

**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 7, 2022  
OPENING COMMENTS – 7:00 P.M.

PUBLIC HEARING: CDBG ALLOCATION PY 2022

SPECIAL GUEST: NONE

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

FIRST READING: AN ORDINANCE AUTHORIZING APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT ALLOCATION FUNDS TO THE OHIO DEPARTMENT OF DEVELOPMENT AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AWARDED A CONTRACT FOR THE PRELIMINARY DESIGN AND RENDERINGS OF THE PROPERTY LOCATED AT 629 ARABELLA STREET AND DECLARING AN EMERGENCY

STUDY SESSION: NONE

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

LIAISON ASSIGNMENTS	TIME P.M.	DATE (2022)	AGENDA
COMMITTEE OF A WHOLE <b>McMASTER</b>	7:00	Tuesday – JUNE	NO MEETING
BUILDING & LANDS <b>EURESTE</b>	7:00	Tuesday - JUNE	NO MEETING
ECONOMIC DEVELOPMENT <b>ENGEL</b>	7:00	Tuesday - JUNE	NO MEETING
FINANCE & BUDGET <b>HANCOCK</b>	7:00	Tuesday – JUNE	NO MEETING
POLICE & FIRE <b>KRUTSCH</b>	7:00	Tuesday - JUNE	NO MEETING
PUBLIC RELATIONS <b>MAST</b>	7:00	Tuesday - JUNE	NO MEETING
PUBLIC UTILITIES, GAS & LIGHTS <b>CORBITT</b>	7:00	Tuesday – JUNE	NO MEETING
SEWER & SANITATION <b>CORBITT</b>	7:00	Tuesday – JUNE	NO MEETING
STREETS & SIDEWALKS <b>MAST</b>	7:00	Tuesday - JUNE	NO MEETING
WATERWORKS – SERVICE <b>WAXLER</b>	7:00	Tuesday – JUNE	NO MEETING
TRAFFIC COMMISSION: <b>LEONARD.</b> Mack. Mayor. Zeedyk. Shafer. Wilkins. Sprow. Waxler. Eureste. Krutsch	5:30	Tuesday – JUNE	NO MEETING
BOARD OF CONTROL MEETING: <b>MAYOR.</b> 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, 27<sup>th</sup> 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, 27<sup>th</sup> 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**

<b>Parcel No.</b>	<b>Owner</b>	<b>Property Address</b>	<b>Mailing Address</b>
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**

<b>Parcel No.</b>	<b>Owner</b>	<b>Property Address</b>	<b>Mailing Address</b>
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



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT ALLOCATION FUNDS TO THE OHIO DEPARTMENT OF DEVELOPMENT AND DECLARING AN EMERGENCY**

**WHEREAS**, the State of Ohio Department of Development ("ODOD") provides financial assistance to local governments for the purpose of furthering community development activities undertaken to achieve federal objectives of the Housing & Community Development Act of 1974; and,

**WHEREAS**, the City desires to participate in the Program to receive financial assistance to undertake and carry out Community Development activities for upgrades to shelter houses, the basketball court, furnishings, and concrete pads at Kingsbury Park; and,

**WHEREAS**, the City Administrator has the authority to apply for financial assistance and to administer the amounts received from the ODOD; and,

**WHEREAS**, Council acknowledges that acceptance of Federal assistance obligates the municipality to administer the granted funds in accordance with program guidelines and to maintain public facilities and conduct programs in accordance with federal requirements;

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

**Section 1:** The City Administrator, as official representative of the Municipality pursuant to Ordinance No. 7825, is hereby authorized to enter into any contract with the ODOD for Housing & Community Development Act assistance as may be available through the PY 2022 Community Development Allocation Program and, more specifically, is empowered to:

- a) Prepare, execute, and file all documents necessary to make application to the ODOD for a grant of CDBG Community Development Allocation Program assistance;
- b) Provide such certifications and assurances as may be requested to assure that Title I funds are received and expended in full compliance with the Housing & Community Development Act of 1974 and regulations promulgated pursuant thereto including, without limitation, 24 CFR 570.496(a);
- c) Provide such certifications and assurances as may be requested to assure that municipal facilities are constructed and maintained and municipal programs are operated in conformity with anti-discrimination regulations applicable to the municipality by reason of its acceptance of federal financial assistance; and
- d) Receive and administer funds in order to carry out all programs and activities described by the authorized Community Development Block Grant application in conformity with program guidelines and applicable regulations.

**Section 2:** Council approves filing an application for financial assistance under the PY 2022 CDBG Community Development Allocation Program for the aforementioned improvements at Kingsbury Park.

**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 immediate adoption of this ordinance is required to meet the June 15 grant deadline for this application. 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: \_\_\_\_\_, 2022 \_\_\_\_\_  
President of Council

Votes in Favor of Adoption: \_\_\_\_\_  
Votes Opposed to Adoption: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk

Approved: \_\_\_\_\_, 2022 \_\_\_\_\_  
Mayor

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AWARDDING A CONTRACT FOR THE PRELIMINARY DESIGN AND RENDERINGS OF THE PROPERTY LOCATED AT 629 ARABELLA STREET AND DECLARING AN EMERGENCY**

**WHEREAS**, the City hopes to market the property located at 629 Arabella Street by commissioning the Garmann Miller professional design firm ("Garmann Miller") to provide a preliminary design, engineering systems review, opinion of probable costs, and three-dimensional renderings at a total cost not to exceed \$30,000.00; and,

**WHEREAS**, the Defiance Area Foundation contributed \$15,000.00 towards these services as part of its commitment to preserving the structure; and,

**WHEREAS**, Council finds that Garmann Miller has some familiarity with the property due to its prior work for the Defiance City School District and is the preferred firm to perform these services;

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

**Section 1:** The City Administrator is directed to enter into a contract with Garmann Miller in the amount of \$30,000.00 for provide a preliminary design, engineering systems review, opinion of probable costs, three-dimensional renderings, and related engineering and architectural services on the terms and conditions of the contract on file in the office of the City Planner.

**Section 2:** The Finance Director is authorized to pay the contract price from Section 1 from appropriated funds allocated by expenditure from Line 403-901-52-963000 of the 2022 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 is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that the City desires for the firm to commence work as soon as possible in order to market the property. 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: \_\_\_\_\_, 2022  
\_\_\_\_\_  
President of Council

Votes in Favor of Adoption: \_\_\_\_\_  
Votes Opposed to Adoption: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk

Approved: \_\_\_\_\_, 2022  
\_\_\_\_\_  
Mayor