

CITY OF OBERLIN, OHIO

RESOLUTION No. R22-02 CMS

A RESOLUTION TO MODIFY AND APPROVE THE APPLICATION OF FENCE ROW PRODUCTIONS LLC TO CONTINUE THE INCLUSION OF CERTAIN LAND LOCATED WITHIN THE CITY OF OBERLIN IN AN AGRICULTURAL DISTRICT PURSUANT TO SECTION 929.02 OF THE OHIO REVISED CODE AS AN EMERGENCY MEASURE

WHEREAS, Fence Row Productions, LLC has recently filed an application to have certain acreage placed in an Agricultural District; and

WHEREAS, City Council has held a public hearing concerning the matter in accordance with Section 929.02 of the Ohio Revised Code.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Oberlin, County of Lorain, State of Ohio:

SECTION 1. That the application of Fence Row Productions, LLC to place approximately 71.63 acres of real property located in the City of Oberlin and identified as Lorain County Auditor's Parcel No. 09-00-088-105-056 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 is used for farming operations and 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 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, Ohio or to provide for the usual daily operation of a municipal department, to wit: to provide for the timely approval of an agricultural district renewal application within the time limitations provided by Ohio law and provided that it is elevated to emergency status by the affirmative vote of at least five members of Council and receives the affirmative vote of at least five members of Council upon final passage, it shall go into full force and effect from and immediately after its passage; otherwise, it shall take effect on the earliest date allowed by law.

PASSED: 1st Reading: February 28, 2022
2nd Reading: _____
3rd Reading: _____

ATTEST:


BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL


HEATHER ADELMAN
PRESIDENT OF COUNCIL

POSTED: 03/01/2022

EFFECTIVE DATE: 02/28/2022