

ORDINANCE NO. 96-58 AC CMS

**AN ORDINANCE ACCEPTING THE ANNEXATION OF APPROXIMATELY
41.53 ACRES OF REAL ESTATE TO THE CITY OF OBERLIN UPON
APPLICATION OF OWNERS, GEORGE AND ALICE KELLY,
AND DECLARING AN EMERGENCY**

WHEREAS, a petition for the annexation of certain territory containing approximately 41.53 acres of land within Pittsfield Township was duly filed by property owners, George and Alice Kelly; and,

WHEREAS, the petition was duly considered by the Board of Commissioners of Lorain County, Ohio, on March 21, 1996; 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 County 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 April 8, 1996; 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 owners, George and Alice Kelly, for the annexation of the following described territory in the County of Lorain and adjacent to the City of Oberlin, to-wit:

Situated in the Township of Pittsfield, County of Lorain and State of Ohio and known as being part of Original Lot Nos. 6 & 7 of said Township, bounded and described as follows:

Beginning at a point at the Northeasterly corner of Original Lot No. 6; said point also being in the Northerly line of Pittsfield Township.

Thence Westerly in said line to a point in the Westerly right of way of Ashland-Oberlin Road (State Route 58); said point also being the principal place of beginning of land herein described.

Thence continuing Westerly in the Northerly line of Pittsfield Township and Original Lot Nos. 6 & 7 to a point in the Easterly line of land conveyed to the City of Oberlin by Deed recorded in Deed Volume 1093, Page 888 (Parcel No. 3) of the Lorain County Record of Deeds.

Thence Southerly in said line; being the Corporation line for the City of Oberlin, to a point at the Northwesterly corner of land conveyed to Tharon Gott and Lynda Gott as recorded in Deed Volume 1271, Page 89 of the Lorain County record of Deeds.

Thence Easterly in the Northerly line of said Gotts' land to a point in the Westerly right of way line of Ashland Oberlin Road.

Thence Northwesterly in said line to the principal place of beginning of land herein described.

Containing within said bound 41.53 acres of land; of which about 28.5 acres lie in Original Lot No. 6 and about 13.03 acres lie in Original Lot No. 7.

Enclosing a parcel containing 41.53 acres, but subject to all legal highways

an accurate map of which territory, together with the petition for its annexation and other papers relating thereto, and a certified 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 "R-1A", single-family dwelling district, pursuant to Section 1329.03 of the Codified Ordinances of the City of Oberlin, and is hereby subject to all conditions stipulated under such district and all other regulations and restrictions of the City of Oberlin now or hereinafter promulgated.

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 Mary Ann Jamison, Lorain County Recorder, and one copy to Bob Taft, 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 is hereby declared to be an emergency measure necessary for the preservation of public peace, health, and safety of the citizens of the City of Oberlin, Ohio, to wit:

"to accept the annexation of certain real property to the City of Oberlin within the time limitations provided by State law",

and shall take effect immediately upon passage.

PASSED: 1st Reading - June 17, 1996
2nd Reading - July 1, 1996 (amended) (E)
3rd Reading -

ATTEST:



CLERK OF COUNCIL



CHAIRMAN OF COUNCIL

POSTED: July 2, 1996

EFFECTIVE DATE: July 2, 1996

Performance Bond Agreement

This AGREEMENT is made and entered into between Norris Builders an Ohio Corporation, by Darryl Norris, its President and Darryl Norris, an individual, (hereinafter collectively referred to as "Subdivider") and First Federal Savings & Loan Association of Lorain a financial institution located in Ohio, by _____, its _____, and the City of Oberlin (hereinafter referred to as the "City").

WHEREAS, the Subdivider has entered into a Construction Agreement with the City of Oberlin, dated _____, 19 97 pertaining to a proposed subdivision known as Oberlin Reserve Subdivision No. 1 (hereinafter called "Subdivision") located in the City of Oberlin, Lorain County, Ohio.

