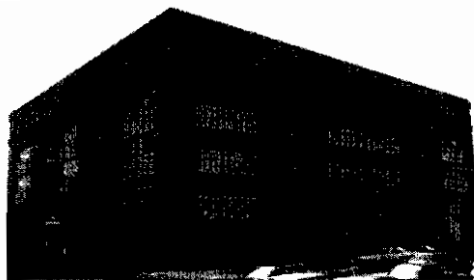


LORAIN COUNTY



Board of Commissioners

*Mary Jo Vasi
E.C. (Betty) Blair
David J. Moore*

November 9, 2001

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

Dear Mr. Weber:

Enclosed is a copy of Resolution No. 01-1005, adopted by the Lorain County Board of Commissioners on November 1, 2001 granting the Annexation of approximately 7.64 acres in Carlisle Township to the City of Elyria, Ohio – Attorney Murray acting on behalf of Robert Yost, Agent.

This is being forwarded for your information and files.

Yours truly,

Theresa L. Upton
Assistant Clerk

Enclosure

Cc: Attorney Garrett Murray
Kenneth P. Carney, LC Engineer/Attn: John Hamilton
Mark Stewart, LC Auditor/Attn: Rosemary Wirth
Linda M. Lowery, Clerk, Carlisle Township
Mary Ann Jamison, LC Recorder
Tom McNair, LC Tax Map
Robin Jones, 911 Director
Greg Stempowski, Board of Elections
File

RESOLUTION NO. 01-1005

In the matter of granting the Annexation of approximately)
7.64 acres in Carlisle Township to the City of Elyria, Ohio) November 1, 2001
Attorney Garrett Murray acting on behalf of Robert Yost,)
Agent)

WHEREAS, this was the day duly advertise for the continued hearing on the proposed Annexation of approximately 7.64 acres in Carlisle Township to the City of Elyria, Ohio – Attorney Garrett Murray acting on behalf of Robert Yost, Agent; and

WHEREAS, Commissioner Blair opened the meeting and turned it over to Attorney Murray; and

WHEREAS, Attorney Murray, 120 East Avenue, Elyria, Ohio represents Robert Yost, Agent for Robert Yost Trustee. A continued hearing was held on October 11, 2001 and a discussion took place on a letter received and signed by Steven and Julie Thompson, dated October 9, 2001 not opposed to an easement. Since this time, his client has meet with the Thompson's and entered into an easement agreement, which was submitted this to the Board; and

WHEREAS, said Easement Agreement reads as follows:

“This Agreement entered into the 31st day of October 2001, by and between Robert D. Yost, Trustee of the Robert D. Yost Trust, of 10131 Aspen Court, Elyria, Ohio 44035, hereinafter referred to as Grantee, and Steven Thompson and Julie Thompson of 754 Song Bird Street, Elryia, Ohio 44035, hereinafter referred to as Grantors.

Whereas, Grantee is the owner of 7.64 acre parcel of land situated in the Township of Carlisle, County of Lorain and State of Ohio, which Grantee intends to develop into a residential subdivision;

Whereas, grantors are the owners of a certain subplot known as Parcel Number 10-00-005-107-364, situated in the City of Elyria, County of Lorain and State of Ohio, and is further known as 754 Song Bird Street, Elyria, Ohio;

Whereas, Grantee's 7.64 acres adjoin the Grantor's subplot on the subplot's south.

Whereas, a sanitary sewer line runs along Song Bird Street;

Whereas, Grantee desires a sanitary sewer easement across the Grantors' subplot and Grantors agree to grant Grantee an easement across Grantors' said parcel as hereinafter provided, from the northerly line of Grantors' parcel to the 7.64 acre parcel of the Grantee.

For consideration of \$1.00, Grantors receive from Grantee a parcel of land, as shown on the attached drawing marked Exhibit A.

Now, Therefore, in consideration of the mutual covenants and agreements herein contained and other good and valid consideration, Steven Thompson and Julie Thompson, the Grantors, do hereby agree to give, grant, bargain, and convey to Robert D. Yost, Trustee of the Robert D. Yost Trust, the Grantee, a permanent easement commencing at the northerly property line of Grantors', 10 feet from and parallel to the westerly property line and expanding to 20 feet from and parallel to the westerly property line, said 20 feet commencing at a point opposite the southwesterly corner of Grantors' house to the northerly boundary line of Grantee's said 7.64 acre parcel for the purpose of boring, operating, maintaining, removing, repairing and replacing 8" drain line, at Grantee's cost, through and across Grantors' premises, to carry the effluent from the sanitary line on Song Bird Street. Grantee shall, immediately after installation of said 8" line at Grantee's expense, restore Grantors' premises to its condition prior to said installation.

The within agreement is conditioned upon the annexation of Grantee's premises into the City of Elyria.

