



# LORAIN COUNTY

## Board Of Commissioners

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440-329-5760

**Clerk Of Board**

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440-329-5103

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440-329-5442

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440-988-7210

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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

August 7, 2002

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

Dear Mr. Weber:

Enclosed is a complete transcript of the granted annexation of approximately 1.33 acres in Carlisle Township to the City of Elyria, Ohio – Attorney Garrett Murray, acting on behalf of Robert D. Yost, Trustee of the Robert D. Yost, Trust, Agent.

This annexation was adopted by Resolution No. 02-592 on August 1, 2002.

Yours truly,

Theresa L. Upton  
Assistant Clerk

tlu

Enclosure

Cc: Linda M. Lowery, Clerk, Carlisle Township  
Mark Stewart, LC Auditor/Attn: Rosemary Wirth  
Kenneth P. Carney, LC Engineer/Attn: John Hamilton  
Greg Stempowski, Board of Elections  
Robin Jones, Director, E9-1-1  
Mary Ann Jamison, LC Recorder  
Tom McNair, LC Tax Map  
Attorney Garrett Murray  
Attorney Al Schradder  
File

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

RESOLUTION NO. 02-592

In the matter of granting the Annexation of )  
approximately 1.33 acres in Carlisle Township ) August 1, 2002  
to the City of Elyria, Ohio – Attorney Garrett )  
Murray, acting on behalf of Robert D. Yost, )  
Trustee of the Robert D. Yost, Trust, Agent )

WHEREAS, petition was submitted to this office on March 20, 2002 for the proposed annexation of approximately 3.33 acres in Carlisle Township to the City of Elyria, Ohio. Petition was filed with the County Auditor and Engineer; and

WHEREAS, the County Engineer reviewed the accuracy of Petition and Map, and by report dated March 26, 2002 the Engineer indicated no discrepancies. The land is adjacent and contiguous to the City of Elyria. The Engineer requested the County Prosecutor's Office to look into this proposed annexation to see if it causes the parcels north of the acreage to become a Township land. The City of Elyria would be on the north, west and south side and the Township of Eaton on the east; and

WHEREAS, Elyria City Council adopted Ordinance No. 2002-97, dated May 6, 2002 setting forth services to be provided to this property if the Annexation is granted. The Commissioners Resolution No. 02-309, adopted April 25, 2002 received petition and map and scheduled the public hearing on June 13, 2002; and

WHEREAS, June 5, 2002 Attorney Garrett Murray filed an "amended" petition decreasing the acreage from 3.33 to 1.33 acres. This petition was again filed with the County Auditor and Engineer for their review; and

WHEREAS, the annexation hearing was convened on June 13, 2002 at 10:30 a.m. and by the request of Attorney Garrett Murray and Attorney Al Schrader, Council for Carlisle Township. The hearing is to be continued until 10:30 a.m. on Thursday, June 27, 2002 due to Attorney Schrader being out of town and not able to attend June 13, 2002 hearing; and

WHEREAS, the hearing on June 27, 2002 was opened and due to the lateness of the Commissioners meeting agenda, it was requested by Attorney Garrett Murray and Attorney Al Schrader that this hearing be continued, until Thursday, August 1, 2002 at 10:30 a.m., which was adopted by Resolution No. 02-473; and

WHEREAS, Assistant County Prosecutor Innes administered an oath to anyone wishing to give testimony; and

WHEREAS, Attorney Murray, 409 East Avenue, Elyria, Ohio represents Robert D. Yost, Agent for owner of Robert Yost, Trustee, Robert D. Yost, Trust. A petition was filed in March 2002 with 3.33 acres. The Engineer questioned the property to the north of the area sought to be annexed. He stated this area would be surrounded by the City of Elyria on the north and west, and Eaton Township on the east, therefore the petition was amended to decrease the acreage to 1.33 acres. Attorney Murray said, his client will be able to receive sanitary sewer service with the 1.33 acre parcel and tie that piece into the proposed subdivision. The 2 acre parcel will remain in Carlisle Township, which faces Dewhurst Road. Since the time this hearing took place, there have been several discussions with Carlisle Township Trustees, and he believes they will have no objections; and

