



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
440-329-5103

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

Human Resources Department
440-329-5330

Golden Acres Administrator
William Glowacki
440-988-7210

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

Emergency Management Agency and
Homeland Security Director
Thomas Kelley
440-329-5117

Office on Aging Director
Patricia Littleton
440-329-4818

Charles Berry Bridge Supervisor
Charles Mackin
440-244-2137

Acting Dog Warden
Tom Majoras
440-329-5997

Purchasing Director
Yvonne Newton
440-329-5240

Workforce Development Director
William Ogie
440-284-1830

Office Services Supervisor
B Howard Reynolds
440-329-5115

Budget Director
John Rokasy
440-329-5525

Information Technology and
Telecommunications Director
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

December 17, 2004

**Karen Webb, Clerk
Village of Wellington
115 Willard Memorial Square
Wellington, Ohio 44090**

Dear Ms. Webb:

Enclosed is a complete transcript of the granted Annexation from **Wellington Township** to the **_____**

This annexation was granted **November 4, 2004** by Resolution No. **_____** in Wellington Township to the Village of Wellington - Attorney James N. Taylor, Agent.

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

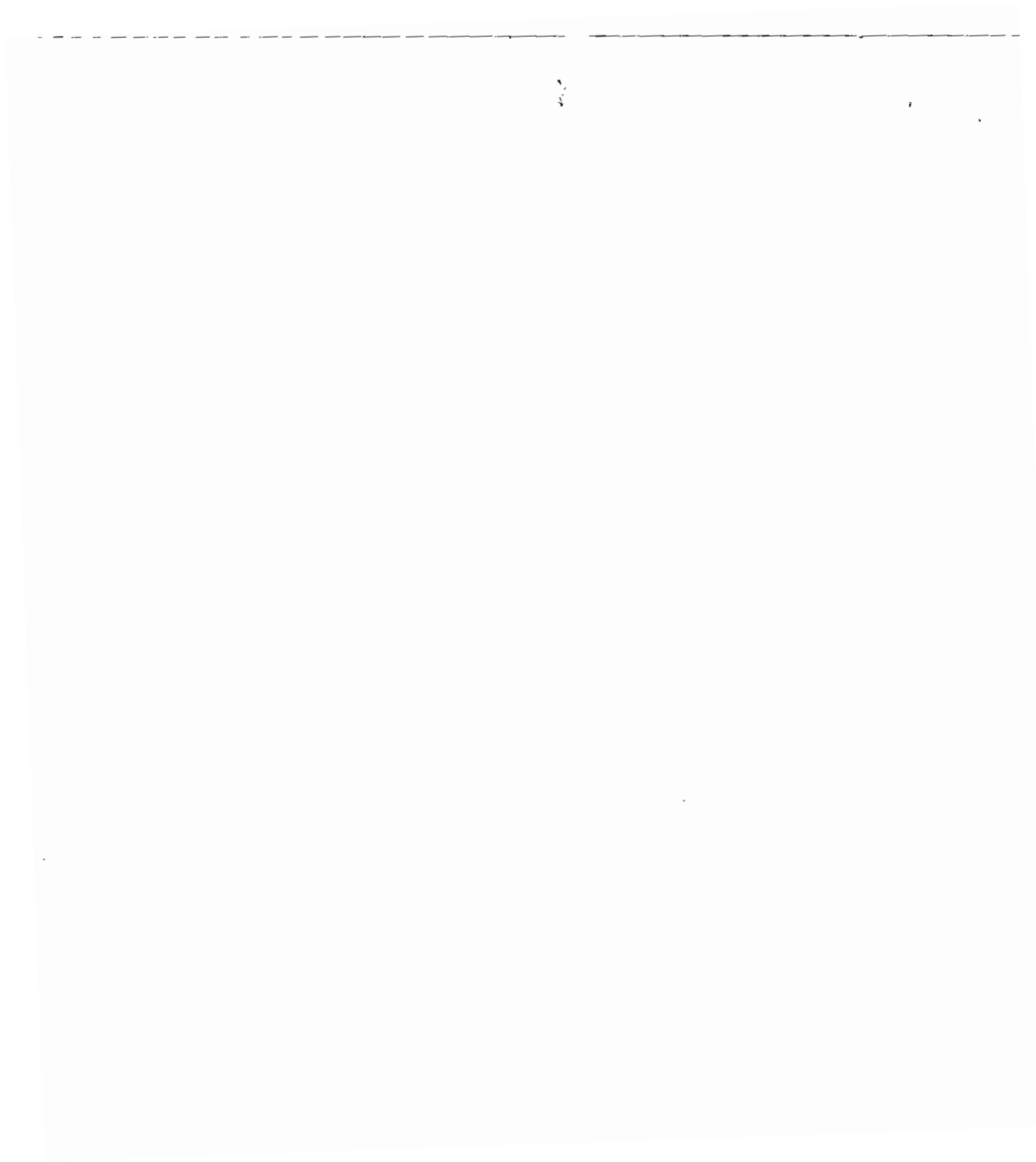
Yours truly,

Theresa L. Upton
Acting Clerk

tlu

Enclosure

Cc: Attorney James N. Taylor
 Bernie Nirode, Clerk, Wellington Township
 Mark Stewart, LC Auditor/Attn: Rosemary Wirth
 Kenneth P. Carney, LC Engineer/Attn: John Hamilton
 Judy Nedwick, LC Recorder
 Tom McNair, Tax Map
 Greg Stempowski, Board of Elections
 Robin Jones, Director 9-1-1
 File





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Ronald F. Twining
440-328-2323

Records Center Supervisor

Conn Wallace-Smith
440-326-1860

November 12, 2004

Attorney James N. Taylor
409 East Avenue, Suite B
Elyria, Ohio 44035

Dear Attorney Taylor:

Enclosed is a copy of Resolution No. 04-806, adopted by the Lorain County Board of Commissioners on November 4, 2004 granting the Annexation Petition of .8072 acres from Wellington Township to the Village of Wellington – Attorney James N. Taylor-Agent.

If there are no appeals within thirty (30) days a complete transcript will be submitted to the Village of Wellington.

Sincerely,

Theresa L. Upton
Acting Clerk

tlu
Enclosure

Cc: Ken Carney, LC Engineer/Attn: John Hamilton
Bernie Nirotte, Clerk, Wellington Township
Karen Webb, Clerk, Wellington Village
File

RESOLUTION NO. 04-806

In the matter of granting the Annexation Petition)
of .8072 acres from Wellington Township to the) November 4, 2004
Village of Wellington – Attorney James N. Taylor -)
Agent)

WHEREAS, by Resolution No. 04-731, adopted October 14, 2004
continued the public hearing until November 4, 2004; and

WHEREAS, this continued hearing was due to receiving the Village of
Wellington Ordinance No. 2004-44 on October 14, 2004. This document should be
received 20 days prior to hearing; and

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

WHEREAS, Assistant County Prosecutor asked if there were any persons
present from the Village or Township of Wellington or any other persons wishing to
speak. There were no one present; and

WHEREAS, Attorney James N. Taylor, Agent for Petitioners Thomas A.
and Elizabeth A. Murphy request a small parcel of .8072 acres owned by them from
the Township of Wellington to the Village of Wellington. The parcel is located on
the north side of Village on State Route 58 and is adjacent and contiguous to the
Village; and

WHEREAS, Assistant County Prosecutor Innes stated that the Agent for
Petitioners indicated there has been no withdrawal of petition/signatures or
challenge to their signatures; and

WHEREAS, Assistant County Prosecutor Innes asked the following, which
were responded by Agent Taylor and there was no objections or comments from the
audience;

