



**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**

**November 29, 2022**

- |           |             |  |
|-----------|-------------|--|
| <b>#1</b> | <b>9:00</b> | <b>Clerk—General</b>   |
| <b>#2</b> | <b>9:00</b> | <b>Consider Expedited Type 2 Annexation of 1.003 Acres to the City of South Lebanon, James Smith, Agent</b>                  |
| <b>#3</b> | <b>9:15</b> | <b>Work Session—City of Lebanon Relative to Utility and Path Easement on Old Mary Haven Property</b>                         |
| <b>#4</b> | <b>9:30</b> | <b>Work Session—County Engineer Relative to Transportation Improvement District Intergovernmental Agreement Amendment #7</b> |
| <b>#5</b> | <b>9:45</b> | <b>Work Session—Budget</b>   |

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

APPROVE REQUISITIONS AND AUTHORIZE ~~DEPUTY~~ 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.

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 29<sup>th</sup> day of November 2022.

BOARD OF COUNTY COMMISSIONERS

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Tina Osborne, Clerk

/tao

cc: Commissioners' file

**REQUISITIONS**

<b>Department</b>	<b>Vendor Name</b>	<b>Description</b>	<b>Amount</b>
FAC	72 HR LLC	FORD F250 PICK UP TRUCK	\$ 51,609.86
TEL	TRITECH SOFTWARE SYSTEMS	TEL CENTRAL SQUARE LOCUTION AV	\$ 13,280.00
WAT	MAJOR ENTERPRISES INC	SEW EMERGENCY REPAIR OF A COLL	\$ 35,000.00

**PO CHANGE ORDERS**

<b>Department</b>	<b>Vendor Name</b>	<b>Description</b>	<b>Amount</b>
ENG	RACK & BALLAUER EXCAVATING CO INC	COLUMBIA RD TURN LANE PROJECT	\$ 32,778.84 INCREASE

11/29/2022 APPROVED:

\_\_\_\_\_  
Tiffany Zindel, County Administrator

**CONSENT AGENDA\***

*November 29, 2022*

1. *Approve the minutes of the November 22, 2022, Commissioners' Meeting.*

**GENERAL**

2. *Approve emergency procurement for the repair of a collapsed sanitary main located on Miami St. In Waynesville*
3. *Approve amendment to food service contact with Aramark Correctional Services on behalf of Juvenile Court*
4. *Approvement home placement agreement with Healing Pathways Traditional Homes, Inc. on behalf of Children Services*
5. *Approve change order #1 with Rack & Ballauer Excavating for the Northbound Columbia Rd Right Turn Lane as US 22/3 Project for the County Engineer*
6. *Approve Task Completion Repair #1 for Central Square Technologies on behalf of Telecomm*
7. *Accept quote from Central Square for Central Square Locution AVD Interface on behalf of Telecomm*
8. *Acknowledge payment of bills*
9. *Approve final plat*

**FINANCIALS**

10. *Amend Resolution #22-0305 to approve appropriation adjustment and operational transfer relative to Radio Bond Fund 3368*
11. *Approve supplemental appropriation and operational transfer from General Fund 1101 into Telecomm 4492*
12. *Approve supplemental appropriations into Local Fiscal Recovery 2211 and OhioMeansJobs 2254*
13. *Approve appropriation adjustment within Common Pleas 11101220*

*\*Please contact the Commissioners' Office at (513) 695-1250 for additional information or questions on any of the items listed on the Consent Agenda*



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SHANNON JONES  
DAVID G. YOUNG**

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

**MINUTES: Regular Session – November 22, 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 November 10, 2022, meeting.

Tom Grossmann – present

David G. Young – present

Shannon Jones – present

Tina Osborne, Clerk – present

Minutes of the November 10, 2022 meeting were read and approved.

- 22-1752      A resolution was adopted to hire Kenneth Cole as Water Distribution Worker III within the Warren County Water and Sewer Department. Vote: Unanimous
- 22-1753      A resolution was adopted to hire James Stephens as Water Distribution Worker III within the Warren County Water and Sewer Department. Vote: Unanimous
- 22-1754      A resolution was adopted to approve pay increase for Tom Rhoades within the Warren County Water and Sewer Department. Vote: Unanimous
- 22-1755      A resolution was adopted to accept resignation of Megan Mahoney within Warren County Facilities Management, effective November 10, 2022. Vote: Unanimous
- 22-1756      A resolution was adopted to authorize Request for Proposals for Enterprise Backup System for Warren County Telecommunications. Vote: Unanimous
- 22-1757      A resolution was adopted to enter into contract with Overhead Door Company of Greater Cincinnati for the Lower Little Miami Wastewater Treatment Plant Overhead Door Project. Vote: Unanimous

- 22-1758 A resolution was adopted to approve first extension for Administrative Functions with Council on Aging of Southwestern Ohio relative to Warren County Elderly Services. Vote: Unanimous
- 22-1759 A resolution was adopted to approve first extension for Intake, Assessment and Case Management Functions with Council on Aging of Southwestern Ohio relative to Warren County Elderly Services. Vote: Unanimous
- 22-1760 A resolution was adopted to declare an emergency and waive competitive bidding for new battery power plant installation to operate the Washington Township Tower during power disruption until generator is up. Vote: Unanimous
- 22-1761 A resolution was adopted to authorize Director of Emergency Services to sign work based learning agreements with Butler Tech. Vote: Unanimous
- 22-1762 A resolution was adopted to authorize Director of Emergency Services to sign career placement applications with Warren County Career Center. Vote: Unanimous
- 22-1763 A resolution was adopted to approve intergovernmental agreement with the Warren County Combined Health District, for medical services at Warren County Juvenile Detention Center and Mary Haven Youth Center on behalf of Warren County Juvenile Court. Vote: Unanimous
- 22-1764 A resolution was adopted to enter into a contract with Diagnostic Driving, Inc., to provide a computerized driving course on behalf of the Warren County Juvenile Court. Vote: Unanimous
- 22-1765 A resolution was adopted to enter into a new account purchase agreement with Air Gas, Inc. on behalf of the Warren County Water and Sewer Department. Vote: Unanimous
- 22-1766 A resolution was adopted to enter into agreement with LexisNexis Risk Solutions for the Accurint for Government Services on behalf of Warren County Human Services and authorize the Interim Director to sign documents relative thereto. Vote: Unanimous
- 22-1767 A resolution was adopted to approve agreement and addendum with Legacy Residential Homes, Inc. relative to home placement and related services on behalf of Warren County Children Services. Vote: Unanimous
- 22-1768 A resolution was adopted to enter into an engineering services contract with Stantec Consulting Services, Inc. on behalf of the Warren County Engineer's Office. Vote: Unanimous
- 22-1769 A resolution was adopted to declare various items within Board of Developmental Disabilities, Clerk of Courts, Emergency Services, Facilities Management, Prosecutor's Office, Sheriff's Office, Telecommunications, and Health Department as surplus and authorize the disposal of said items through internet auction. Vote: Unanimous

- 22-1770 A resolution was adopted to acknowledge payment of bills. Vote: Unanimous
- 22-1771 A resolution was adopted to enter into a subdivision public improvement performance and maintenance security agreement with Red Hawk Land, LLC for installation of certain improvements in The Woodlands at Morrow, Phase 4D situated in the Village of Morrow. Vote: Unanimous
- 22-1772 A resolution was adopted to enter into a subdivision public improvement performance and maintenance security agreement with Grand Communities, LLC. for installation of certain improvements in Shaker Run Subdivision, Section Ten, Phase B, situated in Turtlecreek Township. Vote: Unanimous
- 22-1773 A resolution was adopted to enter into a streets and appurtenances (including sidewalks) security agreement with Grand Communities, LLC. for installation of certain improvements in Shaker Run Subdivision, Section Ten, Phase B situated in Turtlecreek Township. Vote: Unanimous
- 22-1774 A resolution was adopted to approve various record plats. Vote: Unanimous
- 22-1775 A resolution was adopted to approve supplemental appropriation into CoTranMed #2208 and approve operational transfer into fund #1101. Vote: Unanimous
- 22-1776 A resolution was adopted to approve supplemental appropriation into Building & Zoning fund #11012300. Vote: Unanimous
- 22-1777 A resolution was adopted to approve supplemental appropriation into Juvenile fund #2223. Vote: Unanimous
- 22-1778 A resolution was adopted to approve supplemental appropriation into Workforce Development Board fund #2238. Vote: Unanimous
- 22-1779 A resolution was adopted to approve supplemental appropriation into Water Revenue fund 5510. Vote: Unanimous
- 22-1780 A resolution was adopted to approve supplemental appropriation into Sewer Revenue fund 5580. Vote: Unanimous
- 22-1781 A resolution was adopted to accept amended certificate for Sheriff's Office fund 2294 and approve supplemental appropriation into Sheriff's Office fund 2294. Vote: Unanimous
- 22-1782 A resolution was adopted to approve supplemental appropriation into Jail Improvements fund #4497 and approve operational transfer into fund #4492 and accept amended certificate for 4492. Vote: Unanimous
- 22-1783 A resolution was adopted to approve appropriation adjustment from Commissioners General fund #11011110 into Emergency Services fund #11012850. Vote: Unanimous

- 22-1784 A resolution was adopted to approve appropriation adjustment within Juvenile Court fund #11011240. Vote: Unanimous
- 22-1785 A resolution was adopted to approve appropriation adjustment within Juvenile Detention fund #11012600. Vote: Unanimous
- 22-1786 A resolution was adopted to approve appropriation adjustment within Mary Haven fund #2270. Vote: Unanimous
- 22-1787 A resolution was adopted to approve appropriation adjustments within Board of Elections fund #11011300. Vote: Unanimous
- 22-1788 A resolution was adopted to approve appropriation adjustment within Telecommunications Department fund #11012810. Vote: Unanimous
- 22-1789 A resolution was adopted to approve appropriation adjustment from Telecommunications Department fund #11012810 into #11012812. Vote: Unanimous
- 22-1790 A resolution was adopted to approve appropriation adjustment within Telecommunications Department fund #4492. Vote: Unanimous
- 22-1791 A resolution was adopted to approve appropriation adjustment within Telecommunications Department fund #4492. Vote: Unanimous
- 22-1792 A resolution was adopted to approve appropriation adjustment within Telecommunications Department fund #4492. Vote: Unanimous
- 22-1793 A resolution was adopted to approve appropriation adjustments within the Building and Zoning Department fund #11012300. Vote: Unanimous
- 22-1794 A resolution was adopted to appropriation adjustments within the Building and Zoning Department fund #11012300. Vote: Unanimous
- 22-1795 A resolution was adopted to appropriation adjustments within the Building and Zoning Department fund #11012300. Vote: Unanimous
- 22-1796 A resolution was adopted to approve appropriation adjustment within Prosecutor fund 2245. Vote: Unanimous
- 22-1797 A resolution was adopted to approve supplemental appropriation into Warren County Common Pleas Court Community Based Corrections #2289. Vote: Unanimous
- 22-1798 A resolution was adopted to approve supplemental appropriation into Warren County Common Pleas Court Community Based Corrections #2289. Vote: Unanimous



- 22-1799 A resolution was adopted to approve appropriation adjustment within Sheriff's Office fund 6630. Vote: Unanimous
- 22-1800 A resolution was adopted to approve appropriation adjustments into Health Insurance fund #6632. Vote: Unanimous
- 22-1801 A resolution was adopted to approve requisitions and authorize Deputy County Administrator to sign documents relative thereto. Vote: Unanimous
- 22-1802 A resolution was adopted to approve collection of 1.21 Mills relative to the Senior Citizen Services Levy. Vote: Unanimous
- 22-1803 A resolution was adopted authorizing the Clerk to advertise a private sale by sealed bids of the property owned by the Board at 8937 Bunnell Hill Road, in Clearcreek township, subject to a minimum bid of \$55,000 and other requirements. Vote: Unanimous
- 22-1804 A resolution was adopted to authorize the County Administrator to sign the Optum RX transparency reporting addendum. Vote: Unanimous
- 22-1805 A resolution was adopted to approve renewal of consulting agreement with Horan Associates for period January 1, 2023, through December 31, 2023. Vote: Unanimous
- 22-1806 A resolution was adopted to acknowledge and accept the vision quote from EyeMed for plan year effective January 1, 2023. Vote: Unanimous
- 22-1807 A resolution was adopted to enter into a renewal agreement with Chard, Snyder & Associates LLC for the administration of the S125 Health Reimbursement Arrangement Program effective January 1, 2022. Vote: Unanimous
- 22-1808 A resolution was adopted to authorizing County Prosecutor to file joint application with the Court of Common Pleas for appointment of special legal counsel relative to pending litigation against Judge Donald Oda in his official capacity as judge of warren county common pleas court general division, and representing magistrate Carrie Heisele in her official capacity as magistrate of the Warren County Common Pleas Court and authorizing the execution of said application. Vote: Unanimous

#### DISCUSSIONS

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

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Adam Nice, Assistant Prosecutor, was present to explain the resolution relative to the appointment of special legal counsel to represent Judge Donald Oda and Magistrate Carrie Heisele in *State ex rel Mather, et al vs. Judge Donald Oda, et al., Supreme Court Case Number 2022-1242*.

Mr. Nice stated that the Green County Prosecutor's Office has agreed to provide representation pro bono in this case in order to prevent any perceived conflicts of interest.

Upon discussion, the Board resolved (Resolution #22-1808) to authorize the County Prosecutor to file a joint application with the Court of Common Pleas for the appointment of special legal counsel to represent Judge Donald Oda and Magistrate Carrie Heisele in *State ex rel Mather, et al vs. Judge Donald Oda, et al., Supreme Court Case Number 2022-1242*.

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On motion, upon unanimous call of the roll, the Board entered executive session at 9:13 a.m., Pursuant to R.C. 121.22(G)(5), matters to be kept confidential by state statutes. Specifically, R.C. 307.862(C) prohibits proposals from being made public until after the award of the contract, and further these proposals contain confidential broadband network trade secrets as defined by R.C. 1333.61 and exited at 11:55 a.m.

Upon motion the meeting was adjourned.

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Tom Grossmann, President

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Shannon Jones

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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 November 22, 2022, in compliance with Section 121.22 O.R.C.

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



## **Conditions for Annexation in Expedited Type 2 Annexations**

The following conditions must be met to approve an Expedited Type 2 Annexation:

- A. The petition meets all the requirements set forth in, and was filed in the manner provided in, ORC 709.021. (see technical checklist in Appendix N) (ORC 709.023 (E) (1))
- B. The persons who signed the petition are owners of property located in the territory proposed to be annexed, and they constitute all owners in the territory. (ORC 709.023 (E) (2))
- C. The territory proposed to be annexed does not exceed 500 acres. (ORC 709.023 (E) (3))
- D. The territory proposed to be annexed shares a contiguous boundary with the municipality for a continuous length of at least 5% of the perimeter of the territory proposed to be annexed. (ORC 709.023 (E) (4))
- E. The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed to be annexed. (ORC 709.023 (E) (5))
- F. The municipality has agreed to provide the territory proposed to be annexed the services specified in the municipal services statement. (ORC 709.023 (E) (6))
- G. If a street or highway will be divided or segmented by the boundary line between the municipality and township as to create a road maintenance problem, the municipality has agreed as a condition of annexation to assume maintenance of that street or highway or to otherwise correct the problem. (ORC 709.023 (E) (7))

ORC 709.023 (E)

## **Appeals and Mandamus Actions**

Under Expedited Type 2 Annexation there is no appeal in law or equity from the board's decision. Any party may, however, seek a writ of mandamus to compel the board to perform its duties under this special procedure. It should be noted that the term "party" is not defined by the Ohio Revised Code for Section 709.023 -- Expedited Type 2 Annexation.

