

ORDINANCE NO. 10-19

BY: Mr. Kessler

**AN ORDINANCE ACCEPTING THE APPLICATION
FOR THE ANNEXATION OF CERTAIN TERRITORY
CONTAINING +/- 160.304 ACRES FROM MONROE
TOWNSHIP TO THE CITY OF TIPP CITY**

WHEREAS, In January of 2019, the City of Tipp City and the Monroe Township Trustees entered into an annexation agreement for the proposed annexation in accordance with Resolutions 1-19 and 1-N-19 respectively following the expedited annexation process as established by the Ohio Revised Code; and

WHEREAS, a petition for the annexation of certain territory in Monroe Township, Miami County, Ohio, was duly filed by Jon Freeman for the petitioners of the affected real estate on January 24th, 2019; and

WHEREAS, the petition was duly considered by the Board of County Commissioners of Miami County, Ohio on January 29th, 2019 in accordance with the expedited annexation procedures; and

WHEREAS, the Board of County Commissioners has approved the annexation of the territory to the City of Tipp City, Ohio, as hereinafter described; and

WHEREAS, the Board of County Commissioners certified the transcript of the proceedings held in connection with the annexation with the maps and petition required to City Council of Tipp City, Ohio, who received the same on February 7th, 2019; and

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

WHEREAS, the property sought to be annexed, is zoned General Agriculture (A-2) in Miami County, and the Tipp City Planning Board has recommended an Interim zoning of Conservation District (CD), in accordance with Code Section 154.04 (C)(1).

NOW, THEREFORE, THE MUNICIPALITY OF TIPP CITY HEREBY ORDAINS:

SECTION 1. That the proposed annexation as applied for in the petition of Jon Freeman, agent for the petitioners of real estate in the territory sought to be annexed and filed with the Board of County Commissioners of Miami County, Ohio on January 24th, 2019, and which territory prayed for annexation to the City of Tipp City, Ohio of certain territory adjacent thereto as hereinafter described, and which the petition was approved for annexation by the Board of Commissioners of Miami County, Ohio

on January 29th, 2019, be and the same is hereby accepted. This territory is described as follows:

SITUATED IN SECTION 16, TOWNSHIP 4, RANGE 6, TOWNSHIP OF MONROE, COUNTY OF MIAMI, STATE OF OHIO, AND BEING A 160.304 ACRE TRACT OF LAND CONVEYED TO MEIJER DISTRIBUTION, INC. BY DEED RECORDED IN 20180R-00707, PARCEL ID: G12-015700 (ALL REFERENCES TO DEEDS, MICROFICHE, PLATS, SURVEYS, ETC. REFER TO THE RECORDS OF THE MIAMI COUNTY RECORDER'S OFFICE, UNLESS NOTED OTHERWISE) AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

POINT OF BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 16, A SOUTH LINE OF A TRACT OF LAND CONVEYED TO MEIJER DISTRIBUTION, INC. BY DEED RECORDED IN DEED BOOK 663, PAGE 765 AND DEED BOOK 711, PAGE 494, PARCEL ID: G15*022640, THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO ABBOTT LABORATORIES BY DEED RECORDED IN OFFICIAL RECORD 493, PAGE 29, PARCEL ID: G15-020563, REFERENCED BY AN IRON PIN FOUND;

THENCE, SOUTH ALONG THE HALF SECTION LINE, THE WEST LINE OF SAID ABBOTT LABORATORIES, PARCEL ID: G15-020563, THE WEST RIGHT OF WAY LINE OF ABBOTT PARKWAY, THE WEST LINE OF A TRACT OF LAND CONVEYED TO LESHER FARMS, LTD AND M. L RICHARDS BY DEED RECORDED IN DEED BOOK 667, PAGE 314 AND DEED BOOK 603, PAGE 108, PARCEL ID: G15-024326 AND THE WEST LINE OF A 5 ACRE TRACT CONVEYED TO DISTRIBUTED ENERGY DESIGN LLC BY DEED RECORDED IN OFFICIAL RECORD 186, PAGE 356, SOUTH ZERO DEGREES FIFTY-SEVEN MINUTES FORTY-ONE SECONDS EAST (S00°57'41"NE), FOR TWO THOUSAND SIX HUNDRED THIRTY-THREE AND 84/100 FEET (2633.84') TO THE SECTION LINE COMMON TO SECTIONS 16 AND 21, THE SOUTH RIGHT OF WAY OF KERR ROAD, A NORTHWEST CORNER OF A 13.5' ADDITIONAL RIGHT OF WAY EASEMENT FOR KERR ROAD AND THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO MSW LAND DEVELOPMENT, LLC BY PARCEL ID: G15-023347;

THENCE, ALONG THE SECTION LINE, THE SAID SOUTH RIGHT OF WAY, THE NORTH LINE OF SAID MSW LAND DEVELOPMENT, LLC TRACT, THE NORTH LINE OF A TRACT OF LAND CONVEYED TO WILMA MOHR FARMS, LTD BY PARCEL ID: G15-023349 AND THE SOUTH LINE OF A 55' HIGHWAY EASEMENT RECORDED IN DEED BOOK 601, PAGE 751, SOUTH EIGHTY-EIGHT DEGREES FORTY-ONE MINUTES TWELVE SECONDS WEST (S88°41'12"W) FOR TWO THOUSAND SIX HUNDRED FIFTY-NINE AND 68/100 FEET (2659.68') TO THE SECTION CORNER COMMON TO SECTIONS 16, 17, 20 AND 21, THE NORTHEAST CORNER OF A 1.670 ACRE TRACT OF LAND CONVEYED TO MARK E. AND JULIE L. EUSTACHE BY DEED RECORDED IN DEED BOOK 714, PAGE 488, PARCEL ID G12-081125 AND THE SOUTHEAST CORNER OF A 0.503 ACRE TRACT OF LAND CONVEYED TO VECTREN ENERGY DELIVERY BY DEED RECORDED IN DEED BOOK 710, PAGE 689, PARCEL ID: G12-402014;

THENCE, LEAVING SAID RIGHT OF WAY, WITH THE SECTION LINE BETWEEN SECTIONS 16 AND 17, THE EAST LINE OF SAID VECTREN ENERGY DELIVERY TRACT AND THE EAST LINE OF A TRACT OF LAND CONVEYED TO GREEN AND GREEN BY PARCEL ID: G12-018200, NORTH ZERO DEGREES TWELVE MINUTES FORTY-SEVEN SECONDS WEST (N00°12'47"W) FOR TWO THOUSAND SIX HUNDRED FIFTY-ONE AND 88/100 FEET (2651.88') TO THE HALF SECTION LINE FOR SECTION 16, THE SOUTHEAST CORNER OF A 98.943 ACRE TRACT OF LAND CONVEYED TO DONALD L. STINE BY DEED RECORDED IN DEED BOOK 555, PAGE 449, IN SECTION 17 AND THE SOUTHWEST CORNER OF A 52.500 ACRE TRACT OF LAND CONVEYED TO DONALD L. STINE BY DEED RECORDED IN DEED BOOK 555, PAGE 449, IN SECTION 16;

