

CITY OF OBERLIN, OHIO

ORDINANCE No. 18-23 AC CMS

AN ORDINANCE AUTHORIZING THE CITY LAW DIRECTOR TO FILE AN ANNEXATION PETITION WITH THE BOARD OF LORAIN COUNTY COMMISSIONERS RELATING TO CERTAIN REAL PROPERTY LOCATED IN PITTSFIELD TOWNSHIP AND DECLARING AN EMERGENCY

WHEREAS, the City of Oberlin is the owner of 0.7043 acres ± of land located in Pittsfield Township being a portion of the State Route 58 right-of-way and a part of Lorain County Auditor's Permanent Parcel No. 14-00-006-900-001 described on Exhibit A attached hereto ("City Parcel"); and,

WHEREAS, James Bresnicky, ("Bresnicky") is the owner of 0.7417 acres ± of real property located in Pittsfield Township having an address of 14553 State Route 58, Oberlin Ohio, being Lorain County Auditor's Permanent Parcel No. 14-00-005-000-003 and described on Exhibit B attached hereto ("Bresnicky Parcel"); and,

WHEREAS the Besnicky Parcel is contiguous to the City Parcel; and,

WHEREAS, Bresnicky desires to annex the Bresnicky Parcel to the City of Oberlin to establish a connection to the City Sanitary Sewer system; and,

WHEREAS, in order to enable the annexation of the Bresnicky Parcel and to establish a connection to the City Sanitary Sewer system, it is necessary that the City Parcel also be annexed.

THEREFORE, BE IT ORDAINED 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 City Law Director is hereby authorized and directed to prepare, file and prosecute to conclusion an annexation petition for certain real property located in Pittsfield Township and more particularly described on Exhibits "A" and "B" attached hereto and incorporated herein by reference and to take such additional actions with regard to same as he determines to be reasonable and in the best interest of the City all to be charged as extraordinary expense.

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 authorize the filing of an annexation petition with the Board of Lorain County Commissioners at the earliest possible date to facilitate the expansion of the City utility customer base" and shall take effect immediately upon passage.

PASSED: 1st Reading: April 2, 2018 (E)

2nd Reading: _____

3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



BRYAN BURGESS
PRESIDENT OF COUNCIL

POSTED: 04/03/2018

EFFECTIVE DATE: 04/02/2018

EXHIBIT A

Legal Description for

Ohio State Route 58 - Right of Way
within Oberlin Reserve Subdivision No. 1

Situated in original Lot No. 6 in the original Township of Pittsfield, County of Lorain and State of Ohio and being land within Oberlin Reserve Subdivision No. 1 as depicted in Lorain County Recorder's Plat Vol 59 PGS 29-31 and also within the right of way of State Route 58 according to LOR-58-(7.98) plans prepared by the State of Ohio (11-26-1968) and further described as follows:

Beginning at the South East corner of Block C in said Subdivision and also the principal place of beginning of land herein described;

Course 1) Thence $N 7^{\circ} 19' 18'' W$, along the West right of way for State Route 58, a distance of 146.00 feet;

Course 2) Thence $N 10^{\circ} 56' 24'' W$, along the West right of way for State Route 58, a distance of 374.09 feet to the North line of said Subdivision;

Course 3) Thence $N 89^{\circ} 52' 25'' E$, along the North line of said Subdivision, a distance of 54.08 feet to the North East corner of said Subdivision;

Course 4) Thence $S 12^{\circ} 14' 45'' E$, along the East line of said Subdivision, a distance of 439.18 feet to an angle point;

Course 5) Thence $S 1^{\circ} 07' 35'' W$, along the East line of said Subdivision, a distance of 82.73 feet to the South East corner of said subdivision;

Course 6) Thence $S 89^{\circ} 40' 16'' W$, along the South line of said Subdivision, a distance of 56.01 feet to the principal place of beginning;

The land described contains 0.7043 acres, but is subject to legal highways, restrictions and easements of record.

This legal description is not based upon an actual field survey. This legal description was created from bearings and distances shown on Lorain County Recorder's Plat Vol. 59 PGS 29-31 and was written by Richard A. Fredrickson, Ohio Professional Surveyor No. 8285.

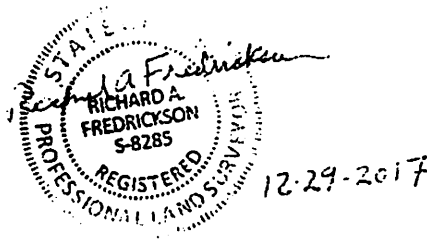


EXHIBIT B

Situated in the Township of Pittsfield, County of Lorain and State of Ohio, and known as being part of original Pittsfield Township lots 5 and 6 and together forming a parcel of land bounded and described as follows:

Beginning at a point on the centerline of Ashland-Oberlin Road, distance 102.30 feet south 12° 10' East is measured in the centerline of said road from the Southerly line produced Westerly of land conveyed to Harley Searles by deed dated September 11, 1947 and recorded in Volume 22, Page 113 of the Lorain County records.

Thence East 333.41 feet to an iron pin and passing through an iron pin set 33.76 feet Easterly therefrom;

Thence South 100.0 feet to an iron pin;

Thence West 316.55 feet to the center line of said Ashland-Oberlin Road and passing through an iron pin set 33.00 feet Easterly therefrom;

Thence in the centerline of said road north 1° 09' East 19.85 feet to an angle in said road;

Thence continuing in the centerline of Said Ashland Oberlin Rd., North 12° 10' West 81.99 feet to the place of beginning of land herein described and containing within said bound 0.7417 of an acre of land be the same more or less.

Excepting therefrom, however, so much of said land as was conveyed by George Prosser and Emma Prosser, his wife, first party to the Oberlin and Wellington Railway Company, Second Party, by deed dated May 19, 1900 and recorded in Volume 83, Page 513, of the Lorain County Records by Charles Stone and Lucy H Stone, first part party to the Oberlin and Wellington Railway Company, second Party by deed dated November 1, 1899 and recorded in Volume 83, Page 355 of the Lorain County Records, by Charles Stone (signed Chas Stone) and Lucy Stone, his wife, parties of the First to the Cleveland Southwestern and Columbus Railway Company, Second Party, by deed dated July 5, 1907 and recorded in Volume 107, Page 131 of the Lorain County Records.