

ORDINANCE NO. 99-4 AC CMS

AN ORDINANCE INDICATING WHAT SERVICES THE CITY OF OBERLIN WILL PROVIDE TO CERTAIN REAL PROPERTY PROPOSED TO BE ANNEXED TO THE CITY OF OBERLIN PURSUANT TO SECTION 709.031 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY

WHEREAS, on November 19, 1998, a petition was filed with the Board of Commissioners of Lorain County, Ohio, to annex approximately 2.35 acres of property located in New Russia Township to the City of Oberlin; and

WHEREAS, said Petition for Annexation is presently pending before the Board of Commissioners of Lorain County, Ohio; and

WHEREAS, Section 709.031 of the Ohio Revised Code requires that the City of Oberlin adopt a statement indicating what services, if any, the City will provide to the territory proposed for annexation, upon annexation.

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 City of Oberlin, Ohio, will provide to the real property set forth in Exhibit A attached hereto, upon completion of annexation proceedings and acceptance by the City, all municipal services presently being provided to the residents of the City of Oberlin, Ohio, such including, but not limited to, electric, water, sewer and garbage service, subject, however, to all municipal ordinances and regulations applicable thereto, and further subject to any restrictions due to plant or line capacity or extension cost, as reflected in Exhibit B attached hereto.

SECTION 2. 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 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, to wit:

"to ensure the adoption of the statement required by Section 709.031 of the Ohio Revised Code prior to the annexation hearing to be held before the Board of Lorain County Commissioners"

and shall take effect immediately upon passage.

PASSED: 1st Reading - January 19, 1999 (E)
2nd Reading -
3rd Reading -

ATTEST:

Eugene F. Somo
CLERK OF COUNCIL

Gene M. Baumgardner
CHAIR OF COUNCIL

POSTED: January 20, 1999

EFFECTIVE DATE: January 20, 1999

a:\Ord99-4\HillAnnex

ALSO SEE
RES. 98-952, Passed
12-10-98
COPY IN READY IN
RESOLUTION FILE
IN CAB UBT

EXHIBIT A

ANNEXATION TO THE CITY OF OBERLIN
OF 2.35 ACRES, MORE OR LESS
IN RUSSIA TOWNSHIP

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

And known as being part of Original Russia Township Lot No. 106, and bounded and described as follows:

Commencing at an iron pin found in the centerline of East Hamilton Avenue, said centerline being also the Northerly line of Original Lot 106, at its point of intersection with the Easterly line of Original Lot 106;

Thence North 87 degrees 48' West along the centerline of East Hamilton Avenue and the Northerly line of Original Lot 106, a distance of 1212.55 feet to a point, said point being the principal place of beginning of the land herein described;

Thence continuing North 87 degrees 48' West along the centerline of East Hamilton Avenue and the Northerly line of Original Lot 106, a distance of 110.45 feet to a point; said point being also the Northeasterly corner of land conveyed to Daniel A. and Lucy A. Spriggs by deed dated March 23, 1956, and recorded in Volume 660, Page 513, Lorain County Deed Records;

Thence South 2 degrees 29' 30" West along the Easterly line of land so conveyed to Daniel A. and Luch A. Spriggs, as aforesaid, passing through an iron pin set 30.00 feet southerly on the southerly line of East Hamilton Avenue, a line of land as conveyed to H.W. Reighley by Deed dated September 15, 1937 and recorded in Volume 290, Page 269 Lorain County Record of Deeds;

Thence South 88 degrees 15' East along said Northerly line of land of H.W. Reighley, a distance of 108.98 feet to an iron pin set;

Thence North 2 degrees 30' East, a distance of 930.84 feet to a point in the centerline of East Hamilton Avenue and the Northerly line of Original Lot 106 and the principal place of beginning of the land herein described, and passing through an iron pin set 30.00 feet Southerly therefrom on the Southerly line of said avenue.

Page 2 -

ANNEXATION TO THE CITY OF OBERLIN
OF 2.35 ACRES, MORE OR LESS
IN RUSSIA TOWNSHIP

Containing within said bounds 2.3454 acres of land, be the same more or less, but subject to all legal highways as surveyed by C.E. Penfound, Registered Surveyor No. 3200, on May 15, 1956.

Permanent Parcel No. 09-00-106-000-041.

The property address is 45737 East Hamilton Street and consists of 2.35 acres, more or less, located adjacent to and contiguous with said City.

/js

EXHIBIT B

City of
Oberlin

85 South Main Street, Oberlin, Ohio 44074

(440) 775-1531 January 11, 1999

Eric Severs, City Solicitor
BankOne Building
Oberlin, OH 44074

RE: Hill Annexation

Dear Solicitor Severs:

Regarding services which would be available to the Hill property along Hamilton Road, I would note the following:

- WATER** An 8 inch water line abuts the property on Hamilton. In the current case, the property owner is connected as an outside customer. Upon annexation, they will receive a reduction in their water bill of thirty-three percent.
- SEWER** An eight inch sanitary sewer line abuts the property on Hamilton Street. Upon annexation, the property owner would be entitled to connect to this line.
- POLICE** The City operates a full-service police department with centralized dispatch.

The above is in addition to Fire, Recreation, and Planning services available from the City of Oberlin.

If you have any questions or if you need any additional information, please do not hesitate to contact me.

