

IN THE MATTER OF GRANTING AN ANNEXATION OF 1.022 ACRES, MORE OR LESS, TO THE VILLAGE OF MINSTER FROM JACKSON TOWNSHIP; PETITIONED BY THE HAROLD E. AND DIANE M. RIETHMAN TRUST; FILED BY HAROLD E. RIETHMAN, AGENT.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 2nd day of August, 2022.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, on August 1, 2022, a petition for annexation of a total of 1.022 acres, more or less, was filed as an Expedited Type 1, with the Office of the Board of County Commissioners by Harold E. Riethman; and,

WHEREAS, the requirements for the filing of said petition were all met, including:

- 1.) The petition meets all the requirements set forth in, and was filed in the manner provided, in the Ohio Revised Code Section 709.022.
- 2.) The persons who signed the petition represent 100% of the owners of the property; signatures having been obtained in the time frame required.
- 3.) An accurate legal description of the perimeter of the territory proposed to be annexed.
- 4.) An accurate map or plat of the territory.
- 5.) Named the party acting as agent for the petitioners.
- 6.) A list of all tracts, lots or parcels in the territory proposed to be annexed and all tracts, lots or parcels located adjacent to the territory to be annexed, listing the name of owner, mailing address and permanent parcel number from the County Auditor's system (ORC 319.28).
- 7.) An annexation agreement of the Village of Minster and Jackson Township as provided for in ORC 709.192.

and,

WHEREAS, the petitioner requested that the special procedure be used and waived their right to appeal any action taken by the Board of County Commissioners; and,

WHEREAS, the Board determined that this annexation is in order, meeting all criteria.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio does hereby approve and grant the annexation of 1.022 acres, more or less, to the Village of Minster as petitioned Harold E. and Diane M. Riethman Trust filed by Harold E. Riethman, Agent, by pursuant to ORC Section 709.022.

Commissioner Bergman seconded the Resolution and upon the roll being called, the Vote resulted in the adoption of the Resolution as follows:

Adopted this
2nd day of
August, 2022

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

David Bambauer yes
David Bambauer


John N. Bergman yes
John N. Bergman

Douglas A. Spencer yes
Douglas A. Spencer

cc: County Auditor
County Engineer
Harold E & Diane M. Riethman - Harold Riethman, Agent
Jackson Township Trustees
Village of Minster

CERTIFICATION

The undersigned, as Clerk of the Board of County Commissioners of Auglaize County, Ohio, does hereby certify that the foregoing is a transcript of all orders of said Board, signed by a majority of the Board, the petition, map, and all other papers on file relating to the proceedings of the 1.022 acres, more or less, annexation to the Village of Minster petitioned by Harold E. and Diane M. Riethman Trust from Jackson Township and filed by Harold E. Riethman, Agent.



Esther Leffel, Clerk
Board of County Commissioners
Auglaize County, Ohio

Dated: August 3, 2022

RECEIVED

PETITION FOR ANNEXATION
(Expedited Type One Annexation)

AUG - 1 2022

Board of
County Commissioners

The Harold E. and Diane M. Riethman Trust, being the owners of real estate in the territory hereinafter described (the "Property"), hereby petition for the annexation of the territory of the following described territory to the Village of Minster, Auglaize County, Ohio, pursuant to the expedited process of annexation stated in R.C. 709.021 and 709.022.

The described territory is contiguous with the Village of Minster, Ohio. Petitioners have attached hereto and made a part of this petition a legal description of the perimeter of the territory sought to be annexed, as required by R.C. 709.02 (C)(2) (Exhibit "A").

Petitioners have attached hereto and made a part of this petition, an accurate map or plat of the territory sought to be annexed, as required by R.C. 709.02 (C)(2) (Exhibit "B").

