

4444

LOM:sem
09-09-09

Presented by: Mr. Subotic

RECEIVED
CITY OF SUMMIT
COUNCIL
OCT 14 PM 1:49

ORDINANCE NO. 141-2009

TITLE: BOUNDARY ADJUSTMENT
CITY OF BARBERTON / CITY OF NORTON

AN ORDINANCE DETERMINING TO CHANGE THE BOUNDARY LINE SEPARATING THE CITY OF BARBERTON AND THE CITY OF NORTON BY MUTUAL AGREEMENT OF THE CITY OF BARBERTON AND THE CITY OF NORTON, PURSUANT TO SECTION 709.37 OF THE REVISED CODE.

WHEREAS, pursuant to Section 709.37 of the Revised Code, two adjoining municipal corporations, by ordinance of their respective legislative authorities, may agree to change the boundary line separating the two municipal corporations so long as such change does not involve the transfer of territory, inhabited by more than five voters, from one municipal corporation to the other; and

WHEREAS, the City of Barberton, Ohio has requested the City of Norton, Ohio to agree to a change in the boundary line separating the City of Norton and the City of Barberton by transferring certain property currently located in the City of Norton and described on **Exhibit A attached** hereto and incorporated herein by reference (the "Property") to the City of Barberton by mutual agreement; and

WHEREAS, the City of Barberton has requested the transfer of the Property to allow it to assist the Barberton City School District by providing land needed by the Barberton City School District to construct a new school building; and

WHEREAS, the Property is not territory of the City of Norton that is inhabited by more than five voters of the City of Norton; and

WHEREAS, the Council of the City of Norton passed an ordinance (Ordinance No. 80-2009) on August 24, 2009, agreeing to change the boundary line separating the City of Norton and the City of Barberton as described above; and

WHEREAS, this Council has determined to agree with the City of Norton to change the boundary line separating the City of Norton and the City of Barberton by transferring the Property to the City of Barberton.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio, that:

SECTION 1. This Council hereby agrees to change the boundary line separating the City of Barberton and the City of Norton by transferring the Property to the City of Barberton.

SECTION 2. The Mayor, or his designee, is hereby authorized and directed to take any and all such actions as shall be necessary to accept the transfer of the Property from the City of Norton to the City of Barberton, including, but not limited to, the filing of any deeds, easements, releases or any other necessary agreements.

SECTION 3. The Clerk of Council is hereby authorized and directed to certify a copy of this Ordinance to the Clerk of the Summit County Council.

SECTION 4. This Council hereby requests Summit County Council, upon receipt of this Ordinance and the Norton Ordinance, such ordinances constituting the Agreement between the City of Barberton and the City of Norton, to approve the boundary change caused by the transfer of Property and to make such adjustments as it deems necessary in accordance with Section 709.37 of the Revised Code.

SECTION 5. This Council further requests the Clerk of Summit County Council to file certified copies of this Ordinance, the Norton Ordinance, and the resolution of Summit County Council approving the boundary change (collectively, the "Transcript") in the office of the Secretary of State and to record and file the Transcript in the office of the Summit County Fiscal Officer. The City of Barberton and the City of Norton have agreed that all fees and costs of filing and recording the Transcript shall be paid by the City of Barberton.

SECTION 6. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 7. This ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed October 12, 2009

Susan Matuch
Clerk of Council

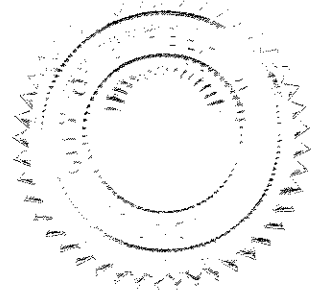
Frederick A. Maurer
President of Council

Approved October 13, 2009

Robert J. Herdt
Mayor

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 141-2009 as taken from the records on file in the office of the Council of the City of Barberton.

