

Ordinance No: 26-05-030

Committee: Judiciary and Annexation

AN ORDINANCE TO AMEND THE CITY OF VAN WERT ZONING MAP BY APPROVING A CONDITIONAL ZONING PETITION FILED PURSUANT TO VAN WERT CODE OF ORDINANCES SECTION 150.12 (C) TO DESIGNATE CERTAIN REAL PROPERTY CONSISTING OF 901.698+/- ACRES WITH THE I-2, GENERAL INDUSTRIAL ZONING CLASSIFICATION AND DECLARING AN EMERGENCY.

WHEREAS, a conditional zoning petition was filed with the City on March 9, 2026, pursuant to Van Wert Code of Ordinances Section 150.12 (C) concerning 901.698+/- acres which are described in Exhibit “A” attached hereto and are depicted in Exhibit “B” attached hereto (the “Property”) and which are being annexed or have been annexed to the City; and

WHEREAS, the petitioner under the conditional zoning petition requested that the Property be designated with the I-2, General Industrial classification; and

WHEREAS, the City Council of Van Wert (“City Council”) has determined that it is desirable and necessary to approve the conditional zoning petition as presented; and

WHEREAS, the City Council deems it desirable and necessary to require that any development of the Property with improvements and uses which may differ from adjacent residential uses to install and maintain appropriate buffering between such development and uses on the Property and such adjacent residential uses in accordance with the standards set forth in Exhibit “C” attached hereto; and

WHEREAS, the City’s Planning Commission held a public hearing on the conditional zoning petition on March 26, 2026, and voted to recommend approval of the same to City Council; and

WHEREAS, City Council held a public hearing on the conditional zoning petition on May 4, 2026; and

WHEREAS, this Ordinance is hereby declared to be an emergency measure, to be effective immediately upon passage, such emergency being necessary for the immediate preservation of the public peace, health, safety, or welfare, to wit: for the preservation and addition of employment opportunities in the City of Van Wert; to preserve and increase municipal real property and income tax revenues for the City; to protect the value of previously made public infrastructure investments by the City will serve the Property; in furtherance of the provisions of that certain Pre-Annexation Agreement dated November 14, 2014, by and among City Council, the Board of Trustees of Ridge Township, Van Wert County, Ohio, and the Board of County Commissioners of Van Wert County, Ohio (the “BOC”); in furtherance of that certain Pre-Annexation Agreement dated December 22, 2014 by and among the City Council, the Board of Trustees of Hoaglin Township, Van Wert County, Ohio, and the BOC; and in furtherance of that certain Pre-Annexation Agreement dated June 14, 2016, by and among City Council, the Board of Trustees of Pleasant Township, Van Wert County, Ohio, and the BOC.

Be it **ORDAINED** by the Council of the City of Van Wert, Van Wert County, Ohio, to wit:

Section 1. To approve the classification of the Property into the I-2, General Industrial zoning district under the Van Wert Code of Ordinances.

Section 2. To require that development and use of the Property which differs from existing residential improvements and uses that exist or may be permitted to be developed and operated on real property that is adjacent to the Property adhere to the buffering requirements set forth in Exhibit "C" attached hereto.

Section 3. It is hereby found and determined that all formal actions of City Council concerning and relating to the adoption of this legislation were adopted in an open meeting of City Council, and that all deliberations of City Council and/or its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.11 of the Ohio Revised Code.

Section 4. This Ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety and welfare, and as an emergency measure this ordinance shall take effect and be in force from and after its passage by City Council and approval by the Mayor.

Passed this _____ day of _____, 2026.