WHEREAS, Attorney Al Schradder, Council for Carlisle Township Trustees said many discussions have taken place between Attorney Murray, Agent and the Trustees. The opposition will be withdrawn, because the understanding of the agreement is 1) Developer will donate to the Township \$1,000.00; 2) the sewer will go down East River Road, 3) the sewer line will run in front of 9 houses and Mr. Rothgery will recommend to the City that these 9 houses be permitted to hook onto this sewer whenever they want to without annexation and 4) when the sewer line is installed, the developer will work with the Township and County to make sure taps are installed too. Attorney Schrader this is a solution, but no time or ability to finalize this understanding. He needs to know if: a) will City Council do as Mr. Rothgery suggests and have the 9 houses tie into the sewer at some point in time and b) would the County help in paying for the taps, because the Township will. Attorney Schrader stated the opposition will be withdrawn because there is a win, win situation with the Township, City and County and commended Attorney Murray, Mr. Yost and the City in resolving this matter; and

WHEREAS, Ken Prechtel, Carlilse Township Trustee said there has been a lot of effort by Mr. Yost, and he is satisfied with the request to have residents tie into these sewers in the future. He also stated, that Trustee Wright and Taylor are also in favor of this; and

WHEREAS, Commissioner Moore asked if there is anyone present in favor of this annexation wanting to give testimony. There were no comments;

WHEREAS, Commissioner Moore asked if there is anyone in opposition of this annexation wanting to give testimony; and

WHEREAS, Laurie Stana, 14302 Dewhurst Road stated she is opposed to this annexation. She was never notified, even though the Township said she would be. Ms. Stana said, there has been a water problem in the area since Robin Park was developed and a garbage problem, she believes this will decrease her property; and

WHEREAS, Tim Mahoney, General Manager, Rural Lorain County Water Authority said he is not opposed to this annexation as long as the water service will stay with Rural Lorain County Water. Attorney Murray said yes, Rural Lorain County Water Authority will continue to service this area.

NOW, THEREFORE BE IT RESOLVED, based upon the testimony presented, the Lorain County Board of Commissioners hereby grants the Annexation of approximately 1.33 acres in Carlisle Township to the City of Elyria, Ohio – Attorney Garrett Murray, acting on behalf of Robert D. Yost, Trustee of the Robert D. Yost, Trust - Agent. This annexation is in the general good of the territory sought to be annexed and all statutory requirements have been complied with.

Said amended petition and legal description is as follows:

The undersigned, being the owner 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, does hereby petition for the annexation of said territory to the City of Elyria, Lorain County, Ohio, to wit;

Situated in the Township of Carlisle/ County of Lorain and State of Ohio. Being known as part of Carlisle Township Section No.5 and more definitely described as follows;

Beginning at the intersection of the centerline of East River Road and the centerline of Dewhurst Road;

Thence North 0 deg. 26' 49" East in the centerline of Dewhurst Road/ a distance of about 1275.82 feet to an angle point therein;

Thence North 1 deg. 20' 35" East in the centerline of Dewhurst Road, a distance of about 265.83 feet to a point in the easterly extension of the southerly line of land conveyed to Robert D. Yost, Trustee as recorded in Lorain County Recorder's Instrument No.20010780699;

Thence North 89 deg. 12' 40" West in said easterly extension, a distance of about 20 feet to a point in the westerly sideline of Dewhurst Road; said point being in the easterly line of Carlisle Township and the southeasterly corner of the aforesaid parcel conveyed to Robert D. Yost Trustee;

The following seven courses are in the boundary lines of said Robert D. Yost, Trustee parcel;

Thence North 89 deg. 12' 40" West a distance of about 493.59 feet to an angle point;

Thence South 0 deg. 47' 20" West a distance of about 76.80 feet to an angle point;

