

Richfield Township Resolution 11-2021

A RESOLUTION OBJECTING TO THE ANNEXATION OF 118.7873 ACRES OF LAND TO THE VILLAGE OF RICHFIELD PURSUANT TO R.C. 709.023 (D)

WHEREAS, on or about March 15, 2021, Richfield Furnace Run Associates, LLC (“Petitioner”) filed a Petition for Annexation, Expedited Type 2 Petition (the “First Petition”) with the Clerk of Summit County Council, requesting the annexation of certain territory in Richfield Township to the Village of Richfield (the “Territory”); and

WHEREAS, on or about March 26, 2021, Petitioner withdrew the First Petition; and

WHEREAS, on or about March 26, 2021 Petitioner filed another Petition for Annexation, Expedited Type 2 Petition (the “Second Petition”) with the Clerk of Summit County Council; and

WHEREAS, on or about April 8, 2021, withdrew the Second Petition; and

WHEREAS, on April 8, 2021 Petitioner filed another Petition for Annexation, Expedited Type 2 Petition (the “Third Type 2 Petition”) with the Clerk of Summit County Council; and

WHEREAS, Ohio Revised Code Section 709.023 (D) provides that, within twenty-five (25) days after the date that a petition for annexation is filed with the County, this Board of Trustees may adopt and file with the Clerk of Summit County Council a resolution consenting or objecting to the proposed annexation; and

WHEREAS, objections to a proposed Expedited Type 2 annexation under Ohio Revised Code Section 709.023 (D) shall be based upon a petition’s failure to meet the conditions specified in Section 709.023 (D); and

WHEREAS, Richfield Township objects to the Petition and the requested annexation of the Territory.

NOW, THEREFORE BE IT RESOLVED, by the Board of Trustees of Richfield Township that:

SECTION 1. The Third Petition fails to meet the requirements of Ohio Revised Code Section 709.023(E)(1) in one or more of the following respects:

- The petition does not meet all the requirements of Revised Code Section 709.021. The persons who signed the petition may or may not be owners of the real estate located in the territory proposed for annexation and may or may not constitute all of the owners of the real estate located in that territory;
- The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation;

- The municipality has not agreed to provide the territory proposed for annexation the services specified in the relevant ordinance or resolution adopted under Revised Code Section 709.023(C).

SECTION 2. The Richfield Township Board of Trustees urges that Summit County Council conduct a careful and deliberate study of all of the matters set forth in the Third Petition and determine whether or not Petitioner has fully complied with each and every requirement set forth therein, and if Petitioner has not done so, to reject the Third Petition.

SECTION 3. The Richfield Township Board of Trustees finds and determines that all formal actions of the Board concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Board and that all deliberations of this Board that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That Irving B. Sugerman, legal counsel to the Board of Trustees, is hereby authorized and directed to forward a certified copy of this Resolution to Summit County Council and to the agent for Petitioner as shown on the Petition.

April 29, 2021
Date

Hayden Jeffrey Shupe
Hayden Jeffrey Shupe, Richfield Township
Trustee

Robert Luther
Robert Luther, Richfield Township Trustee

Janet Jankura
Janet Jankura, Richfield Township Trustee

Attest:

Laurie Pinney
Laurie Pinney, Richfield Township
Fiscal Officer