THENCE, ALONG THE SAID HALF SECTION LINE, THE SOUTH LINE OF SAID 52.5 ACRE TRACT, THE SOUTH LINE OF CEDAR GROVE SUBDIVISION, PHASE 2 RECORDED IN PLAT BOOK 27, PAGE 19, THE SOUTH LINE OF A TRACT OF LAND CONVEYED TO EIDEMILLER LAND COMPANY, LLC BY DEED RECORDED IN DEED BOOK 797, PAGE 582 AND OFFICIAL RECORD 481, PAGE 137, THE SOUTH LINE OF A TRACT OF LAND CONVEYED TO MIEJER DISTRIBUTION, INC. BY PARCEL ID: G15-020663 AND THE SOUTH LINE OF SAID PARCEL ID: G15-022640, NORTH EIGHTY-NINE DEGREES FOUR MINUTES FIFTEEN SECONDS EAST (N89°04'15"E) FOR TWO THOUSAND SIX HUNDRED TWENTY-FIVE AND 00/100 FEET (2625.00') PASSING IRON PINS FOUND AT 2040.80' AND 2160.81' TO THE POINT OF BEGINNING, CONTAINING 160.304 ACRES, MORE OR LESS, SUBJECT HOWEVER TO ALL COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, AND EASEMENTS CONTAINED IN ANY INSTRUMENT OF RECORD PERTAINING TO THE ABOVE DESCRIBED TRACT OF LAND.

SECTION 2. That the certified transcripts of the proceedings for the annexation with an accurate map of the territory, together with the petition for its annexation, and other papers relating to the proceedings thereto of the County Commissioners are all on file with the Clerk of Council and have been for more than sixty (60) days.

SECTION 3. That the Clerk of Council be and she is hereby authorized and directed to prepare three (3) certified 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 the proceedings of the Board of County Commissioners relating thereto, and a certificate as 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 file notice of the annexation with the Board of Elections within 30 days after it becomes effective, and the Clerk shall do all other things as required by law.

SECTION 4. That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED:

May 16, 2019



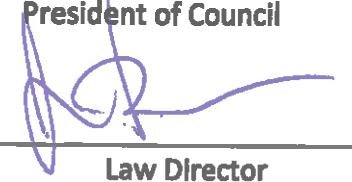
President of Council

ATTEST:



Clerk of Council

APPROVED:



Law Director



MIAMI COUNTY COMMISSIONERS' OFFICE

John F. Evans
Commissioner

John W. O'Brien
Commissioner

Gregory A. Simmons
Commissioner

Leigh M. Williams
Clerk/Commissioners'
Administrator

CERTIFICATION

ANNEXATION TO THE CITY OF TIPP CITY, OHIO OF 160.304 ACRES MORE OR LESS FROM MONROE TOWNSHIP

The Board of Miami County Commissioners does hereby certify the attached petition with the accompanying plat map are true and correct copies filed in these proceedings.

PETITION

- Exhibit A – Legal Description
- Exhibit B – Annexation Plat/Map
- Exhibit C – Tipp City Resolution No. 1-19
- Exhibit D – Monroe Township Resolution No. 1-N-19
- Exhibit E – Annexation Agreement
- Exhibit F – Property Owner List/Adjacent Property Owners List

ENGINEER'S LETTER

RESOLUTION APPROVING ANNEXATION PETITION (Resolution No. 19-01-143)

These copies are true and correct transcripts of action taken by the Board:

MIAMI COUNTY COMMISSIONERS:

DATED: January 29, 2019

Gregory A. Simmons
COMMISSIONER

John F. Evans
COMMISSIONER

_____(Third Seat, Vacant)_____
COMMISSIONER

Leigh M. Williams, Clerk

Miami County Engineer's Office
& County Garage
2100 North County Road 25A
Troy, Ohio 45373

937-440-5656
Fax: 937-440-6026
mce@co.miami.oh.us



Miami County Tax Map Office
201 West Main Street
Troy, Ohio 45373

937-440-6026
Fax: 937-440-6026
mce@co.miami.oh.us

Paul P. Huelskamp PE, PS • Miami County Engineer

January 24, 2019


Honorable Board of Miami County Commissioners
County Plaza
Troy, OH 45373

Re: Proposed annexation of 160.304 acres, Section 16, Town 4, Range 6, Monroe Township, to the City of Tipp City. (Expedited Type 1)

Dear Commissioners:

I have reviewed the map and legal description of the territory proposed for annexation and it meets our requirements.

Very truly yours,



Dennis Ventura, Jr.
Deputy Miami County Engineer

RECEIVED
2019 JAN 24 PM 2:23
MIAMI COUNTY
COMMISSIONERS
TROY, OHIO

RESOLUTION NO. 19-01-143

ANNEXATION
EXPEDITED TYPE 1
160.304 ACRES +/- FROM MONROE TOWNSHIP
TO THE CITY OF TIPP CITY, OHIO

Mr. Evans introduced the following resolution and moved it be adopted:

WHEREAS, on January 24, 2019, an annexation petition was filed on behalf of Meijer (Michael L. Kinstle, Vice President Real-Estate), Agent being Jon Freeman, City of Tipp City Law Director, for the annexation of 160.304 acres, more or less, in Monroe Township to the City of Tipp City, Ohio; and

WHEREAS, the Monroe Township Board of Trustees, Miami County, Ohio, the City of Tipp City, Ohio and Meijer (Owner) entered into an Annexation Agreement (see attached Agreement), pursuant to Section 709.192 O.R.C.; and

WHEREAS, the County Engineer's Office reviewed the map and legal description of the territory proposed for annexation, pursuant to Section 709.022 O.R.C., and has submitted a letter stating that the map and legal description of the territory proposed for annexation meet their requirements.

Now, therefore be it

RESOLVED, by the Board of Miami County Commissioners, to approve the Expedited Type 1 annexation petition filed on behalf of Meijer, for the annexation of 160.304 acres, more or less, in Monroe Township to the City of Tipp City, Ohio, pursuant to Section 709.022 O.R.C. Further sign the mylar and Certification this date.

Mr. Simmons seconded the motion and the Board voted as follows upon roll call:

Mr. Simmons, Yea;

Mr. Evans, Yea;

Third Seat, Vacant.

