

ORDINANCE NO. 2010 - 98

AUTHORIZING THE CITY MANAGER TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH SCOTT AND SONIA KELLEY

WHEREAS, Scott and Sonia Kelley are the owners of property located at 4931 Cox-Smith Road and have expressed a desire to annex their property into the City of Mason, and

WHEREAS, the City of Mason has determined that it is in the public interest to set forth each party's obligations with respect to the proposed annexation.

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

Section 1. That the City Manager is hereby authorized to enter into a pre-annexation agreement with Scott and Sonia Kelley.

Section 2. That said agreement shall be substantially in accordance with the terms and conditions set forth in the attached Exhibit "A" which is incorporated herein by reference.

Section 3. That the City Manager is authorized to take all additional steps to ensure compliance with the terms of said agreement.


Section 4. That this Ordinance is and shall be effective from and after the earliest period allowed by law.

Passed this 26th day of July, 2010.

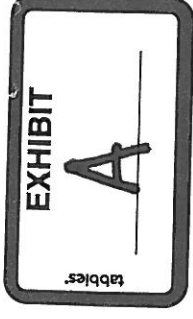


Mayor

Attest:



Clerk of Council



AGREEMENT

WHEREAS, Scott and Sonia Kelley, now of 5646 Cherrywood Court, Mason, OH, request the City of Mason for permission to tap into its sewer and water system for a new home they are constructing at 4931 Cox-Smith Road, Mason Ohio, Parcel No. 12194770090, and

WHEREAS, the City of Mason has a policy that sewer and water are not to be provided outside of the City limits, and

WHEREAS, the City of Mason is agreeable to making an exception to this policy provided the owners of said property agree to pursue annexation at the earliest possible date or when requested by the City.

THEREFORE, in consideration of the mutual promises made in this Agreement, it is hereby agreed and understood between Scott and Sonia Kelley hereinafter referred to as "Owners", their heirs, successors, or assigns and the City of Mason (hereinafter referred to as "City"), that:

Section 1. Owners hereby agree to:

- (a) file for annexation within two (2) months of receiving notice from the City of Mason and pursue it to a prompt and successful conclusion;
- (b) the sewer and water service shall terminate if owners fail to comply with the requirements of Section 1(a);
- (c) pay the required tap-in fees and other charges without any expectation of reimbursement;
- (d) the termination of any further sewer and water services, if any erection, alteration or change of any building or structure, on the property to receive the sewer and water service, constructed after the date of this Agreement, is not in compliance with the City of Mason Building Code and Zoning Code and Subdivision Regulations.
- (e) Pay for utility consumption and use at 150% of standard rates until such time as the property is annexed.

Section 2. City agrees to provide sewer and water service to Owners during the period in which Owners are pursuing annexation of a tract of land fronting on Cox-Smith Road, in a prompt and expeditious manner and thereafter, provided the annexation is approved.

This Agreement shall inure to the benefit of and be the obligation of any successors, heirs and assigns.

Witness _____ By Scott Kelley Date: _____

Witness _____ By _____ Date: _____
Sonia Kelley
CITY OF MASON

Witness _____ By _____ Date: _____
City Manager