

**CITY OF SOUTH LEBANON, OHIO
ORDINANCE NO. 2023-13**

**AN ORDINANCE ACCEPTING THE ANNEXATION OF 7.0165 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 7.0165± 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 February 3, 2023. 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 owners of real estate in the unincorporated territory of the township proposed for annexation; and,

WHEREAS, by resolution adopted on March 7, 2023, the Board of County Commissioners of Warren County, Ohio approved the annexation of 7.0165± 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 7.0165± acre annexation, delivered to the Fiscal Officer on March 17, 2023; 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 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, at least two-thirds of all members elected thereto concurring:

Section 1. The annexation of 7.0165± 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 March 7, 2023, 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 to 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,

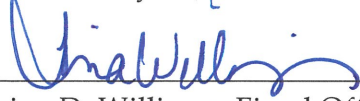
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powers and services immediately applied throughout the municipality without delay, including in newly annexed territories; and this Ordinance shall be in full force and effect immediately upon its passage.

Section 6. That it is found and determined that all formal actions of the Council concerning and relating to passing this Ordinance 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 1st day of June, 2023.

Attest: 
Petrina D. Williams, Fiscal Officer/Clerk


James D. Smith, Mayor

Rules Suspended: 6/1/2023 (if applicable)

Effective Date – 6/1/2023

Vote - 6 Yeas

____ Nays

First Reading – / /2023

Effective Date – / /2023

Second Reading – / /2023

Third Reading– / /2023

Vote - ____ Yeas

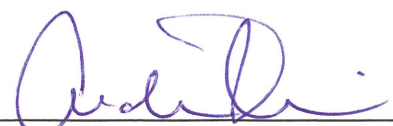
____ Nays

Prepared by and approved as to form:

ANDREW P. MEIER

CITY SOLICITOR

SOUTH LEBANON, OHIO

By: 

Date: 6/1/2023

DESCRIPTION FOR: CITY OF SOUTH LEBANON

LOCATION: HUDAWN ANNEXATION
7.0165 Acres

Situate in Union Township, Warren County, Ohio and being all of the 6.107 acre and 0.496 acre parcels as described and conveyed to 1770 MMM, LLC by deed recorded in Document Number 2015-002400 (all records of the Warren County, Ohio Recorder's Office) and including the 0.3340 acres of Lot 1 of River Creek Lofts Subdivision, as shown and recorded in Plat Book 102, Page 61, that lies within the existing public right-of-way of Mason-Morrow-Millgrove Road as granted to the State of Ohio by easement in D.B. 336, P. 317 and also including (0.079471) 0.0795 acres dedicated 30' half public right-of-way of Mason Morrow Road, as shown and recorded in Plat Book 10, Page 85;

Beginning at a point in the existing corporation line of the City of Lebanon, located at the intersection of the centerline of Mason-Morrow-Millgrove Road (County Road No. 38) with the westerly right-of-way line of 6.821 acres (former Penn-Central Railroad parcel) conveyed to the City of Lebanon by deed recorded in Official Record 3502, Page 957 and also being the northerly corner of said (0.079471) 0.0795 acres dedicated public right-of-way in Plat Book 10, Page 85;

Thence along said corporation line of the City of Lebanon, with the easterly line of said dedicated right-of-way, South 41°24'00" East, 31.81 feet to the existing corporation line of the City of South Lebanon at the northerly corner of Lot 1 of River Creek Lofts Subdivision, shown and recorded in Plat Book 102, Page 61;

Thence along said corporation line of the City of South Lebanon, along the southerly line of said dedicated right-of-way and along a northerly line of said Lot 1, South 68°00'00" West, 110.03 feet to a point in the south line of a right-of-way and easement granted to the State of Ohio by deed recorded in Deed Book 336, Page 317;

Thence, continuing along said corporation line of the City of South Lebanon, along lines of said State of Ohio right-of-way and easement through said Lot 1, South 64°32'54" West, 120.98 feet and South 74°03'44" West, 192.50 feet to the westerly line of said Lot 1;