Thad R. Eikenbary – President of Council

Attest: _____
Stephanie R. Phillips, Clerk of Council

Kenneth J. Markward, Mayor

Exhibit "A"

PARCEL ONE:

- Situated in Section 6 and in the Northeast and Northwest Quarters of Section 7, Town 2 South, Range 3 East, Ridge Township and in the Southwest Quarter of Section 31 Town 1 South, Range 3 East, Hoaglin Township, Van Wert County, Ohio, being all of tract as described in Deed Volume 139, Page 628 and Official Record Volume 385, Page 1929 and being more particularly described as follows:
- Beginning at the west quarter post of said Section 6, being a monument box found;
- Thence along the west line of said section 6, N.01°08'20"E., a distance of 1200.00 feet to a mag nail found at the southwest corner of a 2.190 acre tract as described in Official Record Volume 420, Page 1260;
- Thence running along said 2.190 acre tract and a 0.786 acre tract as described in Official Record Volume 420, Page 1266 on the following nine (9) courses and distances:
1. S.88°51'40"E., a distance of 30.00 feet to a ¼" iron pin found;
 2. N.06°50'58"E., a distance of 201.03 feet to a ¼" iron pin found;
 3. N.16°04'13"E., a distance of 155.21 feet to a ¼" iron pin found;
 4. N.01°08'20"E., a distance of 210.01 feet to a ¼" iron pin found;
 5. N.54°00'46"E., a distance of 421.14 feet to a ¼" iron pin found;
 6. N.45°57'12"E., a distance of 100.50 feet to a ¼" iron pin found;
 7. N.41°08'36"E., a distance of 355.98 feet to a ¼" iron pin found;
 8. N.48°48'06"E., a distance of 200.25 feet to a ¼" iron pin found;
 9. N.38°20'10"W., a distance of 30.00 feet to a monument box found in the centerline of State Route 224;
- Thence along said centerline on the following three (3) courses and distances:
1. N.51°39'44"E., a distance of 228.80 feet to a mag nail found;
 2. N.51°34'22"E., a distance of 376.02 feet to a mag nail found;

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3. N.39°59'37"E., a distance of 1130.00 feet to a mag nail found at the northwest corner of a 31.236 acre tract as described in Official Record Volume 385, Page 1929;
- Thence running along the north line of said tract, S.88°45'43"E., a distance of 757.22 feet to a mag nail found in the east line of the southwest quarter of said Section 31;
- Thence along the east line of said Section 31, S.01°41'47"W., a distance of 1121.65 feet to a monument box found at the southeast corner of the southwest quarter of said Section 31;
- Thence on the north line of the aforesaid said Section 6, S.88°42'52"E., a distance of 2499.36 feet to a monument box found at the northeast corner of the northeast quarter of said Section 6;
- Thence along the east line of the northeast quarter of said Section 6, S.00°50'00"W., a distance of 2629.37 feet to a monument box found at the east quarter post of said Section 6;
- Thence on the east line of the southeast quarter of said Section 6, S.00°49'54"W., a distance of 2645.74 feet to a monument box found at the southeast corner of the southeast quarter of said Section 6;
- Thence along the east line of the northeast quarter of the aforesaid Section 7, S.01°14'50"W., a distance of 536.12 feet to a 5/8" iron pin found;
- Thence running along the north limited access right of way of Unites States Route 30 on the following five (5) courses and distances:
1. N.88°45'06"W., a distance of 65.00 feet to a 5/8" iron pin found;
 2. S.04°23'04"W., a distance of 488.56 feet to a 5/8" iron pin found;
 3. N.87°20'28"W., a distance of 5107.41 feet to a 5/8" iron pin found;
 4. N.00°24'23"W., a distance of 593.14 feet to a 5/8" iron pin found;
 5. N.88°57'25"W., a distance of 85.00 feet to a mag nail found in the west line of the northwest quarter of said Section 7;
- Thence along the west line of said northwest quarter, N.01°02'43"E., a distance of 271.57 feet to a monument box found at the southwest corner of the southwest quarter of Section 6;
- Thence on the west line of said southwest quarter, N.01°04'33"E., a distance of 2647.15 feet to the Point of Beginning;
- Containing 773.565 acres, more or less, of which 630.491 acres lie in Section 6 Ridge Township, 111.861 acres lie in Section 7 Ridge Township and 31.213 acres lie in Section 31 Hoaglin Township and being subject to all legal highways, rights-of-way, easements, restrictions, covenants, and/or conditions of record.

