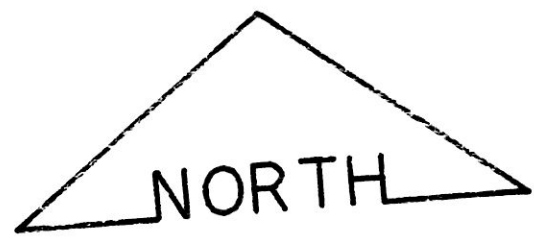




9800004051
 Filed for Record in
 HOLMES COUNTY, OH
 SALLY MILLER
 On 08-27-1998 At 01:32 pm.
 PLAT MED 21.60
 Book OR Vol. 16 Pg. 838 - 838
 or vol 15 page 367



BEARINGS EST. FROM SUR. PLAT
 2/245 & ARE FOR ANGULAR
 MEASUREMENT ONLY.

VILLAGE
 OF
 MILLERSBURG
 254/327

VILLAGE OF MILLERSBURG
 254/330

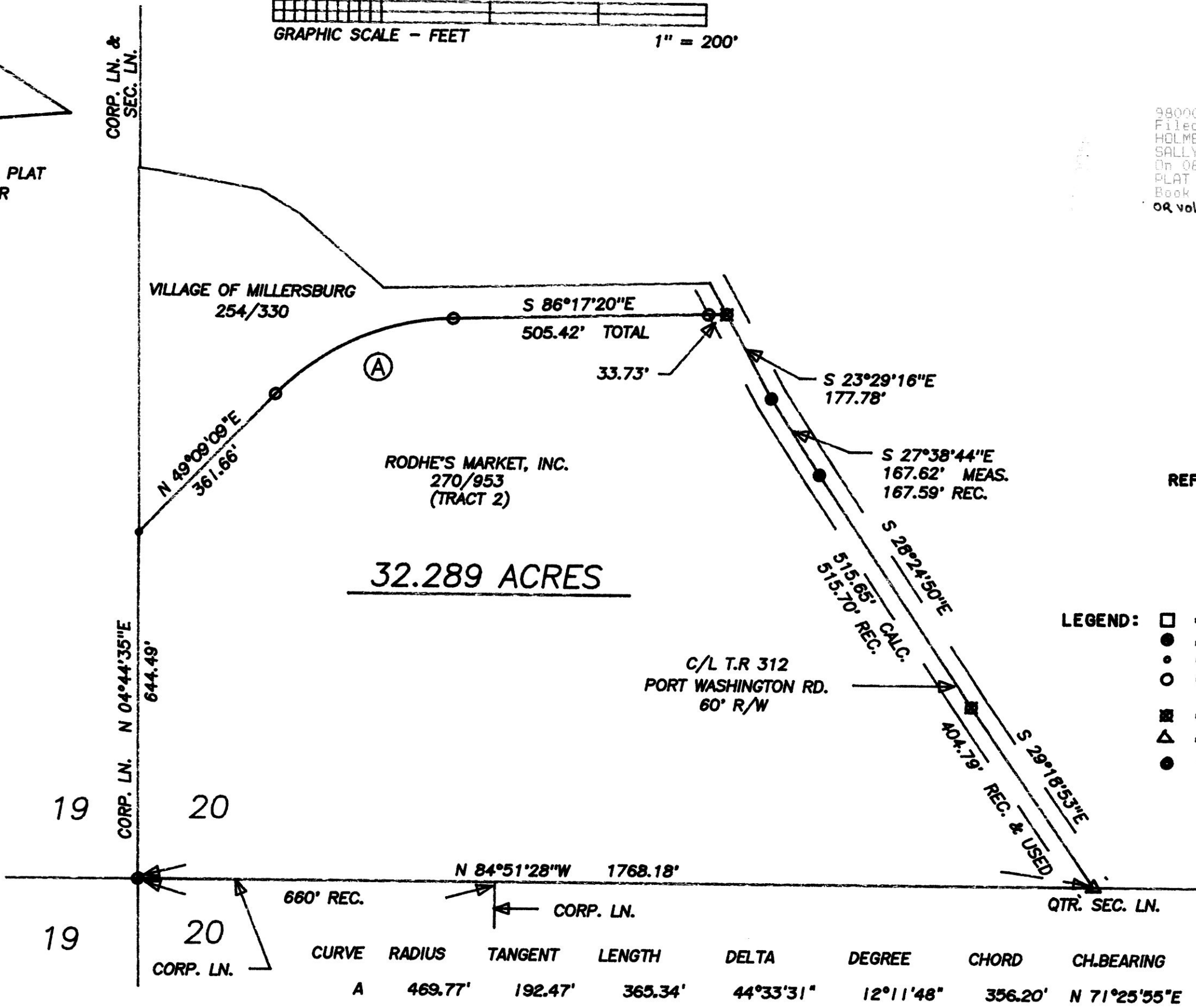
RODHE'S MARKET, INC.
 270/953
 (TRACT 2)

