

EX. A 2021-152

WALTER | HAVERFIELD ^{LLP}
Attorneys At Law

Alejandro V. Cortes | acortes@walterhav.com
DIRECT LINE 216.619.7877 | DIRECT FAX 216.916.2347
1301 E. Ninth St. | Suite 3500 | Cleveland, OH 44114

LEADING EXPERTISE. EXCEPTIONAL VALUE.™

May 7, 2021

Mark Potter
Chief of Staff
Summit County Council
175 S. Main St.
Suite 700
Akron, Ohio 44308

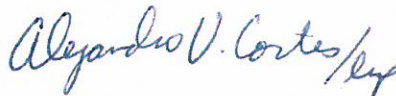
Re: Hooke Detachment Petition

Dear Mr. Potter:

Enclosed is a certified copy of Ordinance No. 54-2021 passed by the Council of the Village of Richfield, Ohio assenting to the Detachment Petition filed by Randy and Lena Hooke.

Thank you.

Sincerely,



Alejandro V. Cortes

AVC/lrp
Enc.

RECEIVED
COUNTY OF SUMMIT
COUNCIL
2021 MAY 10 PM 3:27

AN ORDINANCE ASSENTING TO THE DETACHMENT OF CERTAIN LAND FROM THE VILLAGE OF RICHFIELD PURSUANT TO OHIO REVISED CODE 709.38, AND DECLARING AN EMERGENCY

WHEREAS, Randy Hooke and Lena Hooke, owners of Parcel No. 50-00875, filed a petition for the detachment of certain land from the Village of Richfield to Richfield Township pursuant to Ohio R.C. 709.38; and

WHEREAS, Ohio R.C. 709.38 requires the Village to pass an ordinance assenting to the detachment of land.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, County of Summit, State of Ohio that:

SECTION 1. In accordance with the requirements of Ohio R.C. 709.38, the Council assents to the petition for the detachment of certain land filed by Randy Hooke and Lena as set forth in the petition, attached hereto as Exhibit "A" and expressly incorporated herein by reference.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted 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 in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is hereby declared to be an emergency measure for the immediate preservation of the public health, safety, and welfare and for the further reason that it is necessary to assent to the detachment in order to allow the property owner to move forward with the proposed project for the property; wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 5-4-2021

Michael Adams
President of Council
Michael Hooke
Mayor

RECEIVED
COUNTY OF SUMMIT
COUNCIL
MAY 10 PM 3:27

ATTEST:
Jeff Gorman
Clerk of Council

I, Jeff Gorman, Clerk of Council of the Village of Richfield, Ohio, hereby certify that the foregoing is a true and correct copy of Ord. 54-2021 adopted by the Council on 5-4-2021

**PROPERTY OWNER PETITION TO SUMMIT COUNTY COUNTY COUNCIL
FOR DETACHMENT OF LANDS AND ATTACHMENT TO CONTIGUOUS
TOWNSHIP PURSUANT TO OHIO REVISED CODE § 709.38**

**IN THE MATTER OF THE PETITION FOR THE DETACHMENT OF
CERTAIN LAND FROM THE VILLAGE OF RICHFIELD, OHIO
TO THE RICHFIELD TOWNSHIP, OHIO
PURSUANT TO OHIO STATUTE § 709.38**

TO: Council of the County of Summit, Ohio

PETITIONER(S) STATE: The majority of property owners of land therein are required to commence a proceeding under Ohio Statutes § 709.38

It is hereby requested by:

the sole property owner; or

all of the property owners (If the land is owned by both husband and wife, *both* must sign the petition to represent all owners.)

of the area proposed for detachment to detach certain property described herein lying in the Village of Richfield to the Township of Richfield, County of Summit, Ohio.

