



**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

406 Justice Drive, Lebanon, Ohio 45036

www.co.warren.oh.us

commissioners@co.warren.oh.us

Telephone (513) 695-1250

Facsimile (513) 695-2054

TOM GROSSMANN

SHANNON JONES

DAVID G. YOUNG

GENERAL SESSION AGENDA

March 7, 2023

- #1** **Clerk — General**
- #2** **9:00** **Susanne Mason, Program Manager—Consider FY 2023 Community Development Block Grant Applications**
- #3** **9:15** **Consider Annexation Petitions**
7.0165 Acres to the City of South Lebanon – Expedited Type 2
107.403 Acres to the City of Franklin—Expedited Type 2
42.082 Acres to the City of Springboro—Expedited Type 1
- #4** **9:30** **Executive Session--Pursuant to ORC 121.22 (G)(8) to Consider Confidential Information Related to a Request for Economic Development Assistance Pertaining to Public Infrastructure Improvements in Cooperation with the City of Mason, Warren County Port Authority and State of Ohio (Unanimous Vote Required)**
- #5** **9:45** **Executive Session—Acquisition of Property**
- #6** **10:00** **Executive Session—Personnel Matters Relative to Hiring/Promotions within the Commissioners’ Office**

The Board of Commissioners’ public meetings can now be streamed live at [Warren County Board of Commissioners - YouTube](#)

APPROVE REQUISITIONS AND AUTHORIZE COUNTY ADMINISTRATOR TO SIGN DOCUMENTS RELATIVE THERETO

BE IT RESOLVED, to approve requisitions as listed in the attached document and authorize Tiffany Zindel, County Administrator, to sign on behalf of this Board of County Commissioners.

M moved for adoption of the foregoing resolution being seconded by M. Upon call of the roll, the following vote resulted:

M
M
M

Resolution adopted this 7th day of March 2023.

BOARD OF COUNTY COMMISSIONERS

Tina Osborne, Clerk

/tao

cc:

Commissioners' file

REQUISITIONS

Department	Vendor Name	Description	Amount
ENG	REQ BLANKET VENDOR	ENG. TEMP ENT AND WORK AGREEME	\$ 1.00
ENG	LIB, INC.	STEPHENS ROAD BRIDGE PROJECT	\$ 146,972.00

PO CHANGE ORDERS

Department	Vendor Name	Description	Amount
WAT	WARREN COUNTY ENGINEER	KING AVE BRIDGE WATER CONSTRUCTION	\$ 80,337.33 DECREASE

3/7/2023 APPROVED:

Tiffany Zindel, County Administrator

CANCEL REGULARLY SCHEDULED COMMISSIONERS' MEETING OF THURSDAY,
MARCH 9, 2023

BE IT RESOLVED, to cancel the regularly scheduled Commissioners' Meeting of Thursday,
March 9, 2023.

M moved for adoption of the foregoing resolution, being seconded by M . Upon call of the
roll, the following vote resulted:

M
M
M

Resolution adopted this _____ day of _____, 20__.

BOARD OF COUNTY COMMISSIONERS

Tina Osborne, Clerk

/tao

cc: Auditor _____
Commissioners' file
Press

CONSENT AGENDA*

March 7, 2023

Approve the minutes of the February 28, 2023, Commissioners' Meeting.

PERSONNEL

- 1. Hire Jonathan Mansell as Control Systems Technician II within Water/Sewer Department*
- 2. Approve pay increase for Alex Hobbs, Control System Technician II, within Water/Sewer Department*
- 3. Approve promotion of Sydney Renner to EMA Operations Manager within Emergency Services*
- 4. Hire Chelsae Fisco as Foster Care Caseworker I within Children Services*

GENERAL

- 5. Advertise for bids for the 2023 Sewer Treatment Chemicals Project*
- 6. Advertise for electronic sealed bids for the purchase of 30,100 tons of bulk ice control salt for the County Engineer*
- 7. Approve replacement of various culverts by the County Engineer under force account*
- 8. Accept quote from ESRI, Inc. for ARCGIS Online Credits on behalf of Telecomm*
- 9. Approve classroom training agreement with EDI Matrix LLC on behalf of OMJ Warren County*
- 10. Enter into engineering service agreement with LJB, Inc. for the Stephens Road Bridge Replacement Project*
- 11. Enter into temporary entrance and work agreement with Richard Coffey for the Shaker Road Bridge Replacement Project*
- 12. Approve agreement with Healing Pathways Traditional Homes, Inc. for placement services n behalf of Children Services*
- 13. Acknowledge payment of bills*
- 14. Acknowledge receipt of February 2023 Financial Statement*
- 15. Declare various items as surplus and authorize disposal through internet auction*
- 16. Approve W/S performance and maintenance bond release for Kensington, Phase 3 in Deerfield Township*

FINANCIAL

- 17. Accept amended certificate, create new fund and approve supplemental appropriation into Stephens Road 4452*
- 18. Approve operational transfer from Engineer 2202 into OPWC Loan 3360*
- 19. Approve supplemental appropriations into Common Pleas 2289*
- 20. Approve appropriation adjustments within Juvenile 11012500 and Children Services 2273*

**Please contact the Commissioners' Office at (513) 695-1250 for additional information or questions on any of the items listed on the Consent Agenda*



**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

406 Justice Drive, Lebanon, Ohio 45036

www.co.warren.oh.us

commissioners@co.warren.oh.us

***Telephone (513) 695-1250
Facsimile (513) 695-2054***

***TOM GROSSMANN
SHANNON JONES
DAVID G. YOUNG***

**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

MINUTES: Regular Session – February 28, 2023

This is a summary of actions and discussions of the meeting. You may view this meeting through our YouTube Channel at <https://www.youtube.com/channel/UC1ELh0jGpXd4VV2DTgsuqPA> or by contacting our office.

The Board met in regular session pursuant to adjournment of the February 21, 2023, meeting.

Shannon Jones – present

Tom Grossmann – present

David G. Young – absent

Tina Osborne, Clerk – present

Minutes of the February 21, 2023 meeting were read and approved.

- 23-0234 A resolution was adopted to hire Kimberly Radcliffe as Custodial Worker I within the Warren County Department of Facilities Management.
Vote: Unanimous
- 23-0235 A resolution was adopted to hire Patricia Coldiron as Custodial Worker I within the Warren County Department of Facilities Management. Vote: Unanimous
- 23-0236 A resolution was adopted to approve leave donation for Kathy Marks, Custodial Worker I, within the Warren County Department of Facilities Management.
Vote: Unanimous
- 23-0237 A resolution was adopted to approve leave donation for Kody Sanders, Service Worker I within the Warren County Department of Facilities Management.
Vote: Unanimous
- 23-0238 A resolution was adopted to approve promotion of Kyle Purdy to the position of Sewer Collections Worker II within the Water and Sewer Department.
Vote: Unanimous

- 23-0239 A resolution was adopted to enter into a temporary entrance and work agreement with Rodney Campbell and Marilyn R. Campbell for the bridge replacement project on Shaker Road. Vote: Unanimous
- 23-0240 A resolution was adopted to enter into a temporary construction easement agreement with the Board of Township Trustees of Deerfield Township, Warren County, Ohio with the easement areas being located along a portion of the Deerfield Township Fire Department Columbia Road and Kings Mills Road frontage for the planned future roadway improvement/widening project in Deerfield Township. Vote: Unanimous
- 23-0241 A resolution was adopted to enter into an exclusive and permanent standard public highway easement agreement with the Deerfield Township Board of Trustees for a portion of the Deerfield Township Fire Department Columbia Road and Kings Mills Road frontage for the planned future roadway improvement/widening project in Deerfield Township. Vote: Unanimous
- 23-0242 A resolution was adopted to authorize Request for Proposals for the FY21 Village of Pleasant Plain Playground CDBG Project. Vote: Unanimous
- 23-0243 A resolution was adopted to advertise for bids for the 2023 Resurfacing Project. Vote: Unanimous
- 23-0244 A resolution was adopted to approve Notice of Intent to Award Bid to Brumbaugh Construction for the Hendrickson Road Bridge #80-0.19 Rehabilitation Project (WAR-CR 80-.019). Vote: Unanimous
- 23-0245 A resolution was adopted to enter into contract with MaintStar, Inc. for the purchase of an Asset and Work Order Management Software System for the Warren County Water and Sewer Department. Vote: Unanimous
- 23-0246 A resolution was adopted to certify delinquent water and/or sewer accounts – Warren County Water and Sewer Department. Vote: Unanimous
- 23-0247 A resolution was adopted to enter into an equipment lease agreement with Harris Calorific Sales Inc. on behalf of Warren County Water and Sewer Department for the lease of compressed oxygen and dissolved acetylene tanks. Vote: Unanimous
- 23-0248 A resolution was adopted to authorize Warren County Sanitary Engineer or Deputy Sanitary Engineer to prepare and submit a nomination form to participate in Water Supply Revolving Loan Account (WSRLA) Program for 2024, and to execute contracts, as required, for the design and construction of the Richard A. Renneker Granular Activated Carbon Upgrades. Vote: Unanimous
- 23-0249 A resolution was adopted to authorize Deputy County Administrator to sign Workers' Compensation settlement agreement relative to former employee Thomas Bowman. Vote: Unanimous

- 23-0250 A resolution was adopted to approve the hiring of Graydon Head & Ritchey LLP as an attorney for a particular matter to the Board in its official capacity relative to defense of a particular Workers' Compensation claim for permanent total disability. Vote: Unanimous
- 23-0251 A resolution was adopted to authorize President of Board to sign the Task Completion report for Central Square Technologies (FKA TriTech Software Systems) on behalf of Warren County Telecommunications. Vote: Unanimous
- 23-0252 A resolution was adopted to acknowledge payment of bills. Vote: Unanimous
- 23-0253 A resolution was adopted to approve a street and appurtenances bond release for Las Colinas De Lebanon, LLC for completion of improvements in Cedar Trace, Section IV situated in Turtlecreek Township. Vote: Unanimous
- 23-0254 A resolution was adopted to approve Cedar Ridge Drive and Barn Owl Court in Cedar Trace subdivision, Section IV for public maintenance by Turtlecreek Township. Vote: Unanimous
- 23-0255 A resolution was adopted to enter into street and appurtenances (including sidewalks) security agreement with M/I Homes of Cincinnati, LLC for installation of certain improvements in Losh Landing, Section 1, situated in Deerfield Township. Vote: Unanimous
- 23-0256 A resolution was adopted to enter into a subdivision public improvement performance and maintenance security agreement with M/I Homes of Cincinnati, LLC for installation of certain improvements in Losh Landing, Section 1 located in Deerfield Township. Vote: Unanimous
- 23-0257 A resolution was adopted to approve various record plats. Vote: Unanimous
- 23-0258 A resolution was adopted to approve operational transfer from Commissioners fund #11011112 into Human Services fund #2203. Vote: Unanimous
- 23-0259 A resolution was adopted to approve supplemental appropriation into Common Pleas Court Community Corrections 2227. Vote: Unanimous
- 23-0260 A resolution was adopted to approve supplemental appropriations into Common Pleas Court Community Based Corrections #2289. Vote: Unanimous
- 23-0261 A resolution was adopted to approve a supplemental appropriation into the King Avenue Bridge Replacement over LMR Improvements Project fund 4437. Vote: Unanimous
- 23-0262 A resolution was adopted to approve appropriation adjustments from Commissioners General fund #11011110 into Common Pleas Court fund #11011223. Vote: Unanimous

- 23-0263 A resolution was adopted to approve appropriation adjustments from Commissioners General fund #11011110 into Facilities Management fund #11011600. Vote: Unanimous
- 23-0264 A resolution was adopted to approve appropriation adjustment within Economic Development fund #11011116. Vote: Unanimous
- 23-0265 A resolution was adopted to approve appropriation adjustment within Common Pleas Court fund #11011220. Vote: Unanimous
- 23-0266 A resolution was adopted to approve requisitions and authorize Deputy County Administrator to sign documents relative thereto. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board accepted and approved the consent agenda.

Jonathon Platt, Founder of the non-profit Story Chain, was present to introduce himself and his non-profit agency to the Board.

Mr. Platt explained how Story Chain connects the incarcerated with their children through community outreach, literacy intervention, and audio technology. He explained that trained volunteers produce audio files from incarcerated parents who want to read to their children. The recording is then edited and downloaded on an MP3 player for the child and the caregiver to receive. Usually, the exchange happens at the local library nearest to the caregiver.

Mr. Platt stated that they have recently signed a Memorandum of Understanding with the Lebanon Correctional Facility and are now working in Warren County.

Upon motion the meeting was adjourned.

Shannon Jones, President

David G. Young

Tom Grossmann

I hereby certify that the foregoing is a true and correct copy of the minutes of the meeting of the Board of County Commissioners held on February 28, 2023, in compliance with Section 121.22 O.R.C.

Tina Osborne, Clerk
Board of County Commissioners
Warren County, Ohio





**REQUEST FOR AUTHORIZATION TO ATTEND ASSOCIATION MEETING,
CONVENTION OR TRAINING SEMINAR/SESSION**

This form is to be completed by Department Head/Elected Official requesting authorization to attend an Association Meeting or Convention or Training Seminar/Session sponsored by an Association as required by O.R.C. Section 325.20. Additionally, authorization is required for any training seminar/session held more than 250 miles from county campus;

*NAME OF ATTENDEE: Steven Knippen ** DEPARTMENT: Prosecutor's Office

*POSITION: First Assistant Prosector DATE: 3/2/2023

REQUEST FOR AUTHORIZATION FOR THE ABOVE-NAMED EMPLOYEE/ELECTED OFFICIAL TO ATTEND THE FOLLOWING:

ASSOCIATION MEETING CONVENTION ASSOCIATION SPONSORED TRAINING SEMINAR/SESSION
TRAINING MORE THAN 250 MILES

PURPOSE:

2023 OPAA Spring Training

LOCATION:

Sheraton Columbus Hotel at Capitol Square, 75 East State Street, Columbus, OH 43215

DATE(S): April 20-21, 2023

TYPE OF TRAVEL: (Check one)

AIRLINE STAFF CAR PRIVATE VEHICLE OTHER

LODGING: Registration \$200 each, Parking \$50 each, Mileage \$80.50 each

ESTIMATED COST OF TRIP: \$661.00

I CERTIFY THAT DIRECTION HAS BEEN GIVEN TO ALL EMPLOYEES ATTENDING THIS FUNCTION, THAT IT IS EXPECTED OF THEM TO ATTEND APPLICABLE SESSIONS.

DEPARTMENT HEAD/ELECTED OFFICIAL REQUESTING AUTHORIZATION:

David D. ... 3-2-23
Signature/Title Date

BOARD OF COMMISSIONERS' APPROVAL:

Commissioner Date

Commissioner Date

Commissioner Date

*If additional employees will be attending the Association Meeting, Convention or Training Seminar/Session please list names and positions here:

**Julie Kraft, First Assistant Prosecutor



**REQUEST FOR AUTHORIZATION TO ATTEND ASSOCIATION MEETING,
CONVENTION OR TRAINING SEMINAR/SESSION**

This form is to be completed by Department Head/Elected Official requesting authorization to attend an Association Meeting or Convention or Training Seminar/Session sponsored by an Association as required by O.R.C. Section 325.20. Additionally, authorization is required for any training seminar/session held more than 250 miles from county campus;

*NAME OF ATTENDEE: Anthony Chester ** DEPARTMENT: Prosecutor's Office

*POSITION: Assistant Prosecutor DATE: 3/2/2023

REQUEST FOR AUTHORIZATION FOR THE ABOVE-NAMED EMPLOYEE/ELECTED OFFICIAL TO ATTEND THE FOLLOWING:

ASSOCIATION MEETING CONVENTION ASSOCIATION SPONSORED TRAINING SEMINAR/SESSION ✓
TRAINING MORE THAN 250 MILES

PURPOSE:
2023 OPAA Spring Training

LOCATION:
Sheraton Columbus Hotel at Capitol Square, 75 East State Street, Columbus, OH 43215

DATE(S): April 20-21, 2023

TYPE OF TRAVEL: (Check one)

AIRLINE STAFF CAR ✓ PRIVATE VEHICLE ✓ OTHER

LODGING: Registration \$300 ea, Hotel (1 night) \$186.83 ea, Parking \$50 ea,

ESTIMATED COST OF TRIP: Mileage \$80.50 ea, Meal Per Diem \$96.00 ea = \$1,426.66

I CERTIFY THAT DIRECTION HAS BEEN GIVEN TO ALL EMPLOYEES ATTENDING THIS FUNCTION, THAT IT IS EXPECTED OF THEM TO ATTEND APPLICABLE SESSIONS.