DATED: January 29, 2019

CERTIFICATION

I, Leigh M. Williams, Clerk to the Board of Miami County Commissioners, do hereby certify that this is a true and correct transcript of action taken by the Board under the date of January 29, 2019.


Leigh M. Williams, Clerk

**PETITION FOR ANNEXATION
+/-160.304 Acres**

To the Clerk of the Board of County Commissioners of Miami County, Ohio.

The undersigned, being all the owners of real estate in the territory hereinafter described, hereby petition for the annexation of the territory, the legal description of which is attached hereto as Exhibit "A", to the City of Tipp City, Miami County, Ohio pursuant to section 709.022 O.R.C.

The described territory is adjacent and contiguous with the City of Tipp City, Ohio.

Petitioner has attached hereto as Exhibit "B" and made a part hereof an accurate plat showing the boundaries of the territory sought to be annexed.

Pursuant to 709.192 O.R.C., Petitioner has also attached hereto and made a part hereof the following:

A resolution authorizing the City of Tipp City to enter into an annexation agreement with the Board of Trustees of Monroe Township, Miami County, Ohio, as Exhibit "C"

A resolution authorizing the Board of Trustees of Monroe Township, Miami County, Ohio to enter into an annexation agreement with the City of Tipp City, as Exhibit "D"

Annexation agreement between the City of Tipp City, the Board of Trustees of Monroe Township, Miami County, and Meijer, as Exhibit "E"

Petitioner has also attached hereto as Exhibit "F" and made a part hereof a list of property owners adjacent to the territory sought to be annexed.

Jon Freeman is hereby appointed agent for the undersigned petitioner as required by Section 709.02 O.R.C.

"WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY."

NAME


Michael L. Kinstle, Vice President-Real Estate

DATE SIGNED

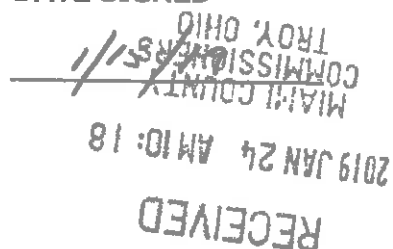


Exhibit "A" - Legal Description

ANNEXATION THE CITY OF TIPP CITY 160.304 ACRES

Situated in Section 16, Township 4, Range 5, Township of Monroe, County of Miami, State of Ohio, and being a 160.304 acre tract of land conveyed to Meljer Distribution, Inc. by deed recorded in 2018OR-00707, Parcel ID: G12-015700 (all references to deeds, microfiche, plats, surveys, etc. refer to the records of the Miami County Recorder's Office, unless noted otherwise) and being more particularly bounded and described as follows:

POINT OF BEGINNING at the northeast corner of the southwest quarter of Section 16, a south line of a tract of land conveyed to Meljer Distribution, Inc. by deed recorded in Deed Book 663, Page 765 and Deed Book 711, Page 494, Parcel ID: G15-022640, the northwest corner of a tract of land conveyed to Abbott Laboratories by deed recorded in Official Record 493, Page 29, Parcel ID: G15-020563, referenced by an Iron pin found;

Thence, south along the Half Section Line, the west line of said Abbott Laboratories, Parcel ID: G15-020563, the west right of way line of Abbott Parkway, the west line of a tract of land conveyed to Lasher Farms, LTD and M. L. Richards by deed recorded in Deed Book 667, Page 314 and Deed Book 603, Page 108, Parcel ID: G15-024326 and the west line of a 5 acre tract conveyed to Distributed Energy Design LLC by deed recorded in Official Record 186, Page 356, South zero degrees fifty-seven minutes forty-one seconds East (S00°57'41"E), for two thousand six hundred thirty-three and 84/100 feet (2633.84') to the Section Line common to Sections 16 and 21, the south right of way of Kerr Road, a northwest corner of a 13.5' additional right of way easement for Kerr Road and the northeast corner of a tract of land conveyed to MSW Land Development, LLC by Parcel ID: G15-023347;

Thence, along the Section line, the said south right of way, the north line of said MSW Land Development, LLC tract, the north line of a tract of land conveyed to Wilma Mohr Farms, LTD by Parcel ID: G15-023349 and the south line of a 55' Highway Easement recorded in Deed Book 601, Page 751, South eighty-eight degrees forty-one minutes twelve seconds West (S88°41'12"W) for two thousand six hundred fifty-nine and 68/100 feet (2659.68') to the Section Corner common to Sections 16, 17, 20 and 21, the northeast corner of a 1.670 acre tract of land conveyed to Mark E. and Julie L. Eustache by deed recorded in Deed Book 714, Page 488, Parcel ID G12-081125 and the southeast corner of a 0.503 acre tract of land conveyed to Vectren Energy Delivery by deed recorded in Deed Book 710, Page 689, Parcel ID: G12-402014;

Thence, leaving said right of way, with the Section Line between Sections 16 and 17, the east line of said Vectren Energy Delivery tract and the east line of a tract of land conveyed to Green and Green by Parcel ID: G12-018200, North zero degrees twelve minutes forty-seven seconds West (N00°12'47"W) for two thousand six hundred fifty-one and 88/100 feet (2651.88') to the Half Section line for Section 16, the southeast corner of a 98.943 acre tract of land conveyed to Donald L. Stine by deed recorded in Deed Book 555, Page 449, in Section 17 and the southwest corner of a 52.500 acre tract of land conveyed to Donald L. Stine by deed recorded in Deed Book 555, Page 449, in Section 16;


Thence, along the said Half Section line, the south line of said 52.5 acre tract, the south line of Cedar Grove Subdivision, Phase 2 recorded in Plat Book 27, Page 19, the south line of a tract of land conveyed to Eldemiller Land Company, LLC by deed recorded in Deed Book 797, Page 582 and Official Record 481, Page 137, the south line of a tract of land conveyed to Meijer Distribution, Inc. by Parcel ID: G15-020663 and the south line of said Parcel ID: G15-022640, North eighty-nine degrees four minutes fifteen seconds East (N89°04'15"E) for two thousand six hundred twenty-five and 00/100 feet (2625.00') passing iron pins found at 2040.80' and 2160.81' to the POINT OF BEGINNING, containing 160.304 acres, more or less, subject however to all covenants, conditions, restrictions, reservations, and easements contained in any instrument of record pertaining to the above described tract of land.

Iron pins set are 5/8" rebar, 30" in length, with a plastic plug placed on top inscribed with the name "WOOLPERT INC", unless otherwise noted. All monuments found are in good condition unless otherwise noted.

Bearings are based upon the Ohio State Plane Coordinate System, South Zone, NAD83 (2011). Said bearings originated from said coordinate system by GPS observations and observations of selected stations in the National Geodetic Survey Continuously Operating Reference Station (NGS CORS) Network.

