

**RESOLUTION NO. 23-29**

No.

Passed

October 3

Yr.

2023

**A RESOLUTION REGARDING MUNICIPAL SERVICES TO BE PROVIDED TO THE TERRITORY CONTAINED IN A PROPOSED ANNEXATION OF 85.611 ACRES, MORE OR LESS, FROM CLAY TOWNSHIP TO THE CITY OF BROOKVILLE, OHIO IF ANNEXATION OF SAID TERRITORY IS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO, AND DECLARING IT AN EMERGENCY.**

**WHEREAS**, a petition for annexation was filed with the Clerk of the Board of County Commissioners of Montgomery County, Ohio on September 28, 2023 seeking annexation of 85.611 acres, more or less, from Clay Township to the City of Brookville; and

**WHEREAS**, the petition for annexation was filed under the special annexation procedure provided in Ohio Revised Code Section 709.023; and

**WHEREAS**, Ohio Revised Code Section 709.023(C) requires that upon receipt of notice of a proposed annexation, the Council shall adopt a statement indicating what services, if any, the municipal corporation shall provide to the territory proposed for annexation upon annexation to the City within twenty (20) days after the filing of the petition; and

**WHEREAS**, Ohio Revised Code Section 709.023(C) requires that this resolution be approved by City Council and filed with the Board of County Commissioners within twenty (20) days after the filing of the petition for annexation.

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

**SECTION I:** The City of Brookville shall provide the following services to the territory of 85.611 acres, more or less, in Clay Township, upon approval of the annexation of the territory to the City of Brookville by the Board of County Commissioners of Montgomery County, Ohio:

(A) Police: Police services shall be provided on a twenty-four (24) hour basis immediately upon approval of the annexation of the territory to the City of Brookville. Brookville currently employs 11 full-time sworn police officers as well as reserve officers and support personnel.

(B) Fire: The City of Brookville is presently providing fire protection and emergency medical services to the territory proposed for annexation pursuant to the contract between the City of Brookville and Clay Township. Therefore, fire protection and emergency medical services shall continue immediately upon approval of the annexation of the territory to the City of Brookville. The City of Brookville provides fire protection and emergency services on a twenty-four hour basis by the Fire Department consisting of approximately forty (40) trained personnel.

(C) Street Maintenance: The City of Brookville shall provide street maintenance immediately upon approval of annexation of the territory to the City of Brookville. This street maintenance shall include emergency repairs, and routine preventive maintenance of roads and streets in the territory. Snow and ice control and removal shall be provided upon approval of the annexation of the territory to the City. 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 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).

(D) Waste Collection: The City of Brookville shall provide waste collection services to residential properties in the territory proposed for annexation upon immediately upon approval of the annexation of the territory to the City of Brookville. Services are provided for waste collection by the City of Brookville through contract with Rumpke.

(E) Water: The City of Brookville shall provide water services to the territory proposed for annexation immediately upon approval of the annexation of the territory to the City of Brookville. The cost of any improvements necessary to provide water service to the territory proposed for annexation may be assessed to the property owners in the territory by the City of Brookville.

(F) Sanitary Sewer: The City of Brookville shall provide sanitary sewer services to the territory proposed for annexation immediately upon approval of the annexation of the territory to the City of Brookville. The cost of any improvements necessary to provide sanitary sewer service to the territory proposed for annexation may be assessed to the property owners in the territory by the City of Brookville.

(G) Other Public Improvements: The City of Brookville shall provide any other necessary public improvements to the territory proposed for annexation immediately upon approval of the annexation of the territory to the City of Brookville, including street and road improvements, sidewalk and curbs, storm sewer improvements, street lighting, and other public improvements.

**SECTION II:** The Acting Clerk of 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 (20) days after the date of filing of the petition for annexation as required by Ohio Revised Code Section 709.023(C).

**SECTION III:** 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 (20) days after the filing of the petition for annexation as required by Ohio Revised Code Section 709.023(C). This Resolution shall take effect immediately upon passage of this Resolution as provided by the Charter of the City of Brookville, Ohio.

**RESOLUTION NO. 23-29**

No.

Passed

October 3

Yr. 2023

PASSED this 3rd day of October 2023.

ATTEST:

  
Michelle Brandt, Acting Clerk

  
Charles Letner, Mayor

**CERTIFICATE**

The undersigned, Acting Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Resolution No. 23-29, passed by the Council of the City of Brookville, Ohio, on the 3rd day of October 2023.

  
Michelle Brandt, Acting Clerk

**CERTIFICATE OF POSTING**

The undersigned, Acting Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Resolution No. 23-29 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 4th day of October 2023, to the 3rd day of November 2023, both days inclusive.

  
Michelle Brandt, Acting Clerk