

City of
Oberlin

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

Certification

I Belinda B. Anderson, the Oberlin City Clerk, do hereby certify that attached is a true and correct copy of Ordinance No.08-63 AC CMS and its Exhibit A, its annexation attachments, and transcript of proceedings from the Board of County Commissioners, upon application of Petitioners Oberlin Land Company, Walmart Real Estate Business Trust, and Continental Land and Building Co., LLC.

Dated: 9-26-2008



Belinda B. Anderson, Clerk of Oberlin
City Council

/bba

"Ohio's Best College Town"

—OHIO Magazine

ORDINANCE NO. 08-63 AC CMS

AN ORDINANCE ACCEPTING THE ANNEXATION OF APPROXIMATELY 2.7531 ACRES FROM PITTSFIELD TOWNSHIP TO THE CITY OF OBERLIN UPON APPLICATION OF PETITIONERS OBERLIN LAND COMPANY, WALMART REAL ESTATE BUSINESS TRUST AND CONTINENTAL LAND & BUILDING CO., LLC

WHEREAS, a Petition for the annexation of certain territory containing approximately 2.7531 acres of land within Pittsfield Township was duly filed by the property owners, Oberlin Land Company, Wal Mart Real Estate Business Trust, and Continental Land & Building Co., LLC; and

WHEREAS, the Petition was duly considered by the Board of Commissioners of Lorain County, Ohio, on May 22, 2008; 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 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 May 28, 2008; 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 owner, Oberlin Land Company, Walmart Real Estate Business Trust and Continental Land & Building Co., LLC, for the annexation of the territory described in Exhibit A attached hereto and incorporated herein by reference, in the County of Lorain and located 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 copy of the 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 be effective from and after the earliest date allowed by law.

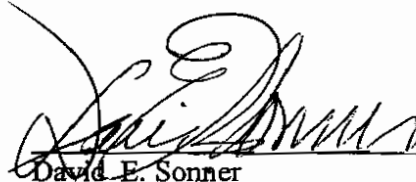
PASSED: 1st Reading – July 7th, 2008 (S)
 2nd Reading –
 3rd Reading –

*Suspension of Rules: effective
in 30 days.*

ATTEST:



Belinda B. Anderson
CLERK OF COUNCIL



David E. Sonner
PRESIDENT OF COUNCIL

POSTED: 08/26/2008

EFFECTIVE DATE: 09/25/2008

**Area to be Annexed to the City of Oberlin
2.7531 Acres**

Situated in the Township of Pittsfield, County of Lorain, State of Ohio and known as being part of Original Pittsfield Township Lot No. 15. Also being part of the land conveyed to Wal-Mert Real Estate Business Trust as recorded in Instrument No. 20050106897 of the Lorain County Land Records, part of the land conveyed to Oberlin Land Company as recorded in Instrument No. 20060175404 of the Lorain County Land Records and part of the land conveyed to Continental Land & Building Co. as recorded in Instrument No. 20070188491 of the Lorain County Land Records, being more definitely described as follows;

Commencing at the intersection of the centerline of State Route 58 and the southerly line of Original Pittsfield Township Lot No. 16, said point being distant North 00° 58' 25" East, 29.45 feet from a 1" iron pin found in a monument box on the centerline of State Route 58;

Thence, along said southerly line, South 89° 56' 16" West, 4.16 feet to the southeasterly corner of Original Pittsfield Township Lot No. 15;

Thence, along the southerly line of Original Pittsfield Township Lot No. 15, South 89° 56' 16" West, 209.97 feet to the southeasterly corner of said land conveyed to Continental Land & Building Co. and the True Point of Beginning for the parcel herein described;

Thence, continuing along said southerly line, South 89° 56' 16" West, 1655.01 feet to the northwesterly corner of land conveyed to Land Concepts Co. Inc. as recorded in O.R. Volume 209, Page 59 of the Lorain County Land Records;

Thence, along the northerly extension of Land Concepts Co. Inc.'s westerly line, North 00° 14' 14" West, 49.28 feet to the northerly right of way of Kipton East Road, State Route 10, U.S. Route 20;

