

# LORAIN COUNTY

## Board Of Commissioners

Betty Blair      David J. Moore      Mary Jo Vasi

### Administrator

James R. Cordes  
440-329-5760

### Acting Clerk Of Board

Theresa Upton  
440-329-5107

### Ombudsman

Larry Allen  
440-329-5488

### Solid Waste Director

Daniel Billman  
440-329-5442

### Telecommunications Supervisor

Nancy Bryant  
440-329-5499

### Children & Family Council Director

Juan Molina Crespo  
440-284-4467

### Projects Manager

Karen Davis  
440-329-5102

### Human Resources Director

Jeff Fogt  
440-329-5530

### Golden Acres Administrator

William Glowacki  
440-988-7210

### E-9-1-1 Director

Robin Jones  
440-329-5444

### Emergency Management Director

Thomas Kelley  
440-329-5117

### Office on Aging Director

Patricia Littleton  
440-329-4818

### Charles Berry Bridge Supervisor

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### Dog Warden

Tom Majoras  
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### Purchasing Director

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### Workforce Development Director

William Ogle  
440-284-1830

### Office Services Supervisor

B Howard Reynolds  
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### Budget Director

John Rokasy  
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### Information Technology

Ernie Smith  
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Ralph Smugala  
440-329-5116

### Community Development Director

Ronald F. Twining  
440-328-2323

### Records Center Supervisor

Lynn Wallace  
440-326-4866



Doc ID: 017699500021 Type: OFF  
Kind: RESOLUTION  
Recorded: 10/08/2013 at 09:33:33 AM  
Fee Amt: \$0.00 Page 1 of 21  
Lorain County, Ohio  
Judith M Nedwick County Recorder

File **2013-0481689**

October 1, 2004

Art Weber, Clerk  
City of Elyria  
131 Court Street  
Elyria, Ohio 44035

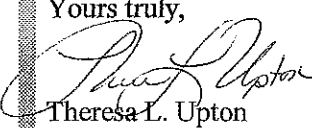
Dear Mr. Weber:

Enclosed is a complete transcript of the granted Annexation from Eaton Township to the City of Elyria, Ohio.

This annexation was granted August 12, 2004 by Resolution No. 04-598, for 2.0232 acres in Eaton Township to the City of Elyria, Ohio – Attorney John L. Keyse-Walker, Agent.

There were no appeals to this regular annexation, therefore the thirty (30) days has expired.

Yours truly,

  
Theresa L. Upton  
Acting Clerk

tlu

Enclosure

Cc: Attorney John L. Keyse-Walker  
Linda Spitzer, Clerk, Eaton Township  
Mark Stewart, LC Auditor/Attn: Rosemary Wirth  
Kenneth P. Carney, LC Engineer/Attn: Wayne Miller  
Judy Nedwick, LC Recorder  
Tom McNair, Tax Map  
Greg Stempowski, Board of Elections  
Robin Jones, Director 9-1-1  
File

RECEIVED FOR RECORD  
2004 OCT - 4 P 12:00

JUDITH M. NEDWICK  
LORAIN COUNTY  
RECORDER

Attached hereto is an accurate map of the territory to be annexed. Petitioners specifically request that the Board of Commissioners follow O.R.C. 709.022 in this proceeding.

The name of the person or persons to act as agent for the undersigned petitioners is John L. Keyse-Walker and/or Howard T. Lane, Fauver, Keyse-Walker & Donovan, A Legal Professional Association, 5333 Meadow Lane Court, Elyria, Ohio, 44035-1469, Phone: (440) 934-3700, Fax: (440) 934-3708, e-mail: [jkeyse-walker@fkwdlaw.com](mailto:jkeyse-walker@fkwdlaw.com), [hlane@fkwdlaw.com](mailto:hlane@fkwdlaw.com).

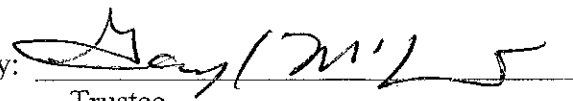
Attached to the Petition is a certified copy of an annexation agreement as provided for in O.R.C. 709.192 between the City of Elyria and Eaton Township.

**WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY.**

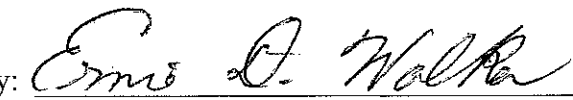
TOWNSHIP OF EATON, LORAIN COUNTY, OHIO

By:   
Trustee

Date: 7-20-04

By:   
Trustee

Date: 7-20-04

By:   
Trustee

Date: 7-20-04

## ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is made by and between the Township of Eaton (hereinafter "Township"), whose mailing address is Eaton Township Hall, 12043 S. Avon Belden Road, Grafton, Ohio 44044, and the City of Elyria (hereinafter "City"), an Ohio municipal corporation, whose mailing address is Elyria City Hall, 328 Broad Street, Elyria, Ohio 44035 for the sharing of property taxes for an area of the Township to be annexed to the City, and for consent of the Township to the annexation.

WHEREAS, a certain area of land described in Exhibit A (hereinafter "Property") is proposed for annexation from the Township to the City; and

WHEREAS, the City and the Township will benefit from the provisions of the Agreement and the annexation contemplated thereby; and

WHEREAS, the Township and City are desirous of entering into an agreement which determines issues which arise as a result of such annexation, including but not limited to, the allocation and/or sharing of tax revenues, and provision of services in certain areas located near the Property.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained in this Agreement, the parties hereby agree as follows:

1. The Property. The "Property" as the term is used herein shall consist of certain acreage located in the Township, as further described in Exhibit A attached hereto and incorporated herein by reference.
2. Consideration Given by the City. The parties enter into this Agreement with mutual understanding and expectation that the City and Township share of the current real and

personal property taxes paid by the property owners and any business located in or on the Property will continue in the future after the annexation takes place and during the term of this Agreement to be collected by the Lorain County Auditor and paid directly to the City. This will also include future residences and any businesses which locate on or in the Property, post-annexation.

The tax sharing arrangements referred to herein shall commence when any of the parcels comprising the Property are annexed into the City, and the City, by ordinance or resolution, accepts said parcel or parcels. Upon such annexation, and based upon the property valuation for the year payment is due, the City shall pay to the Township those amounts set forth herein:

- A. First through third years, 80% of the taxes that would have been due the Township.
- B. Fourth and fifth years, 52.5% of the taxes that would have been due the Township.
- C. Sixth through tenth years, 40% of the taxes that would have been due the Township.
- D. Eleventh and twelfth years, 27.5 % of the taxes that would have been due the Township.

It is the intent of the parties that the Township shall be reimbursed according to the above percentages for amounts of taxes that would have been due the Township only.

In addition to the payment specified above, the City shall pay to the Township the Township tax portion of such amounts collected by the Lorain County Auditor and paid to the City for any CAUV recoupment payments arising out of the pre-annexation agricultural use valuation of the Property or any portion thereof.

Payment by the City to the Township of sums due pursuant to this Agreement shall be made within thirty (30) days of receipt of such funds from the Lorain County Auditor. If the City

fails to make any payment due to the Township after the expiration of said thirty (30) day period, the Township may notify the County Budget Commission in writing of the amount owed and receive compensation from the City's allocation of the undivided local government fund pursuant to R.C. 709.191.

The City agrees that upon entry of an order by the Lorain County Board of Commissioners allowing annexation of the Property into the City, the City, by ordinance shall accept the annexation of the Property into the City.

The City agrees to annex Bender Road between the southerly border of the City of North Ridgeville, and its intersection with Chestnut Ridge Road (the "Roadway"). The City will maintain the Roadway in a condition and manner in which the City customarily maintains other city streets.

Upon completion of the annexation, and after the issuance of the first eight post-annexation building permits by the City for the erection of new residential or commercial structures (not to include alterations, additions, remodeling, expansion of existing structures) on the Property, and for a period of twelve years following completion of annexation, the City will collect an "annexation fee" at the time of obtaining a fee on the building permit, as follows:

- A. The amount of such fee for each new residential or commercial unit (as described above) paid at the time a building permit is issued by the City shall be as follows:
  - (i) Detached single family dwelling or commercial unit - \$250.00 per unit.
  - (ii) Duplex or triplex units - \$200.00 per unit.
  - (iii) Multi-family containing four to twelve units - \$150.00 per unit.
  - (iv) Multi-family containing thirteen or more units - \$100.00 per unit.

- B. Payment shall be made by check or money order from the owner of the Property seeking a building permit, payable to "Eaton Township".
- C. The City shall remit the payment to the Township within thirty (30) days of the receipt of same.
- D. The City will not issue the requested building permit without payment of the annexation fee by the property owner.

