

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 JUNE 14, 2022
OPENING COMMENTS – 7:00 P.M.

PUBLIC HEARING: NONE

SPECIAL GUEST: NONE

SECOND READING: AN ORDINANCE ACCEPTING THE ANNEXATION OF 52.371 ACRES OF LAND LOCATED IN DEFIANCE TOWNSHIP, DEFIANCE COUNTY, OHIO

FIRST READING: A RESOLUTION SUBMITTING THE QUESTION OF RENEWAL OF A TAX IN EXCESS OF THE TEN-MILL LIMITATION TO THE ELECTORS OF THE DEFIANCE MUNICIPAL LIBRARY DISTRICT AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2022

STUDY SESSION: NONE

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

LIAISON ASSIGNMENTS	TIME P.M.	DATE (2022)	AGENDA
COMMITTEE OF A WHOLE McMASTER	7:00	Tuesday – JUNE	NO MEETING
BUILDING & LANDS EURESTE	7:00	Tuesday - JUNE	NO MEETING
ECONOMIC DEVELOPMENT ENGEL	7:00	Tuesday - JUNE	NO MEETING
FINANCE & BUDGET HANCOCK	7:00	Tuesday – JUNE	NO MEETING
POLICE & FIRE KRUTSCH	7:00	Tuesday - JUNE	NO MEETING
PUBLIC RELATIONS MAST	7:00	Tuesday - JUNE	NO MEETING
PUBLIC UTILITIES, GAS & LIGHTS CORBITT	7:00	Tuesday – JUNE	NO MEETING
SEWER & SANITATION CORBITT	7:00	Tuesday – JUNE	NO MEETING
STREETS & SIDEWALKS MAST	7:00	Tuesday - JUNE	NO MEETING
WATERWORKS – SERVICE WAXLER	7:00	Tuesday – JUNE	NO MEETING
TRAFFIC COMMISSION: LEONARD. Mack. Mayor. Zeedyk. Shafer. Wilkins. Sprow. Waxler. Eureste. Krutsch	5:30	Tuesday – JUNE	NO MEETING
BOARD OF CONTROL MEETING: MAYOR. Leonard. O’Donnell. Lehner. Mack	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 ACCEPTING THE ANNEXATION OF 52.371 ACRES OF LAND LOCATED IN DEFIANCE TOWNSHIP, DEFIANCE COUNTY, OHIO

WHEREAS, Aaron L. Zimmerman, Trustee of the Aaron L. Zimmerman Trust filed a Petition seeking to annex 52.371 acres of land located in Section 36, Township 4 North, Range 4 East, Defiance Township, Defiance County, Ohio, into the City of Defiance; and,

WHEREAS, Council adopted Resolution No. 2526 consenting to the provision of all customary governmental and utility services on March 8, 2022; and,

WHEREAS, R.C. §709.04 requires the legislative authority of a municipality to accept or reject the petition for annexation within sixty (60) days of delivery of the resolution of the Board of County Commissioners approving annexation; and,

WHEREAS, sixty (60) days have elapsed since the Clerk of City Council received the resolution of the Board of Commissioners of Defiance County, Ohio and the Clerk of Council has made the Transcript of Proceedings and related documents available for public inspection in the manner and for the time required by law; and,

WHEREAS, Council finds that acceptance of the territory is in the best interests of the City and may further much needed residential development in the municipality;

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

Section 1: The Petition of Aaron L. Zimmerman, Trustee of the Aaron L. Zimmerman Trust to annex 52.371 acres of land located Section 36, Township 4 North, Range 4 East, Defiance Township, Defiance County, Ohio into the City of Defiance, Ohio, as approved by the Board of County Commissioners of Defiance County, Ohio, is hereby accepted. All municipal officials are authorized to execute such plats and other documents as may be appropriate to conclude the proceedings.

Section 2: The City Administration is authorized to construct and provide water and sanitary sewer services upon development of the territory.

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: _____, 2022 _____
President of Council

Attest: _____, Clerk

Approved: _____, 2022 _____
Mayor

RECEIVED

**PETITION FOR EXPEDITED TYPE 2 ANNEXATION
PURSUANT TO ORC §709.021 AND §709.023
OF 52.371 ACRES IN DEFIANCE TOWNSHIP
TO THE CITY OF DEFIANCE, OHIO
SUBMITTED TO THE
DEFIANCE COUNTY BOARD OF COMMISSIONERS**

FEB 23 2027

DEFIANCE COUNTY BOARD
OF COMMISSIONERS

The undersigned, being owners of the territory within the area hereinafter described consisting of 52.371 acres in Defiance Township, Defiance County, Ohio, adjacent and contiguous to the City of Defiance, Ohio, do hereby respectfully submit this petition to the Defiance County Board of Commissioners to request the annexation of the territory to the City of Defiance, Ohio, under the special procedure provided for annexation in the Ohio Revised Code Sections 709.021 and 709.023 ("Petition").

