

1 RESOLUTION NO. 2021-163

First Reading Passage Requested
(V. Sims)

2
3 SPONSOR Ms. Sims

4
5 DATE June 7, 2021

COMMITTEE Planning

6
7 **A Resolution by this Council, pursuant to Chapter 709.02, 709.021 and 709.023 of the Ohio**
8 **Revised Code and Section 125.01 of the Codified Ordinances of the County of Summit,**
9 **issuing a determination as it relates to the annexation of 118.7873 acres of land in Richfield**
10 **Township to the Village of Richfield, for Council, and declaring an emergency.**

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12 WHEREAS, this Council, on April 8, 2021 received a petition for annexation of
13 118.7873 acres of land in Richfield Township to the Village of Richfield marked as Exhibit "A";
14 and

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16 WHEREAS, pursuant to Chapter 709.02, 709.021 and 709.023 of the Ohio Revised Code
17 and Section 125.01(i) of the Codified Ordinances of the County of Summit, and upon objections
18 submitted by Richfield Township, Council determined a public hearing on the aforementioned
19 annexation to be necessary; and

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21 WHEREAS, this Council held a hearing on this matter on May 10, 2021, immediately
22 following the 4:30 p.m. Summit County Council meeting for the public hearing on the
23 annexation petition, as required pursuant Chapter 709.02, 709.021 and 709.023 of the Ohio
24 Revised Code and Section 125.01(i) of the Codified Ordinances of the County of Summit;

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26 WHEREAS, Richfield Furnace Run Associates, LLC ("Petitioner"), the Village of
27 Richfield, and Richfield Township were all given an opportunity to present their case for or
28 against this petition;

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30 WHEREAS, the citizens of Summit County were granted an opportunity to voice their
31 comments and concerns related to this matter;

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33 WHEREAS, Petitioner, the Village of Richfield, and Richfield Township entered into an
34 agreement on June 7, 2021 that addressed the concerns of the citizens who were present at the
35 May 10, 2021 hearing that resulted in the withdrawal of the objections raised by Richfield
36 Township;

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38 WHEREAS, this Council requested and received additional post-hearing clarifying
39 information from the Summit County Engineer to utilize in its deliberations;

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41 WHEREAS, in a Report to Council from the Summit County Engineer and dated June 3,
42 2021, the Summit County Engineer identified a discrepancy between the plat and the legal
43 description submitted with the petition for annexation of 118.7873 acres of land in Richfield
44 Township to the Village of Richfield;

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46 WHEREAS, Petitioner submitted a request on June 4, 2021 to amend Exhibit 1 attached
47 to the annexation petition in order to substitute in the corrected legal description;

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2 PAGE TWO

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4 WHEREAS, this Council utilized the seven (7)-factor test found in 709.023(E) of the
5 Ohio Revised Code when evaluating the sufficiency of the petition for annexation of said
6 118.7873 acres of land in Richfield Township to the Village of Richfield;

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8 NOW THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
9 of Ohio, that:

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11 SECTION 1

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13 This Council hereby grants Petitioner's request to amend Exhibit 1 to the annexation
14 petition in order to substitute in the corrected legal description.

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16 SECTION 2

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18 The Council has determined that the Petitioner has met its burden to show that all seven
19 (7) factors/conditions found under 709.023(E) of the Ohio Revised Code have been satisfied.

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21 SECTION 3

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23 The Council hereby grants Petitioner's petition for annexation of 118.7873 acres of land
24 in Richfield Township to the Village of Richfield marked as Amended Exhibit "A".

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26 SECTION 4

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28 This Resolution is hereby declared an emergency in the interest of the health, safety and
29 welfare of the citizens of the County of Summit and for the further reason of immediately
30 allowing the County to comply with the requirements of Chapter 709.02, 709.021 and 709.023 of
31 the Ohio Revised Code and Section 125.01 of the Codified Ordinances of the County of Summit
32 in a timely manner.

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34 SECTION 5

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36 Provided this Resolution receives the affirmative vote of eight members, it shall take
37 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
38 effect and be in force at the earliest time provided by law.

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40 SECTION 6

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42 It is found and determined that all formal actions of this Council concerning and relating
43 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
44 deliberations of this Council and of any of its committees that resulted in such formal action,
45 were in meetings open to the public, in compliance with all legal requirements, including Section
46 121.22 of the Ohio Revised Code.
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INTRODUCED June 7, 2021

ADOPTED June 7, 2021

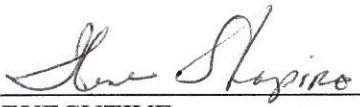


CLERK OF COUNCIL



PRESIDENT OF COUNCIL

APPROVED June 8, 2021



EXECUTIVE

ENACTED EFFECTIVE June 8, 2021

Voice Vote - YES 10-0-1: Darrow, DeVitis, Donofrio, Feeman, McKenney, Rodgers, Schmidt, Sims, Walters, Wilhite
ABSTAIN: Dickinson