32.289 ACRES

C/L T.R. 312
 PORT WASHINGTON RD.
 60' R/W

REFERENCE DOCUMENTS:
 TAX MAP
 DEEDS AS SHOWN
 SURVEY PLATS: 2/227
 & 2/245

- LEGEND:
- - STONE FOUND
 - - IRON PIN/PIPE FOUND
 - - POINT-OF-DEPARTURE
 - - 5/8" X 30" RE-BAR W/1.0" CAP SET
 - - RAILROAD SPIKE SET
 - △ - R/R SPIKE FOUND
 - - CONC. MONUMENT W/ I.P. FD.



CURVE	RADIUS	TANGENT	LENGTH	DELTA	DEGREE	CHORD	CH. BEARING
A	469.77'	192.47'	365.34'	44°33'31"	12°11'48"	356.20'	N 71°25'55"E

PROPOSED ANNEXATION
 TO THE
 VILLAGE OF MILLERSBURG
 HOLMES COUNTY, STATE OF OHIO

TRANSFER NOT NECESSARY

DATE August 27, 1998

AUDITOR Richard A. Harkin

APPROVED BY HOLMES COUNTY COMMISSIONERS

I HEREBY CERTIFY THAT THE HOLMES COUNTY COMMISSIONERS HAVE APPROVED THE DETACHMENT OF THIS TRACT OF LAND AS SHOWN HEREON FROM HOLMES COUNTY.

DATE 06-22-1998

John W. Baker
 CHAIRMAN, COUNTY COMMISSIONERS

RESOLUTION: 06-22-98-10

APPROVED BY MILLERSBURG PLANNING COMMISSION

I HEREBY CERTIFY THAT THIS PLAT FOR ANNEXATION WAS APPROVED BY THE MILLERSBURG PLANNING COMMISSION AT A MEETING HELD ON MAY 12, 1998.

BY [Signature]
 PRESIDENT, MILLERSBURG PLANNING COMMISSION

APPROVED BY MILLERSBURG VILLAGE COUNCIL

I HEREBY CERTIFY THAT THIS PLAT FOR ANNEXATION WAS APPROVED BY THE VILLAGE COUNCIL OF MILLERSBURG, OHIO AT A MEETING HELD ON AUGUST 24, 1998.