1. Attached to this Petition, and made part hereof, is an accurate legal description of the perimeter of the territory proposed for annexation, marked as Exhibit A.
2. Attached to this Petition, and made part hereof, is an accurate plat map showing the boundaries of the territory proposed for annexation, marked as Exhibit B.
3. Attached to this Petition, and made part hereof, is the parcel list of the territory proposed for annexation, marked as Exhibit C.
4. Attached to this Petition, and made part hereof, is a list of the parcels adjacent to the territory for annexation, marked as Exhibit D.

The undersigned petitioner hereby designates Kyle D. Tucker, attorney at law, who is located at One Seagate, 27th Floor, P.O. Box 10032, Toledo, Ohio 43699-0032, as agent, as required by Section 709.02 of the Ohio Revised Code. The agent is hereby authorized to make any amendments and/or deletion that in 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 Defiance County Engineer in his/her examination of the plat or map and description attached to this petition, to the Board of Commissioners for Defiance County, Ohio, on, before, or after the date set for hearing on this Petition. Further, the agent is authorized to make any amendment and/or deletion that in his absolute and complete discretion is necessary or proper under the circumstances then existing and do any and all things essential thereto and to take any action necessary for obtaining the granting of this petition, without further expressed consent of the petitioners. Further, the agent is authorized to withdraw this

Petition on, before, or after the date set for hearing on this Petition that action in his absolute and complete discretion is necessary to protect the interests of the sole owner of the territory described in Exhibit A. The agent's contact information is as follows:

Kyle D. Tucker, Esq.
One Seagate, 27th Floor
P.O. Box 10032
Toledo, Ohio 43699-0032
kdtucker@eastmansmith.com
419-247-1588

WAIVER OF RIGHT TO APPEAL

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

Aaron L. Zimmerman, Trustee of the Aaron L. Zimmerman Trust

By: *Aaron L. Zimmerman, Trustee*
Aaron L. Zimmerman, Trustee

Date: 2-22-2022

Amanda N. Zimmerman, Trustee of the Amanda N. Zimmerman Trust

By: *Amanda N. Zimmerman, Trustee*
Amanda N. Zimmerman, Trustee

Date: 2/22/2022

Gerald A. Zimmerman, Successor Trustee of the Mary F. Zimmerman Trust

By: *Gerald A. Zimmerman, Successor Trustee*
Gerald A. Zimmerman, Successor Trustee

Date: 2-23-22

Exhibit A

Part of the East Half of the East Half of the Southwest Quarter, together with part of the Southeast Quarter, all in Section 36, Township 4 North, Range 4 East, Defiance County, Ohio, being more particularly described as follows, to-wit:

Commencing at the Southwest corner of said Section 36, being marked by a 1 inch diameter bar in a monument box; thence South 88 degrees 59 minutes 51 seconds East (GPS grid bearing and basis of all bearings in this description), on and along the South line of said Southwest Quarter, being within the right-of-way of Carter Road, a distance of 1989.73 feet to a survey nail at the Southwest corner of the East Half of the East Half of said Southwest Quarter, this being the true point of beginning; thence South 88 degrees 59 minutes 51 seconds East, continuing on and along the South line of said Southwest Quarter and within said right-of-way, a distance of 663.20 feet to a 1 inch diameter bar in a monument box at the South Quarter corner of said Section 36; thence South 88 degrees 59 minutes 51 seconds East, on and along the South line of said Southeast Quarter and within said right-of-way, a distance of 1707.61 feet to a survey nail at the point of intersection of said South line with the centerline of State Road #15; thence North 08 degrees 49 minutes 31 seconds West on and along said centerline, a distance of 1014.88 feet to a survey nail; thence North 88 degrees 59 minutes 51 seconds West and parallel with the South lines of said Southwest and Southeast Quarters, a distance of 2191.84 feet to a #5 rebar on the West line of the East Half of the East Half of said Southwest Quarter; thence South 01 degrees 19 minutes 54 seconds West, on and along said West line, a distance of 1000.00 feet to the true point of beginning, containing 52.371 acres of land, subject to legal rights-of-ways for Carter Road and State Road #15, and subject to all easements of record.

