

**ORDINANCE NO. 2022-098**

**AN ORDINANCE AUTHORIZING THE FILING OF A PETITION WITH THE BOARD OF COUNTY COMMISSIONERS OF PORTAGE COUNTY, OHIO TO CHANGE THE FRANKLIN TOWNSHIP BOUNDARY LINES IN ORDER TO REMOVE 174.828 ACRES OF TERRITORY FROM FRANKLIN TOWNSHIP AND MAKE THE TOWNSHIP LINES IDENTICAL WITH THE LIMITS OF THE CITY OF KENT, OHIO, AS A RESULT OF REMOVING SAID TERRITORY FROM THE TOWNSHIP, AND DECLARING AN EMERGENCY.**

**WHEREAS**, on March 22, 2022, by Resolution No. 2022-14, the Board of Trustees of Franklin Township, Portage County, Ohio, authorized the execution of an Annexation Agreement ("Agreement") relating to the annexation of 174.828 acres of territory from Franklin Township to the City of Kent; and

**WHEREAS**, on April 20, 2022, by Ordinance No. 2022-036, the City of Kent, Portage County, Ohio, authorized the execution of the Agreement; and

**WHEREAS**, that Agreement provides for the annexation of the 174.828 acre territory to the City of Kent and when the annexation becomes effective, the exclusion of the annexation territory from Franklin Township pursuant to R.C. Chapter 503 including R.C. Section 503.07; and

**WHEREAS**, on June 20, 2022 a petition for the annexation of a 174.828 acre territory in Franklin Township with the consent of all parties, was duly filed by Davey Tree Expert Company, utilizing the special annexation procedure of Ohio Revised Code Section 709.022, et seq. commonly referred to as an "Expedited Type 1" annexation, which petition was approved by the Portage County Commissioners on June 30, 2022, and accepted by the City of Kent on September 21, 2022 by Ordinance; and

**WHEREAS**, the Agreement also provides that, upon exclusion of the 174.828 acre territory from Franklin Township, the City of Kent shall make certain compensation payments to Franklin Township and the 174.828 acres annexed shall no longer be subject to Franklin Township's real property taxes, which Agreement is binding upon the county auditor by law, including R.C. 709.19(B); and

**WHEREAS**, Ohio Revised Code Section 503.07(A) authorizes the legislative authority of a municipal corporation, by a vote of a majority of its members, to petition a board of county commissioners to change the township boundaries in order to make them identical, in whole or part, with the limits of the municipal corporation; and

**WHEREAS**, the City of Kent desires to petition the Board of County Commissioners of Portage County to change the boundaries of Franklin Township to reflect that 174.828 acres of Franklin Township in Portage County are wholly situated within the City of Kent, to reflect that said acreage is now and forever excluded from Franklin Township, and to make the Franklin Township boundary lines identical with the limits of the City of Kent.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kent, Portage County, Ohio:

**SECTION 1.** That the City Law Director, or her authorized representative, is hereby authorized and directed, on behalf of this Council, to prepare and present to the Board of County Commissioners of Portage County, Ohio a petition praying for a change in the boundary lines of Franklin Township as is necessary to accomplish the removal of the recently annexed 174.828

acres of territory from Franklin Township, Portage County, Ohio and place said territory exclusively in the City of Kent, Portage County, as provided by law.

**SECTION 2.** That the 174.828 acre territory within the municipal limits of the City of Kent and Franklin Township that is to be removed from Franklin Township was annexed to the City of Kent by Ordinance No. 2022-036, as described in Exhibit A hereto.

**SECTION 3.** That the Clerk of Council is hereby authorized and directed to prepare two certified copies of this Ordinance, together with two certified copies of the minutes of the meeting at which this Ordinance was adopted, showing its adoption by a vote of the majority of the members of the Kent City Council, being the legislative authority of the City of Kent and forward those documents to the City Manager or his authorized representative for filing with the County.

**SECTION 4.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this 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 of Section 121.22 of the Ohio Revised Code.

**SECTION 5.** That this Ordinance is hereby declared an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare and shall take effect and be in force from and after its passage. The reason for said declaration of emergency is to facilitate the city providing the annexation area with city services at the earliest possible time period, to relieve Franklin Township of any obligation to serve the territory, to allow for the immediate change of township boundaries as provided by the Annexation Agreement of the parties, and to permit the inhabitants of the territory to receive services and vote in the appropriate jurisdiction.

PASSED: September 21, 2022  
Date

EFFECTIVE: September 21, 2022  
Date

ATTEST: Amy Wilkens  
Amy Wilkens  
Clerk of Council

Jerry F. Fiala  
Jerry F. Fiala  
Mayor and President of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE No. 2022-098*, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON September 21, 2022.

(SEAL)

Amy Wilkens  
AMY WILKENS  
CLERK OF COUNCIL