

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 105-10

Passed January 31, 2011

12/7/10-gmk
(Community & Economic Development)

Ordinance No. 105-10

An ordinance accepting the annexation of certain territory owned by the City of North Canton to the City of North Canton, containing 5.417 acres, more or less, in Plain Township to the City of North Canton.

WHEREAS, a petition for the annexation of certain territory in Plain Township was duly filed by the City of North Canton through its agent, Christopher J. Goldthorpe, on November 1, 2010; and,

WHEREAS, ORC 709.15 and 709.16 describes a special procedure for such annexation by municipal corporation in which they are the sole owner of property within the territory proposed; and,

WHEREAS, the Board of County Commissioners examined the map, legal documents and the petition; and,

WHEREAS, the Board of County Commissioners of Stark County on November 24, 2010 unanimously adopted a Resolution resolving:

"...that in accordance with ORC Section 709.16, the Board of Commissioners grant the subject annexation."

WHEREAS, the Board of County Commissioners of Stark County certified the transcript of the proceedings in connection with the annexation with the map and petition required therewith with the Clerk of Council; who received same on December 2, 2010; and,

WHEREAS, pursuant to Section 709.16(C) of the Revised Code, the City is not required to hold the transcript of the annexation proceedings for sixty days; therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 1. That the proposed annexation as applied for in the petition of Christopher J. Goldthorpe, agent for the property owner, and one hundred percent of the owners of real estate in the territory south to be annexed and filed with the Board of County Commissioners of Stark County on November 1, 2010, and which petition prayed for annexation to the City of North Canton, Ohio, of certain territory adjacent thereto as described and which petition was granted on November 24, 2010, by the Board of County Commissioners of Stark County; and the same is hereby accepted. The territory is described as follows:

Known as and being all of the following three tracts of land currently owned by the City of North Canton,

Parcel #55-01515, a 2.795 acre tract of land recorded in Stark County Recorder's Image Number 2009/01270003039;

Parcel #55-01429, a 2.452 acre tract of land recorded in Stark County Recorder's Image Number 1998/002403;

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Parcel #55-00157, a 0.17 acre tract of land recorded in Stark County Recorder's Image Number 1998/002403;

All of which are situated in part of the Southwest Quarter of Section 9, Township 11 (Plain Township), Range 8 in Stark County, Ohio and being more particularly bounded and described as follows;

Commencing for the same at a point at the southeast corner of the said Southwest Quarter of Section 9, Plain Township;

Thence N85°11'00"W along a portion of the south line of said Southwest Quarter of Section 9, the same being a portion of the centerline of East Maple Street (C-98), a distance of 669.30 feet to a point at the southwest corner of a 4.29 acre tract of land now or formerly owned by Robert N. Cowie, Jr. & Michele M. Cimprich and recorded in Stark County Recorder's Image Number 2009/06230025287 said point being the true place of beginning for the tract of land herein to be described;

Thence continuing N85°11'00"W along a portion of the said section and centerline which line is also a portion of the current Corporation line of the City of North Canton a distance of 240.00 feet to a point at the southeast corner of a 1.3975 acre tract of land now or formerly owned by the City of North Canton and recorded in Stark County Recorder's Image Number 1998/002402;

Thence N05°36'00"E along the east line of said 1.3975 acre tract of land, and a portion of the current Corporation Line of the City of North Canton, a distance of 870.00 feet to a point at the northeast corner of said 1.3975 acre tract of land;

Thence S85°11'00"E along a portion of the south line of a 38.25 acre tract of land now or formerly owned by the City of North Canton and recorded in Deed Volume 2913, Page 371 of the Stark County Deed Records, which line is also a portion of the current Corporation line of the City of North Canton, a distance of 180.00 feet to a point at the southeast corner of said 38.25 acre tract of land;

Thence N05°36'00"E along a portion of the east line of said 38.25 acre tract of land and a portion of the current Corporation line of the City of North Canton a distance of 465.50 feet to a point at the southwest corner of a 19.31 acre tract of land, now or formerly owned by Walsh University, Inc. and recorded in Stark County Recorders Image Number 1996/055834;

Thence S85°11'00"E along a portion of the south line of said 19.31 acre tract of land and a portion of the current Corporation line of the City of North Canton a distance of 57.70 feet to a point at the northwest corner of the previously mentioned 4.29 acre Robert N. Cowie, Jr. & Michele M. Cimprich's tract of land;

Thence S05°36'00"W along the west line of said 4.29 acre tract of land a distance of 1335.50 feet to a point at the southwest corner of said 4.29 acre tract of land now or formerly owned by Robert N. Cowie, Jr. & Michele M. Cimprich, and being the true place of beginning.

The above described annexation contains 5.417 acres of land more or less, of which 0.1653 acres are in the present road right-of-way of East Maple Street; as compiled from record information, under the direct supervision of Jeroid E. Geib, a Registered Surveyor in the State of Ohio, in November of 2009.

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NOTES: Reference direction for bearing system used in the above description was established from Stark County Records Image Number 2009/01270003039, using N85°11'00"W for the south line of the Southwest Quarter of Section 9, Plain Township.

Subject to all legal highways, easements, leases or other restrictions.

This is not a boundary survey description per OAC 4733-37.

Section 2. That the Clerk of Council, be, and is hereby authorized and directed to make three copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty days after it becomes effective, and the Clerk shall do all other things required by law. No action of Council shall be enacted unless public notice has been fulfilled at least seven (7) days before final enactment by Council.

Section 3. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 4. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH
Passed: 1/31/11



MAYOR

SIGNED: 1-31, 2011

ATTEST:


CLERK OF COUNCIL