3. Consideration Given by the Township. The Township, on behalf of itself, its agents, servants, members, trustees, employees, representatives, assigns and successors, hereby fully releases and discharges the City and its elected and appointed officials, agents, servants, members, employees, representatives, successors and assigns, from any and all rights, claims, and actions, known or unknown, which the Township and its above-mentioned successors have or might have stemming from any differences or claims arising from the above-mentioned annexation, and waives any objections thereto and any rights it may have to contest such annexation, including rights of appeal. The Township further agrees not to unreasonably withhold approval of real estate and personal property tax abatements requested by the City for the Property, so long as the City holds the Township harmless from revenue loss that does result from said tax abatements granted by the City over the objection of the Township, by formal resolution.

The Township hereby assents to the annexation of the Property depicted in Exhibit A into the City and agrees that it shall not challenge, oppose or assist any person or entity to challenge or oppose, before the Board of County Commissioners of Lorain County, the Council of the City, or any Court, the petitions of any owners of the Property to have the Property annexed into the City. The Township also consents and agrees to the annexation of Bender Road as described in Section 2 above.

4. Additional Terms and Provisions. The parties agree this is a special agreement between the City and Township resulting from unique circumstances. The Township does not intend, by this Agreement, to set any precedent for permitting future annexations. The City, likewise, does not intend to set any precedent for the forms of future agreements that might be negotiated between the parties.

Either party may sue the other for specific performance of this Agreement.

This Agreement is a complete resolution of the matter of the annexation of the Property between the parties and shall not be treated as an admission of either party for any other purpose.

This Agreement may not be modified or terminated in any manner except by official legislative action of both the City and Township.

This Agreement shall be binding upon and inure to the benefit of the parties, their agents, servants, members, officials, trustees, employees, representatives, assigns and successors.

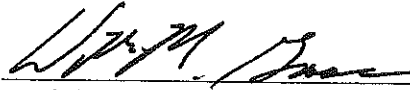
In the event any one or more of the provisions contained in this Agreement are held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement. The titles to the paragraphs of this Agreement are descriptive only and are not to be considered substantive provisions of this Agreement.

This Agreement constitutes the entire agreement of the parties and supercedes any prior understandings or previous oral or written agreements between the parties respecting the subject matter hereof.

This Agreement, and all the rights, duties and obligations of the City and the Township, shall be construed under and in accordance with the laws of the State of Ohio, and all obligations of the parties hereunder are performable in Lorain County, Ohio.

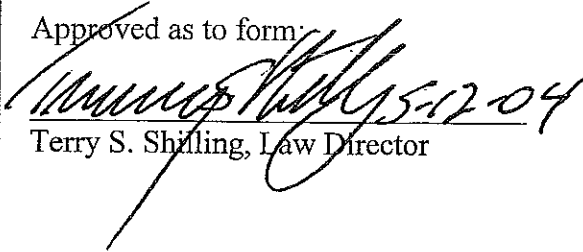
IN WITNESS WHEREOF, the parties, by their duly authorized representatives, have executed this Agreement in duplicate on the dates written below their respective signatures.

**CITY OF ELYRIA, OHIO**

By:   
Mayor William M. Grace

Date: 5-12-04


Approved as to form:

  
Terry S. Shilling, Law Director

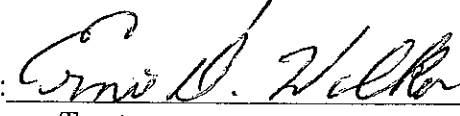
**TOWNSHIP OF EATON**

By:   
Trustee

Date: 5-18-04

By:   
Trustee

Date: 5-18-04

By:   
Trustee

Date: 5-18-04





# CAPITOL SURVEY COMPANY

PHONE : 447 - 9227  
447 - 9CAP

6545 STRATHMORE DRIVE  
VALLEY VIEW, OHIO 44125

FAX : 524 - 4826

Legal Description of  
**PARCEL BEING ANNEXED TO THE CITY OF ELYRIA  
FROM THE TOWNSHIP OF EATON**  
Chestnut Ridge & Bender Roads

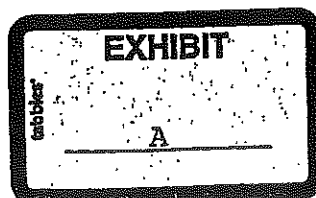
Situated in the Township of Eaton, County of Lorain, and State of Ohio, and known as being part of Original Eaton Township Lot Numbers 90 and 91, and being further bounded and described as follows:

Beginning at an iron pin monument at an angle point on the centerline of Chestnut Ridge Road, 60 feet wide, at its intersection with the easterly line of said Original Eaton Township Lot Number 91; said point also being the southeasterly corner of land conveyed to Ronald R. & Susan J. Nagy by deed recorded in O.R. Volume 954, Page 525 of Lorain County Deed Records;

Thence S 79°-00'-00" W along the said centerline of Chestnut Ridge Road, a distance of 875.88 feet to the southwesterly corner of land conveyed to Joyce Marie Clark by deed recorded in O.R. Volume 1187, Page 287 of Lorain County Deed Records; said point also being the southeasterly corner of Chestnut Ridge Residential Development No. 1 as recorded in Volume 62, Pages 36, 37 and 38 of Lorain County Map Records;

Thence N 0°-13'-48" E along the westerly line of said Clark's land, and the westerly line of land conveyed to The Mary Jane Blakeslee Living Trust by deed recorded in O.R. Volume 741, Page 452 of Lorain County Deed Records, to a 5/8" iron pin found on the northerly sideline of Chestnut Ridge Road, and the principal place of beginning of the parcel herein intended to be described;

**COURSE 1:** Thence continuing N 0°-13'-48" E along the westerly corporation line of the Township of Eaton, along the easterly line of said Chestnut Ridge Residential Development No. 1, and along the westerly line of said Clark's land, and the westerly line of land conveyed to The Mary Jane Blakeslee Living Trust by deed recorded in O.R. Volume 741, Page 452 of Lorain County Deed Records, a distance of 2,688.53 feet to a 5/8" iron pin found at the northwesterly corner thereof; said point also being on the corporation line between the Township of Eaton to the south and the City of North Ridgeville to the north;





# CAPITOL SURVEY COMPANY

PHONE : 447 - 9227 -  
447 - 9CAP

6545 STRATHMORE DRIVE  
VALLEY VIEW, OHIO 44125

FAX : 524 - 4826

( Page 2 )

COURSE 2: Thence S 88°-49'-47" E along the northerly corporation line of the Township of Eaton, and along the northerly line of said land conveyed to The Mary Jane Blakeslee Living Trust, and passing through a 5/8" iron pin found at the northeasterly corner thereof at 895.97 feet, and along the northerly line of land conveyed to Carol A. Bakos et al by deed recorded in Instrument No. 20020838525 of Lorain County Deed Records, a total distance of 1,513.67 feet to a capped 5/8" iron pin set on the westerly right of way line of Bender Road, 40 feet wide;

COURSE 3: Thence S 0°-50'-36" W along the said westerly right of way line of Bender Road, a distance of 1,625.10 feet to a capped 5/8" iron pin set at its intersection with the southerly line of land conveyed to Marion Stanko et al, by deed recorded in O.R. Volume 722, Page 299 of Lorain County Deed Records; said point also being on the northerly line of land conveyed to Edward and Anthony Krecic, by deed recorded in O.R. Volume 852, Page 531 of Lorain County Deed Records;

COURSE 4: Thence N 89°-04'-44" W along the said southerly line of said land conveyed to Stanko et al, and along the said northerly line of said land conveyed to Krecic, a distance of 623.86 feet to a capped 5/8" iron pin set at its intersection with the easterly line of said land conveyed to The Mary Jane Blakeslee Living Trust; said point also being on the said easterly line of said Original Eaton Township Lot Number 91;

COURSE 5: Thence S 1°-03'-39" W along the said easterly line of land conveyed to The Mary Jane Blakeslee Living Trust, and along the said easterly line of said Original Eaton Township Lot Number 91, a distance of 873.31 feet to a capped 5/8" iron pin set on its intersection with the said northerly sideline of Chestnut Ridge Road;

COURSE 6: Thence S 66°-24'-05" W along the said northerly sideline of Chestnut Ridge Road, a distance of 10.46 feet to a capped 5/8" iron pin set at an angle therein;

COURSE 7: Thence S 79°-00'-00" W along the said northerly sideline of Chestnut Ridge Road, a distance of 866.61 feet to the place of beginning, but subject to all legal highways, and containing 75.450 acres of land according to a survey by **CAPITOL SURVEY COMPANY** dated October, 2003, by Ralph M. Gugar, Registered Surveyor No. 7949.