This description was prepared under the direction of Gary Swierz, Ohio Registered Surveyor No. 7776, of Woolpert on December 21, 2018.

Woolpert, Inc.



Gary Swierz
Ohio Registered Surveyor No. 7776
21 DEC 18
Date



Exhibit "B" - Annexation Plat/Map

[illegible]

Exhibit "C"

RESOLUTION NO. 1 -19

I certify the foregoing to be a true & certified copy of legislation adopted by the Tipp City Council.
Janice Bates
Janice Bates, Clerk of Council

BY: Mr. Kessler

A RESOLUTION AUTHORIZING THE CITY OF TIPP CITY TO ENTER INTO AN ANNEXATION AGREEMENT FOR 645 KERR ROAD WITH THE BOARD OF TRUSTEES OF MONROE TOWNSHIP, MIAMI COUNTY, OHIO

WHEREAS, the Ohio Revised Code Section 709.192 allows a township and a city to enter into an annexation agreement providing for land to be annexed, and;

WHEREAS, the owner of a +/- 160.304 acre tract of land adjoining the corporate limits of the City of Tipp City has expressed the desire to annex said land, and;

WHEREAS, the township and the city have studied the proposed annexation, discussed plans for the beneficial use of the territory and developed mutual understandings suitable for a formal agreement establishing future land uses of the proposed annexation area.

NOW, THEREFORE, THE MUNICIPALITY OF TIPP CITY HEREBY RESOLVES:

SECTION 1. That the Council for the City of Tipp City supports and authorizes the execution of the proposed annexation agreement, attached herewith as EXHIBIT "A" and deemed a part of this resolution as if fully rewritten.

SECTION 2. That the Clerk of Council is directed to provide the Board of Trustees of Monroe Township a certified copy of this Resolution, so that the Board of Trustees of Monroe Township can provide this resolution to the Miami County Commissioners.

SECTION 3. That this Resolution shall be in full force and effect from and after the earliest period allowed by law.

PASSED: January 7, 2019

[Signature]
President of Council

ATTEST: *[Signature]*

Clerk of Council

APPROVED: *[Signature]*

Director of Law



12/13/18

Mr. Brad Vath
Assistant City Manager
City of Tipp City
260 Garber Drive
Tipp City, Ohio 45371

RE: Annexation of Mote Property

Dear Brad

Pertinent to our recent acquisition of the 160 Acre Parcel of Land (Parcel ID G12-015700 Vol 32 Plat NO 166 - 20160R-00707) Southwest of our Tipp City Distribution Center, Meijer wishes to proceed with the Annexation of this land per current Tipp City, Monroe Township, and Miami County Annexation ordinances and procedures.

In addition, Meijer requests that Tipp City acts on Meijer's behalf (Agent) to champion the Annexation process for the 160 Acre Parcel. In such as, the resulting efforts of the Annexation allow for the parcel to be Rezoned and Subdivided for future develop by Meijer.

Any questions please feel free to contact me.

Best Regards.

meijer

Anthony Lapinski, | Properties | Construction Project Manager
Meijer | 989-428-06 | 2350 Three Mile Rd, NW | Grand Rapids, MI 49544
anthony.lapinski@meijer.com | 616-249.6389 Office | 616-438.3277 Cell Phone

CC: Robert Andrews; Sid Handa; Kyle Musser; copy to file.

Exhibit "A"

ANNEXATION AGREEMENT

645 Kerr Road

THIS AGREEMENT is entered into as of the _____ day of January 2019, pursuant to Section 709.192 of the Ohio Revised Code, by and between the City of Tipp City ("City"), the Board of Trustees of Monroe Township, Miami County ("Board of Trustees"), and Meijer Distribution, Inc. owners of the property located at 645 Kerr Road, Tipp City ("Owner") under the following circumstances:

WHEREAS, on or about December __, 2018, the petitioner (Owner) has initiated the annexation of +/- 160.304 acres of land to the City of Tipp City, more specifically described in Exhibit "AA" attached hereto and made part hereof; and

WHEREAS, there have been recent and significant changes in the State of Ohio's annexation laws; and

WHEREAS, the new annexation laws provide for several different procedures to address annexation; and

WHEREAS, Ohio Revised Code Section 709.192 allows a city and township to enter into an annexation agreement providing for land to be annexed; and

WHEREAS, Ohio Revised Code Section 709.022 provides the most efficient annexation procedure when a city and township do not disagree on a particular annexation; and

WHEREAS, the City and Board of Trustees plan to promote an open line of communication regarding annexation issues.

NOW THEREFORE, in consideration of the above recitals and in consideration of the mutual benefits and promises hereinafter contained, the parties agree as follows:

1. The City, Board of Trustees, and the Owner hereby enter into this "Annexation Agreement" providing for the City of Tipp City to annex the lands more specifically described in the attached Exhibit "AA".
2. The Owner holds title to the +/- 160.304 acres being parcel numbers G12-015700, in Town 4, Section 16, and Range 6.
3. The Owner wishes to annex into the City of Tipp City.
4. That the City will place an interim zoning designation for the +/-130.304 acre parcel to match the existing General Agriculture (A-2) Miami County zoning that currently exists on the property within unincorporated Monroe Township.
5. That the Owner will initiate the "final" rezoning process for the +/-160.304 acre parcel to rezone the parcel to the appropriate Tipp City zoning classification, within 60 days after annexation. The Tipp City Comprehensive Master Development Plan shows this property as an "Industrial node."
6. That the City shall provide all municipal services to the annexation area in accordance with current and/or future policies.

7. The Board of Trustees shall continue to receive property taxes in accordance with the Ohio Revised Code for this property after the annexation, since the property shall remain in Monroe Township.
8. That the Owner agrees to the terms and conditions set forth in this agreement, and that this agreement shall be recorded and bind the parcel to the terms and conditions.
9. All matters related to the implementation of this agreement, and the discharge of duties and responsibilities of each of the parties hereunto pursuant to its terms and conditions shall be effected and completed in full compliance with any and all applicable laws and regulations, State, Federal and local.
10. This document and Agreement, and the terms and conditions set forth herein, without reference to any material, document, or information outside the boundary of the same, shall constitute the full and complete agreement in these regards by and among the parties hereto, and shall create by and among the same only the relationship, obligations, and commitments expressly set forth herein and imposed hereby. Each party agrees that it will be responsible for its own negligence in performing its obligations under this Agreement.
11. The Agreement may be amended but only by a written document signed by all parties hereto.