AND WHEREAS, in furtherance of said Construction Agreement said Subdivision will be duly recorded with the County Recorder of Lorain County, Ohio in Volume _____ Page _____ on _____, 19____.

AND WHEREAS, said Construction Agreement provides the Subdivider shall furnish bond or deposit funds to cover 100% of the estimated cost and inspection fees of work that is not completed, to the satisfaction of the City of Oberlin.

AND WHEREAS, Subdivider's consulting engineer(s) Richard Rosebeck, PE, PS have submitted estimates for improvements attached hereto as Exhibit "A" for said Subdivision including construction costs and inspection fees (which were reviewed by the City Engineer) which were determined to be in the total amount of Six hundred seventy- seven thousand five hundred ninety- three dollars and no cents. (\$ 677,593.00).

NOW THEREFORE, in consideration of the foregoing premises and to insure the faithful performance of said Construction Agreement, the Subdivider has undertaken the following:

1. Subdivider has opened or will open a Construction Escrow Account at First Federal Savings and Loan Association of Lorain, 3721 Oberlin Avenue, Lorain, Ohio 44053.
2. Subdivider agrees to immediately deposit into said escrow account the sum of \$677,593.00, the estimated cost of the construction of the public improvements. The funds in said Construction Escrow Account shall be used for the sole purpose of payment for construction costs and City inspection fees regarding the proposed public improvements for said Subdivision, in accordance with the Construction Agreement, final plat, and approved improvement plans.
3. All contractor invoices submitted to Subdivider for payment for work performed or materials delivered for said Subdivision shall be paid by First Federal Savings & Loan Association of Lorain, from said Construction Escrow Account.

4. Before delivering checks in payment of the aforesaid invoices, Subdivider and First Federal Savings & Loan Association of Lorain shall require the contractor, subcontractor or supplier to furnish an appropriate affidavit stating that all subcontractors labor, machinery, material and fuel has been paid for, and a Waiver of Lien obtained, and copies of liability Insurance and Workers' Compensation Certificates supplied.

5. First Federal Savings & Loan Association of Lorain shall be the escrow agent of the Subdivider for all lots being transferred on behalf of the Subdivider in said Subdivision until the construction of said improvements have been completed.

6. First Federal Savings and Loan Association of Lorain shall at all times keep the records of said Construction Escrow Account open to inspection by the Oberlin City Engineer and Public Works Director.

7. Subdivider shall be free to select contractors and suppliers of Subdivider's own choosing so long as quality of construction meets approval of the Oberlin City Engineer and Public Works Director.

8. Upon completion of said improvements to the satisfaction of the City Engineer and Public Works Director, and after all costs and expenses of said improvements have been paid in full, the City Engineer and Public Works Director shall jointly notify and instruct First Federal Savings & Loan Association of Lorain to disburse any remaining funds in said Construction Escrow Account to the Subdivider.

9. In the event the Developer fails to perform any or all of the conditions or obligations herein required of him to be performed, then said Escrow Agent is authorized and directed to disburse any balance of said Construction Escrow Account as authorized or instructed in writing by the City Manager of the City of Oberlin, for the completion of said improvements and in the discharge of any obligations imposed upon the undersigned by this Escrow Agreement and by the Construction Agreement. In the event that the balance in the Escrow Account should not have a sufficient balance to complete the improvements to the satisfaction of the City, this condition shall not release the Developer from his obligation to the City as stated hereinabove.

10. Subdivider agrees that it is a term and condition of this bond that if a purchaser of a lot in the Subdivision makes a formal demand upon the City to complete the public improvements to the purchaser's lot, then in that case, the City shall have the right to demand that the Subdivider proceed with the improvement to the aforementioned lot.

11. Subdivider shall execute any documents and perform any acts which may be required or necessary to carry out or effectuate the purposes and provisions herein set forth.

