXISTING TREES TO BE REMOVED

EXISTING HOME TO BE REMOVED

EXISTING TREES TO BE REMOVED

EXISTING HOMES TO BE REMOVED

PUD

M/I

EXISTING ZONING: U-1
PROPOSED ZONING: PUD

EXISTING TREES TO BE REMOVED

100' TREE PRESERVATION AREA

PUD

M/I

M/I

US 33

M/I

US 33

J:\20230023\Dwg\04Sheets\Marysville East\PUD Amended Development Plan – Annex 1 – Rev\1 Existing Conditions Plan.dwg, Last Saved By: jgilliam, 6/10/2024 11:18 AM Last Printed By: Hucke, Matthew, 6/10/2024 6:03 PM (No Xrefs)

MARYSVILLE EAST ANNEXATION # 1
PUD AMENDED DEVELOPMENT PLAN

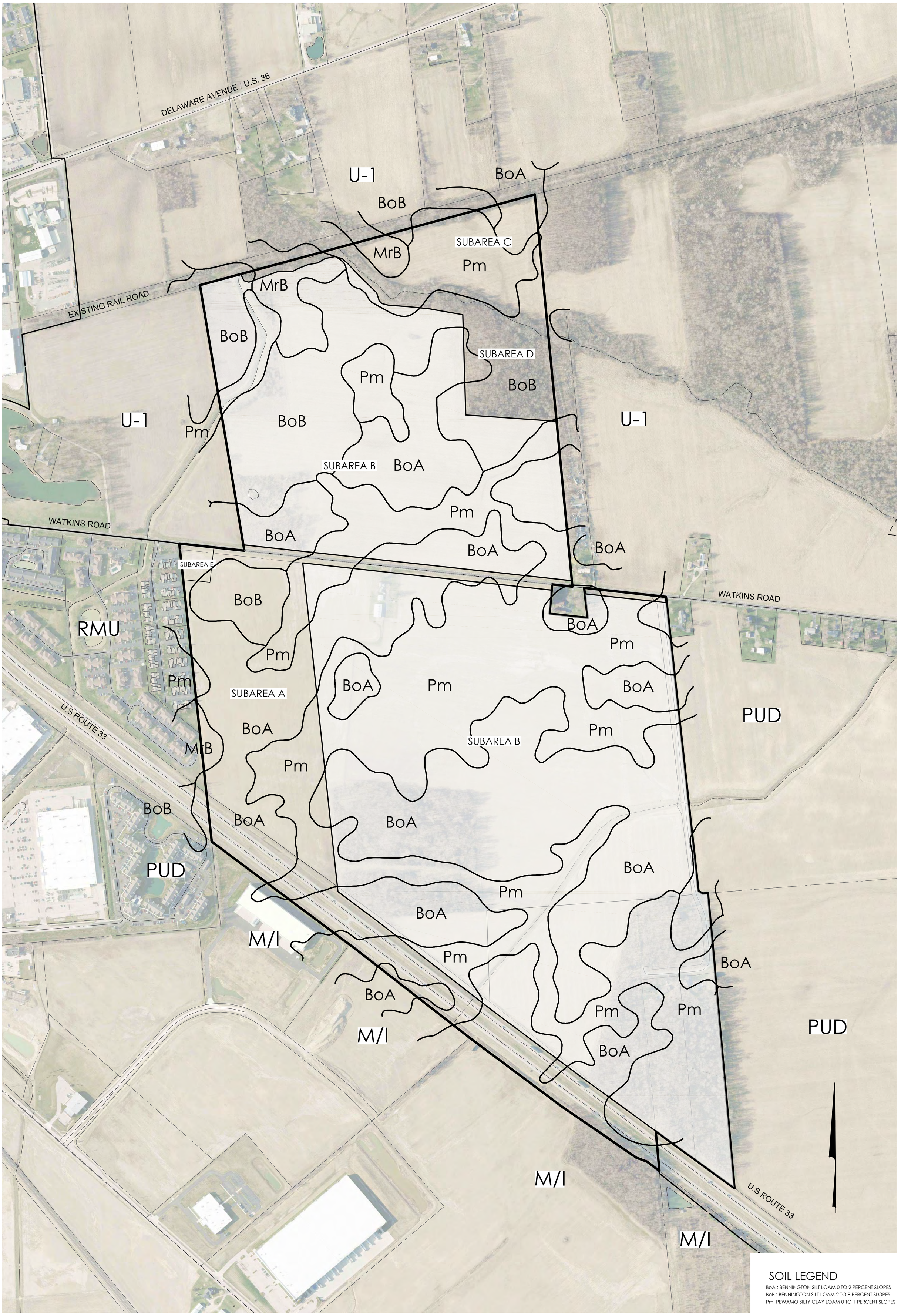
1 EXISTING CONDITIONS PLAN

CITY OF MARYSVILLE, UNION COUNTY, OHIO

JUNE 11, 2024

EMH&T

GRAPHIC SCALE
0 150 300 600
1 inch = 300 feet



SOIL LEGEND

BoA : BENNINGTON SILT LOAM 0 TO 2 PERCENT SLOPES
BoB : BENNINGTON SILT LOAM 2 TO 8 PERCENT SLOPES
Pm: PEWAMO SILTY CLAY LOAM 0 TO 1 PERCENT SLOPES

MARYSVILLE EAST ANNEXATION # 1
PUD AMENDED DEVELOPMENT PLAN

2 EXISTING SOILS PLAN

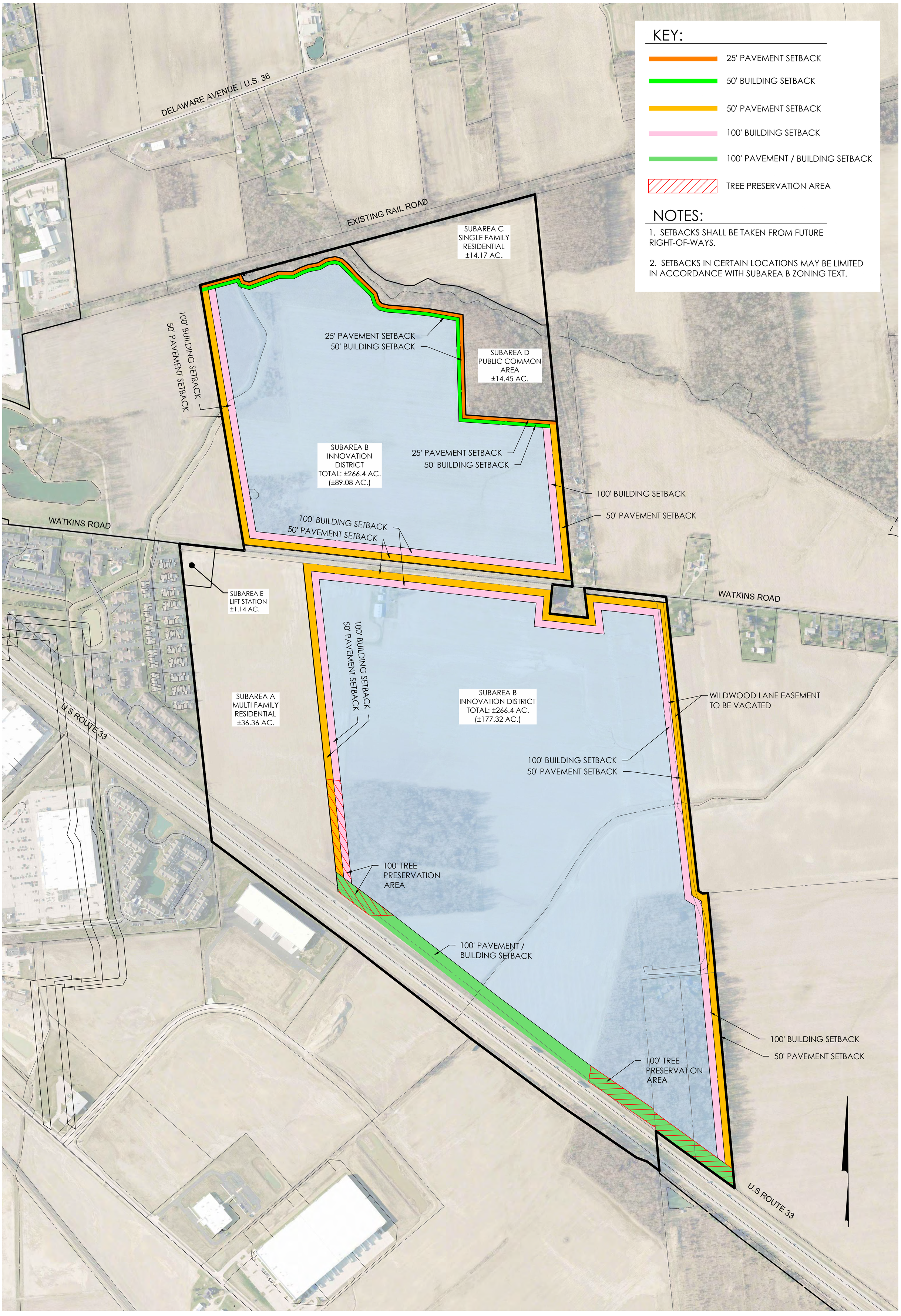
CITY OF MARYSVILLE, UNION COUNTY, OHIO

JUNE 11, 2024

EMH&T

GRAPHIC SCALE
0 150 300 600
1 inch = 300 feet

J:\20230023\Dwg\04Sheets\Marysville East\PUD Amended Development Plan – Annex 1 – Rev\2 Existing Soils Plan.dwg, Last Saved By: jgilliam, 6/10/2024 11:19 AM Last Printed By: Hucke, Matthew, 6/10/2024 6:15 PM (No Xrefs)



MARYSVILLE EAST ANNEXATION # 1
PUD AMENDED DEVELOPMENT PLAN

3 SITE PLAN

CITY OF MARYSVILLE, UNION COUNTY, OHIO

JUNE 11, 2024

GRAPHIC SCALE
0 150 300 600
1 inch = 300 feet

EMH&T

J:\20230023\Dwg\04Sheets\Marysville East\PUD Amended Development Plan – Annex 1 – Rev\3 Site Plan.dwg, Last Saved By: jgilliam, 6/10/2024 11:18 AM Last Printed By: Hucke, Matthew, 6/10/2024 6:08 PM (No Xrefs)

Terry Emery

ORDINANCE _____

TO ACCEPT THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 243.892 ACRES IN PARIS TOWNSHIP, UNION COUNTY TO THE CITY OF MARYSVILLE, OHIO, KNOWN AS MARYSVILLE EAST SECTION III

WHEREAS, a petition for the annexation of 243.892 acres in Paris Township, Union County, was duly filed with the Union County Board of County Commissioners; and

WHEREAS, the Board of County Commissioners granted the annexation petition on June 5, 2024; and

WHEREAS, pursuant to Section 709.033 of the Ohio Revised Code, the Board of County Commissioners certified the record of the proceeding in connection with the annexation to the Marysville Clerk of Council, who received it on June 5, 2024; and

WHEREAS, more than sixty (60) days from the date the Clerk of Council received the record of annexation proceedings have elapsed and the Clerk has laid the transcript, accompanying map, and petition before Council at its next regular session following the expiration of the sixty (60) days in accordance with the provisions of the Ohio Revised Code Section 709.04; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. The proposed annexation of 243.892 acres in Paris Township, as applied for in the petition by the petitioner's agent, Painter and Associates, described in the legal description, also shown on the map, and approved for annexation by the Board of County Commissioners of Union County, Ohio on June 5, 2024 be and the same is hereby accepted. The Petition, legal description, map and Union County Commissioners Resolution No. 24-283 approving the Petition are all attached as Exhibit A and incorporated herein.

SECTION II. The Marysville Clerk of Council shall be and 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 of Council 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 fill notice of this annexation

with the Board of Elections within thirty (30) days after it becomes effective and the Clerk shall do all others things required by law.

SECTION III. This Ordinance shall take effect and be in force at the earliest date permitted by law.

1st Reading August 12, 2024

2nd Reading September 23, 2024

3rd Reading _____

Passed: _____

_____
PRESIDENT OF COUNCIL

APPROVED AS TO FORM:

_____
Law Director

ATTEST:

_____
CLERK OF COUNCIL

Note: Second Reading, Public Hearing, tabled to September 23, 2024 on August 12, 2024

David A. Lawrence, Commissioner
Dave Burke, Commissioner, Board Vice President
Steve Robinson, Commissioner, Board President

EXHIBIT A

UNION COUNTY COMMISSIONERS
grow with us.

William Narducci, County Administrator
Letitia Rayl, Assistant County Administrator/ Budget Officer
Sara Early, Clerk to the Board

County Office Building
233 West Sixth Street
Marysville, Ohio 43040-1526
www.unioncountyohio.gov

Tel. 937-645-3012
Fax 937-645-3002

commissioners@unioncountyohio.gov

June 5, 2024

Brad Lutz, Finance Director
McKenzie Proudfoot, Clerk of Council
City of Marysville
209 S. Main Street
Marysville, OH 43040

Re: Expedited Type II Petition for Annexation (Section 709.023) to the City of Marysville of 243.892+/- Acres, From Paris Township

Dear Brad and McKenzie,

On June 5, 2024, Resolution No. 24-283 was approved granting the Petition of Jerry L. Feucht, Betty J. Feucht, and Betty J. Feucht acting as the agent for Robert C. Feucht, for an Expedited Type II Annexation of 243.892 +/- Acres from Paris Township to the City of Marysville.

Enclosed please find the following documents including the Certification of Record of Annexation Proceedings:

1) Expedited Type II Petition for Annexation (Section 709.023) to the City of Marysville of 243.892 +/- Acres, From Paris Township.
2) City of Marysville Resolution 011-2024, to Authorize the Services that the City of Marysville will Provide Should the +/- 243.892 Acres Located in Paris Township, Union County, Ohio, Contiguous to the City of Marysville, Be Annexed Into the City, and to Provide for Buffer Requirements.
3) Cover Letter from Lizabeth A. Russell-Pickard, Paralegal, and Affidavit of Service of Annexation Petition on Paris Township and the City of Maryville, and the adjacent property owners listed in the Annexation Petition.
4) May 30, 2024, Union County Engineer's Memo Re: Annexation to the City of Marysville from Paris Township (243.892 Acres on U.S. 36).
5) Resolution 24-283 : Granting the Petition for Annexation.

Please do not hesitate to contact me if I can be of any further assistance.

Respectfully,

Sara Early
Clerk to the Board of Commissioners

Enc.

RECEIVED
JUN 05 2024
CITY OF MARYSVILLE

David A. Lawrence, Commissioner
Dave Burke, Commissioner, Board Vice President
Steve Robinson, Commissioner, Board President

William Narducci, County Administrator
Letitia Rayl, Assistant County Administrator/
Budget Officer
Sara Early, Clerk to the Board

UNION COUNTY COMMISSIONERS
grow with us.

County Office Building
233 West Sixth Street
Marysville, Ohio 43040-1526
www.unioncountyohio.gov

Tel. 937-645-3012
Fax 937-645-3002

commissioners@unioncountyohio.gov

CERTIFICATION OF RECORD OF ANNEXATION PROCEEDINGS

In accordance with the Ohio Revised Code §§709.032 and 709.033, 1) the Board of County Commissioners adopted Resolution No. 24-283, granting the Petition of Jerry L. Feucht, Robert C. Feucht, and Betty J. Feucht for an Expedited Type II Annexation of 243.892 A. +/- from Paris Township into the City of Marysville on June 5, 2024; and 2) the Clerk to the Board of Commissioners certifies that the attached entire record of the annexation proceedings are true and exact copies of the originals. This record includes the following documents, consisting of 48 pages.

1) Expedited Type II Petition for Annexation (Section 709.023) to the City of Marysville of 243.892 +/- Acres, From Paris Township.
2) City of Marysville Resolution 011-2024, to Authorize the Services that the City of Marysville will Provide Should the +/- 243.892 Acres Located in Paris Township, Union County, Ohio, Contiguous to the City of Marysville, Be Annexed Into the City, and to Provide for Buffer Requirements.
3) Cover Letter from Lizabeth A. Russell-Pickard, Paralegal, and Affidavit of Service of Annexation Petition on Paris Township and the City of Maryville, and the adjacent property owners listed in the Annexation Petition.
4) May 30, 2024, Union County Engineer's Memo Re: Annexation to the City of Marysville from Paris Township (243.892 Acres on U.S. 36).
5) Resolution 24-283: Granting the Petition for Annexation.

I certify that the attached record is a true and correct copy of the original documents filed with the Board of County Commissioners, Union County, Ohio.

Certified By: Sara Early
Sara Early, Clerk to the Board of Commissioners

Date: June 5, 2024

EXPEDITED TYPE II PETITION FOR ANNEXATION (SECTION 709.023) TO THE CITY OF MARYSVILLE OF 243.892+/- ACRES, MORE OF LESS, FROM PARIS TOWNSHIP

TO THE BOARD OF COUNTY COMMISSIONERS
OF UNION COUNTY, OHIO

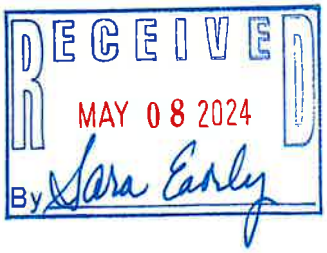
The undersigned, petitioners in the premises, and being the SOLE OWNERS OF REAL ESTATE in the territory described, consisting of 243.892 acres, more or less, with a total length of the annexation perimeter of 16,299.21 feet, more or less, in the Township of Paris, which area is contiguous along 5,052.12 feet, or 31% to the City of Marysville, do hereby pray that said territory be annexed to the City of Marysville, according to the statutes of the State of Ohio and that no island of unincorporated area will be created by the annexation.

A full and accurate description and survey plat of said territory so prayed to be annexed are attached hereto as Exhibits "A" and "B" and made part hereof.

In support of said Petition, the petitioners state that they are the SOLE OWNERS OF THE REAL ESTATE within the territory so prayed to be annexed.

Thomas L. Hart, whose address is Painter & Associates, LLC, 5029 Cemetery Road, Hilliard, OH 43026, is hereby appointed agent for the undersigned Petitioners, as required by Section 709.02 of the Revised Code of Ohio. With regard to the agency for the respective petitioners, said agent is hereby authorized to make any amendment and/or deletion which in each of his absolute and complete discretion is necessary or proper under the circumstances then existing, and in particular to make such amendment in order to correct any discrepancy or mistake noted by the Union County Engineer in his examination of an amended survey plat and description to the Board of Commissioners on, before, or after the date set for hearing on this Petition.

"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 THE 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."



As to Parcel Nos. 28-0017005.0000, 28-0017001.0000, 28-0017008.0010, and 28-0017006.0010

Jerry Feucht 5-7-24

Jerry L. Feucht Date

As to Parcel Nos. 28-0014028.0010 and 28-0017003.0000:

(agent for Robert C. Feucht)
Betty J. Feucht 5/2/2024

Robert C. Feucht Date

Betty J. Feucht 5/2/2024

Betty Jo Feucht Date

EXHIBITS

Exhibit A - Legal Description of Proposed Annexation

Exhibit B - Plat Survey of Proposed Annexation

Exhibit C - Adjacent Property Owners to Proposed Annexation

ANNEXATION DESCRIPTION

of

243.892 Acres +/-

from

PARIS TOWNSHIP

to

CITY OF MARYSVILLE, UNION COUNTY, OHIO

Situate in the State of Ohio, County of Union, Township of Paris, lying in Virginia Military Survey Numbers 3350 and 3352, and being ALL of the 24.52-acre tract conveyed to Jerry L. Feucht by deed of record in Instrument No. 202105130006587, the 14.439-acre tract conveyed to Jerry L. Feucht by deed of record in Instrument No. 202105130006590, the 1.5-acre tract conveyed to Robert C. and Betty Jo Feucht by deed of record in Instrument No. 202105280007281, the 127.98-acre (126.48-acres Auditor) tract conveyed to Robert C. and Betty Jo Feucht by deed of Instrument No. 202105280007281, the 42.58-acre tract conveyed to Jerry L. Feucht by deed of record in Instrument No. 202105130006588, and PART of the 38.43-acre tract conveyed to Jerry L. Feucht by deed of record in Instrument No. 202001060000140, and PART of the existing right-of-way of U.S. Route 36 (varying in width), records of the Recorder's Office, Union County, Ohio, and being more particularly described as follows:

BEGINNING at a point in the existing City of Marysville corporation line in the centerline of said U.S. Route 36 at the southwesterly corner of said 24.52-acre tract;

Thence the following three (3) courses and distances along said City of Marysville Corporation line:

1. Thence North 06° 35' 48" West, a distance of 1,440.99 feet, and the westerly line of said 24.52-acre tract, to a point at the southeasterly corner of said 14.439-acre tract;

2. Thence South 72° 14' 13" West, a distance of 1,724.20 feet, and along the southerly line of said 14.439-acre tract, to a point at the southwesterly corner of said 14.439-acre tract;

3. Thence North 05° 54' 04" West, a distance of 1,723.24 feet, and along the westerly lines of said 14.439-acre and aforesaid 127.98-acre tracts, to a point;

Thence leaving said City of Marysville Corporation line, the following two (2) courses and distances continuing along said westerly line of the 127.98-acre tract:

1. Thence North 05° 02' 33" West, a distance 2,145.60 feet, to a point;

2. Thence North 05° 03' 39" West, a distance of 563.88 feet, to a point in Mill Creek at the northwesterly corner of said 127.98-acre tract;

Thence the following twenty-five (25) courses and distances along Mill Creek and northerly lines of said 127.98-acre tract:

1. Thence North 40° 21' 47" East, a distance of 111.93 feet, to a point;

A

2. Thence South 85° 08' 05" East, a distance of 164.70 feet, to a point;
3. Thence South 66° 33' 37" East, a distance of 59.19 feet, to a point;
4. Thence South 43° 04' 53" East, a distance of 90.14 feet, to a point;
5. Thence South 29° 45' 25" East, a distance of 99.23 feet, to a point;
6. Thence South 60° 16' 59" East, a distance of 146.76 feet, to a point;
7. Thence North 88° 46' 57" East, a distance of 98.33 feet, to a point;
8. Thence North 68° 23' 08" East, a distance of 105.56 feet, to a point;
9. Thence North 80° 43' 41" East, a distance of 24.00 feet, to a point
10. Thence South 86° 04' 25" East, a distance of 42.00 feet, to a point
11. Thence South 61° 34' 25" East, a distance of 113.00 feet, to a point
12. Thence South 48° 34' 25" East, a distance of 175.00 feet, to a point;
13. Thence South 44° 04' 25" East, a distance of 153.93 feet, to a point;
14. Thence South 44° 04' 25" East, a distance of 30.07 feet, to a point;
15. Thence South 58° 34' 25" East, a distance of 165.00 feet, to a point;
16. Thence South 67° 47' 55" East, a distance of 61.77 feet, to a point
17. Thence North 75° 49' 16" East, a distance of 48.40 feet, to a point;
18. Thence South 71° 17' 39" East, a distance of 90.94 feet, to a point;
19. Thence South 63° 05' 14" East, a distance of 124.35 feet, to a point;
20. Thence South 30° 13' 47" East, a distance of 101.11 feet, to a point;
21. Thence South 01° 18' 23" West, a distance of 98.21 feet, to a point;
22. Thence South 08° 16' 42" West, a distance of 79.71 feet, to a point;
23. Thence South 05° 08' 46" East, a distance of 63.25 feet, to a point;

24. Thence South 40° 28' 48" East, a distance of 66.60 feet, to a point;

25. Thence South 44° 55' 26" East, a distance of 72.96 feet, to a point at the common corner of said 127.98-acre tract and aforesaid 42.85-acre tract;

Thence the following twenty-one (21) courses and distances continuing along Mill Creek and the northerly lines of said 42.85-acre tract:

1. Thence South 44° 55' 26" East, a distance of 21.03 feet, to a point;
2. Thence South 54° 33' 03" East, a distance of 125.49 feet, to a point;
3. Thence South 87° 09' 14" East, a distance of 38.57 feet, to a point;
4. Thence North 61° 41' 22" East, a distance of 86.76 feet, to a point;
5. Thence South 87° 57' 52" East, a distance of 92.51 feet, to a point;
6. Thence South 60° 19' 23" East, a distance of 76.88 feet, to a point;
7. Thence South 37° 56' 29" East, a distance of 57.29 feet, to a point;
8. Thence South 46° 25' 18" East, a distance of 73.58 feet, to a point;
9. Thence South 49° 39' 34" East, a distance of 66.90 feet, to a point;
10. Thence South 39° 25' 10" East, a distance of 86.18 feet, to a point;
11. Thence South 37° 52' 57" East, a distance of 84.92 feet, to a point;
12. Thence South 42° 07' 41" East, a distance of 22.37 feet, to a point;
13. Thence South 27° 46' 20" East, a distance of 133.52 feet, to a point;
14. Thence South 23° 08' 34" East, a distance of 195.52 feet, to a point;
15. Thence South 19° 29' 58" East, a distance of 142.35 feet, to a point;
16. Thence South 12° 55' 09" East, a distance of 163.89 feet, to a point;
17. Thence South 14° 36' 39" West, a distance of 45.93 feet, to a point;
18. Thence South 14° 21' 49" East, a distance of 5.45 feet, to a point;
19. Thence South 55° 23' 54" East, a distance of 39.61 feet, to a point;

20. Thence South 10° 35' 01" East, a distance of 55.38 feet, to a point;

21. Thence South 00° 42' 11" West, a distance of 103.72 feet, to point at the common corner of said 42.85-acre and aforesaid 38.43-acre tract;

Thence the following fourteen (14) courses and distances continuing along Mill Creek and the northerly lines of said 38.43-acre tract:

1. Thence South 00° 42' 11" West, a distance of 28.46 feet, to a point;

2. Thence South 29° 16' 13" West, a distance of 39.21 feet, to a point;

3. Thence South 32° 33' 31" West, a distance of 54.10 feet, to a point;

4. Thence South 08° 21' 56" West, a distance of 30.28 feet, to a point;

5. Thence South 19° 08' 44" East, a distance of 167.91 feet, to a point;

6. Thence South 29° 00' 16" East, a distance of 154.84 feet, to a point;

7. Thence South 09° 07' 19" East, a distance of 43.77 feet, to a point;

8. Thence South 37° 05' 10" East, a distance of 3.64 feet, to a point;

9. Thence South 79° 13' 35" East, a distance of 36.74 feet, to a point;

10. Thence South 68° 50' 44" East, a distance of 147.49 feet, to a point;

11. Thence South 80° 06' 57" East, a distance of 99.24 feet, to a point;

12. Thence North 77° 00' 53" East, a distance of 136.12 feet, to a point;

13. Thence North 53° 28' 25" East, a distance of 44.48 feet, to a point;

14. Thence South 88° 33' 53" East, a distance of 47.39 feet, to a point at the northeasterly corner of said 38.43-acre tract;

Thence South 06° 28' 34" East, a distance of 2,170.02 feet, along the easterly line of said 38.43-acre tract, to a point at the intersection of the southerly right-of-way line of aforesaid U.S. Route 36;

Thence the following three (3) courses and distances along said southerly right-of-way line of U.S. Route 36:

1. Thence South 70° 11' 17" West, a distance of 861.19 feet, to a point;

2. Thence South 42° 42' 49" West, a distance of 56.36 feet, to a point;

3. Thence South 67° 49' 48" West, a distance of 312.33 feet, to a point in the aforesaid City of Marysville Corporation line;

Thence the following two (2) courses and distances along said City of Marysville corporation line and across said U.S. Route 36 right-of-way:

1. Thence North 05° 28' 53" West, a distance of 71.08 feet, to a point in the centerline of said U.S. Route 36;

2. Thence South 70° 10' 36" West, a distance of 92.61 feet, and along said centerline of U.S. Route 36, to the **POINT OF BEGINNING**;

Containing 243.892 acres, more or less.

The bearings in the above description are based on Ohio State Plane Coordinate System, North Zone, NAD83.

The above description of the property to be annexed is based partly on available records and partly on ALTA/NSPS Land Title Surveys prepared by Sheffler & Company, Inc. dated May 1, 2023, but does NOT represent a Boundary Survey as defined in O.A.C. Chapter 4733-37.

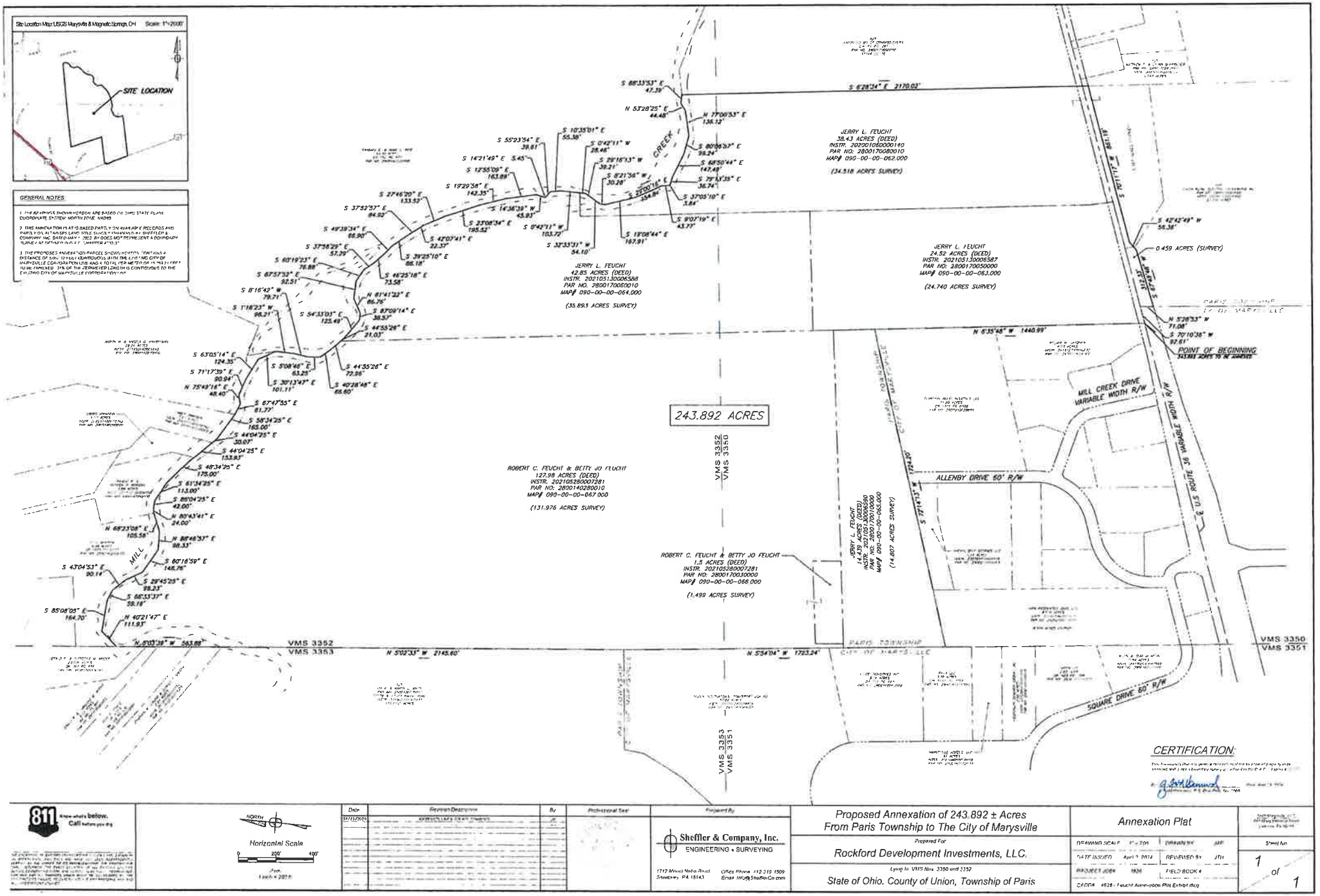
The above described annexation contains a distance of 5,052.12 feet contiguous with the existing City of Marysville Corporation line and a total perimeter of 16,299.21 feet to be annexed. 31% of the perimeter length is contiguous to the existing City of Marysville Corporation line.

