4-105 back of Slot 204-B 205-A

# MEMORANDUM

## HEARING ON ANNEXATION TO THE MUNICIPAL CORPORATION OF NEW LEXINGTON, PERRY COUNTY, OHIO

This day, the 5th day of August, 1958, at ten (10:00) o'clock, a.m., the members of the Board of County Commissioners of Perry County, Ohio, namely: Frank L. Winegardner, A.K. Wilson, and Leo T. Green, held an open hearing in their office in the Court House, on the Petition for Annexation of certain territory to the Village of New Lexington, Ohio, in accordance with a resolution passed on the 2nd day of June, 1958, with the following persons present: Robert A. Gable Agent for petitioners, and Resident on territory.

| | |
|---|---|
| Robert W. Wood | Resident on territory |
| Allen Koonts | " " " |
| Jesse J. Kokensparger | " " " |
| Charles Moore | " " " |
| Robert Hankinson | " " " |
| Wilfred Yarger | " " " |
| Mrs. Wilfred Yarger | " " " |
| Mrs. Vince Hankinson | " " " |
| Chester Van Horn | " " " |
| Mrs. George Droscha | " " " |
| Oscar Fleming | " " " |
| Attorney Joseph C. Allen | |
| Attorney John C. Furgason | |
| Prosecuting Attorney Robert G. Tague | |

Attorney Allen, Petitioner's Counsel, at the request of Mr. F.L. Winegardner, Chairman of the Board of County Commissioners, opened discussion on the proposed annexation of territory as indicated on map and described in Legal Notice, attached hereto. He urged that the prayer of the petition be granted on its merits, the same being; annexation is desired by a majority of the resident freeholders of said territory, it is a worthy and legally planned proceeding, and it is earnestly desired by the Administration of the Village of New Lexington, Perry County, Ohio, and the Perry County Health Department. With these statements, he concluded his plea.

Attorney John C. Furgason, Solicitor and Counsel for the administration officials of the Village of New Lexington, Ohio, and representing them, stated very clearly and very firmly that the Mayor, Floyd D. Wolfe, and the Members of Council, were desirous that the proposed annexation of territory be approved, as it would not only greatly benefit the freeholders and residents therein, but would solve problems which have been of deep concern, both to their administration and that of the County Health Department. He concluded his remarks with a reaffirming of the necessity of such annexation and its beneficial results.

Coming now to the matter of reexamining of the Petition, Mr. Frank L. Winegardner, Chairman, asked Mr. Tague, Prosecuting Attorney and Adviser to the Board of County Commissioners, to examine the Petition and Map, and to state whether or not action on said petition could be concluded.

Thereupon, Mr. Tague reviewed the Petition and the Map, and during such review he was reminded by the Petitioner's Counsel and others that Ruth Ann McGee and Alva McGee had moved from the territory after their signatures had been affixed to the Petition. Mr. Tague accepted these facts and ordered their names be stricken from the said petition.

Mr. Allen Koonts asked to be heard. He was recognized and he requested the withdrawal of his signature from the same petition, because of his misunderstanding concerning the extent of the territory involved, and the fact that his signature was affixed to said petition previous to an inclusion of additional territory. Mr. Tague accepted and approved his request for the Board of County Commissioners, after which he turned the Petition and the Map back to said Board, stating it was in order to further proceed.

Mr. Winegardner, Chairman, asked if there were any protests. In answer, Mr. Jesse Kokensparger strongly protested the annexation, stating he had all of the services which said annexation would provide, that he paid for them with his own money, and that without being unkind to his neighbors, he thought it was unfair to force him to pay the second time for the same services he was already receiving.

Mr. Allen Koonts, in like manner, strongly protested the annexation, for the same reasons and on the same basis.

Others present, asking for an explanation and estimate of the cost of providing corporation services, such as water, sewer, etc., reversed any feeling of objection to annexation, when assured by Attorneys Allen and Furgason that it would not create too big a burden on the individual taxpayer. This concluded discussion on the matter of protesting said annexation.

Robert A. Gable, Agent for the Petitioners, was sworn in as such by Attorney Joseph C. Allen. He was asked the following questions: Were any changes made in the Petition? – Answer: No. Have you filed the Petition? – Answer: Yes. Did you see all signers affix their signatures? – Answer: Yes. Thereupon, Attorney Allen offered Proof of Publication and Petition, in conclusion to Agent's statements.

Attorney Allen called attention to the fact that thirty-one (31) signatures remained on the Petition after the removal of the three (3) accepted withdrawals, and that the territory contained fifty-five (55) property owners, and he offered Map as evidence. No objections or questions followed.

There being no further discussion on the matter of said annexation, Mr. Frank L. Winegardner, Chairman of the Board of County Commissioners, asked if a motion was in order granting the Prayer of the Petition.

