

**CITY OF SOUTH LEBANON, OHIO
ORDINANCE NO. 2023-03**

**AN ORDINANCE ACCEPTING THE ANNEXATION OF 1.003 ACRES
IN UNION TOWNSHIP, WARREN COUNTY, OHIO TO THE CITY OF SOUTH
LEBANON, OHIO AND DECLARING AN EMERGENCY**

WHEREAS, a petition for annexation of approximately 1.003± acres in Union Township, Warren County to the City 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 October 19, 2022. 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 November 29, 2022, the Board of County Commissioners of Warren County, Ohio approved the annexation of that 1.003± acres in Union Township to the City 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 1.003± acre annexation, delivered to the Fiscal Officer on December 2, 2022; and

WHEREAS, more than sixty (60) days from the date of delivery of the record of the annexation proceedings to the City 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, 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 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 1.003± 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 November 29, 2022 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 2nd day of February, 2023.

Attest: 
Petrina D. Williams, Fiscal Officer


James D. Smith, Mayor

Rules Suspended: 2/2/2023 (if applicable)

Effective Date – 2/2/2023

Vote - 5 Yeas
_____ Nays

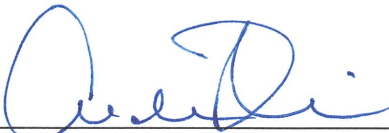
First Reading – / /2023
Second Reading – / /2023
Third Reading – / /2023

Effective Date – / /2023

Vote - _____ Yeas
_____ Nays

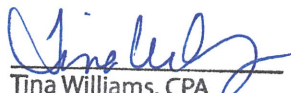
Approved as to form:

ANDREW P. MEIER
CITY SOLICITOR
SOUTH LEBANON, OHIO

By: 
Date: 2/2/2023

CERTIFICATE OF POSTING

I, Tina Williams, CPA, Fiscal Officer of the City of South Lebanon, Ohio do hereby certify I posted a true and accurate copy of this ordinance or resolution, summary of ordinance or resolution, or statement, order, proclamation, notice or report, at five public places within the City as authorized by Section 731.25 of the Ohio Revised Code and Ordinance 98-08 of the City of South Lebanon, Ohio

2/3/23 
Date Tina Williams, CPA
Fiscal Officer
City of South Lebanon, Ohio