

## **CITY OF OBERLIN, OHIO**

### **RESOLUTION No. R17-03 CMS**

**A RESOLUTION APPROVING THE RENEWAL APPLICATION OF BURRER FAMILY LAND, LLC TO CONTINUE THE INCLUSION OF CERTAIN LAND LOCATED WITHIN THE CITY OF OBERLIN IN AN AGRICULTURAL DISTRICT PURSUANT TO OHIO REVISED CODE SECTION 929.02(B) AND DECLARING AN EMERGENCY**

WHEREAS, Burrer Family Land LLC., has recently filed a renewal application with the City of Oberlin to continue the inclusion of certain land 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 J. Craig Snodgrass, 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 6, 2017 (E)

2nd Reading: \_\_\_\_\_

3rd Reading: \_\_\_\_\_

ATTEST:

  
\_\_\_\_\_  
BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL

  
\_\_\_\_\_  
RONNIE J. RIMBERT  
PRESIDENT OF COUNCIL

POSTED: 02/07/2017

EFFECTIVE DATE: 02/06/2017

**APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT  
(O.R.C. Section 929.02)**

(See reverse side for General Information regarding this Application)

**INSTRUCTIONS FOR COMPLETING APPLICATION**

Print or type all entries.

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- List description of land as shown on the most recent tax statement or statements. Show total number of acres.
- Describe location of property by roads, etc., and taxing district where located.
- State whether any portion of land lies within a municipal corporation.
- Note:** See "Where to File" on reverse side to be sure that a copy of this Application is also filed with the Clerk of the municipal legislative body as well as the County Auditor.
- A renewal application must be submitted after the first Monday in January and prior to the first Monday in March of the year in which the agricultural district terminates for the land to be continued in this program.
- If the acreage totals 10 acres or more, do not complete Part D.
- If the acreage totals less than 10 acres, complete either D (1) or (2).
- Do not complete the bottom portion. This space to be completed by the County Auditor and/or Clerk of the municipal legislative body.

A. Owner's Name: Chris Burree Paetner, Burree Farms  
 Owner's Address: 11891 Oberlin Rd Oberlin Ohio 44074  
 Description of Land as Shown on Property Tax Statement: \_\_\_\_\_

Location of Property: \_\_\_\_\_  
 Street or Road \_\_\_\_\_ County \_\_\_\_\_

TAX DISTRICT(S)	PARCEL NUMBER(S)	# of Acres
<u>Oberlin City</u>	<u>09-00-088-106-009</u>	<u>4.88</u>
	<u>09-00-088-105-006</u>	<u>64.21</u>
Total Number of Acres:		<u>69.09</u>

- B. Does any of the land lie within a municipal corporation limit or subject to pending annexation?  
 Yes  No \_\_\_\_\_  
 If YES, REMEMBER a copy of this application must be submitted to the Clerk of the municipal legislative body.
- C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 of the Ohio Revised Code?  
 Yes  No \_\_\_\_\_  
 1. If "NO" complete the following showing how the land was used the past three years:

	LAST YEAR Acres	TWO YEARS AGO Acres	THREE YEARS AGO Acres
Cropland			
Permanent Pasture used for animal husbandry			
Woodland devoted to commercial timber and nursery stock			
Land Retirement or Conservation Program pursuant to an agreement with a federal agency			
Building areas devoted to agricultural production			
Roads, building areas, and all other areas not used for agricultural production			
<b>Total Acres</b>			

- D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government?  
 Yes  No \_\_\_\_\_  
 If "No," complete the following:  
 1. Attach evidence of the gross income for each of the past 3 years, if the average yearly income from agricultural production was at least twenty-five hundred (\$2,500.00) dollars or more, OR  
 2. If the owner anticipates that the land will produce an annual gross income of twenty-five hundred (\$2,500.00) dollars or more, evidence must be attached showing the anticipated gross income.

**Authorization and Declaration**

By signing this application I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct application. I understand that land removed from this program before the 5-year enrollment period is subject to penalty, in accordance with Section 929.02(D) of the Ohio Revised Code.

Signature of Owner: Chris Burree Paetner Burree Farms Date: 1/20/17

**DO NOT COMPLETE FOR OFFICIAL USE ONLY**

**Action of County Auditor** **PENDING CITY APPROVAL** CAUV Application No. \_\_\_\_\_

Application Approved: \_\_\_\_\_ Rejected: \_\_\_\_\_ \*  
 Date Application Filed with County Auditor: \_\_\_\_\_ Date Filed (if required) with Clerk of Municipal Corporation: \_\_\_\_\_  
 County Auditor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_ \*  
 Date Decision Mailed to Applicant: \_\_\_\_\_ Certified Mail No.: \_\_\_\_\_

**Action of Legislative Body of Municipal Corporation**

Application Approved:  Approved with Modifications:  \* Rejected: \_\_\_\_\_ \*  
 Date Application Filed with Clerk: Jan 20, 2017 Date of Public Hearing: 2/16/2017 Date of Legislative Action: 2/16/2017  
 Clerk's Signature: Shelunda B. Anderson Date: 2/7/2017  
 Date Decision Mailed to Applicant: 2/08/2017 Certified Mail No.: 7016 1970 0000 4301 7819

\* IF MODIFIED OR REJECTED, ATTACH SPECIFIC REASONS FOR MODIFICATION OR REJECTION.