# CAPITOL SURVEY COMPANY

PHONE : 447 - 9227 -  
447 - 9CAP

6545 STRATHMORE DRIVE  
VALLEY VIEW, OHIO 44125

FAX : 524 - 4826

(Page 3)

**NOTE:**

All iron pins set are 5/8" x 30" Rebar with yellow cap stamped with "CAPITOL 7541-7949". Basis of bearings is S 79°-00'-00" W on the centerline of Chestnut Ridge Road, as per deed to Joyce Marie Clark as recorded in O.R. Volume 1197, Page 287 of Lorain County Deed Records.



# LORAIN COUNTY

## Board Of Commissioners

Betty Blair      David J. Moore      Mary Jo Vasi

### Administrator

James R. Cordes  
440-329-5760

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Theresa Upton  
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Ralph Smugala  
440-329-5116

Community Development Director  
Ronald F. Twining  
440-328-2323

Records Center Supervisor  
Lynn Wallace-Smith  
440-326-4866

August 5, 2004

Mark Stewart  
Lorain County Auditor  
226 Middle Avenue  
Elyria, Ohio 44035

Dear Mr. Stewart:

Enclosed is a petition, legal description, map and an annexation agreement for the Proposed Annexation of approximately 2.0232 acres of land in the Township of Eaton to the City of Elyria, Ohio. Said territory known as Bender Road.

John L. Keyse-Walker is Agent for Petitioners.

This is an Expedited Type 1 Annexation, therefore will be placed on the Commissioners Agenda for Thursday, August 12, 2004.

Yours truly,

Theresa L. Upton  
Acting Clerk

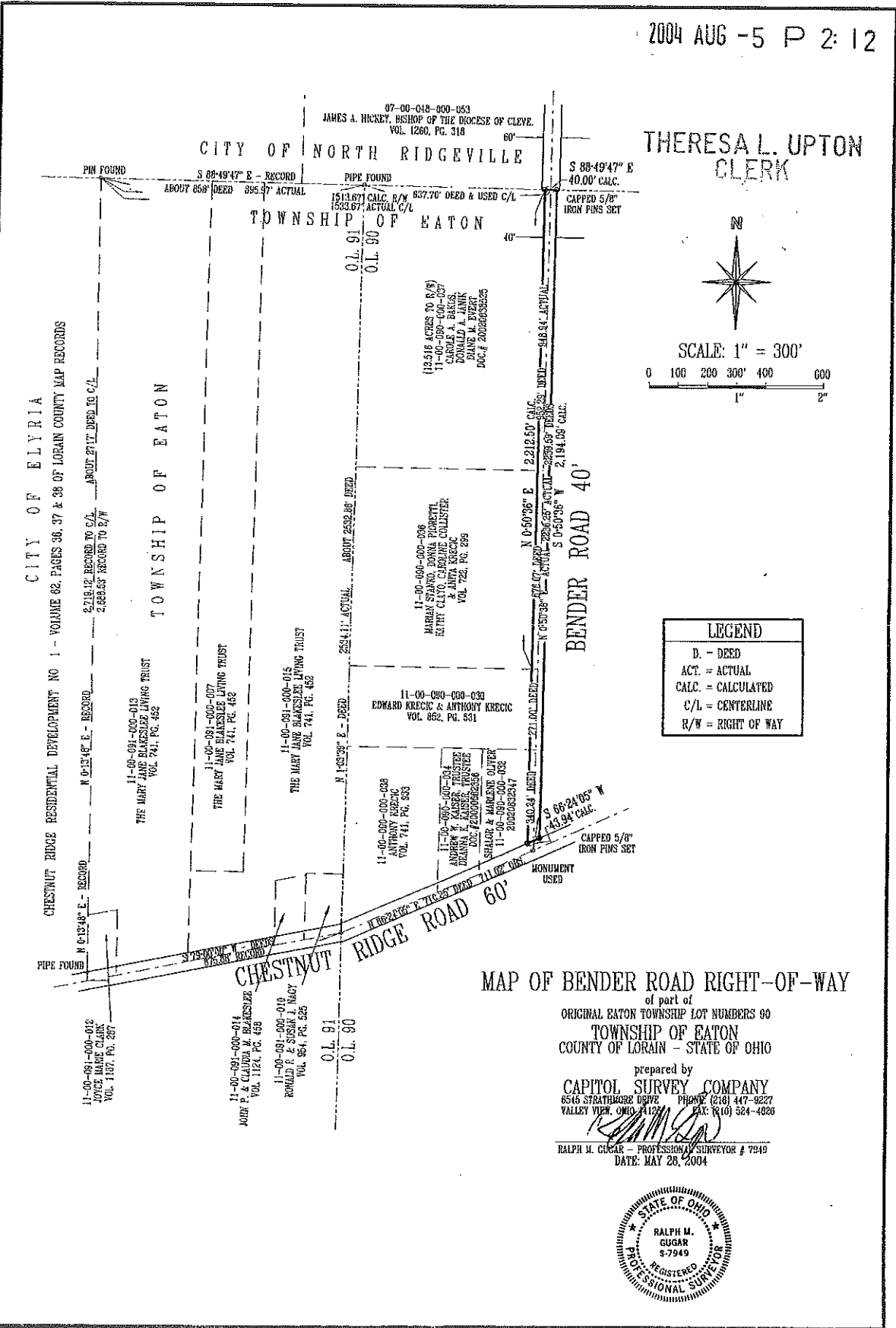
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Enclosure; Petition and Map  
Cc: File

