



# RESOLUTION 02-2021 OF THE VILLAGE OF ASHVILLE



**A RESOLUTION REPEALING RESOLUTION 13-2020 AND ADOPTING A STATEMENT OF SERVICES AND A STATEMENT REGARDING POSSIBLE INCOMPATIBLE LAND USES AND ZONING BUFFER FOR A PROPOSED ANNEXATION OF ±76.642 ACRES FROM HARRISON TOWNSHIP TO THE VILLAGE OF ASHVILLE AND DECLARING AN EMERGENCY.**

WHEREAS, a petition for an Expedited II method of annexation of ±76.642 acres being Parcel No. D1200020011300 ("Annexation Area") from Harrison Township was filed with the Board of County Commissioners of Pickaway, Ohio on January 21, 2021 by Molly Gwin, attorney and agent for Petitioners Jeffrey Runkle, Victor Runkle, and Trudy Ann Craig; and

WHEREAS, R.C. 709.023(C) requires that, within twenty days of an annexation petition being filed, the municipal authority shall adopt a statement of services indicating which services the municipal corporation will provide to the territory proposed for annexation and an approximate date by which it will provide services to the territory upon annexation; and

WHEREAS S, R.C. 709.023(C) requires that, within twenty days of the annexation petition being filed, the municipality to which annexation is proposed must adopt an ordinance or resolution relating to land uses and buffers if the territory proposed to be annexed is currently subject to either county zoning pursuant to Chapter 303 or township zoning pursuant to Chapter 519 of the Ohio Revised Code; and

WHEREAS, R.C. 709.023(C) defines "buffer" to include open space, landscaping, fences, walls, and other structured elements, streets and street rights-of-way, and bicycle and pedestrian paths and sidewalks; and

WHEREAS, the total perimeter of the Annexation Area is approximately 7,755.22 feet more or less, of which 6,045.98 feet, more or less, is contiguous with the Village, giving 78.00% contiguity, and that no island of unincorporated area will be created by this annexation; and

WHEREAS, Council for the Village of Ashville adopted Ordinance 13-2020 on January 4, 2021. However, this legislation inadvertently did not cover all of the statutory requirements for a service resolution under R.C. 709.023 and was adopted too soon, i.e., before the annexation petition was filed. Therefore, Council for the Village of Ashville needs to repeal Ordinance 13-2020 and adopt the instant resolution.

NOW , AND HEREAFTER BE IT RESOLVED BY THE VILLAGE COUNCIL, VILLAGE OF ASHVILLE, PICKAWAY COUNTY , STATE OF OHIO THAT:


**SECTION ONE**

Resolution 13-2020, adopted on January, 2021, is hereby repealed.

Prepared: 01/25/2021  
Revised Date:  
Review Date:

**CERTIFICATE OF RECORDING OFFICER**

I, the undersigned, hereby certify, that the foregoing is a true and correct copy of the resolution adopted by the Village of Ashville Council held on 1<sup>st</sup> day of February 2021, and that I am duly authorized to execute this certificate.



Clerk-Fiscal Officer  
(TITLE)

(Original signature of April D. Grube)

## **SECTION TWO**

The Village of Ashville will provide the following municipal services for the ±76.642 acres being Parcel No. D1200020011300 (“Annexation Area”) currently in Harrison Township, Ohio immediately upon the annexation of this property to the Village of Ashville, Ohio:

- (a) Police. The Village of Ashville Police Department will provide, cause to provide, or contract to provide police protection services to the Annexation Area at the same or similar level now being provided to other areas of the Village with similar land use and population.
- (b) Sanitary Sewer Service. The Village of Ashville will provide, cause to provide, or contract to provide sanitary sewer service to the Annexation Area at the same or similar being provided to other areas of the Village with similar land use and population.
- (c) Potable Water Service. The Village of Ashville will provide, cause to provide, or contract to provide potable water to the Annexation Area at the same or similar being provided to other areas of the Village with similar land use and population.

## **SECTION THREE**

Should the Annexation Area (a) be annexed and (b) subsequently become subject to zoning pursuant to the Village of Ashville, and (c) the municipal zoning permits uses in the Annexation Area that the Village Council determines are clearly incompatible with the uses permitted under current county or township zoning in the adjacent land remaining in the township from which the property was annexed, the Ashville Village Council will require, in the zoning ordinance permitting the incompatible uses, the owner of the Annexation Area to provide a buffer separating the use of the Annexation Area and the adjacent land remaining within the township should land adjacent to the territory be determined to be unincorporated territory. That the Village Council of the Village of Ashville is aware and supportive of the proposed project (s) and has the necessary funds appropriated in its 2021 budget to complete the project (s) as outlined in this grant application (s), should the grant request be awarded.

## **SECTION FOUR**

The Clerk of Council shall file a certified copy of this resolution with the Harrison County Board of Commissioners within twenty days following the date that the petition was filed.

## **SECTION FIVE**

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision-making bodies of the Village of Ashville which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

## **SECTION SIX**

All prior legislation, or any parts thereof, which is/are inconsistent with this Resolution is/are hereby repealed as to the inconsistent parts thereto.

**SECTION SEVEN**

Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this municipality and the further reason that this services resolution must be filed with the Harrison County Board of Commissioners no later February 10, 2021. Wherefore, provided this Resolution receives the required affirmative votes of Council, this Resolution shall take effect and be in force immediately upon passage by Council and approval by the Mayor.

Therefore, this resolution will take effect upon passage.

Offered by: Nelson R. Embrey

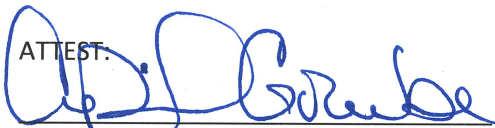
Seconded to the Motion Offered by: Roger L. Clark

Upon roll call on the adoption of the resolution, the vote was as follow:

Council Member Yes No Council Member Yes No Council Member Yes No Council Member Yes No Council Member Yes No Council Member Yes No  
Roger L. Clark   Nelson R. Embrey   Randy S. Loveless   R. David Rainey   Tracie N. Sorvillo   Darryl E. Ward

THIS 2<sup>TH</sup> DAY OF JANUARY, 2021.

ATTEST:

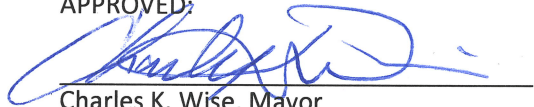


April D. Grube, Clerk-Fiscal Officer

DATE:

2/3/2021

APPROVED:



Charles K. Wise, Mayor

DATE:

03-Feb 2021