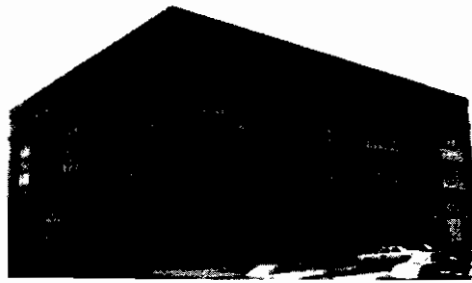


LORAIN COUNTY



Board of Commissioners

*Mary Jo Vasi
E. C. (Betty) Blair
Michael A. Ross*

February 22, 1999

Eugene F. Simon, Clerk
Oberlin City
85 S. Main Street
Oberlin, Ohio 44074

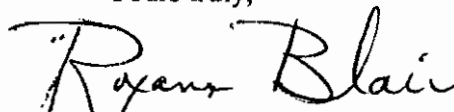
Dear Mr. Eugene:

Enclosed is a copy of the transcript of proceedings granting the annexation of 2.35 acres of land in New Russia Township to the City of Oberlin, Ohio.

The Board of Commissioners adopted Resolution No. 99-92 on February 4, 1999 granting the Annexation.

This is being forwarded for your information and files.

Yours truly,


Roxann Blair,
Clerk

RB/tu
Enclosure

Cc: Attorney Christine Tobin
Elaine R. King, Clerk, New Russia Township
Mark Stewart, Lorain County Auditor
Kenneth P. Carney, Lorain County Engineer/Attn: John Hamilton
Mary Ann Jamison, Lorain County Recorder
Frank Colbert, Tax Map Department
John Mowry, Director, 9-1-1-
Greg Stempowski, Board of Elections
File

RESOLUTION NO. 99-92

In the matter of granting the proposed Annexation of)
approximately 2.35 acres in New Russia Township)
to the City of Oberlin, Ohio, Attorney Christine)
Tobin, Agent for Petitioners)

February 4, 1999

WHEREAS, after due and legal notice this is the date fixed for the Public Hearing on the proposed Annexation of approximately 2.35 acres in New Russia Township to the City of Oberlin, Ohio; and

WHEREAS, Assistant County Prosecutor Jerry Innes administered oath to everyone present that may be giving testimony during the hearing; and

WHEREAS, Commissioner Betty Blair opened the meeting and turned it over to Attorney Christine Tobin, Agent for petitioner; Elaine Smith-Hill aka Elaine R. Smith to review the proposed Annexation; and

WHEREAS, Attorney Tobin stated that Elaine Smith-Hill aka Elaine R. Smith is the sole owner of the property to be annexed; and

WHEREAS, Attorney Tobin indicated the owner of the property to be annexed is requesting approval, as it is their desire to tap into the City sanitary sewer directly across the street. Mrs. Hill has also suffered extensive flood damage to her property, which has damaged her present on-site system. The cost of replacing the system would far exceed the cost of tapping into the City of Oberlin's sewer system. (Attorney Tobin distributed photos of Mrs. Hill's property showing the flood damage, along with an estimate of costs to replace the current on-site system); and

WHEREAS, Lorain County Engineer reviewed the accuracy of petition and map and by report dated December 3, 1998 indicated the land located in original Lot 106 of New Russia Township is adjacent and contiguous to the City of Oberlin. However, it will create a peninsula of city land surrounded by three sides by Township; and

WHEREAS, the following letters were received by the New Russia Township Trustees and City of Oberlin as follows:

New Russia Township to Lorain County Commissioners on December 26, 1998:

"The New Russia Township Trustees wish to express their concern over the annexation of Permanent Parcel No. 09-00-106-000-041 also known as Original Russia Township Lot No. 106 and carrying the property address of 45737 East Hamilton Road. From the information we received there is no justification for granting this request. This property is not contiguous to the City other than in the road right-of-way and is well served by the Township currently.

Approval of this type of frivolous annexation sends the wrong message to property owners in both communities. It would make evident the continuing problem of poor planning of the county's incorporated municipalities.

Please review and consider our request to deny this application before proceeding. We await your response.

Fred Swanson, Chairman, New Russia Township Board of Trustees
S/Elaine R. King, New Russia Township Clerk"

City of Oberlin to New Russia Township on January 8, 1999:

"Thank you for your letter of December 26, 1998 (copy attached). This letter is to follow up on my phone call to you today, in which we discussed the particulars of this matter. For the benefit of the other Trustees, I will reiterate the points I made to you in response to your questions.

