

**ORDINANCE NO. 2023.16**

**A ORDINANCE ACCEPTING A PETITION FOR ANNEXATION OF TERRITORY CONSISTING OF 84.97 +/- ACRES OF LAND LOCATED IN BERKSHIRE TOWNSHIP, DELAWARE COUNTY AND 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 U/A DATED THE 14<sup>TH</sup> DAY OF AUGUST 2009, AND JOHN A. ROGERS AND DECLARING AN EMERGENCY**

**WHEREAS**, David W. Fisher, as agent for 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 U/A dated the 14<sup>th</sup> Day of August 2009, and John A. Rogers, the owners of certain real property, more specifically described in Exhibit "A", attached hereto, filed a Petition for Annexation of 84.97 ± acres, more or less, to the City of Sunbury; and

**WHEREAS**, pursuant to Ohio Revised Code 709.04, the City of Sunbury now wishes to formally accept said petition for annexation.

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

**SECTION I:** Pursuant to Ohio Revised Code 709.04 the City of Sunbury hereby accepts the petition for annexation of 84.97 ± acres, from Berkshire Township to the City of Sunbury pursuant to the petition filed by David W. Fisher, as agent for 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 U/A dated the 14<sup>th</sup> Day of August 2009, and John A. Rogers.

**SECTION II:** It is found and determined that all formal actions of this Council concerning and related to the adoption of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council and of 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.

**SECTION III:** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Sunbury, Ohio, to finalize the annexation of the subject property and thus facilitate participation with the City of Sunbury in thoroughfare and public infrastructure planning at the earliest possible date; to facilitate implementation and funding of adequate infrastructure financing mechanisms at the earliest possible date; to allow construction of the infrastructure improvements, including the first stage of the future interchange, at the earliest possible date, thus improving roadway infrastructure for City residents to begin at the earliest possible date; to facilitate housing opportunities for City residents in the interchange area at the

earliest possible date and to commence collection of associated income tax revenues at the earliest possible date.

**WHEREFORE**, this Ordinance shall take effect and be in force immediately from and after its passage.

<b>VOTE ON SUSPENSION OF THE RULES</b>	<b>YEAS</b>	<b>NAYS</b>
	_____	_____
<b>VOTE ON EMERGENCY</b>	<b>YEAS</b>	<b>NAYS</b>
	_____	_____
<b>VOTE ON ORDINANCE 2023.16</b>	<b>YEAS</b>	<b>NAYS</b>
	_____	_____

**PASSED:** \_\_\_\_\_, 2023

\_\_\_\_\_  
**Joseph St. John, Mayor**

**ATTEST:**

\_\_\_\_\_  
Amber Swain, Clerk of Council

**CERTIFICATION**

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

\_\_\_\_\_  
Amber Swain, Clerk of Council