The area proposed for annexation is described as follows:

See attached Exhibit A and Exhibit B, which contain a full and accurate legal description of the property, as well as a plat map pursuant to ORC § 709.38

1. There is only one property owner in the area proposed for detachment.
2. The land abuts the township and the area to be detached is not presently served by public wastewater facilities or public wastewater facilities are not otherwise available.
3. Said property abuts on the Township's east boundary.
4. The area of land proposed for detachment, in acres, is 2.1790 acres.
5. The reason for the requested detachment is as follows:

The property subject to this petition is part of a larger parcel that is currently situated within two different jurisdictions, the Village of Richfield, and Richfield Township. Due to the varying nature of a Village and a Township, the same parcel of property, though substantially similar throughout, is subject to conflicting zoning restrictions and requirements. As such, the owners' desired development of the parcel is hindered by their inability to comply with the conflicting and mutually exclusive zoning requirements of the Village of Richfield and Richfield Township. Simply put, what is permitted by one jurisdiction would require a variance by the other, and vice versa. The property owners have sought to explore potential and/or alternative remedies, such as mutual variances, as opposed to proceeding with formal detachment. However, upon investigation, applicable zoning officials from each jurisdiction believe the granting of variances is possible, but unlikely.


As it stands, the portion of the property within the Village of Richfield is immaterial for tax purposes and unsuitable for building on; as such, the Village's Director of Planning, Zoning, and Economic Development has suggested detaching the small portion of the property from the Village, and attaching the property to the contiguous Township so that the entire parcel is solely situate within the Township, and thus subject to only one set of zoning regulations. The proposed detachment will permit the owners to develop the property in conformance with Richfield Township zoning requirements, while eliminating the need to request zoning variances from the Village of Richfield.

Please note that currently, both portions of the property are assessed in an identical manner by the Summit County Fiscal Officer, except for the portions of tax going to the Village of Richfield and Richfield Township, respectively. By detaching the subject property from the Village of Richfield, the Village will be forfeiting a nominal sum totaling \$30.62 in tax revenue per year (based on tax revenue for 2020)

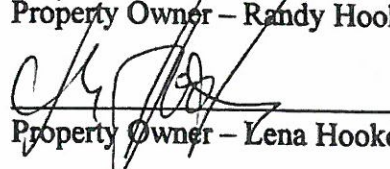
PETITIONERS REQUEST: That pursuant to Ohio Statute § 709.38, the property described herein be detached from the Village of Richfield and included within the contiguous Richfield Township, Summit County, Ohio.

Date:

3/23/2021



Property Owner - Randy Hooke



Property Owner - Lena Hooke

**VILLAGE RESOLUTION RESPONDING TO A
PETITION INITIATED BY PROPERTY OWNERS
FOR DETACHMENT OF PROPERTY FROM VILLAGE**

**RESOLUTION OF THE VILLAGE OF RICHFIELD
CONCERNING DETACHMENT OF CERTAIN LAND
PURSUANT TO OHIO STATUTE § 709.38**

The Village of Richfield received a petition for detachment of certain property on _____ (date)
for the following described property:

See the attached Petition and Exhibit A and Exhibit B for a full and accurate description
of the property subject to this petition.

The Village of Richfield:

- Supports the petition for detachment; or
- Opposes the petition for detachment.

Date: _____

Michael Wheeler
Village Mayor

Mike Lyons
Village Council President

Jeff Gorman
Village Council Clerk

**TOWNSHIP RESOLUTION RESPONDING TO A
PETITION INITIATED BY PROPERTY OWNERS
FOR DETACHMENT OF PROPERTY FROM VILLAGE**

**RESOLUTION OF RICHFIELD TOWNSHIP
CONCERNING DETACHMENT OF CERTAIN LAND
PURSUANT TO OHIO STATUTE § 709.38**

The Township of Richfield received a petition for detachment of certain property on
(date) _____ for the following described property:

See the attached Petition and Exhibit A and Exhibit B for a full and accurate description
of the property subject to this petition.

The Township of Richfield:

- Supports the petition for detachment;
- Opposes the petition for detachment; or
- Is neutral to the petition.

