

**RESOLUTION NO. 063-13**

**A RESOLUTION IN COMPLIANCE WITH ORC 709.023(D)  
CONSENTING TO THE ANNEXATION TO THE CITY OF  
NAPOLEON CERTAIN TERRITORY PROPOSED TO BE  
ANNEXED TO THE CITY OF NAPOLEON, OHIO PURSUANT TO  
A PETITION FILED WITH THE HENRY COUNTY BOARD OF  
COMMISSIONERS FILED BY THE NAPOLEON AREA CITY  
SCHOOL DISTRICT; AND DECLARING AN EMERGENCY**

**WHEREAS**, on the 9<sup>th</sup> day of October, 2013 a Petition for Expedited Type II Annexation of approximately 55.062 acres of land which is currently in the Township of Napoleon, Henry County, Ohio was filed with the Henry County Board of Commissioners by the Napoleon Area City School District; and,

**WHEREAS**, under the provisions of ORC 709.023(D) the legislative authority of the City of Napoleon may adopt an ordinance or resolution consenting to the annexation of the territory proposed; and

**WHEREAS** it is the intent of the City of Napoleon to respond accordingly; **Now therefore,**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That, the Council of the City of Napoleon, Ohio does hereby consent to the annexation of the territory proposed.


Section 2. That, the Clerk of Council is hereby directed to forward a copy of this Resolution to the Henry County Board of Commissioners.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

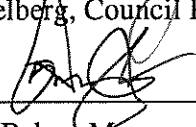
Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the City to comply with ORC requirements regarding Type II Annexation; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: October 21, 2013

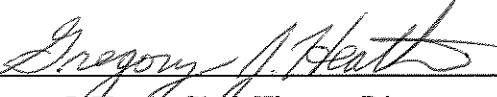
  
\_\_\_\_\_  
John A. Helberg, Council President

Approved: October 21, 2013

  
\_\_\_\_\_  
Ronald A. Behm, Mayor

VOTE ON PASSAGE 5 Yea 0 Nay 0 Abstain

Attest:

  
\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 063-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director