IN WITNESS WHEREOF, the City has authorized the execution of this Agreement, by the City Manager, under the authority of Resolution No. ____-19 passed on the ____ day of January, 2019, the Monroe Township Board of Trustees has authorized the execution of this agreement under the authority of Resolution No. ____ passed on the ____ day of January, 2019, and the Owner has executed this Agreement on the ____ day of December, 2018. This Agreement is to be effective as of the date set forth on the first page although the parties have actually signed the dates set forth opposite their respective signatures.

Date: _____ 2018

Meijer Distribution, Inc. (Owner)

I certify the foregoing to be
a true and accurate copy of the
annexation agreement.

Michael L. Kinstle, Vice President Real Estate

Michael L. Kinstle

Date: _____ 2019

CITY OF TIPP CITY, OHIO

By: _____
Timothy J. Eggleston
City Manager

I certify the foregoing to be
a true and accurate copy of the
annexation agreement.

APPROVED AS TO FORM

Jon Freeman, Law Director

Date: _____ 2019

**MONROE TOWNSHIP BOARD OF TRUSTEES,
MIAMI COUNTY, OHIO**

I certify the foregoing to be
a true and accurate copy of the
annexation agreement.

By: _____
Phillp G. Cox

John J. Skolnicki

By: _____
Ronald D. Thuma

By: _____
Martin E. English

APPROVED AS TO FORM

Honorable Anthony E. Kendell
Miami County Prosecuting Attorney

ANNEXATION
THE CITY OF TIPP CITY
160.352 ACRES
160,304

160.314

201802-00707

Situated in Section 16, Township 4, Range 6, Township of Monroe, County of Miami, State of Ohio, and being a 160.352 acre tract of land conveyed to Meljer Distribution, Inc. by deed recorded in Volume 52, Plat Number 166; Parcel ID: G12-015700 (all references to deeds, microfiche, plats, surveys, etc. refer to the records of the Miami County Recorder's Office, unless noted otherwise) and being more particularly bounded and described as follows:

POINT OF BEGINNING at the northeast corner of the southwest quarter of Section 16, a south line of a tract of land conveyed to Meljer Distribution, Inc. by deed recorded in Deed Book 663, Page 765 and Deed Book 711, Page 494, Parcel ID: G15-022640, the northwest corner of a tract of land conveyed to Abbott Laboratories by deed recorded in Official Record 493, Page 29, Parcel ID: G15-020563, referenced by an iron pin found;

Thence, south along the Half Section Line, the west line of said Abbott Laboratories, Parcel ID: G15-020563, the west right of way line of Abbott Parkway, the west line of a tract of land conveyed to Lasher Farms, LTD and M. L. Richards by deed recorded in Deed Book 667, Page 314 and Deed Book 603, Page 108, Parcel ID: G15-024326 and the west line of a 5 acre tract conveyed to Distributed Energy Design LLC by deed recorded in Official Record 186, Page 356, South zero degrees fifty-seven minutes forty-one seconds East ($S00^{\circ}57'41''E$), for two thousand six hundred thirty-three and $84/100$ feet ($2633.84'$) to the Section Line common to Sections 16 and 21, the south right of way of Kerr Road, a northwest corner of a 13.5' additional right of way easement for Kerr Road and the northeast corner of a tract of land conveyed to MSW Land Development, LLC by Parcel ID: G15-023347;

Thence, along the Section line, the said south right of way, the north line of said MSW Land Development, LLC tract, the north line of a tract of land conveyed to Wilma Mohr Farms, LTD by Parcel ID: G15-023349 and the south line of a 55' Highway Easement recorded in Deed Book 601, Page 751, South eighty-eight degrees forty-one minutes twelve seconds West ($S88^{\circ}41'12''W$) for two thousand six hundred fifty-nine and $68/100$ feet ($2659.68'$) to the Section Corner common to Sections 16, 17, 20 and 21, the northeast corner of a 1.670 acre tract of land conveyed to Mark E. and Julie L. Eustache by deed recorded in Deed Book 714, Page 488, Parcel ID G12-081125 and the southeast corner of a 0.503 acre tract of land conveyed to Vectren Energy Delivery by deed recorded in Deed Book 710, Page 689, Parcel ID: G12-402014;

Thence, leaving said right of way, with the Section Line between Sections 16 and 17, the east line of said Vectren Energy Delivery tract and the east line of a tract of land conveyed to Green and Green by Parcel ID: G12-018200, North zero degrees twelve minutes forty-seven seconds West ($N00^{\circ}12'47''W$) for two thousand six hundred fifty-one and $88/100$ feet ($2651.88'$) to the Half Section line for Section 16, the southeast corner of a 98.943 acre tract of land conveyed to Donald L. Stine by deed recorded in Deed Book 555, Page 449, in Section 17 and the southwest corner of a 52.500 acre tract of land conveyed to Donald L. Stine by deed recorded in Deed Book 555, Page 449, in Section 16;

Thence, along the said Half Section line, the south line of said 52.5 acre tract, the south line of Cedar Grove Subdivision, Phase 2 recorded in Plat Book 27, Page 19, the south line of a tract of land conveyed to Eidemiller Land Company, LLC by deed recorded in Deed Book 797, Page 582 and Official Record 481, Page 137, the south line of a tract of land conveyed to Mlejer Distribution, Inc. by Parcel ID: G15-020663 and the south line of said Parcel ID: G15-022640, North eighty-nine degrees four minutes fifteen seconds East (N89°04'15"E) for two thousand six hundred twenty-five and 00/100 feet (2625.00') passing iron pins found at 2040.80' and 2160.81' to the **POINT OF BEGINNING**, containing ~~160.352~~ ^{160.304} acres, more or less, subject however to all covenants, conditions, restrictions, reservations, and easements contained in any instrument of record pertaining to the above described tract of land.

Iron pins set are 5/8" rebar, 30" in length, with a plastic plug placed on top inscribed with the name "WOOLPERT INC", unless otherwise noted. All monuments found are in good condition unless otherwise noted.

Bearings are based upon the Ohio State Plane Coordinate System, South Zone, NAD83 (2011). Said bearings originated from said coordinate system by GPS observations and observations of selected stations in the National Geodetic Survey Continuously Operating Reference Station (NGS CORS) Network.

This description was prepared under the direction of Gary Swlerz, Ohio Registered Surveyor No. 7776, of Woolpert on December 10, 2018.

Woolpert, Inc.



Gary Swlerz

10 DEC 18

Date

Ohio Registered Surveyor No. 7776



**100-000 ACRES OF LAND
TO THE CITY OF THE CITY
IN THE TOWNSHIP OF THE COUNTY, AND
ANNEXATION MAP**

1995-1996
 1997-1998
 1999-2000
 2001-2002
 2003-2004

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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[illegible][illegible]

AT A MEETING OF THE CITY OF NEW ORLEANS
THE DAY OF _____
THE _____
THE _____
CITY AND PARISH OF ORLEANS.

