



**BOARD OF COUNTY COMMISSIONERS  
WARREN COUNTY, OHIO**

**406 Justice Drive, Lebanon, Ohio 45036**

**[www.co.warren.oh.us](http://www.co.warren.oh.us)**

**[commissioners@co.warren.oh.us](mailto:commissioners@co.warren.oh.us)**

Telephone (513) 695-1250

Facsimile (513) 695-2054

**TOM GROSSMANN**

**SHANNON JONES**

**DAVID G. YOUNG**

**GENERAL SESSION AGENDA**

**September 27, 2022**

- #1**                      **Clerk—General**
  
- #2**      **9:00**                      **Consider Expedited Type I Annexation Petition of Christopher H. Hurlburt, Agent, to Annex 80.511 Acres to the City of Lebanon from Union Township**
  
- #3**      **9:05**                      **ADMINISTRATIVE HEARING—Melena Properties Stage 2 PUD in Union Township (Requesting to be continued to October 18, 2022)**
  
- #4**      **9:15**                      **Work Session—Candace Miller, Economic Development Specialist Relative to Broadband Request for Proposals**
  
- #5**      **9:45**                      **Work Session—Kevin Hildebrand, Hamilton Township Property Owner, Relative to Request for Access Easement for property off Striker Road in Hamilton Township**
  
- #6**      **10:00**                      **Executive Session—Pending Litigation with Legal Counsel Present**

**The Board of Commissioners' public meetings can now be streamed live at [Warren County Board of Commissioners - YouTube](#)**

Meeting #37 of 2022

APPROVE REQUISITIONS AND AUTHORIZE COUNTY ADMINISTRATOR TO SIGN DOCUMENTS RELATIVE THERETO

BE IT RESOLVED, to approve requisitions as listed in the attached document and authorize Tiffany Zindel, County Administrator, to sign on behalf of this Board of County Commissioners.

          moved for adoption of the foregoing resolution, being seconded by . Upon call of the roll, the following vote resulted:

- M
- M
- M

Resolution adopted this 20<sup>7</sup>th day of September 2022.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Tina Osborne, Clerk

/tao

cc:

Commissioners' file

**REQUISITIONS**

<b>Department</b>	<b>Vendor Name</b>	<b>Description</b>	<b>Amount</b>
SHE	72 HOUR LLC	8- 2023 FORD PL-UTILITY PATROL VEHICLES	\$ 487,173.48
SHE	GANLEY CHEVROLET OF AURORA LLC	6- 2023 CHEVROLET TAHOE SHERIFF VEHICLES	\$ 261,870.00
FAC	JUSTICE AV SOLUTIONS	VIDEO AND AUDIO EQUIPMENT FOR MEETING ROOM	\$ 11,231.65
TEL	CENTRAL SQUARE TECHNOLOGIES	ENTERPRISE CAD TO ESO INTERFACE	\$ 12,155.00
TEL	FRED B DE BRA CO	FIBER AND CABLE WORK HUMANE ASSOCIATION	\$ 78,500.00
TEL	MOTOROLA SOLUTIONS INC	MOTOROLA VHF REPEATER	\$ 34,586.71

**PO CHANGE ORDER**

<b>Department</b>	<b>Vendor Name</b>	<b>Description</b>	<b>Amount</b>
ENG	EAGLE BRIDGE CO.	KING AVENUE BRIDGE PROJECT	\$ 879,873.34 DECREASE
SEW	PELTON ENVIRONMENTAL PRODUCTS	GORMAN RUPP PUMPS FOR WAYNESVILLE WWTP	\$ 19,291.00 INCREASE

9/27/2022 APPROVED:

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Tiffany Zindel, County Administrator

## CONSENT AGENDA\*

September 27, 2022

1. *Approve the minutes of the September 8, 2022, Commissioners' Meeting.*

### PERSONNEL

2. *Rescind resolution #22-1267 and resolution #22-1299 authorizing the hiring of Andrea Rentz and Jada Smith within Children Services*
3. *Hire Natia Hill as Protective Services Caseworker II, Sydney Smith as Protective Caseworker I, and Joseph Staudt as Protective Caseworker II within Children Services and Nathan Shutts as Water Distribution Worker I and Michaela Simmons as Water and Sewer Utility Clerk I within Water/ Sewer*
4. *Approve pay increase for multiple employees within W/S relative to OEPA license*
5. *Approve leave donation for Amelia Jones, Custodial Worker I within Facilities Management*
6. *Accept resignation of Cheslea Morris, Custodial Worker I within Facilities Management and Haley Stalbosky, Emergency Communications Operator within Emergency Services*
7. *Approve part-time work hours for Julie Arrowood within Human Services*
8. *Approve end of 365- day probationary period and approve a pay increase for Kalena Kemp within Building and Zoning, Katie Taylor within Children Services, Bart Saltsgaver within Facilities Management, Stephanie Davis within Human Services, Ron VanHook within Solid Waste, and Nate Alfrey within Water and Sewer*

### GENERAL

9. *Recommend appointment of Matt Bear, Warren County Health Department Emergency Response Coordinator to the Local Emergency Planning Committee*
10. *Approve Notice of Intent to award bid to Rumpke of Ohio for the Hauling and Disposal of Biosolids at the Lower Little Miami Waste Water Treatment Plant*
11. *Enter into contract with Barrett Paving Materials, Inc. for the FY22 Union Township-Highland Park Resurfacing CDBG Project*
12. *Enter into contract with Debra-Kuempel, Inc. for the Fiber Installation for 33 Cook Road Humane Association/Animal Shelter*
13. *Enter into contact with Recreation Outlets, Inc. for the Village of Morrow Phegley Park Upgrade for Grants Administration*
14. *Authorize RFQ and appoint review committee for survey and basemap services for the Moreland Acres Water Replacement project for the W/S Department*
15. *Appoint an evaluation committee to review the RFP for AVD and Fire Alerting System on behalf of Telecommunications*
16. *Authorize RFP and appoint a review committee for Utility Billing Software on behalf of Water/ Sewer*
17. *Approve home placement agreement with Focus on Youth, Inc. and ENA, Inc. on behalf of Children Services*
18. *Enter into agreement with Sit Means Sit Dog Training on behalf of Children Services*
19. *Enter into contract with Trumpia for text messaging reminders for Court Hearings on behalf of Juvenile Court*
20. *Enter into Supervised Parenting Program contract with the Children's Home of Cincinnati on behalf of Juvenile Court*
21. *Enter into rental agreement with A & S Party Rentals on behalf of OhioMeansJobs Warren County*

FOR CONSIDERATION NOT ON CONSENT AGENDA

1. Determine property located at 8937 Bunnell Hill Road in Clearcreek Township is not needed for public use and authorize sale by sealed bid
2. Amend Resolution #10-0948 to include authorization of the County Administrator to approve final plats in the absence of the Board of Commissioners
3. Approve fare decrease for passengers ages 12 and under in the Warren County Transit System—12 and under fare would be ½ the cost of adult fare
4. Authorize W/S Department to participate in the TID King Avenue Intersection Improvements Project and provide reimbursement for W/S Improvements
5. Authorize W/S Department to participate in the TID SR 48 and US 22-3 Improvements Projects and provide reimbursement for W/S Improvements
6. Amend Resolution 21-1309 relative to the agreement with the Warren County Educational Services Center providing staff to administer the test to stay pilot program

FINDING CERTAIN REAL PROPERTY LOCATED AT 8937 BUNNELL HILL ROAD, IN CLEARCREEK TOWNSHIP, BELONGING TO THE BOARD, IS NOT NEEDED FOR COUNTY USE, AND FURTHER AUTHORIZING THE CLERK TO ADVERTISE A PRIVATE SALE OF THE REAL PROPERTY BY SEALED BIDS SUBJECT TO A MINIMUM BID OF \$75,000 AND OTHER REQUIREMENTS

WHEREAS, the Board holds title to real estate located at 8937 Bunnell Hill Road, Clearcreek Township, Warren County, Ohio, consisting of 1.285 acres, more or less, identified as Parcel # 04-02-276-016/Auditor's Acct. # 01616777 (the "Real Property"); and,

WHEREAS, the Real Property was acquired from the prior owner in an arms-length transaction for temporary uses and purposes relating to the Lytle Five Points Road/Bunnell Hill Road Intersection Roundabout Project, that the structures that existed on the Real Property at time of purchase were razed during the Project with the Board having obtained an appraisal valuing the Real Estate at \$75,000 in the after-condition once the Project was completed and open to the public; *and*

WHEREAS, in accordance with section 307.09 (A) of the Ohio Revised Code, if the interest of a county so requires, a board of county commissioners may sell any real property belonging to the county and not needed for public use; and,

WHEREAS, the said Project has been completed and is open to the public, and the County has encumbered the Real Estate with a Standard Highway Easement; and,

WHEREAS, no sale *of* real property permitted under section 307.09 of the Ohio Revised Code shall be made unless it is authorized by resolution adopted by a majority of the board of county commissioners, and must comply with the procedures set forth in section 307.10 (A) of the Ohio Revised Code; and,

WHEREAS, in order to sell the said property located at 8937 Bunnell Hill Road, the Board would need to adopt a resolution determining the property is not needed for public use, and upon making such finding deed the property to the highest responsible bidder, after advertisement of a private sale by sealed bid once a week for four consecutive weeks in a newspaper of general circulation in the county, or as provided in section 7.16 of the Ohio Revised Code; or, offer the property for sale at a public auction, after giving at least 30 days' notice of the auction by publication in a newspaper of general circulation in the county, reserving the right to reject any and all bids;

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Warren County, Ohio, at least a majority of all its members casting a vote concur as follows:

Section 1. The Board finds the property located at 8937 Bunnell Hill Road,

Clearcreek Township, Warren County, Ohio titled in the name of the Board is no longer needed for any County use, and it is in the interest of the County that the sale of the Real Property be advertised in a newspaper of general circulation in Warren County by private sale through sealed bids subject to a minimum bid of \$75,000 and such other bidding requirements under law and as recommended by the County Prosecutor's Office.

Section 2. That the Board does hereby approve the Advertisement for Bids attached hereto,

Section 3. The Clerk is directed to cause the attached Advertisement to be published.

Section 4. That the Board is acting in its administrative capacity in adopting this Resolution.

Section 5. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 6. That it is found and determined that all formal actions of the Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

M moved for adoption of the foregoing resolution being seconded by M. Upon call of the roll, the following vote resulted:

M  
M  
M

Resolution adopted this 20<sup>th</sup> day of September 2022.

CERTIFICATION

I hereby certify that the foregoing is a true, accurate, and complete copy of Resolution No. \_\_\_\_\_ adopted \_\_\_\_\_, 2022, by the Board of Commissioners of Warren County, Ohio.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
TINA OSBORNE, CLERK

cc: Bruce McGary, Pros. Office  
Neil Tunison, Engineer's Office

WARREN COUNTY COMMISSIONERS  
2022 SEP -1 AM 10:47

RECEIVED

## ADVERTISEMENT FOR SEALED BIDS

Sealed bids will be received by the Clerk of the County Commissioners, Warren County, Ohio, 406 Justice Drive, Lebanon, Ohio 45036, until 3:00 P.M., on October 25, 2022 for the sale of vacant real property identified as Parcel No. 04-02-276-016 and deed reference Doc. 2019-006645 having a property address of 8937 Bunnell Hill Road, Springboro, OH 45066, and then at said time bids will be opened and read aloud.

The real property is being offered "AS IS" and "WHERE IS" and "WITH NO WARRANTIES" of any kind. Nothing in this Advertisement for Sealed Bids may be construed as a warranty of any kind. No property disclosure form is required as this will not be a residential real property transfer under R.C. 5302.30 since the property has no buildings or structures. A bidder is solely responsible for exercising whatever due diligence the bidder deems necessary with respect to the title and condition or fitness of the property for any particular purpose or use. No on-site physical inspection of the property is permitted.

Each sealed bid shall contain the full name of the bidder submitting an unconditional bid and be accompanied by a certified check payable to the Board of Warren County Commissioners in the amount equal to ten (10) percent of the bid. The minimum bid of \$75,000 has been placed on this property. The highest responsible bidder's bid will be conditionally accepted on the day of the bid opening but subject to final acceptance by the Board of Warren County Commissioners at a regularly scheduled meeting thereafter.

Upon award of bid, the successful bidder will be required to present the balance due, in the form of a cashier's or bank certified check payable to the Board of Warren County Commissioners, and fully executed closing documents prepared by the Warren County Prosecutor's Office within five (5) business days after receipt of the closing documents. No affidavit of title will be provided. The successful bidder will receive a quit-claim deed for the real property subject to: 1) any mortgages or liens of record; 2) any discrepancies in the acreage or legal descriptions of record; 3) a standard highway easement as shown on the Plat of Survey filed on 5/25/2022 in S.R. Vol. 156, Plat No. 55; 4) legal highways and right of way including without limitation as shown on S.R. Vol. 56, Plat No. 19 filed 7/3/1984; 5) any easements, covenants and restrictions of record; 6) building, zoning, access management and other governmental laws and regulations; and, 7) real property taxes accruing on and after January 1, 2022.

The Board of Warren County Commissioners reserve the right to accept the best bid, to reject any and all bids, and to waive any irregularities in bids.

By order of the Board of County Commissioners, Warren County, Ohio.

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Tina Osborne, Clerk

Journal-News Pulse of Lebanon and Mason:

Please publish the above advertisement once per week for four (4) consecutive weeks, beginning the week of September 25, 2022.

Bill to Warren County Commissioners.



AMEND RESOLUTION #10-0948 ADOPTED JULY 1, 2010 TO AUTHORIZE THE COUNTY ADMINISTRATOR TO APPROVE PURCHASE ORDERS, PAYMENT OF BILLS, PAYROLL AND ANY OTHER NECESSARY FINANCIAL DOCUMENTS IN THE ABSENCE OF THE COUNTY COMMISSIONERS

WHEREAS, pursuant to Resolution #10-0948, amended by 16-1936, this Board authorized the County Administrator to approve purchase orders, payment of bills, payroll and any other necessary financial documents in the absence of the Board of County Commissioners; and

WHEREAS, this Board would like to include the approval of final plats to the authorizing resolution; and

NOW THEREFORE BE IT RESOLVED, to amend Resolution #10-0948 to authorize the County Administrator to approve final record plats, purchase orders, payment of bills, payroll and any other necessary financial documents in the absence of the Board of County Commissioners and authorize the Deputy County Administrator or the Clerk to the Board of Commissioners to make said approvals in the absence of the County Administrator.

          moved for adoption of the foregoing resolution being seconded by . Upon call of the roll, the following vote resulted:

M  
M  
M

Resolution adopted this 27<sup>th</sup> day of September 2022.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Tina Osborne, Clerk

tao/

cc: Auditor \_\_\_\_\_  
OMB (file)

APPROVE FARE DECREASE FOR PASSENGERS AGES 12 AND UNDER IN THE WARREN COUNTY TRANSIT SYSTEM

WHEREAS, Warren County operates a public transportation system which is funded primarily with grants from the Federal Transit Administration and the Ohio Department of Transportation; and

WHEREAS, providing a half price fare rate for children will alleviate the hardship for parents riding the Warren County Transit System with their children; and

NOW THEREFORE BE IT RESOLVED, to approve a half price fare rate for children up to age 12, and

BE IT FURTHER RESOLVED, said fare shall become effective immediately.

Mr. Young moved for adoption of the foregoing resolution being seconded by Mr. Grossmann. Upon call of the roll, the following vote resulted:

Mrs. Jones – absent  
Mr. Grossmann – yea  
Mr. Young – yea

Resolution adopted this 20<sup>th</sup> day of September 2022.

BOARD OF COUNTY COMMISSIONERS

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Tina Osborne, Clerk

/sm

cc: Transit (file)

## Zindel, Tiffany M.

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**From:** Russell, Martin T.  
**Sent:** Thursday, September 15, 2022 3:21 PM  
**To:** Mason, Susanne; Zindel, Tiffany M.  
**Subject:** RE: Children passengers on transit

I am not sure I like free. There is always a cost for the service and we require the elderly and disabled to pay something. If you wish to reduce it like you do a "kid's meal" than I am ok with it. Just my two cents which based off inflation is either worth nothing or may have increased to about a dime!

Martin Russell  
Deputy County Administrator, Warren County  
Executive Director, Warren County Port Authority  
ML: 513-695-2091

**From:** Mason, Susanne  
**Sent:** Thursday, September 15, 2022 3:11 PM  
**To:** Zindel, Tiffany M.; Russell, Martin T.  
**Subject:** Children passengers on transit

On Transit, currently the cost per trip is \$3 for the general public. It's \$1.50 for the elderly and disabled. We have never offered a cost break for children.

Occasionally, we will have a parent ride the bus who is paying full price for him/herself and each child, which can create a hardship.

UTS reports that we typically only have zero to three children ride a month. How do you feel about allowing children up to age ten or 12 to ride for free? The parent/care taker would still be paying full price. A typical month would cost the county somewhere between \$0 and \$18. Of course, we could see an uptick if we offer free rides. I believe it would still be minimal.

If you are alright with allowing children to ride for free, can I just submit a resolution? Is this minor enough that I wouldn't have to present anything?

Susanne Mason  
Warren County Office of Grants Administration  
Warren County Solid Waste District  
513.695.1210

**AUTHORIZE THE WATER AND SEWER DEPARTMENT TO PARTICIPATE IN THE WARREN COUNTY TRANSPORTATION DISTRICT KING AVENUE (CR 282)/KINGS COURT INTERSECTION IMPROVEMENTS PROJECT WAR-CR282-0.66, AND PROVIDE REIMBURSEMENT FOR WATER AND SEWER IMPROVEMENTS**

**WHEREAS**, the Warren County Transportation District (herein "WCTID") is performing improvements that include the conversion of an intersection to a modern roundabout and the widening of a curve to accommodate trucks with construction including sidewalks, multi-use path, curb, curb ramps, utility adjustments and related reconfiguration and replacement of utilities, and lighting (herein "Project"); and

**WHEREAS**, the Warren County Water and Sewer Department owns, maintains, and operates sanitary sewers and water distribution mains within the WCTID project area and that portions of the water distribution system within the project area are required to be relocated as a result of the Project and are undersized, consisting of 1960's or older cast iron pipe, and in need of replacement; and

**WHEREAS**, the Warren County Water & Sewer Department believes construction of these water distribution and sanitary sewer collection system improvements which are part of the Project will reduce construction related disruptions to Warren County residents and the traveling public and reduce capital construction costs; and

**WHEREAS**, this Board determines that the proposed improvement is for public use and that it is necessary for the public health, safety and/or general welfare of the citizens of Warren County and others.

**NOW THEREFORE BE IT RESOLVED THAT,**

1. The Warren County Sanitary Engineer is hereby authorized to participate in all phases of the WCTID King Avenue (CR 282) / Kings Court Intersection Improvements Project WAR-CR282-0.66, for the easement acquisition, design, construction, and operation of sanitary sewer and water distribution improvements as part of the Project.
2. The Warren County Water and Sewer Department is further authorized to reimburse the WCTID for all easement acquisition, design, and construction costs associated with the water and sewer improvements.

M moved for adoption of the foregoing resolution being seconded by M. Upon call of the roll, the following vote resulted:

Mr. Grossmann –  
Mr. Young –  
Mrs. Jones –

Resolution adopted this \_\_\_\_ day of September 2022.

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Tina Osborne, Clerk

CGB

cc: Water/Sewer (file)

Project File

Auditor\_\_\_\_

AUTHORIZE THE WATER AND SEWER DEPARTMENT TO PARTICIPATE IN THE WARREN COUNTY TRANSPORTATION DISTRICT WAR-48-7.01 IMPROVEMENTS PROJECT, PROJECT ID 112909, AND PROVIDE REIMBERSEMENT FOR WATER AND SEWER IMPROVEMENTS

**WHEREAS**, the Warren County Transportation District (herein "WCTID") is performing improvements that include the widening and resurfacing of 1.28 miles of State Route 48 and the resurfacing and spot widening of 0.47 miles of US 22 / State Route 3 with the improvements including the construction of curb and gutter, storm sewer, sidewalks, the extension of a corrugated metal pipe arch under State Route 48, culvert replacements, related reconfiguration and replacement of utilities and the replacement of four traffic signals (herein "Project"); and

**WHEREAS**, the Warren County Water and Sewer Department owns, maintains, and operates sanitary sewers and water distribution mains within the WCTID project area and that portions of the water distribution system within the project area are required to be relocated as a result of the Project and are undersized, consisting of 1960's cast iron pipe, and in need of reconfiguration and replacement; and

**WHEREAS**, the Warren County Water & Sewer Department believes construction of these water distribution and sanitary sewer collection system improvements which are part of the Project, will reduce construction related disruptions to Warren County residents and the traveling public and reduce capital construction costs; and

**WHEREAS**, this Board determines that the proposed improvement project is for public use and that it is necessary for the public health, safety and/or general welfare of the citizens of Warren County and others;

**NOW THEREFORE BE IT RESOLVED THAT,**

1. The Warren County Sanitary Engineer is hereby authorized to participate in all phases of the WCTID WAR-48-7.01 Improvements Project, for the easement acquisition, design, construction, and operation of sanitary sewer and water distribution improvements as part of the Project.
2. The Warren County Water and Sewer Department is further authorized to reimburse the WCTID for all easement acquisition, design, and construction costs associated with the water and sewer improvements.

