

## **CITY OF OBERLIN, OHIO**

### **RESOLUTION No. R12-04 CMS**

**A RESOLUTION APPROVING THE APPLICATION OF BURRER FARMS FOR PLACEMENT OF CERTAIN LAND LOCATED WITHIN THE CITY OF OBERLIN IN AN AGRICULTURAL DISTRICT PURSUANT TO OHIO REVISED CODE SECTION 929.02 AND DECLARING AN EMERGENCY**

WHEREAS, Burrer Farms has recently filed an application with the City of Oberlin to have certain acreage placed in an Agricultural District; and

WHEREAS, the Oberlin Planning Commission has considered this application and recommends the approval of it subject to modification; and

WHEREAS, City Council has held a public hearing concerning the matter in accordance with Section 929.02(B) of the Ohio Revised Code.

NOW THEREFORE, BE IT RESOLVED 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 application of Burrer Farms to place approximately 69.09 acres of real property located in the City of Oberlin and identified by Lorain County Auditor's Parcel Numbers 09-00-088-105-006 and 09-00-088-106-009 in an Agricultural District, as provided for in Chapter 929 of the Ohio Revised Code, is hereby approved, with the following modification: that the provisions of Section 929.04 of the Ohio Revised Code, which provides that agricultural activities conducted within an Agricultural District have a complete defense to, and are immune from, any civil action relating to alleged nuisance conditions, not be applicable, and that nuisance remedies continue to be available to an aggrieved party for the particular reason that the land in question, along the full length of its northerly border, abuts a fully developed, well-established residential subdivision.

SECTION 2. That this Council finds and determines that the within modifications to the application to place farmland in an Agricultural District are necessary to prevent a substantial, adverse, effect upon the efficient use of land within the municipal corporation, orderly growth and development of the municipal corporation, and to ensure the public health, safety and welfare of the municipality.

SECTION 3. That the Clerk of Council is hereby directed to send a certified copy of this Resolution to the Applicant by certified mail, return receipt requested, within 5 days of the effective date of this Resolution, and further to immediately transmit a certified copy of this Resolution to Mark R. Stewart, Lorain County Auditor, all in compliance with Section 929.02(b) of the Ohio Revised Code.

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

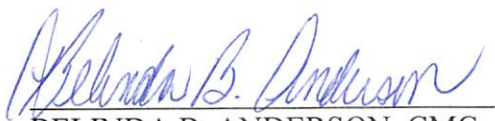
Council, and that all deliberations of this Council and of any of its committees with all legal requirements, including Section 121.22 of the Ohio Revised Code.


SECTION 5. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, or to provide for the usual daily operations of a municipal department, to wit:

“to allow the timely filing of an agricultural district application within the time limitations provided by Ohio law,” and shall take effect immediately up passage.

PASSED: 1st Reading - February 21, 2012 (S, E)  
2nd Reading -  
3rd Reading -

ATTEST:

  
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BELINDA B. ANDERSON, CMC  
CLERK OF COUNCIL

  
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RONNIE J. RIMBERT  
PRESIDENT OF COUNCIL

POSTED: 02/22/2012

EFFECTIVE DATE: 02/21/2012