

ORDINANCE NO. 17-09

AN ORDINANCE ASSENTING TO MANDY AND BRANDON FOX'S MARCH 27, 2017
DETACHMENT PETITION

WHEREAS, on March 27, 2017, Mandy and Brandon Fox petitioned the Village of Thornville to detach \pm 5.143 acres of land located at 13199 County Road 30, Thornville, Ohio (Parcel No. 390004775103) ("the Property"). While the petition does not articulate any legal basis to detach the Property, the Village of Thornville construes the petition as being made under R.C. 709.38; and

WHEREAS, R.C. 709. 38, which provides one of two ways that non-farm land can be detached, allows property to be detached upon petition by a majority of the owners of land "with the assent of the legislative authority of the municipal corporation given in an ordinance passed for that purpose;" and

WHEREAS, once such assent is given, the Perry County Board of County Commissioners shall detach the Property from the Village of Thornville, attach it to the Township of Thorn, and follow all the requirements of R.C. 709.38; and

WHEREAS, Council for the Village of Thornville now wants to assent to Mandy and Brandon Fox's detachment petition.

NOW, **THEREFORE, BE IT ORDAINED** by the Council of the Village of Thornville, County of Perry, State of Ohio:

SECTION 1: Council for the Village of Thornville hereby assents to Mandy and Brandon Fox's March 27, 2017 Petition to Detach \pm 5.143 acres of land located at 13199 County Road 30, Thornville, Ohio (Parcel No. 390004775103).

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that results in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

SECTION 3: All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

SECTION 4: This Ordinance shall take effect at the earliest time allowed by law.

Passed in Council this 26 day of June, 2017.

Linda Savage
~~Gavin Renner, Mayor~~
Linda Savage

ATTEST

Sharon Brussee
Sharon Brussee, Clerk of Council

APPROVED:

Approved as to form this 18th day of April 2017:



Brian M. Zets, Esq.
Village Solicitor



Instrument Book Page
201800003231 OR 446 1940

ck# 1245 rept# 514609
Split Fee Paid \$400.00 —
Date: 4/2/2013 CF
Perry Co. Planning Comm.



BOESHART & ASSOCIATES
94 CANYON VILLA DRIVE
HEBRON, OH 43025
Phone: 740-928-4130
Email: boeshart@perrycountypa.com

Date: March 18, 2013

SURVEYOR's DESCRIPTION - Part of Parcel No. 039-000477-5100
Previous Deed: O.R. 378 Pg. 633-639 ~ Linnville Land, LLC- 35.579 Acres
Part of Vacated Thorn Hill Estates – Section II - Plat Book 5 Page 476 (Slot 424)

PARCEL A ~ 5.143 Acres

The parcel herein described is known as being a part of the same lands conveyed to Linnville Land, LLC as described in Official Record 378 on Page 633-639 (Sheriff Sale Instrument No. 201100002267) and is better known as being a part of the Vacated Thorn Hill Estates – Section II in the Village of Thornville found recorded in the Perry County Recorder's Office in New Lexington, Ohio and is better known as being a part of the Northeast Quarter of Section 16 in Township 18 North in Range 17 West in the Refugee Lands of Perry County, Ohio and is better described as follows:

Beginning at an existing iron pipe at the northeast corner of Lot 132 in Thorn Hills Estates, Section I (Plat Book 5 Page 195) at an existing 5/8" iron pipe;

Thence, with the north line of the said lot, North 86 degrees 21 minutes 50 seconds West, 270.80 feet to an existing 5/8" iron pipe at the southeast corner of Lot 130 in Thorn Hills Estates, Section 1 (Plat Book 5 Page 195);

Thence, with the east line of Lot 130, North 3 degrees 38 minutes 10 seconds East, 161.28 feet to an existing 5/8" iron pipe and the **true point of beginning**;

Thence, with the east line of Lots 130, 129 & 128, North 27 degrees 19 minutes 49 seconds West, 277.15 feet to an existing 5/8" iron pipe;

Thence, with the south line of the Edgar A. Orr, Post No. 342 of the American Legions, Inc. (D.B. 179 Pg. 236), North 57 degrees 17 minutes 11 seconds East, 466.45 feet to an existing 5/8" iron pipe;

Thence, with the south line of the Edgar A. Orr, Post No. 342 of the American Legions, Inc. (D.B. 112 Pg. 267), North 57 degrees 18 minutes 43 seconds East, 159.96 feet to an existing 5/8" iron pipe;

Thence, with the west line of Kermit A. & Dorothy E. Boring (D.B. 215 Pg. 185), South 36 degrees 50 minutes 46 seconds East, 120.92 feet to an existing 5/8" iron pipe;

Thence, with the west line of Paul R. & Rebecca L. Krumlauf (D.B. 231 Pg. 583), South 38 degrees 58 minutes 46 seconds East, 80.47 feet to an existing iron pipe;

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Thence, with the west line of Lawrence E. & Sheila J. Gallagher (O.R. 238 Pg. 27), South 42 degrees 14 minutes 02 seconds East, 80.47 feet to an existing 5/8" iron pipe;

