

RESOLUTION 2015-04

**RESOLUTION TO APPROVE AN ANNEXATION AGREEMENT  
BETWEEN HILLIAR TOWNSHIP AND THE VILLAGE OF CENTERBURG PURSUANT  
TO RC §§709.022 AND 709.192 AND TO DECLARE AN EMERGENCY**

WHEREAS, the Village of Centerburg ("Village") owns three (3) parcels of real property adjacent to the Village's incorporated boundary that is used for public purposes (a Sewer Treatment Plant), and that is not located within the Village limits;

WHEREAS, the Village has proposed an Annexation Agreement with Hilliar Township regarding these three (3) parcels of real estate to the Village consisting of a Sewer Treatment Plant;

WHEREAS, the Property Owners of the parcels are in agreement with the terms of the Annexation Agreement; and

WHEREAS, Hilliar Township has approved the terms of the attached Annexation Agreement per Township Resolution 2015-\_\_\_\_ effective \_\_\_\_\_, 2015 (See Exhibit A attached hereto); and

WHEREAS, the Village desires to proceed with the execution of the Annexation Agreement to expedite the approval of the annexation;

NOW THEREFORE, be it resolved by the Council for the Village of Centerburg, Ohio as follows:

Section 1. That the Council hereby approves the Annexation Agreement between the Village and Hilliar Township. (See Exhibit B attached hereto).

Section 2. That the Council hereby authorizes the Mayor and Village Administrator to execute the Annexation Agreement on behalf of the Village to assist the Village and Property Owners in efficiently completing the annexation process.

Section 3. That this Resolution is declared to be an emergency, immediately necessary for the preservation of the public health, safety and welfare so as to not delay the contractor in performing the Wastewater Reclamation Facility Construction Project.

WHEREFORE, this Resolution shall take effect immediately from and after its passage and approval by the Mayor.

**[SIGNATURES ON NEXT PAGE]**

DATE PASSED 6-1-2015

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:         

~~LEGAL COUNSEL~~

I hereby certify that the ordinance or a summary of the ordinance was published once a week for two consecutive weeks on June 8, 2015 and June 15, 2015 in the *Mount Vernon News* in conformance with the Ohio Revised Code.

~~CLERK-TREASURER~~

R-15-04B

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**EXHIBIT "A"**

**HILLIAR TOWNSHIP RESOLUTION**

R-15-04B

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**EXHIBIT "B"**

**ANNEXATION AGREEMENT**

**ANNEXATION AGREEMENT  
BETWEEN VILLAGE OF CENTERBURG AND HILLIAR TOWNSHIP**

\_\_\_\_\_, 2015

WHEREAS, the Village of Centerburg ("Property Owner" or "the Village") is owner of three (3) parcels of real estate known as (1) Knox County, tax parcel nos. 17-50015.000, 17-50016.000 and 17-50018.000 located on Preston Street and is the location of the Village's current sanitary sewer plant (collectively the "Subject Property"), which Subject Property consists of approximately 2.283 acres presently located in Hilliar Township ("Township").

WHEREAS, the Village desires to have the Subject Property within the Village incorporation limits;

WHEREAS, the Village intends to remove said parcels the Township, and within the geographical boundaries of the Village of Centerburg, pursuant to R.C. § 503.07 and consistent with Village Ordinance 2011-04; and

WHEREAS, the Village is petitioning the County Commissioners pursuant to R.C. §709.022 for Annexation with the Consent of All Parties, which requires the submission of an Annexation Agreement pursuant to R.C. §709.192;

**AGREEMENT**

NOW THEREFORE, regarding annexation of the Subject Property, the Village and Township, represent, covenant and agree, that:

1. The Township, including its Trustees and administrators, support the annexation of the Subject Property (see Exhibit 1 attached here to which is a legal description of the Subject Property) to the Village and will use its best efforts to support annexation of same.
2. The Township will not take any action which will adversely affect the annexation of the Subject Property to the Village of Centerburg.
3. The Township, in conformance with Village Ordinance 2011-04 and R.C. 503.07 consents to removal of the Subject Property from the Township taxing district and following approval of the annexation by the County Commissioners, a change of the municipal boundaries to incorporate the Subject Property solely within the Village taxing district. [RC §709.192(C)(13)].
4. The Village shall provide water and sanitary sewer services to the Subject Property or allow the Subject Property to access the Village water and sanitary sewer services at rates consistent with its ordinary practices regarding property owned by the Village. [RC §709.192(C)(11)].

5. The Village shall provide police services to the Subject Property in conformance with its agreement with the Knox County Sheriffs' Office. [RC §709.192(C)(11)]
6. Fire protections services will be available to the Subject Property as provided by the Central Ohio Joint Fire District. [RC §709.192(C)(11)].
7. The Township and Village shall confirm with the County Auditor that there is no need to apportion the amount of any net indebtedness of the Township to be assumed and paid by the Village, as that issue is inapplicable to the Subject Property. [RC §709.12].
8. This Agreement shall be deemed an Annexation Agreement in compliance with R.C §709.192. The parties acknowledge having review R.C §709.192, and deeming the provisions set forth herein sufficient with respect to this annexation of the Subject Property.
9. That upon approval of this Annexation Agreement by all parties, Kyle Stroh, Solicitor for the Village and acting as Agent for the Village shall cause to be filed with the Knox County Commissioners, the Petition attached hereto as Exhibit A.
10. This Agreement is binding upon and inures to the benefit of the Village and Township and their successors and assigns.
11. This Agreement is deemed to have been prepared jointly by the Parties hereto and any uncertainty or ambiguity herein, if any, shall not be interpreted against either Party, but shall be interpreted according to the application of the rules of interpretation for arm's length agreements.
12. Each person executing this Agreement on behalf of the Parties specifically warrants and represents that he or she has full power and authority to execute this Agreement on behalf of such Party through actions approved at a public meeting.
13. This document sets forth the entire agreement between the Parties and may only be changed in a writing signed by all parties hereto subject to approval of said change by each party at a public meeting. There are no representations, arrangements, understandings or agreements, oral or written, relating to the subject matter of this Agreement, except as expressed herein.

**[AUTHORIZED SIGNATURES ON NEXT PAGE]**

**THE VILLAGE OF CENTERBURG**

**Village Authorizing Resolution No. 2015-\_\_\_\_**

By: \_\_\_\_\_  
Philip Lohmeyer, Village Administrator

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Diana Stockmaster, Mayor

Date: \_\_\_\_\_

**HILLIAR TOWNSHIP, OHIO**

**Township Authorizing Resolution No. 2015-\_\_\_\_\_**

By: \_\_\_\_\_  
Gail Morey, Trustee

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Don McCracken, Trustee

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Karen Lawrie, Trustee

Date: \_\_\_\_\_

**Approved by:**

\_\_\_\_\_  
Kyle J. Stroh, Village Solicitor  
Village of Centerburg

\_\_\_\_\_  
Legal Counsel  
Hilliari Township