

**A RESOLUTION REPEALING RESOLUTION 26-2021 AND REFERRING THE AMENDED APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 118.7873 ACRES OF LAND IN RICHFIELD TOWNSHIP, SUMMIT COUNTY, OHIO TO THE VILLAGE OF RICHFIELD SUBMITTED ON APRIL 8, 2021, AND DECLARING AN EMERGENCY**

WHEREAS, the Clerk of Council received an Annexation Application from Richfield Furnace Run Associates, LLC (“Applicant”) dated March 12, 2021 for the annexation of certain territory consisting of 118.7873 acres of land in Richfield Township, Summit County, Ohio (“Property”); and

WHEREAS, the proposed annexation of the Property is in accordance with the Development and Construction Agreement between the Village, Richfield Furnace Run Associates, LLC, and Water and Sewer, LLC dated December 18, 2020; and

WHEREAS, Section 1115.05 of the Planning and Zoning Code requires Council to refer the Annexation Application to the Planning and Zoning Commission for evaluation and recommendation of the annexation request and the requested Zoning District classification for the Property in accordance with the mandatory referral procedures set forth in Section 9.06 of the Village’s Charter and Chapter 1109 of the Planning and Zoning Code.

WHEREAS, Council passed Resolution 26-2021 on March 16, 2021 that referred the March 12, 2021 Annexation Petition to the Planning and Zoning Commission; and

WHEREAS, the Applicant withdrew the March 12, 2021 Annexation Petition filed with the Summit County Council on March 25, 2021 due to a procedural filing error. Subsequently, the Applicant filed an Amended Annexation Application with the Village on March 25, 2021 together with a copy of the Amended Annexation Petition filed with the Summit County Council, which are identical to the original application and petition that was previously filed with the Village on March 12, 2021; and

WHEREAS, the Planning and Zoning Commission met on March 30, 2021 to evaluate the annexation request and unanimously voted to recommend approval of the proposed annexation; and

WHEREAS, Council received the Planning and Zoning Commission’s Report and Recommendation and subsequently passed Resolution 27-2021 that indicated the municipal services to be provided by the Village to the annexed territory; Resolution 28-2021 that declared the compatibility of permitted land uses in the annexed territory and land remaining within the Township; and Resolution No. 29-2021 that consented to the annexation; and

WHEREAS, the Applicant withdrew the March 25, 2021 Amended Annexation Petition filed with the Summit County Council due to another procedural filing error and subsequently filed another Amended Annexation Petition dated April 8, 2021, a copy of which is attached hereto as Exhibit "A" and expressly incorporated herein; and

WHEREAS, as a result of the Applicant filing a new Amended Annexation Application and Petition, Council is required by Section 1115.05 of the Planning and Zoning Code requires Council to refer the Annexation Application to the Planning and Zoning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, County of Summit, State of Ohio that:


SECTION 1. Resolution 26-2021 is hereby repealed and the Amended Annexation Application dated April 8, 2021 and attached hereto as Exhibit "A" is referred to the Planning and Zoning Commission for evaluation and recommendation of the annexation request and the requested Zoning District classification for the Property in accordance with the mandatory referral procedures set forth in Section 9.06 of the Village's Charter and Chapter 1109 of the Planning and Zoning Code.

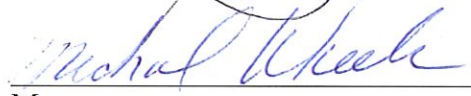
SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Resolution is hereby declared to be an emergency measure for the immediate preservation of the public health, safety, and welfare and for the further reason that it is necessary to refer the Amended Annexation Application in order to receive the Planning Commission's evaluation and recommendation as soon as possible; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 4-14-21

  
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President of Council

ATTEST:  
  
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Clerk of Council

  
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Mayor

Dated: 4/22/2021