DEPARTMENT HEAD/ELECTED OFFICIAL REQUESTING AUTHORIZATION:

David Ornelo 3-2-23
Signature/Title Date

BOARD OF COMMISSIONERS' APPROVAL:

Commissioner Date

Commissioner Date

Commissioner Date

*If additional employees will be attending the Association Meeting, Convention or Training Seminar/Session please list names and positions here:

**Amy Tranter, Assistant Prosecutor

2023 CDBG Application Summary

Funding from HUD \$ 787,388.00

Less Admin Costs \$ 35,000.00

Estimated Amount to Allocate \$ 752,388.00

(To be divided between Public Service and Construction Projects)

Public Service Projects - Please select up to two projects. Total should be between \$0 and \$110,000					
Project Name	Notes	Recent Awards	Match	Current Request	Award Amount
Family Promise of Warren County (FKA Interfaith Hospitality Network) Assistance to homeless		2020: \$100,000 2020: \$69,450 2021: \$270,515 2021: \$22,550 2021: \$30,000 2022: \$64,000	\$500,000 from various sources	\$ 75,000.00	\$ 70,400.00
Safe on Main (FKA ARCS) Assistance to victims of domestic abuse		2020: \$42,000 2020: 50,000 2021: \$67,640 2021: \$30,000 2022: \$36,000	\$750,000 from various sources	\$ 42,000.00	\$ 39,600.00
					\$ 110,000.00

\$ 700,000.00
 Less Public Service Total \$ 110,000.00
Total to Allocate for Construction Projects: \$ 590,000.00

Construction Projects - Please select up to five project equaling approximately \$700,000 minus Public Service Amount					
Project Name	Notes	Recent Awards	Match	Current Request	Award Amount
Deerfield Twp: Loveland Park Road Project Full depth repair of 1.82 miles of roadway on 12 roads within Loveland Park		2022: \$196,089		\$ 235,431.50	
South Lebanon: Hobart Street Sidewalk Sidewalk along Hobart Street for pedestrian traffic near community park	Residents' taxes are not assessed for CDBG projects.	2020: \$200,000	Local Funds: \$25,000	\$ 170,248.00	
Lebanon: Cherry Street Reconstruction Full depth street construction of Cherry Street including street, sidewalk, and storm sewer, sanitary sewer and water mains	Reminder that years ago, Lebanon had opted out of receiving their own CDBG funding in exchange for funding from this program once every few years. We have honored this relationship by awarding them funds every two to three years.	2020: \$275,000	Local funds: \$1.2M OPWC: \$900,000	\$ 300,000.00	
City of Franklin: Mackinaw Subdivision Repave parts of Mackinaw Subdivision, repair gutters and catch basins		2019: \$165,000 2021: \$180,000	Local funds: \$310,000	\$ 180,000.00	
Morrow: Morrow Plaza Repave parking lot at Morrow Plaza (located at Salem Library, Family Dollar, etc.)	Note: Morrow has not completed their 2020 or 2021 projects.	2019: \$77,000 2020: \$158,500 2021: \$170,000	Local Funds: \$27,800	\$ 108,720.00	
Union Township: Highland Park Phase 2 Finish the Highland Park project - repave various streets in subdivision.	This is Phase 2 of a CDBG project that began last year. Due to inflation and costs of material, the project could only be partially complete last year. This request is to finish the project.	2020: \$200,000 2022: \$107,800	Local: \$10,000	\$ 48,250.00	
Franklin Twp: Morningstar Road Project Mill and resurface Morningstar Road		2019: \$49,300 2020: \$87,600 2021: \$160,000 2022: \$140,654		\$ 166,000.00	
Butlerville: Hill & Walnut Street Project Repave Hill and Walnut Street within the Village.		2022: \$17,512		\$ 29,350.00	
Harveysburg: South Street Improvements Pave 1,700 feet of South, Frost, and Grant Streets		2019: \$124,500 2022: \$90,000	Local funds \$22,000	\$ 123,738.00	
				\$ 1,361,737.50	\$ -

ANNEXATION PETITIONS FOR CONSIDERATION

1. **Expedited Type 2** to Annex 7.0165 acres to the City of South Lebanon, James Smith Agent (Catherine Cunningham, Attorney):
 - Filed February 3, 2023
 - Tax Map confirmed accurate map and legal description
 - Ordinance of Service and Buffer Resolution submitted
 - Proof of Service Affidavit submitted
 - No objection filed by Union Township

2. **Expedited Type 2** to Annex 107.403 acres to the City of Franklin, Clayton Sears, Agent (Robert Curry, Attorney):
 - Filed February 6, 2023
 - Tax Map confirmed accurate map and legal description
 - Ordinance of Service and Buffer Resolution submitted
 - Proof of Service Affidavit submitted
 - No objection filed by Franklin Township

3. **Expedited Type 1** to Annex 42.082 acres to the City of Springboro, Catherine Cunningham, Agent
 - Filed March 1, 2023
 - Tax Map confirmed accurate map and legal description
 - Annexation agreement between Springboro and Franklin Township submitted

RE
2023 FEB
WAR
CO.



PETITION FOR ANNEXATION
OF 7.0165 ACRES, MORE OR LESS,
IN UNION TOWNSHIP, WARREN COUNTY, OHIO
TO THE CITY OF SOUTH LEBANON, OHIO
UTILIZING THE SPECIAL PROCEDURE OF
OHIO REVISED CODE SECTION 709.023, ET SEQ.

**TO: THE BOARD OF COUNTY COMMISSIONERS OF
WARREN COUNTY, OHIO**

Now come the undersigned petitioners, being one hundred percent (100%) of the owners of certain property as hereinafter described who are included in determining the number of owners needed to sign a petition for annexation and request that their property be annexed to the City of South Lebanon, Ohio. The territory proposed for annexation contains 7.0165 acres, more or less, in Union Township, Warren County, and is contiguous to the boundary of the City of South Lebanon, Ohio for five percent (5%) or more of the perimeter of the territory proposed for annexation. The undersigned understand the property will not be excluded from the township.

An accurate description of the perimeter of the territory sought to be annexed is attached hereto and made a part hereof as Exhibit "A." A map or plat of the above-described territory sought to be annexed is attached hereto and made a part hereof as Exhibit "B."

The annexation will not create an unincorporated area of township that is completely surrounded by the territory proposed for annexation.

There is no annexation agreement between the City of South Lebanon and the township pursuant to R.C. 709.192 applicable to this annexation or an applicable Cooperative Economic Development Agreement (C.E.D.A.) pursuant to R.C. 701.07.

The number of owners in the territory sought to be annexed is three (3). The number of owners in the territory sought to be annexed required to be included in determining the number of owners needed to sign a petition is two (2). The number of owners who signed the petition is two (2).

The owners who signed this petition by their signatures expressly waive their right to appeal in law or equity from the board of county commissioners' entry of any resolution passed under R.C. 709.023 and waive any right they may have to sue on any issue relating to a municipal corporation requiring a buffer as provided in R.C. 709.023 and further waive any right to seek a variance that would relieve or exempt them from that buffer requirement.

James Smith, 10 N. High Street, South Lebanon, OH 45065 telephone number (513) 494-2296 is hereby appointed agent for the undersigned petitioners, as required by R.C. 709.02; and said petitioners' agent is hereby authorized to make any amendments and/or deletions which in his absolute and complete discretion are proper under the circumstances then existing. In addition, the petitioners' agent is authorized to make such amendments and/or deletions in this petition, map, plat or description in order to correct any discrepancy or mistake noted by the county engineer or others in their examination of the petition, map, plat or description. Amendments to correct the map, plat or description may be made by the presentation of an amended map or plat and description to the Board of County Commissioners on, before or after the date set for hearing of this petition unless otherwise specified by law.

“WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS’ ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.”

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
1770 MMM, LLC, an Ohio limited liability company		
By: <u>Chad Nahrup</u> <u>Chad Nahrup</u>	1770 Mason-Morrow-Millgrove Road Lebanon, OH 45036	<u>10/24/22</u>
Its: <u>member</u>		

James Smith, 10 N. High Street, South Lebanon, OH 45065 telephone number (513) 494-2296 is hereby appointed agent for the undersigned petitioners, as required by R.C. 709.02; and said petitioners' agent is hereby authorized to make any amendments and/or deletions which in his absolute and complete discretion are proper under the circumstances then existing. In addition, the petitioners' agent is authorized to make such amendments and/or deletions in this petition, map, plat or description in order to correct any discrepancy or mistake noted by the county engineer or others in their examination of the petition, map, plat or description. Amendments to correct the map, plat or description may be made by the presentation of an amended map or plat and description to the Board of County Commissioners on, before or after the date set for hearing of this petition unless otherwise specified by law.

"WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE."

River Creek Lofts, LLC,
an Ohio limited liability company

SARE 1941 Alda Court
Dayton, OH 45459
By: SREENIVASARAJU
Its: Managing member.

08/12/2022

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-Millgrove 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;

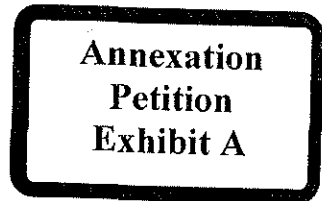
Thence, along said westerly line of said Lot 1, North 42°35'40" West, 53.41 feet to a south line of aforesaid 6.107 acre parcel conveyed to 1770 MMM, LLC;

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;

McGill Smith Punshon, Inc.
3700 Park 42 Drive, Suite 190B ■ Cincinnati, Ohio 45241
513.759.0004 ■ Fax 513.563.7099 ■ www.mspdesign.com



- 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 the original 4.799 acre tract and former Penn-Central Railroad (save & except 0.119 ac. within Kingsview Subdivision, Section 2 in P.B. 23, P. 81 leaving 4,680 acres net) as conveyed to the City of Lebanon by deeds recorded in D.B. 867, Page 564, Official Record 501, Page 543 and 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.

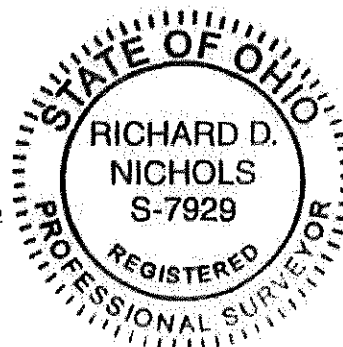
The above description is the result of a Plat of Annexation by McGill Smith Punshon, Inc. under the direction of Richard D. Nichols, P.S. No. 7929, dated the 18th of April 2022. The bearings in the above description are based on the description for Parcel II as conveyed to 1770 MMM, LLC by deed recorded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

Prepared by: McGill Smith Punshon, Inc.
 Date: 04 NOV 2022
 MSP No.: 06308.24

06308243-CLI-LEG-Hudawn Parcels



2 of 2

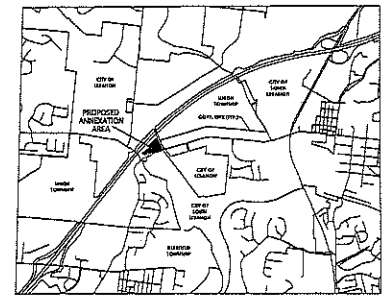
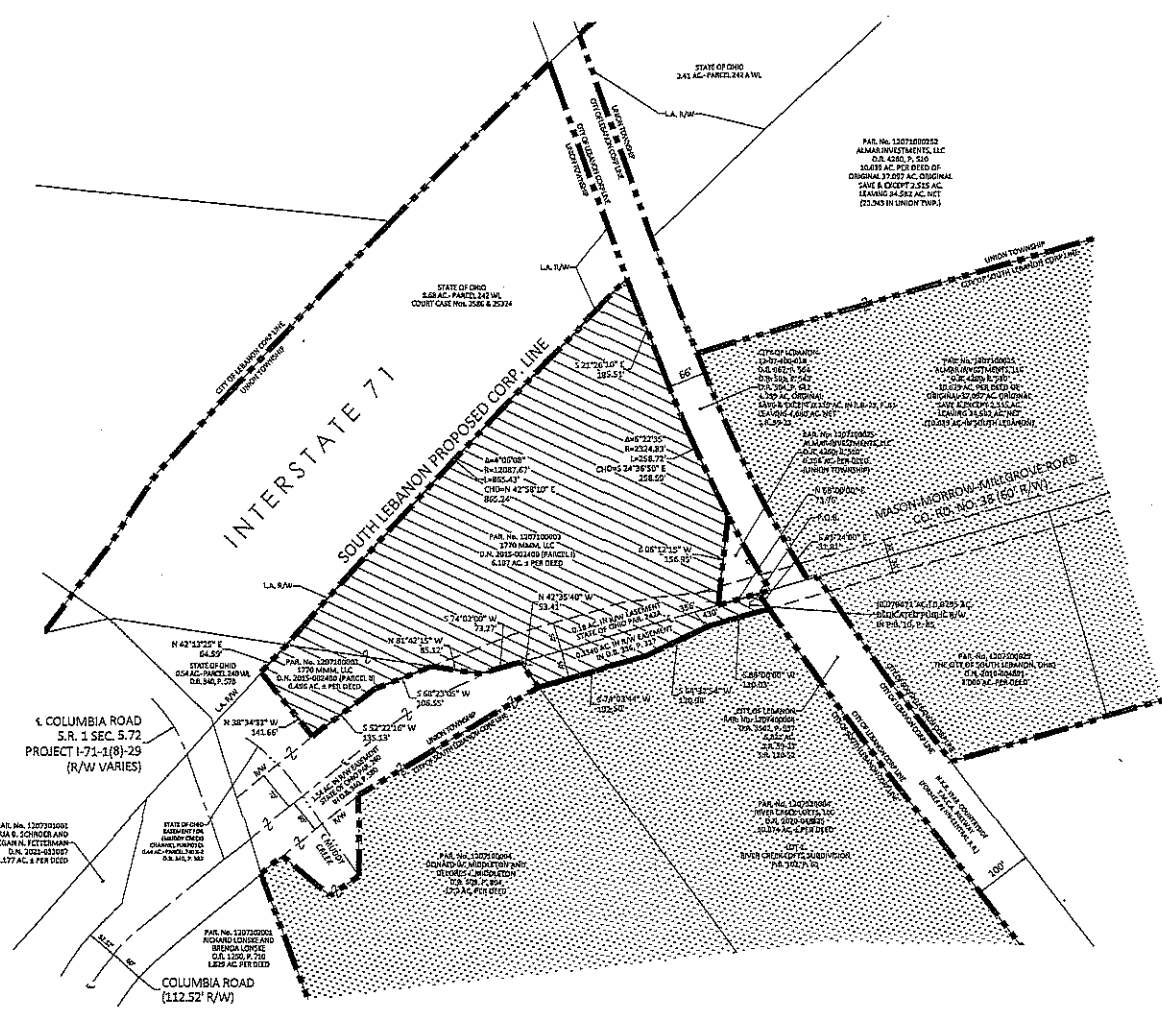


McGill Smith Punshon, Inc.
 3700 Park 42 Drive, Suite 190B ■ Cincinnati, Ohio 45241
 513.759.0004 ■ Fax 513.563.7099 ■ www.mspsdeslgn.com





NOTHING HEREIN SHALL BE CONSIDERED AS A
RECORD OF THE WARREN COUNTY ENGINEERING OFFICE.



VICINITY MAP
NOT TO SCALE

Annexation Petition Exhibit B

COUNTY COMMISSIONERS:
WE, THE BOARD OF COUNTY COMMISSIONERS OF WARREN COUNTY, OHIO DO HEREBY APPROVE THIS PLAT ON THIS _____ DAY OF _____ 20____
COMMISSIONERS _____

CITY APPROVAL:
CITY OF SOUTH LEBANON OHIO

DATE _____

COUNTY RECORDER:
FILE NO. _____
RECORDED THIS _____ DAY OF _____ 20____ AT _____ AM/P.M.
RECORDED THIS _____ DAY OF _____ 20____ AT _____ AM/P.M.
RECORDED IN PLAT BOOK NO. _____ PAGE _____
FEE: _____
BY: _____ WARREN COUNTY RECORDER

COUNTY AUDITOR:
TRANSFERRED THIS _____ DAY OF _____ 20____
BY: _____ WARREN COUNTY AUDITOR

PLAT OF ANNEXATION CITY OF SOUTH LEBANON "HUDAWN ANNEXATION" SECTION 7, TOWN 4 EAST, RANGE 3 NORTH BETWEEN THE MIAMIS UNION TOWNSHIP WARREN COUNTY, OHIO

- EX. CITY OF SOUTH LEBANON CORP.
- AREA TO BE ANNEXED TO THE CITY OF SOUTH LEBANON

TOTAL AREA IN PROPOSED ANNEXATION:
7.0165 ACRES ±

TOTAL AREA IN PROPOSED ANNEXATION: 7.0165 ACRES ±

ACREAGE BREAKDOWN (BASED ON RECORDS AND SHOULD BE CONSIDERED APPROXIMATE):

PARCEL	OWNER	DEED REFERENCE	ACRES
1207930003	1770 MMMA, LLC	D.N. 2015-000400 (PARCEL 3)	0.1070 AC.
1207932004	RIVER CREEK LOFTS, LLC	D.N. 2010-048855 (PART LOT 1)	0.4850 AC.
	PUBLIC R/W PARCEL	P.B. 10, P. 85 (0.079471 AC.)	0.0795 AC.
			7.0165 AC. TOTAL

LENGTHS OF EACH ROAD IN TOWNSHIP:
MASON-MORROW-MILLGROVE ROAD = 430 FT.

