

ORDINANCE NO. 08-44 AC CMS

AN ORDINANCE REZONING APPROXIMATELY 9.9923 ACRES OF LAND OWNED BY KENDAL AT OBERLIN AND LOCATED ALONG THE WEST SIDE OF KENDAL DRIVE FROM "R-1A"/SINGLE FAMILY DWELLING DISTRICT TO "PD"/PLANNED DEVELOPMENT DISTRICT

WHEREAS, a Petition to Rezone certain property located within the City of Oberlin was presented to this Council; and

WHEREAS, the Oberlin Planning Commission has considered said Petition and request and has reported back to this Council; and

WHEREAS, this Council has held a public hearing concerning said Petition and has given notice of same pursuant to law.

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 real property described in the attached Exhibit "A" and located along the West Side of Kendal Drive is hereby rezoned from "R-1A"/Single Family Dwelling District to "PD"/Planned Development District, use.

SECTION 2. That the City Manager is hereby directed to mark the present zoning map of the City of Oberlin to show that said area has been so rezoned, and is further directed to inform the Petitioners by certified mail of the decision of Council in this matter.

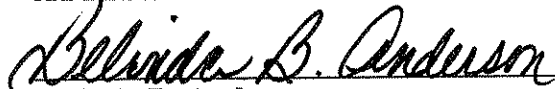
SECTION 3. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were 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 shall take effect at the earliest date allowed by law.

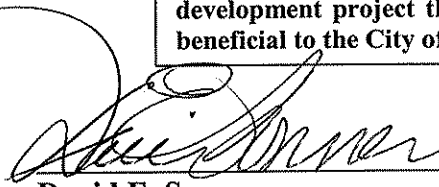
PASSED: 1st Reading – June 16th, 2008(E)
2nd Reading –
3rd Reading –

To authorize a rezoning as soon as possible in order to avoid delaying a development project that will be highly beneficial to the City of Oberlin.

ATTEST:



Belinda B. Anderson
CLERK OF COUNCIL



David E. Sonner
PRESIDENT OF COUNCIL

POSTED: 6/17/2008

EFFECTIVE DATE: 6/16/2008

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, Chief Executive Officer

Date: 8-23-07

THE RESAL. UPTON
FILED

2007 AUG 30 P 2:59

RECEIVED
FORAIN COUNTY
COMMISSIONERS