

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2014 – 056

By: Mayor Perciak and All Members of Council

**A RESOLUTION APPROVING THE APPLICATION OF  
MERYL HOSSFELD AND CYNTHIA HOSSFELD TO  
PLACE LAND IN AN AGRICULTURAL DISTRICT.**

WHEREAS, Meryl Hossfeld and Cynthia Hossfeld (the "applicants") have filed a renewal application with the Clerk of Council to place Permanent Parcel No. 396-02-001, located at 11698 Handle Road in the City of Strongsville ("applicants' land"), which the applicants have owned for many years, into an agricultural district; and

WHEREAS, through passage of Resolution No. 2009-057, this Council previously approved a prior similar application for the same property; and

WHEREAS, on February 26, 2014, the Cuyahoga County Fiscal Office notified the City that it has approved the application; and

WHEREAS, this Council held a public hearing on March 17, 2014, within the time prescribed by law, to hear the applicants and any public comments in support of and/or against the granting of the application.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

**Section 1.** That this Council finds and determines that the application attached hereto as Exhibit A to place applicants' land comprising some 21.71 acres in an agricultural district is in compliance with law and is hereby approved.

**Section 2.** That the approval of the application to place applicants' land in an agricultural district shall be for the period commencing on the effective date as established by law and ending no later than five (5) years thereafter.

**Section 3.** That the Clerk of Council be and is hereby directed to forward a certified copy, return receipt requested, of this Resolution to the applicants and the Cuyahoga County Fiscal Office within five (5) days from the date of adoption of this Resolution in accordance with law.

**Section 4.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in compliance with all legal requirements.

CITY OF STRONGSVILLE, OHIO

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**Section 5.** That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

Michael Daymut  
President of Council

Approved: Thomas B. Briere  
Mayor

Date Passed: March 19, 2014

Date Approved: March 18, 2014

	<u>Yea</u>	<u>Nay</u>
Carbone	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Daymut	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DeMio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dooner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maloney	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schonhut	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Southworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attest: Jim Pientka  
Clerk of Council

**RES**  
ORD. No. 2014-056 Amended: \_\_\_\_\_  
1st Rdg. 03-17-14 Ref: \_\_\_\_\_  
2nd Rdg. Suspended Ref: \_\_\_\_\_  
3rd Rdg. Suspended Ref: \_\_\_\_\_  
\_\_\_\_\_  
Pub Hrg. 03-17-14 Ref: \_\_\_\_\_  
Adopted: 03-17-14 Defeated: \_\_\_\_\_

DO NOT COMPLETE FOR OFFICIAL USE ONLY

CAUV Application No. #39

Action of County Auditor

Application Approved ☒ Rejected ☐ \*

Date Application Filed with County Auditor 2/10/14

Date Filed (if required) with Clerk of Municipal Corporation 2/27/14

County Auditor's Signature Don E Korman Date 2/25/14

Date Decision Mailed to Applicant 2/26/14

Certified Mail No. 7011 0470 0002  
0046 6149

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Action of Legislative Body of Municipal Corporation

Application Approved ☒ Approved with Modifications ☐ \* Rejected ☐ \*

Date Application Filed with Clerk 2/26/14

Date of Public Hearing 3-17-14

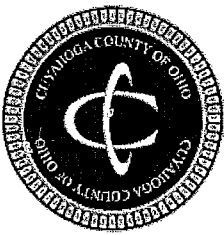
Date of Legislative Action 3-17-14

Clerk's Signature Jim Pientka Date 3-18-14

Date Decision Mailed to Applicant 3-18-14

Certified Mail No.  
91 7199 9991 7031 9630 3114

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



CUYAHOGA COUNTY  
OFFICE OF THE FISCAL OFFICER  
APPRAISAL DEPARTMENT - ROOM 307  
1219 ONTARIO STREET  
CLEVELAND, OHIO 44113-1657

RECEIVED

FEB 27 2014

CITY OF STRONGSVILLE  
CITY COUNCIL

ACCEPTANCE OF APPLICATION  
FOR PLACEMENT OF FARMLAND  
IN AGRICULTURAL DISTRICT  
(O.R.C. SECTION 929.02)

Hossfeld, Meryl and Cynthia  
11698 Handle Rd  
Strongsville, Oh 44136

Tuesday, February 25, 2014

The Cuyahoga County Fiscal Office is in receipt of your request for placement of farmland in an Agricultural District. We have reviewed the real property identified in your application dated .

