

City of
Oberlin

85 South Main Street, Oberlin, Ohio 44074
(440) 775-1531

Certification

I, Belinda B. Anderson, Clerk of Oberlin City Council, do hereby certify that the attached is a true and correct copy of Ordinance No 07-54 AC CMS, its annexation attachments, and transcript of proceedings from the Board of County Commissioners for Elizabeth J. Burgess and John A. Machnauer containing approximately 4.67 acres of land.

Dated: 7/17/2007

Belinda B. Anderson
Belinda B. Anderson, Clerk of Oberlin
City Council

/bba

"Ohio's Best College Town"

—OHIO Magazine

ORDINANCE NO. 07-54 AC CMS

AN ORDINANCE ACCEPTING THE ANNEXATION OF APPROXIMATELY 4.67 ACRES OF REAL ESTATE TO THE CITY OF OBERLIN UPON APPLICATION OF THE OWNERS, ELIZABETH J. BURGESS AND JOHN A. MACHNAUER

WHEREAS, a petition for the annexation of certain territory containing approximately 4.67 acres of land within Pittsfield Township was duly filed by the property owners, Elizabeth J. Burgess and John A. Machnauer; and

WHEREAS, the petition was duly considered by the Board of Commissioners of Lorain County, Ohio, on February 15, 2007; and

WHEREAS, said Board of Commissioners has approved the annexation of the territory to the City of Oberlin, as hereinafter described; and

WHEREAS, the Board of County Commissioners certified the transcript of the proceedings in connection with the annexation with the map and petition required in connection therewith to the Clerk of Council who received same on April 6, 2007; and

WHEREAS, sixty (60) days from the date of that filing have now elapsed in accordance with the provisions of Section 709.04 of the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That the application of the property owners, Elizabeth J. Burgess and John A. Machnauer, for the annexation of the territory described in Exhibit A attached hereto and incorporated herein by reference in the County of Lorain and adjacent to the City of Oberlin, an accurate map of which territory, together with the petition for its annexation and other papers relating thereto, and a certified transcript of the proceedings of the Board of County Commissioners of Lorain County in relation thereto are on file with the Clerk of Council of the City of Oberlin, be and the same is hereby accepted.

SECTION 2. That said territory so annexed is hereby zoned in accordance with Section 1329.06 of the Codified Ordinances of the City of Oberlin, and shall be subject to the land uses and design standards applicable thereto.

SECTION 3. That the Clerk of Council is hereby authorized and directed to make three (3) copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then

forthwith deliver one copy to Mark R. Stewart, Lorain County Auditor, one copy to Judy Nedwick, Lorain County Recorder, and one copy to the Ohio Secretary of

State, and shall file notice of this annexation with the Lorain County Board of Elections within thirty (30) days after it becomes effective, and shall do all other things required by law therein.

SECTION 4. 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.

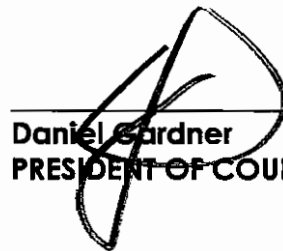
SECTION 5. That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading – June 18, 2007(Effective in 30 days)
 2nd Reading –
 3rd Reading –

ATTEST:



Belinda Anderson
CLERK OF COUNCIL



Daniel Gardner
PRESIDENT OF COUNCIL

POSTED: 6/19/2007

EFFECTIVE DATE: 7/19/2007

a:/ORD07-54 Annexation.Burgess.

Exhibit A

Situated in the Township of Pittsfield, County of Lorain and State of Ohio:

And known as being part of Original Pittsfield Township Lot No. 15, and bounded and described as follows:

Beginning on the center line of the Ashland-Oberlin Road (S.R. 58) at the northeasterly corner of said Original Lot No. 15 ;

Thence N89°55'55"W along the north line of Original Lot 15 a distance of about 55 feet to a point on the western right of way (ROW) line of the Ashland – Oberlin Road (S.R. 58) and the principal place of beginning;

Thence N89°55'55"W along the north line of Original Lot 15 and the south line of the lands conveyed by deed to Johanna Gott Trustee as recorded in Lorain County Records instrument number 20010756363 a distance of 732.41 feet to a point and the northeast corner of the lands conveyed by deed to Carol Varner as recorded in Lorain County Records O.R. 1044 P.265 ;

Thence S0°57'55"W along the east line of the lands conveyed to Carol Varner aforementioned a distance of 276.50 feet to a point on the north property line of the lands conveyed by deed to David P. Ransom as recorded in Lorain County Records O.R. 1257 P.632 ;

Thence S89°55'55"E and parallel to the north line of Original Lot 15 and along the north line of the lands conveyed to David P. Ransom aforementioned a distance of 737.74 feet to a point on the west ROW line of the Ashland – Oberlin Road (S.R. 58);

Thence N0°04'15"W along the west ROW line of the Ashland –Oberlin Road (S.R.58) a distance of 277.46 feet to a point and the principal place of beginning containing about 4.67 acres of land be the same more or less but subject to all legal highways.