M moved for adoption of the foregoing resolution being seconded by M. Upon call of the roll, the following vote resulted:

Mr. Grossmann –  
Mr. Young –  
Mrs. Jones –

Resolution adopted this \_\_\_\_ day of September 2022.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Tina Osborne, Clerk

CGB

cc: Water/Sewer(file)

Project File

Auditor\_\_\_\_

AMEND RESOLUTION #21-1309, ADOPTED SEPTEMBER 28, 2021 RELATIVE TO THE AGREEMENT WITH THE WARREN COUNTY EDUCATIONAL SERVICE CENTER PROVIDING STAFF TO ADMINISTER THE TEST AND STAY PILOT PROGRAM

WHEREAS, pursuant to Resolution #21-1309, adopted September 28, 2021, this Board entered into a sub-recipient agreement with the Warren County Educational Service Center to provide funding for the hiring of nursing staff to administer the Test and Stay Pilot Program in all Warren County School Districts; and

WHEREAS, said funding for the Test and Stay Pilot Program was provided via the State and Local Rescue Act Funds (aka SLRF/ARPA); and

WHEREAS, the Test and Stay Pilot Program funding was originally classified under Bucket #1 Public Health of the SLRF; and

WHEREAS, after review of the program particulars as well as the expectations of reporting, by the County, from the Warren County Educational Services Center it is clear that the agreement should be classified as a beneficiary agreement/relationship versus a sub-recipient agreement/relationship and that the appropriate "Bucket" of the SLRF would be Bucket #3 General Revenue Replacement; and

NOW THEREFORE BE IT RESOLVED, to amend Resolution #21-1309, adopted September 28, 2021 with the Warren County Educational Service Center to reflect that said agreement should be treated as a Beneficiary Agreement/Relationship and that the funds shall be attributed to Bucket #3 General Revenue Replacement of the SLRF; and

BE IT FURTHER RESOLVED, to acknowledge that this amendment applies to funds expended in 2021 as well as 2022 relative to the Test and Stay Pilot Program.

M moved for the adoption of the foregoing resolution being seconded by M. Upon call of the roll, the following vote resulted:

M

M

M

Resolution adopted this 27<sup>th</sup> day of September, 2022.

BOARD OF COUNTY COMMISSIONERS

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Tina Osborne, Clerk

Tz/i/omb/ESC Test and Stay Amended Agreement

Cc: c/a—Educational Service Center  
Jeff Stilgenbauer  
Diane Gray  
T. Isaacs, ESC

**BOARD OF COUNTY COMMISSIONERS  
WARREN COUNTY, OHIO**

# Resolution

Number 21-1309

Adopted Date September 28, 2021

AUTHORIZE THE COUNTY ADMINISTRATOR TO SIGN A SUB-GRANT AGREEMENT WITH THE WARREN COUNTY EDUCATIONAL SERVICE CENTER RELATIVE TO PROVIDING STAFF TO ADMINISTER THE TEST AND STAY PILOT PROGRAM

WHEREAS, this Board strongly supports all of our Warren County School Districts and their mission to educate all students; and

WHEREAS, in an effort to assist all of our school districts the Board of Commissioners, via the funding received through the American Recovery Act, desires to support a Pilot program titled Test and Stay; and

WHEREAS, the Test and Stay pilot program focuses on students exposed, during school, but not infected to be able to stay in school learning versus at home on quarantine; and

WHEREAS, the funding is to be used to hire a minimum of twelve (12) RN/LPNs to administer COVID tests to those students potentially exposed; and

NOW THEREFORE BE IT RESOLVED, to authorize the County Administrator to sign a sub-grant agreement with the Warren County Educational Service Center, in the amount not to exceed \$850,000, to hire staff associated with Test and Stay Pilot Program authorized by the Ohio Department of Health; said sub-grant agreement is attached hereto and made a part hereof.

Mrs. Jones moved for adoption of the foregoing resolution being seconded by Mr. Grossmann. Upon call of the roll, the following vote resulted:

Mr. Young – yea

Mr. Grossmann – yea

Mrs. Jones – yea

Resolution adopted this 28<sup>th</sup> day of September 2021.

BOARD OF COUNTY COMMISSIONERS



Tina Osborne, Clerk

Tz/

cc: c/a-Educational Service Center  
Jeff Stilgenbauer  
T. Zindel

**AMERICAN RESCUE PLAN – CORONAVIRUS STATE AND LOCAL FISCAL  
RECOVERY FUNDS  
SUBGRANT AGREEMENT  
between the  
WARREN COUNTY BOARD OF COUNTY COMMISSIONERS  
and the  
WARREN COUNTY EDUCATIONAL SERVICE CENTER**

THIS SUBGRANT AGREEMENT is made as of the date of the last signature below by and between the Board of County Commissioners of Warren County, Ohio (the “County”), with its principal place of business located at 406 Justice Drive, Lebanon, Ohio 45036 and the Warren County Educational Service Center (the “GRANTEE”), a political subdivision of Ohio, with its principal place of business located at 1879 Deerfield Road, Lebanon, Ohio 45036.

WITNESSETH:

WHEREAS, the County is a local government recipient of funding pursuant to Section 9901 of the American Rescue Plan Act which amended Title VI of the Social Security Act to add section 603 which established the Coronavirus Local Fiscal Recovery Fund (hereinafter “ARPA”); specifically, County received \$45,568,688 in ARPA funding.

WHEREAS, ARPA funds received by the County may only be used, as follows: (a) to respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality; (b) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers; (c) for provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and, (d) to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, the County seeks to make expenditures to respond directly to the COVID-19 pandemic emergency by addressing emergency public health needs, and this may include a grant to another local political subdivision for eligible expenditures related to the public health emergency, and

WHEREAS, Grantee is a political subdivision that provides educational services across



Warren County to support school effectiveness and student achievement, and has demonstrated a need for funding to cover necessary expenditures due to the public health emergency that meet the eligibility criteria as outlined by the United States Department of Treasury Interim Final Rule, 31 C.F.R. Part 35, May 17, 2021 [hereinafter "Interim Final Rule"], and

WHEREAS, through the encumbrance of said funds the County has authorized a grant from funds received by the County through ARPA in an amount of \$850,000 to Grantee to cover qualified necessary expenditures incurred due to the public health emergency related to COVID-19 that meets the other criteria of section 603 of the Social Security Act, as set forth more fully below.

NOW THEREFORE, in consideration of the mutual covenants, promises, conditions and terms to be kept and performed, it is agreed between the parties as follows:

#### **SECTION 1 PURPOSE.**

The parties hereby agree that the Interim Final Rule identifies eligible uses of ARPA funds related to COVID-19 mitigation and prevention, to include: testing; contact tracing; support for isolation or quarantine; public health surveillance; enforcement of public health orders; public communication efforts; prevention in congregate settings, specifically schools; payroll and covered benefits expenses for public health, and/or health care employees devoted to mitigating or responding to COVID-19.

GRANTEE has developed a mitigation and prevention program to enhance health care and COVID-19 response that meets the above ARPA eligible uses and expenditure categories as set forth by the Interim Final Rule. Specifically, GRANTEE's program will provide COVID-19 testing to students within public school districts located in Warren County, Ohio, that have had a contact with another individual diagnosed with COVID-19 and will provide for qualified nursing staff to administer said tests, including all payroll, and covered benefits expenses, if any.

The parties hereby agree that the Grantee's program meets the Expenditure Categories (EC) under the U.S. Department of Treasury Compliance and Reporting Guidance, as follows: EC 1.1 COVID-19 Testing; EC 1.2 COVID-19 Contact Tracing; EC 1.4 Prevention in Congregate Settings/Schools; EC 1.8 Other COVID-19 Public Health Expenses; EC 1.9 Payroll Costs for

Public Health or Other Public Sector Staff responding to COVID-19.

The COUNTY agrees to pay to the GRANTEE an amount of \$850,000 for the purpose of carrying out the above-described program, which is more specifically detailed in the attached Scope of Program, hereinafter Attachment A. Funds not used by the GRANTEE for the Scope of Program shall be returned to the County as set forth herein. GRANTEE shall not use any grant funds for any purpose other than what is described in Attachment A, and under no circumstances shall any funds be used for any purpose not defined as an eligible use under the Interim Final Rule, or any related Final Rule written hereafter.

**Section 1.2 ADDITIONAL PROHIBITED USES:** Per the terms of the Interim Rule, Grantee is specifically prohibited from using the awarded funds as follows: to deposit into a pension fund; to offset a reduction in net tax revenue caused by the Grantee's change in law, regulation, or administration interpretation; for non-Federal match where prohibited; to directly service debt; satisfy a judgment or settlement; nor to contribute to a rainy day or reserve fund.

## **SECTION 2 TERMINATION; RECOUPMENT.**

Upon the breach of any term of this Grant Agreement by the GRANTEE or upon mismanagement of the grant funds or any misfeasance or malfeasance by the GRANTEE, which shall be determined in the County's sole discretion, the County has the right to terminate the grant award, in whole or part; demand the immediate repayment of all grant money received by the GRANTEE from the County that has not been disbursed; temporarily withhold cash payments pending correction of deficiency by the GRANTEE; or take all other actions available under Ohio law. Additionally, funds must be used under this Grant Agreement to cover costs incurred on September 1, 2021 through September 1, 2022. Otherwise, this agreement shall terminate effective September 1, 2022 and all grant funds that have not been expended by the GRANTEE by that date will be repaid by the GRANTEE to the County no later than September 30, 2022.

## **SECTION 3 DISSOLUTION.**

If for any reason, the GRANTEE is ever dissolved, the County has the absolute right to receive repayment by the GRANTEE of all grant monies disbursed to it by the County remaining in the GRANTEE'S possession or control, including, but not limited to, the grant monies disbursed under

this Grant Agreement.

**SECTION 4 NON-DISCRIMINATION.**

The GRANTEE, its employees, agents, representatives, and any other party working on its behalf shall not discriminate in any manner in its performance under this Grant Agreement by reason of race, color, sex, age, religion, national origin, ancestry, veteran status, disability, sexual orientation, gender identity or any other characteristic to the extent protected by law, and shall comply with all federal, State of Ohio non-discrimination and intimidation laws, as amended, and any applicable related rules, regulations and executive orders, as amended.

**SECTION 5 WORKERS' COMPENSATION.**

The GRANTEE shall provide Workers' Compensation Insurance coverage for all of its employees involved in the performance of this contract.

**SECTION 6 ACCOUNTABILITY FOR GRANT PROPERTY.**

The GRANTEE must maintain effective internal control and accountability for all grant cash, real and personal property and other assets. All grant property must be only used for the purpose authorized in this Grant Agreement. Grantee certifies that it has reviewed the terms of ARPA and the Interim Final Rule and warrants that the expenditures made in relation to this agreement comply with the rules and guidance of the United States Department of Treasury. The Superintendent and Fiscal Officer of the Grantee indicate that they have provided sufficient documentation to demonstrate that the expenditures comply, and any findings of recovery by the Department of Treasury, the Ohio Auditor of State or any other auditing agency authorized under ARPA will be held against the Grantee officials and not Warren County.

**SECTION 7 REPORTS AND RECORDS.**

The GRANTEE agrees to maintain and provide to the County upon demand and in accordance with Attachment A, the following reports and records:

- Accounting and fiscal records adequate to allow the County and/or State of Ohio to audit and verify that the funds provided under this Grant Agreement are used for the purpose(s) stated in this Grant Agreement.

- Other records and reports as required by the County to enable it to comply with local, state, and federal statutes and regulations.
- The GRANTEE shall maintain all financial records and supporting documents related to the grant award for a period of 5 years after all funds have been expended or returned to the Treasury, whichever is later. This includes those records which demonstrate the award funds were used for eligible purposes in accordance with ARPA, and the Final Interim Rule, and the Treasury's other guidance on eligible uses of the funds. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the 5-year period, the GRANTEE shall retain the records until completion of the action and all issues which arise from it or until the end of the 5-year period, whichever is later.
- Performance reports which include information regarding actual accomplishments established during the grant period and other pertinent information. Such report shall be in the form required by the County.

The County shall have the right of access to any pertinent book, document, paper or other records of the GRANTEE which are pertinent to grant in order to make audits or examinations.

#### **SECTION 8 FEDERAL, STATE AND LOCAL LAWS.**

The GRANTEE agrees to abide by all Federal, State and local laws, statutes, resolutions, ordinances, rules and/or regulations applicable to this Grant Agreement. Additionally, GRANTEE agrees that it will spend all grant funds received under this Grant Agreement in accordance with ARPA and the Final Interim Rule.

#### **SECTION 9 RELATIONSHIP OF THE PARTIES.**

Nothing contained in this Grant Agreement is intended to or shall be construed in any manner as creating or establishing the relationship of employer/employee between the parties. The GRANTEE shall at all times remain a SUB-RECIPIENT with respect to its performance under this Grant Agreement.

#### **SECTION 10 SUCCESSORS AND ASSIGNMENT.**

The County and the GRANTEE each binds itself and its successors, executors, administrators, and assigns to the terms, conditions, and covenants of this Grant Agreement. Neither the County nor the GRANTEE shall assign or transfer its rights, interests, duties, or obligations under this Grant Agreement without the express written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body which may be a party hereto.

**SECTION 11 NOTICES.**

Any notice required or permitted under this Grant Agreement shall be given in writing and shall be deemed to have been given when personally delivered to any officer of the party receiving notice or when posted in the United States mail by certified mail addressed to the last known address of the party being served.

**SECTION 12 LAW OF OHIO.**

This Grant Agreement shall be construed and enforced in accordance with the laws of the State of Ohio, without giving effect to its conflict of laws principles. The parties agree that any legal action, suit, or proceeding that arises out of this Grant Agreement shall be brought solely and exclusively in the Warren County, Ohio Court of Common Pleas.

**SECTION 13 ENTIRE AGREEMENT, MODIFICATION AND SEVERABILITY.**

This written Grant Agreement represents the entire agreement between the parties and supersedes all previous agreements, written and oral, between the parties. This Grant Agreement shall not be modified except in writing signed by both parties. In the event any provision of this Grant Agreement is determined to be invalid by a court of competent jurisdiction, such determination shall not affect the validity of other provisions in the Grant Agreement which shall be severable.

**SECTION 14 PUBLIC RECOGNITION AND COUNTY SUPPORT.**

The GRANTEE shall recognize the County on all printed materials and promotional media related to this grant. When there are press releases, photographs, newsletters or any published materials about this grant, the County shall be included on any and all mailing distributions.

(End of text. Execution on the following page.)

The parties hereunto have caused this GRANT AGREEMENT to be executed on the date of the last signature below.

**Warren County Educational  
Service Center  
(GRANTEE)**

Alleya Unversaw  
By:

Printed Name Alleya Unversaw

Title: CFO

Date: 9/24/2021

**Warren County  
Board of Commissioners**

Tiffany Zindel  
By:

Printed Name: Tiffany Zindel

Title: County Administrator

Date: 01-28-2021

Resolution No. 21-1309

Approved as to Form,

Kathryn M. Horvath  
~~Adam M. Rice~~, Assistant Prosecutor  
KATHLEEN M. HORVATH

**American Rescue Plan Act (ARPA) - Potential Projects**

Project Title	BUCKET	Description	Revised Rec'd New Allocation	
Health Department Facility	1	Relocation for space purposes	\$ 1,500,000.00	can't use for entire bldg on COVID elated
Health Department Mobile Van	1	Vaccine Services	\$ 80,000.00	
Health Dept Temp Testing	1	Pod Rental 6 mos	\$ 7,500.00	
WC Children (county wide initiative) Mental Health	1	Training (TIP/Mental Health)	\$ 400,000.00	
Core Services	1	Food Bank, WCCS, ARCS, etc	\$ 100,000.00	
WCCCVB Revenue Replacement	1	2019-20 Lost Revenue	\$ 2,000,000.00	
WC COVID Healthcare Expenses	1	County dollars spent (testing, etc.)	\$ 1,000,000.00	
Sheriff (Corrections) Personnel Costs	1	Safety Services Costs	\$ 10,000,000.00	
Sheriff (Corrections) Expenditures	1	COVID Mitigation /GF reimbursement	\$ 3,652.00	
Childcare Enhancement	1	Aid 142%-200% of poverty	\$ 3,316,500.00	
Camp Joy	1	Revenue Replacement	\$ 200,000.00	
LMM Railroad (Match)	1	Bridge work	\$ 300,000.00	
Fairgrounds Event Center	1	Revenue Replacement	\$ 250,000.00	\$ 19,157,652.00
Premium Pay	2	Lump Sum Prem Pay hourly employees \$10 per hr	\$ 2,116,000.00	Based upon FINAL Payroll 8-4-22
				\$ 2,116,000.00
WC Revenue Replacement	3	Federal formula/\$10MM	\$ 2,767,433.40	Balance to County
Ice/Multisport Venue (Match)	3	Sports tourism	\$ 3,500,000.00	
Park Bd.	3	Armco Park Turf Baseball	\$ 800,000.00	contract drafting in progress
Makino Park (Match)	3	Outdoor park (Disabled population)	\$ 400,000.00	
Lump Sum Incr Salaried Employee		Lump Sum Prem Pay Salaried \$10 per hr	\$ 450,000.00	Based upon FINAL Payroll 8-4-22
ESC Quarantine Project	3	Mask/Testing Open Schools	\$ 618,508.60	Final was lower than \$850K budgeted
Workforce Initiatives	3	Youth Training (Healthcare)	\$ 200,000.00	\$ 8,735,942.00
Park Bd. - Sediment Pond Landen/Deerfield	4	Landen Deerfield Park - Sediment & Turf Armoco	\$ 504,000.00	contract drafting in progress
Water Softening Plants	4	Removal of surcharge (2 years early)	\$ 6,400,000.00	
Broadband Expansion	4	Service to underserved communities	\$ 5,000,000.00	Reviewing RFP
WC Network Upgrades	4	Bandwidth & technology upgrades	\$ 1,520,500.00	
Common Pleas Court Upgrades	4	Technology upgrades	\$ 133,250.00	
Telecomm	4	Technology upgrades	\$ 1,344.00	
Sewer/Stormwater Improvements	4	22/3 sewer flow upgrades	\$ 1,000,000.00	
Water/Sewer	4	Joint Proj Loveland Park Stormsewer	\$ 1,000,000.00	\$ 15,559,094.00
Items already committed or expended			\$ 45,568,688.00	
			\$ (45,568,688.00)	
			\$ -	remaining



**BOARD OF COUNTY COMMISSIONERS  
WARREN COUNTY, OHIO**

**406 Justice Drive, Lebanon, Ohio 45036**

***www.co.warren.oh.us***

***commissioners@co.warren.oh.us***

***Telephone (513) 695-1250***

***Facsimile (513) 695-2054***

***TOM GROSSMANN  
SHANNON JONES  
DAVID G. YOUNG***

**BOARD OF COUNTY COMMISSIONERS  
WARREN COUNTY, OHIO**

**MINUTES: Regular Session – September 8, 2022**

*This is a summary of actions and discussions of the meeting. You may view this meeting through our YouTube Channel at <https://www.youtube.com/channel/UC1ELh0jGpXd4VV2DTgsuqPA> or by contacting our office.*

The Board met in regular session pursuant to adjournment of the September 6, 2022, meeting.

Tom Grossmann – present

David G. Young – present

Shannon Jones – present

Tina Osborne, Clerk – present

Minutes of the September 6, 2022 meeting were read and approved.