Sheffler and Company, Inc.



J. Todd Henwood 04.29.2024

J. Todd Henwood, P.S. Date
Ohio Reg. No. 7660



811 Know what's below. Call before you dig

Horizontal Scale
0 200' 400'
1 inch = 200 ft

Date	Revision Description	By	Professional Seal
04/12/2024			

Prepared By
Sheffler & Company, Inc.
ENGINEERING • SURVEYING
1712 Mound Nebo Road, Sewickley, PA 15143
Office Phone: 412.219.1509
Email: Info@ShefflerCo.com

Proposed Annexation of 243.892 ± Acres
From Paris Township to The City of Marysville

Prepared For
Rockford Development Investments, LLC.

Lying In VMS Nos. 3350 and 3352
State of Ohio. County of Union, Township of Paris

Annexation Plat

DRAWING SCALE	1" = 200'	DRAWN BY	MP
DATE ISSUED	April 2, 2024	REVIEWED BY	JTH
PROJECT JOB #	1826	FIELD BOOK #	

CADD # 4826 - Feucht Annexation Plat Exhibit.dwg

Sheet No.
1 of 1

EXHIBIT C - ADJACENT PARCEL OWNERS

1. Parcel No. 28-0017009.0000
   Union Co. Bd. of Commissioners
   15146 U.S. 36
   Marysville, OH 43040

2. Parcel No. 28-0017024.0000
   Matthew & Laura Schroeder
   15233 U.S. 36
   Marysville, OH 43040

3. Parcel No. 28-0014022.0000
   Randall & Anne Rice
   17610 Waldo Road
   Marysville, OH 43040

4. Parcel No. 28-0014023.0000
   Aaron & Angela Hanselman
   17496 Waldo Road
   Marysville, OH 43040

5. Parcel Nos. 28-0014034.0000 and
   28-0014024.0000
   17456 Waldo Road
   Jamey Johnson
   P. O. Box 405
   Marysville, OH 43040

6. Parcel No. 28-0014026.2000
   Patrick & Randall Morgan, Trustees
   17418 Waldo Road
   Marysville, OH 43040

7. Parcel No. 28-0014026.0000
   Julie Morrow
   17380 Waldo Road
   Marysville, OH 43040

8. Parcel No. 28-0013036.0000
Jerald & Christine Moder
17316 Waldo Road
Marysville, OH 43040

9. Parcel No. 28-0013026.0000
John Stultz
17288 Waldo Road
Marysville, OH 43040

10. Parcel No. 28-0013037.0000
Jonathan & Donyel Gibson
17250 Waldo Road
Marysville, OH 43040

11. Parcel No. 28-0013027.0010
Tim & Karyn White
17200 Waldo Road
Marysville, OH 43040

12. Parcel No. 29-0016008.0000
Nissin International Transport USA
16940 Square Drive
Marysville, OH 43040

13. Parcel No. 29-0016009.0000
U-Co Industries Inc.
16900 Square Drive
Marysville, OH 43040

14. Parcel No. 29-0016010.1000
RY-1 LLC
16710 Square Drive
Marysville, OH 43040

15. Parcel No. 28-0017008.0010
US 36
Jerry Feucht
14742 U.S. 36
Marysville, OH 43040

16. Parcel Nos. 28-0017008.0020 and
29-0004397.0000
Union Rural Electric Cooperative Inc.
15461 U.S. 36
Marysville, OH 43040

17. Parcel No. 29-0021002.6000
William Gardner
15600 U.S. 36
Marysville, OH 43040

18. Parcel No. 29-0021002.9000
Elmwood Villas Holdings LLC
514 Allenby Drive
Marysville, OH 43040

19. Parcel No. 29-0021002.4060
Radius Self Storage LLC
617 Allenby Drive
Marysville, OH 43040

20. Parcel No. 29-0021001.0000
Square Drive
MFM Properties Ohio LLC
1448 Conner Street
Noblesville, IN 46060

RECEIVED
MAY 14 2024
By Sara Easley

Terry Emery

RESOLUTION 011-2024

TO AUTHORIZE THE SERVICES THAT THE CITY OF MARYSVILLE WILL PROVIDE SHOULD THE +/- 243.892 ACRES LOCATED IN PARIS TOWNSHIP, UNION COUNTY, OHIO, CONTIGUOUS TO THE CITY OF MARYSVILLE, BE ANNEXED INTO THE CITY, AND TO PROVIDE FOR BUFFER REQUIREMENTS

WHEREAS, On May 8, 2024, pursuant to Ohio Revised Code Section 709.023, the property owners seeking annexation of +/- 243.892 acres of real property in Paris Township, Union County, Ohio, which is contiguous along 5052.12 feet or 31%, to the City of Marysville, filed with the Board of County Commissioners of Union County, Ohio, an Expedited Type II Petition for Annexation of their property to the City of Marysville, a copy of which is attached and incorporated herein as Exhibit A; and

WHEREAS, on May 8, 2024, a copy of said Petition date-stamped from the Union County Board of County Commissioners was delivered to the Clerk of Council; and

WHEREAS, Ohio Revised Code Section 709.023 (C) provides that within twenty days after the date that the petition is filed, the municipal corporation to which annexation is sought, shall adopt a resolution stating what services the municipal corporation will provide to the territory seeking annexation and an approximate date by which it will provide those services; and

WHEREAS, the Ohio Revised Code Section 709.023 (C) also provides that within that same twenty day period, the municipal corporation shall adopt an ordinance or resolution stating that, if the territory is annexed and becomes subject to zoning by the municipal corporation and that if the municipality's zoning allows uses in the annexed territory that the municipal corporation determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining in the township from which the territory was annexed, the municipal corporation shall require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land now remaining within the township; now, therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

Section I. In the event that the proposed +/- 243.892 acres (the "Property") is annexed to the City of Marysville, Ohio, the City will provide to the Property the full range of municipal services available to the residents of, and to the property within, the City of Marysville, including but not limited to police, fire and EMS protection, sanitary sewers, water lines, storm sewers, public roadway, and refuse collection, all of which can be provided immediately upon the effective date of the annexation as provided by law. Should it be determined that as a result of the

annexation, the boundary line between the township and the City divides or segments a street or highway so as to create a road maintenance problem, the City, as a condition of the annexation, shall assume the maintenance of that street or highway or otherwise correct the problem.

Section II. If the Property is annexed and becomes subject to the City of Marysville zoning, and the City zoning allows uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under applicable county or township zoning regulations in effect at the time of the filing of the petition on the land adjacent to the annexed territory remaining in the unincorporated area of Paris Township, then the City of Marysville will require the owner or owners of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining with Paris Township.

Section III. The Clerk of Council is hereby directed to forward and file certified copies of this Resolution with the Union County Board of County Commissioners and to send a copy to the Agent for the Petitioners for annexation within twenty days following the date that the petition was filed.

Section IV. This Resolution is effective upon its adoption.

One Reading Only: May 13, 2024

Passed: May 13, 2024

PRESIDENT OF COUNCIL

APPROVED AS TO FORM:

Law Director Date 5/13/24

ATTEST:

CLERK OF COUNCIL

EXHIBIT A

EXPEDITED TYPE II PETITION FOR ANNEXATION (SECTION 709.023) TO THE CITY OF MARYSVILLE OF 243.892+/- ACRES, MORE OF LESS, FROM PARIS TOWNSHIP

TO THE BOARD OF COUNTY COMMISSIONERS
OF UNION COUNTY, OHIO

The undersigned, petitioners in the premises, and being the SOLE OWNERS OF REAL ESTATE in the territory described, consisting of 243.892 acres, more or less, with a total length of the annexation perimeter of 16,299.21 feet, more or less, in the Township of Paris, which area is contiguous along 5,052.12 feet, or 31% to the City of Marysville, do hereby pray that said territory be annexed to the City of Marysville, according to the statutes of the State of Ohio and that no island of unincorporated area will be created by the annexation.

A full and accurate description and survey plat of said territory so prayed to be annexed are attached hereto as Exhibits "A" and "B" and made part hereof.

In support of said Petition, the petitioners state that they are the SOLE OWNERS OF THE REAL ESTATE within the territory so prayed to be annexed.

Thomas L. Hart, whose address is Painter & Associates, LLC, 5029 Cemetery Road, Hilliard, OH 43026, is hereby appointed agent for the undersigned Petitioners, as required by Section 709.02 of the Revised Code of Ohio. With regard to the agency for the respective petitioners, said agent is hereby authorized to make any amendment and/or deletion which in each of his absolute and complete discretion is necessary or proper under the circumstances then existing, and in particular to make such amendment in order to correct any discrepancy or mistake noted by the Union County Engineer in his examination of an amended survey plat and description to the Board of Commissioners on, before, or after the date set for hearing on this Petition.

"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 THE 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."

RECEIVED
MAY 08 2024
CITY OF
MARYSVILLE

RECEIVED
MAY 08 2024
By Sara Early

As to Parcel Nos. 28-0017005.0000, 28-0017001.0000, 28-0017008.0010, and 28-0017006.0010

Jerry L. Feucht 5-7-24
Jerry L. Feucht Date

As to Parcel Nos. 28-0014028.0010 and 28-0017003.0000:

(agent for Robert C. Feucht)
Betty J. Feucht 5/2/2024
Robert C. Feucht Date

Betty J. Feucht 5/2/2024
Betty Jo Feucht Date

EXHIBITS

Exhibit A - Legal Description of Proposed Annexation

Exhibit B - Plat Survey of Proposed Annexation

Exhibit C - Adjacent Property Owners to Proposed Annexation

ANNEXATION DESCRIPTION

of

243.892 Acres +/-

from

PARIS TOWNSHIP

to

CITY OF MARYSVILLE, UNION COUNTY, OHIO

Situate in the State of Ohio, County of Union, Township of Paris, lying in Virginia Military Survey Numbers 3350 and 3352, and being ALL of the 24.52-acre tract conveyed to Jerry L. Feucht by deed of record in Instrument No. 202105130006587, the 14.439-acre tract conveyed to Jerry L. Feucht by deed of record in Instrument No. 202105130006590, the 1.5-acre tract conveyed to Robert C. and Betty Jo Feucht by deed of record in Instrument No. 202105280007281, the 127.98-acre (126.48-acres Auditor) tract conveyed to Robert C. and Betty Jo Feucht by deed of Instrument No. 202105280007281, the 42.58-acre tract conveyed to Jerry L. Feucht by deed of record in Instrument No. 202105130006588, and PART of the 38.43-acre tract conveyed to Jerry L. Feucht by deed of record in Instrument No. 202001060000140, and PART of the existing right-of-way of U.S. Route 36 (varying in width), records of the Recorder's Office, Union County, Ohio, and being more particularly described as follows:

BEGINNING at a point in the existing City of Marysville corporation line in the centerline of said U.S. Route 36 at the southwesterly corner of said 24.52-acre tract;

Thence the following three (3) courses and distances along said City of Marysville Corporation line:

1. Thence North 06° 35' 48" West, a distance of 1,440.99 feet, and the westerly line of said 24.52-acre tract, to a point at the southeasterly corner of said 14.439-acre tract;

2. Thence South 72° 14' 13" West, a distance of 1,724.20 feet, and along the southerly line of said 14.439-acre tract, to a point at the southwesterly corner of said 14.439-acre tract;

3. Thence North 05° 54' 04" West, a distance of 1,723.24 feet, and along the westerly lines of said 14.439-acre and aforesaid 127.98-acre tracts, to a point;

Thence leaving said City of Marysville Corporation line, the following two (2) courses and distances continuing along said westerly line of the 127.98-acre tract:

1. Thence North 05° 02' 33" West, a distance 2,145.60 feet, to a point;

2. Thence North 05° 03' 39" West, a distance of 563.88 feet, to a point in Mill Creek at the northwesterly corner of said 127.98-acre tract;

Thence the following twenty-five (25) courses and distances along Mill Creek and northerly lines of said 127.98-acre tract:

1. Thence North 40° 21' 47" East, a distance of 111.93 feet, to a point;

A

2. Thence South 85° 08' 05" East, a distance of 164.70 feet, to a point;
3. Thence South 66° 33' 37" East, a distance of 59.19 feet, to a point;
4. Thence South 43° 04' 53" East, a distance of 90.14 feet, to a point;
5. Thence South 29° 45' 25" East, a distance of 99.23 feet, to a point;
6. Thence South 60° 16' 59" East, a distance of 146.76 feet, to a point;
7. Thence North 88° 46' 57" East, a distance of 98.33 feet, to a point;
8. Thence North 68° 23' 08" East, a distance of 105.56 feet, to a point;
9. Thence North 80° 43' 41" East, a distance of 24.00 feet, to a point
10. Thence South 86° 04' 25" East, a distance of 42.00 feet, to a point
11. Thence South 61° 34' 25" East, a distance of 113.00 feet, to a point
12. Thence South 48° 34' 25" East, a distance of 175.00 feet, to a point;
13. Thence South 44° 04' 25" East, a distance of 153.93 feet, to a point;
14. Thence South 44° 04' 25" East, a distance of 30.07 feet, to a point;
15. Thence South 58° 34' 25" East, a distance of 165.00 feet, to a point;
16. Thence South 67° 47' 55" East, a distance of 61.77 feet, to a point
17. Thence North 75° 49' 16" East, a distance of 48.40 feet, to a point;
18. Thence South 71° 17' 39" East, a distance of 90.94 feet, to a point;
19. Thence South 63° 05' 14" East, a distance of 124.35 feet, to a point;
20. Thence South 30° 13' 47" East, a distance of 101.11 feet, to a point;
21. Thence South 01° 18' 23" West, a distance of 98.21 feet, to a point;
22. Thence South 08° 16' 42" West, a distance of 79.71 feet, to a point;
23. Thence South 05° 08' 46" East, a distance of 63.25 feet, to a point;

24. Thence South 40° 28' 48" East, a distance of 66.60 feet, to a point;

25. Thence South 44° 55' 26" East, a distance of 72.96 feet, to a point at the common corner of said 127.98-acre tract and aforesaid 42.85-acre tract;

Thence the following twenty-one (21) courses and distances continuing along Mill Creek and the northerly lines of said 42.85-acre tract:

1. Thence South 44° 55' 26" East, a distance of 21.03 feet, to a point;
2. Thence South 54° 33' 03" East, a distance of 125.49 feet, to a point;
3. Thence South 87° 09' 14" East, a distance of 38.57 feet, to a point;
4. Thence North 61° 41' 22" East, a distance of 86.76 feet, to a point;
5. Thence South 87° 57' 52" East, a distance of 92.51 feet, to a point;
6. Thence South 60° 19' 23" East, a distance of 76.88 feet, to a point;
7. Thence South 37° 56' 29" East, a distance of 57.29 feet, to a point;
8. Thence South 46° 25' 18" East, a distance of 73.58 feet, to a point;
9. Thence South 49° 39' 34" East, a distance of 66.90 feet, to a point;
10. Thence South 39° 25' 10" East, a distance of 86.18 feet, to a point;
11. Thence South 37° 52' 57" East, a distance of 84.92 feet, to a point;
12. Thence South 42° 07' 41" East, a distance of 22.37 feet, to a point;
13. Thence South 27° 46' 20" East, a distance of 133.52 feet, to a point;
14. Thence South 23° 08' 34" East, a distance of 195.52 feet, to a point;
15. Thence South 19° 29' 58" East, a distance of 142.35 feet, to a point;
16. Thence South 12° 55' 09" East, a distance of 163.89 feet, to a point;
17. Thence South 14° 36' 39" West, a distance of 45.93 feet, to a point;
18. Thence South 14° 21' 49" East, a distance of 5.45 feet, to a point;
19. Thence South 55° 23' 54" East, a distance of 39.61 feet, to a point;

20. Thence South 10° 35' 01" East, a distance of 55.38 feet, to a point;

21. Thence South 00° 42' 11" West, a distance of 103.72 feet, to point at the common corner of said 42.85-acre and aforesaid 38.43-acre tract;

Thence the following fourteen (14) courses and distances continuing along Mill Creek and the northerly lines of said 38.43-acre tract:

1. Thence South 00° 42' 11" West, a distance of 28.46 feet, to a point;

2. Thence South 29° 16' 13" West, a distance of 39.21 feet, to a point;

3. Thence South 32° 33' 31" West, a distance of 54.10 feet, to a point;

4. Thence South 08° 21' 56" West, a distance of 30.28 feet, to a point;

5. Thence South 19° 08' 44" East, a distance of 167.91 feet, to a point;

6. Thence South 29° 00' 16" East, a distance of 154.84 feet, to a point;

7. Thence South 09° 07' 19" East, a distance of 43.77 feet, to a point;

8. Thence South 37° 05' 10" East, a distance of 3.64 feet, to a point;

9. Thence South 79° 13' 35" East, a distance of 36.74 feet, to a point;

10. Thence South 68° 50' 44" East, a distance of 147.49 feet, to a point;

11. Thence South 80° 06' 57" East, a distance of 99.24 feet, to a point;

12. Thence North 77° 00' 53" East, a distance of 136.12 feet, to a point;

13. Thence North 53° 28' 25" East, a distance of 44.48 feet, to a point;

14. Thence South 88° 33' 53" East, a distance of 47.39 feet, to a point at the northeasterly corner of said 38.43-acre tract;

Thence South 06° 28' 34" East, a distance of 2,170.02 feet, along the easterly line of said 38.43-acre tract, to a point at the intersection of the southerly right-of-way line of aforesaid U.S. Route 36;

Thence the following three (3) courses and distances along said southerly right-of-way line of U.S. Route 36:

1. Thence South 70° 11' 17" West, a distance of 861.19 feet, to a point;

2. Thence South 42° 42' 49" West, a distance of 56.36 feet, to a point;

3. Thence South 67° 49' 48" West, a distance of 312.33 feet, to a point in the aforesaid City of Marysville Corporation line;

Thence the following two (2) courses and distances along said City of Marysville corporation line and across said U.S. Route 36 right-of-way:

1. Thence North 05° 28' 53" West, a distance of 71.08 feet, to a point in the centerline of said U.S. Route 36;

2. Thence South 70° 10' 36" West, a distance of 92.61 feet, and along said centerline of U.S. Route 36, to the **POINT OF BEGINNING**;

Containing 243.892 acres, more or less.

The bearings in the above description are based on Ohio State Plane Coordinate System, North Zone, NAD83.

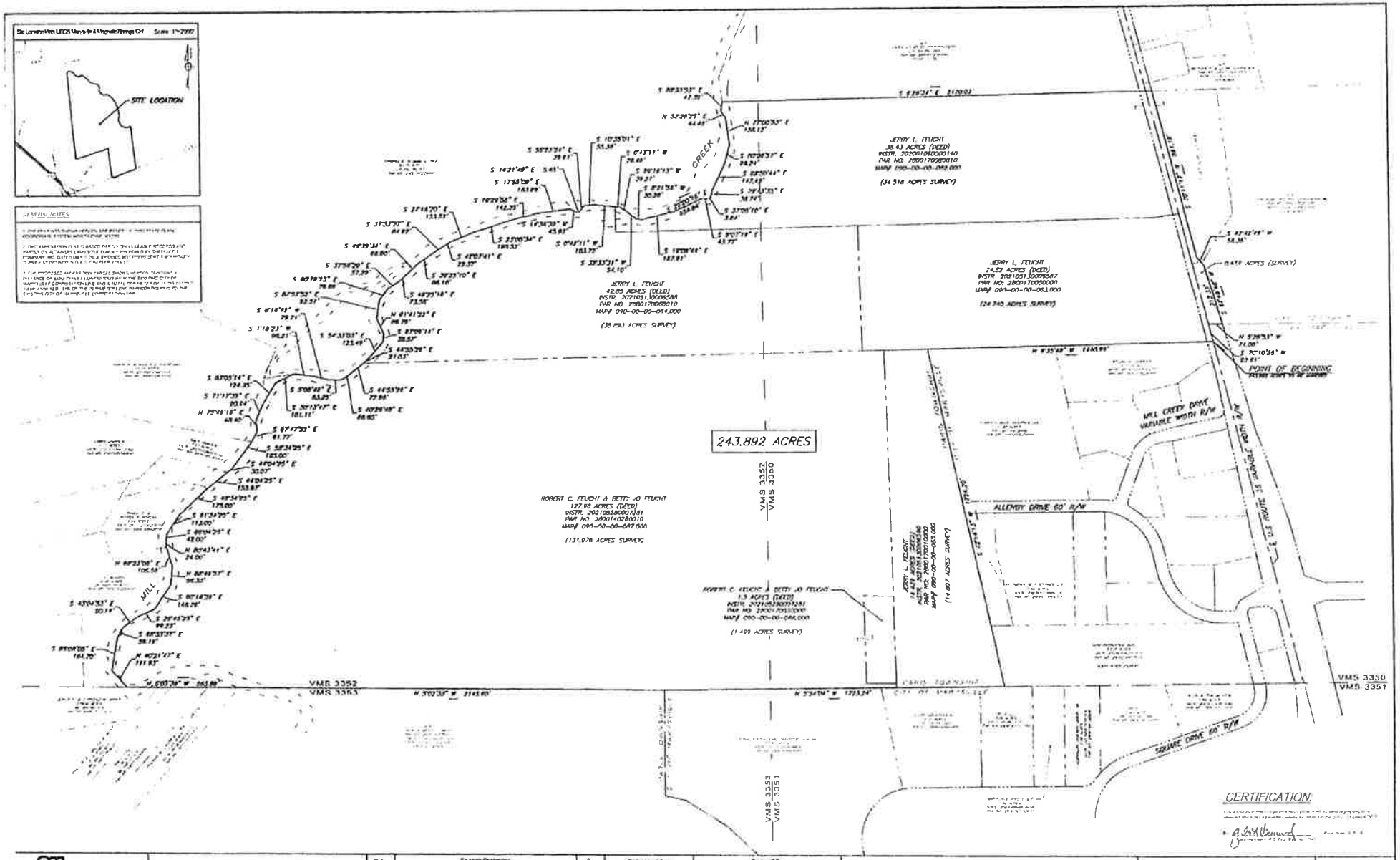
The above description of the property to be annexed is based partly on available records and partly on ALTA/NSPS Land Title Surveys prepared by Sheffler & Company, Inc. dated May 1, 2023, but does NOT represent a Boundary Survey as defined in O.A.C. Chapter 4733-37.

The above described annexation contains a distance of 5,052.12 feet contiguous with the existing City of Marysville Corporation line and a total perimeter of 16,299.21 feet to be annexed. 31% of the perimeter length is contiguous to the existing City of Marysville Corporation line.

Sheffler and Company, Inc.



J. Todd Henwood, P.S. 04.29.2024
J. Todd Henwood, P.S. Date
Ohio Reg. No. 7660



811 Know what's below. Call before you dig.

Horizontal Scale

Sheffler & Company, Inc.
ENGINEERING - SURVEYING

Proposed Annexation of 243.892 ± Acres
From Paris Township to The City of Marysville

Prepared For
Rockford Development Investments, LLC.

Lying In Vol 9 Nos. 1150 and 2312
State of Ohio, County of Union, Township of Paris

Annexation Plat

1 of 1

EXHIBIT C - ADJACENT PARCEL OWNERS

1. Parcel No. 28-0017009.0000
   Union Co. Bd. of Commissioners
   15146 U.S. 36
   Marysville, OH 43040

2. Parcel No. 28-0017024.0000
   Matthew & Laura Schroeder
   15233 U.S. 36
   Marysville, OH 43040

3. Parcel No. 28-0014022.0000
   Randall & Anne Rice
   17610 Waldo Road
   Marysville, OH 43040

4. Parcel No. 28-0014023.0000
   Aaron & Angela Hanselman
   17496 Waldo Road
   Marysville, OH 43040

5. Parcel Nos. 28-0014034.0000 and
   28-0014024.0000
   17456 Waldo Road
   Jamey Johnson
   P. O. Box 405
   Marysville, OH 43040

6. Parcel No. 28-0014026.2000
   Patrick & Randall Morgan, Trustees
   17418 Waldo Road
   Marysville, OH 43040

7. Parcel No. 28-0014026.0000
   Julie Morrow
   17380 Waldo Road
   Marysville, OH 43040

8. Parcel No. 28-0013036.0000
Jerald & Christine Moder
17316 Waldo Road
Marysville, OH 43040

9. Parcel No. 28-0013026.0000
John Stultz
17288 Waldo Road
Marysville, OH 43040

10. Parcel No. 28-0013037.0000
Jonathan & Donyel Gibson
17250 Waldo Road
Marysville, OH 43040

11. Parcel No. 28-0013027.0010
Tim & Karyn White
17200 Waldo Road
Marysville, OH 43040

12. Parcel No. 29-0016008.0000
Nissin International Transport USA
16940 Square Drive
Marysville, OH 43040

13. Parcel No. 29-0016009.0000
U-Co Industries Inc.
16900 Square Drive
Marysville, OH 43040

14. Parcel No. 29-0016010.1000
RY-1 LLC
16710 Square Drive
Marysville, OH 43040

15. Parcel No. 28-0017008.0010
US 36
Jerry Feucht
14742 U.S. 36
Marysville, OH 43040

16. Parcel Nos. 28-0017008.0020 and
29-0004397.0000
Union Rural Electric Cooperative Inc.
15461 U.S. 36
Marysville, OH 43040

17. Parcel No. 29-0021002.6000
William Gardner
15600 U.S. 36
Marysville, OH 43040

18. Parcel No. 29-0021002.9000
Elmwood Villas Holdings LLC
514 Allenby Drive
Marysville, OH 43040

19. Parcel No. 29-0021002.4060
Radius Self Storage LLC
617 Allenby Drive
Marysville, OH 43040

20. Parcel No. 29-0021001.0000
Square Drive
MFM Properties Ohio LLC
1448 Conner Street
Noblesville, IN 46060

painter & associates
ATTORNEYS AT LAW LLC

NATHAN D. PAINTER • REBECCA JUNGWIRTH OF COUNSEL • ADAM COVERT OF COUNSEL • KYLE LINDENBAUM OF COUNSEL • THOMAS HART OF COUNSEL

May 14, 2024

BY CERTIFIED MAIL RETURN RECEIPT REQUESTED

Union County Commissioners
233 W. Sixth Street.
Marysville, OH 43040

Re Type 2 Annexation Petition, ORC §709.023, 243.892+/- acres, U. S. Rte. 36, from Paris Township

Dear Clerk:

Enclosed is our Affidavit of Service of Annexation Petition on Paris Township and the City of Marysville, and the adjacent property owners listed in the Annexation Petition filed with your office onMay 8, 2024.

Please let me know if you need anything further to complete your file for the Commissioners' upcoming hearing on this matter. Thank you.

Sincerely,

Lizabeth A. Russell-Pickard
Paralegal

Enclosures

RECEIVED
MAY 16 2024
By

5025 Pinnacle Pkwy. Hilliard, OH 43026 P: 614.529.9550 f: 614.534.7170 www.painterlegal.com

AFFIDAVIT

STATE OF OHIO
COUNTY OF FRANKLIN, ss.

Now comes Thomas L. Hart, being of lawful age and being first duly sworn and cautioned, hereby states the following:

1. My name is Thomas L. Hart, and I have personal knowledge of the facts presented in this Affidavit.

2. I am one of the agents for the annexation petition that was filed with the Union County Commissioners on May 8, 2024 on behalf of the property owners.

3. On May 8, 2024, I mailed a copy of the annexation petition filed with the Union County Commissioners to the City of Marysville and Paris Township by certified mail return receipt requested, and copies of the signed receipts are attached.

4. On May 8, 20234 I mailed a notice of the filing of the annexation petition and a full and complete copy of the annexation petition and attachments by regular mail to all landowners in the annexation area and adjacent landowners, which included those on the attached Exhibit.

FURTHER AFFIANT SAYETH NOT.

THOMAS L. HART

STATE OF OHIO
COUNTY OF FRANKLIN, ss.

Thomas L. Hart appeared before me this 14 day of May, 2024, who is known to me or satisfactorily proven to be the same, and signed the statements made in the foregoing Affidavit as being true to the best of his knowledge and belief.

Notary Public

LIZABETH A RUSSELL-PICKARD
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
05-19-2027
Recorded in
Franklin County

Feucht - Annex

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

City of Marysville-Clerk
209 S. Main St.
Marysville OH 43040

9590 9402 8086 2349 6129 79

2. Article Number *(Transfer from service label)*

9589 0710 5270 1763 6352 08

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [signature] ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

[illegible] | 6/9/24

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

Feucht Annex

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Paris Township Trustees
716 N. Main St.
Marysville OH 43040

9590 9402 8086 2349 6129 62

2. Article Number *(Transfer from service label)*

9589 0710 5270 1763 6352 15

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [signature] ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

Ryan J. Lee | 5/10/24

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

EXHIBIT C - ADJACENT PARCEL OWNERS

1. Parcel No. 28-0017009.0000
   Union Co. Bd. of Commissioners
   15146 U.S. 36
   Marysville, OH 43040

2. Parcel No. 28-0017024.0000
   Matthew & Laura Schroeder
   15233 U.S. 36
   Marysville, OH 43040

3. Parcel No. 28-0014022.0000
   Randall & Anne Rice
   17610 Waldo Road
   Marysville, OH 43040

4. Parcel No. 28-0014023.0000
   Aaron & Angela Hanselman
   17496 Waldo Road
   Marysville, OH 43040

5. Parcel Nos. 28-0014034.0000 and
   28-0014024.0000
   17456 Waldo Road
   Jamey Johnson
   P. O. Box 405
   Marysville, OH 43040

6. Parcel No. 28-0014026.2000
   Patrick & Randall Morgan, Trustees
   17418 Waldo Road
   Marysville, OH 43040

7. Parcel No. 28-0014026.0000
   Julie Morrow
   17380 Waldo Road
   Marysville, OH 43040

8. Parcel No. 28-0013036.0000
Jerald & Christine Moder
17316 Waldo Road
Marysville, OH 43040

9. Parcel No. 28-0013026.0000
John Stultz
17288 Waldo Road
Marysville, OH 43040

10. Parcel No. 28-0013037.0000
Jonathan & Donyel Gibson
17250 Waldo Road
Marysville, OH 43040

11. Parcel No. 28-0013027.0010
Tim & Karyn White
17200 Waldo Road
Marysville, OH 43040

12. Parcel No. 29-0016008.0000
Nissin International Transport USA
16940 Square Drive
Marysville, OH 43040

13. Parcel No. 29-0016009.0000
U-Co Industries Inc.
16900 Square Drive
Marysville, OH 43040

14. Parcel No. 29-0016010.1000
RY-1 LLC
16710 Square Drive
Marysville, OH 43040

15. Parcel No. 28-0017008.0010
US 36
Jerry Feucht
14742 U.S. 36
Marysville, OH 43040

16. Parcel Nos. 28-0017008.0020 and
29-0004397.0000
Union Rural Electric Cooperative Inc.
15461 U.S. 36
Marysville, OH 43040

17. Parcel No. 29-0021002.6000
William Gardner
15600 U.S. 36
Marysville, OH 43040

18. Parcel No. 29-0021002.9000
Elmwood Villas Holdings LLC
514 Allenby Drive
Marysville, OH 43040

19. Parcel No. 29-0021002.4060
Radius Self Storage LLC
617 Allenby Drive
Marysville, OH 43040

20. Parcel No. 29-0021001.0000
Square Drive
MFM Properties Ohio LLC
1448 Conner Street
Noblesville, IN 46060

County Engineer
Environmental Engineer
Building Department
233 W. Sixth Street
Marysville, Ohio 43040
P. 937.645.3018
F. 937.645.3161
www.unioncountyohio.gov/engineer

Marysville Operations Facility
16400 County Home Road
Marysville, Ohio 43040
P. 937.645.3017
F. 937.645.3111

Richwood Outpost
190 Beatty Avenue
Richwood, Ohio 43344

Public Service with Integrity

MEMO

To: Board of Commissioners, Union County
From: Jeff Stauch, Union County Engineer
Date: May 30, 2024
RE: Annexation to City of Marysville from Paris Township (243.892 Acres on U.S. 36)

The subject annexation petition, received on May 8, 2024, has been reviewed by our office. The attached letter dated April 30, 2024 references the pre-approval technical review for closure, acreage, and adjoining deed information.