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2004 OCT - 4 P 12: 00

JUDITH M. REED  
LORAIN COUNTY  
RECORDED

2004 AUG -5 P 2:12



**Listing of Individuals**

RECEIVED  
LORAIN COUNTY  
COMMISSIONERS

2004 AUG -5 P 2:12

Diocese of Cleveland  
1027 Superior Avenue  
Cleveland, OH 44114  
Parcel No. 07-00-048-000-053

Carole A. Bakos, et al.  
9105 Avon Belden Road  
North Ridgeville, OH 44039  
Parcel No. 11-00-090-000-037

Marian Stanko, et al.  
c/o Dennis and Linda Krecic  
23953 West Rim Reserve  
Columbia Station, OH 44028  
Parcel No. 11-00-090-000-036

Anthony Krecic  
39221 Center Ridge Road, No. 4  
North Ridgeville, OH 44039  
Parcel No. 11-00-090-000-038

Shalor G. and Marlene M. Oliver  
37844 Chestnut Ridge Road  
Elyria, OH 44035  
Parcel No. 11-00-090-000-032

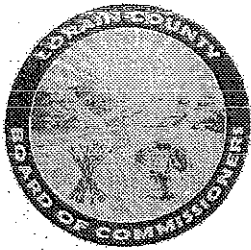
Sugar Chestnut LLC  
1050 Terminal Tower  
50 Public Square  
Cleveland, OH 44113  
Parcel No. 11-00-090-000-041  
Parcel No. 07-00-037-000-021

Richard J. Gibbons  
and Barbara J. Gibbons, Trustees  
544 Washington Avenue  
Elyria, OH 44035  
Parcel No. 11-00-090-000-006

Robert J. Golinski  
37831 Chestnut Ridge Road  
Elyria, OH 44035  
Parcel No. 11-00-090-000-013

THERESA L. UPTON  
CLERK

LORAIN COUNTY COMMISSIONERS  
226 MIDDLE AVENUE 4TH FL  
ELYRIA, OH 44035



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Records Center Supervisor  
Lynn Wallace-Smith  
440-326-4866

August 5, 2004

Attorney John L. Keyse-Walker  
c/o Fauver, Keyse-Walker & Donovan  
5333 Meadow Lane Court  
Elyria, Ohio 44035

Dear Attorney Keyse-Walker:

A petition, legal description, map and an annexation agreement for the Proposed Annexation of approximately 2.0232 acres of land in the Township of Eaton to the City of Elyria, Ohio was filed with the Lorain County Board of Commissioners on August 5, 2004. Said territory known as Bender Road.

John L. Keyse-Walker is Agent for Petitioners.

This is an Expedited Type 1 Annexation, therefore will be placed on the Commissioners Agenda for Thursday, August 12, 2004.

Yours truly,

Theresa L. Upton  
Acting Clerk

tlu  
Enclosure; Petition and Map  
Cc: File

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JUDITH M. REDWICK



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Community Development Director  
Ronald F. Twining  
440-328-2323

Records Center Supervisor  
Lynn Wallace-Smith  
440-326-4866

August 5, 2004

Kenneth P. Carney  
Lorain County Engineer  
247 Hadaway Street  
Elyria, Ohio 44035  
Attn: John Hamilton

Dear Mr. Carney:

Enclosed is a petition, legal description, map an annexation agreement for the Proposed Annexation of approximately 2.0232 acres of land in the Township of Eaton to the City of Elyria, Ohio. Said territory known as Bender Road.

John L. Keyse-Walker is Agent for Petitioners.

This is an Expedited Type 1 Annexation, therefore will be placed on the Commissioners Agenda for Thursday, August 12, 2004.

