

County Council of Cuyahoga County, Ohio

Resolution No. R2023-0203

Sponsored by: Councilmember Gallagher	A Resolution denying the Expedited Type 2 Annexation Petition of Joseph P. Hollo and Suzanne C. Hollo to annex territory to the City of Berea, Ohio from Olmsted Township, Ohio; determining that one or more conditions under Ohio Revised Code Section 709.023(E) have not been met; and declaring the necessity that this Resolution become immediately effective.
Co-sponsored by: Councilmember Sweeney	

WHEREAS, on or about June 16, 2023, Joseph P. Hollo and Suzanne C. Hollo filed a Petition for Annexation, Expedited Type 2 (the “Petition”), with the Clerk of Cuyahoga County Council requesting annexation of Cuyahoga County Permanent Parcel Number 261-20-003, consisting of 72.5220 acres of real property located in Olmsted Township, Ohio, Cuyahoga County, to the City of Berea, a copy of the Petition having also been filed with the Clerk of Council for the City of Berea on June 16, 2023; and

WHEREAS, on or about June 26, 2023, the City of Berea passed Ordinance No. 2023-32 (the “Ordinance”) in which the City of Berea objected to the Petition and the requested annexation of Cuyahoga County Permanent Parcel Number 261-20-003 to the City of Berea; and

WHEREAS, R.C. Section 709.023(D) states that an objection to the proposed annexation shall be based solely upon the petition’s failure to meet the conditions specified in R.C. Section 709.023(E); and

WHEREAS, R.C. Section 709.023(E)(6) requires that the municipal corporation to which annexation is proposed has agreed to provide the territory proposed for annexation the services specified in the relevant ordinance or resolution adopted under R.C. Section 709.023(C); and

WHEREAS, R.C. Section 709.023(E)(7) states that if a street or highway will be divided or segmented by the boundary line between the township and the municipal corporation as to create a road maintenance problem, the municipal corporation to which annexation is proposed has agreed as a condition of annexation to assume maintenance of that street or highway or to otherwise correct the problem; and

WHEREAS, the City of Berea has declared in the Ordinance that it has not agreed to provide the territory proposed for annexation with any services; and

WHEREAS, the City of Berea has declared in the Ordinance that it has not agreed to assume maintenance of any portion of any such street or highway that will be divided or segmented by the boundary line between the township and the City of Berea; and

WHEREAS, R.C. Section 709.023(F) requires that if this Council, not less than thirty or more than forty-five days after the petition is filed, finds that one or more conditions specified in R.C. Section 709.023(E) have not been met, the Council shall enter upon its journal a resolution that states which of the conditions have not been met and that denies the petition; and

WHEREAS, this Council finds that the Petition fails to meet the conditions set forth in R.C. Section 709.023(E)(6) and R.C. Section 709.023(E)(7).

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

SECTION 1. The City of Berea, by and through Ordinance No. 2023-32 passed on June 26, 2023, objects to the proposed annexation as the City of Berea has not agreed to provide the territory proposed for annexation with any services and has not agreed to assume maintenance of any portion of any such street or highway that will be divided or segmented by the boundary line between Olmsted Township and the City of Berea.

SECTION 2. The Cuyahoga County Council, pursuant to R.C. Section 709.023(F), determines that the Petition for Annexation, Expedited Type 2, requesting annexation of Cuyahoga County Permanent Parcel Number 261-20-003, consisting of 72.5220 acres of real property located in Olmsted Township, Ohio, Cuyahoga County, to the City of Berea, filed by Joseph P. Hollo and Suzanne C. Hollo, fails to meet the conditions set forth in R.C. Section 709.023(E)(6) and R.C. Section 709.023(E)(7) and hereby denies the Petition.

SECTION 3. 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; to comply with the time limit set forth in R.C. Section 709.023(F); and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight (8) 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 4. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Gallagher, seconded by Mr. Sweeney, the foregoing Resolution was duly adopted.

Yeas: Sweeney, Tuma, Gallagher, Schron, Conwell, Turner, Simon, Kelly, Miller and Jones

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

Legislation Amended on the Floor: July 18, 2023

Additional Sponsorship Requested on the Floor: July 24, 2023

Journal CC051
July 24 2023