Harold E. Riethman is hereby appointed agent for the undersigned Petitioners as required by R.C. 709.02 (C)(3), with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this Petition. Said amendment, alteration, changes, correction, withdrawal, refilling, substitution, compromise, increase or deletion or other things or action for granting of this Petition shall be made in the Petition, description and plat by said agent without further expressed consent of the Petitioners.

Harold E. Riethman
Harold E. Riethman

‘WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL AND ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD’S DECISION IN THIS MATTER IN LAW OR IN EQUITY.’

PETITIONERS,

The Harold E. and Diane M. Riethman Trust

Harold E. Riethman
Harold E. Riethman, Trustee

Diane M. Riethman
Diane M. Riethman, Trustee

03785 State Route 119
Minster, Ohio 45865

Date: 5-4-2022

QUIT-CLAIM DEED
KNOW ALL MEN by THESE PRESENTS

THAT HAROLD E. RIETHMAN and DIANE M. RIETHMAN, Husband and Wife, Grantors, in consideration of One Dollar and Zero Cents (\$1.00) and other good and valuable consideration to them in hand paid by HAROLD E. RIETHMAN and DIANE M. RIETHMAN as Trustees of the HAROLD E. RIETHMAN and DIANE M. RIETHMAN TRUST uad the 17th day of September, 2002, Grantees, whose address is Route #1, P.O. Box 03785, State Route 119, Minster, Ohio 45865,

do hereby Remise, Release and Forever Quit Claim
to the said Grantees, their successors and assigns forever, the following described Real Estate
situate in the Township of Jackson, the County of Auglaize and State of Ohio, to-wit:

See Exhibit "I" attached hereto and
made a part hereof-----

and all the Estate, Right, Title and Interest of the said Grantors in and to said premises;

To Have and to hold the same, with all the privileges and appurtenances thereunto belonging, to
said Grantees, their successors and assigns forever.

In Witness Whereof, the said HAROLD E. RIETHMAN and DIANE M. RIETHMAN,
Husband and Wife, Grantors, who hereby release all their respective right and expectancy of dower
in said premises, have hereunto set their hands, this 17th day of September, 2002.

Signed and acknowledged in presence of:

Valerie Fritz
Signature of Witness #1

Valerie Fritz
Print Name of Witness #1

Gary Flinn
Signature of Witness #2

Gary Flinn
Print Name of Witness #2

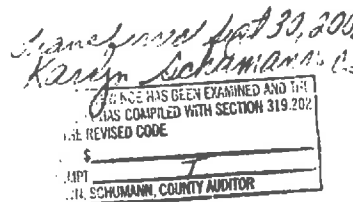
Harold E. Riethman
HAROLD E. RIETHMAN, Grantor

Diane M. Riethman
DIANE M. RIETHMAN, Grantor

State of Ohio :

:SS

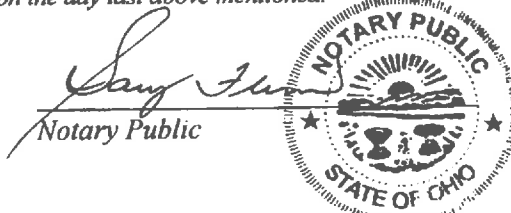
DARKE County :



On this 17th day of September, 2002, before me, a Notary Public
in and for said county, personally came HAROLD E. RIETHMAN and DIANE M. RIETHMAN,
Husband and Wife, the Grantors in the foregoing deed, and acknowledged the signing thereof to be
their voluntary act and deed.

Witness my official signature and seal on the day last above mentioned.

GARY L. FLINN, Attorney at Law
NOTARY PUBLIC - STATE OF OHIO
My Commission has no expiration date
Section 147.03 R.C.



This instrument was prepared by Gary L. Flinn of Gary L. Flinn Co., L.P.A., located at 429 Memorial Drive, Greenville, Ohio 45331, at the specific request of, and based solely upon information supplied by, one or more party(ies) to this instrument. The drafter assumes no liability for any errors, inaccuracies or omissions in this instrument resulting from the information provided, and makes no assertions with respect to liens which may be against the property, and the party(ies) hereto signify assent to this Disclaimer by execution and acceptance of this instrument.