In the matter of granting an Expedited 1 Annexation)
of 4.67 acres from Pittsfield Township to the City) February 15, 2007
Oberlin, Ohio - Attorney Paul Blevins is Agent for)
Petitioners; Elizabeth J. Burgess and John A.)
Machnauer)

WHEREAS, a petition and map for annexation of 4.67 acres from Pittsfield Township to the City of Oberlin were filed with the Clerk of Board of Commissioners of Lorain County, Ohio on February 5, 2007 by Attorney Paul Blevins, Agent for the petitioners; Elizabeth J. Burgess and John A. Machnauer; and

WHEREAS, the petition, map and description was forwarded to the Engineer and Auditor for their reviews; and

WHEREAS, Ken Carney, Lorain County Engineer by letter dated February 9, 2007 submitted the following:

"This is in response to the Petition for the proposed annexation of 4.67 acres of land in Original Lot #15 of Pittsfield Township to the City of Oberlin. The Petition was prepared by Paul E. Blevins acting agent for Elizabeth J. Burgess and John A. Machnauer the sole owners of said parcel proposed to be annexed.

We have reviewed the description of the proposed parcel to be annexed with the drawing, which were prepared by Michael Zunich & Associates. We have found that the description does follow the map and appears to be accurate with the County records. The proposed parcel of land is adjacent and contiguous to the City of Oberlin.

If there are any questions, please contact this office.

Sincerely, S/Ken Carney, Lorain County Engineer"; and

WHEREAS, Mark Stewart, Lorain County Auditor certified the filing of said petition on February 13, 2007; and

WHEREAS, said petition was filed as an Expedited Type 1 Annexation as authorized under R.C. 709.022 and the Board of Commissioners received and filed the petition at a regular meeting on February 8, 2007 and the next regular session of February 15, 2007, a decision was rendered for the following petition;

WHEREAS, Attorney Paul E. Blevins said the petition was submitted as an Expedited 1 and requires no hearing.

WHEREAS, Assistant County Prosecutor Innes said this Expedited Type 1 annexation does not require a hearing. The petition has been signed by all owners, a map and legal description were received along with the agent and an annexation agreement; and

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Lorain County, Ohio, that upon review of the documents submitted, the following findings are made:

The Petition contains the signatures of all the property owners in the territory to be annexed.

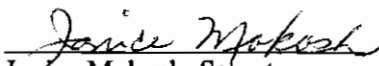
1. The Petition contains an accurate legal description of the perimeter of the territory proposed to be annexed.
2. The Petition contains an accurate map or plat of the territory proposed to be annexed.
3. The Petition contains the name of the person acting as statutory agent for the petitioners.
4. Filed with the Petition is a list of all the tracts, lots or parcels in the territory proposed to be annexed together with all the tracts, lots or parcels located adjacent to the territory to be annexed or directly across the road, including the name and mailing address of each owner and the permanent parcel number of each parcel.
5. Filed with the Petition is an Annexation Agreement between the City of Oberlin and the Board of Trustees of Pittsfield Township.

BE IT FURTHER RESOLVED that:

- I. Upon the findings that all of the conditions of annexation as contained in Revised Code Section 709.022 have been met, the Petition as presented is granted, incorporating the Annexation Agreement between the City of Oberlin and the Board of Trustees of Pittsfield Township.
- II. Herein the annex area will not be excluded from the Township
- III. The Clerk is directed to enter the resolution upon the journal of the Board and send a certified copy of the record (including all resolutions, the petition, the map and all other papers on file to the Clerk of the City of Oberlin.

Motion by Kalo, seconded by Kokoski to adopt Resolution. Ayes: All.
Motion carried. _____ (discussion was held on the above)

I, Janice Mokosh, Secretary Clerk to the Lorain County Board of Commissioners do hereby certify that the above Resolution No. 07-111 is a true copy as it appears in Journal No. 07 on date of February 15, 2007.


Janice Mokosh, Secretary

CERTIFICATE OF FILING

RECEIVED
LORAIN COUNTY
COMMISSIONERS

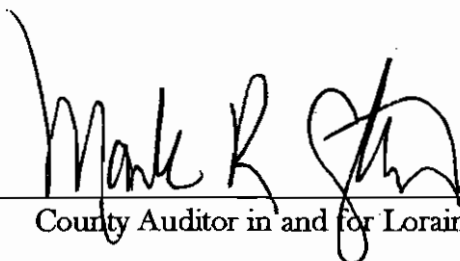
2007 FEB 12 P 3:00

State of Ohio)
)ss
Lorain County)

THERESA L. UPTON
CLERK

I, Mark R. Stewart, the duly elected, qualified and acting Auditor in and for the
County and State Aforesaid, do hereby certify that Theresa L. Upton
the duly elected/appointed, qualified and acting Clerk
in and for said Board of Commissioners of Lorain County, Ohio and ex-officio
Fiscal Officer for said District, has this day officially filed in the office of the Auditor of
Lorain County a certified copy of petition, legal description and map for the Proposed
Annexation of approximately 4.67 acres of land in the Township of Pittsfield to the City of
Oberlin, Ohio. Paul E. Blevins is Agent for Petitioners Elizabeth J. Burgess and John A.
Machnauer.

