



DEPARTMENT OF PUBLIC  
SERVICE AND SAFETY

101 E. Spring St.

ST. MARYS, OHIO 45885

(419) 394-3303

KAY E. ALBERT - Mayor

KENNETH L. HEGEMANN - Director of Service and Safety

October 4, 1977

Mr. Clayton Stimmel, P.E.  
Auglaize County Engineer  
PO Box 178  
1014 S. Blackhoof St.  
Wapakoneta, Ohio 45895

RE: ANNEXATION TO THE CITY OF ST. MARYS

Dear Mr. Stimmel:

Enclosed is a copy of the complete Annexation proceedings, Drawing No. H-309, and Ordinance No. 77-21 passed by the St. Marys City Council on May 9, 1977. This Annexation was effective on September 23, 1977.

Very truly yours,

Dale F. Grimes, Jr.  
Industrial/Community  
Development Manager

DFG:flw

JOHN F. KUFFNER  
ATTORNEY AT LAW  
201 W. NORTH STREET  
ST. MARYS, OHIO 45885  
TELEPHONE 394-2516  
AREA CODE 419

June 1, 1977

*Copy  
Prepare a map for me  
that outlines the  
attached description*

Board of County Commissioners  
Auglaize County Courthouse  
Wapakoneta, Ohio 45895

Re: Proposed Annexation by City of St. Marys

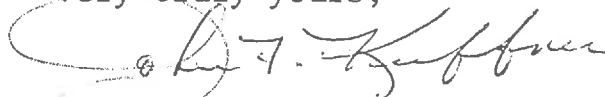
Gentlemen:

Please be advised that I represent Midwest Electric, Inc., an electrical distribution cooperative owned by approximately 7,000 rural consumers in Auglaize, Mercer, Shelby, Allen, Van Wert, and Putnam Counties.

Enclosed is a copy of a Petition for annexation expected to be filed in your office by the City of St. Marys sometime within the next several weeks. Midwest Electric, Inc. has electrical distribution lines running adjacent to this real estate and also serve electrical consumers residing in Noble Township who would be affected by the proposed annexation. As such, Midwest Electric, Inc. has interest in this particular annexation.

It would be appreciated if you would advise me when the Petition by the City of St. Marys is filed in order that Midwest may have an opportunity to comment on the legality and advisability of the proposed annexation.

Very truly yours,

  
John F. Kuffner

JFK/bc

Enclosure

A PETITION FOR ANNEXATION TO THE  
CITY OF ST. MARYS, OHIO

TO: THE BOARD OF COUNTY COMMISSIONERS  
COUNTY OF AUGLAIZE  
STATE OF OHIO;

The City of St. Marys, Ohio, being the only property owner of real estate for the following described territory situated in the County of Auglaize, Townships of Noble and St. Marys, and adjacent to the City of St. Marys, to-wit:

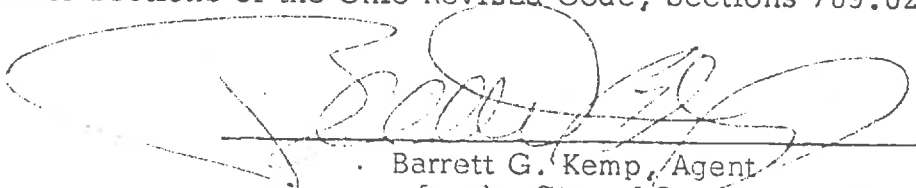
Situated and being a part of the South half (1/2) of the Southeast Quarter (1/4) of Section 35, Town 5 South, Range 4 East, Noble Township, Auglaize County, Ohio, and being further described as follows:

Beginning at a point on the centerline of McKinley Road, said point being the South Quarter Post of Section 35; thence in a Northerly direction along said North-South half (1/2) section line, and the East line of a tract of land owned by Walter Huckemeyer, a distance of approximately One Thousand Fifty-five (1055) feet to a point on the South right-of-way line of U.S. Route 33; thence in an Easterly direction along said South right-of-way line a distance of One Thousand Six Hundred Nine and 35/100 (1609.35) feet to a point, said point being the intersection of the South right-of-way line of U.S. Route 33 and the West right-of-way line of the Norfolk & Western Railway Company; thence in a Southwesterly direction along said Norfolk & Western Railway Company right-of-way to a point on the centerline of McKinley Road; thence West along said centerline of McKinley Road, a distance of approximately Four Hundred Seventy-eight (478) feet to the PLACE OF BEGINNING; ALSO, all that part of the McKinley Road right-of-way located between State Route 66 (North Spruce Street) and the centerline of the Norfolk & Western Railway Company's right-of-way that is currently within the corporate limits of the City of St. Marys, Auglaize County, Ohio.

Containing 27.4 acres of land, more or less, and a map of which territory is hereby attached, (See Dwg. #H-309 of the City of St. Marys Engineering Records)

with special invitation that the above described territory be annexed to the City of St. Marys, Ohio.

The property sought to be annexed contains (1) property owner, The City of St. Marys, and Barrett G. Kemp, is authorized to act as Agent for the petitioner in securing such annexation. This annexation is authorized by Ordinance No. \_\_\_\_\_, passed by the Council for the City of St. Marys, Ohio, on May 9, 1977, and in accordance with the applicable sections of the Ohio Revised Code, Sections 709.02 to 709.16 inclusive.

  
Barrett G. Kemp, Agent  
for the City of St. Marys, Ohio

A PETITION FOR ANNEXATION TO THE  
CITY OF ST. MARYS, OHIO

TO: THE BOARD OF COUNTY COMMISSIONERS  
COUNTY OF AUGLAIZE  
STATE OF OHIO:

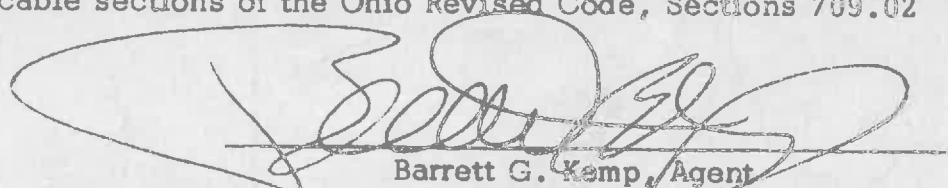
The City of St. Marys, Ohio, being the only property owner of real estate for the following described territory situated in the County of Auglaize, Townships of Noble and St. Marys, and adjacent to the City of St. Marys, to-wit:

Situated and being a part of the South half (1/2) of the Southeast Quarter (1/4) of Section 35, Town 5 South, Range 4 East, Noble Township, Auglaize County, Ohio, and being further described as follows:  
Beginning at a point on the centerline of McKinley Road, said point being the South Quarter Post of Section 35; thence in a Northerly direction along said North-South half (1/2) section line, and the East line of a tract of land owned by Walter Huckemeyer, a distance of approximately One Thousand Fifty-five (1055) feet to a point on the South right-of-way line of U.S. Route 33; thence in an Easterly direction along said South right-of-way line a distance of One Thousand Six Hundred Nine and 35/100 (1609.35) feet to a point, said point being the intersection of the South right-of-way line of U.S. Route 33 and the West right-of-way line of the Norfolk & Western Railway Company; thence in a Southwesterly direction along said Norfolk & Western Railway Company right-of-way to a point on the centerline of McKinley Road; thence West along said centerline of McKinley Road, a distance of approximately Four Hundred Seventy-eight (478) feet to the PLACE OF BEGINNING; ALSO, all that part of the McKinley Road right-of-way located between State Route 66 (North Spruce Street) and the centerline of the Norfolk & Western Railway Company's right-of-way that is currently within the corporate limits of the City of St. Marys, Auglaize County, Ohio.

Containing 27.4 acres of land, more or less, and a map of which territory is hereby attached, (See Dwg. #H-309 of the City of St. Marys Engineering Records)

with special invitation that the above described territory be annexed to the City of St. Marys, Ohio.

The property sought to be annexed contains (1) property owner, The City of St. Marys, and Barrett G. Kemp, is authorized to act as Agent for the petitioner in securing such annexation. This annexation is authorized by Ordinance No. 77:21, passed by the Council for the City of St. Marys, Ohio, on MAY 9, 1977, and in accordance with the applicable sections of the Ohio Revised Code, Sections 709.02 to 709.16 inclusive.

