

ORDINANCE NO. 021-25

Introduced by _____ Councilor

Seconded by _____ Councilor

Form Approved Anty L. G. Director of Law

PUBLICATION: I hereby certify that this Ordinance was published in a summary manner according to law in the Lima News on _____

Dana Addis, Clerk

VOTE	1ST		2ND		3RD	
	Y	N	Y	N	Y	N
GORDON						
WILKERSON						
THOMPSON						
JORDAN						
JONES						
GLENN						
NEEPER						
DIXON						
TOTAL						

AN ORDINANCE ACCEPTING A PEITION BY HEALTH PARTNERS OF WESTERN OHIO FOR ANNEXATION OF APPROXIMATELY 9.825 ACRES OF LAND IN AMERICAN TOWNSHIP TO THE CITY OF LIMA, OHIO.

PREAMBLE: The purpose and authority of and for this ordinance are set forth as follows:

WHEREAS, on September 10, 2024, the petition of Health Partners of Western Ohio, to annex certain territory in American Township to the City of Lima, Ohio was filed with the Clerk of the Board of Commissioners of Allen County, Ohio as set forth in Exhibit A, attached hereto and incorporated herein; and,

WHEREAS, on October 31, 2024, the Board of Commissioners of Allen County, Ohio passed Resolution 864-24, which approved the petition and ordered the lands described therein to be annexed to the City of Lima, Ohio; and,

WHEREAS, on November 13, 2024, the petition together with an accurate description of the territory to be annexed and a certified transcript of the proceedings of the Board of Commissioners of Allen County, Ohio were received and filed with the Clerk of Council of the City of Lima, Ohio; and,

WHEREAS, the Clerk of Council of Lima, Ohio has presented all papers filed with her by the Board of Commissioners of Allen County to the Council of the City pursuant to the requirements of Section 709.04 of the Ohio Revised Code which were accepted by Council as of November 18, 2024; and,

WHEREAS, Council finds that passage of this ordinance is necessary because of the immediate need for the action authorized herein to meet administrative operational deadlines, and in order to preserve the public peace, property, health, safety, and welfare of the community and its citizens, and to provide for the efficient and effective operation of the municipal government, and by reason thereof, this Ordinance constitutes a matter of administrative emergency and shall take effect immediately upon its passage, as set forth in Section 33 of the City Charter; Now, Therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LIMA, OHIO, WITH AT LEAST A MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING:

Section 1. The petition of Health Partners of Western Ohio for the annexation of the territory described in said petition and set forth in Exhibit A, attached hereto and incorporated herein, is hereby approved and accepted.

Section 2. The territory described in Section 1 hereof is hereby added to the 2nd Ward of the City of Lima, Ohio.

Section 3. For purposes of clarification Council specifically does NOT request conformity of the township boundary pursuant to Ohio Revised Code Section 503.07.

Section 4. In accordance with Ohio Revised Code Section 709.06, the Clerk of Council is hereby authorized and directed to prepare three copies of the petition, the map or plat accompanying the petition, the transcript of the proceedings of the Board of Commissioners of Allen County, Ohio, and this ordinance of Council relating to the annexation herein described, and certify upon each copy that the same is correct. Such certificates shall be signed by the Clerk in her official capacity and shall be authenticated by the seal of the City of Lima, Ohio. The Clerk shall forthwith deliver one copy to the Auditor of Allen County, Ohio, one copy to the Recorder of Allen County, Ohio, directing the Recorder to make a record thereof and file and preserve the same, and the remaining copy shall be forwarded by the Clerk to the Secretary of State for the State of Ohio, and as otherwise may be required by the Ohio Revised Code.

Section 5. The Clerk is further authorized and directed to immediately transmit a certified copy of this ordinance to the Board of Commissioners of Allen County, Ohio, and shall notify in writing the Allen County Board of Elections of the annexation herein, and shall include with her letter a copy of the map or plat filed herein.

