

**ORDINANCE NO. 29-2011**

**AN ORDINANCE ORDERING THE QUESTION OF ANNEXATION WITH THE VILLAGE OF RIVERLEA, OHIO, TO BE SUBMITTED TO A VOTE AND TO DECLARE AN EMERGENCY**

WHEREAS, on February 12, 2011, the Clerk-Treasurer of the Village of Riverlea, Ohio received correspondence from the Deputy Director of the Franklin County Board of Elections that included copies of a petition filed with that Board of Elections expressing a desire that the territory of the Village of Riverlea be annexed to the City of Worthington, Ohio, an adjacent municipality thereto, and requesting that the Council of the Village of Riverlea appoint commissioners to discuss with such City the Conditions of Annexation pursuant to Ohio Revised Code Sections 709.22 to 709.34, inclusive; and

WHEREAS, by Ordinance No. 01-2011 Riverlea Village Council did declare its intent to enter into negotiations with the City of Worthington regarding the annexation of the entire territory of the Village of Riverlea into the City of Worthington and appointed three persons as commissioners, pursuant to Ohio Revised Code Section 709.24, to represent the Village in such negotiations; and this Council of the City of Worthington, Ohio, likewise determined to enter such negotiations and appointed three persons as commissioners to represent such City in those negotiations; and

WHEREAS, on July 21, 2011, a majority of such commissioners so appointed did proceed to arrange the Conditions of Annexation and reported the results of their action to the Clerk of Council of the City of Worthington, as required by Section 709.28, Ohio Revised Code, which report and Conditions were received by the Clerk of Council of the City of Worthington on July 25, 2011, and a copy of which Conditions of Annexation are attached to this Ordinance as Exhibit A, and are incorporated herein by this reference.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Municipality of Worthington, County of Franklin, State of Ohio, six-sevenths of the members elected thereto herein concurring:

**Section 1. RECEIPT OF CONDITIONS OF ANNEXATION.** That Council of the City of Worthington, Ohio, hereby acknowledges the receipt on July 25, 2011 of the report of the commissioners on annexation appointed by the Village of Riverlea or the City of Worthington, which contains the Conditions of Annexation arranged by such commissioners in the form attached as Exhibit A.

**Section 2. SUBMISSION TO VOTERS.** Pursuant to Ohio Revised Code Section 709.29, the City of Worthington does hereby order that the question of the annexation of the entire territory of the Village of Riverlea, Ohio with and into the City of Worthington, Ohio, upon the Conditions of Annexation contained in the report of such commissioners as attached hereto, be submitted to a vote at the next regular election within the City to be held on November 8, 2011, such that if a majority of voters in each municipality voting on such question, are in favor of the annexation, such annexation shall thereafter occur in accordance with the applicable statutes and the Conditions of Annexation.

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**Section 3. SUBMISSION TO BOARD OF ELECTIONS.** That the Clerk of Council of the City of Worthington is hereby authorized and directed to submit a certified copy of this Ordinance to the Franklin County Board of Elections on or before 4:00 p.m., local time, August 10, 2011, and as required by applicable law.

**Section 4. FORM OF BALLOT QUESTION.** That the form of ballot upon which the question of such annexation shall be submitted to the electors in a format prescribed by the Franklin County Board of Elections or the Office of the Ohio Secretary of State, or on a form similar to the following:

PROPOSED ANNEXATION  
CITY OF WORTHINGTON

Majority Affirmative Vote in each of the Village of Riverlea  
and the City of Worthington is Necessary for Passage

Shall the entire territory of the Village of Riverlea be annexed in and to the City of Worthington, Ohio, upon the Conditions of Annexation as reported by the commissioners on such annexation.

:	: YES	:
:	:	:
:	: NO	:
:	:	:

**Section 5. PUBLICATION OF CONDITIONS OF ANNEXATION.** That the Clerk of Council of the City is hereby authorized and directed to publish copies of the Conditions of Annexation by posting same in the locations set forth in Section 6 of this Ordinance for a period of at least thirty days prior to the time fixed for such general election, which method of posting is determined by the Council of the City of Worthington as being most expedient. The Clerk of Council is further authorized and directed to mail a copy of such Conditions, together with a copy of the Report of the commissioners, to each registered voter in the City of Worthington entitled to vote thereon, as shown by the records of the Franklin County Board of Elections.

**Section 6. PUBLICATION OF ORDINANCE.** That the Council of the City of Worthington hereby determines that this Ordinance shall be published by posting copies of this Ordinance or a summary hereof in the following places in the City of Worthington, Ohio:

1. Municipal Administration Building
2. Worthington Library
3. Griswold Center
4. Worthington Community Center
5. City of Worthington's website: [www.worthington.org](http://www.worthington.org)

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**Section 7. OPEN MEETINGS.** This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meetings open to the public in compliance with law.

**Section 8. EMERGENCY; EFFECTIVE DATE.** The Council of the City of Worthington hereby determines that it is necessary that this Ordinance take effect at the earliest possible date in order to provide for the operation of the municipality, and for the immediate preservation of the public, health, safety and general welfare of the municipality. Such emergency exists in that Council has determined that submission of this ballot question to the voters in the City of Worthington should occur at the general election in November, 2011, and applicable Ohio law requires actions by the Clerk of Council of the City of Worthington be authorized and taken at a time before which this Ordinance would otherwise be effective, but for this emergency provision. Accordingly, this Ordinance shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council of the City of Worthington. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Copies of this Ordinance shall be posted continuously in the above-mentioned places for a period of thirty (30) days.

Passed: July 25, 2011

[Signature on File] \_\_\_\_\_  
President of City Council

Attest:

[Signature on File] \_\_\_\_\_  
D. Kay Thress, Clerk of Council