ORC 709.023 (G)

## **Enforcement of Municipal Buffer Zones**

The board of county commissioners is not involved in the enforcement of municipal buffer zones. Enforcement is by civil action. Any owner of land remaining in the township that is adjacent to territory annexed under this special procedure and who is directly affected by failure of the municipality to enforce a buffer zone may commence a civil action in common pleas court. The action is against the owner who is not in compliance with the buffer requirement whenever the required buffer is not in place before any development of the annexed territory begins.

ORC 709.023 (I)

## **Commentary on Statutory Ambiguities and Other Issues**

- A. The "review" required if the municipality or township(s) object to the petition is not technically a hearing, and the statute gives no guidance as to how the "review" should be conducted. Therefore, CCAO recommends the following procedure:

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

Annexation to: SOUTH LEBANON

Date Filed: 11-17-22

Filed by: J.D. SMITH

Total Acreage: 1.003

**I. MAP CONTENTS**

- |   |                                      |    |                                      |
|---|--------------------------------------|----|--------------------------------------|
| a) Section-Town-Range, or Military Survey, County, and State  | <input checked="" type="radio"/> YES | NO | N/A                                  |
| b) Boundary of Territory proposed for annexation to be in bold lines for ease in identification                 | <input checked="" type="radio"/> YES | NO | N/A                                  |
| c) Lengths and bearings of the boundary of the territory. (May be obtained from county records)                 | <input checked="" type="radio"/> YES | NO | N/A                                  |
| d) All roads and streets.   | <input checked="" type="radio"/> YES | NO | N/A                                  |
| e) All existing corporation lines.  | <input checked="" type="radio"/> YES | NO | N/A                                  |
| f) All section, quarter section or VMS lines correctly labeled.   | <input checked="" type="radio"/> YES | NO | <input checked="" type="radio"/> N/A |
| g) All property lines.  | <input checked="" type="radio"/> YES | 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="radio"/> YES | NO | N/A                                  |
| i) Lot numbers on plotted property.   | <input checked="" type="radio"/> YES | NO | N/A                                  |
| j) On unplotted property, the names of owners and deed reference with the acreage and dimensions.               | <input checked="" type="radio"/> YES | NO | N/A                                  |
| k) Annexation must be contiguous to 5% of existing corp. line <u>~65%</u>                                       | <input checked="" type="radio"/> YES | NO | N/A                                  |

**II. LEGEND CONTENTS**

- |   |                                      |    |                                      |
|---|--------------------------------------|----|--------------------------------------|
| a) Formal identification of territory   | <input checked="" type="radio"/> YES | NO | N/A                                  |
| b) Total acreage in annexation territory with acreage breakdown of each individual parcel.  | <input checked="" type="radio"/> YES | NO | N/A                                  |
| c) Lengths of each road in territory  | <input checked="" type="radio"/> YES | NO | <input checked="" type="radio"/> N/A |
| d) North arrow  | <input checked="" type="radio"/> YES | NO | N/A                                  |
| e) Scale of map   | <input checked="" type="radio"/> YES | 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="radio"/> YES | NO | N/A                                  |
| g) Vicinity map to designate location of annexation.  | <input checked="" type="radio"/> YES | NO | N/A                                  |

**III. OTHER REQUIREMENTS**

- |   |                                      |    |     |
|---|--------------------------------------|----|-----|
| a) Map on 24" x 36" mylar or linen reproducible   | <input checked="" type="radio"/> YES | NO | N/A |
| b) Accurate map   | <input checked="" type="radio"/> YES | NO | N/A |
| c) Description accurate and in accordance with plat *   | <input checked="" type="radio"/> YES | NO | N/A |
| d) Number of property owners in territory *   | <input checked="" type="radio"/> YES | NO | N/A |
| e) Number of property owners signing the petition *   | <input checked="" type="radio"/> YES | NO | N/A |
| f) Signature Block for Warren County Commissioners  | <input checked="" type="radio"/> YES | NO | N/A |
| g) Signature Block for City or Village Officials  | <input checked="" type="radio"/> YES | NO | N/A |
| h) Signature Block for Warren County Auditor  | <input checked="" type="radio"/> YES | NO | N/A |
| i) Signature Block for Warren County Recorder   | <input checked="" type="radio"/> YES | 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="radio"/> YES | NO | N/A |

Engineer's Office Comments: \*BASED ON PREVIOUS SUBMISSION

Reviewed by: BOB FOX

Date: 11-17-22

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

**PETITION FOR ANNEXATION**  
**OF 1.003 ACRES, MORE OR LESS,**  
**IN UNION TOWNSHIP, WARREN COUNTY, OHIO**  
**TO THE CITY OF SOUTH LEBANON, OHIO**  
**UTILIZING THE SPECIAL PROCEDURE OF**  
**OHIO REVISED CODE SECTION 709.023, ET SEQ.**

WARREN COUNTY  
COMMISSIONERS

2022 OCT 19 PM 4:31

RECEIVED

**TO: THE BOARD OF COUNTY COMMISSIONERS OF  
WARREN COUNTY, OHIO**

Now come the undersigned petitioners, being one hundred percent (100%) of the owners of certain property as hereinafter described who are included in determining the number of owners needed to sign a petition for annexation and request that their property be annexed to the City of South Lebanon, Ohio. The territory proposed for annexation contains 1.003 acres, more or less, in Union Township, Warren County, and is contiguous to the boundary of the City of South Lebanon, Ohio for five percent (5%) or more of the perimeter of the territory proposed for annexation. The undersigned understand the property will not be excluded from the township.

An accurate description of the perimeter of the territory sought to be annexed is attached hereto and made a part hereof as Exhibit "A." A map or plat of the above-described territory sought to be annexed is attached hereto and made a part hereof as Exhibit "B."

The annexation will not create an unincorporated area of township that is completely surrounded by the territory proposed for annexation.

There is no annexation agreement between the City of South Lebanon and the township pursuant to R.C. 709.192 applicable to this annexation or an applicable Cooperative Economic Development Agreement (C.E.D.A.) pursuant to R.C. 701.07.

The number of owners in the territory sought to be annexed is two (2). The number of owners in the territory sought to be annexed required to be included in determining the number of owners needed to sign a petition is two (2). The number of owners who signed the petition is two (2).

The owners who signed this petition by their signatures expressly waive their right to appeal in law or equity from the board of county commissioners' entry of any resolution passed under R.C. 709.023 and waive any right they may have to sue on any issue relating to a municipal corporation requiring a buffer as provided in R.C. 709.023 and further waive any right to seek a variance that would relieve or exempt them from that buffer requirement.

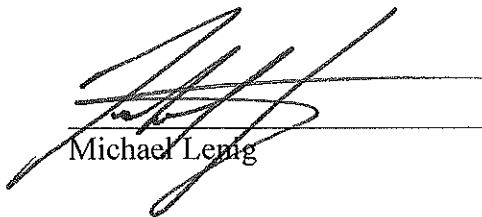
James Smith, 10 N. High Street, South Lebanon, OH 45065, (513) 494-2296 is hereby appointed agent for the undersigned petitioners, as required by R.C. 709.02; and said petitioners' agent is hereby authorized to make any amendments and/or deletions which in his absolute and complete discretion are proper under the circumstances then existing. In addition, the petitioners' agent is authorized to make such amendments and/or deletions in this petition, map, plat or description in order to correct any discrepancy or mistake noted by the county engineer or others in their examination of the petition, map, plat or description. Amendments to correct the map, plat or description may be made by the presentation of an amended map or plat and description to the Board of County Commissioners on, before or after the date set for hearing of this petition unless otherwise specified by law.

**“WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS’ ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.”**

NAME

ADDRESS

DATE

  
Michael Lenig

556 Mason-Morrow-Millgrove  
Road  
Lebanon, OH 45036

9/22/22

  
Kimberly Lenig

556 Mason-Morrow-Millgrove  
Road  
Lebanon, OH 45036

9/22/22

**Annexation  
Petition  
Exhibit A**

**DESCRIPTION FOR:** CITY OF SOUTH LEBANON

**LOCATION:** LENIG ANNEXATION  
1.003 +/- Acres

Situate in Section 1, Town 4 East, Fractional Range 3 North, Union Township, Warren County, Ohio and being all 1.003 acres of Lot 1 of Barrett Subdivision recorded in Plat Book 12, Page 74 (all records of the Warren County, Ohio Recorder's Office), as conveyed to Michael Lenig and Kimberly Lenig in Document Number 2022-009894 and also being more particularly described as follows:

Beginning at a point in the existing corporation line of the City of South Lebanon, located at the southeast corner of said lot and being the intersection of the north right-of-way line of Mason-Morrow-Millgrove Road (Co. Rd. No. 38) dedicated in Plat Book 12, Page 74 and west line of a 12' alley as dedicated in Plat Book 2, Page 182;

Thence along said corporation line and north right-of-way line of Mason-Morrow-Millgrove Road, North 85°15'00" West, 140.00 feet to the southeast corner of 0.0607 acres dedicated right-of-way in Plat Book 86, Page 23;

Thence continuing along said corporation line, in part with the east line of said 0.0607 acres dedicated right-of-way and in part with an east line of Lot 2A of Barrett Subdivision- First Revision, being a 3.8689 acre lot recorded in Plat Book 86, Page 23, North 04°35'00" East, 312.00 feet;

Thence continuing along said corporation line and with a south line of said Lot 2A, South 85°15'00" East, 140.00 feet to the aforesaid the west line of aforesaid 12' alley;

Thence leaving said corporation line, along the west line of said 12' alley and with the South Lebanon proposed corporation line, South 04°35'00" West, 312.00 feet to the point of beginning.

Containing 1.003 acres, more or less, of land.

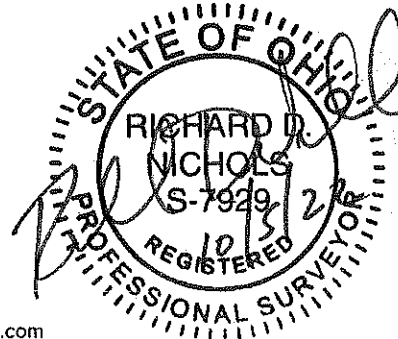
Subject to all legal highways, easements and restrictions of record.

The above description is the result of a Plat of Annexation by McGill Smith Punshon, Inc. under the direction of Richard D. Nichols, P.S. No. 7929, dated the 29<sup>th</sup> of July 2022. The bearings in the above description are based on Barrett Subdivision record plat as recorded in Plat Book 12, Page 74, record of the Warren County, Ohio Recorder's Office.

Prepared by: McGill Smith Punshon, Inc.  
Date: 29 JUL 2022  
MSP No.: 06308.29

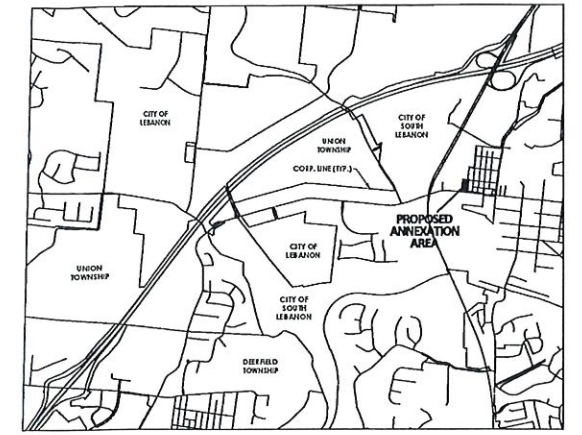
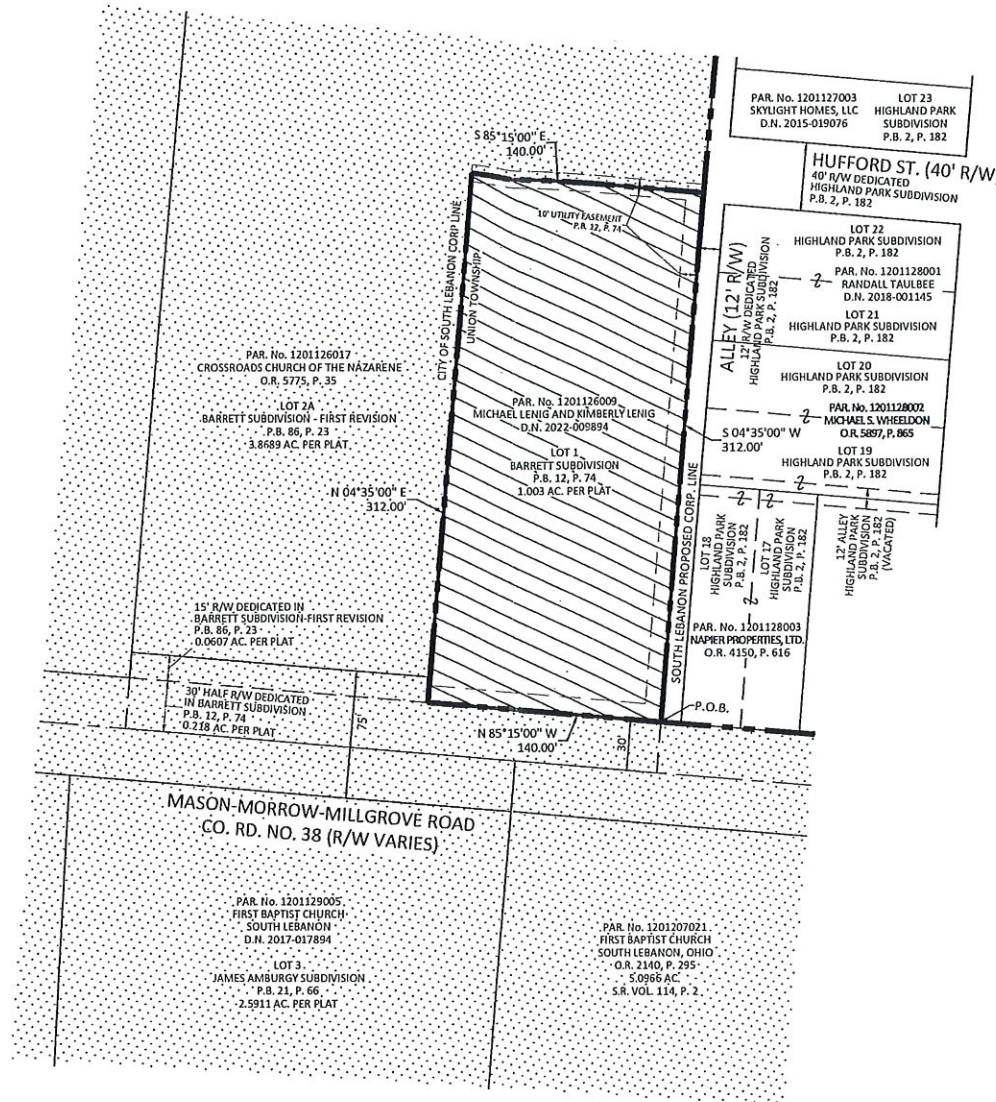
06308293-CLI-LEG-Lenig Parcel

**McGill Smith Punshon, Inc.**  
3700 Park 42 Drive, Suite 190B ■ Cincinnati, Ohio 45241  
513.759.0004 ■ Fax 513.563.7099 ■ www.mspsdesign.com





BEHAVIOR BASED ON BARRETT SUBDIVISION RECORD PLAT AS RECORDED IN P.B. 12, P. 74, RECORDS OF THE WARREN COUNTY, OHIO RECORDER'S OFFICE.



VICINITY MAP  
NOT TO SCALE

Annexation  
Petition  
Exhibit B

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 SOUTH LEBANON CLERK \_\_\_\_\_

DATE \_\_\_\_\_

COUNTY RECORDER:

FILE NO. \_\_\_\_\_

RECEIVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ A.M./P.M.

RECORDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ A.M./P.M.