Section 6. The territory annexed herein shall be governed by the City of Lima zoning code. The initial zoning of the territory shall be as presently zoned by American Township at the time of passage of this ordinance, until otherwise changed under the City zoning code. The City Engineer is hereby authorized and directed to make said changes to the official zoning map of the City on file in the office of the City Engineer.

Section 7. The effective date of the annexation of the territory described herein to the City of Lima, Ohio, shall be 30 days after the passage of this ordinance, as set forth in Ohio Revised Code section 709.10.

Section 8. The Mayor is hereby authorized to enter into an annexation agreement with the petitioners or their successors or assigns, upon such terms and conditions as he determines appropriate.

Section 9. Council finds and determines that the above preamble contains specific findings by Council as part of and in support of passage of this Ordinance, and that all formal actions of this Council and any of its committees concerning and relating to the adoption of this ordinance were taken in an open meeting and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings held in compliance with the law.

Section 10. Council passes this Ordinance under authority of City Charter Sections 1 and 81, and Chapters 212 and 288 of the Codified Ordinances of Lima, as being a matter of local self-government and in the exercise of its constitutional Home Rule authority, and as otherwise in the best interests of the City.

Section 11. The Clerk of the Council is authorized and directed to cause publication of this ordinance to be made in a summary manner as provided by the City Charter.

Section 12. In accordance with City Charter Section 33, and for the reasons set forth in the Preamble above, this ordinance shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the first reading hereof. If it does not so pass at first reading, it shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the second reading hereof. If it does not so pass at second reading then it shall take effect and be in force forthwith upon passage by an affirmative vote of at least a majority of the members elected to council at the third reading hereof. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2025

Jamie L. Dixon, President

Approved: _____, 2025

Sharetta T. Smith, Mayor

ATTEST: _____
Dana Addis, Clerk of Council

County Commissioners' Office
Allen County, Ohio
September 26, 2024 Resolution #787-24

RE: **BOARD OF COUNTY COMMISSIONERS ACCEPTS THE FILING OF A PETITION FOR ANNEXATION OF REAL PROPERTY IN AMERICAN TOWNSHIP TO THE CITY OF LIMA, DALTON J. SMITH, AGENT FOR THE PETITIONER.**

The Board of County Commissioners of Allen County, Ohio met in regular session on the 26th day of September, 2024 with the following members present: Cory Noonan and Beth Seibert not Present: Brian Winegardner

Commissioner Seibert moved the adoption of the following:

RESOLUTION

WHEREAS, on the 10th day of September, 2024, the Clerk of Board-certified receipt of an annexation petition for territory consisting of approximately 5 acres, more or less, located in American Township, Allen County, Ohio to the City of Lima, with the land not being excluded from the township pursuant to Ohio Revised Code 709.023; and

WHEREAS, it is now the desire of Health Partners of Western Ohio, the Petitioner, that the Board of Allen County Commissioners hereby accept the petition for an expedited annexation for territory located in American Township, Allen County, Ohio to the City of Lima, of the herein described real estate, together with associated right of ways, totaling approximately 5 acres, more or less, with the property not being excluded from the township; now therefore

BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF ALLEN COUNTY, OHIO, hereby accepts the filing of the petition for expedited annexation of territory consisting of approximately 5 acres located in American Township, Allen County, Ohio, to the City of Lima pursuant to Section 709.023 of the Ohio Revised Code, a copy of which is attached hereto and made a part hereof; and be it further

RESOLVED, this Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Commissioner Noonan seconded the resolution and upon the roll being called, the vote resulted as follows: Commissioner Noonan, yes; Commissioner Winegardner, Not Present; Commissioner Noonan, yes.

Adopted this 26th
day of September, 2024

**BOARD OF COUNTY COMMISSIONERS
ALLEN COUNTY, OHIO**

Cory Noonan
Cory Noonan

Brian Winegardner

Beth Seibert
Beth Seibert

Brittany N. Woods
Brittany N. Woods
Clerk of Board



CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of County Commissioners of the County of Allen, Ohio on the 26 day of September 2024.