Date: _____

H. Jeff Shupe
Township Board of Trustees, Chairperson

Robert Luther
Township Board of Trustees, Vice-Chairperson

RICHFIELD TOWNSHIP RESOLUTION 10-2021

**RESPONDING TO A PETITION INITIATED BY PROPERTY OWNERS
FOR DETACHMENT OF PROPERTY FROM VILLAGE**

**RESOLUTION OF RICHFIELD TOWNSHIP CONCERNING DETACHMENT OF CERTAIN
LAND PURSUANT TO OHIO STATUTE § 709.38**

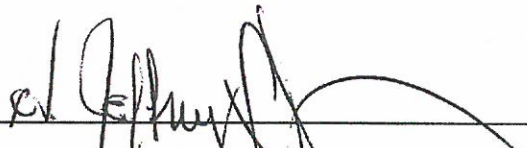
The Township of Richfield received a petition for detachment of certain property on April 1, 2021 for the following described property:

See the attached Petition and Exhibit A and Exhibit B for a full and accurate description of the property subject to this petition.


The Township of Richfield:

- Supports the petition for detachment;
- Opposes the petition for detachment; or
- Is neutral to the petition.

Date: 4-1-21



H. Jeffrey Shupe, Trustee Chairperson

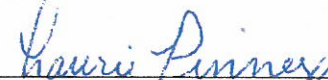


Robert Luther, Trustee Vice Chairperson



Janet Jankura, Trustee

Attest:



Laurie Pinney, Richfield Township Fiscal Officer

EXHIBIT A

PROPERTY OWNER PETITION TO SUMMIT COUNTY COUNCIL
FOR DETACHMENT OF LANDS AND ATTACHMENT TO CONTIGUOUS
TOWNSHIP PURSUANT TO OHIO REVISED CODE § 709.38

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It is hereby requested by:

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X all of the property owners (If the land is owned by both husband and wife, *both* must sign the petition to represent all owners.)

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Please note that currently, both portions of the property are assessed in an identical manner by the Summit County Fiscal Officer, except for the portions of tax going to the Village of Richfield and Richfield Township, respectively. By detaching the subject property from the Village of Richfield, the Village will be forfeiting a nominal sum totaling \$30.62 in tax revenue per year (based on tax revenue for 2020)

PETITIONERS REQUEST: That pursuant to Ohio Statute § 709.38, the property described herein be detached from the Village of Richfield and included within the contiguous Richfield Township, Summit County, Ohio.

Date: _____

Property Owner – Randy Hooke

Property Owner – Lena Hooke

HOFMANN - METZKER, INC.

REGISTERED PROFESSIONAL SURVEYORS
P. O. BOX 343 - 24 BEECH STREET
BEREA, OH 44017 (440) 234-7350

George A. Hofmann, P.S., President
Richard D. Metzker, P.S., Vice President

Hooke -Southern

DESCRIPTION
DE-Annexation Area

March 01, 2021

Situated in the Village of Richfield, County of Summit, State of Ohio and known as being part of Original Richfield Township Lot No. 13, Tract No. 2 and further bounded and described as follows;

Beginning at the Northeasterly corner of a parcel of land conveyed to Randy and Lena Hooke by Document # 56583972, said point being on the centerline of Southern Road (CH 194) (60') and distant North 00 degrees 22 minutes 13 seconds East, 1,101.94 feet from an Iron Pin found at the Southeasterly corner of said Lot No. 13;

Thence South 00 degrees 22 minutes 13 seconds West along said centerline, a distance of 125.00 feet to a point;

Thence North 89 degrees 22 minutes 47 seconds West, a distance of 350.00 feet to a point;

Thence South 00 degrees 22 minutes 13 seconds West, a distance of 125.00 feet to a point;

Thence South 89 degrees 22 minutes 47 seconds East, a distance of 350.00 feet to a point on said centerline of Southern Road;

Thence South 00 degrees 22 minutes 13 seconds West along said centerline, a distance of 60.00 feet to a point;

Thence North 89 degrees 22 minutes 47 seconds West, a distance of 350.00 feet to a point;

Thence South 00 degrees 22 minutes 13 seconds West, a distance of 293.17 feet to a point on the Southerly line of said land conveyed to Randy and Lena Hooke;

Thence North 89 degrees 48 minutes 01 seconds West along said Southerly line, a distance of 50.00 feet to a point;

Thence North 00 degrees 22 minutes 13 seconds East, a distance of 603.54 feet to a point on the Northerly line of said land conveyed;

Page 2
Hooke-Southern

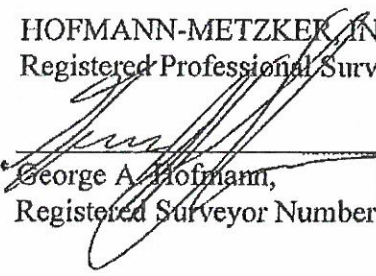
Thence South 89 degrees 22 minutes 47 seconds East along said Northerly line a distance of 400.00 feet to the PLACE OF BEGINNING.