  
Barrett G. Kemp, Agent  
for the City of St. Marys, Ohio

AMENDED PETITION FOR ANNEXATION TO  
THE CITY OF ST. MARYS, OHIO

TO: THE BOARD OF COUNTY COMMISSIONERS  
COUNTY OF AUGLAIZE  
STATE OF OHIO:

THE CITY OF ST. MARYS, OHIO, BEING THE ONLY PROPERTY OWNER OF REAL ESTATE  
FOR THE FOLLOWING DESCRIBED TERRITORY SITUATED IN THE COUNTY OF AUGLAIZE, TOWNSHIPS OF NOBLE AND ST. MARYS, AND ADJACENT TO THE CITY OF ST. MARYS, TO-WIT:

SITUATED AND BEING A PART OF THE SOUTH HALF ( $\frac{1}{2}$ ) OF THE SOUTHEAST QUARTER ( $\frac{1}{4}$ ) OF SECTION 35, TOWN 5 SOUTH, RANGE 4 EAST, NOBLE TOWNSHIP, AUGLAIZE COUNTY, OHIO, AND BEING FURTHER DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT ON THE CENTERLINE OF MCKINLEY ROAD, SAID POINT BEING THE SOUTH QUARTER POST OF SECTION 35; THENCE IN A NORTHERLY DIRECTION ALONG SAID NORTH-SOUTH HALF ( $\frac{1}{2}$ ) SECTION LINE, AND THE EAST LINE OF A TRACT OF LAND OWNED BY WALTER HUCKEMEYER, A DISTANCE OF APPROXIMATELY ONE THOUSAND FIFTY-FIVE (1055) FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF U.S. ROUTE 33; THENCE IN AN EASTERLY DIRECTION ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF ONE THOUSAND SIX HUNDRED NINE AND  $35/100$  (1609.35) FEET TO A POINT, SAID POINT BEING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF U.S. ROUTE 33 AND THE WEST RIGHT-OF-WAY LINE OF THE NORFOLK & WESTERN RAILWAY COMPANY; THENCE IN A SOUTHWESTERLY DIRECTION ALONG SAID NORFOLK & WESTERN RAILWAY COMPANY RIGHT-OF-WAY TO A POINT ON THE CENTERLINE OF MCKINLEY ROAD; THENCE WEST ALONG SAID CENTERLINE OF MCKINLEY ROAD, A DISTANCE OF APPROXIMATELY FOUR HUNDRED SEVENTY-EIGHT (478) FEET TO THE PLACE OF BEGINNING: ALSO, ALL THAT PART OF THE MCKINLEY ROAD RIGHT-OF-WAY LOCATED BETWEEN STATE ROUTE 66 (NORTH SPRUCE STREET) AND THE CENTERLINE OF THE NORFOLK & WESTERN RAILWAY COMPANY'S RIGHT-OF-WAY THAT IS CURRENTLY NOT WITHIN THE CORPORATE LIMITS OF THE CITY OF ST. MARYS, AUGLAIZE COUNTY, OHIO.

CONTAINING 27.4 ACRES OF LAND, MORE OR LESS, AND A MAP OF WHICH TERRITORY IS HEREBY ATTACHED, (SEE DWG. #H-309 OF THE CITY OF ST. MARYS ENGINEERING RECORDS) WITH SPECIAL INVITATION THAT THE ABOVE DESCRIBED TERRITORY BE ANNEXED TO THE CITY OF ST. MARYS, OHIO.

THE PROPERTY SOUGHT TO BE ANNEXED CONTAINS (1) PROPERTY OWNER, THE CITY OF ST. MARYS, AND BARRETT G. KEMP, IS AUTHORIZED TO ACT AS AGENT FOR THE PETITIONER IN SECURING SUCH ANNEXATION THIS ANNEXATION IS AUTHORIZED BY ORDINANCE No. 77:21, PASSED BY COUNCIL FOR THE CITY OF ST. MARYS, OHIO, ON MAY 9, 1977, AND IN ACCORDANCE WITH THE APPLICABLE SECTIONS OF THE OHIO REVISED CODE, SECTIONS 709.02 TO 709.16 INCLUSIVE.

  
BARRETT G. KEMP, AGENT  
FOR THE CITY OF ST. MARYS, OHIO

ORDINANCE NO. 77-21

AN ORDINANCE TO ANNEX CERTAIN TERRITORY OWNED  
BY THE CITY OF ST. MARYS, LOCATED IN SECTION 35,  
NOBLE TOWNSHIP, AUGLAIZE COUNTY, OHIO

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF  
ST. MARYS, OHIO:

SECTION 1. Council does hereby direct that the necessary petition for  
annexation of property owned by the City of St. Marys and located within  
Section 35 of Noble Township and a certain right-of-way, commonly known as  
McKinley Road extending from Spruce Street to the N & W Railway tracks be  
included in said petition for annexation.

SECTION 2. The annexation is necessary since it is an industrial site  
for Community Improvement Corporation usage.

SECTION 3. This ordinance shall be in force and take effect at the earliest  
possible date provided by law.

Passed this 7<sup>th</sup> day of July, 1977.

Robert A. Makley  
President of the Council

Approved by the City Solicitor this 7<sup>th</sup> day of July, 1977.

Barrett G. Kemp  
Barrett G. Kemp

ATTEST:

[Signature]  
Clerk

Approved this 7<sup>th</sup> day of July, 1977.

Kay E. Albert  
Kay E. Albert, Mayor

CERTIFICATION

CITY OF ST. MARYS, OHIO  
COUNTY, AUGLAIZE

I, Ruth A. Makley, Clerk of the St. Marys City Council  
St. Marys, Ohio, do hereby certify that the foregoing  
Ordinance No. 77:21 is a true and correct  
copy, passed by the legislative body of the above  
said city on the 9<sup>th</sup> day of May, 1977.

IN TESTIMONY WHEREOF, I have hereunto placed my name  
and affixed the seal of the City of St. Marys, Ohio.

Date

May 13, 1977

Ruth Makley  
CLERK OF COUNCIL



# CERTIFICATE OF PUBLICATION

STATE OF OHIO, AUGLAIZE COUNTY, ss:

LEGAL NOTICE  
ORDINANCE NO. 77-21  
AM ORDINANCE TO ANNEX CERTAIN TERRITORY OWNED BY THE CITY OF ST. MARYS, LOCATED IN SECTION 35, NOBLE TOWNSHIP, AUGLAIZE COUNTY, OHIO.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF ST. MARYS, OHIO, .

SECTION 1. Council does hereby direct that the necessary petition for annexation of property owned by the City of St. Marys and located within Section 35 of Noble Township and a certain right-of-way, commonly known as McKinley Road extending from Spruce Street to the N & W Railway tracks be included in said petition for annexation.

SECTION 2. The annexation is necessary since it is an industrial site for Community Improvement Corporation usage.

SECTION 3. This ordinance shall be in force and take effect at the earliest possible date provided by law.

Passed this 9th day of May, 1977.

Robert A. Makley,

President of the Council

Approved by the City Solicitor this 9th day of May, 1977.

Barrett G Kemp

ATTEST:

Ruth Makley, Clerk

Approved this 9th day of May, 1977.

Kay E. Albert, Mayor

May 13-20, 1977

On this 13th day of May A. D. 1977

personally appeared before the undersigned, a Notary Public within and for said County and State, Robert A. Makley, who being duly sworn

states on oath that (he)(she) is Assistant Business Manager of THE ST.