BY Karen S. Shaffer
 VILLAGE CLERK

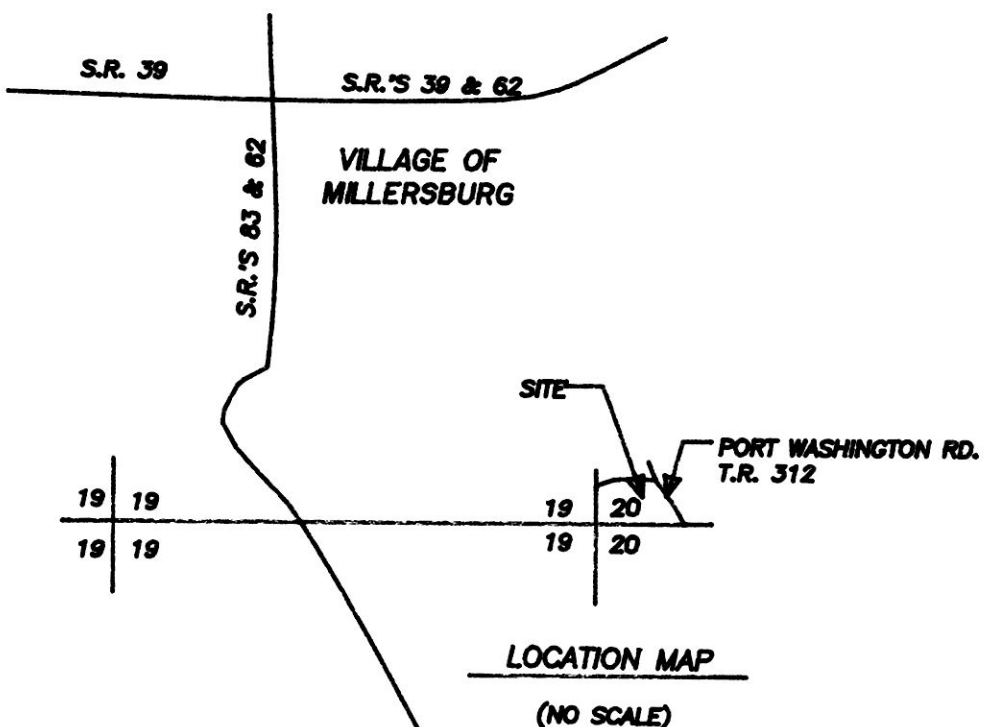
ORDINANCE: 98-110

I CERTIFY THIS PLAT & SURVEY TO BE CORRECT TO THE BEST OF MY KNOWLEDGE:

[Signature]

JIM SHAMP, REG. SUR. NO. S-6088
 DATE OCTOBER 16, 1995:

9800004051
 VILLAGE OF MILLERSBURG
 MILLERSBURG, OH 44654

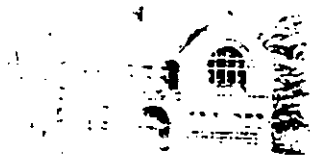


HEARTLAND Surveying, Inc.
 Jim Shamp
 5210 T.R. 257 MILLERSBURG, OH 44654
 PH: 330-674-4698

SURVEY ANNEXATION TO THE VILLAGE OF MILLERSBURG		STATE OHIO	
COUNTY HOLMES	TWP. HARDY	RNG. 7 WEST	TWP. 9 NORTH
N.W. QTR. OF SEC. 20		940802.CRD 980225.PL1	

Instrument
9800004052

VOL C015 PAGE 367



VILLAGE OF MILLERSBURG

6 North Washington Street
Millersburg, Ohio 44654
FAX (330) 674-9044

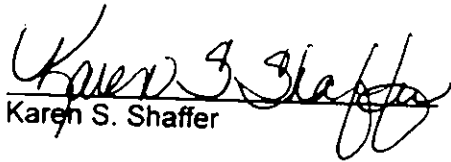
Andrew Jones, Village Administrator
Karen Shaffer, Village Clerk
(330) 674-1886

Les Roach, Mayor

S. Thomas Vaughn
Police Chief
(330) 674-3931

CERTIFICATION

The undersigned, Clerk of Council, Village of Millersburg, Ohio, hereby certifies that the foregoing is a true and correct copy of the transcript of annexation proceedings adopted by said Council on August 24, 1998.


Karen S. Shaffer

8-25-98
Date

9800004052
Filed for Record in
HOLMES COUNTY, OH
SALLY MILLER
On 08-27-1998 At 01:32 pm.
ANNEXATION 70.00
Book OR Vol. 15 Pg. 367 - 382

Village of Millersburg**Ordinance No. 98 - 110****An Ordinance Accepting Annexation on Application of Rodhe's Market, Inc.
And
Declaring An Emergency**

Whereas Rodhe's Market, Inc. has petitioned the Board for the annexation of a parcel of property.

Section 1. The proposed annexation as applied for in the petition of Rodhe's Market, Inc., approved for annexation to the Village of Millersburg by the Board of Commissioners on June 22, 1998 is hereby accepted. The territory to be annexed is described as follows:
See Exhibit A attached hereto and incorporated herein by reference.

The certified transcript of the proceedings for annexation, with an accurate map of the territory, together with the petition for annexation and other papers relating to the proceedings of the County Commissioners, are on file with the Clerk of this Village.

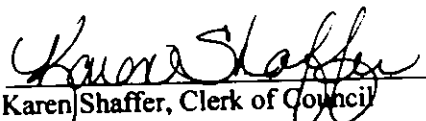
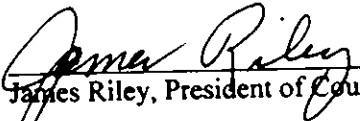
Section 2. The Village Clerk is directed to make three (3) copies of this ordinance, to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto, and a certificate as to the correctness thereof. The Clerk 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.