Thence, along said westerly line of said Lot 1, North 42°35'40" West, 53.41 feet to a south line of aforesaid 6.107 acre parcel conveyed to 1770 MMM, LLC;

Thence, along lines of said 6.107 acre parcel, South 74°02'00" West, 73.27 feet and North 81°42'15" West, 85.12 feet to the east corner of aforesaid 0.496 acre parcel conveyed to 1770 MMM, LLC and northerly right-of-way line of relocated Mason-Morrow-Millgrove Road as shown on plans for the Columbus-Cincinnati Expressway (State Route 1, Section 5.72) Project I-71-1(8)-29;

Thence with lines of said 0.496 acre parcel, the following four (4) courses and distances:

- 1.) Along said northerly right-of-way line, South 68°23'05" West, 106.55 feet;
- 2.) Continuing along said northerly right-of-way line, South 52°22'16" West, 135.13 feet;
- 3.) North 38°34'32" West, 141.66 feet to the limited access right-of-way line of said Columbus-Cincinnati Expressway (I-71);
- 4.) Along said limited access right-of-way line, North 42°13'25" East, 64.59 feet to the west corner of aforesaid 6.107 acre parcel conveyed to 1770 MMM, LLC;

Thence, with lines of said 6.107 acre parcel, the following four (4) courses and distances:

- 1.) Continuing along said limited access right-of-way line and northwesterly line of said 6.107 acre parcel, with an arc deflecting to the right, having a central angle of 4°06'08", a radius of 12087.67 feet and a length of 865.43 feet. The chord of said arc bears North 42°58'10" East, 865.24 feet to the existing corporation line of the City of Lebanon and the westerly line of 4.799 acres (former Penn-Central Railroad parcel) conveyed to the City of Lebanon by deed recorded in Official Record 504, Page 641;
- 2.) Along said corporation line and westerly line of said City of Lebanon, South 21°26'10" East, 185.51 feet;
- 3.) Continuing along said corporation line and a westerly line of the City of Lebanon, with an arc deflecting to the left, having a central angle of 6°22'35", a radius of 2324.83 feet and a length of 258.72 feet. The chord of said arc bears South 24°36'50" East, 258.59 feet to the north corner of 0.155 acres conveyed to Almar Investments, LLC by deed recorded in Official Record 4260, Page 510;
- 4.) With the westerly line of said 0.155 acre parcel, South 06°12'15" West, 156.95 feet to the aforesaid centerline of Mason-Morrow-Millgrove Road (County Road No. 38) and north line of aforesaid (0.079471) 0.0795 acres dedicated in Plat Book 10, Page 85;

Thence, along said centerline and north line of said dedication, North 68°00'00" East, 73.76 feet to the point of beginning.

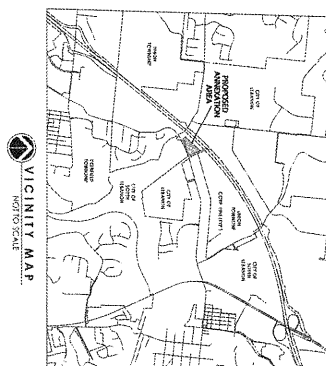
Containing 7.0165 acres, more or less, of land.

Subject to all legal highways, easements and restrictions of record.

The above description is the result of a Plat of Annexation by McGill Smith Punshon, Inc. under the direction of Richard D. Nichols, P.S. No. 7929, dated the 18th of April 2022. The bearings in the above description are based on the description for Parcel II as conveyed to 1770 MMM, LLC by deed recorded in Document Number 2015-002400, record of the Warren County, Ohio Recorder's Office.

Prepared by: McGill Smith Punshon, Inc.
Date: 18 APR 2022
MSP No.: 06308.24

06308243-CLI-LEG-Hudawn Parcels



- Engineering
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