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The above description and bearing system is based on a survey prepared by Michael L. Howbert, Registered Professional Surveyor, No. 7959, in June of 2025.
The parcel # for Ridge Township will be Parcel # 17-034718.0000 - 742.352 ac.- SD 522.
The parcel # for Hoaglin Township will be Parcel #33-047500.0000 - 31.213 ac.- SD523

PARCEL TWO:

Situated in the Northeast Quarter and Southeast Quarter of Section 1, Town 2 South, Range 2 East, Pleasant Township, Van Wert County, Ohio, being all of a tract as described in Official Record Volume 433, Page 3068, of said County Deed Records and being more particularly described as follows:

Beginning at the east quarter post of said Section 1, being a monument box found;

Thence along the east line of the southeast quarter of said Section 1, S.01°04'33"W., a distance of 1263.29 feet to a mag nail found at the northeast corner of a 3.293 acre tract as described in Official Record Volume 422, Page 2065;

Thence running along the north line of said 3.293 acre tract, N.89°03'03"W., a distance of 2377.44 feet a mag nail found in the centerline of U.S. Route 127, passing 5/8" iron pin found at 2333.44 feet;

Thence running along said centerline, N.25°15'40"E., a distance of 1016.16 to a spike found;

Thence along the north line of a 10.943 acre tract as described in Official Record Volume 358, Page 2036, N.64°54'47"W., a distance of 96.91 feet to the centerline of Town Creek as surveyed in 1976;

Thence along said ditch centerline on the following twenty-six (26) courses and distance:

1. N.30°05'12"E., a distance of 121.46 feet to a point;
2. N.29°45'42"E., a distance of 272.53 feet to a point;
3. N.36°45'42"E., a distance of 84.31 feet to a point;
4. N.13°18'42"E., a distance of 177.05 feet to a point;
5. N.15°25'48"W., a distance of 94.69 feet to a point;
6. N.35°22'18"W., a distance of 56.32 feet to a point;
7. N.23°32'48"W., a distance of 555.35 feet to a point;
8. N.18°20'42"E., a distance of 126.42 feet to a point;
9. N.72°03'12"E., a distance of 77.04 feet to a point;
10. N.88°22'42"E., a distance of 326.79 feet to a point;

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11. N.36°21'12"E., a distance of 50.96 feet to a point;
 12. N.04°53'18"W., a distance of 160.71 feet to a point;
 13. N.13°21'42"E., a distance of 135.78 feet to a point;
 14. N.36°59'12"E., a distance of 88.69 feet to a point;
 15. N.57°24'42"E., a distance of 53.30 feet to a point;
 16. N.89°07'32"E., a distance of 200.83 feet to a point;
 17. N.72°16'42"E., a distance of 260.30 feet to a point;
 18. N.37°42'12"E., a distance of 241.59 feet to a point;
 19. N.38°08'42"E., a distance of 152.87 feet to a point;
 20. N.34°42'42"E., a distance of 28.62 feet to a point;
 21. N.10°55'42"E., a distance of 64.80 feet to a point;
 22. N.00°03'18"W., a distance of 128.39 feet to a point;
 23. N.26°09'42"E., a distance of 58.25 feet to a point;
 24. N.70°51'30"E., a distance of 187.88 feet to a point;
 25. N.42°54'01"E., a distance of 87.75 feet to a point;
 26. N.75°46'21"E., a distance of 269.02 feet to the northwest corner of a 4.010 acres tract as described in Official Record Volume 376, Page 501;
- Thence running along the west line of said 4.010 acre tract, S.01°08'36"W., a distance of 404.42 feet a 5/8" iron pin found at the northeast corner of a 1.860 acre tract, as described in Official Record Volume 328, Page 536, passing 5/8" iron pin found at 53.68 feet;
- Thence along the north line of said 1.860 acre tract, N.89°51'59"W., a distance of 264.61 feet to a 5/8" iron pin found;
- Thence continuing along said tract, S.01°28'49"E., a distance of 355.04 feet to a point in the centerline of U.S. Route 127, passing a 5/8" iron pin found at 324.14 feet;
- Thence along the centerline of U.S. Route 127, S.72°23'41"W., a distance of 197.92 feet to a point of tangency;
- Thence continuing along said centerline on a segment of a curve to the left having a radius of 1145.92 feet (chord bearing S.59°09'15"W., a chord distance of 524.92 feet a delta angle of 26°28'52") a arc length of 529.62 feet to a spike found at the southwest corner of a 1.75 acre tract as described in Official Record Volume 183, Page 81;