200200009886
Filed for Record in
AUGLAIZE COUNTY, OHIO
ANN BILLINGS
10-04-2002 At 10:10 AM.
QUIT C DEED 22.00
OR Book 466 Page 643 - 646

200200009886
GARY FLINN
ENV

QUIT CLAIM DEED

From

HAROLD E. RIETHMAN

And

DIANE M. RIETHMAN

To

HAROLD E. RIETHMAN

And

DIANE M. RIETHMAN,

as Trustees

9/2/02
ma

Exhibit I

TRACT I

Situate in the Township of Jackson, County of Auglaize and State of Ohio, to-wit:

One Hundred Ten (110) feet off of the entire east side of lot numbered one (1) of Vondenhuevel's Subdivision in Section Twenty-two (22), Town Seven (7) South, Range Four (4) East, Jackson Township, Auglaize County, Ohio, as the same is shown and recorded on the Plat recorded in Plat Book B on page 113 of the Plat Records of Auglaize County, Ohio.

Subject to all legal highways, easements, and restrictions of record.

Prior Reference: Volume 203, Page 923 of the Deed Records of Auglaize County, Ohio.

Parcel Number: _____

TRACT II

Situate in the Township of Jackson, County of Auglaize and State of Ohio, to-wit:

Lot numbered One (1) of Vondenhuevel's Subdivision in Section 22, Town 7 South, Range 4 East, Jackson Township, Auglaize County, Ohio, as the same is shown and recorded on the Plat recorded in Plat Book B on page 113 of the Plat Records of Auglaize County, Ohio, save and except therefrom One Hundred Ten (110) feet off of the entire east side of said lot;

ALSO, Lot numbered Two (2) of Vondenhuevel's Subdivision in Section 22, Town 7 South, Range 4 East, Jackson Township, Auglaize County, Ohio, as the same is shown and recorded on the Plat recorded in Plat Book B on page 113 of the Plat Records of Auglaize County, Ohio, save and except therefrom One hundred and ten feet (110) off of the entire west side of said lot.

EXCEPT, Situate in Jackson Township, Auglaize County, Ohio, to-wit:

Being a part of a tract of land as recorded in Deed Book 203, Page 923 and Deed Book 214, Page 286, situate in the Southeast quarter of Section 22, Town 7 South, Range 4 East, Jackson Township, Auglaize County, Ohio and being more fully described as follows:

Commencing for reference at an iron pin in a monument box at the Southeast corner of the Southeast quarter of Section 22 and being also the intersection of State Route 66 and State Route 119;

thence, South 89° -25' -20" West, 1481.12 feet, along the South line of the Southeast quarter of Section 22 and centerline of State Route 119 to a P.I.K. nail set on the Grantor's south line and being the principal place of beginning of the tract herein to be conveyed;

thence, South 89° -25' -20" West, 40.00 feet along the south line of said quarter, Grantor's south line, and centerline of State Route 119 to a P.K. nail set at the Grantor's southwest corner;

thence, North 01° -02' -40" West, 245.10 feet, along the Grantor's west line to an iron pin set at the Grantor's northwest corner and passing for reference an iron pin set at 50.00 feet;

thence, North 89° -25' -20" East, 40.00 feet, along the Grantor's north line to an iron pin set;

thence, South 01° -02' -40" East, 245.10 feet, to the principal place of beginning and passing for reference 195.10 feet an iron pin set.

Containing **0.225 acres** more or less of which 0.046 acres lie within the road right-of-way and being subject to all legal highways and easements of record.

Bearing based on Parkview Acres, Phase I.

This is to be an add-on to the adjacent 0.619 acre tract to the west as recorded in Official Record Volume 98, Page 849 and is not for a new building lot.

