

RESOLUTION NO. 048-2019

A RESOLUTION OBJECTING TO THE ANNEXATION OF 7617 LEWIS ROAD TO THE CITY OF BEREA

PREAMBLE

WHEREAS, the Olmsted Township Board of Trustees (the “Board”) is the chief legislative body of the Township; and

WHEREAS, an Expedited Type 2 Annexation Petition was filed with the Cuyahoga County Council on February 28, 2019 to annex approximately 75.552 acres of land located at 7617 Lewis Road in Olmsted Township to the City of Berea; and

WHEREAS, R.C. 709.023(D) provides, in part, that the Board may adopt and file a resolution objecting to such annexation, with any objection to be based upon the petition’s failure to meet the conditions specified in R.C. 709.023(E); and

WHEREAS, after reviewing the petition, it appears to the Board that the petition fails to meet the conditions for approval specified in R.C. Section 709.023(E); and

WHEREAS, the Board believes it is in the best interest of Olmsted Township and its residents to object to this petition and to authorize its members, the Township employees and officials and such others as may be requested to appear and speak on behalf of the Board in support of the Board’s objection to this petition.

RESOLUTION

NOW THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Olmsted Township that that the following Resolutions be and hereby are adopted:

RESOLVED, The Board objects to the said proposed annexation petition and requests that the petition be denied on the grounds that the petition fails to meet the conditions specified in R.C. 709.023(E). R.C. 709.023(E)(6) requires, in relevant part, that the City of Berea pass and file with the Cuyahoga County Council, within twenty (20) days following the date the petition was filed, an ordinance or resolution in compliance with R.C. 709.023(C) specifying the services it will provide to the territory proposed for annexation. R.C. 709.023(C) requires that the ordinance or resolution passed by the City specify “what services the municipal corporation will provide, and an approximate date by which it will provide them, to the territory proposed for annexation, upon

annexation.” The City of Berea’s failure to pass such ordinance or resolution constitutes a failure to comply with R.C. 709.023(E)(6) which mandates denial of the petition.

BE IT FURTHER RESOLVED, the Board directs that this Resolution be filed with the County Council of Cuyahoga County, Ohio as part of the record in the annexation proceedings.

BE IT FURTHER RESOLVED, the Board authorizes and appoints each of the following persons to appear and speak on behalf of the Board at the meeting to be held by the County Council in its review of this annexation petition: each member of the Board, the Township Administrator, and such other Township employee(s) as each Trustee or Township Administrator may deem necessary or desirable.

BE IT FURTHER RESOLVED, that the Board finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including, without limitation, Section 121.22 of the Revised Code.

BE IT FURTHER RESOLVED, that this Resolution shall be in full force and effect immediately upon its adoption.

Adopted: March, 13, 2019

**BOARD OF TRUSTEES
OLMSTED TOWNSHIP
CUYAHOGA COUNTY, OHIO**

ATTEST:

Brian W. Gillette
Brian Gillette, Fiscal Officer

Laurence E. Abbott
Laurence E. Abbott, Trustee

Jeanene M. Kress
Jeanene Kress, Trustee

Lisa Zver
Lisa Zver, Trustee