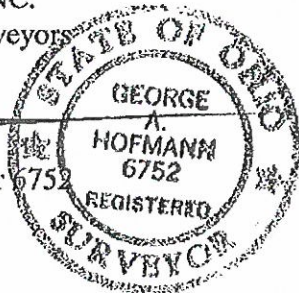
The courses used in this description are based on the centerline of Southern Road bearing North 00 degrees 22 minutes 13 seconds East and are used to indicate angles only.

The intent of this description is to described all the lands conveyed to Randy and Lena Hooke by Document # 56583972 falling within the current jurisdiction of the Village of Richfield

Distances are given to feet and decimal parts thereof.

HOFMANN-METZKER, INC.
Registered Professional Surveyors


George A. Hofmann,
Registered Surveyor Number 6752



HOFMANN - METZKER, INC.

REGISTERED PROFESSIONAL SURVEYORS
P. O. BOX 343 - 24 BEECH STREET
BEREA, OH 44017 (440) 234-7350

George A. Hofmann, P.S., President
Richard D. Metzker, P.S., Vice President

Hooke -Southern

DESCRIPTION DE-Annexation Area

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Hooke-Southern

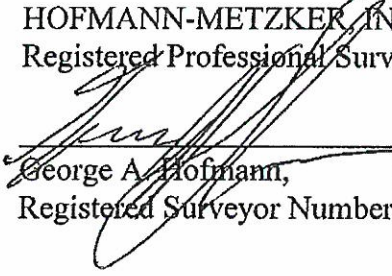
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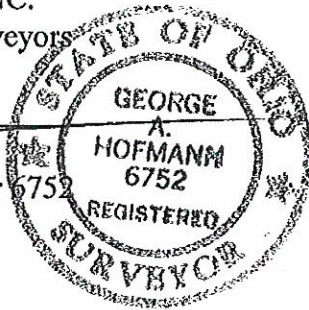
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Distances are given to feet and decimal parts thereof.

HOFMANN-METZKER, INC.
Registered Professional Surveyors


George A. Hofmann,
Registered Surveyor Number 6752



ACCEPTANCE
 I, the undersigned, being a duly qualified and authorized officer of the County of Hamilton, New York, do hereby certify that the foregoing is a true and correct copy of the original as filed in my office.

Notary Public
 Name: _____
 Office: _____

NOTARY
 I, the undersigned, being a duly qualified and authorized officer of the County of Hamilton, New York, do hereby certify that the foregoing is a true and correct copy of the original as filed in my office.

Notary Public

APPROVAL
 This plat is approved by the Village of Hopkinton, this _____ day of _____, 20__.

