

NOTICE OF PROCEEDINGS MEETING
City Council of the City of Defiance, Ohio
Charles D. Beard Council Chambers
City Hall, 631 Perry Street, Defiance, OH 43512

REGULAR MEETING OF COUNCIL
TUESDAY MAY 23, 2023
OPENING COMMENTS - 7:00 P.M.

PUBLIC HEARING: NONE

SPECIAL GUEST: NONE

SECOND READING: AN ORDINANCE CREATING THE POSITION OF AUDIO-VISUAL TECHNICIAN

FIRST READING: AN ORDINANCE CONSENTING TO ANNEXATION OF TERRITORY IN RICHLAND TOWNSHIP AND DECLARING AN EMERGENCY (R.C.§709.023(F))

FIRST READING: A RESOLUTION DECLARING THE SERVICES TO BE PROVIDED TO TERRITORY PROPOSED FOR ANNEXATION UPON ANNEXATION AND ESTABLISHING ZONING RESTRICTIONS (R.C.§709.023(C))

STUDY SESSION: REGULATION ON MOTORIZED/ELECTRIC SCOOTER

CITIZEN CONCERNS: NAME & ADDRESS FOR THE RECORD (5 MINS)

LIAISON ASSIGNMENTS	TIME P.M.	DATE (2023)	AGENDA
COMMITTEE OF A WHOLE McMASTER	7:00	Tuesday - MAY	NO MEETING
BUILDING & LANDS EURESTE	7:00	Tuesday - MAY	NO MEETING
ECONOMIC DEVELOPMENT ENGEL	7:00	Tuesday - MAY	NO MEETING
FINANCE & BUDGET HANCOCK	7:00	Tuesday - MAY	NO MEETING
POLICE & FIRE KRUTSCH	7:00	Tuesday - MAY	NO MEETING
PUBLIC RELATIONS MAST	7:00	Tuesday - MAY	NO MEETING
PUBLIC UTILITIES, GAS & LIGHTS CORBITT	7:00	Tuesday - MAY	NO MEETING
SEWER & SANITATION CORBITT	7:00	Tuesday - MAY	NO MEETING
STREETS & SIDEWALKS MAST	7:00	Tuesday - MAY	NO MEETING
WATERWORKS - SERVICE WAXLER	7:00	Tuesday - MAY	NO MEETING
TRAFFIC COMMISSION: MACK. Mayor. Zeedyk. Shafer. Wilkins. Sprow. Waxler. Eureste. Krutsch	5:30	Tuesday - MAY	NO MEETING
BOARD OF CONTROL MEETING: MAYOR. Mack. O'Donnell. Sprague	1:30 P.M. MONDAY 9:00 A.M. THURSDAY	MONDAY and THURSDAY	POSTED AT 631 PERRY STREET MEETINGS IN FRONT CONFERENCE ROOM

ORDINANCE NO. _____

AN ORDINANCE CREATING THE POSITION OF AUDIO-VISUAL
TECHNICIAN

WHEREAS, changes at the Defiance Community Cultural Center have resulted in the necessity for Council to record its own public meetings and operate its own equipment; and,

WHEREAS, Section 2.08 of the Charter authorizes Council to "appoint other [Council] employees who shall serve at the pleasure of Council and shall perform such duties as Council may require..."; and,

WHEREAS, Council desires to create an additional position to operate the audio-video equipment so that it may broadcast its meetings to residents;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The position of "Audio Visual Technician" is hereby created to record Council meetings, operate the live streaming of those meetings, and maintain the audio-visual equipment for recording at a rate of \$120.00 per meeting.

Section 2: The Finance Director is authorized to pay the annual pay rate for this employee from appropriated funds allocated by expenditure from Line 101-101-51-702900 of the 2023 annual budget.

Section 3: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

Section 4: This Ordinance shall be effective on the earliest date permitted by law.

