

**VILLAGE OF YELLOW SPRINGS
RESOLUTION #2006-35**

CONSENTING TO THE ANNEXATION TO THE VILLAGE OF YELLOW SPRINGS, OHIO OF CERTAIN TERRITORY PROPOSED TO BE ANNEXED TO THE VILLAGE OF YELLOW SPRINGS, OHIO PURSUANT TO A PETITION FILED WITH THE BOARD OF COUNTY COMMISSIONERS OF GREENE COUNTY BY HAROLD EDWARD FOGG, CO-TRUSTEE OF THE LUCY VAN NESS LIVING TRUST AND EQUITY TRUST COMPANY CUSTODIAN FBO WARREN D. MILLER IRA, BRADLEY C. SMITH, ESQ., AGENT, AS PROVIDED BY OHIO REVISED CODE SECTION 709.023(D).

WHEREAS, Harold Edward Fogg, Co-Trustee of the Lucy Van Ness Living Trust and Equity Trust Company Custodian FBO Warren D. Miller IRA, by and through their agent, Bradley C. Smith, Esq. (collectively, "Petitioner"), have filed with the Board of Commissioners of Greene County, Ohio, a petition to annex to the Village of Yellow Spring, Ohio, 39.180 acres of land more or less, in Miami Township, Ohio (the "Territory"); and

WHEREAS, Ohio Revised Code Section 709.023(D) provides that the legislative authority of the Village may adopt an ordinance or resolution consenting to the annexation of the Territory.

WHEREAS, it is the intent of the Village Council to respond accordingly.

NOW, THEREFORE, THE COUNCIL OF THE VILLAGE OF YELLOW SPRINGS, OHIO HEREBY RESOLVES THAT:

Section 1. The Village of Yellow Springs, Ohio hereby consents to the annexation of the Territory.

Section 2. The Clerk is hereby directed to forward a copy of this resolution to the Board of Greene County Commissioners.

Section 3. This Resolution will be in effect and in full force for as soon as permitted by law to satisfy the requirements set forth in Ohio Revised Code Section 709.023.

Jocelyn Hardman, President of Council

Passed: October 16, 2006

Attest: _____
Deborah Benning, Clerk of Council

Roll Call:

Jocelyn Hardman Yes Karen Wintrow Yes Bruce Rickenbach Yes

Judith Hempfling Absent Kathryn Chase Yes