- 22-1385      A resolution was adopted to accept resignation of Devin Newman, Water Treatment Technician within the Warren County Water and Sewer Department, effective September 16, 2022. Vote: Unanimous
- 22-1386      A resolution was adopted to hire Karalina Jamison as Protective Services Caseworker II, within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 22-1387      A resolution was adopted to approve a last chance agreement with Jennifer Powell within Warren County Job and Family Services, Human Services Division and authorize the County Administrator to sign the Last Chance Agreement on behalf of the County Commissioners resulting from a discipline matter. Vote: Unanimous
- 22-1388      A resolution was adopted to authorize Request for Proposals for Juvenile Inmate Healthcare Services for the Warren County Juvenile Detention Center. Vote: Unanimous



- 22-1389 A resolution was adopted to authorize President of the Board to sign permit application from the Ohio Department of Commerce, Division of Liquor Control for an event at the Warren County Fairgrounds. Vote: Unanimous
- 22-1390 A resolution was adopted to approve and authorize President or Vice- President of the Board to electronically sign the Urban Transit Program 2023 Grant Contract by and between the Ohio Department of Transportation and the Warren County Board of Commissioners. Vote: Unanimous
- 22-1391 A resolution was adopted to authorize acceptance of Project Charter from ESO Solutions, Inc. for Fire and EMS Records Management solutions on behalf of Warren County Telecommunications. Vote: Unanimous
- 22-1392 A resolution was adopted to approve an operational transfer from Commissioners' Fund #11011112 into Human Services Fund #2203. Vote: Unanimous
- 22-1393 A resolution was adopted to approve supplemental appropriations into Sheriff's Office Fund #2286. Vote: Unanimous
- 22-1394 A resolution was adopted to approve appropriation adjustment from Sheriff's Office Fund #11012210 into #11012200. Vote: Unanimous
- 22-1395 A resolution was adopted to approve appropriation adjustments within Common Pleas Court Community Based Corrections Donation Fund #2288. Vote: Unanimous
- 22-1396 A resolution was adopted to amend Resolution #22-1303 to amend the effective date on the wage increase resolution for the Water and Sewer Department. Vote: Unanimous

#### DISCUSSIONS

On motion, upon unanimous call of the roll, the Board accepted and approved the consent agenda.

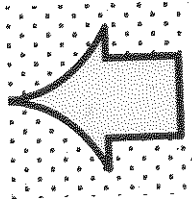
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Upon motion the meeting was adjourned.

\_\_\_\_\_  
Tom Grossmann, President

\_\_\_\_\_  
Shannon Jones

\_\_\_\_\_  
David G. Young



I hereby certify that the foregoing is a true and correct copy of the minutes of the meeting of the Board of County Commissioners held on September 8, 2022, in compliance with Section 121.22 O.R.C.

\_\_\_\_\_  
Tina Osborne, Clerk  
Board of County Commissioners  
Warren County, Ohio

# WARREN COUNTY AUDITOR

406 JUSTICE DRIVE, LEBANON, OHIO 45036

MATT NOLAN

AUDITOR

[mnolan@wcauditor.org](mailto:mnolan@wcauditor.org)

(513) 695-1235

[www.wcauditor.org](http://www.wcauditor.org)

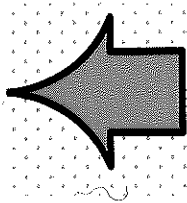
## Signature Authorization Form For Accounting Functions

Department: Warren County Water & Sewer Department

Three-Character Department Code: WAT

Date: 9/13/2022

Approved by: Signature of Elected Official or Board of Directors Resolution Attached



The following employees are authorized for the corresponding accounting responsibility listed below:

1. Authorized to sign adjustment of receipts, adjustment of expenses, intercounty transfers, project adjustments:

Michael B. Zeiher, Jodi Davis, Tracie Guthrie

M-B-Zeiher Jodi Davis Tracie Guthrie

2. Authorized to request Munis user permissions:

Michael B. Zeiher, Jodi Davis

M-B-Zeiher Jodi Davis

# WARREN COUNTY AUDITOR

406 JUSTICE DRIVE, LEBANON, OHIO 45036



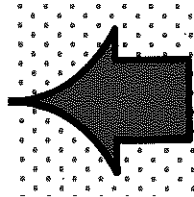
## Signature Authorization Form For Payroll Functions

Department: Warren County Water & Sewer Department

Three-Character Department Code: WAT

Date: 9/13/2022

Approved by: Signature of Elected Official or Board of Directors Resolution Attached



The following employees are authorized for the corresponding payroll responsibility listed below:

1. Authorized to sign payroll vouchers and vacation/sick leave pay out form:

Michael B. Zeiher, Jodi Davis, Theresa Reier, Tracie Guthrie

M-BZE Jodi Davis Theresa Reier Tracie Guthrie

2. Authorized to sign payroll maintenance forms:

Michael B. Zeiher, Jodi Davis, Theresa Reier, Tracie Guthrie

M-BZE Jodi Davis Theresa Reier Tracie Guthrie

3. Authorized to request Munis user permissions:

Michael B. Zeiher, Jodi Davis

M-BZE Jodi Davis

# **Proclamation**

*From the Office of the Board of County Commissioners  
Warren County, Ohio*

**RECOGNIZE OCTOBER 16 THROUGH OCTOBER 22, 2022 AS  
"STORMWATER AWARENESS WEEK"**

*WHEREAS, urban stormwater runoff impacts water quality in the Little Miami Watershed and the Lower Great Miami Watershed in Warren County; and*

*WHEREAS, population growth, residential and commercial development, and the resulting changes to the landscape will only increase stormwater quality and quantity concerns throughout Ohio; and*

*WHEREAS, these impacts cannot be entirely avoided or eliminated but can be minimized; and*

*WHEREAS, it is currently recognized that control of stormwater quantity and quality is most effectively implemented when people and organizations understand the related causes and consequences of polluted stormwater runoff and flooding, and the actions they can take to control these; and*

*WHEREAS, the need arises not only from the regulatory requirements of EPA General Construction and Municipal Stormwater rules, but also from the recognition that citizens and local decision makers will benefit from a greater awareness of how the cumulative impacts of decisions at home, at work and through local policies impact our water quality, stream corridors and flooding; and*

*WHEREAS, the development and implementation of effective, outcomes-based stormwater education and outreach programs will meet the related federal stormwater pollution control requirements and those of the communities they serve so that Ohio continues to be a great place to live, work and play; and*

*NOW, THEREFORE BE IT RESOLVED that the Warren Board of County Commissioners joins the Warren County Stormwater District, Warren County Soil and Water Conservation District and Communities across Ohio in recognizing the week of October 16th-22nd as:*

**"STORMWATER AWARENESS WEEK"**

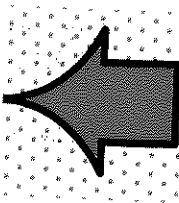
*IN WITNESS WHEREOF, we hereunto subscribed  
Our names and caused the seal of Warren County to  
be affixed at Lebanon this 20<sup>th</sup> day of September, in the  
Year of our Lord, Two Thousand Twenty- Two.*

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
*Tom Grossmann, President*

\_\_\_\_\_  
*Shannon Jones*

\_\_\_\_\_  
*David G. Young*





**REQUEST FOR AUTHORIZATION TO ATTEND ASSOCIATION MEETING,  
CONVENTION OR TRAINING SEMINAR/SESSION**

This form is to be completed by Department Head/Elected Official requesting authorization to attend an Association Meeting or Convention or Training Seminar/Session sponsored by an Association as required by O.R.C. Section 325.20. Additionally, authorization is required for any training seminar/session held more than 250 miles from county campus;

\*NAME OF ATTENDEE: Jeff Byrd DEPARTMENT: Water/Sewer

\*POSITION: Supervisor DATE: 9/19/22

REQUEST FOR AUTHORIZATION FOR THE ABOVE-NAMED EMPLOYEE/ELECTED OFFICIAL TO ATTEND THE FOLLOWING:

ASSOCIATION MEETING  CONVENTION  ASSOCIATION SPONSORED TRAINING SEMINAR/SESSION   
TRAINING MORE THAN 250 MILES

PURPOSE: contact hours for water distribution license

LOCATION: Wilmington Ohio

DATE(S): 10/18/22-10/19/22

TYPE OF TRAVEL: (Check one)

AIRLINE  STAFF CAR  PRIVATE VEHICLE  OTHER

LODGING: \_\_\_\_\_

ESTIMATED COST OF TRIP: \_\_\_\_\_

I CERTIFY THAT DIRECTION HAS BEEN GIVEN TO ALL EMPLOYEES ATTENDING THIS FUNCTION, THAT IT IS EXPECTED OF THEM TO ATTEND APPLICABLE SESSIONS.

DEPARTMENT HEAD/ELECTED OFFICIAL REQUESTING AUTHORIZATION:

[Signature] 9/19/22  
Signature/Title Date

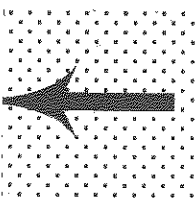
BOARD OF COMMISSIONERS' APPROVAL:

\_\_\_\_\_  
Commissioner Date

\_\_\_\_\_  
Commissioner Date

\_\_\_\_\_  
Commissioner Date

\*If additional employees will be attending the Association Meeting, Convention or Training Seminar/Session please list names and positions here:  
Doug Ingram



APPROVE ANNEXATION OF 80.511 ACRES TO THE CITY OF LEBANON,  
CHRISTOPHER H. HURLBURT, AGENT, PURSUANT TO OHIO REVISED CODE  
SECTION 709.022 [A.K.A. EXPEDITED TYPE 1 ANNEXATION]

WHEREAS, this Board is in receipt of an annexation petition from Christopher H. Hurlburt,  
Agent to annex 80.511 acres to the City of Lebanon filed on the 12<sup>th</sup> day of September 2022; and

WHEREAS, said petition for annexation was filed pursuant to and specifically requests that the  
Board follow ORC §709.022 [a.k.a. Expedited Type 1 Annexation]; and

WHEREAS, said petition has been determined to contain the following matters required by law:

- Signatures of all of the property owners in the territory proposed to be annexed.
- Accurate legal description of the perimeter of the territory proposed to be annexed.
- Accurate map and plat of the territory
- Name of person or persons to act as the agent for the petitioners.

NOW THEREFORE BE IT RESOLVED, that the prayer of said petition be approved.

M        moved for adoption of the foregoing resolution, being seconded by M        . Upon call of  
the roll, the following vote resulted:

M  
M  
M

Resolution adopted this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Tina Osborne, Clerk

/to

cc: Christopher H. Hurlburt, Agent  
RZC  
Auditor \_\_\_\_\_  
City of Lebanon

RPC  
Map Room  
Annexation file  
Union Township

# LINDHORST & DREIDAME

## A LEGAL PROFESSIONAL ASSOCIATION

JAMES L. O'CONNELL  
JAY R. LANGENBAHN (1)  
JAMES H. SMITH III  
MICHAEL F. LYON  
THOMAS E. MARTIN  
JAMES F. BROCKMAN  
BARRY F. FAGEL (1)  
BRADLEY D. McPEEK  
MATTHEW C. CURRAN  
PAUL J. VOLLMAN (1)  
CHRISTOPHER H. HURLBURT (1)  
CULLEN P. ROONEY (1)  
ELIZABETH M. JOHNSON (1)

312 WALNUT STREET, SUITE 3100  
CINCINNATI, OHIO 45202-4048  
TELEPHONE: (513) 421-6630  
FACSIMILE: (513) 421-0212  
WWW.LINDHORSTLAW.COM

AMBROSE H. LINDHORST 1913-1997  
ROBERT F. DREIDAME 1914-1978  
WILLIAM J. WALSH 1919-1996  
LEO J. BRESLIN 1928-2000

**WRITER'S DIRECT DIAL**  
(513) 345-5777  
[churlburt@lindhorstlaw.com](mailto:churlburt@lindhorstlaw.com)

(1) ALSO ADMITTED IN KENTUCKY

September 7, 2022

Hon. Tom Grossman, County Commissioner  
Hon. Shannon Jones, County Commissioner  
Hon. David G. Young, County Commissioner  
Office of Warren County Board of County Commissioners  
406 Justice Drive  
Lebanon, OH 45036  
Attention: Tina Osborne, Clerk of Board of County Commissioners

RE: Petition for Annexation of Land to the City of Lebanon, Ohio (the "City")

Dear Commissioners:

We are enclosing for your consideration at your next meeting a Petition for Annexation of Land to the City of Lebanon, Ohio (the "Petition"), together with the supporting documentation listed below (one original and five copies of each):

1. The Petition relating to Warren County Parcel PARID Nos. 1209400004 and 1208200009 currently owned by 100 Acres And A Mule, LLC, an Ohio limited liability company (the "Petitioner"), which has been executed by the Petitioner, and has been consented to by the City of Lebanon, Ohio and by Union Township (County of Warren), Ohio (the "Township"), and by the undersigned as Agent for the Petitioner;
2. Two Plats for Annexation dated August 30, 2022, which have been approved by the City, together with a report from the Warren County Tax Map Department approving the Annexation Plat;
3. Legal Description of the land to be annexed (80.511 acres), which is attached to the Petition as Exhibit C thereto;
4. List of all tracts, lots, or parcels in the territory proposed for annexation (included as Exhibit A to the Petition);
5. List of all tracts, lots, or parcels located adjacent to or directly across the road from such territory proposed for annexation, including the name and mailing address of the owner of each such tract, lot, or parcel, and the permanent parcel number from the County Auditor's permanent parcel numbering system;



September 7, 2022

Page 2

6. Ordinance of the City Council of the City approving the Annexation Agreement between the City and the Township (the "Annexation Agreement") (Ordinance No. 2022-052 attached as part of Exhibit D to the Petition);
7. Resolution of the Board of Township Trustees of the Township approving the Annexation Agreement (attached as part of Exhibit D to the Petition);
8. Fully executed copy of the Annexation Agreement (attached as Exhibit E to the Petition); and
9. Resolution No. 04-18-2022-01 of the City Council of the City indicating municipal services to be provided to certain real property proposed to be annexed to the City of Lebanon, Ohio from Union Township.

This annexation is undertaken by the Petitioner pursuant to Sections 709.021 and 709.022 of the Ohio Revised Code, a special procedure for annexing land with the consent of all parties.

We request that you consider and take action to approve the annexation.

Please do not hesitate to contact me should you have any questions or require additional information.

Sincerely,

LINDHORST & DREIDAME CO., LPA

*/s/ Christopher H. Hurlburt*

Christopher H. Hurlburt

CHH/amd

Enclosures

cc: Scott Brunka, Lebanon City Manager

**NOTICE: WHOEVER SIGNS THIS PETITION FOR ANNEXATION OF LAND TO THE CITY OF LEBANON, OHIO EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS OF WARREN COUNTY, OHIO. THERE ALSO IS NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY.**

**PETITION FOR ANNEXATION OF LAND TO THE CITY OF LEBANON, OHIO**

To: Board of County Commissioners of Warren County, Ohio

By: 100 Acres And A Mule, LLC, an Ohio limited liability company (the "Petitioner")

Date of Filing Petition with the Board: September 7, 2022

Re: Parcel Nos.: 1209400004 and 1208200009

This is an Expedited Type I Annexation under Sections 709.021, 709.02, and 709.022 of the Ohio Revised Code.

WHEREAS, the Petitioner is the fee owner of one hundred percent (100%) of that certain real property identified on Exhibit A hereto which by this reference is incorporated herein (the "Property"), which lies entirely within the unincorporated territory of Union Township (County of Warren), Ohio and is contiguous to the limits of the City of Lebanon, Ohio in the manner provided by Sections 709.02 to 709.11 of the Ohio Revised Code; and

WHEREAS, the Petitioner has entered into a Purchase and Sale Agreement dated May 18, 2022, with SCP ACQUISITIONS, LLC, an Indiana limited liability company (the "Buyer") for the sale of Petitioner's Property; and

WHEREAS, the Buyer desires to develop the Property for sale to industrial end-users; and

WHEREAS, Section 709.022 of the Ohio Revised Code provides that when a petition is filed under Section 709.021 of the Ohio Revised Code that requests to follow the Section 709.022 of the Ohio Revised Code special procedure for annexing land with the consent of all parties ( defined in Section 709.021(D) of the Ohio Revised Code as "the municipal corporation to which annexation is proposed, each township any portion of which is included within the territory proposed for annexation, and the agent for the petitioners), the annexation proceedings shall be conducted under those sections to the exclusion of any other provisions of Chapter 709 of the Ohio Revised Code unless otherwise provided in Section 709.021 or the special procedure section chosen; and

WHEREAS, Petitioner desires to, and hereby petitions, the Board of County Commissioners of Warren County, Ohio (the "Board") for the approval of this Petition and the annexation of Property A into the City's corporate limits;

WARREN COUNTY  
COMMISSIONERS

2022 SEP -9 PM 3: 21

RECEIVED

WITNESSETH

SECTION 1. Petitioner's signature below represents the signature of the sole fee owner of Property A, who did sign this Petition on the date indicated below, which date is not more than 180 days before the date on which this Petition is filed with the Clerk of the Board.

SECTION 2. An accurate legal description of the perimeter of the Property is attached hereto as Exhibit C, which by this reference is incorporated herein, and the two Plats of Annexation dated August 30, 2022 of the territory proposed for annexation is provided on Exhibit B.

SECTION 3. The agent for Petitioner (the "Agent") is Christopher H. Hurlburt, Esq., of the firm of Lindhorst & Dreidame Co., LPA, Cincinnati, Ohio.

SECTION 4. On this date, the Agent has filed with the Clerk of the Board (i) a list of all tracts, lots or parcels in the territory proposed for annexation, and (ii) a list of all tracts, lots, or parcels located adjacent to or directly across the road from such territory proposed for annexation, including the name and mailing address of the owner of each such tract, lot or parcel, and the permanent parcel number from the county auditor's permanent parcel numbering system.

SECTION 5. The City Council of the City, by ordinance, and the Board of Township Trustees of Union Township (the "Board of Township Trustees") which is the only township in which Property A is located, by resolution, have consented to the filing of this Petition with the Board, which ordinance and resolution are attached hereto as Exhibit D, and have negotiated, authorized and executed, subject to the approval of this Petition by the Board, an annexation agreement under Section 709.192 of the Ohio Revised Code relating to the annexation of Property (the "Annexation Agreement"), a certified copy of which is attached hereto as Exhibit E; providing for the annexation of Property A to the City and addressing those provisions set forth in Section 709.192 of the Ohio Revised Code, including (without limitation) the provision of City Services to Property and compensation to be paid to Union Township (County of Warren), Ohio (the "Township") in compliance with Section 709.192 of the Ohio Revised Code upon annexation of Property to the City.

SECTION 6. This Petition is provided to the Board pursuant to the authority of Sections 709.021, 709.02, and 709.022 of the Ohio Revised Code.

SECTION 7. Petitioner hereby requests that the special procedure provided in Section 709.022 of the Ohio Revised Code be followed and expressly waives his right to appeal any action taken by the Board thereunder. Petitioner also acknowledges that there is no appeal from the Board's decision under Section 709.022 of the Ohio Revised Code in law or in equity.

WHEREFORE, the undersigned Petitioner prays that the Board of County Commissioners of Warren County, Ohio, will grant this Petition for annexation of Property to the City of Lebanon, Ohio.