Thence, along said right of way the following four courses;

North 89° 57' 12" East, 426.56 feet;

Thence, along the arc of a curve which deflects to the left, 714.74 feet, said curve having a radius of 11399.20 feet, a central angle of 03° 35' 33", and a chord of 714.62 feet which bears North 87° 51' 54" East;

Thence North 81° 43' 11" East, 324.37 feet;

Thence North 83° 36' 29" East, 197.35 feet to the easterly line of said land conveyed to Continental Land & Building Co.;

Thence, along Continental Land & Building Co.'s easterly line, South 01° 01' 59" West, 143.15 feet to the point of beginning.

Containing within said bounds 2.7531 acres (119,927 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in March 2004.

Bearings are based on Ohio State Plane, North Zone NAD83 (1986) Grid North based on GPS observations performed in January 2003.

Trevor A. Bixler 6-18-07

Trevor A. Bixler, P.S.
Professional Surveyor, Ohio No. 7730


KS ASSOCIATES
Civil Engineers + Surveyors
260 Burns Road, Suite 100
Elyria, OH 44035
440 365 4730

R:\0600\06125-07\Word\annexation.doc



KS ASSOCIATES

Memo

To: Members of City Council
From: Eric R. Severs, Law Director 
CC: Council Appointees
Date: August 20, 2008
Re: Annexation of Route 20 Strip

Ordinance No. 08-63 AC CMS accepts the annexation into the City of the strip of U. S. Route 20 that remained in Pittsfield Township after the Ames, Wal-Mart, Land Concepts and Triad Realty annexations were completed.

As a result of either property line issues or rules of the County Engineer, the northerly portion of the highway was never annexed. That has resulted in confusion related to police protection responsibilities and utility right of way control issues.

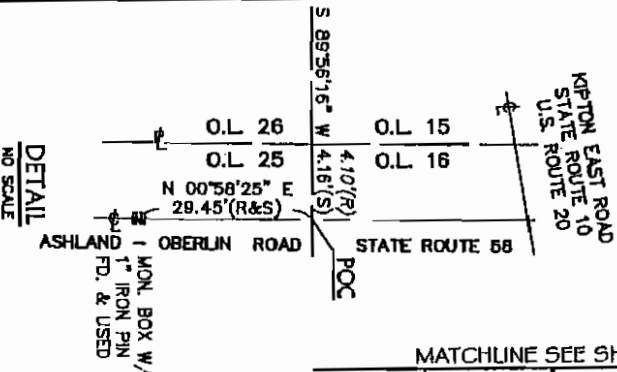
Due to the fact that the property involved consisted mostly of road right of way, there was no incentive on the part of the property owners to incur the cost of annexation. Because of the perceived benefit to the City if annexation occurred, in 2007 City Council authorized me to act as agent of the abutting property owners in order to proceed with the annexation.

After months of e-mails and telephone calls, all property owners finally agreed to the annexation and thereafter, on May 22 of this year, the Board of County Commissioners approved the Petition. As the statutorily required 60 day waiting period before the City acts on the annexation has now expired, we can proceed with approval.

Per City Charter, this legislation may not be passed as an emergency measure. However, Council may, if it desires, move to suspend the rule requiring three separate readings of the legislation and pass the ordinance on "First and Final Reading". To so proceed, after the ordinance has been read and a motion and second made to approve it on 1st reading, a motion to suspend the rule requiring three separate readings would need to be made, seconded and passed with at least 5 votes. Once debate has ended, the Clerk would call the role for passage on "First and Final Reading". The ordinance would be effective 30 days thereafter.