Susan Matuch
Clerk of Council



FILE COPY

09 - 395

RECEIVED
CITY OF SUMMIT
COUNCIL
09 OCT 14 PM 1:49

ROBERT C. WINEBRENNER & ASSOCIATES
Consulting Engineers & Surveyors
1050 N. MAIN ST. • AKRON, OHIO 44310 • (330) 928-9087

09-395

RECORDED
COUNTY OF SUMMIT
COUNCIL
09 OCT 14 PM 1:49

AUGUST 21, 2009
LEGAL DESCRIPTION FOR CITY OF BARBERTON,
ANNEXATION OF 15.9879 AC FROM THE CITY OF NORTON

Situated in the City of Norton, County of Summit, and State of Ohio, and known as being part of Original Lot 66, formerly Norton Township, and more fully described as follows;

Beginning at the centerline intersection of 27th St. N.W. & Shannon Ave. in the City of Barberton.

Thence N.04°41'15"E., a distance of 180.00 feet to a point on the South Corporation line of the City of Norton, at the true place of beginning of the property to be annexed;

Thence N.04°41'15"E., a distance of 682.23 feet to a point on the North line of Original Lot 66;

Thence S.86°12'07"E., along the North line of O.L. 66, a distance of 330.06 feet to a point;

Thence S.86°41'13"E., along the North line of Original Lot 66, a distance of 560.97 feet to a point;

Thence S.04°14'36"W., a distance of 273.80 feet to a point;

Thence S.81°10'02"E., a distance of 376.17 feet to a point;

Thence S.29°08'57"E., a distance of 14.50 feet to a point;

Thence N.81°36'33"E., a distance of 27.79 feet to a point;

Thence S.05°23'26"W., a distance of 25.22 feet to a point on the Northwesterly right of way line of Hillsdale Ave.;

Thence S.43°19'21"W., along said right of way line, a distance of 46.58 feet to a point;

Thence S.58°47'36"W., along said right of way line, a distance of 481.91 feet to a point;