IN THE PRESENCE OF:

James J. Mayella

FIRST FEDERAL SAVINGS AND LOAN
ASSOCIATION OF LORAIN, OHIO

BY: *John J. Melonchuk* *Vice President and Secretary*
First Federal Savings & Loan
Association of Lorain

IN THE PRESENCE OF:

Eugene F. Simon
Robert A. Hupshy

THE CITY OF OBERLIN, OHIO

BY: *Robert DiSpirito*
Robert DiSpirito
City Manager

IN THE PRESENCE OF:

Dawn M. Tennant
Wm J. Baumann

NORRIS BUILDERS

BY: *Darryl Norris*
Darryl Norris
President

IN THE PRESENCE OF:

Dawn M. Tennant
Wm J. Baumann

BY: *Darryl Norris*
Individually

Print Name: Darryl Norris

OBERLIN RESERVE SUB. NO. 1

FOR: NORRIS BUILDERS

BY: ROSEBECK & ASSOC.

DATE: MARCH 1997

REVISED APRIL 26, 1997

CLEARING & GRADING

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	EXT
G-1	Seeding & Mulching	12450 SY	0.50	6,225.00
G-2	Utility Trenches	4000 LF	3.00	12,000.00
G-3	4" Utility Ducts	1200 LF	5.00	6,000.00
G-4	Silt Fence	200 LF	2.00	400.00
G-5	Roadway Exc.	1 LS	22,000.00	22,000.00
G-6	Detention Basin Exc.	1 LS	15,000.00	15,000.00
G-7	Clear & Grub	1 AC	4,000.00	4,000.00
G-8	Building Demolition	1 LS	6,000.00	6,000.00

Subtotal 71,625.00

Storm Sewer

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	EXT
D-1	Precast Con. Manhole	12 EA	2,500.00	30,000.00
D-2	12" RCP Storm Sewer	689 LF	20.00	13,780.00
D-3	24" RCP Storm Sewer	308 LF	35.00	10,780.00
D-4	30" RCP Storm Sewer	32 LF	45.00	1,440.00
D-5	48" RCP Storm Sewer	1133 LF	80.00	90,640.00
D-6	54" RCP Storm Sewer	625 LF	95.00	59,375.00
D-7	Inlet Basin & Frame & Inlet Grate	14 EA	1,200.00	16,800.00
D-8	2-2-B Catch Basins	2 EA	900.00	1,800.00
D-9	6" PVC Long Conn.	11 EA	1,200.00	13,200.00
D-10	6" PVC Short Conn.	11 EA	525.00	5,775.00
D-11	HW-4B Headwall	3 EA	1,000.00	3,000.00

Subtotal 246,590.00

Pavement

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	EXT
P-1	26'x7" Thick Re. Conc	6744 SY	22.00	148,368.00
P-2	Std. Expansion Jts.	6 EA	250.00	1,500.00
P-3	Std. Monument Box	8 EA	250.00	2,000.00
P-4	4" Perf. Underdrain	4290 LF	3.80	16,302.00
P-5	Sidewalk	4290 LF	5.00	21,450.00

Subtotal 189,620.00

Water Mains

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	EXT
W-1	12x8 Tapping Sleeve	1 EA	4,000.00	4,000.00
W-2	8" Ductile Iron Water Main, Class 52	2280 LF	22.00	50,160.00
W-3	Std. Hydrant Assem.	6 EA	1,800.00	10,800.00
W-4	8" Ductile Iron Gate Valve	6 EA	525.00	3,150.00
W-5	8x8 Cross	1 EA	300.00	300.00
W-6	8" 45 Deg Bend	8 EA	250.00	2,000.00
W-7	Bore & jack 8" WM	40 LF	200.00	8,000.00
Subtotal				78,410.00

Sanitary Sewers

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	EXT
SA-1	10" PVC San Sew	1734 LF	22.00	38,148.00
SA-2	Bore & jack 10" San	60 LF	220.00	13,200.00
SA-3	8"x6" PVC Wye	22 EA	50.00	1,100.00
SA-4	Precast Manhole	7 EA	2,000.00	14,000.00
SA-5	6" PVC San. Sewer Conn. Short	11 EA	600.00	6,600.00
SA-6	6" PVC San. Sewer Conn. Long	11 EA	1,500.00	16,500.00
SA-7	Testing Fees	1 LS	1,800.00	1,800.00
Subtotal				91,348.00