A handwritten signature in blue ink, reading "Brittany A. Wood". The signature is written in a cursive style with a large initial 'B'.

Clerk, Board of County Commissioners
County of Allen, Ohio

County Commissioners' Office
Allen County, Ohio
October 31, 2024 Resolution #864-24

RE: **CONSIDERATION OF PETITION FOR ANNEXATION OF TERRITORY
LOCATED IN AMERICAN TOWNSHIP, ALLEN COUNTY, OHIO, TO THE
CITY OF LIMA, PETITIONED FOR BY DALTON J. SMITH -AGENT FOR
THE PETITIONER.**

The Board of County Commissioners, Allen County, Ohio, met in regular session this 31st day of October, 2024, with the following members present: Cory Noonan and Beth Seibert
Not Present: Brian Winegardner.

Commissioner Noonan moved for the adoption of the following:

RESOLUTION

WHEREAS, on September 10, 2024, a petition was filed with this board requesting the annexation of certain territory located in American Township to the City of Lima, with the land not being excluded from the township pursuant to Ohio Revised Code 709.023 wherein Dalton J. Smith -is designated as agent for the Petitioners; and

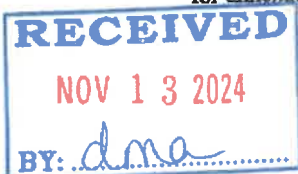
WHEREAS, on the 26th day of September, 2024, the Clerk of said Board did cause the petition to be entered upon the record of the proceedings of the Board; and

WHEREAS, on the 26th day of September, 2024, the Board of County Commissioners accepted the filing of the petition for an expedited annexation of territory located in American Township, Allen County, Ohio, to the City of Lima, with the land not being excluded from the township pursuant to Section 709.023 of the Ohio Revised Code; and

WHEREAS, on the 26th day of September, the Board of County Commissioners received an ordinance from the City of Lima consenting to the proposed annexation of approximately 9.825 acres of real estate in American Township owned by Health Partners of Western Ohio, and setting forth Municipal Services, Zoning Buffers and Road Maintenance; and

WHEREAS, to date, the Board of County Commissioners has not received any filing of ordinances or resolution from American Township consenting or objecting to the proposed annexation, therefore pursuant to Section 709.023(D) of the Ohio Revised Code, the annexation shall be deemed to constitute consent by said township; and

WHEREAS, with all requirements being met pursuant to Section 709.023 of the Ohio Revised Code, the Board of County Commissioners wish to proceed with approving the petition for annexation of territory of approximately 9.825 acres located in American Township, Allen



County, Ohio, to the City of Lima, petitioned for by Dalton J. Smith—Agent for the Petitioner; and now therefore

BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS OF ALLEN COUNTY, OHIO based upon a preponderance of the substantial, reliable, and probative evidence on the whole record, find that each of the following conditions have been met, to-wit:

1. That the petition meets all of the requirements, and was filed in the manner provided in R.C. §709.02;
2. The persons who signed the petition by their signature expressly waive their right to appeal in law or equity from the Board of County Commissioners' entry of any resolution under this section, waive any rights they may have to sue on any issue relating to municipal corporation requiring a buffer, and waive any rights to seek a variance that would relieve or exempt them from that buffer requirement
3. The municipal corporation to which the territory is proposed to be annexed has complied with division (D) of R.C. §709.03 and has provided an ordinance stating their consent for annexation, Statement of Municipal Services, Statement of Zoning and Statement of Road Maintenance, a copy of which is attached hereto and made a part hereof;
4. The territory proposed to be annexed is not unreasonably large;
5. On balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding area will outweigh the detriments to the territory proposed to be annexed and the surrounding area, if the annexation petition is granted;
6. No street or highway will be divided or segmented by the boundary line between a township and the municipal corporation as to create a road maintenance problem, or, if a street or highway will be so divided or segmented, the municipal corporation has agreed, as a condition of the annexation, that it will assume the maintenance of that street or highway. For the purposes of this division, "street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.

