

ORDINANCE NO. 08-18 AC CMS

AN ORDINANCE ACCEPTING THE ANNEXATION OF APPROXIMATELY 9.9923 ACRES OF REAL ESTATE TO THE CITY OF OBERLIN UPON APPLICATION OF KENDAL AT OBERLIN, AN OHIO CORPORATION NOT FOR PROFIT

WHEREAS, a Petition for the annexation of certain territory containing approximately 9.9923 acres of land within New Russia Township was duly filed by the property owners, Kendal At Oberlin, an Ohio Corporation not for profit; and

WHEREAS, the Petition was duly considered by the Board of Commissioners of Lorain County, Ohio, on November 1, 2007; and

WHEREAS, said Board of Commissioners has approved the annexation of the territory to the City of Oberlin, as hereinafter described; and

WHEREAS, the Board of Commissioners certified the transcript of the proceedings in connection with the annexation with the map and petition required in connection therewith to the Clerk of Council who received same on January 2, 2008; and

WHEREAS, sixty (60) days from the date of that filing have now elapsed in accordance with the provisions of Section 709.04 of the Ohio Revised Code.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That the application of the property owner, Kendal at Oberlin, an Ohio corporation not for profit, for the annexation of the territory described in Exhibit A attached hereto and incorporated herein by reference, in the County of Lorain and located adjacent to the City of Oberlin, an accurate map of which territory together with the petition for its annexation and other papers relating thereto, and a certified copy of the transcript of the proceedings of the Board of County Commissioners of Lorain County in relation thereto, are on file with the Clerk of Council of the City of Oberlin, be and the same is hereby accepted.

SECTION 2. That said territory so annexed is hereby zoned R-1A/Residential District, pursuant to Section 1329.03 of the Codified Ordinances.

SECTION 3. That the Clerk of Council is hereby authorized and directed to make three (3) copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then forthwith deliver one copy to Mark R. Stewart, Lorain County Auditor, one copy to Judy Nedwick, Lorain County Recorder, and one copy to the Ohio Secretary of State, and shall file notice of this annexation with the Lorain County Board of Elections within thirty (30) days after it becomes effective, and shall do all other things required by law therein.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in

such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

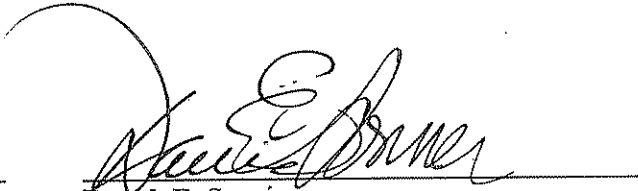
SECTION 5. That this Ordinance shall be effective from and after the earliest date allowed by law.

PASSED: 1st Reading – March 3, 2008 (*suspension of rules effective in 30 day*)
2nd Reading –
3rd Reading –

ATTEST:



**Belinda B. Anderson
CLERK OF COUNCIL**



**David E. Sonner
PRESIDENT OF COUNCIL**

POSTED: 03/04/08

EFFECTIVE DATE: 04/02/08

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Exhibit A

PETITION FOR ANNEXATION

The undersigned, being a majority of the property owners of the property proposed to be annexed, such property being contiguous to the City of Oberlin, Ohio, hereby petition the Board of Commissioners of Lorain County, Ohio, for annexation of the following described territory to the City of Oberlin, Ohio:

Situated in the County of Lorain, State of Ohio and being known as part of New Russia Township Original Lot No. 66, being further bounded and described as follows:

Beginning at the intersection of the centerlines of Maple Street (49.50 feet wide) and Oberlin North Road (State Route 58);

Thence, North 01 degrees 01'46" West a distance of 926.25 feet along the centerline of said Oberlin North Road to a point thereon being the Northwesternly corner of land conveyed to Ronald Zbydnowski by deed recorded in document no. 20070211809 of Lorain County Recorder's Records on July 5, 2007;

Thence, North 89 degrees 29'55" East a distance of 30.00 feet along the Northernly line of said land conveyed to Ronald Zbydnowski to a point thereon being the Easterly line of said Oberlin North Road and the Principal Place of Beginning;

Thence continuing North 89 degrees 29'55" East a distance of 351.94 feet along the Northernly line of said land conveyed to Ronald Zbydnowski to the Northeastly corner thereof;

Thence, South 01 degrees 01'46" East a distance of 505.59 feet along the Easterly line of said land conveyed to Ronald Zbydnowski and the Easterly line of land conveyed to Jerome J. and Mary A. Zbydnowski and Jean Dumford by deed recorded in document no. 20070211812 and the Easterly line of land conveyed to Jerome J. Zbydnowski, Tr. by deed recorded in document no. 20070211819 and in part the Easterly line of land conveyed to Jerome J. Zbydnowski, Tr. by deed recorded in document no. 20070211819 all of Lorain County Recorder's Records on July 5, 2007 to an iron pin set on the Westerly prolongation of the Northernly line of land conveyed to Daisy D. Jackson by deed recorded in Official Recorded Volume 159 Page 525 of Lorain County Recorder's Records on March 16, 1989;

Thence, North 89 degrees 32'04" East a distance of 311.44 feet along the Northernly line of said land conveyed to Daisy D. Jackson to an iron pipe found at the Northeastly corner thereof, being a point on the Westerly line of land conveyed to Kendal at Oberlin, Inc. by deed recorded in Official Record Volume 503, Page 735 of Lorain County Recorder's Records on March 4, 1992 and the Corporation Line of the City of Oberlin as established by Annexation Ordinance No. 90-73 and Commissioners Resolution No. 90-387-A;

