

ORDINANCE NO. 2004-42

**AN ORDINANCE ADOPTING A STATEMENT INDICATING SERVICES THE CITY OF MASON, OHIO, WILL PROVIDE TO THE 74.523 ACRE TERRITORY PROPOSED TO BE ANNEXED FROM DEERFIELD TOWNSHIP, WARREN COUNTY, OHIO TO THE CITY OF MASON AS PROVIDED BY OHIO REVISED CODE SECTION 709.023 AND DECLARING AN EMERGENCY.**

WHEREAS, a petition for annexation signed by 100% of the property owners seeking to annex approximately 74.523 acres in Deerfield Township to the City of Mason, Ohio has been filed with the Board of County Commissioners of Warren County, Ohio under the expedited process provided for in Ohio Revised Code Section 709.023; and

WHEREAS, Ohio Revised Code Section 709.023(C) requires that a municipal corporation shall by resolution or ordinance adopt a statement indicating what services, if any, the municipal corporation will provide to the territory upon annexation and the approximate date by which it will provide them, which legislation must be adopted and filed with the county commissioners within twenty (20) days after the petition is filed; and

WHEREAS, Council of the City of Mason believes that the property encompassed within the annexation petition can easily become and be made part of the community of the City of Mason.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, at least five members of the seven members elected thereto concurring, that:

Section 1. Immediately upon the effective date of the annexation of the 74.523 acres to the City of Mason, Ohio as described in Exhibit A, which is attached hereto and incorporated by reference herein, and any amendment to that territory approved by the Board of County Commissioners of Warren County, the City of Mason will provide to the entire annexed territory the following services as set out under the Code of Ordinances of the City of Mason: fire and emergency medical, police, street maintenance, building and zoning, and parks and recreation. Services will be provided by the City of Mason, Ohio to the annexation territory on the same terms and conditions and subject to the rates, rules and regulations established by city ordinances as provided to properties located within the City of Mason.

Section 2. If any street or highway is divided or segmented by the boundary line between the township and the City of Mason as to create a maintenance problem, Mason agrees to assume the maintenance of the portion of the street or highway for which there is a maintenance problem or to otherwise correct the problem. The City of Mason currently maintains all of Kings Island Drive both within the city and in the unincorporated Deerfield Township by virtue of a cooperative maintenance agreement with Warren County. The portion of Kings Island Drive included in this annexation area is already being maintained by Mason and its maintenance will not change if annexed.

Section 3. The Clerk of Council is hereby directed to immediately file a certified copy of this ordinance with the Board of County Commissioners of Warren County, Ohio.

Section 4. This measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety or welfare and further for the reason that state law requires that city council adopt a statement of services the city will provide to a proposed annexation territory and the approximate date upon which the services will be provided and file it with the Warren County Commissioners within twenty days of the date of the filing of the petition, and in order to meet the city's legal obligation this measure must be immediately adopted, take effect and be in full force from and after its passage.

Passed this 22<sup>nd</sup> day of March, 2004.



Mayor

Attest:



Clerk of Council

CERTIFICATE

The undersigned, Clerk of Council of the City of Mason, hereby certifies this to be a true and exact copy of Ordinance No. 2004-\_\_\_\_\_, adopted by the Council of the City of Mason on March \_\_\_\_\_, 2004.

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Clerk of Council