

County Council of Cuyahoga County, Ohio

Resolution No. R2016-0236

Sponsored by: County Executive Budish/Department of Public Works	A Resolution approving an adjustment of the municipal boundary between Village of Brooklyn Heights and City of Seven Hills in connection with Permanent Parcel Nos. 551-10-081 and 551-10-087 located in the City of Seven Hills to be located entirely within the municipal boundary of the Village of Brooklyn Heights; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, a Brooklyn Heights Village resident owns three parcels of real property at the end of Belmont Drive of which two of the three parcels are currently located in the City of Seven Hills and consist of 0.4225 acres of land and is known as permanent parcel numbers 551-10-081 and 551-10-087 (“the Properties”); and

WHEREAS, the Village of Brooklyn Heights and the City of Seven Hills have mutually determined that the most prudent and efficient manner to incentivize economic development within, and adjacent to, the Properties requires the adjustment of the municipal corporation boundary within the Properties pursuant to Section 709.37 of the Ohio Revised Code, by causing the entire Properties to be located within the corporate boundaries of the Village of Brooklyn Heights (“Proposed Boundary Adjustment”); and

WHEREAS, the Seven Hills City Council and Village of Brooklyn Heights Council each enacted legislation on September 13, 2016 and May 3, 2016, respectively approving the Proposed Boundary Adjustment; and

WHEREAS, Section 709.37 of the Ohio Revised Code states “[t]he ordinances setting forth such agreement shall be certified to the board of county commissioners. Upon receipt of such certified ordinances, the board shall proceed by resolution to approve such change of boundary and to make such adjustment of funds, unpaid taxes, claims, indebtedness, and other fiscal matters as the board determines to be proper. Transcripts of the ordinances, agreements, and resolution certified by the board shall be filed in the office of the secretary of state and shall also be filed and recorded in the office of the county recorder. All fees and costs for such filing shall be assumed and paid by such municipal corporations in such proportions as the board determines”; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order to ensure critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of County departments, offices, and agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That Cuyahoga County Council hereby approves the Proposed Boundary Adjustment as specified in Seven Hills City Ordinance No. 100-2016 and Village of Brooklyn Heights Ordinance No. 39-2016, pursuant to Section 709.37 of the Ohio Revised Code.

SECTION 2. The County Executive and Fiscal Officer are hereby authorized to record and/or execute any documents that may be necessary to effectuate the Proposed Boundary Adjustment approved herein, and to file a certified copy of this Resolution, including the certified copies of Seven Hills City Ordinance No. 100-2016 and Village of Brooklyn Heights Ordinance No. 39-2016, with the Secretary of State in accordance with Section 709.37 of the Ohio Revised Code.

SECTION 3. All fees and costs of filing and recording shall be borne by the Village of Brooklyn Heights.

SECTION 4. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Miller, seconded by Ms. Conwell, the foregoing Resolution was duly adopted.

Yeas: Miller, Tuma, Gallagher, Schron, Conwell, Jones, Brown, Hairston, Simon,
Baker and Brady

Nays: None

County Council President Date

County Executive Date

Deputy Clerk of Council Date

First Reading/Referred to Committee: December 13, 2016
Committee(s) Assigned: Public Works, Procurement & Contracting

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