

VILLAGE OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2017-49

**A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO SIGN
A PRE-ANNEXATION AGREEMENT WITH IRWIN FAMILY LIVING TRUST,
AND DECLARING AN EMERGENCY**

WHEREAS, the Irwin Family Living Trust is the current owner of 727 Grandin Road containing 65.701 acres in Hamilton Township, Warren County, Ohio, (Sidwell# 16-05-100-001); and

WHEREAS, the Irwin Family Living Trust is requesting to annex to the Village of South Lebanon; and

WHEREAS, immediate action is required to expedite filing of annexation documents with the Warren County Board of Commissioners, and such action is necessary in order to preserve the public peace, health, safety or welfare of the Village.

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

Section 1. The Village Council does hereby authorize the Mayor and Fiscal Officer to execute the attached Agreement, as approved as to form by the Village Solicitor, attached hereto and incorporated by reference.

Section 2. That the Council is acting in its administrative capacity in passing this Resolution.

Section 3. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 4. That this Resolution is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 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 5. 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 September, 2017.

Attest: Nicole Armstrong
Nicole Armstrong, Fiscal Officer/Clerk

James D. Smith
James D. Smith, Mayor

Rules Suspended: 9/21 2017 (if applicable) Effective Date – / /2017

Vote - 5 Yeas
_____ Nays

First Reading – / /2017

Effective Date – / /2017

Second Reading – / /2017

Third Reading – / /2017

Vote - _____ Yeas
_____ Nays

Prepared by and approved as to form:

PAUL R. REVELSON
VILLAGE SOLICITOR
SOUTH LEBANON, OHIO

By: _____

Date: 9/21 /2017

AGREEMENT

This Agreement made and entered into on this 18th day of August, 2017, by and between the Village of South Lebanon, Ohio, an Ohio municipality ("South Lebanon") and Irwin Family Living Trust ("the Owner") for the purpose of providing certain municipal services to real estate owned by the Irwin Family Living Trust (the "Irwin Property") which real estate is more particularly described in "Schedule 1" attached hereto.

WHEREAS, the Owner seeks to obtain municipal services for the Irwin Property on a site near South Lebanon's service area which is currently outside the South Lebanon corporate limits; and

WHEREAS, South Lebanon requires that new users of South Lebanon municipal services be located within the corporate limits; and

NOW, THEREFORE, in consideration of the covenants and agreements herein contained to be performed by the parties hereto, it is agreed by South Lebanon and the Owner as follows:

(1) **Annexation:**

(A) The Owner shall petition for annexation of all or part of the Irwin Property to South Lebanon at such time as South Lebanon may request annexation of all or part of the Irwin Property. The Owner shall, within thirty (30) days following receipt of any written request for annexation from South Lebanon, cause a petition to be filed with the Warren County Board of Commissioners requesting annexation to South Lebanon and will support such petition in any and all proceedings before the Warren County Board of Commissioners and such other actions and/or proceedings as may be necessary to accomplish annexation of all or part of the Irwin Property to South Lebanon.

(B) The Owner may petition for annexation of all or part of the Irwin Property to South Lebanon at any time they deem annexation appropriate and South Lebanon will support the petition in any and all proceedings before the Warren County Board of Commissioners and such other actions and/or proceedings as may be necessary to accomplish annexation of all or part of the Irwin Property to South Lebanon.

(2) **Commitments by South Lebanon**

The Irwin Property (now in Hamilton Township) is currently zoned M-1 Light Industry Zone. South Lebanon agrees that, upon annexation to South Lebanon and upon request of the Owner, the recommendation for zoning of the Irwin Property shall be for the R-3 Residential Single and Multi-Family District.

(3) **Binding Effect**

This Agreement shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto.

(4) **Counterparts**

This Agreement may be executed in any number of counterparts, each of which when executed and delivered shall be an original, but all such counterparts shall constitute one and the same instrument.

(5) **Wording**

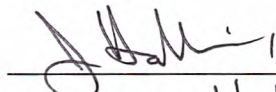
Any word used in this Agreement shall be construed to mean either singular or plural as indicated by the number of signatures hereto.

(6) **Construction/Entire Agreement**

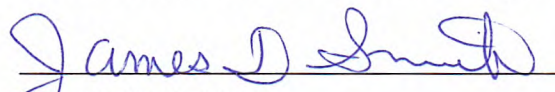
This Agreement shall be construed and enforced in accordance with the laws of the State of Ohio. This Agreement shall constitute the entire agreement of South Lebanon and the Irwin Family Living Trust and no oral, verbal or implied agreement or understanding shall cancel, modify or vary the terms of this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed the day and year first written above.

