

WHEREAS, Assistant County Prosecutor Innes administered an oath to all persons testifying according to law and the evidence presented was tendered through stipulations of the Attorney for Petitioner; and

WHEREAS, Attorney John Keyse-Walker serving as one of the Agents; the other is Attorney Stephanie Mercado for Petitioners – Kendal At Oberlin.

This annexation is 9.9923 acres from New Russia Township to the City of Oberlin, east of SR58 and bounded on the north and east side and some south side of the City of Oberlin and boundary of New Russia Township is on the west side of the property. The total area and is 805 feet contiguous to the city with a total area of 1600 ft.

In accordance with ORC 709.02; Petition meets the requirements, petition signer is the owner of territory to be annexed, and petition has valid signatures with no challenge to the signatures or the petition as permitted 15 days before hearing under ORC 709.031. The evidence will also show the City of Oberlin has complied with the statutory requirements with an Ordinance indicating what services will be made available to the territory to include; fire, police, water, electric, sewer and garbage service which will be provided 30 days after the annexation process. The evidence will show the territory to be annexed is not unreasonably large, being under 10 acres. On balance the general good of the territory and surrounding areas will outweigh the detriments of the surrounding territory arising from the annexation; and

WHEREAS, Attorney Eric Severs, representing City of Oberlin introduced the new City Manager – Erin Norenberg.

Attorney Severs said there has been some indication that New Russia Township would like to negotiate with the City of Oberlin with a similar agreement like Pittsfield has with Oberlin. City Council could accept a proposal and have no objection to attempt to negotiate an agreement with New Russia, but it took over 2 years with Pittsfield. He said this type of negotiations he does not want this to be a part of this annexation request, it would be unfair to Kendal and they would like to proceed; and

WHEREAS, Attorney Stephen Bond, representing New Russia Township. Attorney Bond stated that the township does object to this proposal, as evidence all three Township Trustees are present. From a technical perspective there is an island of township that was created by the configuration of the property and it is a segmentation of property, not good planning. In particular, there was a court decision called In Re: Annexation of 343.2255 acres out of the 12th District – 1995 – 106th Ohio Appellate 3rd 512 – in the decision - “the court should also consider services available to the territory before annexation. There is no way to decide whether annexing a municipality can decide an adequate levy of service without basis or standard for comparison.” From the point being, the perspective of the Township feels this application is some what premature as there was no attempt to develop this property by applying to the township or formally requesting what services the township could provide. There was no indication whether or not the township should have negotiations or whatever means the township could provide services for this annexation. Attorney Bond said, as Mr. Severs indicated the Township is interested in working out some kind of long term arrangement with the City, possibly something like Pittsfield, but no one came forward with this presentation to the Township or who should have initiated it but since the petitioners