

ORDINANCE NO. 99-64

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH DENNIS AND SUE BRUNK REGARDING ANNEXATION AND THE EXTENSION OF WATER SERVICE**

BE IT ORDAINED by the City of Mason, Ohio, **seven (7)** members elected thereto concurring:

Section 1. That the City Manager is hereby authorized to enter into a pre-annexation agreement with Dennis and Sue Brunk regarding the extension of water service.

Section 2. That said agreement shall be in accordance with the terms and conditions set forth in the attached Exhibit "A" which is incorporated herein by reference.

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 26th day of April, 1999.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk of Council

4/20/99

AGREEMENT

WHEREAS, Dennis and Sue Brunk, now of 5700 Bethany Road, Mason, Ohio, request the City of Mason for permission to tap into its water system, and

WHEREAS, the City has a policy that water is not to be provided outside of the City limits, and

WHEREAS, the City is agreeable to making an exception to this policy provided the owners of said property agree to pursue annexation at the earliest possible date.

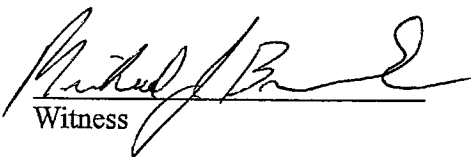
THEREFORE, in consideration of the mutual promises made in this Agreement, it is hereby agreed and understood between Dennis and Sue Brunk (hereinafter referred to as "Owners"), their heirs, successors, or assigns and the City of Mason (hereinafter referred to as "City"), that:

Section 1. Owners hereby agrees to:

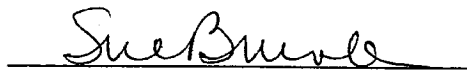
- (a) file for annexation within six (6) months and pursue it to a prompt and successful conclusion;
- (b) the termination of any further water service if, for any reason, the annexation is not pursued or not approved;
- (c) pay the required tap-in fee and other charges without any expectation of reimbursement;
- (d) the termination of any further water services if any erection, alteration or change of any building or structure on the property to receive the water and sewer service, constructed after the date of this Agreement, is not in compliance with the City of Mason Building Code and Zoning Code and Subdivision Regulations;
- (e) pay for utility consumption and use at 150% of standard rates until such time as the property is annexed;

Section 2. City agrees to provide water service to Owners during the period in which Owners are pursuing annexation of a tract of land fronting Bethany Road, in a prompt and expeditious manner and thereafter, provided the annexation is approved.

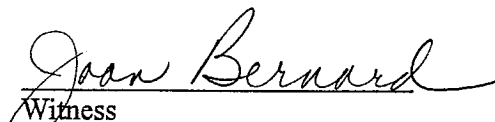
This Agreement shall inure to the benefit of and be the obligation of any successors, heirs and assigns.


  
Witness

By:   
Dennis Brunk

  
Sue Brunk

Date: 4-24-99

  
Witness

By:   
CITY OF MASON  
Scot F. Lahrmer, City Manager

Date: April 30, 1999