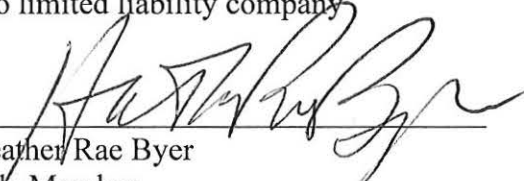
*SIGNATURE PAGE TO FOLLOW*

**NOTICE: WHOEVER SIGNS THIS PETITION FOR ANNEXATION OF LAND TO THE CITY OF LEBANON, OHIO EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS OF WARREN COUNTY, OHIO. THERE ALSO IS NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY.**

This Petition has been duly executed by Petitioner on the date indicated:

**PETITIONER:**

**100 ACRES AND A MULE, LLC,**  
an Ohio limited liability company

By:   
Heather Rae Byer  
Sole Member

Dated: September 7, 2022

**CONSENTS OF PARTIES**

The foregoing Petition for Annexation of Land to The City of Lebanon, Ohio, pursuant to authority of the legislative authorities of the City of Lebanon, Ohio and Union Township (County of Warren), Ohio, is hereby consented to:

**CITY OF LEBANON, OHIO**

**UNION TOWNSHIP (COUNTY OF WARREN), OHIO**

By: \_\_\_\_\_

By: \_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

The foregoing Petition for Annexation of Land to The City of Lebanon, Ohio, is hereby consented to by the Agent for Petitioner:

**AGENT FOR PETITIONER**

  
Christopher H. Hurlburt, Esq.  
LINDHORST & DREIDAME CO., LPA  
312 Walnut Street, Suite 3100  
Cincinnati, OH 45202  
[churlburt@lindhorstlaw.com](mailto:churlburt@lindhorstlaw.com)  
Office: (513) 421-6630  
Mobile: (513) 265-7982

Dated: September 7, 2022

PARCEL P-5

Land situated in the Township of Union, County of Warren, State of Ohio, being a part of Sections 8 and 9, Township 4, Range 3 of the Between the Miami Rivers Survey, and being the same as 53.962 acres known as Parcel P-5 described in deed to 100 ACRES AND A MULE, LLC recorded in Document No. 2021-008147, records of Warren County, described as follows:

COMMENCING at a 1-inch iron rod found at the southwest corner of said Section 9; THENCE South  $84^{\circ}24'56''$  East, along the southerly line of Section 9 and northerly line of Section 8, a distance of 3,431.44 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;

THENCE the following ten (10) courses and distances along the easterly line of 183.576 acres described in deed to L. Byer Investments, LLC recorded in OR Volume 1820, Page 731:

- 1) South  $84^{\circ}24'56''$  East, along the southerly line of Section 9 and northerly line of Section 8, a distance of 171.63 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 2) North  $50^{\circ}07'26''$  East, a distance of 222.10 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 3) North  $06^{\circ}04'55''$  West, a distance of 181.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 4) North  $49^{\circ}05'10''$  East, a distance of 170.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 5) South  $87^{\circ}57'56''$  East, a distance of 66.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 6) North  $31^{\circ}23'33''$  East, a distance of 565.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 7) North  $60^{\circ}55'01''$  East, a distance of 445.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 8) South  $66^{\circ}24'11''$  East, a distance of 98.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 9) North  $68^{\circ}58'37''$  East, a distance of 107.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;



10) North  $05^{\circ}35'12''$  East, a distance of 100.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;

THENCE South  $84^{\circ}24'48''$  East, along the southerly line of 46.421 acres described in deed to Ann H. Kelly recorded in OR Volume 583, Page 894, a distance of 615.00 feet to a 5/8-inch iron rod found;

THENCE South  $05^{\circ}25'08''$  West, along a west line of Lot 2 Replat Warren County Industrial Park recorded in Plat Book 12, Pages 79 & 80 and the westerly right-of-way of Glosser Road (a 37.5-foot-wide public right-of-way as dedicated in Plat Book 34, Page 19), a distance of 825.08 feet to a 5/8-inch iron rod found;

THENCE the following seven (7) courses and distances along the northwesterly right-of-way of Kingsview Drive (an 80-foot-wide public right-of-way as dedicated in Plat Book 19, Page 93):

- 1) North  $83^{\circ}35'15''$  West, a distance of 31.22 feet to a 5/8-inch iron rod found;
- 2) Along a curve to the left, having a radius of 440.00 feet, through a central angle of  $29^{\circ}39'47''$ , an arc distance of 227.79 feet, said curve having a chord which bears South  $81^{\circ}34'53''$  West a distance of 225.26 feet to a 5/8-inch iron rod found;
- 3) South  $66^{\circ}45'00''$  West, a distance of 566.88 feet to a 5/8-inch iron rod found;
- 4) Along a curve to the left, having a radius of 440.00 feet, through a central angle of  $48^{\circ}44'59''$ , an arc distance of 374.37 feet, said curve having a chord which bears South  $42^{\circ}22'30''$  West a distance of 363.18 feet to a 5/8-inch iron rod found;
- 5) South  $18^{\circ}00'00''$  West, a distance of 576.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 6) Along a curve to the left, having a radius of 440.00 feet, through a central angle of  $8^{\circ}59'58''$ , an arc distance of 69.12 feet, said curve having a chord which bears South  $13^{\circ}30'00''$  West a distance of 69.04 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 7) South  $09^{\circ}00'00''$  West, a distance of 243.92 feet to a 5/8-inch iron rod found;

THENCE North  $84^{\circ}14'01''$  West, along the northerly line of the remaining 47.585 acres of the land described in deed to Wild Turkey Farms, LLC, recorded in OR Volume 4430, Page 347, a distance of 880.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;

THENCE the following six (6) courses and distances along the easterly line of 183.576 acres described in deed to L. Byer Investments, LLC recorded in OR Volume 1820, Page 731:

- 1) North 05°46'00" East, a distance of 371.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 2) North 28°30'48" East, a distance of 252.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 3) North 61°26'40" West, a distance of 100.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 4) South 60°49'57" West, a distance of 191.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 5) North 06°03'40" East, a distance of 238.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 6) North 56°26'42" East, a distance of 319.10 feet to the 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found at the POINT OF BEGINNING and containing 53.962 acres or 2,350,581 square feet of land, of which 21.660 acres lies in Section 8, and 32.302 acres lies in Section 9, more or less, but subject to all legal highways and easements of record as determined by a survey performed by David W. Grant, Ohio Professional Surveyor No. 8460, for and on behalf of North Coast Geomatics in August of 2022.

The Basis of Bearing for this survey is Grid North of the Ohio State Plane Coordinate System, South Zone (FIPS Zone 3402), on the North American Datum of 1983(2011) (Epoch 2010.000) using geoid model GEOID12B, with a combined scale factor of 1.00005879609967. A GNSS Real Time Kinematic Network survey was used to establish a bearing of South 84°24'48" East for the northerly line of the surveyed property, and a Northing of 511,707.04 and Easting of 1,474,321.51 (U.S. Survey Feet) for the 1-inch iron rod found at the southwest corner of Section 9.



PARCEL P-3

Land situated in the Township of Union, County of Warren, State of Ohio, being a part of Sections 8 and 9, Township 4, Range 3 of the Between the Miami Rivers Survey, and being the same as 26.549 acres known as Parcel P-3 described in deed to 100 ACRES AND A MULE, LLC recorded in Document No. 2021-008147, records of Warren County, described as follows:

BEGINNING at a stone found at the southeast corner of said Section 9; THENCE South 06°05'45" West, along the westerly line of Warren County Industrial Park, Section 2 recorded in Plat Book 81, Page 71, a distance of 991.55 feet to a 1/2-inch iron rod found;

THENCE South 06°06'52" West, along the westerly line of Warren County Industrial Park, Section 2 recorded in Plat Book 81, Page 71, and 50.890 acres of land described in deed to Wild Turkey Farms, LLC, recorded in OR Volume 4430, Page 347, a distance of 237.92 feet to a 5/8-inch iron rod found;

THENCE the following three (3) courses and distances along the northerly and easterly lines of 70.4212 acres of land described in deed to Wild Turkey Farms, LLC, recorded in OR Volume 4430, Page 347:

- 1) North 84°14'00" West, a distance of 60.72 feet to a 5/8-inch iron rod found;
- 2) North 06°06'52" East, a distance of 237.92 feet to a 1/2-inch iron rod found;
- 3) North 84°14'00" West, a distance of 946.90 feet to a 1/2-inch iron rod found;

THENCE the following seven (7) courses and distances along the southeasterly right-of-way of Kingsview Drive (an 80-foot-wide public right-of-way as dedicated in Plat Book 19, Page 93):

- 1) North 09°00'00" East, a distance of 239.40 feet to a 1/2-inch iron rod found;
- 2) Along a curve to the right, having a radius of 360.00 feet, through a central angle of 8°59'58", an arc distance of 56.55 feet, said curve having a chord which bears North 13°30'00" East a distance of 56.49 feet to a 1/2-inch iron rod found;
- 3) North 18°00'00" East, a distance of 576.00 feet to a 1/2-inch iron rod found;



4) Along a curve to the right, having a radius of 360.00 feet, through a central angle of  $48^{\circ}44'59''$ , an arc distance of 306.31 feet, said curve having a chord which bears North  $42^{\circ}22'30''$  East a distance of 297.15 feet to a 1/2-inch iron rod found;

5) North  $66^{\circ}45'00''$  East, a distance of 566.88 feet to a 1/2-inch iron rod found;

6) Along a curve to the right, having a radius of 360.00 feet, through a central angle of  $29^{\circ}39'47''$ , an arc distance of 186.37 feet, said curve having a chord which bears North  $81^{\circ}34'52''$  East a distance of 184.30 feet to a 1/2-inch iron rod found;

7) South  $83^{\circ}35'15''$  East, a distance of 31.18 feet to a 1/2-inch iron rod found;

THENCE South  $07^{\circ}28'10''$  West, along the westerly line of Warren County Industrial Park, Section 2 recorded in Plat Book 81, Page 71, a distance of 424.89 feet to the stone found at the POINT OF BEGINNING and containing 26.549 acres or 1,156,457 square feet of land, of which 21.657 acres lies in Section 8, and 4.892 acres lies in Section 9, more or less, but subject to all legal highways and easements of record as determined by a survey performed by David W. Grant, Ohio Professional Surveyor No. 8460, for and on behalf of North Coast Geomatics in August of 2022.

The Basis of Bearing for this survey is Grid North of the Ohio State Plane Coordinate System, South Zone (FIPS Zone 3402), on the North American Datum of 1983(2011) (Epoch 2010.000) using geoid model GEOID12B, with a combined scale factor of 1.00005879609967. A GNSS Real Time Kinematic Network survey was used to establish a bearing of North  $84^{\circ}14'00''$  West for the southerly line of the surveyed property, and a Northing of 510,318.33 and Easting of 1,478,497.92 (U.S. Survey Feet) for the 1/2-inch iron rod found at the southwest corner of the surveyed property.





**CURVE TABLE**

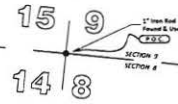
CHORD	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
443.00'	139.50'	139.50'	90°00'00"	S 45°00'00" W	443.00'
443.00'	139.50'	139.50'	90°00'00"	S 45°00'00" W	443.00'
443.00'	139.50'	139.50'	90°00'00"	S 45°00'00" W	443.00'

**REFERENCE DOCUMENTS**

- Warren County GIS, Auditor's and Engineer's Records
- Survey Volume 151, Plat No. 7
- All survey or record documents as shown.

**BASIS OF BEARING**

The Basis of Bearing for this survey is Grid North of the Ohio State Plane Coordinate System, South Zone (SPS Zone 1422), as the North American Datum of 1983 (NAD 83). A GNSS Real Time Exchange between survey sites used to establish a bearing of South 88°24'55" East for the north-south line of the surveyed property, and a bearing of 311.70724 and Easting of 1,474,331.51 (U.S. Survey Feet) for the 1-inch iron nail found at the southeast corner of Section 9.



Parcel No. 122938024  
L. Row Investments, LLC  
OR Volume 151, Page 721

Parcel No. 122938024  
L. Row Investments, LLC  
OR Volume 151, Page 721

Parcel No. 122938024  
L. Row Investments, LLC  
OR Volume 151, Page 721

Parcel No. 122938024  
L. Row Investments, LLC  
OR Volume 151, Page 721

Parcel No. 122940003  
Ann W. Sisk  
OR Volume 151, Page 694  
Survey Volume 8, Plat No. 278  
46.432 Acres

Parcel No. 121755119  
Sue and Lawrence E. Torkson  
OR Volume 1215, Page 403  
Pl. Lot 4 Lot 2 Regular Warren County Industrial Park  
Plat Book 12, Page 79 & 80  
Survey Volume 124, Plat No. 75  
8.800 Acres

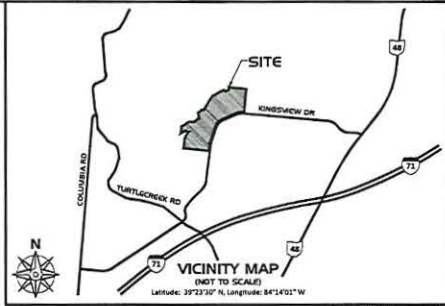
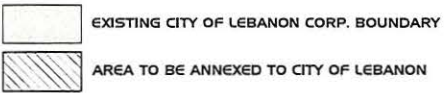
Parcel No. 122220210  
Sharon Prosser, LLC  
Document No. 2017-412245  
Lot 2007  
Lebanon Commerce Center, Section VI  
Plat Book No. Page 29  
2.300 Acres

Parcel No. 1209400004  
100 ACRES AND A MULE, LLC  
Coshburn No. 2021-008347  
Parcel P-5  
Survey Volume 151, Plat No. 7  
53.962 Acres  
Area w/in Section 8:  
21.640 Acres, 340,325 Sq.Ft.  
Area w/in Section 9:  
32.302 Acres, 1,407,056 Sq.Ft.

**SYMBOL LEGEND**

R/W	- Right of Way
E	- Adjacent Property Line
C	- Centerline
P.O.B.	- Point of Beginning
P.O.C.	- Point of Commencement
Rad	- Radius
ARC	- Arc Length
S	- Delta Angle
CH	- Chord Bearing
CHL	- Chord Length
M	- Monument
(N)	- Nails
(M)	- Monument Found
(S)	- 1/8" Iron Rod w/ Cap
(C)	- 1/4" PS 3/4x36" Found
(U)	- Unless Otherwise Noted

**TOTAL AREA IN PROPOSED ANNEXATION:  
53.962 ACRES**



**COUNTY COMMISSIONERS**  
We, the Board of County Commissioners of Warren County, Ohio do hereby approve this plat on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Commissioners \_\_\_\_\_

**CITY APPROVAL**  
City of Lebanon Clerk \_\_\_\_\_

**COUNTY RECORDER**  
File No. \_\_\_\_\_

Received this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Recorded this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Recorded in Plat Book No. \_\_\_\_\_ Page \_\_\_\_\_

By: \_\_\_\_\_ Deputy  
Warren County Recorder

**COUNTY AUDITOR**  
Transferred this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_ Deputy  
Warren County Auditor

**CERTIFICATION**

I hereby certify that this map or plat and the field survey on which it is based were made in accordance with the Minimum Standards for Boundary Surveys in the State of Ohio, Chapter 4733-37 of the Ohio Administrative Code.

The field work was completed on July 14, 2022.  
Date of Plat or Map: August 30, 2022

David W. Grant, P.S. Signature Date: September 7, 2022  
Ohio Professional Surveyor No. 8460  
dgrant@northcoastgeo.com



**NORTH COAST GEOMATICS**  
Mapping & Surveying - northcoastgeo.com

173 Ontario Ave  
Fairborn, OH 45333  
(614) 319-3611

Project No. NCG 2838A  
Drawn by: DWG

SHEET  
OF

**REVISION HISTORY**

NO.	DATE	DESCRIPTION
1	2022-09-07	COMPLETED

**PLAT OF ANNEXATION**

**100 ACRES AND A MULE, LLC  
ANNEXATION I**

SECTION 8 & 9, TOWNSHIP A, RANGE 6, CO. 040  
UNION TOWNSHIP, WARREN COUNTY, OHIO





**CURVE TABLE**

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
CA	100.00'	16.76'	27°15'00"	N 17°15'00" E	100.00'
CB	100.00'	16.76'	27°15'00"	N 17°15'00" E	100.00'
CC	100.00'	16.76'	27°15'00"	N 17°15'00" E	100.00'
CD	100.00'	16.76'	27°15'00"	N 17°15'00" E	100.00'

**REFERENCE DOCUMENTS**

- Warren County GIS, Auditor's and Engineer's Records
- Survey Volume 151, Plat No. 7
- All survey or record documents as shown

**BASIS OF BEARING**

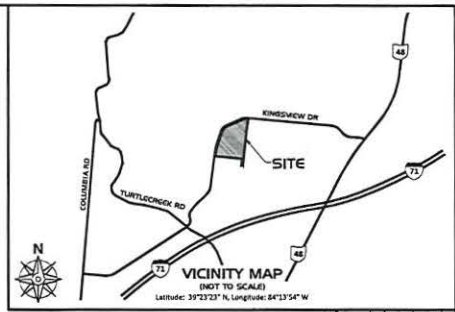
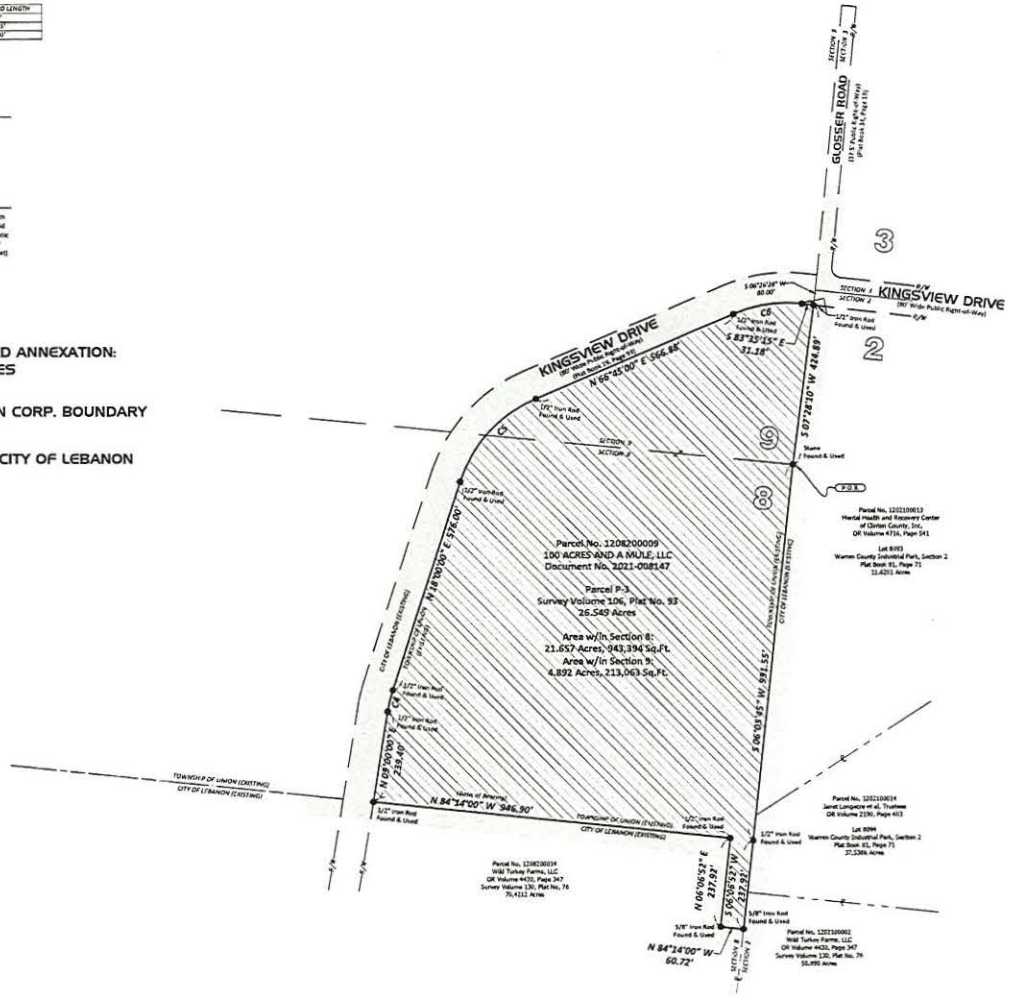
The Basis of Bearing for this survey is Grid North of the Ohio State Plane Coordinate System, South Zone (1983 Zone 14E2), on the North American Datum of 1983 (NAD83) (Epoch 2011.2002) using geoid model GEG021212, with a combined scale factor of 1.0000027667997. A GNSS Real Time Enhancement Network survey was used to establish a bearing of North 84°14'00" West for the southerly line of the surveyed property, and a bearing of 333.236233 and bearing of 1476.892 (U.S. Survey Feet) for the 1/2 inch iron rod found at the southwest corner of the surveyed property.

**TOTAL AREA IN PROPOSED ANNEXATION:  
26,549 ACRES**

- EXISTING CITY OF LEBANON CORP. BOUNDARY
- AREA TO BE ANNEXED TO CITY OF LEBANON

**SYMBOL LEGEND**

RP	- Right of Way
E	- Adjacent Property Line
C	- Contourline
P.O.B.	- Point of Beginning
P.O.C.	- Point of Commencement
RAE	- Radius
AL	- Arc Length
EA	- Delta Angle
CB	- Chord Bearing
CL	- Chord Length
M	- Measured
IR	- Iron Rod
●	- Monument Found



**COUNTY COMMISSIONERS**

We, the Board of County Commissioners of Warren County, Ohio do hereby approve this plat on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Commissioners \_\_\_\_\_

**CITY APPROVAL**

City of Lebanon Clerk \_\_\_\_\_

**COUNTY RECORDER**

File No. \_\_\_\_\_

Received this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Recorded this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Recorded in Plat Book No. \_\_\_\_\_ Page \_\_\_\_\_

By: \_\_\_\_\_  
Warren County Recorder

**COUNTY AUDITOR**

Transferred this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
Warren County Auditor

**CERTIFICATION**

I hereby certify that this map or plat and the field survey on which it is based were made in accordance with the Minimum Standards for Boundary Surveys in the State of Ohio, Chapter 4733.37 of the Ohio Administrative Code.

