

ORDINANCE NO. 2007-156

AN ORDINANCE ACCEPTING THE APPLICATION FOR THE ANNEXATION OF 262.967 ACRES, MORE OR LESS, IN UNION TOWNSHIP, WARREN COUNTY, OHIO TO THE CITY OF MASON, OHIO FILED UNDER THE SPECIAL PROCEDURE OF ANNEXING LAND WITH CONSENT OF ALL PARTIES (OHIO REVISED CODE SECTION 709.022, *ET SEQ.*), AND DECLARING AN EMERGENCY.

WHEREAS, on June 18, 2007 by Ordinance No. 2007-99 and on July 2, 2007 by Resolution No. 070207-04, the City of Mason and Union Township, Warren County, Ohio, respectively, authorized and entered an Annexation Agreement relating to the annexation of a 262.967 acre territory from Union Township to the City of Mason; and

WHEREAS, thereafter, on September 4, 2007, a petition for the annexation of a 262.967 acre territory in Union Township with the consent of all parties, was duly filed by Jeffrey D. Forbes, agent for the petitioners, utilizing the special annexation procedure of Ohio Revised Code Section 709.022, *et seq.* commonly referred to as an "Expedited Type 1" annexation; and

WHEREAS, on September 6, 2007, the Board of County Commissioners of Warren County, Ohio reviewed and, by Commissioners' Resolution No. 07-1391, approved the annexation of the territory described in Exhibit "A" and shown on the map or plat in Exhibit "B," attached hereto to the City of Mason, Ohio; and

WHEREAS, the Clerk of the Board of County Commissioners of Warren County certified the record of the proceedings in connection with the annexation including Commissioners' Resolution No. 07-1391 granting the annexation along with the petition and the accompanying map or plat required in connection therewith to the Clerk of Council; and

WHEREAS, the certified transcript of the proceedings for annexation including an accurate description and map of the territory, together with the petition for its annexation and other papers relating to the annexation proceedings of the Warren County Commissioners have been on file with the Clerk of Council for more than sixty (60) days in accordance with the provisions of Revised Code Section 709.04.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Mason, Ohio, six members elected thereto concurring:

Section 1. That a petition for the annexation of 262.967 acres from Union Township to the City of Mason with the consent of all parties, including the sole (100%) owner of real estate in the territory sought to be annexed, Union Township and the City of Mason, utilizing the special annexation procedure of Ohio Revised Code Section 709.022, *et seq.*, (Expedited "Type 1" Annexation) was filed by Jeffrey D. Forbes, agent for the petitioners, with the Warren County Board of County Commissioners on September 4, 2007. That the petition for the annexation of 262.967 acres in Union Township described in Exhibit "A" and shown on the map or plat attached as Exhibit "B" to the City of Mason, Ohio approved by the Board of County Commissioners of Warren County by Resolution No. 07-1391 on September 6, 2007, be and the same is hereby accepted.

Section 2. That the Clerk of Council be and is hereby authorized and directed to make five (5) copies of this ordinance including its attached legal description and map along with a copy of the transcript of the proceedings of the Board of County Commissioners of Warren County relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then forthwith

deliver one copy to the Warren County Auditor, one copy to the Warren County Recorder along with any recording fee required, one copy to the Ohio Secretary of the State with the appropriate filing fee, one copy to the Clerk of Union Township and one copy to Bruce A. McGary, Chief Assistant Warren County Prosecutor and legal counsel for Union Township in accordance with the terms of the Annexation Agreement. The Clerk shall also file notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective and do all other things required by law.

Section 3. That this Ordinance is hereby declared an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare and shall take effect and be in force from and after its passage. The reason for said declaration of emergency is to provide the annexation area with city services at the earliest possible time period and to make those services available immediately after the annexation becomes effective as required by the Annexation Agreement referred to in the preamble above.

Passed this 12th day of November 2007.

Attest:


Clerk of Council


Mayor

CERTIFICATE

The undersigned, Clerk of Council of the City of Mason, hereby certifies this to be a true and exact copy of Ordinance No. 2007-156, adopted by the Council of the City of Mason on November 12, 2007.


