

ORDINANCE NO.07-80 AC CMS

AN ORDINANCE INDICATING WHAT SERVICES THE CITY OF OBERLIN, OHIO, WILL PROVIDE TO CERTAIN REAL PROPERTY PROPOSED TO BE ANNEXED TO THE CITY OF OBERLIN, OHIO, PURSUANT TO SECTION 709 03(D) OF THE OHIO REVISED CODE AND THE APPROXIMATE DATE BY WHICH IT WILL PROVIDE THEM AND DECLARING AN EMERGENCY

WHEREAS, Kendal at Oberlin, An Ohio Corporation not for profit, on August 30, 2007, filed a petition to annex approximately 9.9923 acres of property located in New Russia Township to the City of Oberlin; and

WHEREAS, the Board of Lorain County Commissioners have set November 1, 2007, at 10 00 a.m as the date and time of the hearing upon the Petition; and

WHEREAS, Section 709 03 (D) of the Ohio Revised Code requires that the City of Oberlin adopt a statement indicating what services the City will provide to the territory proposed for annexation, upon annexation, and the approximate date that such services will be provided upon annexation, and file same with the Board of Commissioners at least twenty (20) days before the date of the hearing

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring

SECTION 1 That the City of Oberlin, Ohio, will provide to the real property set forth in the Petition For Annexation attached hereto as Exhibit A, upon completion of annexation proceedings and acceptance by the City, all municipal services presently being provided to the residents of the City of Oberlin, Ohio, such including, but not limited to, police, fire, electric, water, sewer, and garbage service, subject, however, to all municipal ordinances and regulations applicable thereto, and further subject to any restrictions due to plant or line capacity or extension cost.

SECTION 2 That said services will be provided to the area proposed for annexation within thirty (30) days of the completion of the annexation proceedings and acceptance by the City.

SECTION 3 That the Clerk of Council shall provide a certified copy of this ordinance to the Board of Lorain County Commissioners no later than October 11, 2007.

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 4 That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, and safety of the citizens of the City of Oberlin, Ohio, to wit

“to ensure the adoption of the statement required by Section 709 03(D) of the Ohio Revised Code at least twenty (20) days prior to the annexation hearing to be held before the Board of Lorain County Commissioners”

and shall take effect immediately upon passage

PASSED. 1st Reading – 10/01/2007 (E)
 2nd Reading –
 3rd Reading –

ATTEST



Belinda B Anderson
CLERK OF COUNCIL



Darrel Gardner
PRESIDENT OF COUNCIL

POSTED 10/02/2007

EFFECTIVE 10/02/2007

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 Northwesterly 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 Northerly 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 Northerly line of said land conveyed to Ronald Zbydnowski to the Northeasterly 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 Northerly 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 Northerly line of said land conveyed to Daisy D Jackson to an iron pipe found at the Northeasterly 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 fo 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

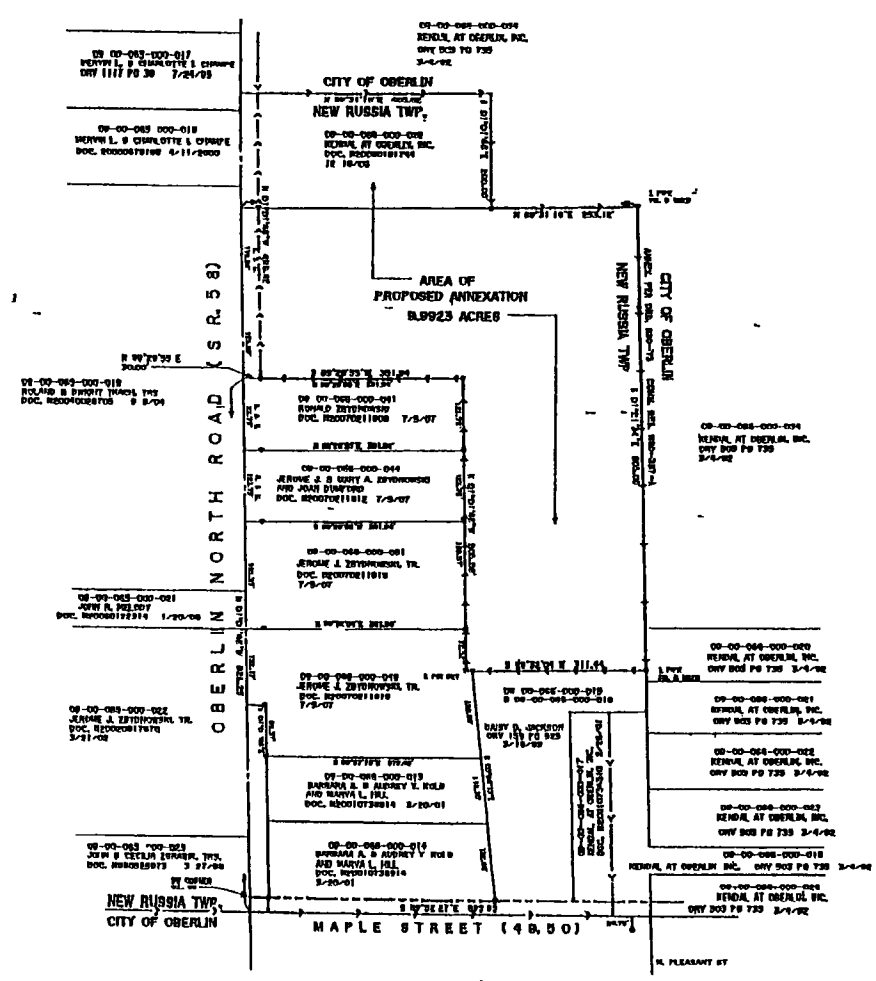
Barbara W Thomas
Barbara W Thomas, Chief Executive Officer

Date 8-23-07

THESSAL UPTON
M. ENV.

2007 AUG 30 P 2 59

RECEIVED
LORAIN COUNTY
COMMISSIONERS



RECEIVED
LORAIN COUNTY
COMMISSIONERS
2007 AUG 30 P 2:59
THERESA UPTON
CLERK

THOMAS SIMON & ASSOCIATES, INC.

100 DRIVE IN THE WOODS
ELYRIA OH 44028
419.227.2222



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