The field work was completed on July 14, 2022.  
Date of Plat or Map: August 10, 2022

David W. Grant, P.E. Signature Date: September 7, 2022  
Ohio Professional Surveyor No. 9460  
dgrant@northcoastgeos.com

**NORTH COAST GEOMATICS**  
Mapping & Surveying - northcoastgeo.com

173 Omsko Ave  
Fairborn, OH 44833  
(614) 519-3611

Project No. NCG 2838B  
Drafted by: DWH

SHEET  
OF

**REVISION HISTORY**

NO.	DATE	BY	COMMENT
1	08/10/22	DWH	ISSUED FOR RECORD

**PLAT OF ANNEXATION**

**100 ACRES AND A MULE, LLC ANNEXATION II**

SECTION 8 & 9, TOWNSHIP 4 RANGE 3 UNION TOWNSHIP, WARREN COUNTY, STATE OF OHIO



PARCEL P-5

Land situated in the Township of Union, County of Warren, State of Ohio, being a part of Sections 8 and 9, Township 4, Range 3 of the Between the Miami Rivers Survey, and being the same as 53.962 acres known as Parcel P-5 described in deed to 100 ACRES AND A MULE, LLC recorded in Document No. 2021-008147, records of Warren County, described as follows:

COMMENCING at a 1-inch iron rod found at the southwest corner of said Section 9; THENCE South  $84^{\circ}24'56''$  East, along the southerly line of Section 9 and northerly line of Section 8, a distance of 3,431.44 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;

THENCE the following ten (10) courses and distances along the easterly line of 183.576 acres described in deed to L. Byer Investments, LLC recorded in OR Volume 1820, Page 731:

- 1) South  $84^{\circ}24'56''$  East, along the southerly line of Section 9 and northerly line of Section 8, a distance of 171.63 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 2) North  $50^{\circ}07'26''$  East, a distance of 222.10 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 3) North  $06^{\circ}04'55''$  West, a distance of 181.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 4) North  $49^{\circ}05'10''$  East, a distance of 170.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 5) South  $87^{\circ}57'56''$  East, a distance of 66.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 6) North  $31^{\circ}23'33''$  East, a distance of 565.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 7) North  $60^{\circ}55'01''$  East, a distance of 445.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 8) South  $66^{\circ}24'11''$  East, a distance of 98.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 9) North  $68^{\circ}58'37''$  East, a distance of 107.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;



10) North 05°35'12" East, a distance of 100.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;

THENCE South 84°24'48" East, along the southerly line of 46.421 acres described in deed to Ann H. Kelly recorded in OR Volume 583, Page 894, a distance of 615.00 feet to a 5/8-inch iron rod found;

THENCE South 05°25'08" West, along a west line of Lot 2 Replat Warren County Industrial Park recorded in Plat Book 12, Pages 79 & 80 and the westerly right-of-way of Glosser Road (a 37.5-foot-wide public right-of-way as dedicated in Plat Book 34, Page 19), a distance of 825.08 feet to a 5/8-inch iron rod found;

THENCE the following seven (7) courses and distances along the northwesterly right-of-way of Kingsview Drive (an 80-foot-wide public right-of-way as dedicated in Plat Book 19, Page 93):

1) North 83°35'15" West, a distance of 31.22 feet to a 5/8-inch iron rod found;

2) Along a curve to the left, having a radius of 440.00 feet, through a central angle of 29°39'47", an arc distance of 227.79 feet, said curve having a chord which bears South 81°34'53" West a distance of 225.26 feet to a 5/8-inch iron rod found;

3) South 66°45'00" West, a distance of 566.88 feet to a 5/8-inch iron rod found;

4) Along a curve to the left, having a radius of 440.00 feet, through a central angle of 48°44'59", an arc distance of 374.37 feet, said curve having a chord which bears South 42°22'30" West a distance of 363.18 feet to a 5/8-inch iron rod found;

5) South 18°00'00" West, a distance of 576.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;

6) Along a curve to the left, having a radius of 440.00 feet, through a central angle of 8°59'58", an arc distance of 69.12 feet, said curve having a chord which bears South 13°30'00" West a distance of 69.04 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;

7) South 09°00'00" West, a distance of 243.92 feet to a 5/8-inch iron rod found;

THENCE North 84°14'01" West, along the northerly line of the remaining 47.585 acres of the land described in deed to Wild Turkey Farms, LLC, recorded in OR Volume 4430, Page 347, a distance of 880.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;

THENCE the following six (6) courses and distances along the easterly line of 183.576 acres described in deed to L. Byer Investments, LLC recorded in OR Volume 1820, Page 731:

- 1) North 05°46'00" East, a distance of 371.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 2) North 28°30'48" East, a distance of 252.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 3) North 61°26'40" West, a distance of 100.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 4) South 60°49'57" West, a distance of 191.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 5) North 06°03'40" East, a distance of 238.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found;
- 6) North 56°26'42" East, a distance of 319.10 feet to the 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" found at the POINT OF BEGINNING and containing 53.962 acres or 2,350,581 square feet of land, of which 21.660 acres lies in Section 8, and 32.302 acres lies in Section 9, more or less, but subject to all legal highways and easements of record as determined by a survey performed by David W. Grant, Ohio Professional Surveyor No. 8460, for and on behalf of North Coast Geomatics in August of 2022.

The Basis of Bearing for this survey is Grid North of the Ohio State Plane Coordinate System, South Zone (FIPS Zone 3402), on the North American Datum of 1983(2011) (Epoch 2010.000) using geoid model GEOID12B, with a combined scale factor of 1.00005879609967. A GNSS Real Time Kinematic Network survey was used to establish a bearing of South 84°24'48" East for the northerly line of the surveyed property, and a Northing of 511,707.04 and Easting of 1,474,321.51 (U.S. Survey Feet) for the 1-inch iron rod found at the southwest corner of Section 9.



PARCEL P-3

Land situated in the Township of Union, County of Warren, State of Ohio, being a part of Sections 8 and 9, Township 4, Range 3 of the Between the Miami Rivers Survey, and being the same as 26.549 acres known as Parcel P-3 described in deed to 100 ACRES AND A MULE, LLC recorded in Document No. 2021-008147, records of Warren County, described as follows:

BEGINNING at a stone found at the southeast corner of said Section 9; THENCE South  $06^{\circ}05'45''$  West, along the westerly line of Warren County Industrial Park, Section 2 recorded in Plat Book 81, Page 71, a distance of 991.55 feet to a 1/2-inch iron rod found;

THENCE South  $06^{\circ}06'52''$  West, along the westerly line of Warren County Industrial Park, Section 2 recorded in Plat Book 81, Page 71, and 50.890 acres of land described in deed to Wild Turkey Farms, LLC, recorded in OR Volume 4430, Page 347, a distance of 237.92 feet to a 5/8-inch iron rod found;

THENCE the following three (3) courses and distances along the northerly and easterly lines of 70.4212 acres of land described in deed to Wild Turkey Farms, LLC, recorded in OR Volume 4430, Page 347:

- 1) North  $84^{\circ}14'00''$  West, a distance of 60.72 feet to a 5/8-inch iron rod found;
- 2) North  $06^{\circ}06'52''$  East, a distance of 237.92 feet to a 1/2-inch iron rod found;
- 3) North  $84^{\circ}14'00''$  West, a distance of 946.90 feet to a 1/2-inch iron rod found;

THENCE the following seven (7) courses and distances along the southeasterly right-of-way of Kingsview Drive (an 80-foot-wide public right-of-way as dedicated in Plat Book 19, Page 93):

- 1) North  $09^{\circ}00'00''$  East, a distance of 239.40 feet to a 1/2-inch iron rod found;
- 2) Along a curve to the right, having a radius of 360.00 feet, through a central angle of  $8^{\circ}59'58''$ , an arc distance of 56.55 feet, said curve having a chord which bears North  $13^{\circ}30'00''$  East a distance of 56.49 feet to a 1/2-inch iron rod found;
- 3) North  $18^{\circ}00'00''$  East, a distance of 576.00 feet to a 1/2-inch iron rod found;

4) Along a curve to the right, having a radius of 360.00 feet, through a central angle of  $48^{\circ}44'59''$ , an arc distance of 306.31 feet, said curve having a chord which bears North  $42^{\circ}22'30''$  East a distance of 297.15 feet to a 1/2-inch iron rod found;

5) North  $66^{\circ}45'00''$  East, a distance of 566.88 feet to a 1/2-inch iron rod found;

6) Along a curve to the right, having a radius of 360.00 feet, through a central angle of  $29^{\circ}39'47''$ , an arc distance of 186.37 feet, said curve having a chord which bears North  $81^{\circ}34'52''$  East a distance of 184.30 feet to a 1/2-inch iron rod found;

7) South  $83^{\circ}35'15''$  East, a distance of 31.18 feet to a 1/2-inch iron rod found;

THENCE South  $07^{\circ}28'10''$  West, along the westerly line of Warren County Industrial Park, Section 2 recorded in Plat Book 81, Page 71, a distance of 424.89 feet to the stone found at the POINT OF BEGINNING and containing 26.549 acres or 1,156,457 square feet of land, of which 21.657 acres lies in Section 8, and 4.892 acres lies in Section 9, more or less, but subject to all legal highways and easements of record as determined by a survey performed by David W. Grant, Ohio Professional Surveyor No. 8460, for and on behalf of North Coast Geomatics in August of 2022.

The Basis of Bearing for this survey is Grid North of the Ohio State Plane Coordinate System, South Zone (FIPS Zone 3402), on the North American Datum of 1983(2011) (Epoch 2010.000) using geoid model GEOID12B, with a combined scale factor of 1.00005879609967. A GNSS Real Time Kinematic Network survey was used to establish a bearing of North  $84^{\circ}14'00''$  West for the southerly line of the surveyed property, and a Northing of 510,318.33 and Easting of 1,478,497.92 (U.S. Survey Feet) for the 1/2-inch iron rod found at the southwest corner of the surveyed property.





**ORDINANCE NO. 2022-052**

**AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT WITH THE BOARD OF TOWNSHIP TRUSTEES OF UNION TOWNSHIP, WARREN COUNTY, OHIO AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND DELIVER SAID ANNEXATION AGREEMENT AND DECLARING AN EMERGENCY**

WHEREAS, the Board of Township Trustees of Union Township, Warren County, Ohio (the "Board") is amenable to executing an annexation agreement with the City of Lebanon, Ohio to facilitate the annexation of approximately 80 acres of real property that is contiguous to the corporate limits of the City and identified by Warren County Auditor PARID Nos. 12082000090 and 12094000040 (the "Byer Property") to the City of Lebanon, Ohio; and,

WHEREAS, after both the Board and the City of Lebanon, Ohio have duly executed and delivered an annexation agreement pursuant to appropriate legislative authority of their governing boards, setting forth the terms and conditions of annexation of the Byer Property into the City of Lebanon, Ohio (the "Annexation Agreement"), a petition will be filed with the County Commissioners of Warren County, Ohio to initiate the annexation process; and,

WHEREAS, the Council of the City of Lebanon, Ohio agrees to the terms and conditions for annexation of the Byer Property into the City of Lebanon, Ohio from Union Township, Warren County, Ohio as set forth in the Annexation Agreement attached hereto as "Exhibit A," and incorporated by reference as if fully set forth.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lebanon, Ohio:


SECTION 1. That the form of the Annexation Agreement attached hereto as Exhibit A is hereby approved and that the City Manager is hereby authorized and directed to execute and deliver the Annexation Agreement, in substantially the form of the Annexation Agreement attached hereto as "Exhibit A", with such changes as he may deem reasonable and not substantially disadvantageous to the City of Lebanon, Ohio, such determination being evidenced by his execution thereof.

SECTION 2. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals and welfare of the City of Lebanon; and, for the further reason, that the execution of the aforesaid Agreement is necessary so that the City may proceed in a timely manner to annex the property in accordance with the seller requirements, then this Ordinance shall take effect immediately upon its adoption.

  
\_\_\_\_\_  
Mayor

Passed: April 26, 2022

Attest:

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

**EXHIBIT**

tabbles

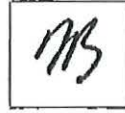
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**Sponsors:**  
All Members of Council

City  
Manager



City  
Auditor



City  
Attorney



**UNION TOWNSHIP BOARD OF TRUSTEES  
WARREN COUNTY, OHIO**

Resolution Number: 04-18-2022-01

Date of Resolution: 4/8/2022

**TOPIC OF RESOLUTION: APPROVING AND AUTHORIZING BOARD OF TRUSTEES TO EXECUTE A TYPE 1 ANNEXATION AGREEMENT WITH CITY OF LEBANON RELATING TO THE PROPERTY ALONG KINGSVIEW DRIVE CONSISTING OF 80.511 ACRES IN UNION TOWNSHIP TO BE ANNEXED TO THE CITY OF LEBANON, AND APPROVING AND AUTHORIZING THE BOARD OF TRUSTEES TO EXECUTE A REAL ESTATE PURCHASE AND SALE AGREEMENT WITH THE CITY OF LEBANON FOR APPROXIMATE 3 ACRES OF LAND ABUTTING FELLOWSHIP CEMETERY IN UNION TOWNSHIP**

**RESOLUTION**

**WHEREAS**, 100 Acres & A Mule, LLC, an Ohio limited liability company, seeks to annex its property located along Kingsview Drive in Union Township, identified as PID: 12-08-200-009 (Acct. 6609210) consisting of 26.549 acres, and PID: 12-09-400-004 (Acct. 6610096) consisting of 53.962 acres, for a total gross acreage of 80.511, into the City of Lebanon from Union Township; and,

**WHEREAS**, the City of Lebanon desires to accept the annexation of the said property, and to change the boundaries lines to conform to the corporate limits of the City, and in order to do so has requested this Board to enter into a Type 1 Annexation Agreement in accordance with section 709.192, et seq. of the Ohio Revised Code, to consummate the foregoing which provides for a modified payment schedule of reparations to Union Township beginning on the tax lien date of the 5<sup>th</sup> year after the effective date of the annexation and exclusion of the territory from the Township, through December 31<sup>st</sup> of the 16<sup>th</sup> year after the effective date of the annexation and exclusion of the territory from the Township; and,

**WHEREAS**, the Board desires to enter into a Type 1 annexation subject to the aforementioned reparation payments and the City of Lebanon selling Union Township approximately 3 acres of land abutting the Fellowship Cemetery in Union Township for \$1.00; and,

**WHEREAS**, this Board understands that a Type 1 annexation agreement is voluntary on its part, and by entering into such an agreement it forecloses all rights to object to or otherwise oppose the petition for annexation, and that the expedited annexation process entitles the owner to petition the board of county commissioners who must approve the annexation petition with limited procedural review and without any involvement of or taking public comments; and,

**WHEREAS**, this Board respects the property owner's request and recognizes that it is the best interest of this specific property to be annexed and to have the City conform the boundaries in order to avoid double taxation and duplication of public services, and so that it may be developed in the City in an expeditious manner, subject to the proposed expedited

annexation providing, to the extent possible, provisions to mitigate an immediate impact on Union Township and its residents by receiving reparations for some of the lost tax revenue, and in order to continue a spirit of cooperation with the City of Lebanon in such matters.

**THEREFORE, BE IT RESOLVED**, by at least a majority of the Board of Turtlecreek Township Trustees, Warren County, Ohio, concurring as follows:

**Section 1.** The Board does hereby approve and further authorize the attached Type 1 Annexation Agreement with the City of Lebanon to be executed by the Union Township Board of Trustees.

**Section 2.** The Board does hereby approve and further authority the attached Real Estate Purchase and Sale Agreement with the City of Lebanon to be executed by the Union Township Board of Trustees.

**Section 3.** That the Board is acting in its administrative capacity in adopting this Resolution.

**Section 4.** That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

**Section 5.** That it is found and determined that all formal actions of the Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr. Koch moved adoption of the foregoing Resolution, being seconded by Mr. LEDFORD

Upon call of the roll, the following vote resulted:

Mr. Vonderhaar	- <u>Yea</u>
Mr. Koch	- <u>Yea</u>
Mr. Ledford	- <u>Yea</u>

**CERTIFICATION**

I hereby certify that the foregoing is a true, accurate, and complete copy of Resolution No. ~~04-19-2020~~ adopted April 18, 2022, by the Board of Trustees of Union Township, Warren County, Ohio.

UNION TOWNSHIP BOARD OF TRUSTEES

  
Shelley Lamb, Fiscal Officer

**ANNEXATION AGREEMENT**  
**[pursuant to O.R.C. 709.192]**

**THIS ANNEXATION AGREEMENT** (the "*Agreement*") is made and entered into by and between **UNION TOWNSHIP, WARREN COUNTY, OHIO**, a duly organized and validly existing township and political subdivision in the State of Ohio (the "*Township*"), and the **CITY OF LEBANON, OHIO**, a duly organized and validly existing municipal corporation and political subdivision in the State of Ohio (the "*City*"), in compliance the Charter of the City (the "*Charter*"), effective as of the Effective Date (defined herein);

**WITNESSETH:**

**WHEREAS**, the sole owner of certain vacant property consisting of 80.511 acres in the unincorporated area of Union Township has asked the undersigned parties to come to an agreement for the annexation of said property to the City of Lebanon, Ohio, such property being identified as Parcel Nos. 12082000090 and 12094000040, and more particularly described in the legal description attached hereto as Appendix A and made a part hereof (the "*Property*"); and

**WHEREAS**, the owner and/or its successors and assigns desires to annex the Property into the City to be developed with industrial uses under the City's zoning regulations; and,

**WHEREAS**, the City has determined that it is in the best interest of the City and the surrounding area that the Property be developed within the City in an expeditious manner; and

**WHEREAS**, the parties agree that they enter into this Agreement to promote and support economic development and the creation and preservation of economic opportunities in the City and the Township; and

**WHEREAS**, the City agrees to annex the Property to the City and to have it removed from the Township in accordance with Sections 709.192 and 503.07 of the Ohio Revised Code; and



*WHEREAS*, the Township acknowledges the property owner's request and agrees that it is in the best interest of the parties hereto that the Property be annexed to the City and that the City conform its boundaries to include the Property and that the Property be detached from the Township, in order to avoid double taxation and duplication of public services, and so that the Property may be developed within the City in an expeditious manner; provided, however, the Township agrees to the proposed expedited annexation of the Property and the terms of this Agreement on the condition that the City compensate the Township for lost tax revenue for a certain period of time as provided herein and in section 709.19 of the Ohio Revised Code, thereby mitigating the adverse impact on the Township and its residents; and

*WHEREAS*, Ohio Revised Code Section 709.192 permits the legislative authority of a municipal corporation and the board of township trustees of one or more townships to enter into an annexation agreement for any period of time and to address other appropriate matters pertaining to the annexation of property; and

*WHEREAS*, this Agreement will save the parties the time, expense, and risk of a contested annexation hearing before the Warren County Board of County Commissioners, which may result in either or both parties not achieving certain objectives in the best interest of their residents; and

*WHEREAS*, both parties desire to enter into this Agreement, the legislative authorities of the City and the Township have each authorized and directed the appropriate officials of the City and the Township, respectively, to make and enter into this Agreement by and through their respective legislative authorities in accordance with Ordinance No. 2022-052 duly passed by the City Council of the City on April 26, 2022 and Resolution No. 04182022-01 duly passed by the Board of Township Trustees of the Township on 4/18/2022;

*NOW THEREFORE*, in consideration of the mutual covenants and agreements contained herein and of other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, the parties do hereby agree as follows:

**SECTION ONE.** This Agreement is entered into pursuant to the provisions of Section 709.192 of the Ohio Revised Code and to permit the City to conform its municipal boundaries pursuant to Sections 709.192(C)(13) and 503.07 of the Ohio Revised Code following the annexation of the Property from within the unincorporated area of the Township to the City, and the parties agree that the annexation process to be pursued by the record owner of the Property shall follow the special procedure under Sections 709.02, paragraph C, D & E, and Sections 709.021 and 709.022 of the Ohio Revised Code (an "Expedited Type 1 Annexation"), whereby rights of appeal of the annexation decision by the board of county commissioners are waived, and there is no appeal from such decision in law or in equity.