MARYS EVENING LEADER, a newspaper published daily at St. Marys,

County of Auglaize, State of Ohio, and that the same is of general circula-

tion in said County, and that the notice, a true copy of which is hereto an-

nexed, was published in said newspaper 2 weeks in its issues of

the 13th and 14th of

May A. D. 1977

Robert A. Makley

Subscribed and sworn to me this 20th day of

May A. D. 1977

Pr's Fees \$

Affidavit

Robert Edward Hunter  
Notary Public

Total, \$

ROBERT EDWARD HUNTER, NOTARY PUBLIC  
IN AND FOR AUGLAIZE COUNTY, OHIO  
MY COMMISSION EXPIRES OCTOBER 19, 1978

A PETITION FOR ANNEXATION TO THE  
CITY OF ST. MARYS, OHIO

TO: THE BOARD OF COUNTY COMMISSIONERS  
COUNTY OF AUGLAIZE  
STATE OF OHIO:

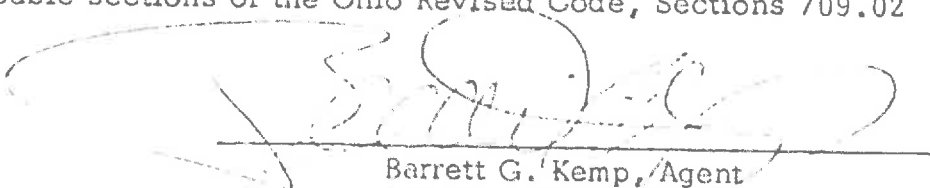
The City of St. Marys, Ohio, being the only property owner of real estate for the following described territory situated in the County of Auglaize, Townships of Noble and St. Marys, and adjacent to the City of St. Marys, to-wit:

Situated and being a part of the South half (1/2) of the Southeast Quarter (1/4) of Section 35, Town 5 South, Range 4 East, Noble Township, Auglaize County, Ohio, and being further described as follows:  
Beginning at a point on the centerline of McKinley Road, said point being the South Quarter Post of Section 35; thence in a Northerly direction along said North-South half (1/2) section line, and the East line of a tract of land owned by Walter Huckemeyer, a distance of approximately One Thousand Fifty-five (1055) feet to a point on the South right-of-way line of U.S. Route 33; thence in an Easterly direction along said South right-of-way line a distance of One Thousand Six Hundred Nine and 35/100 (1609.35) feet to a point, said point being the intersection of the South right-of-way line of U.S. Route 33 and the West right-of-way line of the Norfolk & Western Railway Company; thence in a Southwesterly direction along said Norfolk & Western Railway Company right-of-way to a point on the centerline of McKinley Road; thence West along said centerline of McKinley Road, a distance of approximately Four Hundred Seventy-eight (478) feet to the PLACE OF BEGINNING; ALSO, all that part of the McKinley Road right-of-way located between State Route 66 (North Spruce Street) and the centerline of the Norfolk & Western Railway Company's right-of-way that is currently within the corporate limits of the City of St. Marys, Auglaize County, Ohio.

Containing 27.4 acres of land, more or less, and a map of which territory is hereby attached, (See Dwg. #H-309 of the City of St. Marys Engineering Records)

with special invitation that the above described territory be annexed to the City of St. Marys, Ohio.

The property sought to be annexed contains (1) property owner, The City of St. Marys, and Barrett G. Kemp, is authorized to act as Agent for the petitioner in securing such annexation. This annexation is authorized by Ordinance No. 77:21, passed by the Council for the City of St. Marys, Ohio, on MAY 9, 1977, and in accordance with the applicable sections of the Ohio Revised Code, Sections 709.02 to 709.16 inclusive.

  
Barrett G. Kemp, Agent  
for the City of St. Marys, Ohio

step # 2:

County Commissioners' Office  
Auglaize County, Ohio  
June 10th, 1977

The Board of County Commissioners met this day in special session with the following members present:

Paul F. Reinhart

William Link

Howard Werner

Mr. Link made the motion that the following be adopted:

R E S O L U T I O N

- WHEREAS, the clerk of Board of County Commissioners, did this day inform the Board that a Petition for the annexation of lands to the city of St. Marys, Ohio, along with St. Marys City Ordinance No. 77-21; Certification from Clerk of Council; and Certificate of Publication; accurate map of said land attached; was filed with her on the 9th day of June, 1977; and
- WHEREAS, copy of said petition does appear on page: 36-37 of this county commissioners; journal # 65; therefore be it
- RESOLVED, that the Board does this day accept the above mentioned petition and after proper advertisement has been made according to law; section 709.03.1 of the Revised code of Ohio; the Board will hold a hearing on said petition on the 12th day of August, 1977 at 10 o'clock A. M. at the office of said Board of County Commissioners, in the basement of the county courthouse; and be it further
- RESOLVED, that a copy of said resolution be given to the Agent for the annexation petition, Barrett Kemp- attorney-at-law.

Mr. Werner seconded the motion, and the roll being called on its adoption- the vote resulted as follows:

Mr. Reinhart yes;

Mr. Link yes;

Mr. Werner yes.

PLEASE NOTE; this office must have a copy of your typewritten notice that you send to the newspaper and the certification of publication.

cc: Barrett Kemp- Agent/attorney

also: John F. Kuffner  
attorney-at-law  
201 W. North street  
St. Marys, Ohio  
45885

at his request: representing the  
Midwest Electric, Inc.

LEGAL NOTICE

Notice is hereby given that on the 9th day of June, 1977, there was presented to the Board of County Commissioners, County of Auglaize, State of Ohio, a Petition for Annexation of municipal owned real estate situated in the County of Auglaize, Townships of Noble and St. Marys, and adjacent to the City of St. Marys, being more particularly described as follows, to-wit:

Situated and being a part of the South half (1/2) of the Southeast Quarter (1/4) of Section 35, Town 5 South, Range 4 East, Noble Township, Auglaize County, Ohio, and being further described as follows:

Beginning at a point on the centerline of McKinley Road, said point being the South Quarter Post of Section 35; thence in a Northerly direction along said North-South half (1/2) section line, and the East line of a tract of land owned by Walter Huckemeyer, a distance of approximately One Thousand Fifty-five (1055) feet to a point on the South right-of-way line of U.S. Route 33; thence in an Easterly direction along said South right-of-way line a distance of One Thousand Six Hundred Nine and 35/100 (1609.35) feet to a point, said point being the intersection of the South right-of-way line of U.S. Route 33 and the West right-of-way line of the Norfolk & Western Railway Company; thence in a Southwesterly direction along said Norfolk & Western Railway Company right-of-way to a point on the centerline of McKinley Road; thence West along said centerline of McKinley Road, a distance of approximately Four Hundred Seventy-eight (478) feet to the PLACE OF BEGINNING: ALSO, all that part of the McKinley Road right-of-way located between State Route 66 (North Spruce Street) and the centerline of the Norfolk & Western Railway Company's right-of-way that is currently not within the corporate limits of the City of St. Marys, Auglaize County, Ohio.

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The Board of County commissioners, by Resolution, established and affixed the 12th day of August, 1977, at 10:00 AM as the time for the hearing of said Petition; that said hearing shall be held in the Office of the Board of County Commissioners of Auglaize County, in the County Courthouse Basement, Wapakoneta, at said time and place.

Barrett G. Kemp  
City Solicitor  
Agent for the Petitioner

Publish: June 29  
July 6  
July 13  
July 20

## LEGAL NOTICE

It is hereby given that on the 9th day of June, 1977, there was presented to the Board of County Commissioners, County of Auglaize, State of Ohio, a Petition for Annexation of municipal real estate situated in the County of Auglaize, Townships of Noble and St. Marys, and adjacent to the City of St. Marys, being more particularly described as follows, to-wit:

Being and being a part of the South 1/4 of the Southeast Quarter (1/4) of Section 35, Town 5 South, Range 4 East, Township, Auglaize County, Ohio, being further described as follows:

Beginning at a point on the centerline of McKinley Road, said point being the South 1/4 Section Post of Section 35, thence in a westerly direction along said North-South section line, and the East line of a 1/4 of land owned by Walter J. Meyer, a distance of approximately One Thousand Fifty-five (1055) feet to the South right-of-way line of U.S. Route 33; thence in an Easterly direction along said South right-of-way line a distance of One Thousand Six Hundred and 35-100 (1609 35) feet to a point, said point being the intersection of the right-of-way line of U.S. Route 33 and the West right-of-way line of the Norfolk & Western Railway Company; thence in a Southwesterly direction along the Norfolk & Western Railway Company right-of-way to a point on the centerline of McKinley Road, thence West along said centerline of McKinley Road, a distance of approximately Four Hundred Seventy-eight (478) feet to the PLACE OF BEGINNING; ALSO, all that part of the McKinley Road right-of-way located between State Route 66 (North Spruce Street) and the centerline of the Norfolk & Western Railway Company's right-of-way which is currently not within the corporate limits of the City of St. Marys, Auglaize County, Ohio.

Containing 27.4 acres of land, more or less, and a map of which territory is attached. (See Dwg No H-309 of the City of St. Marys Engineering Records) with special invitation that the described territory be annexed to the City of St. Marys, Ohio.