The subsequent formal submission, was filed and reviewed under RC 709.021/RC 709.023, and is summarized as follows:

i. The legal description is accurate.
ii. The map/plat has been confirmed to be accurate.
iii. The persons who signed the petition are owners of the real estate located in the territory proposed for annexation and constitute all of the owners of real estate in that territory.
iv. The proposed area to be annexed does not exceed 500 acres.
v. The proposed contiguity with the City of Marysville exceeds the minimum perimeter of 5%.
vi. The proposed annexation will not result in any unincorporated island areas.

The proposed annexation territory does not affect any County Roads. The only road right of way that will be part of this proposed annexation will be along U.S. Route 36.

County Engineer
Environmental Engineer
Building Department
233 W. Sixth Street
Marysville, Ohio 43040
P. 937. 645. 3018
F. 937. 645. 3161
www.unioncountyohio.gov/engineer

Marysville Operations Facility
16400 County Home Road
Marysville, Ohio 43040
P. 937. 645. 3017
F. 937. 645. 3111
Richwood Outpost
190 Beatty Avenue
Richwood, Ohio 43344

Public Service with integrity

Date: 4/30/2024

Kyle Hoyng, P.E.
City of Marysville
209 S. Main Street
Marysville, Ohio 43040

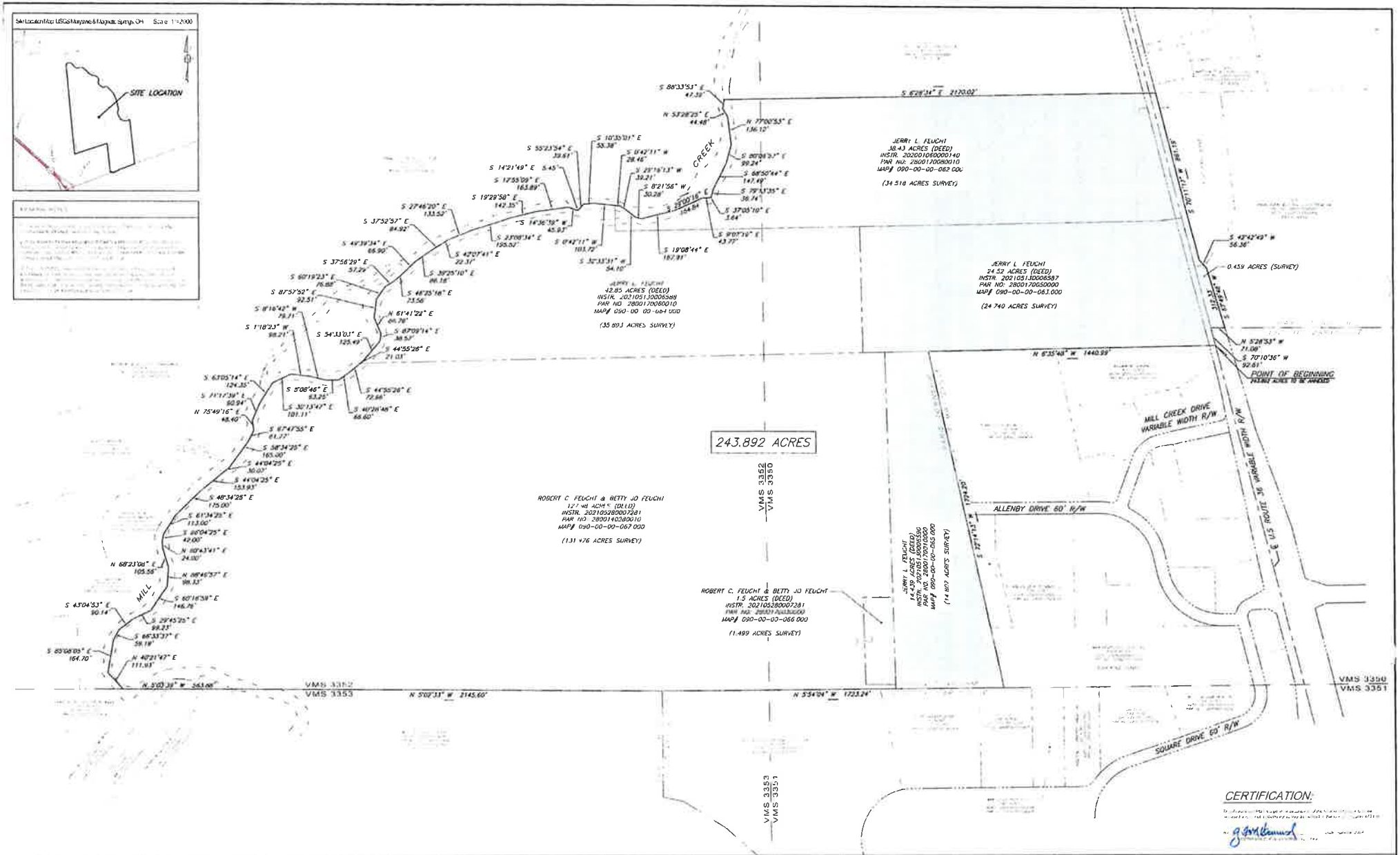
Kyle:
The above referenced and attached annexation plat and description of 243.892 acres being annexed into the City of Marysville has been reviewed for overall closure, acreage, and adjoining deed information. The results of this review are acceptable. Final review and approval will follow after formal submission to the County commissioners, and the necessary details are discussed with the City of Marysville.

If there are any questions feel free to contact us.

Sincerely,

Chris Clapsaddle
Mapping Manager
(937) 645-3021

cc: City of Marysville Planning and Zoning



811 Know what's below. Call before you dig.

Horizontal Scale

Sheffler & Company, Inc.
ENGINEERING • SURVEYING

Proposed Annexation of 243.892 ± Acres
From Paris Township to The City of Marysville

Rockford Development Investments, LLC

State of Ohio, County of Union, Township of Paris

Annexation Plat

CADD# 4826 Feucht Annexation Plat Exhibit.dwg

Sheet No.
1 of 1

ANNEXATION DESCRIPTION

of

243.892 Acres +/-

from

PARIS TOWNSHIP

to

CITY OF MARYSVILLE, UNION COUNTY, OHIO

Situate in the State of Ohio, County of Union, Township of Paris, lying in Virginia Military Survey Numbers 3350 and 3352, and being ALL of the 24.52-acre tract conveyed to Jerry L. Feucht by deed of record in Instrument No. 202105130006587, the 14.439-acre tract conveyed to Jerry L. Feucht by deed of record in Instrument No. 202105130006590, the 1.5-acre tract conveyed to Robert C. and Betty Jo Feucht by deed of record in Instrument No. 202105280007281, the 127.98-acre (126.48-acres Auditor) tract conveyed to Robert C. and Betty Jo Feucht by deed of Instrument No. 202105280007281, the 42.58-acre tract conveyed to Jerry L. Feucht by deed of record in Instrument No. 202105130006588, and PART of the 38.43-acre tract conveyed to Jerry L. Feucht by deed of record in Instrument No. 202001060000140, and PART of the existing right-of-way of U.S. Route 36 (varying in width), records of the Recorder's Office, Union County, Ohio, and being more particularly described as follows:

BEGINNING at a point in the existing City of Marysville corporation line in the centerline of said U.S. Route 36 at the southwesterly corner of said 24.52-acre tract;

Thence the following three (3) courses and distances along said City of Marysville Corporation line:

1. Thence North 06° 35' 48" West, a distance of 1,440.99 feet, and the westerly line of said 24.52-acre tract, to a point at the southeasterly corner of said 14.439-acre tract;

2. Thence South 72° 14' 13" West, a distance of 1,724.20 feet, and along the southerly line of said 14.439-acre tract, to a point at the southwesterly corner of said 14.439-acre tract;

3. Thence North 05° 54' 04" West, a distance of 1,723.24 feet, and along the westerly lines of said 14.439-acre and aforesaid 127.98-acre tracts, to a point;

Thence leaving said City of Marysville Corporation line, the following two (2) courses and distances continuing along said westerly line of the 127.98-acre tract:

1. Thence North 05° 02' 33" West, a distance 2,145.60 feet, to a point;

2. Thence North 05° 03' 39" West, a distance of 563.88 feet, to a point in Mill Creek at the northwesterly corner of said 127.98-acre tract;

Thence the following twenty-five (25) courses and distances along Mill Creek and northerly lines of said 127.98-acre tract:

1. Thence North 40° 21' 47" East, a distance of 111.93 feet, to a point;

2. Thence South 85° 08' 05" East, a distance of 164.70 feet, to a point;
3. Thence South 66° 33' 37" East, a distance of 59.19 feet, to a point;
4. Thence South 43° 04' 53" East, a distance of 90.14 feet, to a point;
5. Thence South 29° 45' 25" East, a distance of 99.23 feet, to a point;
6. Thence South 60° 16' 59" East, a distance of 146.76 feet, to a point;
7. Thence North 88° 46' 57" East, a distance of 98.33 feet, to a point;
8. Thence North 68° 23' 08" East, a distance of 105.56 feet, to a point;
9. Thence North 80° 43' 41" East, a distance of 24.00 feet, to a point
10. Thence South 86° 04' 25" East, a distance of 42.00 feet, to a point
11. Thence South 61° 34' 25" East, a distance of 113.00 feet, to a point
12. Thence South 48° 34' 25" East, a distance of 175.00 feet, to a point;
13. Thence South 44° 04' 25" East, a distance of 153.93 feet, to a point;
14. Thence South 44° 04' 25" East, a distance of 30.07 feet, to a point;
15. Thence South 58° 34' 25" East, a distance of 165.00 feet, to a point;
16. Thence South 67° 47' 55" East, a distance of 61.77 feet, to a point
17. Thence North 75° 49' 16" East, a distance of 48.40 feet, to a point;
18. Thence South 71° 17' 39" East, a distance of 90.94 feet, to a point;
19. Thence South 63° 05' 14" East, a distance of 124.35 feet, to a point;
20. Thence South 30° 13' 47" East, a distance of 101.11 feet, to a point;
21. Thence South 01° 18' 23" West, a distance of 98.21 feet, to a point;
22. Thence South 08° 16' 42" West, a distance of 79.71 feet, to a point;
23. Thence South 05° 08' 46" East, a distance of 63.25 feet, to a point;

24. Thence South 40° 28' 48" East, a distance of 66.60 feet, to a point;

25. Thence South 44° 55' 26" East, a distance of 72.96 feet, to a point at the common corner of said 127.98-acre tract and aforesaid 42.85-acre tract;

Thence the following twenty-one (21) courses and distances continuing along Mill Creek and the northerly lines of said 42.85-acre tract:

1. Thence South 44° 55' 26" East, a distance of 21.03 feet, to a point;

2. Thence South 54° 33' 03" East, a distance of 125.49 feet, to a point;

3. Thence South 87° 09' 14" East, a distance of 38.57 feet, to a point;

4. Thence North 61° 41' 22" East, a distance of 86.76 feet, to a point;

5. Thence South 87° 57' 52" East, a distance of 92.51 feet, to a point;

6. Thence South 60° 19' 23" East, a distance of 76.88 feet, to a point;

7. Thence South 37° 56' 29" East, a distance of 57.29 feet, to a point;

8. Thence South 46° 25' 18" East, a distance of 73.58 feet, to a point;

9. Thence South 49° 39' 34" East, a distance of 66.90 feet, to a point;

10. Thence South 39° 25' 10" East, a distance of 86.18 feet, to a point;

11. Thence South 37° 52' 57" East, a distance of 84.92 feet, to a point;

12. Thence South 42° 07' 41" East, a distance of 22.37 feet, to a point;

13. Thence South 27° 46' 20" East, a distance of 133.52 feet, to a point;

14. Thence South 23° 08' 34" East, a distance of 195.52 feet, to a point;

15. Thence South 19° 29' 58" East, a distance of 142.35 feet, to a point;

16. Thence South 12° 55' 09" East, a distance of 163.89 feet, to a point;

17. Thence South 14° 36' 39" West, a distance of 45.93 feet, to a point;

18. Thence South 14° 21' 49" East, a distance of 5.45 feet, to a point;

19. Thence South 55° 23' 54" East, a distance of 39.61 feet, to a point;

20. Thence South 10° 35' 01" East, a distance of 55.38 feet, to a point;

21. Thence South 00° 42' 11" West, a distance of 103.72 feet, to point at the common corner of said 42.85-acre and aforesaid 38.43-acre tract;

Thence the following fourteen (14) courses and distances continuing along Mill Creek and the northerly lines of said 38.43-acre tract:

1. Thence South 00° 42' 11" West, a distance of 28.46 feet, to a point;

2. Thence South 29° 16' 13" West, a distance of 39.21 feet, to a point;

3. Thence South 32° 33' 31" West, a distance of 54.10 feet, to a point;

4. Thence South 08° 21' 56" West, a distance of 30.28 feet, to a point;

5. Thence South 19° 08' 44" East, a distance of 167.91 feet, to a point;

6. Thence South 29° 00' 16" East, a distance of 154.84 feet, to a point;

7. Thence South 09° 07' 19" East, a distance of 43.77 feet, to a point;

8. Thence South 37° 05' 10" East, a distance of 3.64 feet, to a point;

9. Thence South 79° 13' 35" East, a distance of 36.74 feet, to a point;

10. Thence South 68° 50' 44" East, a distance of 147.49 feet, to a point;

11. Thence South 80° 06' 57" East, a distance of 99.24 feet, to a point;

12. Thence North 77° 00' 53" East, a distance of 136.12 feet, to a point;

13. Thence North 53° 28' 25" East, a distance of 44.48 feet, to a point;

14. Thence South 88° 33' 53" East, a distance of 47.39 feet, to a point at the northeasterly corner of said 38.43-acre tract;

Thence South 06° 28' 34" East, a distance of 2,170.02 feet, along the easterly line of said 38.43-acre tract, to a point at the intersection of the southerly right-of-way line of aforesaid U.S. Route 36;

Thence the following three (3) courses and distances along said southerly right-of-way line of U.S. Route 36:

1. Thence South 70° 11' 17" West, a distance of 861.19 feet, to a point;

2. Thence South 42° 42' 49" West, a distance of 56.36 feet, to a point;

3. Thence South 67° 49' 48" West, a distance of 312.33 feet, to a point in the aforesaid City of Marysville Corporation line;

Thence the following two (2) courses and distances along said City of Marysville corporation line and across said U.S. Route 36 right-of-way:

1. Thence North 05° 28' 53" West, a distance of 71.08 feet, to a point in the centerline of said U.S. Route 36;

2. Thence South 70° 10' 36" West, a distance of 92.61 feet, and along said centerline of U.S. Route 36, to the **POINT OF BEGINNING**;

Containing 243.892 acres, more or less.

The bearings in the above description are based on Ohio State Plane Coordinate System, North Zone, NAD83.

The above description of the property to be annexed is based partly on available records and partly on ALTA/NSPS Land Title Surveys prepared by Sheffler & Company, Inc. dated May 1, 2023, but does NOT represent a Boundary Survey as defined in O.A.C. Chapter 4733-37.

The above described annexation contains a distance of 5,052.12 feet contiguous with the existing City of Marysville Corporation line and a total perimeter of 16,299.21 feet to be annexed. 31% of the perimeter length is contiguous to the existing City of Marysville Corporation line.

Sheffler and Company, Inc.



J. Todd Henwood 04.29.2024

J. Todd Henwood, P.S. Date
Ohio Reg. No. 7660

RESOLUTION NO. 24-283

A RESOLUTION GRANTING THE PETITION OF JERRY L. FEUCHT, ROBERT C. FEUCHT, AND BETTY J. FEUCHT FOR EXPEDITED TYPE 2 ANNEXATION OF 243.892 A. +/- FROM PARIS TOWNSHIP INTO THE CITY OF MARYSVILLE

WHEREAS, Jerry L. Feucht, Robert C. Feucht, and Betty J. Feucht, collectively, Applicant, have presented a Petition by Owner of Real Estate for Annexation of certain land in Paris Township to the City of Marysville, Ohio, utilizing the special procedure of R.C. § 709.023, known as an Expedited Type II annexation, which Petition included a plat and legal description of the area proposed to be annexed; and

WHEREAS, the Applicant filed its Petition on May 8, 2024; and

WHEREAS, the Marysville City Council approved City Resolution 011-2024 on May 13, 2024, which resolution addresses services the City of Marysville will provide should Petition for Annexation be approved and to provide for zoning buffer requirements, and submitted the same to the County on May 14, 2024; and

WHEREAS, Agent for the Applicant on May 16, 2024, filed his affidavit as to service of the Petition as required by R.C. 709.023(B); and

WHEREAS, the Union County Engineer has provided a memorandum regarding the Petition; and

WHEREAS, neither the City of Marysville nor Paris Township has filed a written objection to the proposed annexation; and

WHEREAS, this Board has reviewed the Petition for Annexation with the supporting materials, and based upon that review, FINDS that the Petition satisfies the conditions set out in R.C. §709.023(E).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, UNION COUNTY, OHIO, THAT:

Section 1. The Petition for Expedited Type 2 Annexation into the City of Marysville of 243.892 A., more or less, as legally described in Exhibit A and depicted in Exhibit B, each of which are attached and incorporated by reference, from Paris Township, Union County, Ohio, by Jerry L. Feucht, Robert C. Feucht, and Betty J. Feucht is approved.

Section 2. This annexation having been considered under the special statutory procedure as an Expedited Type 2 annexation, unless otherwise provided in an annexation agreement entered into under section 709.192 of the Revised Code or in a cooperative economic development agreement entered into under section 701.07 of the Revised Code, the territory so annexed, as legally described in Exhibit A and depicted in Exhibit B, shall not at any time be excluded from the township under section 503.07 of the Revised Code and, thus, remains subject to the township's real property taxes.

Section 3. The Clerk of the Board is directed to send a certified copy of this Resolution to the Agent for the Petitioners, the Clerk of the City of Marysville, the Fiscal Officer of Paris Township, and the Union County Auditor. The Clerk shall also deliver a certified copy of the

entire record of these annexation proceedings, including all resolutions of this Board, signed by a majority of the members of the Board, the petition, map, and all other papers on file, to the clerk of the City of Marysville, the municipal corporation to which annexation is proposed. .

Section 4. The Board finds and determines that all of its formal actions concerning and relating to adopting this Resolution occurred in an open meeting of this Board, and that all deliberations of this Board that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Revised Code §121.22.

David A. Lawrence introduced this resolution and moved its passage; Dave Burke seconded the motion; and after discussion, the chair called a roll call vote, and the results were:

Steve Robinson	Yes	No
Dave Burke	Yes	No
David A. Lawrence	Yes	No

Passed: 6-5, 2024

ATTEST: Sara Early
Sara Early, Clerk

BOARD OF COUNTY COMMISSIONERS
UNION COUNTY, OHIO

Steve Robinson

Dave Burke

David A. Lawrence

Approved as to Form:

Thayne D. Gray
Assistant Prosecuting Attorney

CERTIFIED TO BE A TRUE &
EXACT COPY OF ORIGINAL
Sara Early, Clerk
6-5-24

ANNEXATION DESCRIPTION

of

243.892 Acres +/-

from

PARIS TOWNSHIP

to

CITY OF MARYSVILLE, UNION COUNTY, OHIO

Situate in the State of Ohio, County of Union, Township of Paris, lying in Virginia Military Survey Numbers 3350 and 3352, and being ALL of the 24.52-acre tract conveyed to Jerry L. Feucht by deed of record in Instrument No. 202105130006587, the 14.439-acre tract conveyed to Jerry L. Feucht by deed of record in Instrument No. 202105130006590, the 1.5-acre tract conveyed to Robert C. and Betty Jo Feucht by deed of record in Instrument No. 202105280007281, the 127.98-acre (126.48-acres Auditor) tract conveyed to Robert C. and Betty Jo Feucht by deed of Instrument No. 202105280007281, the 42.58-acre tract conveyed to Jerry L. Feucht by deed of record in Instrument No. 202105130006588, and PART of the 38.43-acre tract conveyed to Jerry L. Feucht by deed of record in Instrument No. 202001060000140, and PART of the existing right-of-way of U.S. Route 36 (varying in width), records of the Recorder's Office, Union County, Ohio, and being more particularly described as follows:

BEGINNING at a point in the existing City of Marysville corporation line in the centerline of said U.S. Route 36 at the southwesterly corner of said 24.52-acre tract;

Thence the following three (3) courses and distances along said City of Marysville Corporation line:

1. Thence North 06° 35' 48" West, a distance of 1,440.99 feet, and the westerly line of said 24.52-acre tract, to a point at the southeasterly corner of said 14.439-acre tract;

2. Thence South 72° 14' 13" West, a distance of 1,724.20 feet, and along the southerly line of said 14.439-acre tract, to a point at the southwesterly corner of said 14.439-acre tract;

3. Thence North 05° 54' 04" West, a distance of 1,723.24 feet, and along the westerly lines of said 14.439-acre and aforesaid 127.98-acre tracts, to a point;

Thence leaving said City of Marysville Corporation line, the following two (2) courses and distances continuing along said westerly line of the 127.98-acre tract:

1. Thence North 05° 02' 33" West, a distance 2,145.60 feet, to a point;

2. Thence North 05° 03' 39" West, a distance of 563.88 feet, to a point in Mill Creek at the northwesterly corner of said 127.98-acre tract;

Thence the following twenty-five (25) courses and distances along Mill Creek and northerly lines of said 127.98-acre tract:

1. Thence North 40° 21' 47" East, a distance of 111.93 feet, to a point;

A

2. Thence South 85° 08' 05" East, a distance of 164.70 feet, to a point;
3. Thence South 66° 33' 37" East, a distance of 59.19 feet, to a point;
4. Thence South 43° 04' 53" East, a distance of 90.14 feet, to a point;
5. Thence South 29° 45' 25" East, a distance of 99.23 feet, to a point;
6. Thence South 60° 16' 59" East, a distance of 146.76 feet, to a point;
7. Thence North 88° 46' 57" East, a distance of 98.33 feet, to a point;
8. Thence North 68° 23' 08" East, a distance of 105.56 feet, to a point;
9. Thence North 80° 43' 41" East, a distance of 24.00 feet, to a point
10. Thence South 86° 04' 25" East, a distance of 42.00 feet, to a point
11. Thence South 61° 34' 25" East, a distance of 113.00 feet, to a point
12. Thence South 48° 34' 25" East, a distance of 175.00 feet, to a point;
13. Thence South 44° 04' 25" East, a distance of 153.93 feet, to a point;
14. Thence South 44° 04' 25" East, a distance of 30.07 feet, to a point;
15. Thence South 58° 34' 25" East, a distance of 165.00 feet, to a point;
16. Thence South 67° 47' 55" East, a distance of 61.77 feet, to a point
17. Thence North 75° 49' 16" East, a distance of 48.40 feet, to a point;
18. Thence South 71° 17' 39" East, a distance of 90.94 feet, to a point;
19. Thence South 63° 05' 14" East, a distance of 124.35 feet, to a point;
20. Thence South 30° 13' 47" East, a distance of 101.11 feet, to a point;
21. Thence South 01° 18' 23" West, a distance of 98.21 feet, to a point;
22. Thence South 08° 16' 42" West, a distance of 79.71 feet, to a point;
23. Thence South 05° 08' 46" East, a distance of 63.25 feet, to a point;

24. Thence South 40° 28' 48" East, a distance of 66.60 feet, to a point;

25. Thence South 44° 55' 26" East, a distance of 72.96 feet, to a point at the common corner of said 127.98-acre tract and aforesaid 42.85-acre tract;

Thence the following twenty-one (21) courses and distances continuing along Mill Creek and the northerly lines of said 42.85-acre tract:

1. Thence South 44° 55' 26" East, a distance of 21.03 feet, to a point;
2. Thence South 54° 33' 03" East, a distance of 125.49 feet, to a point;
3. Thence South 87° 09' 14" East, a distance of 38.57 feet, to a point;
4. Thence North 61° 41' 22" East, a distance of 86.76 feet, to a point;
5. Thence South 87° 57' 52" East, a distance of 92.51 feet, to a point;
6. Thence South 60° 19' 23" East, a distance of 76.88 feet, to a point;
7. Thence South 37° 56' 29" East, a distance of 57.29 feet, to a point;
8. Thence South 46° 25' 18" East, a distance of 73.58 feet, to a point;
9. Thence South 49° 39' 34" East, a distance of 66.90 feet, to a point;
10. Thence South 39° 25' 10" East, a distance of 86.18 feet, to a point;
11. Thence South 37° 52' 57" East, a distance of 84.92 feet, to a point;
12. Thence South 42° 07' 41" East, a distance of 22.37 feet, to a point;
13. Thence South 27° 46' 20" East, a distance of 133.52 feet, to a point;
14. Thence South 23° 08' 34" East, a distance of 195.52 feet, to a point;
15. Thence South 19° 29' 58" East, a distance of 142.35 feet, to a point;
16. Thence South 12° 55' 09" East, a distance of 163.89 feet, to a point;
17. Thence South 14° 36' 39" West, a distance of 45.93 feet, to a point;
18. Thence South 14° 21' 49" East, a distance of 5.45 feet, to a point;
19. Thence South 55° 23' 54" East, a distance of 39.61 feet, to a point;

20. Thence South 10° 35' 01" East, a distance of 55.38 feet, to a point;

21. Thence South 00° 42' 11" West, a distance of 103.72 feet, to point at the common corner of said 42.85-acre and aforesaid 38.43-acre tract;

Thence the following fourteen (14) courses and distances continuing along Mill Creek and the northerly lines of said 38.43-acre tract:

1. Thence South 00° 42' 11" West, a distance of 28.46 feet, to a point;

2. Thence South 29° 16' 13" West, a distance of 39.21 feet, to a point;

3. Thence South 32° 33' 31" West, a distance of 54.10 feet, to a point;

4. Thence South 08° 21' 56" West, a distance of 30.28 feet, to a point;

5. Thence South 19° 08' 44" East, a distance of 167.91 feet, to a point;

6. Thence South 29° 00' 16" East, a distance of 154.84 feet, to a point;

7. Thence South 09° 07' 19" East, a distance of 43.77 feet, to a point;

8. Thence South 37° 05' 10" East, a distance of 3.64 feet, to a point;

9. Thence South 79° 13' 35" East, a distance of 36.74 feet, to a point;

10. Thence South 68° 50' 44" East, a distance of 147.49 feet, to a point;

11. Thence South 80° 06' 57" East, a distance of 99.24 feet, to a point;

12. Thence North 77° 00' 53" East, a distance of 136.12 feet, to a point;

13. Thence North 53° 28' 25" East, a distance of 44.48 feet, to a point;

14. Thence South 88° 33' 53" East, a distance of 47.39 feet, to a point at the northeasterly corner of said 38.43-acre tract;

Thence South 06° 28' 34" East, a distance of 2,170.02 feet, along the easterly line of said 38.43-acre tract, to a point at the intersection of the southerly right-of-way line of aforesaid U.S. Route 36;

Thence the following three (3) courses and distances along said southerly right-of-way line of U.S. Route 36:

1. Thence South 70° 11' 17" West, a distance of 861.19 feet, to a point;

2 [illegible]

3 [illegible]

Thence the following two (2) courses and distances along said Grantor's Marysville purpose parcel and said U.S. Route 36 right-of-way:

1 Thence North 05° 23' 52" West a distance of 71.08 feet to a point in the centerline of said U.S. Route 36;

2 Thence South 70° 10' 36" West a distance of 92.61 feet, and along said centerline of U.S. Route 36 to the **POINT OF BEGINNING**

Containing 243.882 acres more or less.

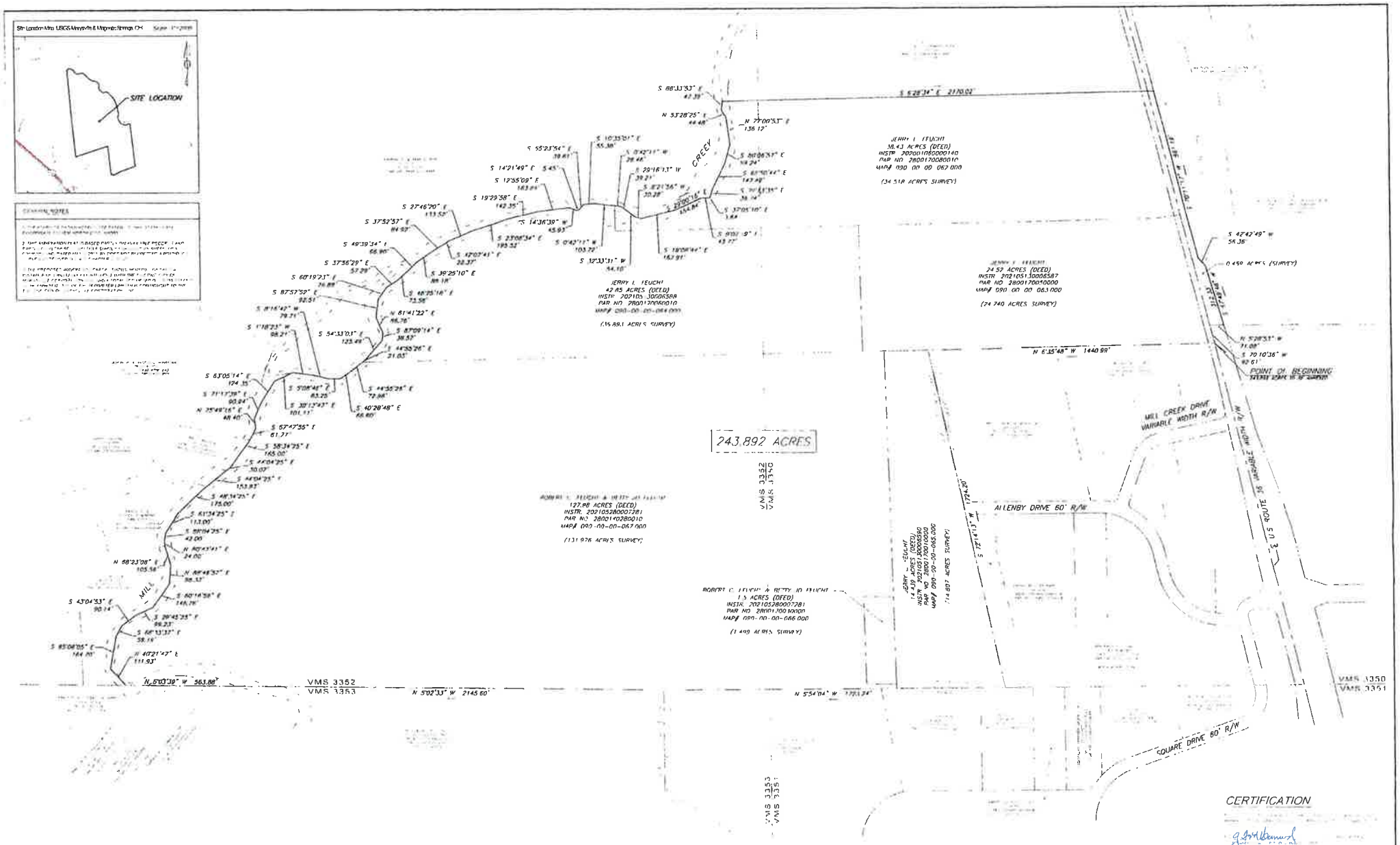
The bearings in the above description are based on Ohio State Plane Coordinate System, North Zone, NAD83.

