

RESOLUTION NO. 12-2023
ADOPTED: JUNE 7, 2023

A RESOLUTION ACCEPTING THE PETITION FOR ANNEXATION OF ±6.18 ACRES FROM ETNA TOWNSHIP TO THE VILLAGE OF KIRKERSVILLE AND DECLARING AN EMERGENCY

WHEREAS, a petition for an Expedited Type II method of annexation of ±6.18 acres of land being Parcel No. 010-017748-00.000, which is more fully described in the map and legal description attached to the Petition (“Annexation Area”), from Etna Township to the Village of Kirkersville was filed by Nate Green, designated agent for Mary Emswiler, with the Board of County Commissioners of Licking, Ohio on February 2, 2023. Notice of this was served upon the Village of Kirkersville, as prescribed by law; and

WHEREAS, with Resolution 03-2023, adopted on February 8, 2023, Council for the Village of Kirkersville adopted a statement of services for the Annexation Area; and

WHEREAS, with Resolution 118-110, adopted on March 9, 2023, the Board of County Commissioners of Licking County granted the Petition. A certified copy of the entire record of the annexation proceedings, including all resolutions of the board, signed by a majority of the members of the board, the petition, map, and all other papers on file, the recording of the proceedings, was delivered to the Village of Kirkersville; and

WHEREAS, R.C. 709.04 requires the clerk of the Village of Kirkersville, after the expiration of sixty days, to lay the resolution of the board granting the petition and the accompanying map or plat before Council, where after it shall accept or reject the petition for annexation within a period of one hundred twenty (120) days after the documents are laid before it. If Council does not accept the Petition within one hundred twenty days, it shall be considered rejected; and

WHEREAS, Council for the Village of Kirkersville now wants to accept the Petition and annex this property from Etna Township to the Village of Kirkersville.

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

SECTION 1: Council for the Village of Kirkersville hereby accepts the petition for annexation of ±6.18 acres being Parcel No. 010-017748-00.000, more fully described in the legal description attached to the Petition from Etna Township to the Village of Kirkersville, which was filed by Nate Green, designated agent for Petitioner Mary Emswiler.

SECTION 2: If this Resolution is adopted by Council, the clerk shall make three copies containing the petition, the map or plat accompanying the petition, a transcript of the proceedings of the board of county commissioners, and resolutions and ordinances in relation to the annexation, with a certificate to each copy that it is correct. Such certificate shall be signed by clerk in the clerk's official capacity and shall be authenticated by the seal of the Village. The clerk shall forthwith deliver

one such copy to the county auditor and one such copy to the county recorder, who shall record it in the official records. The other copy shall be forwarded by the clerk to the secretary of state.

SECTION 3: All prior legislation, or any parts thereof, which is/are inconsistent with this Resolution is/are hereby repealed as to the inconsistent parts thereof.

SECTION 4: 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 Kirkersville 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 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 this annexation must be accepted no later than July 7, 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 and approval by the Mayor.

Passed in Council this 7 day of June 2023.

Terry Ashcraft, Mayor

ATTEST: _____
Shirley Roskoski, Clerk of Council

APPROVED:

Approved as to form this 30th day of May 2023:



Brian M. Zets
Village Solicitor