

**RESOLUTION NO. 2025-10**

**A RESOLUTION AUTHORIZING THE VILLAGE TO ENTER INTO A NEW ANNEXATION AGREEMENT WITH CARRYALL TOWNSHIP, PAULDING COUNTY, OHIO REGARDING CERTAIN REAL PROPERTY LOCATED ADJACENT TO THE VILLAGE AND DECLARING THE SAME AN EMERGENCY**

**WHEREAS**, on December 11, 2024, the Council of the Village of Antwerp, Ohio passed Resolution No. 2024-24, authorizing the Mayor to enter into an Annexation Agreement with Carryall Township regarding certain real property located adjacent to the Village, owned by Marlin Farms, LLC and formerly known as "The Marlin Property"; and

**WHEREAS**, prior to the completion of the Annexation of the Marlin Property into the Village of Antwerp, Ohio, an error was discovered in the legal description of the property, which has now been remedied; and

**WHEREAS**, in addition, the Marlin Property was conveyed to BMJW Investments, LLC, on May 13, 2025, prior to the completion of this Annexation; and

**WHEREAS**, due to the above complications, the Paulding County Auditor, Engineer and Commissioners have advised the parties involved in this process that they must re-execute and resubmit all documents related to this Annexation, including the correct legal description of the property and the new owner as the petitioner on all relevant documents; and

**WHEREAS**, the Village has been notified that the former Annexation Agreement between the Village and Carryall Township has been rescinded due to the need for an updated agreement reflecting the corrections made, and thus Resolution No. 2024-24 is now null and void; and

**WHEREAS**, the purpose of this Resolution is to authorize the Mayor to execute a new Annexation Agreement with Carryall Township which includes the new legal description of the property to be annexed as well as the name of the new entity petitioning for annexation in order to allow this matter to move forward with the Paulding County Commissioners and Carryall Township Trustees as the Village still finds the annexation of this property desirous; and

**WHEREAS**, execution of the Annexation Agreement is necessary for the immediate preservation of the public peace, property, health, safety, and welfare of the Village of Antwerp, Ohio and therefore this Resolution is deemed to be an emergency for the reason that annexation of this property into the Village of Antwerp, Ohio is a contingency for purchase of this property by the petitioner.

**NOW THEREFORE, BE IT RESOLVED BY A MINIMUM OF A THREE-FOURTHS VOTE** by the Council of the Village of Antwerp, Paulding County, Ohio:

**Section 1.** That the rules requiring three readings of any ordinance or resolution prior to its passage by a minimum of the majority of the council are hereby suspended pursuant to Ohio Revised Code Section 705.15.

**Section 2.** That the Council finds it desirous and appropriate to, upon approval by Resolution of the Paulding County Board of County Commissioners, accept the annexation of the BMJW Investments Property, further described in **Exhibit "A"** into the Village of Antwerp, Ohio.

**Section 3.** That the Council of the Village of Antwerp, Ohio authorizes the Mayor of the Village of Antwerp, Ohio, Jan Reeb, to enter into a new annexation agreement, attached to this Resolution as **Exhibit "A"**, with Carryall Township, Paulding County, Ohio concerning the real property further described in **Exhibit "A"**.

**Section 4.** That the Council of the Village of Antwerp, Ohio agrees that all tax revenues associated with said real property shall remain allocated to Carryall Township, Paulding County, Ohio during the pendency of the annexation proceedings, but shall be allocated to the Village of Antwerp, Ohio following the successful completion of said annexation proceedings.

**Section 5.** That it is hereby found and determined that all formal actions of the Council concerning or relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

**Section 6.** This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, and welfare of the Village of Antwerp, Ohio and for the further reason that the new Annexation Agreement allows the County and Township to move forward with the Annexation in a timely fashion and facilitates the successful completion of a contingency associated with the conveyance of the property, which, when so annexed, will provide real and personal property tax revenue to the Village, and provided it receives the affirmative vote of at least three-fourths of the members of this Council, the Resolution shall take effect and be in force immediately upon its adoption by this Council or otherwise it shall take effect and be in force after the earliest period allow by law.