In accordance with Ohio Revised Code Section 929.02, you are hereby notified that your application meets the requirements of an agricultural district and has been approved by the Cuyahoga County Fiscal Office.

In addition, you are required to file this application with the Clerk in your municipality. 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.

The affected permanent parcel numbers are:

396-02-001

If you have any questions, please contact Lori Koran, of the Fiscal Office, at (216) 443-8141.

Cordially,

Lori Koran  
Certified General Real Estate Appraiser  
CAUV Specialist

cc: City Of Strongsville  
Leslie Seefried, Clerk Of Council  
16099 Foltz Pkwy  
Strongsville, OH 44136

Jim Hopkins, Dir. of Appraisal

EXHIBIT A

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

New Application \_\_\_\_\_  
Renewal Application ✓

(See page 4 for General Information regarding this Application)

**INSTRUCTIONS FOR COMPLETING APPLICATION**

Print or type all entries.

- List description of land as shown on the most recent tax statement or statements. Show total number of acres.
- Describe location of property by roads, etc., and taxing district where located.
- State whether any portion of land lies within a municipal corporation.

**Note:** See "Where to File" on page 4 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.

- 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.
- If the acreage totals 10 acres or more, do not complete Part D.
- If the acreage totals less than 10 acres, complete either D (1) or (2).
- Do not complete page 3. This space to be completed by the County Auditor and/or Clerk of the municipal legislative body.

**A.**

<b>Owner's Name:</b> MERYL AND CYNTHIA HOSSELD
<b>Owner's Address:</b> 11698 HANDLE ROAD STRONGSVILLE OHIO 44136
<b>Description of Land as Shown on Property Tax Statement:</b> 34 NEP
<b>Location of Property:</b> Street or Road- 11698 HANDLE RD STRONGSVILLE, OH 44136 County- CUYAHOGA COUNTY

TAX DISTRICT(S)	PARCEL NUMBER(S)	# of Acres
STRONGSVILLE	396-02-001	21.71
Total Number of Acres		21.71

**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 ☐

If NO, complete the following showing how the land was used the past three years:

	<u>ACRES</u>		
	LAST YEAR	TWO YEARS AGO	THREE YEARS AGO
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			
<b>Total Acres</b>			

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.

Cynthia E. Hensfield  
Meryl J. Hensfield  
Signature of Owner

1/27/2014  
Date: 1/27/2014

DO NOT COMPLETE FOR OFFICIAL USE ONLY

CAUV Application No. 439

Action of County Auditor

Application Approved ☒ Rejected ☐ \*

Date Application Filed with County Auditor 2/10/14

Date Filed (if required) with Clerk of Municipal Corporation \_\_\_\_\_

County Auditor's Signature [Signature] Date 2/25/14

Date Decision Mailed to Applicant 2/26/14

Certified Mail No. 7011 0470 0002  
0046 6149

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Action of Legislative Body of Municipal Corporation

Application Approved ☐ Approved with Modifications ☐ \* Rejected ☐ \*

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Date of Public Hearing \_\_\_\_\_

Date of Legislative Action \_\_\_\_\_

Clerk's Signature \_\_\_\_\_ Date \_\_\_\_\_

Date Decision Mailed to Applicant \_\_\_\_\_ Certified Mail No. \_\_\_\_\_

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## **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.



