

**ORDINANCE NO. 199-24**

Introduced by Thompson Councilor

Seconded by Wilkinson Councilor

Form Approved ATG/LG 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	70					

**AN ORDINANCE 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.**

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

**WHEREAS**, on September 10, 2024 pursuant to Revised Code Section 709.023, Health Partners of Western Ohio filed an annexation petition with the Clerk of the Allen County Commissioners, to annex certain territory presently in American Township into the City of Lima, with the consent of all owners and where land is not excluded from the Township, as described in said petition; and,

**WHEREAS**, the Clerk of this Council has received notice of said filing and a copy of the petition and documents attached thereto, a copy of which is attached hereto as Exhibit A; and,

**WHEREAS**, within 20 days of the filing of the petition, this council is required to pass an ordinance stating what services the City will provide, and an approximate date by which it will provide them, for the territory proposed for annexation, upon annexation; and,

**WHEREAS**, within 20 days of the filing of the petition, this council is required to pass an ordinance stating that, if the territory is annexed and becomes subject to zoning by the city and that municipal zoning permits uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within the township from which the territory was annexed, this Council will require, in the zoning ordinance permitting the incompatible uses, that the owner of the annexed territory will provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township; and,

**WHEREAS**, within 25 days after the date that the petition was filed, Council may adopt and file with the board of county commissioners an ordinance or resolution consenting or objecting to the proposed annexation; and,

**WHEREAS**, Council finds that passage of this ordinance is necessary because of the immediate need for the action authorized herein to meet project or 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. Consent to Annexation.** The City of Lima, Ohio, hereby consents to the annexation of the territory described in the petition of Health Partners of Western Ohio, filed with the Clerk of the Board of County Commissioners on or about September 10, 2024, a copy of which is attached hereto.

**Section 2. Statement of Municipal Services.** Upon the effective date of the completion of the annexation process as set forth in the Ohio Revised Code, the territory will become part of the 4<sup>th</sup> Ward of the City of Lima, and the City of Lima will provide all municipal services to the territory proposed for annexation, in the same manner and fashion as municipal services are provided to all other areas and like users of services of the municipal corporation. These services shall include but are not limited to, water and sewer services, police protection, fire protection, zoning administration, all services as may be appropriate by the Street Division, Forestry Division, Building and Zoning Division, License and Permits Bureau, and Engineering Division of the Public Works Department, garbage and refuse service, Property Maintenance Code Enforcement and all services of the Department of Housing and Neighborhoods.

**Section 3. Statement of Zoning.** If the territory is annexed it will be subject to zoning by the City of Lima. If Lima's municipal zoning permits uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within the township from which the territory was annexed, the city council will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township. For the purposes of this section, "buffer" includes open space, landscaping, fences, walls, and other structured elements; streets and street rights-of-way; and bicycle and pedestrian paths and sidewalks.

**Section 4. Statement of Road Maintenance.** If a street or highway will be divided or segmented by the boundary line between the township and the City as to create a road maintenance problem, the City hereby agrees as a condition of the annexation to assume the maintenance of that street or highway or to otherwise correct the problem. As used in this section, "street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.

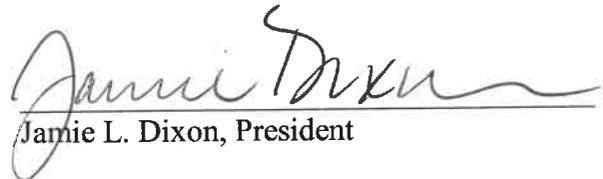
**Section 5.** The Law Director is authorized to: determine the correct business or corporate entity necessary for any action authorized in this ordinance; determine the correct legal description for any real property at issue in this ordinance; correct any error in any exhibit to this ordinance; correct any clear scrivener error in this ordinance and to provide a clean copy for the council clerk; all as determined appropriate by the Law Director.