**SECTION TWO.** In order to compensate the Township for lost tax revenue, pursuant to Sections 709.19(B) of the Ohio Revised Code, the City agrees to compensate the Township in accordance with the alternative provisions as follows:

For the portion of the property designated for industrial use:

- (1) Beginning on the tax lien date of January 1<sup>st</sup> of the fifth year after the effective date of the annexation and exclusion of the territory from the Township, through December 31<sup>st</sup> of the seventh year after the effective date of the annexation and exclusion of the territory from the Township, eighty per cent (80%) of the township taxes based on the valuation and applicable tax rates in effect during this period of time in the annexed territory that would have been due the Township for industrial real property taxes if no annexation and exclusion of the property had occurred;
- (2) Beginning on the tax lien date of January 1<sup>st</sup> of the eighth year after the effective date of the annexation and exclusion of the territory from the Township through December 31<sup>st</sup> of the ninth year after the effective date of the annexation and exclusion of the territory from the Township, sixty-

seven and one-half per cent (67.5% )of the township taxes based on the valuation and applicable tax rates in effect during this period of time in the annexed territory that would have been due the Township for industrial real property taxes if no annexation and exclusion of the property had occurred;

- (3) Beginning on the tax lien date of January 1<sup>st</sup> of the tenth year after the effective date of the annexation and exclusion of the territory from the Township through December 31<sup>st</sup> of the eleventh year after the effective date of the annexation and exclusion of the territory from the Township, sixty-two and one half per cent (62.5%) of the township taxes based on the valuation and applicable tax rates in effect during this period of time in the annexed territory that would have been due the Township for industrial real property taxes if no annexation and exclusion of the property had occurred;
- (4) Beginning on the tax lien date of January 1<sup>st</sup> of the twelfth year after the effective date of the annexation and exclusion of the territory from the Township through December 31<sup>st</sup> of the thirteenth year after the effective date of the annexation and exclusion of the territory from the Township, fifty-seven and one-half per cent (57.5%) of the township taxes based on the valuation and applicable tax rates in effect during this period of time in the annexed territory that would have been due the Township for industrial real property taxes if no annexation and exclusion of the property had occurred.
- (5) Beginning on the tax lien date of January 1<sup>st</sup> of the fourteenth year after the effective date of the annexation and exclusion of the territory from the Township through December 31<sup>st</sup> of the sixteenth year after the effective date of the annexation and exclusion of the territory from the Township, forty-two and one half per cent (42.5% ) of the township taxes based on the valuation and applicable tax rates in effect during this period of time in the annexed territory that would have been due the Township for industrial real property taxes if no annexation and exclusion of the property had occurred.

The City shall have no obligation to make payments to the Township other than as specified in this Section Two. The City agrees that upon annexation and exclusion of the property from the Township, should the City subject the property to any tax increment financing district or other special taxing district, or abatement of any kind, that the City shall remain



contractually obligated to pay each payment in full to the Township as provided in this agreement.

The Township acknowledges that after the execution of this Agreement and upon annexation and exclusion from the Township, the Property shall not be subject to any Township tax increment financing area or other special Township district, or abatement of any kind, as set forth in Township Resolution No. 04182022-01 or otherwise.

**SECTION THREE.** The City shall make the payments set forth in Section Two of this Agreement. The payments set forth in this Agreement shall be made on an annual basis. There will be a total of twelve such payments made pursuant to this Agreement. Each year's payment shall be made by the City to the Township within sixty (60) calendar days following the settlement by the Warren County Auditor to the City of real property taxes collected in July of that year. The parties agree that the City's failure to make the foregoing payments as required herein shall be subject to the remedies set forth in Section 709.191 of the Ohio Revised Code, regardless of the fact the obligation to make the payments is pursuant to section 709.19 of the Ohio Revised Code.

**SECTION FOUR.** The City shall retain as its own, free and clear of any interest whatsoever of the Township, any and all taxes derived from or accruing from the Property of whatever kind or nature except for those specifically set forth in this Agreement and except for any and all taxes permitted to be assessed by the Township or voted upon by the electorate of the Township which, pursuant to the Ohio Revised Code, can be collected by the Township from properties in the incorporated area of the Township.

**SECTION FIVE.** The City's obligations under this Agreement are contingent upon the annexation to the City of the Property described in the legal descriptions attached hereto as Appendix A.

**SECTION SIX.** The Township and the City hereby consent to the annexation of the Property described in the legal descriptions attached hereto as Appendix A. The Township hereby agrees not to contest said annexation in any manner, whether before the Warren County Board of County Commissioners, in court, or otherwise. The Township further agrees to cooperate as necessary to assure the Warren County Board of County Commissioners that the Township agrees to the annexation on the terms set forth herein, and to make all necessary certifications to that effect.

**SECTION SEVEN.** As an additional consideration for the Township entering into this Agreement, the City agrees to transfer fee interest in approximately 3 acres of land, as identified in Appendix B, to the Township pursuant to a purchase and sale agreement to be executed concurrently with this Agreement.

**SECTION EIGHT.** The City acknowledges that it has passed the necessary ordinance(s) to enter into this Agreement and to make it binding upon the City and agrees that it will take any additional actions necessary to implement this Agreement. Upon approval of the annexation by the Warren County Board of County Commissioners and the receipt of the Clerk of Council of the record of the annexation proceedings from the Clerk of the Warren County Board of County Commissioners, the City shall timely accept the annexation and process it according to law, and the City, at its cost, shall cause the annexation to be recorded in the office of the Warren County, Ohio Recorder.

**SECTION NINE.** The City shall file a petition with the Warren County Board of County Commissioners, pursuant to section 503.07 of the Ohio Revised Code, et seq., and take all other action to have the annexed Property excluded from the Township. The Township agrees that the Property shall be removed from the Township following annexation as provided in this Agreement and that the Township will support, and by this Agreement consents to, any request by the City to exclude the Property subject to this Agreement from the Township.

**SECTION TEN.** The City shall provide all City public services available to the Property annexed immediately after the annexation becomes effective. City services shall include police, fire and emergency medical services, public road and right of way maintenance including repair and replacement, and snow and ice removal, and public utilities for the Property annexed to the City, which services shall not be provided by the Township following annexation unless they are provided pursuant to a mutual aid agreement or as may otherwise be mutually agreed upon by the City and Township by separate agreement. The Township shall not provide any public services to the Property after the effective date of the annexation.

**SECTION ELEVEN.** The Township and the City acknowledge that, by operation of law (Section 303.18 of the Ohio Revised Code), any county zoning regulations in effect at the time of annexation shall remain in full force and shall be enforced by the county officials until the legislative authority of the City passes new regulations or pursuant to existing municipal ordinances the City's zoning regulations take effect with respect to the Property.

**SECTION TWELVE.** The Township acknowledges that it has passed the necessary resolution(s) to enter into this Agreement and that this Agreement is binding on the Township and agrees that it will take any additional actions necessary to implement this Agreement.

**SECTION THIRTEEN.** Any action arising under this Agreement shall be brought and maintained in the Warren County, Ohio Court of Common Pleas (unless the parties mutually agree to alternative dispute resolution), and the parties hereby irrevocably consent to such exclusive venue, and waive any right to bring or remove any action to any other state or a federal court. This Agreement shall be construed according to Ohio law.

**SECTION FOURTEEN:** This Agreement sets forth the entire agreement between the parties hereto and fully supersedes any and all prior agreements or understandings, whether oral or written, among the parties pertaining to the subject matter hereof. This Agreement may be modified only by a writing signed by all parties. If any provision of this Agreement or part thereof is held to be invalid, unlawful, void, voidable, or unenforceable, such provision shall be ineffective only to that extent, and the remainder of such provision and of this Agreement shall remain in full force and effect.

**SECTION FIFTEEN.** This Agreement shall be executed in duplicate originals and take effect on the date it has been executed by both the Township and the City or as soon thereafter as permissible under applicable law.

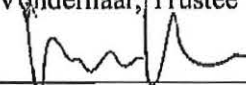
CITY OF LEBANON, OHIO

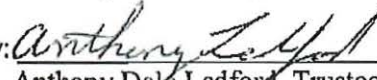
By:  Date 4/29/22  
Scott Brunka, City Manager

UNION TOWNSHIP, WARREN COUNTY, OHIO

By:  Date 4-19-2022  
Fred Vonderhaar, Trustee



By:  Date 4-19-2022  
Christopher J. Koch, Trustee

By:  Date 4-19-22  
Anthony Dale Ledford, Trustee

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of the Annexation Agreement entered into by Union Township, Warren County, Ohio and the City of Lebanon, Ohio as of the dates indicated above.

  
Fiscal Officer, Union Township

  
Clerk of Council, City of Lebanon

**APPENDIX A**

**Legal Description of Perimeter of Property Annexation**

**EXHIBIT A**

**LEGAL DESCRIPTION**

**PARCEL I:**

**KING-HASSELBRING & ASSOCIATES**

**Civil Engineers & Land Surveyors**  
212 North Broadway Lebanon, Ohio 45036  
Telephone (513) 932-3806 Facsimile (513) 932-6847

Principal:  
J. Timothy Klug, PE-PS

Associate:  
Paul H. Hasselbring, PE-PS  
M. Ernie Blankenship, RTT

FILE: BYRR3.LGL  
DWG. NO.: C-10335-A  
FILE NO.: 98-9896

JUNE 30, 1999  
PAGE 1 OF 2

LEGAL DESCRIPTION  
PARCEL P-3  
26.549 ACRES

12-08-200-009  
DWB

10/14  
NCEO  
12/10  
NCEO  
DWB

Situated in Sections 8 and 9, Town 4, Range 3, Union Township, Warren County, Ohio, and being more particularly described as follows:

Beginning at the northeast corner of said Section 8;

Thence in and along the east line of said Section 8 and west line of the Lebanon corporation line the following courses:

- 1. S-06d-05'-45"-W a distance of 991.55 feet to a point;
- 2. S-06d-06'-52"-W a distance of 237.92 feet to an iron pin set;

Thence leaving said east line of said Section 8 and in along a north line of said Lebanon corporation line the following courses:

- 1. N-84d-14'-00"-W a distance of 60.72 feet to an iron pin set;
- 2. N-06d-06'-52"-E a distance of 237.92 feet to an iron pin set;
- 3. N-84d-14'-00"-W a distance of 946.90 feet to an iron pin set in the east line of Kingsview Drive;

Thence leaving said north of said Lebanon corporation line in and along said east line of said Kingsview Drive the following courses:

- 1. N-09d-00'-00"-E a distance of 239.40 feet to a point;
- 2. with a curve to the right an arc distance of 56.55 feet to a point, said curve having a radius of 360.00 feet and a chord bearing of N-13d-30'-00"-E, a chord distance of 56.49 feet;
- 3. N-18d-00'-00"-E a distance of 576.00 feet to a point;

4. with a curve to the right an arc distance of 306.31 feet to a point, said curve having a radius of 360.00 feet and a chord bearing of N-42d-22'-30"-E, a chord distance of 297.15 feet;

5. N-66d-45'-00"-E a distance of 566.88 feet to a point;

6. with a curve to the right an arc distance of 186.37 feet to a point, said curve having a radius of 360.00 feet and a chord bearing of N-81d-34'-52"-E, a chord distance of 184.30 feet;

7. S-83d-35'-15"-E a distance of 31.18 feet to a point, said point being in the east line of said Section 9;

Thence leaving said east line of said Kingsview Drive in and along said east line of said Section 9, S-07d-28'-10"-W a distance of 424.89 feet to the real Point-of-Beginning for this description.

Containing in all 26.549 Acres more or less, subject to all legal highways and easements of record.

Prior deed reference: Official Record 948, Page 971, of the Warren County deed records.

This description is the result of a survey prepared by King-Hasselbring & Associates, J. Timothy King, PE-PS, Ohio Registered Surveyor No. 6549, dated June 9, 1999, the survey plat of which is filed Vol. 106 Plat No. 43 of the Warren County Engineer's Record of Land Division.

**For Reference Purposes Only:**

**Parcel ID Number: 1208200009**

**Address: Kingsview Drive, Union Township, Ohio, Warren County 45036**



**PARCEL II :**

**PARCEL P-5**

Land situated in the Township of Union, County of Warren, State of Ohio, being a part of Sections 8 and 9, Township 4, Range 3 of the Between the Miami Rivers Survey, and being a part of 237.538 acres described in deed to L. Byer Investments, LLC recorded in OR Volume 1820, Page 731, records of Warren County, described as follows:

COMMENCING at a 1-inch iron rod found at the southwest corner of said Section 9; THENCE South 84°24'56" East, along the southerly line of Section 9 and northerly line of Section 8, a distance of 3,431.44 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" set;

THENCE the following ten (10) courses and distances along a new division line:

- 1) South 84°24'56" East, along the southerly line of Section 9 and northerly line of Section 8, a distance of 171.63 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" set;
- 2) North 50°07'26" East, a distance of 222.10 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" set;
- 3) North 06°04'55" West, a distance of 181.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" set;
- 4) North 49°05'10" East, a distance of 170.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" set;
- 5) South 87°57'56" East, a distance of 66.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" set;
- 6) North 31°23'33" East, a distance of 565.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" set;
- 7) North 60°55'01" East, a distance of 445.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" set;
- 8) South 66°24'11" East, a distance of 98.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" set;
- 9) North 68°58'37" East, a distance of 107.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" set;
- 10) North 05°35'12" East, a distance of 100.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" set;

THENCE South 84°24'48" East, along the southerly line of 46.421 acres described in deed to Ann H. Kelly recorded in OR Volume 583, Page 894, a distance of 615.00 feet to a 5/8-inch iron rod found;

THENCE South 05°25'08" West, along a west line of Lot 2 Replat Warren County Industrial Park recorded in Plat Book 12, Pages 79 & 80 and the westerly right-of-way of Glosser Road (a 37.5-foot-wide public right-of-way as dedicated in Plat Book 34, Page 19), a distance of 825.08 feet to a 5/8-inch iron rod found;

THENCE the following seven (7) courses and distances along the northwesterly right-of-way of Kingsview Drive (an 80-foot-wide public right-of-way as dedicated in Plat Book 19, Page 93):

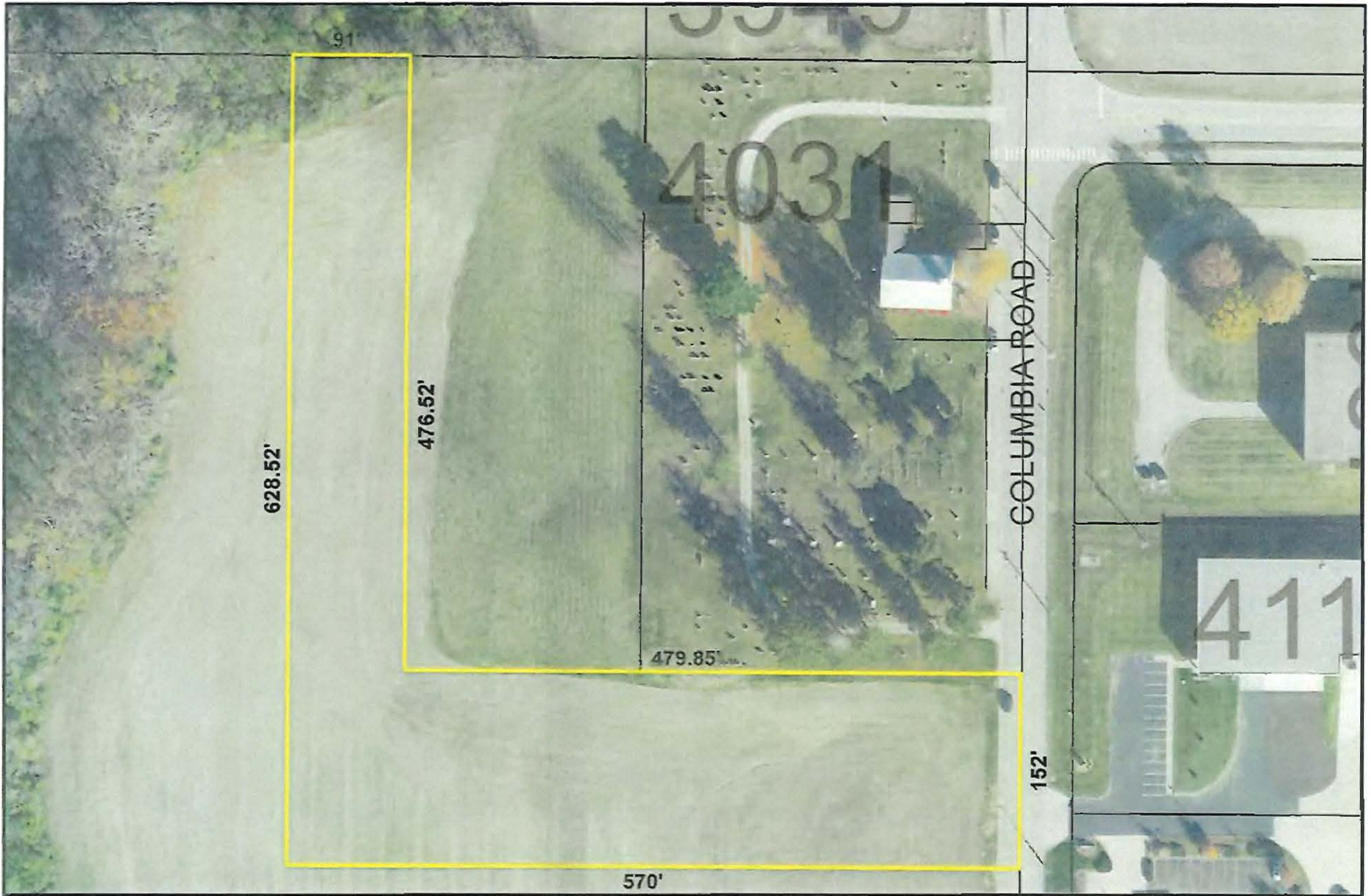
- 1) North 83°35'15" West, a distance of 31.22 feet to a 5/8-inch iron rod found;
- 2) Along a curve to the left, having a radius of 440.00 feet, through a central angle of 29°39'47", an arc distance of 227.79 feet, said curve having a chord which bears South 81°34'53" West a distance of 225.26 feet to a 5/8-inch iron rod found;
- 3) South 66°45'00" West, a distance of 566.88 feet to a 5/8-inch iron rod found;
- 4) Along a curve to the left, having a radius of 440.00 feet, through a central angle of 48°44'59", an arc distance of 374.37 feet, said curve having a chord which bears South 42°22'30" West a distance of 363.18 feet to a 5/8-inch iron rod found;
- 5) South 18°00'00" West, a distance of 576.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" set;
- 6) Along a curve to the left, having a radius of 440.00 feet, through a central angle of 8°59'58", an arc distance of 69.12 feet, said curve having a chord which bears South 13°30'00" West a distance of 69.04 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" set;
- 7) South 09°00'00" West, a distance of 243.92 feet to a 5/8-inch iron rod found;

THENCE North 84°14'01" West, along the northerly line of the remaining 47.585 acres of the land described in deed to Wild Turkey Farms, LLC, recorded in OR Volume 4430, Page 347, a distance of 880.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" set;

THENCE the following six (6) courses and distances along a new division line:

- 1) North 05°46'00" East, a distance of 371.00 feet to a 5/8-inch iron rod with cap labeled "NCG PS 8460 8668" set;





**APPENDIX B**  
**UNION TWP - CEMETERY EXPANSION AREA**  
 CITY OF LEBANON PROPERTY - 3.0 AC.  
 PARCEL NO. 1213200027



1 inch = 100 feet

**ORDINANCE NO. 2022-052**

**AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT WITH THE BOARD OF TOWNSHIP TRUSTEES OF UNION TOWNSHIP, WARREN COUNTY, OHIO AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND DELIVER SAID ANNEXATION AGREEMENT AND DECLARING AN EMERGENCY**

WHEREAS, the Board of Township Trustees of Union Township, Warren County, Ohio (the "Board") is amenable to executing an annexation agreement with the City of Lebanon, Ohio to facilitate the annexation of approximately 80 acres of real property that is contiguous to the corporate limits of the City and identified by Warren County Auditor PARID Nos. 12082000090 and 12094000040 (the "Byer Property") to the City of Lebanon, Ohio; and,

WHEREAS, after both the Board and the City of Lebanon, Ohio have duly executed and delivered an annexation agreement pursuant to appropriate legislative authority of their governing boards, setting forth the terms and conditions of annexation of the Byer Property into the City of Lebanon, Ohio (the "Annexation Agreement"), a petition will be filed with the County Commissioners of Warren County, Ohio to initiate the annexation process; and,

WHEREAS, the Council of the City of Lebanon, Ohio agrees to the terms and conditions for annexation of the Byer Property into the City of Lebanon, Ohio from Union Township, Warren County, Ohio as set forth in the Annexation Agreement attached hereto as "Exhibit A," and incorporated by reference as if fully set forth.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lebanon, Ohio:

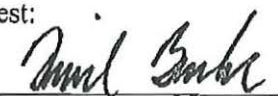
SECTION 1. That the form of the Annexation Agreement attached hereto as Exhibit A is hereby approved and that the City Manager is hereby authorized and directed to execute and deliver the Annexation Agreement, in substantially the form of the Annexation Agreement attached hereto as "Exhibit A", with such changes as he may deem reasonable and not substantially disadvantageous to the City of Lebanon, Ohio, such determination being evidenced by his execution thereof.

