

VILLAGE OF SOUTH LEBANON, OHIO  
RESOLUTION NO. 2017-50

**A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO SIGN  
A PRE-ANNEXATION AGREEMENT WITH DEBORAH L. HAMER WILLIAMS,  
AND DECLARING AN EMERGENCY**

**WHEREAS**, Deborah L. Hamer Williams is the current owner of 834 Grandin Road containing 4.01 acres in Hamilton Township, Warren County, Ohio, (Sidwell # 16-11-230-004); and

**WHEREAS**, Deborah L. Hamer Williams 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 21<sup>st</sup> day of September, 2017.

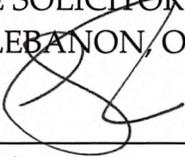
Attest: Nicole Armstrong  
Nicole Armstrong, Fiscal Officer/Clerk

James D. Smith  
James D. Smith, Mayor

Rules Suspended: <u>9/21</u> 2017 (if applicable)	Effective Date - / / 2017
Vote - <u>5</u> 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 18<sup>TH</sup> day of AUGUST, 2017, by and between the Village of South Lebanon, Ohio, an Ohio municipality ("South Lebanon") and Deborah L. Hamer Williams ("the Owner") for the purpose of providing certain municipal services to real estate owned by Deborah L. Hamer Williams (the "Hamer Property") which real estate is more particularly described in "Schedule 1" attached hereto.

**WHEREAS**, the Owner seeks to obtain municipal services for the Hamer 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 Hamer Property to South Lebanon at such time as South Lebanon may request annexation of all or part of the Hamer 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 Hamer Property to the South Lebanon.

(B) The Owner may petition for annexation of all or part of the Hamer 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 Hamer Property to South Lebanon.

(2) **Commitments by South Lebanon**

The Hamer Property (now in Hamilton Township) is currently zoned R-1 Rural Residence. Per Section 15.7.13(2) of the Village Zoning Code, South Lebanon agrees that, upon annexation to South Lebanon and upon request of the Owner, the recommendation for zoning of the Hamer Property shall be for the district most closely related to the existing zoning of the Hamer Property.

(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**

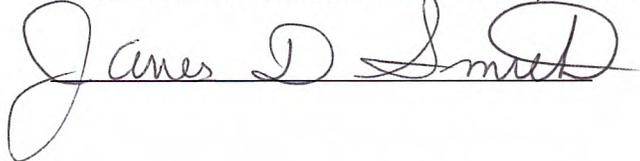
This Agreement shall be construed and enforced in accordance with the laws of the State of Ohio. This Agreement shall constitute the entire agreement of South Lebanon and Deborah L. Hamer Williams and no oral, verbal or implied agreement or understanding shall cancel, modify or vary the terms of this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

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

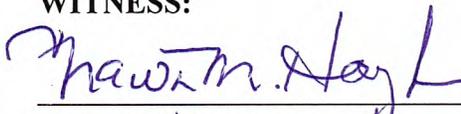
**WITNESS:**

  
Name: Jerry Haddix

**VILLAGE OF SOUTH LEBANON, OHIO**



**WITNESS:**

  
Name: Shawn M. Hayden  
8-18-17 Fifth Third Bank

**DEBORAH L. HAMER WILLIAMS**



UNRECORDED EXHIBIT A

~~Doc No 400805058~~

849 Grandin Road, Maineville, OH 45039

The following described real estate located in Warren County, Ohio:

Situated in Hamilton Township, Warren County, Ohio, and being a part of Military Survey No. 1547, and bounded and described as follows:

Beginning at an iron spike at the intersection of the Southwesterly line of Military Survey No. 1547 with the centerline of Grandin Road (County Road No. 150); thence, with the centerline of said Road and with the Southerly boundary line of a 44.639 acre tract, recorded in Deed Book 424, Page 4, of the Deed Records of said County, S. 89° 25' 00" E., 93.26 feet to an iron spike at the real point of beginning for the herein described Tract:

Running thence, from said real point of beginning, by a new division line through said 44.639 Acre Tract, N. 0° 3' 26" W. (passing an iron pin at 30.00 feet) a distance of 451.30 feet to an iron pin the Southerly boundary of a 33.780 Acre Tract, recorded in O.R. Volume 248, page 340, of the Official Records of said County; thence, with the Southerly boundary lines of said 33.780 Acre Tract, on the following courses: (1) N. 51° 31' 54" E. 72.35 feet to an iron pin; (2) N. 43° 42' 59" E. 135.76 feet to an iron pin; (3) N. 67° 01' 44" E. 230.99 feet to an iron pin; thence, by new division lines through said 44.639 Acre Tract, on the following courses: (1) S. 11° 05' 23" E. 229.53 feet to an iron pin; (2) S. 31° 27' 45" W. (passing an iron pin at 520.00 feet) a distance of 540.00 feet to an iron spike in the centerline of Grandin Road and in a Southerly boundary line of said 44.639 Acre Tract; thence, with said Road centerline and with said Southerly boundary line N. 89° 25' 00" W., 125.00 feet to the said real point of beginning, containing Four and Ten Thousands (4.010); Acres.

The above description is the result of a survey prepared by Hasselbring, Duane and Associated, Charles H. Huntley, Registered Surveyor No. 5630, dated December 3, 1985, recorded in Survey Volume 60, Plat 2.

Easement reserved for the benefit of Warren County the following described property for public road and utility purposes: 40 feet measured from the centerline of Grandin road by a parallel line across the front of said lot.

Parcel No: 16 11 230 004