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Thence running along the south line of said 1.75 acre tract and the south lines of a 1.453 acre tract as described in Official Record Volume 404, Page 696, a 0.996 acre tract as described in Official Record Volume 420, Page 3 and a 1.016 acre tract as described in Official Record Volume 318, Page 657, N.89°15'11"E., a distance of 1147.63 feet a mag nail found in the east line of the northeast quarter, passing 5/8" iron pin set at 1127.63 feet;

Thence along the east line of the northeast quarter of said Section 1, S.01°08'20"W., a distance of 1331.09 feet to the Point of Beginning;

Containing 128.133 acres, more or less, and being subject to all legal highways, rights-of-way, easements, restrictions, covenants, and/or conditions of record.

The above description and bearing system is based on a survey prepared by Michael L. Howbert, Registered Professional Surveyor No. 7959, in August of 2025.

To be known as SD-524 in the City of Van Wert.

Currently Parcel #11-013368.0000

Will be known as Parcel #12-034459.0000

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Exhibit "B"

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CITY OF VAN WERT
 KNOW ALL MEN BY THESE PRESENTS:
 THAT I, THE UNDERSIGNED OWNER OF THE LANDS INDICATED ON THIS PLAT DO HEREBY APPROVE OF THE MAP OF ANNEXATION AND GRANT THE SAID TO BE PLACED ON PUBLIC RECORD.

MARSH FOUNDATION PROJECTS
 Robert D. Lumble
 OWNER

PREPARED BY:
 Andy L. Clay
 SURVEYOR

RECORDED BY:
 Brad A. Foates
 SURVEYOR

STATE OF OHIO
 COUNTY OF VAN WERT
 COUNTY OF VAN WERT
 BEFORE ME, A MARRIAGE PUBLIC IN AND FOR SAID COUNTY, PERSONALLY APPEARED:
 Robert D. Lumble
 Andy L. Clay
 Brad A. Foates

DATE: 4th DAY OF March, 2022
 MY COMMISSION EXPIRES: March 10, 2027

CITY OF VAN WERT COUNCIL
 AT A MEETING OF THE CITY COUNCIL OF THE CITY OF VAN WERT, OHIO HELD THIS 4th DAY OF March, 2022, THE SAID PLAT WAS APPROVED.

PRESIDENT OF COUNCIL: _____
CLERK OF COUNCIL: _____

VAN WERT COUNTY ENGINEER
 THIS PLAT WAS REVIEWED AND APPROVED BY US THIS _____ DAY OF _____, 2022.

VAN WERT COUNTY ENGINEER

VAN WERT COUNTY COMMISSIONERS
 THIS PLAT WAS REVIEWED AND APPROVED BY US THIS _____ DAY OF _____, 2022.

VAN WERT COUNTY COMMISSIONER

VAN WERT COUNTY COMMISSIONER

VAN WERT COUNTY COMMISSIONER

VAN WERT COUNTY AUDITOR
 FILED FOR TRANSFER ON THIS _____ DAY OF _____, 2022.