Section 3. Be It Further Resolved that an Emergency exists to annex these parcels immediately so that Police, Fire, Rescue Squads and Village services may be provided to the territory subject to annexation.

For the reason stated immediately above this Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the Village; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 8/24/98 2nd reading 8/24/98 3rd reading 8/24/98

Passed: August 24, 1998 Vote: All yea

Attest:  
Karen Shaffer, Clerk of Council James Riley, President of Council

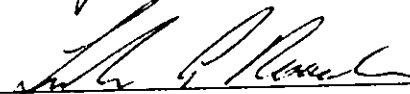
Approved: August 24, 1998 
Les Roach, Mayor

EXHIBIT A**LEGAL DESCRIPTION FOR
RODHE'S MARKET, INC.
ANNEXATION**

Metes and Bounds Description of the Annexation of a parcel to the Village of Millersburg

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Commencing for reference and the true place of beginning at an iron pin found marking the Southwest corner of the Northwest Quarter of Section 20 and the Southwest corner of land presently in the name of Rodhe's Market, Inc (V. 270, P. 953, Tract 2):

Thence the following nine courses:

1. Along the West line of said quarter section N 04 degrees 44 minutes 35 seconds E 644.49 feet to a point marking the northwest corner of said Rodhe's Market property and on the south line of land presently in the name of the Village of Millersburg (V. 254, P. 330);

Thence courses 2 through 4 along the north line of said Rodhe's Market property and the south line of said Village property:

2. N 49 degrees 09 minutes 09 seconds E 361.66 feet to an iron pin set;

3. Along a curve to the right with a Radius of 469.77 feet, Tangent of 192.47 feet, Length of 365.34 feet, Delta of 44 degrees 33 minutes 31 seconds, Degree of Curve of 12 degrees 11 minutes 48 seconds, and Chord of N 71 degrees 25 minutes 55 seconds E 356.20 feet to an iron pin set;

4. S 86 degrees 17 minutes 20 seconds E 505.42 feet to a railroad spike set in the Center Line of Port Washington Road (T.R. 312) and passing through an iron pin set at 471.69 feet;

Thence courses 5 through 8 along said Center Line:

5. S 23 degrees 29 minutes 16 seconds E 177.78 feet to an iron pin found;

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- 7 S 28 degrees 24 minutes 50 seconds E 515.65 feet to a railroad spike set,
- 8 S 29 degrees 18 minutes 53 seconds E 404.79 feet to a railroad spike found on the South line of the Northwest Quarter of Section 20,
- 9 Along said quarter Section Line N 84 degrees 51 minutes 28 seconds W 1768.18 feet to the true place of beginning.

This parcel contains 32.289 Acres, is subject to all easements of record, its bearings are established from Survey Plat Volume 2, Page 245 and are to denote angular measurement only, and is a true description of a field survey completed by Jim Shamp, Reg. Sur. No. S-6088, on October 16, 1995. Iron pins set are 5/8" x 30" iron re-bars with plastic I.D. caps. Iron pins found are 5/8" re-bar unless otherwise noted.

For Plat Map, see Volume 16, Page 838 Plat Records, Holmes County, Ohio.

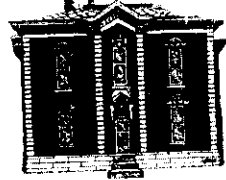
REVIEWED 3/5/98 *dkg*
HOLMES CO TAX MAP
Plat Required

TRANSFER NOT NECESSARY
DATE August 27, 1998
AUDITOR Richard A. Johnson (dkg)



HOLMES COUNTY COMMISSIONERS

2 COURT STREET, SUITE 14
MILLERSBURG, OHIO 44654-2001
PHONE (330) 674-0286 FAX (330) 674-0566



JOHN W. BAKER, CHAIRMAN LEAH W. MILLER ROGER L. CLARK

Resolution # 06-22-98-10

A RESOLUTION AUTHORIZING AND APPROVING ANNEXATION OF PROPERTY IN HARDY TOWNSHIP TO THE VILLAGE OF MILLERSBURG, OHIO

WHEREAS the Board of County Commissioners of Holmes County, Ohio, proceeding this twenty-second day of June, nineteen hundred and ninety-eight, having heard the petition signed by Kurt A. Rodhe, President and Agent for Rodhe's Market, Inc., for the annexation to the Village of Millersburg, Ohio, of certain territories described in the petition, and having at open meeting on June twenty-second, nineteen hundred and ninety-eight, heard all of the persons desiring to be heard for or against the granting of said petition and having considered the documents and all matters relative thereto which were presented to this Board, and being fully advised in all matters, does hereby find as follows:

- I. The petition contains all matters required by law, Section 709.02 of the Ohio Revised Code, namely:
 - A. A full description and accurate map of the territory sought to be annexed. (Exhibits A & B)
 - B. A statement of the total number of owners of real estate in the territory sought to be annexed.
- II. The matters alleged in the petition are true.
- III. Notice of the filing of said petition has been published as required by law, and notice was given to the Clerk of Hardy Township and the Clerk of the Village of Millersburg, Ohio.
- IV. The persons whose names are subscribed to the petition are owners of real estate located in the territories in the petition, and as of the time the petition was filed with the Board of County Commissioners the number of valid signatures on the petition constituted a majority of the owners of real estate in the territory proposed to be annexed. No signatures were removed from said petition.
- V. The Village of Millersburg has complied with division (B) of Section 709.031 of the Revised code of Ohio, by passing Resolution 98-17, INDICATING THE SERVICES THE VILLAGE OF MILLERSBURG WILL PROVIDE TO CERTAIN TERRITORIES PROPOSED FOR ANNEXATION UPON ANNEXATION (copy attached) and filed it with the Board of Commissioners of Holmes County, Ohio.
- VI. The territory to be annexed is not unreasonably large.
- VII. The territory is adjacent to the Village of Millersburg.
- VIII. The map and the description of the territories contained in the petition are accurate.
- IX. The general good of the territories sought to be annexed will be served if the annexation is granted.

THEREFORE, BE IT RESOLVED that it is hereby ordered that the prayer of the petition herein be granted and that the territory described in said petition may be annexed to the Village of Millersburg, Ohio, in accordance with law, and that a certified transcript signed by a majority of this Board of all the orders and proceedings of this board, relative to said petition and hearing thereon together with said petition and map attached thereto, and all the papers on file relating to said matter be deposited at once with the Clerk of the Village of Millersburg, Ohio.

Mr. Clark moved for the adoption of the above Resolution. Mr. Baker seconded the motion (Mr Baker - yes; Mr. Clark - yes; Mrs. Miller - absent)

Mr. Baker John W Baker yes

Mr. Clark Logan L Clark yes

Mrs. Miller _____ absent

The below signed Clerk to the Board hereby certifies that the preceding Resolution is a true and exact copy of a Resolution adopted during the regular business meeting of June 22, 1998 and recorded in Commissioners Journal 33 under that date.

Deborah W. Calhoun
Deborah W. Calhoun, Clerk to the Board

original: Village of Millersburg
xc: Robert B. Hines
Hardy Township Clerk
Hardy Township Trustees (3)
Tax Map
Board of Elections
EMA
Engineer
Auditor
Treasurer
File (Millersburg Annexation: Rodhe 1998)

Word/Resolutions/Annexation Approval



RECORDED

VOL C015 PAGE 374

Vol. Pg.
Com.
Journal

HOLMES COUNTY COMMISSIONERS

2 COURT STREET, SUITE 14
MILLERSBURG, OHIO 44654-2001
PHONE (330) 674-0286 FAX (330) 674-0566



JOHN W. BAKER, CHAIRMAN LEAH W. MILLER ROGER L. CLARK

Resolution # 4-20-98-14

A RESOLUTION ACCEPTING PETITION FOR ANNEXATION

WHEREAS on April 20, 1998, Rodhe's Market Inc., by and through their agent and President Kurt A. Rodhe, filed with the Commissioners a Petition for Annexation for property owned by Rodhe's Market Inc.,

THEREFORE, BE IT RESOLVED that the Holmes County Commissioners hereby accept the filing of said petition and have signed an order acknowledging that said petition was filed, ordering a copy to be sent to the Holmes County Auditor and setting the matter for hearing. Hearing is scheduled for June 22, 1998 at 9:30 a.m.
Mrs. Miller moved for the adoption of the preceding resolution, Mr. Clark seconded the motion, upon call of roll, all voted yes.

Mr. Baker John W. Baker yes

Mr. Clark Roger L. Clark yes

Mrs. Miller Leah W. Miller yes

The below signed Deputy Clerk to the Board hereby certifies that the preceding Resolution is a true and exact copy of a Resolution adopted during the regular business meeting of April 20, 1998 and recorded in Commissioners Journal 33 under that date.