BE IT FURTHER RESOLVED, that based upon the ordinance received by the City of Lima and the review of the proposed plat by the Allen County Engineer Tax Map and findings made by this Board, that the petition presented to the Board on September 10, 2024, for the annexation of territory situated in American Township, Allen County, Ohio to the City of Lima, with the land not being excluded from the township pursuant to Section 709.023 of the Ohio Revised Code wherein Dalton J. Smith is designated as Agent for the Petitioner of the property to be annexed, and the prayer for relief in said petition is hereby Granted and approved; and

BE IT FURTHER RESOLVED, that this Board hereby orders the lands described on the plat to be annexed to the City of Lima, with the land being not excluded from the township and become a part thereof as provided by law; and be it further

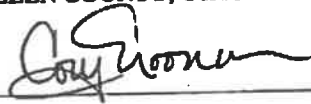
ORDERED, that this board deposit with the Clerk of the City of Lima the final transcript of these proceedings and the original petition above referred to, together with the accompanying plat for further proceedings as required by law. And be it further

RESOLVED, this Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Commissioner Seibert seconded the resolution and upon the roll being called the vote resulted as follows; Commissioner Noonan, yes; Commissioner Winegardner, Not Present; Commissioner Seibert, yes.

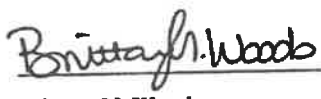
Adopted this 31st
day of October, 2024

**BOARD OF COUNTY COMMISSIONERS
ALLEN COUNTY, OHIO**


Cory Noonan

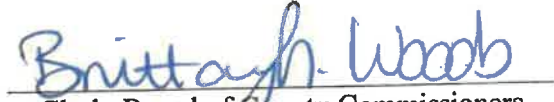
Brian Winegardner


Beth Seibert


Brittany N. Woods
Clerk of the Board

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of County Commissioners of the County of Allen, Ohio on the 31 day of October, 2024.


Clerk, Board of County Commissioners
County of Allen, Ohio

Brittany Woods

From: Dalton Smith <dsmith@corylpa.com>
Sent: Tuesday, September 10, 2024 2:08 PM
To: Brittany Woods
Cc: Bailee Fruchey; Anna Burkhart; Alaina Utrup
Subject: Health Partners of Western Ohio's Petition for Annexation Pursuant to O.R.C. 709.23
Attachments: Health Partners Of Western Ohio Annexation Petition.pdf

Dear Clerk of the Allen County Ohio Board of Commissioners:

Please find attached a copy of the petition I have prepared on behalf of Health Partners of Western Ohio, requesting Expedited Annexation to the City of Lima, Allen County, Ohio, which is a contiguous municipal corporation. Health Partners is specifically requesting annexation under Ohio Revised Code Section 709.023, and that the same statutory provisions be followed. Pursuant to the statute, we are required to file a copy of the petition with the Clerk for the Board. Please confirm whether my emailing the petition is sufficient for "filing", or if you would prefer I bring in a physical copy.

We shall be serving copies upon the township and the city in conformity with the statute, as well as the adjoining property owners. Should you need anything further from me at this time, please let me know!

Dalton
Dalton J. Smith, Esquire
Cory, Meredith, Witter & Smith, LPA
419-224-5147
dsmith@corylpa.com

Any pleading(s) attached hereto is/are being served electronically ONLY pursuant to Civ.R. 5(B)(2)(f).



101 N. Elizabeth Street, 6th Floor | Lima, OH 45801 | Ph. 419-228-6365 | Fax 419-228-5319

Both Dalton J. Smith and Cory, Meredith, Witter & Smith, LPA intend that this message be used exclusively by the addressee(s). This electronic transmission (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. It is personal, confidential, and privileged, as work product, attorney/client communication, and/or settlement discussions. It is intended solely for the use of the individual (or entity) to whom it is addressed. If you are not the intended recipient or the person responsible for delivering this e-mail to the intended recipient, please immediately notify the sender by return e-mail or notify Ashley Doty immediately at 567-940-8420. You must delete this e-mail from your system without copying or forwarding it. If you are not the intended recipient, any dissemination or use of this information is a violation of federal law.

