

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.

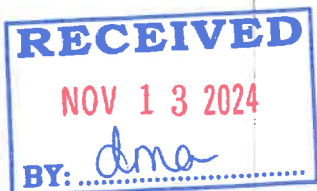
Adopted this 26th
day of September, 2024

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

Cory Noonan
Cory Noonan

Brian Winegardner
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 L. Woods", is written over a horizontal line.

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

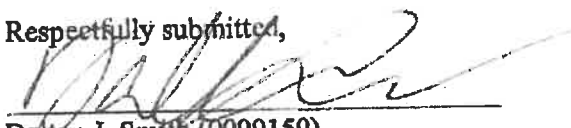
Petitioner: Health Partners of Western Ohio

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

ANNEXATION PLAT TO THE CITY OF LIMA

SITUATED IN:
SE. 1/4 SECTION 23,
T-3-S, R-6-E,
AMERICAN TOWNSHIP,
ALLEN COUNTY, OHIO
PARCEL NUMBERS:
36-2308-01-001,000
36-2309-01-001,001

DESCRIPTION FOR ANNEXATION

Situated in the Southeast Quarter Section 23, Town 3 South, Range 6 East, American Township, Allen County, Ohio, being of a 4.825 acre tract and a 5,000 acre tract as described in Official Record Volume 2024, Page 1531, being more particularly described as follows:

Commencing at the northeast corner of the southeast quarter of said Section 23, being a monument book found:

Thence along the east line of said southeast quarter, S.00°22'25"W., a distance of 118.05 feet to the northwest corner of said 5,000 acre tract, being the Principal Point of Beginning;

Thence continuing along said east line, S.00°22'25"W., a distance of 578.11 feet to the southeast corner of said 4,825 acre tract;

Thence along the south line of said 4,825 acre tract, N.89°52'55"E., a distance of 741.88 feet to the southwest corner of said 4,825 acre tract;

Thence along the west line of said 4,825 acre tract and the west line of said 5,000 acre tract, N.00°32'38"E., a distance of 573.45 feet to the northwest corner of said 5,000 acre tract;

Thence along the north line of said 5,000 acre tract, N.89°52'55"E., a distance of 741.88 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 Michael L. Howbert, Registered Professional Surveyor No. 7539, July 13, 2024. The basis of bearings is based on Survey Record 00-448 Clayton T. Bacon, P.S., #8179.

COUNTY COMMISSIONERS

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

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. _____ Dated: _____

Mayor of the City of Lima _____

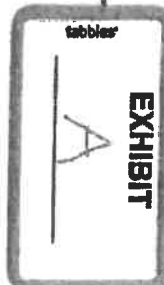
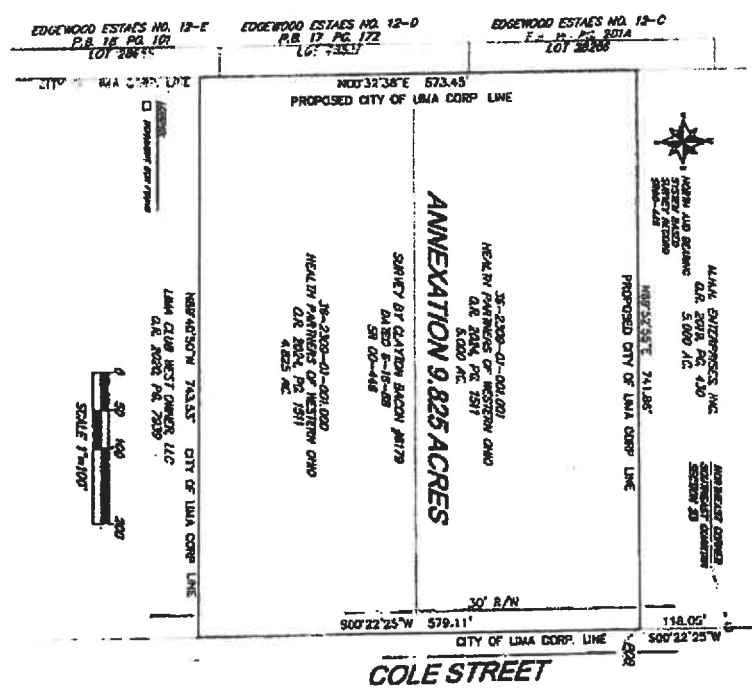