THIS PLAT WAS PREPARED FROM DISTRICT DEEDS, PLATS AND SURVEYS BY RECORDER NOTED HEREON, AND IS NOT THE RESULT OF A FIELD SURVEY.
Richard O. Nichols 12/18/22
RICHARD O. NICHOLS DATE
OHIO PROFESSIONAL SURVEYOR No. 7920



Drawn: _____ 18 APR 2022
Scale: 1" = 100'
Elevated By: _____
Survey Database: _____
DWG: _____
PROJECT NUMBER: _____

MSP
DESIGN
McGill Smith Punshon

Architecture 3309 Park 42 Drive
Engineering 10000 McGuffey Avenue
Warren County, Ohio 45662
Phone: 937-233-1234
Fax: 937-233-1234

FINAL REPORT
WARREN COUNTY ENGINEERS OFFICE
TAX MAP DEPARTMENT
ANNEXATION REVIEW REPORT
(In Accordance with O.R.C. 709.031)
"EXHIBIT F"

Annexation to: SOUTH LEBANON

Date Filed: 02-06-23

Filed by: JAMES SMITH

Total Acreage: 7.01105

I. MAP CONTENTS

- | | | | |
|---|-------------------------------------|----|-----|
| a) Section-Town-Range, or Military Survey, County, and State | <input checked="" type="checkbox"/> | NO | N/A |
| b) Boundary of Territory proposed for annexation to be in bold lines for ease in identification | <input checked="" type="checkbox"/> | NO | N/A |
| c) Lengths and bearings of the boundary of the territory. (May be obtained from county records) | <input checked="" type="checkbox"/> | NO | N/A |
| d) All roads and streets. | <input checked="" type="checkbox"/> | NO | N/A |
| e) All existing corporation lines. | <input checked="" type="checkbox"/> | NO | N/A |
| f) All section, quarter section or VMS lines correctly labeled. | <input checked="" type="checkbox"/> | NO | N/A |
| g) All property lines. | <input checked="" type="checkbox"/> | NO | N/A |
| h) Names of all allotments within the territory with plat book and page as recorded in the County plat records. | <input checked="" type="checkbox"/> | NO | N/A |
| i) Lot numbers on plotted property. | <input checked="" type="checkbox"/> | NO | N/A |
| j) On unplotted property, the names of owners and deed reference with the acreage and dimensions. | <input checked="" type="checkbox"/> | NO | N/A |
| k) Annexation must be contiguous to 5% of existing corp. line <u>~16%</u> | <input checked="" type="checkbox"/> | NO | N/A |

II. LEGEND CONTENTS

- | | | | |
|---|-------------------------------------|----|-----|
| a) Formal identification of territory | <input checked="" type="checkbox"/> | NO | N/A |
| b) Total acreage in annexation territory with acreage breakdown of each individual parcel. | <input checked="" type="checkbox"/> | NO | N/A |
| c) Lengths of each road in territory | <input checked="" type="checkbox"/> | NO | N/A |
| d) North arrow | <input checked="" type="checkbox"/> | NO | N/A |
| e) Scale of map | <input checked="" type="checkbox"/> | NO | N/A |
| f) Date and name of surveyor with certification, preparer of map shall state if map and description are prepared by new survey or if prepared by existing deeds and plats of records. | <input checked="" type="checkbox"/> | NO | N/A |
| g) Vicinity map to designate location of annexation. | <input checked="" type="checkbox"/> | NO | N/A |

III. OTHER REQUIREMENTS

- | | | | |
|---|-------------------------------------|----|-----|
| a) Map on 24" x 36" mylar or linen reproducible | <input checked="" type="checkbox"/> | NO | N/A |
| b) Accurate map | <input checked="" type="checkbox"/> | NO | N/A |
| c) Description accurate and in accordance with plat | <input checked="" type="checkbox"/> | NO | N/A |
| d) Number of property owners in territory | <input checked="" type="checkbox"/> | NO | N/A |
| e) Number of property owners signing the petition | <input checked="" type="checkbox"/> | NO | N/A |
| f) Signature Block for Warren County Commissioners | <input checked="" type="checkbox"/> | NO | N/A |
| g) Signature Block for City or Village Officials | <input checked="" type="checkbox"/> | NO | N/A |
| h) Signature Block for Warren County Auditor | <input checked="" type="checkbox"/> | NO | N/A |
| i) Signature Block for Warren County Recorder | <input checked="" type="checkbox"/> | NO | N/A |
| j) List parcels within and adjacent to annexation area. Include names, addresses and parcel numbers. This list should be contained in the petition. | <input checked="" type="checkbox"/> | NO | N/A |

Engineer's Office Comments: ① SEGMENTED ROAD

Reviewed by: BOB FOX

Date: 02/08/23

Neil F. Tunison
Neil F. Tunison P.E., P.S.
Warren County Engineer

RECEIVED

2023 FEB 21 AM 8:29

CITY OF SOUTH LEBANON, OHIO

RESOLUTION NO. 2023-09

WARREN COUNTY
COMMISSIONERS

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

Resolution No. 2023-09

Page 2

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.

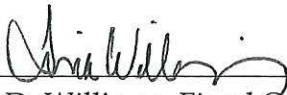
Section 6. That this Resolution is hereby declared to be an emergency measure in accordance with R.C. 731.30 for the immediate preservation of the public peace, health, safety and general welfare; and this Resolution shall be in full force and effective immediately upon its passage.


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.

Resolution No. 2023-09

Page 3


Adopted this 16th day of February, 2023.

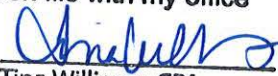
Attest: 
Petrina D. Williams, Fiscal Officer/Clerk


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	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: 2/16/2023

CERTIFIED ORIGINAL
I, Tina Williams, CPA, Fiscal Officer of the
City of South Lebanon, Ohio do hereby
certify this to be the true and accurate copy
of a document on file with my office
2/17/23 
Date Tina Williams, CPA
Fiscal Officer
City of South Lebanon, Ohio

RECEIVED

2023 FEB 21 AM 8:30

WARREN COUNTY
COMMISSIONERS

**CITY OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2023-10**

**A RESOLUTION REGARDING INCOMPATIBLE LAND USES AND ZONING
BUFFER WITH RESPECT TO 7.0165± ACRES OF REAL PROPERTY PROPOSED TO
BE ANNEXED TO THE CITY OF SOUTH LEBANON, OHIO, FROM ADJACENT
LAND REMAINING IN 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) also requires that a municipal corporation to which land is proposed to be annexed shall, by ordinance or resolution, require buffers separating any new uses in the territory annexed that the city determines are clearly incompatible with the uses under the current township or county zoning regulations, from the adjacent land remaining within the township; and

WHEREAS, R.C. 709.023(C) requires council to adopt and file a resolution or ordinance indicating that buffers will be required for any zoning of the HuDawn Annexation territory in the City of South Lebanon it determines is incompatible with existing adjacent uses in the township within twenty (20) days after the date the petition is filed; and

WHEREAS, immediate action is required to assure this resolution is 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 and the territory becomes subject to the City of South Lebanon zoning and that municipal zoning permits uses in the

Resolution No. 2023-10

Page 2

annexed territory that the City of South Lebanon determines are clearly incompatible with the uses permitted under Warren County or Union Township zoning in effect at the time of the filing of the petition on the land adjacent to the annexation territory and remaining in Union Township, then the City of South Lebanon will require, in the zoning ordinance permitting such incompatible uses, that the owner of the annexed territory provide a buffer separating the use of the annexed territory and the adjacent land remaining in Union Township.

Section 2. For purposes of this annexation, "buffer" includes, but is not limited to, open space, landscaping, fences, walls, and other structured elements; streets and rights-of-way; and bicycle and pedestrian paths and sidewalks.

Section 3. 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 Petition was filed with the Warren County Board of County Commissioners.

Section 4. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.


Section 5. 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 6. 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.

Resolution No. 2023-10

Page 3

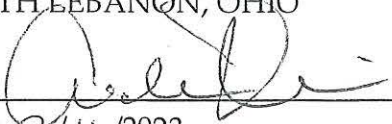
Adopted this 16th day of February, 2023.

Attest: 
Petrina D. Williams, Fiscal Officer/Clerk


James D. Smith, Mayor

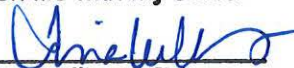
Rules Suspended: <u>2/16/2023</u> (if applicable)	Effective Date <u>2/16/2023</u>
Vote - <u>5</u> Yeas <u> </u> Nays	
First Reading - / /2023	Effective Date - / /2023
Second Reading - / /2023	
Third Reading - / /2023	
Vote - <u> </u> Yeas <u> </u> Nays	

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

By: 
Date: 2/16/2023

CERTIFIED ORIGINAL

I, Tina Williams, CPA, Fiscal Officer of the City of South Lebanon, Ohio do hereby certify this to be the true and accurate copy of a document on file with my office

2/17/23 
Date Tina Williams, CPA
Fiscal Officer
City of South Lebanon, Ohio

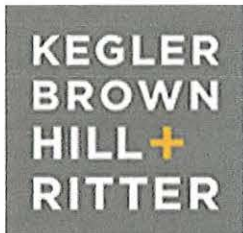
From: Ackley, Kelly <KAckley@keglerbrown.com>
Sent: Thursday, March 02, 2023 11:23 AM
To: Osborne, Tina
Cc: Cunningham, Catherine
Subject: 7.0165 Acre Annexation to S. Lebanon
Attachments: Affidavit Service of City-Twp (7.0165 Acres to S. Lebanon).PDF; Affidavit Service of Owners (7.0165 Acres to S. Lebanon).PDF

I have attached copies of the following signed documents for filing with your office in the above-referenced annexation:

1. Affidavit Attesting to Property Owner Notice; and
2. Affidavit Attesting to Service of Notice of Filing of Petition on the Municipal Clerk and the Township Fiscal Officer.

I am sending the originally signed documents to you via FedEx for tomorrow's delivery.

Thank you, Tina!



Kelly L. Ackley
Legal Assistant/Paralegal to
Catherine A. Cunningham + Scott M. Doran
+ Robert T. Dove

65 East State Street | Suite 1800 | Columbus, OH 43215
phone (614) 462-5400 ext. 348 | fax (614) 464-2634
kackley@keglerbrown.com
www.keglerbrown.com

[Click here](#) to send me large files via my secure FileDrop.

This E-Mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain private, confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited.

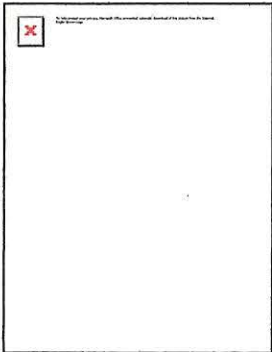
From: Ackley, Kelly <KAckley@keglerbrown.com>
Sent: Thursday, March 02, 2023 11:23 AM
To: Osborne, Tina
Cc: Cunningham, Catherine
Subject: 7.0165 Acre Annexation to S. Lebanon
Attachments: Affidavit Service of City-Twp (7.0165 Acres to S. Lebanon).PDF; Affidavit Service of Owners (7.0165 Acres to S. Lebanon).PDF

I have attached copies of the following signed documents for filing with your office in the above-referenced annexation:

1. Affidavit Attesting to Property Owner Notice; and
2. Affidavit Attesting to Service of Notice of Filing of Petition on the Municipal Clerk and the Township Fiscal Officer.

I am sending the originally signed documents to you via FedEx for tomorrow's delivery.

Thank you, Tina!



Kelly L. Ackley

Legal Assistant/Paralegal to
Catherine A. Cunningham + Scott M. Doran
+ Robert T. Dove

65 East State Street | Suite 1800 | Columbus, OH 43215
phone (614) 462-5400 ext. 348 | fax (614) 464-2634
kackley@keglerbrown.com
www.keglerbrown.com

[Click here](#) to send me large files via my secure FileDrop.

This E-Mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain private, confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF WARREN COUNTY, OHIO

In Re: Petition for Annexation of 7.0165 :
Acres, More or Less, in Union Township, :
Warren County, Ohio to the City of South :
Lebanon, Ohio Utilizing the Special :
Procedure of Ohio Revised Code Section :
709.023, *et seq.* :

**AFFIDAVIT ATTESTING TO SERVICE OF NOTICE OF FILING OF PETITION
ON THE MUNICIPAL CLERK AND THE TOWNSHIP FISCAL OFFICER**

R.C. §709.023(B)

STATE OF OHIO :
 : SS
COUNTY OF WARREN :

The undersigned having first been duly cautioned and sworn deposes and says:


1. The undersigned is the petitioners' agent for a petition seeking annexation of 7.0165 acres to the City of South Lebanon, Ohio identified in the caption above.

2. The undersigned has been sworn and this Affidavit is based upon the Affiant's personal knowledge.

3. On February 3, 2023, within five (5) days of the filing of the petition with the Warren County Board of County Commissioners on February 3, 2023, the municipal clerk was personally served with notice of the filing of the petition for annexation, a copy of the petition and its attachments and the documents accompanying the petition as filed. A copy of that notice and receipt is attached hereto.

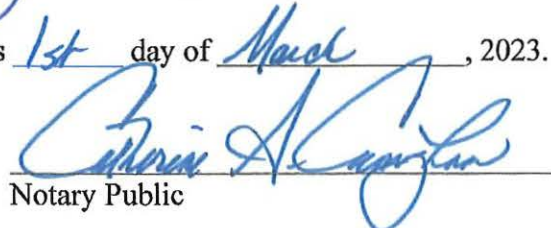
4. On February 3, 2023, within five (5) days of the filing of the petition with the Warren County Board of County Commissioners on February 3, 2023, the township fiscal officer was served by certified mail, return receipt requested, with a notice of the filing of the petition for annexation, a copy of the petition and its attachments and the documents accompanying the petition as filed. A copy of that notice is attached hereto along with the return receipt.

Further affiant sayeth naught.


James Smith
Petitioners' Agent



Catherine A. Cunningham, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

and subscribed in my presence this 1st day of March, 2023.

Notary Public

**NOTICE OF FILING OF PETITION FOR ANNEXATION
UTILIZING THE SPECIAL PROCEDURE OF
OHIO REVISED CODE SECTION 709.023, ET SEQ.**

TO THE CLERK OF THE CITY OF SOUTH LEBANON, OHIO

Dear Clerk:

Take notice that on the 3rd day of February, 2023 at 2:12 a.m./(p.m.), a petition for annexation of 7.0165 acres in Union Township to the City of South Lebanon was filed with the Warren County Board of County Commissioners. The petition, attachments and documents accompanying the petition as filed are attached.

James Smith
Petitioners' Agent

RECEIPT

I hereby acknowledge receipt this 3rd day of February, 2023 of a copy of the Petition for Annexation as filed, including the legal description and the plat of the property proposed to be annexed, the above Notice of Filing of Petition for Annexation, and the attachments and documents accompanying the petition.



Petrina D. Williams
South Lebanon Fiscal Officer/Clerk

**NOTICE OF FILING OF PETITION FOR ANNEXATION
UTILIZING THE SPECIAL PROCEDURE OF
OHIO REVISED CODE SECTION 709.023, ET SEQ.**

Via Certified Mail Return Receipt No. 7021 0350 0000 4407 3019

TO THE FISCAL OFFICER OF UNION TOWNSHIP, WARREN COUNTY, OHIO
285 E. Pike Street
South Lebanon, OH 45065

Dear Fiscal Officer:

Take notice that on the 30th day of February, 2023 at ^{2:12} ~~a.m.~~ p.m. a petition for annexation of 7.0165 acres in Union Township to the City of South Lebanon was filed with the Warren County Board of County Commissioners. The petition, attachments and documents accompanying the petition as filed are attached.

James Smith
Petitioners' Agent

USPS Tracking®

FAQs >

Tracking Number:

70210350000044073019

Remove X

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 2:36 pm on February 6, 2023 in SOUTH LEBANON, OH 45065.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

SOUTH LEBANON, OH 45065

February 6, 2023, 2:36 pm

See All Tracking History

Text & Email Updates

USPS Tracking Plus®

Product Information

Feedback

7021 0350 0000 4407 3019

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com	
South Lebanon, OH 45065	
OFFICIAL USE	
Certified Mail Fee \$4.15	0865 03
Extra Services & Fees (check box, add fees as appropriate)	Postmark Here
<input type="checkbox"/> Return Receipt (hardcopy) \$1.00	
<input type="checkbox"/> Return Receipt (electronic) \$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery \$0.00	
<input type="checkbox"/> Adult Signature Required \$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	02/03/2023
Postage \$1.98	
Total Postage and Fees \$7.48	
Sent To <u>Union Township Fiscal Officer</u>	
Street and Apt. No., or PO Box No. <u>285 E. Pike St.</u>	
City, State, ZIP+4® <u>South Lebanon OH 45065</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

See Less

Track Another Package

Enter tracking or barcode numbers

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF WARREN COUNTY, OHIO

In Re: Petition for Annexation of 7.0165 :
Acres, More or Less, in Union Township, :
Warren County, Ohio to the City of South :
Lebanon, Ohio Utilizing the Special :
Procedure of Ohio Revised Code Section :
709.023, et seq. :

AFFIDAVIT ATTESTING TO PROPERTY OWNER NOTICE

R.C. §709.023(B)

STATE OF OHIO :
 : SS
COUNTY OF WARREN :

The undersigned having first been duly cautioned and sworn deposes and says:

1. The undersigned is the petitioners' agent for a petition seeking annexation of 7.0165 acres to the City of South Lebanon, Ohio identified in the caption above.