The above described property, to be surveyed is based on record and available sources at the time of this ALTA/NSPS Land Title Survey prepared by Sheffler & Company, Inc. dated May 1, 2024 and does NOT represent a Boundary Survey as defined in O.A.C. Chapter 4733-37.

The above described parcel contains a distance of 5,362.02 feet, more or less, in the easterly direction [illegible] and is subject to all [illegible] and is subject to all [illegible]

Sheffler and Company, Inc.

J. Todd Hemsoth, P.S. 04.29.2024
J. Todd Hemsoth, P.S. Date
Ohio Registration No. 7887



811 Know what's below. Call before you dig.

Horizontal Scale
0 200' 400'

Sheffler & Company, Inc.
ENGINEERING • SURVEYING

Proposed Annexation of 243.892 ± Acres
From Paris Township to The City of Marysville

Rockford Development Investments, LLC

State of Ohio, County of Union, Township of Paris

Annexation Plat

1 of 1

ORDINANCE _____

TO APPROVE PLANNING COMMISSION'S RECOMMENDATION TO REZONE EXISTING PARCEL NUMBERS: 2800170080010, 2800170060010, 2800170050000, 2800140280010, 2800170030000 and 2800170010000 FROM U-1, TOWNSHIP ZONING, TO A PLANNED UNIT DEVELOPMENT (PUD) FOR MARYSVILLE EAST SECTION III

WHEREAS, an application was submitted to the City Planning Commission by Bart Barok of Rockford Development Investments, and the Planning Commission has reviewed the application to rezone existing parcel numbers 2800170080010, 2800170060010, 2800170050000, 2800140280010, 2800170030000 and 2800170010000 from U-1, Township Zoning (agricultural use), to a Planned Unit Development (PUD). The Planning Commission Resolution approving the rezoning, along with the PUD (attached as Appendix A to the Planning Commission Resolution) is attached and incorporated herein as Exhibit A; and

WHEREAS, on August 6, 2024 the City Planning Commission reviewed an application and recommended approval of the rezoning to the aforementioned Planned Unit Development (PUD) as set forth and incorporated herein as Exhibit A; and

WHEREAS, upon receiving this recommendation from the Planning Commission, the City Council shall consider Planning Commission's recommendation and hold a public hearing on the aforementioned zoning amendment with the publication of at least seven (7) days' notice of said hearing; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. Having conducted the aforementioned advertised public hearing, City Council hereby approves the recommendation from Planning Commission and hereby rezones existing parcel numbers: 2800170080010, 2800170060010, 2800170050000, 2800140280010, 2800170030000 and 2800170010000 from U-1, Township Zoning, to a Planned Unit Development, as set forth and incorporated herein as Exhibit A.

SECTION II. The Clerk of Council shall cause the City's Zoning Map to be modified consistent with this amendment.

1st Reading September 9, 2024

2nd Reading September 23, 2024

3rd Reading _____

Passed: _____

_____
PRESIDENT OF COUNCIL

APPROVED AS TO FORM:

_____
LAW DIRECTOR

ATTEST:

_____
CLERK OF COUNCIL

EXHIBIT A

RESOLUTION _____

TO APPROVE A PLANNED UNIT DEVELOPMENT ZONING FOR THE MARYSVILLE EAST SECTION 3 PLANNED UNIT DEVELOPMENT

WHEREAS, on August 6, 2024, the City Planning Commission has reviewed an application for the Planned Unit Development (PUD) zoning for Marysville East Section 3 PUD as set forth in Appendix A, incorporated herein; and

WHEREAS, The City Planning Commission recommended APPROVAL for the PUD, which is set forth in Appendix A, attached and incorporated herein; and

WHEREAS, a recommendation from the City Planning Commission is to be transmitted to City Council pursuant to Section 1141.34 of the Planning and Zoning Code, now therefore;

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. The City Planning Commission recommends to City Council that the requested Planned Unit Development zoning of Marysville East Section 3 be **APPROVED** in accordance with this Resolution.

Passed 08-06-2024

_____
Chairman of Planning Commission

ATTEST:

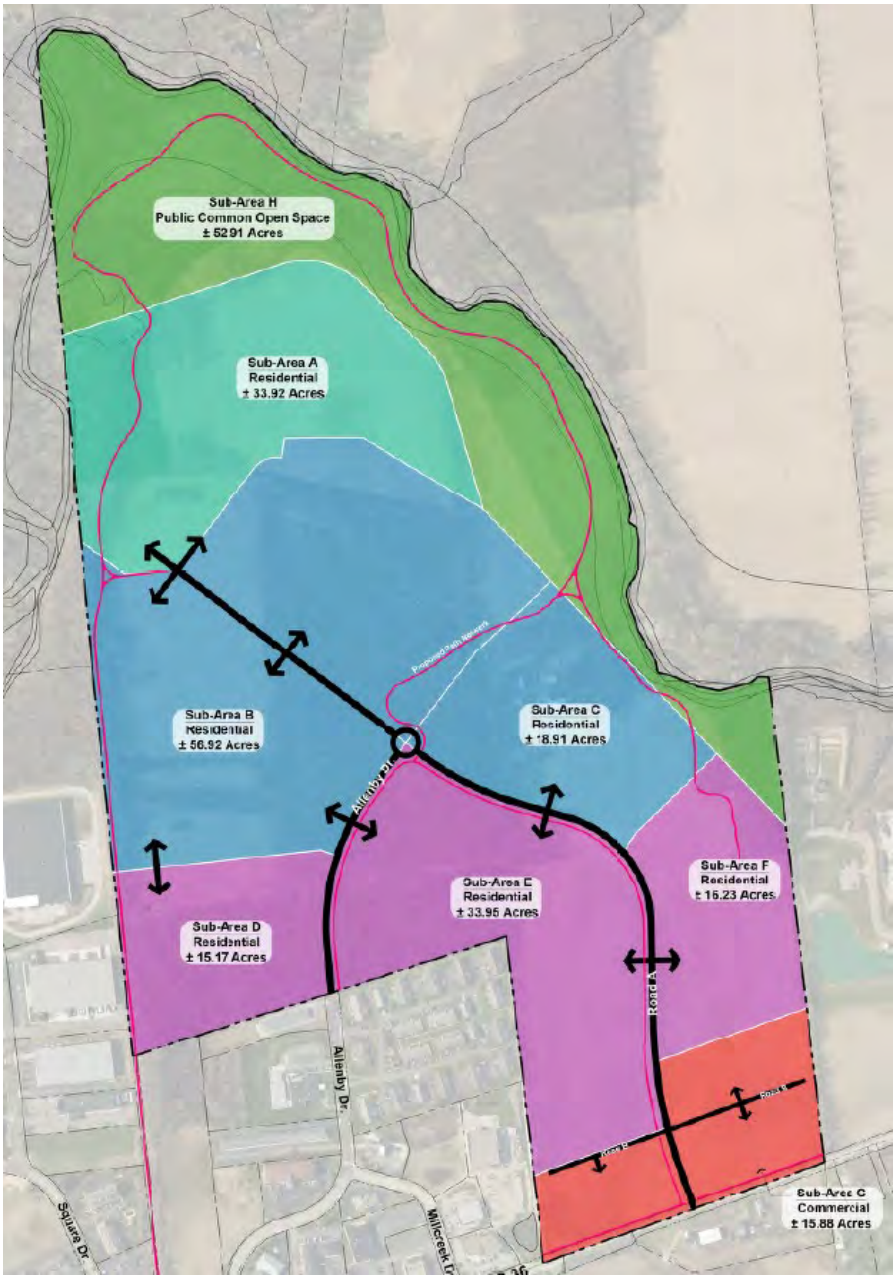


_____
Planning and Development Manager, Ashley Gaver

APPENDIX A

Marysville East Annexation #3

Marysville, Ohio



PUD Development Plan Submittal – July 16, 2024

APPENDIX A

Development Plan Document Index

1. PUD Development Plan Application
2. Regional Vicinity (Context) Map – Exhibit A
3. Survey and Legal Description
4. Existing Buildings and Structures – Exhibit B
5. Existing Conditions Map / Tree Clearing – Exhibit B
6. 100 Year Flood Zone Map
7. Sub-Area Plan – Exhibit C
8. Development Text
    a. Rezoning Statement
    b. General Development Standards
    c. Preliminary Description of Each Subarea
        i. List of Permitted Uses
        ii. Lot Sizes, Setbacks, Height, Open Space, and Coverage
        iii. Density
        iv. Access, Parking, Loading, and Pedestrian Connectivity
        v. Landscaping
        vi. Architectural, Site, and Lighting
        vii. Signage
        viii. Project Phasing
    d. Additional Information Requested
        i. Specific objectives section 1135.01
        ii. Public services
        iii. Comprehensive plan conformity
        iv. Additional development standards
9. Roadway and Fence Profile – Exhibit D
10. Color Pallets – Exhibit E

APPENDIX A

Received (stamp):

209 S. Main Street • Marysville, Ohio 43040
Phone: (937) 645-7350 • Fax: (937) 645-7351 • www.marysvilleohio.org

PLANNING COMMISSION APPLICATION FOR PLANNED UNIT DEVELOPMENT (PUD) - DEVELOPMENT PLAN

***** IMPORTANT INFORMATION - Please read before completing the application *****

- **Required – Submission of a complete application, including all of the items listed in the application checklist.**
- **Digital Only Submittals Preferred**
- **Applications and applicable fees shall be submitted by no later than 5:00 p.m. on the application deadline date.**
- **Submitted applications and all checklist items shall be reviewed by City staff for completeness. Submittals found to be incomplete will be rejected and the application will not be placed on the Commission agenda. If an application is found to be incomplete, the applicant may submit the missing materials by the application deadline date to complete the application.**
- **No late submittals or additional information will be accepted after the application deadline.**
- **Any construction and/or occupancy of the site for which the PUD Development Plan is being requested for shall not commence until all appropriate approved permits are obtained by the City and the County Building Department.**

Project Site Information *(Please print clearly)*

Address of land to be rezoned: Multiple parcels of ground north side of US 36 owned by Feucht family.

Present Zoning District: Paris Township - Residential Default Present Use of the Land: Agricultural

Proposed Zoning District: PUD Proposed Use of the Land: Retail, Residential

Owner of Property: Robert and Bettty Feucht, Jerry Feucht

Owner's Address (Street): See attached

City, State and Zip Code: See attached

Owner's Telephone Number: See attached

Applicant Information *(Please print clearly)*

Applicant: Bart A. Barok ☐ Owner ☐ Agent ☒ Representative ☐ Other

Company: Rockford Development Investements (RDI)

Address (Street): 999 Polaris Parkway, Suite 200

City, State and Zip Code: Columbus, Ohio 43240

Telephone Number: 614-286-2055

E-mail Address: bbarok@Rockfordhomes.net

APPENDIX A

209 S. Main Street • Marysville, Ohio 43040
Phone: (937) 645-7350 • Fax: (937) 645-7351 • www.marysvilleohio.org

PLANNING COMMISSION APPLICATION FOR PLANNED UNIT DEVELOPMENT (PUD) - DEVELOPMENT PLAN

Property Owners / Signature Page

Owner of Property: Robert C. and Betty Jo Feucht
Owner Address: 209 Prairie Drive, Marysville, Ohio 43040
Owner's Telephone #: 937-209-9909

Signature of Owner: Betty Feucht Date: 7-16-24

Owner of Property: Jerry L. Feucht
Owner Address: 14742 US RT 36, Marysville, Ohio 43040
Owner's Telephone #: 937-537-0475

Signature of Owner: Jerry L Feucht Date: 7-15-24

APPENDIX A

I hereby attest to the truth and exactness of all of the information supplied on and with this application.

Signature of Applicant: _____ Date: 7-15-24

Signature of Owner: See Attachment Date: _____

FOR CITY USE ONLY

Paid (stamp):

Fees Due: $500 $ _____

The application has been reviewed and is found to be complete.

Jeff Beard 07/17/2024

City Staff Date

DECISION OF THE PLANNING COMMISSION

☐ Approved

☐ Disapproved

☒ Approved with conditions

The applicant shall update the language for the 25% secondary material with a design change.
The applicant shall encourage side and rear loaded garages.

Michael Nickoson 08/16/2024

Chairperson, Planning Commission Date

APPENDIX A

Applicant Checklist Required Documents

Digital Submittal Required: All applications require a digital (.pdf) submittal (applications, plans, renderings, text, etc.) to be considered a complete application.

	For Applicant	*For Staff Use Only*	
City Staff Meeting		**Yes**	**No**
Pre-application meeting with City Staff to discuss and review application submission materials.	X		

Existing Conditions Map		**Yes**	**No**
A vicinity map with a north arrow	X		
Location by Virginia Military Survey (VMS)	X		
Map outlining the following *Existing* conditions:			
Streets and right-of-ways	X		
Easements, railroad right-of-ways and service facilities	X		
Buildings or structures to be removed or demolished	X		
Existing natural and manmade features such as soil types, topography, including the location of the 100-year flood plain, wetlands, rivers, streams, ponds, lakes, and other water sources, and indicate if they will remain or will be removed	X		
Location of all vegetation, wooded areas, tree lines, hedge rows, natural areas and other features, and indicate if they will remain or will be removed	X		

Proposed Development Plan		**Yes**	**No**
The proposed name of the PUD, which shall not duplicate or closely approximate the name of any other PUD or subdivision in the City or County	X		
Map outlining the following *Proposed* conditions:			
Boundaries of the PUD/subdivision and its acreage	X		
Proposed streets and rights-of-way and connections to existing public infrastructure	X		
Proposed location and size of each subarea and their intended general uses	X		
General location of proposed bike paths and other trail systems and connections to existing public infrastructure	X		
The location of any vegetation (existing to remain or proposed) including street trees, tree lines, hedge rows, tree groupings or other vegetative areas	X		

APPENDIX A

	For Applicant	For Staff Use Only	
Development Text Requirements		**Yes**	**No**
A complete description of the zoning requirements for the PUD and each sub-area within the PUD, which at a minimum shall include:			
List of permitted and conditional uses	X		
Minimum lot size	X		
Minimum lot width	X		
Maximum percentage of lot to be occupied	X		
Minimum floor area	X		
Minimum yard dimensions including front, rear, and side setbacks (for principal buildings, accessory buildings and off-street parking)	X		
Maximum height of principal buildings	X		
Maximum height of accessory buildings	X		
Maximum off-street parking and loading space requirements	X		

Lighting Plan		**Yes**	**No**
Including but not limited to, light pole heights, pedestrian lighting, minimum foot-candles and maximum foot-candles	X		

Landscaping and Screening/Buffering Plan		**Yes**	**No**
Including but not limited to the type, number and location of all proposed and existing landscaping	X		

Architectural Design Standards		**Yes**	**No**
Indication as to the type of architectural style proposed for the development and the type and amount of materials to be used	X		

APPENDIX A

	For Applicant	For Staff Use Only	
Sign Plan		**Yes**	**No**
All signs and graphics within the PUD shall be compatible in size, location, height, material, shape, color and illumination. Information on the Sign Plan shall include:			
A sign plan for the entire PUD setting forth the design parameters for the entire project to ensure a consistent and comprehensive character throughout the project. The sign plan shall include the design, layout, and dimensions of all ground, window and wall signs as well as distances from right-of-ways and the type and intensity of the illumination.			
Signs should contribute to the overall cohesive design, reflect simplicity, and avoid visual clutter.			
The overall design and placement of buildings should take into account the general placement of signs so that all permanent signs and their associated lighting fixtures complement the appearance and architecture of the building and the PUD.			
Ground mounted signs should be designed to relate to and share common design with the building.			
All materials and colors of the sign, sign background, and sign frame should be compatible with the building's materials and colors.			

Additional Application Information		**Yes**	**No**
Written presentation by the developer setting forth the following:			
How the development meets the proposed and specific objectives set forth in *Section 1135.01* of the Planning and Zoning Code			
How the proposed development impacts public service and facilities, including but not limited to, schools, water, sewer and traffic			
How the proposed development conforms to the City's Comprehensive Plan			



MARYSVILLE EAST ANNEXATION 3
VICINITY MAP
MARYSVILLE, OHIO 5-14-24

0 750 2,250

N

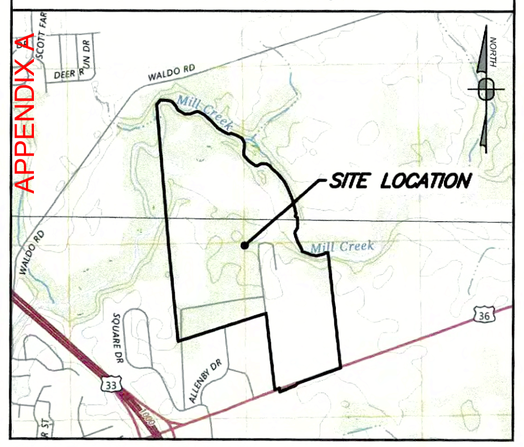
EXHIBIT A

G2 PLANNING + DESIGN

ROCKFORD DEVELOPMENT INVESTMENTS

APPENDIX A

Site Location Map: USGS Marysville & Magnetic Springs, OH Scale: 1"=2000'



GENERAL NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD83.

2. THIS ANNEXATION PLAT IS BASED PARTLY ON AVAILABLE RECORDS AND PARTLY ON ALTA/NSPS LAND TITLE SURVEY PREPARED BY SHEFFLER & COMPANY, INC. DATED MAY 1, 2023, BY DOES NOT REPRESENT A BOUNDARY SURVEY AS DEFINED IN O.A.C. CHAPTER 4733-37.

3. THE PROPOSED ANNEXATION PARCEL SHOWN HEREON CONTAINS A DISTANCE OF 5,052.12 FEET CONTIGUOUS WITH THE EXISTING CITY OF MARYSVILLE CORPORATION LINE AND A TOTAL PERIMETER OF 16,299.21 FEET TO BE ANNEXED. 31% OF THE PERIMETER LENGTH IS CONTIGUOUS TO THE EXISTING CITY OF MARYSVILLE CORPORATION LINE.

CERTIFICATION:

This Annexation Plat is a general description of the location of property to be annexed and is not a boundary survey as defined in the O.A.C. Chapter 4733-37.

By: J. Todd Henwood, P.S. Ohio Reg. No. 7660 Date: April 29, 2024

811 Know what's below. Call before you dig.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NORTH

Horizontal Scale

0 200' 400'

(Feet)

1 inch = 200 ft.

Date:	Revision Description:	By:
04/29/2024	ADDRESSED UNION COUNTY COMMENTS	JAP
--	--	--

Professional Seal: STATE OF OHIO · J. TODD HENWOOD · 7660 · REGISTERED PROFESSIONAL SURVEYOR

Prepared By:

Sheffler & Company, Inc.
ENGINEERING • SURVEYING

1712 Mount Nebo Road
Sewickley, PA 15143

Office Phone: 412-219-4509
Email: Info@ShefflerCo.com

Proposed Annexation of 243.892 ± Acres From Paris Township to The City of Marysville

Prepared For:
Rockford Development Investments, LLC.

Lying In: VMS Nos. 3350 and 3352
State of Ohio, County of Union, Township of Paris

Annexation Plat

DRAWING SCALE:	1" = 200'	DRAWN BY:	JAP
DATE ISSUED:	April 3, 2024	REVIEWED BY:	JTH
PROJECT JOB#:	4826	FIELD BOOK #:	
CADD#:	4826 - Feucht Annexation Plat Exhibit.dwg		

SHD Marysville, LLC
441 Mars Valencia Road
Valencia, Pa 16059

Sheet No. 1 of 1

APPENDIX A

ANNEXATION DESCRIPTION

of

243.892 Acres +/-

from

PARIS TOWNSHIP

to

CITY OF MARYSVILLE, UNION COUNTY, OHIO

Situate in the State of Ohio, County of Union, Township of Paris, lying in Virginia Military Survey Numbers 3350 and 3352, and being ALL of the 24.52-acre tract conveyed to Jerry L. Feucht by deed of record in Instrument No. 202105130006587, the 14.439-acre tract conveyed to Jerry L. Feucht by deed of record in Instrument No. 202105130006590, the 1.5-acre tract conveyed to Robert C. and Betty Jo Feucht by deed of record in Instrument No. 202105280007281, the 127.98-acre (126.48-acres Auditor) tract conveyed to Robert C. and Betty Jo Feucht by deed of Instrument No. 202105280007281, the 42.58-acre tract conveyed to Jerry L. Feucht by deed of record in Instrument No. 202105130006588, and PART of the 38.43-acre tract conveyed to Jerry L. Feucht by deed of record in Instrument No. 202001060000140, and PART of the existing right-of-way of U.S. Route 36 (varying in width), records of the Recorder's Office, Union County, Ohio, and being more particularly described as follows:

BEGINNING at a point in the existing City of Marysville corporation line in the centerline of said U.S. Route 36 at the southwesterly corner of said 24.52-acre tract;

Thence the following three (3) courses and distances along said City of Marysville Corporation line:

1. Thence North 06° 35' 48" West, a distance of 1,440.99 feet, and the westerly line of said 24.52-acre tract, to a point at the southeasterly corner of said 14.439-acre tract;

2. Thence South 72° 14' 13" West, a distance of 1,724.20 feet, and along the southerly line of said 14.439-acre tract, to a point at the southwesterly corner of said 14.439-acre tract;

3. Thence North 05° 54' 04" West, a distance of 1,723.24 feet, and along the westerly lines of said 14.439-acre and aforesaid 127.98-acre tracts, to a point;

Thence leaving said City of Marysville Corporation line, the following two (2) courses and distances continuing along said westerly line of the 127.98-acre tract:

1. Thence North 05° 02' 33" West, a distance 2,145.60 feet, to a point;

2. Thence North 05° 03' 39" West, a distance of 563.88 feet, to a point in Mill Creek at the northwesterly corner of said 127.98-acre tract;

Thence the following twenty-five (25) courses and distances along Mill Creek and northerly lines of said 127.98-acre tract:

1. Thence North 40° 21' 47" East, a distance of 111.93 feet, to a point;

2. Thence South 85° 08' 05” East, a distance of 164.70 feet, to a point;
3. Thence South 66° 33' 37” East, a distance of 59.19 feet, to a point;
4. Thence South 43° 04' 53” East, a distance of 90.14 feet, to a point;
5. Thence South 29° 45' 25” East, a distance of 99.23 feet, to a point;
6. Thence South 60° 16' 59” East, a distance of 146.76 feet, to a point;
7. Thence North 88° 46' 57” East, a distance of 98.33 feet, to a point;
8. Thence North 68° 23' 08” East, a distance of 105.56 feet, to a point;
9. Thence North 80° 43' 41” East, a distance of 24.00 feet, to a point
10. Thence South 86° 04' 25” East, a distance of 42.00 feet, to a point
11. Thence South 61° 34' 25” East, a distance of 113.00 feet, to a point
12. Thence South 48° 34' 25” East, a distance of 175.00 feet, to a point;
13. Thence South 44° 04' 25” East, a distance of 153.93 feet, to a point;
14. Thence South 44° 04' 25” East, a distance of 30.07 feet, to a point;
15. Thence South 58° 34' 25” East, a distance of 165.00 feet, to a point;
16. Thence South 67° 47' 55” East, a distance of 61.77 feet, to a point
17. Thence North 75° 49' 16” East, a distance of 48.40 feet, to a point;
18. Thence South 71° 17' 39” East, a distance of 90.94 feet, to a point;
19. Thence South 63° 05' 14” East, a distance of 124.35 feet, to a point;
20. Thence South 30° 13' 47” East, a distance of 101.11 feet, to a point;
21. Thence South 01° 18' 23” West, a distance of 98.21 feet, to a point;
22. Thence South 08° 16' 42” West, a distance of 79.71 feet, to a point;
23. Thence South 05° 08' 46” East, a distance of 63.25 feet, to a point;

24. Thence South 40° 28' 48” East, a distance of 66.60 feet, to a point;

25. Thence South 44° 55' 26” East, a distance of 72.96 feet, to a point at the common corner of said 127.98-acre tract and aforesaid 42.85-acre tract;

Thence the following twenty-one (21) courses and distances continuing along Mill Creek and the northerly lines of said 42.85-acre tract:

1. Thence South 44° 55' 26" East, a distance of 21.03 feet, to a point;
2. Thence South 54° 33' 03" East, a distance of 125.49 feet, to a point;
3. Thence South 87° 09' 14" East, a distance of 38.57 feet, to a point;
4. Thence North 61° 41' 22" East, a distance of 86.76 feet, to a point;
5. Thence South 87° 57' 52" East, a distance of 92.51 feet, to a point;
6. Thence South 60° 19' 23" East, a distance of 76.88 feet, to a point;
7. Thence South 37° 56' 29" East, a distance of 57.29 feet, to a point;
8. Thence South 46° 25’ 18” East, a distance of 73.58 feet, to a point;
9. Thence South 49° 39' 34" East, a distance of 66.90 feet, to a point;
10. Thence South 39° 25' 10" East, a distance of 86.18 feet, to a point;
11. Thence South 37° 52' 57" East, a distance of 84.92 feet, to a point;
12. Thence South 42° 07' 41" East, a distance of 22.37 feet, to a point;
13. Thence South 27° 46' 20" East, a distance of 133.52 feet, to a point;
14. Thence South 23° 08' 34" East, a distance of 195.52 feet, to a point;
15. Thence South 19° 29' 58" East, a distance of 142.35 feet, to a point;
16. Thence South 12° 55' 09" East, a distance of 163.89 feet, to a point;
17. Thence South 14° 36' 39" West, a distance of 45.93 feet, to a point;
18. Thence South 14° 21' 49" East, a distance of 5.45 feet, to a point;
19. Thence South 55° 23' 54" East, a distance of 39.61 feet, to a point;

20. Thence South 10° 35' 01" East, a distance of 55.38 feet, to a point;

21. Thence South 00° 42' 11" West, a distance of 103.72 feet, to point at the common corner of said 42.85-acre and aforesaid 38.43-acre tract;

Thence the following fourteen (14) courses and distances continuing along Mill Creek and the northerly lines of said 38.43-acre tract:

1. Thence South 00° 42' 11" West, a distance of 28.46 feet, to a point;

2. Thence South 29° 16' 13" West, a distance of 39.21 feet, to a point;

3. Thence South 32° 33' 31" West, a distance of 54.10 feet, to a point;

4. Thence South 08° 21' 56" West, a distance of 30.28 feet, to a point;

5. Thence South 19° 08' 44" East, a distance of 167.91 feet, to a point;

6. Thence South 29° 00' 16" East, a distance of 154.84 feet, to a point;

7. Thence South 09° 07' 19" East, a distance of 43.77 feet, to a point;

8. Thence South 37° 05' 10" East, a distance of 3.64 feet, to a point;

9. Thence South 79° 13' 35" East, a distance of 36.74 feet, to a point;

10. Thence South 68° 50' 44" East, a distance of 147.49 feet, to a point;

11. Thence South 80° 06' 57" East, a distance of 99.24 feet, to a point;

12. Thence North 77° 00' 53" East, a distance of 136.12 feet, to a point;

13. Thence North 53° 28' 25" East, a distance of 44.48 feet, to a point;

14. Thence South 88° 33' 53" East, a distance of 47.39 feet, to a point at the northeasterly corner of said 38.43-acre tract;

Thence South 06° 28' 34" East, a distance of 2,170.02 feet, along the easterly line of said 38.43-acre tract, to a point at the intersection of the southerly right-of-way line of aforesaid U.S. Route 36;

Thence the following three (3) courses and distances along said southerly right-of-way line of U.S. Route 36:

1. Thence South 70° 11’ 17” West, a distance of 861.19 feet, to a point;

2. Thence South 42° 42' 49" West, a distance of 56.36 feet, to a point;

3. Thence South 67° 49' 48" West, a distance of 312.33 feet, to a point in the aforesaid City of Marysville Corporation line;

Thence the following two (2) courses and distances along said City of Marysville corporation line and across said U.S. Route 36 right-of-way:

1. Thence North 05° 28' 53" West, a distance of 71.08 feet, to a point in the centerline of said U.S. Route 36;

2. Thence South 70° 10' 36" West, a distance of 92.61 feet, and along said centerline of U.S. Route 36, to the **POINT OF BEGINNING**;

Containing 243.892 acres, more or less.

The bearings in the above description are based on Ohio State Plane Coordinate System, North Zone, NAD83.

The above description of the property to be annexed is based partly on available records and partly on ALTA/NSPS Land Title Surveys prepared by Sheffler & Company, Inc. dated May 1, 2023, but does NOT represent a Boundary Survey as defined in O.A.C. Chapter 4733-37.

