

RESOLUTION NO. R97-2 CMS

A RESOLUTION APPROVING, WITH MODIFICATIONS, THE APPLICATION OF ANTHONY R. IGNAGNI AND PEGGI M. IGNAGNI FOR PLACEMENT OF CERTAIN LAND LOCATED WITHIN THE CITY OF OBERLIN IN AN AGRICULTURAL DISTRICT PURSUANT TO OHIO REVISED CODE SECTION 929.02

WHEREAS, Anthony R. Ignagni and Peggy M. Ignagni have recently filed an application with the City of Oberlin to have certain acreage placed in an Agricultural District; and

WHEREAS, the Oberlin Planning Commission has reviewed the application and reported back to City Council; and

WHEREAS, City Council has held a public hearing concerning the matter in accordance with Section 929.02 (B) of the Ohio Revised Code.

NOW, THEREFORE, BE IT RESOLVED 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 Anthony R. Ignagni and Peggy M. Ignagni to place approximately 22.6 acres of real property located in the City of Oberlin and identified by Lorain County Auditor's Parcel Numbers 60-09-00-087-105-001, 60-09-00-087-105-022 and 60-09-00-087-105-021, is hereby approved, with the following modification: that the provisions of Section 929.04 of the Ohio Revised Code, which provides that agricultural activities conducted within an Agricultural District have a complete defense to, and are immune from, any civil action relating to alleged nuisance conditions, not be applicable, and that the nuisance remedy continue to be available to an aggrieved party, for the particular reason that the land in question along the full length of its northerly border, abuts a fully developed, well-established residential subdivision.

SECTION 2. That this Council finds and determines that the within modifications to the Application to place farmland in an Agricultural District are necessary to prevent a substantial, adverse effect upon the efficient use of land within the municipal corporation, orderly growth and development of the municipal corporation, and to ensure the public health, safety and welfare of the municipality.

SECTION 3. That the Clerk of Council is hereby directed to send a certified copy of this Resolution to the Applicant by certified mail, return receipt requested, within 5 days of the effective date of this Resolution, and further, to immediately transmit a certified copy of this Resolution to Mark R. Stewart, Lorain County Auditor, all in compliance with Section 929.02 (B) of the Ohio Revised Code.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Resolution 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 take effect at the earliest date allowed by law.

PASSED: 1st Reading - May 5, 1997
2nd Reading - May 19, 1997 (E)
3rd Reading -

ATTEST:



CLERK OF COUNCIL



CHAIR OF COUNCIL (acting)

POSTED: May 22, 1997

EFFECTIVE DATE: May 20, 1997