

CITY OF OBERLIN, OHIO

ORDINANCE No. 21-60 AC CMS

AN ORDINANCE REJECTING A PETITION FOR THE ANNEXATION OF 98.37 ACRES, MORE OR LESS, LOCATED IN PITTSFIELD TOWNSHIP OHIO

WHEREAS, on June 24, 2015, the Lorain County Joint Vocation School District Board of Education, (“JVS”) petitioned the Board of Commissioners of Lorain County, Ohio, (Board of Commissioners”) to annex to the City of Oberlin certain real property being 98.37 Acres more or less located in Pittsfield Township, Ohio as more fully described in the petition, (“Petition”) hereinafter referred to as the "Territory;" and

WHEREAS, the Petition was made pursuant to Section 709.023 of the Ohio Revised Code which is commonly referred to an “Expedited Type II” annexation; and

WHEREAS, the Territory is located within the “District” that is the subject of and defined in a November 2006 Annexation Agreement made between the City of Oberlin and the Board of Trustees of Pittsfield Township, (“Annexation Agreement”) which provides that “[a]ny parcel annexed to the City and located within the District shall be a part of the City for all purposes, including but not limited to taxation . . .”; and

WHEREAS, pursuant to Sections 709.023(j) and 718.01(C)(18) of the Ohio Revised Code, Oberlin will be unable to collect income tax from some JVS employees if annexed under the provisions of an Expedited Type II annexation which would provide a source of revenue to offset the cost of services that the City might be required to provide to the Territory if annexed; and

WHEREAS, on June 15, 2021, the Board of Commissioners considered the JVS petition for the annexation; and

WHEREAS, by Resolution No. 21-394, the Board of Commissioners granted said Petition; and

WHEREAS, Section 709.022(C) of the Ohio Revised Code provides that after the Board of Commissioners grants a petition for annexation, the clerk of the board shall deliver a certified copy of the entire record of the annexation proceedings, including all resolutions of the board, signed by a majority of the members of the board, the petition, map, and all other papers on file, and the recording of the proceedings, if a copy is available, to the auditor or clerk of the municipal corporation to which annexation is proposed; and

WHEREAS, on July 21, 2021, the Clerk of the Board of Commissioners delivered a certified copy of the entire record of the annexation proceedings; and

WHEREAS, Section 709.04 of the Ohio Revised Code provides that at the next regular session of the legislative authority of the municipal corporation to which annexation is proposed, after the expiration of sixty (60) days from the date of the delivery required by division (C) of section 709.022 of the Revised Code, the auditor or clerk of that municipal corporation shall lay the resolution of the board granting the petition and the accompanying map or plat and petition before the legislative authority; and

WHEREAS, on September 7, 2021, the Clerk of Council presented to the Council the resolution of the Board of Commissioners granting the petition and the accompanying map or plat and petition pursuant to R. C. 709.04; and

WHEREAS, Section 709.04 of the Ohio Resolved Code provides that the legislative authority, by resolution or ordinance, then shall accept or reject the petition for annexation. If the legislative authority fails to pass an ordinance or resolution accepting the petition for annexation within a period of one hundred twenty (120) days after those documents are laid before it by the auditor or clerk, the petition for annexation shall be considered rejected by the legislative authority.

THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain and State of Ohio that:

SECTION 1: Pursuant to Section 709.04 of the Ohio Revised Code the Council for the City of Oberlin does hereby reject the annexation petition filed with the Board of Commissioners of Lorain County on June 24, 2015, by the Lorain County Joint Vocation School District Board of Education.

SECTION 2: 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 3: This ordinance shall go into effect on the earliest date permitted by law.


PASSED: 1st Reading: October 4, 2021

2nd Reading: October 18, 2021

3rd Reading: _____

ATTEST:


BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL


LINDA SLOCUM
PRESIDENT OF COUNCIL

POSTED: 10/19/2021

EFFECTIVE DATE: 11/17/2021