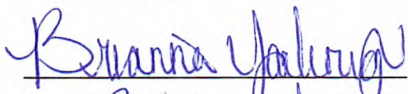
WITNESS:


Name Jerry Haddix

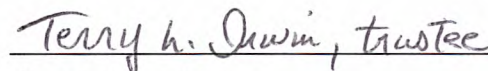
VILLAGE OF SOUTH LEBANON, OHIO


James D. Smith, Mayor

WITNESS:


Name Brianna Yarbrough

IRWIN FAMILY LIVING TRUST


Terry L. Irwin, Trustee

TRANSFERRED

JUL 22 2016

SEC.319.902 COMPLIED WITH
MATT NOLAN, Auditor
WARREN COUNTY, OHIO

Both Parcel Numbers
SURVEY REQD.
FOR FURTHER TRANSFER
WARREN COUNTY MAP DEPT.
DATE 07-22-16
BY Robert A. [Signature] (BF)
BEGINNING POINT

Parcel No. 16-05-100-001
Parcel No. 16-11-200-010

67 WCEO
BF
Map Dept. 22

727 Grandin Road
Maineville, OH 45039



8 2 5 9 1 2 4

Tx:4206246

LINDA ODA

WARREN COUNTY RECORDER

2016-020785

DEED

07/22/2016 12:56:29 PM

REC FEE: 28.00 PGS: 2

PIN:

FIDUCIARY DEED

KNOW ALL MEN BY THESE PRESENTS:

TERRY IRWIN, SUCCESSOR TRUSTEE of the ERNEST M. IRWIN TRUST, dated December 19, 1989, as amended, Grantor, for value received paid, grants with fiduciary covenants to TERRY L. IRWIN, TRUSTEE and LEA F. IRWIN, TRUSTEE of the IRWIN FAMILY LIVING TRUST, dated July 18, 2016, whose tax-mailing address is 727 Grandin Road, Maineville, Ohio 45039, all of its right, title, and interest in the following described real estate, to-wit:

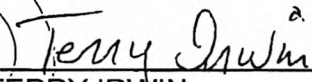
Situated in the Township of Hamilton, in the County of Warren and State of Ohio, and being part of Military Survey Nos. 1547 and 1548 between the Little Miami and Scioto Rivers and on the waters of the former, beginning at a stone South West corner to John P. Grandin's farm in Jacob Snider's north line; thence with Grandin's West line N. $2\frac{1}{2}^{\circ}$ West 122 poles to a stone for corner to said Grandin's in James McFerrin's South line; thence with his line S. $87\frac{1}{2}^{\circ}$ West 101 poles to a stone in County Road corner to Joseph Striker; thence with his line in road S. $2\frac{1}{2}^{\circ}$ E. 122 poles to a stone in Jacob Snider's north line; thence N. $87\frac{1}{2}^{\circ}$ E. 101 poles with Snider's north line, to the place of beginning, containing Seventy-seven (77) acres.

Save and except 12.75 acres in the North West corner of said Survey 1548 recorded in Deed Book 101, page 152, Warren County Deed Records conveyed on November 16th, 1915, by Robert Brandenburg to Samuel M. Hudson. Leaving for that part hereby conveyed a tract of 64.25 acres more or less.

Excepting taxes and assessments, if any, due and payable in January, 2017 and thereafter which the Grantee herein assumes and agrees to pay.

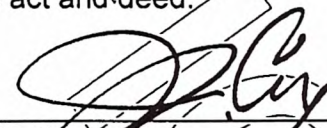
PRIOR INSTRUMENT REFERENCE: Book 1174, Page 128 of the Warren County, Ohio Deed Records.


Executed by TERRY IRWIN, Successor Trustee of the ERNEST M. IRWIN TRUST, dated December 19, 1989, as amended, on this 19th day of July, 2016.


TERRY IRWIN
Successor Trustee of the ERNEST M. IRWIN TRUST, dated December 19, 1989

STATE OF OHIO, COUNTY OF CLERMONT, SS:

The foregoing instrument was acknowledged before me on the 19th day of July, 2016 by TERRY IRWIN, Successor Trustee of the ERNEST M. IRWIN TRUST, dated December 19, 1989, amended, as his free act and deed.


Lance S. Cox
Notary Public, State of Ohio
My Commission has no Expiration Date
Section 147.03 ORC


This instrument was prepared for
TERRY IRWIN, Successor Trustee of
The ERNEST M. IRWIN TRUST,
Dated December 19, 1989, as amended
By: Lance S. Cox, Attorney at Law, (#0024000)
LANCE S. COX CO., L.P.A.
480 Ohio Pike
Cincinnati, OH 45255
(513) 528-6000