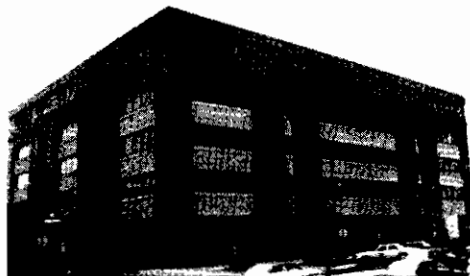


# LORAIN COUNTY



## Board of Commissioners

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

November 29, 2000

Art Weber, Clerk  
City of Elyria  
328 Broad Street  
Elyria, Ohio 44035

Dear Mr. Weber:

Enclosed please find a copy of the transcript of proceedings granting the annexation of granting the proposed Annexation of approximately 3.4935 acres in Elyria Township to the City of Elyria, Ohio, Attorneys Thomas Januzzi and Mark Stephenson, Agents for Petitioners.

The Board of Commissioners adopted Resolution 00-872 on November 16, 2000 granting the Annexation.

This is being forwarded for your information and files.

Yours truly,

Theresa L. Upton  
Assistant Clerk

tlu  
Enclosure

cc: Attorney Thomas Januzzi  
Barbara Baker, Clerk, Elyria Township  
Mark Stewart, Lorain County Auditor/Attn: Rosemary Wirth  
Kenneth P. Carney, Lorain County Engineer/Attn: Wayne Mileti  
Mary Ann Jamison, Lorain County Recorder  
Tom McNair, Tax Map  
Greg Stempowski, Board of Election  
Robin Jones, 9-1-1  
File

RESOLUTION NO. 00-872

In the matter of granting the proposed Annexation of )  
approximately 3.4935 acres in Elyria Township to the ) November 16, 2000  
City of Elyria, Ohio, Attorneys Thomas Januzzi and )  
Mark Stephenson, Agents for Petitioners )

WHEREAS, after due and legal notice by Resolution No. 00-747, adopted September 21, this is the date fixed for the Public Hearing on the proposed annexation of approximately 3,4935 acres in Elyria Township to the City of Elyria, Ohio; and

WHEREAS, this petition and map were submitted to this office on August 30, 2000 for the proposed Annexation of approximately 4.1520 acres in Elyria Township to the City of Elyria, Ohio. Petition was filed with County Auditor and Engineer; and

WHEREAS, the County Engineer has reviewed the accuracy of map and petition and by report dated September 1, 2000 the Engineer indicated that the current Elyria City corporation limit follows the right-of-way line of West Ridge Road and the right-of-way line of Fowl Road. The description of the area to be annexed should therefore have followed the right-of-way lines, not the centerlines; this would change the area to be annexed; and

WHEREAS, Attorney Januzzi was notified and submitted a revised map and legal description on September 8, 2000. This again was submitted to the County Auditor and Engineer for review; and

WHEREAS, the County Engineer by letter dated September 13, 2000 reviewed the corrected map and description and reported that due to the revision, acreage was reduced from 4.1520 acres to 3.4935 acres; there are no discrepancies in the map or description. The land is adjacent and contiguous to the City of Elyria. William K. Bobel, B&A Development, Ltd are the sole owners; and

WHEREAS, the City of Elyria adopted Ordinance No. 2000-221, dated October 16, 2000 setting forth services to be provided to this property if the annexation is approved; and

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

WHEREAS, Commissioner Mary Jo Vasi opened the meeting and turned it over to Attorney Thomas Januzzi, Agent for Petitioners; and

WHEREAS, Attorney Thomas Januzzi stated he represents William K. Bobel, B&A Development, Ltd., and request southwest corner parcel of intersection of Fowl Road and West Ridge Road to be annexed from Elyria Township to the City of Elyria; and

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

WHEREAS, Attorney Januzzi said the intended use for said property would be for commercial development to attract a pharmacy to service the surrounding areas; and

WHEREAS, Attorney Januzzi described some legal points relating to a "Supreme Court Case, which states in enacting the statutes governing annexations, one of the intentions of the legislation was to give an owner of property freedom of choice, as to the governmental subdivisions of which, he desires his property to be located. In the same case, the Supreme Court confirmed that the spirit and purpose of the annexation laws of Ohio are to encourage annexations in municipalities and give weight to the request to the property owners, relative to the governmental subdivision of which they desire their property to be located"; and

WHEREAS, Attorney Januzzi said other reasons this annexation would be good for territory are: 1) all roads are in City of Elyria and permits would have to be granted from the Township to access these roads; 2) City of Elyria utilities and 3) traffic accident since road is divided, whose responsibility would this be-sheriff or city and 4) this is the only property along Fowl Road and West Ridge Road that is not in the City of Elyria. Mr. Januzzi said Elyria Township said it would be impossible to provide sewers to the area; and

WHEREAS, Attorney Januzzi said his client looked at the insurance rates and they are higher in the Township rather than the City and the insurance company would like the property located in the City due to the services; and

WHEREAS, Attorney Januzzi said there has been a positive response from Mayor Grace, City of Elyria; and

WHEREAS, Wayne Mileti, County Engineer Office said their office had no objections; and

WHEREAS, Commissioner Vasi asked if there were any objections to said annexation; and

WHEREAS, the Clerk read the following letter that was faxed this morning November 16, 2000 from Elyria Township Board of Trustees as follows:

"The Elyria Township Board of Trustees strongly oppose the proposed annexation of the 3.4935 acre parcel located on the southwest corner of Turner Blvd., and West Ridge Road. The Township recently lost 13.9 acres of land on Schaden Road and 3.0 acres on Griswold Rd., to the City by annexation, and this proposed annexation further threatens the boundaries of the Township.