Date 5/14/2025

  
\_\_\_\_\_  
Jan Reeb, Mayor of the Village of Antwerp

Attest:

  
\_\_\_\_\_  
Kevin Hornish, Fiscal Officer

## **ANNEXATION AGREEMENT**

This Agreement is made at Paulding County, Ohio, by and between the **Township of Carryall (hereinafter "Township")**, whose mailing address is PO Box 652, Antwerp, Ohio 45813, and the **Village of Antwerp, (hereinafter Village")**, whose mailing address is PO Box 1046, Antwerp, Ohio 45813. The purpose of said Agreement is for the identification of property to be annexed into said Village that is currently identified in the boundaries of said Township. The parties further agree and recognize that:

**WHEREAS**, a certain area of land described as attached in Exhibit "A" is proposed for annexation from the Township to the Village; and

**WHEREAS**, both the Township and the Village residents will benefit from the provisions of this Agreement; and

**WHEREAS**, the Township and the Village are desirous of entering into an Agreement which contemplates that certain property located in Paulding County, Carryall Township will be annexed into the Village; and

**WHEREAS**, the Township and the Village wish to agree on issues which will arise as a result of such annexation; and

**NOW, THEREFORE**, in consideration of the mutual covenants and promises contained in the Agreement, the parties hereby agree as follows:

### **ARTICLE ONE: PROPERTY**

The property as identified in Exhibit "A" and containing certain acreage and is now located in the Township of Carryall, Paulding County, Ohio and referred to as the BMJW Investments Property.

### **ARTICLE TWO: CONSIDERATION GIVEN BY THE VILLAGE**

The parties agree that the Township will continue to receive 100% of the real and personal property taxes assessed against the BMJW Investments property during the pendency of this Annexation proceeding. Following the completion of the Annexation, the parties agree that the Village will begin to receive 100% of the real and personal property taxes assessed against the BMJW property from that time forward.

### **ARTICLE THREE: CONSIDERATION GIVEN BY THE TOWNSHIP**

The Township, on behalf of itself, its agents, servants, members, trustees, employees, representatives, assigns, and successors, hereby fully releases and discharges the Village and its

officers, officials, agents, servants, members, employees, representatives, assignees and successors, from any and all rights, claims, and action, known or unknown, which the Township and its above-mentioned successors have or might have stemming from any differences or claims arising from the above-mentioned annexation, including rights to appeal.

The Township hereby assents to the annexation of the BMJW Investments property into the Village and agrees that it shall not challenge, oppose or assist any person or entity to challenge or oppose, before the Board of County Commissioners of Paulding County, the Council of the Village, or any Court, the petition(s) of any owner(s) of properties to have the BMJW Investments property annexed in the Village.

#### **ARTICLE FOUR: ALLOCATION OF TAXES**

During the Non-Conforming Period the Township will receive 100% of the real and personal property taxes assessed against the BMJW Investments property.

In the event the BMJW Investments property is successfully annexed into the Village, all associated taxes for said BMJW Investments property will be allocated to the Village from that point forward.

#### **ARTICLE FIVE: EFFECT OF AGREEMENT**

This agreement is a complete resolution of the matters of the annexation of the BMJW Investments property between the parties and shall not be treated as any admission by either party for any purpose.

#### **ARTICLE SIX: MODIFICATION**

This agreement may not be modified or terminated in any manner except by official legislative action of both the Township and the Village.

#### **ARTICLE SEVEN: BINDING AGREEMENT**

This agreement shall be binding upon the parties and their agents, servants, members, officials, trustees, employees, representatives, assigns and successors.

#### **ARTICLE EIGHT: LEGAL CONSTRUCTION**

In the event that any one or more of the provisions contained in this Agreement are held to be invalid, illegal or unenforceable in any respect, the invalidity, illegality or unenforceability shall not affect any other provision of this Agreement.

## ARTICLE NINE: GOVERNING LAW

This Agreement, and all the rights, duties and obligation of the Village and the Township shall be construed under and in accordance with the laws of the State of Ohio, and all obligations of the parties hereunder are performable in Paulding County, Ohio.