CONCLUSIONS

THE UNIVERSITY OF CHICAGO

• **•**

THE

Abstract

Abstract

Figure 1

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10

**PROPOSED ANNEXATION
TO THE CITY OF TIPP CITY**
SECTION 14, PARAGRAPHS 4, 5 AND 6
MAYOR TOWNSHIP, NEW CASTLE, OHIO

160304
TOWNSHIP
SECTION 18 TOWNSHIP 4 NORTH RANGE 4 NORTH COUNTY

陳其南

THESE ARE THE ONLY TWO BOOKS AVAILABLE THAT
GIVE YOU THE INSIDE STORY OF THE AMERICAN
INDUSTRIAL REVOLUTION. THEY ARE THE ONLY
BOOKS THAT GIVE YOU THE INSIDE STORY OF THE
AMERICAN INDUSTRIAL REVOLUTION.

YOUR PROPERTY COMPLETELY
 SECURED BY THE CITY OF CHICAGO

TITANIUM CORROSION LITERATURE

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FROM THE ATTORNEY GENERAL'S OFFICE
OF THE CITY OF NEW YORK
AND FROM THE COMMISSIONER OF
THE STATE DEPARTMENT OF
CORRECTIONS.

105-077

SECTION: 17

DOI: 10.1002/for

400

4

1419

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Exhibit "D"

BOARD OF TRUSTEES
MONROE TOWNSHIP, MIAMI COUNTY, OHIO

RESOLUTION NO. 1-N-19

**A RESOLUTION AUTHORIZING THE BOARD OF TRUSTEES OF MONROE TOWNSHIP,
MIAMI COUNTY, OHIO TO ENTER INTO AN ANNEXATION AGREEMENT WITH THE
CITY OF TIPP CITY REGARDING +/- 160.304 ACRES ON KERR ROAD.**

The Board of Trustees of Monroe Township, Miami County met in regular session on the 7th day of January 2019, at 7:00 p.m. with the following members present:

Philip G. Cox
Ronald D. Thuma
Martin E. English

Mr. English moved the adoption of the following resolution:

WHEREAS, the Ohio Revised Code Section 709.192 allows a township and a city to enter into an annexation agreement providing for land to be annexed, and;

WHEREAS, the owner of 645 Kerr Road, being a +/- 160.304 acre tract of land adjoining the corporate limits of the City of Tipp City has expressed the desire to annex land, and;

WHEREAS, the Township and the City have studied the proposed annexation, discussed plans for the beneficial use of the territory and developed mutual understandings suitable for a formal agreement establishing future land uses of the proposed annexation area, and;

NOW, THEREFORE BE IT RESOLVED, by the Board of Trustees of Monroe Township, Miami County, Ohio;

SECTION 1. That the Board of Trustees of Monroe Township support and authorize the execution of the proposed annexation agreement, attached herewith as EXHIBIT "A" and deemed a part of this resolution as if fully rewritten.

SECTION 2. That the Fiscal Officer of Monroe Township is directed to provide the City of Tipp City a certified copy of this Resolution so that the City of Tipp City can provide this resolution to the Miami County Commissioners.

Mr. Cox seconded the motion, and the roll was called on the question of its adoption on this 7th day of January, 2019. The vote was as follows:

<u>Name</u>	<u>VOTE</u>
<u>Philip G. Cox</u> Philip G. Cox	<u>AYE</u>
<u>Ronald D. Thuma</u> Ronald D. Thuma	<u>AYE</u>
<u>Martin E. English</u> Martin E. English	<u>AYE</u>
Attest: <u>John J. Skolnicki</u> John J. Skolnicki, Fiscal Officer	<u>1/7/19</u> Date

Exhibit "A"

ANNEXATION AGREEMENT

645 Kerr Road

THIS AGREEMENT is entered into as of the ____ day of January 2019, pursuant to Section 709.192 of the Ohio Revised Code, by and between the City of Tipp City ("City"), the Board of Trustees of Monroe Township, Miami County ("Board of Trustees"), and Meijer Distribution, Inc. owners of the property located at 645 Kerr Road, Tipp City ("Owner") under the following circumstances:

WHEREAS, on or about December __, 2018, the petitioner (Owner) has initiated the annexation of +/- 160.304 acres of land to the City of Tipp City, more specifically described in Exhibit "AA" attached hereto and made part hereof; and

WHEREAS, there have been recent and significant changes in the State of Ohio's annexation laws; and

WHEREAS, the new annexation laws provide for several different procedures to address annexation; and

WHEREAS, Ohio Revised Code Section 709.192 allows a city and township to enter into an annexation agreement providing for land to be annexed; and

WHEREAS, Ohio Revised Code Section 709.022 provides the most efficient annexation procedure when a city and township do not disagree on a particular annexation; and

WHEREAS, the City and Board of Trustees plan to promote an open line of communication regarding annexation issues.

NOW THEREFORE, in consideration of the above recitals and in consideration of the mutual benefits and promises hereinafter contained, the parties agree as follows:

1. The City, Board of Trustees, and the Owner hereby enter into this "Annexation Agreement" providing for the City of Tipp City to annex the lands more specifically described in the attached Exhibit "AA".
2. The Owner holds title to the +/- 160.304 acres being parcel numbers G12-015700, in Town 4, Section 16, and Range 6.
3. The Owner wishes to annex into the City of Tipp City.
4. That the City will place an interim zoning designation for the +/-130.304 acre parcel to match the existing General Agriculture (A-2) Miami County zoning that currently exists on the property within unincorporated Monroe Township.
5. That the Owner will initiate the "final" rezoning process for the +/-160.304 acre parcel to rezone the parcel to the appropriate Tipp City zoning classification, within 60 days after annexation. The Tipp City Comprehensive Master Development Plan shows this property as an "Industrial node."
6. That the City shall provide all municipal services to the annexation area in accordance with current and/or future policies.
7. The Board of Trustees shall continue to receive property taxes in accordance with the Ohio Revised Code for this property after the annexation, since the property shall remain in Monroe Township.
8. That the Owner agrees to the terms and conditions set forth in this agreement, and that this agreement shall be recorded and bind the parcel to the terms and conditions.

9. All matters related to the implementation of this agreement, and the discharge of duties and responsibilities of each of the parties hereunto pursuant to its terms and conditions shall be effected and completed in full compliance with any and all applicable laws and regulations, State, Federal and local.
10. This document and Agreement, and the terms and conditions set forth herein, without reference to any material, document, or information outside the boundary of the same, shall constitute the full and complete agreement in these regards by and among the parties hereto, and shall create by and among the same only the relationship, obligations, and commitments expressly set forth herein and imposed hereby. Each party agrees that it will be responsible for its own negligence in performing its obligations under this Agreement.
11. The Agreement may be amended but only by a written document signed by all parties hereto.

