



# LORAIN COUNTY

## Board Of Commissioners

Betty Blair      David J. Moore      Mary Jo Vasi

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440-329-5760

Clerk Of Board

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440-329-5103

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440-329-5530

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Charles Berry Bridge Supervisor

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440-284-1830

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440-329-5115

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440-329-5525

Information Technology

Ernie Smith  
440-329-5786

Maintenance Supervisor

Ralph Smugala  
440-329-5116

Community Development Director

Ronald F. Twining  
440-328-2323

Records Center Supervisor

Lynn Wallace  
440-326-4866

July 22, 2002

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

Dear Mr. Weber:

Enclosed is a complete transcript on the Annexation of approximately 25.89 acres from Elyria Township to the City of Elyria, Ohio - Attorney Eric Severs, Agent for Forthofer and Sons, Inc.

Lorain County Board of Commissioners adopted Resolution No. 02-553, on July 18, 2002 granting said Annexation.

This is being forwarded for your information and files.

Yours truly,

Roxann Blair,  
Clerk

RB/tlu  
Enclosure

Cc:    Attorney Eric Severs  
      Mark Stewart, LC Auditor/Attn: Rosemary Wirth  
      Barbara Baker, Clerk, Elyria Township  
      Ron Twining, Director, LC Community Development Department  
      Robin Jones, E9-1-1 Director  
      Greg Stempowski, Board of Elections  
      Mary Ann Jamison, LC Recorder  
      Tom McNair, LC Tax Map  
      Kenneth P. Carney, LC Engineer/Attn: John Hamilton  
      File

226 Middle Ave. Elyria, Ohio 44035-5641    Phone: 440-329-5000 or 440-244-6261    Fax: 440-323-3357  
www.lorcnty.org

In the matter of granting the Annexation of )  
 approximately 25.89 acres from Elyria )  
 Township to the City of Elyria, Ohio - ) July 18, 2002  
 Attorney Eric Severs, Agent for Forthofer )  
 and Sons, Inc. )

WHEREAS, on October 25, 2001 this Petition for the proposed Annexation of approximately 8.92 acres from Elyria Township to the City of Elyria, Ohio – Attorney Eric Severs, Agent for Forthofer and Sons, Inc. was submitted; and

WHEREAS, Lorain County Engineer reviewed the accuracy of Petition and Map and by report dated October 30, 2001 the Engineer indicated several discrepancies; and

WHEREAS, the Petition and Map were resubmitted on January 14, 2002, increasing the original acreage from 8.92 to 25.89 acres and by letter dated January 17, 2002 from the County Engineer there were no discrepancies. The description followed the map accurately and the parcel is contiguous and adjacent to the City of Elyria, Ohio; and

WHEREAS, the City of Elyria adopted Ordinance No. 2002-35 on February 19, 2002 setting forth services to be provided to this property if the Annexation is granted; and

WHEREAS, Lorain County Board of Commissioners adopted Resolution 02-90, on January 31, 2002 receiving petition and map and scheduled the first public hearing on April 11, 2002; and

WHEREAS, Lorain County Board of Commissioners adopted Resolution No. 02-300, on April 11, 2002 continued the public hearing until April 25, 2002 due to on going discussions; and

WHEREAS, Lorain County Board of Commissioners adopted Resolution No. 02-305 on April 25, 2002 accepted the amended petition and map and closed the public hearing and the Board is to render a decision by the 90<sup>th</sup> day. The next scheduled Board meeting would be July 18, 2002, which is the 84<sup>th</sup> day.

NOW, THEREFORE BE IT RESOLVED, based upon the testimony presented, the Lorain County Board of Commissioners hereby grants the proposed Annexation of approximately 25.89 acres from Elyria Township to the City of Elyria, Ohio – Attorney Eric Severs – Agent for Forthofer and Sons, Inc. All sections of the Ohio Revised Code have been complied with and the land sought to be annexed is as follows:

Said Revised Petition and Description read as follows:

“The undersigned, being the owners of the real property in the territory described in the attached Exhibit A within the Township of Elyria, County of Lorain, and State of Ohio, and adjacent to the City of Elyria, Ohio, hereby petition for the annexation of said territory to the City of Elyria, Ohio.

Attached as Exhibit B is an accurate map showing the boundaries of the territory sought to be annexed.

There are two owners of the real estate in the territory sought to be annexed, to-wit:

Forthofer & Sons, Inc.

Andrew and Julia Kerchmar

Eric R. Severs, 5 South Main Street, Oberlin, Ohio, is appointed agent for the Petitioners herein as required by Ohio Revised Code Section 709.02, with full power to amend, increase or decrease the area, and 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 herein.

