

ORDINANCE NO. 07-88 AC CMS

AN ORDINANCE REZONING APPROXIMATELY 12 15 ACRES OF LAND OWNED BY WGI Properties, LLC, and DTW, LLC LOCATED WITHIN THE CITY OF OBERLIN, OHIO, 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 at the Southeast corner of Hamilton Street and South Main Street in the City of Oberlin 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

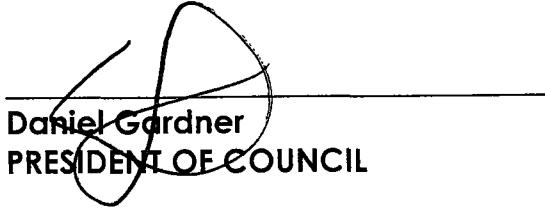
SECTION 4 That this ordinance shall take effect at the earliest date allowed by law

PASSED 1st Reading – November 5, 2007
 2nd Reading – November 19, 2007 (Suspension of rules effective in 30 days)
 3rd Reading –

ATTEST



**Belinda B Anderson
CLERK OF COUNCIL**



**Daniel Gardner
PRESIDENT OF COUNCIL**

POSTED 11-20-2007

EFFECTIVE DATE. 12-19-2007

a /ORD07-88 Rezone Wessell's



Weigler Land Surveying, Ltd.
513 Amoy East Road, Mansfield, Ohio
Phone and Fax (419) 747-7155

06003

DESCRIPTION
2.415 ACRES

Situated in the State of Ohio, County of Lorain, Township of Russia and being part of Original Lot 106, Township Five North (5N), Range Eighteen West (18W) and being part of lands now or formerly owned by WGI Properties, LLC as recorded in Instrument Number 8900371925 of the Lorain County Recorder's Records and being more particularly described as follows,

BEGINNING at a mag nail set marking the northwest corner of Original Lot 106, said mag nail also being in the centerline of Hamilton Street (60 feet in width) and also being South 89°42'10" East, 33 00 feet from an iron pin in a monument box found marking the intersection of the centerlines of Hamilton Street and State Route 58;

Thence with the following Four (4) courses,

- 1 South 89°42'10" East, 330 64 feet with the north line of Original Lot 106 and the centerline of Hamilton Street to a mag nail set, said mag nail also marking the northwest corner of lands now or formerly owned by DTW, LLC as recorded in Instrument Number 20010800109 of the Lorain County Recorder's Records,
- 2 South 01°04'27" West, 317 99 feet with the west line of said DTW, LLC lands to a rebar set, passing through an iron pipe found at 30 16 feet;
- 3 North 89°42'10" West, 331 07 feet parallel with the north line of Original Lot 106 and the centerline of Hamilton Street to a rebar set in the west line of Original Lot 106 and the west line of said WGI Properties lands,
- 4 North 01°09'08" East, 318 00 feet with the west line of Original Lot 106 and the west line of said WGI Properties lands to the point of beginning for the parcel herein described, passing through a rebar set for reference at 288 00 feet and containing 2.415 acres, subject to all legal easements, restrictions and rights of way now on record

Bearings are based on the centerline of State Route 58 being North 01°09'08" East as indicated on ODOT Right-of-way plans LOR-58 (7 98) Page 179 of 179, and are used to express angles only

All rebar set are 5/8" Dia. x 30" long with plastic cap stamped "Weigler 7747"

I hereby certify that this description is based upon an actual field survey made by Gary E Weigler, Registered Surveyor No 7747 and all monumentation was set or found as indicated

Prior Deed Reference. Instrument Number 8900371925

prepared by
Weigler Land Surveying, Ltd

Gary E. Weigler
Registered Surveyor No 7747
Date April 4, 2006



Weigler Land Surveying, Ltd.

513 Amoy East Road, Mansfield, Ohio
Phone and Fax (419) 747-7155

06003

DESCRIPTION 9.735 ACRES

Situated in the State of Ohio, County of Lorain, Township of Russia and being part of Original Lot 106, Township Five North (5N), Range Eighteen West (18W) and being lands now or formerly owned by DTW LLC as recorded in Instrument Number 20010800109 and part of lands now or formerly owned by WGI Properties LLC as recorded in Instrument No. 8900371925 of the Lorain County Recorder's Records and being more particularly described as follows;

Commencing at a mag nail set marking the northwest corner of Original Lot 105, said mag nail also being in the centerline of Hamilton Street (60 feet in width) and also being South 89°42'10" East, 33.00 feet from an iron pin in a monument box found marking the intersection of the centerlines of Hamilton Street and State Route 58