IN WITNESS WHEREOF, the City has authorized the execution of this Agreement, by the City Manager, under the authority of Resolution No. ____-19 passed on the ____ day of January, 2019, the Monroe Township Board of Trustees has authorized the execution of this agreement under the authority of Resolution No. _____ passed on the ____ day of January, 2019, and the Owner has executed this Agreement on the ____ day of December, 2018. This Agreement is to be effective as of the date set forth on the first page although the parties have actually signed the dates set forth opposite their respective signatures.

Date: _____ 2018

Meljer Distribution, Inc. (Owner)

I certify the foregoing to be
a true and accurate copy of the
annexation agreement.

Michael L. Kinstle, Vice President Real Estate

Michael L. Kinstle

Date: _____ 2019

CITY OF TIPP CITY, OHIO

By: _____
Timothy J. Eggleston
City Manager

I certify the foregoing to be
a true and accurate copy of the
annexation agreement.

APPROVED AS TO FORM

Jon Freeman, Law Director

Date: _____ 2019

**MONROE TOWNSHIP BOARD OF TRUSTEES,
MIAMI COUNTY, OHIO**

I certify the foregoing to be
a true and accurate copy of the
annexation agreement.

By: _____
Philip G. Cox

John J. Skolnicki

By: _____
Ronald D. Thuma

By: _____
Martin E. English

APPROVED AS TO FORM

Honorable Anthony E. Kendell
Miami County Prosecuting Attorney

Exhibit "E"

ANNEXATION AGREEMENT

645 Kerr Road

THIS AGREEMENT is entered into as of the 13 day of January 2019, pursuant to Section 709.192 of the Ohio Revised Code, by and between the City of Tipp City ("City"), the Board of Trustees of Monroe Township, Miami County ("Board of Trustees"), and Meijer Distribution, Inc. owners of the property located at 645 Kerr Road, Tipp City ("Owner") under the following circumstances:

WHEREAS, on or about December 20, 2018, the petitioner (Owner) has initiated the annexation of +/- 160.304 acres of land to the City of Tipp City, more specifically described in Exhibit "AA" attached hereto and made part hereof; and

WHEREAS, there have been recent and significant changes in the State of Ohio's annexation laws; and

WHEREAS, the new annexation laws provide for several different procedures to address annexation; and

WHEREAS, Ohio Revised Code Section 709.192 allows a city and township to enter into an annexation agreement providing for land to be annexed; and

WHEREAS, Ohio Revised Code Section 709.022 provides the most efficient annexation procedure when a city and township do not disagree on a particular annexation; and

WHEREAS, the City and Board of Trustees plan to promote an open line of communication regarding annexation issues.

NOW THEREFORE, in consideration of the above recitals and in consideration of the mutual benefits and promises hereinafter contained, the parties agree as follows:

1. The City, Board of Trustees, and the Owner hereby enter into this "Annexation Agreement" providing for the City of Tipp City to annex the lands more specifically described in the attached Exhibit "AA".
2. The Owner holds title to the +/- 160.304 acres being parcel numbers G12-015700, in Town 4, Section 16, and Range 6.
3. The Owner wishes to annex into the City of Tipp City.
4. That the City will place an interim zoning designation for the +/-130.304 acre parcel to match the existing General Agriculture (A-2) Miami County zoning that currently exists on the property within unincorporated Monroe Township.
5. That the Owner will initiate the "final" rezoning process for the +/-160.304 acre parcel to rezone the parcel to the appropriate Tipp City zoning classification, within 60 days after annexation. The Tipp City Comprehensive Master Development Plan shows this property as an "Industrial node."
6. That the City shall provide all municipal services to the annexation area in accordance with current and/or future policies.
7. The Board of Trustees shall continue to receive property taxes in accordance with the Ohio Revised Code for this property after the annexation, since the property shall remain in Monroe Township.
8. That the Owner agrees to the terms and conditions set forth in this agreement, and that this agreement shall be recorded and bind the parcel to the terms and conditions.

9. All matters related to the implementation of this agreement, and the discharge of duties and responsibilities of each of the parties hereunto pursuant to its terms and conditions shall be effected and completed in full compliance with any and all applicable laws and regulations, State, Federal and local.
10. This document and Agreement, and the terms and conditions set forth herein, without reference to any material, document, or information outside the boundary of the same, shall constitute the full and complete agreement in these regards by and among the parties hereto, and shall create by and among the same only the relationship, obligations, and commitments expressly set forth herein and imposed hereby. Each party agrees that it will be responsible for its own negligence in performing its obligations under this Agreement.
11. The Agreement may be amended but only by a written document signed by all parties hereto.

IN WITNESS WHEREOF, the City has authorized the execution of this Agreement, by the City Manager, under the authority of Resolution No. 1-19 passed on the 7th day of January, 2019, the Monroe Township Board of Trustees has authorized the execution of this agreement under the authority of Resolution No. 1-N-19 passed on the 7th day of January, 2019, and the Owner has executed this Agreement on the 20th day of December, 2018. This Agreement is to be effective as of the date set forth on the first page although the parties have actually signed the dates set forth opposite their respective signatures.

Date: DECEMBER 20, 2018

Meijer Distribution, Inc. (Owner)

I certify the foregoing to be
a true and accurate copy of the
annexation agreement.



Michael L. Kinstle, Vice President Real Estate



Michael L. Kinstle


Date: January 17, 2019

CITY OF TIPP CITY, OHIO

By: 

Timothy J. Eggleston
City Manager

I certify the foregoing to be
a true and accurate copy of the
annexation agreement.



APPROVED AS TO FORM


Jon Freeman, Law Director

Date: 1/7 2019

**MONROE TOWNSHIP BOARD OF TRUSTEES,
MIAMI COUNTY, OHIO**

By: 

Philip G. Cox

I certify the foregoing to be
a true and accurate copy of the
annexation agreement.


