

No.

**RESOLUTION NO. 22-23**

*Passed*

July 19

*Yr.* 2022

**A RESOLUTION CONSENTING TO THE PROPOSED ANNEXATION OF 59.401 ACRES, MORE OR LESS, FROM CLAY TOWNSHIP TO THE CITY OF BROOKVILLE, OHIO IS APPROVED, AND DECLARING IT AN EMERGENCY.**

**WHEREAS**, the Clerk of Council of the City of Brookville was served on July 18, 2022 with a notice of filing of petition for annexation of 59.401 acres, more or less, from Clay Township to the City of Brookville, said petition having been filed with Clerk of the Board of County Commissioners of Montgomery County, Ohio on July 15, 2022;

**WHEREAS**, pursuant to Ohio Revised Code Section 709.023(D), the Council of the City of Brookville may adopt and file with the Board of County Commissioners of Montgomery County, Ohio, an ordinance or resolution consenting to the proposed annexation within twenty-five days after the date the petition was filed; and

**WHEREAS**, the Council of the City of Brookville has determined that this petition for annexation will benefit the territory proposed for annexation and the City of Brookville, and therefore, the Council desires to submit this Resolution to the Montgomery County Board of County Commissioners to indicate its consent to this petition for annexation.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:**

**SECTION I:** The Council of the City of Brookville consents, pursuant to 709.023(D) of the Ohio Revised Code, to the proposed annexation of 59.401 acres, more or less from Clay Township, to the City of Brookville.

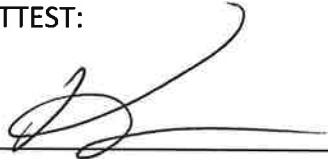
**SECTION II:** The City of Brookville hereby agrees, as a condition of the proposed annexation, that if a street or highway will be divided or segmented by the boundary line between the township and the City of Brookville as to create a road maintenance problem, the City of Brookville shall assume maintenance of that street or highway or to otherwise correct the problem, as required by Ohio Revised Code Section 709.023(E)(7).

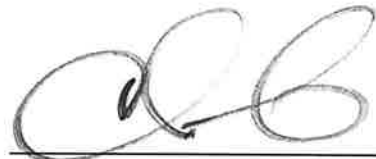
**SECTION III:** The Clerk of the Council of the City of Brookville shall cause a certified copy of this Resolution to be filed with the Board of County Commissioners of Montgomery County, Ohio within twenty-five (25) days after the date of filing of the petition for annexation as required by Ohio Revised Code Section 709.023(C).

**SECTION IV:** This Resolution is hereby declared to be an emergency measure to meet an emergency in the government of the City, which is the timely filing of this Resolution with the Board of County Commissioners within twenty-five (25) days after the filing of the petition for annexation as required by Ohio Revised Code Section 709.023(D). This Resolution shall take effect immediately upon passage of this Resolution as provided by the Charter of the City of Brookville, Ohio.

PASSED this 19th day of July 2022.


ATTEST:

  
\_\_\_\_\_  
Kimberly Duncan, Clerk

  
\_\_\_\_\_  
Charles Letner, Mayor


**CERTIFICATE**

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Resolution No. 22-23, passed by the Council of the City of Brookville, Ohio, on the 19th day of July 2022.

  
\_\_\_\_\_  
Kimberly Duncan, Clerk

**CERTIFICATE OF POSTING**

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Resolution No. 22-23 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 20th day of July 2022, to the 18th day of August 2022, both days inclusive.

  
\_\_\_\_\_  
Kimberly Duncan, Clerk