Summary

Clearing & Grading	71,625.00
Storm Sewer	246,590.00
Sanitary Sewer	91,348.00
Water Mains	78,410.00
Pavement	189,620.00
Total	677,593.00

Length of streets	2200
Cost per foot	307.9
Number of lots	22
Cost per lot	30799



RECEIVED
LORAIN COUNTY ENGINEER

KENNETH P. CARNEY, SR., P.E., P.S.

16 JAN 18 PM 1:54

January 16, 1996
CLERK

The Honorable Board of
County Commissioners of
Lorain County, Ohio

Dear Board:

This office has reviewed the petition for annexation of 41.53 acres of land in Pittsfield Township, Original Lots 6 & 7, to the City of Oberlin. This petition was submitted by Garrett Murray, acting on behalf of Darryl Norris, agent for the petitioners.

The description on the petition follows the map prepared by Laundon, Simon, Cahl and Associates and submitted with the petition.

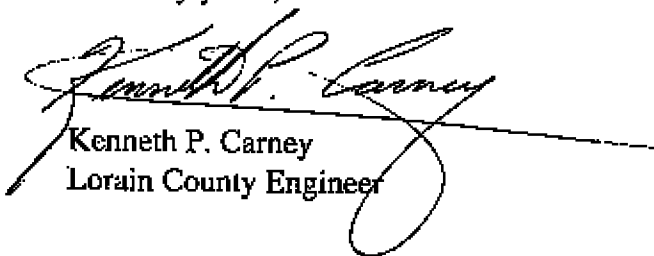
The land to be annexed is adjacent to the City of Oberlin.

The Lorain County Auditor's records show the owner's of parcels 14-00-006-000-001 and 14-00-007-000-003 to be:

George and Alice Kelly
4591 W. 210th Street
Fairview Park, Ohio 44126

If you have any questions, please contact this office.

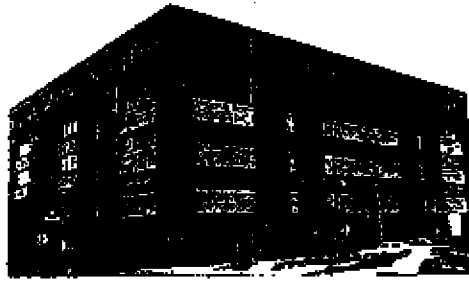
Sincerely yours,


Kenneth P. Carney
Lorain County Engineer

KPC:JRH:hmb

LORAIN COUNTY

COMMISSIONERS



Commissioners

Herbert J. Jacoby

Mary Jo Vasi

E.C. (Betty) Blair

January 4, 1996

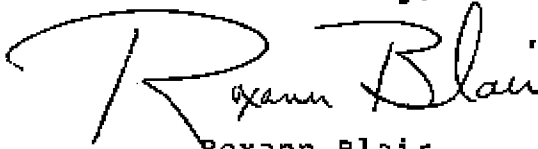
Mr. Mark Stewart
Lorain County Auditor
226 Middle Avenue
Elyria, Ohio 44035

Dear Mr. Stewart:

We are referring the attached annexation request to your attention for approximately 41.53 acres in Pittsfield Township to the City of Oberlin, Ohio - Attorney Garrett Murray is acting on behalf of Darryl Norris, Agent for the Petitioners.

We will advise as to the Public Hearing date after the County Engineer has reviewed the accuracy of the Petition and Map.