THE TOWNSHIP OF CARRYALL:

By: \_\_\_\_\_  
Joseph Brandon Barker, Trustee

And: \_\_\_\_\_  
Benjamin Michael Kauser, Trustee

And: \_\_\_\_\_  
Nathan A. Zuber, Trustee

THE VILLAGE OF ANTWERP:

By: Jan Reeb  
Jan Reeb, Mayor

Attested By: Kevin A. Hornish  
Kevin Hornish, Fiscal Officer

Authorized by the Township of Carryall  
Resolution No. \_\_\_\_\_, passed on  
\_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_

And by

Village of Antwerp Resolution No. 2025-10  
passed on May, 14, 2025

Approved as to form:

Brandon Grigsby

Brandon Grigsby, Solicitor, Village of  
Antwerp

### **Exhibit "A"**

Situated in the Township of Carryall, County of Paulding and the State of Ohio and being a part of the Northeast and Northwest Quarters of Section Number 34, Township 3 North, Range 1 East, and being more fully bounded and described as follows:

Beginning at a corner stone monument found at the Southwesterly corner of the Northeast Quarter of Section 34; thence South  $89^{\circ}23'00''$  East along the Southerly line of said Northeast Quarter of Section 34, a distance of 1,331.47 feet to a  $\frac{3}{4}$  inch iron pin found at the Northeasterly corner of the Northwest Quarter of the Southeast Quarter of Section 34 and being the Northeasterly corner of land now or formerly owned by the Advisory Board, Northwestern Ohio District church of the Nazarene by deed dated 613, Page 2044 of Paulding County Deed Records and being the Principal Place of Beginning of the Parcel of land herein described;

Course No. 1: Thence South  $01^{\circ}15'56''$  West along the Easterly line of said Church of the Nazarene land, a distance of 723.12 feet to a  $\frac{1}{2}$  inch pin found at the Southeasterly corner thereof and on the Northerly Limited Access line of US Highway 24;

Course No. 2: Thence North  $87^{\circ}44'22''$  East along said Northerly line of US Highway 24, a distance of 381.47 feet to a  $\frac{5}{8}$  inch iron pin found at an angle point thereon;

Course No. 3: Thence North  $79^{\circ}51'41''$  East continuing along the said Northerly line of US Highway 24, a distance of 460.63 feet to a  $\frac{5}{8}$  inch iron pin set on an angle point thereon;

Course No. 4: Thence North  $52^{\circ}31'18''$  East and continuing along the said northerly line of US Highway 24, a distance of 500.26 feet to a  $\frac{5}{8}$  inch iron pin set on the Westerly line of Township Road 43, width varies;

Course No. 5: Thence North  $05^{\circ}37'51''$  East along the Westerly line of said Township Road 43, a distance of 442.53 feet to an angle point thereon;

Course No. 6: Thence North  $02^{\circ}21'24''$  East continuing along the Westerly line of said Township Road 43, a distance of 226.80 feet to a  $\frac{5}{8}$  inch iron pin set on the Antwerp village Corporation line and land now or formerly owned by B&Y Limited LLC by deed recorded in Volume 497, Page 158 of Paulding County Deed Records;

Course No. 7: Thence South  $62^{\circ}27'32''$  West along the said Antwerp Village Corporation line and the Southerly line of said B&Y Limited land, a distance of 759.05 feet to a  $\frac{5}{8}$  inch iron pin set on an angle point thereon and on the South line of the Northwest Quarter of Section 34;

Course No. 8: Thence North  $89^{\circ}23'00''$  West along the said Antwerp Village Corporation line and the said Southerly line of B&Y Limited land, a distance of 595.39 feet to the place of beginning and containing 20.0212 acres, 872,122 square feet, of land being the same more or less but subject to any legal easements or highways.

Basis of Bearing: Based on grid north (N00°00'00"E) from GPS observations utilizing Ohio State Plane North American Datum 1983 (North Zone, 2011 adj.) Coordinate System.

Corner monumentation set are 5/8 x 30 inch iron pins with plastic caps inscribed "CT Consultants".

Prepared by John H. Crawford P.S. Registered Professional Surveyor No. 7826

Parcel ID No.: 11-34S-015-00