RECORDED IN PLAT BOOK NO. \_\_\_\_\_, PAGE \_\_\_\_\_

FEE: \_\_\_\_\_

BY: \_\_\_\_\_ DEPUTY WARREN COUNTY RECORDER

COUNTY AUDITOR:

TRANSFERRED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY: \_\_\_\_\_ DEPUTY WARREN COUNTY AUDITOR

EX. CITY OF SOUTH LEBANON CORP.

AREA TO BE ANNEXED TO THE CITY OF SOUTH LEBANON

TOTAL AREA IN PROPOSED ANNEXATION:  
1.003 ACRES ±

TOTAL AREA IN PROPOSED ANNEXATION: 1.003 ACRES ±

ACREAGE BREAKDOWN (BASED ON RECORDS AND SHOULD BE CONSIDERED APPROXIMATE):

PARCEL	OWNER	DEED REFERENCE	ACRES
1201126009	MICHAEL LENIG AND KIMBERLY LENIG	D.N. 2022-009894	1.003 AC. ±
			1.003 AC. ± TOTAL

LENGTHS OF EACH ROAD IN TERRITORY:

NO ROADS IN TERRITORY

CERTIFICATION

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

RICHARD D. NICHOLS  
OHIO PROFESSIONAL SURVEYOR No. 7929

10/25/2022  
DATE



PLAT OF ANNEXATION  
CITY of SOUTH LEBANON  
"LENIG ANNEXATION"

SECTION 1, TOWN 4 EAST, FRACTIONAL RANGE 3 NORTH  
BETWEEN THE MIAMIS, UNION TOWNSHIP  
WARREN COUNTY, OHIO

Date 29 JUL 2022  
Scale 1" = 50'  
Drawn By CMB Proj. Mgr. RDH  
Survey Database N/A  
DWG 06308293-ANX-00



Revision	By	Date	X-Ref(s)
PER 1ST REV COMMENTS	CD	08-30-22	
PER FINAL COMMENTS	CD	10-25-22	

Project Number 06308.29  
File No. 06308.29 Sheet No. 1 / 1

3700 Park 42 Drive  
Suite 150B  
Cincinnati OH 45241  
Phone 513.759.0004  
www.mspdesign.com



**LIST OF ALL TRACTS, LOTS OR PARCELS INSIDE AND ADJACENT TO  
AND/OR ACROSS THE ROAD FROM THE TERRITORY TO BE ANNEXED**

Ohio Revised Code §709.023(C)

**Proposed Annexation of 1.003 Acres in Union Township,  
to the City of South Lebanon, Warren County, Ohio**

<u>Name of Owner</u>	<u>Mailing Address</u>	<u>Parcel Number</u>	<u>Account Number</u>
Michael Lenig Kimberly Lenig	556 Mason Morrow Millgrove Rd. South Lebanon, OH 45065	1201126009	6605958
Crossroads Church of the Nazarene	578 W. Mason Morrow Millgrove Rd. South Lebanon, OH 45065	1201600001 1201126017	68 11061 6811060
Skylight Homes, LLC	7116 Goshen Rd. Goshen, OH 45122	12011270030	6600751
Randall Taulbee	1851 Shawhan Rd. Morrow, OH 45152	1201128001.1 1201128001.2	6604447 6604455
Michael S. Wheeldon	4065 Riley Street South Lebanon, OH 45065	1201128002	6602584
First Baptist Church, South Lebanon, Ohio	505 W. Mason Morrow Millgrove Rd. South Lebanon, OH 45065	1201207021 1201129005	6810110 6810799
Napier Properties, Ltd.	109 Hickory Lane Lebanon, OH 45036	1201128003	6601731

**STATEMENT BY AGENT OF TERRITORY SOUGHT TO BE ANNEXED  
TO THE CITY OF SOUTH LEBANON, OHIO**

**POPULAR NAME OF TERRITORY:** Lenig Annexation  
1.003 Acres, Union Township

**AGENT'S NAME:** James D. Smith

**ADDRESS:** 10 N. High Street  
South Lebanon, OH 45065  
(513) 494-2296

<b>LOT # OR ACREAGE</b>	<b>NAMES OF ALL OWNERS OF REAL ESTATE AS THEY APPEAR ON DEED</b>	<b>OWNER'S ADDRESS</b>	<b>SIGNED PETITION? MARK YES OR NO</b>
1.003 Acres	Michael Lenig	556 Mason Morrow Millgrove Road Morrow, Ohio 45152	Yes
1.003 Acres	Kimberly Lenig	556 Mason Morrow Millgrove Road Morrow, Ohio 45152	Yes

- |    |  |      |
|----|--|------|
| 1. | Number of owners of real estate in territory                   | 2    |
| 2. | Number of owners of real estate signing petition               | 2    |
| 3. | Percent of signatures to total number of owners of real estate | 100% |

RECEIVED

CITY OF SOUTH LEBANON, OHIO  
RESOLUTION NO. 2022-44

2022 NOV -4 AM 9: 32

WARREN COUNTY  
COMMISSIONERS

**A RESOLUTION INDICATING THE MUNICIPAL SERVICES TO BE PROVIDED TO 1.003± ACRES OF REAL PROPERTY PROPOSED TO BE ANNEXED TO THE CITY OF SOUTH LEBANON, OHIO, FROM UNION TOWNSHIP, WARREN COUNTY, AND DECLARING AN EMERGENCY**

**WHEREAS**, pursuant to R.C. 709.023, real estate consisting of 1.003 acres of real property was identified in a petition for annexation ("Lenig Property Annexation") filed with the Board of County Commissioners of Warren County, Ohio, on October 19, 2022, notice of such filing which, along with a copy of the petition, its attachments and documents accompanying the petition as filed, were duly served upon the City of South Lebanon as prescribed by law, and are on file with the City Fiscal Officer/Clerk; and

**WHEREAS**, R.C. 709.023(C) and R.C. 709.023(E)(6) provides that the municipality to which any such land is proposed to be annexed shall indicate those services it will provide to such land and an approximate date by which it will provide them to the territory proposed for annexation upon annexation; and

**WHEREAS**, R.C. 709.023(C) requires council to adopt a resolution indicating such services within twenty (20) days after the date the petition is filed; and

**WHEREAS**, immediate action is required to assure this resolution is adopted and submitted to the Board of County Commissioners within the timeframe specified in the Ohio Revised Code, and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of South Lebanon, Ohio, at least two-thirds of all members elected thereto concurring:

**Section 1.** In the event the above-referenced 1.003 acres of real property known as the "Lenig Property Annexation" are annexed to the City of South Lebanon from Union Township, Warren County, Ohio, the City of South Lebanon will provide the entire annexed territory with the following services: police protection, snow and ice removal, zoning, a planning and zoning department with the full range of services including review, permit, inspection and developmental services, and waste collection. These services shall be available and provided when the City of South Lebanon's resolution or ordinance accepting the annexation becomes final as provided by law. Services will be provided by the City of South Lebanon

to the annexation territory on the same terms and conditions and subject to the rates, rules and regulations established by City ordinances including the codified ordinances of the City of South Lebanon as they are provided to properties located within the City of South Lebanon. A copy of the map or plat and legal description of the annexation territory is attached to this Resolution.

**Section 2.** The Council of the City of South Lebanon supports the Lenig Property Annexation.


**Section 3.** The Clerk is directed to provide a certified copy of this Resolution to the Board of County Commissioners of Warren County, Ohio for filing within 20 days after the filing of the petition for annexation.

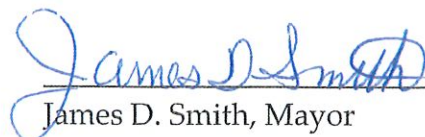
**Section 4.** That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

**Section 5.** That this Resolution is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare; and this Resolution shall be in full force and effective immediately upon its passage.

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

Adopted this 20<sup>th</sup> day of October, 2022.

Attest:   
Petrina D. Williams, Fiscal Officer/Clerk

  
James D. Smith, Mayor


Resolution No. 2022-44

Page 3

Rules Suspended: <u>10/20</u> /2022 (if applicable)	Effective Date <u>10/20</u> /2022
Vote - <u>6</u> Yeas ___ Nays	
First Reading - / /2022	Effective Date - / /2022
Second Reading - / /2022	
Third Reading - / /2022	
Vote - ___ Yeas ___ Nays	

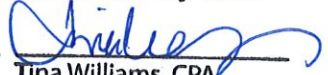
Prepared by and approved as to form:

ANDREW P. MEIER  
CITY SOLICITOR  
SOUTH LEBANON, OHIO

By:   
Date: 10/20/2022

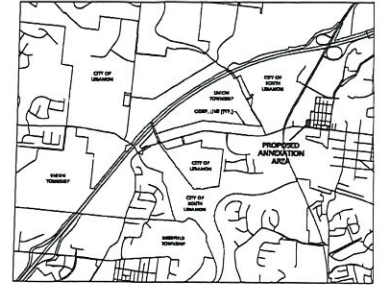
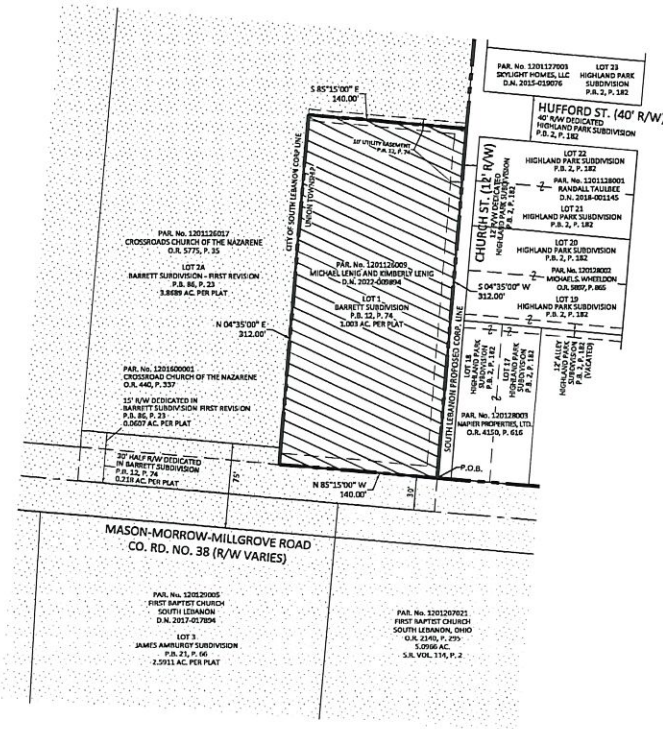
CERTIFIED ORIGINAL

I, Tina Williams, CPA, Fiscal Officer of the City of South Lebanon, Ohio do hereby certify this to be the true and accurate copy of a document on file with my office

11/3/22   
Date Tina Williams, CPA  
Fiscal Officer  
City of South Lebanon, Ohio



BEARING SAID ON BARRETT SUBDIVISION RECORD PLAT AS RECORDED IN P. 2, P. 11, A RECORD OF THE WARREN COUNTY COURTHOUSE OFFICE.



VICINITY MAP  
NOT TO SCALE

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 SOUTH LEBANON OHIO  
\_\_\_\_\_  
DATE \_\_\_\_\_

COUNTY RECORDER:  
FILE NO. \_\_\_\_\_  
RECEIVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ AM, P.M.  
RECORDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ AM, P.M.  
RECORDED IN PLAT BOOK NO. \_\_\_\_\_, PAGE \_\_\_\_\_  
FILED \_\_\_\_\_  
BY \_\_\_\_\_ DEPUTY WARREN COUNTY RECORDER

COUNTY AUDITOR:  
TRANSFERRED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY \_\_\_\_\_ DEPUTY WARREN COUNTY AUDITOR

**PLAT OF ANNEXATION**  
**CITY of SOUTH LEBANON**  
**"LENG ANNEXXATION"**  
SECTION 1, TOWN 4 EAST, FRACTIONAL RANGE 3 NORTH  
BETWEEN THE MIAMIS, UNION TOWNSHIP  
WARREN COUNTY, OHIO

EX. CITY OF SOUTH LEBANON CORP.  
 AREA TO BE ANNEXED TO THE CITY OF SOUTH LEBANON  
  
TOTAL AREA IN PROPOSED ANNEXATION:  
1.003 ACRES ±

TOTAL AREA IN PROPOSED ANNEXATION: 1.003 ACRES ±  
  
ACREAGE BREAKDOWN (BASED ON RECORDS AND SHOULD BE CONSIDERED APPROXIMATE):  
PARCEL OWNER DATED REFERENCE ACRES  
1201126009 MICHAEL LENG AND KIMBERLY LENG D.N. 2022-009894 1.003 AC. ±  
1.003 AC. ± TOTAL

LENGTHS OF EACH ROAD IN TERRITORY:  
NO ROADS IN TERRITORY

CERTIFICATION  
THIS PLAT WAS PREPARED FROM EXISTING DEEDS, PLATS AND SURVEYS OF RECORD NOTED HEREON, AND IS NOT THE RESULT OF A FIELD SURVEY.  
*Richard D. Nichols* 08/30/2022  
RICHARD D. NICHOLS DATE  
OHIO PROFESSIONAL SURVEYOR NO. 7923



Date 29 JUL 2022  
Scale 1" = 50'  
Drawn By CMB Proj. Mgr. RDN  
Survey Database WIA  
DWG 0510829.ANK00  
X-Ref(s)  
Revision By Date Project Number 0510829  
FOR SET AND COMMENTS C# 58-39-22 File No. 0510829 Sheet No. 1/1  
\* AutoCAD 2008  
\* Engineering 2008  
\* Landscape Architecture 2008  
\* Planning 2008  
\* Surveying 2008  
MSP DESIGN  
McGill Smith Punshon  
3798 Park 12 Blvd  
Suite 1000  
Channahon, OH 43024  
Phone 213.728.0200  
www.mspdesign.com

**DESCRIPTION FOR:**

**CITY OF SOUTH LEBANON**

**LOCATION:**

**LENIG ANNEXATION  
1.003 +/- Acres**

Situate in Section 1, Town 4 East, Fractional Range 3 North, Union Township, Warren County, Ohio and being all 1.003 acres of Lot 1 of Barrett Subdivision recorded in Plat Book 12, Page 74 (all records of the Warren County, Ohio Recorder's Office), as conveyed to Michael Lenig and Kimberly Lenig in Document Number 2022-009894 and also being more particularly described as follows:

Beginning at a point in the existing corporation line of the City of South Lebanon, located at the southeast corner of said lot and being the intersection of the north right-of-way line of Mason-Morrow-Millgrove Road (Co. Rd. No. 38) dedicated in Plat Book 12, Page 74 and west line of a 12' alley as dedicated in Plat Book 2, Page 182;

Thence along said corporation line and north right-of-way line of Mason-Morrow-Millgrove Road, North 85°15'00" West, 140.00 feet to the southeast corner of 0.0607 acres dedicated right-of-way in Plat Book 86, Page 23;

Thence continuing along said corporation line, in part with the east line of said 0.0607 acres dedicated right-of-way and in part with an east line of Lot 2A of Barrett Subdivision- First Revision, being a 3.8689 acre lot recorded in Plat Book 86, Page 23, North 04°35'00" East, 312.00 feet;

Thence continuing along said corporation line and with a south line of said Lot 2A, South 85°15'00" East, 140.00 feet to the aforesaid the west line of aforesaid 12' alley;

Thence leaving said corporation line, along the west line of said 12' alley and with the South Lebanon proposed corporation line, South 04°35'00" West, 312.00 feet to the point of beginning.

Containing 1.003 acres, more or less, of land.

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

The above description is the result of a Plat of Annexation by McGill Smith Punshon, Inc. under the direction of Richard D. Nichols, P.S. No. 7929, dated the 29<sup>th</sup> of July 2022. The bearings in the above description are based on Barrett Subdivision record plat as recorded in Plat Book 12, Page 74, record of the Warren County, Ohio Recorder's Office.