The property sought to be annexed is owned (1) property owner, The City of St. Marys, and Barrett G. Kemp, is authorized to act as Agent for the annexation in securing such annexation.

The annexation is authorized by Ordinance No. 77-21, passed by the Council of the City of St. Marys, Ohio, on May 9, 1977, and in accordance with the applicable sections of the Ohio Revised Code, Sections 709.02 to 709.16 inclusive.

The Board of County Commissioners, by resolution, established and affixed the date of August, 1977, at 10:00 A.M. as the time for the hearing of said Petition; and hearing shall be held in the Office of the Board of County Commissioners of Auglaize County, in the County Courthouse Building, Wapakoneta, at said time and place.

Barrett G. Kemp

City Solicitor

Agent for the Petitioner

June 29, July 6-13-20, 1977

## CERTIFICATE OF PUBLICATION

STATE OF OHIO, AUGLAIZE COUNTY, ss:

On this 21st day of July A. D. 1977

personally appeared before the undersigned, a Notary Public within and for said County and State, J. W. Wainwright, who being duly sworn

states on oath that (he)(she) is Assistant Business Manager of THE ST.

MARYS EVENING LEADER, a newspaper published daily at St. Marys,

County of Auglaize, State of Ohio, and that the same is of general circula-

tion in said County, and that the notice, a true copy of which is hereto an-

nexed, was published in said newspaper 4 weeks in its issues of

June 29th. and 6th, 13th. and

20th. of July A. D. 1977

Subscribed and sworn to me this 21st day of

July A. D. 1977

Pr's Fees \$                     

Affidavit                     

Total, \$                     

Dale F. Grimes, Jr.  
Notary Public  
DALE F. GRIMES, JR.  
Notary Public, Auglaize County, Ohio  
My Commission Expires MAY 11, 1982

ANNEXATION HEARING - CITY OF ST. MARYS -

AG-WAY INC.

\*\*\*\*\*

Friday morning, August 12th, 1977 the annexation hearing was held in the Assembly room of the county courthouse regarding land petitioned to be annexed to the City of St. Marys. This land is the proposed site of the new industry, Ag-Way inc. President of the Commissioners, Paul F. Reinhart called for an introduction of all attending the hearing. Representatives of Ag-Way Inc., the St. Marys Chamber of Commerce, the Community Industrial Commission, the Noble Township Trustees, and several city officials of St. Marys, were present, along with Ken Hitchen, Asst. Prosecuting Attorney and legal counsel for the County Commissioners.

Mr. Reinhart stated that the petition for annexation to the City of St. Marys was submitted on June 9th, 1977, and 1 error was found in the meets and bounds description; said error was corrected, and the proper legal notice has been published in the newspaper. Mr. Reinhart also stated that the main purpose of this meeting today was to hear the pros and cons for the annexation to City of St. Marys, by all concerned parties.

Mr. Barry Kemp, attorney for City of St. Marys, was the first to express his opinion. He stated that the CIC had acquired the McKinley Road tract of land with the intention of attracting some industry to St. Marys and also Auglaize County. In order for the interested industry - Ag-Way, Inc. - to proceed with the financing it must be within the city limits of St. Marys. This industry will provide many additional jobs for residents, and will produce a good capital outlay. Mr. Kemp also quoted Section 503.04 of the Ohio Revised Code, dealing with the annexation procedure. Mr. Kemp also informed those present that he has also petitioned another tract of land for annexation - the Walter Hucke meyer property (approx. 54 acres) which will require the same procedure as this one. The hearing on the Huckemeyer annexation will be held September 23, 1977.

The Noble Township Trustees were the next to voice their comments. They are worried that the township residents will be loosing revenue if the area is annexed to the city of St. Marys. the township will <sup>lose</sup> ~~lose~~ road mileage for gas mileage fund (Wheeler Bill). If the township ~~loses~~ roads - it ~~loses~~ money.  
Lose Lose

Vern Doenges, County Auditor for Auglaize County explained the loss of money (revenue) for rural townships. In this case, the municipality's inside millage is less than the township's inside millage. At the present time, Noble Township's revenue from millage is \$6,200. If it assumes St. Marys millage, the amount would be decreased to \$620. The Auditor's office could make millage available only in the Road and Bridge fund. This change would not go into effect until the 1979 taxes.

Mr. Noble, attorney for Ag-Way Inc. said that in the other annexations he was involved with, the County Auditor was not brought into the picture. He was under the impression that the County Commissioners always deal directly with the people involved - the ones living in the area of annexation. In this case, the city can offer utilities to Ag-Way that the township isn't able to. Mr. Noble feels the Commissioners should look at the people involved, and what is good for the City of St. Marys. He also feels the township will benefit from this action.

Mr. Kuffner spoke as a resident of Noble Township and as a lawyer. He brought up the point that the annexation of land was not petitioned for by the landowners. He also stated that the Revised Code says any annexation of land should be properly next to city property; this is not - this land sought for annexation is an island in Noble Township. No city limits abut this land, therefore it cannot be annexed properly. The Huckemeyer property abuts (is next to) the city limits, and that land has not even been annexed at this point. By law, the City can't grab an island of land and annex it. You can't use a string to get the property you want. Mr. Kuffner gave an example of this string method that was used in a Dayton court case. Mr. Kuffner said he is in favor of new industry, but feels the industry can just as easily locate in Noble township as in the city limits. Mr. Kuffner stated that the electricity lines are already running out by the proposed site.

Kay Albert, Mayor of St. Marys questioned Mr. Kuffner's use of the two words - contiguous and abut.

Mr. B. Kemp said that the city did own the property at the time that the annexation petition was filed, but that on July 22, 1977 - the property was conveyed to Ag-Way Inc., and is now theirs. Ag-Way holds the title to this land.

Mr. Kemp said that this change of ownership is no problem, and that the owners (Ag-Way) have no objections whatsoever to the annexation. He further stated that he did not believe Mr. Kuffner should have brought the Dayton court case into the picture since the two situations are in no way similar (string method of annexing). He feels the City is not creating an island. He feels that the city is justified in wanting to control McKinly Road regarding the utilities. And the City does not object to any industry wanting to locate in the township. But in this case, the Ag-Way Inc. wants to be annexed to the city because of the CIC financing that is available.

A representative of the Ag-Way Inc. made the statement that his company wants it put on the record that they fully agree with annexing into the City of St. Marys.

Mr. Ken Hegeman, city official, then took the floor and told the township trustees that he had looked into the funding problems of the township, and some revenue sharing monies could possible be used for the township. He also said that this would be approximately a 5 million dollar investment by Ag-Way Inc. and that Noble Township will still be entitled to quite a bit of millage money from this 5 million dollar investment. He said the City has a tight budget where the public utilities are concerned. And if the city runs sewers, water, electric service to the Ag-Way plant he would naturally like to see some income tax revenue to the City of St. Marys from the plant. And St. Marys is the only city in the county with CIC - whose purpose is to encourage industry to settle in Auglaize County.

Representatives from the CIC, and the St. Marys Chamber of Commerce voiced their organization's approval of the proposed annexation.

AgWay Inc. is a plant that manufactures animal food - the feed mill type. Before deciding on Auglaize County, the company looked at various sites in Western Ohio/Eastern Indiana. The company was happy/impressed with the representatives of the CIC when contacted about the site for the plant. They feel St. Marys is a favorable neighborhood - their 800 facilities are all in smaller communities.



The AgWay Inc. has invested about 12 million dollars so far in this type of financing - the Industrial Revenue Bonds. Has several other projects handled this way - pleased with the result. This was a major selling point - the fact that the CIC did have these bonds available to the industry. The AgWay Inc. spokesman said he can appreciate the concern of the township people, but that the plant needs the city water, sewage and etc. and that was a major factor in the decision to locate in St. Marys. He further stated that he had plans and pictures of the proposed facility available with him for the Commissioners study.

A spokesman for the City employees of the City of St. Marys said it is the feeling of all city employees that this annexation is vital to the economic welfare of St. Marys. He brought out the statement that police protection would also be available readily to the plant.

Bob Vogel, township trustee said that he wanted to clear up the fact that the trustees requested Vern Doenges, Auditor to look up the tax millage information for them. He also asked the representative from AgWay Inc. if the project would involve buying grain from the area farmers - to be used in the manufacture of the animal food? His answer was - most probably yes - that 70% of the ingredients in the product were grains, and meat scraps. And that shipping would be done by trucks and rail.