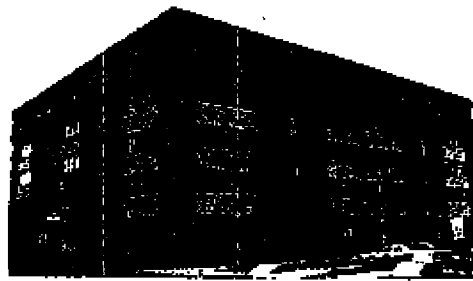
Yours truly,


Roxann Blair -
Clerk

RB
Enclosures
cc: File

LORAIN COUNTY

COMMISSIONERS



Commissioners

Herbert J. Jacoby
Mary Jo Vasi
E.C. (Betty) Blair

January 4, 1996

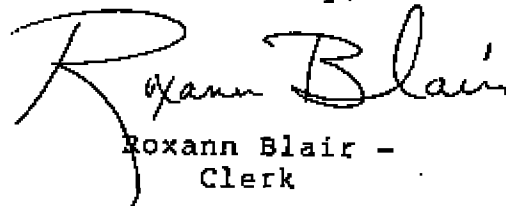
Mr. Frank Colbert, Supervisor
Tax Map Dept.
226 Middle Avenue
Elyria, Ohio 44035

Dear Mr. Colbert:

We are referring the attached annexation request to your attention for approximately 41.53 acres in Pittsfield Township to the City of Oberlin, Ohio - Attorney Garrett Murray is acting on behalf of Darryl Norris, Agent for the Petitioners.

Please review and advise your findings as to the accuracy of the Petition and Map. A Public Hearing will be scheduled after we receive your report.

Yours truly,


Roxann Blair -
Clerk

RB
Enclosures
cc: File

LORAIN COUNTY

COMMISSIONERS



Commissioners

Herbert J. Jacoby
Mary Jo Vasi
E.C. (Betty) Blair

January 26, 1996

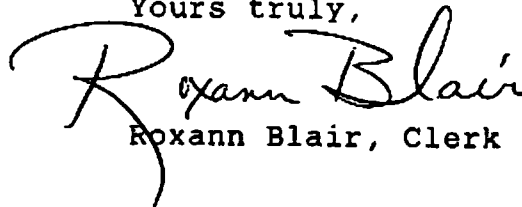
Garrett Murray
Attorney-at-Law
120 East Avenue
Elyria, Ohio 44035

Dear Mr. Murray:

We are enclosing a copy of Resolution No. 96-70 adopted by the Lorain County Board of Commissioners on January 25, 1996 setting hearing date on the proposed Annexation presented by Attorney-at-Law, Garrett Murray, acting on behalf of Darryl Norris, Agent to annex approximately 41.53 acres in Pittsfield Township to the City of Oberlin, Ohio.

This is being forwarded for your information and files.

Yours truly,


Roxann Blair, Clerk

RB/db
Enclosure
cc:

Oberlin City Clerk of Council
Pittsfield Township Trustees
Lorain County Auditor
Lorain County Engineer
File

Resolution No. 96-70 con't.

Original Lot No. 7.

The within territory is adjacent to the said City of Oberlin, Ohio.

Petitioners have attached hereto and made a part of this Petition an accurate map showing the boundaries of the territory sought to be annexed marked "Map of the Area to be Annexed to the City of Oberlin."

Petitioners state there are two (2) owners of real estate in the territory sought to be annexed.

Darryl Norris, 100 Brandemere Court, Elyria, Ohio 44035 is hereby appointed agent for the undersigned Petitioners as required by O.R.C. 709.02 with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase, decrease or delete the area; to do any and all things essential thereto and to take any action necessary for obtaining the granting of this Petition without further expressed consent of the Petitioners.

George Kelly
George Kelly
4591 W. 210th. Street
Fairview Park, Ohio 44126

Alice Kelly
Alice Kelly
4591 W. 210th. Street
Fairview Park, Ohio 44126

WHEREAS, the Lorain County Engineer by letter dated January 16, 1996 submitted the following report:

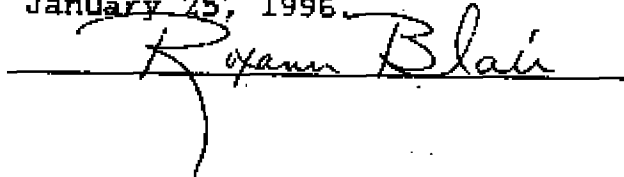
Resolution No. 96-70 con't.