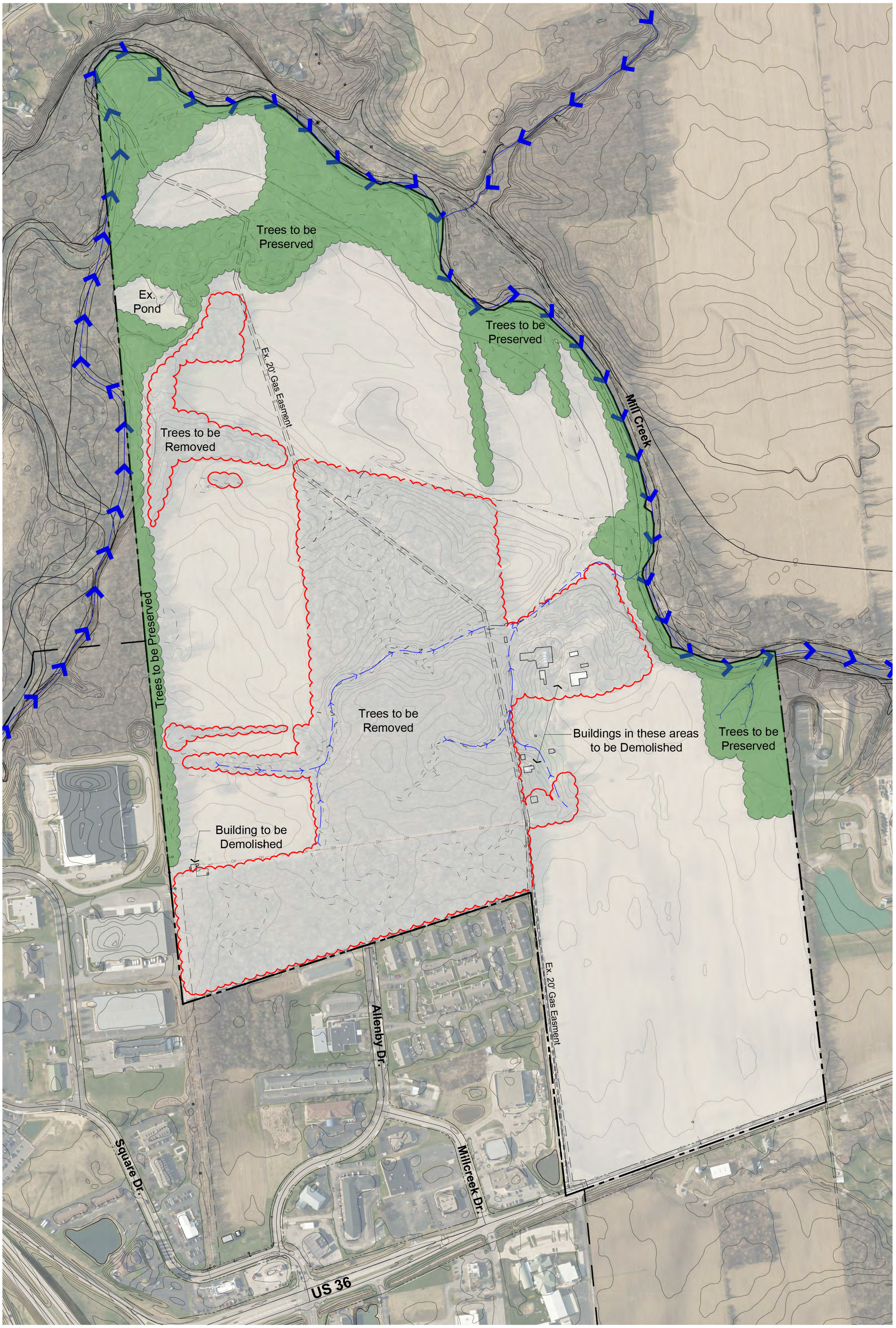
The above described annexation contains a distance of 5,052.12 feet contiguous with the existing City of Marysville Corporation line and a total perimeter of 16,299.21 feet to be annexed. 31% of the perimeter length is contiguous to the existing City of Marysville Corporation line.

Sheffler and Company, Inc.

STATE OF OHIO
J. TODD HENWOOD 7660
REGISTERED PROFESSIONAL SURVEYOR

J. Todd Henwood 04.29.2024

J. Todd Henwood, P.S. Date
Ohio Reg. No. 7660



MARYSVILLE EAST ANNEXATION 3
EXISTING CONDITIONS PLAN
MARYSVILLE, OHIO 5-14-24

0 200 600

N

EXHIBIT B

G2 PLANNING + DESIGN

ROCKFORD DEVELOPMENT INVESTMENTS

APPENDIX A



MARYSVILLE EAST ANNEXATION 3
100 YEAR FLOOD ZONE
MARYSVILLE, OHIO 7-10-24

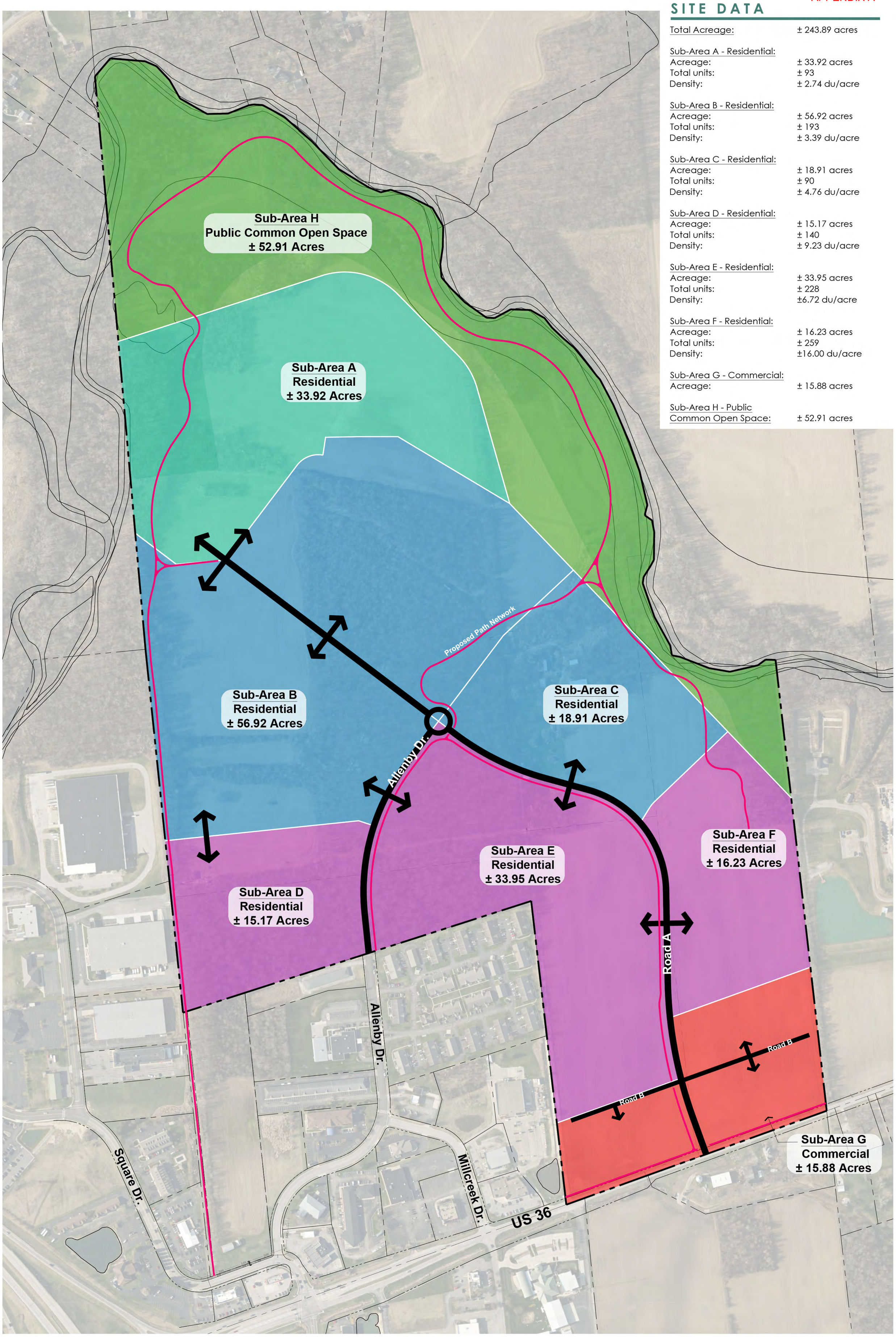
0 750 2,250 N

G2 PLANNING + DESIGN

ROCKFORD DEVELOPMENT INVESTMENTS

SITE DATA

Total Acreage:	± 243.89 acres
Sub-Area A - Residential:	
Acreage:	± 33.92 acres
Total units:	± 93
Density:	± 2.74 du/acre
Sub-Area B - Residential:	
Acreage:	± 56.92 acres
Total units:	± 193
Density:	± 3.39 du/acre
Sub-Area C - Residential:	
Acreage:	± 18.91 acres
Total units:	± 90
Density:	± 4.76 du/acre
Sub-Area D - Residential:	
Acreage:	± 15.17 acres
Total units:	± 140
Density:	± 9.23 du/acre
Sub-Area E - Residential:	
Acreage:	± 33.95 acres
Total units:	± 228
Density:	±6.72 du/acre
Sub-Area F - Residential:	
Acreage:	± 16.23 acres
Total units:	± 259
Density:	±16.00 du/acre
Sub-Area G - Commercial:	
Acreage:	± 15.88 acres
Sub-Area H - Public Common Open Space:	± 52.91 acres



MARYSVILLE EAST ANNEXATION 3
SUBAREA PLAN
MARYSVILLE, OHIO 7-10-24

0 200 600 N

EXHIBIT C

G2 PLANNING + DESIGN

ROCKFORD DEVELOPMENT INVESTMENTS

REZONING STATEMENT

The east side of Marysville is poised for new development due to the investments in regional utility infrastructure that the City of Marysville has made over the last few years. The regional area on the east side of Marysville is generally bound by US 33 to the west, Mill Creek on the north and east, and Watkins Road/Scottslawn to the south.

This area consists of about 1,900 acres and has the distinct advantage of having a handful of large landowners that control approximately 75% of the available acreage. Most of this ground currently sits within Paris Township and will need to be annexed into Marysville over time. This collective size allows for the ground to be master planned on a large-scale basis.

The development of master-planned communities provides real opportunities to develop connective communities and protect and highlight the beauty of Mill Creek area and mature tree stands. These natural features will also serve to create a barrier between the industrial and residential components. In addition, larger master plans communities can be developed with unique financial tools to self-fund the majority of required infrastructure and provide additional funding to the service providers such as the Marysville Schools, Marysville police, and fire.

From a design standpoint, higher-density developments will be proposed around the existing commercial core (US 33 and US 36) with the introduction of a variety of attached, multi-family, and single-family residential products as you move further away from the core. The industrial uses will be positioned to the south and will utilize Scottslawn as a primary access point to reduce truck traffic and congestion to the north and US 36.

RDI and its partners will present multiple Annexations to Union County and the City of Marysville over the next year or so. Each annexation will be rezoned under a Planned Unit Development (PUD) and will collectively consist of various mixed uses, which include a variety of residential, retail, commercial, industrial, and civic functions.

Marysville East Annexations #1 and #2 included more than 560 acres and defined the majority of the business/industrial park and sets the stage for business growth, which will bring high paying jobs, additional income tax revenues, and new families into Marysville.

Marysville East Annexation #3 is approximately 243.9 acres and is located north of US 36. The western boundary is the business park on Square Drive and the east side is bounded by Union County Sheriff Public Safety Training Facility. To the north the project's boundary is Mill Creek and to the south the property borders US 36. Marysville East Annexation #3 is the first major residential area and will begin the process of establishing a retail corridor along US 36. Marysville East Annexation #3 is being rezoned to Planned Unit Development (PUD) under Chapter 1135 of the Codified Ordinances of Marysville as in effect March 25, 2024 (the "Codified Ordinances"). All references herein to Chapter or Section numbers refer to applicable Chapter or Section numbers of the Codified Ordinances. In implementing the mixed-use PUD, Applicant is proposing a wide range of products that will rely on various sections of underlying zoning designations.

Annexation #3 will consist of 8 subareas which include multi-family (apartments and empty-nester), single-family (three varieties), townhomes, retail, and public common open space developments. The total acreage of these 8 subareas is 243.892 acres.

Marysville East Annexation #3 will have upgraded design standards that include common fencing and tree lines along major thoroughfares, standardized signage, and other identifiers that will create a unique gateway feel for the area. Over time, these design elements will be incorporated into the existing core development on the east side of US 33 and US 36.

Marysville East Annexation #3 will provide benefits to the overall Marysville community through the anticipated preservation of the natural areas, and extension of multi-purpose trails that connect the subareas to the natural areas along Mill Creek. In addition, the development of the residential areas will provide employees and other residents the opportunity to reside in the area of the new employment center.

The development of Marysville East Annexation #3 will help facilitate and fund improvements to existing roads and the future construction of new roads. A traffic study and revised thoroughfare plan are currently being conducted with the assistance of the City Engineer and should be available shortly.

GENERAL DEVELOPMENT STANDARDS

Marysville East Annexation #3 will be developed with 8 subareas providing for a mixed-use community. The project will be developed in accordance with the Marysville East Annexation #3 Rezoning Statement, and the Codified Ordinances of the City of Marysville as in effect March 25, 2024 (the "Codified Ordinances"), unless noted otherwise in these PUD Development Standards to be provided. Where conflicts occur between the Codified Ordinances and these PUD Development Standards, these PUD Development Standards shall control over the Codified Ordinances.

Perimeter Boundary Setbacks

On the west side of the development along the industrial/commercial office buildings, a perimeter setback of 40' will be established on the western boundary of subareas B and D. Within this setback, the existing driveway will be converted to a multi-purpose trail to provide connectivity to the park system. Subareas A and C border the public common area and will not have a perimeter setback requirement. On the east side of the development, subareas F will provide a 20' perimeter setback to the County Training facility with the existing trees maintained as a buffer. Subarea E will provide a perimeter setback of 20' to the south and west area that is up against the existing residential condominiums and commercial uses. The commercial areas in Subarea G will not have any perimeter boundary requirements as the desire is that these retail areas are ultimately continued down US 36 and can be linked to the existing developments to the west.

Common Open Space

With the creation of the Community Authority and subarea H, the Public Common Open Space, sensitive and unique natural areas will be protected and managed with minimal disturbance. These areas will be enhanced with multi-purpose trails and other amenities to develop a park system that will connect the different subareas together as well as other parts of the City and Townships. By combining the Public Common Open Space with the required setbacks and open space requirements within each developed subarea, it's anticipated that the overall open space for Marysville East will be more than the standard requirements. Within the subareas, any trees

located outside of the boundaries of the tree clearing exhibit (Exhibit B) that are removed shall be subject to the provisions of the City of Marysville Codified Ordinances regarding major tree preservation and replacement. Any trees identified on Exhibit B as "to be removed" are not subject to the previsions of the City of Marysville Codified Ordinance regarding major tree preservation and replacement.

Access

A traffic study and regional thoroughfare plan update is currently underway for the east side of Marysville at the direction of the City Engineer. These documents will help identify the roadway infrastructure needed for this development as well as the other annexations related to the overall Marysville East project.

As for access into Marysville East Annexation #3, the primary entrance into the development will be via a newly constructed roadway (Road A) that will extend from US 36 to the north and intersection with an extension of Allenby Drive. The developer will install a round-a-bout at the intersection of Allenby and Road A to create a constant flow of traffic into the areas. Road A will be an unloaded road that will be constructed as a parkway with a center island installed both north and south of Road B and the island design will stop at the first major entrance into the two multi-family subareas. The Allenby Drive extension will be an unloaded road as well from its current location to the north. A small portion of Allenby on the northwest side of the roadway will be loaded with a handful of single-family home driveways as the extension enters subarea B. A service road (Road B) will be constructed north of the retail development, parallel to US 36, and will serve as the primary access to the retail/commercial area. The size of the roads and ROW will be determined by the traffic study and City Engineer's requirements. The timing of the construction and phasing of all the roadway improvements will be defined by the developers(s) and the City and County Engineers working together.

Road A and Allenby Drive will have a typology and streetscape that will include fencing, street trees, and landscaping, and may have either a ditch/swale design or curb and gutter design provided that there is a consistent and cohesive design as to each roadway. The fencing may be discontinued by the developer on the northwest side of Allenby Drive as it approaches single-family lots due to the driveway for the homes. A 10' multi-purpose trail will be constructed on the south/west side of Road A and on the east side of Allenby Drive. The multi-purpose trail may be located either within or outside of the right of way. The desired species of street trees will be determined by the developer and the City of Marysville Arborist with proper spacing and size determine during the Design Review Board approval process.

Future public roads internal to the subareas will be constructed with curb and gutter and a structured stormwater system. Internal roads will include street trees, landscaping, and pedestrian elements in either a sidewalk or multi-purpose trails to provide connections. Private road specifications for the multi-family components will be discussed with the City Engineer.

Street lighting will be included along Road A, Allenby Extension, Round-a-bout at Road A and Allenby, and along Road B. No interior street lighting within the single family subareas will be provided to reduce the impact of light pollution.

An example of a roadway cross-section and the standard fencing is shown in Exhibit D. The final specification for Road A, extension of Allenby, entry points and roads internal to the subareas shall be approved by the City Engineer. All roads may be constructed in phases consistent with the pace of development and as approved during the platting and/or final

development approval process.

Pedestrian Connectivity and Multi-purpose Trails

Connectivity of each subarea to other subareas and to the Public Common Areas is important to make the community more walkable. The trail system along Road A and Allenby are defined above and will serve as a vital link to the commercial areas to the south and other subareas. Within each subarea trail connections will be defined per the City's existing code but will include connections to the trails and park system to the north known as the subarea H, Public Common Open Areas.

Sustainability and Green Infrastructure

The overall development will consider and encourage a number of sustainable development techniques and infrastructure. Green Infrastructure for stormwater management will utilize the landscape or nature's ability to reduce, slow, filter, and/or absorb stormwater runoff from streets, parking lots, and buildings. In addition, the development will encourage the protection of sensitive natural areas through the inclusion of these areas in the Public Common Open Spaces. Electric charging stations will be installed and available within the multi-family residential development. Street lighting within the subareas has been eliminated to lessen the impact of light pollution.

Community Authority

It is anticipated as part of the overall Marysville East development that a Community Authority will be established to help fund portions of the infrastructure, such as the trails, parks, services, roadway, public utilities, and other infrastructure improvements. As part of the role of the Community Authority, that entity will be responsible for maintaining the Public Common Open Spaces throughout the development and may take ownership of such areas. The millage charged to the future residents will be responsible for funding the improvements within the Public Common Open Spaces and the maintenance of such.

MARYSVILLE EAST ANNEXATION #3 PUD OVERALL DESIGN GOALS

All development within Marysville East Annexation #3 will strive to achieve the following goals:

- Well-balanced connection and transition of various property uses throughout the PUD, which will be achieved with a trail system, roadway network, setbacks, landscape buffers and the protection of key natural features.
- The design elements, fencing, signage and other identifiers will create a unique area that will serve as the gateway for the overall east-side development.
- Provide interconnectivity through internal vehicular and pedestrian connections, connections to adjacent neighborhoods and businesses and connections to open space, parks, and activity centers.

DESCRIPTION OF ZONING REQUIREMENTS FOR EACH SUBAREA

Subarea A and B – Single-Family Residential

Subarea A (approximately 33.92 acres) and Subarea B (approximately 56.92 acres) are being zoned as a single-family detached product. Subarea A will be 1 to 1 ½ story patio home product and Subarea B will be traditional 2 story product. Access to Subarea A will be via Road A and Subarea B primary access will be via Allenby Drive. Utilities for Subarea A will extend up Road A and Subarea B utilities will be via Allenby Drive.

The open space within the development is anticipated to exceed the 10% required level under a straight zoning district. Trails will be added to the site to get to the regional trail network that will be developed with the surrounding properties.

In implementing these subareas, the applicant will rely on the underlying Suburban Residential District (SRD) zoning designation and requirements contained in Section 1121.07, single-family detached typology, except to the extent variance and divergences are identified below and in the upcoming Development Plan application.

List of Permitted Uses

- Single Family Detached
- Single Family Detached Patio Homes
- Residential Model Home – subject to the requirements of section 1123.21
- Mailbox kiosks
- Park/playground
- Accessory structures permitted per Section 1121.07

Lot Size, Setbacks, Height, Open Space, and Coverage Ratio

- Lot sizes will be no less than 52' wide and a minimum of 6,000 sf in size
- Setbacks: Front 25', Side - 5'; Rear – 20'
- Maximum height: 35'
- Open space will be a minimum of 10%
    - Multi-purpose trails are included throughout perimeter of the subarea with various connections to the internal streets. The multi-purpose trails will also provide connections to the paths that will link this development to the other subareas and the future park system.
    - Detention areas with activity enhancements such as walking trails, benches or fountains will be included in the Open space calculation
    - In addition, this PUD has a "public common open space" subarea which will provide additional acreage that will increase the overall open space % for the entire PUD
- 55% maximum lot coverage including accessory structures

Density

- Maximum density of 4 units per acre

Access and Pedestrian Connectivity

- The primary access to Subareas A and B will be via either Allenby Drive extension and/or the construction of Road A. Subarea B will also have a stub road to the south that will link with Subarea D (townhomes).
- The off-street parking for single-family shall be a minimum of 2 parking spaces per unit.
- Sidewalks will be included throughout the project on both sides of the streets.
- Multi-purpose trails will be included around portions of the detention ponds and both subareas will be connected to surrounding subareas and the park system to the north.

Landscaping

- The landscaping requirements of subareas A and B will be per guidelines below. Future landscaping designs, specifications, and plant material selections will be reviewed and approved by the Design Review Board.
- There will be no buffer requirement between Subareas A and B as a continuous flow of housing that includes mixed products is the desired development plan. Between Subarea B and Subarea D, a combined 30' buffer will be created with the majority of the buffer and landscaping occurring on the south side of this transition in Subarea D. No buffering will be provided between subareas that are on opposite sides of Road A or Allenby Drive. The roadway profiles described below will provide the proper buffer.
- On the west side of Subarea B, the development borders existing industrial/commercial office buildings. On this side of the Subarea a perimeter setback of 40' will be established on the western boundary. This boundary currently has a treed fence line, a service road to the existing home to the north, and trees, brush, and other existing plant materials (all defined as greenery) on the east side of the drive. Within the 40' setback, the existing driveway will be converted to a 10' multi-purpose trail to provide connectivity to the park system. The greenery on both sides of the multi-purpose path will be maintained within the 40' setback/buffer. This buffer (greenery and trail) will serve as the landscape buffer between the different uses.
- Within the subareas, any trees located outside of the boundaries of the tree clearing exhibit that are removed shall be subject to the provisions of the City of Marysville Codified Ordinances regarding major tree preservation and replacement.
- Regarding landscaping along interior subarea roads, trees will be placed in the tree lawn between the streets and the sidewalk at an interval of approximately 35', adjusted for driveways and utilities. Trees will be no less than 2" caliper. Species to be reviewed as part of the Design Review process.
- Individual homes in Subareas A and B will have the following minimum landscape requirements:
    - Lots equal to or less than 65", will be required to have a minimum front raised planting bed of no less than 150 sf and a depth of 6". Landscape beds should be reasonably filled and should not contain large areas devoid of plantings. Each outside corner of the home is required to have a raised bed with plantings. Minimum front lot plantings include 1 ornamental (1.5" caliper or greater) or 1 shade tree (2" caliper or greater), no less than 10 foundation plantings with at least 30% being considered intermediate planting greater than 24" tall and the remainder being small plantings between 18" and 24" in height. Additional ground cover within the beds is encouraged.
    - Lots greater than 65", will be required to have a minimum front raised planting bed of no less than 225 sf and a depth of 6". Landscape beds should be reasonably

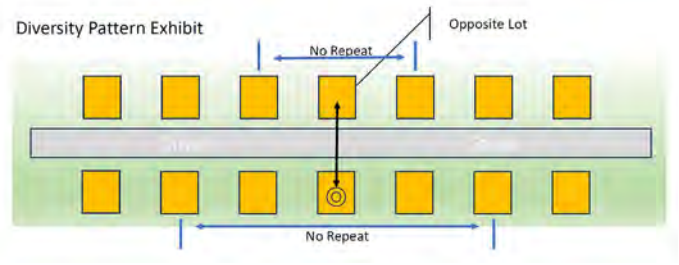
filled and should not contain large areas devoid of plantings. Each outside corner of the home is required to have a raised bed with plantings. Minimum plantings include two trees, 1 ornamental (1.5" caliper or greater) and 1 shade tree (2" caliper or greater), no less than 12 foundation plantings (shrubs) with at least 30% being considered intermediate planting greater than 24" tall and the remainder being small plantings between 18" and 24" in height. Additional ground cover within the beds is encouraged.

- Prominent view lots (side yards open to common area) and secondary road frontage related to corner lots shall have additional foundation raised beds with plantings along roadway facing side of the home extending the entire length of the foundation. Minimum plantings shall include 8 small shrubs (18" to 24" in height) for every 25' of linear building façade.
- Sod is required on all lots, no grass seeding permitted upon initial install.
- No invasive plantings allow, including pear trees.
- Review of landscape plans will be performed by the master developer prior to the issuance of the building permit.

Architecture, Site, and Lighting

- The architectural style and designs, site plan, and lighting requirements for Subareas A and B are defined below. Future architectural home designs, final site plans, and lighting will be reviewed and approved by the Design Review Board.
- Four-sided design should be used. Blank and empty walls are not permitted on any side of the home.
- Approved primary and secondary building materials can include stone, brick, wood, fiber cement, metal (roof only), other natural materials, vinyl siding, and board and batten products. Vinyl siding to be of high quality and architectural grade with a minimum thickness of 0.044".
- Multiple materials on the front elevation of the home are encouraged and the guideline is that approximately 25% of the material used should be considered a secondary material or a design changing using the same primary material. An example of a material design change would be if hardie board lateral lap siding is the primary material, an acceptable secondary design could be the use of hardie board and batten or hardie shake siding. While all three materials are a type of fiber cement siding, the change in design satisfies the 25% guideline. In some cases, such at all brick or all stone homes, this 25% guideline will not apply.
- Brick shall be laid in a traditional masonry pattern and stone in a random ashlar pattern.
- All windows and doors of the home are required to have trim with the exceptions of facades composed of masonry. All windows require grids and should be appropriate for the style of the home.
- Shutters will be installed on front elevation windows where architecturally correct. Variation in shutter colors is encouraged.
- Overhangs are required on all four sides of the home and must be a minimum of 1'.
- Garage doors are required to have one panel row of windows. If desired, vertical window designs will be considered by the Design Review Board. Developer will encourage various colors of garage doors if architecturally correct and complementary to the home color.
- The diversity of the neighborhood homes in both elevation and color is encouraged. The following diversity standards for elevations and colors of homes will be applied to Subareas A and B. No home elevation or color should be repeated within two homes in both directions

on the same side of the street nor should they repeat with the home directly across the street and within one home in both directions on the opposite side of the street. For offset lots, a judgement call will be made as to which lot is considered the opposite side mark. Corner lots terminate the repeat pattern requirement, although the same elevations and color cannot be side by side on a corner lot. See exhibit below.



- Twelve color pallets are being established in Marysville East. See Exhibit E for details. The primary color of the house will be used to determine which family the home is categorized in. If the front elevation is 100% stone or brick, the color repeat pattern does not apply. No homes located beside each other should have the same color stone or brick. Color pallet prohibits any fluorescent colors. Lighting is to be directed downward and should be placed to display a uniform, comfortable and warm appearance.
- Detailed lighting plans including fixture, pole, color, spacing, light type, and photometric specifications shall be provided with the Design Review Board Application.

Signage

- Signage standards will follow the SRD zoning district requirements.
- Model home and real estate signage is permitted.

Project Phasing

- With the required extension of Allenby Drive and other infrastructure improvements to get utilities to subareas A and B, its anticipated that the start of this development will be more than 24 months out. Once the lots are constructed and home are started, it is reasonable to expect that the absorption rate for both products could span an additional 3 to 4 years. Thus, both subareas A and B will be built in multiple phases as demand requires.

Subarea C – Single-Family / Single Family Attached Residential (Single Family, Duplexes, Triplexes)

Subarea C (approximately 18.91 acres) is being zoned for as a single-family or single-family attached product. Access to this area will be via Road A and utilities will extend up the main drive.

The open space within the development will be a minimum of 10% and will include the trails to get to the regional trail network that will be developed with the surrounding properties.

In implementing this subarea, the applicant will rely on the underlying Suburban Residential District (SRD) zoning designation and requirements contained in Section 1121.07, Single-Family attached typology except to the extent variance and divergences are identified below and in the

upcoming Development Plan application.

List of Permitted Uses

- Single-Family
- Single-Family Attached
- Residential Model Home – subject to the requirements of section 1123.21
- Mailbox kiosks
- Park/playground
- Accessory structures permitted per Section 1121.07

Lot Size, Setbacks, Height, Open Space, and Coverage Ratio

- Lot sizes will be no less than 55' wide for single-family detached and single-family attached (2 attached units) with a minimum of 25' each additional unit. Minimum lot size will be 6,000 sf for single family, 4,000 sf for duplex (2 attached units), and 6,500 sf for triplex (3 attached units).
- Setbacks: Front 25', Side – 7.5'; Rear – 20'
- Maximum height: 35'
- Open space will be a minimum of 10%
    - Multi-purpose trails are included throughout the subarea and around the detention ponds. The multi-purpose trails will also be installed on the north and east side of the subarea to provide connection to the paths that will link this development to the other subareas and the future park system.
    - Detention areas with activity enhancements such as walking trails, benches or fountains will be included in the Open space calculation
    - In addition, this PUD has a "public common open space" subarea which will provide additional acreage that will increase the overall open space % for the entire PUD
- 60% maximum lot coverage including accessory structures

Density

- Maximum density of 6 units per acre

Access, Parking, Loading, and Pedestrian Connectivity

- The primary access to Subarea C will be via two entrances off Road A. There will not be direct access to the multi-family project to the south.
- The off-street parking for this subarea shall be a minimum of 2 parking spaces per unit.
- Sidewalks will be included throughout the project on both sides of the streets.
- Multi-purpose trails will be included around the detention ponds and will connect to the subareas to the south as well as the park system to the north.

Landscaping

- The landscaping requirements of Subarea C will be per guidelines below. Future landscaping designs, specifications, and plant material selections will be reviewed and approved by the Design Review Board.
- Perimeter Landscape Standards and buffers between Subarea C and Subareas B will be considered single family uses and will not require landscape buffering proposed in Section 1125.06 a. Instead, the natural area will be enhanced with a parklike setting and the connection to the trail system will service as the buffer. The buffering between Subarea C

and the multifamily Subarea F will be similar to the requirements in Section 1125.06 and this will include a combined 40' buffer area between the two pods. However, if the in area between these subareas consists of a detention pond, the 80% opacity and landscaping buffer requirements in Section 1125.06 do not apply as the detention pond will serve as the buffer. No buffering will be provided between subareas that are on opposite sides of Road A or Allenby Drive. The roadway profiles described below will provide the proper buffer.

- Within the subareas, any trees located outside of the boundaries of the tree clearing exhibit that are removed shall be subject to the provisions of the City of Marysville Codified Ordinances regarding major tree preservation and replacement.
- Regarding landscaping along interior subarea roads, trees will be placed in the tree lawn between the streets and the sidewalk at an interval of approximately 35', adjusted for driveways and utilities. Trees will be no less than 2" caliper. Species to be reviewed as part of the Design Review process.
- Individual homes or duplexes in Subarea C will have the following minimum landscape requirements:
    - Lots equal to or less than 65", will be required to have a minimum front raised planting bed of no less than 150 sf and a depth of 6". Landscape beds should be reasonably filled and should not contain large areas devoid of plantings. Each outside corner of the home is required to have a raised bed with plantings. Minimum front lot plantings include 1 ornamental (1.5" caliper or greater) or 1 shade tree (2" caliper or greater), no less than 10 foundation plantings with at least 30% being considered intermediate planting greater than 24" tall and the remainder being small plantings between 18" and 24" in height. Additional ground cover within the beds is encouraged.
    - Lots greater than 65", will be required to have a minimum front raised planting bed of no less than 225 sf and a depth of 6". Landscape beds should be reasonably filled and should not contain large areas devoid of plantings. Each outside corner of the home is required to have a raised bed with plantings. Minimum plantings include two trees, 1 ornamental (1.5" caliper or greater) and 1 shade tree (2" caliper or greater), no less than 12 foundation plantings (shrubs) with at least 30% being considered intermediate planting greater than 24" tall and the remainder being small plantings between 18" and 24" in height. Additional ground cover within the beds is encouraged.
    - For duplex or triplex products, each unit will be required to have a minimum front raised planting bed of no less than 100 sf and a depth of 6". Landscape beds should be reasonably filled and should not contain large areas devoid of plantings. Each outside corner of the duplex or triplex unit is required to have a raised bed with plantings. Plantings in between the individual driveways of the units in encouraged. Minimum plantings for duplex and triplex units include a minimum of one tree per unit on the lot (for example, duplex would require two trees and triplex would require 3 trees). Ornamental tree should be at least 1.5" caliper and shade trees 2" caliper or greater. No less than 10 foundation plantings (shrubs) with at least 30% being considered intermediate planting greater than 24" tall and the remainder being small plantings between 18" and 24" in height should be planted in the beds for each unit. Additional ground cover within the beds is encouraged.
    - Prominent view units (side yards open to common area) and secondary road frontage related to corner units shall have additional foundation raised beds with plantings along roadway facing side of the home extending the entire length of the

foundation. Minimum plantings shall include 8 small shrubs (18" to 24" in height) for every 25' of linear building façade.
  - Sod is required on all lots, no grass seeding permitted upon initial install.
  - No invasive plantings allow, including pear trees.
  - Review of landscape plans will be performed by the master developer prior to the issuance of the building permit.