The only statement that Asst. Prosecutor and legal counsel for the Commissioners - Ken Hitchen made was that the decision is now up to the Commissioners to do what they feel is best for all.

The hearing was adjourned as there were no further comments or questions.

County Commissioners' Office  
Auglaize County, Ohio  
August 12th, 1977

The Board of County Commissioners met this day in special session with the following members present:

Paul F. Reinhart

William Link

Howard Werner

Mr. Werner made the motion that the following be adopted:

R E S O L U T I O N

WHEREAS, this being the date set in their order of June 11th, 1977 to hold a Hearing for annexation of lands, to the city of St. Marys. Property sought to be annexed owned by the City of St. Marys- with Barrett G. Kemp- attorney-at-law, acting as Agent for said annexation petition; and

WHEREAS, said Hearing was well attended; as contained in attached report of said hearing; therefore be it

RESOLVED, in accordance with section 709.03.3 of the revised code of Ohio which states in part:

The Board of County Commissioners shall grant or deny the petition for annexation within ninety days after the hearing;

therefore be it

RESOLVED, that the Board will adjourn this hearing, and make a decision granting/or denying same after making a further study of all remarks/comments as made at said hearing.

Mr. Link seconded the motion, and the roll being called on its adoption- the vote resulted as follows:

Mr. Reinhart yes;

Mr. Link yes;

Mr. Werner yes.

cc: Barrett G. Kemp- Agent

County Commissioners' Office  
Auglaize County, Ohio  
September 23rd, 1977

The Board of County Commissioners met this day in special session with the following members present:

Paul F. Rrinhart

William Link

Howard Werner

Mr. Link made the motion that the following be adopted:

R E S O L U T I O N

- WHEREAS, on the 12th day of August, 1977 the Board of County Commissioners did Adjourn a Hearing on a petition for annexation of lands- for further study - said petition appearing on page \_\_\_\_\_ of this county commissioners' journal # 65- and
- WHEREAS, after said study and discussion with the Asst. Prosecuting attorney- the Board do this day grant the original petition as asked for under date June 11th, 1977 therefore be it
- RESOLVED, in accordance with the above; that copies of all proceedings be given to the county engineer, county auditor, and agent for this particular annexation- B. Kemp.

Mr. Werner seconded the motion, and the roll being called on its adoption- the vote resulted as follows:

Mr. Reinhart yes;

Mr. Link yes;

Mr. Werner yes.

AFFIDAVIT

I, Alberta Maxson, do hereby certify that the following steps in connection with annexation of lands to the city of St. Marys, do appear in County Commissioners' Journal # 65- as designated:

r. # 65	page: <u>35</u>	copy of Ordinance No. 77-21 from city of St. Marys, Ohio June 10th-1977
r: # 65	page: <u>36</u>	certification inre: ordinance # 77-21
r: # 65	page: <u>36</u>	certificate of publication- inre: ordinance # 77-21
r: # 65	page: <u>36</u>	petition for annexation of lands to city of St. Marys- B. G. Kemp- Agent June 10th
r: # 65	page: <u>37</u>	resolution- accepting petition- setting date of hearing-etc. June 10
r: # 65	page: <u>109</u>	copy of legal notice-
r: # 65	page: <u>110</u>	certificate of publication
r: # 65	page: <u>157- 158</u> <u>159</u>	copy of meeting - minutes
r: # 65	page: <u>157</u>	resolution- dated Aug. 12th-1977 to adjourn hearing
r: # 65	page: <u>261-</u> <u>262</u>	resolution- dated Sept. granting original petition

ate: Sept. 23rd, 1977

  
clerk of board

cc: county engineer  
B.G. Kemp- copies (2) one as solicitor  
county auditor

To Larry 9/28/77

OK  
FINAL

County Commissioners' Office  
Auglaize County, Ohio  
September 27th, 1977.

The Board of County Commissioners met this day in special session with the following members present:

Paul F Reinhart

William Link

Howard Werner

Mr. Werner made the motion that the following be adopted:

R E S O L U T I O N

WHEREAS, there was an error made in the description of lands to be annexed to the city of St. Marys, Ohio- as described in the petition for annexation of lands appearing on page # 36- county commissioners journal 65- under date of June 10th, 1977; and

WHEREAS, a corrective survey description was this 27th day filed with the Board of County Commissioners; therefore be it

RESOLVED, this corrective description, as appearing on page 266 of this county commissioners journal # 65- under this day of September 27th, 1977- replace the original petition as above mentioned; and that this description be filed along with material/ affidavit in connection with this annexation as being the correct description of lands so annexed to the city of St. Marys, Ohio.

Mr. Link seconded the motion; and the roll being called on its adoption- the vote resulted as follows:

Mr. Reinhart yes;

Mr. Link yes;

Mr. Werner yes.

County Commissioners' Journal # 65

Page: 267

date: September 27th, 1977

cc: B. G. Kemp- ( 2 ) agent & solicitor  
county engineer  
county auditor

Attested: Albina Walson  
clerk of board

## SURVEY DESCRIPTION

Being a parcel of land situated in the Southeast Quarter of Section 35, Range 4 East, Town 5 South, (Noble Township), Auglaize County, Ohio, and being more particularly described as follows:

Beginning at a railroad spike set over a stone at the Southwest corner of the Southeast Quarter of Section 35, (said point also being in the centerline of McKinley Road (Geiger Road)).

Thence, North  $01^{\circ} 07' 05''$  East, along the west line of the southeast quarter of Section 35, a distance of One Thousand Fifty-Four and  $35/100$  (1,054.35) feet to a  $5/8''$  iron bar set on the south right-of-way line of limited access U.S. Route 33,

Thence, South  $88^{\circ} 56' 45''$  East, along the south right-of-way line of limited access U.S. Route 33, a distance of One Hundred Ninety-Eight and  $05/100$  (198.05) feet to a  $5/8''$  iron bar;

Thence, South  $87^{\circ} 55' 51''$  East, along the south right-of-way line of limited access U.S. Route 33, a distance of Fourteen Hundred Ten and  $72/100$  (1410.72) feet to a  $5/8''$  iron bar set on the west right-of-way line of the Norfolk and Western Railway Co.;

Thence, South  $50^{\circ} 12' 35''$  West, along said Norfolk and Western Railway Co.'s west right-of-way line, a distance of Three Hundred Seventy and  $46/100$  (370.46) feet to a  $5/8''$  iron bar set on the east line of the Southwest Quarter of the Southeast Quarter of Section 35;

Thence, South  $01^{\circ} 00' 58''$  West, along said east line of the Southwest Quarter of the Southeast Quarter of Section 35 and the west right-of-way line of the Norfolk and Western Railway Co., a distance of twenty-six and  $42/100$  (26.42) feet to a  $5/8''$  iron bar;

Thence, South  $50^{\circ} 12' 35''$  West, along said west right-of-way line of the Norfolk and Western Railway Co., a distance of Eleven Hundred Sixty-Four and  $87/100$  (1164.87) feet to a railroad spike set on the south line of the Southeast Quarter of Section 35 and the centerline of McKinley Road (Geiger Road);

Thence, North  $88^{\circ} 47' 35''$  West, along the south line of the southeast quarter of Section 35 and the centerline of McKinley Road (Geiger Road), a distance of Four Hundred Forty-Eight and  $32/100$  (448.32) feet to the place of beginning.

Save and except an easement, Thirty (30.00) feet in width off of the entire south side of the above described parcel, retained by the City of St. Marys for roadway and other municipal uses.

Containing 25.026 acres of land more or less and subject to all other easements and rights of way of record.

The centerline bearing of U.S. Route 33 as shown on the recorded plat of said centerline survey was used as a basis for this survey. Said centerline bears South  $88^{\circ} 56' 45''$  East. All other bearings were calculated from angles turned.

Description Prepared By:

Michael L. Weadock

Michael L. Weadock

Registered Surveyor No. 6199

Tr. #65  
Page: 266

ORDINANCE NO. 77-21

AN ORDINANCE TO ANNEX CERTAIN TERRITORY OWNED  
BY THE CITY OF ST. MARYS, LOCATED IN SECTION 35,  
NOBLE TOWNSHIP, AUGLAIZE COUNTY, OHIO

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF  
ST. MARYS, OHIO:

SECTION 1. Council does hereby direct that the necessary petition for  
annexation of property owned by the City of St. Marys and located within  
Section 35 of Noble Township and a certain right-of-way, commonly known as  
McKinley Road extending from Spruce Street to the N & W Railway tracks be  
included in said petition for annexation.

