

**CITY OF SOUTH LEBANON, OHIO
ORDINANCE NO. 2021-31**

**AN ORDINANCE ACCEPTING THE ANNEXATION OF 10.5383 ACRES
IN HAMILTON TOWNSHIP, WARREN COUNTY, OHIO TO THE CITY OF
SOUTH LEBANON, OHIO AND DECLARING AN EMERGENCY**

WHEREAS, a petition for annexation of approximately 10.5383± acres in Hamilton Township, Warren County to the Village of South Lebanon described in attached Exhibit A and shown on the map or plat attached as Exhibit B was filed with the Warren County Commissioners on July 1, 2021. The petition followed the expedited type 2 annexation process provided for in Ohio Revised Code Section 709.023; and

WHEREAS, the petition was signed by all of the owners of real estate in the unincorporated territory of the township proposed for annexation; and

WHEREAS, by resolution adopted on July 27, 2021, the Board of County Commissioners of Warren County, Ohio approved the annexation of that 10.5383± acres in Hamilton Township to the Village of South Lebanon, Ohio; and

WHEREAS, the clerk of the Warren County Board of County Commissioners had a certified copy of the record of the annexation proceedings, including all resolutions of the Board held in connection with the 10.5383 ± acre annexation, delivered to the Fiscal Officer on August 16, 2021; and

WHEREAS, more than sixty (60) days from the date of delivery of the record of the annexation proceedings to the City (formerly Village) has elapsed in accordance with provisions of Section 709.04 of the Ohio Revised Code and the Fiscal officer has now laid the resolution of the Warren County Commissioners granting the annexation and the annexation papers before Council at this next regular scheduled meeting to accept or reject the petition for annexation; and

WHEREAS, it is the desire of the owners, and in the interest of the City (formerly Village), that all municipal ordinances and powers be immediately effective in the annexed territory, that City services be immediately available to the territory and that the territory immediately be within the City so that the City can begin providing services and

for the preservation of the public peace, health, safety and welfare of the annexation territory, the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Lebanon, Ohio, at least two-thirds of all members elected thereto concurring:

Section 1. The annexation of 10.5383± acres described in Exhibit A and shown on the map or plat labeled Exhibit B previously approved by the Warren County Board of County Commissioners by Resolution on July 27, 2021 be and is hereby accepted by the City.

Section 2. The Fiscal Officer is hereby directed to make three copies containing the petition, the map or plat accompanying the petition, a transcript of the proceedings of the Board of County Commissioners, and resolutions and ordinances in relation to the annexation, including this Ordinance. The Fiscal Officer shall then deliver one certified copy to the Warren County Recorder for recording it in the recorder's official records. The other two copies shall be certified by the Fiscal Officer and forwarded to the Ohio Secretary of State and the Warren County Auditor. The Fiscal Officer shall pay any associated fees and costs and to take any other action required by statute.

Section 3. The Fiscal Officer is further directed notify the Warren County Board of Elections of the changes in the boundaries of the City in writing which shall include a certified copy of this Ordinance with its attached exhibits, including the legal description and annexation plat, within thirty (30) days of the adoption of this Ordinance.

Section 4. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 5. This measure is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 that is necessary for the immediate preservation of the public peace, health, safety or welfare of the City and its residents for the reason the annexation territory has an immediate need for City services, the owners of the annexation territory desire to have the property immediately subject to the City's authority and for City services immediately available to the property. In addition, it is in the interest of the City and its residents and inhabitants to have its municipal ordinances, powers and services immediately applied throughout the municipality without

delay, including in newly annexed territories; and this Ordinance shall be in full force and effect immediately upon its passage.

Section 6. That it is found and determined that all formal actions of the Council concerning and relating to passing this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this 21st day of October, 2021.

Attest: _____

Petrina D. Williams, Fiscal Officer

James D. Smith, Mayor

Rules Suspended: ☒ 2/2021 (if applicable)

Effective Date – / /2021

Vote - 6 Yeas
_____ Nays

First Reading – / /2021
Second Reading – / /2021
Third Reading – / /2021

Effective Date – / /2021

Vote - _____ Yeas
_____ Nays

Approved as to form:

ANDREW P. MEIER
SOLICITOR
SOUTH LEBANON, OHIO

By: _____

Date: 10/21 /2021

RECEIVED

EXHIBIT "A"

2021 JUL -1 PM 3:16

WARREN COUNTY
COMMISSIONERS



Abercrombie
& Associates, Inc.