Thence South 84 deg. 24' 15" West, a distance of about 89.07 feet to an angle point in the existing corporation line of the City of Elyria; said point is the principal place of beginning;

Thence continuing South 84 deg. 24' 15" West in the existing corporation line of the City of Elyria, a distance of about 290.05 feet to an angle point;

Thence North 1 deg. 25' 00" East in the existing corporation line of the City of Elyria, a distance of about 239.10 feet to an angle point;

Thence South 89 deg. 12' 40" East, a distance of about 187.25 feet to a point;

Thence South 24 deg. 34' 41" East a distance of about 228.76 feet to the principal place of beginning;

Enclosing a parcel containing about 1.33 acres of land but subject to all legal highways. Permanent Parcel Number: 10-00-005-107-301

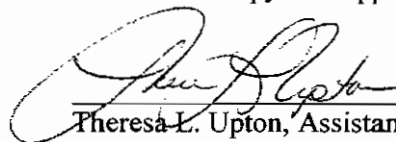
The within territory is adjacent to the said City of Elyria, Ohio.

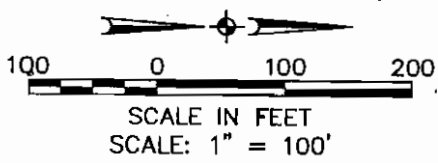
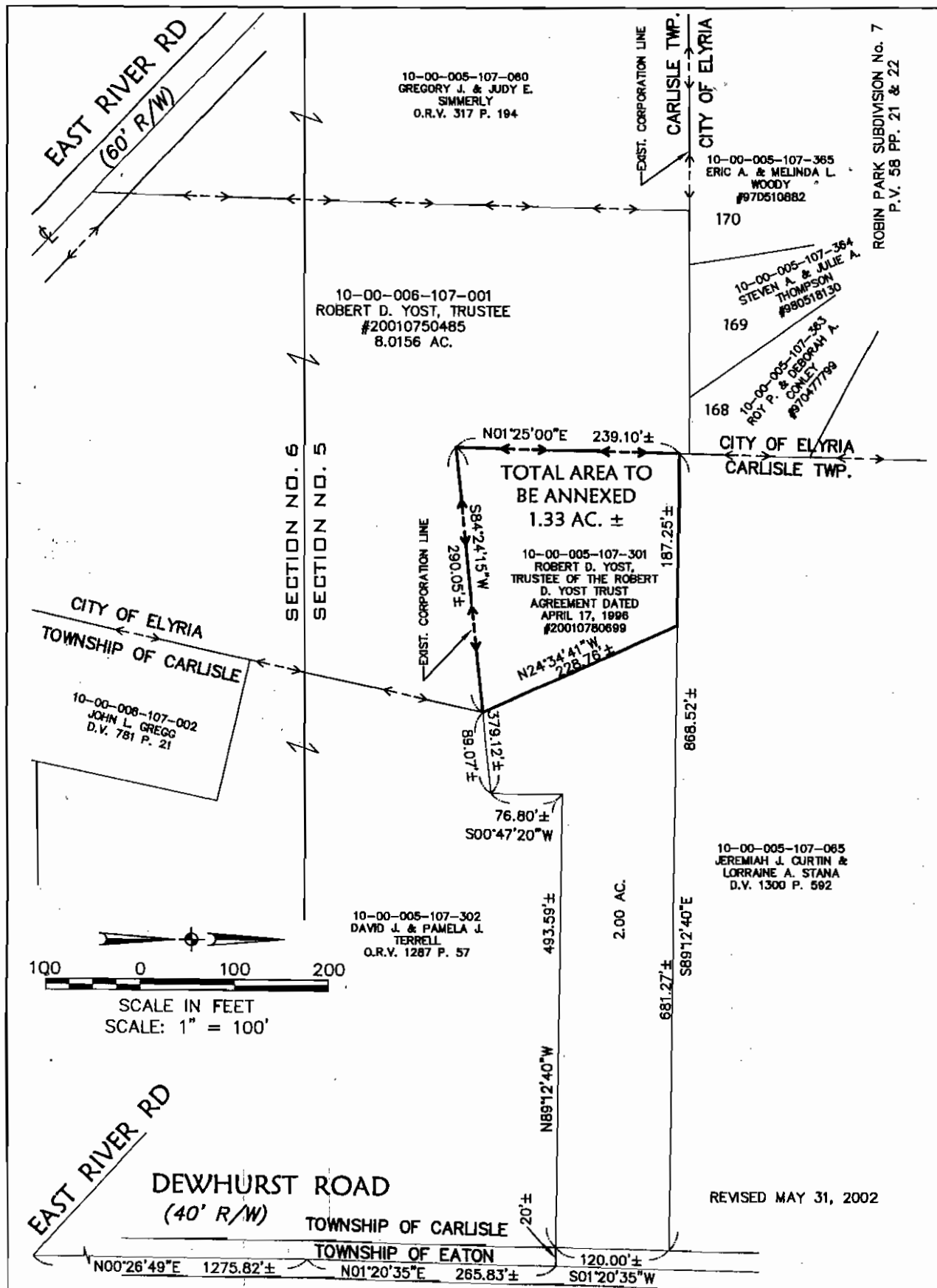
BE IT FURTHER RESOLVED, a certified copy of the final transcript of this Board of Commissioners relating to the finds and orders of this Board together with the accompanying map and Petition and all other papers pertaining thereto shall be delivered to the City of Elyria, Ohio.