Prepared by: McGill Smith Punshon, Inc.

Date: 29 JUL 2022

MSP No.: 06308.29

06308293-CLI-LEG-Lenig Parcel

**McGill Smith Punshon, Inc.**

3700 Park 42 Drive, Suite 190B ■ Cincinnati, Ohio 45241

513.759.0004 ■ Fax 513.563.7099 ■ [www.mspsdesign.com](http://www.mspsdesign.com)



RECEIVED

2022 NOV -4 AM 9:32

CITY OF SOUTH LEBANON, OHIO  
RESOLUTION NO. 2022-45

WARREN COUNTY  
COMMISSIONERS

**A RESOLUTION REGARDING INCOMPATIBLE LAND USES AND ZONING  
BUFFER WITH RESPECT TO 1.003± ACRES OF REAL PROPERTY PROPOSED TO  
BE ANNEXED TO THE CITY OF SOUTH LEBANON, OHIO, FROM ADJACENT  
LAND REMAINING IN UNION TOWNSHIP, WARREN COUNTY, AND  
DECLARING AN EMERGENCY**

**WHEREAS**, pursuant to R.C. 709.023, real estate consisting of 1.003 acres of real property was identified in a petition for annexation ("Lenig Property Annexation") filed with the Board of County Commissioners of Warren County, Ohio, on October 19, 2022, notice of such filing which, along with a copy of the petition, its attachments and documents accompanying the petition as filed were duly served upon the City of South Lebanon as prescribed by law and are on file with the City Fiscal Officer/Clerk; and

**WHEREAS**, R.C. 709.023(C) also requires that a municipal corporation to which land is proposed to be annexed shall, by ordinance or resolution, require buffers separating any new uses in the territory annexed that the city determines are clearly incompatible with the uses under the current township or county zoning regulations, from the adjacent land remaining within the township; and

**WHEREAS**, R.C. 709.023(C) requires council to adopt a resolution indicating such services within twenty (20) days after the date the petition is filed; and

**WHEREAS**, immediate action is required to assure the City complies with its statutory duties and the statutory requirement that this resolution be adopted and submitted to the Board of County Commissioners within the timeframe specified in the Ohio Revised Code, and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of South Lebanon, Ohio, at least two-thirds of all members elected thereto concurring:

**Section 1.** In the event the above-referenced 1.003 acres of real property known as the "Lenig Property Annexation" are annexed to the City of South Lebanon from Union Township, Warren County, Ohio and the territory becomes subject to municipal zoning and the municipal zoning permits uses in the annexed territory that the City of South Lebanon determines are clearly incompatible with uses permitted under Warren County or Union Township zoning in effect at the time



of the filing of the petition on the land adjacent to the annexation territory and remaining in Union Township, then the City of South Lebanon will require, in the zoning ordinance permitting such incompatible uses, that the owner of the annexed territory provide a buffer separating the use of the annexed territory and the adjacent land remaining in Union Township.

**Section 2.** For purposes of this annexation, "buffer" includes, but is not limited to, open space, landscaping, fences, walls, and other structured elements; streets and rights-of-way; and bicycle and pedestrian paths and sidewalks.

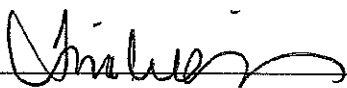
**Section 3.** The Clerk is directed to provide a certified copy of this Resolution to the Board of County Commissioners of Warren County, Ohio for filing within 20 days after the filing of the petition for annexation.

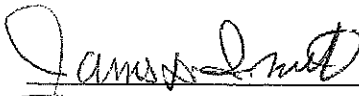
**Section 4.** That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

**Section 5.** For all of the reasons stated herein, this Resolution is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare; and this Resolution shall be in full force and effective immediately upon its passage.

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

Adopted this 20<sup>th</sup> day of October, 2022.

Attest:   
Petrina D. Williams, Fiscal Officer/Clerk

  
James D. Smith, Mayor

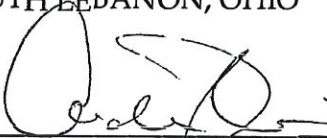
Resolution No. 2022-45

Page 3

Rules Suspended: <u>10/20/2022</u> (if applicable)	Effective Date - <u>10/20/2022</u>
Vote - <u>6</u> Yeas ___ Nays	
First Reading - / /2022	Effective Date - / /2022
Second Reading - / /2022	
Third Reading - / /2022	
Vote ___ Yeas ___ Nays	


Prepared by and approved as to form:

ANDREW P. MEIER  
CITY SOLICITOR  
SOUTH LEBANON, OHIO

By:   
Date: 10/20/2022

**CERTIFIED ORIGINAL**

I, Tina Williams, CPA, Fiscal Officer of the City of South Lebanon, Ohio do hereby certify this to be the true and accurate copy of a document on file with my office

11/3/22   
Date Tina Williams, CPA  
Fiscal Officer  
City of South Lebanon, Ohio

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF WARREN COUNTY, OHIO

In Re: Petition for Annexation of 1.003 :  
Acres, More or Less, in Union Township, :  
Warren County, Ohio to the City of South :  
Lebanon, Ohio Utilizing the Special :  
Procedure of Ohio Revised Code Section :  
709.023, *et seq.* :

RECEIVED  
2022 NOV 15 AM 10:24  
WARREN COUNTY  
COMMISSIONERS

**AFFIDAVIT ATTESTING TO PROPERTY OWNER NOTICE**  
R.C. §709.023(B)

STATE OF OHIO :  
: SS  
COUNTY OF WARREN :

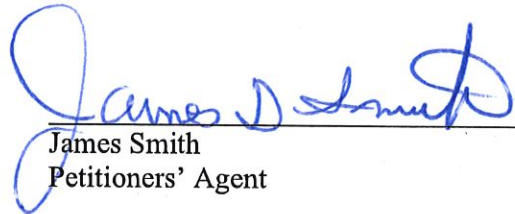
The undersigned having first been duly cautioned and sworn deposes and says:

1. The undersigned is the petitioners' agent for a petition seeking annexation of 1.003 acres to the City of South Lebanon, Ohio identified in the caption above.


2. The undersigned has been sworn and this Affidavit is based upon the Affiant's personal knowledge.

3. On October 20, 2022, within five (5) days of the filing of the petition with the Warren County Board of County Commissioners on October 19, 2022, a "Notice To Owners And Adjacent Owners" of the filing of the petition for annexation together with the petition, attachments and documents accompanying the petition filed with the commissioners was served by regular U.S. mail to all the owners within the territory sought to be annexed and to all owners adjacent to the territory proposed to be annexed or adjacent to a road that is adjacent to that territory and located directly across the road from that territory. A copy of the notice without attachments is attached hereto.

Further affiant sayeth naught.

  
James Smith  
Petitioners' Agent

Sworn to and subscribed in my presence this 10<sup>th</sup> day of November, 2022.

  
Catherine A. Cunningham, Attorney At Law  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration date  
Sec. 147.03 R.C.



**NOTICE TO OWNERS AND ADJACENT OWNERS**  
Ohio Revised Code §709.023(B)

Dear Owner or Adjacent Owner:

You are the owner of property adjacent to or within territory proposed to be annexed to the City of South Lebanon, Ohio. A petition for annexation of 1.003 acres in Union Township to the City of South Lebanon was filed with the Warren County Board of County Commissioners on the 19<sup>th</sup> day of October, 2022 at 4:32 p.m. The petition, attachments and documents accompanying the petition as filed are attached to this Notice.

James Smith  
Petitioners' Agent

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF WARREN COUNTY, OHIO

WARREN COUNTY  
COMMISSIONERS

2022 NOV 15 AM 10:25

RECEIVED

In Re: Petition for Annexation of 1.003 :  
Acres, More or Less, in Union Township, :  
Warren County, Ohio to the City of South :  
Lebanon, Ohio Utilizing the Special :  
Procedure of Ohio Revised Code Section :  
709.023, et seq. :

**AFFIDAVIT ATTESTING TO SERVICE OF NOTICE OF FILING OF PETITION  
ON THE MUNICIPAL CLERK AND THE TOWNSHIP FISCAL OFFICER**

R.C. §709.023(B)

STATE OF OHIO :  
 : SS  
COUNTY OF WARREN :

The undersigned having first been duly cautioned and sworn deposes and says:

1. The undersigned is the petitioners' agent for a petition seeking annexation of 1.003 acres to the City of South Lebanon, Ohio identified in the caption above.

2. The undersigned has been sworn and this Affidavit is based upon the Affiant's personal knowledge.

3. On October 19, 2022, within five (5) days of the filing of the petition with the Warren County Board of County Commissioners on October 19, 2022, the municipal clerk was personally served with notice of the filing of the petition for annexation, a copy of the petition and its attachments and the documents accompanying the petition as filed. A copy of that notice and receipt is attached hereto.

4. On October 20, 2022, within five (5) days of the filing of the petition with the Warren County Board of County Commissioners on October 19, 2022, the township fiscal officer was served by certified mail, return receipt requested, with a notice of the filing of the petition for annexation, a copy of the petition and its attachments and the documents accompanying the petition as filed. A copy of that notice is attached hereto along with the return receipt.

Further affiant sayeth naught.

James Smith  
Petitioners' Agent

Sworn to and subscribed in my presence this 10<sup>th</sup> day of November, 2022.

Notary Public



Catherine A. Cunningham, Attorney At Law  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration date  
Sec. 147.03 R.C.

**NOTICE OF FILING OF PETITION FOR ANNEXATION  
UTILIZING THE SPECIAL PROCEDURE OF  
OHIO REVISED CODE SECTION 709.023, ET SEQ.**

TO THE CLERK OF THE CITY OF SOUTH LEBANON, OHIO

Dear Clerk:

Take notice that on the 19<sup>th</sup> day of October, 2022 at 4:32 a.m./p.m., a petition for annexation of 1.003 acres in Union Township to the City of South Lebanon was filed with the Warren County Board of County Commissioners. The petition, attachments and documents accompanying the petition as filed are attached.

James Smith  
Petitioners' Agent

RECEIPT

I hereby acknowledge receipt this 19<sup>th</sup> day of October, 2022 of a copy of the Petition for Annexation as filed, including the legal description and the plat of the property proposed to be annexed, the above Notice of Filing of Petition for Annexation, and the attachments and documents accompanying the petition.

  
\_\_\_\_\_  
Tina Williams  
South Lebanon City Clerk

**NOTICE OF FILING OF PETITION FOR ANNEXATION  
UTILIZING THE SPECIAL PROCEDURE OF  
OHIO REVISED CODE SECTION 709.023, ET SEQ.**


Via Certified Mail Return Receipt No. 7018 1130 0001 2650 5545

TO THE FISCAL OFFICER OF UNION TOWNSHIP, WARREN COUNTY, OHIO  
285 E. Pike Street  
South Lebanon, OH 45065

Dear Fiscal Officer:

Take notice that on the 19<sup>th</sup> day of October, 2022 at 4:32 p.m., a petition for annexation of 1.003 acres in Union Township to the City of South Lebanon was filed with the Warren County Board of County Commissioners. The petition, attachments and documents accompanying the petition as filed are attached.

James Smith  
Petitioners' Agent

<b>U.S. Postal Service™</b> <b>CERTIFIED MAIL® RECEIPT</b> Domestic Mail Only		<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a>		<input type="checkbox"/> Complete items 1, 2, and 3. <input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature <input checked="" type="checkbox"/> <i>Robert D. Depina</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
<b>OFFICIAL USE</b> Certified Mail Fee \$ _____ Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$ _____ <input type="checkbox"/> Return Receipt (electronic) \$ _____ <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____ Postage \$ _____ <b>Total Postage and Fees</b> \$ _____ Sent To <i>Union Township Fiscal Officer</i> Street and Apt. No., or PO Box No. <i>285 E. Pike St.</i> City, State, ZIP+4® <i>South Lebanon OH 45065</i>		1. Article Addressed to: <i>Union Township Fiscal Officer</i> <i>285 E. Pike Street</i> <i>South Lebanon, OH 45065</i>  9590 9402 7486 2055 4472 22		B. Received by (Printed Name) <i>Robert D. Depina</i> C. Date of Delivery <i>10-24-22</i> D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse		2. Article Number (Transfer from service label) <b>7018 1130 0001 2650 5545</b>		3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
108113\000012\4891-3576-8374v1		PS Form 3811, July 2020 PSN 7530-02-000-9053		Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery	

5455 0592 1000 0101 7018 1130 0001 2650 5545

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

In Re: Petition for Annexation of 1.003 :  
Acres, More or Less, in Union Township , :  
Warren County, Ohio to the City of South :  
Lebanon, Ohio Utilizing the Special :  
Procedure of Ohio Revised Code Section :  
709.023, *et seq.* :

RECEIVED  
2022 NOV 15 AM 10:23  
WARREN COUNTY  
COMMISSIONERS

**NOTICE OF AGENT FOR PETITIONERS**

Now comes the undersigned Annexation Petitioners' Agent in the above-captioned annexation and states that he is submitting the attached map or plat, List of All Tracts, Lots or Parcels Inside and Adjacent to and/or Across the Road from the Territory to be Annexed and Statement by Agent of Territory Sought to be Annexed to the City of South Lebanon, Ohio that update those documents filed with the Petition for Annexation on October 19, 2022 to make technical adjustments and correct scrivener's errors in response to the Final Report of the Warren County Engineer's Office Tax Map Room dated October 24, 2022. The Petitioners authorized the Agent to make such amendments in the Petition filed with this Board.

The changes to the attached documents: (1) do not add to or change the territory embraced in the original petition, (2) are unrelated to the accuracy of the petitioning owners; (3) do not materially change the list of all tracts, lots, or parcels in the territory proposed for annexation or the tracts, lots, or parcels located adjacent to that territory or directly across the road from it when the road is adjacent to it, or their owners or the ability to identify each item on the list; and (4) the List of All Tracts is not "considered to be a part of the petition for annexation, and any error on the list shall not affect the validity of the petition." R.C. 709.02(D).



Likewise, the Statement by the Agent was not materially changed and also not part of the petition under Ohio annexation statutes.

The Agent requests that any approval of the Petition for Annexation include the Annexation Map executed by the surveyor on November 10, 2022 that includes the technical adjustments requested by the Warren County Engineer in his Final Report.

