

RESOLUTION NO. 036-15

**A RESOLUTION IN COMPLIANCE WITH ORC 709.023(C)
RELATING TO THE EXPEDITED TYPE PETITION FOR
ANNEXATION OF 0.496 ACRES, MORE OR LESS, FILED BY
JOHN B. REESE, AN AUTHORIZED REPRESENTATIVE OF
GRABEN, LLC; AND DECLARING AN EMERGENCY**

WHEREAS, on the 26th day of June, 2015 a Petition for Expedited Type II Annexation of approximately 0.496 acres of land which is currently in the Township of Napoleon, Henry County, Ohio was filed with the Henry County Board of Commissioners by John B. Reese, an Authorized Representative of Graben, LLC; and,

WHEREAS, under the provisions of ORC 709.023(C) the legislative authority of the City of Napoleon shall, by ordinance or resolution, adopt a statement indicating what services, if any, the City of Napoleon will provide to the property proposed for annexation upon annexation; **Now therefore**,

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

Section 1. That, in accordance with ORC 709.023(C), the territory described by the Petition will be provided all customary general governmental and utility services in the same manner and on the same terms and conditions as applicable to other lands within the territorial boundaries of the City of Napoleon, except for sewer service. Upon the effective date of the annexation the City of Napoleon will provide the following services to the territory proposed for annexation:

- a. Water Service
- b. Electric Service
- c. Street Service
- d. Fire/EMS
- e. Police Service
- f. Planning and Zoning

Section 2. Should the territory be annexed, it would be subject to the City of Napoleon Zoning Requirements. The territory's default zoning classification would be R-1, in which the property as it currently stands would be a principally permitted use. The default classification would apply until the Zoning Map is amended to include the territory at which time it could remain R-1 or be reclassified as long as the City of Napoleon's Planning and Zoning Codes are complied with.

Section 3. That, the Clerk of Council is hereby directed to forward a copy of this Resolution to the Henry County Board of Commissioners.

Section 4. 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 5. 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.

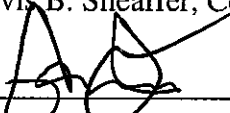
Section 6. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the City 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: July 06, 2015



Travis B. Sheaffer, Council President

Approved: July 06, 2015



Ronald A. Behm, Mayor

VOTE ON PASSAGE 6 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. 036-15 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 25th day of August 2015; & 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