CITY OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2024-20

A RESOLUTION INDICATING THE MUNICIPAL SERVICES TO BE PROVIDED TO 21.5659± 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 21.5659 acres of real property was identified in a petition for annexation ("Frank Snyder Park Area Annexation") filed with the Board of County Commissioners of Warren County, Ohio, on June 5, 2024, 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 Finance Director/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 21.5659 acres of real property known as the "Frank Snyder Park Area 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 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 Frank Snyder Park Area 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 Frank Snyder Park Area 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 Section 731.30 of the Ohio Revised Code 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 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 24th day of June 2024.

Linda S. Burke
Linda S. Burke, Mayor

Attest: Petrina Williams
Petrina D. Williams, Director of Finance/Clerk

Rules Suspended:	–	(if applicable)
First Reading:	6/20/24	
Second Reading:	6/24/24	
Vote:	4 Yeas – Nays	
Effective Date:	6/24/24	

Prepared by and approved as to form:

Andrew P. Meier
Law Director
City of South Lebanon, Ohio

DESCRIPTION FOR: **VILLAGE of SOUTH LEBANON ANNEXATION**

LOCATION: **"FRANK SNYDER PARK AREA" 21.5659 Acres**

Situate in Section 31, Town 5 East, Range 3 North, Union Township, Warren County, Ohio, and being 17.4259 acres of the 27.4190 acre premises conveyed to Board of Park Commissioners of the Warren County, Ohio Park District by deed recorded in Document Number 2021-039922 (all records of the Warren County, Ohio Recorder's Office) and 4.14 acres of the 4.37 acre premises conveyed to Charles D. Frank and Amy L. Snyder by deed recorded in Official Record 5623, Page 655 also being more particularly described as follows:

COMMENCING at the northeast corner of Lot 26 of Amburgy Subdivision as recorded in Plat Book 3, Page 26;

Thence, North 27°16'05" East, 36.55 feet and South 12°09'44" East, 198.18 feet to a northwesterly corner of aforesaid 27.4190 acre tract and west corner of a 16.1932 acre tract of land conveyed to John Kevin Spicer by deed recorded in Official Record 2211, Page 781;

Thence along the common lines of said 27.4190 acre and 16.1932 acre tracts, the following nine (9) courses and distances:

1.) South 58°16'04" East, 211.58 feet;
2.) South 51°21'45" East, 136.80 feet;
3.) South 33°10'25" East, 80.70 feet;
4.) South 77°18'01" East, 88.02 feet;
5.) North 70°27'48" East, 39.78 feet;
6.) North 53°55'50" East, 121.19 feet;
7.) North 68°11'28" East, 56.18 feet;
8.) South 89°31'07" East, 173.11 feet;
9.) South 69°42'07" East, 91.93 feet to the existing corporation line of the City of South Lebanon and **POINT OF BEGINNING** for this description;

Thence, from said **POINT OF BEGINNING**, continuing along common lines of said tracts, South 69°42'07" East, 116.06 feet and North 31°26'51" East, 475.25 feet to a south line of a 24.446 acre tract of land

conveyed to MHP Holdings- Little Miami Estates, Ltd. by deed recorded in Official Record 3520, Page 295 and said existing corporation line;

Thence, along the lines of said 24.446 acre tract and existing corporation line, the following five (5) courses and distances:

1.) South 54°28'00" East, 168.00 feet;
2.) North 02°46'10" East, 111.00 feet;
3.) South 77°39'30" East, 383.46 feet;
4.) North 04°27'00" East, 9.17 chains (605.22 feet);
5.) North 31°06'00" East, 210.38 feet to the 30' south right-of-way line of Mason-Morrow-Millgrove Road;

Thence, along the 30' south right-of-way line of said Mason-Morrow-Millgrove Road, the following three (3) courses and distances:

1.) South 33°40'00" East, 265.38 feet;
2.) South 45°50'17" East, 56.86 feet;
3.) Along an arc deflecting to the left, having a central angle of 15°05'54", a radius of 203.16 feet and a length of 53.54 feet. The chord of said arc bears South 53°23'13" East, 53.38 feet to a west line of a 5.922 acre tract of land conveyed to Little Miami, Inc. by deed recorded in Official Record 3754, Page 465;

Thence, along the west line of said 5.922 acre tract, South 33°40'00" East, 122.85 feet to the low water mark of the Little Miami River;

Thence, with the meanders of said Little Miami River, the following three (3) courses and distances:

1.) South 64°11'00" West, 2.88 chains (190.08 feet);
2.) South 38°44'00" West, 2.25 chains (148.50 feet);
3.) South 12°29'00" West, 3.47 chains (229.02 feet) to a point on a west bank of said river;

Thence, along said Little Miami River, South 06°12'00" West, 176.88 feet to the north corner of a 1.2288 acre tract of land conveyed to William A. Barnhart and Kathleen T. Barnhart by deed recorded in Official Record 4923, Page 366;

Thence, with the northwest line of said 1.2288 acre tract, South 33°33'19" West, 869.06 feet to a point on a northwest bank of said Little Miami River;

Thence, along lines of said Little Miami River, the following three (3) courses and distances:

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513.759.0004 ▪ Fax 513.563.7099 ▪ www.mspdesign.com

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1.) South 70°04′00″ West, 265.00 feet;
2.) North 89°14′00″ West, 259.38 feet;
3.) North 67°48′00″ West, 56.55 feet to the aforesaid existing corporation line of the City of South Lebanon;

Thence, along said existing corporation line, North 03°18′13″ East, 702.32 feet to the point of beginning.

Containing 21.5659 +/- acres of land.

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

The above description is the result of plat titled Plat of Annexation City of South Lebanon "Frank Snyder Park Area" prepared by McGill Smith Punshon, Inc. under the direction of Richard D. Nichols, P.S. No. 7929, dated the 5th of July 2023.

Bearings are based on subject property deeds of record (all records of the Warren county, Ohio Recorder's Office).

Annex does not include 0.230 acres that lay within the existing 30' south public right-of-way of Mason-Morrow-Millgrove Road (r/w varies) and part of parcel 13-31-200-004 conveyed to Charles D. Frank and Amy L. Snyder in Official Record 5623, Page 655.

The above description was prepared from existing deeds, plats and surveys of record, and is not the result of a field survey.

Prepared by:	McGill Smith Punshon, Inc.
Date:	05 JUL 2023
MSP No.:	06308.30

06308303-LEG-ANX-00

STATE OF OHIO
RICHARD D. NICHOLS
S-7929
REGISTERED
PROFESSIONAL SURVEYOR

10/11/2023

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