Respectfully submitted,

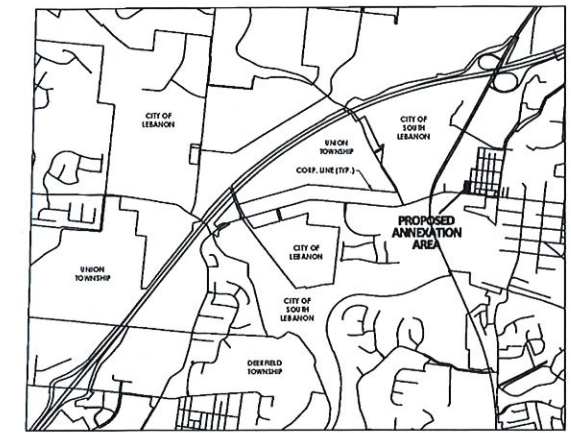
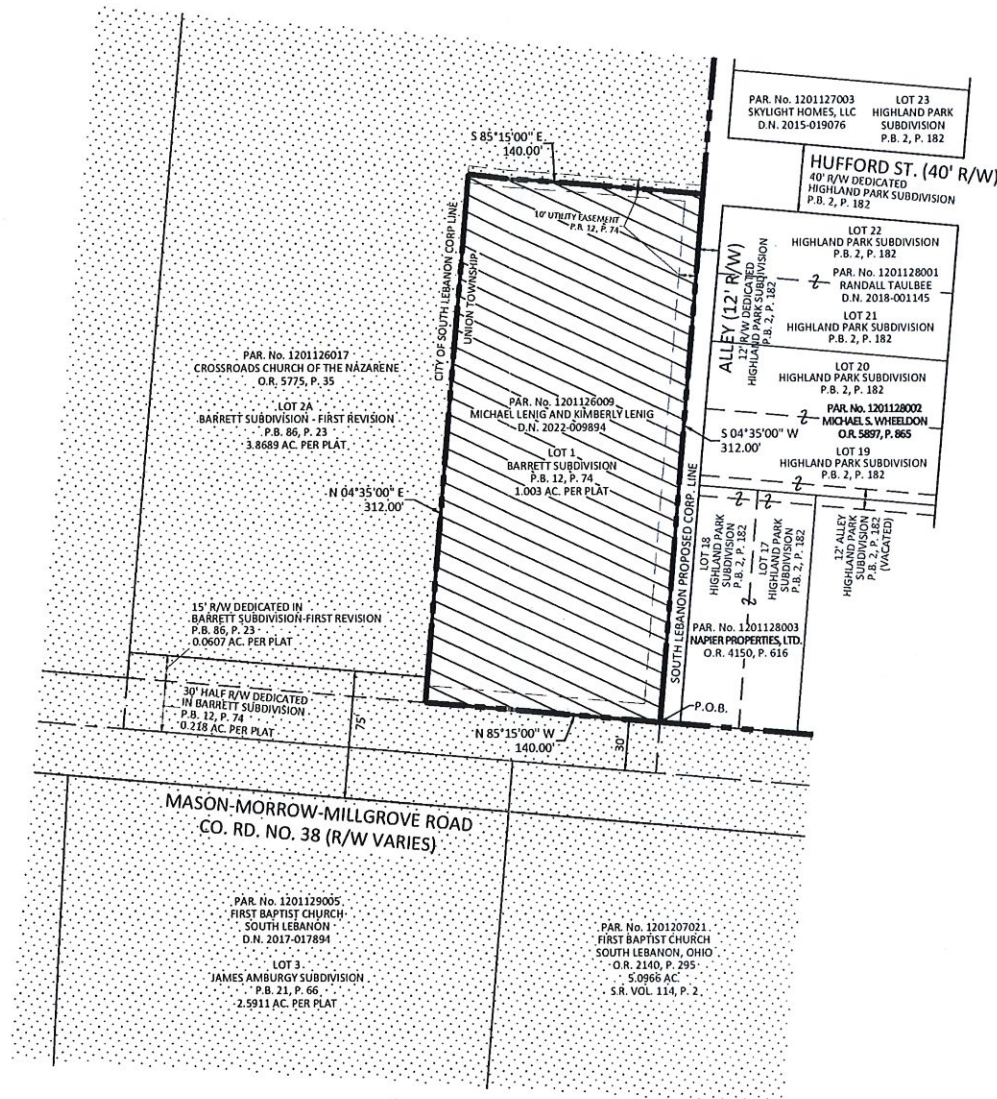
A handwritten signature in black ink, appearing to read "James D. Smith". The signature is written in a cursive style with a large initial "J" and "S".

James Smith  
10 N. High Street  
South Lebanon, OH 45065

*Agent for the Petitioners for Annexation*



BEARINGS BASED ON BARRETT SUBDIVISION RECORD PLAT AS RECORDED IN P.B. 12, P. 74, RECORDS OF THE WARREN COUNTY, OHIO RECORDERS OFFICE



VICINITY MAP  
NOT TO SCALE

Annexation  
Petition  
Exhibit B

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 SOUTH LEBANON CLERK \_\_\_\_\_  
DATE \_\_\_\_\_

COUNTY RECORDER:  
FILE NO. \_\_\_\_\_  
RECEIVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_ A.M./P.M.  
RECORDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_ A.M./P.M.  
RECORDED IN PLAT BOOK NO. \_\_\_\_\_, PAGE \_\_\_\_\_  
FEE \_\_\_\_\_

BY \_\_\_\_\_ DEPUTY \_\_\_\_\_ WARREN COUNTY RECORDER

COUNTY AUDITOR:  
TRANSFERRED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY \_\_\_\_\_ DEPUTY \_\_\_\_\_ WARREN COUNTY AUDITOR

EX. CITY OF SOUTH LEBANON CORP.  
 AREA TO BE ANNEXED TO THE CITY OF SOUTH LEBANON

TOTAL AREA IN PROPOSED ANNEXATION:  
1.003 ACRES ±

TOTAL AREA IN PROPOSED ANNEXATION: 1.003 ACRES ±

ACREAGE BREAKDOWN (BASED ON RECORDS AND SHOULD BE CONSIDERED APPROXIMATE):

PARCEL	OWNER	DEED REFERENCE	ACRES
1201126009	MICHAEL LENIG AND KIMBERLY LENIG	D.N. 2022-009894	1.003 AC. ±
			1.003 AC. ± TOTAL

LENGTHS OF EACH ROAD IN TERRITORY:  
NO ROADS IN TERRITORY

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

*Richard D. Nichols* 10/25/2022  
RICHARD D. NICHOLS  
OHIO PROFESSIONAL SURVEYOR No. 7929



PLAT OF ANNEXATION  
CITY of SOUTH LEBANON  
"LENIG ANNEXATION"  
SECTION 1, TOWN 4 EAST, FRACTIONAL RANGE 3 NORTH  
BETWEEN THE MIAMI, UNION TOWNSHIP  
WARREN COUNTY, OHIO

Date 29 JUL 2022  
Scale 1" = 50'  
Drawn By CMB Proj. Mgr. RDH  
Survey Database N/A  
DWG 06308293-ANX-00



Revision	By	Date	X-Ref(s)
PER 1ST REV COMMENTS	CD	08-30-22	Project Number 06308.29
PER FINAL COMMENTS	CD	10-25-22	File No. 06308.29 Sheet No. 1/1

■ Architecture 3700 Park 42 Drive  
 ■ Engineering Suite 1908  
 ■ Landscape Architecture Cincinnati, OH 45241  
 ■ Planning Phone 513.759.0004  
 ■ Surveying www.mspdesign.com

**LIST OF ALL TRACTS, LOTS OR PARCELS INSIDE AND ADJACENT TO  
AND/OR ACROSS THE ROAD FROM THE TERRITORY TO BE ANNEXED**

Ohio Revised Code §709.023(C)  
(Updated per Final Report of County Engineer's Office)

**Proposed Annexation of 1.003 Acres in Union Township,  
to the City of South Lebanon, Warren County, Ohio**

<u>Name of Owner</u>	<u>Mailing Address</u>	<u>Parcel Number</u>	<u>Account Number</u>
Michael Lenig Kimberly Lenig	556 Mason Morrow Millgrove Rd. South Lebanon, OH 45065	1201126009	6605958
Crossroads Church of the Nazarene	578 W. Mason Morrow Millgrove Rd. South Lebanon, OH 45065	1201126017	6811060
Skylight Homes, LLC	7116 Goshen Rd. Goshen, OH 45122	1201127003	6600751
Randall Taulbee	1851 Shawhan Rd. Morrow, OH 45152	1201128001	6604447
Michael S. Wheeldon	4065 Riley Street South Lebanon, OH 45065	1201128002	6602584
First Baptist Church, South Lebanon, Ohio	505 W. Mason Morrow Millgrove Rd. South Lebanon, OH 45065	1201207021 1201129005	6810110 6810799
Napier Properties, Ltd.	109 Hickory Lane Lebanon, OH 45036	1201128003	6601731

**STATEMENT BY AGENT OF TERRITORY SOUGHT TO BE ANNEXED  
TO THE CITY OF SOUTH LEBANON, OHIO**  
(Updated per Final Report of County Engineer's Office)

**POPULAR NAME OF TERRITORY:** Lenig Annexation  
1.003 Acres, Union Township

**AGENT'S NAME:** James D. Smith

**ADDRESS:** 10 N. High Street  
South Lebanon, OH 45065  
(513) 494-2296

LOT # OR ACREAGE	NAMES OF ALL OWNERS OF REAL ESTATE AS THEY APPEAR ON DEED	OWNER'S ADDRESS	SIGNED PETITION? MARK YES OR NO
1.003 Acres	Michael Lenig	556 Mason Morrow Millgrove Road South Lebanon, Ohio 45065	Yes
1.003 Acres	Kimberly Lenig	556 Mason Morrow Millgrove Road South Lebanon, Ohio 45065	Yes

- |    |  |      |
|----|--|------|
| 1. | Number of owners of real estate in territory                   | 2    |
| 2. | Number of owners of real estate signing petition               | 2    |
| 3. | Percent of signatures to total number of owners of real estate | 100% |

## **Multi-Use Path and Public Utilities Easement & Agreement**

---

This Multi-Use Path and Public Utilities Easement & Agreement (the “Agreement”), is made and entered into as of the date(s) stated below, and effective upon it’s recording of public record, by and between the WARREN COUNTY BOARD OF COUNTY COMMISSIONERS, an Ohio county and political subdivision (the “County”), and the CITY OF LEBANON, an Ohio municipal corporation (the “City”). Both the County and City may be referred to jointly as the “Parties.”

### **RECITALS**

A. The City desires to construct a sanitary sewer main along the north side of West Main Street (“SR 63) in the City of Lebanon, and a multi-use path as part of future road improvement plans for the corridor (the “Project”); and,

B. In order to complete the Project, it is necessary for the City to acquire a Multi-Use and Public Utility Easement across a part of the lands owned by the County known as the County Engineer’s Office & Garage; and,

C. The County Engineer’s Office and Garage consists of a 52.7183 acre parcel titled to the County by virtue of a deed recorded 8/3/2012, in O.R. Vol. 5602, Pg. 832 of the Warren County, Ohio Recorder’s Office (the “County’s Parcel”); and,

D. The County supports the City in the construction of the Project and desires to grant the necessitated easement over the County’s Parcel to the City for the construction, use and maintenance in perpetuity of a multi-use path and public utilities as such will benefit the County, City and the general public.

## AGREEMENT

NOW, THEREFORE, in consideration of the foregoing, the mutual covenants, restrictions and agreements contained herein, the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration recited herein, the receipt and sufficiency of which are hereby stipulated, the Parties hereto agree and declare as follows with the intent of being legally bound:

1. **Grant of Easement for Multi-Use Path Purposes.** County grants, for the benefit of the City a perpetual and non-exclusive easement over and across that limited part of County's Parcel as particularly described on the metes and bounds description attached hereto as Exhibit "A" and further illustrated on the Survey drawing attached hereto as Exhibit "B" (referenced thereon as the "Multi-Use Trail & Utility Easement"), for the purpose of the City and its agents, employees, contractors and subcontractors, to survey, construct as part of the future road improvements to the West Main Corridor (SR 63) as shown on the preliminary alignment plans on file with the City, restore, use, operate, inspect, maintain and keep in repair thereon, replace and remove as needed, a multi-use path, subject to the applicable terms of this Agreement.

2. **Grant of Non-exclusive Utility Easement.** County grants, for the benefit of the City a perpetual and non-exclusive public utilities easement over, on, across and through that limited part of County's Parcel as particularly described on the metes and bounds description attached as Exhibit "A" and further illustrated on the Survey drawing attached as Exhibit "B," for the City and its agents, employees, contractors and subcontractors to survey, construct in accordance with the construction plans on file with the City, use, operate, inspect, maintain and keep in repair thereon, replace, and remove, a sanitary sewer main, facilities and appurtenances thereto, subject to the applicable terms of this Agreement.

3. **City's Obligations.**

a) All improvements and appurtenances shall be constructed as shown on the construction plans for the Project on file with the City, a copy of which the County acknowledges has been provided prior to the execution of this Agreement.

b) The City shall be solely responsible for any costs of surveying, engineering, recordation of this Agreement, constructing, using, operating, inspecting, maintaining and keeping in repair thereon, replacing and removing the multi-use path and public utilities, and all improvements and appurtenances thereto.

c) At all times, the City, at its sole expense, shall maintain or cause to be

maintained general public liability insurance against claims of personal injury or death and property damage occasioned by any accident occurring in or on the Multi-Use Path and Public Utility Easement. The said insurance shall have a limit of not less than One Million Dollars (\$1,000,000) per person and Two Million Dollars (\$2,000,000) in the aggregate, in respect to personal injury or death, and One Million Dollars (\$1,000,000) property damages, and such policy shall name County as an additional insured. The City shall provide to County evidence of the additional insured rider prior to the recording of this Agreement. Such insurance shall further provide that the County shall be given notice in writing at least 30 days prior to termination of such coverage.

d) With the exception of any natural features shown on the construction plans to be removed during construction and the existing dilapidated farm fence which shall not be replaced, the City shall be responsible for restoration of the easement area to a condition as good as reasonably possible if any event necessitating restoration is caused by the City or its agents, contractors or employees, or any third party, but not better than existed prior to disturbing the easement area. Restoration includes without limitation compacting fill in the event of settling, seeding, and strawing, removing construction equipment and materials, mud and other debris from the easement area.

e) The City shall be responsible for performing all due diligence as to the title and physical conditions of the County's Parcel, and acknowledges the County has made no representations and warranties relating thereto or in granting the easement interest herein.

f) The City shall cause the signage identifying the County Engineer's Office and Garage located on the County's Parcel within the easement area to be relocated to the satisfaction of the County Engineer.

4) **Modifications.** Any or all provisions of this Agreement may be amended, terminated, rescinded, released or otherwise modified, in whole or in part, at any time and from time to time, only by a written document executed and acknowledged by both Parties or their respective successor and assigns. Any modifications must be recorded in the Recorder's Office of Warren County, Ohio.

5) **Injunctive Relief.** In the event of any breach, violation, threatened or anticipated breach of violation of any easement rights granted or obligations created under this Agreement, the Parties shall, in addition to any and all other remedies available, be entitled to enforce the provisions of this Agreement by injunctive relief.

6) **No Dedication.** Nothing contained in this Agreement is intended nor shall it be construed as a dedication or conveyance of the multi-use path or public utilities easement, or any part thereof, to the City.

7) **Covenants to Run With Land.** The easements and the rights granted and obligations created by this Agreement are intended to create benefits, servitudes, rights, obligations and restrictions with respect to the Parties and they shall run with the land in perpetuity (unless and until modified or terminated in writing by both parties); and they shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns.

8) **Non-Merger.** The easements, rights granted and obligations created by this Agreement are for the mutual benefit and protection of the Parties; and if there should at any time be common ownership of any or all of the Property, then it is the intention of the Parties hereto that there be no merger (by deed or estoppel) of such easements, rights and benefits and such obligations, restrictions and burdens into the respective fee estate, but rather that such easements, rights, benefits and such obligations, restrictions and burdens shall be separately preserved for the benefit of the Parties' successors and assigns.

9) **Notices.** Any notice required or desired to be given shall be deemed given when:

a. delivered personally, or mailed by certified or registered mail, return receipt requested, addressed to the following:

To the County:           Attn. Warren County Administrator  
406 Justice Drive  
Lebanon, OH 45036

To the City:             Attn. City Manager  
50 S. Broadway Street  
Lebanon, OH 45036

10) **Severability.** If any provision of this Agreement is determined to be void and unenforceable by any court of competent jurisdiction, that determination shall not affect the remaining provisions of this Agreement, which shall remain in full force and effect.

11) **Interpretation, Disputes and Litigation.** This Agreement is entered into in the State of Ohio and shall be interpreted in accordance with the laws of the State of Ohio regardless of choice of law rules, and all disputes and litigation arising from this Agreement shall be brought



or removed to a court of competent jurisdiction in Warren County, Ohio, unless the Parties mutually agree in writing to alternative dispute resolution.

**12) Exhibits.** Each exhibit referred to in this Agreement is hereby incorporated herein by reference and made a part hereof.

