

ORDINANCE NO. 2007-87

AN ORDINANCE TO AUTHORIZE AND DIRECT THE CLERK OF COUNCIL TO EXECUTE AND SIGN A PETITION TO CREATE THE SANMARGALE NEW COMMUNITY AUTHORITY, ON BEHALF OF THE CITY OF MASON, OHIO, AS THE "PROXIMATE CITY" UNDER OHIO REVISED CODE CHAPTER 349, AND DECLARING AN EMERGENCY.

WHEREAS, SanMarGale Development Company, LLC, as the owner or entity in control of approximately 3,255 acres in Turtlecreek and Wayne Townships, Warren County, Ohio (the "Developer"), has requested that the City of Mason, Ohio, as the "proximate city" under Ohio Revised Code Chapter 349, sign a petition (the "Petition") to create a new community authority under the provisions of Ohio Revised Code Chapter 349 in Warren County and the Townships of Turtlecreek and Wayne; and

WHEREAS, a proposed Petition in its entirety has been presented to the City of Mason, and explanation of the proposed new community authority has been made to City officers by the Developer and the Developer's counsel, and such proposed Petition is on file with the Clerk of Council.

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


Section 1. That the Clerk of Council is hereby authorized to execute and sign on behalf of the City of Mason, as the "proximate city" under Ohio Revised Code Chapter 349, acting through the Mason City Council, the Petition of the Developer to create the SanMarGale New Community Authority in the Townships of Turtlecreek and Wayne in Warren County. That signature of the Clerk of Council is for the sole purpose of evidencing the "proximate city" approval of the City and its legislative authority for the creation and establishment of that New Community Authority, and the Clerk of Council is also authorized to sign the Petition in substantially the form currently on file with the Clerk with such changes that are not inconsistent with this Ordinance and which the Law Director approves as not adverse to the City, all of which shall be conclusively evidenced by the signing of the Petition.

Section 2. That this Ordinance has been passed, and all formal actions and deliberations taken, in a meeting open to the public.

Section 3. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, or welfare of this City and for the further reason that this Ordinance is required to be immediately effective to provide for the timely financing of the improvements contemplated by the Petition; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed this 18th day of June, 2007.

Attest:


Clerk of Council
Mayor