

# City of *Oberlin*

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

## Certification

I Belinda B. Anderson, Oberlin City Clerk, do hereby certify that attached is a true and correct copy of Ordinance No. 09-08 AC CMS, its annexation attachments, and transcript of proceedings from the Board of County Commissioners upon application of Petitioner David L. Hanmer, Trustee of the Merle Hanmer Trust.

*Belinda B. Anderson*

Belinda B. Anderson, Clerk of Oberlin  
City Council

Dated: \_\_\_\_\_

*2/19/09*

/ bba

---

*"Ohio's Best College Town"*

—OHIO Magazine

## ORDINANCE NO. 09- 08 AC CMS

**AN ORDINANCE ACCEPTING THE ANNEXATION OF APPROXIMATELY 27.9260 ACRES FROM PITTSFIELD TOWNSHIP TO THE CITY OF OBERLIN UPON APPLICATION OF PETITIONER DAVID L. HANMER, TRUSTEE OF THE MERLE HANMER TRUST**

**WHEREAS**, a Petition for the annexation of certain territory containing approximately 27.9260 acres of land within Pittsfield Township was duly filed by the property owner, David L. Hanmer, Trustee of the Merle Hanmer Trust; and

**WHEREAS**, the Petition was duly considered by the Board of Commissioners of Lorain County, Ohio, on November 13, 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 November 17, 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, David L. Hanmer, Trustee of the Merle Hanmer Trust, 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.

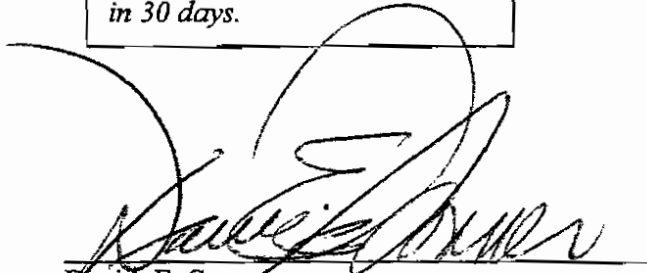
**PASSED:** 1<sup>st</sup> Reading – 01/20/2009 (S)  
2<sup>nd</sup> Reading –  
3<sup>rd</sup> Reading –

*Suspension of Rules: effective  
in 30 days.*

**ATTEST:**



Belinda B. Anderson  
**CLERK OF COUNCIL**



David E. Sonner  
**PRESIDENT OF COUNCIL**

**POSTED: 1/21/2009**

**EFFECTIVE DATE: 2/19/2009**

**PETITION FOR ANNEXATION**  
**EXPEDITED TYPE 1 PROCEEDING – R.C. 709.022**

The undersigned, being one hundred percent (100%) of the property owners in the area proposed to be annexed, such property being contiguous to the City of Oberlin, Ohio, hereby petition the Board of Commissioners of Lorain County, Ohio, for annexation of the property located on State Route 58, Oberlin, Ohio 44074 and bearing permanent parcel number 14-00-016-000-032, and further described in Exhibit "A," attached hereto, to the City of Oberlin, Ohio.

The undersigned further requests that the Board follow the procedures specified in Ohio Revised Code Section 709.022. A certified copy of the annexation agreement evidencing the consent of the City of Oberlin and the Township of Pittsfield is attached hereto.

The name of the person to act as agent for the undersigned petitioners is Erik A. Breunig, Esq., Taylor & Breunig Co., L.P.A., 409 East Avenue, Suite B, Elyria, Ohio 44035, Telephone: (440) 323-5700, Fax: (440) 284-2818.

**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 IN EQUITY.**

Date: 11/4/08

David L. Hanmer  
David L. Hanmer, Trustee of the Merle Hanmer Trust u/a/d February 16, 1994

RECEIVED  
LORAIN COUNTY  
COMMISSIONERS  
NOV 11 11 41 AM '08  
MARGAL L. UPTON  
CLERK

**LEGAL DESCRIPTION**  
**Parcel to be Annexed to the City of Oberlin**  
**July 20, 2008**

Situated in the Township of Pittsfield, Lorain County, State of Ohio, and being part of Original Pittsfield Township Lot 16; and being all of the parcel of land described in Lorain County O.R. Volume 918 Page 857 to David Hanmer Trustee, excepting O.R. Volume 1013 Page 908; and being more definitely described as follows:

**BEGINNING** at monument box found at an angle point in the centerline of State Route 58;

Thence along the centerline of State Route 58 North  $00^{\circ}58'23''$  East 29.45 feet to the southwest corner of Original Lot 16;