Passed: _____, 2023 _____
President of Council

Attest: _____, Clerk

Approved: _____, 2023 _____
Mayor

ORDINANCE NO. _____

**AN ORDINANCE CONSENTING TO ANNEXATION OF TERRITORY IN
RICHLAND TOWNSHIP AND DECLARING AN EMERGENCY
(R.C. §709.023(F))**

WHEREAS, New Home Development Company, Inc., being the owner of a combined 1.289 acres located on Part of Lot No. A of Riverview Extension No. 3 located in the Southeast Quarter (1/4) of Section 19, Township 4 North, Range 5 East, Richland Township, Defiance, Ohio, filed a petition for annexation into the City of Defiance, Ohio; and,

WHEREAS, Section 709.023(D) of the Ohio Revised Code permits the legislative authority of a municipal corporation to which annexation is proposed to adopt an ordinance consenting to a proposed annexation;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The City of Defiance hereby consents to the proposed annexation of 1.289 acres located on Part of Lot No. A of Riverview Extension No. 3 located in the Southeast Quarter (1/4) of Section 19, Township 4 North, Range 5 East, Richland Township, Defiance, Ohio.

Section 2: Pursuant to Section 709.023(F) of the Ohio Revised Code, the City has agreed as a condition of this annexation to assume the maintenance of Upton Street, which divides the municipal boundary from Richland Township.

Section 3: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

Section 4: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that Section 709.023(D) affords the City with twenty-five (25) days after the filing of the petition to file its consent with the Board of Commissioners of Defiance County, Ohio. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: _____, 2023

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2023

Mayor

CLEMENS, KORHN, LIMING & WARNCKE, LTD.

STEPHEN F. KORHN
MARC F. WARNCKE

ATTORNEYS AT LAW
BLOCK SIX BUSINESS CENTER
419 FIFTH STREET, SUITE 2000
P. O. BOX 787
DEFIANCE, OH 43512-0787

DAVID W. CLIFFE

"AV" RATED FIRM BY MARTINDALE-HUBBELL

TELLIS T. SHAW (1868-1951)
ERWIN L. CLEMENS (1910-1999)
DAVID W. WILLIAMS (1917-1987)

ROBERT A. MCCOLLEY (of counsel)

TELEPHONE: 419-782-6055
FACSIMILE: 419-782-3227
www.clemenslawoffice.com
Writer's Email: DCliffe@clemenslawoffice.com

NOTICE OF ANNEXATION OF REAL ESTATE

May 3, 2023

VIA CERTIFIED MAIL

Ms. Lisa Elders
Clerk of Defiance City Council
631 Perry Street
Defiance, Ohio 43512

Dear Ms. Elders:

Pursuant to R.C. §709.023(B), please take notice that a Petition for Annexation of land located on Upton Street, PPN: S090019002123 in Richland Township was filed by New Home Development Company, Inc. with the Defiance County Commissioners on May 2, 2023. A copy of the Petition, with exhibits attached, and a map of the Territory which is proposed to be annexed is enclosed with this correspondence.

Notice is hereby given that any owner who signed the Petition may remove the owner's signature by filing with the Clerk of the Board of County Commissioners a written notice of the withdrawal of the owner's signature within twenty-one (21) days after the dates in which Notice has been mailed by such owner or their agent.

I hereby certify that a copy of the aforementioned Notice of Petition for Annexation of Real Estate was served upon Lisa Elders, Clerk of Defiance City Council, by certified mail, return receipt requested.

Very truly yours, ~



David W. Cliffe

DWC;jcc
Enclosure

PETITION FOR ANNEXATION

(Special Procedure R.C. §709.021 and R.C. §709.23)

TO: THE BOARD OF COUNTY COMMISSIONERS
OF DEFIANCE COUNTY, OHIO
500 Court Street
Defiance, Ohio 43512-2161

MAY 01 2025

CLERK OF DEFANCE COUNTY

The undersigned owner of the real property described and depicted on "Exhibit A", attached hereto, does hereby Petition the Board of County Commissioners of Defiance County, Ohio for annexation of said lands in Richland Township to the City of Defiance, Ohio.