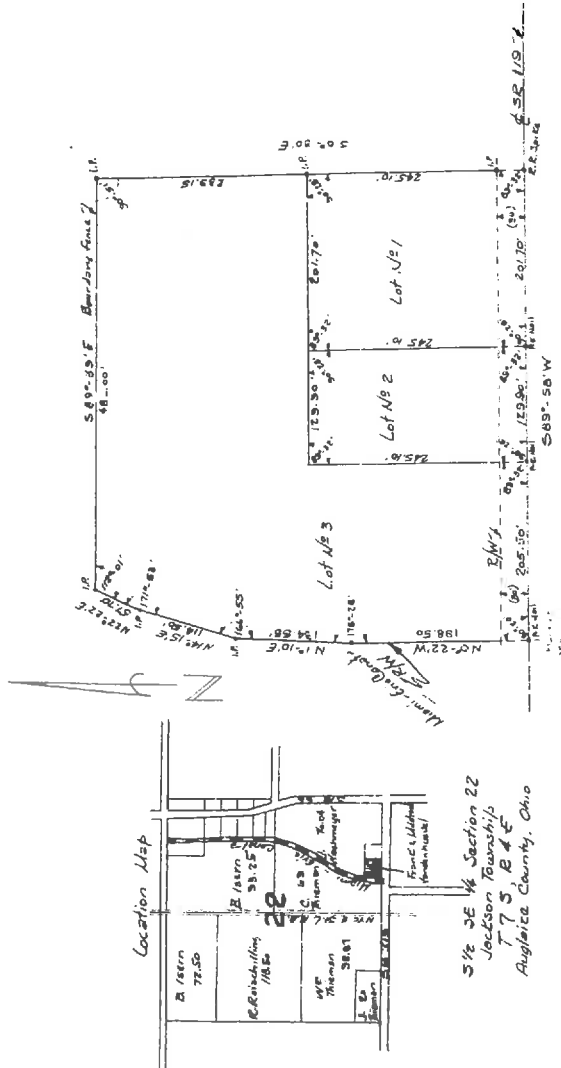
The above description was prepared by Thomas L. Coverstone, Ohio professional Surveyor Number 7100, based on a survey under his direct supervision dated August 12, 1999.

Subject to all legal highway, easements, and restrictions of record.

Prior Reference: Volume 214, Page 286 and Volume 376, Page 0253 of the Deed Records of Auglaize County, Ohio.

Parcel Number: E14-022-024-01 (Lot number 1 and 2)

Subdivision



Engineer's Certificate

The following tract of land is part of the South half of the Southeast quarter of Section 22, Jackson Township, P. T. T. S., Auglaize County, Ohio and is more particularly described as follows:

the PLACE of BEGINNING is the Point of the east right of-way line of the Miami, Erie Canal intersection with the centerline of State Route No. 119;

thence N 0°-22'-W along the canal right-of-way to an iron pipe at a distance of 280.50';

thence N 2°-00'-E to an iron pipe at a distance of 154.55 feet;

thence N 14°-15'-E to an iron pipe at a distance of 114.30 feet;

thence N 22°-00'-E to an iron pipe at a distance of 57.70 feet;

thence S 89°-39'-E to an iron pipe at a distance of 482.00 feet;

thence S 0°-30'-E to a railroad spike in the centerline of State Route No. 215 (said centerline being the South section line of Section No. 22) at a distance of 484.25 feet;

thence S 89°-58'-W along the centerline of State Route No. 215 a distance of 53.10 feet to the P.C. na.1 which was the PLACE of BEGINNING.

This total tract contains 5.88 acres and is subject to D-37 were which has been dedicated to the public for highway purposes.

Arrest: Charles L. Himmel P.E.

Dedication: Frank and Mildred Vander nuevel, the owners of the land contained in the hereon plat hereby adopts the said plat.
In witness whereof Frank & Mildred Vander nuevel have hereunto signed their names the 11 day of December, 1965, A.D.