1. Petitioners to proposed vacation
Thomas a. and Elizabeth A. Murphy
2. Persons signing petition, owners of real estates.
Petitioners are sole owners
3. Municipality submitted ordinance indicating services.
Yes
4. Do you believe the territory proposed to be annexed is unreasonably
large to be annexed.
No, it is very small, not even an acre.
5. Is there anything about the shape, size or location that would present
a difficulty to the Village of Wellington to provide services;
No, it is adjacent to the City
6. The territory in Wellington Township remain after annexation, do
you know if it will provide a sufficient tax base to the Township to
support itself and operate if the annexation proceeds.
Should be no problem.
7. On balance, will the general good of the territory to be annexed is
served with the petition is granted.
Yes

8. How would it best be served, what good will come from the annexation;
Petitioners want to zone this commercial property to fit in line with the rest of surrounding area.
9. On balance, the benefits to the territory proposed to annex and surrounding area outweigh the detriments to the territory proposed to be annexed and the surrounding area if the petition is granted.
Yes they do.
10. Do you see any detriments to your territory or surrounding area as a result of the proposed annexation.
No,
11. Will the benefits of the territory proposed to annexed and surrounding area outweigh the detriments to the territory proposed to be annexed and the surrounding area if granted;
Yes
12. Are there any streets or highways to be divided.
No

;and

WHEREAS, Assistant County Prosecutor Innes asked if the Board had any comments or questions. There were none.

Commissioner Blair moved, seconded by Moore to close the public hearing. Upon roll call the vote taken thereon resulted as: Ayes: Blair & Moore / Absent; Vasi on vacation leave.

Motion carried.

NOW, THEREFORE BE IT RESOLVED, by the Lorain County Board of Commissioners of Lorain County, Ohio that;

I. The Board makes the following findings upon the resolutions of the Village of Wellington, report of the Lorain County Engineer and the testimony presented that:

The necessary requirements are in the record for notification and have been complied with. The petitioners are owners of the territory of property proposed to be annexed, there has been no dispute of the validity of the petitioner's signatures and those signatures constitute a majority of the territory proposed to be annexed on the date of petition. The Village of Wellington by Ordinance No. 2004-44 had provided a statement indicating services that are willing to provide and will provide these services upon annexation.

- A. The petition meets all the requirements set forth in, and was filed in the manner provided in Section 709.02 of the Revised Code in that:
 1. The real estate is "contiguous" to the municipal corporation to which annexation is proposed.
 2. The petition contains:

- a. The name of the owners, their signatures, and date each signature was obtained.
 - b. A legal description of the perimeter of the proposed territory to be annexed.
 - c. A map or plat of the proposed territory to be annexed.
 - d. The name and address of the agent for the petitioner.
 - e. Lists of all the parcels and the name and mailing address of the owners of each parcel:
 1. Within the proposed territory to be annexed.
 2. That lie adjacent or directly across the street from the proposed territory to be annexed.
3. That a majority of the territory proposed for annexation lies within the county.
- B. The persons who signed the petition are owners of real estate located in the territory proposed to be annexed in the petition, and, as of the time the petition was filed with The Board of County Commissioners the number of valid signatures on the petition constitute a majority of the owners of real estate in that territory. In order to be valid signatures:
1. Signatures are of "owners" of property.
 2. Were not obtained more than 180 days before the date the petition was filed.
 3. Constitute a majority of the owners of the territory proposed for annexation.
- C. The Village of Wellington to which the territory is proposed to be annexed has complied with divisions (D) of section 709.03 of the Revised Code, the requirement to adopt by ordinance or resolution a statement indicating what services will be provided upon annexation and approximate date the services will be provided.
- D. No street or highway will be divided or segmented by the boundary line between Wellington Township and the Village of Wellington to create a road maintenance problem, or, if a street or highway be so divided or segmented, the Village of Wellington has agreed, as a condition of the annexation, that it will assume the maintenance of that street or highway. For the purposes of division, "street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.

