

RESOLUTION NO. 35-2017

INTRODUCED BY: COUNCIL AS A WHOLE

A RESOLUTION ACKNOWLEDGING RECEIPT OF A PETITION FOR ANNEXATION FROM RIVERSIDE GOLF ASSOCIATION FOR ANNEXATION TO THE CITY OF OLMSTED FALLS FROM COLUMBIA TOWNSHIP OF LORAIN COUNTY PERMANENT PARCEL NOS. 1200021105033, 1200020101005, and 1200020101004 IDENTIFYING THE SERVICES TO BE PROVIDED BY THE CITY TO THE ANNEXED AREA PROPOSED, ADDRESSING ZONING BUFFER MATTERS, AND DECLARING AN EMERGENCY

WHEREAS, Riverside Golf Association has submitted a copy of a petition for annexation, expedited Type 2 petition, with the Lorain County Board of Commissioners requesting annexation of Lorain County PPN 1200021105033, 1200020101005, and 1200020101004, located in Columbia Township, Lorain County requesting annexation of said land to the City of Olmsted Falls, the petition being received by the Clerk of Council on June 9, 2017; and

WHEREAS, pursuant to R.C. 709.023(C), the legislative authority of the municipal corporation to which annexation is proposed is required to adopt an ordinance or resolution stating what services the municipal corporation will provide and an approximate date which it will provide them to the territory proposed for annexation, upon annexation; and

WHEREAS, it is the intent and desire of this Council to indicate its approval and acceptance of the proposed annexation to the City of Olmsted Falls. Now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

SECTION 1. This Council hereby states that immediately upon approval of the annexation herein described, the services to be provided by the City of Olmsted Falls to the proposed annexed territory will include: (1) the full services of the Division of Police comprised of full time and part time certified law enforcement officers; (2) the full services of the Division of Fire comprised of full time and part time certified firefighters and EMT's providing emergency response to all areas in the city; (3) the full services of the Department of Public Service comprised of full time and part time personnel providing services throughout the city; (4) the full services of the certified Building Department of the City of Olmsted Falls certified by the State of Ohio; (5) the full services of the City Engineer retained by the City for engineering matters; (6) the full services of the Department of Law consisting of a Director of Law and Municipal Prosecutor; (7) the full services of the Community Development Personnel providing coordination of community activities and related matters for the benefit of businesses and residents in the city; (8) the full services of the Records Coordinator providing timely response to public records requests for the benefit of the public; (9) the full services of the Department of Finance providing fiscal review and oversight of the financial matters of the City and the careful

expenditure of funds in accordance with accepted accounting and auditing practices; (10) the full services of the various boards and commissions of the City including the streamlined Planning & Zoning Commission which oversees development projects in the City and other planning matters and zoning matters as may be recommended to Council, and other involved boards and commissions established for the enhancement and betterment of the City of Olmsted Falls.

SECTION 2. This Council further states that if the territory proposed for annexation is subject to current zoning regulations adopted under either Chapter 303 or 519 of the Revised Code at the time the petition is filed, this City Council hereby adopts and expressly states that, if the territory is annexed and becomes subject to zoning by the City of Olmsted Falls and such zoning by the City of Olmsted Falls permits uses in the annexed territory in which the City determines are clearly incompatible with the uses permitted under the current county or township zoning regulations in the adjacent land remaining within the township from which the territory is annexed, this Council will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township, all in accordance with R.C. 709.023(C).

SECTION 3. Further, in accordance with R.C. Section 709.023(E)(7), this Council states that if a street or highway will be divided or segmented by the boundary line between the township and the City of Olmsted Falls so as to create a road maintenance problem, the City of Olmsted Falls hereby agrees as a condition of the annexation that it will assume maintenance of that portion of any such street or highway.

SECTION 4. This Council hereby urges the Board of Commissioners of Lorain County to undertake a careful and deliberate study of all the matters present in the petition for annexation and to expeditiously hear all parties concerned and thereafter approve the annexation.

SECTION 5. That the Director of Law is hereby authorized to take all actions necessary and appropriate in furtherance of the position of the City of Olmsted Falls on the petition for annexation to secure approval of the petition.

SECTION 6. That the Clerk of Council of the City of Olmsted Falls is hereby authorized and directed to forward a certified copy of this resolution immediately upon its passage and approval by the Mayor to the Lorain County Board of Commissioners and to the agent for the petitioner as shown in the petition.

SECTION 7. The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 8. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Olmsted Falls for the further reason that the law requires a response be submitted to the Lorain County Board of Commissioners within twenty (20) days after the City's receipt of the Petition for Annexation.

It shall therefore take effect immediately upon passage by the affirmative vote of no less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

Linda Garrity, Council President

PASSED: _____

APPROVED: _____

Ann Marie Donegan, Mayor

Date

APPROVED AS TO FORM: _____

Gregory M. Sponseller, Director of Law

ATTEST: _____

Angela Mancini, Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

	Yea	Nay
Garrity	___	___
Haviland	___	___
Sculac	___	___
Gorski	___	___
Stibich	___	___
Duncan	___	___
Miller	___	___