Sincerely,



Michael J. Sigg
Director of Public Works

cc: Rob DiSpirito, City Manager
Eugene Simon, City Clerk

"Ohio's Best College Town"

—OHIO Magazine

NOTICE OF HEARING ON
PETITION FOR ANNEXATION
TO THE CITY OF OBERLIN, OHIO OF
2.35 ACRES, MORE OR LESS,
IN NEW RUSSIA TOWNSHIP

On February 4, 1999 @ 11:00 a.m., at 226 Middle Avenue, Public Hearing Room, 4th Floor, Elyria, Ohio, The Lorain County Board of Commissioners shall hold a hearing on the Petition filed by ELAINE SMITH-HILL aka ELAINE R. SMITH ("Petitioner") on November 19, 1998 for the annexation of the real property described below (the "Territory") to the City of Oberlin, Lorain County, Ohio.

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

And known as being part of Original Russia Township Lot No. 106, and bounded and described as follows:

Commencing at an iron pin found in the centerline of East Hamilton Avenue, said centerline being also the Northerly line of Original Lot 106, at its point of intersection with the Easterly line of Original Lot 106;

Thence North 87 degrees 48' West along the centerline of East Hamilton Avenue and the Northerly line of Original Lot 106, a distance of 1212.55 feet to a point, said point being the principal place of beginning of the land herein described;

Thence continuing North 87 degrees 48' West along the centerline of East Hamilton Avenue and the Northerly line of Original Lot 106, a distance of 110.45 feet to a point; said point being also the Northeasterly corner of land conveyed to Daniel A. and Lucy A. Spriggs by deed dated March 23, 1956, and recorded in Volume 660, Page 513, Lorain County Deed Records;

Thence South 2 degrees 29' 30" West along the Easterly line of land so conveyed to Daniel A. and Lucy A. Spriggs, as aforesaid, passing through an iron pin set 30.00 feet southerly on the southerly line of East Hamilton Avenue, a distance of 931.64 feet to an iron pin set in the Northerly line of land as conveyed to H. W. Reighley by Deed dated September 15, 1937 and recorded in Volume 290, Page 269 Lorain County Record of Deeds;

Thence South 88 degrees 15' East along said Northerly line of land of H.W. Reighley, a distance of 108.98 feet to an iron pin set;

Thence North 2 degrees 30' East, a distance of 930.84 feet to a point in the centerline of East Hamilton Avenue and the

Northerly line of Original Lot 106 and the principal place of beginning of the land herein described, and passing through an iron pin set 30.00 feet Southerly therefrom on the Southerly line of said avenue.

Containing within said bounds 2.3454 acres of land, be the same more or less, but subject to all legal highways as surveyed by C.E. Penfound, Registered Surveyor No. 3200, on May 15, 1956.

Permanent Parcel No. 09-00-106-000-041

The property address is 45737 East Hamilton St. and consists of 2.35 acres, more or less, located adjacent to and contiguous with said City. Exhibit "B" attached to said Petition consists of an accurate map or plat showing the boundaries of the Territory. Petitioner is the only owner of real estate in the Territory.

UAW Legal Services Plan and Christine M. Tobin, Attorney at Law, are agents for Petitioner as required by O.R.C. §709.02 and were granted by the Petitioner full power and authority to amend, alter, change, correct, withdraw or re-file this Petition, increase or decrease the size of the territory and do any and all things necessary and essential to this Petition and to take any other action necessary pertaining to the granting of this Petition.

CHRISTINE M. TOBIN, ESQ. #24979
UAW LEGAL SERVICES PLAN
AGENTS AND ATTORNEYS FOR
ELAINE SMITH-HILL AKA ELAINE R. SMITH
602 Leona St., Elyria, OH 44035
(440) 324-2409

Filed
11-19-98

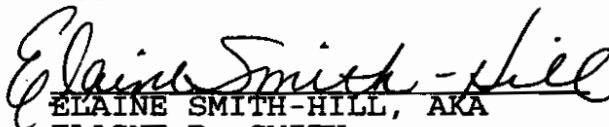
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PETITION FOR ANNEXATION
TO THE CITY OF OBERLIN, OHIO OF
2.35 ACRES, MORE OR LESS,
IN RUSSIA TOWNSHIP

The undersigned, ELAINE SMITH-HILL aka ELAINE R. SMITH ("Petitioner"), petitions for the annexation of the real property described in Exhibit "A" attached to this Petition (the "Territory") to the City of Oberlin, Lorain County, Ohio ("the "City"). The Territory consists of 2.35 acres, more or less, located adjacent to and contiguous with the City. Petitioner has attached as Exhibit "B" and made a part of this Petition an accurate map or plat showing the boundaries of the Territory. The number of owners of real estate in the Territory is one (1), and this owner is the Petitioner.

UAW Legal Services Plan and Christine M. Tobin, Attorney at Law, #24979, are appointed agents for Petitioner as required by Ohio Revised Code Section 709.02 and are hereby granted full power and authority to amend, alter, change, correct, withdraw or re-file this Petition, increase or decrease the size of the territory and do any and all things necessary and essential to this Petition and to take any other action necessary pertaining to the granting of this Petition.

Petitioner:



ELAINE SMITH-HILL, AKA
ELAINE R. SMITH
45737 East Hamilton Street
Oberlin, Ohio 44074
(440) 774-1390

PREPARED BY:
UAW LEGAL SERVICES PLAN
CHRISTINE M. TOBIN, ESQ. #24979
602 LEONA STREET
ELYRIA, OH 44035
(440) 324-2409