Ernest P. Beauchamp
 James E. Wright
 Joseph V. Vandenheuvel
 William Vandenheuvel

Acknowledgment.

State of Ohio, Auglaize County:

Be it remembered that in this 11th day of December, 1865, JAMES E. HENGE, a notary public, personally came from Cincinnati & visited Vanderhuevel and acknowledged the signing and sealing of this plat to be their voluntary acts and deeds for the use and purpose therein mentioned and in testimony thereof I have hereunto subscribed my name and affixed my official seal.

Notary Public, Anguilla
the Commission expires

Restrictions:

A dwelling constructed on any lot in this subdivision, shall contain not less than 1000 sqft. on the first floor if it is a one story structure ; not less than 800 sqft. on the first floor if it is a two story structure and not less than 800 sqft. on the first floor if it is a wing and a half structure .

Any rules and regulations of Jackson Township Zoning and planning commission shall be adhered to.

Terms and requirements of County Health Board.

All sewage disposal devices shall conform to the Hugleaze County Sanitary Regulations and shall consist of a sewage treatment & filtering device. The size of the secondary treatment shall be based upon the percolation tests as defined on the preplot, in the office of the Hugleaze County Health Commissioner.

Sanitary disposal of sewage effluent. Sewage disposal shall be installed in front portions of lots when practicable. Water supplies shall be located at opposite end of lot to conform to State and County requirements to maintain a minimum distance between water supplies and sewage treatment.

County Engineer's Approval: I recommend approval
and acceptance of this plot this 3rd day
of December 1965 A.D.

Clayton W. Stimml, P.E.
Augusta County Engineer

County Commissioners' Approval:

We, the undersigned Commissioners of Auglaize County, Ohio, do hereby approve and accept this plot this 1st day of December 1965.

1

Thos. A. Mott

Ungl. N. 10

County Auditor's Certificate:

This plot filed for transfer this
13 day of Dec. 1965. EAC.

Ernest E. Averge

Carity Recorder's Certificate.

Filed for record in the Auglaize County,
Ohio, Recorder's office this 13 day of Dec.,
1965, at 1:28 o'clock P. and recorded in Auglaize

1944
August 22, 1944

REVIEWS		STIMMEL & ASSOCIATES WAPAKONETA & ADA		WATERLAIN	
NO.	DATE	BY	DRAWN BY	SCALE	DRAWING NO.
			CHRO	1" = 100'	
			DATE		
			TRACED	APPD	

Health Commissioner's Approval:

This plot is approved, subject to all health requirements for water and sewerage as set forth by the Auglaize County Board of Health.

The Auglaize County Board of Health
Date Dec. 3, 1965.
Signed: Carlisle A. Cunningham

Edward S. Over, D.D.

PROPERTY PROPOSED FOR ANNEXATION

(Expedited Type One Annexation)

Listed below is the parcel proposed for annexation, including the name and mailing address of the owners and the permanent parcel number as required by R.C. 709.02(D).

Harold E. Riethman
Harold E. Riethman

E1402202401
Parcel Number

<u>03785 State Route 119</u>	<u>Minster</u>	<u>Ohio</u>	<u>45865</u>
Parcel Address	City	State	Zip Code

Harold and Diane Riethman (Trustees)
Name of Owner

<u>03785 State Route 119</u>	<u>Minster</u>	<u>Ohio</u>	<u>45865</u>
Parcel Address	City	State	Zip Code

PROPERTY ADJACENT TO THE PROPERTY PROPOSED FOR ANNEXATION
(Expedited Type One Annexation)

Listed below are the tracts, lots or parcels in the territory adjacent to the property proposed for annexation or directly across the road from it if the road is adjacent to it, including the name and mailing address of the owner of each tract, lot or parcel and the permanent parcel number of each tract, lot or parcel as required by R.C. 709.02(D).