Thence, North 01 degrees 21'34" West a distance of 805.00 feet along said Westerly line of land conveyed to Kendal at Oberlin, Inc. and said Corporation

Line of the City of Oberlin, to an iron pipe found at the corner thereof;

Thence, South 89 degrees 31'18" West a distance of 253.12 feet along a Southerly line of said land conveyed to Kendal at Oberlin, Inc. and said Corporation Line of the City of Oberlin to a corner thereof;

Thence, North 01 degrees 01'46" West a distance of 200.00 feet along a Westerly line of said land conveyed to Kendal at Oberlin, Inc. and said Corporation Line of the City of Oberlin to a corner thereof;

Thence, South 89 degrees 31'18" West a distance of 405.62 feet along a Southerly line of said land conveyed to Kendal at Oberlin, Inc. and said Corporation Line of the City of Oberlin to a point on the Easterly line of Oberlin North Road;

Thence, South 01 degrees 01'46" East a distance of 499.42 feet along the Easterly line of said Oberlin North Road, to the Principal Place of Beginning, containing 9.9923 Acres as surveyed by Thomas A. Simon, Registered Professional Surveyor No. S-7775 in November, 2006 through August, 2007. Basis of bearings is the centerline of Oberlin Road North (State Route 58), North 01 degrees 01'46" West.

Attached hereto is an accurate map of the territory to be annexed.

The name of the person or persons to act as agent for the undersigned petitioners is John L. Keyse-Walker, Esq. (jkeysewalker@fkwdlaw.com) and/or Stephanie M. Mercado, Esq., smercado@fkwdlaw.com, Fauver, Keyse-Walker & Donovan, 5333 Meadow Lane Court, Elyria, Ohio, 44035-1469, Telephone: (440) 934-3700, Fax: (440) 934-3708.

PROFIT

KENDAL AT OBERLIN,
AN OHIO CORPORATION NOT FOR


Barbara W. Thomas, Chief Executive Officer

Date: 8-23-07

TERESAL UPTON
CLERK

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RECEIVED
FORAIN COUNTY
COMMISSIONERS

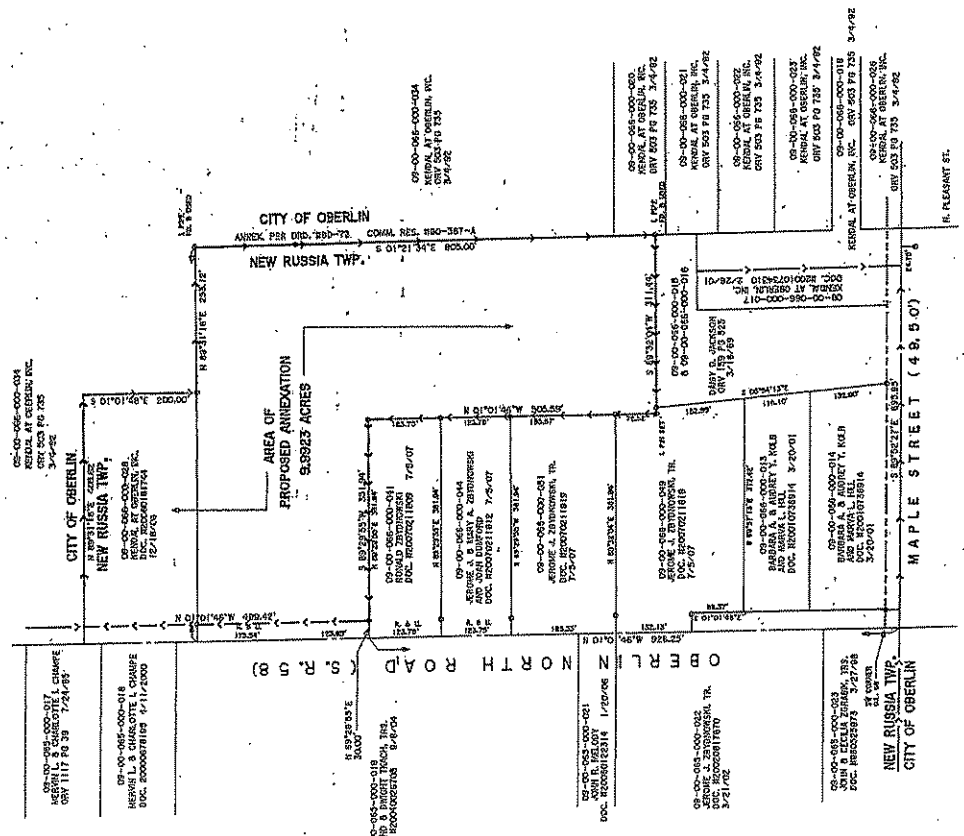


THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION AND I AM A LICENSED SURVEYOR IN THE STATE OF OHIO. I AM NOT PROVIDING ANY WARRANTY AS TO THE ACCURACY OF THE INFORMATION HEREON. ANY USER OF THIS MAP SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS AND DEEDS OF RECORD.



PLAT OF PROPOSED ANNEXATION
TO THE CITY OF OBERLIN
FOR
KENDAL AT OBERLIN, INC.

BEING KNOWN AS PART OF NEW RUSSIA TOWNSHIP,
ORIGINAL LOT NO. 42,
COUNTY OF LOHMAN, STATE OF OHIO,
AUGUST, 2007 SCALE 1" = 100'



RECEIVED
FORAM COUNTY
COMMISSIONERS
2007 AUG 30 P 2:59
THERESA L. UPTON
CLERK

THOMAS SIMON & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
100 SOUTH OLYVE STREET
MILWAUKEE, OHIO 44133
419.357-2523
FAX 419-357-2524