Per the standard procedure, the applicant, Ms. Smith-Hill, did not submit this annexation application to the City of Oberlin, but rather to Lorain County as is proper. Thus, Oberlin is not technically in a position to "deny this application before proceeding." Oberlin was simply given notice by the County that an application was filed. Ms. Smith-Hill has a legal right to seek annexation and to have her case heard by the County. The City cannot and will not interfere with that right

Ms. Smith-Hill has informed me that the reason she is seeking annexation is because she is suffering under the extreme hardship of her entire on-site septic system having completely failed. She said that based on solid quotes, the cost to repair or replace her system is far beyond her financial capability to do so. Thus, she said that she views tying into the City's sanitary sewer system directly across the street as a much more economically-viable and expeditious option for her. You can ask her, but I don't think Ms. Smith-Hill believes that a failed sanitary system rates as a "frivolous" reason for annexation. Finally, her property is in fact contiguous to the City, as are other properties currently within the City fronting the south face of East Hamilton Street.

Once again, thank you for the opportunity to respond to your questions. If you wish to discuss this further, please feel free to contact me.

Sincerely, S/Robert DiSpirito, City Manager"

New Russia Township to City of Oberlin on January 26, 1999:

Thank you for your letter of January 8, 1999 (copy attached). This letter is to clarify a possible misunderstanding on your part.

As Township Trustees, we are fully aware and well versed on the laws pertaining to annexation. It was therefore not the intent to question the right of Ms. Smith-Hill to petition for annexation to obtain city sewers or the City of Oberlin's role in the process, but to outline several more important points.

First, it is the opinion of the Trustees that the jurisdictional islands created by the change of boundaries in this proposed annexation represents the very worst example of planning and development.

Second, it is also the opinion of the Trustees, that the City of Oberlin should adopt a policy that allows for the use of city services such as sewer or power in emergency or hardship cases without annexation.

Third, as Trustees, we hope in the near future, that we can work together to come up with a mutual policy of sharing of infrastructures, costs, revenues and developments that will become the catalyst to initiate a cooperative effort of sharing and planning between our entities.

Thank you for this opportunity for us to clarify these points and we look forward to meeting with you to discuss a future "Spirit of Cooperation" meeting.

Sincerely, S/Richard S. William, Chairman, New Russia Township Board of Trustees"; and

WHEREAS, Attorney Tobin reported that all Sections of the Ohio Revised Code relating to the Annexation proceedings are in compliance; and

WHEREAS, the Commissioners entertained questions and/or comments on this annexation in favor of or opposed to. Township Trustees were not present. No one expressed opposition to or in favor of the proposed annexation; and

WHEREAS, Eric Severs, Oberlin City Solicitor; Fran Baumann, Oberlin Council Chair; Robert DiSpirito, City Manager; Mike Sigg, Public Works Director were all present to give Oberlin's approval of this proposed annexation.

NOW, THEREFORE BE IT RESOLVED, by the Lorain County Board of Commissioners that we do hereby grant said petition for annexation of the premises as follows:

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 Petitioner an accurate map or plat showing the boundaries of the Territory. The number of owners or 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.

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 at 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° 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° 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°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 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° 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°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 aces of land, be the same more or less, but subject to all legal highways. Surveyed by C.E. Penfound, Registered Surveyor, #3200, on May 15, 1956.

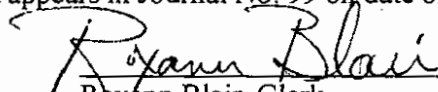
Petitioner has attached hereto and made a part of this Resolution an accurate map marked Exhibit A showing the boundaries of the territory sought to be annexed marked "Annexation Map"

FURTHER BE IT RESOLVED, the Commissioners hereby determine this is to be for the benefit of the public convenience and welfare and serves the general good of the territory and that this property to be Annexed is not unreasonably large.

BE IT FURTHER RESOLVED, a certified copy of the final transcript of this Board of Commissioners relating to the finds and orders of this Board together with the accompanying map and petition and all other paper pertaining thereto shall be delivered to the City of Oberlin, Ohio.

Motion by Ross, seconded by Vasi to adopt Resolution. Ayes: all.
Motion carried. _____

I, Roxann Blair, Clerk to the Lorain County Board of Commissioners do hereby certify that the above Resolution No. 99-92 is a true copy as it appears in Journal No. 99 on date of February 4, 1999.


Roxann Blair, Clerk

