

**BARKAN & ROBON LTD.**

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\*ALSO ADMITTED IN MICHIGAN  
AND MARYLAND

February 15, 2022

COPY

Office of Anita Lopez, Esq.  
Lucas County Auditor  
Attn: CAUV  
One Government Center, Suite 770  
Toledo, OH 43604

RE: Agricultural District Program Application

Dear Cassandra Rawson,

Enclosed with this letter you will find the following:

1. Completed Application No. 1033 for Marvin A. Robon and Kathy Wenz Trustees -- this property is in the City of Toledo.
2. Completed Application No. 0002 for Westhaven Property Ltd. -- this property is in Monclova Township.
3. Completed Application No. 0984 for Westhaven Property Ltd. in which I included two different taxing districts located in Monclova Township.

Please acknowledge filing of these Applications for continued agricultural district use.

Very truly yours,

BARKAN & ROBON LTD.

By   
Marvin A. Robon

MAR/ss

Enclosures

cc: Kathy Wenz

Clerk, Toledo City Council

One Government Center, Suite 2120  
Toledo, OH 43604



ANITA LOPEZ  
LUCAS COUNTY AUDITOR

One Government Center, Suite 600  
Toledo, OH 43604-2255  
www.co.lucas.oh.us/Auditor

E-mail: alopez@co.lucas.oh.us  
Phone: (419) 213-4406  
Fax: (419) 213-4888

Date: January 28, 2022

Appl. No.: 1033

MARVIN A ROBON & KATHY WENZ  
1701 WOODLANDS  
MAUMEE OH 43537

Re: Agricultural District Program New Applications

Dear Property Owner,

Our records show that you obtained land previously enrolled in the Agricultural District Program. To ensure your continued participation in the Agricultural District Program, please complete and return the enclosed renewal application.

In accordance with O.R.C § 929.02, each owner of land in an Agricultural District may file a renewal application to continue the inclusion of all or part of the owner's land in an agricultural district before the **first Monday in March** of the fifth year.

Failure to file the renewal application prior to the deadline results in the land being removed from the Agricultural District program. Upon termination, the property owner is subject to payments due for any public utility deferments under section 929.03 of the Ohio Revised Code.

The Agricultural District Program is renewed every five (5) years. Please note this renewal process is in addition to your CAUV renewal, which is completed annually.

You may file the application at our office or you may send it to our mailing address. Our mailing address is:

Office of Anita Lopez, Esq.  
Lucas County Auditor  
ATTN: CAUV  
One Government Center Ste. 770  
Toledo, OH 43604

If you have any questions, please give our office a call at 419-213-4406 or contact us via email at CAUV@co.lucas.oh.us

Sincerely,

A handwritten signature in cursive script, appearing to read "Cassandra Rawson".

Cassandra Rawson Homestead and CAUV Manager  
Enclosure(s)

**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.

- 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.  
**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.
- 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 3. This space to be completed by the County Auditor and/or Clerk of the municipal legislative body.

A.

<b>Owner's Name:</b>	MARVIN A ROBON & KATHY WENZ CO-TRUSTEES
<b>Owner's Address:</b>	1701 WOODLANDS MAUMEE OHIO 43537
<b>Description of Land as Shown on Property Tax Statement:</b>	
<b>Location of Property:</b>	
Street or Road-	663 WENZ ROAD
County-	LUCAS

TAX DISTRICT(S)	PARCEL NUMBER(S)	# of Acres
20	05477	18
<b>Total Number of Acres</b>		18

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	PUMPKINS	— SAME	← SAME
Permanent Pasture used for animal husbandry	ALSO	A	
Woodland devoted to commercial timber and nursery stock	GREENHOUSE		
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>	18	18	15

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] Date: 2/14/22  
 Signature of Owner

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 \_\_\_\_\_

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

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

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

Date Decision Mailed to Applicant \_\_\_\_\_ 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.

Parcel:	Taxing District:	Acres:	Legal Description:
20	05477	18.0000	3 7 SW 1/4 W 20 AC PT W 1/2 S OF RR E XC NW 273.79 FT FRT SE 648.79 FT FRT