**13) Execution by County.**

IN EXECUTION WHEREOF, the County has caused this Agreement to be executed by the County Administrator, on the date stated below, in accordance with Resolution No. \_\_\_\_\_, dated \_\_\_\_\_.

SIGNATURE: \_\_\_\_\_  
NAME: Tiffany Zindel  
TITLE: County Administrator  
DATE: \_\_\_\_\_

Approved as to form by:

DAVID P. FORNSHELL  
PROSECUTING ATTORNEY  
WARREN COUNTY, OHIO

By: \_\_\_\_\_  
Bruce A. McGary, Asst. Pros.

**14) Execution by the City.**

IN EXECUTION WHEREOF, the City has caused this instrument to be executed by its City Manager, in accordance with City Council Resolution No. \_\_\_\_\_, dated \_\_\_\_\_.

SIGNATURE: \_\_\_\_\_  
NAME: Scott Brunka  
TITLE: City Manager  
DATE: \_\_\_\_\_

Approved as to form by:

By: \_\_\_\_\_  
Mark S. Yurick, City Attorney



DESCRIPTION OF A MULTI-USE TRAIL & UTILITY EASEMENT  
WEST OF MARKEY ROAD  
NORTH SIDE OF STATE ROUTE 63  
LEBANON, OHIO

Situated in the State of Ohio, County of Warren, Township of Turtlecreek, City of Lebanon, Section 12, Town 4, Range 3, being a strip of land located in that 52.7183 acre tract described in a deed to the Warren County Board of County Commissioners of record in Official Record Volume 5602, Page 832, all records referenced herein being to those located in the Recorder's Office, Warren County, Ohio and being more particularly described as follows:

Beginning **FOR REFERENCE** at a point in the centerline of Sate Route 63 at the southwesterly corner of said 52.7183 acre tract and at the southeasterly corner of that 1.0038 acre tract as described in a deed to Maria Catherine Heiselman aka Maria Catherine Loge of record in Document Number 2021-035759; thence North  $06^{\circ}16'22''$  East, along the easterly line of said 1.0038 acre tract and the westerly line of said 52.7183 acre tract, a distance of 30.00 feet to a point in the northerly right of way line of State Route 63 and the **TRUE PLACE OF BEGINNING**;

Thence North  $06^{\circ}16'22''$  East, along said easterly and westerly lines, a distance of 30.00 feet to a point;

Thence South  $84^{\circ}10'38''$  East, through said 52.7183 acre tract, a distance of 1,303.72 feet to a point;

Thence South  $86^{\circ}28'05''$  East, continuing through said 52.7183 acre tract, a distance of 485.97 feet to a point in the westerly right of way line of Markey Road;

Thence South  $07^{\circ}41'51''$  East, along said westerly right of way line, a distance of 20.39 feet to a point;

Thence North  $86^{\circ}28'05''$  West, through said 52.7183 acre tract, a distance of 490.05 feet to a point;

Thence South  $05^{\circ}49'22''$  West, continuing through said 52.7183 acre tract, a distance of 10.00 feet to a point in the northerly right of way line of State Route 63;

Thence North  $84^{\circ}10'38''$  West, along said northerly right of way line, a distance of 1,304.65 feet to the **TRUE PLACE OF BEGINNING** and containing 1.122 acres of land.

Bearings herein are based on the Ohio State Plane Coordinate System, South Zone.

This description was prepared by IBI Group Survey, Columbus, Ohio,



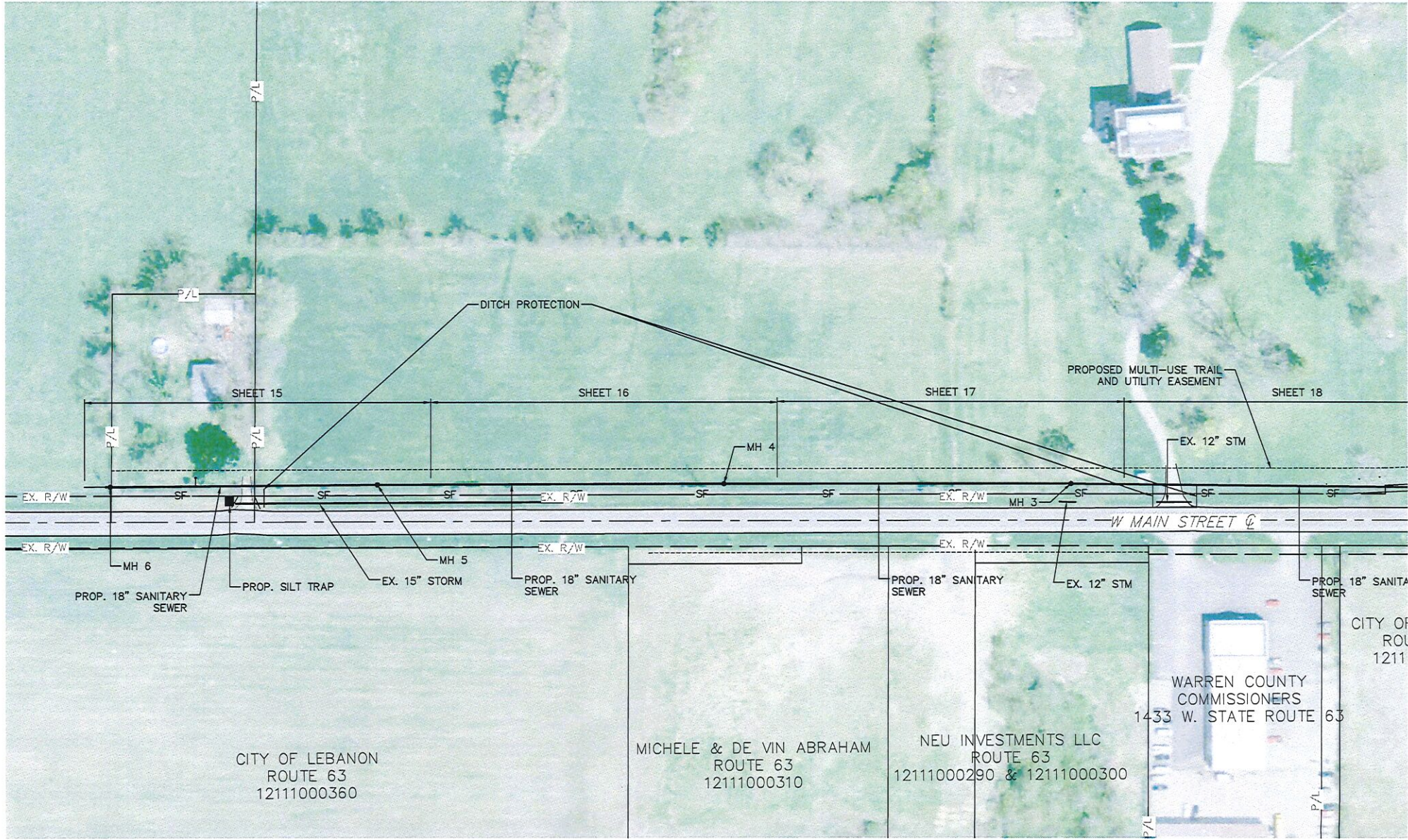
IBI Group Survey  
Columbus, Ohio

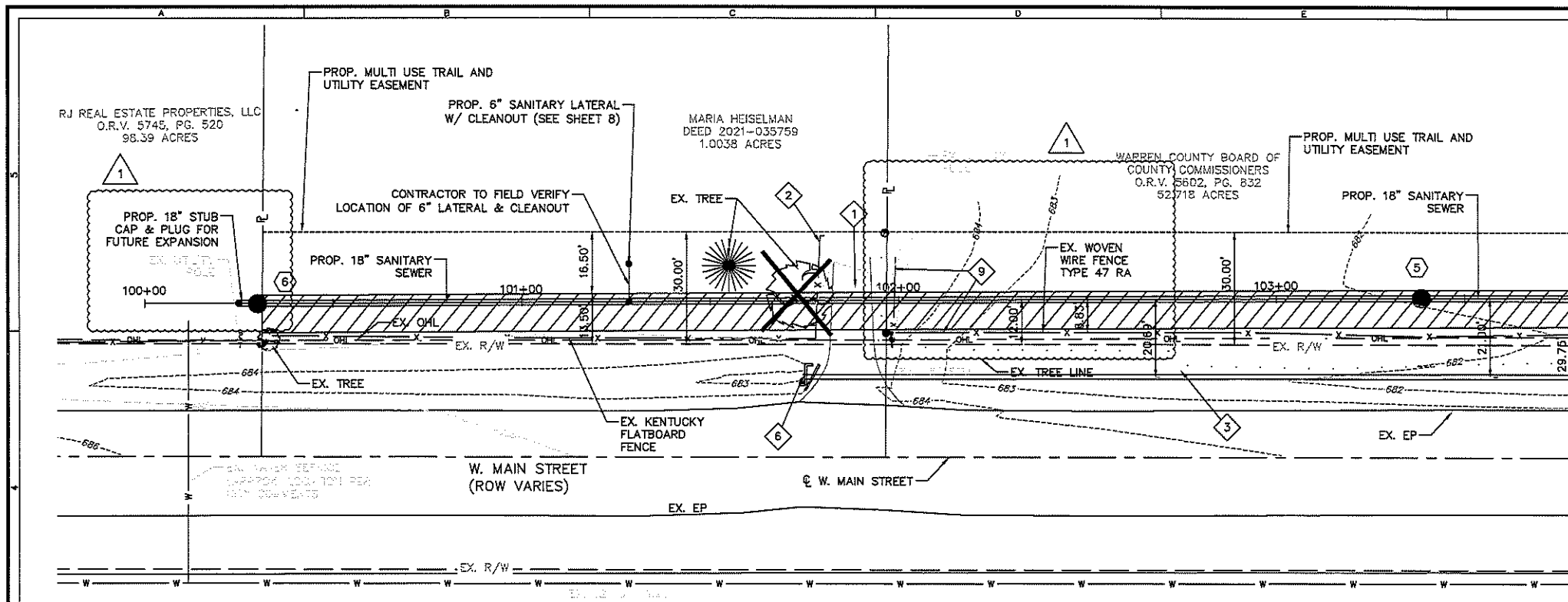
By   
David L. Chiesa 11/01/22 date  
Registered Surveyor No. 7740