Thereupon, etc.

See Motion on File in the County Commissioner's Office, and recorded in Journal, Vol. No. 31, Page 88D. Motion was prepared and written by Attorney Allen, acting upon instructions of the Prosecuting Attorney.

MEMO: The foregoing Memorandum is recorded in the Journal of the County Commissioners in Vol. No. 31, Page No. 88F.

Signed Helen E. Tharp
Helen E. Tharp
Clerk, Board of County Commissioners, Perry County, Ohio.

In re: Hearing on Petition of: Robert A. Gable, et al.,:
Annexation of territory to the: Village of New Lexington, Ohio.: Mr. Green moved the adoption of the following Resolution:

WHEREAS, on the 2nd day of June, 1958 (Regular Session), a petition was filed by Robert A. Gable, et al., praying for the annexation of certain territory to the Village of New Lexington, Perry County, Ohio, and WHEREAS, the plat and description of the territory to be annexed to said village were made a part of said petition and are accurate, and WHEREAS, the names of Allen Koonts, Alva T. McGee and Ruth Ann McGee were ordered withdrawn from said petition, and WHEREAS, the remaining subscribers to said petition are electors residing on said territory and constitute a majority of the freeholders residing on said territory, and WHEREAS, notice has been given, as required by law, and the territory to be annexed is not unreasonably large or small and is adjacent to the said village, and WHEREAS, the Board, in open meeting, heard all persons desiring to be heard for or against the granting of said petition, there being no written protests on file, and the Board have considered the evidence presented by the petitioners, be it RESOLVED, that the prayer of said petition be, and it hereby is, granted, and the following entry or order be made, and that the Clerk of this Board prepare and file with the Clerk of the Village of New Lexington, Ohio, a transcript of the proceedings.

## ORDER OF COUNTY COMMISSIONERS FOR ANNEXATION

The commissioners of the County of Perry, State of Ohio, proceeding this day to hear the petition of Robert A. Gable and others to obtain the annexation of the territory in their petition described to the village of New Lexington, and having in open meeting heard all the persons desiring to be heard for or against the granting of said petition and considered the evidence presented with reference thereto, and being fully advised find that said petition contains all the matters required by law, that its statements are true, that the territory sought to be annexed is adjacent to the village of New Lexington; that the petition contains a full description of said territory; that the map of said territory attached to the petition is accurate; that said petition is signed by a majority of the adult freeholders residing in the territory sought to be annexed; that the required legal notice of the petition has been given, and that it is right and proper that said petition should be granted.

It is hereby ordered that the prayer of said petition be granted, and that the territory described in said petition may be annexed to the village of New Lexington 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 fil relating to said matter be deposited at once with the Clerk of the Village of New Lexington, Ohio.

Mr. Wilson seconded the Resolution and the roll being called upon its adoption the vote resulted as follows: Green Yes. Wilson Yes. Winegardner Yes.

We, Leo T. Green, A.K. Wilson and Frank L. Winegardner, members of the Board of County Commissioners of Perry County, Ohio, do hereby certify that the above and foregoing proceedings constitutes the action of the Board as taken on the 5th day of August, 1958, in Special Session met, and which is of record, page 88D, Vol. 31, Commissioners' Journal, Perry County, Ohio.

(signed) F. L. Winegardner (signed) A. K. Wilson (signed) Leo T. Green

Attest: /s/ Helen E. Tharp
Clerk, Board of County Commissioners, Perry County, Ohio.

Board of County Commissioners
Perry County, Ohio

Seal

## PETITION FOR ANNEXATION TO THE MUNICIPAL CORPORATION OF NEW LEXINGTON, PERRY COUNTY, OHIO

## RESOLUTION

It was moved by Mr. Green that pursuant to the filing of the petition signed by Robert W. Wood, et al., for the annexation of certain territory to the municipal corporation of the Village of New Lexington, Perry County, Ohio, be it agreed that Tuesday, August 5th, 1958, at ten (10:00) o'clock, A.M., be fixed as the time and the office of the County Commissioners in the Court House, New Lexington, Ohio, as the place for public hearing thereon.

Mr. Wilson seconded the motion and the roll being called upon its adoption the vote resulted as follows: Mr. Winegardner Aye, Mr. Wilson Aye, and Mr. Green Aye.

I, Helen E. Tharp, Clerk, hereby certify that the above and foregoing to be the action of the Board of County Commissioners of Perry County, Ohio, in Regular Session met on the Second (2nd) day of June, 1958, and which the action so taken is of record, Page No. 47, Vol. No. 31, Commissioners' Journal, Perry County, Ohio.

(signed) Helen E. Tharp
Helen E. Tharp
Clerk
BOARD OF COUNTY COMMISSIONERS
PERRY COUNTY, OHIO

Seal