Thence, following the Gallagher southerly line, North 56 degrees 59 minutes 08 seconds East, 190.72 feet to an existing 5/8" iron pipe;

Thence, North 89 degrees 18 minutes 18 seconds East, 42.06 feet to a point in the center line of Zion Road (County Road 30);

Thence, with the center of the said road on a curve to the left, Curve Data: Delta = 3 degrees 17 minutes 44 seconds, Radius = 1406.97 feet, Arc = 80.93 feet, South 47 degrees 07 minutes 37 seconds East, 80.91 feet along the chord to a point;

Thence, leaving the said road and through the Linnville Land, LLC lands, South 63 degrees 55 minutes 09 seconds West, passing a set 5/8" iron pin at 31.72 feet, a total distance of 674.68 feet to a set 5/8" iron pin;

Thence, South 62 degrees 58 minutes 19 seconds West, 260.86 feet to the **true point of beginning**. Containing 5.143 Acres and being subject to all legal roads, easements and restrictions of record. North is based on the Mid-Line of Section 16 as bearing North 4 degrees 14 minutes 44 seconds East. All iron pins set are 5/8" x 30" Rebar with a plastic ID cap stamped "Boeshart S-6512". The parcel is subject to the following utility easement:

Water and Sanitary Sewer Easement to the Village of Thornville

UTILITY EASEMENT: The easement herein described is known as being a part of the Vacated Thorn Hill Estates - Section II in the Village of Thornville found recorded in the Perry County Recorder's Office in New Lexington, Ohio and is better known as being a part of the Northeast Quarter of Section 16 in Township 18 North in Range 17 West in the Refugee Lands of Perry County, Ohio and is better described as follows:

Beginning at an existing iron pipe at the northeast corner of Lot 132 in Thorn Hills Estates, Section 1 (Plat Book 5 Page 195) at an existing 5/8" iron pipe;

Thence, with the north line of the said lot, North 86 degrees 21 minutes 50 seconds West, 138.55 feet to a point;

Thence, leaving the said lot line, North 31 degrees 26 minutes 58 seconds East, 90.77 feet to a point;

Thence, North 52 degrees 23 minutes 04 seconds West, 175.64 feet to a point;

Thence, South 62 degrees 58 minutes 19 seconds West, 33.66 feet to an existing 5/8" iron pipe on the east line of Lot 130;

Thence, with the east line of the said Lot 130, North 27 degrees 19 minutes 49 seconds West, 21.00 feet to a point;

Thence, leaving the east line of Lot 130 of said Addition, North 61 degrees 34 minutes 09 seconds East, 445.94 feet to a point;

Thence, South 89 degrees 51 minutes 48 seconds East, 154.64 feet to a point;

Thence, North 8 degrees 20 minutes 38 seconds East, 155.88 feet to a point on the west line of Lawrence & Sheila Gallagher(O.R.238 Pg.27);

Thence, west line of the said Gallagher parcel, South 42 degrees 14 minutes 02 seconds East, 25.72 feet to an existing iron pipe;

Thence, following the Gallagher southerly line, North 56 degrees 59 minutes 08 seconds East, 190.72 feet to an existing 5/8" iron pipe;

Thence, North 89 degrees 18 minutes 18 seconds East, 1.64 feet to a point on the westerly right of way line of Zion Road (County Road 30);

Thence with the said road, South 44 degrees 50 minutes 22 seconds East, 34.86 feet to a point;

Thence, leaving the said road, South 56 degrees 59 minutes 08 seconds West, 209.91 feet to a point;

Thence, South 8 degrees 20 minutes 38 seconds West, 152.12 feet to a point;

Thence, North 89 degrees 51 minutes 48 seconds West, 165.32 feet to a point;

Thence, South 63 degrees 55 minutes 09 seconds West, 55.26 feet to a point;

Thence, South 31 degrees 26 minutes 58 seconds West, 177.23 feet to a point;

Thence, South 15 degrees 53 minutes 58 seconds West, 106.40 feet to a point;

Thence, South 52 degrees 23 minutes 04 seconds East, 94.95 feet to a point;

Thence, South 18 degrees 21 minutes 47 seconds East, 95.62 feet to a point;

Thence, South 49 degrees 15 minutes 27 seconds West, 34.60 feet to a point;

Thence, North 18 degrees 21 minutes 47 seconds West, 94.12 feet to a point;

Thence, North 86 degrees 21 minutes 50 seconds West, 18.02 feet to the **point of beginning**;
The easement described above is subject to all legal roads, easements and restrictions of record.
North is based on the Mid-Line of Section 16 as bearing North 4 degrees 14 minutes 44 seconds East.

I, Paul J. Boeshart, hereby certify that the above description represents a true and correct survey and all measurements were made in accordance with Chapter 4733-37 of the Ohio Administrative Code under my direct supervision in March, 2013.


Paul J. Boeshart, PLS
Registration No. S-6512

03-15-13

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