Clerk of Council



DESCRIPTION FOR:

City of Mason Annexation

LOCATION:

Sections 13 & 19, Town 4, Range 3
Union Township, Warren County, Ohio
262.967 Acres

Situate in Sections 13 & 19, Town 4, Range 3, Union Township, Warren County, Ohio and being more particularly described as follows:

Beginning at a point in the existing corporation line of the City of Mason at the northwest corner of said Section 13, said point being the southwest corner of lands conveyed to Ben & Anita M. Todorov, Trustees in Official Record Book 860, Page 543, records of the Warren County, Ohio Recorder's Office;

Thence along the north line of said section, with the south line of said Todorov lands, South 84°25'40" East, 2675.21 feet to a point in a half-section line of said Section 13, said point being at the northwest corner of lands conveyed to City of Lebanon in Official Record Book 1231, Page 893, records of the Warren County, Ohio Recorder's Office, said point also being in the existing corporation line of the City of Lebanon;

Thence along said half-section line, along said corporation line and with the west line of said City of Lebanon lands, South 05°48'12" West, 1636.30 feet to a point at the centerline intersection of Mason-Morrow-Millgrove Road (60' R/W) and Cox-Smith Road (70' R/W), said point being the northwest corner of lands conveyed to Edward W. Loxterkamp and Tracy A. Tenney, Trustees in Official Record Book 3417, Page 649, records of the Warren County, Ohio Recorder's Office;

Thence along said half-section line, along said corporation line, along said centerline of Cox-Smith Road and along the west line of said Loxterkamp and Tenney lands, South 05°57'32" West, 30.12 feet to a point in the south line of said Mason-Morrow-Millgrove Road;

Thence along the south line of said Mason-Morrow-Millgrove Road, through lands conveyed to Falls of Mason, LLC in Official Record Book 3642, Page 804, records of the Warren County, Ohio Recorder's Office, North 89°09'20" West, 40.16 feet to a point in the west line of said Cox-Smith Road;

Thence along lines of said Cox-Smith Road, continuing through said Falls of Mason lands, the following three (3) courses and distances:

- 1.) South 05°57'32" West, 1010.93 feet to a point;
- 2.) North 84°07'53" West, 1121.19 feet to a point;
- 3.) South 07°45'40" West, 40.02 feet to a point in a half-section line of aforesaid Section 13, said point being the northeast corner of Lot 1 of Woodland Acre Subdivision, Section One as recorded in Plat Book 15, Page 96, records of the Warren County, Ohio Recorder's Office;

Engineers ■ Architects ■ Surveyors ■ Planners ■ Landscape Architects
3700 Park 42 Drive ■ Suite 190B
Cincinnati, Ohio ■ 45241-2097

513.759.0004 ■ Fax 513.563.7099 ■ www.mcglsmithpunshon.com

Ordinance

2007-156

EXHIBIT A

Page 2 of 3
City of Mason Annexation
Sections 13 & 19, Town 4, Range 3
Union Township, Warren County, Ohio
262.967 Acres

Thence along said half-section line, in part with the north line of said lot, in part with the north line of lands conveyed to Michael A. & Diane Davis in Official Record Book 356, Page 665, in part with the north line of lands conveyed to Nyioka D. Phalen in Official Record Book 4074, Page 25 and in part with the north line of lands conveyed to Dennis M. and Wanda Whalen in Official Record Book 367, Page 401, records of the Warren County, Ohio Recorder's Office, North 84°07'53" West, 1515.03 feet to a point in the west line of aforesaid Section 13;

Thence along said section line, in part with the west line of lands conveyed to Larry J. and Peggy Sexton in Official Record Book 342, Page 95, in part with the west line of lands conveyed to Kimberly Ann Goepfer in Official Record Book 2015, Page 83 and in part along the west line of lands conveyed to Ronald P. and Jennifer Baugh in Official Record Book 213, Page 138, South 06°01'26" West, joining the aforesaid existing corporation line of the City of Mason at 647.33 feet, a total distance of 695.65 feet to a point at the northeast corner of Trailside Acres Subdivision, Section 1 as recorded in Plat Book 19, Pages 36-40, records of the Warren County, Ohio Recorder's Office;

Thence along said corporation line, in part with the north line of said subdivision, and in part with the north line of Trailside Acres Subdivision, Section 3 as recorded in Plat Book 23, Pages 46-49, North 84°29'20" West, 2665.92 feet to a point in an east line of lands conveyed to Robert C. Rhein Interests in Official Record Book 3539, Page 388, records of the Warren County, Ohio Recorder's Office;

Thence along said corporation line, in part along an east line of said Robert C. Rhein Interests, and in part along the east line of lands conveyed to Christopher F. Carter, Trustee in Official Record Book 3539, Page 392, North 05°46'01" East, 1304.16 feet to a point at the southwest corner of lands conveyed to City of Mason in Official Book 2350, Page 755, records of the Warren County, Ohio Recorder's Office;

Thence along said corporation line, and with a south line of said City of Mason lands, South 70°31'56" East, 188.10 feet to a point;

Thence along said corporation line, North 83°43'04" East, 436.26 feet to a point at a south corner of said City of Mason lands;