Please review and advise your findings as to the accuracy.

Yours truly,

Theresa L. Upton  
Acting Clerk

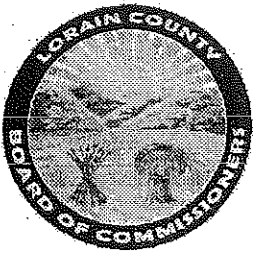
tlu  
Enclosure; Petition and Map  
Cc: File

RECEIVED FOR RECORD

2004 OCT - 4 P 12:00

RECORDED  
LORAIN COUNTY  
JUDITH M. NEWICK





# LORAIN COUNTY

## Board Of Commissioners

Betty Blair      David J. Moore      Mary Jo Vasi

### Administrator

James R. Cordes  
440-329-5760

Acting Clerk Of Board  
Theresa Upton  
440-329-5107

Ombudsman  
Larry Allen  
440-329-5488

Solid Waste Director  
Daniel Billman  
440-329-5442

Children & Family Council Director  
Juan Molina Crespo  
440-284-4467

Projects Manager  
Karen Davis  
440-329-5102  
kdavis@loraincounty.com

Golden Acres Administrator  
William Glowacki  
440-988-7210

E-9-1-1 Director  
Robin Jones  
440-329-5444

Emergency Management Director  
Thomas Kelley  
440-329-5117

Office on Aging Director  
Patricia Littleton  
440-329-4818

Charles Berry Bridge Supervisor  
Charles Mackin  
440-244-2137

Dog Warden  
Tom Majoras  
440-329-5997

Purchasing Director  
Yvonne Newton  
440-329-5240

Workforce Development Director  
William Ogle  
440-284-1830

Office Services Supervisor  
B Howard Reynolds  
440-329-5115

Budget Director  
John Rokasy  
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-Smith  
440-326-4866

August 31, 2004

Attorney John L. Keyse-Walker  
5333 Meadow Lane Court  
Elyria, Ohio 44035

Dear Attorney Keyse-Walker:

I am enclosing a copy of Resolution No. 04-598, adopted by the Lorain County Board of Commissioners on August 12, 2004 granting the Annexation Petition of approximately 2.0232 acres from Eaton Township to the City of Elyria – Attorney John L. Keyse-Walker, Agent.

This is being forwarded for your information and file.

Yours truly,

*Janice Mokosh*  
Janice Mokosh  
Secretary

jm  
Enclosure

cc: Linda Spitzer, Clerk, Eaton Township  
Art Weber, Clerk, City of Elyria  
Ken Carney, Engineer  
Jerry Innes, Asst. County Prosecutor  
File

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JUDITH M. NEWICK  
LORAIN COUNTY  
RECORDED

In the matter of granting an Expedited 1 Annexation )  
 Petition of approximately 2.0232 acres from the ) August 12, 2004  
 Township of Eaton to the City of Elyria, territory known )  
 as Bender Road – Attorney John L. Keyse-Walker, Agent )

WHEREAS, a petition and map for annexation of 2.0232 from Eaton Township to the City of Elyria were filed with the Clerk of Board of Commissioners of Lorain County, Ohio on August 5, 2004 by Ohio John Keyse-Walker as agent for the petitioners; and

WHEREAS, said petition was filed as an Expedited Type 1 Annexation as authorized under R.C. 709.022 and the Board of Commissioners met on August 12, 2004, the next regular session following filing of the petition; and

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Lorain County, Ohio, that upon review of the documents submitted, the following findings are made:

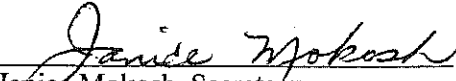
1. The Petition contains the signatures of all the property owners in the territory to be annexed.
2. The Petition contains an accurate legal description of the perimeter of the territory proposed to be annexed.
3. The Petition contains an accurate map or plat of the territory proposed to be annexed.
4. The Petition contains the name of the person acting as statutory agent for the petitioners.
5. Filed with the Petition is a list of all the tracts, lots or parcels in the territory proposed to be annexed together with all the tracts, lots or parcels located adjacent to the territory to be annexed or directly across the road, including the name and mailing address of each owner and the permanent parcel number of each parcel.
6. Filed with the Petition is an Annexation Agreement between the City of Elyria and the Board of Trustees of Eaton Township.