COUNTY AUDITOR

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

COUNTY RECORDERS CERTIFICATE

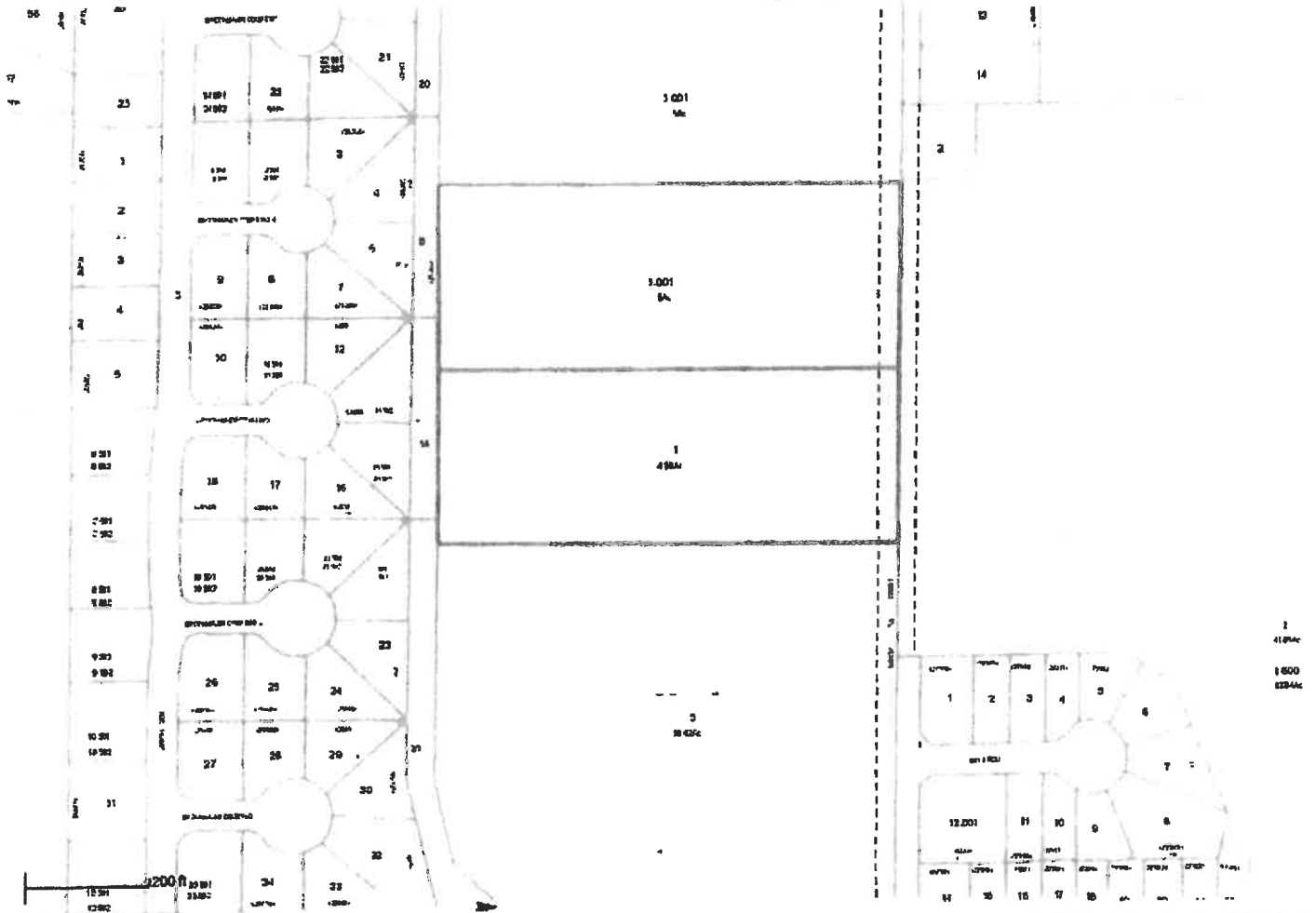
I hereby certify that this plat was filed for recording on _____ and that it was recorded on _____ Page _____ in Official Record _____ Allen County Recorder _____



NOTES:
1. THIS PLAT WAS PREPARED BY MICHAEL L. HOWBERT, A REGISTERED PROFESSIONAL SURVEYOR IN THE STATE OF OHIO.
2. THE PLAT IS BASED ON AN ALLEN COUNTY PERMIT.
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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 5713.09 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 Imovina	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