Harold E. Riethman
Harold E. Riethman

E1522101200
Parcel Number

<u>03795 State Route 119</u>	<u>Minster</u>	<u>Ohio</u>	<u>45865</u>
Parcel Address	City	State	Zip Code

Luke F. and Lindsey J. Hopkins
Name of Owner

<u>03795 State Route 119</u>	<u>Minster</u>	<u>Ohio</u>	<u>45865</u>
Parcel Address	City	State	Zip Code

E1402202600
Parcel Number

<u>03691 State Route 119</u>	<u>Minster</u>	<u>Ohio</u>	<u>45865</u>
Parcel Address	City	State	Zip Code

Becky R. Bergman (Trustee)
Name of Owner

<u>037691 State Route 119</u>	<u>Minster</u>	<u>Ohio</u>	<u>45865</u>
Parcel Address	City	State	Zip Code

E1402202502
Parcel Number

<u>State Route 119</u>	<u>Minster</u>	<u>Ohio</u>	<u>45865</u>
Parcel Address	City	State	Zip Code

Efren C. and Maria O. Aganon
Name of Owner

<u>03741 State Route 119</u>	<u>Minster</u>	<u>Ohio</u>	<u>45865</u>
Parcel Address	City	State	Zip Code

E1402704201
Parcel Number

<u>State Route 119</u>	<u>Minster</u>	<u>Ohio</u>	<u>45865</u>
Parcel Address	City	State	Zip Code

Kay Schmiesing
Name of Owner

<u>76 Northcrest Drive</u>	<u>Minster</u>	<u>Ohio</u>	<u>45865</u>
Parcel Address	City	State	Zip Code

1402704300
Parcel Number

<u>03730 State Route 119</u>	<u>Minster</u>	<u>Ohio</u>	<u>45865</u>
Parcel Address	City	State	Zip Code

Donna Schubert
Name of Owner

<u>03730 State Route 119, P.O. Box 126</u>	<u>Minster</u>	<u>Ohio</u>	<u>45865</u>
Parcel Address	City	State	Zip Code

COUNCIL MEMBER	YES	NO	ABSTAIN
Travis Wilges			
Tom Herkenhoff	X		
Craig Sherman	X		
Curt Albers			
Craig Oldiges	X		
Nicole Clune	X		
Mayor Dennis Kitzmiller			

ORDINANCE 22-05-03

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT BY THE VILLAGE OF MINSTER WITH JACKSON TOWNSHIP, AUGLAIZE COUNTY, OHIO AND TO DECLARE AN EMERGENCY

WHEREAS, Section 709.022 of the Ohio Revised Code grants the filing of a petition for annexation under a special procedure when all parties provide consent; and

WHEREAS, under these special procedures the petition for annexation must be accompanied by a certified copy of an annexation agreement that is entered into by the municipal corporation and each township any portion of which is included within the territory proposed for annexation; and

WHEREAS, Harold and Diane Riethman Trustees., (Petitioner), owner of the real estate depicted by the site map in Exhibit A, attached hereto and further described on Exhibit B (the Property), desires to annex the Property into the Village, per the expedited process of annexation stated in Ohio Revised Code Section 709.022; and

WHEREAS, an annexation agreement as outlined in Ohio Revised Code Section 709.192 has been presented for consideration to both the Village of Minster and Jackson Township; and

NOW, THEREFORE, BE IT ORDAINED BY THE Council of the Village of Minster, Auglaize County, Ohio, to-wit:

SECTION 1: The Village of Minster has determined that it is in the best interest of the Petitioner and the Village to enter into an Agreement as provided for by Ohio Revised Code Section 709.192

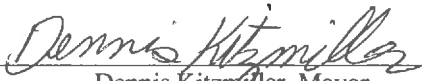
SECTION 2: That the form of the Annexation Agreement attached hereto as Exhibit C is hereby approved, subject to and with any and all changes therein provided.