2. The undersigned has been sworn and this Affidavit is based upon the Affiant's personal knowledge.

3. On February 3, 2023, within five (5) days of the filing of the petition with the Warren County Board of County Commissioners on February 3, 2023, a "Notice To Owners And Adjacent Owners" of the filing of the petition for annexation together with the petition, attachments and documents accompanying the petition filed with the commissioners was served by regular U.S. mail to all the owners within the territory sought to be annexed and to all owners adjacent to the territory proposed to be annexed or adjacent to a road that is adjacent to that territory and located directly across the road from that territory. A copy of the notice without attachments is attached hereto.

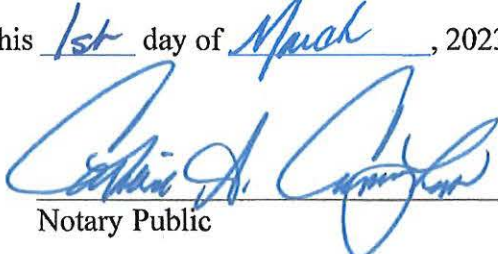
Further affiant sayeth naught.


James Smith
Petitioners' Agent

Sworn to and subscribed in my presence this 1st day of March, 2023.



Catherine A. Cunningham, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.


Notary Public

NOTICE TO OWNERS AND ADJACENT OWNERS

Ohio Revised Code §709.023(B)

Dear Owner or Adjacent Owner:

You are the owner of property adjacent to or within territory proposed to be annexed to the City of South Lebanon, Ohio. A petition for annexation of 7.0165 acres in Union Township to the City of South Lebanon was filed with the Warren County Board of County Commissioners on the 3rd day of February, 2023 at 2:12 a.m. (p.m.) The petition, attachments and documents accompanying the petition as filed are attached to this Notice.

James Smith
Petitioners' Agent

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF WARREN COUNTY

RECEIVED
2023 FEB -3 PM 2: 12

WARREN COUNTY
COMMISSIONERS

In Re: Petition for Annexation of 7.0165 :
Acres, More or Less, in Union Township, :
Warren County, Ohio to the City of South :
Lebanon, Ohio Utilizing the Special :
Procedure of Ohio Revised Code Section :
709.023, *et seq.* :

PETITIONER'S MEMORANDUM IN SUPPORT OF ANNEXATION

Introduction

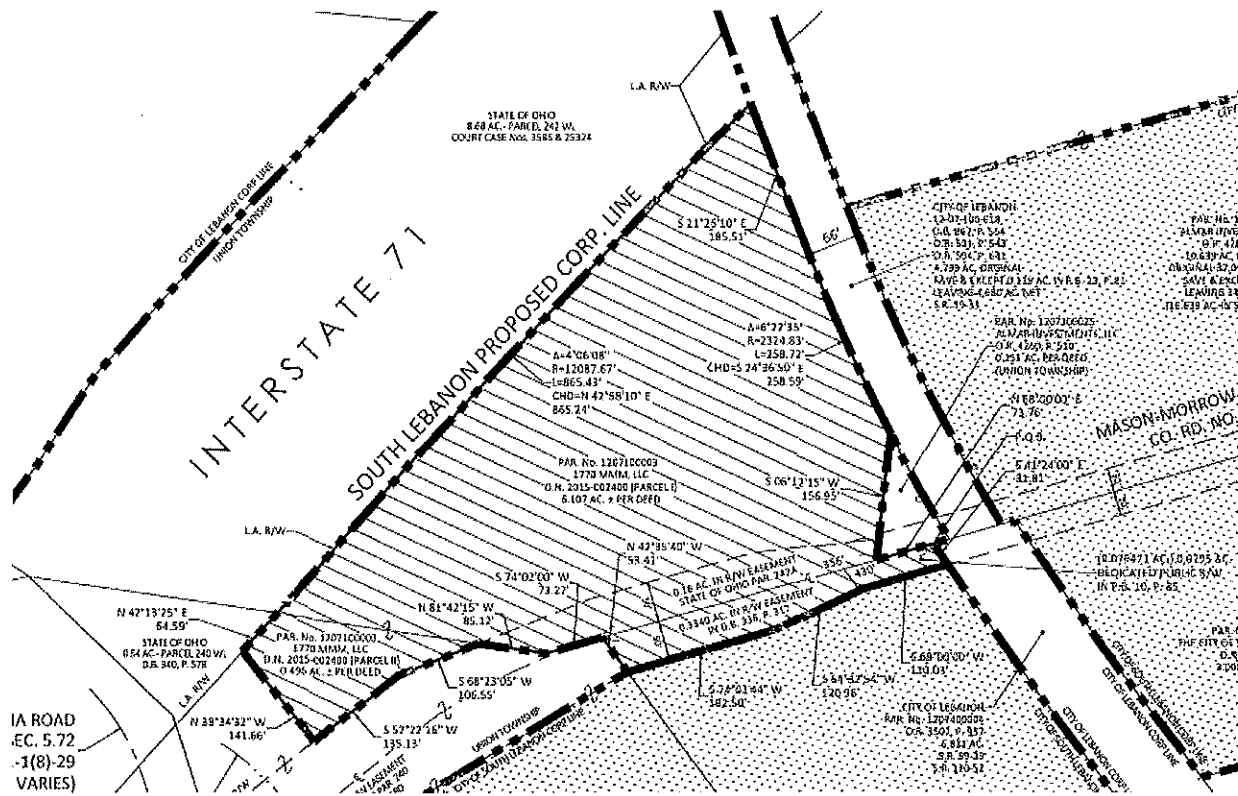
A petition for the annexation of 7.0165 acres from Union Township to the adjacent municipality, the City of South Lebanon, has been filed with this Board under the special procedure of annexation provided for in Ohio Revised Code (“R.C.”) Section 709.023, *et seq.*, commonly referred to as the “expedited type-2” annexation process. R.C. 709.021, R.C. 709.023. An expedited type-2 annexation requires the unanimous consent of all statutorily defined owners and must meet the seven (7) objective criteria for annexation set forth in R.C. 709.023(E)(1) to (E)(7). A board of county commissioners must “review” the expedited type-2 annexation petition and filings and “if it finds that each of the conditions specified in division (E) of [R.C. 209.023] has been met, shall enter upon its journal a resolution granting the annexation.” R.C. 709.023(F).

In this case, the petition for annexation was signed by 100% of the statutorily defined owners and meets each of the conditions of R.C. 709.023(E)(1) to (7). However, during the pre-filing review of the petition, its map or plat and legal description of the annexation territory and other filings by the Warren County Engineer’s Office, Tax Map Department, two of the criterion for an expedited type 2 annexation were discussed that were considered and explained by the Supreme Court of Ohio in 2020. It may be helpful to clarify these two conditions for the Board in

this case for its review of the petition. The annexation conditions at issue relate to the configuration of the annexation territory itself and the effect of the boundary of the annexation territory on adjacent streets or highways.

Factual Background

An expedited type-2 annexation petition signed by the two (2) property owners required to sign the annexation petition was filed with the Warren County Commissioners. The territory is adjacent to the City of South Lebanon along its southern boundary. Its eastern boundary is a recreational trail (the Lebanon Countryside Trail) that is located in the City of Lebanon. There is a small triangular parcel that is not included in the annexation territory adjacent to the recreational trail that will remain in Union Township as shown on the following map of the annexation territory. It is that triangle that has been the subject of the discussion in this case.



Legal Framework

R.C. 709.023(E)(7) Condition for Annexation – Streets divided or segmented by the boundary of the annexation territory.

One of the statutory criteria for annexation raised in this case is the division or segmentation of Mason-Morrow-Millgrove Road by the annexation territory and the necessity of a road maintenance agreement. R.C. 709.023(E)(7) provides:

(E) Unless the petition is granted under division (D) of this section, not less than thirty or more than forty-five days after the date that the petition is filed, **the board of county commissioners shall review it to determine if each of the following conditions has been met:**

* * *

(7) If a street or highway will be divided or segmented by the boundary line between the township and the municipal corporation *as to create a road maintenance problem*, **the municipal corporation** to which annexation is proposed **has agreed as a condition of the annexation to assume the maintenance of that street or highway or to otherwise correct the problem.** As used in this section, "street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.

There are two components to this analysis. First, there must be a road maintenance problem created. Second, the municipality must agree to either: (1) assume the maintenance of the street or (2) otherwise correct the problem. There is no statutory requirement that the municipality enter into an intergovernmental agreement with any other jurisdiction to satisfy this requirement. It must simply agree to assume or correct the maintenance problem.

The Supreme Court of Ohio recently considered the language of R.C. 709.023(E)(7) in *State ex rel. City of Xenia v. Greene Cty. Bd. of Comm'rs.*, 160 Ohio St.3d 495, 2020-Ohio-3423, 159 N.E.3d 262. In that case, the county argued the R.C. 709.023(7) criteria was not met because the city failed to present to the township or any agency an agreement concerning road-maintenance issues. The Ohio Supreme Court observed there is “no law that requires a municipal corporation to do this.” *Id.* at ¶35. It also found that R.C. 709.023(E)(7) has disjunctive phrasing providing “that a municipal corporation must agree either to “assume the maintenance of th[e] street or

highway or to otherwise correct the problem” (emphasis original) which the City did in that case.
Id. at ¶34.

Typically, a city agrees to this statutory requirement as part of its legislation identifying the services it will provide following annexation that is filed with the Commissioners’ within 20 days after the annexation petition is filed, as required by statute. R.C. 709.023(C). That is also the practice of the City of South Lebanon.

R.C. 709.023(E)(5) Condition for Annexation – annexation territory that completely surrounds a township.

R.C. 709.023(E)(7) provides:

(E) Unless the petition is granted under division (D) of this section, not less than thirty or more than forty-five days after the date that the petition is filed, **the board of county commissioners shall review it to determine if each of the following conditions has been met:**

* * *

(5) The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation.

The plain language of the statute prohibits the annexation territory itself from completely surrounding an area of the township. More simply, the statute prevents a ‘hole’ of township in a ‘doughnut’ of annexation territory or a ‘swiss cheese’ annexation leaving pockets or holes of unincorporated township that is completely surrounded by the annexation territory. No such circumstance exists in this annexation.

It is apparent from the legal description and annexation plat that the proposed annexation does not create an “island” in the township that is “completely surrounded by the territory proposed for annexation.” Rather, the annexation territory excludes a triangular shaped parcel that is adjacent to the annexation territory on two of its sides, and to property that is owned by and located in the City of Lebanon on its third side and improved with a bike path. It is not “completely

surrounded by the territory proposed for annexation” nor could it be, since it is adjacent to the City of Lebanon on its third side.

In other words, the annexation petitioners were careful to assure that only those owners required to sign an annexation petition who desired annexation were included in the annexation territory and none of the property whose owner who did not desire to annex was included. The agent and petitioners were also careful to ensure that the triangular (Almar) property was not “completely surrounded” by the annexation territory – as designed and required by law.

The Supreme Court of Ohio recently considered the R.C. 709.023(E)(5) criterion when it considered whether the annexation of a long stretch of bike path and a triangular shaped parcel owned by Central State University to the City of Xenia met all of the expedited type-2 annexation criteria. *See State ex rel. City of Xenia v. Greene Cty. Bd. of Comm'rs., supra*. In that case, the Ohio Supreme Court determined that R.C. 709.023(E)(5) prevents annexation where the annexation territory itself will completely surround an area of unincorporated township. (A ‘hole’ in a donut). It does not, however, prevent an annexation where before the annexation is filed, the proposed annexation territory is already adjacent to a municipal corporation and the boundaries of the annexation territory, though not completely surrounding an area of unincorporated township, will result in an unincorporated area of the township that is completely surrounded by one or more municipalities, like a “U” shaped annexation whose ends are adjacent to an existing municipal boundary. The Supreme Court refers to this as an ‘island’ of township territory that is “created by the coupling of pre-and post-annexation boundaries.”

The Supreme Court’s consideration of R.C. 709.023(E)(5) was relatively short and is included in its entirety here for the convenience of the Board and its legal counsel. In *City of Xenia v. Greene Cty. Bd. of Commrs., supra* at ¶¶ 29-31, the Supreme Court held:

3. Whether the city's petition satisfies R.C. 709.023(E)(5)

[P29] Under R.C. 709.023(E)(5), the petition must show that the "annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation." The county claims that the city's petition does not satisfy this condition because the proposed annexation of the bicycle path would create two township islands. The first area, known as the Green Parcel, is a triangular-shaped parcel that is bounded by the city on two sides, with the bicycle path running along the third side. The second, the Douglas Street area, is a quadrilateral-shaped group of parcels that are bounded by the city on three sides, with the bicycle path running along the fourth side.

[P30] The city does not dispute that the proposed annexation would create two township islands. But it correctly points out that R.C. 709.023(E)(5) forbids only township islands that are "completely surrounded by the territory proposed for annexation," not islands that are created by the coupling of pre-and post-annexation boundaries. Here, "the territory proposed for annexation" would form merely one side of the triangular-shaped island and one side of the quadrilateral-shaped island.

[P31] We conclude that the city's petition satisfies R.C. 709.023(E)(5)'s requirements.

In other words, the statutory standard for annexation is not whether a township island is created. The standard is whether the annexation territory itself completely surrounds an unincorporated portion of the township, like the holes in Swiss cheese or a hole in a donut. If it does not, it is not prohibited, even if the existing conditions 'create a township island' or alter an existing 'township island.' Here, the annexation will form two sides of a triangular shaped island, which is permitted by law.

Conclusion

There is no law that requires the City of South Lebanon to enter into a road maintenance agreement with another political subdivision when a road will be divided or segmented by the boundary of an annexation territory so as to create a road maintenance problem. If the City agrees to either "assume the maintenance of the street or highway or to otherwise correct the problem," this condition for annexation is met. The City will agree to this condition by the resolution of City

Council to be filed with this Board pursuant to R.C. 709.023(C) identifying the services it will provide, including services relating to road in and around the annexation territory.

The plat included with the Petition in this case shows that the proposed annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation. Accordingly, the R.C. 709.023(E)(5) condition has been met.

The petition for annexation in this case meets all seven of the conditions for annexation set forth in R.C. 709.023(E)(1)-(7). As a result, the proposed annexation must be granted.

Respectfully submitted,

/s/ Catherine A. Cunningham
Catherine A. Cunningham (0015730)
Kegler, Brown, Hill & Ritter Co., LPA
65 East State Street, Suite 1800
Columbus, OH 43215
(614) 462-5486
Fax: (614) 464-2634
E-mail: ccunningham@keglerbrown.com

*Attorney for the Agent for the Annexation
Petitioners*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Bruce McGary, Warren County Assistant Prosecuting Attorney, 502 Justice Drive, Lebanon, Ohio 45036 via personal delivery, on this 3rd day of February, 2023.

/s/ Catherine A. Cunningham
Catherine A. Cunningham (0015730)

#2

20

PETITION FOR ANNEXATION - EXPEDITED TYPE 2

WARREN COUNTY
COMMISSIONERS


We, the undersigned, being all of the owners of real estate in the territory hereinafter described, hereby petition for the annexation of the following described territory to the City of Franklin, Warren County, Ohio, being filed under Section 709.023 of the Revised Code of Ohio.

Petitioners have attached hereto and made a part of this petition a legal description of the perimeter of the territory sought to be annexed, marked as Exhibit "A".

The described territory is contiguous with the City of Franklin, Ohio.

Petitioners have attached hereto and made a part of this petition, an accurate map or plat of the territory sought to be annexed, marked Exhibit "B".

Clayton Sears is hereby appointed agent for the undersigned Petitioners as required by Ohio Revised Code Section 709.02(C)(3), with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this Petition. Said amendment, alteration, change, correction, withdrawal, refiling, substitution, compromise, increase or deletion or other things or action for granting of this Petition shall be made in the Petition, description and plat by said agent without further expressed consent of the Petitioners.



Signature of Agent

Clayton Sears

Typed or printed name of agent

3601 Rigby Road, Suite 300

Address

Miamisburg, Ohio 45342

937.623.3225

Phone Number/Fax Number

clayton.sears@ddcmgmt.com

Email Address (if applicable)

"WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE."