Civil Engineering + Surveying

FEBRUARY 12, 2021
REVISED FEBRUARY 24, 2021
REVISED JUNE 30, 2021

**LEGAL DESCRIPTION
AREA TO BE TRANSFERRED
10.5383 ACRES**

SITUATE IN MILITARY SURVEY #1546, HAMILTON TOWNSHIP, WARREN COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING MAG NAIL IN THE CENTERLINE OF ZOAR ROAD AT THE NORTHEAST CORNER OF WYNSTEAD SECTION 3 AS RECORDED IN PLAT BOOK 94, PAGES 39 & 40 OF THE WARREN COUNTY, OHIO RECORDS; THENCE LEAVING THE CENTERLINE OF ZOAR ROAD, ALONG THE EASTERLY LINE OF SAID WYNSTEAD SECTION 3, SOUTH 07°44'30" WEST, 1,050.01 FEET TO AN EXISTING IRON PIN AND CAP AT THE SOUTHWEST CORNER OF THE PROPERTY AS CONVEYED TO MARY JO CREEDON (29.20 ACRES-DEED) IN OFFICIAL RECORD 746, PAGE 885 OF THE WARREN COUNTY, OHIO RECORDS AND THE REAL PLACE OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE LEAVING THE EASTERLY LINE OF SAID WYNSTEAD SECTION 3, ALONG THE SOUTHERLY LINE OF SAID CREEDON TRACT, SOUTH 89°23'22" EAST, 710.26 FEET TO AN EXISTING 1" IRON PIN AT THE NORTHWEST CORNER OF THE PROPERTY AS CONVEYED TO REBECCA EHLING (2.5655 ACRES-DEED) IN DOCUMENT NUMBER 2020-048993 OF THE WARREN COUNTY, OHIO RECORDS, THENCE LEAVING THE SOUTHERLY LINE OF SAID CREEDON TRACT, ALONG THE WESTERLY LINE OF SAID EHLING TRACT, SOUTH 07°38'34" WEST, 299.80 FEET TO A SET 5/8" IRON PIN AND CAP (#7862) AT THE SOUTHWEST CORNER OF SAID EHLING TRACT AND BEING THE NORTHWEST CORNER OF THE PROPERTY AS CONVEYED TO PHILIP J. AND MARY C. EHLING (3.3485 ACRES-DEED) IN DOCUMENT NUMBER 2019-032645 OF THE WARREN COUNTY, OHIO RECORDS; THENCE LEAVING THE SOUTHERLY LINE OF THE FIRST MENTIONED EHLING TRACT, ALONG THE WESTERLY LINE OF THE LAST MENTIONED EHLING TRACT, SOUTH 08°17'41" WEST, 213.54 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE LEAVING THE WESTERLY LINE OF SAID EHLING TRACT, ALONG A NEW DIVISION LINE, THE FOLLOWING THREE COURSES

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AND DISTANCES, SOUTH 83°51'13" WEST, 194.69 FEET TO A SET 5/8" IRON PIN AND CAP (#7862); THENCE SOUTH 59°57'43" WEST, 510.05 FEET TO A SET 5/8" IRON PIN AND CAP (#7862) AND NORTH 81°49'57" WEST, 116.92 FEET TO A SET 5/8" IRON PIN AND CAP (#7862) IN THE EASTERLY LINE OF WYNSTEAD SECTION 5, PHASE A AS RECORDED IN PLAT BOOK 97, PAGES 92 & 93 OF THE WARREN COUNTY, OHIO RECORDS; THENCE ALONG THE EASTERLY LINE OF SAID WYNSTEAD SECTION 5, PHASE A AND THE AFOREMENTIONED WYNSTEAD SECTION 3, NORTH 08°10'03" EAST, 783.51 FEET TO THE PLACE OF BEGINNING.

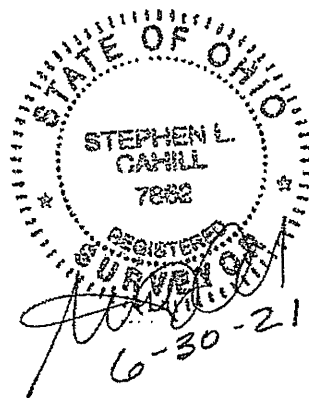
THUS CONTAINING 10.5383 ACRES OF LAND AND BEING SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

THE ABOVE DESCRIBED REAL ESTATE IS PART OF THE 42.105 ACRES AS CONVEYED TO ARCHBISHOP JOSEPH L. BERNARDIN AS RECORDED IN DEED BOOK 449, PAGE 159 OF THE WARREN COUNTY, OHIO RECORDS.

BEARINGS USED IN THIS LEGAL DESCRIPTION ARE RELATIVE TO NAD-83, OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE BASED ON VRS-GPS OBSERVATIONS AND WARREN COUNTY, OHIO GEODETIC CONTROL MONUMENTS.

BEING THE RESULT OF A SURVEY AND PLAT DATED 02/09/21 (LAST REVISED 02/22/21) MADE BY STEPHEN L. CAHILL, PLS OF ABERCROMBIE & ASSOCIATES, INC, OHIO REGISTERED SURVEYOR #7862.

THE SURVEY PLAT OF WHICH IS FILED IN VOLUME _____, PLAT NO. _____ WHICH IS FILED IN THE WARREN COUNTY ENGINEER'S RECORD OF LAND SURVEYS.



FILE:20-0059.LD2-10.5383AC

