

**ORDINANCE 2018 – 83**

**AN ORDINANCE ACCEPTING THE APPLICATION FOR THE ANNEXATION OF 4.7665 ACRES, MORE OR LESS, IN DEERFIELD 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 March 20, 2017 by Ordinance No. 2017-35 and on December 5, 2017 by Resolution No. 2017-74, the City of Mason and Deerfield Township, Warren County, Ohio, respectively, authorized and entered an Annexation Agreement relating to the annexation of a territory from Deerfield Township to the City of Mason; and

WHEREAS, thereafter, on April 23, 2018, a petition for the annexation of a 4.7665 acre territory in Deerfield Township with the consent of all parties, was duly filed by Joseph L. Trauth, Jr., as 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 April 24, 2018, the Board of County Commissioners of Warren County, Ohio reviewed and, by Commissioners’ Resolution No. 18-0701, 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. 18-0701 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 4.7665 acres from Deerfield 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, Deerfield 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 Joseph L. Trauth, Jr., as agent for the petitioners, with the Warren

County Board of County Commissioners on April 23, 2018. That the petition for the annexation of 4.7665 acres in Deerfield 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. 18-0701 on April 24, 2018, 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 and one copy to the Fiscal Officer of Deerfield 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 9<sup>th</sup> day of July, 2018.

\_\_\_\_\_  
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. 2018-\_\_\_\_\_, adopted by the Council of the City of Mason on \_\_\_\_\_, 2018.

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