X *Mary L. Werline*

Mary L. Werline, Trustee of the Werline Family
Revocable Living Trust UAD June 3, 1997

Date: 01-18-2023

Exhibit A

Annexation Description Containing 107.403 Acres

Situated in Section 35, Town 3, Range 4 M.Rs., Franklin Township, Warren County, State of Ohio, and being part of a 109-acre parcel owned by Mary L. Werline, Trustee by Official Record 1816, Page 917 and being more particularly described as follows;

Beginning at the northeast corner of Section 35, said corner monumented by a found 24" diameter deciduous tree (witness a 5/8" iron pin with no cap South 05°57'39" West a distance of 14.8 feet), said point being the northwest corner Lot 3 of Franklin Business Park Two Section One as recorded in Plat Book 51, Page 88 and in the south line of Bunnell Hill Development Co., Inc. as recorded in Official Record 4698, Page 528;

Thence with the easterly line of said Section 35 and the westerly line of said Lot 3 and Lot 4 of said Franklin Business Park Two Section One, and the westerly line of a parcel conveyed to Neil and Janet Amy Hoffman in Official Record 946, Page 787, and in part along the corporation line of the City of Franklin, **South 05°57'39" West**, a distance of **1716.23 feet**, (passing a found 1/2" iron pin with no cap at 986.12 feet) to a set 5/8" Iron Pin with a CESO cap on the north right-of-way line of Manchester Road (also referenced by a found 5/8" Iron Pin with no cap in the centerline of Manchester Road at 1731.25 feet)


Thence along said north right-of-line of Manchester Road, **North 86°26'25" West**, a distance of **2576.24 feet** to a set 5/8" Iron Pin with a CESO cap on the easterly right-of-way line of Shaker Road;

Thence along easterly right-of-way line of Shaker Road, the following courses;

- **North 23°09'39" West**, a distance of **351.29 feet** to a set 5/8" Iron Pin with a CESO cap;
- **North 05°03'44" East**, for a distance of **1386.23 feet** to a set 5/8" Iron Pin with a CESO cap the southerly line of aforesaid Bunnell Hill Development Co., Inc. tract;

Thence, along the southerly line of said Bunnell Hill Development and a parcel conveyed to the City of Franklin in Official Record 4702, Page 722, said line being the corporation line of the City of Franklin, **South 86°45'16" East**, for a distance of **2769.80 feet** to the **Point of Beginning**, containing 107.403 acres, more or less, and being subject to all other rights-of-way, easements, restrictions, covenants, and/or conditions of record.

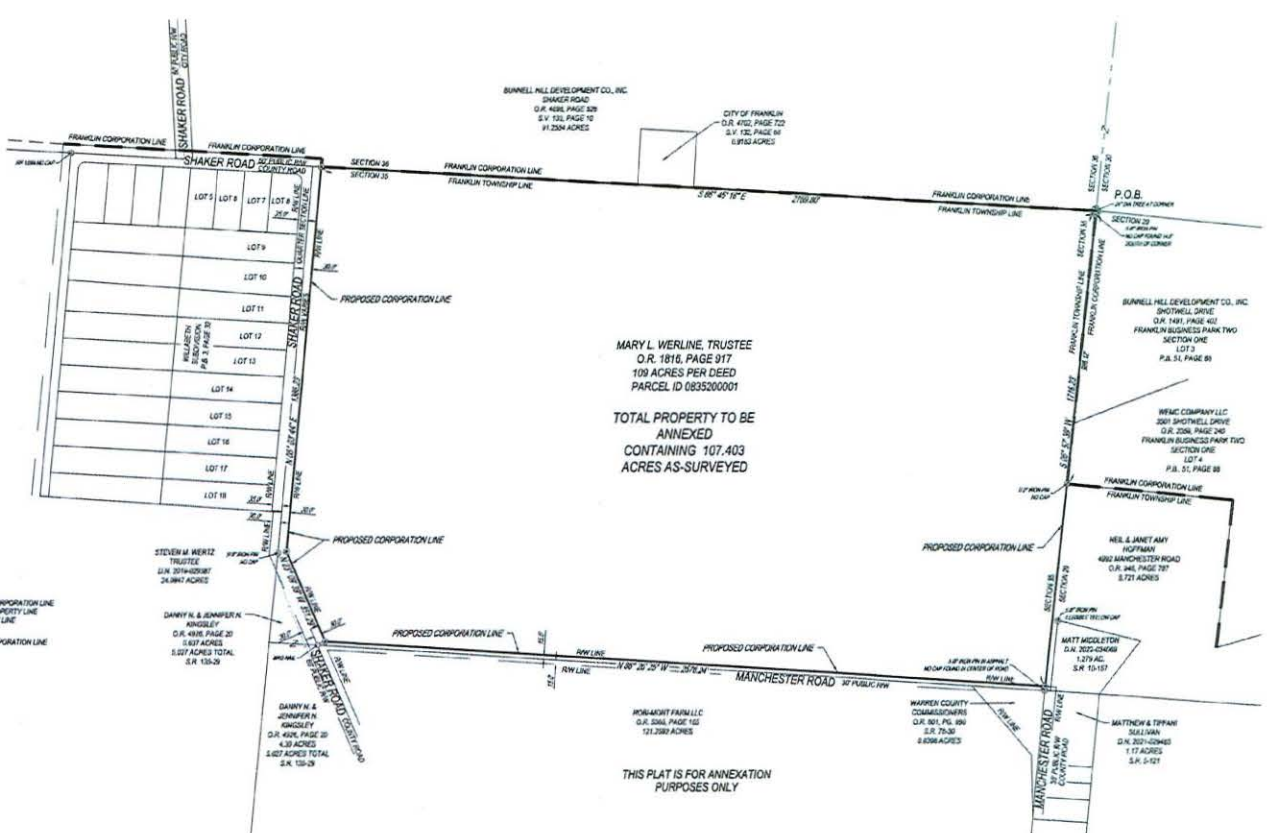
The above description is the result of a survey prepared by Sean T. Brooks & CESO, Ohio Registered surveyor No. 8828, dated January 2022, the survey plat of which is filed in Vol. ____ Plat ____ of the Warren County Engineer's Record of Land Surveys.


Sean T. Brooks, PS
Ohio P.S. #8828

2-2-2023
Date



CITY OF FRANKLIN ANNEXATION OF WERLINE PROPERTY
 107.403 ACRE ANNEXATION IN SECTION 26, TOWN 2, RANGE 4 MERL, FRANKLIN TOWNSHIP, WARREN COUNTY, OHIO
 THE PERIMETER OF THE TERRITORY SHOWN HEREIN IS 8,794.78 FEET,
 OF WHICH 3,735.62 FEET (42.68%) IS CONTIGUOUS WITH
 THE EXISTING CORPORATION LINE.



MARY L. WERLINE TRUSTEE
 O.R. 1816, PAGE 917
 100 ACRES PER DEED
 PARCEL ID 0835200001

TOTAL PROPERTY TO BE
 ANNEXED
 CONTAINING 107.403
 ACRES AS-SURVEYED

THIS PLAT IS FOR ANNEXATION
 PURPOSES ONLY



VICINITY MAP:
 NOT TO SCALE

COUNTY COMMISSIONERS:
 WE, THE BOARD OF COUNTY COMMISSIONERS OF WARREN COUNTY, OHIO DO HEREBY APPROVE THIS PLAT ON THIS _____ DAY OF _____, 2023.
 COMMISSIONERS:
 PRINTED NAME _____
 PRINTED NAME _____
 PRINTED NAME _____

CITY APPROVAL:
 CITY OF FRANKLIN MAYOR _____ DATE _____
 CITY OF FRANKLIN CLERK OF COUNCIL _____ DATE _____

COUNTY RECORDER:
 FILE NO. _____
 RECEIVED THIS _____ DAY OF _____, 2023, AT _____ A.M./P.M.
 RECORDED THIS _____ DAY OF _____, 2023, AT _____ A.M./P.M.
 RECORDED IN PLAT BOOK NO. _____ PAGE _____
 FEE: _____
 BY: _____
 DEPUTY RECORDER WARREN COUNTY

COUNTY AUDITOR:
 TRANSFERRED THIS _____ DAY OF _____, 2023
 BY: _____
 DEPUTY AUDITOR WARREN COUNTY

Exhibit B

- SURVEY NOTES:**
1. NORTH AND BEARING SYSTEM BASED ON THE OHIO STATE PLANE - SOUTH, NAD 83 AND UPON SP5 OBSERVATIONS TAKEN BY CESO INC. IN NOVEMBER OF 2021. SCALED TO GROUND AT A LAT. NOY:3733.85233°P, LONG. W94°17'44.14211°W AT A PROJECT HEIGHT OF 734.888 FEET AND A SCALE FACTOR OF 1.000011513202.
 2. ALL DATA SOURCES, DOCUMENTS AND RECORDS SHOWN HEREON ARE ON FILE AT THE WARREN COUNTY RECORDER'S OFFICE LOCATED IN LEBANON, OHIO, UNLESS NOTED OTHERWISE.
 3. SURVEY PREPARED FROM FIELDWORK PERFORMED IN NOVEMBER OF 2021. ALL MONUMENTATION SHOWN HEREON IS IN GOOD CONDITION UNLESS OTHERWISE NOTED.
 4. ACCESS TO THE SUBJECT PARCEL IS AVAILABLE VIA SHAKER ROAD AND MANCHESTER ROAD BEING PUBLIC RIGHT-OF-WAYS.
 5. OCCUPATION GENERALLY FITS THE BOUNDARY LINES AS SHOWN.

SURVEYORS CERTIFICATION:
 I HEREBY CERTIFY THAT THIS PLAT OF SURVEY IS A CORRECT REPRESENTATION OF A FIELD SURVEY PERFORMED BY CESO IN NOVEMBER OF 2021 UNDER MY DIRECTION. I FURTHER CERTIFY THAT ALL MONUMENTS HAVE BEEN SET OR FOUND AS INDICATED.



Sean Brooks
 SEAN T. BROOKS P.E.
 OHIO PROFESSIONAL SURVEYOR #8628
 DATE: 2-8-2023

REVISIONS		
NO.	DATE	DESCRIPTION

107.403 ACRE ANNEXATION	
MARY L. WERLINE, TRUSTEE	
87M SHAKER ROAD FRANKLIN TOWNSHIP	SEC 26, T2, R4 MERL FRANKLIN TOWNSHIP, WARREN COUNTY, OHIO
SCALE: 1" = 200'	DATE: 2/28/23
DESIGN: N/A	JOB NO.: 759872
DRAWN: DAS/JRH	SHEET NO.:
CHECKED: JRN	WWW.CESOHINC.COM
1 of 1	

**ADJOINING OWNERS TO
PARCEL 0835200001 – 5764 SHAKER ROAD, FRANKLIN, OH 45005**

	<u>PARCEL NO.</u>	<u>OWNER</u>	<u>TAX MAILING ADDRESS</u>
1	0836451007	BUNNELL HILL DEVELOPMENT CO. INC.	3000G HENKLE DR LEBANON, OH 45036
2	0836451004	CITY OF FRANKLIN	1 BENJAMIN FRANKLIN WAY FRANKLIN, OH 45005
3	0829101008	BUNNELL HILL DEVELOPMENT CO. INC.	3000G HENKLE DR LEBANON, OH 45036
4	0829101009	WEMC COMPANY LLC	3501 SHOTWELL DR FRANKLIN, OH 45005
5	0829151001	NEIL & JANET AMY HOFFMAN	4992 MANCHESTER RD FRANKLIN, OH 45005
6	0829151003	MATTHEW & TIFFANI SULLIVAN	4982 MANCHESTER RD FRANKLIN, OH 45005
7	0835400021	ROBI-MONT FARM LLC	4296 SHAKER RD FRANKLIN, OH 45005
8	0835200002	DANNY N. & JENNIFER N. KINGSLEY	5438 MANCHESTER RD FRANKLIN, OH 45005
9	0835177003	STEVEN M. WERTZ, TRUSTEE OF THE WERTZ PRESERVATION TRUST DATED SEPTEMBER 27, 2019	STEVEN M. WERTZ TRUSTEE 5682 N UNION RD FRANKLIN, OH 45005
10	0835127026	JAYSON & ALISSA ALEXANDER	5731 SHAKER RD FRANKLIN, OH 45005
11	0835127025	SUE ELLEN EDINGER	5745 SHAKER RD FRANKLIN, OH 45005
12	0835127024	ZACHARIAH M. DUNLEVEY & LARRY W. JOSEPH	808 S. MAIN ST ENGLEWOOD, OH 45322
13	0835127023	SNOWDEN PROPERTIES LLC	RICK SNOWDEN 5777 SHAKER RD FRANKLIN, OH 45005
14	0835127022	BRENDA KAY SOALE	5799 SHAKER RD FRANKLIN, OH 45005
15	0835127021	ANTHONY BAKER	5813 SHAKER RD FRANKLIN, OH 45005
16	0835127020	STEVE GEBHARDT	4709 ROSEVELT AVE MIDDLETOWN, OH 45044
17	0835127019	CATHERINE SOUTH & THERONICA R. OAKLEY	5839 SHAKER RD FRANKLIN, OH 45005
18	0835127018	SARAH C. MURRAY & OLLE F. ANDREASSON	816 STONEYBROOK DR KETTERING, OH 45429
19	0835127017	LARRY D. CAGG II AND BILLIE CAGG	17 HUDSON FRANKLIN, OH 45005
20	0835127028	RONNIE & ANGELA PELFREY	5887 SHAKER RD FRANKLIN, OH 45005
21	0835200004	WARREN COUNTY COMMISSIONERS	406 JUSTICE DRIVE LEBANON, OHIO 45036

LISTING OF PARCEL OWNER(S) FOR TERRITORY PROPOSED FOR ANNEXATION			
	<u>PARCEL NO.</u>	<u>OWNER</u>	<u>TAX MAILING ADDRESS</u>
1	083520001	MARY L. WERLINE, TRUSTEE	3619 MARYKNOLL DR KETTERING, OH 45429

FINAL REPORT
WARREN COUNTY ENGINEERS OFFICE
TAX MAP DEPARTMENT
ANNEXATION REVIEW REPORT
(In Accordance with O.R.C. 709.031)
"EXHIBIT F"

Annexation to: FRANKLIN

Date Filed: 02/06/23

Filed by: CLAYTON SEARS

Total Acreage: 107.403

I. MAP CONTENTS

- | | | | |
|---|------------|----|-----|
| a) Section-Town-Range, or Military Survey, County, and State | YES | NO | N/A |
| b) Boundary of Territory proposed for annexation to be in bold lines for ease in identification | YES | NO | N/A |
| c) Lengths and bearings of the boundary of the territory. (May be obtained from county records) | YES | NO | N/A |
| d) All roads and streets. | YES | NO | N/A |
| e) All existing corporation lines. | YES | NO | N/A |
| f) All section, quarter section or VMS lines correctly labeled. | YES | NO | N/A |
| g) All property lines. | YES | NO | N/A |
| h) Names of all allotments within the territory with plat book and page as recorded in the County plat records. | YES | NO | N/A |
| i) Lot numbers on plotted property. | YES | NO | N/A |
| j) On unplotted property, the names of owners and deed reference with the acreage and dimensions. | YES | NO | N/A |
| k) Annexation must be contiguous to 5% of existing corp. line <u>~43%</u> | YES | NO | N/A |

II. LEGEND CONTENTS

- | | | | |
|---|------------|----|-----|
| a) Formal identification of territory | YES | NO | N/A |
| b) Total acreage in annexation territory with acreage breakdown of each individual parcel. | YES | NO | N/A |
| c) Lengths of each road in territory | YES | NO | N/A |
| d) North arrow | YES | NO | N/A |
| e) Scale of map | YES | NO | N/A |
| f) Date and name of surveyor with certification, preparer of map shall state if map and description are prepared by new survey or if prepared by existing deeds and plats of records. | YES | NO | N/A |
| g) Vicinity map to designate location of annexation. | YES | NO | N/A |

III. OTHER REQUIREMENTS

- | | | | |
|---|------------|----|-----|
| a) Map on 24" x 36" mylar or linen reproducible | YES | NO | N/A |
| b) Accurate map | YES | NO | N/A |
| c) Description accurate and in accordance with plat | YES | NO | N/A |
| d) Number of property owners in territory | YES | NO | N/A |
| e) Number of property owners signing the petition | YES | NO | N/A |
| f) Signature Block for Warren County Commissioners | YES | NO | N/A |
| g) Signature Block for City or Village Officials | YES | NO | N/A |
| h) Signature Block for Warren County Auditor | YES | NO | N/A |
| i) Signature Block for Warren County Recorder | YES | NO | N/A |
| j) List parcels within and adjacent to annexation area. Include names, addresses and parcel numbers. This list should be contained in the petition. | YES | NO | N/A |

Engineer's Office Comments: _____

Reviewed by: BOB FOX

Date: 02/08/23

Neil F. Tunison

Neil F. Tunison P.E., P.S.
Warren County Engineer

CITY OF FRANKLIN, OHIO
RESOLUTION 2023-09

CONSENTING TO THE ANNEXATION TO THE CITY OF FRANKLIN, OHIO CERTAIN TERRITORY PROPOSED TO BE SO ANNEXED PURSUANT TO AN EXPEDITED TYPE II ANNEXATION PETITION FILED WITH THE BOARD OF COUNTY COMMISSIONERS OF WARREN COUNTY, OHIO BY CLAYTON SEARS, AGENT FOR PETITIONER(S), AS PROVIDED FOR IN OHIO REVISED CODE SECTION 709.023

Whereas, on February 6, 2023 a petition was filed with the Board of County Commissioners of Warren County, Ohio ("County"), for the annexation of 107.403 +/- acres of territory in Franklin Township to the City of Franklin, which petition was signed by 100% of the property owner(s) of the territory sought be annexed; and

Whereas, Ohio Revised Code Section 709.023(D) provides that, upon the filing of an Expedited Type II annexation petition, City Council may, within twenty-five days after the date the petition is filed, adopt and file with the County an ordinance or resolution consenting to the proposed annexation; and

Whereas, the City of Franklin supports the proposed annexation and is, on this same date, adopting a resolution setting forth the services it will provide the territory proposed for annexation, upon it annexation to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, County of Warren, State of Ohio, with a majority of duly elected members thereof concurring, that:

Section 1. The Council of the City of Franklin, Ohio hereby consents to the above-referenced annexation, attached as Exhibit A.