WITNESS my hand and Official Seal at Elyria, Ohio, this 9th day of
February, 2007



County Auditor in and for Lorain County, Ohio

**PETITION FOR ANNEXATION OF LAND TO THE CITY OF OBERLIN
FROM THE TOWNSHIP OF PITTSFIELD
(WITH ANNEXATION AGREEMENT)**

RECEIVED
LORAIN COUNTY
CLERK
2007 FEB -5 P 3: 14

To: Lorain County Board of Commissioners

THERESA L. UPTON
CLERK

Pursuant to Section 709.02 of the Ohio Revised Code, the undersigned, being all of the owners of the real property described in Exhibit A, attached hereto and made a part hereof, hereby petition the Board of Commissioners of Lorain County, Ohio to cause the property, as identified in Exhibit A, to be annexed to the City of Oberlin, Ohio following the special procedures provided by Section 709.022 of the Ohio Revised Code.

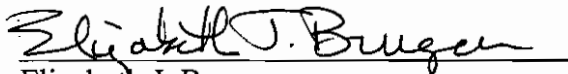
A full description and accurate map of the plat of the property sought to be annexed are set forth in Exhibits B and C, respectively, both attached hereto and made a part hereof.

As aforesaid, the owners of the property sought to be annexed and addresses are set forth on Exhibit A. All of the owners of the property subject to this petition for annexation have consented to the petition and are signers thereon for the annexation of said property. A list of all properties adjacent to those sought to be annexed is also being filed with the Board of Commissioners under separate cover.

This Petition is further presented, pursuant to Section 709.022 of the Ohio Revised Code, for expedited processing under the terms of an Annexation Agreement between the City of Oberlin and Pittsfield Township. A certified copy of said Annexation Agreement is attached hereto as Exhibit D.

The names of the persons to act as agents for the undersigned petitioners are Paul E. Blevins, McCray, Muzilla, Smith and Meyers, Co. LPA, 260 Burns Road, Suite 150, Elyria, Ohio 44035, Phone No. (440) 366-9930, Fax No. (440) 366-1910, who can be emailed at pblevins@mmsmlaw.com and Michael Zunich, P.E., 5255 Parkhurst Drive, Sheffield Village, Ohio 44054, Phone No. (440) 934-1055

**WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR
RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY
THE BOARD OF COUNTY COMMISSIONERS. THERE IS ALSO NO
APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW
OR EQUITY.**



Elizabeth J. Burgess
14800 St. Rt. 58
Oberlin, Ohio 44074

Date: Feb 2, 2007

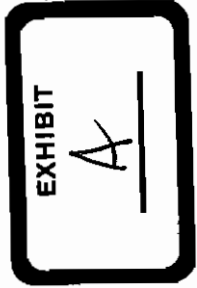


John A. Machnauer
14800 St. Rt. 58
Oberlin, Ohio 44074

Date: 2-2-07

Identification of Parcel to be Annexed

No.	Owners Name & Address	P.P.N. & Conveyance Info.	Total Acreage	Road Acreage Not Annexed	Acres to be Annexed
1.	E. J. Burgess J.A. Machnauer 14800 State Rte. 58 Oberlin, OH 44074	1400015000002 D.V. 1288, P.482	5.00	0.33	4.67



Michael Zunich & Associates

RECEIVED
LORAIN COUNTY
COMMISSIONERS

5255 Parkhurst Drive Sheffield Village, Ohio 44054 P: 440-934-1055 F: 440-934-1347 E: mzunich@centurytel.net

2007 FEB -5 P 3:15

January 16, 2007

Subject: Legal Description
Annexation to Oberlin
Burgess & Machnauer Property

THERESA L. UPTON
CLERK

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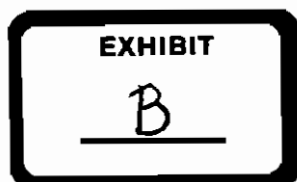
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LORAIN COUNTY ENGINEER
KEN CARNEY, P.E., P.S.

February 9, 2007

The Honorable Board of
County Commissioner's
Attn: Theresa Upton
226 Middle Avenue
Elyria, Ohio 44035

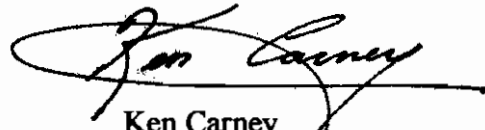
Dear Board,

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If there are any questions, please contact this office.

Sincerely,



Ken Carney
Lorain County Engineer

KC/WAM/rfb
cc: file