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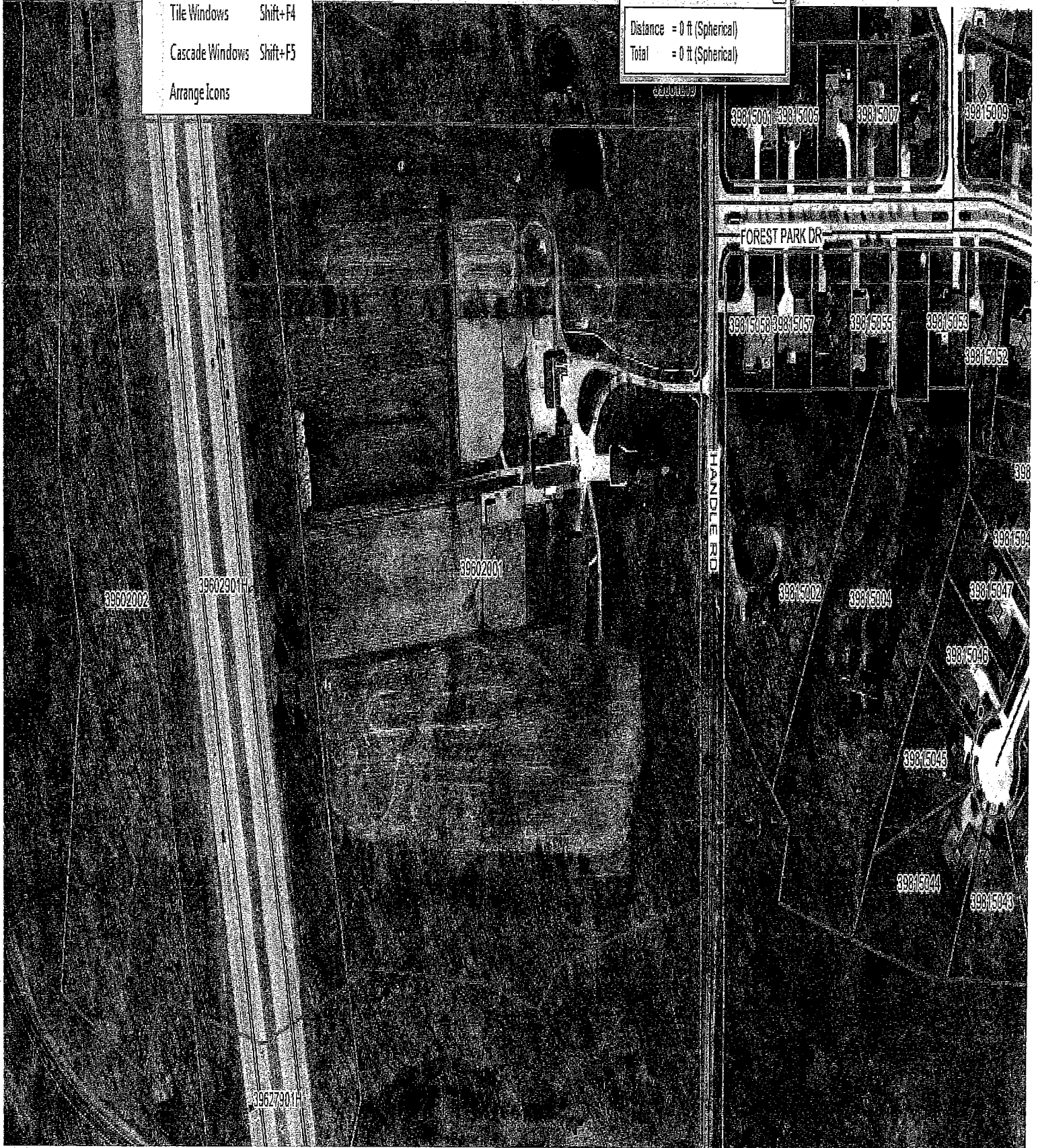
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