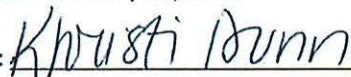
Section 2. The Clerk of City Council is hereby directed to immediately forward and file a certified copy of this Resolution to the Board of County Commissioners of Warren County, Ohio (and in no manner later than February 27, 2023).

Section 3. All formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution shall become effective immediately upon its passage.

ADOPTED: February 25, 2023

ATTEST:


Khristi Dunn, Clerk of Council

APPROVED:


Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on February 25, 2023.

WARREN COUNTY
2023 FEB 27 AM 9:55
RECEIVED


Khristi Dunn, Clerk of Council

February 7, 2023

VIA CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Ms. Khristi Dunn
Attn: Clerk, City of Franklin
1 Benjamin Franklin Way
Franklin, Ohio 45005

Re: Annexation

To Whom It May Concern:

Enclosed is a copy of the Petition for Annexation – Expedited Type 2 that was filed at 12:14 p.m. on February 6, 2023 with the Board of Commissioners of Warren County, Ohio.

If you have any questions, please call or email me.

Very truly yours,



Robert M. Curry

Enclosure

RECEIVED

PETITION FOR ANNEXATION - EXPEDITED TYPE 2

2023 FEB -6 PM 12:14

We, the undersigned, being all of the owners of real estate in the territory hereinafter described hereby petition for the annexation of the following described territory to the City of Franklin, Warren County, Ohio, being filed under Section 709.023 of the Revised Code of Ohio.

WARREN COUNTY
COMMISSIONERS

Petitioners have attached hereto and made a part of this petition a legal description of the perimeter of the territory sought to be annexed, marked as Exhibit "A".

The described territory is contiguous with the City of Franklin, Ohio.

Petitioners have attached hereto and made a part of this petition, an accurate map or plat of the territory sought to be annexed, marked Exhibit "B".

Clayton Sears is hereby appointed agent for the undersigned Petitioners as required by Ohio Revised Code Section 709.02(C)(3), with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this Petition. Said amendment, alteration, change, correction, withdrawal, refiling, substitution, compromise, increase or deletion or other things or action for granting of this Petition shall be made in the Petition, description and plat by said agent without further expressed consent of the Petitioners.



Signature of Agent

Clayton Sears

Typed or printed name of agent

3601 Rigby Road, Suite 300

Address

Miamisburg, Ohio 45342

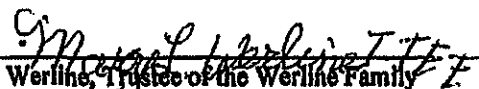
937.623.3225

Phone Number/Fax Number

clayton.sears@ddomgmt.com

Email Address (if applicable)

"WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE."

X 
Mary L. Werline, Trustee of the Werline Family
Revocable Living Trust UAD June 3, 1997

Date: 01-18-2023

Exhibit A

Annexation Description Containing 107.403 Acres

Situated in Section 35, Town 3, Range 4 M.Rs., Franklin Township, Warren County, State of Ohio, and being part of a 109-acre parcel owned by Mary L. Werline, Trustee by Official Record 1816, Page 917 and being more particularly described as follows;

Beginning at the northeast corner of Section 35, said corner monumented by a found 24" diameter deciduous tree (witness a 5/8" iron pin with no cap South 05°57'39" West a distance of 14.8 feet), said point being the northwest corner Lot 3 of Franklin Business Park Two Section One as recorded in Plat Book 51, Page 88 and in the south line of Bunnell Hill Development Co., Inc. as recorded in Official Record 4698, Page 528;

Thence with the easterly line of said Section 35 and the westerly line of said Lot 3 and Lot 4 of said Franklin Business Park Two Section One, and the westerly line of a parcel conveyed to Neil and Janet Amy Hoffman in Official Record 946, Page 787, and in part along the corporation line of the City of Franklin, South 05°57'39" West, a distance of 1716.23 feet, (passing a found 1/2" iron pin with no cap at 986.12 feet) to a set 5/8" Iron Pin with a CESO cap on the north right-of-way line of Manchester Road (also referenced by a found 5/8" Iron Pin with no cap in the centerline of Manchester Road at 1731.25 feet)


Thence along said north right-of-line of Manchester Road, North 86°26'25" West, a distance of 2576.24 feet to a set 5/8" Iron Pin with a CESO cap on the easterly right-of-way line of Shaker Road;

Thence along easterly right-of-way line of Shaker Road, the following courses;

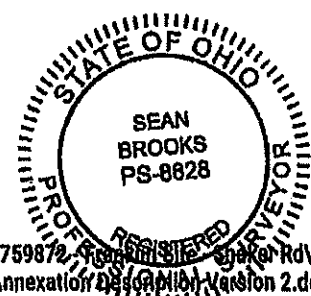
- North 23°09'39" West, a distance of 351.29 feet to a set 5/8" Iron Pin with a CESO cap;
- North 05°03'44" East, for a distance of 1386.23 feet to a set 5/8" Iron Pin with a CESO cap the southerly line of aforesaid Bunnell Hill Development Co., Inc. tract;

Thence, along the southerly line of said Bunnell Hill Development and a parcel conveyed to the City of Franklin in Official Record 4702, Page 722, said line being the corporation line of the City of Franklin, South 86°45'16" East, for a distance of 2769.80 feet to the Point of Beginning, containing 107.403 acres, more or less, and being subject to all other rights-of-way, easements, restrictions, covenants, and/or conditions of record.

The above description is the result of a survey prepared by Sean T. Brooks & CESO, Ohio Registered surveyor No. 8828, dated January 2022, the survey plat of which is filed in Vol. _____ Plat _____ of the Warren County Engineer's Record of Land Surveys.


Sean T. Brooks, PS
Ohio P.S. #8828

2-2-2023
Date



CITY OF FRANKLIN, OHIO
RESOLUTION 2023-10

RECEIVED
2023 FEB 27 AM 9:55

SETTING FORTH STATEMENT OF MUNICIPAL SERVICES THE CITY OF FRANKLIN WILL PROVIDE TO THE 107.403 +/- ACRES OF LAND, LOCATED IN FRANKLIN TOWNSHIP, WARREN COUNTY, AND PROPOSED TO BE ANNEXED TO THE CITY OF FRANKLIN VIA AN EXPEDITED TYPE-II ANNEXATION PURSUANT TO R.C. 709.021 AND 709.023; AND THE BUFFER REQUIREMENTS THE CITY OF FRANKLIN WILL ENFORCE AS PROVIDED IN R.C. 709.023(C)

WHEREAS, on February 6, 2023 a petition was filed with the Board of County Commissioners of Warren County, Ohio, for the annexation of 107.403 +/- acres of territory in Franklin Township to the City of Franklin, which petition was signed by 100% of the property owner(s) of the territory sought be annexed; and

WHEREAS, said territory is adjacent to the City of Franklin, and no street or highway is included in the territory to be annexed and/or no street or highway be divided or segmented by the boundary line between Franklin Township and the City of Franklin, if the territory is so annexed; and

WHEREAS, Ohio Revised Code Section 709.023(C) requires that a municipal corporation, by ordinance or resolution, adopt a statement of services setting forth what services it will provide the territory upon its annexation and an approximate date by which it will provide such services, which ordinance or resolution must be adopted and filed with the county commissioners within twenty (20) days after the petition is filed; and

WHEREAS, Ohio Revised Code Section 709.023(C) requires that a municipal corporation, by ordinance or resolution, require buffers separating any new uses in the annexed territory that the City Council determines are clearly incompatible with the uses permitted under current township or county zoning regulations in the adjacent land remaining within the township from which the territory was annexed; and

WHEREAS, the City of Franklin supports the proposed annexation and will provide the services set forth in this Resolution to the territory proposed for annexation, upon its annexation to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, County of Warren, State of Ohio, with a majority of duly elected members thereof concurring, that:

Section 1. The City of Franklin shall provide all municipal services to the territory proposed for annexation available to other parts of the City, including police; fire and EMS; sanitary sewer; water; waste collection; and planning and zoning services, to the same extent and in the same manner as municipal services are provided to other parts of the City, pursuant to the City's general and uniformly applied policies. Such services will be available and provided by the City to the territory proposed for annexation once the City's resolution or ordinance accepting the annexation becomes final as provided by law. Said services will be provided by the City on the terms and conditions, and shall be subject to the rates, fees, rules, and/or regulations established by City ordinance(s), to the same extent as such are provided/applicable to other territory and properties located within the City of Franklin.

Section 2. If the territory is annexed and becomes subject to City of Franklin zoning regulations/ordinances, and the City's zoning permits uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under the Franklin Township zoning regulations in effect at the time of the filing of the petition, in any adjacent land remaining within Franklin Township, the City Council will require, in the zoning ordinance permitting the incompatible uses, that the owner(s) of the annexed territory provide a buffer separating the use of the annexed territory and any adjacent land

remaining within Franklin Township. "Buffer" may include open space, landscaping, fences, walls, and other structured elements, streets and street rights-of-way; and bicycle and pedestrian paths and sidewalks.

Section 3. The Clerk of City Council is hereby directed to immediately forward and file a certified copy of this Resolution to the Board of County Commissioners of Warren County, Ohio (and in no manner later than February 27, 2023).

Section 4. All formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. This Resolution shall become effective immediately upon its passage.

ADOPTED: February 25, 2023

ATTEST: Khristi Dunn
Khristi Dunn, Clerk of Council

APPROVED: Brent Centers
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on February 25, 2023.

Khristi Dunn
Khristi Dunn, Clerk of Council

February 28, 2023

Warren County Commissioners
406 Justice Drive
Lebanon, Ohio 45036
Attn: Clerk

Re: Petition for Annexation of 107.403 Acres in Franklin Township, Warren County, Ohio,
into the City of Franklin/Mary L. Werline, Trustee

To Whom It May Concern:

Enclosed is an Affidavit evidencing that service of the Petition for the above-referenced annexation has been made upon the City of Franklin, Franklin Township, and the adjoining owners referenced in the Petition.

Thank you for your cooperation.

If you have any questions, please feel free to contact me.



Sincerely,



Robert M. Curry

Enclosure

Exhibit A

Return Receipt (Form 3811) Barcode		COMPLETE THIS SECTION ON DELIVERY	
		A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i>	<input type="checkbox"/> Agent
9590 9266 9904 2205 8339 86		B. Received by (Printed Name) <i>[Signature]</i>	<input type="checkbox"/> Addressee
1. Article Addressed to: Township of Franklin Attn: Fiscal Officer 418 Fairview Drive Franklin, OH 45005 US		C. Date of Delivery	
2. Certified Mail (Form 3800) Article Number 9414 7266 9904 2205 8339 83		D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type: <input checked="" type="checkbox"/> Certified Mail	
		Reference Information 105818.00007.00707 -	
			
PS Form 3811, Facsimile, July 2015		Domestic Return Receipt	

#3

PETITION FOR ANNEXATION
OF 42.082 ACRES, MORE OR LESS,
IN FRANKLIN TOWNSHIP, WARREN COUNTY, OHIO
TO THE CITY OF SPRINGBORO, OHIO UTILIZING THE
SPECIAL PROCEDURE OF R.C. SECTION 709.022 ET SEQ.
(Expedited Type-1 Annexation)

WARREN COUNTY
COUNTY ENGINEER

**TO: THE BOARD OF COUNTY COMMISSIONERS OF
WARREN COUNTY, OHIO**

Now comes the undersigned petitioner, being one hundred percent (100%) of the statutory owners of certain property sought to be annexed as hereinafter described, containing 42.082 acres, more or less, in Franklin Township, Warren County and requests that its property be annexed to the City of Springboro, Ohio. By its signatures, the undersigned elects to proceed under the 100% owner supported expedited process of R.C. §709.022 (Expedited Type-1). The property is contiguous to the City of Springboro, Ohio according to the statutes of the State of Ohio.

An accurate description of the territory sought to be annexed is attached hereto and made a part hereof as Exhibit "A."

A map or plat of the above-described territory sought to be annexed is attached hereto and made a part hereof as Exhibit "B."

A certified copy of an Annexation Agreement covering the annexed property entered into between the City of Springboro and Franklin Township is attached as Exhibit "C."

The number of owners in the territory sought to be annexed is one (1). The number of owners required to sign the petition is one (1). The number of owners who signed the petition is one (1).

Catherine A. Cunningham, 65 E. State Street, Suite 1800, Columbus, OH 43215, (614) 462-5486, is hereby appointed agent for the undersigned petitioner, as required by R.C. §709.02. The petitioner's agent is hereby authorized to make any amendments and/or deletions, which in her absolute and complete discretion are proper under the circumstances then existing. In addition, the petitioner's agent is authorized to make such amendments and/or deletions in this petition, map, plat or description in order to correct any discrepancy or mistake noted by the county engineer or others in their examination of the petition, map, plat or description. Amendments to correct the map, plat or description may be made by the

presentation of an amended map or plat and description to the Warren County Board of County Commissioners on, before or after the date set for hearing of this petition unless otherwise specified by law.

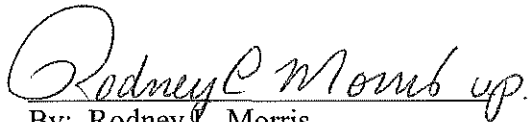
“WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD’S DECISION IN THIS MATTER IN LAW OR EQUITY.”

NAME

ADDRESS

DATE

Associate Construction, Inc.



By: Rodney L. Morris
Its: Vice President

31 Eagle Court, Suite A
Carlisle, OH 45005

2/13/23

**PROPOSED ANNEXATION AREA
LEGAL DESCRIPTION
42.082 AC.
FRANKLIN TOWNSHIP
WARREN COUNTY**

Situated in the State of Ohio, Warren County, Franklin Township, being all of parcels 1 & 2 as conveyed to Associate Construction Inc. recorded in Document No. 2022-004469 of the Warren County Recorder's Office and being more particularly described as follows:

Beginning at a Railroad Spike at the intersection of the centerline of Sharts Road and the existing southerly corporation line of the City of Springboro (Per annexation plat recorded in O.R. 225, Page 901) also being the northwest corner of the grantor's 42.082 acre tract;

Thence along the southerly line of a 0.3238 acre tract conveyed to 725 Pleasant Valley, by O.R. 3987, Page. 136 and the southerly Right-of-Way of Advanced Drive, S86°55'30"E, a distance of 715.81 feet to the northwesterly corner of a 4.2508 acre tract conveyed to Advance 5, LLC., by Document No. 2021-030269;

Thence along the Westerly line of said 4.2508 acre tract, also along the westerly lines of a 3.5511 acre tract conveyed to M&N Holdings IV, LLC., by Document No. 2022-002138 and a 8.2239 acre tract conveyed to Springboro Advance, LLC., by Document No. 2021-056885, S11°15'00"W, a distance of 1948.65. feet to a point in the northerly line of a 47.2084 acre tract conveyed to the City of Springboro, O.R. 5465, Page 998.