Thence continuing along the centerline of State Route 58 and the west line of Original Lot 16 North  $00^{\circ}58'23''$  East 642.13 feet;

Thence departing centerline of State Route 58 and the west line of Original Lot 16 South  $89^{\circ}01'37''$  East 50.00 feet to a pin set in the east line of State Route 58 and the **PRINCIPAL PLACE OF BEGINNING** of the land herein described;

Thence along the east line of State Route 58 North  $00^{\circ}58'23''$  East 685.14 feet to a pin set in the south line of the 1.42-acre parcel of land described in Lorain County Deed Volume 1006 Page 667 to James & Shirley Stump;

Thence along the south line of Stump's 1.42-acre parcel North  $89^{\circ}45'42''$  East 306.50 feet to a pin set at the southeast corner thereof;

Thence along the east line of Stump's 1.42-acre parcel North  $00^{\circ}58'23''$  East 200.00 feet to a pin set in the north line of Original Lot 16;

Thence along the north line of Original Lot 16 North  $89^{\circ}45'42''$  East 921.24 feet to an iron pin found at the northwest corner of the 18.87-acre parcel of land described in Lorain County Document No. 2003-08911116 to Douglas & Lorie Ann Wilber;

Thence along the west line of Wilber's 18.87-acre parcel South  $01^{\circ}20'26''$  W 610.71 feet to an iron pin found at the northeast corner of the 0.87-acre parcel of land described in Lorain County O.R. Volume 1013 Page 908 to Robert & Brenda Hanmer;

Thence along the north line of Hanmer's 0.87-acre parcel South  $89^{\circ}13'55''$  West 253.79 feet to an iron pin found at the northwest corner thereof;

Thence along the west line of Hanmer's 0.87-acre parcel and then the west line of the 2.32-acre parcel of land described in Lorain County Deed Volume 1016 Page 601 to Robert & Brenda Hanmer South  $00^{\circ}37'09''$  West 583.80 feet to an iron pin found in the north line of State Route 20;

Thence along the north line of State Route 20 in the arc of a curve that is concave to the north and having a radius of 11399.16 feet; a length of 485.29 feet; a tangent of 242.68 feet; an included angle of  $2^{\circ}26'21''$ ; a chord of 485.25 feet; and bearing South  $78^{\circ}20'17''$  West to a pin set;

**LEGAL DESCRIPTION**  
**Parcel to be Annexed to the City of Oberlin**  
**July 20, 2008**

Thence continuing along the north line of State Route 20 South 86°34'51" West 174.33 feet to a pin set;

Thence continuing along the north line of State Route 20 South 81°25'51" West 30.78 feet to a pin set at the southeast corner of the 0.10-acre parcel of land described in Lorain County Deed Volume 1148 Page 459 to the Certified Oil Corporation;

Thence along the east line of Certified Oil's 0.10-acre parcel North 06°54'02" West 149.91 feet to a pin set at the northeast corner thereof;

Thence along the north line of Certified Oil's 0.10-acre parcel South 81°25'13" West 3.67 feet to an iron pin found at the southeast corner of the 1.51-acre parcel of land described in Lorain County Document No. 2008-0243012 to VSM Parsons LTD;

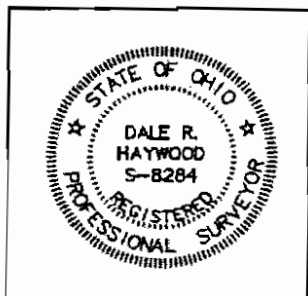
Thence along the east line of VSM Parsons' 1.51-acre parcel and then the east line of the 0.26-acre parcel of land described in Lorain County Document No. 2008-0243012 to VSM Parsons LTD North 03°31'22" East 268.08 feet to an iron pin found at the northeast corner thereof;

Thence along the north line of VSM Parsons' 0.26-acre parcel North 89°01'37" West 283.57 feet to the principal place of beginning;

Containing within said bounds 27.9260 acres of land, more or less, but subject to all legal highways and easements of record as surveyed by Dale Haywood, Registered State of Ohio Surveyor No. 8284, in July 2008.

Bearings are to an assumed meridian and intended to describe angles only. The basis of bearings is North 00°58'23" East for State Route 58.

All pins set are 30" long, 5/8" rebar with cap stamped "HAYWOOD 8284".