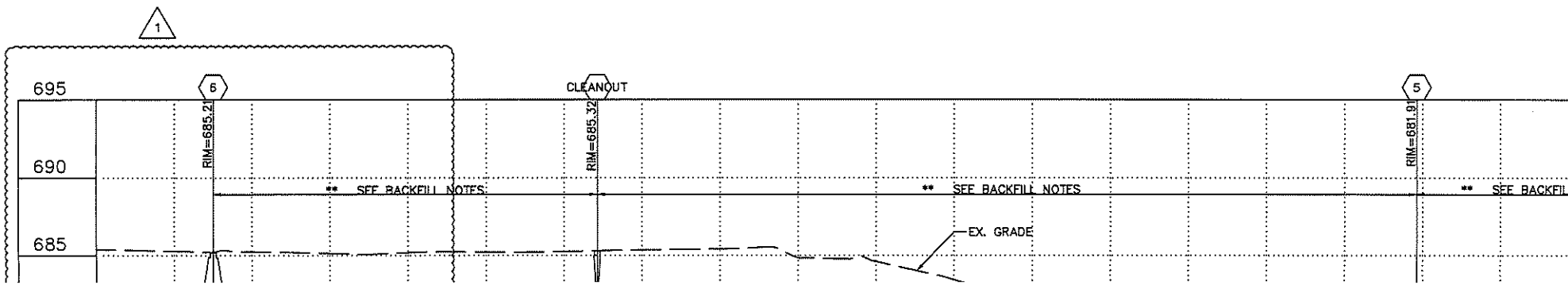
**LEGEND**

- sf— SILT FENCE
- SBB— STRAW BALE BARRIER
- INLET PROTECTION





CITY OF LEBANON  
 ROUTE 63  
 12111000350



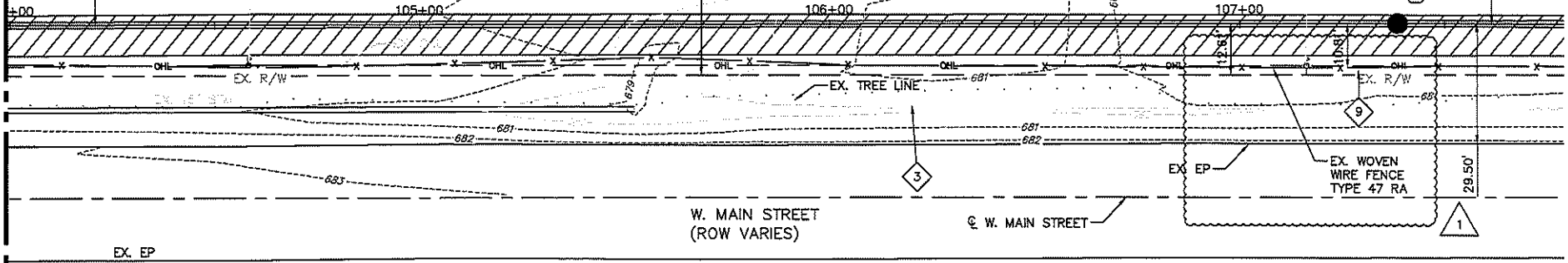
MATCH LINE STA. 104+00

PROP. 18" SANITARY SEWER

WARREN COUNTY BOARD OF COUNTY COMMISSIONERS  
O.R.V. 5602, PG. 832  
52.718 ACRES

PROP. MULTI USE TRAIL AND UTILITY EASEMENT

PROP. 1E SEWER



CITY OF LEBANON  
ROUTE 63  
12111000360

MICHELE & DE VIN ABRAHAM  
ROUTE 63  
12111000310

695

690

685

\*\* SEE BACKFILL NOTES

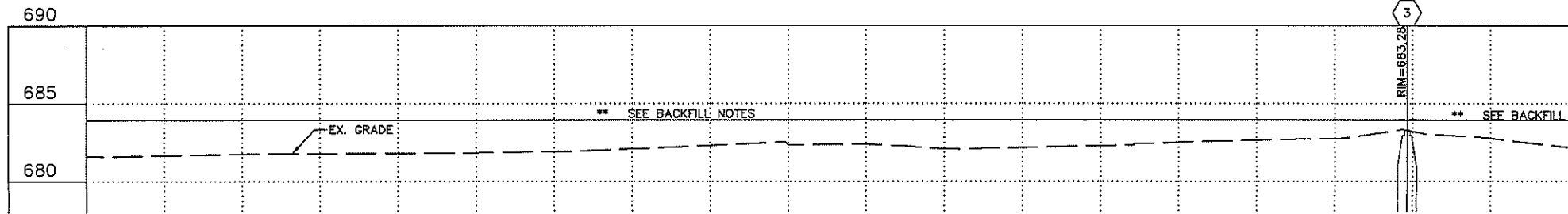
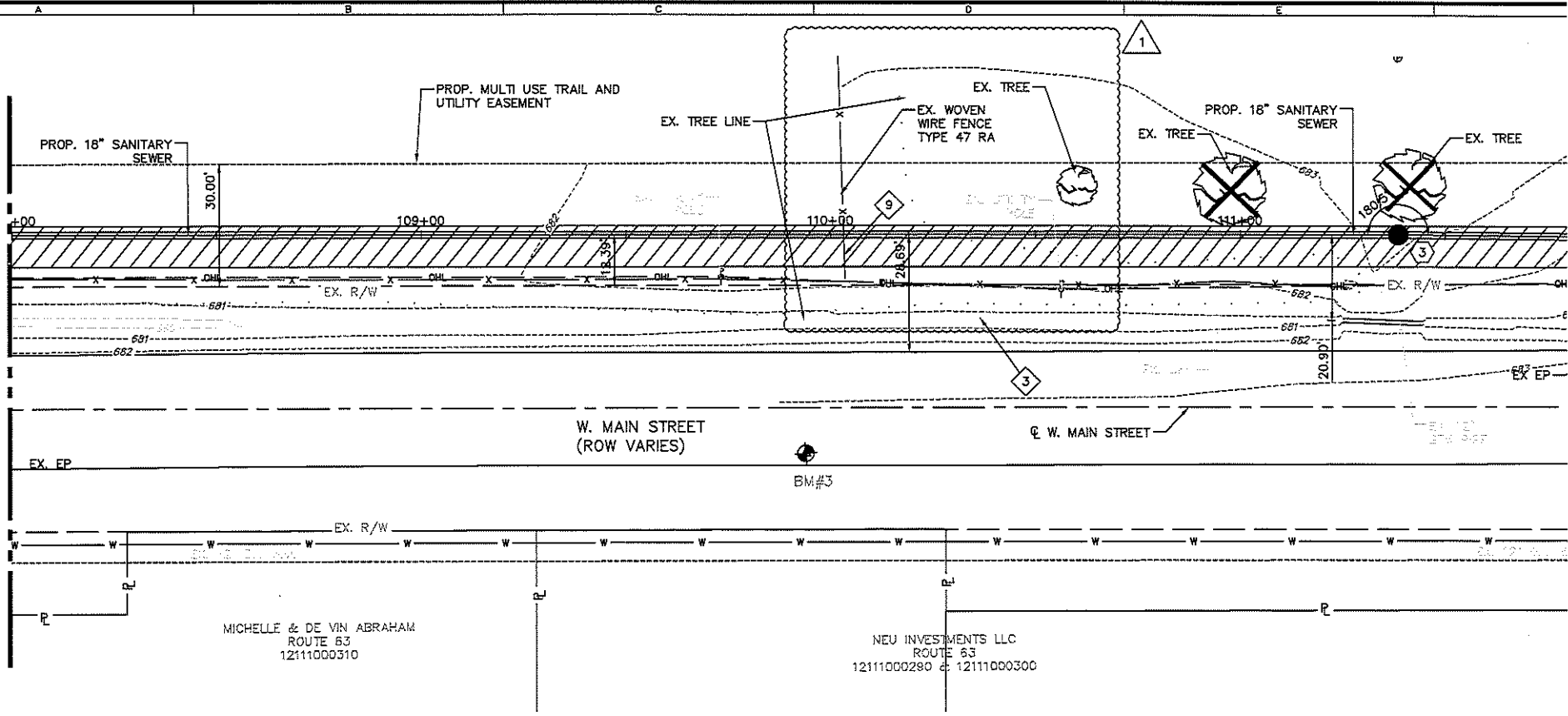
\*\* SEE BACKFILL

EX. GRADE

4

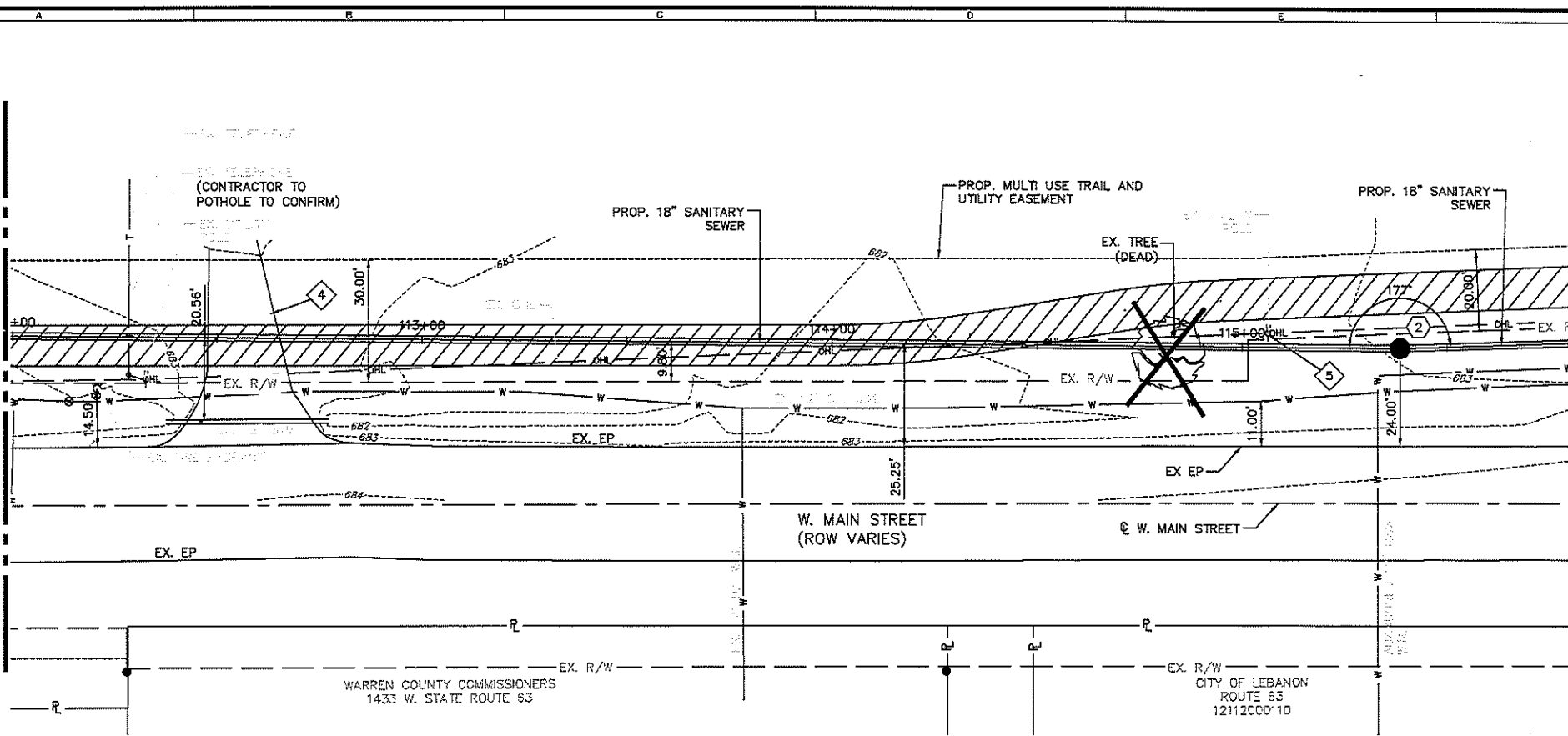
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MATCH LINE STA. 108+00





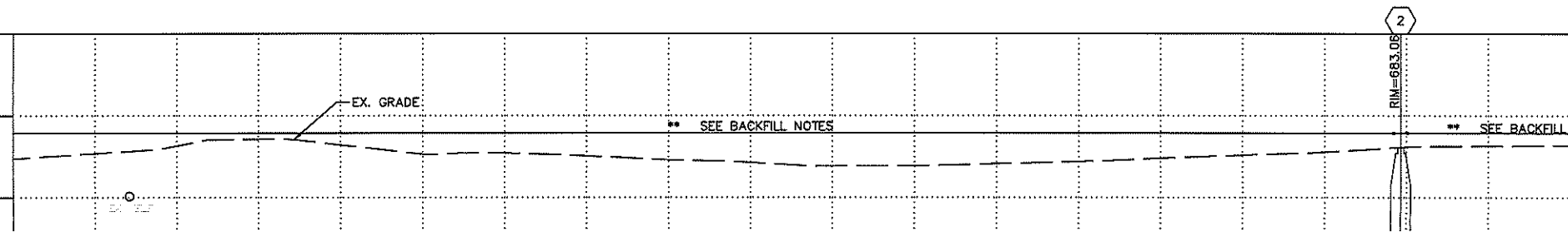
MATCH LINE STA. 112+00



690

685

680



MATCH LINE STA. 116+00

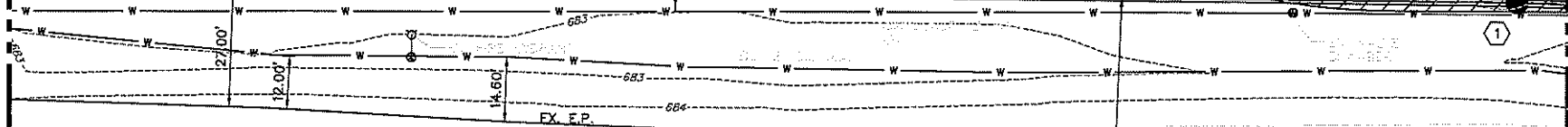
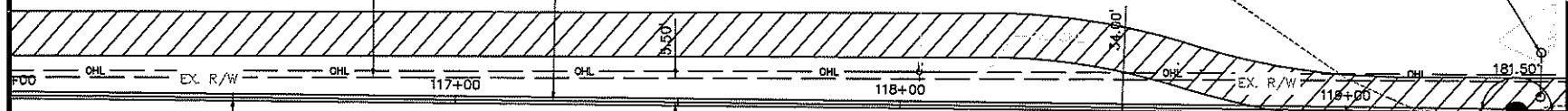
MATCH LINE STA. 119+50

WARREN COUNTY BOARD OF  
COUNTY COMMISSIONERS  
O.R.V. 5602, PG. 632  
52.716 ACRES

PROP. 18" SANITARY  
SEWER

PROP. MULTI USE TRAIL AND  
UTILITY EASEMENT

EX. PRIVATE SIGN  
(TO BE REMOVED & RESET)



W. MAIN STREET  
(ROW VARIES)

☉ W. MAIN STREET

CITY OF LEBANON  
ROUTE 63  
12112000110

THOMPSON  
TRANSPORTATION  
1425 W. MAIN ST.

MATHERS MILL CURB LLC  
1421 W. MAIN ST.

CITY OF LEBANON  
ROUTE 63  
12112000190

690

690

685

685

680

680

EX. GRADE

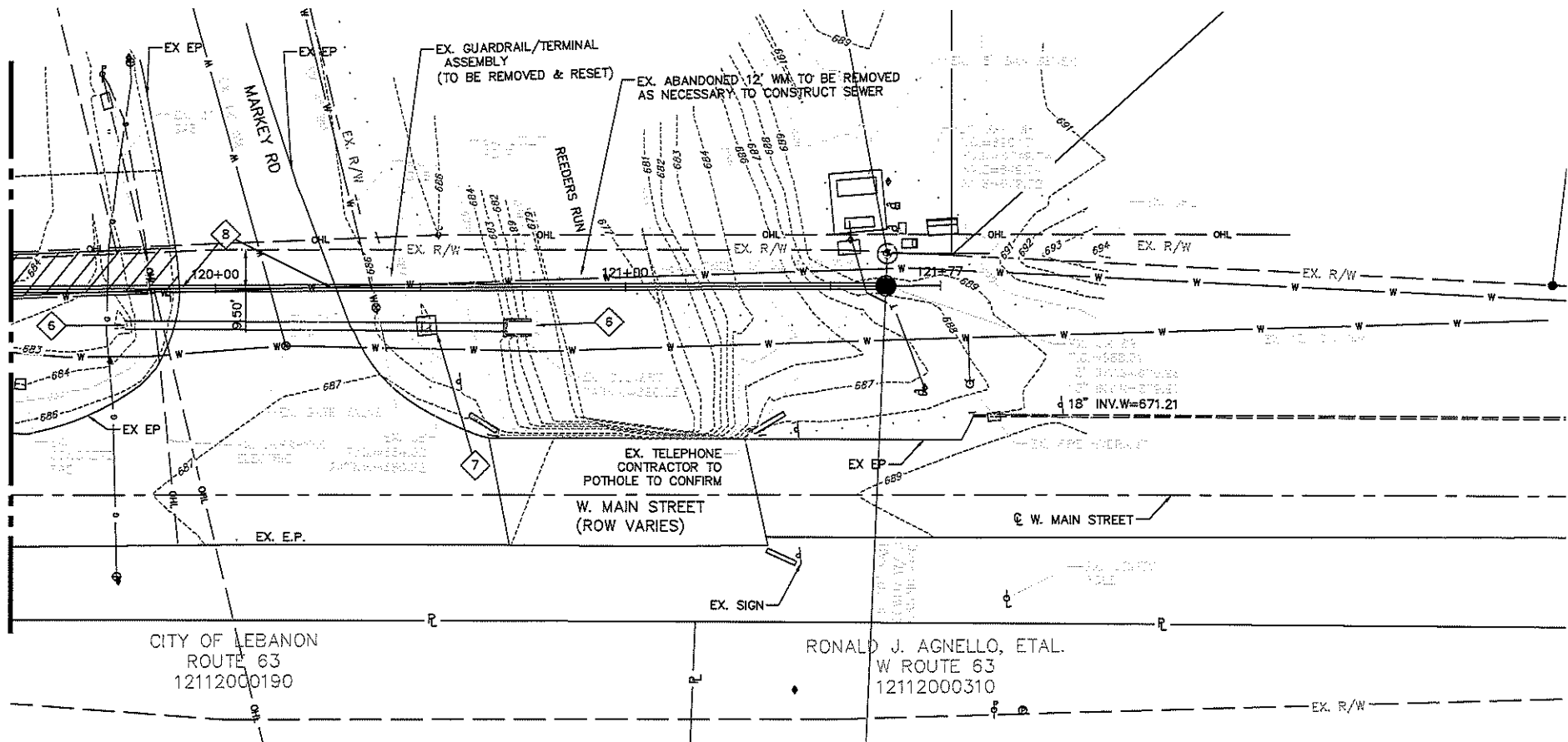
\*\* SEE BACKFILL NOTES



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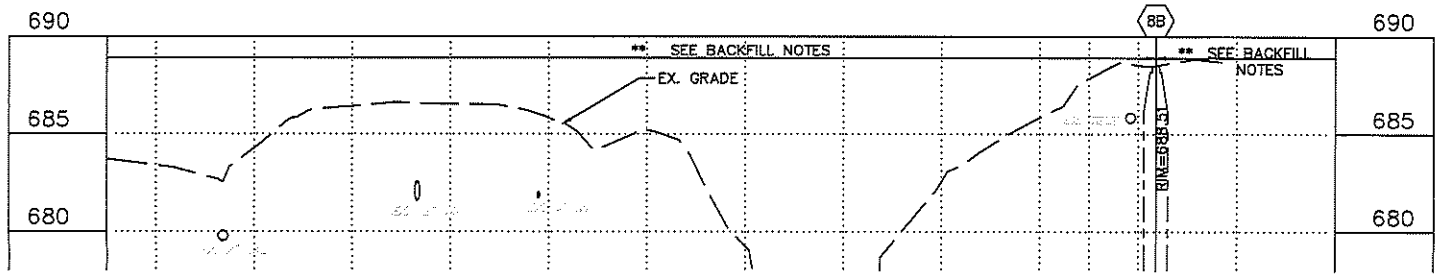
SEE BACKFILL NOTES

**MATCH LINE STA. 119+50**



CITY OF LEBANON  
ROUTE 63  
12112000190

RONALD J. AGNELLO, ETAL.  
W ROUTE 63  
12112000310



APPROVE AND ENTER INTO AMENDMENT NO. 7 TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THIS BOARD AND THE WARREN COUNTY TRANSPORTATION IMPROVEMENT DISTRICT, DESIGNATING ADDITIONAL PROJECTS AND A CHANGE IN FUNDING AMOUNTS FOR PROJECTS

**WHEREAS**, the Warren County Board of Commissioners has created the Warren County Transportation Improvement District (the "WCTID") in an effort to further enhance and promote transportation improvements and capital improvements within Warren County (the "County") and the region, and to participate in a cooperative county-wide coalition to take advantage of the opportunities and benefits made available only through a TID to plan, construct and improve highways, roads, bridges, interchanges and accompanying capital improvements and development throughout the County and its surrounding counties, such as Hamilton County specifically regarding the I-71/Fields Ertel area improvements;