SECTION 2. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals and welfare of the City of Lebanon; and, for the further reason, that the execution of the aforesaid Agreement is necessary so that the City may proceed in a timely manner to annex the property in accordance with the seller requirements, then this Ordinance shall take effect immediately upon its adoption.

  
\_\_\_\_\_  
Mayor

Passed: April 26, 2022

Attest:

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

**Sponsors:**  
All Members of Council

City  
Manager



City  
Auditor



City  
Attorney



**UNION TOWNSHIP BOARD OF TRUSTEES  
WARREN COUNTY, OHIO**

Resolution Number: 04-18-2022-01

Date of Resolution: 4/8/2022

**TOPIC OF RESOLUTION: APPROVING AND AUTHORIZING BOARD OF TRUSTEES TO EXECUTE A TYPE 1 ANNEXATION AGREEMENT WITH CITY OF LEBANON RELATING TO THE PROPERTY ALONG KINGSVIEW DRIVE CONSISTING OF 80.511 ACRES IN UNION TOWNSHIP TO BE ANNEXED TO THE CITY OF LEBANON, AND APPROVING AND AUTHORIZING THE BOARD OF TRUSTEES TO EXECUTE A REAL ESTATE PURCHASE AND SALE AGREEMENT WITH THE CITY OF LEBANON FOR APPROXIMATE 3 ACRES OF LAND ABUTTING FELLOWSHIP CEMETERY IN UNION TOWNSHIP**

**RESOLUTION**

**WHEREAS**, 100 Acres & A Mule, LLC, an Ohio limited liability company, seeks to annex its property located along Kingsview Drive in Union Township, identified as PID: 12-08-200-009 (Acct. 6609210) consisting of 26.549 acres, and PID: 12-09-400-004 (Acct. 6610096) consisting of 53.962 acres, for a total gross acreage of 80.511, into the City of Lebanon from Union Township; and,

**WHEREAS**, the City of Lebanon desires to accept the annexation of the said property, and to change the boundaries lines to conform to the corporate limits of the City, and in order to do so has requested this Board to enter into a Type 1 Annexation Agreement in accordance with section 709.192, et seq. of the Ohio Revised Code, to consummate the foregoing which provides for a modified payment schedule of reparations to Union Township beginning on the tax lien date of the 5<sup>th</sup> year after the effective date of the annexation and exclusion of the territory from the Township, through December 31<sup>st</sup> of the 16<sup>th</sup> year after the effective date of the annexation and exclusion of the territory from the Township; and,

**WHEREAS**, the Board desires to enter into a Type 1 annexation subject to the aforementioned reparation payments and the City of Lebanon selling Union Township approximately 3 acres of land abutting the Fellowship Cemetery in Union Township for \$1.00; and,

**WHEREAS**, this Board understands that a Type 1 annexation agreement is voluntary on its part, and by entering into such an agreement it forecloses all rights to object to or otherwise oppose the petition for annexation, and that the expedited annexation process entitles the owner to petition the board of county commissioners who must approve the annexation petition with limited procedural review and without any involvement of or taking public comments; and,

**WHEREAS**, this Board respects the property owner's request and recognizes that it is the best interest of this specific property to be annexed and to have the City conform the boundaries in order to avoid double taxation and duplication of public services, and so that it may be developed in the City in an expeditious manner, subject to the proposed expedited

annexation providing, to the extent possible, provisions to mitigate an immediate impact on Union Township and its residents by receiving reparations for some of the lost tax revenue, and in order to continue a spirit of cooperation with the City of Lebanon in such matters.

**THEREFORE, BE IT RESOLVED**, by at least a majority of the Board of Turtlecreek Township Trustees, Warren County, Ohio, concurring as follows:

- Section 1.** The Board does hereby approve and further authorize the attached Type 1 Annexation Agreement with the City of Lebanon to be executed by the Union Township Board of Trustees.
- Section 2.** The Board does hereby approve and further authority the attached Real Estate Purchase and Sale Agreement with the City of Lebanon to be executed by the Union Township Board of Trustees.
- Section 3.** That the Board is acting in its administrative capacity in adopting this Resolution.
- Section 4.** That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.
- Section 5.** That it is found and determined that all formal actions of the Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr. Koch moved adoption of the foregoing Resolution, being seconded by Mr. Ledford

Upon call of the roll, the following vote resulted:

Mr. Vonderhaar	- <i>Yea</i>
Mr. Koch	- <i>Yea</i>
Mr. Ledford	- <i>Yea</i>

**CERTIFICATION**

I hereby certify that the foregoing is a true, accurate, and complete copy of Resolution No. ~~04-19-2022-01~~ adopted April 18, 2022, by the Board of Trustees of Union Township, Warren County, Ohio.

UNION TOWNSHIP BOARD OF TRUSTEES

  
\_\_\_\_\_  
Shelley Lamb, Fiscal Officer



**WARREN COUNTY ENGINEERS OFFICE  
TAX MAP DEPARTMENT  
ANNEXATION REVIEW REPORT**

**Annexation to:** LEBANON **Date Filed:** September 7, 2022  
**Filed By:** Christopher H. Hurlburt, Esq. **Total Acreage:** 80.511  
**Parcel Nos.:** 1209400004 and 1208200009

**Annexation Parcels:**

Parcel No.	Owner:	Property Address:	Mailing Address
1208200009	100 Acres and A Mule, LLC	Kingsview Drive, Lebanon, OH 45036	1229 Loudon St. Cincinnati, OH 45202
1209400004	100 Acres and A Mule, LLC	Kingsview Drive, Lebanon, OH 45036	1228 Loudon St. Cincinnati, OH 45202

**Surrounding Properties:**

Parcel No.	Owner:	Property Address:	Mailing Address
1209400003	Ann H. Kelly	Columbia Road, Lebanon, OH 45036	2394 Columbia Road Lebanon, OH 45036
1209300014	L. Byer Investments, LLC	2990 Columbia Road, Lebanon, OH 45036	Burke Byer 9270 Old Indian Hill Indian Hill, OH 45243
1208200013	Wild Turkey Farms, LLC	Kingsview Drive, Lebanon, OH 45036	3000 G Henkle Drive Lebanon, OH 45036
1203355010	Shaker Properties, Ltd.	1000 Kingsview Drive, Lebanon, OH 45036	Equipment Depot 4310 Rossplain Road Cincinnati, OH 45236
1203355019	Janet Longacre, et al. Trustee	Kingsview Drive, Lebanon, OH 45036	3000 G Henkle Drive Lebanon, OH 45036
1208200014	Wild Turkey Farms, LLC	Kingsview Drive, Lebanon, OH 45036	3000 G Henkle Drive Lebanon, OH 45036
1202100002	Wild Turkey Farms, LLC	Kingsview Drive, Lebanon, OH 45036	3000 G Henkle Drive Lebanon, OH 45036
1202100014	Janet Longacre, et al. Trustee	Kingsview Drive, Lebanon, OH 45036	3000 G Henkle Drive Lebanon, OH 45036
1202100013	Mental Health & Recovery Center of Clinton County, Inc.	975 Kingsview Drive, Lebanon, OH 45036	Mental Health & Recovery Ctr. Clinton Co. 953 S. South Street Wilmington, OH 45177

# FINAL REPORT

WARREN COUNTY ENGINEERS OFFICE  
TAX MAP DEPARTMENT  
ANNEXATION REVIEW REPORT  
(In Accordance with O.R.C. 709.031)  
"EXHIBIT F"

Annexation to: LEBANON

Date Filed: 09-07-22

Filed by: C.H. HURLBURT

Total Acreage: 26.549 ± 53.962  
(80.511 TOTAL)

## I. MAP CONTENTS

- |   |                                     |    |     |
|---|-------------------------------------|----|-----|
| a) Section-Town-Range, or Military Survey, County, and State  | <input checked="" type="checkbox"/> | NO | N/A |
| b) Boundary of Territory proposed for annexation to be in bold lines for ease in identification                 | <input checked="" type="checkbox"/> | NO | N/A |
| c) Lengths and bearings of the boundary of the territory. (May be obtained from county records)                 | <input checked="" type="checkbox"/> | NO | N/A |
| d) All roads and streets.   | <input checked="" type="checkbox"/> | NO | N/A |
| e) All existing corporation lines.  | <input checked="" type="checkbox"/> | NO | N/A |
| f) All section, quarter section or VMS lines correctly labeled.   | <input checked="" type="checkbox"/> | NO | N/A |
| g) All property lines.  | <input checked="" type="checkbox"/> | NO | N/A |
| h) Names of all allotments within the territory with plat book and page as recorded in the County plat records. | <input checked="" type="checkbox"/> | NO | N/A |
| i) Lot numbers on plotted property.   | <input checked="" type="checkbox"/> | NO | N/A |
| j) On unplotted property, the names of owners and deed reference with the acreage and dimensions.               | <input checked="" type="checkbox"/> | NO | N/A |
| k) Annexation must be contiguous to 5% of existing corp. line   | <input checked="" type="checkbox"/> | NO | N/A |

100% ± 70%

## II. LEGEND CONTENTS

- |   |                                     |    |     |
|---|-------------------------------------|----|-----|
| a) Formal identification of territory   | <input checked="" type="checkbox"/> | NO | N/A |
| b) Total acreage in annexation territory with acreage breakdown of each individual parcel.  | <input checked="" type="checkbox"/> | NO | N/A |
| c) Lengths of each road in territory  | <input checked="" type="checkbox"/> | NO | N/A |
| d) North arrow  | <input checked="" type="checkbox"/> | NO | N/A |
| e) Scale of map   | <input checked="" type="checkbox"/> | NO | N/A |
| f) Date and name of surveyor with certification, preparer of map shall state if map and description are prepared by new survey or if prepared by existing deeds and plats of records. | <input checked="" type="checkbox"/> | NO | N/A |
| g) Vicinity map to designate location of annexation.  | <input checked="" type="checkbox"/> | NO | N/A |

## III. OTHER REQUIREMENTS

- |   |                                     |    |     |
|---|-------------------------------------|----|-----|
| a) Map on 24" x 36" mylar or linen reproducible   | <input checked="" type="checkbox"/> | NO | N/A |
| b) Accurate map   | <input checked="" type="checkbox"/> | NO | N/A |
| c) Description accurate and in accordance with plat   | <input checked="" type="checkbox"/> | NO | N/A |
| d) Number of property owners in territory   | <input checked="" type="checkbox"/> | NO | N/A |
| e) Number of property owners signing the petition   | <input checked="" type="checkbox"/> | NO | N/A |
| f) Signature Block for Warren County Commissioners  | <input checked="" type="checkbox"/> | NO | N/A |
| g) Signature Block for City or Village Officials  | <input checked="" type="checkbox"/> | NO | N/A |
| h) Signature Block for Warren County Auditor  | <input checked="" type="checkbox"/> | NO | N/A |
| i) Signature Block for Warren County Recorder   | <input checked="" type="checkbox"/> | NO | N/A |
| j) List parcels within and adjacent to annexation area. Include names, addresses and parcel numbers. This list should be contained in the petition. | <input checked="" type="checkbox"/> | NO | N/A |

Engineer's Office Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reviewed by: BOB FOX Date: 09-08-22

Neil F. Tunison P.E., P.S.  
Warren County Engineer

CONTINUE ADMINISTRATIVE HEARING TO CONSIDER MELENA PROPERTIES STAGE 2  
PUD APPLICATION IN UNION TOWNSHIP

BE IT RESOLVED, to continue the administrative hearing to consider the Melena Properties Stage 2 PUD application in Union Township; said administrative hearing to be continued to October 18, 2022, at 9:30 a.m. in the Commissioners' Meeting Room.

moved for adoption of the foregoing resolution being seconded by . Upon call of the roll, the following vote resulted:

M  
M  
M

Resolution adopted this 13<sup>th</sup> day of October 2020.

BOARD OF COUNTY COMMISSIONERS

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Tina Osborne, Clerk

cc: RPC  
RZC  
Rezoning file  
Applicant  
Township Trustees

Osborne, Tina

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**From:** Coffman, Sharon  
**Sent:** Monday, September 19, 2022 9:49 AM  
**To:** Osborne, Tina  
**Cc:** Goschinski, Cameron; dan melena; Williams, Stan C.  
**Subject:** FW: BOCC Administrative Hearing - Melena PUD Stage 2

Good Morning Tina,

The chain of emails below includes a request from Mr. Melena to delay the Administrative Hearing for **Melena Properties PUD Stage 2**, scheduled for September 27<sup>th</sup>, at 9am until a time in October.

Stan would like that date to be the **October 18<sup>th</sup>** meeting if possible.

Cameron has let Mr. Melena know that he will need to attend the 27<sup>th</sup> meeting and request a continuance from the BOCC.

Please let me know if you need anything further from us.

Sincerely,

Sharon

---

**From:** Goschinski, Cameron <Cameron.Goschinski@co.warren.oh.us>  
**Sent:** Monday, September 19, 2022 9:36 AM  
**To:** dan melena <dmelena10@yahoo.com>  
**Cc:** Coffman, Sharon <Sharon.Coffman@co.warren.oh.us>; Williams, Stan C. <Stan.Williams@co.warren.oh.us>  
**Subject:** RE: BOCC Administrative Hearing - Melena PUD Stage 2

Hi Dan,

Thank you for following up and letting me know about the 27<sup>th</sup>.

In this instance, you would still need to attend this meeting on September 27<sup>th</sup>, and ask the BOCC for a continuance to move the meeting into October.

Please send over the site plan whenever this is finalized as well for staff review, and to ensure all requirements have been met.

Please let me know if you have any questions.

Best,  
Cameron

---

**From:** dan melena <[dmelena10@yahoo.com](mailto:dmelena10@yahoo.com)>  
**Sent:** Friday, September 16, 2022 5:46 PM  
**To:** Goschinski, Cameron <[Cameron.Goschinski@co.warren.oh.us](mailto:Cameron.Goschinski@co.warren.oh.us)>  
**Subject:** Re: BOCC Administrative Hearing - Melena PUD Stage 2

Hi Cameron,

Just a heads up that we are going to need to move this meeting to October. Unfortunately, I cannot get the site plan finalized until after the 27th but we will be good to go for October.

Dan Melena

On Wednesday, September 7, 2022 at 09:28:37 AM EDT, Goschinski, Cameron <[cameron.goschinski@co.warren.oh.us](mailto:cameron.goschinski@co.warren.oh.us)> wrote:

Hello Dan,

I wanted to follow up with you regarding the Board of County Commissioners Administrative Hearing for **Melena Properties PUD Stage 2**, scheduled for September 27<sup>th</sup>, at 9am.

Please be in attendance for this meeting in the event of any cross examination or questions from the BOCC.

As prompted during the RPC Executive Committee meeting, the BOCC will review this application with the revised, engineered site plan.

Please provide this revised, detailed site plan to our office a week prior to the scheduled meeting time for department review and in preparation for the scheduled meeting.

Please let me know if you have any questions.

Best,

**Cameron Goschinski | Planner 1**

Warren County Regional Planning Commission

406 Justice Drive

Lebanon, OH 45036

(513) 695-1767



# **Melena Properties, LLC**

## **PUD Stage 2**

### **Union Township**

RPC Executive Committee

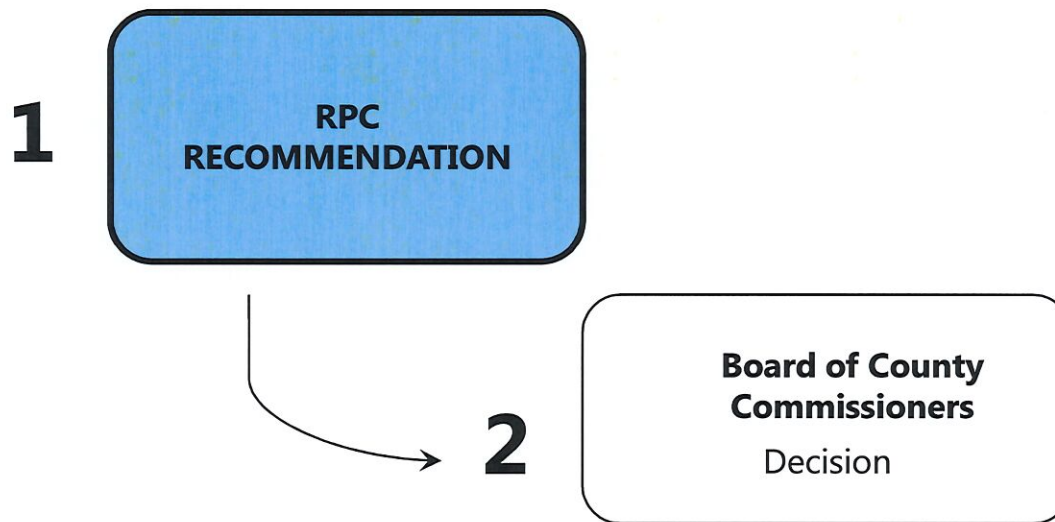
August 25, 2022

# GENERAL INFORMATION

<b>Applicant</b>	Melena Properties, LLC
<b>Property Owner</b>	Melena Properties, LLC
<b>Site Address</b>	3268 S Route 42
<b>Site Area</b>	10 Acres
<b>Current Zoning</b>	I-2 Planned Unit Development

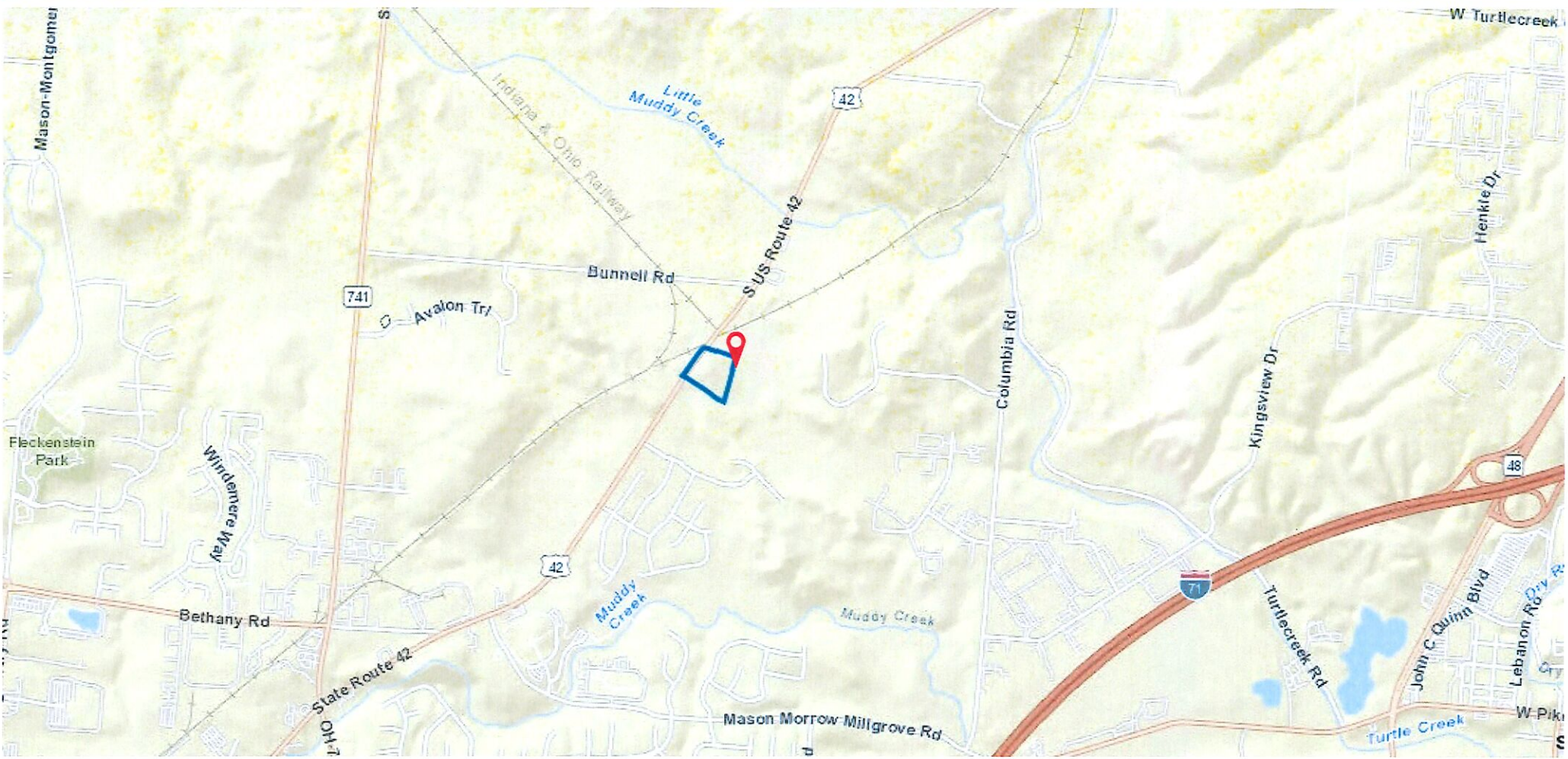
# PUD STAGE 2 REVIEW PROCESS

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# Regional Vicinity



## Vicinity

- Union Township
- East of Highway 42
- Former Class 1-Composting Facility



# SITE AERIAL



# PROPOSAL

---

The applicant is extending the residential development and developing a new 120' x 80' future building for office and storage space.