Architecture, Site, and Lighting

- The architectural style and designs, site plan, and lighting requirements for Subarea C are defined below. Future architectural home designs, final site plans, and lighting will be reviewed and approved by the Design Review Board.
- Four-sided design should be used. Blank and empty walls are not permitted on any side of the home.
- Approved primary and secondary building materials can include stone, brick, wood, fiber cement, metal (roof only), other natural materials, vinyl siding, and board and batten products. Vinyl siding to be of high quality and architectural grade with a minimum thickness of 0.044".
- Multiple materials on the front elevation of the home are encouraged and the guideline is that approximately 25% of the material used should be considered a secondary material or a design changing using the same primary material. An example of a material design change would be if hardie board lateral lap siding is the primary material, an acceptable secondary design could be the use of hardie board and batten or hardie shake siding. While all three materials are a type of fiber cement siding, the change in design satisfies the 25% guideline. In some cases, such at all brick or all stone homes, this 25% guideline will not apply.
- Brick shall be laid in a traditional masonry pattern and stone in a random ashlar pattern.
- All windows and doors of the home are required to have trim with the exceptions of facades composed of masonry. All windows require grids and should be appropriate for the style of the home.
- Shutters will be installed on front elevation windows where architecturally correct. Variation in shutter colors is encouraged.
- Overhangs are required on all four sides of the home and must be a minimum of 1'.
- Garage doors are required to have one panel row of windows. If desired, vertical window designs will be considered by the Design Review Board. Developer will encourage various colors of garage doors if architecturally correct and complementary to the home color.
- Color pallet prohibits any fluorescent colors. Lighting is to be directed downward and should be placed to display a uniform, comfortable and warm appearance.
- Detailed lighting plans including fixture, pole, color, spacing, light type, and photometric specifications shall be provided with the Design Review Board Application.

Signage

- Signage standards will follow the SRD zoning district requirements.
- Model home and real estate signage is permitted.

Project Phasing

- With the required construction of Road A and other infrastructure improvements to get utilities to subareas C, its anticipated that the start of this development will be more than 24 months out. Once the lots are constructed and home are started, it is reasonable to

expect that the absorption rate for both products could span an additional 3 years.

Subarea D – Attached Multi-Family Residential (Townhomes)

The attached multi-family residential subarea D (approximately 15.17 acres) will consist of 4-to-8-unit townhomes. The product may have attached 1 or 2 car garages or detached private garages. The townhomes will provide 2- or 3-bedroom options.

The open space within the development will be a minimum of 10% and will include ponds with fountains and trail connections. Additional trails will be added to the site to get to the regional trail network that will be developed with the surrounding properties.

In implementing this subarea, the applicant will rely on the underlying Suburban Residential District (SRD) zoning designation and requirements contained in Section 1121.07, multi-family typology, except to the extent variance and divergences are identified below and in the upcoming Development Plan application.

List of Permitted Uses

- Attached multi-family (4-, 6-, and 8-unit buildings)
- Commercial Recreation (indoor/outdoor) – Clubhouse with pool and fitness
- Garage Attached or Detached
- Residential Model Home – subject to the requirements of section 1123.21
- Mailbox kiosks
- Accessory structures permitted per Section 1121.07

Lot Size, Setbacks, Height, Open Space, and Coverage Ratio

- Lot sizes and setbacks will adhere to the requirements of the SRD zoning district multi-family building typology
- Height of primary structures will not exceed 45' plus architectural features such as cupolas and/or chimneys
- Open space will be a minimum of 10%
    - Multi-purpose trails are included within the subarea. The multi-purpose trails will also be installed along western boundary of the subarea and will provide a connection to paths that will link this development to the other subareas and the future park system. Developer will work with surrounding landowners to the south to possibly extend this trail to Square Drive to provide additional linkage and access to the park system.
    - Detention areas with activity enhancements such as walking trails, benches or fountains will be included in the Open space calculation
    - In addition, this PUD has a "public common open space" subarea which will provide additional acreage that will increase the overall open space % for the entire PUD
- 60% maximum lot coverage including accessory structures

Density

- The overall density for this product will be 10 units per acre.

Access, Parking, Loading, and Pedestrian Connectivity

- The primary access to Subarea D will be via Allenby Drive. To the north there will be a

connection point to Subarea B.

- The off-street parking for multi-family shall be a minimum of 2 parking spaces per unit.
- The parking areas may include private 1- and 2-car attached garages, detached garages well as surface parking. With the combination of the garages and surface parking, each unit will have a minimum of 2 spaces.
- Sidewalks will be included throughout the project on both sides of the streets.
- Multi-purpose trails will be included along the western property line to access the commercial areas along Square Drive and the park system to the north. Additional trails may be included around the detention ponds. A trail connection to the trail along Allenby Drive will also be provided.

Landscaping

- The landscaping requirements of Subarea D will be per the general landscaping standards identified in Section 1125 of the Marysville Codified Ordinances unless noted below. Future landscaping designs, specifications, and plant material selections will be reviewed and approved by the Design Review Board.
- Perimeter Landscape Standards and buffers between Subarea D and Subareas B will be considered single family uses and will not require landscape buffering proposed in Section 1125.06 a. The buffering between Subarea D and Subarea B will include a combined 30' span between the two pods and will require a landscape treatment that will be provide a 50% opacity at the 4-year mark. No buffering will be provided between subareas that are on opposite sides of Allenby Drive. The roadway profiles described below will provide the proper buffer.
- On the west side of Subarea D, the development borders existing industrial/commercial office buildings. On this side of the Subarea a perimeter setback of 40' will be established on the western boundary. This boundary currently has a treed fence line, a service road to the existing home to the north, and trees, brush, and other existing plant materials (all defined as greenery) on the east side of the drive. Within the 40' setback, the existing driveway will be converted to a 10' multi-purpose trail to provide connectivity to the park system. The greenery on both sides of the multi-purpose path will be maintained within the 40' setback/buffer. This buffer (greenery and trail) will serve as the landscape buffer between the different uses.
- Within the subareas, any trees located outside of the boundaries of the tree clearing exhibit that are removed shall be subject to the provisions of the City of Marysville Codified Ordinances regarding major tree preservation and replacement.

Architecture, Site, and Lighting

- The architectural style and designs, site plan, and lighting will be per Section 1133 of the Marysville Codified Ordinances unless noted below. Future architectural home designs, final site plans, and lighting will be reviewed and approved by the Design Review Board.
- Approved primary and secondary building materials can include stone, brick, wood, fiber cement, metal (roof only), other natural materials, vinyl siding, and board and batten products. Vinyl siding to be of high quality and architectural grade with a minimum thickness of 0.044"). Color pallet prohibits any fluorescent colors.
- Detailed lighting plans including fixture, pole, color, spacing, light type, and photometric specifications shall be provided with the Design Review Board Application.
- Fencing is permitted in the rear of townhome product and may consist of wood or vinyl privacy dividers between the units or fully fenced rear yards. Privacy fence shall be no

more than 72".

Signage

- Signage standards will follow the SRD zoning district requirements.
- Model home and real estate signage is permitted.

Project Phasing

- With the required extension of Allenby Drive and other infrastructure improvements to get utilities to subarea D, its anticipated that the start of this development will be more than 12 to 18 months out. Once the building pads and townhomes are constructed, it is reasonable to expect that the absorption rate for this product span an additional 3 to 4 years. Thus, subareas D will be built in multiple phases as demand requires.

Subarea E – Attached Multi-Family Residential (Ranch Apartments)

The attached multi-family residential subarea E (approximately 33.95 acres) will consist of single-story attached residential units with attached garages. Buildings will consist of 4-to-8-unit structures.

The open space within the development is anticipated to exceed the required level under a straight zoning district and will include ponds with fountains and trails. Additional trails will be added to the site to get to the regional trail network that will be developed with the surrounding properties.

In implementing this subarea, the applicant will rely on the underlying Suburban Residential District (SRD), zoning designation and requirements contained in Section 1121.07, multi-family typology, except to the extent variance and divergences are identified below and in the upcoming Development Plan application.

List of Permitted Uses

- Attached multi-family patio homes (4-, 5-, 6-, 7-, and 8-unit buildings)
- Commercial Recreation (indoor/outdoor) – Clubhouse and fitness, dog park, and community garden
- Garages Attached or Detached
- Mailbox kiosks
- Rental Office operated within patio home or clubhouse - subject to the requirements of section 1123.21 unless noted below.
    - A maximum of six model units shall be permitted to be operated until such a time as units have been constructed on all lots in this subdivision. The location of each model unit shall be approved as part of a final development plan submitted to the DRB. No occupancy of a model unit shall be permitted until the unit has been connected to operable public sanitary sewer lines and public water lines. Temporary paved parking may be provided on any lot which is adjacent to a lot containing a model unit, provided that such parking shall be removed by the developer once the model unit is no longer being used for marketing purposes.
- Home occupations associated with a principal use.

Lot Size, Setbacks, Height, Open Space, and Coverage Ratio

- Lot sizes and setbacks will adhere to the requirements of the SRD zoning district unless noted below.
    - Lot size does not apply as this product is being developed on a single lot/parcel.
    - Minimum building front setbacks from private roads – 20'
    - Minimum building end setbacks from private roads – 20'
    - Minimum building side setbacks, building to building – 12'
- Height of primary structures will not exceed 35' plus architectural features such as cupolas and/or chimneys.
- Open space will be a minimum of 10%
    - Multi-purpose trails are included throughout the subarea. The multi-purpose trails will be installed along Road A and Allenby Drive as well as other connections to paths that will link this development to the other subareas and the future park system.
    - Detention areas with activity enhancements such as walking trails, benches or fountains will be included in the Open space calculation
    - In addition, this PUD has a "public common open space" subarea which will provide additional acreage that will increase the overall open space % for the entire PUD
- 60% maximum lot coverage including accessory structures

Density

- The overall density for this product will be 8 units per acre.

Access, Parking, Loading, and Pedestrian Connectivity

- The primary access to Subarea E will be via multiple access points off of Road A and a secondary access point on Allenby Drive. There will not be any access points to the south into the commercial area. This will help expedite the traffic coming and going from the commercial area via Road B.
- The roads within Subarea E will be private, 24' wide, with a minimum 20' setbacks to the buildings.
- The off-street parking for multi-family shall be a minimum of 2 parking spaces per unit.
- No on-street parking shall be permitted in this subarea.
- Maintenance of the subarea private roads shall be the responsibility of the owner of the subarea.
- Sidewalks will be included throughout the project on at least one side of the street.
- Multi-purpose trails will be included around the detention ponds and along both Road A and Allenby Drive. A connection to the park system will be made at the round-a-bout at the intersection of Road A and Allenby Drive.

Landscaping

- The landscaping requirements of Subarea E will be per the general landscaping standards identified in Section 1125 of the Marysville Codified Ordinances unless noted below.
- Perimeter Landscape Standards and buffers between Subarea E and Subareas G (Commercial) will be similar to the requirements in Section 1125.06 and this will include a combined 40' buffer area between the two pods. However, if the in area between these subareas consists of a detention pond, the 80% opacity and landscaping buffer requirements in Section 1125.06 do not apply as the detention pond will serve as the buffer. Also, if desired, the developer may install a 6' privacy fence along the southern boundary to help eliminate headlights from vehicles. If this is the case, landscaping on

both sides of the fence will consist of variety of different trees spaces no less 15' apart. Subarea E will provide a minimum perimeter setback of 20' to the south and west area that is up against the existing residential condominiums and commercial uses. This area will require a landscape treatment that will be provide a 50% opacity at the 4-year mark.

- No buffering will be provided between subareas that are on opposite sides of Road A or Allenby Drive. The roadway profiles described below will provide the proper buffer.
- Within the subareas, any trees located outside of the boundaries of the tree clearing exhibit that are removed shall be subject to the provisions of the City of Marysville Codified Ordinances regarding major tree preservation and replacement.

Architecture, Site, and Lighting

- The architectural style and designs, site plan, and lighting will be per Section 1133 of the Marysville Codified Ordinances unless noted below. Future architectural home designs, final site plans, and lighting will be reviewed and approved by the Design Review Board.
- Approved primary and secondary building materials can include stone, brick, wood, fiber cement, cementitious siding, metal (roof only), other natural materials, vinyl siding, and board and batten products. Vinyl siding to be of high quality and architectural grade with a minimum thickness of 0.044". Project will prohibit all fluorescent colors.
- Detailed lighting plans including fixture, pole, color, spacing, light type, and photometric specifications shall be provided with the Design Review Board Application.

Signage

- Signage standards will follow the SRD zoning district requirements.
- Model home, leasing office, and real estate signage is permitted.

Project Phasing

- With the required extension of both Allenby Drive and the construction of Road A, as well as other infrastructure improvements, its anticipated that the start of this development will be more than 18 to 24 months out. This development is likely to be built in two phases with the clubhouse and approximately half the units to the south being constructed and the second phase constructed approximately 1 year later.

Subarea F – Multi-Family Residential (Apartments)

The multi-family residential subarea F (approximately 16.23 acres) will consist of 3-story walk-up residential units with a shared clubhouse and pool areas with a separate fitness area. The apartments will feature multiple buildings with a mix of 1-, 2- and 3-bedroom flats with surface parking and/or detached private garages. Some of the detached private garages may have dwelling units located above the parking structure.

The open space within the development is anticipated to be a minimum of 10% and will include ponds with fountains and trails, dog parks, and a community center. Additional trails will be added to the site to get to the regional trail network that will be developed with the surrounding properties.

In implementing this subarea, the applicant will rely on the underlying Suburban Commercial District (SCD) zoning designation and requirements contained in Section 1121.08, multi-family residential typology, except to the extent variance and divergences are identified below and in

the upcoming Development Plan application.

List of Permitted Uses

- Multi-Family
- Commercial Recreation (indoor/outdoor) – Clubhouse, pool, and fitness areas incorporated into the development or as accessory structures.
- Garage Attached and Detached
- Rental Office - subject to the requirements of section 1123.21
- Mailbox kiosks

Lot Size, Setbacks, Height, Open Space, and Coverage Ratio

- Lot sizes and setbacks will adhere to the requirements of the SCD zoning district unless defined below.
    - Internal setbacks between buildings within the multifamily development shall be 20' or as determined based on the fire code, whichever is greater.
    - Perimeter setbacks to the east, north, and south of the project will be a minimum of 25' from the property line for any road, pavement, or building. Setbacks along Road A will be 60'.
- Height of primary structures will not exceed 45' plus architectural features such as cupolas and/or chimneys.
- Open space will be a minimum of 10%
    - Multi-purpose trails are included throughout the project and around the detention ponds. The multi-purpose trails will also be installed along Road A as well as other connections to paths that will link this development to the other subareas and the future park system.
    - Detention areas with activity enhancements such as walking trails, benches or fountains will be included in the Open space calculation
    - In addition, this PUD has a "public common open space" subarea which will provide additional acreage that will increase the overall open space % for the entire PUD
    - Dog parks may be included in the project.
- 85% maximum coverage ratio including accessory structures

Density

- The overall density for this product will be up to 16 units per acre.
- The architectural designs and features of the buildings and clubhouse comply with the requirements of Section 1123.06 – Density Bonus Program to justify that additional density above.

Access, Parking, Loading, and Pedestrian Connectivity

- The primary access to Subarea F will be via Road A at various locations. A secondary access point may be provided to Road B but that will not be determined until final site plans can be completed.
- The off-street parking for multi-family shall be a minimum of 1.5 parking spaces per unit.
- Sidewalks connections will be established from the buildings to the parking lots.
- Multi-purpose trails will be included around the detention ponds and throughout the site in order to connect with the subareas to the north and south as well as the park system to the north.

Landscaping

- The landscaping requirements of Subarea F will be per the general landscaping standards identified in Section 1125 of the Marysville Codified Ordinances unless noted below.
- Perimeter Landscape Standards and buffers between Subarea F and Subarea C will be similar to the requirements in Section 1125.06 and this will include a combined 40' buffer area between the two pods. However, if the in area between these subareas consists of a detention pond, the 80% opacity and landscaping buffer requirements in Section 1125.06 do not apply as the detention pond will serve as the buffer. The buffers between Subarea F and Subareas G will consist of a 40' buffering that meets the 80% opacity requirement of Section 1125.06. However, if desired, the developer may install a 6' wooden privacy fence along the southern boundary to help eliminate headlights from vehicles. If this is the case, landscaping on both sides of the fence will consist of variety of different trees spaces no less 15' apart. No buffering will be provided between subareas that are on opposite sides of Road A or Allenby Drive. The roadway profiles described in this document will provide the proper buffer. On the east side of the Subareas F a minimum 20' perimeter setback to the County Training facility with no landscape requirement as the existing tree line and wooded are planned to be retained.
- Within the subareas, any trees located outside of the boundaries of the tree clearing exhibit that are removed shall be subject to the provisions of the City of Marysville Codified Ordinances regarding major tree preservation and replacement.

Architecture, Site, and Lighting

- The architectural style and designs, site plan, and lighting will be per Section 1133 of the Marysville Codified Ordinances unless noted below. Future architectural home designs, final site plans, and lighting will be reviewed and approved by the Design Review Board.
- Approved primary and secondary building materials can include stone, brick, wood, fiber cement, metal (roof only), other natural materials, vinyl siding, and board and batten products. Vinyl siding to be of high quality and architectural grade with a minimum thickness of 0.044". Color pallet prohibits any fluorescent colors.
- Minimum lighting standards shall be as follows:
    - All lighting standards in Section 1133.09 shall apply. Light spillage shall not exceed one-tenth (0.1) foot candles when adjacent to a residential district or existing residential.
    - All street lighting, poles, and fixtures, shall not exceed 18 feet in height.
    - All poles and fixtures shall be of a design/architecture consistent with the surrounding buildings and be a muted color such as grey, silver, black, bronze, or dark green.
    - Fully shielded, cut-off type lighting fixtures shall be required.
    - Details including fixture, pole, color, spacing, light type, and photometric shall be provided with the Design Review Board Application.

Signage

- Signage standards will follow the SCD zoning district requirements.
- Model home, leasing office, and real estate signage is permitted.

Project Phasing

- The subarea will likely be completed with one phase and it is anticipated that the development in subarea F will commence shortly after engineering approvals are received from the City of Marysville for the extension of utility, roadway, and buildings, weather permitting. Estimated timeframe 18 to 24 months for complete buildout.

Subarea G – Commercial District

The Commercial Subarea (approximately 15.88 acres) is located to the north of US 36 and is on both sides of the main entrance. This subarea will be accessed from the rear of the site via an east/west access road (Road B). This commercial subarea will provide residential commercial retail businesses which will lead to new employers, employees, and residents. In addition, this area will be a future economic engine for future increases in tax revenues across the board for the Schools, City, and County. If retail options are not available, a portion of this area, approximately 5 acres, north of Road B may be used for the expansion of Subarea F.

The open space within the development is will be a minimum of 5% and may include ponds with fountains, greenspace buffers, and trails connections. Additional trails will be added to the site to get to the regional trail network that will be developed with the surrounding properties.

In implementing this subarea, the applicant will rely on the underlying Suburban Commercial District (SCD) zoning designation and requirements contained in Section 1121.08, commercial typology, except to the extent variance and divergences are identified below and in the upcoming Development Plan application.

List of Permitted Uses

- Artisan Studio
- Bank of Financial Institution (w/drive thru)
- Child Day-Care Center
- Emergency Care Facility
- General Retail (50+ employees)
- Institution/Government Offices
- Medical or Dental Office or Clinic
- Meeting Facility
- Multi-family (acreage above Service Road B only)
- Personal Services
- Professional Offices
- Restaurant (sit down)
- Restaurant (w/drive thru)
- Retail, Sales, & Services
- Specialty Food and/or Beverage Facility

Lot Size, Setbacks, Height, Open Space, and Coverage Ratio

- Lot sizes and setbacks will adhere to the requirements of the SCD zoning district
- 40’ maximum building height
- Open space will a minimum of 10%

- In addition, this PUD has a "public common open space" subarea which will provide additional acreage that will increase the overall open space % for the entire PUD
- 85% maximum coverage ratio including accessory structures

Density

- The overall density for any multi-family product in this subarea will be up to 16 units per acre.

Access, Parking, Loading, and Pedestrian Connectivity

- The primary access to Subarea G will be via Road A to the service Road B. On the east side of the subarea, the retail/commercial area would have access to the areas on both the north and south side of Road B.
- Parking for the Subarea G will be per the standards shown in Section 1127.12 of the Marysville Code of Ordinances.
- Location of sidewalks will be determined during the Design Review Board process as more detail is available regarding the actual design and site location of the buildings.
- Multi-purpose trails will be included along Road and parallel to US 36. If desired, the multi-purpose trail can be constructed along Road B instead of US 36.

Landscaping

- The landscaping requirements of Subarea G will be per the general landscaping standards identified in Section 1125 of the Marysville Codified Ordinances unless noted below.
- Perimeter Landscape Standards and buffers between Subarea G and Subareas E will be similar to the requirements in Section 1125.06 and this will include a combined 40' buffer area between the two pods. However, if the in area between these subareas consists of a detention pond, the 80% opacity and landscaping buffer requirements in Section 1125.06 do not apply as the detention pond will serve as the buffer. Also, if desired, the developer may install a 6' wooden privacy fence along the southern boundary to help eliminate headlights from vehicles. If this is the case, landscaping on both sides of the fence will consist of variety of different trees spaces no less 15' apart. No buffering is required on the east or west side of Subarea G, as it is desired for Road B and the retail development to continue along US 36 in a coordinated fashion. This continuation may include realignment of some of the roads and entrances to the west to help with traffic and connectivity. Any future realignments of roads outside of this subarea will be at the direction and approval of the City Engineer. No buffers will be provided between subareas that are on opposite sides of Road A or Allenby Drive. The roadway profiles described in this document will provide the proper buffer.
- Within the subareas, any trees located outside of the boundaries of the tree clearing exhibit that are removed shall be subject to the provisions of the City of Marysville Codified Ordinances regarding major tree preservation and replacement.

Architecture, Site, and Lighting

- The architectural style and designs, site plan, and lighting will be per Section 1133 of the Marysville Codified Ordinances unless noted below. Future architectural designs, final site plans, and lighting will be reviewed and approved by the Design Review Board.
- Approved primary and secondary building materials can include stone, brick, wood, fiber cement, metal (roof only), other natural materials, vinyl siding, and board and batten products. Vinyl siding to be of high quality and architectural grade with a minimum thickness

of 0.044"). Color pallet prohibits any fluorescent colors.

- Minimum lighting standards shall be as follows:
  - All lighting standards in Section 1133.09 shall apply. Light spillage shall not exceed one-tenth (0.1) foot candles when adjacent to a residential .
  - All street lighting, poles, and fixtures, shall not exceed 18 feet in height.
  - All poles and fixtures shall be of a design/architecture consistent with the surrounding buildings and be a muted color such as grey, silver, black, bronze, or dark green.
  - Fully shielded, cut-off type lighting fixtures shall be required.
  - Details including fixture, pole, color, spacing, light type, and photometric shall be provided with the Design Review Board Application.

Signage

- The signage standards for subarea G will follow the specifications and development standards within the Codified Ordinances of the City of Marysville Code Section 1129 Signs.

Project Phasing

- Retail development is the most unpredictable type of development. Despite the lack of homes currently in this area, the commercial core at US 36 and US 33 does currently support retail development. Road A as well as utility extensions will be constructed from US 36 immediately upon approval but Road B will not be constructed until retail/commercial development is warranted. The timing of this development will depend on many factors but one item is for sure, the quicker the residential units are built the sooner the retail demand for this development will come.

Subarea H – Public Common Open Space

The natural features in this public common open space subarea (approximately 52.91 acres) will be reserved, protected, and developed as part of the network of parks and trail systems that will provide recreational opportunities and promote connectivity throughout the area. The ground in this subarea, while public, will be owned, managed, and maintained by a future community authority board which will use funds from future residents and business to perform these duties.

In implementing this subarea, the applicant will rely on the underlying Open Space District (OSD) zoning designation and requirements contained in Section 1121.17, except to the extent variance and divergences are identified below and in the upcoming Development Plan application.

List of Permitted Uses

- Park
- Community Garden
- Commercial Recreation (outdoor) – paved and unpaved trails
  - Include bridges and other structures that may be needed to provide connectivity and trail connections
- Essential Public Services and Utilities
- Necessary Roadway Crossings

ADDITIONAL INFORMATION REQUESTED

A. Explain how the development meets the proposed and specific objectives set forth in Section 1135.01

1135.01(a) General Objective: A planned unit development shall be classified as a unique zoning district or combination of districts that is subject to the provisions of this chapter. The purpose is to encourage and allow more creative and imaginative design of land development than is possible under standard zoning district regulations. A PUD is intended to allow flexibility in planning and design and overall benefits to the City. A PUD also permits the establishment of a variety of uses brought together as parts of a compatible and unified plan. This flexibility should result in a development that has unique characteristics and features that are not found in a development produced in accordance with standard zoning district and subdivision regulations.

1135.01 (b) Specific Objectives:

(1) To encourage unified projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet are consistent with all applicable plans including but not limited to the Comprehensive Plan, Thoroughfare Plan, and the intent of the Ordinance.

The proposed PUD contains 8 subareas that include a mixture of uses that could not be zoned together through the standard zoning process. The Marysville comprehensive plan was used as a starting point and subareas were designed with the overall concepts in mind. For example, the major natural areas around Mill Creek are protected and maintained, the retail uses are aligned all along the US 36 corridor, and the higher density residential is planned near the existing higher density uses and will serve as a buffer for the single-family homes. The single-family developments are surrounded on multiple sides by some of the most beautiful spaces in Marysville, which is the natural areas along Mill Creek. The blending of all these uses could not be achieved under a straight zoning district.

(2) Allow the creation of development standards that respect the unique characteristics, natural quality and beauty of the site and the immediate vicinity and protect the community's natural resources by avoiding development on and destruction of sensitive environmental areas.

Marysville East Annexation #3 provides standard setbacks to natural areas that are larger than required by the Codified Ordinances and will protect sensitive environmental areas on-site by preserving these areas as a separate subarea (public common open space). The large open space and tree preservation area in Annexation #3 consists of approximately 53 acres. This public common open space will be in ADDITION to the required open space of each developed subarea and will be commonly owned and managed through a newly created community authority. Trails will be added to these common open spaces that link to all the other subareas and this process will be expanded with the future annexation of other areas.

(3) Promote economical and efficient use of land and reduce infrastructure costs through unified development.

The development will promote the economical and efficient use of the land and infrastructure by providing a platform for the development of various mixed uses. The industrial/innovation areas zoned in Annexations #1 and #2 will provide businesses with jobs and will generate income tax and real estate tax revenues to support services and infrastructure improvements. The residential development in Annexation #3 will provide areas for residents and workers to call home and live in close proximity to their employers. Higher density developments maximize the value of the utilities and other infrastructure and its location around the existing retail/commercial core provides a nice buffer and transition to the single-family residential areas to the north.

(4) To provide amenities and enhancements that will sustain the quality of life and property values within the development as well as the properties surrounding the proposed PUD.

The protected public common open spaces and pod open spaces combined will provide for recreational activities and the ability to enjoy the natural beauty of the site, Mill Creek, and surrounding areas in Marysville through the multi-purpose trails and parks. The property values for the retail, multi-family and single-family homes will create much higher assessed value than the current CAUV ground and will help energize the region for many years.

(5) Assure compatibility between proposed land uses within and around the PUD through appropriate development controls.

Compatibility between proposed land uses within and around the PUD are provided through the planned transition of high-density developments around the existing core commercial development as well as increased setbacks and landscape buffers within the PUD Development Standards along mixed uses. The multi-family subarea will help to buffer the existing multi-family development and the natural features and Mill Creek to the north will provide a beautiful backdrop for the single-family development.

(6) Where appropriate, provide for community facilities, open space, and recreational areas.

The large public common open space of approximately 53 acres will preserve existing natural features, with trails and connectivity added to and from each subarea. This preservation area will be in addition to the open space and trails that will be included in each subarea. Private recreation facilities (pool, fitness, dog parks) will be added to the multi-family subarea.

(7) To provide a maximum choice of business and living environments by allowing for a variety of housing, building types, and imaginative architectural design.

The integration of the industrial / innovation district in Annexations #1 and #2 provide opportunities for employers to be positioned within the area and the multi-family and

single-family options will provide housing options to the employees and other existing or future residents of Marysville. The unique combination of the multi-family communities incorporates both three-story walk-up units and an empty-nester development which will provide a variety of housing opportunities. The townhome product and a variety of single-family products gives future residents a choice of housing types within the same project at different price points. Amenities with this multi-family project will be top of the market with the pool, fitness, dog parks, and trails throughout and linked to other common areas within the overall PUD.

(8) To provide an opportunity for a mix of complementary uses otherwise not permitted within the standard zoning classifications.

The PUD will provide a mix of complementary residential, multi-family, and retail uses and establish priorities for high-quality and innovative development and appropriate buffers and transitions between existing and proposed uses.

(9) To develop land in an orderly, coordinated, and comprehensive manner that is consistent with accepted land planning, landscape architecture practices, and engineering principles.

By providing the PUD Development Standards and going through the appropriate Exterior/Landscape Plan review and approval process with the Design Review Board for each contemplated development within Marysville East Annexation #3, it will develop in an orderly, coordinated, and comprehensive manner that is consistent with accepted land planning, landscape architecture practices, and engineering principles.

B. Explain how the proposed development impacts public services and facilities, including but not limited to schools, water, sewer, and traffic.

Public Services:

- The proposed PUD will be annexed into the Marysville City limits and with the annexation process, a Marysville service letter will be provided to warrant that all utilities and services are available and that the City is willing to take on the responsibility of servicing this area. We will be working with all service providers, which include schools, fire, police, City Engineer, traffic, parks/recreation, and City Council to put together a unique financial package that will help provide funds for these purposes.

Water:

- There is an existing 12" water main located along Allenby Drive to the southern edge of the property as well as another 12" line along US 36 at the southwestern corner of the property. The initial service for Marysville East Annexation #3 ground will be serviced by extensions of these two lines. In addition, Marysville just opened a new $50m+ water treatment plant in 2023, which will provide capacity for all the growth projected for the east side of Marysville and beyond.

- The engineering of other water laterals will be discussed during the engineering phase of each project with the City Engineer.

Sanitary Sewers:

- A regional pump station is currently begin constructed along Watkins Road by the City of Marysville and was annexed to Marysville as part of Annexation #1. The regional station has capacity for the entire east side of Marysville and will include a 36" gravity lateral that will run to the north to US 36. The construction and extension of sewer laterals to service the individual parcels included in this PUD will be worked out with the City Engineer as the projects move forward.

Other Utilities:

- Electric service for this site already exists and our engineer is working to acquire service letters from the area provider which will be included in the development plan.

- Gas service for the site is available from URE and lines are along US 36.