Stephanie A. Miller
Stephanie A. Miller
Deputy Clerk

COPY

RESOLUTION 98-20

RESOLUTION INDICATING THE SERVICES THE VILLAGE OF MILLERSBURG WILL PROVIDE TO CERTAIN TERRITORIES PROPOSED FOR ANNEXATION UPON ANNEXATION AND DECLARING AN EMERGENCY

WHEREAS, an Annexation Petition was filed with the Board of Commissioners of Holmes County, Ohio on April 20, 1998, requesting the annexation of two parcels of real estate consisting of 4.89 acres and 4.731 acres, more or less, to the Village of Millersburg; and,

WHEREAS, said petition was signed by the agent of the sole property owner of the real estate in said territory proposed for annexation; and,

WHEREAS, the Agent for the Petitioners subsequently caused written notice of the filing of said Petition with the Board of County Commissioners to be delivered to the Clerk of Council of the Village of Millersburg, Holmes County, Ohio, in compliance with the Ohio Revised Code Section 709.03; and,

WHEREAS, the Board of Commissioners of Holmes County, Ohio, will hold a hearing on said Petition May 11, 1998 at 9:45 a.m. and has notified the Agent for the Petitioners of the time and place of said hearing, and the Agent for the Petitioners has delivered a copy of the notice to the Clerk of the Council of the Village of Millersburg, Holmes County, Ohio, in compliance with Ohio Revised Code Section 709.031 (A); and,

WHEREAS, pursuant to Ohio Revised Code Section 709.031 (B), having received said Notice, the Council for the Village of Millersburg is required by ordinance or resolution to adopt a statement indicating what services, if any, the Village will provide to the territory proposed for annexation upon annexation; and,

WHEREAS, in compliance with Ohio Revised Code 709.031 (B), the Council for the Village of Millersburg now desires to pass a resolution indicating what services, if any, the Village will provide to the territory proposed for annexation upon annexation.

NOW, THEREFORE, BE IT RESOLVED by the Council for the Village of Millersburg, Holmes County, Ohio, pursuant to Ohio Revised Code Section 709.031 (B), that the Village shall offer police protection, water and wastewater utilities and storm water collection to the territory proposed for annexation upon annexation.

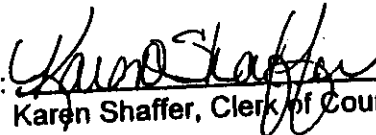
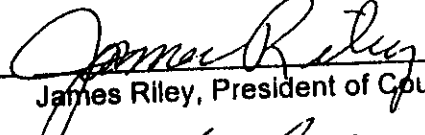
BE IT FURTHER RESOLVED that an Emergency exists so that Police, Fire, and Rescue Squads may provide immediate assistance.

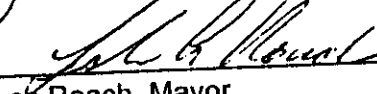
For the reason stated immediately above this Resolution is hereby declared an emergency measure necessary to the immediate preservation of the public health, peace, safety, and welfare of the Village, wherefore, this Resolution shall be in force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of a least three-fourths of the members of Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Notice of this Resolution shall be published in the Wooster Daily Record and/or The Holmes County Hub once per week for two consecutive weeks as required by the Ohio Revised Code.

1st reading 5/11/98 2nd reading 5/11/98 3rd reading 5/11/98

Passed: May 11, 1998 Vote: All yea

Attest:  
Karen Shaffer, Clerk of Council James Riley, President of Council

Approved: May 11, 1998 
Les Roach, Mayor

Order of County Commissioners Setting Date For Hearing

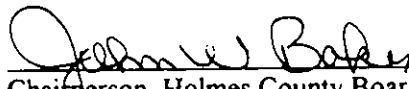
A petition for the annexation of certain territory in Hardy Township, containing 32.289 acres, with Kurt A. Rodhe named as agent, has been filed in the office of the Board, praying that the following described territory be annexed to the Village of Millersburg.