Motion by Vasi, seconded by Blair to adopt Resolution. Ayes: All.

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

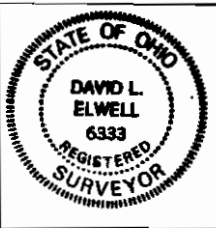
I, Theresa L. Upton, Assistant Clerk to the Lorain County Board of Commissioners do hereby certify that the above Resolution No. 02-592 is a true copy as it appears in Journal No. 02 on date of August 1, 2002.

  
Theresa L. Upton, Assistant Clerk



**DEWHURST ROAD**  
(40' R/W)

REVISED MAY 31, 2002



*David L. Elwell*  
DAVID L. ELWELL, REGISTERED SURVEYOR NO. 6333

MAP PREPARED FROM RECORD ONLY  
DATE: FEB. 27, 2002  
REV.: MARCH 20, 2002



**ANNEXATION MAP**  
OF PART OF  
ORIGINAL CARLISLE TOWNSHIP SECTION NO. 5  
TOWNSHIP OF CARLISLE COUNTY OF LORAIN  
STATE OF OHIO

JOB NO.:  
01156-AN2  
DWG. NAME:  
2-ANEXO1



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 of 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.

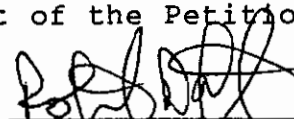
Permanent Parcel Number: 10-00-006-107-001 ~~AS~~ DELETED

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

Petitioner has attached hereto and made a part of this Petition an accurate map showing the boundaries of the territory sought to be annexed marked "Annexation Map."

Petitioner states there is one (1) owner of real estate in the territory sought to be annexed.

Robert D. Yost, 10131 Aspen Court, Elyria, Ohio 44035, is hereby appointed agent for the undersigned Petitioner 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 Petitioner.

  
\_\_\_\_\_  
Robert D. Yost, Trustee  
of the Robert D. Yost Trust  
10131 Aspen Court  
Elyria, Ohio 44035

RECEIVED  
LORAIN COUNTY  
COMMISSIONERS

2001 MAY 23 A 10:43

DOXANN BLAIR  
CLERK

PETITION FOR ANNEXATION

To: Board of County Commissioners  
of Lorain County, Ohio

The undersigned, being the owner 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, does hereby petition for the annexation of said territory to the City of Elyria, Lorain County, Ohio, to wit;

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 1° 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