PETITION FOR ANNEXATION

To: The Board of County Commissioners for Allen County, Ohio

Petitioner: Health Partners of Western Ohio

The Petitioner herein, as owner of the real estate in the territory proposed for annexation, respectfully submits this Petition for Annexation to the City of Lima, Allen County, Ohio, which is a contiguous municipal corporation. The Petitioner requests that the provisions of ORC 709.023 be followed. ORC 709.023 is a special annexation procedure where the land is not excluded from the township. Attached hereto and incorporated herein is an accurate legal description of the perimeter and an accurate map or plat of the territory proposed for annexation ("Exhibit A" attached hereto).

The name of the Agent for the Petitioner is: Dalton Smith, Attorney at the firm Cory, Meredith, Witter & Smith, 101 North Elizabeth Street, 6th Floor, Lima, Ohio 45801; 419-228-6365; dsmith@corylpa.com

Attached hereto and incorporated herein is a list of all tracts, lots and/or parcels in the territory proposed for annexation ("Exhibit B" attached hereto) together with a list of all tracts, lots and/or parcels located adjacent to the territory or directly across the road from it when the road is adjacent to it, including the owner names, mailing address for each tract, lot or parcel and the permanent parcel number from the County Auditor's permanent parcel numbering system ("Exhibit C" attached hereto).

Respectfully submitted,


Dalton J. Smith (0099159)

CORY, MEREDITH, WITTER & SMITH, LPA
A Legal Professional Association
101 N. Elizabeth, 6th Floor
Lima, OH 45801
Tele: 419-228-6365 Fax: 419-228-5319
E-mail: dsmith@corylpa.com
Attorney for Petitioner

Cory, Meredith, Witter & Smith

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.

Petitioner:

Health Partners of Western Ohio

By: Janis Sunderhaus Date: 09/10/2024

Title: CEO

Cory, Meredith, Witter & Smith

SITUATED IN:
SE. 1/4 SECTION 23,
T-3-S, R-6-E,
AMERICAN TOWNSHIP,
ALLEN COUNTY, OHIO
PARCEL NUMBERS:
35-2308-01-001.000
35-2308-01-001.001

DESCRIPTION FOR ANNEXATION

Shaded in the Southeast Quarter Section 23, Town 3 South, Range 6 East, American Township, Allen County, Ohio, being all of a 4.825 acre tract and a 5.000 acre tract as described in Official Record Volume 2024, Page 1241, being more particularly described as follows:

Commencing at the northeast corner of the southeast quarter of said Section 23, being a monument born record;

Thence along the east line of said southeast quarter, S.00°22'35"W., a distance of 118.00 feet to the northeast corner of said 5.000 acre tract, being the Principal Point of Beginning;

Thence continuing along said east line, S.00°22'35"W., a distance of 573.11 feet to the southeast corner of said 4.825 acre tract;

Thence along the south line of said 4.825 acre tract, N.89°40'20"W., a distance of 743.33 feet to the southwest corner of said 4.825 acre tract;

Thence along the west line of said 4.825 acre tract, the east line of said 5.000 acre tract, N.00°22'35"E., a distance of 573.44 feet to the northwest corner of said 5.000 acre tract;

Thence along the north line of said 5.000 acre tract, N.89°22'59"E., a distance of 743.88 feet to the Principal Point of Beginning;

Containing 9.825 acres more or less and being subject to all legal highways, rights-of-way, easements, restrictions, covenants, and/or conditions of record.

The above description based on a document of record and prepared by Winston L. Howbert, Registered Professional Surveyor No. 77828, July 13, 2024. The basis of bearings is based on Survey Record 00-440 Clayton T. Bacon, P.T. 68179.