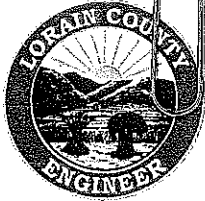
BE IT FURTHER RESOLVED that:

- I. Upon the findings that all of the conditions of annexation as contained in Revised Code Section 709.022 have been met, the Petition as presented is granted, incorporating the Annexation Agreement between the City of Elyria and the Board of Trustees of Eaton Township.
- II. The Clerk be directed to enter the resolution upon the journal of the Board and send a certified copy of the record (including all resolutions, the petition, the map and all other papers on file to the Clerk of the City of Elyria.

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

I, Janice Mokosh, Secretary, Lorain County Board of Commissioners do hereby  
certify that the above Resolution No. 04-598 is a true copy as it appears in Journal No.  
04 on date of August 12, 2004.

  
\_\_\_\_\_  
Janice Mokosh, Secretary



LORAIN COUNTY ENGINEER  
KEN CARNEY, P.E., P.S.

RECEIVED  
LORAIN COUNTY  
COMMISSIONERS

2004 AUG 11 A 10:02

August 10, 2004

THERESA L. UPTON  
CLERK

The Honorable Board of  
County Commissioner's of  
Lorain County  
226 Middle Avenue  
Elyria, Ohio 44035

Dear Board:

This office has reviewed the map and description of the proposed annexation of Bender Road right-of-way of 2.0232 acres of land in original lot #90 of Eaton Township to the City of Elyria. The description correctly follows the map.

Attorney John L. Keyse-Walker is agent for petitioners, Eaton Township. The acreage is adjacent and contiguous to the City of Elyria.

The property lines in this area extend, by deed, to the centerline of the road with an easement for highway purposes. The easement would be to Eaton Township, the petitioners. In discussion with the Prosecutor's office, it is our understanding that the new annexation statutes permit the annexation of the roadway without adjacent owner's signatures.

If any further information is required, please contact this office.

Sincerely yours,

*Ken Carney* /Jrt  
Ken Carney  
LORAIN COUNTY ENGINEER

KPC:DB:dls

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2004 OCT -4 P 12:00

JUDITH M. MEDLOCK  
LORAIN COUNTY  
RECORDER

PETITION FOR ANNEXATION

RECEIVED  
LORAIN COUNTY  
COMMISSIONERS

2004 AUG -5 P 2: 12

The undersigned, being all of the property owners of the property proposed to be annexed; 12 such property being contiguous to the City of Elyria, Ohio, hereby petition the Board of Commissioners of the County of Lorain, Ohio for the annexation of the following described territory to the City of Elyria, Ohio:

THERESA L. UPTON

Situated in the Township of Eaton, County of Lorain, and State of Ohio, and known as being part of Original Eaton Township Lot Number 90, and being further bounded and described as follows:

Beginning at a capped 5/8" iron pin set on the westerly right of way line of Bender Road, 40 feet wide, at its intersection with the northerly right of way line of Chestnut Ridge Road, 60 feet wide;

COURSE 1: Thence N 0°-50'-36" E along the said westerly right of way line of Bender Road, a distance of 2,212.50 feet to a capped 5/8" iron pin set at the northwesterly corner thereof; said point also being on the corporation line between the Township of Eaton to the south and the City of North Ridgeville to the north;

COURSE 2: Thence S 88°-49'-47" E along the said northerly corporation line of the Township of Eaton, a distance of 40.00 feet to a capped 5/8" iron pin set on the easterly right of way line of Bender Road, 40 feet wide;

COURSE 3: Thence S 0°-50'-36" W along the said easterly right of way line of Bender Road, a distance of 2,194.09 feet to a capped 5/8" iron pin set at its intersection with the said northerly right of way line of Chestnut Ridge Road;

COURSE 4: Thence S 66°-24'-05" W along the said northerly sideline of Chestnut Ridge Road, a distance of 43.94 feet to the place of beginning, but subject to all legal highways, and containing 2.0232 acres of land according to a survey by CAPITOL SURVEY COMPANY dated May, 2004, by Ralph M. Gugar, Registered Surveyor No. 7949.

NOTE:

All iron pins set are 5/8" x 30" Rebar with yellow cap stamped with "CAPITOL 7541-7949". Basis of bearings is S 79°-00'-00" W on the centerline of Chestnut Ridge Road, as per deed to Joyce Marie Clark as recorded in O.R. Volume 1197, Page 287 of Lorain County Deed Records.

Part of Lorain County Permanent Parcel Nos. 11-00-090-000-037, -036, -030, -032