Thence along the northerly line of said 47.2084 acre tract, N88°00'00"W, a distance of 996.60 feet to a point in the easterly line of a 19.93 acre tract conveyed to Michael H. Alford Revocable Living Trust, Michael H. Alford Trustee, by Document No. 2017-010622;

Thence along the easterly line of said 19.93 acre tract, also along the easterly lines of a 3.5114 acre tract conveyed to Cadwallader Properties, LLC. , by Document No. 2022-032036, N01°00'00"E, a distance of 942.8 feet to the southwesterly corner of a 1.08 acre tract conveyed to Kenneth D. Wiginton, by O.R. 2035, Page 88;

Thence along the south line of said 1.08 acre tract, N72°50'00"E, a distance of 159.00 feet to the southeasterly corner of said 1.08 acre tract;

Thence along the easterly line of said 1.08 acre tract, N14°42'00"E, a distance of 229.00 feet to the southeasterly corner of a 0.5 acre tract conveyed to Bobbi J. Quillen, by Document No. 2021-016907;

Thence along the easterly lines of said 0.50 acre tract and a 0.5 acre tract conveyed to Kennon Vest, by Document No. 2021-038520, N01°00'00"E, a distance of 208.00 feet to the northeasterly corner of said 0.5 acre tract;

Thence along the northeasterly lines of said 0.50 acre tract, N80°12'00"W, a distance of 209.50 feet to the centerline of Sharts Road;

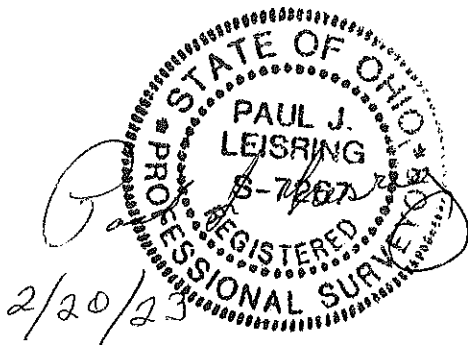
Thence along the centerline of Sharts Road and partially with the easterly lines of a 2.0018 ac. tract conveyed to Franklin Faith Tabernacle, Inc., by O.R. 3986, Pg. 97 and a 1 acre tract conveyed to Franklin Faith Tabernacle, Inc. by Document No. 2014-026659, N01°00'00"E, a distance of 213.1 feet to a point in the centerline of Sharts Road and the southerly corner of a 1.10 acre tract conveyed to George P. & Michele R. Jonson, by Document No. 2020-010763;

Thence along the centerline of Sharts Road and the southeasterly line of said 1.10 acre tract, N43°05'00"E, a distance of 434.00 feet to the point of beginning;

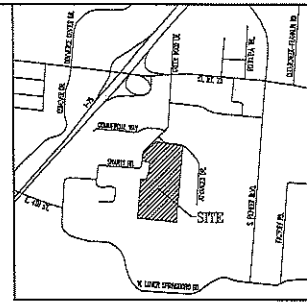
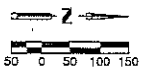
Containing 42.082 acres more or less and being subject to all easements, restrictions and rights-of-way of record.

The above description is based on information of record, No Field survey was performed. Dated April, 2022 by Apex Engineering & Surveying, Inc., Paul J. Leisring, Ohio Professional Surveyor No. 7267.

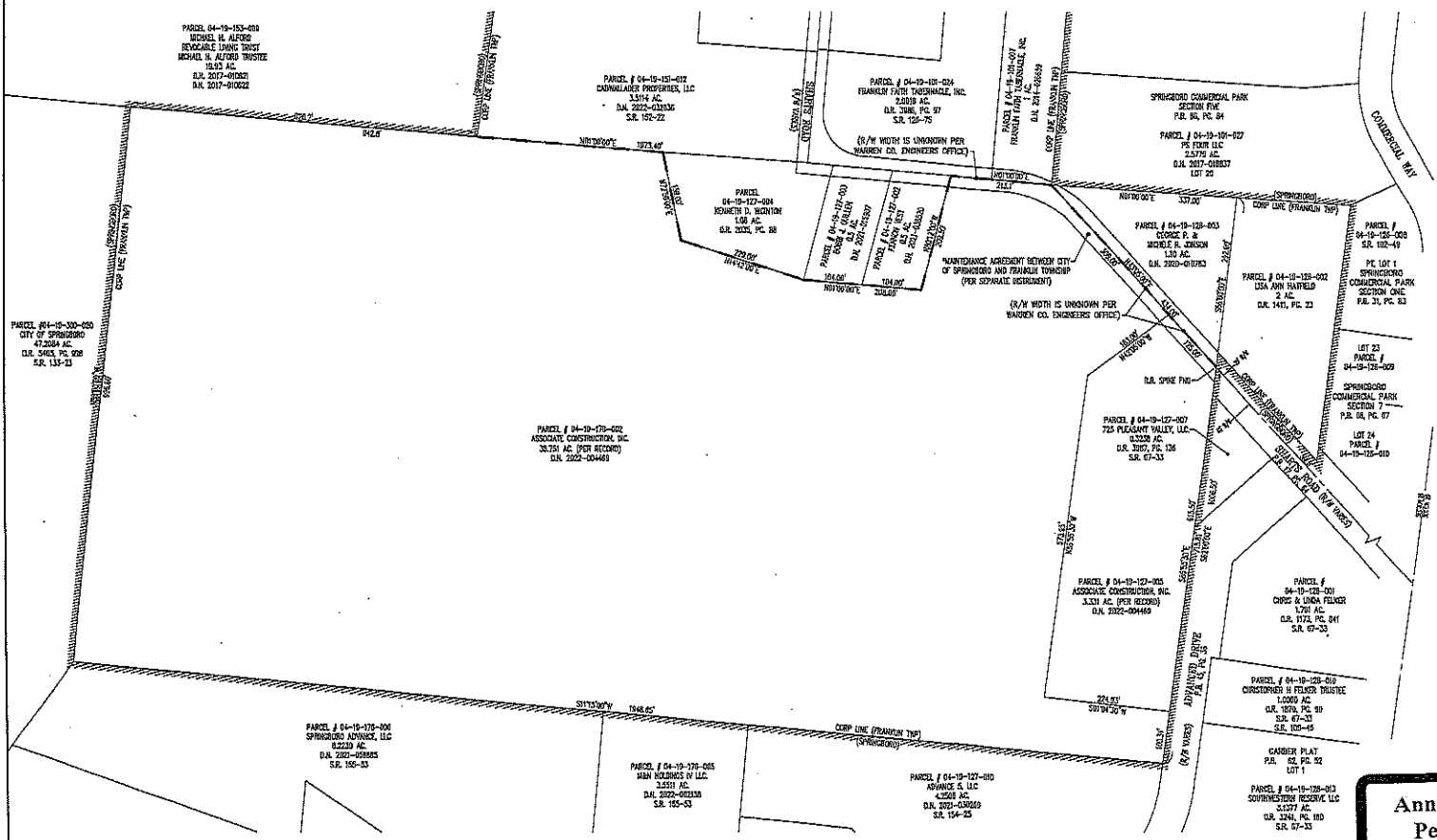
Bearings and Distances are based on Document No. 2022-004469 of the Warren County Recorder's Office



ASSOCIATE CONSTRUCTION, INC. PROPERTY
 MAP OF AREA TO BE ANNEXED
 TO THE CITY OF SPRINGBORO
 SITUATED IN
 SECTION 19, TOWN 2E, RANGE 5N
 FRANKLIN TOWNSHIP
 WARREN COUNTY, OHIO



VICINITY MAP
 NOT TO SCALE



AREA SUMMARY

38.724 AC. (RECORD) - PARCEL ID 04-19-153-002
 3.331 AC. (RECORD) - PARCEL ID 04-19-153-005
 42.055 AC. - TOTAL AREA

ANNEXATION ACREAGE BREAKDOWN

38.724 AC. (RECORD) - PARCEL ID 04-19-153-002
 3.331 AC. (RECORD) - PARCEL ID 04-19-153-005
 42.055 AC. (RECORD) - TOTAL AREA FOR ANNEXATION (INCLUDES AREA IN R/W (AREAS) & IN THE R/W OF SHARED ROADS) (MAINTENANCE AGREEMENT BETWEEN CITY OF SPRINGBORO AND FRANKLIN TOWNSHIP (PER SEPARATE INSTRUMENT))
 0.000 AC. - R/W PREVIOUSLY ANNEXED
 047.7' - LENGTH OF ROADWAY
 PERIMETER OF ANNEXATION TERRITORY = 6,037 FEET
 CONTIGUOUS BOUNDARY WITH THE CITY OF SPRINGBORO = 4,281 FEET
 CONTIGUITY WITH THE CITY OF SPRINGBORO = 71%

WARREN COUNTY COMMISSIONERS

COMMISSIONER _____ DATE _____
 COMMISSIONER _____ DATE _____
 COMMISSIONER _____ DATE _____

WARREN COUNTY AUDITOR

AUDITOR _____ DATE _____

WARREN COUNTY RECORDER

RECORDER _____ DATE _____

CITY OF SPRINGBORO

CLERK OF COUNCIL _____ DATE _____

**Annexation
 Petition
 Exhibit B**

LEGEND

--- PROPOSED CORPORATION LINE
 --- EXISTING CORPORATION LINE

NOTE:
 ALL BOUNDARY INFORMATION FROM RECORDS,
 NO FIELD SURVEY HAS BEEN PERFORMED

SURVEYOR NOTES:

- 1.) SOURCE DOCUMENTS AS NOTED.
- 2.) SEARCHES BASED ON D.A. 2022-004470

A CURRENT TITLE EXAMINATION/REPORT IS NECESSARY TO DETERMINE ANY ADDITIONAL EASEMENTS, RESTRICTIONS, COVENANTS, CONDITIONS OR ENCUMBRANCES WHICH MAY AFFECT THE LANDS HEREON.



I HEREBY CERTIFY THAT THIS ANNEXATION MAP WAS PREPARED FROM DEEDS AND PLATS OF RECORD.
 Paul J. Lessard
 PAUL J. LESSARD
 OHIO PROFESSIONAL SURVEYOR NO. 7227

SCALE: 1"=100'
 DATE: FEB 2023
 DRAWN: A.S.
 CHECKED: -
 CHECKED: -



REVISIONS:
 1.
 2.
 3.
 4.
 PROJECT: 212459
 SHEET: 1 OF 1



CITY OF SPRINGBORO, OHIO
CERTIFICATION OF RESOLUTION

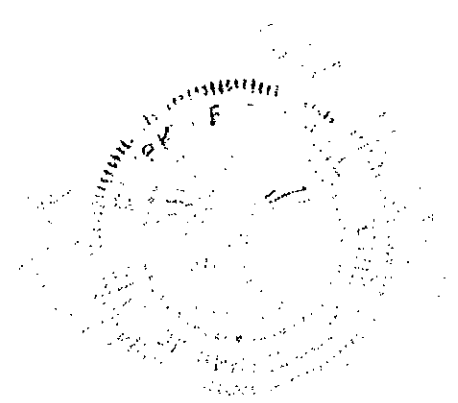
I, Lori A. Martin, Clerk of the City Council of Springboro, Ohio, hereby certify that this is an exact copy of Resolution R-22-38, authorizing the City Manager to enter into an annexation agreement with Franklin Township, duly adopted by the City Council on Thursday, October 6, 2022.

Date: January 30, 2023

Lori A. Martin, Clerk of Council
City of Springboro, Ohio

**Annexation
Petition
Exhibit C**

City of Springboro
320 West Central Avenue
Springboro, Ohio 45066
Phone 937 748 4343
Fax 937 748 0815
www.ci.springboro.oh.us



CITY OF SPRINGBORO, OHIO
RESOLUTION NO. R-22-38

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH FRANKLIN TOWNSHIP.

WHEREAS, the property owner of approximately 42 +/- acres of undeveloped land located in Franklin Township, Warren County Ohio adjacent to, and south of, the intersection of Advance Dr. and Sharts Rd. desires to annex its property into the City of Springboro; and

WHEREAS, upon agreement of the property owner, of the City and Franklin Township, the property owner intends to commence the annexation following the special procedure of Ohio Revised Code §709.022 for annexing land with the consent of all parties (Type 1 Annexation); and

WHEREAS, Ohio Revised Code §709.192 provides for an Annexation Agreement by and between the legislative authority of a municipal corporation and the board of township trustees of a township regarding Type 1 Annexations setting forth their agreement with respect to the annexation; and

NOW THEREFORE, THE MUNICIPALITY OF SPRINGBORO HEREBY ORDAINS:

SECTION 1

The Annexation Agreement attached hereto as Exhibit A regarding the land described therein, is hereby approved by City Council and the City Manager is hereby authorized on behalf of the City to enter said Annexation Agreement with Franklin Township, Warren County Ohio.

SECTION 2

The City Manager is further authorized to sign all documents and take all actions, as necessary and proper to fulfil the City's obligations and otherwise comply with the provisions in the Annexation Agreement, including the filing of any petition to remove the property from Franklin Township pursuant to Chapter 503 of the Ohio Revised Code after its annexation to the City.

SECTION 3

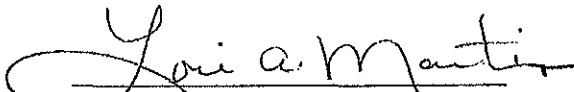
It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

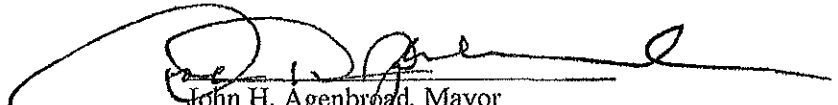
SECTION 4

This Ordinance shall take effect at the earliest time provided by law.

Adopted: October 6, 2022.

ATTEST:


Lori A. Martin, Clerk of Council


John H. Agenbroad, Mayor

This Ordinance was prepared bylaw Director Gerald McDonald.

ANNEXATION AGREEMENT

This Annexation Agreement is entered into by and between the CITY OF SPRINGBORO, Warren County Ohio, ("City"), and the TOWNSHIP OF FRANKLIN Warren County Ohio, ("Township") this 13th day of October, 2022.

WHEREAS, at the request of the property owner, the City desires to annex a territory, more fully described in Exhibit A, attached, (the "Territory") which annexation will follow the special procedure of Ohio Revised Code §709.022 for annexing land with the consent of all parties (Type 1 Annexation); and

WHEREAS, the Ohio Revised Code §709.192 provides for the entering into of an Annexation Agreement by and between the legislative authority of a municipal corporation and the board of township trustees of a township regarding Type 1 Annexations; and

WHEREAS, the Township and City agree to the annexation of the Territory, subject to the terms and conditions of this Annexation Agreement;

NOW THEREFORE, in accord with §709.192 of the Ohio Revised Code, the City and Township agree as follows:

1. The City and the Township agree that the Territory to be annexed is more fully set forth in Exhibit A, attached hereto and incorporated herein.
2. The City and the Township hereto agree that the annexation process for the Territory shall proceed in accordance with §709.022 of the Ohio Revised Code.
3. The City Council of Springboro has authorized the execution of this Annexation Agreement at their regular meeting on October 6, 2022 through Resolution R-22-38; and Franklin Township has authorized the execution of this agreement at its regular meeting on October 13, 2022 through Resolution No. 04-10122022 which authorize the respective parties to enter into this Agreement, all in accordance with Ohio Revised Code, §709.192.
4. The City and Township agree to cooperate fully and in good faith with each other to achieve the successful annexation to the City of the Territory and subsequent removal of the Territory from Franklin Township into City of Springboro/Clearcreek Township.
5. After annexation, the Territory shall be incorporated into the City/Clearcreek Township. The City shall detach the annexed territory from the Township after final approval of the annexation petition, pursuant to Ohio Revised Code Chapter 503.

6. With respect to the Territory which becomes annexed to the City, the City shall provide all municipal services including but not limited to police protection, fire, and EMT. Water and sewer facilities that are in the area will be made available to the owners/developers through existing facilities.
7. With respect to the Territory which becomes annexed to the City, the Township will not be required to provide any services.
8. Within thirty (30) days from approval by Warren County of the removal of the property from Franklin Township under Ohio Revised Code Chapter 503 and into the City of Springboro/Clearcreek Township, the City shall cause to be paid to the Township the sum of One Hundred Thousand Dollars (100,000.00) in lieu of reparations under Ohio Revised Code of §709.19
9. Notwithstanding the provisions of this Agreement, the City and the Township agree that this Agreement shall not affect the continuation of mutual aid agreements and agreements for fire/police protection (if any) in effect on the date first above written. This section is not intended to limit the ability of the City and Township to negotiate mutual aid arrangements in the future as they shall find mutually advantageous.
10. Pursuant to Chapter 709, "If a street or highway will be divided or segmented by the boundary line between the township and the municipal corporation as to create a road maintenance problem, the municipal corporation to which annexation is proposed has agreed as a condition of the annexation to assume the maintenance of that street or highway or to otherwise correct the problem." A portion of Sharts Road will be divided by the annexation, and the City agrees as follows:
 - a. The portion of Sharts Road, to be divided by the annexation is that portion beginning at the City corporate line south of Advance Drive, thence south west approximately 647 feet to the northern border of Parcel 04-19-127-002 as depicted on the attached Exhibit B. (the "Road")
 - b. City agrees to the maintenance and repair the Road in a condition consistent with other roads within the corporate limits of the City. Repairs shall comply with the applicable Ohio Department of Transportation's Construction and Material Specifications latest edition and any applicable County specification to determine whether the repair has been performed in accordance with standards set forth therein. Subject to considerations of safety, the presence of emergency conditions, and the cost of such repairs, any repair and restoration shall commence and be completed promptly by City. Following completion of such repair, the County Engineer and City shall jointly inspect the repair to confirm that it has been completed to the reasonable satisfaction of the County Engineer.
 - c. City shall be responsible for placing and maintaining signage along the Road in compliance with applicable provisions of the Ohio Manual of Uniform Traffic Control Devices. If the Warren County Engineer

determines that any additional traffic signage is needed, in the interests of safety, then City shall provide for such signage at City's sole expense.

