

ORDINANCE NO. 07-74 AC CMS

AN ORDINANCE AMENDING ORDINANCE 07-55 AC CMS WHICH ACCEPTED THE ANNEXATION OF CERTAIN REAL ESTATE INTO THE CITY OF OBERLIN TO CORRECT AN ERROR IN THE ACREAGE TO BE ANNEXED AND DECLARING AN EMERGENCY

WHEREAS, on June 18, 2007, Oberlin City Council approved Ordinance No. 07-55 AC CMS, which accepted the annexation of certain properties located in Pittsfield Township and owned by Darl L. and Doris Hendricks to the City of Oberlin; and

WHEREAS, said Ordinance contained an error as to the amount of acreage to be annexed as of a result of the Board of County Commissioners deleting certain portions of Ohio Route 58 from the annexation; and

WHEREAS, the City of Oberlin desires to amend Ordinance NO. 07-55 AC CMS to ensure that the correct acreage annexed is reflected in public records.

NOW 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 amount of acreage being accepted for annexation in the title of Ordinance Number 07-55 AC CMS is hereby amended to read 69.5192 acres.

SECTION 2: That Exhibit A attached to Ordinance Number 07-55 AC CMS, being the legal description of the property being annexed, is hereby modified to exclude the west side of Ohio Route 58 adjacent to the property, in order to conform the actions of the City in regard to the annexation with the actions of the Board of Lorain County Commissioners, a corrected Exhibit A being attached hereto and incorporated herein by reference.

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 health, safety and welfare of the citizens of the City of Oberlin, or to provide for the usual daily operation of a municipal department, to wit:


"To correct an acreage error in a recently approved annexation ordinance to comply with the actions of The Board of Lorain County Commissioners at the earliest possible date"

And shall take effect immediately upon passage.

**PASSED: 1st Reading – September 04, 2007(E)
2nd Reading –
3rd Reading –**

ATTEST:


**Belinda B. Anderson
CLERK OF COUNCIL**


**Daniel Gardner
PRESIDENT OF COUNCIL**

POSTED: 09/05/2007

EFFECTIVE DATE: 09/05/2007

s:/ORD07-74 AnnexationHendricks(A).

ERIC J. NELSON
12696 Abbey Road, North Royalton, Ohio 44133

Surveying Services

Phone: (330) 220-8843

Description for:

February 8, 2007

Darl L. Hendricks and Doris Hendricks P.P.N. 14-00-026-000-013
69.5192 Acre Parcel ~ Annexation (No Right-Of-Way)

Situated in the Township of Pittsfield, County of Lorain, and State of Ohio, and known as being part of Original Pittsfield Township Lot 26, and being further bounded and described as follows:

Beginning at the northeast corner of Original Pittsfield Township Lot No. 26;

Thence South $00^{\circ}-47'-41''$ West, a distance of 495.84 feet along the easterly line of Original Pittsfield Township Lot 26 to the southeasterly corner of land conveyed to Mohrman Family Partnership by deed recorded in Document No. 20040019890, date 08/04/2004, of Lorain County Recorder Records to a point, said point being the principal place of beginning of the parcel of the land herein described;

Thence North $89^{\circ}-56'-44''$ West a distance of 51.01 feet along the southerly line of the Mohrman parcel to a point in the westerly line of Ashland-Oberlin Road (S.R. 58) (R/W Varies);

Thence South $00^{\circ}-48'-12''$ West a distance of 807.63 feet along the westerly line of Ashland-Oberlin Road (S.R. 58) to a $5/8''$ iron pin set;

Thence South $02^{\circ}-38'-38''$ West a distance of 118.55 feet and continuing along the westerly line of Ashland-Oberlin Road (S.R. 58) to a $5/8''$ iron pin set;

Thence South $82^{\circ}-52'-40''$ West a distance of 323.12 feet to an iron pin set;

Thence South $00^{\circ}-47'-41''$ West, a distance of 250.00 feet to an iron pin set on the southerly line of said Original Lot No. 26;

Thence North $89^{\circ}-35'-56''$ West, a distance of 1711.54 feet along said southerly line of said Original Lot No. 26 to a 1" iron pipe found at an angle point therein;

Thence North $89^{\circ}-26'-56''$ West, a distance of 533.30 feet along said southerly line of said Original Lot No. 26 to a 1" iron pipe found at the Southwest corner thereof;

Thence North $00^{\circ}-05'-17''$ East, a distance of 1198.70 feet along the westerly line of said Original Lot No. 26 to a 1" iron pipe found at the southwest corner of land conveyed to Gerhart Associates by deed recorded in Document No. 20010768824, date 08/02/2001, of Lorain County Recorder Records;

Thence North $89^{\circ}-55'-47''$ East, a distance of 778.89 feet to a 1" iron pipe found at the southwest corner of land conveyed to Land Concepts Company, Inc. by deed recorded in Vol. 209, Page 59, date 09/24/1989, of Lorain County Recorder Records;

Thence North $89^{\circ}-59'-50''$ East, a distance of 975.31 feet along said land so conveyed to Land Concepts Company Inc. to an iron pin set at the southeasterly corner thereof;

Thence South $89^{\circ}-56'-44''$ East, a distance of 829.62 feet to a point, said point being the principal place of beginning of the parcel of the land herein described, and containing 69.5192 acres of land, according to a survey by Eric J. Nelson, P.S. #7348 in February of 2006, being the same more or less, but subject to all legal highways;

The bearings referred to in this description are based on an assumed meridian and are used to denote angles only. The basis of bearings for this description is based upon (North $89^{\circ}-58'-16''$ East) along the southerly line of Original Pittsfield Township Lot No. 14 as shown on an ALTA / ACSM land title survey prepared by KS Associates in March of 2004.

All iron pins referred to as being set are $5/8$ inch diameter x 30 inch length steel rebar with a plastic cap with the name Nelson #7348 stamped on top.

The above description describes a parcel of land now or formerly owned by Darl L. Hendricks and Doris Hendricks as recorded in O.R. Volume 1406, Page 530, date 09/25/1986, of the Lorain County Recorders Records.

Exhibit A