Thence along said corporation line, and with south lines of said City of Mason lands, the following three (3) courses and distances:

- 1.) North 19°13'04" East, 77.51 feet to a point;
- 2.) North 70°18'04" East, 472.72 feet to a point;
- 3.) North 42°13'04" East, 162.97 feet to a point in aforesaid Mason-Morrow-Millgrove Road;

Thence along said corporation line, and in part along a south line of said City of Mason lands, along an arc deflecting to the left, having a central angle of 04°48'59", a radius of 1125.00 feet and a length of 94.57 feet. The chord of said arc bears South 67°47'02" East, 94.54 feet to a point;

Page 3 of 3
City of Mason Annexation
Sections 13 & 19, Town 4, Range 3
Union Township, Warren County, Ohio
262.967 Acres

Thence along said corporation line, through said City of Mason lands, the following four (4) courses and distances:

- 1.) North 19°48'30" East, 50.00 feet to a point;
- 2.) Along an arc deflecting to the left, having a central angle of 14°16'18", a radius of 1075 feet and a length of 267.77 feet. The chord of said arc bears South 77°19'40" East, 267.08 feet to a point;
- 3.) South 84°27'49" East, 919.90 feet to a point;
- 4.) Along an arc deflecting to the right, having a central angle of 15°55'04", a radius of 652.00 feet and a length of 181.14 feet. The chord of said arc bears South 76°30'17" East, 180.55 feet to a point in a south line of said City of Mason lands;

Thence along said corporation line, and along said south line of City of Mason lands, South 84°27'49" East, 53.25 feet to a point in the aforesaid west line of Section 13;

Thence along said corporation line, along said section line, and with an east line of said City of Mason lands, North 05°56'04" East, 1684.91 feet to the point of beginning.

Containing 262.967 acres of land.

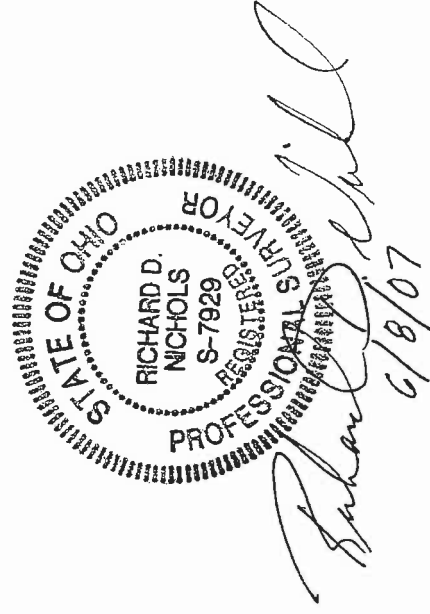
Subject to all legal highways, easements and restrictions of record.

Being the same premises conveyed to Falls of Mason, LLC in Official Record Book 3806, Page 772, the same premises conveyed to Falls of Mason, LLC in Official Record Book 4106, Page 79, part of the same premises conveyed to Falls of Mason, LLC in Official Record Book 3642, Page 804 and part of the same premises conveyed City of Mason in Official Record Book 2350, Page 755, records of the Warren County, Ohio Recorder's Office.

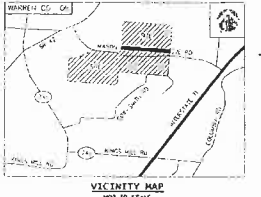
The above description is the result of an Annexation Plat prepared by McGill Smith Punshon, Inc. under the direction of Richard D. Nichols, P.S. No. 7929, dated April 24, 2007. Bearings in the above description based on US State Plane 1983 Coordinate System (Ohio South 3402 Zone), calibrating to Warren County Monuments 4, 33, 51, 67 & 152. Calculated bearing held from Mon. 67 to Mon. 152 equals N 36°43'51" E.

