

RESOLUTION NO. 11 -2007

Offered by All of Council

A RESOLUTION APPROVING THE APPLICATION FOR PLACEMENT OF A FARM IN AN AGRICULTURAL DISTRICT FOR PETER H. SCHUELLER, 3472 REVERE ROAD, RICHFIELD, OHIO, AND DECLARING AN EMERGENCY

WHEREAS, this Council has received the application for placement of farm land in an Agricultural District from Peter H. Schueller, 3472 Revere Road, Richfield, Ohio, being Permanent Parcel No. 50-01820 consisting of approximately 125 acres; and

WHEREAS, on February 20, 2007, this Council conducted a public hearing on this matter at which no opposition was expressed.

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

SECTION 1 That the application of Peter H. Schueller, 3472 Revere Road, Richfield, Ohio, to place approximately 125 acres of land (Permanent Parcel No. 50-01820) in an Agricultural District be, and the same hereby is, approved.

SECTION 2. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is immediately necessary in order to be effective by March 5, 2007 filing date; wherefore, provided this Resolution 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.

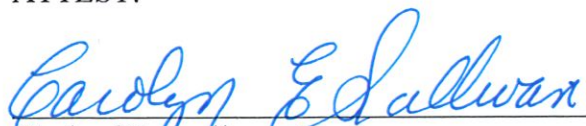
PASSED: 2/20/07


President of Council


Mayor

Dated: 2/20/07

ATTEST:


Clerk of Council

NOTICE OF PUBLIC HEARING
VILLAGE OF RICHFIELD

A public hearing has been scheduled for discussion of Resolution 11-2007 on Tuesday, February 20, 2007 at 7:45 p.m. in Council Chambers, 4410 West Streetsboro Road.

Resolution 11-2007 approves the application for placement of Peter H. Schueller farm, 3472 Revere Rd in an agricultural district. This is a renewal of this action.

Carolyn Sullivan
Clerk of Council

TO: Akron Beacon Legislation Publication
FROM: Carolyn Sullivan, Clerk of Council, Richfield

Please post the following notice in the Sunday, February 18, 2007 issue of the Beacon Journal

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Clerk of Council

* * * Communication Result Report (Feb. 16. 2007 3:46PM) * * *

1) Richfield (330) 659-6935
2)

Date/Time: Feb. 16. 2007 3:46PM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
2374	Memory TX	ABJ	P. 1	OK	

Reason for error

- E. 1) Hang up or line fail
- E. 2) Busy
- E. 3) No answer
- E. 4) No facsimile connection
- E. 5) Exceeded max. E-mail size

2/16/07

Resolution 11-2007

TO: Akron Beacon Legislation Publication
FROM: Carolyn Sullivan, Clerk of Council, Richfield

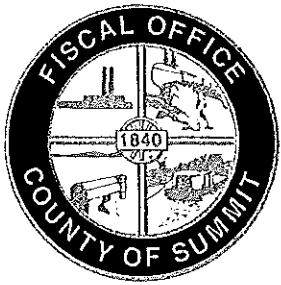
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Carolyn Sullivan
Clerk of Council



JOHN A. DONOFRIO

Fiscal Officer
County of Summit

January 23, 2007

Mr. Peter Schuler
3472 Revere Road
Richfield, Ohio 44286

Dear Mr. Schuler:

You are currently enrolled in the agricultural Farm District Program. This year you must renew your application to continue to participate in the program. If you desire to remain in the program for an additional five-year period, please fill out the enclosed renewal application.

If for any reason, you choose not to participate in the Farm District Program, please write cancel with your parcel number (s) on the form and return it to this office.

If you need any assistance in completing this form, please feel free to call me at 330-643-2422.

Sincerely,

John A. Donofrio
Summit County Fiscal Officer

Joyce Cox
Assistant to the Fiscal Officer
Summit County Fiscal Office

AUDITOR DIVISION
175 S. Main Street
Akron, Ohio 44308
Phone: 330.643.2625
Fax: 330.643.2622

RECORDING DIVISION
175 S. Main Street
Akron, Ohio 44308
Phone: 330.643.2719

SERVICE DIVISION
1030 E. Tallmadge Ave.
Akron, Ohio 44310
Phone: 330.630.7226
Fax: 330.630.7240

TREASURER DIVISION
175 S. Main Street
Akron, Ohio 44308
Phone: 330.643.2606
Fax: 330.643.2864



A RESOLUTION APPROVING THE APPLICATION FOR PLACEMENT OF A FARM IN AN AGRICULTURAL DISTRICT FOR PETER H. SCHUELER, 3472 REVERE ROAD, RICHFIELD, OHIO AND DECLARING AN EMERGENCY

WHEREAS, this Council has received the application for placement of farm land in an Agricultural District from Peter H. Schueler, 3472 Revere Road, Richfield, Ohio, being Permanent Parcel 50-01820 consisting of approximately 125 acres; and

WHEREAS, on February 19, 2002, this Council conducted a public hearing on this matter at which no opposition was expressed.