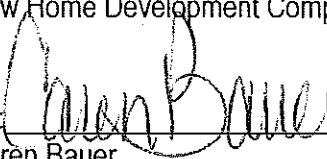
In support of this Petition, the undersigned certify that:

1. The Petition meets all the requirements of, and has been filed in the manner prescribed in R.C. §709.021.
2. Petitioner, New Home Development Company, Inc., is the sole owner of the real estate located within the Territory sought to be annexed.
3. The Territory proposed to be annexed does not exceed five hundred (500) acres.
4. The Territory proposed for annexation shares a contiguous boundary line with the existing corporation line of the City of Defiance, Ohio, which is at least five percent (5%) of the perimeter of the Territory proposed for annexation.
5. The proposed annexation will not create an unincorporated area of the Township that is completely surrounded by property within the City.
6. This Petition is brought under R.C. §709.021 and §709.023.
7. Attached to this Petition and marked as "Exhibit B" is a list of all tracts, lots, or parcels of real estate adjacent to or located directly across the road from the respective Territory to be annexed.

8. Pursuant to R.C. §709.02, David W. Cliffe, 419 Fifth Street, Suite 2000, Defiance, Ohio, 43512, is appointed as Agent for the Petitioner. Such Agent shall have full power to amend, increase, or decrease the area, and to do any and all things essential thereto, and to take any further action necessary in obtaining the granting of this Petition on behalf of the Petitioner, without further consent of the Petitioner.

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

New Home Development Company, Inc.

By:  5/2/23
Caren Bauer Date
Title: Its Executive Director

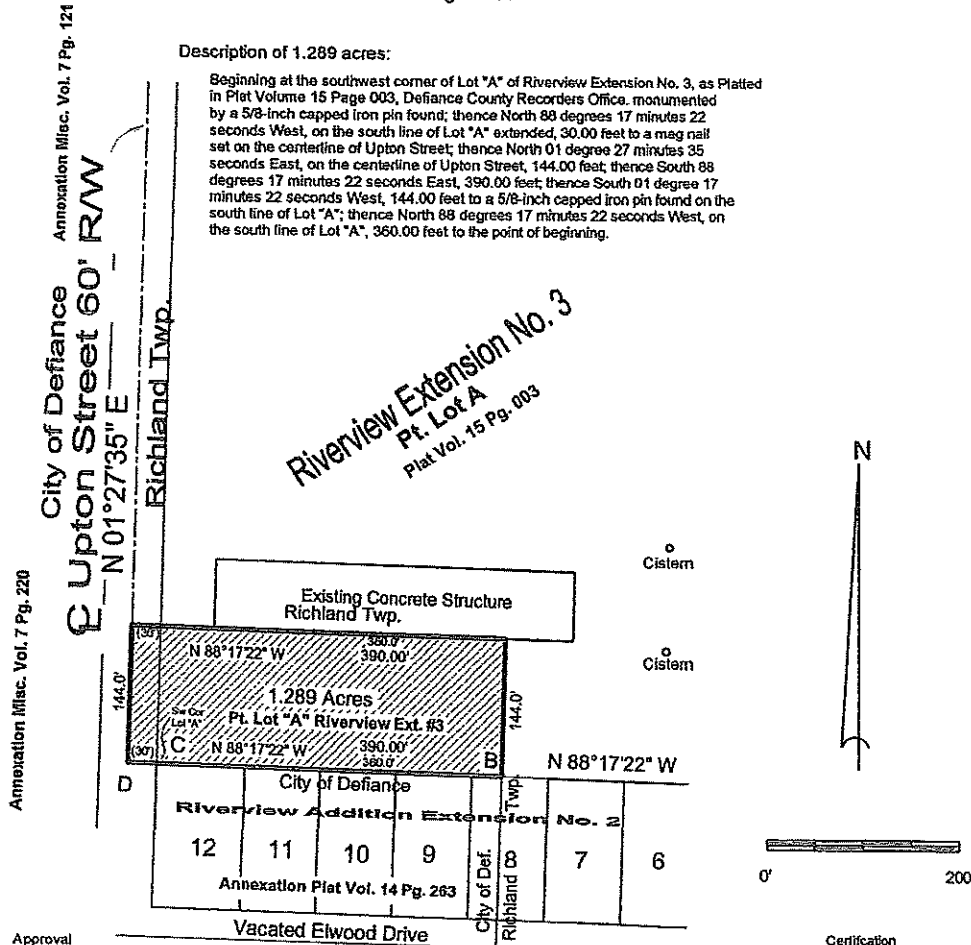
DWC: jcc
Lorraine/Housing Annexation/Annexation Petition

Annexation Plat

Being known as part of Lot No. A of Riverview Extension No. 3 located in the Southeast quarter (1/4) of Section 19, Township 4 North, Range 5 East, Richland Township, Defiance County, Ohio.