II. The Board further finds the territory to be annexed is not unreasonably large based upon stipulated testimony of Attorney James N. Taylor that:

Said finding was supported by the evidence that:

The territory is not unreasonable large. The municipality of Wellington will be able to provide services to the territory, they are not undertaking something that is unreasonable large, the shape and geographic features of the territory proposed to be annexed are regular and not unusual and are not creating any islands or peninsulas. The removal of the territory from the Township will not create a situation that the tax base of the Township to be so eroded or depleted so as to not permit the Township to continue on and provide goods and services to the township residents.

III. The Board further finds that on balance, the general good of the territory proposed to be annexed will be served, benefits to the territory proposed to be annexed and the surrounding area will outweigh the detriments to the territory proposed to be amended and the surrounding area, if the annexation is granted. As used...here..."surrounding area" means the territory within the unincorporated area of any township located one-half mile or less from any of the territory proposed to be annexed.

Said finding was supported by the evidence that:

On balance, the general good of the territory proposed to be annexed, is served because of the available of certain city services to those areas, including sewers, fire, police and there is also benefits to the area to be annexed and the surrounding areas and those benefits out weight the detemrments due to the availability of utilities. The annexation will provide benefit to the surrounding area through the enhancement of value of properties in the surrounding area. Final condition which we believe that has been met, is no street or highway will be divided between the Township and the municipality as to creating maintenance issues; and

The Legal Description reads as follows:

The undersigned, being a majority of the property owners in the property proposed to be annexed, such property being contiguous to the Village of Wellington, Ohio, hereby petition the Board of Commissioners of Lorain County, Ohio, for annexation of the property located at 20464 S.R. 58, Wellington, Ohio 44090 and further described below, to the Village of Wellington, Ohio:

Situated in the Township of Wellington, County of Lorain and State of Ohio. Being known as part of Original Wellington Township Lot No. 29, and more definitely described as follows:

Beginning in the original centerline of the Ashland-Oberlin Road, also known as Ohio Route No. 58, said line being also the easterly line of Original Lot No. 29, at the southeasterly corner of land conveyed to Thomas A. Murphy and Elizabeth A. Murphy as recorded in Deed Volume 1421, Page 98 of Lorain County Deed Records; said point being about 1335.2 feet distant northerly from the intersection of said original centerline and the westerly extension of the northerly sideline of McCormick Street, 60 feet wide, as recorded in Volume 45, Page 33 of Lorain County Plat Records;

Thence North $88^{\circ} 35' 57''$ West in the Murphys' southerly line, a distance of 57.77 feet to a point in the westerly right of way line of Ohio Route 58 and at an angle point in the existing corporation line of the Village of Wellington; said point is the principal place of beginning:

Thence continuing North 88° 35' 57" West in the Murphys' southerly line and in the existing corporation line of the Village of Wellington, a distance of 242.23 feet to the Murphys' southwesterly corner;

Thence North 1° 14' 32" East in the Murphys' westerly line, a distance of 145.20 feet to the Murphys' northwesterly corner;

Thence South 88° 35' 57" East in the Murphys' northerly line, a distance of 242.38 feet to a point in the westerly right of way line of Ohio Route 58;

Thence South 1° 18' 03" West in the westerly right of way line of Ohio Route 58, a distance of 145.20 feet to the principal place of beginning;

Enclosing a parcel containing 0.8072 acre of land, but subject to all legal highways.

The above description has been prepared from record and from right-of-way plans prepared by The State of Ohio for the Ashland-Oberlin Road as Project No. LOR-58 (7.98).

Permanent Parcel No.: 18-00-29-000-004

The name of the person to act as agent for the undersigned petitioners is James N. Taylor, Esq., Taylor, Breunig & Robinson Co., L.P.A., 409 East Avenue, Suite B, Elyria, Ohio 44035, Telephone: (440) 323-5700, Fax: (440) 284-2818.

Date: 8/5/04

S/Thomas A. Murphy

Date: 8/5/04

S/Elizabeth A. Murphy

BE IT FURTHER RESOLVED, that;

I. Based upon the findings of fact that all the conditions of annexation as contained in Revised Code 709.033 have been met the petition for annexation as presented is granted and incorporating the items of the annexation agreement between Wellington Township and the Village of Wellington.