SECTION 2. The annexation is necessary since it is an industrial site  
for Community Improvement Corporation usage.

SECTION 3. This ordinance shall be in force and take effect at the earliest  
possible date provided by law.

Passed this 4<sup>th</sup> day of May, 1977.

Robert A. Makley  
President of the Council

Approved by the City Solicitor this 4<sup>th</sup> day of May, 1977.

Barrett G. Kemp  
Barrett G. Kemp

ATTEST:

Rich Huber  
Clerk

Approved this 4<sup>th</sup> day of May, 1977.

Kay E. Albert  
Kay E. Albert, Mayor

CERTIFICATION

CITY OF ST. MARYS, OHIO  
COUNTY, AUGLAIZE

I, Ruth A. Makley, Clerk of the St. Marys City Council  
St. Marys, Ohio, do hereby certify that the foregoing  
Ordinance No. 77:21 is a true and correct  
copy, passed by the legislative body of the above  
said city on the 9<sup>th</sup> day of May, 1977.

IN TESTIMONY WHEREOF, I have hereunto placed my name  
and affixed the seal of the City of St. Marys, Ohio.

Date May 13, 1977

Ruth Makley  
CLERK OF COUNCIL



# CERTIFICATE OF PUBLICATION

STATE OF OHIO, AUGLAIZE COUNTY, ss:

On this 20th day of May A. D. 1977

personally appeared before the undersigned, a Notary Public within and for said County and State, Mary E. Albert, who being duly sworn states on oath that (he)(she) is Assistant Business Manager of **THE ST. MARYS EVENING LEADER**, a newspaper published daily at St. Marys, County of Auglaize, State of Ohio, and that the same is of general circulation in said County, and that the notice, a true copy of which is hereto annexed, was published in said newspaper 12 weeks in its issues of

the 13th and 20th of

May A. D. 1977

Subscribed and sworn to me this 20th day of

May A. D. 1977

Pr's Fees \$ \_\_\_\_\_

Affidavit \_\_\_\_\_

Total, \$ \_\_\_\_\_

Robert Edward Hunter  
Notary Public

ROBERT EDWARD HUNTER, NOTARY PUBLIC  
IN AND FOR AUGLAIZE COUNTY, OHIO  
MY COMMISSION EXPIRES OCTOBER 19, 1978

## LEGAL NOTICE

ORDINANCE NO. 77-21

AM ORDINANCE TO ANNEX CERTAIN TERRITORY OWNED BY THE CITY OF ST. MARYS, LOCATED IN SECTION 35, NOBLE TOWNSHIP, AUGLAIZE COUNTY, OHIO.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF ST. MARYS, OHIO:

SECTION 1. Council does hereby direct that the necessary petition for annexation of property owned by the City of St. Marys and located within Section 35 of Noble Township and a certain right-of-way, commonly known as McKinley Road extending from Spruce Street to the N & W Railway tracks be included in said petition for annexation.

SECTION 2. The annexation is necessary since it is an industrial site for Community Improvement Corporation usage.

SECTION 3. This ordinance shall be in force and take effect at the earliest possible date provided by law.

Passed this 9th day of May, 1977.

Robert A. Makley,

President of the Council

Approved by the City Solicitor this 9th day of May, 1977.

Barrett G. Kemp

ATTEST:

Ruth Makley, Clerk

Approved this 9th day of May, 1977.

Kay E. Albert, Mayor

May 13-20, 1977

A PETITION FOR ANNEXATION TO THE  
CITY OF ST. MARYS, OHIO

TO: THE BOARD OF COUNTY COMMISSIONERS  
COUNTY OF AUGLAIZE  
STATE OF OHIO:

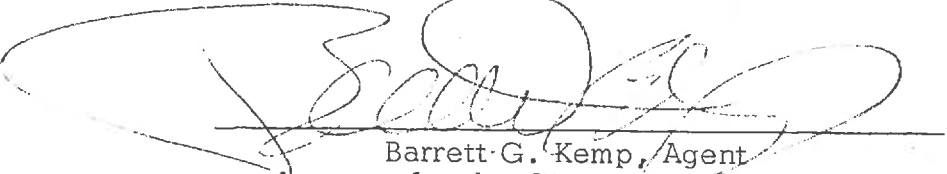
The City of St. Marys, Ohio, being the only property owner of real estate for the following described territory situated in the County of Auglaize, Townships of Noble and St. Marys, and adjacent to the City of St. Marys, to-wit:

Situated and being a part of the South half (1/2) of the Southeast Quarter (1/4) of Section 35, Town 5 South, Range 4 East, Noble Township, Auglaize County, Ohio, and being further described as follows:  
Beginning at a point on the centerline of McKinley Road, said point being the South Quarter Post of Section 35; thence in a Northerly direction along said North-South half (1/2) section line, and the East line of a tract of land owned by Walter Huckemeyer, a distance of approximately One Thousand Fifty-five (1055) feet to a point on the South right-of-way line of U.S. Route 33; thence in an Easterly direction along said South right-of-way line a distance of One Thousand Six Hundred Nine and 35/100 (1609.35) feet to a point, said point being the intersection of the South right-of-way line of U.S. Route 33 and the West right-of-way line of the Norfolk & Western Railway Company; thence in a Southwesterly direction along said Norfolk & Western Railway Company right-of-way to a point on the centerline of McKinley Road; thence West along said centerline of McKinley Road, a distance of approximately Four Hundred Seventy-eight (478) feet to the PLACE OF BEGINNING; ALSO, all that part of the McKinley Road right-of-way located between State Route 66 (North Spruce Street) and the centerline of the Norfolk & Western Railway Company's right-of-way that is currently within the corporate limits of the City of St. Marys, Auglaize County, Ohio.

Containing 27.4 acres of land, more or less, and a map of which territory is hereby attached, (See Dwg. #H-309 of the City of St. Marys Engineering Records)

with special invitation that the above described territory be annexed to the City of St. Marys, Ohio.

The property sought to be annexed contains (1) property owner, The City of St. Marys, and Barrett G. Kemp, is authorized to act as Agent for the petitioner in securing such annexation. This annexation is authorized by Ordinance No. 77:21, passed by the Council for the City of St. Marys, Ohio, on MAY 9, 1977, and in accordance with the applicable sections of the Ohio Revised Code, Sections 709.02 to 709.16 inclusive.

  
Barrett G. Kemp, Agent  
for the City of St. Marys, Ohio

step # 2:

County Commissioners' Office

Auglaize County, Ohio

June 10th, 1977

The Board of County Commissioners met this day in special session with the following members present:

Paul F. Reinhart

William Link

Howard Werner

Mr. Link made the motion that the following be adopted:

R E S O L U T I O N

WHEREAS, the clerk of Board of County Commissioners, did this day inform the Board that a Petition for the annexation of lands to the city of St. Marys, Ohio, along with St. Marys City Ordinance No. 77-21; Certification from Clerk of Council; and Certificate of Publication; accurate map of said land attached; was filed with her on the 9th day of June, 1977; and

WHEREAS, copy of said petition does appear on page: 36-37 of this county commissioners; journal # 65; therefore be it

RESOLVED, that the Board does this day accept the above mentioned petition and after proper advertisement has been made according to law; section 709.03.1 of the Revised code of Ohio; the Board will hold a hearing on said petition on the 12th day of August, 1977 at 10 o'clock A. M. at the office of said Board of County Commissioners, in the basement of the county courthouse; and be it further

RESOLVED, that a copy of said resolution be given to the Agent for the annexation petition, Barrett Kemp- attorney-at-law.

Mr. Werner seconded the motion, and the roll being called on its adoption- the vote resulted as follows:

Mr. Reinhart yes;

Mr. Link yes;

Mr. Werner yes.

PLEASE NOTE; this office must have a copy of your typewritten notice that you send to the newspaper and the certification of publication.

cc: Barrett Kemp- Agent/attorney

also: John F. Kuffner

attorney-at-law

201 W. North street

St. Marys, Ohio

45885

at his request: representing the  
Midwest Electric, Inc.