FURTHER BE IT RESOLVED, that said petitioners shall cause notice containing the substance of said petition and the time and place where hearing will be had thereon to be published in a newspaper of general circulation in Lorain County for a period of four consecutive weeks prior to the time fixed for the hearing, and shall deliver a copy of the notice to the Clerk of each Township and portion of which is included within the territory sought to be annexed and the Clerk of the Legislative authority of the municipal corporation to which annexation is proposed.

The foregoing resolution was introduced upon a motion by Commissioner Betty Blair, seconded by Commissioner Herbert Jacoby, and upon roll call, the vote taken thereon resulted as follows: all voted in favor of the motion.

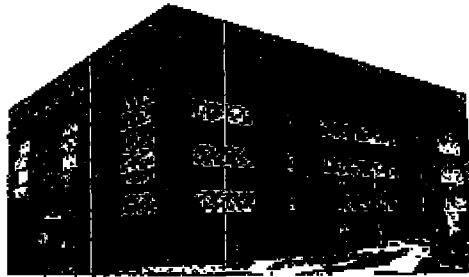
Motion carried.

I, Roxann Blair, Clerk to the Board of Commissioners of Lorain County, Ohio, hereby certify that this is a true copy of Resolution No. 96-70, as it appears in Journal No. 96 on the date of January 25, 1996.

A handwritten signature in cursive script, reading "Roxann Blair", is written over a horizontal line.

LORAIN COUNTY

COMMISSIONERS



Commissioners

Herbert J. Jacoby

Mary Jo Vasi

1996 APR -8 McClellan Blair

March 29, 1996

Sharon Miller
Clerk of Council
City of Oberlin
85 S. Main
Oberlin, Ohio 44074

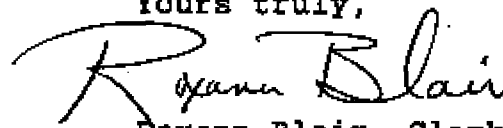
Dear Ms. Miller:

We are enclosing the transcript of proceedings granting the annexation of 41.53 acres of land in Pittsfield Township to the City of Oberlin, Ohio.

The Board of Commissioners adopted Resolution No. 96-261 on March 21, 1996 granting the annexation.

This is being forwarded for your information and files.

Yours truly,


Roxann Blair, Clerk

RB/db
Enclosure
cc:

Attorney Garrett Murray
Lorain County Engineer
Pittsfield Township Clerk
Appraisal Department
Lorain County Auditor
Lorain County Recorder
Tax Map Department
Board of Elections
9-1-1
File

P

IN RE: ANNEXATION OF 41.53 ACRES
Owned by - George Kelly and Alice Kelly
Township of Pittsfield to City of Oberlin

1. Petition for Annexation of 41.53 acres filed January 4, 1996, at 11:24 A.M. owned by George Kelly and Alice Kelly.

2. Affidavit of Darryl Norris, Agent, of Service of Notice of Filing of Annexation Petition with the Board of County Commissioners dated January 4, 1996, delivered to Karen Adley, Oberlin City Clerk (Pro-Tem) of the City of Oberlin on January 4, 1996.

3. Affidavit of Darryl Norris, Agent, of the Service of Notice of Filing of Annexation Petition with the Board of County Commissioners dated January 4, 1996, delivered to Ralph A. Hayes, Clerk of Pittsfield Township on January 4, 1996.

4. Copy of Resolution No. 96-70 dated, January 25, 1996, of the County Commissioners setting hearing on March 21, 1996, at 11:00 A.M.

5. Affidavit of Darryl Norris, Agent, of the Service of Notice of Petition for Annexation upon Karen Adley, Oberlin City Clerk (Pro-Tem) of the City of Oberlin, Ohio, for hearing March 21, 1996, at 11:00 A.M., served January 29, 1996.