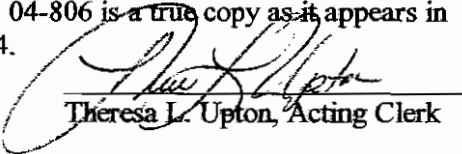
II. The Clerk be directed to enter this resolution upon the journal of the Board and send a certified copy to James N. Taylor, Agent for petitioners, Clerk of Wellington Village, and the Clerk of Wellington Township

III. The Clerk, if no appeal is filed within thirty days of journalization of this resolution, is directed to deliver a certified copy of the entire record to the Clerk of Wellington Village Council.

Motion by Blair, seconded by Moore to adopt Resolution. Ayes: Blair & Moore / Absent; Vasi on vacation leave.

Motion carried. _____ (discussion was held on the above)

I, Theresa L. Upton, Acting Clerk to the Lorain County Board of Commissioners do hereby certify that the above Resolution No. 04-806 is a true copy as it appears in Journal No. 04 on date of November 4, 2004.


Theresa L. Upton, Acting Clerk

VILLAGE OF WELLINGTON

ORDINANCE NO. 2004 - 44

AN ORDINANCE
INDICATING WHAT SERVICES THE VILLAGE OF WELLINGTON WILL PROVIDE
UPON THE ANNEXATION INTO THE VILLAGE OF WELLINGTON OF
CERTAIN LANDS OWNED BY THOMAS & ELIZABETH MURPHY
AND DECLARING AN EMERGENCY

Whereas, Thomas and Elizabeth Murphy have petitioned the Board of Commissioners of Lorain County, Ohio to annex to the Village of Wellington certain territory containing .8072 acres of land, as is more fully described in Exhibit "A," attached hereto and incorporated herein as if fully rewritten, hereinafter referred to as the "Territory"; and

Whereas, the Village of Wellington is desirous of having the Territory annexed to the Village of Wellington; and

Whereas, pursuant to the Revised Code, the Board of Commissioners have set a public hearing for October 14, 2004, for the consideration of this proposed annexation; and

Whereas, the Revised Code requires that this Council file a statement with the Board of County Commissioners no later than 20 days prior to that public hearing a statement of what services the Village of Wellington would be willing to provide to the Territory upon its annexation to the Village; Now, Therefore,

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WELLINGTON, LORAIN COUNTY, OHIO:

Section 1. That the Village of Wellington will provide or make available to the Territory, within thirty days after its annexation to the Village of Wellington, the same services that the Village regularly and customarily provides to the real property located within the Village of Wellington, and at the same rates, fees, and conditions, as established by this Council for such services, which services shall include, but not be limited to, police, water, sewers, sanitation, and garbage collection.

Section 2. That the Clerk shall provide a certified copy of this Resolution to the Board of Commissioners of Lorain County, Ohio, no later than September 23, 2004.

Section 3. The Council finds and determines that all formal actions relating to the adoption of this Ordinance have been taken at open meetings of this Council; that the deliberations of this Council and its Committees, resulting in such formal action, took place in meetings open to the public in compliance with all statutory requirements, including the requirements of Section 121.22 of the Ohio Revised Code.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety, and for the welfare of the citizens of the Village, and for the further reason that it is necessary that this measure become effective immediately in order to satisfy the statutory deadline for responding to the Board of County Commissioners, and that, provided it receives the majority vote of two-thirds or more of those elected to Council, this Ordinance shall therefore take effect and be in force immediately from and after its passage and approval by the Mayor, and otherwise it shall take effect at the earliest period allowed by law.

