

CITY OF OBERLIN, OHIO

RESOLUTION No. R17-05 CMS

A RESOLUTION APPROVING THE APPLICATION OF BURRER FAMILY LAND, LLC 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 Family Land, LLC., 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 Family Land, LLC to place approximately 16.45 acres of real property located in the City of Oberlin and identified by Lorain County Auditor's Parcel Numbers 09-00-074-101-026 and 09-00-074-102-001 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 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, abuts residentially developed properties.

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: March 20, 2017 (E)

2nd Reading: _____

3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

POSTED: 03/21/2017

EFFECTIVE DATE: 03/20/2017

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POSTED: 03/21/2017

EFFECTIVE DATE: 03/20/2017

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

(See reverse side for General Information regarding this Application)

17 FEB 21 AM 8:54

INSTRUCTIONS FOR COMPLETING APPLICATION

Print or type all entries.

- 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 Burrer Partner, Burrer Farms / Burrer Family Land LLC
 Owner's Address: 11891 Obeelin Rd Obeelin 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>Obeelin City</u>	<u>090-0074-1010-26</u>	<u>.94</u>
<u>Obeelin City</u>	<u>090-0074-1030-01</u>	<u>15.51</u>

Total Number of Acres: _____

- 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			
Total Acres			

- 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 Burrer Partner Burrer Farms Date: 2/20/17

DO NOT COMPLETE FOR OFFICIAL USE ONLY
PENDING CITY APPROVAL

Action of County Auditor 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: 2/17/2017 Date of Public Hearing: 2/20/2017 Date of Legislative Action: 3/20/2017
 Clerk's Signature: Belinda B. Anderson Date: 3-30-2017
 Date Decision Mailed to Applicant: 3/30/2017 Certified Mail No.: 7016-1970-2000-4301-7086

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