COUNTY COMMISSIONERS

The Board of Allen County Commissioners hereby adopts this Plat of Annexation of land to the City of Lima by Commission Resolution No. _____

President of the Board of Allen County Commissioners _____

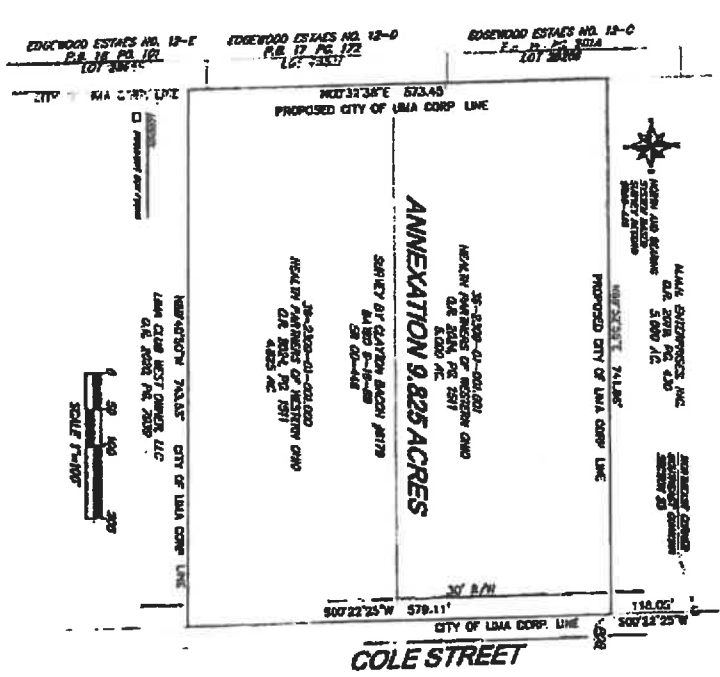
CITY OF LIMA

We, the City of Lima, do hereby acknowledge this Plat of Annexation of land to the City of Lima by Ordinance No. _____

Mayor of the City of Lima _____



ANNEXATION PLAT
TO THE CITY OF LIMA



COUNTY AUDITOR

I hereby certify that the land described by this plat was transferred on _____
Allen County Auditor _____