VAN WERT COUNTY AUDITOR

CITY OF VAN WERT SAFETY SERVICE DIRECTOR

SAFETY SERVICE DIRECTOR

VAN WERT COUNTY RECORDER
 FILED FOR RECORD UNDER FILE # _____ ON THIS _____ DAY OF _____, 2022, AT A TIME OF _____ IN THE COUNTY RECORDER'S OFFICE FOR A FEE OF _____ AND RECORDED IN PLAT BOOK _____ PAGE _____ AND VOLUME _____ PAGE _____.

VAN WERT COUNTY RECORDER

**ANNEXATION MAP
 TO THE
 CITY OF VAN WERT
 FOR THE
 MARSH FOUNDATION**

**SITUATED IN
 NE 1 AND SE 1 SECTION 1
 TOWNSHIP 2 S.
 PLEASANT TOWNSHIP
 VAN WERT COUNTY, OHIO**

DESCRIPTION OF ANNEXATION

Shaded in the northeast quarter and southwest quarter of Section 1, Town 2 South, Range 2 East, Pleasant Township, Van Wert County, Ohio, being 20 of a total as described in Official Record Volume 423, Page 3066, of said County Deed Records and being more particularly described as follows:

Beginning at the west corner post of said Section 1, being a permanent iron bolt;

Thence along the east line of the southeast quarter of said Section 1, S. 89° 45' 30" W., a distance of 120.25 feet to a map nail found at the northeast corner of a 3.293 acre tract as described in Official Record Volume 423, Page 3066;

Thence running along the north line of said 3.293 acre tract, N. 89° 45' 30" W., a distance of 319.14 feet to a map nail found in the northwest corner of 1/2 Acre 127, plat 127 from plat found at 2333.4 feet;

Thence running along said east line, S. 23° 23' 40" E., a distance of 120.16 to a stake found;

Thence along the north line of a 10.943 acre tract as described in Official Record Volume 226, Page 2036, S. 84° 24' 47" W., a distance of 38.81 feet to the centerline of Town Creek as surveyed in 1839;

Thence along said east line, S. 23° 23' 40" E., a distance of 120.16 to a stake found;

1. N. 87° 28' 17" E., a distance of 120.46 feet to a point;
 2. N. 22° 45' 47" E., a distance of 272.54 feet to a point;
 3. N. 20° 45' 47" E., a distance of 84.31 feet to a point;
 4. N. 17° 18' 47" E., a distance of 377.26 feet to a point;
 5. N. 12° 25' 40" W., a distance of 64.88 feet to a point;
 6. N. 22° 23' 18" W., a distance of 98.23 feet to a point;
 7. N. 63° 22' 48" W., a distance of 322.23 feet to a point;
 8. N. 12° 25' 40" W., a distance of 128.42 feet to a point;
 9. N. 22° 23' 18" W., a distance of 77.04 feet to a point;
 10. N. 63° 22' 48" W., a distance of 322.23 feet to a point;
 11. N. 30° 21' 17" E., a distance of 50.26 feet to a point;
 12. N. 54° 51' 47" W., a distance of 125.78 feet to a point;
 13. N. 30° 21' 17" E., a distance of 120.25 feet to a point;
 14. N. 22° 23' 18" W., a distance of 50.26 feet to a point;
 15. N. 63° 22' 48" W., a distance of 322.23 feet to a point;
 16. N. 12° 25' 40" W., a distance of 128.42 feet to a point;
 17. N. 22° 23' 18" W., a distance of 77.04 feet to a point;
 18. N. 63° 22' 48" W., a distance of 322.23 feet to a point;
 19. N. 12° 25' 40" W., a distance of 128.42 feet to a point;
 20. N. 22° 23' 18" W., a distance of 77.04 feet to a point;
 21. N. 63° 22' 48" W., a distance of 322.23 feet to a point;
 22. N. 12° 25' 40" W., a distance of 128.42 feet to a point;
 23. N. 22° 23' 18" W., a distance of 77.04 feet to a point;
 24. N. 63° 22' 48" W., a distance of 322.23 feet to a point;
 25. N. 12° 25' 40" W., a distance of 128.42 feet to a point;
 26. N. 22° 23' 18" W., a distance of 77.04 feet to a point;
 27. N. 63° 22' 48" W., a distance of 322.23 feet to a point;
 28. N. 12° 25' 40" W., a distance of 128.42 feet to the northeast corner of a 4.210 acre tract as described in Official Record Volume 226, Page 2037;

