

VILLAGE OF OTTOVILLE

ORDINANCE NO. 345

**ORDINANCE PROHIBITING THE EXTENSION OF WATER AND SEWER SERVICE
OUTSIDE THE VILLAGE OF OTTOVILLE**

WHEREAS, the Council of the Village of Ottoville has become concerned about the potential for the inconsistent granting of water and sewer service outside the village limits; and

WHEREAS, the Council of the Village of Ottoville believes it is in the best interest of the residents of the Village of Ottoville to consistently require property to be annexed to said village, prior to the village providing water and sewer service,

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OTTOVILLE, OHIO, OR TWO-THIRDS OF ITS MEMBERS CONCURRING THERETO, THAT:

SECTION 1. The extension of village water and sewer service outside the village limits is hereby prohibited, except as set forth below.

SECTION 2. To the extent property presently outside the village limits is annexed to this village, water and sewer service shall become available in the same manner as is available to other residents.

SECTION 3. The Council for the Village of Ottoville may amend this ordinance, from time to time, to permit the extension of water and sewer service in exceptional circumstances. The Council for the Village of Ottoville will determine whether or not circumstances are exceptional on a case by case basis.

Date passed: Dec. 27, 2004

ATTEST:

APPROVED:

Jeannie M. Wamacher
Village Fiscal Officer, Village of Ottoville

Ronald A. Miller
Mayor, Village of Ottoville

LAW OFFICES OF
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315 EAST MAIN STREET • PO BOX 110
OTTAWA, OHIO 45875
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VILLAGE OF OTTOVILLE

RESOLUTION NO. T-311

RESOLUTION AUTHORIZING MAYOR TO ENTER INTO AGREEMENT
(AGREEMENT TO ANNEX - LARRY ALTENBURGER)

WHEREAS, the Village of Ottoville has a policy of not extending its sewer and water services to individuals, beyond municipal boundaries, and

WHEREAS, such an extension was made to Larry Altenburger, and

WHEREAS, the Village of Ottoville does not wish to terminate service to Larry Altenburger.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF OTTOVILLE, OHIO, OR TWO-THIRDS OF ITS MEMBERS CONCURRING THERETO, THAT:

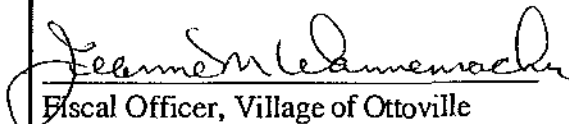
SECTION 1. The Mayor is hereby authorized and instructed to enter into an Agreement to Annex with Larry Altenburger, upon the presentation of such agreement by the Village Solicitor.

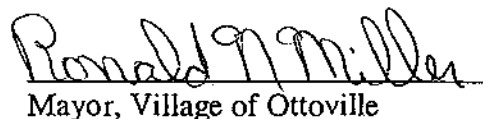
SECTION 2. The Village Fiscal Officer shall make the agreement to annex a part of the village records and shall provide a copy to Larry Altenburger.

Date passed: Dec. 27, 2004

ATTEST:

APPROVED:


Fiscal Officer, Village of Ottoville


Mayor, Village of Ottoville

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AGREEMENT TO ANNEX

WHEREAS, the Village of Ottoville has a standing policy not to provide sewer and water services to individuals who reside outside the municipal corporation limits; and

WHEREAS, an exception to this rule was made by the Village Board of Public Affairs for Larry Altenburger, whose property sits outside the village corporation limits; and

WHEREAS, the granting of the exception to permit the water connection outside the village limits was not approved by the Council of the Village of Ottoville; and

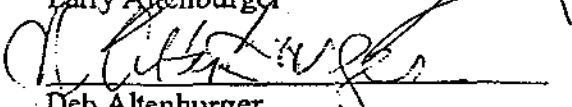
WHEREAS, the Council of the Village of Ottoville does not believe it is in the best interest of the village to terminate the connections which have already been established; and

WHEREAS, the Council of the Village of Ottoville believes Larry Altenburger acted in good faith with regard to the securing of the water connection.

BASED UPON THE FOREGOING CONSIDERATIONS, AS WELL AS ADDITIONAL CONSIDERATIONS SET FORTH HEREIN BELOW, THE VILLAGE OF OTTOVILLE AND LARRY ALTENBURGER HEREBY AGREE AS FOLLOWS:

1. The Village of Ottoville and Larry Altenburger hereby agree that in consideration of the Village of Ottoville not terminating the water service, Larry Altenburger will abandon his old sewer line and will also take the steps necessary to annex to the Village of Ottoville the property located at as soon as a gravity feed sewer line is run up to his property.
2. The legal description to the property involved is attached as Exhibit "A".
3. In consideration for the promise and agreement by and with Larry Altenburger, the Village of Ottoville hereby agrees it will not terminate the water connection, despite the fact said connection was made against the standard policy of the Village Council.


Larry Altenburger


Deb Altenburger


Ronald Miller, Mayor
Village of Ottoville

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EXHIBIT A

Situated in the Village of Ottoville, County of Putnam and State of Ohio:

Commencing for the same at the Northwest corner of the Southeast Quarter (1/4) of the Southwest Quarter (1/4) of Section Nineteen (19), Township One (1) South, Range Five (5) East, running thence East on the north line of said Section Three Hundred Forty One (341) feet, thence South to the center of the Kalida and Ottoville Road, Three Hundred and Twelve (312) feet, parallel with the center of East Street in Max Winkelman Addition to Ottoville, thence Southwest along the center of said Kalida and Ottoville Road Four Hundred and Fifteen (415) feet thence North on the West line of said section line, Five Hundred and Twenty Seven (527) feet to place of beginning, less a strip of Thirty Three (33) feet wide along the West line sold to Delphos Northern Railroad Co.

Excepting a strip of land Thirty (30) feet in width off the East side of the above described parcel, as shown by deed recorded in Volume 198, Page 472.

AND:

Situated in the Village of Ottoville, County of Putnam and State of Ohio:

A strip of land thirty (30) feet in width off the east side of the following:

Commencing for the same at the northwest corner of the southeast quarter (1/4) of the southwest quarter (1/4) of section nineteen (19), Township one (1) South, Range Five (5) East, running thence east on the north line of said section three hundred forty-one (341) feet, thence south to the center of the Kalida-Ottoville Road, thence three hundred twelve (312) feet parallel to the center of East Street in the Max Winkelman Addition to Ottoville, thence southwest along the center of said Kalida and Ottoville Road four hundred and fifteen (415) feet, thence north one the west line of said section line five hundred twenty-seven (527) feet to the place of beginning, less a strip thirty-three (33) feet wide along the west line sold to Delphos Northern Railroad Co.

Also:

A strip of land thirty (30) feet in width off the west side of the following: Commencing Three Hundred Forty-one (341) feet east of the northwest corner of the southeast quarter (1/4) of the southwest quarter (1/4) of section nineteen (19), Town one (1) South, Range Five (5) East, running thence East on the north line of said section one hundred fifty-seven (157) feet, thence south to the center of the Kalida Road one hundred eighty (180) feet, thence southwest along the center of the Kalida Road two hundred one (201) feet, thence north three hundred twelve (312) feet, parallel to the center of East Street in the Max Winkelman Addition to the Village of Ottoville, Ohio, to the place of beginning. (See Plat Book 11, Page 11 A.)

PROOF READ