

ORDINANCE 2023 - 2

AN ORDINANCE AUTHORIZING THE FILING OF A PETITION WITH THE BOARD OF COUNTY COMMISSIONERS OF WARREN COUNTY, OHIO TO CHANGE THE UNION TOWNSHIP LINES OF 137.419 ACRES LOCATED IN UNION TOWNSHIP AND THE CITY OF MASON IN ORDER TO REMOVE THE TERRITORY FROM UNION TOWNSHIP, PLACE IT IN MASON TOWNSHIP AND MAKE THE TOWNSHIP LINES IDENTICAL WITH THE LIMITS OF THE CITY OF MASON, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, on September 3, 2015 by Ordinance No. 2015-91 and on August 17, 2015 by Resolution No. 081715-01, the City of Mason and Union Township, Warren County, Ohio, respectively, authorized and entered an Annexation Agreement relating to the annexation of a territory from Union Township to the City of Mason; and

WHEREAS, that Agreement provides for the annexation of the 137.419 acre territory to the city of Mason and when the annexation becomes effective, the exclusion of the annexation territory from Union Township pursuant to R.C. Chapter 503 including R.C. Section 503.07; and

WHEREAS, on October 24, 2022, a petition for the annexation of a 137.419 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, which petition was approved by the Warren County Commissioners on November 8, 2022 by Resolution No. 22-1726 and accepted by the City of Mason on January 9, 2023 by Ordinance No. 2023 - 1; and

WHEREAS, the Annexation Agreement also provides that, upon exclusion of the 137.419 acre territory from Union Township, the City of Mason compensation payments, if any, shall be made pursuant to the terms of the Annexation Agreement and the 137.419 acres annexed shall no longer be subject to Union Township’s real property taxes, which Agreement is binding upon the county auditor by law, including R.C. 709.19(B); and

WHEREAS, Ohio Revised Code Section 503.07 authorizes the legislative authority of the city, by a vote of a majority of its members, to petition a board of county commissioners to change the township boundaries within the limits of the municipal corporation in order to make them identical; and

WHEREAS, the City of Mason is primarily located within and is co-extensive with Mason Township in Warren County and the City of Mason desires to change the township boundaries of 137.419 acres in Union Township in Warren County within the City of Mason to make them a part of Mason Township and exclude them from Union Township.

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

Section 1. That the City Manager or his authorized representative is hereby authorized and directed, on behalf of this Council, to prepare and present to the Board of County

Commissioners of Warren County, Ohio a petition praying for a change in the boundary lines of Union Township and Mason Township as are necessary to accomplish the removal of the recently annexed 137.419 acres of territory within the municipal limits of the City of Mason currently in Union Township, Warren County, Ohio from Union Township and place it in Mason Township in the City of Mason, Warren County, as provided by law.

Section 2. That the 137.419 acre territory within the municipal limits of the City of Mason and Union Township that is to be removed from Union Township and placed in Mason Township was annexed to the City of Mason by Ordinance No. 2023 - 1 is described in Exhibit A hereto and shown on the map or plat as Exhibit B hereto.

Section 3. That the Clerk of Council is hereby authorized and directed to prepare two certified copies of this Ordinance, together with two certified copies of the minutes of the meeting at which this Ordinance was adopted, showing its adoption by a vote of the majority of the members of the Mason City Council, being the legislative authority of the City of Mason and forward those documents to the City Manager or his authorized representative for filing.

Section 4. 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 facilitate the city providing the annexation area with city services at the earliest possible time period, to relieve Union Township of any obligation to serve the territory, to allow for the immediate change of township boundaries as provided by the Annexation Agreement of the parties, and to permit the inhabitants of the territory to receive services and vote in the appropriate jurisdiction.

Passed this 9th day of January, 2023.

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. 2023-_____, adopted by the Council of the City of Mason on _____, 2023.

Clerk of Council