For... New Home Development Company, Inc.

OR 454 Page 1880



We, the Board of Defiance County Commissioners, do hereby approve this Plat and release said described property for annexation to the City of Defiance, Ohio.

Date _____ 2023.

Name _____ Signature _____

Name _____ Signature _____

Name _____ Signature _____

Approval

I, the Defiance City Engineer, do hereby approve this Plat.

Date _____ 2023

Name _____ Signature _____

Certification

I, The Defiance County Recorder, do hereby certify that the Plat has been recorded in

Volume _____ Page _____ of the Plat Records of the County of Defiance, Ohio.

Date _____ 2023.

Name _____

Defiance County Recorder Signature _____

Acceptance

We, the Council of the City of Defiance, Ohio, do hereby approve this Plat and accept said described property for annexation to the City of Defiance, Ohio.

By Ordinance No. _____

Date _____ 2023.

Name _____ Signature _____

Clerk of Council

I, the Defiance County Auditor, do hereby acknowledge receipt of this Plat.

Date _____ 2023.

Name _____ Signature _____

Defiance County Auditor

Certification

I hereby certify that this survey and notes are correct to the best of my knowledge.

Thomas J. Henry
Registered Surveyor No. 6787

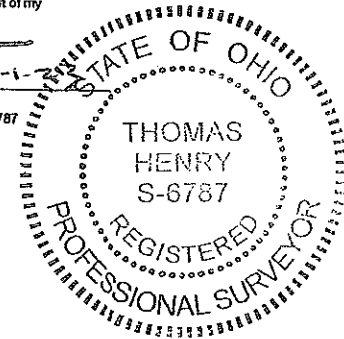


Exhibit A

Exhibit B

New Home Development Company, Inc. Annexation Split Parcel

Owners of Adjacent Parcels to the Premises to be Annexed:

1. New Home Development Company, Inc., 617 North Walnut Street, #12, Bryan, Ohio 43506
PPN's: J110019D01200, J110019D01100, J110019D01000, J110019D00900,
J110019D00801, J090019000900
2. Rita M. Meier, 1875 Riverview Drive, Defiance, Ohio 43512
PPN:J030179000100

RESOLUTION No. _____

**A RESOLUTION DECLARING THE SERVICES TO BE PROVIDED TO
TERRITORY PROPOSED FOR ANNEXATION UPON ANNEXATION AND
ESTABLISHING ZONING RESTRICTIONS
(R.C. §709.023(C))**

WHEREAS, New Home Development Company, Inc., being the owner of a combined 1.289 acres located on Part of Lot A of Riverview Extension No. 3 located in the Southeast Quarter (1/4) of Section 19, Township 4 North, Range 5 East, Richland Township, Defiance, Ohio, filed a petition for annexation into the City of Defiance, Ohio; and

WHEREAS, the petitioner is seeking annexation where no land is excluded from the township; and

WHEREAS, Section 709.023(C), Ohio Revised Code requires Council to adopt a resolution stating what services the municipal corporation will provide, and an approximate date by which it will provide them;

Now therefore, be it Resolved by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The City of Defiance consents to the approval of the aforesaid petition by the Board of Commissioners of Defiance County, Ohio, and will maintain any street or road divided or segmented by annexation.

Section 2: The City shall provide all customary governmental and utility services, including water, sewer, and trash service, to the property described by the petition in the same manner and on the same terms and conditions as are applicable to the provision of like-kind services to other property within the territorial boundaries of the municipality immediately upon annexation or by the approximate date of September 15, 2023.

Section 3: In the event that property within the annexation territory is accorded a municipal zoning designation that permits the property to be used in a manner that Council determines is clearly incompatible with the uses permitted under the current township zoning regulations of adjacent territory, Council will require the establishment of a buffer conforming to the requirements of Section 709.023(C), Ohio Revised Code by Ordinance.

Section 4: It is found and determined that all legislative actions pertaining to the adoption of this Resolution were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

Section 5: This Resolution shall be effective on the earliest date permitted by law.

Passed: _____, 2023

President of Council

Attest: _____, Clerk

Approved: _____, 2023

Mayor