

RECORD OF ORDINANCES

Ordinance No. 58-13

Passed September 30, 2013

8/20/13-gmk
(Community & Economic Development)

Ordinance No. 58-13

An ordinance accepting the application for the annexation of certain territory in Plain Township, known as the Walsh/Gressel Annexation, containing 1.549 acres of land, more or less to the City of North Canton.

WHEREAS, a petition for the annexation of certain territory in Plain Township was duly filed by the property owners through their agent, Christopher J. Goldthorpe, on January 23, 2013; and,

WHEREAS, as required by law, a public hearing on such annexation was held by the Board of County Commissioners of Stark County on April 9, 2013, and all parties in attendance had an opportunity to testify; and

WHEREAS, the Board of County Commissioners of Stark County had an opportunity to examine the arguments both for and against said annexation; and,

WHEREAS, the Board of County Commissioners of Stark County on May 1, 2013, by a unanimous vote, granted the annexation.

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

Section 1. That the proposed annexation as applied for in the petition of Christopher J. Goldthorpe, agent for the property owners, and filed with the Board of County Commissioners of Stark County on January 23 2013, and which petition prayed for annexation to the City of North Canton, Ohio, of certain territory adjacent thereto as hereinafter described, be, and the same is hereby accepted. The territory is described as follows:

Known as and being part of the Northeast Quarter of Section 16, Township 11 (Plain Township), Range 8, Stark County, Ohio, and being more fully bounded and described as follows:

Situated in the Township of Plain (T-11, R-8), County of Stark and State of Ohio, and being part of the Northeast Quarter of Section 16, and further known as being a parcel of land now or formerly conveyed to Frank J. Gressel and Beatrice A. Gressel by Vol. 4003, Page 569 of the Stark County Deed Records, and part of Gressel Avenue as recorded by Plat Book 35, pg. 16 (formerly Zerbe) described as follows:

Beginning at a 1-1/4 inch bar in a monument box (PLA059R) found at the Northeasterly corner of said Section 16, also being the centerline intersection of Market Avenue North, State Route 43, a variable width public right of way with Easton Street, C.R. 98, a variable width public right of way; thence South 01°32'29"W along the easterly line of said Section 16 and centerline of said State Route 43 a distance of 762.12 feet to a nail found at the northeasterly corner of land conveyed to First Brethren Church of Canton as recorded by Deed Volume 2535, Page 183 of the Stark County Recorder's Records; thence North 89° 19'52" West along the northerly line of said First Brethren Church aforesaid, also the southerly Corporation line of the City of North Canton and Out Lot 278, a distance of 1216.77 feet to a 5/8 inch rebar found and the true place of beginning:

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1.) thence S 02°10'54" W along the westerly line of said First Brethren Church a distance of 129.50 feet to a 5/8 inch rebar with cap set on the northerly line of the cul-de-sac of said Gressel Avenue, a 50 foot public right of way;

2.) thence nontangent to the previous course along the easterly line of said Gressel Avenue 103.22 feet along the arc of a curve turning to the right having a radius of 50.00 feet, a delta of 118°16'48", a tangent of 83.68 feet, and a chord bearing S 07°37'10" E with a chord length of 85.84 feet to a 5/8 inch rebar set at a point of reverse curvature;

3.) thence continuing along the easterly line of said Gressel Avenue 17.45 feet with a reverse curve turning to the left having a radius of 20.00 feet, a delta of 49°59'57", a tangent of 9.33 feet, and a chord bearing S 26°31'16" W, with a chord length of 16.90 feet to a 5/8 inch rebar with cap set;

4.) thence S 01°31'18" W continuing along the westerly line of said Gressel Avenue a distance of 20.56 feet to a point at the northwesterly corner of Lot 106 of Clearview Allotment as recorded in Plat Book 30, Page 118 of the Stark County Recorder's Records, witnessed by a 5/8 inch rebar found 01.10 feet East;

5.) thence N 89°18'51" W through said Gressel Avenue and along the northerly line of said Clearview Allotment a distance of 266.57 feet to a point, witnessed by a 5/8 inch rebar cap found N 89° 18'51" W at a distance of 348.44 feet at the northwesterly corner of Lot 101 of said Clearview Allotment;

6.) thence N 01°32'01" E along the easterly line of land conveyed to Walsh University, Inc. by I.I.N. 1996009329 of the Stark County Recorder's Records, also being the easterly line and Corp. Line of and City of North Canton O.L. 288, a distance of 250.12 feet to a cross cut in pavement found, passing through a 5/8 inch rebar found at a distance of 0.29 feet;

8.) thence S 89°19'52" E along a southerly line of Walsh University aforesaid and Corp. line and O.L. 287 of the City of North Canton, a distance of 261.52 feet to the true point of beginning.

The above described parcel contains 1.549 acres as surveyed under the direction of Timothy J. Briggs, P.S. 7495, Hammontree & Associates, Inc., Engineers, Planners & Surveyors, 5233 Stoneham Road, North Canton, Ohio 44720 in June of 2012. Basis bearing is Grid North, Ohio State Plain Coordinate System, North Zone, NAD83 (1986) based on Stark County Engineer's Office Section Corner markers PLAO59R and PLA072. Subject to all easements and right of ways of public or as otherwise legally established.

Section 2. The certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for its annexation, and other papers relating to the proceedings thereto of the County Commissioners and the Courts are all on file with the Clerk of Council of the City of North Canton.

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Section 3. 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 of 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 send one certified copy of this ordinance to the Board of County Commissioners of Stark County 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 days before the final enactment of Council.

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

North Canton, OH

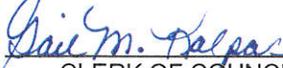
Passed: 9/30/13



MAYOR

SIGNED: 9/30, 2013

ATTEST:



CLERK OF COUNCIL