Again, the purpose of the annexation as we understand it is to allow access to the City's sanitary sewers. Mayor Grace indicated in the Schaden Road annexation case a willingness to cooperate with the Township and County in extending sanitary sewers into the Township. A sanitary sewer runs down Turner Blvd. Along the north line of the parcel proposed for annexation, which could service this parcel without extending the City's sewers.

We hereby request that the annexation of this parcel be denied and that the Commissioners actively assist the Township Trustees with the extension of sewers into the Township to reduce the need for further annexations of lands from the Township.

Sincerely, Elyria Township Board of Trustees

S/Rick Hutman

S/William C. Holtzman"; and

WHEREAS, William Holtman, Elyria Township Trustee letter said too much land is being lost because there are no sewers. The sewer issue needs to be addressed with the City of Elyria and County of Lorain; and

WHEREAS, Eric Rothgery, City of Elyria-Safety/Service Director is representing Mayor Grace and said the City of Elyria, is willing to work with Elyria Township but there is a policy in place that does not allow these sewers to be connected; and

WHEREAS, Harold Wilson, resident Elyria Township said this is the third time this year, an annexation has been approved to the City of Elyria, from this Township. When sewers were updated the City of Elyria took the Township's geographical area and grant monies and now the Township is totally denied access to these sewers. It is time that the Commissioners disapprove this annexation and let a JEDD (Joint Economic Development District) be created where the township and city could share the revenue on the lands; and

WHEREAS, Commissioner Vasi asked if there was anyone in favor to said annexation and there were no comments; and

WHEREAS, Commissioner Blair asked Mr. Innes, Assistant County Prosecutor to summarize the Boards authority on annexation issue. Mr. Innes said the primary consideration for the Board of Commissioners is to determine what is good for the territory; and

WHEREAS, Commissioner Blair asked Mr. Rothgery, City of Elyria what is the City's position in developing a new annexation policy. Mr. Rothgery said the current policy is that the City can not provide sewers to any properties in the township but the City is looking into different proposals to work with the Township; and

WHEREAS, Rick Hutman, Elyria Township Trustee said there are some precedence that allow for sewer service outside of the City, now. Sewers need to be extended; the property taxes go to the schools and the water and electric are the same also; and

WHEREAS, Commissioner Blair said the Board would like to see the sewer issue move forth and no land should be taken away from the Township but this Board of Commissioners has a job to do in accordance with the law; and

WHEREAS, Ron Leoni, Amherst Township Trustee said JEDD's need to be looked at for all Townships and Cities and then grant monies could be obtained; and

WHEREAS, Rick Hutman, Elyria Township Trustee said a lot of discussions have been with the City of Elyria relating to the sewer issues, but a JEDD will not work in this situation because the property within the area is all single family residential; and

WHEREAS, Commissioner Ross said he would like to deny all annexations but according to all court cases he has studied relating to the good of the territory, there is no reason not to deny.

NOW, THEREFORE BE IT RESOLVED, by the Lorain County Board of Commissioners that upon the Annexation Petition provided and report from the County Engineer's Department which stated there were no discrepancies, we do hereby grant said petition for annexation for the premises as follows:

PETITION FOR ANNEXATION TO THE CITY OF ELYRIA, OHIO  
OF 3.9435 ACRES, MORE OR LESS, IN ELYRIA TOWNSHIP

Situated in the Township of Elyria, County of Lorain and State of Ohio and known as being part, of Original Elyria Township Lot No. 3, West of Black River bounded and described as follows.

Beginning at a copperweld pin found in a monument box at the centerline intersection of Fowl Road 60 feet wide and West Ridge Road 60 feet wide, said point being the True Place of Beginning of the lands herein described;

- Course I      Thence South 13' 31'06" East along the centerline of West Ridge Road a distance of 360.11 feet to the northeasterly corner of land described in a deed to John A. and Diane M. Marozsan as recorded in Deed Volume 1257, Page 376 of the Lorain County Records;
- Course II      Thence North 89' 51' 59" West along the northerly line of said Marozsan parcel a distance of 560.91 feet to a 3/4 inch diameter iron pipe found in the easterly line of the Washington Village Subdivision as recorded in Plat Volume 26, Page 45 of the Lorain County Records; said line passing through a 1 inch diameter iron pipe found a distance of 30.14 feet from the northeasterly corner of said Marozsan parcel;

- Course III Thence North 00' 39' 34" East along the easterly line of said Washington Village Subdivision, a distance of 350.00 feet to a point in the centerline of Fowl Road, said line passing through a 5/8 inch diameter rebar set with cap stamped "BRAMHALL" a distance of 40.00 feet from said centerline;
- Course IV Thence South 89' 51' 31 " East along the centerline of Fowl Road a distance of 472.70 feet to the True Place of Beginning and containing within said bounds 4.1520 acres of land more or less, but subject to all legal highways as surveyed by Bramhall Engineering and Surveying Company, Inc. in August 2000.

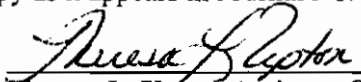
FURTHER BE IT RESOLVED, the Commissioners hereby determine this is to be for the benefit of the public convenience and welfare and serves the general good of the territory and that this property to be annexed is not unreasonably large.

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

Motion by Ross, seconded by Blair to adopt Resolution. Ayes; All.

Motion carried. \_\_\_\_\_ (discussion was held on the above)

I, Theresa L. Upton, Assistant Clerk to the Lorain County Board of Commissioners do hereby certify that the above Resolution No. 00-872 is a true copy as it appears in Journal No. 00-2 on date of November 16, 2000.

  
Theresa L. Upton, Assistant Clerk