See Exhibit A attached hereto and incorporated herein by reference

The petition has been entered on the record of proceedings of the Board and a copy has been filed with the County Auditor of Holmes County

It is therefore ordered that a hearing on the annexation be held at 9.30 AM, on June 22, 1998¹ at 2 Court Street Suite 14 Millersburg, OH 44654. It is further ordered that the agent of petitioners be notified, and that he give notice of the hearing in accordance with law


Date 4-20-98



Chairperson, Holmes County Board of Commissioners



Commissioner



Commissioner

¹ Date at least 60 but not more than 90 days after petition is filed with the auditor

EXHIBIT A**LEGAL DESCRIPTION FOR
RODHE'S MARKET, INC.
ANNEXATION**

Metes and Bounds Description of the Annexation of a parcel to the Village of Millersburg

Being situated in the State of Ohio, County of Holmes, Township of Hardy, Range 7 West, Township 9 North, Section 20, Northwest Quarter of Section 20, presently in the name of Rodhe's Market, Inc. as recorded in the Holmes County Records of Deeds Volume 270, Page 953, Tract 2, and more fully described as follows:

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Thence the following nine courses:

1. Along the West line of said quarter section N 04 degrees 44 minutes 35 seconds E 644.49 feet to a point marking the northwest corner of said Rodhe's Market property and on the south line of land presently in the name of the Village of Millersburg (V. 254, P. 330);

Thence courses 2 through 4 along the north line of said Rodhe's Market property and the south line of said Village property:

2. N 49 degrees 09 minutes 09 seconds E 361.66 feet to an iron pin set;

3. Along a curve to the right with a Radius of 469.77 feet, Tangent of 192.47 feet, Length of 365.34 feet, Delta of 44 degrees 33 minutes 31 seconds, Degree of Curve of 12 degrees 11 minutes 48 seconds, and Chord of N 71 degrees 25 minutes 55 seconds E 356.20 feet to an iron pin set;

4. S 86 degrees 17 minutes 20 seconds E 505.42 feet to a railroad spike set in the Center Line of Port Washington Road (T.R. 312) and passing through an iron pin set at 471.69 feet;

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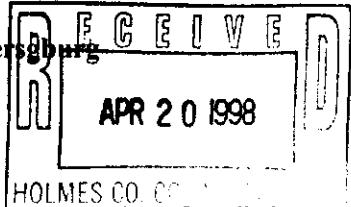
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9. Along said quarter Section Line N 84 degrees 51 minutes 28 seconds W 1768.18 feet to the true place of beginning.

This parcel contains 32.289 Acres, is subject to all easements of record, its bearings are established from Survey Plat Volume 2, Page 245 and are to denote angular measurement only, and is a true description of a field survey completed by Jim Shamp, Reg. Sur. No. S-6088, on October 16, 1995. Iron pins set are 5/8" x 30" iron re-bars with plastic I.D. caps. Iron pins found are 5/8" re-bar unless otherwise noted.

For Plat Map, see Volume _____, Page _____ Plat Records, Holmes County, Ohio.

REVIEWED 3/5/98 *az*
HOLMES CO TAX MAP
Plat Required

Petition For Annexation To Village of Millersburg



To: Board of County Commissioners of Holmes County, Ohio

The undersigned, being the President and authorized legal representative of Rodhe's Market, Inc. the sole owner of real estate in the territory, hereby petitions for the annexation of the following territory to the Village of Millersburg, Holmes County, Ohio:

RECEIVED

See Exhibit A attached hereto and incorporated herein by reference.

APR 21 1998

The territory is adjacent and contiguous with the Village of Millersburg.

RICHARD A. GRAVEN
AUDITOR

Attached is an accurate map showing the boundaries of the territory sought to be annexed, marked "Map of Territory to be Annexed to the Village of Millersburg."

Kurt A. Rodhe is appointed agent for the petitioners as required by RC 709.02, with full power to amend, increase or decrease the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this petition, without further expressed consent of the petitioner.

Rodhe's Market, Inc.,
An Ohio Corporation

By: Kurt A Rodhe, Pres
Kurt A. Rodhe, President and Agent

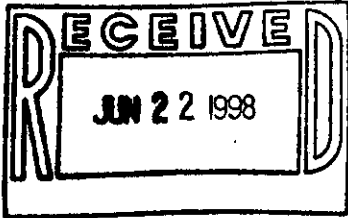


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For Plat Map, see Volume _____, Page _____ Plat Records, Holmes County, Ohio.

9800004052
VILLAGE OF MILLERSBURG
MILLERSBURG, OH 44654

ROBERT B. HINES
ATTORNEY AT LAW
19 W. JACKSON STREET
P. O. Box 256
MILLERSBURG, OHIO 44654
330-674-1888