#7  
LEGAL NOTICE

Notice is hereby given that on the 9th day of June, 1977, there was presented to the Board of County Commissioners, County of Auglaize, State of Ohio, a Petition for Annexation of municipal owned real estate situated in the County of Auglaize, Townships of Noble and St. Marys, and adjacent to the City of St. Marys, being more particularly described as follows, to-wit:

Situated and being a part of the South half (1/2) of the Southeast Quarter (1/4) of Section 35, Town 5 South, Range 4 East, Noble Township, Auglaize County, Ohio, and being further described as follows:

Beginning at a point on the centerline of McKinley Road, said point being the South Quarter Post of Section 35; thence in a Northerly direction along said North-South half (1/2) section line, and the East line of a tract of land owned by Walter Huckemeyer, a distance of approximately One Thousand Fifty-five (1055) feet to a point on the South right-of-way line of U.S. Route 33; thence in an Easterly direction along said South right-of-way line a distance of One Thousand Six Hundred Nine and 35/100 (1609.35) feet to a point, said point being the intersection of the South right-of-way line of U.S. Route 33 and the West right-of-way line of the Norfolk & Western Railway Company; thence in a Southwesterly direction along said Norfolk & Western Railway Company right-of-way to a point on the centerline of McKinley Road; thence West along said centerline of McKinley Road, a distance of approximately Four Hundred Seventy-eight (478) feet to the PLACE OF BEGINNING: ALSO, all that part of the McKinley Road right-of-way located between State Route 66 (North Spruce Street) and the centerline of the Norfolk & Western Railway Company's right-of-way that is currently not within the corporate limits of the City of St. Marys, Auglaize County, Ohio.

Containing 27.4 acres of land, more or less, and a map of which territory is hereby attached, (See Dwg. #H-309 of the City of St. Marys Engineering Records)

with special invitation that the above described territory be annexed to the City of St. Marys, Ohio.

The property sought to be annexed contains (1) property owner, The City of St. Marys, and Barrett G. Kemp, is authorized to act as Agent for the petitioner in securing such annexation. This annexation is authorized by Ordinance No. 77:21, passed by the Council for the City of St. Marys, Ohio, on May 9, 1977, and in accordance with the applicable sections of the Ohio Revised Code, Sections 709.02 to 709.16 inclusive.

The Board of County commissioners, by Resolution, established and affixed the 12th day of August, 1977, at 10:00 AM as the time for the hearing of said Petition; that said hearing shall be held in the Office of the Board of County Commissioners of Auglaize County, in the County Courthouse Basement, Wapakoneta, at said time and place.

Barrett G. Kemp  
City Solicitor  
Agent for the Petitioner

Publish: June 29  
July 6  
July 13  
July 20

LEGAL NOTICE

Notice is hereby given that on the 9th day of June, 1977, there was presented to the Board of County Commissioners, County of Auglaize, State of Ohio, a petition for Annexation of municipal owned real estate situated in the County of Auglaize, Townships of Noble and St. Marys, and adjacent to the City of St. Marys, being more particularly described as follows, to-wit:

Situated and being a part of the South half (1/2) of the Southeast Quarter (1/4) of Section 35, Town 5 South, Range 4 East, Noble Township, Auglaize County, Ohio, and being further described as follows:

Beginning at a point on the centerline of McKinley Road, said point being the South Quarter Post of Section 35; thence in a northerly direction along said North-South half (1/2) section line, and the East line of a tract of land owned by Walter Luckemeyer, a distance of approximately one Thousand Fifty-five (1055) feet to a point on the South right-of-way line of U.S. Route 33; thence in an Easterly direction along said South right-of-way line a distance of One Thousand Six Hundred line and 35-100 (1609.35) feet to a point, said point being the intersection of the South right-of-way line of U.S. Route 33 and the West right-of-way line of the Norfolk & Western Railway Company; thence in a Southwesterly direction along said Norfolk & Western Railway Company right-of-way to a point on the centerline of McKinley Road; thence West along said centerline of McKinley Road, a distance of approximately Four Hundred Seventy-eight (478) feet to the PLACE OF BEGINNING; ALSO, all that part of the McKinley Road right-of-way located between State Route 66 (North Spruce Street) and the centerline of the Norfolk & Western Railway Company's right-of-way that is currently not within the corporate limits of the City of St. Marys, Auglaize County, Ohio.

Containing 27.4 acres of land, more or less, and a map of which territory is hereby attached, (See Dwg. No. H-309 of the City of St. Marys Engineering Records) with special invitation that the above described territory be annexed to the City of St. Marys, Ohio.

The property sought to be annexed contains (1) property owner, The City of St. Marys, and Barrett G. Kemp, is authorized to act as Agent for the petitioner in securing such annexation. This annexation is authorized by Ordinance No. 77:21, passed by the Council of the City of St. Marys, Ohio, on May 9, 1977, and in accordance with the applicable sections of the Ohio Revised Code, Sections 709.02 to 709.16 inclusive.

The Board of County commissioners, by Resolution, established and affixed the 12th day of August, 1977, at 10:00 A.M. as the time for the hearing of said Petition; that said hearing shall be held in the Office of the Board of County Commissioners of Auglaize County, in the County Courthouse Basement, Wapakoneta, at said time and place.

Barrett G. Kemp  
City Solicitor

Agent for the Petitioner

June 29, July 6-13-20, 1977

# CERTIFICATE OF PUBLICATION

STATE OF OHIO, AUGLAIZE COUNTY, ss:

On this 21st day of July A. D. 19 77  
personally appeared before the undersigned, a Notary Public within and for said County and State, J. W. Wanjat, who being duly sworn states on oath that (he)(she) is Assistant Business Manager of THE ST. MARYS EVENING LEADER, a newspaper published daily at St. Marys, County of Auglaize, State of Ohio, and that the same is of general circulation in said County, and that the notice, a true copy of which is hereto annexed, was published in said newspaper 4 weeks in its issues of

June 29th. and to the 13th. and 20th. of July A. D. 19 77

Subscribed and sworn to me this 21st day of

July A. D. 19 77

Pr's Fees \$

Affidavit

Total, \$

DALE F. GRIMES, JR.

Notary Public  
DALE F. GRIMES, JR.  
Notary Public, Auglaize County, Ohio  
My Commission Expires MAY 11, 1982

ANNEXATION HEARING - CITY OF ST. MARYS -  
AG-WAY INC.

\*\*\*\*\*

Friday morning, August 12th, 1977 the annexation hearing was held in the Assembly room of the county courthouse regarding land petitioned to be annexed to the City of St. Marys. This land is the proposed site of the new industry, Ag-Way inc. President of the Commissioners, Paul F. Reinhart called for an introduction of all attending the hearing. Representatives of Ag-Way Inc., the St. Marys Chamber of Commerce, the Community Industrial Commission, the Noble Township Trustees, and several city officials of St. Marys, were present, along with Ken Hitchen, Asst. Prosecuting Attorney and legal counsel for the County Commissioners.

Mr. Reinhart stated that the petition for annexation to the City of St. Marys was submitted on June 9th, 1977, and 1 error was found in the meets and bounds description; said error was corrected, and the proper legal notice has been published in the newspaper. Mr. Reinhart also stated that the main purpose of this meeting today was to hear the pros and cons for the annexation to City of St. Marys, by all concerned parties.

Mr. Barry Kemp, attorney for City of St. Marys, was the first to express his opinion. He stated that the CIC had acquired the McKinley Road tract of land with the intention of attracting some industry to St. Marys and also Auglaize County. In order for the interested industry - Ag-Way, Inc. - to proceed with the financing it must be within the city limits of St. Marys. This industry will provide many additional jobs for residents, and will produce a good capital outlay. Mr. Kemp also quoted Section 503.04 of the Ohio Revised Code, dealing with the annexation procedure. Mr. Kemp also informed those present that he has also petitioned another tract of land for annexation - the Walter Hucke meyer property (approx. 54 acres) which will require the same procedure as this one. The hearing on the Huckemeyer annexation will be held September 23, 1977.