COUNTY RECORDERS CERTIFICATE

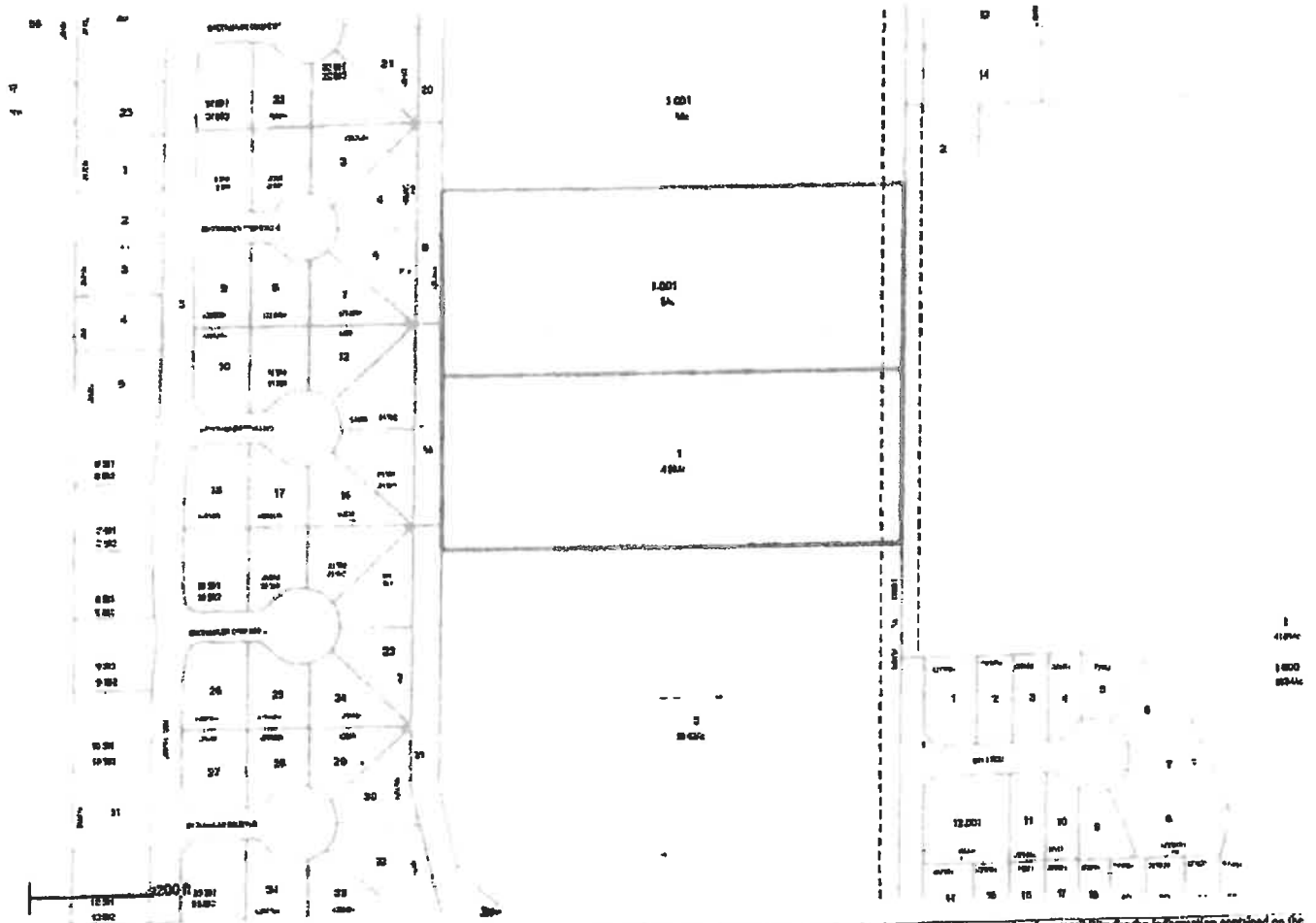
I hereby certify that this plat was filed for recording on _____ in Official Record Page _____ plat records of Allen County, Ohio. Fee \$ _____
Allen County Recorder _____

Winston L. Howbert
Registered Professional Surveyor
No. 77828
July 13, 2024
The basis of bearings is based on Survey Record 00-440 Clayton T. Bacon, P.T. 68179.



Allen County Ohio GIS

Mon Jun 3 16:53:00 UTC 2024



This map was prepared by the Allen County Engineer as the Allen County, OH tax map in accordance with Section 5713.05 of the Ohio Revised Code. Allen County assumes no legal responsibility for the information contained on the map.

**LIST OF ALL TRACTS, LOTS OR PARCELS IN THE
TERRITORY PROPOSED FOR ANNEXATION
EXHIBIT B**

<u>Owner Name</u>	<u>Address</u>	<u>Parcel Numbers</u>
Health Partners of Western Ohio	329 North West Street Lima, Ohio 45801	36-2309-01-001.000 36-2309-01-001.001

**LIST OF ALL TRACTS, LOTS OR PARCELS LOCATED ADJACENT
TO THE TERRITORY OR DIRECTLY ACROSS THE ROAD
FROM THE TERRITORY PROPOSED FOR ANNEXATION
EXHIBIT C**

<u>Owner Name</u>	<u>Address</u>	<u>Parcel Numbers</u>
MHH Enterprises Inc.	2015 Cole Street, Lima, OH 45801	36-2308-01-001.001
City of Lima	50 Town Square, Lima, OH 45801 Utilities-Attn: Mike Caprella	36-2410-07-002.000
Cornerstone Harvest Church	2200 North Cole Street, Lima, OH 45801	36-2410-07-001.600
Lima Club West Owner LLC	2 University Plaza Drive, Suite 109 Hackensack, NJ 07601 C/O Inovina	36-2309-01-005.000
St. Henry Bank	231 East Main Street Saint Henry, OH 45883	36-2309-02-031.000 36-2309-02-014.000 36-2309-02-005.000