- Time Warner Cable has facilities adjacent to the project site and can provide service to the development.

Traffic:

- A traffic study and regional thoroughfare plan update is currently underway with the assistance and direction of the City Engineer. This document will help identify the needed roadway infrastructure needed for the industrial/innovation park as well as improvements to Watkins Road and the intersections of US 36/Watkin Road, US 36/Coleman Crossing, US 33/US36, and Watkins Road/Scottslawn. The developer, City, and Engineer will work together on a unique set of financial tools to determine the future funding of these improvements.

Schools:

- Marysville East developer is working closely with the schools to provide them accurate projections of the number of school age children that can be expected by the different types of housing as well as the types of businesses and other uses (retail) to help gauge future school funding.

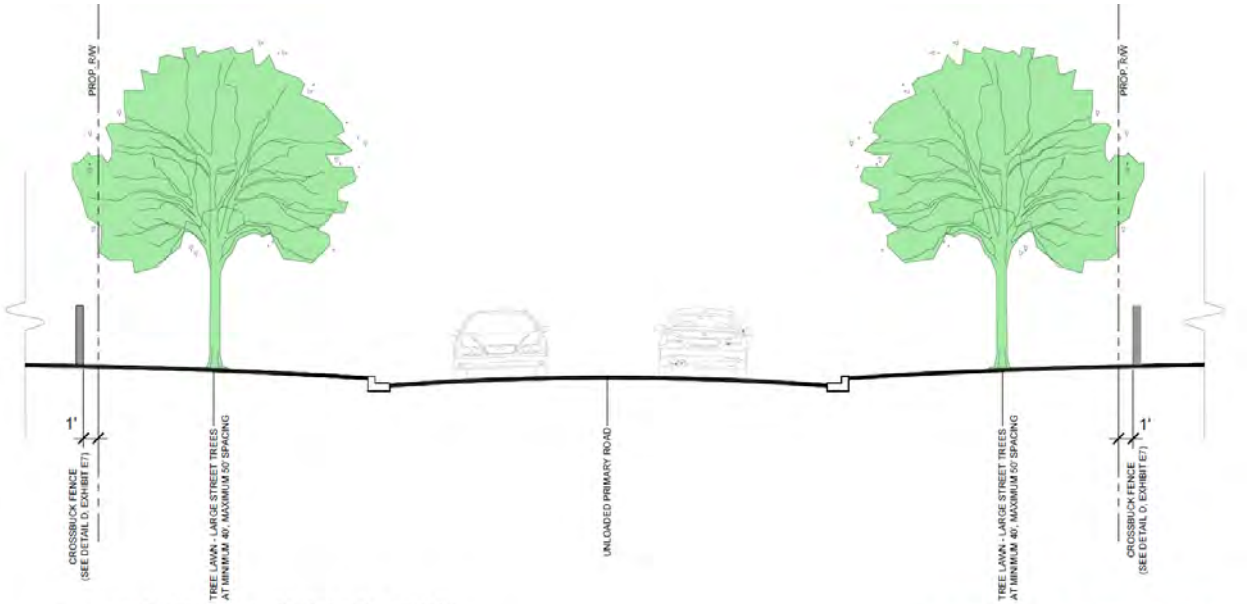
- A financial package will be negotiated with the schools and city that will include funding for infrastructure, schools, and other services (police and fire). That package will include traditional funding mechanisms as well as the NCA.

C. Explain how the proposed development conforms to the Marysville Comprehensive Plan.

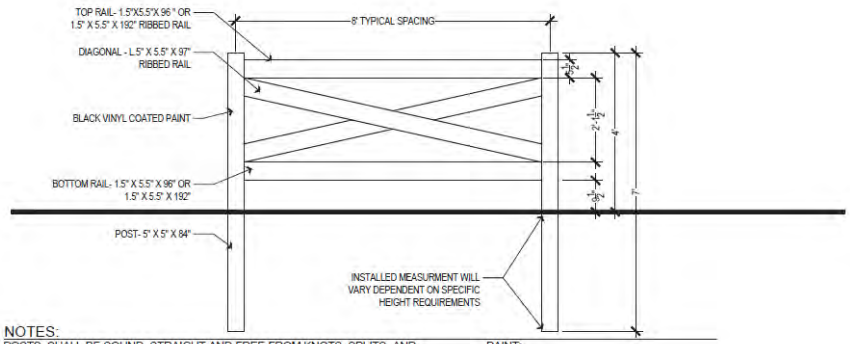
The proposed PUD utilized the existing Marysville Comprehensive Plan as the basis for its development. Both the PUD and Comp Plan anticipated retail along the US 36 corridor and residential products to the north. The PUD utilizes the multi-family developments to buffer the existing residents to the west and the newly created single-family pods to the north. The Comp Plan promotes the protection of common areas and the connection of the community to these areas, which is being accomplished with the proposed trail system. The Comp Plan also promotes mixed residential housing types which is being provided.

D. Additional Development Standards.

Marysville East Annexation #3 will have upgraded design standards that include common fencing and street trees along major thoroughfares, standardized signage, and other identifiers that will create a unique gateway feel for the area. Road A will include a landscaped boulevard section at US 36 and all streets within the subarea pods will also include street trees and sidewalks. Over time, these design elements will be incorporated into the existing core development on the east side of US 33 and US 36. More details regarding signage, landscaping, buffers, setbacks, and other design features will be provided with the development plan application.



I UNLOADED PRIMARY ROAD TYPICAL SECTION
SCALE: 1"=4'



NOTES:
POSTS SHALL BE SOUND, STRAIGHT AND FREE FROM KNOTS, SPLITS, AND SHAKES, AND PEELED THEIR ENTIRE LENGTH. BOTH ENDS SHALL BE DOUBLE TRIMMED AND SAWED SQUARE .
FENCE BOARDS:
BOARDS SHALL BE 1.5" X 5.5" X 98" OR 1.5" X 5.5" X 192" POPLAR, PRESSURE TREATED. THE BOARDS SHALL BE SOUND, STRAIGHT AND FREE OF KNOTS AND SHAKES.

PAINT:
BLACK

FASTENERS:
NAILS-10D PLAIN SHANK BOX GALVANIZED

D CROSSBUCK FENCE
SCALE: 1/2" = 1'-0"

MARYSVILLE EAST ANNEXATION 3
ROAD A / ALLENBY PROFILE
MARYSVILLE, OHIO 7-10-24

0 750 2,250 N

G2 PLANNING + DESIGN

ROCKFORD DEVELOPMENT INVESTMENTS

APPENDIX A

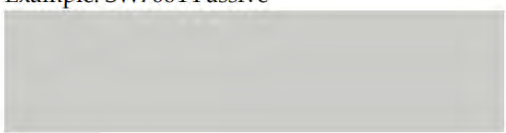
Exhibit E – Color Pallets

Neutrals (Taupe, Tan, Beige)
Example: SW6142 Macadamia

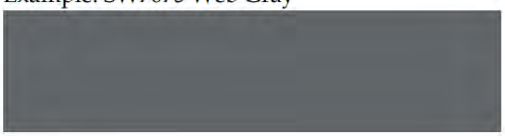


Whites and Off-Whites
Example: SW7008 Alabaster

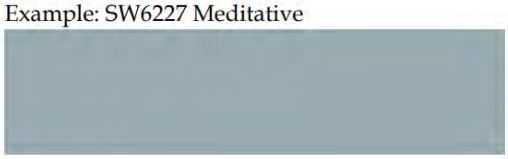
Light Gray
Example: SW7064 Passive



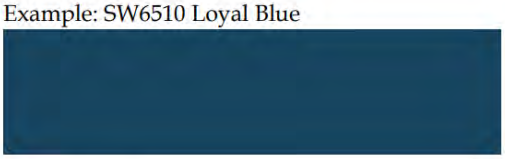
Dark Gray
Example: SW7075 Web Gray



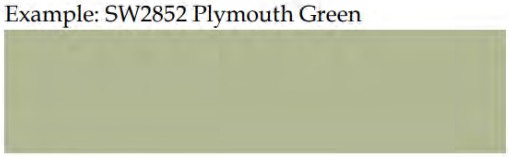
Light Blue
Example: SW6227 Meditative



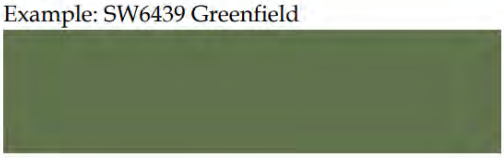
Dark Blue
Example: SW6510 Loyal Blue



Light Green
Example: SW2852 Plymouth Green



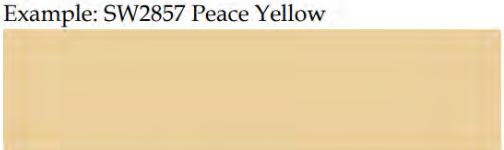
Dark Green
Example: SW6439 Greenfield



Red
Example: SW7600 Bolero



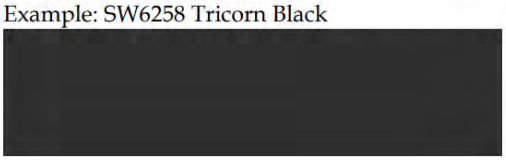
Yellow
Example: SW2857 Peace Yellow



Brown
Example: SW6083 Sable



Miscellaneous
Example: SW6258 Tricorn Black



Terry Emery

ORDINANCE _____

TO ACCEPT THE ANNEXATION OF CERTAIN TERRITORY CONTAINING +/-6.5 ACRES IN PARIS TOWNSHIP, UNION COUNTY TO THE CITY OF MARYSVILLE, OHIO, CONTIGUOUS TO THE LAND KNOWN AS MARYSVILLE SOUTH

WHEREAS, a petition for the annexation of +/- 6.5 acres in Paris Township, Union County, was duly filed with the Union County Board of County Commissioners; and

WHEREAS, the Board of County Commissioners granted the annexation petition on June 26, 2024; and

WHEREAS, pursuant to Section 709.033 of the Ohio Revised Code, the Board of County Commissioners certified the record of the proceeding in connection with the annexation to the Marysville Clerk of Council, who received it on June 27, 2024; and

WHEREAS, more than sixty (60) days from the date the Clerk of Council received the record of annexation proceedings have elapsed and the Clerk has laid the transcript, accompanying map, and petition before Council at its next regular session following the expiration of the sixty (60) days in accordance with the provisions of the Ohio Revised Code Section 709.04; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. The proposed annexation of +/- 6.5 acres in Paris Township, as applied for in the petition by the petitioner Mary Ann Vickner, Trustee of the Howard P. Emswiler Revocable Trust, described in the legal description, also shown on the map, and approved for annexation by the Board of County Commissioners of Union County, Ohio on June 26, 2024 be and the same is hereby accepted. The Petition, legal description, map and Union County Commissioners Resolution No. 24-314 approving the Petition are all attached as Exhibit A and incorporated herein.

SECTION II. The Marysville Clerk of Council shall be and 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 of Council 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 fill notice of this annexation

with the Board of Elections within thirty (30) days after it becomes effective and the Clerk shall do all others things required by law.

SECTION III. This Ordinance shall take effect and be in force at the earliest date permitted by law.

1st Reading September 9, 2024

2nd Reading September 23, 2024

3rd Reading _____

Passed: _____

_____
PRESIDENT OF COUNCIL

APPROVED AS TO FORM:

_____
LAW DIRECTOR

ATTEST:

_____
CLERK OF COUNCIL

EXHIBIT A

David A. Lawrence, Commissioner
Dave Burke, Commissioner, Board Vice President
Steve Robinson, Commissioner, Board President

William Narducci, County Administrator
Letitia Rayl, Assistant County Administrator/
Budget Officer
Sara Early, Clerk to the Board

UNION COUNTY COMMISSIONERS
grow with us.

County Office Building
233 West Sixth Street
Marysville, Ohio 43040-1526
www.unioncountyohio.gov

Tel. 937-645-3012
Fax 937-645-3002

commissioners@unioncountyohio.gov

June 27, 2024

Brad Lutz, Finance Director
McKenzie Proudfoot, Clerk of Council
City of Marysville
209 S. Main Street
Marysville, OH 43040

Re: Expedited Type II Petition for Annexation (Section 709.023) to the City of Marysville of 6.5+/- Acres, From Paris Township

Dear Brad and McKenzie,

On June 26, 2024, Resolution No. 24-314 was approved granting the Petition of Mary Ann Vickner, Trustee of the Howard P. Emswiler Revocable Trust, for an Expedited Type II Annexation of 6.5 A. +/- from Paris Township to the City of Marysville.

Enclosed please find the following documents including the Certification of Record of Annexation Proceedings:

1) Expedited Type II Petition for Annexation (Section 709.023) to the City of Marysville of 6.5 +/- Acres, From Paris Township.
2) Affidavit of Notice to Township, Municipality, and Surrounding Property Owners of Annexation Petition Filing.
3) City of Marysville Resolution 013-2024, to Authorize the Services that the City of Marysville will Provide Should the +/- 6.5 Acres Located in Paris Township, Union County, Ohio, Contiguous to the City of Marysville, Be Annexed Into the City, and to Provide for Buffer Requirements.
4) June 25, 2024, Union County Engineer's Memo Re: Annexation to the City of Marysville from Paris Township (6.5 +/- Acres).
5) Resolution 24-314: Granting the Petition for Annexation.

Please do not hesitate to contact me if I can be of any further assistance.

Respectfully,

Sara Early
Clerk to the Board of Commissioners

Enc.

RECEIVED
JUN 27 2024
CITY OF
MARYSVILLE

David A. Lawrence, Commissioner
Dave Burke, Commissioner, Board Vice President
Steve Robinson, Commissioner, Board President

William Narducci, County Administrator
Letitia Rayl, Assistant County Administrator/
Budget Officer
Sara Early, Clerk to the Board

UNION COUNTY COMMISSIONERS
grow with us.

County Office Building
233 West Sixth Street
Marysville, Ohio 43040-1526
www.unioncountyohio.gov

Tel. 937-645-3012
Fax 937-645-3002

commissioners@unioncountyohio.gov

CERTIFICATION OF RECORD OF ANNEXATION PROCEEDINGS

In accordance with the Ohio Revised Code §§709.032 and 709.033, 1) the Board of County Commissioners adopted Resolution No. 24-314, granting the Petition of Mary Ann Vickner, Trustee of the Howard P. Emswiler Revocable Trust, for an Expedited Type II Annexation of 6.5 A. +/- from Paris Township into the City of Marysville on June 26, 2024; and 2) the Clerk to the Board of Commissioners certifies that the attached entire record of the annexation proceedings are true and exact copies of the originals. This record includes the following documents, consisting of 26 pages.

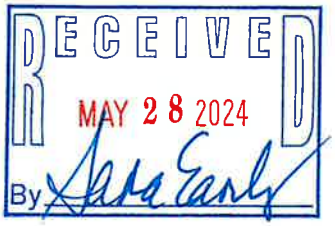
1) Expedited Type II Petition for Annexation (Section 709.023) to the City of Marysville of 6.5 +/- Acres, From Paris Township.
2) Affidavit of Notice to Township, Municipality, and Surrounding Property Owners of Annexation Petition Filing.
3) City of Marysville Resolution 013-2024, to Authorize the Services that the City of Marysville will Provide Should the +/- 6.5 Acres Located in Paris Township, Union County, Ohio, Contiguous to the City of Marysville, Be Annexed Into the City, and to Provide for Buffer Requirements.
4) June 25, 2024, Union County Engineer's Memo Re: Annexation to the City of Marysville from Paris Township (6.5 +/- Acres).
5) Resolution 24-314: Granting the Petition for Annexation.

I certify that the attached record is a true and correct copy of the original documents filed with the Board of County Commissioners, Union County, Ohio.

Certified By: Sara Early
Sara Early, Clerk to the Board of Commissioners

Date: 6-27-2024

EXPEDITED TYPE II PETITION FOR ANNEXATION
(PURSUANT TO R.C. SECTION 709.023)
TO THE CITY OF MARYSVILLE
OF ± 6.5 ACRES
IN THE TOWNSHIP OF PARIS



TO THE BOARD OF COUNTY COMMISSIONERS
OF UNION COUNTY, OHIO:

The undersigned, being ALL OF THE OWNERS OF REAL ESTATE in the territory hereinafter described in Exhibit "A", consisting of ± 6.5 acres, more or less, located in the Paris Township, Union County, Ohio, which area is contiguous along ± 225.60 feet, or ± 6.49 % of its perimeter, and adjacent to the City of Marysville, do hereby respectfully petition the Board of Union County Commissioners that said territory be annexed to the City of Marysville according to the statutes of the State of Ohio, and specifically the expedited procedure specified in Ohio Revised Code Section 709.023.

The number of owners within the area is one (1).

1. Attached to this petition and made part hereof is a full legal description of the area to be annexed, marked as Exhibit "A".
2. Attached to this petition and made part hereof is an accurate map of the area to be annexed, marked as Exhibit "B".
3. Attached to this petition and made part hereof is a list of parcels in the area to be annexed and adjacent territory that includes the name of the owner, mailing address of owner and permanent parcel number, marked as Exhibit "C".

The undersigned petitioners do hereby designate Aaron Underhill, Esq., David Hodge, Esq., and Eric Zartman, Esq. attorneys, as their agents ("Agents") as required by Revised Code Section 709.02(C)(3), with full power and authority hereby granted to each said Agent individually 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. Agents' contact information is as follows: Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054; Phone: (614) 335-9320, Fax: (614) 335-9329; and e-mail aaron@uhlawfirm.com, david@uhlawfirm.com, and eric@uhlawfirm.com.

WHOMEVER 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 SAID SPECIAL ANNEXATION PROCEDURE.

[*Petition signatures on following pages*]

WHOMEVER 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 SAID SPECIAL ANNEXATION PROCEDURE.

PETITIONER:
Mary Ann Vickner,
Trustee of the Howard P. Emswiler Revocable Trust
13163 Morse Road
Pataskala, Ohio 43062
Parcel 2800200150010

By: Mary Vickner

Print Name: Mary Vickner

Date: 5/21/24

A

PROPOSED ANNEXATION OF 6.5 ACRES

FROM: PARIS TOWNSHIP

TO: CITY OF MARYSVILLE

Situate in the State of Ohio, County of Union, Township of Paris, located in Survey Number 2256, Virginia Military District, being part of that 293.89 acre tract conveyed as Parcel I to Mary Ann Vickner, Trustee of the Howard P. Emswiler Revocable Trust, by deed of record in Instrument Number 202212160011448 and document of record in Instrument Number 202403210001962, and Rosemary A. Emswiler, Trustee of the Rosemary A. Emswiler Revocable Trust, by deed of record in Instrument Number 202212160011448 (all references refer to the records of the Recorder's Office, Union County, Ohio), being more particularly described as follows:

Beginning, for reference, in the centerline of Weaver Road at a southwesterly corner of said 293.89 acre tract, the northwesterly corner of the remainder of that 15.800 acre tract conveyed to Thomas A. Hampton and Nina Lee Hampton, Trustees of the Thomas A. Hampton Revocable Living Trust, by deed of record in Instrument Number 201904050002317;

Thence North 73° 16' 48" East, with a southerly line of said 293.89 acre tract, a northerly line of the remainder of said 15.800 acre tract, a distance of 226.62 feet to the TRUE POINT OF BEGINNING;

Thence North 05° 28' 57" West, across said 293.89 acre tract, a distance of 198.31 feet to a point at the southwesterly corner of that 31.890 acre tract conveyed to Marcus Gingerich and Andrea Gingerich by deed of record in Instrument Number 201911070009236;

Thence North 81° 45' 15" East, with a northerly line of said 293.89 acre tract, the southerly line of said 31.890 acre tract, a distance of 1523.44 feet to a point in the existing City of Marysville corporation line as established by Ordinance Number 42-98, of record in Deed Book 134, Page 475;

Thence South 04° 45' 53" East, across said 293.89 acre tract, with said existing corporation line, a distance of 225.60 feet to a northeasterly corner of the remainder of said 15.800 acre tract;

Thence South 85° 03' 13" West, with a southerly line of said 293.89 acre tract, a northerly line of the remainder of said 15.800 acre tract, a distance of 1228.64 feet to a point;

Thence South 73° 16' 48" West, with a southerly line of said 293.89 acre tract, a northerly line of the remainder of said 15.800 acre tract, a distance of 295.93 feet to the TRUE POINT OF BEGINNING, containing 6.5 acres, more or less.

This description was prepared for annexation purposes only and is not to be used for transfer.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

5/23/24

Heather L. King
Professional Surveyor No. 8307

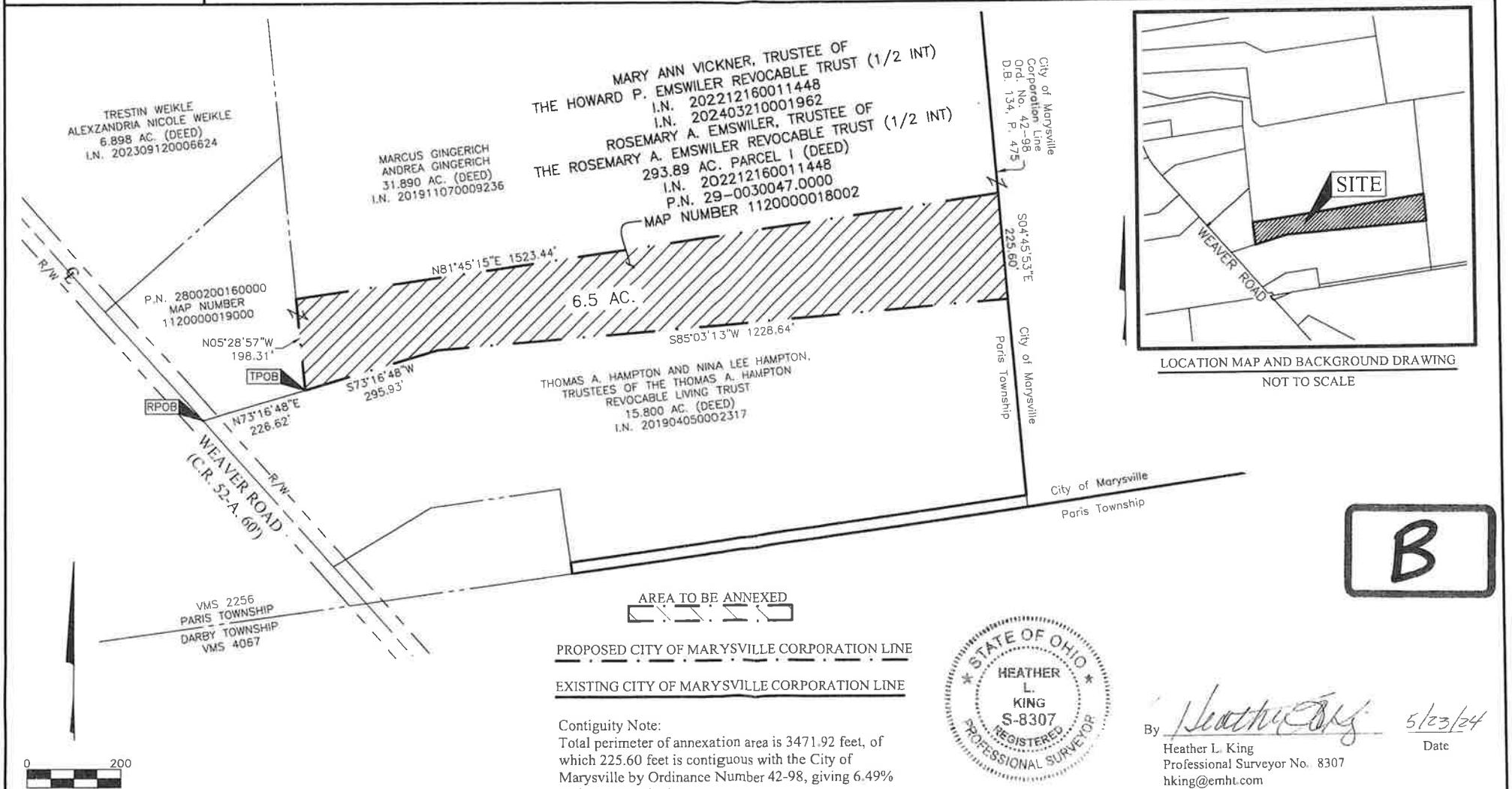
HLK: td
6_5 ac 20240051-VS-EXHB-ANNX-05

EMH&T
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

PROPOSED ANNEXATION OF 6.5 ACRES

SURVEY NUMBER 2256
VIRGINIA MILITARY DISTRICT
TOWNSHIP OF PARIS, COUNTY OF UNION, STATE OF OHIO

Date:	May 10, 2024
Scale:	1" = 200'
Job No:	2024-0051
Sheet No:	1 of 1



Contiguity Note:
Total perimeter of annexation area is 3471.92 feet, of which 225.60 feet is contiguous with the City of Marysville by Ordinance Number 42-98, giving 6.49% perimeter contiguity.

STATE OF OHIO
HEATHER L. KING
S-8307
REGISTERED PROFESSIONAL SURVEYOR

By Heather L. King 5/23/24

Heather L. King
Professional Surveyor No. 8307
hking@emht.com
Date

J:\20240051\DWG\04SHEETS\EXHIBITS\20240051-VS-EXHB-ANNX-05.DWG plotted by KING, HEATHER on 5/23/2024 10:58:34 AM last saved by HKING on 5/23/2024 10:58:21 AM



List of Parties

Petitioners:

1.
Property Address:
0 Weaver Road
Parcel 2800200150010

Tax Mailing Address
Mary Ann Vickner,
Trustee of the Howard P. Emswiler Revocable Trust
13163 Morse Road
Pataskala, Ohio 43062

Attorney:

Aaron Underhill, Esq.
Underhill and Hodge, LLC
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054

Adjacent Property Owners:

1.
Property Address:
14190 Weaver Road
Parcel 2800200201020

Tax Mailing Address:
Marcus & Andera Gingerich
14190 Weaver Road
Marysville, Ohio 43040

2.
Property Address:
0 Weaver Road
Parcel 2900300480000

Tax Mailing Address
Mary Ann Vickner,
Trustee of the Howard P. Emswiler Revocable Trust
13163 Morse Road
Pataskala, Ohio 43062

3.
Property Address:
13880 Weaver Road
Parcel 2800200150000

Tax Mailing Address:
Thomas A & Nina Lee Hampton
Hampton Trustees
13880 Weaver Road
Marysville, Ohio 43040

4.
Property Address:
0 Weaver Road
Parcel 2800200160000

Tax Mailing Address
Mary Ann Vickner,
Trustee of the Howard P. Emswiler Revocable Trust
13163 Morse Road
Pataskala, Ohio 43062

PETITIONER:

Mary Ann Vickner,
Trustee of the Howard P. Emswiler
Revocable Trust
13163 Morse Road
Pataskala, Ohio 43062

ATTORNEY:

Aaron Underhill, Esq.
Underhill and Hodge, LLC
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054

SURROUNDING PROPERTY OWNERS:

Marcus & Andera Gingerich
14190 Weaver Road
Marysville, Ohio 43040

Mary Ann Vickner,
Trustee of the Howard P. Emswiler
Revocable Trust
13163 Morse Road
Pataskala, Ohio 43062

Thomas A & Nina Lee Hampton
Hampton Trustees
13880 Weaver Road
Marysville, Ohio 43040

NOTICE OF FILING EXPEDITED TYPE II ANNEXATION PETITION

TO: CLERK OF THE CITY OF MARYSVILLE, OHIO

In accordance with the provisions of Section 709.023 of the Ohio Revised Code, you are hereby notified that, on May 28, 2024, the undersigned, Agent for the Petitioners, filed an Annexation Petition in the Office of the Board of County Commissioners of Union County, Ohio.

Said Petition prays for annexation to the City of Marysville, Ohio, of ± 6.5 acres currently located in Paris Township.

A copy of said Petition, with description and plat, is attached hereto and made a part hereof.

Dated: May 28 2024

Eric Zartman, Esq.

RECEIPT OF THE AFOREMENTIONED DOCUMENT(S) IS HEREBY ACKNOWLEDGED THIS 28 day of May, 2024.

CLERK

NOTICE OF FILING EXPEDITED TYPE II ANNEXATION PETITION

TO: FISCAL OFFICER/CLERK OF PARIS TOWNSHIP, OHIO

In accordance with the provisions of Section 709.023 of the Ohio Revised Code, you are hereby notified that, on May 29, 2024, the undersigned, Agent for the Petitioners, filed an Annexation Petition in the Office of the Board of County Commissioners of Union County, Ohio.

Said Petition prays for annexation to the City of Columbus, Ohio, of ± 6.5 acres currently located in Paris Township.

A copy of said Petition, with description and plat, is attached hereto and made a part hereof.

Dated: 5-29-24

Eric Zartman, Esq.

RECEIPT OF THE AFOREMENTIONED DOCUMENT(S) IS HEREBY ACKNOWLEDGED THIS 29th day of May, 2024.

FISCAL OFFICER/CLERK

AFFIDAVIT OF NOTICE TO TOWNSHIP, MUNICIPALITY, AND SURROUNDING PROPERTY OWNERS OF ANNEXATION PETITION FILING

STATE OF OHIO }
COUNTY OF FRANKLIN } SS:

Eric Zartman, being first duly sworn, deposes and says that he is an attorney at the law firm of Underhill & Hodge LLC, being the agent for the petitioners in that certain Annexation Petition wherein it is prayed that ± 6.5 acres, more or less, currently located in Paris Township, be annexed to the City of Marysville, Ohio. Said Annexation Petition was filed in accordance with the provisions of Section 709.023 (an "Expedited Type II" annexation) of the Ohio Revised Code with the Union County Board of County Commissioners on 5-28, 2024.

A copy of the Annexation Petition, petition attachments, map and legal description was served personally on the **Council Clerk of Marysville, Ohio** on 5-28, 2024. Said personal service on the City of Marysville, Ohio Council Clerk occurred within five (5) days from the date the annexation petition was filed, in accordance with Section 709.023(B) of the Ohio Revised Code.

A copy of the Annexation Petition, petition attachments, map and legal description was served personally on the **Township Clerk/Fiscal Officer of Paris Township** on 5-29, 2024. Said personal service on the Paris Township Clerk occurred within five (5) days from the date the annexation petition was filed, in accordance with Section 709.023(B) of the Ohio Revised Code.

On 5-29, 2024, a copy of the Annexation Petition, petition attachments, map and legal description were sent by U.S. Mail to all property owners adjacent to and directly across the street from the territory proposed to be annexed. Said mailing occurred within five (5) days from the date the Annexation Petition was filed, in accordance with Section 709.023(B) of the Ohio Revised Code.

Further Affiant Sayeth Naught.

By: Eric Zartman
Name:

Sworn to before me and signed in my presence; a Notary Public in and for said State and County on this 30 day of May, 2024.