*Dale Haywood*

Dale R. Haywood, P.S.  
Registered State of Ohio Surveyor No. 8284

**LIST OF OWNERS OF PROPERTY ADJACENT TO AND  
DIRECTLY ACROSS THE ROAD FROM PETITIONERS**

James M. & Shirley S. Stump  
14-00-016-000-001  
14797 St. Rt. 58  
Oberlin, OH 44074

Rita H. Waltz  
14-00-005-000-010  
250 Forest St.  
Oberlin, OH 44074

Douglas B. & Lorie Ann Wilber, Trustees  
14-00-016-000-013  
47370 W. Hamilton St.  
Oberlin, OH 44074

Robert & Brenda Hanmer  
14-00-016-000-029  
14-00-016-000-011  
45754 St. Rt. 20, East  
Oberlin, OH 44074

VSM Parsons, Ltd.  
14-00-016-000-031  
14-00-016-000-018  
500 Trillium Dr.  
Galloway, OH 43119

Certified Oil Corp.  
14-00-016-000-003  
14-00-016-000-004  
P.O. Box 182439  
Columbus, OH 43218

J.A. Machnauer & E.J. Burgess  
14-00-015-000-002  
128 Shipherd Circle  
Oberlin, Ohio 44074

Michelle & Kurt Zimmerman &  
Eugene J. Presti  
14-00-015-000-009  
12955 Pyle Road  
Oberlin, Ohio 44074

Carol Varner  
14-00-015-000-006  
14868 St. Rt. 58  
Oberlin, Ohio 44074

David Gibson & Glenn Turnbull  
14-00-015-000-003  
20 Hawthorne Drive  
Oberlin, Ohio 44074

Devicchio Investments, LLC  
14-00-015-000-002  
c/o Oberlin Land Company  
20 W. Federal St. #FC12  
Youngstown, OH 44503

Penny L. Taylor  
14-00-016-000-006  
4479 Santina Way  
Lorain, OH 44053

James M. & Joan D. Cobb, Trustees  
14-00-016-000-007  
47676 Rt. 20, West  
Oberlin, OH 44074

David P. Ransome  
14-00-015-000-010  
14848 St. Rt. 58  
Oberlin, Ohio 44074



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

2008 NOV 12 A 10: 25

November 11, 2008

HERESA L. UPTON  
CLERK

The Honorable Board of  
County Commissioner's  
of Lorain County, Ohio

Dear Board,

This is in response to the Petition for the Proposed Annexation of 27.926 acres of land in Original Lot #16 of Pittsfield Township to the City of Oberlin. The petition was prepared by Erik Breunig acting agent for David L. Hanmer trustee of the Merle Hamner Trust sole owner of said parcel.

We have reviewed the description of the proposed parcel to be annexed to the drawing, which were prepared by Dale Haywood. We have found that there is no discrepancy between the description and the map. But the maps rendering of the city boundary is not shown properly and needs to be corrected.

Also, the acreage shown on the map and in the description does not agree with County records. We do not believe this discrepancy has any consequence to this annexation.

The proposed parcel of land is adjacent and contiguous to the City of Oberlin. If there are any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Carney".

Ken Carney  
Lorain County Engineer

Handwritten initials in black ink, possibly "KCA".



DAIE  
N00°58'23"E (B)

745+00  
C/L

50.00'

**P.P.O.B.**

14-00-016-000-031  
VSM PARSONS LTD  
DOC. NO. 2008-0243012  
0.26 AC.

CITY BOUNDARY THAT IS CORRECT

N89°01'37"W 283.57' M

283.89' R  
282.09' R

40.00' R

40.04' R

14-00-016-000-018  
VSM PARSONS LTD  
DOC. NO. 2008-0243012  
1.51 AC.

249.73' R

227.04' R

N03°31'22"E 268.08'

CITY BOUNDARY THAT IS WRONG

242.68' R

30.00' R

14-00-016-000-004  
CERTIFIED OIL CORP.  
DEED VOL. 1148 PG. 459  
0.10 AC.

150.00' R

150.00' R

N06°54'02"W 149.91' M

S81°25'13"W 3.67' M

14-00-016-000-003  
CERTIFIED OIL CORP.  
DEED VOL. 1148 PG. 459  
0.93 AC.

S81°25'51"W  
30.78' M

S86°34'51"W  
174.33' M 173.42' R

30.00' R

253+25.75,  
80' LT SR 20

320.64' R

81°26'15" R  
TO TANGENT

OL 15

OL 16

642.13'

740+00

80.0'