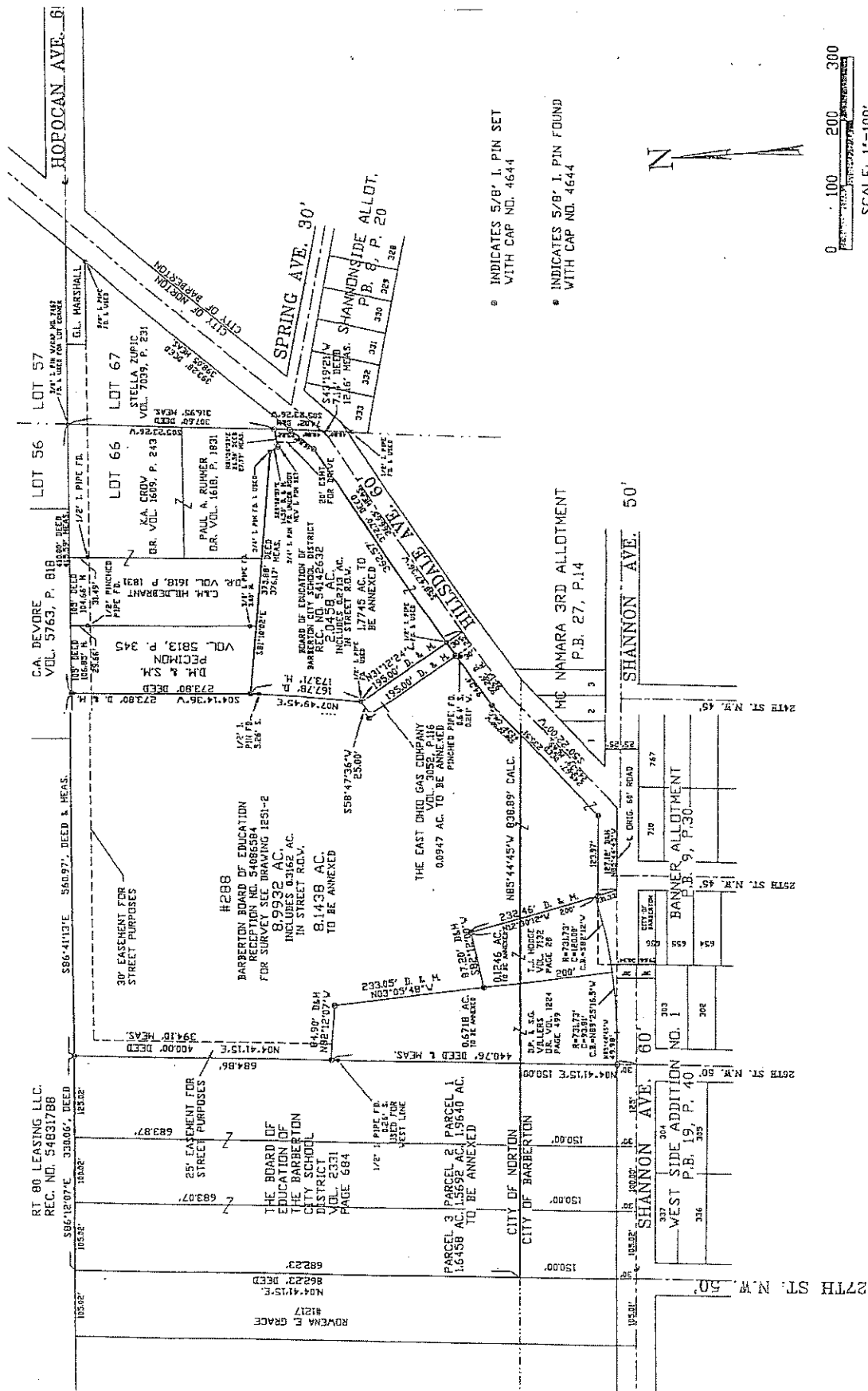
FILE COPY

09-395

RECEIVED
CITY OF SUMMIT
COUNCIL

09 OCT 14 PM 1:49

FILE COPY



TOTAL AREA TO BE ANNEXED 15.9879 AC.
 PART OF ORIGINAL LOT 56
 FORMERLY NORTON TOWNSHIP
 CITY OF NORTON
 SUMMIT COUNTY, OHIO

BEARING REFERENCE
 BEARINGS ARE BASED ON HOLDING
 THE BEARING OF HILLSDALE AVE.
 AS S89°47'36"W AS GIVEN IN
 DEED RECEPTION NO. 54066584

09 - 395

FILE COPY
EXHIBIT B

RECEIVED
COUNTY OF SUMMIT
COUNCIL

09 OCT 14 PM 1:49

SPONSORED BY: Rick Ryland, Admin. Officer
REFERRED TO: Committee Work Session
INTRODUCED BY: Ken Braman, Planning Chair

CITY OF NORTON
ORDINANCE NO. 80-2009

AN ORDINANCE DETERMINING TO CHANGE THE BOUNDARY LINE SEPARATING THE CITY OF NORTON AND THE CITY OF BARBERTON BY MUTUAL AGREEMENT OF THE CITY OF NORTON AND THE CITY BARBERTON PURSUANT TO SECTION 709.37 OF THE REVISED CODE, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Section 709.37 of the Revised Code, two adjoining municipal corporations, by ordinance of their respective legislative authorities, may agree to change the boundary line separating the two municipal corporations so long as such change does not involve the transfer of territory, inhabited by more than five voters, from one municipal corporation to the other; and

WHEREAS, the City of Barberton, Ohio has requested the City of Norton, Ohio (the "City") to agree to a change in the boundary line separating the City of Barberton and the City by transferring certain property currently located in the City and described on Exhibit A attached hereto and incorporated herein by reference (the "Property") to the City of Barberton by mutual agreement; and

WHEREAS, the City of Barberton has requested the transfer of the Property to allow it to assist the Barberton City School District by providing land needed by the Barberton City School District to construct a new school building; and

WHEREAS, the Property is not territory of the City that is inhabited than more than five voters of the City; and