**Section 6.** 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 7.** 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 8.** In accordance with City Charter Section 33, 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: September 24, 2024

  
Jamie L. Dixon, President

Approved: September 24, 2024

  
Sharetta T. Smith, Mayor

ATTEST: Dana Addis  
Dana Addis, Clerk of Council



Robert J. Meredith  
J. Alan Smith  
Dalton J. Smith  
Kyle D. Baker

*125 Years of Legal Excellence*  
Direct Dial: 419-228-6365  
Email: dsmith@corylpa.com

Retired

Richard E. Meredith  
James E. Meredith  
Frank B. Cory (1930-2017)

September 10, 2024

**Exhibit A**  
**Ord. 199-24**

City of Lima  
Attn: Dana Addis, Council Clerk  
50 Town Square  
Lima, Ohio 45801

via Certified U.S. Mail

Re: Petition for Annexation of Health Partners of Western Ohio

Dear Ms. Addis:

Please find enclosed herewith a copy of the Petition for Annexation which has been delivered to the Board of Commissioners for Allen County, Ohio today, September 10, 2024.

As always, please feel free to contact me should you have any questions or concerns regarding this correspondence.

Very truly yours,

Dalton J. Smith, Esq.  
DJS/bmk

Enclosure



## 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, 6<sup>th</sup> Floor, Lima, Ohio 45801; 419-228-6365; [dsmith@corylpa.com](mailto: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, 6<sup>th</sup> Floor  
Lima, OH 45801  
Tele: 419-228-6365 Fax: 419-228-5319  
E-mail: [dsmith@corylpa.com](mailto: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 29,  
 T-3-S, R-6-E,  
 AMERICAN TOWNSHIP,  
 ALLEN COUNTY, OHIO

PARCEL NUMBERS:  
 36-2309-01-001.000  
 36-2309-01-001.001

**DESCRIPTION FOR ANNEXATION**

Shaded in the Southeast Quarter Section 29, 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 1511, being more particularly described as follows:  
 Commencing at the northeast corner of the southeast quarter of said Section 29, being a monument box record;  
 Thence along the east line of said southeast quarter 5,002.225%, a distance of 118.05 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°22'28"W., a distance of 378.11 feet to the southeast corner of said 4,825 acre tract;  
 Thence along the south line of said 4,825 acre tract, N.89°49'50"W., a distance of 743.53 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°52'34"E., a distance of 573.45 feet to the northeast 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 liabilities, rights-of-way, easements, restrictions, covenants, and/or conditions of record.

The above description based on a document of record and prepared by William L. Henderson, Registered Professional Surveyor No. 78591, July 10, 2024, the original plat of which is based on Survey Record 09-446 Clayton I, Bacon, P.S. 88719.

**COUNTY COMMISSIONERS**

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

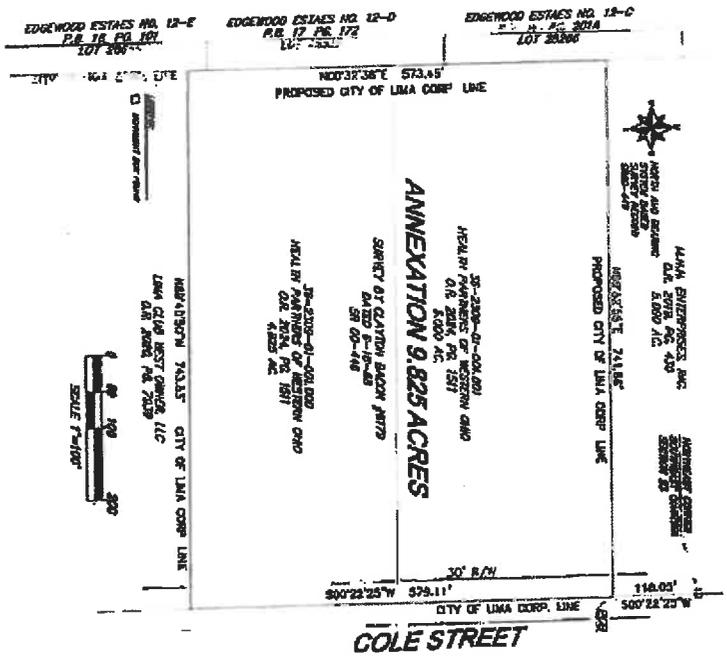
President of the Board of Allen County Commissioners \_\_\_\_\_

**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 \_\_\_\_\_

**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 \_\_\_\_\_ and that it was recorded on \_\_\_\_\_ Page \_\_\_\_\_ in Official Record \_\_\_\_\_  
 plat records of Allen County, Ohio. Fee \$ \_\_\_\_\_  
 Allen County Recorder \_\_\_\_\_



Allen County Ohio GIS

Mon Jun 5 18:53:00 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

**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