Village Official



PROPOSED DE-ANNEXATION

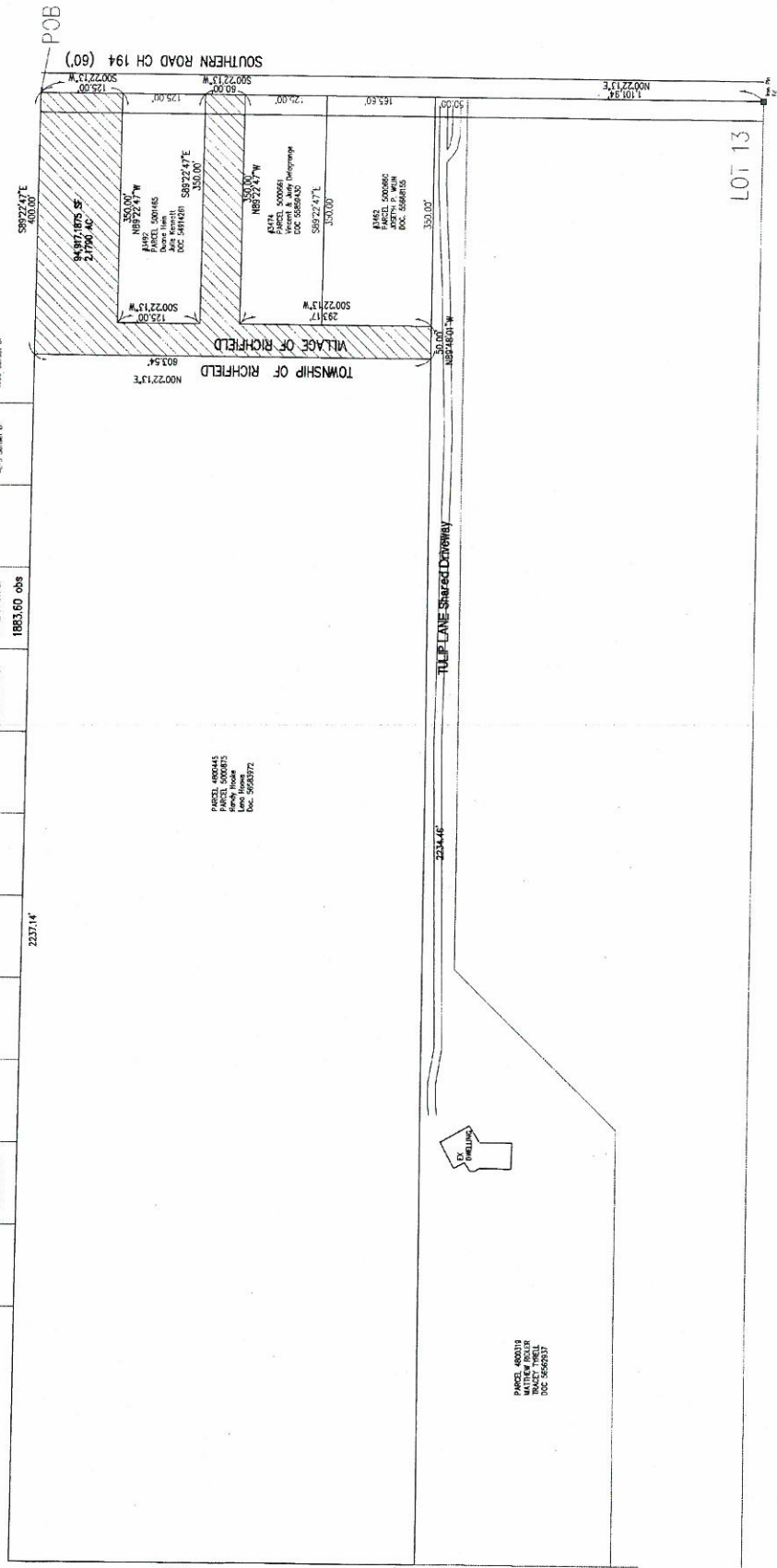
MADE AT THE INSTANCE OF
RANDY & LENA HOOKE
 AS SHOWN AS BEING A PART OF THE ORIGINAL PLAT OF LOT 13, PARCEL 2
 NOW IN THE VILLAGE OF HOPKINTON, COUNTY OF HAMILTON, STATE OF NEW YORK

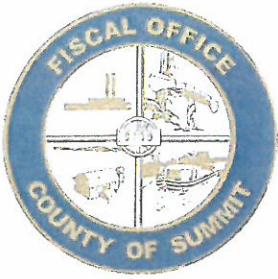
HOFMANN-METZKER, INC.
 1000 West 10th Street
 Suite 100
 Hamilton, NY 12040
 Phone: 518-537-1111
 Fax: 518-537-1112