- d. Snow plowing of the Road shall remain the responsibility of the Township.
- e. The Road shall remain within the jurisdiction of the township for purposes of any emergency response or police enforcement

Nothing herein shall be deemed a waiver of any governmental immunity afforded to either party with respect to the Road or otherwise. This Agreement shall remain in effect for so long as the Road is segmented, notwithstanding any detachment of the annexed territory from the Township pursuant to Ohio Revised Code Chapter 503.

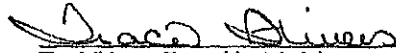
The City and the Township have caused this Agreement to be duly signed in their respective names by their duly authorized officers as of the date first above written.

THE CITY OF SPRINGBORO

FRANKLIN TOWNSHIP



Chris Pozzuto, City Manager
City of Springboro, Ohio



Traci Stivers, Township Administrator,
Franklin Township, Warren County, Ohio

Exhibit A

Legal Description

Parcel 1:

Situated in Franklin Township, Warren County, Ohio, being part of S10, Town 2, Range 6 and more particularly described as follows:

Beginning at a R.R. Spike at the intersection of the centerline of Shantz Road, with a southerly Corporation line of Village of Springboro, (Amended Plat recorded November 14, 1924 in Off. Rec. Vol. 220, Page 801), said Spike also marking the northwest corner of the Grantor's 42.082 acre parcel, as recorded in Deed Volume 224, Page 487, Warren County Deed Records; Thence with the centerline of Shantz Road, and the northwesterly line of said Grantor's Parcel South 46 deg, 05' 00" West, a distance of 125.00 feet to a R.R. Spike; Thence by 3 new lines of division through Grantor's said parcel (1) South 42 deg, 08' 00" East (passing an iron pin at 23.82 feet) a total distance of 188.00 feet to an iron pin; (2) South 88 deg, 48' 30" East, a distance of 673.85 feet to an iron pin (3) North 04 deg, 04' 30" East, a distance of 224.63 feet to an iron pin on the north line of the Grantor's said parcel and of said Springboro Corporation Line; Thence with said north property line and with said Corporation Line North 80 deg, 55' 30" West (passing an iron pin at 588.50 feet) a total distance of 816.50 feet to the place of beginning.

Containing 8.891 acres, prepared by Donald L. Tovin, Registered Surveyor No. 8258.

Grantor hereby reserves as a permanent easement for the benefit of Warren County the following described property for public road and utility purposes; 50 feet measured from the centerline of Shantz Road by a parallel line across the front of the lot.

Parcel 2:

Situated in the Township of Franklin, in the County of Warren and State of Ohio; Being a part of Section 10, Town 2, Range 6, and more particularly described as follows:

Commencing at a stone corner to John Shantz; Thence with his line S. 82 deg, E. 61 poles to a stone corner to J.B. Leisher's lot; Thence with his line N. 14 deg, W. 118.4 poles to a stone; Thence with said Leisher's line N. 08 deg, W. 53.4 poles to the NW. Corner of said Leisher's land Thence N. 1 deg, East 118.8 poles to the place of beginning, containing 40 acres, 1 rod and 2 poles of land more or less.

SAVE AND EXCEPT; however the following described real estate; Beginning at a stone corner to John Shantz, being the northwest corner of the foregoing tract; Thence with the north line of said tract South 00 deg, East 282 feet to an iron pin on the centerline of a Court Road; Thence with the centerline of said road South 65 deg, 05' West 434 feet to an iron pin on the west line of said tract; Thence with the west line North 1 deg, East 297 feet to the place of beginning, containing 1.1 acres.

SAVE AND EXCEPT; the following described real estate; Heretofore conveyed to Lester Brown and Raymond Brown and described as follows; Beginning at an iron pin on the West line of said Tract 725.6 feet southerly from the northwest corner thereof; Thence South 80 deg, 42' East 208.5 feet to an iron pin; Thence South 74 deg, 42' West 220 feet to an iron pin; Thence South 72 deg, 50' West 150 feet to an iron pin on the west line of said tract; Thence N. 1 deg, East along the west line of said tract 205 feet to the place of beginning, containing 1.00 acres more or less.

SAVE AND EXCEPT; the following described real estate heretofore reserved by former grantor; Beginning at an iron pin on the west line of said tract 622.8 feet southerly from the northwest corner thereof; Thence South 80 deg, 42' East 208.5 feet to an iron pin; Thence South 1 deg, West parallel with the west line of said tract 104 feet to an iron pin; Thence North 80 deg, 42' West 208.5 feet to an iron pin on the west line of said tract; Thence North 1 deg, East along the west line of said tract 104 feet to the place of beginning containing .5 of an acre, more or less.

SAVE AND EXCEPT; the following described real estate situate in the Township of Franklin, County of Warren and State of Ohio and situated in Section 10, Town 2, Range 6, R6S, and being a part of a tract of land containing 40.78 acres, described in the Deed to Frank Whitman and recorded in Deed Book 132, Page 516 of the records of said County and bounded and described as follows; Beginning at an iron pin on the west line of said tract 818.5 feet southerly from the northwest corner thereof; Thence South 60 deg, 42' East 260.5 feet to an iron pin; Thence South 1 deg, West parallel with the west line of said tract 104 feet to an iron pin; Thence North 80 deg, 42' West, 208.5 feet to an iron pin on the west line of said tract; Thence North 1 deg, East along the West line of said tract 104 feet to the place of beginning. The premises hereby conveyed with the exception of the last tract described herein above are the same premises conveyed to certain previous grantors by Frank Whitman and Fred C. Whitman by deed dated May 8, 1947 and recorded in Volume 172, Page 406 of the Deed Records of said county, being the same

premises conveyed by G. M. Clark and Mary Clark to William Johnson and Lou Johnson by deed recorded in Volume 189, Page 467 of the Deed Records of Warren County, Ohio, and also Certificate of Transfer recorded in Volume 208 Page 119 of Warren County, Ohio, Deed Records.

SAVE AND EXCEPT Situated in Franklin Township, Warren County, Ohio, being part of S10, Town 2, Range 6 and more particularly described as follows:

Beginning at a R.R. Spike at the intersection of the centerline of Shasta Road, with a southerly Corporation line of Village of Springboro, (Annexation Plat recorded November 14, 1984 in C.R. Rev. Vol. 225, Page 841), said Spike also marking the northwesterly corner of the Grantor's 32.082 acre parcel, as recorded in Deed Volume 221, Page 487, Warren County Deed Records; Thence with the centerline of Shasta Road, and the northwesterly line of said Grantor's Parcel South 43 deg. 05' 00" West, a distance of 125.00 feet to a R.R. Spike; Thence by S half line of division through Grantor's said parcel (1) South 42 deg. 00' 00" East (passing an iron pin at 25.00 feet) a total distance of 165.00 feet to an iron pin (2) South 88 deg. 55' 30" East, a distance of 675.00 feet to an iron pin (3) North 01 deg. 04' 30" East, a distance of 224.43 feet to an iron pin on the north line of the Grantor's said parcel and on said Springboro Corporation Line; Thence with said north property line and with said Corporation Line North 88 deg. 55' 30" West (passing an iron pin at 600.00 feet) a total distance of 616.50 feet to the place of beginning. Containing 9.381 acres, prepared by Donald L. Davis, Registered Surveyor No. 6269.

**FRANKLIN TOWNSHIP
Warren County, Ohio**

Resolution No. 04-10122022

AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO SIGN ON BEHALF OF THE BOARD OF TOWNSHIP TRUSTEES IN MATTERS RELATED TO SYCAMORE CREEK RESERVE ANNEXATION

WHEREAS, the property owner of approximately 42+/- acres of undeveloped land located in Franklin Township, Warren County, Ohio adjacent to, and south of, the intersection of Advanced Drive and Sharts Road desires to annex property into the City of Springboro; and

WHEREAS, the City of Springboro and Franklin Township have reached an agreement regarding said annexation;

THEREFORE BE IT RESOLVED, that the Township Administrator is authorized to file and sign all documents associated herewith.

Trustee Jennings made a motion to adopt the foregoing resolution.

Trustee Centers seconded the motion.

ROLL CALL: Mr. Centers – Yes

Mr. Morris – Abstain

Mr. Jennings – Yes

Resolution adopted this 12th day of October, 2022

Attest: Scot Fromeyer
Scot Fromeyer, Fiscal Officer

Matthew Jennings
Matthew Jennings, President

Shane Centers
Shane Centers, Vice President

Brian Morris (abstain)
Brian Morris, Trustee

**STATEMENT BY AGENT OF TERRITORY SOUGHT TO BE ANNEXED
TO THE CITY OF SPRINGBORO, OHIO**

POPULAR NAME OF TERRITORY: Associate Construction Annexation
42.082 Acres, Franklin Township

AGENT'S NAME: Catherine A. Cunningham

ADDRESS: 65 E. State Street, Suite 1800
Columbus, OH 43215
(614) 462-5486

LOT # OR ACREAGE	NAMES OF ALL OWNERS OF REAL ESTATE AS THEY APPEAR ON DEED	OWNER'S ADDRESS	SIGNED PETITION? MARK YES OR NO
04-19-176-002 04-19-127-005 42.082 Acres Total	Associate Construction, Inc.	c/o Rodney Morris 31 Eagle Court, Suite A Carlisle, OH 45005	Yes

- | | | |
|----|--|------|
| 1. | Number of owners of real estate in territory | 1 |
| 2. | Number of owners of real estate signing petition | 1 |
| 3. | Percent of signatures to total number of owners of real estate | 100% |

**LIST OF ALL TRACTS, LOTS OR PARCELS INSIDE AND ADJACENT TO
AND/OR ACROSS THE ROAD FROM THE TERRITORY TO BE ANNEXED
Ohio Revised Code §709.023(C)**

**Proposed Annexation of 42.082 Acres in Franklin Township,
to the City of Springboro, Warren County, Ohio**

<u>Name of Owner</u>	<u>Mailing Address</u>	<u>Parcel Number</u>
Associate Construction, Inc.	c/o Rodney Morris 31 Eagle Court, Suite A Carlisle, OH 45005	04-19-176-002 04-19-127-005
Kenneth D. Wiginton	7806 Sharts Rd. Springboro, OH 45066	04-19-127-004
Bobbi J. Quillen	7820 Sharts Rd. Springboro, OH 45066	04-19-127-003
Kennon Vest	400 Sycamore St. Brookville, OH 45309	04-19-127-002
Franklin Faith Tabernacle, Inc.	7769 Sharts Rd. Springboro, OH 45066	04-19-101-024
Franklin Faith Tabernacle, Inc.	7799 Sharts Rd. Springboro, OH 45066	04-19-101-007
PS Four, LLC	1029 Central Ave. Middletown, OH 45044	04-19-101-027
George P. Jonson Michele R. Jonson	732 Abercorn Ct. Centerville, OH 45458	04-19-126-003
Lisa Ann Hatfield	2577 Fox Rd. Lexington, OH 44904	04-19-126-002
725 Pleasant Valley	725 Pleasant Valley Springboro, OH 45066	04-19-127-007
Chris & Linda Felker	408 Sharts Rd. Springboro, OH 45066	04-19-128-001

<u>Name of Owner</u>	<u>Mailing Address</u>	<u>Parcel Number</u>
Christopher H. Felker, Trustee	408 Sharts Rd. Springboro, OH 45066	04-19-128-010
Southwestern Reserve, LLC	50 Advanced Dr. Springboro, OH 45066	04-19-128-013
Advance 5, LLC	3601 Rigby Rd., Suite 300 Miamisburg, OH 45342	04-19-127-010
M & N Holdings IV LLC	4701 Oxford State Rd. Middletown, OH 45044	04-19-176-005
Springboro Advance, LLC	4779 Redbank Expressway Cincinnati, OH 45227	04-19-176-006
City of Springboro	320 W. Central Ave. Springboro, OH 45066	04-19-300-020
Michael H. Alford, Trustee	3883 W. Lower Springboro Rd. Springboro, OH 45066	04-19-153-009
Cadwallader Properties, LLC	9501 Flatrock Drive Centerville, OH 45458	04-19-151-012

FINAL REVIEW

WARREN COUNTY ENGINEERS OFFICE
TAX MAP DEPARTMENT
ANNEXATION REVIEW REPORT
(In Accordance with O.R.C. 709.031)
"EXHIBIT F"

Annexation to: SPRINGBORO

Date Filed: 03/01/23

Filed by: C.A. CUNNINGHAM

Total Acreage: 42.082

I. MAP CONTENTS

- | | | | |
|---|-------------------------------------|----|-----|
| a) Section-Town-Range, or Military Survey, County, and State | <input checked="" type="checkbox"/> | NO | N/A |
| b) Boundary of Territory proposed for annexation to be in bold lines for ease in identification | <input checked="" type="checkbox"/> | NO | N/A |
| c) Lengths and bearings of the boundary of the territory. (May be obtained from county records) | <input checked="" type="checkbox"/> | NO | N/A |
| d) All roads and streets. | <input checked="" type="checkbox"/> | NO | N/A |
| e) All existing corporation lines. | <input checked="" type="checkbox"/> | NO | N/A |
| f) All section, quarter section or VMS lines correctly labeled. | <input checked="" type="checkbox"/> | NO | N/A |
| g) All property lines. | <input checked="" type="checkbox"/> | NO | N/A |
| h) Names of all allotments within the territory with plat book and page as recorded in the County plat records. | <input checked="" type="checkbox"/> | NO | N/A |
| i) Lot numbers on plotted property. | <input checked="" type="checkbox"/> | NO | N/A |
| j) On unplotted property, the names of owners and deed reference with the acreage and dimensions. | <input checked="" type="checkbox"/> | NO | N/A |
| k) Annexation must be contiguous to 5% of existing corp. line <u>~71%</u> | <input checked="" type="checkbox"/> | NO | N/A |

II. LEGEND CONTENTS

- | | | | |
|---|-------------------------------------|----|-----|
| a) Formal identification of territory | <input checked="" type="checkbox"/> | NO | N/A |
| b) Total acreage in annexation territory with acreage breakdown of each individual parcel. | <input checked="" type="checkbox"/> | NO | N/A |
| c) Lengths of each road in territory | <input checked="" type="checkbox"/> | NO | N/A |
| d) North arrow | <input checked="" type="checkbox"/> | NO | N/A |
| e) Scale of map | <input checked="" type="checkbox"/> | NO | N/A |
| f) Date and name of surveyor with certification, preparer of map shall state if map and description are prepared by new survey or if prepared by existing deeds and plats of records. | <input checked="" type="checkbox"/> | NO | N/A |
| g) Vicinity map to designate location of annexation. | <input checked="" type="checkbox"/> | NO | N/A |

III. OTHER REQUIREMENTS

- | | | | |
|---|-------------------------------------|----|-----|
| a) Map on 24" x 36" mylar or linen reproducible | <input checked="" type="checkbox"/> | NO | N/A |
| b) Accurate map | <input checked="" type="checkbox"/> | NO | N/A |
| c) Description accurate and in accordance with plat | <input checked="" type="checkbox"/> | NO | N/A |
| d) Number of property owners in territory | <input checked="" type="checkbox"/> | NO | N/A |
| e) Number of property owners signing the petition | <input checked="" type="checkbox"/> | NO | N/A |
| f) Signature Block for Warren County Commissioners | <input checked="" type="checkbox"/> | NO | N/A |
| g) Signature Block for City or Village Officials | <input checked="" type="checkbox"/> | NO | N/A |
| h) Signature Block for Warren County Auditor | <input checked="" type="checkbox"/> | NO | N/A |
| i) Signature Block for Warren County Recorder | <input checked="" type="checkbox"/> | NO | N/A |
| j) List parcels within and adjacent to annexation area. Include names, addresses and parcel numbers. This list should be contained in the petition. | <input checked="" type="checkbox"/> | NO | N/A |

Engineer's Office Comments: ① THIS ANNEXATION WILL FORM A TOWNSHIP ISLAND THAT SHOULD BE ACCEPTABLE PER O.R.C. 709.023(E)(5)
② ANNEXATION IS ALONG CENTERLINE OF SWARTS ROAD LEAVING 1/2 R/W IN TOWNSHIP.

Reviewed by: BOB FOX

Date: 03/02/23

Neil F. Tunison P.E., P.S.
Warren County Engineer