Notary Public

NOTARIAL SEAL STATE OF OHIO

Justin M. Fox
Attorney At Law
Notary Public, State of Ohio
My Commission Does Not Expire
Sec.147.03 R.C

Terry Emery

RESOLUTION 013-2024

TO AUTHORIZE THE SERVICES THAT THE CITY OF MARYSVILLE WILL PROVIDE SHOULD THE +/- 6.5 ACRES LOCATED IN PARIS TOWNSHIP, UNION COUNTY, OHIO, CONTIGUOUS TO THE CITY OF MARYSVILLE, BE ANNEXED INTO THE CITY, AND TO PROVIDE FOR BUFFER REQUIREMENTS

WHEREAS, On May 28, 2024, pursuant to Ohio Revised Code Section 709.023, the property owners seeking annexation of +/- 6.5 acres of real property in Paris Township, Union County, Ohio, which is contiguous to the City of Marysville along 6.49% of its perimeter, filed with the Board of County Commissioners of Union County, Ohio, an Expedited Type II Petition for Annexation of their property to the City of Marysville, a copy of which is attached and incorporated herein as Exhibit A; and

WHEREAS, on May 28, 2024 said Petition was delivered to the City of Marysville from the Board of County Commissioners of Union County, Ohio; and

WHEREAS, Ohio Revised Code Section 709.023 (C) provides that within twenty days after the date that the petition is filed, the municipal corporation to which annexation is sought, shall adopt a resolution stating what services the municipal corporation will provide to the territory seeking annexation and an approximate date by which it will provide those services; and

WHEREAS, the Ohio Revised Code Section 709.023 (C) also provides that within that same twenty day period, the municipal corporation shall adopt an ordinance or resolution stating that, if the territory is annexed and becomes subject to zoning by the municipal corporation and that if the municipality's zoning allows uses in the annexed territory that the municipal corporation determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining in the township from which the territory was annexed, the municipal corporation shall require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land now remaining within the township; now, therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. In the event that the proposed +/- 6.5 acres (the "Property") is annexed to the City of Marysville, Ohio, the City will provide to the Property the full range of municipal services available to the residents of, and to the property within, the City of Marysville, including but not limited to police, fire and EMS protection, sanitary sewers, water lines, storm sewers, public roadway, refuse collection, all of which can be provided immediately upon the effective date of the annexation as provided by law. Should it be determined that as a result of the annexation,

the boundary line between the township and the City divides or segments a street or highway so as to create a road maintenance problem, the City, as a condition of the annexation, shall assume the maintenance of that street or highway or otherwise correct the problem.

SECTION II. If the Property is annexed and becomes subject to the City of Marysville zoning, and the City zoning allows uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under applicable county or township zoning regulations in effect at the time of the filing of the petition on the land adjacent to the annexed territory remaining in the unincorporated area of Paris Township, then the City of Marysville will require the owner or owners of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining with Paris Township.

SECTION III. The Clerk of Council is hereby directed to forward and file certified copies of this Resolution with the Union County Board of County Commissioners and to send a copy to the Agent for the Petitioners for annexation within twenty days following the date that the petition was filed.

SECTION IV. This Resolution is effective upon its adoption.

One Reading Only: June 10, 2024

PRESIDENT OF COUNCIL

Passed: June 10, 2024

APPROVED AS TO FORM:

Assistant Law Director

ATTEST:

CLERK OF COUNCIL

EXHIBIT A

RECEIVED
MAY 28 2024
CITY OF MARYSVILLE

EXPEDITED TYPE II PETITION FOR ANNEXATION
(PURSUANT TO R.C. SECTION 709.023)
TO THE CITY OF MARYSVILLE
OF ± 6.5 ACRES
IN THE TOWNSHIP OF PARIS

RECEIVED
MAY 28 2024
By Sara Early

TO THE BOARD OF COUNTY COMMISSIONERS
OF UNION COUNTY, OHIO:

The undersigned, being ALL OF THE OWNERS OF REAL ESTATE in the territory hereinafter described in Exhibit "A", consisting of ± 6.5 acres, more or less, located in the Paris Township, Union County, Ohio, which area is contiguous along ± 225.60 feet, or ± 6.49 % of its perimeter, and adjacent to the City of Marysville, do hereby respectfully petition the Board of Union County Commissioners that said territory be annexed to the City of Marysville according to the statutes of the State of Ohio, and specifically the expedited procedure specified in Ohio Revised Code Section 709.023.

The number of owners within the area is one (1).

1. Attached to this petition and made part hereof is a full legal description of the area to be annexed, marked as Exhibit "A".
2. Attached to this petition and made part hereof is an accurate map of the area to be annexed, marked as Exhibit "B".
3. Attached to this petition and made part hereof is a list of parcels in the area to be annexed and adjacent territory that includes the name of the owner, mailing address of owner and permanent parcel number, marked as Exhibit "C".

The undersigned petitioners do hereby designate Aaron Underhill, Esq., David Hodge, Esq., and Eric Zartman, Esq. attorneys, as their agents ("Agents") as required by Revised Code Section 709.02(C)(3), with full power and authority hereby granted to each said Agent individually 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. Agents' contact information is as follows: Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054; Phone: (614) 335-9320, Fax: (614) 335-9329; and e-mail aaron@uhlawfirm.com, david@uhlawfirm.com, and eric@uhlawfirm.com.

WHOMEVER 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 SAID SPECIAL ANNEXATION PROCEDURE.

[*Petition signatures on following pages*]

WHOMEVER 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 SAID SPECIAL ANNEXATION PROCEDURE.

PETITIONER:
Mary Ann Vickner,
Trustee of the Howard P. Emswiler Revocable Trust
13163 Morse Road
Pataskala, Ohio 43062
Parcel 2800200150010

By: _____

Print Name: Mary Vickner

Date: 5/21/24

A

PROPOSED ANNEXATION OF 6.5 ACRES

FROM: PARIS TOWNSHIP

TO: CITY OF MARYSVILLE

Situate in the State of Ohio, County of Union, Township of Paris, located in Survey Number 2256, Virginia Military District, being part of that 293.89 acre tract conveyed as Parcel I to Mary Ann Vickner, Trustee of the Howard P. Emswiler Revocable Trust, by deed of record in Instrument Number 202212160011448 and document of record in Instrument Number 202403210001962, and Rosemary A. Emswiler, Trustee of the Rosemary A. Emswiler Revocable Trust, by deed of record in Instrument Number 202212160011448 (all references refer to the records of the Recorder's Office, Union County, Ohio), being more particularly described as follows:

Beginning, for reference, in the centerline of Weaver Road at a southwesterly corner of said 293.89 acre tract, the northwesterly corner of the remainder of that 15.800 acre tract conveyed to Thomas A. Hampton and Nina Lee Hampton, Trustees of the Thomas A. Hampton Revocable Living Trust, by deed of record in Instrument Number 201904050002317;

Thence North 73° 16' 48" East, with a southerly line of said 293.89 acre tract, a northerly line of the remainder of said 15.800 acre tract, a distance of 226.62 feet to the TRUE POINT OF BEGINNING;

Thence North 05° 28' 57" West, across said 293.89 acre tract, a distance of 198.31 feet to a point at the southwesterly corner of that 31.890 acre tract conveyed to Marcus Gingerich and Andrea Gingerich by deed of record in Instrument Number 201911070009236;

Thence North 81° 45' 15" East, with a northerly line of said 293.89 acre tract, the southerly line of said 31.890 acre tract, a distance of 1523.44 feet to a point in the existing City of Marysville corporation line as established by Ordinance Number 42-98, of record in Deed Book 134, Page 475;

Thence South 04° 45' 53" East, across said 293.89 acre tract, with said existing corporation line, a distance of 225.60 feet to a northeasterly corner of the remainder of said 15.800 acre tract;

Thence South 85° 03' 13" West, with a southerly line of said 293.89 acre tract, a northerly line of the remainder of said 15.800 acre tract, a distance of 1228.64 feet to a point;

Thence South 73° 16' 48" West, with a southerly line of said 293.89 acre tract, a northerly line of the remainder of said 15.800 acre tract, a distance of 295.93 feet to the TRUE POINT OF BEGINNING, containing 6.5 acres, more or less.

This description was prepared for annexation purposes only and is not to be used for transfer.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

5/03/24

Heather L. King
Professional Surveyor No. 8307

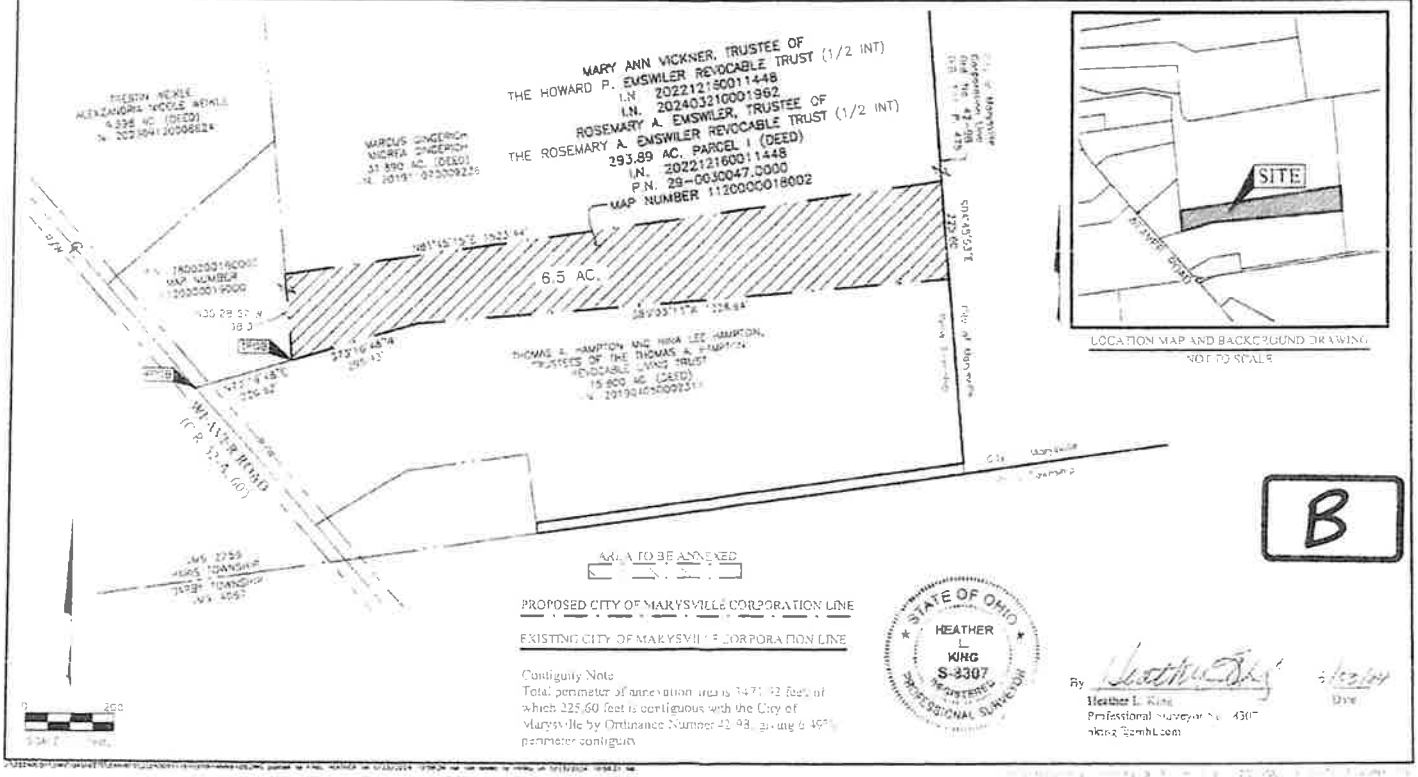
HLK: ld
6 5 ac 20240051-VS-EXHB-ANNX-05

PROPOSED ANNEXATION OF 6.5 ACRES

SURVEY NUMBER 2256
VIRGINIA MILITARY DISTRICT
TOWNSHIP OF PARIS, COUNTY OF UNION, STATE OF OHIO

EMHT
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 866.775.5348
emht.com

Date: [illegible]
Scale: [illegible]
Job No. 2024-005
Sheet No. [illegible]



B

Contiguity Note
Total perimeter of annexation area is 3471.92 feet, of which 225.60 feet is contiguous with the City of Marysville by Ordinance Number 42-98, giving 6.49% perimeter contiguity.

STATE OF OHIO
HEATHER L KING
S-8307
REGISTERED PROFESSIONAL SURVEYOR

By [signature] 5/10/2024
Heather L. King Date
Professional Surveyor No. 8307
hking@emht.com



List of Parties

Petitioners:

1.
Property Address:
0 Weaver Road
Parcel 2800200150010

Tax Mailing Address
Mary Ann Vickner,
Trustee of the Howard P. Emswiler Revocable Trust
13163 Morse Road
Pataskala, Ohio 43062

Attorney:

Aaron Underhill, Esq.
Underhill and Hodge, LLC
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054

Adjacent Property Owners:

1.
Property Address:
14190 Weaver Road
Parcel 2800200201020

Tax Mailing Address:
Marcus & Andera Gingerich
14190 Weaver Road
Marysville, Ohio 43040

2.
Property Address:
0 Weaver Road
Parcel 2900300480000

Tax Mailing Address
Mary Ann Vickner,
Trustee of the Howard P. Emswiler Revocable Trust
13163 Morse Road
Pataskala, Ohio 43062

3.
Property Address:
13880 Weaver Road
Parcel 2800200150000

Tax Mailing Address:
Thomas A & Nina Lee Hampton
Hampton Trustees
13880 Weaver Road
Marysville, Ohio 43040

4.
Property Address:
0 Weaver Road
Parcel 2800200160000

Tax Mailing Address
Mary Ann Vickner,
Trustee of the Howard P. Emswiler Revocable Trust
13163 Morse Road
Pataskala, Ohio 43062

PETITIONER:

Mary Ann Vickner,
Trustee of the Howard P. Emswiler
Revocable Trust
13163 Morse Road
Pataskala, Ohio 43062

ATTORNEY:

Aaron Underhill, Esq.
Underhill and Hodge, LLC
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054

SURROUNDING PROPERTY OWNERS:

Marcus & Andera Gingerich
14190 Weaver Road
Marysville, Ohio 43040

Mary Ann Vickner,
Trustee of the Howard P. Emswiler
Revocable Trust
13163 Morse Road
Pataskala, Ohio 43062

Thomas A & Nina Lee Hampton
Hampton Trustees
13880 Weaver Road
Marysville, Ohio 43040

Sara Early

From: Chris Clapsaddle
Sent: Tuesday, June 25, 2024 8:16 AM
To: Sara Early
Cc: Jeff Stauch
Subject: Annexation of 6.5 acres on Weaver Road
Attachments: 20240051-VS-EXHB-ANNX-05.pdf; 6_5 ac 20240051-VS-EXHB-ANNX-05.pdf; 6.5 Annexation Approval.pdf

Good Morning,
Above is the final approved survey from the surveyor. Also included is the approval of the map room for standard survey information and the approval memo regarding the Ohio Revised Code.

Thanks,
Chris

County Engineer
Environmental Engineer
Building Department
233 W. Sixth Street
Marysville, Ohio 43040
P 937. 645. 3018
F 937. 645. 3161
www.unioncountyohio.gov/engineer

Marysville Operations Facility
16400 County Home Road
Marysville, Ohio 43040
P 937. 645. 3017
F 937. 645. 3111

Richwood Outpost
190 Beatty Avenue
Richwood, Ohio 43344

Public Service with integrity

MEMO

To: Board of Commissioners, Union County
From: Jeff Stauch, Union County Engineer
Date: June 25, 2024
RE: Annexation to City of Marysville from Paris Township (6.5 Acres)

The subject annexation petition, received on May 28, 2024, has been reviewed by our office. The attached letter dated May 23, 2024 references the pre-approval technical review for closure, acreage, and adjoining deed information.

The subsequent formal submission, was filed and reviewed under RC 709.021/RC 709.023, and is summarized as follows:

i. The legal description is accurate.
ii. The map/plat has been confirmed to be accurate.
iii. The persons who signed the petition are owners of the real estate located in the territory proposed for annexation and constitute all of the owners of real estate in that territory.
iv. The proposed area to be annexed does not exceed 500 acres.
v. The proposed contiguity with the City of Marysville exceeds the minimum perimeter of 5%.
vi. The proposed annexation will not result in any unincorporated island areas.

The proposed area to be annexed does not include any land within the existing roads and does not affect any County Roads.

Attachment *Pre-approval Review*

UNION COUNTY ENGINEER

County Engineer
Environmental Engineer
Building Department
233 W. Sixth Street
Marysville, Ohio 43040
P. 937. 645. 3018
F. 937. 645. 3161
www.unioncountyohio.gov/engineer

Marysville Operations Facility
16400 County Home Road
Marysville, Ohio 43040
P. 937. 645. 3017
F. 937. 645. 3111
Richwood Outpost
190 Beatty Avenue
Richwood, Ohio 43344

Public Service with Integrity

Date: 5/23/2024

Kyle Hoyng, P.E.
City of Marysville
209 S. Main Street
Marysville, Ohio 43040

Kyle:
The above referenced and attached annexation plats and descriptions of the 6.5 acres, 3.1 acres, 0.074 acre, and 0.01 acre tract all being annexed into the City of Marysville have been reviewed for overall closure, acreage, and adjoining deed information. The results of this review are acceptable. Final review and approval will follow after formal submission to the County commissioners and adoption by the City of Marysville.

If there are any questions feel free to contact us.

Sincerely,

Chris Clapsaddle
Mapping Manager
(937) 645-3021

cc: City of Marysville Planning and Zoning

Jeff Stauch, PE, PS

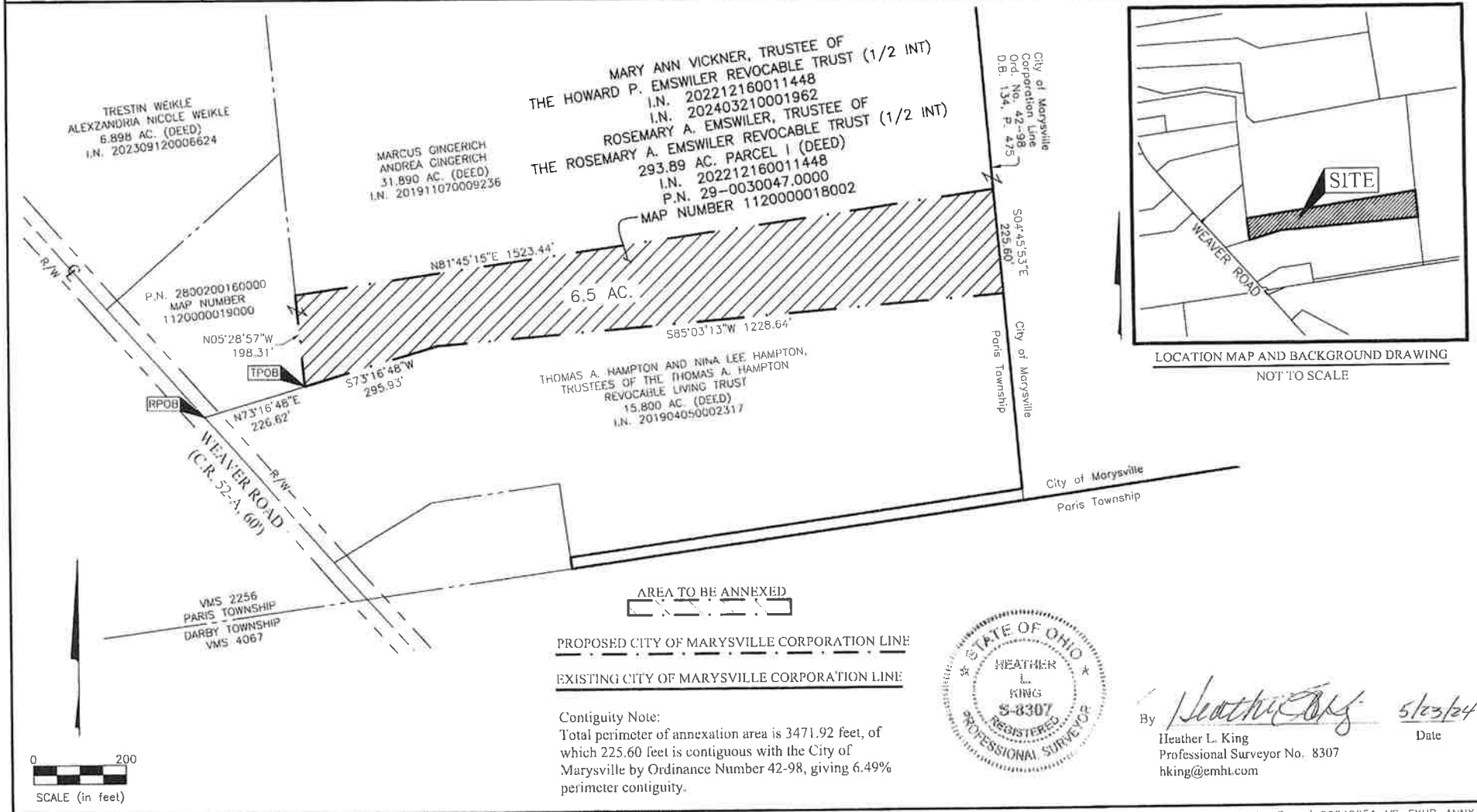
Sam Crouk, CBO
Chief Building Official

EMHT
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

PROPOSED ANNEXATION OF 6.5 ACRES

SURVEY NUMBER 2256
VIRGINIA MILITARY DISTRICT
TOWNSHIP OF PARIS, COUNTY OF UNION, STATE OF OHIO

Date:	May 10, 2024
Scale:	1" = 200'
Job No:	2024-0051
Sheet No:	1 of 1



LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE

AREA TO BE ANNEXED

PROPOSED CITY OF MARYSVILLE CORPORATION LINE

EXISTING CITY OF MARYSVILLE CORPORATION LINE

Contiguity Note:
Total perimeter of annexation area is 3471.92 feet, of which 225.60 feet is contiguous with the City of Marysville by Ordinance Number 42-98, giving 6.49% perimeter contiguity.

STATE OF OHIO
HEATHER L. KING
8307
REGISTERED
PROFESSIONAL SURVEYOR

By Heather L. King 5/23/24

Heather L. King
Professional Surveyor No. 8307
hking@emht.com
Date

J:\20240051\DWG\04SHEETS\EXHIBITS\20240051-VS-EXHB-ANNX-05.DWG plotted by KING, HEATHER on 5/23/2024 10:58:34 AM last saved by HKING on 5/23/2024 10:58:21 AM

PROPOSED ANNEXATION OF 6.5 ACRES

FROM: PARIS TOWNSHIP

TO: CITY OF MARYSVILLE

Situate in the State of Ohio, County of Union, Township of Paris, located in Survey Number 2256, Virginia Military District, being part of that 293.89 acre tract conveyed as Parcel I to Mary Ann Vickner, Trustee of the Howard P. Emswiler Revocable Trust, by deed of record in Instrument Number 202212160011448 and document of record in Instrument Number 202403210001962, and Rosemary A. Emswiler, Trustee of the Rosemary A. Emswiler Revocable Trust, by deed of record in Instrument Number 202212160011448 (all references refer to the records of the Recorder's Office, Union County, Ohio), being more particularly described as follows:

Beginning, for reference, in the centerline of Weaver Road at a southwesterly corner of said 293.89 acre tract, the northwesterly corner of the remainder of that 15.800 acre tract conveyed to Thomas A. Hampton and Nina Lee Hampton, Trustees of the Thomas A. Hampton Revocable Living Trust, by deed of record in Instrument Number 201904050002317;

Thence North 73° 16' 48" East, with a southerly line of said 293.89 acre tract, a northerly line of the remainder of said 15.800 acre tract, a distance of 226.62 feet to the TRUE POINT OF BEGINNING;

Thence North 05° 28' 57" West, across said 293.89 acre tract, a distance of 198.31 feet to a point at the southwesterly corner of that 31.890 acre tract conveyed to Marcus Gingerich and Andrea Gingerich by deed of record in Instrument Number 201911070009236;

Thence North 81° 45' 15" East, with a northerly line of said 293.89 acre tract, the southerly line of said 31.890 acre tract, a distance of 1523.44 feet to a point in the existing City of Marysville corporation line as established by Ordinance Number 42-98, of record in Deed Book 134, Page 475;

Thence South 04° 45' 53" East, across said 293.89 acre tract, with said existing corporation line, a distance of 225.60 feet to a northeasterly corner of the remainder of said 15.800 acre tract;

Thence South 85° 03' 13" West, with a southerly line of said 293.89 acre tract, a northerly line of the remainder of said 15.800 acre tract, a distance of 1228.64 feet to a point;

Thence South 73° 16' 48" West, with a southerly line of said 293.89 acre tract, a northerly line of the remainder of said 15.800 acre tract, a distance of 295.93 feet to the TRUE POINT OF BEGINNING, containing 6.5 acres, more or less.

This description was prepared for annexation purposes only and is not to be used for transfer.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

5/23/24

Heather L. King
Professional Surveyor No. 8307

HLK: td
6_5 ac 20240051-VS-EXHB-ANNX-05

CERTIFIED TO BE A TRUE & EXACT COPY OF ORIGINAL
Tara Earley, Clerk
6/28/2024

RESOLUTION NO. 24-314

A RESOLUTION GRANTING THE PETITION OF MARY ANN VICKNER, AS TRUSTEE OF THE HOWARD P. EMSWILER REVOCABLE TRUST, FOR EXPEDITED TYPE 2 ANNEXATION OF 6.5 A. +/- FROM PARIS TOWNSHIP INTO THE CITY OF MARYSVILLE

WHEREAS, Mary Ann Vickner, as Trustee of the Howard P. Emswiler Revocable Trust, Applicant, has presented a Petition by Owner of Real Estate for Annexation of certain land in Paris Township to the City of Marysville, Ohio, utilizing the special procedure of R.C. § 709.023, known as an Expedited Type II annexation, which Petition included a plat and legal description of the area proposed to be annexed; and

WHEREAS, the Applicant filed its Petition on May 28, 2024; and

WHEREAS, the Marysville City Council approved City Resolution 013-2024 on June 10, 2024, which resolution addresses services the City of Marysville will provide should Petition for Annexation be approved and to provide for zoning buffer requirements, and submitted the same to the County on June 12, 2024; and

WHEREAS, Agent for the Applicant on May 30, 2024, filed his affidavit as to service of the Petition as required by R.C. 709.023(B); and

WHEREAS, the Union County Engineer has provided a memorandum regarding the Petition; and

WHEREAS, neither the City of Marysville nor Paris Township has filed a written objection to the proposed annexation; and

WHEREAS, this Board has reviewed the Petition for Annexation with the supporting materials, and based upon that review, FINDS that the Petition satisfies the conditions set out in R.C. §709.023(E).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, UNION COUNTY, OHIO, THAT:

Section 1. The Petition for Expedited Type 2 Annexation into the City of Marysville of 6.5 A., more or less, as legally described in Exhibit A and depicted in Exhibit B, each of which are attached and incorporated by reference, from Paris Township, Union County, Ohio, by Mary Ann Vickner, as Trustee of the Howard P. Emswiler Revocable Trust, is approved.

Section 2. This annexation having been considered under the special statutory procedure as an Expedited Type 2 annexation, unless otherwise provided in an annexation agreement entered into under section 709.192 of the Revised Code or in a cooperative economic development agreement entered into under section 701.07 of the Revised Code, the territory so annexed, as legally described in Exhibit A and depicted in Exhibit B, shall not at any time be excluded from the township under section 503.07 of the Revised Code and, thus, remains subject to the township's real property taxes.

Section 3. The Clerk of the Board is directed to send a certified copy of this Resolution to the Agent for the Petitioners, the Clerk of the City of Marysville, the Fiscal Officer of Paris Township, and the Union County Auditor. The Clerk shall also deliver a certified copy of the entire record of these annexation proceedings, including all resolutions of this Board, signed by a majority of the members of the Board, the petition, map, and all other papers on file, to the clerk of the City of Marysville, the municipal corporation to which annexation is proposed. .

Section 4. The Board finds and determines that all of its formal actions concerning and relating to adopting this Resolution occurred in an open meeting of this Board, and that all deliberations of this Board that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Revised Code §121.22.

David A. Lawrence introduced this resolution and moved its passage; Dave Burke seconded the motion; and after discussion, the chair called a roll call vote, and the results were:

Steve Robinson	Yes	No
Dave Burke	Yes	No
David A. Lawrence	Yes	No

Passed: June 26, 2024

ATTEST: Sara Early
Sara Early, Clerk

BOARD OF COUNTY COMMISSIONERS
UNION COUNTY, OHIO

Steve Robinson

Dave Burke

David A. Lawrence

Approved as to Form:

Thayne D. Gray
Assistant Prosecuting Attorney
June 26, 2024

Henk Berbee
Mark Reams
Zack Bordner
Terry Emery

ORDINANCE _____

TO AMEND CHAPTER 110 – FACILITY COSTS AND CITY FEES, SECTION 110.06 MUNICIPAL SERVICES, OF THE CODIFIED ORDINANCES OF THE CITY OF MARYSVILLE, REGARDING EMS BILLING

WHEREAS, pursuant to Chapter 110 Facility Costs and City Fees of the Codified Ordinances of the City of Marysville, the City shall conduct a rate review every five years regarding EMS Billing for BLS, ALS I and ALS II services; and

WHEREAS, based on studies regarding EMS fees charge by surrounding and comparable departments, the Division of Fire presented recommended changes to the Finance Committee on August 26, 2024 and subsequently at the City Council Work Session on September 3, 2024; and

WHEREAS, recommended amendments from the meetings referenced above are detailed in Exhibit A, which is attached and incorporated herein; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. Chapter 110 – Facility Costs and City Fees, Section 110.06 Municipal Services, of the Codified Ordinances of the City of Marysville, shall be amended as detailed in Exhibit A.

1st Reading September 9, 2024

2nd Reading September 23, 2024

3rd Reading _____

Passed: _____

_____
PRESIDENT OF COUNCIL

APPROVED AS TO FORM:

_____
LAW DIRECTOR

ATTEST:

_____
CLERK OF COUNCIL

Sec. 110.06. Municipal services.

Division of Police	*Fee*	*Notes*
Parking Violations		See Chapter 351 of the Codified Ordinances
Solicitor's Permit	$75.00	
Fingerprinting		
BCI & FBI	$60.00	
BCI Only	$35.00	
FBI Only	$35.00	
Special Duty Police Cruiser Fee	$15.00/hour	
Police Report Reproduction	$0.05/copy	
Police Photo Reproduction	Actual cost	Plus postage
Video/Audio Tape Reproduction	Actual cost	Tapes supplied
Non-emergency Lock Out Assistance	$0.00	
Other Agency Dispatch		The percentage of recovery is dependent on the agreement negotiated between the parties
In City Hunting Permit	$20.00	
Division of Fire		
Fire Protection Services to Neighboring Townships		Per existing contracts
Special Duty Event Fee, Medic Apparatus	$450 first 3 hrs (minimum), + $150 each additional hour thereafter	City sponsored events & Union County Fair Week will not be charged for event coverage
Special Duty Event Fee, Fire Apparatus (Engine/Rescue/Ladder)	$675 first 3 hrs (minimum), + $225 each additional hour thereafter	City sponsored events & Union County Fair Week will not be charged for event coverage
Special Duty Event Fee, Utility Apparatus (EMS Utility Gator or Grassfighter)	$240 first 3 hrs (minimum), + $80 each additional hour thereafter	City sponsored events & Union County Fair Week will not be charged for event coverage
EMS Billing ~~to Non-Residents~~		
BLS	$~~650~~725.00 + $~~12.00~~15.50 per patient loaded mile	
ALS I	$~~750~~875.00 + $~~12.00~~15.50 per patient loaded mile	
ALS II	$~~850~~1,200.00 + $~~12.00~~15.50 per patient loaded mile	

The City/Administration may consider waiving the associated fees on a case by case basis.

The City/Administration will seek to do a rate review at least every ~~5~~ 3 years.

(Ord. 2-15. Passed 2-12-2015; Ord. No. 059-2023. Passed 11-27-2023.)