MOBILE ALLOTMENT
 VOL. 102, P. 54

- S.A. 21 PARCEL 5000701
 Parcel 5000701
 Doc. 5000701
 4706 Sunset Dr
- S.A. 22 PARCEL 5000702
 Parcel 5000702
 Doc. 5000702
 4706 Sunset Dr
- S.A. 23 PARCEL 5000703
 Parcel 5000703
 Doc. 5000703
 4706 Sunset Dr
- S.A. 24 PARCEL 5000704
 Parcel 5000704
 Doc. 5000704
 4706 Sunset Dr
- S.A. 25 PARCEL 5000705
 Parcel 5000705
 Doc. 5000705
 4706 Sunset Dr
- S.A. 26 PARCEL 5000706
 Parcel 5000706
 Doc. 5000706
 4706 Sunset Dr
- S.A. 27 PARCEL 5000707
 Parcel 5000707
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 4706 Sunset Dr
- S.A. 28 PARCEL 5000708
 Parcel 5000708
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 4706 Sunset Dr
- S.A. 29 PARCEL 5000709
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- S.A. 30 PARCEL 5000710
 Parcel 5000710
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 4706 Sunset Dr
- S.A. 31 PARCEL 5000711
 Parcel 5000711
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 4706 Sunset Dr
- S.A. 32 PARCEL 5000712
 Parcel 5000712
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 4706 Sunset Dr
- S.A. 33 PARCEL 5000713
 Parcel 5000713
 Doc. 5000713
 4706 Sunset Dr
- S.A. 34 PARCEL 5000714
 Parcel 5000714
 Doc. 5000714
 4706 Sunset Dr
- S.A. 35 PARCEL 5000715
 Parcel 5000715
 Doc. 5000715
 4706 Sunset Dr
- S.A. 36 PARCEL 5000716
 Parcel 5000716
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 4706 Sunset Dr
- S.A. 37 PARCEL 5000717
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 4706 Sunset Dr
- S.A. 38 PARCEL 5000718
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 Doc. 5000718
 4706 Sunset Dr
- S.A. 39 PARCEL 5000719
 Parcel 5000719
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 4706 Sunset Dr
- S.A. 40 PARCEL 5000720
 Parcel 5000720
 Doc. 5000720
 4706 Sunset Dr
- S.A. 41 PARCEL 5000721
 Parcel 5000721
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 4706 Sunset Dr
- S.A. 42 PARCEL 5000722
 Parcel 5000722
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- S.A. 43 PARCEL 5000723
 Parcel 5000723
 Doc. 5000723
 4706 Sunset Dr
- S.A. 44 PARCEL 5000724
 Parcel 5000724
 Doc. 5000724
 4706 Sunset Dr
- S.A. 45 PARCEL 5000725
 Parcel 5000725
 Doc. 5000725
 4706 Sunset Dr
- S.A. 46 PARCEL 5000726
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- S.A. 47 PARCEL 5000727
 Parcel 5000727
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- S.A. 48 PARCEL 5000728
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- S.A. 49 PARCEL 5000729
 Parcel 5000729
 Doc. 5000729
 4706 Sunset Dr
- S.A. 50 PARCEL 5000730
 Parcel 5000730
 Doc. 5000730
 4706 Sunset Dr





KRISTEN M. SCALISE CPA, CFE
Fiscal Officer
County of Summit

June 1, 2021

Mark Potter
Summit County Council
Chief of Staff
175 South Main St., 7th Floor
Akron, Ohio 44308

RECEIVED
COUNTY OF SUMMIT
COUNCIL
2021 JUN -3 PM 2:08

RE: Detachment of Parcel 50-00875 from the Village of Richfield

Dear Mr. Potter:

The Summit County Fiscal Office ("Fiscal Office") has reviewed the indebtedness of the Village of Richfield ("Village"). The Fiscal Office discussed the detachment of Parcel 50-00875 from the Village with Sandy Turk, its Finance Director.

1. There are no property tax levies used to pay the debt of the Village;
2. The indebtedness of the Village is serviced from income tax paid by its residents; and
3. There is no debt to be apportioned to Richfield Township as a result of the detachment under consideration.

Sincerely,

Kristen M. Scalise CPA, CFE
County of Summit Fiscal Officer

AUDITOR DIVISION
175 S. Main Street
Akron, Ohio 44308
Phone: 330.643.2632
Fax: 330.643.2622

RECORDING DIVISION
175 S. Main Street
Akron, Ohio 44308
Phone: 330.643.2720

SERVICE DIVISION
1030 E. Tallmadge Ave.
Akron, Ohio 44310
Phone: 330.643.7226
Fax: 330.643.7240

TREASURER DIVISION
175 S. Main Street
Akron, Ohio 44308
Phone: 330.643.2588
Fax: 330.643.7760