

**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

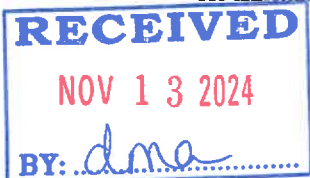
WHEREAS, on the 26th day of September, 2024, the Clerk of said Board did cause the petition to be entered upon the record of the proceedings of the Board; and

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

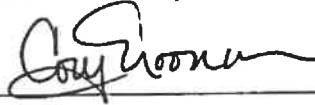
ORDERED, that this board deposit with the Clerk of the City of Lima the final transcript of these proceedings and the original petition above referred to, together with the accompanying plat for further proceedings as required by law. And be it further

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**

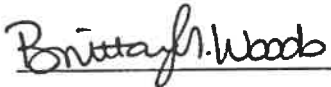


Cory Noonan

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