

# RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2015-4

Passed February 24, 2015

**A RESOLUTION ADOPTING A STATEMENT OF SERVICES AND A STATEMENT REGARDING POSSIBLE INCOMPATIBLE LAND USES AND ZONING BUFFER FOR A PROPOSED ANNEXATION OF ±07.389 ACRES FROM WALNUT TOWNSHIP TO THE VILLAGE OF THURSTON AND DECLARING AN EMERGENCY**

WHEREAS, a petition for an Expedited II method of annexation of ±7.389 acres from Walnut Township was filed with the Board of County Commissioners of Fairfield, Ohio on February 9, 2015 by Thomas L. Hart, attorney and agent for Petitioners Laura and Max Miller; 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 proposed annexed territory is approximately 10,832.48 feet, of which 560.07 feet is contiguous with the Village, giving 5.17% contiguity, and the Village is adjacent to said territory primarily to the south and east of the territory.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF THURSTON, OHIO THAT:**

SECTION 1. The Village of Thurston will provide the following municipal services for the ±7.389 acres, subject territory currently in Walnut Township (Fairfield County) immediately upon the annexation of the area to the Village of Thurston, Ohio:

(a) Fire and EMS. The Thurston-Walnut Fire Department will provide, cause to provide, or contract to provide fire protection and EMS 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) Potable Water Service. Once the Village of Thurston’s water treatment plant is fully functional and available to all Village residents and businesses, the Village of Thurston will provide, cause to provide, or contract to provide potable water service to the annexation area at the same or similar terms being provided to other areas of the Village with similar land use and population.

(c) Solid Waste Collection. Residential refuse collection services are contracted by the Village and are currently provided by Local Waste Services, Ltd.

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Resolution No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

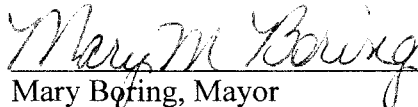
SECTION 2: Should the territory (a) be annexed and (b) subsequently become subject to zoning pursuant to the Village of Thurston, and (c) the municipal zoning permits uses in the annexed territory that the Village Council determines are clearly incompatible with the uses permitted under current county or township zoning in the adjacent land remaining in the township from which the territory was annexed, the Thurston Village Council 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 within the township should land adjacent to the territory be determined to be unincorporated territory.

SECTION 3: 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 Thurston 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 4: 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 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 services resolution must be filed with the Board of County Commissioners no later than February 28, 2015. 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 24 day of February 2015.

  
Mary Bowling, Mayor

ATTEST:   
Aaron L. Reedy, Clerk-Treasurer

APPROVED:

Approved as to form this 18<sup>th</sup> day of February 2015:



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Brian M. Zets  
Village Solicitor