This amended Petition for Annexation is filed in order to include additional property owned by additional Petitioners Andrew and Julia Kerchmar and to more accurately identify the property sought to be annexed.

S/Eric R. Severs, Esq. #005864  
Agent for the Petitioners  
5 South Main Street  
Oberlin, Ohio 44074  
440-774-1278, FAX 440-774-7088

FORTHOFFER & SONS, INC.  
By: John E. Forthofer, President  
By: Andrew Kerchmar  
By: Julia Kerchmar

and;

Said Legal Description (Exhibit A) reads as follows:

Situated in the Township of Elyria, County of Lorain, and State of Ohio. Being known as part of Original Elyria Township Lots Nos. 16 and 17, West of Black River, and more definitely described as follows:

Beginning in the centerline of the Milan-Elyria Road at the northwesterly corner of land conveyed to the State of Ohio as recorded in Volume 980, Page 265 of Lorain County Deed Records; said point being about 560.80 feet distant westerly from the intersection of the centerline of the Milan-Elyria Road and the centerline of West Ridge Road;

Thence southerly in the westerly line of land so conveyed to the State of Ohio, a distance of about 60.64 feet to the southwestly corner thereof; said point is the principal place of beginning;

Thence northeasterly in the southeasterly line of land so conveyed to the State of Ohio, a distance of about 93.49 feet to the southeasterly corner thereof and a point in the easterly line of land conveyed to Andrew and Julia Kerchmar as recorded in Volume 442, Page 20 of Lorain County Official Records;

Thence southerly in the Kerchmars' easterly line, a distance of about 253.21 feet to an angle point therein;

Thence easterly in the Kerchmars' northerly line, a distance of about 288.9 feet to an angle point therein;

Thence southerly in the Kerchmars' easterly line, a distance of about 757.80 feet to the southwestly corner of “Parcel No.2” conveyed to Jeffrie M. and Carol A. Brown as recorded in Volume 1306, Page 268 of Lorain County Official Records;

Thence easterly in the southerly line of said "Parcel No.2" a distance of about 154.77 feet to the southeasterly corner thereof and a point in the easterly line of land conveyed to Forthofer & Sons, Inc. as recorded in Volume 957, Page 511 of Lorain County Deed Records;

Thence southerly in Forthofer & Sons' easterly line, a distance of about 810.00 feet to the southwesterly corner of land conveyed to Monika Reitz as recorded in Lorain County Recorder's Instrument No. 970505173 ;

Thence easterly in Monika Reitz' southerly line, a distance of about 245.00 feet to a point in the westerly sideline of West Ridge Road, 60 feet wide;

Thence southerly in the westerly sideline of West Ridge Road, a distance of about 77 feet to a point in a southerly line of land conveyed to Forthofer & Sons, Inc., as recorded as aforesaid;

Thence westerly in Forthofer & Sons' southerly line, a distance of about 154.64 feet to an angle point therein and a point in the line between Original Lots Nos. 16 and 17.

Thence southerly in said Original Lot line and in Forthofer & Sons' easterly line, a distance of about 387.44 feet to Forthofer & Sons' southeasterly corner and a point in the existing corporation line of the City of Elyria;

Thence westerly in Forthofer & Sons' southerly line and in the southerly line of land conveyed to Andrew and Julia Kerchmar, recorded as aforesaid, and in the existing corporation line of the City of Elyria, a distance of about 840.18 feet to an angle point in said corporation line and the Kerchmars' southwesterly corner;

Thence northerly in the Kerchmars' westerly line and in the existing corporation line of the City of Elyria, a distance of about 1692.70 feet to an angle point therein;

Thence continuing northerly in the Kerchmars' westerly line, a distance of about 122.90 feet to an angle point therein;

Thence easterly in the Kerchmars' northerly line, a distance of about 73.45 feet to an angle point therein;

Thence northerly in the Kerchmars' westerly line, a distance of about 206.91 feet to the principal place of beginning;

Enclosing a parcel containing about 25.89 acres of land of which about 0.09 acre is within Original Lot No.16 and about 25.80 acres are within Original Lot No.17, but subject to all legal highways; and

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 Moore, seconded by Blair to adopt Resolution. Ayes: All.  
Motion carried. \_\_\_\_\_ (discussion was held on the above)

I, Roxann Blair, Clerk to the Lorain County Board of Commissioners do hereby certify that the above Resolution No. 02-553 is a true copy as it appears in Journal No. 02 on date of July 18, 2002.

  
Roxann Blair, Clerk