

ORDINANCE NO. 11-11
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCIL MEMBER Brookes Compton ON THE
20~~th~~ DAY OF June, 2011.

ORDINANCE ACCEPTING THE ANNEXATION PETITION FILED WITH THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO BY GW REAL PROPERTY LLC, ("PETITIONER") FOR ANNEXATION TO THE CITY OF CENTERVILLE, OHIO OF CERTAIN TERRITORY, AS PROVIDED BY OHIO REVISED CODE SECTION 709.022, *et seq.*

WHEREAS, GW Real Property LLC filed with the Board of Commissioners of Montgomery County, Ohio, a petition to annex to the City of Centerville, Ohio, 2.58 acres of land, more or less, in Washington Township, Ohio; and

WHEREAS, by Resolution No. 11-0453, adopted March 1, 2011, the Board of Commissioners of Montgomery County, Ohio granted the petition for annexation; and

WHEREAS, the Clerk of the Board of Commissioners of Montgomery County, Ohio delivered a certified copy of the record of annexation proceedings to the Clerk of the City of Centerville on March 3, 2011 in accordance with Ohio Revised Code Section 709.022(C); and

WHEREAS, sixty days have expired since the delivery of the certified copy of annexation proceedings to the Clerk of the City of Centerville; and

WHEREAS, a certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for annexation and the papers relating to all proceedings heretofore with the Board of Commissioners of Montgomery County, Ohio, are all on file with the Clerk of the City of Centerville, and have been for more than sixty (60) days; and

WHEREAS, Ohio Revised Code Section 709.04 provides that the legislative authority of the City shall adopt an ordinance or resolution accepting the petition for annexation; and

WHEREAS, it is the intent of the City Council to respond accordingly.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY
ORDAINS:

Section 1. The Montgomery County Commissioners granted approval of the annexation petition subject to the terms and conditions contained in the Annexation Agreement, provided for by Ohio Revised Code Section 709.192, attached hereto and incorporated herein as Exhibit "A." The petitioners have confirmed they intend to proceed with the terms and conditions set forth in the Annexation Agreement and the Statement of Services Resolution No. 6-11 adopted February 21, 2011, attached hereto and incorporated herein as Exhibit "B."

Section 2. The proposed annexation, as applied for in the petition of GW Real Property, LLC, being the petitioner and owner of the real estate in the territory sought to be annexed, and filed with the Board of Commissioners of Montgomery County, Ohio in which the petition prayed for annexation to the City of Centerville, Ohio, of certain territory adjacent thereto as hereinafter described, and which petition was approved for annexation to the City of Centerville, Ohio, by the Board of County Commissioners is hereby accepted and deemed annexed to the City of Centerville, Ohio. Said annexation shall be subject to all the terms and conditions provided herein and contained within the Annexation Agreement, attached hereto and incorporated herein as Exhibit "A". The territory to be annexed is more particularly described in Exhibit "C", a map of the territory to be annexed, and Exhibit "D" the legal description of the territory to be annexed, attached hereto and incorporated herein by reference.

Section 3. The Clerk of the City of Centerville is hereby authorized and directed to make four copies of this ordinance, to each of which shall be attached a copy of the map accompanying this petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners of Montgomery County, Ohio, related thereto, and certified as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective and the Clerk shall do all other things as required by law.

Section 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including, but not limited to Section 121.22 of the Ohio Revised Code.

Section 5. This ordinance shall become effective from and after the earliest date allowed by law.

ADOPTED by the Council of the City of Centerville, Ohio, this 20th day of ~~May~~, 2011.
June



Mayor, City of Centerville, Ohio


ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 11-11, passed by the Council of the City of Centerville, Ohio on the 20th day of June, 2011.



Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions
Department of Law
Scott A. Liberman
Municipal Attorney

RESOLUTION NO. 11-0453
MARCH 1, 2011

RESOLUTION ACCEPTING AND APPROVING THE ANNEXATION OF 2.58 ACRES, MORE OR LESS, LOCATED AT 9240 YANKEE STREET, SITUATE IN THE TOWNSHIP OF WASHINGTON, COUNTY OF MONTGOMERY, STATE OF OHIO AND IN SECTION 5, TOWN 2, RANGE 5 MRS AND BEING PART OF A 69.75 ACRE TRACT WHICH IS DESCRIBED IN DEED VOLUME 859, PAGE 168 OF THE RECORDS OF MONTGOMERY COUNTY, OHIO TO THE CITY OF CENTERVILLE, OHIO, UTILIZING THE SPECIAL PROCEDURE "EXPEDITED TYPE 1 ANNEXATION", IN ACCORDANCE WITH O.R.C. SECTION 709.022 ET SEQ.

WHEREAS, the Commissioners of Montgomery County, State of Ohio, received a petition for the annexation of 2.58 acres, more or less, located at 9240 Yankee Street, situate in the Township of Washington, County of Montgomery, State of Ohio and in Section 5, Town 2, Range 5 MRS and being part of a 69.75 acre tract which is described in Deed Volume 859, page 168 of the Records of Montgomery County, Ohio to the City of Centerville, Ohio, utilizing the special procedure "Expedited Type 1 Annexation", in accordance with O.R.C. Section 709.022 et seq. on February 18, 2011 and entered upon the Board's Journal on February 22, 2011; and,

WHEREAS, the legislative authority of the City of Centerville, Ohio, filed with this board a resolution authorizing and directing the City Manager to enter into an Annexation Agreement with the Board of Trustees of Washington Township for the proposed annexation; and,

WHEREAS, the Commissioners make the following findings as required in Section 709.022 of the Ohio Revised Code:

1. The petition does meet all the requirements set forth in, and was filed in the manner provided in Section 709.021 and 709.022 of the Ohio Revised Code.
2. The person who signed the petition is the owner of the real estate located in the territory proposed for annexation and constitutes all of the owners of real estate in that territory.
3. The petition was accompanied by a certified copy of an Annexation Agreement as provided for in ORC 709.192.

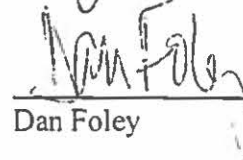
2011
BE IT RESOLVED, that the Petition be approved, and the territory sought to be annexed by the petition filed herein shall be annexed to the City of Centerville, Ohio, that the orders and proceedings of this board relating to the petition, and map and description attached hereto, and all papers on file relating to this matter be delivered forthwith to the Clerk of Council, City of Centerville, Ohio.


RESOLUTION NO. 11-0453
MARCH 1, 2011

BE IT FURTHER RESOLVED that the Clerk certify a copy of this resolution to the Planning Commission; County Engineer; County Auditor; Environmental Services Department; Board of Elections; Washington Township Trustees; and Agent, Willis Serr, 6430 Inner Mission Way, Dayton, Ohio 45459-7400.

Commissioner Foley moved the adoption of the foregoing resolution. It was seconded by Commissioner Dodge and upon call of the roll, the following vote resulted:

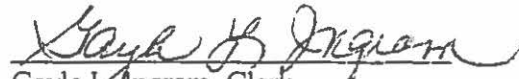
 _____, AYE
Judy Dodge

 _____, AYE
Dan Foley

 _____, AYE; CARRIED
Deborah A. Lieberman, President

I hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Board of County Commissioners of Montgomery County, Ohio, the 1st day of March, 2011.

THE BOARD OF COUNTY COMMISSIONERS HEREBY FINDS AND DETERMINES THAT ALL FORMAL ACTIONS RELATIVE TO THE ADOPTION OF THIS RESOLUTION WERE TAKEN IN AN OPEN MEETING OF THIS BOARD OF COUNTY COMMISSIONERS, AND THAT ALL DELIBERATIONS OF THIS BOARD OF COUNTY COMMISSIONERS, AND OF ITS COMMITTEES, IF ANY WHICH RESULTED IN FORMAL ACTION, WERE TAKEN IN MEETINGS OPEN TO THE PUBLIC, IN FULL COMPLIANCE WITH APPLICABLE LEGAL REQUIREMENTS, INCLUDING SECTION 121.22 OF THE REVISED CODE.

 _____
Gayle L. Ingram, Clerk
Board of County Commissioners
Montgomery County, Ohio