

**CITY OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2023-09**

**A RESOLUTION INDICATING THE MUNICIPAL SERVICES TO BE PROVIDED
TO 7.0165± ACRES OF REAL PROPERTY PROPOSED TO BE ANNEXED TO THE
CITY OF SOUTH LEBANON, OHIO, FROM UNION TOWNSHIP, WARREN
COUNTY, AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to R.C. 709.023, real estate consisting of 7.0165 acres of real property was identified in a petition for annexation (“HuDawn Annexation”) filed with the Board of County Commissioners of Warren County, Ohio, on February 3, 2023, notice of such filing which, along with a copy of the petition, its attachments and documents accompanying the petition as filed, were duly served upon the City of South Lebanon as prescribed by law, and are on file with the City Fiscal Officer/Clerk; and

WHEREAS, R.C. 709.023(C) and R.C. 709.023(E)(6) provides that the municipality to which any such land is proposed to be annexed shall indicate those services it will provide to such land and an approximate date by which it will provide them to the territory proposed for annexation upon annexation; and

WHEREAS, R.C. 709.023(C) requires council to adopt a resolution indicating such services within twenty (20) days after the date the petition is filed; and

WHEREAS, immediate action is required to assure this resolution is adopted and submitted to the Board of County Commissioners within the timeframe specified in the Ohio Revised Code, and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

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

Section 1. In the event the above-referenced 7.0165 acres of real property known as the “HuDawn Annexation” are annexed to the City of South Lebanon from Union Township, Warren County, Ohio, the City of South Lebanon will provide the entire annexed territory with the following services: police protection, snow and ice removal, zoning, a planning and zoning department with the full range of services including review, permit, inspection and developmental services, and waste collection. These services shall be available and provided when the City of South Lebanon’s resolution or ordinance accepting the annexation becomes final as provided by law. Services will be provided by the City of South Lebanon to the

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annexation territory on the same terms and conditions and subject to the rates, rules and regulations established by City ordinances including the codified ordinances of the City of South Lebanon as they are provided to properties located within the City of South Lebanon. A copy of the map or plat and legal description of the annexation territory is attached to this Resolution.

Section 2. The annexation territory includes property owned in fee by annexation petitioners underlying Mason-Morrow-Millgrove rights of way. To the extent that any street or highway will be divided or segmented by the boundary line between Union Township and the City of South Lebanon as to create a road maintenance problem, the City of South Lebanon agrees to and shall assume the maintenance of that street or highway or otherwise correct the problem.

Section 3. The Council of the City of South Lebanon supports the HuDawn Annexation.

Section 4. The Clerk is directed to provide a certified copy of this Resolution to the Board of County Commissioners of Warren County, Ohio for filing within 20 days of the date the HuDawn Annexation was filed with the Warren County Board of County Commissioners.

Section 5. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

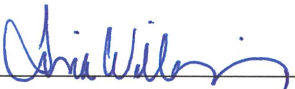
Section 6. That this Resolution is hereby declared to be an emergency measure in accordance with R.C. 731.30 for the immediate preservation of the public peace, health, safety and general welfare; and this Resolution shall be in full force and effective immediately upon its passage.


Section 7. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including R.C. 121.22.

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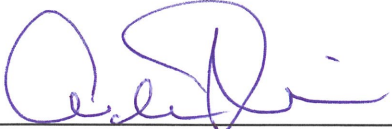
Adopted this 16th day of February, 2023.

Attest: 
Petrina D. Williams, Fiscal Officer/Clerk


James D. Smith, Mayor

Rules Suspended: <u>2/16/2023</u> (if applicable)	Effective Date - <u>2/16/2023</u>
Vote - <u>5</u> Yeas ___ Nays	
First Reading - / /2023 Second Reading - / /2023 Third Reading - / /2023	Effective Date - / /2023
Vote - ___ Yeas ___ Nays	

Prepared by and approved as to form:
ANDREW P. MEIER
CITY SOLICITOR
SOUTH LEBANON, OHIO

By: 
Date: 2/16/2023