

RESOLUTION: 03-2023
ADOPTED: FEBRUARY 8, 2023

A RESOLUTION ADOPTING A STATEMENT OF SERVICES AND A STATEMENT REGARDING POSSIBLE INCOMPATIBLE LAND USES AND ZONING BUFFER FOR A PROPOSED ANNEXATION OF ±6.18 ACRES FROM ETNA TOWNSHIP TO THE VILLAGE OF KIRKERSVILLE AND DECLARING AN EMERGENCY

WHEREAS, a petition for an Expedited II method of annexation of ±6.18 acres being Parcel No. 010-017748-00.000 (“Annexation Area”) from Etna Township was filed with the Board of County Commissioners of Licking, Ohio on January 30, 2023 by Nate Green, agent for Petitioner and Property Owner Howard Emswiler; 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, 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 2,078 feet more or less, of which 1,015 feet, more or less, is contiguous with the Village, giving 48.83% contiguity, and that no island of unincorporated area will be created by this annexation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Kirkersville, County of Licking, State of Ohio:

SECTION 1: The Village of Kirkersville will provide the following municipal services for the ±6.18 acres being Parcel No. 010-017448-00.000 in Etna Township, Ohio immediately upon the annexation of this property to the Village of Kirkersville, Ohio:

- (a) Police. The Village of Kirkersville 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 Kirkersville will provide, cause to provide, or contract to provide sanitary sewer service to the Annexation Area, upon payment of all applicable connection, inspection, deposit, plan review, meter, reconnection, and/or user charges/fees, in the same or similar manner as being provided to other areas of the Village with similar land use and population.

SECTION 2: Should the Annexation Area (a) be annexed and (b) subsequently become subject to zoning pursuant to the Village of Kirkersville, 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 Kirkersville 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.

SECTION 3: The Clerk of Council shall file a certified copy of this resolution with the Licking County Board of Commissioners within twenty days following the date that the petition was filed.

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 of the laws of the State of Ohio.

SECTION 5: 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 the Village must adopt this Resolution no later than February 19, 2023. 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.

Vote on emergency measure: yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, None.

Vote on Resolution: yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, none.

Passed in Council this 8 day of February 2023

I hereby certify that the foregoing Resolution 03-2023 was adopted in an open meeting of Council on February 8, 2023.

Shirley A Roskoski, Fiscal Officer

APPROVED:

Approved as to form this 1st day of February 2023:



Brian M. Zets
Village Solicitor