**WHEREAS**, the WCTID is authorized by ORC Chapter 5540 (1) to finance, construct, maintain, repair and operate street, highway, and other transportation projects; and (2) to construct, reconstruct, improve, alter, and repair roads, highways, public places, buildings, and other infrastructure, and to implement and effect a regional approach to transportation improvements;

**WHEREAS**, the transportation projects undertaken by the WCTID pursuant to ORC Chapter 5540 are essential and will contribute to the improvement of the prosperity, health, safety, and welfare of the people of the County, and local political subdivisions within the County, including, but not limited to, the Cities of Mason and Springboro (the "Cities") and Deerfield Township (the "Township"), and of the State and are essential governmental functions; and the exercise by the WCTID of the authority granted by ORC Chapter 5540 is necessary for the prosperity, health, safety, and welfare of the County and the State and their people and is consistent with and will promote industry, commerce, distribution, and research activity in the County and the State;

**WHEREAS**, the County and the WCTID, to further develop, facilitate, enhance, fund and promote transportation improvements within the County, the Cities and the Township and the region, through intergovernmental cooperation and coordination by the WCTID and to advance the WCTID Program of Projects, entered into an intergovernmental agreement, referred to as "Intergovernmental Agreement 2011-01", per Resolution No. 11-1228, and as further amended February 2, 2016, per the COUNTY's Resolution No. 16-0138 (hereinafter referred to as "Amendment No. 1"), and further amended per COUNTY'S Resolution No. 16-1689 (hereinafter referred to as "Amendment No. 2"), and further amended per COUNTY'S Resolution No. 17-1176 (hereinafter referred to as "Amendment No. 3"), and as further amended per COUNTY's Resolution 17-1499 (hereinafter referred to as "Amendment No. 4), and further amended per COUNTY's Resolution 19-1682 (hereinafter referred to as "Amendment No. 5), and further amended per COUNTY's Resolution No. 21-0227 (hereinafter referred to as Amendment No.6) ;

**WHEREAS**, the County and the WCTID, in furtherance of these goals, intend, pursuant to Section 1.02 (a) of the Agreement, to confirm, approve and ratify the updated and amended Exhibit A

*Warren County TID Program List - December 2022* showing new projects named I-75 and SR 73 Interchange Improvements – WAR 73 3.66 – (PID 113717); US 22/SR 3 at Old 3C Hwy/Creekwood Drive Intersection Improvements; King Avenue – Kings Court to Miami Avenue; Kings Mill Road (CR 31) / Kings Island Drive (CR 110) Improvements 2023; Channel Maintenance Projects – various locations and Exhibit B “*Warren County TID Pledged Revenue Summary – December 2022*”, attached hereto and referred to as “Exhibit A” and “Exhibit B” to the agreement; and

**NOW THEREFORE, BE IT RESOLVED**, that the Board of County Commissioners does hereby agree, approve, ratify and further authorize the President or Vice-President of the Board to execute Amendment No. 7 to the Intergovernmental Agreement between this Board and the Warren County TID, a copy of which is attached hereto and made part hereof.

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

Mr. Grossmann  
Mrs. Young  
Mr. Jones

Resolution adopted this \_\_ day of \_\_\_\_\_ 202\_.

BOARD OF COUNTY COMMISSIONERS

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

**AMENDMENT NO. 7**

**TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN WARREN COUNTY,  
OHIO AND THE WARREN COUNTY TID RELATING TO UPDATING THE TID  
PROGRAM LIST AND PLEDGED REVENUE SUMMARY AS OF DECEMBER, 2022**

**THIS AMENDMENT No. 7** (hereinafter "Amendment No. 7") to the Intergovernmental Agreement (hereinafter the "initial IGA") is entered by and between the BOARD OF COMMISSIONERS OF WARREN COUNTY, OHIO, a county organized and acting under the laws of the State of Ohio (hereinafter the "COUNTY"), acting on behalf of WARREN COUNTY, OHIO, and the BOARD OF TRUSTEES OF THE WARREN COUNTY TRANSPORTATION IMPROVEMENT DISTRICT (hereinafter the "WCTID") organized and operating under Chapter 5540 of the Ohio Rev. Code, acting on behalf of the WARREN COUNTY TRANSPORTATION IMPROVEMENT DISTRICT, and shall be effective immediately upon execution by all the Parties.

**WITNESSETH:**

**WHEREAS**, the COUNTY created the WCTID in an effort to further enhance and promote transportation improvements and capital improvements within Warren County, Ohio and the region, and to participate in a cooperative county-wide coalition to take advantage of the opportunities and benefits made available only through a TID to plan, construct and improve highways, roads, bridges, interchanges and accompanying capital improvements and development throughout Warren County and its surrounding counties, such as Hamilton County specifically regarding the I-71/Fields-Ertel area improvements; and,

**WHEREAS**, the WCTID is authorized by ORC Chapter 5540 (1) to finance, construct, maintain, repair and operate street, highway, and other transportation projects; and (2) to construct, reconstruct, improve, alter, and repair roads, highways, public places, buildings, and other infrastructure, and to implement and effect a regional approach to transportation improvements; and,

**WHEREAS**, the transportation projects undertaken by the WCTID pursuant to ORC Chapter 5540 are essential and will contribute to the improvement of the prosperity, health, safety, and welfare of the people of Warren County, and local political subdivisions within Warren County, including, but not limited to, the Cities of Mason and Springboro (the "Cities") and Deerfield Township (the "Township"), and of the State and are essential governmental functions; and the exercise by the WCTID of the authority granted by ORC Chapter 5540 is necessary for the prosperity, health, safety, and welfare of Warren County and the State and their people and is consistent with and will promote industry, commerce, distribution, and research activity within Warren County and the State; and,

**WHEREAS**, the COUNTY and the WCTID, to further develop, facilitate, enhance, fund and promote transportation improvements within Warren County, the Cities and the Township, and the region, through intergovernmental cooperation and coordination by the WCTID, and to advance the WCTID Program of Projects, entered into the initial IGA referred to as

“Intergovernmental Agreement 2011-01,” per the COUNTY’s Resolution No. 11-1228 dated August 30, 2011, and as further amended:

June 25, 2013, per the COUNTY’s Resolution No. 13-0950 (“Amendment”);  
December 9, 2014, per the COUNTY’s Resolution No. 14-1938 (“Amendment”);  
May 5, 2015, per the COUNTY’s Resolution No. 15-0638 (“Amendment”);  
September 8, 2015, per the COUNTY’s Resolution No. 15-1399 (“Amendment”);  
February 2, 2016, per the COUNTY’s Resolution No. 16-0138 (“Amendment”);  
November 22, 2016, per the COUNTY’s Resolution No. 16-1819 (“Amendment No. 2”);  
August 1, 2017, per the COUNTY’s Resolution No. 17-1176 (“Amendment No. 3”);  
September 26, 2017, per the COUNTY’s Resolution No. 17-1499 (“Amendment No. 4”);  
December 26, 2019, per the COUNTY’s Resolution No. 19-1682 (“Amendment No. 5”);  
February 6, 2021, per the COUNTY’s Resolution No. 21-0227 (“Amendment No. 6”);  
and,

**WHEREAS**, the County and the WCTID, in furtherance of these goals, intend, pursuant to Section 1.02 (a) of the Agreement, to approve, confirm, and ratify exhibits “A” and “B” of the Agreement with the attached updated and amended Exhibit A “*Warren County TID Program List – December 2022*”, and the attached Exhibit B “*Warren County TID Pledged Revenue Summary – December 2022*”; and,

**NOW, THEREFORE**, in consideration of the promises and the mutual covenants set forth herein, the COUNTY and WCTID, hereby agree that Exhibits A and B of the IGA and Amendment No. 6, are hereby replaced and amended, as follows:

1. On behalf of the Warren County Engineer, the COUNTY does hereby confirm, approve, and ratify the updated and amended Exhibit A “*Warren County TID Program List – December 2022*”, and Exhibit B “*Warren County TID Pledged Revenue Summary – December 2022*”; attached hereto and referred herein as “Exhibit A” and “Exhibit B” to the Agreement.

2. All other terms, provisions and obligations of the initial IGA, shall remain the same and in full force and effect, except as provided for herein. In the event any conflict or dispute arises between the initial IGA, Amendment Numbers 1, 2, 3, 4, 5, 6 and this Amendment No. 7, such conflict or dispute shall be resolved in accordance with the terms and obligations set forth in this Amendment No. 7, no exceptions.

**WCTID:**

**IN EXECUTION WHEREOF**, the WARREN COUNTY TRANSPORTATION IMPROVEMENT DISTRICT, has caused this AMENDMENT No. 7 to be executed by Neil F. Tunison, Secretary-Treasurer, on the date stated below, pursuant to Resolution No. 2022-35, adopted by majority vote of the Board of Trustees on December 2, 2022, copies of which are attached hereto.

**WARREN COUNTY TRANSPORTATION  
IMPROVEMENT DISTRICT**

SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

Approved as to form by  
Legal Counsel on behalf of  
WARREN COUNTY TRANSPORTATION  
IMPROVEMENT DISTRICT:

\_\_\_\_\_  
By: Rusty Schuermann, Esq.  
DATE: \_\_\_\_\_



**COUNTY:**

**IN EXECUTION WHEREOF**, the BOARD OF COUNTY COMMISSIONERS of Warren County, Ohio has caused this AMENDMENT No. 7 to be executed by \_\_\_\_\_, its President or Vice-President, on the date stated below, pursuant to Resolution No. \_\_\_\_\_, dated November \_\_\_\_\_, 2022, a copy of which is attached hereto.

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

SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**RECOMMENDED BY:**

NEIL F. TUNISON,  
COUNTY ENGINEER  
WARREN COUNTY, OHIO

\_\_\_\_\_  
By: Neil F. Tunison, County Engineer  
DATE: \_\_\_\_\_

APPROVED AS TO FORM  
ON BEHALF OF:  
BOARD OF COMMISSIONERS  
OF WARREN COUNTY, OHIO:

DAVID P. FORNSHELL  
PROSECUTING ATTORNEY  
WARREN COUNTY, OHIO

\_\_\_\_\_  
By: Bruce A. McGary, Asst. Prosecutor  
DATE: \_\_\_\_\_

**EXHIBIT A****WARREN COUNTY TID PROGRAM LIST – December 2022**

<u>I-71 Corridor</u>		
SB Entrance Ramp at I-71/Mason-Montgomery Road (PID 104844)	Warren	Ongoing
I-71 & SR 48 Interchange Phase 1 - WAR-48-9.94 (PID 116865) Phase 2	Warren	Ongoing
<u>I-75 Corridor</u>		
I-75 and SR 73 Interchange Improvements - WAR SR 73 3.66 – (PID 113717)	Warren	New
<u>SR 63 Corridor</u>		
SR 63 and Gateway Blvd/Union Road Intersections	Warren	Ongoing
SR 63 Widening - Union Road to SR 741 – WAR SR 63 0.83 (PID 112121 fka 105399)	Warren	Ongoing
<u>SR 48 Corridor</u>		
SR 48 Widening - Willow Pond Blvd to Ridgeview Ln – WAR SR48 7.01 (PID 112909)	Warren	Ongoing
SR 48 Widening – Ridgeview Ln to I-71 Interchange (incl. Little Miami River Bridge)	Warren	Ongoing
<u>SR 741 Corridor</u>		
SR 741 and Greentree Road Intersection Improvements	Warren	Ongoing
<u>US 22/SR 3 Corridor</u>		
US 22/SR 3 Widening – Little Miami River to Willow Pond Boulevard	Warren	Ongoing
US 22/SR 3 Widening – Willow Pond Boulevard to West Road	Warren	Ongoing
US 22/SR 3 at Old 3C Hwy/Creekwood Drive Intersection Improvement	Warren	New
<u>Socialville-Fosters Road (CR 32) Corridor</u>		
Ph 2 – Mason Corp Limit to Innovation Way	Warren	On-Hold
<u>Wilkens Boulevard (CR610) Corridor</u>		
Wilkens Boulevard Widening – Bardes Road to Socialville-Fosters Road	Warren	On-Hold
Wilkens Boulevard Extension	Warren	On-Hold
Wilkens Blvd/Bardes Road/Escort Drive Realignment (Roundabouts)	Warren	Ongoing
<u>Columbia Road (CR 15) Corridor</u>		
Columbia Road Widening from Fields-Ertel to Montgomery Road	Warren	On-hold
Columbia Road and Davis Road Intersection Improvement	Warren	Ongoing
Columbia Road at Mason-Morrow-Millgrove Road Roundabout	Warren	Ongoing
<u>King Avenue Corridor</u>		
King Avenue and King Court Roundabout	Warren	Ongoing
King Avenue – Kings Court to Miami Avenue	Warren	New
<u>Kings Mill Road Corridor</u>		
Kings Mill Road (CR 31) / Kings Island Drive (CR 110) Improvements 2023	Warren	New
<u>Fields-Ertel Corridor</u>		
Fields-Ertel Road Widening – Snider Road to Wilkens Boulevard (PID 114606)	Warren	Ongoing
<u>Union Road Corridor</u>		
Union Road and Manchester Road Intersection Improvements	Warren	On-hold
<u>William Good Boulevard</u>		
Wm Good Boulevard Extension/Scholl Road Improvements	Warren	Ongoing
<u>Channel Maintenance Projects</u>		
Various Locations	Warren	New

Warren County Transportation  
Improvement District

Warren County  
Board of County Commissioners

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Neil F. Tunison  
Secretary-Treasurer

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Thomas Grossmann, President

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David G. Young, Vice-President

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Shannon Jones

# EXHIBIT B

## WARREN COUNTY TID PLEGGED REVENUE SUMMARY - December 2022

<b>COUNTY PLEDGED AMOUNT</b>	
County Fund #4484 (P&G TIF)	
Total To Date	\$38,029,368
County Fund #4451 (Roadway Infrastructure Improvements)	
2011	\$ 1,000,000
2015	\$ 287,865
2020	\$ 7,000,000
2021	\$ 10,000,000
2022	\$ 10,000,000
2023	\$ 10,000,000**
County Fund #4485 (Racino TIF)	
2013	\$ 750,000*
2016	\$ 3,100,000*
2017	\$ 150,000*
County Engineer Fund #2202	
2016	\$ 925,231
2017	\$ 600,000
2019	\$ 150,000
2023	\$ 100,000**
County Fund #7757 (Mercy Health Pass-Thru)	
2023	\$ 7,500,000**

*\*Any portion of the County Pledged Amount fom County Fund #4485 (Racino TIF Fund) shall be allocated only to those TID Projects and purposes that are eligible for the use of Racino Tax Increment Financing Revenues established by Resolution Numbers 12-1391 and 12-1604 and related actions and agreements on file with the County.*

*\*\*Any funds held in the County Fund #7757 (Mercy Health Pass-Thru Fund) shall be allocated only to those project costs incurred by the TID for the Kings Mills Road/ Kings Island Drive 2023 Improvements Project. In the event of a timing issue, in receiving funds from County Fund #7757 for said improvements, funds from County Fund #4451 may be cash advanced to cover project costs. The cash advance shall be immediately repaid upon receipt of the funds from County Fund #7757.*

**THE WARREN COUNTY  
TRANSPORTATION  
IMPROVEMENT DISTRICT**

By: \_\_\_\_\_  
Neil F. Tunison, Secretary-Treasurer

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

By: \_\_\_\_\_  
Thomas Grossmann, Commissioner

By: \_\_\_\_\_  
David G. Young, Commissioner

By: \_\_\_\_\_  
Shannon Jones, Commissioner