WHEREAS, the Council of the City of Barberton has passed an ordinance (the "Barberton Ordinance") agreeing to change the boundary line separating the City and the City of Barberton as described above; and

WHEREAS, this Council has determined to agree with the City of Barberton to change the boundary line separating the City and the City of Barberton by transferring the Property to the City of Barberton.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Norton, Summit and Wayne Counties, State of Ohio, that:

Attest: Karla Richards
Karla Richards, CMC- Clerk of Council

David L. Koontz
David L. Koontz, Mayor

Date approved by the Mayor 8/29/09

I, Karla Richards, CMC-Clerk of Council for the City of Norton, Summit and Wayne Counties, Ohio do hereby certify that the foregoing Ordinance No. 80-2009 was duly and regularly passed by the Council of the City of Norton, Summit County, Ohio at a meeting held on August 24, 2009.

Karla Richards
Karla Richards, CMC-Clerk of Council

That this legislation was posted according to law on September 4th, 2009 and will become effective on September 27, 2009.

Prepared and approved as to legal form by Peter M. Kostoff, Law Director, City of Norton, August 19, 2009.

I hereby certify that the foregoing is a true and accurate copy of ORD # 80-2009 as taken from the records on file in the office of the Norton City Council.
8-31-09 Karla Richards
Date Karla Richards - Clerk of Council

09 OCT 14 PM 1:49
RECEIVED
CITY OF SUMMIT
COUNCIL

09 - 395 FILE COPY

ROBERT C. WINEBRENNER & ASSOCIATES
Consulting Engineers & Surveyors
1050 N. MAIN ST. • AKRON, OHIO 44310 • (330) 928-9087

AUGUST 21, 2009
LEGAL DESCRIPTION FOR CITY OF BARBERTON,
ANNEXATION OF 15.9879 AC FROM THE CITY OF NORTON

RECEIVED
CITY OF SUMMIT
COUNCIL
09 OCT 14 PM 1:49

Situated in the City of Norton, County of Summit, and State of Ohio, and known as being part of Original Lot 66, formerly Norton Township, and more fully described as follows:

Beginning at the centerline intersection of 27th St. N.W. & Shannon Ave. In the City of Barberton.

Thence N.04°41'15"E., a distance of 180.00 feet to a point on the South Corporation line of the City of Norton, at the true place of beginning of the property to be annexed;

Thence N.04°41'15"E., a distance of 682.23 feet to a point on the North line of Original Lot 66;

Thence S.86°12'07"E., along the North line of O.L. 66, a distance of 330.06 feet to a point;

Thence S.86°41'13"E., along the North line of Original Lot 66, a distance of 560.97 feet to a point;

Thence S.04°14'36"W., a distance of 273.80 feet to a point;

Thence S.81°10'02"E., a distance of 376.17 feet to a point;

Thence S.29°08'57"E., a distance of 14.50 feet to a point;

Thence N.81°36'33"E., a distance of 27.79 feet to a point;

Thence S.05°23'26"W., a distance of 25.22 feet to a point on the Northwesterly right of way line of Hillsdale Ave.;

Thence S.43°19'21"W., along said right of way line, a distance of 46.58 feet to a point;