Thence running along the west line of said 4.210 acre tract, S. 27° 28' 20" W., a distance of 424.12 feet to a 3/8" iron pin found at the northeast corner of a 3.860 acre tract, as described in Official Record Volume 226, Page 2036, crossing 5/8" iron pin found at 323.2 feet;

Thence along the north line of said 3.860 acre tract, N. 89° 21' 50" W., a distance of 254.40 feet to a 3/8" iron pin found;

Thence continuing along said line, S. 27° 28' 20" W., a distance of 325.04 feet to a point in the centerline of U.S. Route 127, crossing a 5/8" iron pin found at 224.14 feet;

Thence along the centerline of U.S. Route 127, S. 72° 25' 40" E., a distance of 107.02 feet to a point of beginning;

Thence continuing along said centerline as a segment of a curve to the left having a radius of 1142.92 feet (chord bearing S. 87° 28' 20" W., a chord distance of 234.00 feet) a central angle of 28° 28' 00" and a length of 322.02 feet to a 3/8" iron pin at the southwest corner of a 1.75 acre tract as described in Official Record Volume 183, Page 81;

Thence running along the north line of said 1.75 acre tract and the east line of a 1.452 acre tract as described in Official Record Volume 426, Page 3066, a distance of 234.00 feet to a map nail found in the northeast corner of a 1.618 acre tract as described in Official Record Volume 216, Page 257, N. 89° 15' 11" E., a distance of 1147.63 feet to a map nail found at the east line of the northeast quarter, crossing 3/8" iron pin found at 1127.65 feet;

Thence along the east line of the northeast quarter of said Section 1, S. 89° 45' 30" W., a distance of 121.02 feet to the point of beginning;

Containing 120.122 acres, more or less, and being subject to all legal highways, easements, servitudes, restrictions, encumbrances, and/or conditions of record;

The above description and survey system is based on a survey prepared by Murray L. Howbert, Registered Professional Surveyor No. 70660, in August of 2021.

To be shown as 321-324 in the City of Van Wert.