The Noble Township Trustees were the next to voice their comments. They are worried that the township residents will be loosing revenue if the area is annexed to the city of St. Marys. the township will <sup>lose</sup>~~lose~~ road mileage for gas mileage fund (Wheeler Bill). If the township ~~loses~~ roads - it ~~loses~~ money.  
Lose Lose

Vern Doenges, County Auditor for Auglaize County explained the loss of money (revenue) for rural townships. In this case, the municipality's inside millage is less than the township's inside millage. At the present time, Noble Township's revenue from millage is \$6,200. If it assumes St. Marys millage, the amount would be decreased to \$620. The Auditor's office could make millage available only in the Road and Bridge fund. This change would not go into effect until the 1979 taxes.

Mr. Noble, attorney for Ag-Way Inc. said that in the other annexations he was involved with, the County Auditor was not brought into the picture. He was under the impression that the County Commissioners always deal directly with the people involved - the ones living in the area of annexation. In this case, the city can offer utilities to Ag-Way that the township isn't able to. Mr. Noble feels the Commissioners should look at the people involved, and what is good for the City of St. Marys. He also feels the township will benefit from this action.

Mr. Kuffner spoke as a resident of Noble Township and as a lawyer. He brought up the point that the annexation of land was not petitioned for by the landowners. He also stated that the Revised Code says any annexation of land should be properly next to city property; this is not - this land sought for annexation is an island in Noble Township. No city limits abut this land, therefore it cannot be annexed properly. The Huckemeyer property abuts (is next to) the city limits, and that land has not even been annexed at this point. By law, the City can't grab an island of land and annex it. You can't use a string to get the property you want. Mr. Kuffner gave an example of this string method that was used in a Dayton court case. Mr. Kuffner said he is in favor of new industry, but feels the industry can just as easily locate in Noble township as in the city limits. Mr. Kuffner stated that the electricity lines are already running out by the proposed site.

Kay Albert, Mayor of St. Marys questioned Mr. Kuffner's use of the two words - contiguous and abut.

Mr. B. Kemp said that the city did own the property at the time that the annexation petition was filed, but that on July 22, 1977 - the property was conveyed to Ag-Way Inc., and is now theirs. Ag-Way holds the title to this land.

Mr. Kemp said that this change of ownership is no problem, and that the owners (Ag-Way) have no objections whatsoever to the annexation. He further stated that he did not believe Mr. Kuffner should have brought the Dayton court case into the picture since the two situations are in no way similar (string method of annexing). He feels the City is not creating an island. He feels that the city is justified in wanting to control McKinly Road regarding the utilities. And the City does not object to any industry wanting to locate in the township. But in this case, the Ag-Way Inc. wants to be annexed to the city because of the CIC financing that is available.

A representative of the Ag-Way Inc. made the statement that his company wants it put on the record that they fully agree with annexing into the City of St. Marys.

Mr. Ken Hegeman, city official, then took the floor and told the township trustees that he had looked into the funding problems of the township, and some revenue sharing monies could possible be used for the township. He also said that this would be approximately a 5 million dollar investment by Ag-Way Inc. and that Noble Township will still be entitled to quite a bit of millage money from this 5 million dollar investment. He said the City has a tight budget where the public utilities are concerned. And if the city runs sewers, water, electric service to the Ag-Way plant he would naturally like to see some income tax revenue to the City of St. Marys from the plant. And St. Marys is the only city in the county with CIC - whose purpose is to encourage industry to settle in Auglaize County.

Representatives from the CIC, and the St. Marys Chamber of Commerce voiced their organization's approval of the proposed annexation.

AgWay Inc. is a plant that manufactures animal food - the feed mill type. Before deciding on Auglaize County, the company looked at various sites in Western Ohio/Eastern Indiana. The company was happy/impressed with the representatives of the CIC when contacted about the site for the plant. They feel St. Marys is a favorable neighborhood - their 800 facilities are all in smaller communities.



The AgWay Inc. has invested about 12 million dollars so far in this type of financing - the Industrial Revenue Bonds. Has several other projects handled this way - pleased with the result. This was a major selling point - the fact that the CIC did have these bonds available to the industry. The AgWay Inc. spokesman said he can appreciate the concern of the township people, but that the plant needs the city water, sewage and etc. and that was a major factor in the decision to locate in St. Marys. He further stated that he had plans and pictures of the proposed facility available with him for the Commissioners study.

A spokesman for the City employees of the City of St. Marys said it is the feeling of all city employees that this annexation is vital to the economic welfare of St. Marys. He brought out the statement that police protection would also be available readily to the plant.

Bob Vogel, township trustee said that he wanted to clear up the fact that the trustees requested Vern Doenges, Auditor to look up the tax millage information for them. He also asked the representative from AgWay Inc. if the project would involve buying grain from the area farmers - to be used in the manufacture of the animal food? His answer was - most probably yes - that 70% of the ingredients in the product were grains, and meat scraps. And that shipping would be done by trucks and rail.

The only statement that Asst. Prosecutor and legal counsel for the Commissioners - Ken Hitchen made was that the decision is now up to the Commissioners to do what they feel is best for all.

The hearing was adjourned as there were no further comments or questions.

County Commissioners' Office  
Auglaize County, Ohio  
August 12th, 1977

The Board of County Commissioners met this day in special session with the following members present:

Paul F. Reinhart

William Link

Howard Werner

Mr. Werner made the motion that the following be adopted:

R E S O L U T I O N

WHEREAS, this being the date set in their order of June 11th, 1977 to hold a Hearing for annexation of lands, to the city of St. Marys. Property sought to be annexed owned by the City of St. Marys- with Barrett G. Kemp- attorney-at-law, acting as Agent for said annexation petition; and

WHEREAS, said Hearing was well attended; as contained in attached report of said hearing; therefore be it

RESOLVED, in accordance with section 709.03.3 of the revised code of Ohio which states in part:

The Board of County Commissioners shall grant or deny the petition for annexation within ninety days after the hearing;

therefore be it

RESOLVED, that the Board will adjourn this hearing, and make a decision granting/or denying same after making a further study of all remarks/comments as made at said hearing.

Mr. Link seconded the motion, and the roll being called on its adoption- the vote resulted as follows:

Mr. Reinhart yes;

Mr. Link yes;

Mr. Werner yes.

cc: Barrett G. Kemp- Agent

County Commissioners' Office  
Auglaize County, Ohio  
September 23rd, 1977

The Board of County Commissioners met this day in special session with the following members present:

Paul F. Reinhart

William Link

Howard Werner

Mr. Link made the motion that the following be adopted:

R E S O L U T I O N

- WHEREAS, on the 12th day of August, 1977 the Board of County Commissioners did Adjourn a Hearing on a petition for annexation of lands- for further study - said petition appearing on page \_\_\_\_\_ of this county commissioners' journal # 65- and
- WHEREAS, after said study and discussion with the Asst. Prosecuting attorney- the Board do this day grant the original petition as asked for under date June 11th, 1977 therefore be it
- RESOLVED, in accordance with the above; that copies of all proceedings be given to the county engineer, county auditor, and agent for this particular annexation- B. Kemp.

Mr. Werner seconded the motion, and the roll being called on its adoption- the vote resulted as follows:

Mr. Reinhart yes;

Mr. Link yes;

Mr. Werner yes.

AFFIDAVIT

I, Alberta Maxson, do hereby certify that the following steps in connection with annexation of lands to the city of St. Marys, do appear in County Commissioners' Journal # 65- as designated:

Jr. # 65	page: <u>35</u>	copy of Ordinance No. 77-21 from city of St. Marys, Ohio June 10th-1977
Jr: # 65	page: <u>36</u>	certification inre: ordinance # 77-21
Jr: # 65	page: <u>36</u>	certificate of publication- inre: ordinance # 77-21
Jr: # 65	page: <u>36</u>	petition for annexation of lands to city of St. Marys- B. G. Kemp- Agent June 10th
Jr: # 65	page: <u>37</u>	resolution- accepting petition- setting date of hearing-etc. June 10
Jr: # 65	page: <u>109</u>	copy of legal notice-
Jr: # 65	page: <u>110</u>	certificate of publication
Jr: # 65	page: <u>157- 158</u> <u>159</u>	copy of meeting - minutes
Jr: # 65	page: <u>157</u>	resolution- dated Aug. 12th-1977 to adjourn hearing
Mr: # 65	page: <u>261-</u> <u>262</u>	resolution- dated Sept. granting original petition

date: Sept. 23rd, 1977

  
clerk of board

cc: county engineer  
B.G. Kemp- copies (2) one as solicitor  
county auditor