John J. Skolnicki

By: 

Ronald D. Thuma

By: 

Martin E. English

APPROVED AS TO FORM


Honorable Anthony E. Kendell
Miami County Prosecuting Attorney

EXHIBIT "AA"

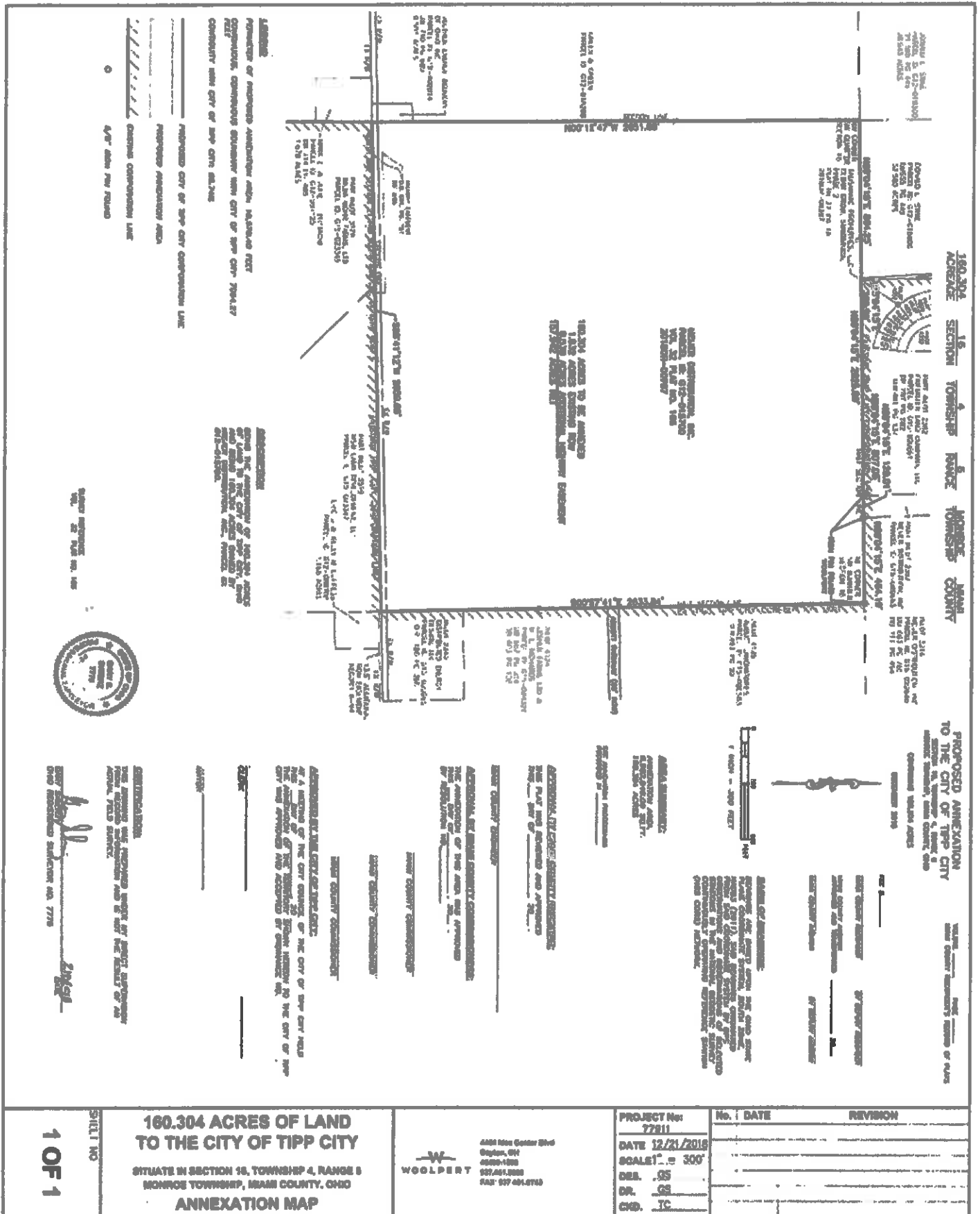


EXHIBIT "F"

List of Property Owners for +/- 1.2109 Acre Annexation

Tracts within Territory

<u>Name</u>	<u>Address</u>	<u>Permanent Parcel #</u>
Meljer Distribution, Inc.	645 Kerr Road Tipp City, OH 45371 (mail: 2929 NW Walker Avenue Grand Rapids, MI 49544)	G12-015700 (+/- 160.304 acres)

Tracts Adjacent to Territory

<u>Name</u>	<u>Address</u>	<u>Permanent Parcel #</u>
1. Donald L. Stine	Kessler-Cowlesville Road Troy, OH 45373 (mail: 7405 Spring Meadow Lane Garland, TX 75044)	G12-018300
2. Donald L. Stine	Cedar Grove Drive Tipp City, OH 45371 (mail: 7405 Spring Meadow Lane Garland, TX 75044)	G12-015600
3. Tallsmanic Properties, LLC	3325 Redbud Drive Troy, OH 45373 (mail: 7 S. Plum Street Troy, OH 45373)	G15-_____ IL 4333
4. Eidemiller Land Company, LLC	610 Kessler-Cowlesville Road Tipp City, OH 45371 (mail: 3281 W. SR 571 Troy, OH 45373)	G15-020661 Pt IL 2392
5. Meljer Distribution, Inc.	Kessler-Cowlesville Road Tipp City, OH 45371 (mail: 2929 NW Walker Avenue Grand Rapids, MI 49544)	G15-020663 Pt IL 2392
6. Meljer Distribution, Inc.	4200 S CR 25A Tipp City, OH 45371 (mail: 2929 NW Walker Avenue Grand Rapids, MI 49544)	G15-022640 IL 3214

7. Abbott Laboratories	S CR 25A Tipp City, OH 45371 (mail: 100 Abbott Park Road Abbott Park, IL 60064)	G15-020563 IL 4125
8. Leshar Farms Ltd.	S CR 25A Tipp City, OH 45371 (mail: 745 Baneberry Court Tipp City, OH 45371)	G15-024326 IL 4124
9. Distributed Energy Design, LLC	425 W. Kerr Rd Tipp City, OH 45371 (mail: 3628 Peters Road Troy, OH 45373)	G15-020265 IL 2349
10. Eric J & Kelly M Coppess	5655 S. David Drive Tipp City, OH 45371 (mail: same)	G12-080708 Lot 10
11. MSW Land Development, LLC	W. SR 571 Tipp City, OH 45371 (mail: 1385 Shoreview Drive Lima, OH 45805)	G15-023347 Pt IL 3579
12. Wilma Mohr Farms, Ltd.	W. SR 574 Tipp City, OH 45371 (mail: 474 W SR 571 Tipp City, OH 45371)	G15-023349 Pt IL 3579
13. Mark E & Julie L Eustache	1030 W. Kerr Road Troy, OH 45373 (mail: same)	G12-081125 Lot 10
14. Vectren Energy Delivery of Ohio Inc.	W. Kerr Road Tipp City, OH 45371 (mail: One Vectren Square Evansville, IN 47708)	G12-402014
15. Green & Green	1111 W. Kerr Road Troy, OH 45373 (mail: same)	G12-018200