Thence South 89°42'10" East, 330.64 feet with the north line of Original Lot 106 and the centerline of Hamilton Street to a mag nail set marking the northwest corner of said DTW lands and the POINT OF BEGINNING of the parcel herein described

Thence with the following Eight (8) courses:

1. South 89°42'10" East, 330.63 feet with the north line of Original Lot 106 and the centerline of Hamilton Street to a mag nail set, said mag nail also marking the northwest corner of lands now or formerly owned by Annie Ruth Beckman as recorded in Deed Volume 1344 Page 500 of the Lorain County Recorder's Records;
2. South 01°01'31" West, 936.09 feet with the west line of said Beckman lands to a point marking the southeast corner of said Beckman lands and being in the north line of lands now or formerly owned by Big Till LLC as recorded in Instrument Number 0576792179 of the Lorain County Recorder's Records, passing through iron pipes found at 30.86 feet and 837.02 feet,
3. South 89°58'21" West, 331.47 feet with the north line of said Big Till, LLC lands and the north line of lands now or formerly owned by Frank S. Carlson, Trustee as recorded in Instrument Number 8463801882 of the Lorain County Recorder's Records to an iron pipe found marking the southeast corner of lands now or formerly owned by Russel A. and Wilma C. Hunt as recorded in Deed Volume 1297 Page 64 of the Lorain County Recorder's Records;
4. North 01°04'27" East, 281.27 feet with the east line of said Hunt lands and the east line of lands now or formerly owned by James M. Homing and Carol L. Wilburn as recorded in Instrument Number 8645412002 to a rebar set marking the northeast corner of said Homing lands and the southeast corner of said WGI Properties lands,
5. South 89°55'29" West, 331.57 feet with the north line of said Homing lands and the south line of said WGI Properties lands to a rebar set in the west line of Original Lot 106 and marking the northwest corner of said Homing lands and the southwest corner of said WGI Properties lands
6. North 01°09'08" East, 342.88 feet with the west line of Original Lot 106 and the west line of said WGI Properties lands to a rebar set;
7. North 89°42'10" East, 331.07 feet parallel with the north line of Original Lot 106 and the centerline of Hamilton Street to a rebar set in the east line of said WGI Properties lands and the west line of said DTW lands
8. North 01°04'27" East, 317.99 feet with the east line of said WGI Properties lands and the west line of said DTW lands to the point of beginning for the parcel herein described passing through an iron pipe found at 287.83 feet, containing 9.735 acres, of which 7.136 acres are from DTW, LLC lands and 2.599 acres are from WGI Properties lands and being subject to all legal easements, restrictions and rights of way now on record.

Bearings are based on the centerline of State Route 58 being North 01°09'08" East as indicated on ODOT Right-of-way plans LOR-58 (7 98) Page 179 of 179, and are used to express angles only

All rebar set are 5/8 Dia. x 30" long with plastic cap stamped "Weigler 7747"

