

**CITY OF TWINSBURG, OHIO**

**RESOLUTION 48-2009**

A RESOLUTION REQUESTING AND AUTHORIZING THE SUMMIT COUNTY BOARD OF ELECTIONS TO PLACE UPON THE CITY OF TWINSBURG BALLOT AT THE PRIMARY ELECTION OF MAY 5, 2009, THE QUESTION OF WHETHER ORDINANCE 02-2009 REZONING CERTAIN PROPERTY FROM TWINSBURG TOWNSHIP ZONING DESIGNATION TO RESIDENTIAL R-3 USE SHALL BE APPROVED AND DECLARING AN EMERGENCY

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**WHEREAS**, Council has enacted Ordinance 02-2009 authorizing the issue to rezone certain property within the City of Twinsburg from Twinsburg Township Zoning to Residential R-3 use; and

**WHEREAS**, such Ordinance was presented, reviewed and favorably recommended by the Planning Commission; and

**WHEREAS**, such Ordinance was read on three (3) separate occasions by this Council as required by the Charter of the City of Twinsburg; and

**WHEREAS**, Section 7A.01 of the Charter of the City of Twinsburg provides that any change in zoning classification must be approved by a majority of the qualified electors of the City and of the Ward in which the property to be rezoned is located; and

**WHEREAS**, said Ordinance 02-2009 and a legal description of the property to be rezoned is presently on file and available for inspection in the office of the Clerk of Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Twinsburg, County of Summit and State of Ohio:

**SECTION I:** That the question of the approval of Ordinance 02-2009 rezoning certain property within the City of Twinsburg from Twinsburg Township Zoning designation to Residential R-3 use be and the same is hereby directed to be submitted to a vote of the qualified electors of the City at the Primary Election to be held on the 5th day of May, 2009, at the regular places of polling in said municipality between the hours designated by the Summit County Board of Elections.

**SECTION II:** That the for the purpose of presentation on the ballot the issue presented herein shall be synopsised as follows:

SHALL ORDINANCE 02-2009 REZONING 64.411 ACRES OF LAND LOCATED ALONG LIBERTY ROAD IN THE CITY OF TWINSBURG FROM CURRENT TWINSBURG TOWNSHIP ZONING TO CITY OF TWINSBURG RESIDENTIAL R-3 ZONING DISTRICT BE ADOPTED?

FOR

AGAINST

**SECTION III:** That in the event the foregoing ordinance is approved in accordance with Section 7A.01 of the Charter of the City by a majority of all votes cast of the qualified electors of the City and by a majority of those votes cast in the Ward in which said property is located said ordinance shall become effective at the earliest period permitted by law.

**SECTION IV:** That the Clerk be, and she hereby is, directed to give public notice of the time and place of the holding of such election by publication of such notice

at least ten (10) days prior to the day of such election in a newspaper published and of general circulation in said City.

**SECTION V:** That the Clerk be, and she hereby is, ordered to give notice of such pending and proposed amendment by publishing or mailing according to law.

**SECTION VI:** That the Clerk be, and she hereby is, directed to certify a copy of this Resolution to the Board of Elections of Summit County on or before February 19, 2009. That this Resolution be, and hereby is, determined sufficient authority upon filing with the Summit County Board of Elections to cause that government body to proceed to place the herein prescribed proposed Rezoning Issue upon the Twinsburg City ballot at the May 5, 2009 Primary Election, and that such authority be deemed granted to the Board upon receipt of a certified copy of this Ordinance from the Clerk of Council.

**SECTION VII:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meeting or meetings of this Council, and that all deliberations of this Council were in meetings open to the public and in full compliance with all legal requirements, including without limitations, those set forth in Section 121.22 of the Ohio Revised Code.

**SECTION VIII:** That this Resolution is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety welfare and convenience of the citizens of the City of Twinsburg, and for the additional reason that it is necessary to expedite this measure to the Board of Elections, and it shall take effect immediately upon its passage and approval of the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Steve Murphy, President of Council

Submitted to the Mayor for approval this  
\_\_\_\_\_ day of \_\_\_\_\_, 2009

Approved by the Mayor \_\_\_\_\_, 2009

\_\_\_\_\_  
Katherine A. Procop, Mayor

ATTEST:

\_\_\_\_\_  
Marie K. Weaver  
Clerk of Council

1<sup>st</sup> Rdg. \_\_\_\_\_  
2<sup>nd</sup> Rdg. \_\_\_\_\_  
3<sup>rd</sup> Rdg. \_\_\_\_\_

Passed: \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_

**CERTIFICATE OF POSTING**

I, Marie K. Weaver, Clerk of Council, of the City of Twinsburg, State of Ohio, do hereby certify that publication of the foregoing ordinances, resolutions was duly made by posting true copies thereof at five of the most public places in said City as determined by Section 113.02 of the Codified Ordinances of the City of Twinsburg; each for a period of fifteen days commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

\_\_\_\_\_  
Marie K. Weaver  
Clerk of Council  
City of Twinsburg