SECTION 3: That the Mayor is hereby authorized and directed to execute an Annexation Agreement substantially in the form of Exhibit C between the Village of Minster and the Jackson Township Trustees for the property petitioned to be annexed by the Petitioners.

SECTION 4: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in those formal actions were in compliance with the Law.

SECTION 5: That this Ordinance shall be in effect from and after the earliest period allowed.

PASSED AND ADOPTED by the legislative Authority of the Village of Minster on this 5th day of July 2022.


Dennis Kitzmiller, Mayor

ATTEST:


Brittany Hemmelgarn, Clerk/Fiscal Officer

ANNEXATION AGREEMENT
(Expedited Type One Annexation)

This Agreement is entered into this 5 day of July of 2022, between the Village of Minster, Ohio (the "Village") and the Board of Township Trustees of Jackson Township, Auglaize County, Ohio (the "Township"), pursuant to R.C. 709.021, 709.022 and 709.192.

WHEREAS, Village of Minster (the "Petitioners"), owner of the real estate in the territory hereinafter described (the "Property"), desire to annex the Property into the Village pursuant to the expedited process of annexation set forth in R.C. 709.021 and 709.022; and

WHEREAS, the Village and the Township, by Resolutions duly adopted by their legislative authorities, each have determined that it is in the best interest of all parties involved to enter into this Annexation Agreement (the "Agreement") as provided by R.C. 709.192.

NOW, THEREFORE, in consideration of the above recitals and in consideration of the mutual benefits and promises hereinafter contained, the parties agree as follows:

1. Village Consent and Agreement. The Village consents to the annexation of the Property into the Village and agrees to provide sanitation, police, fire, water and sewer services to the residents of the Property at the same cost and under the same policies and conditions that such services are provided to other residents of the Village.

2. Township Consent. The Township consents to the annexation of the Property into the Village.

3. The Property. The real property subject to this Agreement shall consist of 1.015 acres located in Jackson Township, Auglaize County, Ohio, as depicted on the map attached hereto as Exhibit A. A legal description of the Property is attached hereto as Exhibit B.

4. Tax Distribution. Following the annexation of the Property, the Township will continue to receive real estate tax revenues levied on the Property in accordance with the Ohio Revised Code.

5. Severability. In the event any one or more of the provisions of this Agreement are held to be invalid, illegal, or unenforceable in any respect, that invalidity, illegality, or unenforceability shall not affect any other provisions of this Agreement. Such provisions shall be modified in order to best preserve the intention of the Village and the Township. The Agreement as modified shall remain in full force and effect. If such provisions cannot be so modified, then such provisions shall be severed and the remaining provisions of the Agreement shall remain in full force and effect.

6. Governing Law. This Agreement shall be governed exclusively by and construed in accordance with the laws of the State of Ohio.

7. Binding Effect. This Agreement shall inure to the benefit of and shall be binding upon the Village and the Township, their legal representatives, successors and assigns.

8. Entire Agreement. This Agreement constitutes the entire agreement of the parties and may be amended or modified only through a writing duly executed by the Village/Township as authorized by R.C. § 709.192. All prior agreements between the parties, either written or oral are superseded by this Agreement.

IN WITNESS WHEREOF, the Village and Township have executed this Agreement.

VILLAGE OF MINSTER, OHIO

By: Dennis Kitzmiller
Dennis Kitzmiller, Mayor

Attest:
Brittany L. Hemmelgarn
John Stechschulte, Clerk
BRITTANY HEMMELGARN

BOARD OF TOWNSHIP TRUSTEES
OF JACKSON TOWNSHIP, AUGLAIZE
COUNTY, OHIO

By: James Steinemann
James Steinemann, Trustee

By: Ken Sommer
Ken Sommer, Trustee

By: Matt Olberding
Matt Olberding, Trustee

APPROVED AS TO LEGAL FORM:

By: James Hearn
James Hearn
Solicitor, Village of Minster, Ohio