6. Affidavit of Darryl Norris, Agent, of the Service of Notice of Petition for Annexation upon Ralph A. Hayes, Clerk of Pittsfield Township, Ohio, for hearing March 21, 1996, at 11:00 A.M., served January 29, 1996.

RESOLUTION NO. 96-261

WHEREAS, Eric Severs introduced Mr. Robert Twining, Community Services Director and Interim Director for the City of Oberlin, who stated that the City of Oberlin currently has a water and sewer line on Route 58 that extends to U.S. Route 20. The Sewer line is 12" in capacity, currently services the Joint Vocational School, two commercial properties and twelve residential. The line is able to serve the annexation.

Resolution No. 96-261 con't.

Thence Southerly in said line; being the Corporation line for the City of Oberlin, to a point at the Northwesterly corner of land conveyed to Tharon Gott and Lynda Gott as recorded in Deed volume 1271, Page 89 of the Lorain County Record of Deeds.

Thence Easterly in the Northerly line of said Gotts' land to a point in the Westerly right of way line of Ashland Oberlin Road.

Thence Northwesterly in said line to the principal place of beginning of land herein described.

Containing within said bound 41.53 acres of land; of which about 28.5 acres lie in Original lot No. 6 and about 13.03 acres lie in Original Lot No. 7.

The within territory is adjacent to the said City of Oberlin, Ohio.

Petitioners have attached hereto and made a part of this Petition an accurate map showing the boundaries of the territory sought to be annexed marked "Map of the Area to be Annexed to the City of Oberlin.

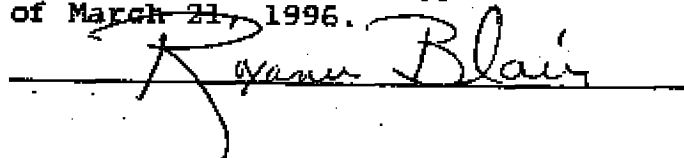
FURTHER BE IT RESOLVED, the Commissioners hereby determines this is to be for the benefit of the public convenience and welfare, and serves the general good of the territory, and that this property to be Annexed is not unreasonably large.

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

The foregoing resolution was introduced upon a motion by Commissioner Herbert Jacoby, seconded by Commissioner Mary Jo Vasi, and upon roll call, the vote taken thereon resulted as follows: both voted in favor of the motion. Commissioner Betty Blair, absent on vacation leave.

Motion carried.

I, Roxann Blair, Clerk to the Board of Commissioners of Lorain County, Ohio, hereby certify that this is a true copy of Resolution No. 96-261 as it appears in Journal No. 96 on the date of March 21, 1996.



Roxann Blair

ORDINANCE NO. 96-7 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 January 4, 1996, a petition was filed with the Board of Commissioners of Lorain County, Ohio, to annex approximately 41.53 acres of property located in Pittsfield 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 and Exhibit C 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"

ORDINANCE NO. 96-7 AC CMS

EXHIBIT A

Situated in the Township of Pittsfield, County of Lorain and State of Ohio and known as being part of Original Lot Nos. 6 & 7 of said Township, bounded and described as follows:

Beginning at a point at the Northeasterly corner of Original Lot No. 6; said point also being in the Northerly line of Pittsfield Township.

Thence Westerly in said line to a point in the Westerly right of way of Ashland-Oberlin Road (State Route 58); said point also being the principal place of beginning of land herein described.

Thence continuing Westerly in the Northerly line of Pittsfield Township and Original Lot Nos. 6 & 7 to a point in the Easterly line of land conveyed to the City of Oberlin by Deed recorded in Deed Volume 1093, Page 888 (Parcel No. 3) of the Lorain County Record of Deeds.

Thence Southerly in said line; being the Corporation line for the City of Oberlin, to a point at the Northwesterly corner of land conveyed to Tharon Gott and Lynda Gott as recorded in Deed Volume 1271, Page 89 of the Lorain County record of Deeds.