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

SECTION 1. That the application of Peter H. Schueler, 3472 Revere Road, Richfield, Ohio, to place approximately 125 acres of land (Permanent Parcel No. 50-01820) in an Agricultural District be, and the same hereby is, approved.

SECTION 2. This Resolution shall take effect and in order to become effective by March 5, 2002, the required filing date, be in force from and after the earliest period allowed by law.

PASSED:

February 19, 2002

May D. Leggio Malone
President of Council

Donald S. Farsen
Mayor

Date:

2/19/2002

ATTEST:

Carole Gibson
Clerk of Council

I, Carole Gibson Clerk of Council of the Village of Richfield, Ohio, hereby certify that the foregoing is a true and correct copy of Resolution No. 20-20 adopted by the Council on February 19, 2002
Carole Gibson

**APPLICATION FOR PLACEMENT OF
FARMLAND IN AN AGRICULTURAL DISTRICT
(O.R.C. Section 929.02)**

(See pages 5 & 6 for General Information regarding this Application)

INSTRUCTIONS FOR COMPLETING APPLICATION

Print or type all entries.

- o List description of land as shown on the most recent tax statement or statements. Show total number of acres.
- o Describe location of property by roads, etc., and taxing district where located.
- o State whether any portion of land lies within a municipal corporation.
 - o Note: See "Where to File" on page 5 to be sure that a copy of this Application is also filed with the Clerk of the municipal legislative body as well as the County Auditor.
- o A renewal application must be submitted after the first Monday in January and prior to the first Monday in March of the year in which the agricultural district terminates for the land to be continued in this program.
- o If the acreage totals 10 acres or more, do not complete Part D.
- o If the acreage totals less than 10 acres, complete either D (1) or (2).
- o Do not complete page 4. This space to be completed by the County Auditor and/or Clerk of the municipal legislative body.

A. Owner's Name: PETER H. SCHUELER

Owner's Address: 3472 REVERE RD. RICHFIELD, OH 44286

Description of Land as Shown on Property Tax Statement: 50 RICHFIELD VIL., REVERE TR 3 LOTS 8 E OF RE LOC 21, 9 W OF REVERE RD

Location of Property: 3472 REVERE ROAD, RICHFIELD SUMMIT
Street or Road VILLAGE County

TAX DISTRICT(S)	PARCEL NUMBER(S)	# of Acres
<u>RICHFIELD VIL., REVERE LSD</u>	<u>50-01820</u>	<u>125</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
Total Number of Acres:		<u>125</u>

B. Does any of the land lie within a municipal corporation limit or subject to pending annexation?
 Yes No

If YES, REMEMBER a copy of this application must be submitted to the Clerk of the municipal legislative body.

C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 of the Ohio Revised Code? Yes No

1. If "NO" complete the following showing how the land was used the past three years:

	<u>LAST YEAR</u> Acres	<u>TWO YEARS AGO</u> Acres	<u>THREE YEARS AGO</u> Acres
Cropland			
Permanent Pasture used for animal husbandry			
Woodland devoted to commercial timber and nursery stock			
Land Retirement or Conservation Program pursuant to an agreement with a federal agency			
Building areas devoted to agricultural production			
Roads, building areas, and all other areas not used for agricultural production			
Total Acres			

D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government?

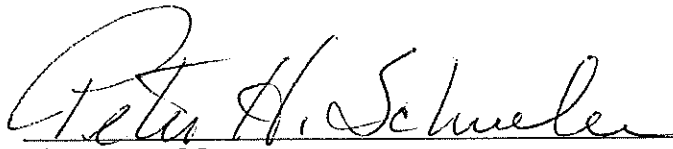
Yes No

If "No," complete the following:

1. Attach evidence of the gross income for each of the past 3 years, if the average yearly income from agricultural production was at least twenty-five hundred (\$2,500.00) dollars or more, or
2. If the owner anticipates that the land will produce an annual gross income of twenty-five hundred (\$2,500.00) dollars or more, evidence must be attached showing the anticipated gross income.

Authorization and Declaration

By signing this application I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct application. I understand that land removed from this program before the 5-year enrollment period is subject to penalty, in accordance with Section 929.02(D) of the Ohio Revised Code.