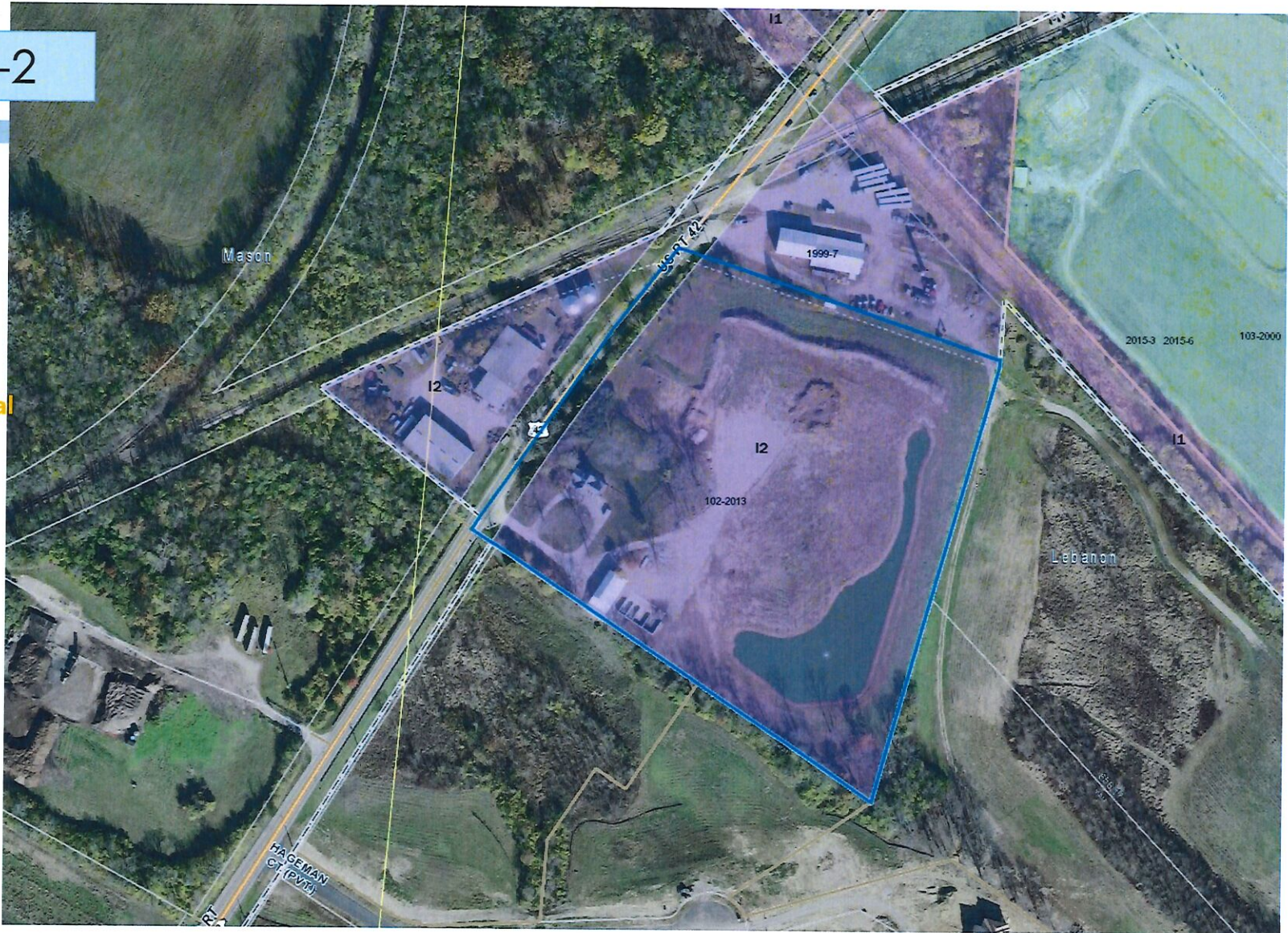
# Existing Site Plan



## Zoning— I-2

### Current Use

- **Single-Family Residential (non-conforming use)**
- **Landscaping Services (permitted use)**



# Zoning — I-2 Allowable Uses

- Landscaping Service-Permitted
- Residential Uses -Prohibited

<ul style="list-style-type: none"> <li>▪ Acid, Chemicals, Inflammable Liquids or Gases Manufacturing &amp; Storage</li> </ul>	<ul style="list-style-type: none"> <li>▪ Animal Rendering Fertilizer or Glue Manufacture</li> </ul>	<ul style="list-style-type: none"> <li>▪ Concrete Batch Plant</li> </ul>	<ul style="list-style-type: none"> <li>▪ Asphalt or Products Manufacturing</li> </ul>
<ul style="list-style-type: none"> <li>▪ Building Trusses Manufacture or Wood Milling Facility</li> </ul>	<ul style="list-style-type: none"> <li>▪ Explosives or Flammable Components Manufacture or Storage</li> </ul>	<ul style="list-style-type: none"> <li>▪ Light Manufacturing</li> </ul>	<ul style="list-style-type: none"> <li>▪ Sheet Metal &amp; Machine Shops</li> </ul>
<ul style="list-style-type: none"> <li>▪ Food Production, Processing or Packaging Plant</li> </ul>	<ul style="list-style-type: none"> <li>▪ Slaughterhouse and Stockyards</li> </ul>	<ul style="list-style-type: none"> <li>▪ Mover Storage Facility</li> </ul>	<ul style="list-style-type: none"> <li>▪ Petroleum or Related Products Refining or Distributer Depot</li> </ul>
<ul style="list-style-type: none"> <li>▪ Truck Terminals and Distribution Facilities</li> </ul>	<ul style="list-style-type: none"> <li>▪ Warehousing/ Depot</li> </ul>	<ul style="list-style-type: none"> <li>▪ Welding Shop</li> </ul>	<ul style="list-style-type: none"> <li>▪ Motor Vehicle Impound Lot</li> </ul>
<ul style="list-style-type: none"> <li>▪ Recycling &amp; Salvage Center</li> </ul>	<ul style="list-style-type: none"> <li>▪ Class IV ** Composting Facility</li> </ul>	<ul style="list-style-type: none"> <li>▪ Research and Development,</li> </ul>	

# Proposed PUD Standards

## Additional Prohibited Uses

- Public Works/Road Maintenance Yards
- Automobile Body/Repair Shops
- Automobile Fuel Station
- Truck Stop
- Casino
- Shooting Range
- Energy Recycling Plant
- Recycling & Salvage Center
- Asphalt or Concrete Batch Plant or Products manufacturing
- Explosives or Flammable Components Manufacture or Storage
- Slaughterhouse & Stockyards
- Acid, Chemicals, Inflammable Liquids, or Gasses Manufacturing & Storage
- Motor Vehicle Impound Lot
- Salvage Motor Vehicle Auction or Pool Facility
- Animal Rendering Fertilizer or Glue Manufacturing
- Sexually Oriented Business (Added)



# RPC Recommendation

Recommend **Approval** of the Melena Properties, LLC PUD Stage 2 to the Board of County Commissioners subject to the following conditions:

1. The development shall comply with The Warren County Rural Zoning Code; and the I-2 zoning district standards, except where exempt by the Planned Unit Development Overlay Development Standards.
2. Compliance with the Warren County Rural Zoning Code and the PUD Stage 1 BOCC conditions of approval (Resolution#: 22-1146). See Exhibit B.
3. Compliance with the Warren County Stormwater Regulations. If the existing pond is being used for stormwater management, an environmental assessment will be required to determine jurisdiction of existing water features. See Exhibit C.

# Staff Recommendation

4. Prior to construction, an Earth Disturbing permit must be obtained from the Warren County Soil and Water Conservation District if more than an acre of disturbance is planned.
5. Prior to obtaining an Earth Disturbing permit:
  - a. An environmental assessment is required to determine jurisdictional permits and requirements.
  - b. The SWP3 and construction drawings shall include appropriate sediment and erosion controls, with special attention to lots adjacent to the pond.
6. The applicant shall contact the Warren County Health District to conduct a subdivision review inspection to verify compliance with the Ohio Administrative Code Chapter 3701-29. The applicant shall work with the Warren County Health District to determine if the proposed alterations to the property will have an adverse impact on the existing household sewage treatment systems. If necessary, the applicant will apply for a property addition evaluation through the Warren County Health Department. See exhibit D

# Staff Recommendation

7. The applicant shall contact the Ohio Department of Transportation (ODOT) for review and to determine if a traffic impact analysis is necessary. If a traffic impact analysis is required, and the site's internal vehicular circulation receives approval from the Warren County Engineer's Office prior to the approval of PUD Stage 3.
8. Prior to PUD Stage 2 Review from the BOCC, the applicant submits a detailed site plan illustrating parking, lighting, signage and landscaping. The landscaping shall be installed prior to the issuance of a zoning permit for the future office/storage building.

REGIONAL PLANNING COMMISSION

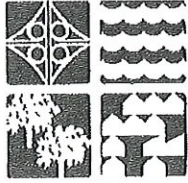
CHECKLIST FOR STAGE 2 PUD BOCC REVIEW

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Melena Properties PUD Stage 2

Union Township

1. Comment Letter Packet sent 8/15/2022
2. Adjoining Property Owner Letter sent 8/31/22
3. Applicant notified of Public Hearing ~~8/15/22~~ 8/31/22
4. Letter to BOCC with approved conditions 8/30/22
5. Staff Report 8/18/2022
6. Packet to Commissioners 8/30/2022
7. Comments attached 8/30/2022



# Warren County Regional Planning Commission

WARREN COUNTY ADMINISTRATION BUILDING  
406 JUSTICE DRIVE • LEBANON, OHIO 45036  
TELEPHONE (513) 695-1223

STANLEY C. WILLIAMS, EXECUTIVE DIRECTOR

August 29, 2022

Warren County Commissioners  
406 Justice Drive  
Lebanon, Ohio 45036

Dear Commissioners:

This letter is in regard to the Melana PUD Stage 2 located in Union Township, Warren County, Ohio.

At its meeting on August 25, 2022, with a vote of 11 yes 0 no, and 2 abstain, the Warren County Regional Planning Commission (RPC) Executive Committee recommended approval of the Melana PUD Stage 2 subject to the following conditions:

1. The development shall comply with The Warren County Rural Zoning Code; and the I-2 zoning district standards, except where exempt by the Planned Unit Development Overlay Development Standards.
2. Compliance with the Warren County Rural Zoning Code and the PUD Stage 1 BOCC conditions of approval (Resolution#: 22-1146). See Exhibit B.
3. Compliance with the Warren County Stormwater Regulations. If the existing pond is being used for stormwater management, an environmental assessment will be required to determine jurisdiction of existing water features. See Exhibit C.
4. Prior to construction, an Earth Disturbing permit must be obtained from the Warren County Soil and Water Conservation District if more than an acre of disturbance is planned.
5. Prior to obtaining an Earth Disturbing permit:
  - a. An environmental assessment is required to determine jurisdictional permits and requirements.
  - b. The SWP3 and construction drawings shall include appropriate sediment and erosion controls, with special attention to lots adjacent to the pond.
6. The applicant shall contact the Warren County Health District to conduct an inspection to verify compliance with the Ohio Administrative Code Chapter 3701-29. The applicant shall work with the Warren County Health District to determine if the proposed alterations to the property will have an adverse impact on the existing





# WARREN COUNTY HEALTH DISTRICT

416 South East Street – Lebanon, Ohio 45036

Duane Stansbury, R.S., M.P.H.  
HEALTH COMMISSIONER

Terren Koles, M. D.  
MEDICAL DIRECTOR

August 16, 2022

Cameron Goschinski, Planner I  
Warren County Regional Planning Commission  
County Administration Building  
406 Justice Drive  
Lebanon, Ohio 45036

Re: Melena Properties PUD Stage 2

Dear Cameron:

This letter is in response to your request for comments and/or requirements for the above referenced PUD Stage 2 in Union Township to be reviewed by the Warren County Regional Planning Commission (RPC) Executive Committee and staff.

The plans indicate a proposed residential addition, a proposed temporary officer trailer, and a future building. The documentation that we currently have on file indicates that the property is served by an on-site wastewater treatment system and was previously served by a drinking water well that has recently been sealed. In order to determine if the proposed alterations to the property will have an adverse impact on the existing household sewage treatment system, the applicant must apply for a property addition evaluation wherein a representative from the health district will visit the site to verify the location of the sewage treatment system in relation to the proposed additions. The cost of the property addition evaluation is currently \$85.00 dollars.

If you have any questions, please contact me at 513-695-1728 or [cbalster@wcchd.com](mailto:cbalster@wcchd.com).

Sincerely,

Chris Balster, MPH, REHS  
Director of Environmental Health

Cc: Duane Stansbury, REHS, MPH, Health Commissioner  
Brad King, MPH, REHS, EH Supervisor  
Applicants

## Goschinski, Cameron

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**From:** Conley, Molly M.  
**Sent:** Monday, August 15, 2022 10:14 AM  
**To:** Goschinski, Cameron  
**Cc:** Wagner, Tessa L.; Bedocs, Justin A.  
**Subject:** RE: Melena Properties PUD Stage 2

Cameron,

I have the following comments from Warren Co SWCD:

1. Before breaking ground, and Earth Disturbing Permit will be required from Warren Co SWCD if more than an acre of disturbance is planned.
2. If using an existing water body for stormwater management, an environmental assessment will be required to determine jurisdiction of existing water features.

Thank you,

### Molly M. Conley

Director

PHONE - (513) 695-3085 | EMAIL [Molly.Conley@co.warren.oh.us](mailto:Molly.Conley@co.warren.oh.us)



### Warren County Soil and Water Conservation District

320 E. Silver Street, Suite 300

Lebanon, Ohio 45036

PHONE (513) 695-1337

<http://www.warrenswcd.com/>



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**From:** Goschinski, Cameron <Cameron.Goschinski@co.warren.oh.us>

**Sent:** Monday, August 15, 2022 9:59 AM

**To:** Ryan, Tabitha <Tabitha.Ryan@co.warren.oh.us>; Weber, Kurt <kurt.weber@co.warren.oh.us>; Conley, Molly M. <Molly.Conley@co.warren.oh.us>; Chris Balster <cbalster@wcchd.com>; Duane Stansbury <dstansbury@wcchd.com>; Tegtmeier, Michelle R. <Michelle.Tegtmeier@co.warren.oh.us>; Austin, Stephanie <Stephanie.Austin@co.warren.oh.us>; Sarakatsannis, Carla J. <carla.sarakatsannis@duke-energy.com>; kmeeker@western-h2o.com; jhinkle@western-h2o.com; Tammy.J.Howell@centurylink.com; David.L.Branson@usps.gov; Christopher.Bass@dot.ohio.gov; Dustin.Williams@dot.ohio.gov; chiefnapier@utslfd.com; sharon.lawhorn@untwp.com

**Cc:** Cook, Ryan A. <Ryan.Cook@co.warren.oh.us>

**Subject:** Melena Properties PUD Stage 2

All,

Enclosed is a copy of the **Melena Properties PUD Stage 2 Plan** proposed in Union Township, Warren County, Ohio. This site is located at 3268 South US Route 42. Parcel ID: 1214100008. The site plan includes a 9,600-square-foot future building.

The development would also contain a pond for stormwater management and additional parking.

Access to the development is proposed from the existing drive of the residential use from US Route 42.

The proposed PUD Stage 2 Plan is scheduled for the **August 25, 2022**, Warren County Regional Planning Commission (RPC)

Executive Committee meeting agenda. The RPC meeting will begin at 1:00 P.M. and will be in person held in Room 128-A of the Warren County Administration Building, 406 Justice Drive, Lebanon, OH.

Your review of the plan and written comments and/or requirements are requested via email to the email listed above or hard copy to our office. Please respond by **August 19, 2022**.

Best,

**Cameron Goschinski | Planner 1**

Warren County Regional Planning Commission

406 Justice Drive

Lebanon, OH 45036

(513) 695-1767



## Goschinski, Cameron

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**From:** Dustin.Williams@dot.ohio.gov  
**Sent:** Monday, August 15, 2022 1:08 PM  
**To:** Goschinski, Cameron  
**Subject:** RE: Melena Properties PUD Stage 2

Cameron,

The person representing this property, will need to reach out to me, since this is within ODOT jurisdiction. They will need to go through our development review process for approve of access.

Thanks,

**Dustin Williams**

**Right Of Way Permit Coordinator**

**Development Permit Coordinator**

Ohio Department of Transportation, District-8

505 S. State Route 741, Lebanon, OH 45036

(P) 513-933-6576 (M) 513-615-4033

[transportation.ohio.gov](http://transportation.ohio.gov)



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**From:** Goschinski, Cameron <Cameron.Goschinski@co.warren.oh.us>  
**Sent:** Monday, August 15, 2022 9:59 AM  
**To:** Ryan, Tabitha <Tabitha.Ryan@co.warren.oh.us>; kurt.weber@co.warren.oh.us; Conley, Molly M. <Molly.Conley@co.warren.oh.us>; Chris Balster <cbalster@wcchd.com>; dstansbury <dstansbury@wcchd.com>; Tegtmeier, Michelle R. <Michelle.Tegtmeier@co.warren.oh.us>; Austin, Stephanie <Stephanie.Austin@co.warren.oh.us>; Sarakatsannis, Carla J. <carla.sarakatsannis@duke-energy.com>; kmeeker@western-h2o.com; jhinkle@western-h2o.com; Tammy.J.Howell@centurylink.com; David.L.Branson@usps.gov; Bass, Christopher <Christopher.Bass@dot.ohio.gov>; Williams, Dustin <Dustin.Williams@dot.ohio.gov>; chiefnapier@utslfd.com; sharon.lawhorn@untwp.com  
**Cc:** Cook, Ryan A. <Ryan.Cook@co.warren.oh.us>  
**Subject:** Melena Properties PUD Stage 2

All,

Enclosed is a copy of the **Melena Properties PUD Stage 2** Plan proposed in Union Township, Warren County, Ohio. This site is located at 3268 South US Route 42. Parcel ID: 1214100008. The site plan includes a 9,600-square-foot future building.

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Best,

**Cameron Goschinski | Planner 1**

Warren County Regional Planning Commission

406 Justice Drive

Lebanon, OH 45036

(513) 695-1767

**CAUTION:** This is an external email and may not be safe. If the email looks suspicious, please do not click links or open attachments and forward the email to [csc@ohio.gov](mailto:csc@ohio.gov) or click the Phish Alert Button if available.



**BOARD OF COUNTY COMMISSIONERS  
WARREN COUNTY, OHIO**

406 Justice Drive, Lebanon, Ohio 45036  
www.co.warren.oh.us  
commissioners@co.warren.oh.us

to  
Paper  
8/30/22  
TO

Telephone (513) 695-1250  
(513) 261-1250  
(513) 925-1250  
(513) 783-4993  
(937) 425-1250  
Facsimile (513) 695-2054

**TOM GROSSMANN  
SHANNON JONES  
DAVID G. YOUNG**

**LEGAL NOTICE**

The Warren County Commissioners will hold an administrative hearing in the Commissioners Meeting Room, 406 Justice Drive, Lebanon, Ohio, September 27, 2022, at 9:00 a.m. to consider the Melena PUD Stage 2 located at 3268 S. State Route 42 in Union Township, Warren County, Ohio.

The plan includes a residential addition, a temporary office trailer, a 9600 square foot future building, a pond for stormwater management and additional parking.

By order of the Warren County Board of Commissioners.

\_\_\_\_\_  
Tina Osborne, Clerk

\* \* \* \* \*

Please publish in Today's Pulse – Lebanon and Mason for one (1) time on September 11, 2022.

Please send invoice and proof of publication as soon as possible.

Kevin is in the process of purchasing this piece of land next to the water treatment plants off of Striker Road. This parcel of land is accessed by a private drive that is owned by the Warren County Commission.

Kevin is trying to get an easement to install two driveways on this piece of land. I have talked to quite a few people at Warren County and I then spoke to Tina that said I needed to talk to you. Kevin is planning to put RV storage on this property.



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Warren County GIS