

RESOLUTION NO. 2023.08

RESOLUTION AS REQUIRED BY O.R.C. 709.023(C) SETTING FORTH MUNICIPAL SERVICES THAT WILL BE PROVIDED TO 84.97 +/- ACRES OF LAND IN BERKSHIRE TOWNSHIP (DELAWARE COUNTY) OHIO IF ANNEXED TO THE CITY OF SUNBURY, OHIO

WHEREAS, a petition was filed with the Delaware County Board of County Commissioners on April 4, 2023, requesting annexation to the City of Sunbury, Ohio of ±84.97 acres of land in Berkshire Township owned by William R. Rogers II, Lorie Lynn Lotzgeselle, Rich Rogers, Trustee replacing William Rogers and Patricia Rogers, both deceased and former Trustees of the William Rogers and Patricia Rogers Family Trust Agreement UTA 7-3-06, Mary Rogers Trusler, Trustee UA dated the 14th day of August 2009, and John A. Rogers (a description of the property to be annexed is attached hereto an Exhibit “A” and made a part hereof); and

WHEREAS, O.R.C. Section 709.023(C) requires the legislative authority of the municipal corporation to which the annexation is proposed to adopt an ordinance or resolution within 20 days of a petition for annexation being filed with the Board of County Commissioners, stating what services the municipal corporation will provide to the territory proposed for annexation upon annexation and an approximate date upon which it will provide them.

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Sunbury, Delaware County, State of Ohio, that:

SECTION I: The City of Sunbury will provide the following municipal services for the 84.97 +/- acres (a description attached hereto as Exhibit “A” and made a part hereof) in Berkshire Township upon annexation of said area to the City of Sunbury.

Sewer: Sanitary sewer service and storm sewer service are not currently available to the territory proposed for annexation from the City of Sunbury. Although the wastewater treatment plant has sufficient capacity to service the area proposed for annexation, the necessary sanitary sewer service lines and related facilities and storm sewer lines and related facilities do not exist in proximity to the property proposed for annexation. Extension of sanitary service lines and necessary appurtenances and extension of storm sewer service lines and necessary appurtenances from the existing municipal facilities to the property proposed for annexation must cross many privately owned properties and be constructed at a cost which has not been determined but is expected to be significant. As with other similar private development within the City of Sunbury all sanitary sewer lines and necessary appurtenances as well as all storm sewers and necessary appurtenances must be constructed privately by the property owners at their sole cost and expense and once completed will be dedicated and accepted by the City of Sunbury. Additionally, all easements necessary to extend said service lines and for placement of necessary appurtenances must be obtained by the property owners at the property owners’ sole cost and expense. Additionally, the area to be annexed lies outside the

Village (now City) sanitary service area but within the Delaware County service area per the Intergovernmental Cooperation Agreement with the Delaware County Board of Commissioners dated April 23, 2018. It is therefore contemplated that sanitary Sewer Service will be provided by the County of Delaware. Accordingly, the date upon which said sanitary sewer service and storm sewer service can be provided by the city is indeterminate.

Police: The City of Sunbury has police services available and can provide police protection upon acceptance of annexation.

Zoning: The City of Sunbury has zoning and planning services available and will provide zoning and planning services to the proposed annexation area if annexed. In accordance with Section S81.14.01 (4) of the Revised Zoning Ordinance of the City of Sunbury Ohio, all annexed territory zoned under county or township zoning shall continue to be administered according to the applicable County or Township zoning regulations until such time as City of Sunbury zoning regulations are enacted. If the City of Sunbury permits uses in the annexed territory that the City of Sunbury determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within Berkshire Township, the City of Sunbury will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining with Berkshire Township. For the purpose of this requirement, "buffer" may include open space, landscaping, fences, walls, and other structured elements, streets and street rights-of-way; and bicycle and pedestrian paths and sidewalks.

Streets &

Roadways: Maintenance will be available for additional right-of-way that may be included in this annexation request upon adoption. If a street or highway will be divided or segmented by the boundary line between a township and Sunbury as to create a road maintenance problem, Sunbury agrees as a condition of the annexation to assume the maintenance of that street or highway or to otherwise correct the problem.

SECTION II: The City Director of Finance is directed to file a copy of this Resolution with the Delaware County Board of Commissioners promptly upon passage and execution.

SECTION III: It is found and determined that all formal actions of this Council concerning or relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

WHEREFORE, pursuant to Section 4.07 of the Charter of the City of Sunbury, this Resolution shall be in effect immediately after its passage.

VOTE ON SUSPENSION OF THE RULES

YEAS

NAYS

VOTE ON RESOLUTION 2023.08

YEAS

NAYS

PASSED _____

Joseph St. John, Mayor

ATTEST:

Amber Swain, Clerk of Council

CERTIFICATION

I hereby certify on this _____ day of April, 2023, that the foregoing is a true and accurate copy of the Resolution passed at the meeting held on April _____ 2023 of the Council of the City of Sunbury of the County of Delaware, State of Ohio.

Amber Swain, Clerk of Council