Parcel No: Part of B11-0036-0-005-00 (split)
Property Address: 0 State Route 15

Exhibit C

Parcel List of the Territory Proposed for Annexation

Parcel No.	Owner	Property Address	Mailing Address
Part of B110036000500	AARON L. ZIMMERMAN, TRUSTEE OF THE AARON L. ZIMMERMAN TRUST; AMANDA N. ZIMMERMAN, TRUSTEE OF THE AMANDA N. ZIMMERMAN TRUST; AND GERALD A. ZIMMERMAN, SUCCESSOR TRUSTEE OF THE MARY F. ZIMMERMAN TRUST	ST RT 15	26519 STANDLEY ROAD DEFIANCE, OH 43512

Exhibit D

List of Parcels Adjacent to the Territory Proposed for Annexation

Parcel No.	Owner	Property Address	Mailing Address
B014183009100	BOARD OF EDUCATION OF THE DEFIANCE CITY SCHOOL DISTRICTS	CARTER	801 CLINTON ST. DEFIANCE, OH 43512
B110001000300	RUBY B. HAMMERSMITH	CARTER	799 CHIPPEWA DR. DEFIANCE, OH 43512
B110001000303	AMANDA SEIBERT	457 CARTER RD. DEFIANCE, OH 43512	457 CARTER RD. DEFIANCE, OH 43512
B110001000200	RUBY B. HAMMERSMITH	CARTER	799 CHIPPEWA DR. DEFIANCE, OH 43512
B110001000100	FIRST CHURCH OF GOD MINISTRIES INC	561 CARTER RD.	561 CARTER RD. DEFIANCE, OH 43512
B110001000101	FIRST CHURCH OF GOD MINISTRIES INC	561 CARTER RD.	561 CARTER RD. DEFIANCE, OH 43512
B110001001800	JONATHAN D. & GERTRUDE M. HAHN	645 CARTER RD. DEFIANCE, OH 43512	15863 SPONSELLER RD. DEFIANCE, OH 43512
B110001001901	JOHN M. SEIBERT, ET AL.	ST RT 15	13125 STATE ROUTE 15 DEFIANCE, OH 43512
B110036000300	JEFFREY S. BEHLKE, TRUSTEE F/B/O ET AL.	ST RT 15	1771 OTTAWA AVE. DEFIANCE, OH 43512
Part of B110036000500	AARON L. ZIMMERMAN, TRUSTEE OF THE AARON L. ZIMMERMAN TRUST; AMANDA N. ZIMMERMAN, TRUSTEE OF THE AMANDA N. ZIMMERMAN TRUST; AND GERALD A. ZIMMERMAN, SUCCESSOR TRUSTEE OF THE MARY F. ZIMMERMAN TRUST	ST RT 15	26519 STANDLEY ROAD DEFIANCE, OH 43512

RESOLUTION No. _____

A RESOLUTION SUBMITTING THE QUESTION OF RENEWAL OF A TAX IN EXCESS OF THE TEN-MILL LIMITATION TO THE ELECTORS OF THE DEFIANCE MUNICIPAL LIBRARY DISTRICT AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2022

WHEREAS, the State Library Board established all lands within Defiance County as the Library District served by the Defiance Public Library; and

WHEREAS, the Electors approved an ad valorem property tax outside the ten-mill limitation and at a rate not to exceed three-quarters of one mill (0.75 mill) for the purpose of providing adequate funds for payment of the operational expenses of the Public Library during calendar years 2008, 2009, 2010, 2011, and 2012; and

WHEREAS, the Electors approved a renewal of the aforesaid an ad valorem property tax for the purpose of providing adequate funds for payment of the operational expenses of the Public Library during calendar years 2013, 2014, 2015, 2016 and 2017 and a second renewal during calendar years 2018, 2019, 2020, 2021, and 2022; and

WHEREAS, by Resolution adopted May 25, 2022, the Board of Trustees of the Defiance Public Library declared that:

1. the amount of taxes that may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the public library;
2. renewal of the existing tax in excess of the ten-mill limitation is necessary to provide for the current expenses of the Library; and,
3. the question of renewal is to be submitted to the Electors residing within the boundaries of the Library District at the General Election to be held on November 8, 2022; and,

WHEREAS, Section 5705.23 of the Ohio Revised Code requires Council to certify the question to the Board of Elections for submission to the Electors;

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

Section 1: For the purpose of providing funds for current expenses of the public library, renewal of the existing ad valorem property tax outside the ten-mill limitation and at a rate not to exceed three-quarters of one mill (0.75 mill) for a period of five (5) years beginning with the tax list and duplicate for the year 2022, the proceeds of which will first become available to the Defiance Public Library in calendar year 2023, shall be submitted to the Electors of Defiance County in accordance with Section 5705.23 and related provisions of the Ohio Revised Code at an election to be held thereon November 8, 2022. Said election shall be conducted during the hours provided by law at the regular places of voting in the County as established by the Board of Elections of Defiance County and shall be conducted, canvassed, and certified in the manner provided by law.

Section 2: 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 3: Pursuant to Section 5705.23 of the Ohio Revised Code, this Resolution shall be effective immediately upon adoption and without publication. The Clerk is directed to certify this Resolution to the Board of Elections within 7 days of adoption. The Board of Trustees of the Defiance Public Library is directed to cause notice of the election to be given in the manner provided by law.

Passed: _____, 2022

President of Council

Attest: _____, Clerk

Approved: _____, 2022

Mayor