Signature of Owner

Date: Feb 10, 2007

DO NOT COMPLETE FOR OFFICIAL USE ONLY

CAUV Application No. _____

Action of County Auditor

Application Approved _____ Rejected _____*

Date Application Filed with County Auditor _____

Date Filed (if required) with Clerk of Municipal Corporation _____

County Auditor's Signature _____ Date _____

Date Decision Mailed to Applicant _____ Certified Mail No. _____

Action of Legislative Body of Municipal Corporation

Application Approved Approved with Modifications _____* Rejected _____*

Date Application Filed with Clerk 2/14/07

Date of Public Hearing 2/20/2007

Date of Legislative Action 2/20/2007

Clerk's Signature Carolyn E Sullivan Date 2/20/07

Date Decision Mailed to Applicant 2/21/07 Certified Mail No. _____

* IF MODIFIED OR REJECTED, ATTACH SPECIFIC REASONS FOR MODIFICATION OR REJECTION

INFORMATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT

A. WHO MAY FILE?

Any owner of land used for agricultural production may file an application to have the land placed in an agricultural district.

B. WHERE TO FILE

The completed application must be filed with the auditor of the county where the land is located. The applicant will be notified of action taken by the county auditor within 30 days of the filing of the application if the land is not within a municipal corporation or an annexation petition has not been filed. If the land for which an application has been made lies within a municipal corporation limit or if an annexation petition that includes the land has been filed with the Board of County Commissioners under Section 709.02 of the Ohio Revised Code, a copy of the application must also be filed with the Clerk of the legislative body of the municipal corporation. The legislative body is required to conduct a public hearing on the application within 30 days after the application has been filed with the Clerk. Within 30 days of the hearing, the legislative body may approve the application, modify and approve the application as modified, or reject the application.

C. WHEN TO FILE AND RENEWAL

The original application may be filed at any time for placement of land in an agricultural district for a five-year period. If at the end of five years, the owner decides to keep some or all of his or her land in a district, he or she shall submit a renewal application and must meet the same land requirements and use the same application process as the original application. The renewal application may be filed at any time after the first Monday in January and prior to the first Monday in March of the year during which an agricultural district terminates, for a period of time ending on the first Monday in April of the fifth year following the renewal application.

D. WHAT IS "LAND USED FOR AGRICULTURAL PRODUCTION?"

In accordance with Section 929.01(A) of the Revised Code, land is devoted to "agricultural production" when it is used for commercial aquaculture, apiculture, animal husbandry, poultry husbandry; the production for a commercial purpose of field crops, tobacco, fruits, vegetables, timber, nursery stock, ornamental shrubs, ornamental trees; flowers or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the

processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth.

“Agricultural production” includes conservation practices provided that the tracts, lots, or parcels of the land or portions thereof that are used for conservation practices comprise not more than twenty-five percent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed.

“Conservation practices” are practices used to abate soil erosion as required in the management of the farming operation, and include, but are not limited to, the installation, construction, development, planting, or use of grass waterways, terraces, diversions, filter strips, field borders, windbreaks, riparian buffers, wetlands, ponds, and cover crops for that purpose.

E. WHAT DOES “TRACTS, LOTS, OR PARCELS OF LAND” MEAN?

Tracts, lots, or parcels mean distinct portions of pieces of land (not necessarily contiguous) where the title is held by one owner, as listed on the tax list and duplicate of the county, is in agricultural production and conforms with the requirements of either D1, D2, or D3 below.

F. ARE THERE ANY OTHER REQUIREMENTS?

1. The land for which the application is made must have been used exclusively for agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with a federal agency for the three consecutive calendar years prior to the year in which application is made. Evidence must be shown on the application. If the land contains timber which is not being grown for commercial purposes the land on which the timber is growing must be contiguous to or part of a parcel under common ownership that is otherwise devoted exclusively to agricultural use.
2. If the total amount of land for which application is made is less than 10 acres, there is an additional requirement that the applicant submit evidence with his application that the activities conducted on the land have produced an average yearly gross income of at least twenty-five hundred dollars over the three years immediately preceding the year in which application is made or that the land will produce an anticipated annual gross income of that amount.
3. Evidence of annual gross income may be satisfied by attaching to the application form a short statement stating the number of animals by species and anticipated market value, number of acres of crops to be grown, their expected yield and price per bushel or similar specific information.

G. IS THERE A PENALTY FOR EARLY WITHDRAWAL?

Land removed from this program before the 5-year enrollment period is subject to penalty, per Section 929.02(D) of the Ohio Revised Code. See County Auditor’s Office for details on how the amount of the withdrawal penalty is determined.

H. APPEAL OF APPLICATION

The applicant may appeal the denial of the application to the court of common pleas of the county in which the application was filed within thirty days of the receipt of the notice denying the application. When the land lies within a municipality the applicant may also appeal a decision to modify or reject an application to the court of common pleas of the county in which the application was filed within thirty days of the receipt of the notice of modification or rejection. In addition, the applicant may withdraw an application modified by a legislative body if he or she disapproves of the modifications.