PASSED: October 4, 2004

ATTEST: Dawn Webb
Clerk-Treasurer

Barbara O'Keefe
Mayor

Approved as to form:

Solicitor

RECEIVED
LORAIN COUNTY
COMMISSIONERS
2004 OCT 14 A 10:18
THERESA LEPTON
CLERK

The name of the person to act as agent for the undersigned petitioners is James N. Taylor, Esq., Taylor, Breunig & Robinson Co., L.P.A., 409 East Avenue, Suite B, Elyria, Ohio 44035, Telephone: (440) 323-5700, Fax: (440) 284-2818.

Date: 8/5/04

Thomas A. Murphy
Thomas A. Murphy

Date: 8/5/04

Elizabeth A. Murphy
Elizabeth A. Murphy

THERESA L. UPTON
CLERK

RECEIVED
LORAIN COUNTY
COMMISSIONERS
2004 AUG -9 A 11:45

RECEIVED
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COMMISSIONERS

2004 AUG -9 A 11:45

THERESA L. UPTON
CLERK

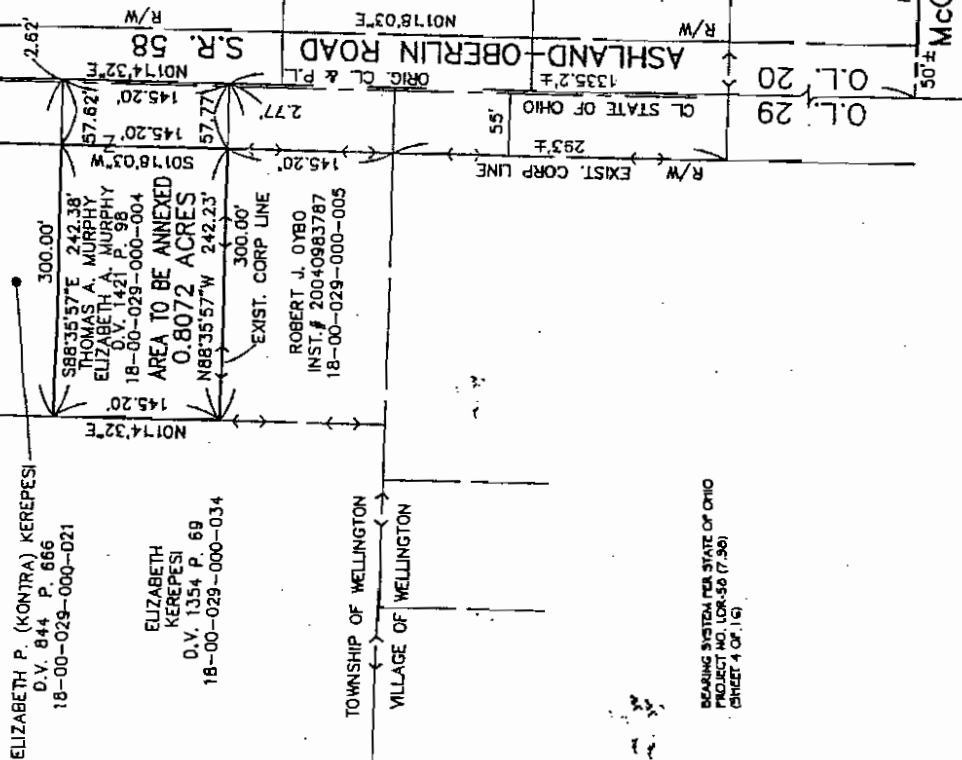
LAD & BRIAN & RODNEY
HARRISON
INST. # 980570854
18-00-020-000-037

MCCORMICK STREET 60'

JOB NO. 04150
DATE: 05.31.04

ANNEXATION MAP
PART OF WELLINGTON TOWNSHIP
ORIGINAL LOT NO. 29
TOWNSHIP OF WELLINGTON
COUNTY OF LORAIN
STATE OF OHIO

HS
HS ASSOCIATES
HS Associates, Inc.
840 Bower Rd., Suite 100
Mansfield, Ohio 44133
Phone: (440) 344-3700
Fax: (440) 344-3700
mccormick@hsassociates.com
www.hsassociates.com