Thence Easterly in the Northerly line of said Gotts' land to a point in the Westerly right of way line of Ashland Oberlin Road.

Thence Northwesterly in said line to the principal place of beginning of land herein described.

Containing within said bound 41.53 acres of land; of which about 28.5 acres lie in Original Lot No. 6 and about 13.03 acres lie in Original Lot No. 7.

omlps

OBERLIN MUNICIPAL LIGHT AND POWER SYSTEM ♦ 289 SOUTH PROFESSOR STREET ♦ OBERLIN, OHIO 44074
Phone (216)775-7260 Fax (216)775-1546

MEMORANDUM

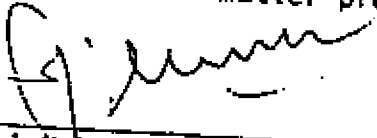
To: Karen Adley, Assistant to Administration
From: Shashi Mehta, Director, OMLPS
Date: January 11, 1995
Re: Norris Annexation

Your memorandum of January 10, refers.

We do have distribution line on Route 58 going south up to JVS and we should be able to pick up the new load.

Depending on the requirements of the property, we will have to assess if our circuits will require any reinforcements.

I would suspect, you do not have other details at this stage. Please keep me informed as this matter progresses.


Shashi Mehta, Director, OMLPS

SM/sd

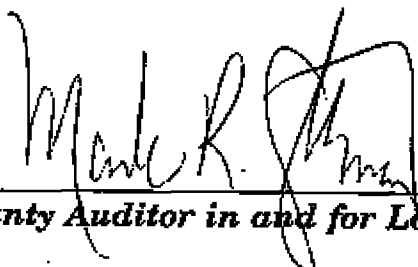
CERTIFICATE OF FILING

State of Ohio)
) ss
Lorain County)

I, Mark R. Stewart, the duly elected, qualified and acting Auditor in and for the
County and State aforesaid, do hereby certify that Roxann Blair
the duly elected/appointed, qualified and acting Clerk
and for said Board of County Commissioners of Lorain County, Ohio and ex-
officio Fiscal Officer for said District, has this day officially filed in the office of
the Auditor of Lorain County a certified copy of Resolution No. 96-70
providing for setting hearing date on the proposed Annexation presented by
Atty. Garrett Murray, acting on behalf of Darryl Norris, Agent to annex
approximately 41.53 acres in Pittsfield Township to the City of Oberlin, Ohio.

WITNESS my hand and Official Seal at Elyria, Ohio this 29th of
January, 1996.

(Seal)



County Auditor in and for Lorain County, Ohio

36 JAN 4 AM : 24

CLERK

PETITION FOR ANNEXATION

**TO: Board of County Commissioners
of Lorain County, Ohio**

We, the undersigned, being competent adult individuals seized of a freehold estate in the within described territory, and being a majority of the owners of the real estate as hereinafter more fully described, do hereby petition for the annexation of said territory to the City of Oberlin Lorain County, Ohio, to wit;

Situated in the Township of Pittsfield, County of Lorain and State of Ohio and known as being part of Original Lot Nos. 6 & 7 of said Township, bounded and described as follows:

Beginning at a point at the Northeasterly corner of Original Lot No. 6; said point also being in the Northerly line of Pittsfield Township.

Thence Westerly in said line to a point in the Westerly right of way of Ashland-Oberlin Road (State Route 58); said point also being the principal place of beginning of land herein described.

Thence continuing Westerly in the Northerly line of Pittsfield Township and Original Lot Nos. 6 & 7 to a point in the Easterly line of land conveyed to the City of Oberlin by Deed recorded in Deed Volume 1093, Page 888 (Parcel No. 3) of the Lorain County Record of Deeds.

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Thence Easterly in the Northerly line of said Gotts' land to a point in the Westerly right of way line of Ashland Oberlin Road.

Thence Northwesterly in said line to the principal place of beginning of land herein described.

Containing within said bound 41.53 acres of land; of which about 28.5 acres lie in Original Lot No. 6 and about 13.03 acres line in