Prepared by: McGill Smith Punshon, Inc.
Date: June 8, 2007
MSP No.: 06519.00

06519003-LEG-262.967.ec.DOC

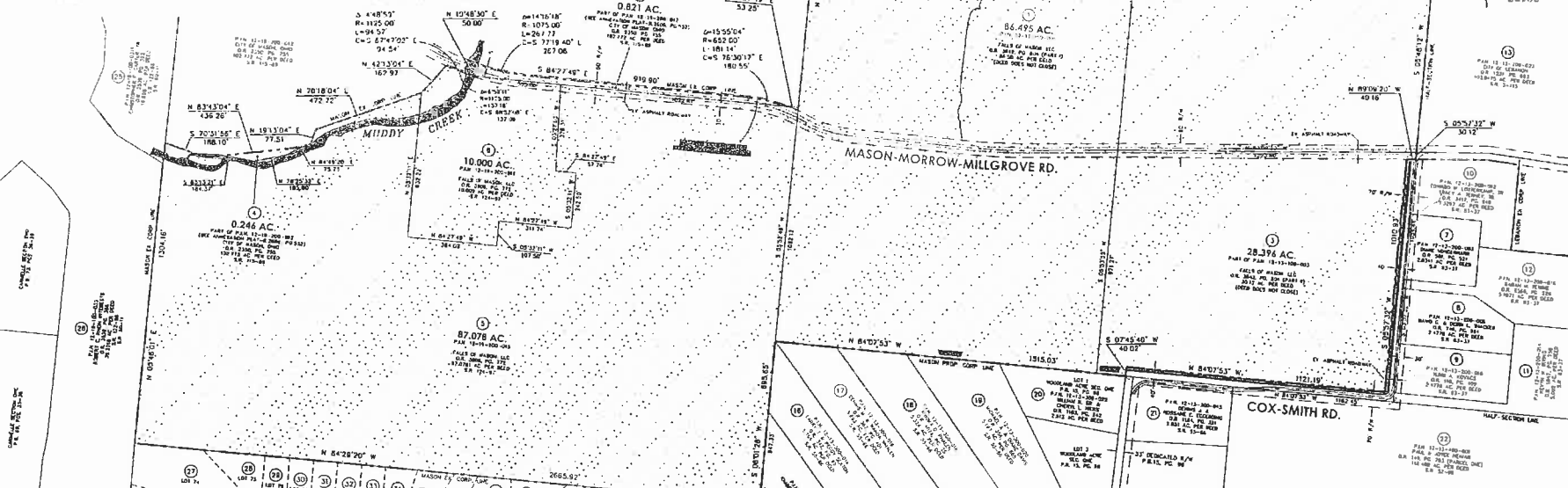


PARCEL ID NUMBER	OWNER	ACRES	LEGAL DESCRIPTION	RECORDING INFORMATION
12-13-000-001	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-002	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-003	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-004	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-005	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-006	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-007	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-008	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-009	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-010	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-011	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-012	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-013	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-014	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-015	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-016	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-017	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-018	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-019	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-020	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-021	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-022	WARREN COUNTY	1.00	WARREN COUNTY	
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12-13-000-024	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-025	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-026	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-027	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-028	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-029	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-030	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-031	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-032	WARREN COUNTY	1.00	WARREN COUNTY	
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12-13-000-037	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-038	WARREN COUNTY	1.00	WARREN COUNTY	
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12-13-000-042	WARREN COUNTY	1.00	WARREN COUNTY	
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12-13-000-099	WARREN COUNTY	1.00	WARREN COUNTY	
12-13-000-100	WARREN COUNTY	1.00	WARREN COUNTY	



TOTAL AREA IN ANNEXATION 262.967 ACRES
UNION TOWNSHIP - SECTION 13 164.822 ACRES
UNION TOWNSHIP - SECTION 19 98.145 ACRES
 INCLUDING 4126 OF MASON-MORROW-MILLGROVE RD.

LEGEND
 (A) DENOTES PARCEL TABLE ID NO. (SEE LIST OPPOSITE)
 [Shaded Box] AREA TO BE ANNEXED TO CITY OF MASON



COUNTY AUDITOR
 TRANSFERRED THIS _____ DAY OF _____ 20____

BY _____ DEPUTY WARREN COUNTY AUDITOR

COUNTY RECORDER
 FILE NO. _____

RELEASED THIS _____ DAY OF _____ 20____ AT _____ A.M./P.M.

RECORDED THIS _____ DAY OF _____ 20____ AT _____ A.M./P.M.

RECORDED IN PLAT BOOK NO. _____ PAGE _____

FILED _____

BY _____ DEPUTY WARREN COUNTY RECORDER

PLAT OF ANNEXATION
CITY OF MASON
 SECTIONS 13 & 19, TOWN 4, RANGE 3
 UNION TOWNSHIP
 WARREN COUNTY, OHIO

msp McGill Smith Punshon, Inc.
 3700 Park 42 Drive • Suite 1000
 Cincinnati, Ohio 45241-2097
 Tel 513.757.0004 • Fax 513.563.7097
 www.mcgillsmithpunshon.com

Engineers • Architects • Surveyors • Landscape Architects • Planners

Ordinance
 2007-~~26~~
 EXHIBIT B

THIS PLAT WAS PREPARED FROM EXISTING DEEDS, PLATS AND SURVEYS OF RECORD NOTED HEREIN, AND IS NOT THE RESULT OF A FIELD SURVEY.