The parties agree to execute a formal easement, which will be filed for record in the Lorain County Recorder's office at Grantee's expense.

This Easement Agreement is binding on the respective parties, their heirs, executors, administrators, and assigns.

In Witness Whereof, we have set our hands this 31st day of October, 2001.

GRANTEE:

S/Robert D. Yost, Trustee of the
Robert D. Yost Trust

GRANTORS:

S/Steven Thompson
S/Julie Thompson"

and;

WHEREAS, Attorney Schrader stated Carlisle Township Trustees do oppose this annexation and all reasons have been stated at previous hearings and will continue to request denial. This easement agreement is conditioned upon the annexation and would request that this annexation be held until there is a formal easement agreement; and

WHEREAS, Attorney Murray said Exhibit A is attached to the Easement Agreement. The formal easement needs legal descriptions and a survey has to be completed of the sanitary sewer, which easement is shown on the back parcel on the Exhibit; and

WHEREAS, Assistant County Prosecutor Innes said an Easement Agreement has been submitted and signed by the Grantor and Grantee and this is all that is expected; and

WHEREAS, Commissioner Blair stated with this easement the sewer will be extended from the City of Elyria to this development only. Attorney Murray said yes, the pipes will be 8" to carry this residential development; and

WHEREAS, Commissioner Blair asked if the developer has given consideration to offer some property to Carlisle Township, for the lost of this land by annexation. Attorney Murray said at one time, it was mentioned to Attorney Schrader but nothing became of it; and

WHEREAS, Commissioner Blair said at the meeting of October 11, 2001 the Clerk noted that the 90 day approval or denial would be on November 14, but action would need to be taken at today's board meeting, since there will be no meeting on November 8 due to a lack of a quorum, which is based on the first hearing on August 16, 2001. A determination needs to be made on the territory sought to be annexed, the benefit to the territory sought to be annex and this Board is operating under the existing annexation laws; and

WHEREAS, Assistant County Prosecutor Innes indicated the Commissioners that the statute itself does not specifically say the creation of a peninsula or islands are prohibited, there is a case law that had discussions that it shall be discouraged.

NOW, THEREFORE BE IT RESOLVED, based upon the testimony presented, the Lorain County Board of Commissioners hereby grants the proposed Annexation of approximately 7.64 acres in Carlisle Township to the City of Elyria, Ohio - Attorney Garrett Murray acting on behalf of Robert Yost based upon the general good of the territory sought to be annexed and description is as follows:

Situated in the Township of Carlisle, County of Lorain and State of Ohio. Being known as part of Carlisle Township Sections Nos. 5 and 6 and more definitely described as follows;

Beginning in the centerline of East River Road at the southwesterly corner of an 8.0156 acre parcel conveyed to the Robert D. Yost Trust as recorded in Lorain County Recorder's Instrument No.20010750485, said point being South 47° 42' 00" East, a distance of 335.0 feet from the intersection of said centerline with the line between Carlisle Township's Sections Nos. 5 and 6;

Thence North 1° 25' 00" East in the westerly line of said 8.0156 acre parcel, a distance of 39.68 feet to a point in the northeasterly sideline of East River Road; said point is the principal place of beginning;

Thence continuing North 10° 25' 00" East in the easterly line of said 8.0156 acre parcel, a distance of 598.12 feet to the northwesterly corner thereof and a point in the existing corporation line of the City of Elyria;

Thence South 89° 57' 00" East in said existing corporation line and in the northerly line of said 8.0156 acre parcel, a distance of 264.00 feet to a northeasterly corner thereof;

Thence South 1° 25' 00" West in the easterly line of said 8.0156 acre parcel a distance of 250.05 feet to an angle point therein;

Thence North 84° 24' 15" East in a northerly line of said 8.0156 acre parcel, a distance of 290.05 feet to a northeasterly corner thereof;

Thence South 12° 49' 00" West in the easterly line of said 8.0156 acre parcel, a distance of 753.43 feet to a point in the northeasterly sideline of East River Road;

Thence North 47° 42' 00" West in the northeasterly sideline of East River Road, a distance of 532.89 feet to the principal place of beginning;

Enclosing a parcel containing about 7.64 acres of land, which 3.58 acres are within Section No. 5 and about 4.06 acres are within Section No. 6, but subject to all legal highways.

Permanent Parcel Number: 10-00-006-107-001

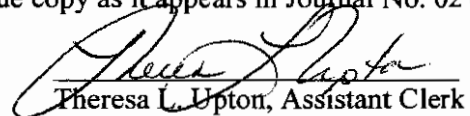
The within territory is adjacent to the said City of Elyria, Ohio.

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 papers pertaining thereto shall be delivered to the City of Elyria, Ohio.

Motion by Vasi, seconded by Moore 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. 01-1005 is a true copy as it appears in Journal No. 02 on date of November 1, 2001.


Theresa L. Upton, Assistant Clerk