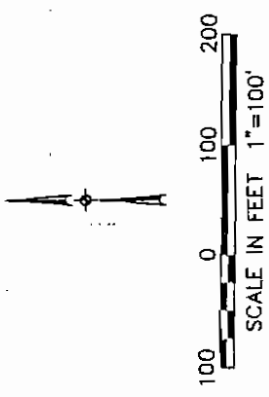
ELIZABETH P. (KONTRA) KEREPESI
D.V. 844 P. 666
18-00-029-000-021

ELIZABETH
KEREPESI
D.V. 1354 P. 69
18-00-029-000-034

THOMAS A. MURPHY
ELIZABETH A. MURPHY
D.V. 1421 P. 98
18-00-029-000-004
AREA TO BE ANNEXED
0.8072 ACRES
N88°35'57\"/>W 242.23'
300.00'
EXIST. CORP LINE
ROBERT J. OYBO
INST. # 20040983787
18-00-029-000-005

TOWNSHIP OF WELLINGTON
VILLAGE OF WELLINGTON

BEARING SYSTEM PER STATE OF OHIO
PROJECT NO. LOR-50 (7.96)
SHEET 4 OF 10



MAILING ADDRESSES

ROBERT J. OYBO
39569 CALAAN DR.
ELYRIA, OHIO 44035
18-00-029-000-005

THOMAS A. & ELIZABETH A. MURPHY
20484 S.R. 58
WELLINGTON, OHIO 44090
18-00-029-000-004

ELIZABETH KEREPESI
20426 S.R. 58
WELLINGTON, OHIO 44090
18-00-029-000-034 &
18-00-029-000-021

LAD & BRIAN & RODNEY HARRISON
820 NORTH MAIN STREET
WELLINGTON, OHIO 44050
18-00-020-000-037



David L. Elwell
DAVID L. ELWELL, REG. SURVEYOR NO. 6333

PETITION FOR ANNEXATION

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Thence continuing North 88° 35' 57" West in the Murphys' southerly line and in the existing corporation line of the Village of Wellington, a distance of 242.23 feet to the Murphys' southwesterly corner;

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Permanent Parcel No.: 18-00-29-000-004

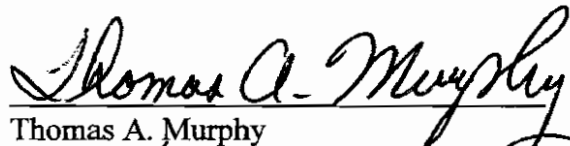
RECEIVED
LORAIN COUNTY
COMMISSIONERS

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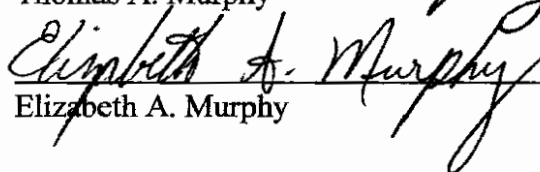
THESSA L. UPTON
CLERK
(7-98)

The name of the person to act as agent for the undersigned petitioners is James N. Taylor, Esq., Taylor, Breunig & Robinson Co., L.P.A., 409 East Avenue, Suite B, Elyria, Ohio 44035, Telephone: (440) 323-5700, Fax: (440) 284-2818.

Date: 8/5/04


Thomas A. Murphy

Date: 8/5/04


Elizabeth A. Murphy

**LIST OF OWNERS OF PROPERTY ADJACENT TO AND DIRECTLY ACROSS THE
ROAD FROM PETITIONERS, THOMAS A. MURPHY AND ELIZABETH A. MURPHY**

Elizabeth P. (Kontra) Kerepesi
18-00-029-000-021
18-00-029-000-034
20426 S.R. 58
Wellington, OH 44090

Lad & Brian & Rodney Harrison
18-00-020-000-037
820 North Main Street
Wellington, OH 44090

Robert J. Dybo
18-00-029-000-005
39569 Calann Drive
Elyria, OH 44035