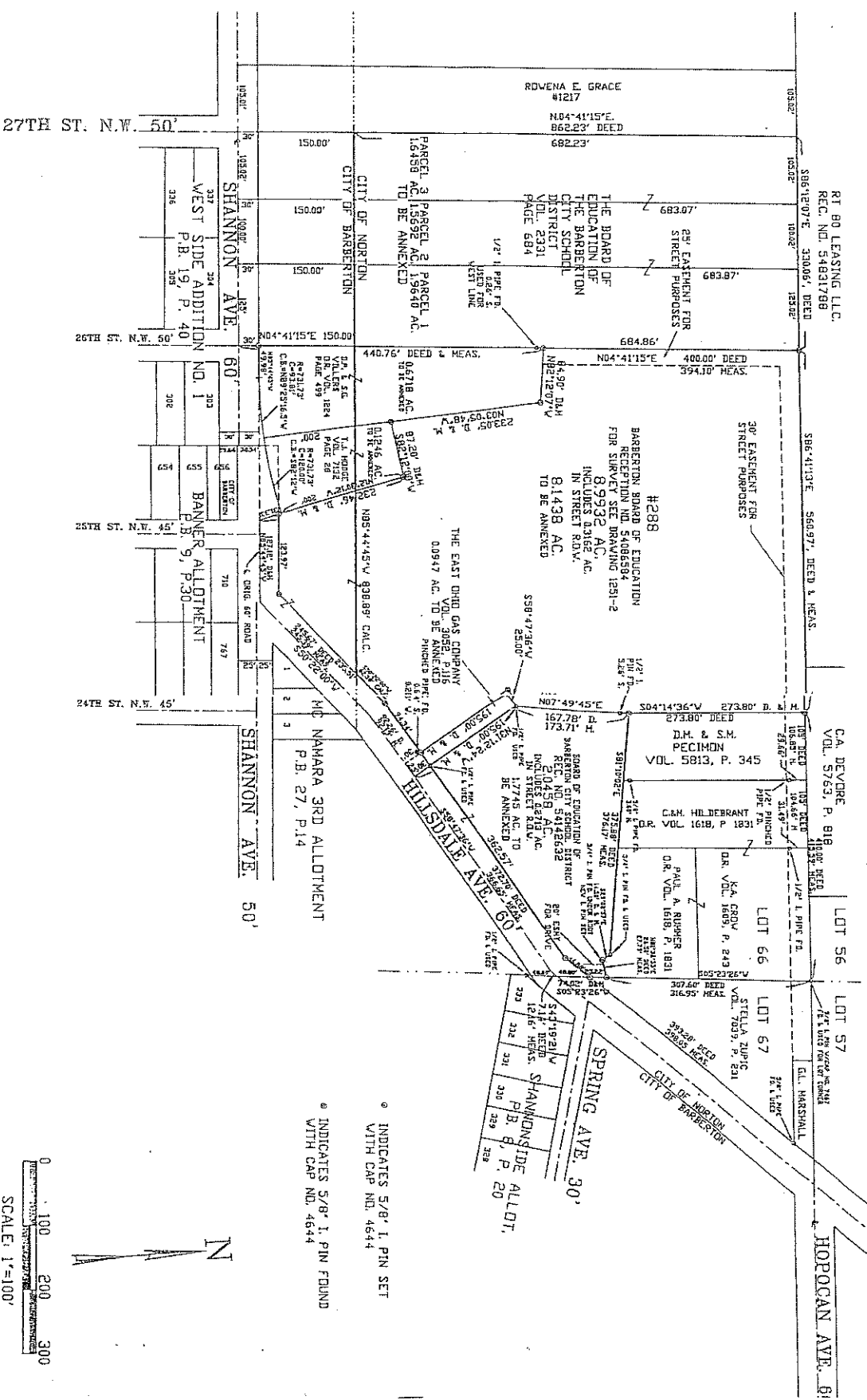
Thence S.58°47'36"W., along said right of way line, a distance of 481.91 feet to a point;

FILE COPY 09-395

09-395

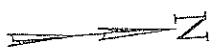
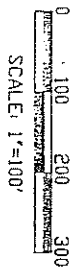
FILE COPY

RECORDED
CITY OF SUMMIT
COUNCIL
09 OCT 14 PM 1:49



TOTAL AREA TO BE ANNEXED 15,987.9 AC.

PART OF ORIGINAL LOT 66
FORMERLY NORTON TOWNSHIP
CITY OF NORTON
SUMMIT COUNTY, OHIO



INDICATES 5/8\" I PIN SET
WITH CAP NO. 4644

INDICATES 5/8\" I PIN FOUND
WITH CAP NO. 4644

BEARING REFERENCE
BEARINGS ARE BASED ON HOLDING
THE BEARING OF HILLSDALE AVE.
AS S88°47'38\" V AS GIVEN IN
DEED RECEPTION NO. 54085384