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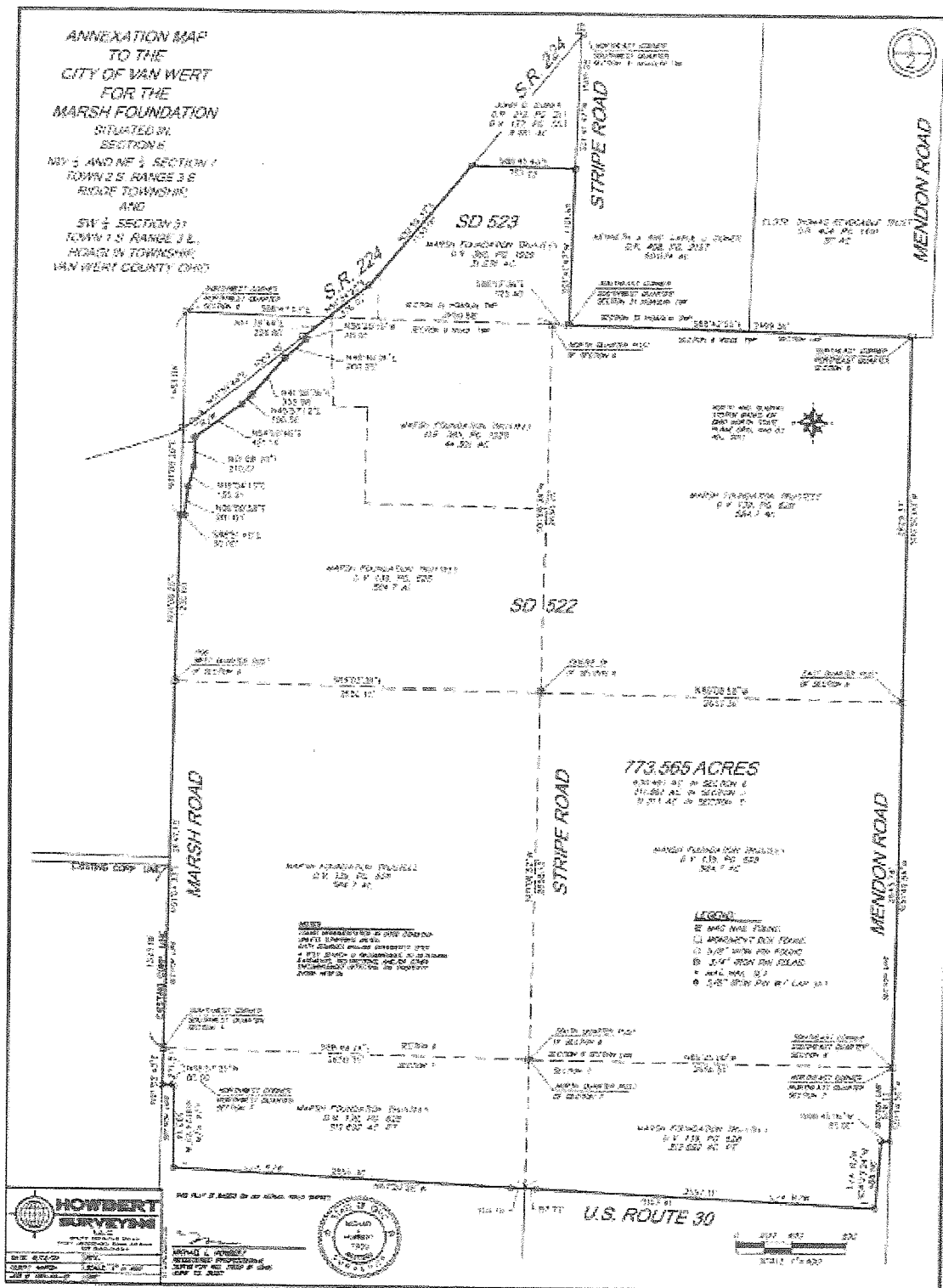


Exhibit “C”

The following buffer requirements shall apply to the Property:

A minimum six (6) foot high mound shall be installed along those portions of each perimeter boundary line of the Property that abuts residentially used or zoned adjacent real property (such adjacent real property to be referred to herein as a “Residential Parcel”). The mound shall include a landscape buffer consisting of a mixture of deciduous trees, evergreens, and shrubs and/or bushes to provide an opacity of 75% on the date that is 5 years after planting to a total height of 12 feet above ground level. These mounds shall be installed within the minimum pavement setback area as required by applicable zoning requirements but may extend inward within the Property past the minimum pavement setback line if necessary to obtain an appropriate aesthetic and sloping for the mounds. For purposes of determining which adjacent properties qualify as being a Residential Property, if the Property and a Residential Parcel have an intervening public street right-of-way between them, they shall still be considered to be abutting.

Utilities and permitted access drives may be placed within or cross the required screening and buffering detailed above, provided, however, that the developer shall use good faith efforts to place utilities in a manner that minimizes the impact on the required screening and buffering. In recognition of the amount of land area contained within the Property, the requirement to install required mounding and landscaping shall apply when any parking area, structure, building, or permanent equipment will be located within 1,000 linear feet of a shared perimeter boundary line of the Property with a Residential Property. When required, installation of required mounding and landscaping shall be completed by the earlier of (a) sixty (60) days after pavement is installed and (b) prior to the commencement of any vertical construction of improvements on the Property.