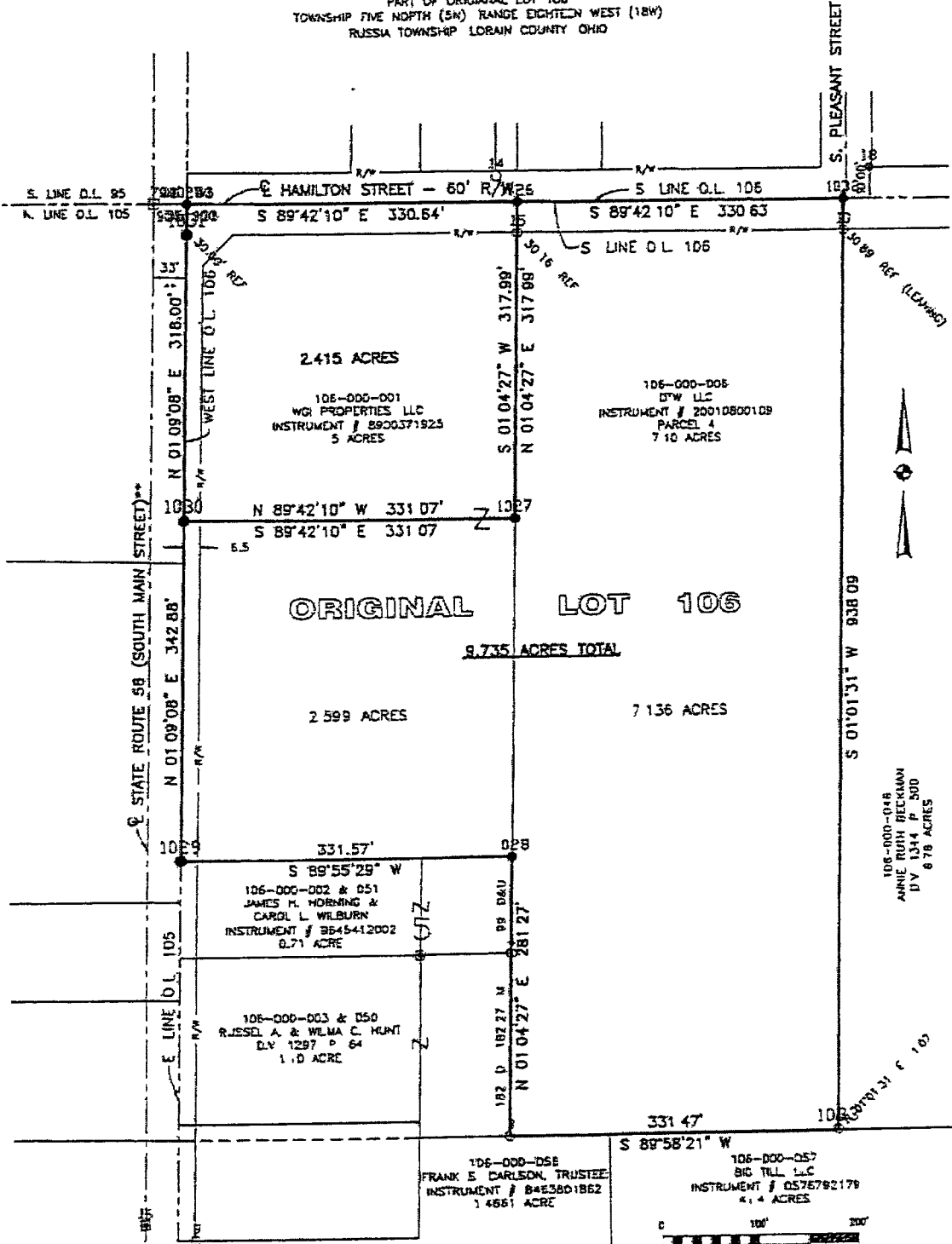
I hereby certify that this description is based upon an actual field survey made by Gary E. Weigler Registered Surveyor No. 7747 and all monumentation was set or found as indicated.

Pror. Deed Reference Instrument Number 20010800109
 Instrument Number 8900371925

prepared by
Weigler Land Surveying Ltd.

Gary E. Weigler
Registered Surveyor No. 7747
Date April 4, 2005

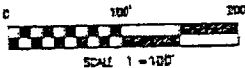
PLAT OF PROPERTY SURVEY FOR
DTW, LLC & WGI PROPERTIES, LLC
 PART OF ORIGINAL LOT 106
 TOWNSHIP FIVE NORTH (5N) RANGE EIGHTEEN WEST (18W)
 RUSSIA TOWNSHIP LORAIN COUNTY OHIO



BASE OF BEARINGS
 BEARINGS ARE BASED ON THE CENTERLINE OF S.E. 32
 BEING NORTH 01°28'08" EAST AS INDICATED ON 0901
 RIGHT-OF-WAY PLANS LOR-58 (7.98) PAGE 175 OF 178

- LEGEND**
- 5/8" DIA. x 30" LONG REBAR SET WITH PLASTIC CAP STAMPED "WEIGLER 7747"
 - ◆ MAG NAIL SET
 - IRON PIPE FOUND
 - ⊙ IRON ROD FOUND
 - ⊞ IRON PIN IN MONUMENT BOX FOUND
 - D=DEED M=MEASURED U=USED

NOTE
 CENTERLINE OF STATE ROUTE
 58 IS 21' WEST OF AND
 PARALLEL TO THE WEST LINE
 OF LOT 106 SEE
 COMMISSIONER'S JOURNAL
 VOLUME E, PAGE 93



CERTIFICATION I HEREBY CERTIFY THAT THE
 FOREGOING SURVEY WAS PREPARED FROM ACTUAL
 FIELD MEASUREMENTS IN ACCORDANCE WITH CHAPTER
 4733-37 OHIO ADMINISTRATIVE CODE
 PREPARED BY
WEIGLER LAND SURVEYING, LTD

GARY E. WEIGLER
 OHIO REGISTERED SURVEYOR NO. 7747
 DATE: APRIL 4, 2006
 FILE NO. 06301