

CITY OF OBERLIN, OHIO
ORDINANCE No. 15- 38 AC CMS

AN ORDINANCE OBJECTING TO THE PROPOSED ANNEXATION OF
98.37 ACRES MORE OR LESS LOCATED IN PITTSFIELD TOWNSHIP
UPON THE PETITION OF THE LORAIN COUNTY JOINT VOCATIONAL
SCHOOL DISTRICT BOARD OF EDUCATION AND DECLARING AN
EMERGENCY

WHEREAS, Jennifer A. Flint, as Agent for the Lorain County Joint Vocation School District Board of Education has petitioned the Board of Commissioners of Lorain County, Ohio to annex to the City of Oberlin certain real property being 98.37 acres more or less located in Pittsfield Township, Ohio purporting to have been described in the petition, (“Petition”); and,

WHEREAS, said Petition was filed with the Board of Commissioners of Lorain County on June 24, 2015; and,

WHEREAS, Ohio Revised Code Section 709.023(C) provides that within twenty (20) days after the date that a petition for annexation is filed, the legislative authority of the municipal corporation to which annexation is proposed shall adopt an ordinance or resolution stating what services the municipal corporation will provide, and an approximate date by which it will provide them, to the territory proposed for annexation, upon annexation; and,

WHEREAS, the City of Oberlin has not adopted an ordinance or resolution stating what services the municipal corporation will provide, and an approximate date by which it will provide them, to the territory proposed for annexation, upon annexation; and

WHEREAS, Ohio Revised Code Section 709.023(D) provides that within twenty-five (25) days after the date that a petition is filed, the legislative authority of the municipal corporation to which an annexation is proposed and each township any portion of which is included within the territory proposed for annexation may adopt and file with the board of county commissioners an ordinance or resolution consenting or objecting to the proposed annexation. An objection to the proposed annexation shall be based solely upon the petition's failure to meet the conditions specified in division (E) of that section; and,

WHEREAS, Ohio Revised Code Section 709.023(E)(6) requires that the municipal corporation to which annexation is proposed has agreed to provide to the territory proposed for annexation the services specified in an ordinance or resolution adopted under division (C) of that section; and,

WHEREAS, Ohio Revised Code Section 709.023(E) provides that unless the petition is granted under division (D) of that section, not less than thirty or more than forty-five days after

the date that the petition is filed, the board of county commissioners shall review the petition to determine if all of the conditions enumerated in section 709.023(E) have been met; and,

WHEREAS, the Petition does not meet all of the conditions set forth in Ohio Revised Code Section 709.023 because the City of Oberlin has not agreed to provide to the territory proposed for annexation the services specified in an ordinance or resolution adopted under division (C) of Ohio Revised Code Section 709.023.

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

SECTION 1: That pursuant to Section 709.023(D) the City of Oberlin does hereby object to the annexation as proposed in the Petition filed with the Board of Commissioner of Lorain County on June 24, 2015 by the Lorain County Joint Vocation School District Board of Education for the reason that the Petition does not meet all of the conditions set forth in Ohio Revised Code Section 709.023(E) because the City of Oberlin has not agreed to provide to the Territory proposed for annexation the services specified in an ordinance or resolution adopted under division (C) of Ohio Revised Code Section 709.023.

SECTION 2: That the Clerk of Council shall file a certified copy of this Ordinance with the Board of Commissioners of Lorain County, Ohio, no later than July 20, 2015.

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 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, Ohio, or to provide for the usual daily operation of a municipal department, to wit: to submit to the Board of Commissioners of Lorain County an objection to the proposed annexation submitted on June 24, 2015 to the Board of Commissioners of Lorain County, by the Lorain County Joint Vocational School District Board of Education within the time required by law and shall take effect immediately upon passage.

PASSED: 1st Reading: July 13, 2015 (E)

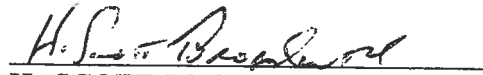
2nd Reading: _____

3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



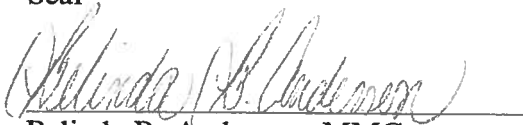
H. SCOTT BROADWELL
PRESIDENT OF COUNCIL

POSTED: 07/14/2015

EFFECTIVE DATE: 07/13/2015

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 15-38 AC CMS as passed by the Oberlin City Council.

Seal



Belinda B. Anderson, MMC
Clerk of Council, City of Oberlin, Ohio