RECEIVED
LORAIN COUNTY
COMMISSIONERS

2008 MAY - 1 P 10:44



HERESA L. UPTON
CLERK

14-00-015-000-018
WAL-MART REAL ESTATE
BUSINESS TRUST
INST. NO. 2005010887

R=11399.20'
L=714.74'
A=335.33"
CH=714.62'
N 87°51'54" E

14-00-015-000-024
OBERLIN LAND COMPANY
INST. NO. 20060175404

14-00-015-000-025
CONTINENTAL LAND & BUILDING CO.
INST. NO. 20070188491

14-00-015-000-011
ROR LLC, SZAMBERG LLC &
DWM PIZZA LLC
INST. NO. 20050181888

MATCHLINE SEE SHEET 2 OF 2

PROPOSED ANNEXATION

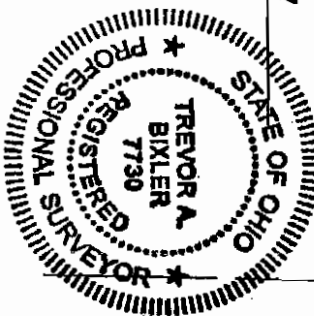
S 89°56'16" W 1655.91'

KIPTON EAST ROAD STATE ROUTE 10 U.S. ROUTE 20
(R/W VARIES)

TOTAL TO BE ANNEXED
2.7531 AC.

TREVOR A. BIXLER
PROFESSIONAL SURVEYOR, OHIO NO. 7730

T.A. Bixler
6-18-07



EXISTING CORPORATION LINE

PROPOSED ANNEXATION MAP

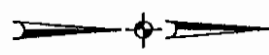
OF PART OF
ORIGINAL PITTSFIELD TOWNSHIP LOT NO. 15
TOWNSHIP OF PITTSFIELD, COUNTY OF LORAIN, STATE OF OHIO

DATE: 18, 2007

SHEET 1 OF 2

JOB NO. 06125-07

DWG. NAME
0-ANNEX-02



RECEIVED
LORAIN COUNTY
COMMISSIONERS

14-00-015-000-021
OBERLIN LAND COMPANY
OR. VOL. 83 P. 485

2008 MAY -1 P 10:44

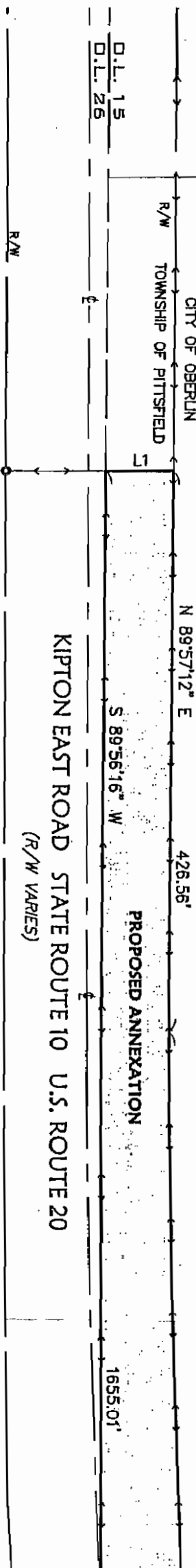
TERESA L. UPTON
CLERK

L1 = N 00°14'14" W 49.28'

14-00-015-000-018
WAL-MART REAL ESTATE
BUSINESS TRUST
MST NO. 20050708887

**TOTAL TO BE ANNEXED
2.7531 AC.**

R=11399.20'
L=714.74'
A=3°35'33"
CH=714.62'
N 87°51'54" E



TOWNSHIP OF PITTSFIELD
CITY OF OBERLIN



SCALE IN FEET
SCALE: 1"=100'

EXISTING CORPORATION LINE

HSS
HSS ASSOCIATES, INC.
250 Burns Rd., Suite 100
Glynn, Ohio 44025
Phone (440) 365-4730
Fax (440) 365-4790
mailroom@hssassoc.com
www.hssassoc.com

PROPOSED ANNEXATION MAP
OF PART OF
ORIGINAL PITTSFIELD TOWNSHIP LOT NO. 15
TOWNSHIP OF PITTSFIELD
JNTY OF LORAIN, STATE OF OHIO

JOB NO. 06125-07
DWG. NAME
0-ANNEX-02

DATE: 06/18/2007

SHEET 2 OF 2