



LORAIN COUNTY

Board Of Commissioners

Betty Blair

Ted Kalo

Lori Kokoski

Administrator

James R. Cordes
440-329-5760

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
440-329-5150

Golden Acres Administrator
William Glowacki
440-988-7210

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

Emergency Management
& 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

Animal Control Officer
J. A. Szlempa Sr.
440-326-5997

Purchasing Director
Yvonne Newton
440-329-5240

Workforce Development Director
Vivian Alexander
440-284-1830

Office Services Supervisor
Jennifer L. Demich
440-329-5115

Budget Director
Shelley Marzaro
440-329-5201

IT Director
Ernie Smith
440-329-5786

Maintenance Director
Dennis Shawver
440-329-5326

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

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

Lorain County Transit Manager
Thomas Ferguson
440-329-5345

December 19, 2005

City of Oberlin
c/o Eugene F. Simon, Clerk
85 S. Main Street
Oberlin, Ohio 44074

Dear Eugene F. Simon:

Enclosed is a complete transcript of the granted Expedited Type 1 Annexation of 1.77 acres from Pittsfield Township to the City of Oberlin, Ohio.

This annexation was granted December 15, 2005 by Resolution No. 05-1004, Attorney Cary J. Zabell, Agent.

Sincerely,

Theresa L. Upton
Clerk

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Enclosure

Cc: Attorney Cary J. Zabell
James R. McConnell, Clerk, Pittsfield Township
Mark Stewart, LC Auditor/Attn: Rosemary Wirth
Kenneth P. Carney, LC Engineer
Judy Nedwick, LC Recorder
~~Tom McNair, Tax Map~~
Greg Stempowski, Board of Elections
Robin Jones, Director 9-1-1
File

In the matter of granting an Expedited Type 1)
 Annexation Petition of 1.77 acres from) December 15, 2005
 Pittsfield Township, Ohio to the City of)
 Oberlin, Ohio. Agent, Cary J. Zabell)

WHEREAS, an Expedited 1 petition and map for annexation of 1.77 acres from Pittsfield Township to the City of Oberlin were filed with the Clerk of Board of Commissioners of Lorain County, Ohio on December 6, 2005 by Cary J. Zabell, Esq., of Cary J. Zabell Co., LPA, is Acting Agent for Doran G. and Joann J. Portman; and

WHEREAS, the petition, map and description was forwarded to the Engineer and Auditor for their reviews; and

WHEREAS, December 12, 2005 Lorain County Engineer submitted a letter after review of the description and map of the proposed Annexation of 1.77 acres of which Parcel #1 has 1.51 acres and Parcel #2 has 0.26 acres, in Original Lot #16 of the Pittsfield Township to the City of Oberlin, Ohio.

Cary J. Zabell, Esq., of Cary J. Zabell Co., LPA, is Acting Agent for Doran G. and Joann J. Portman, only owners of the parcels.

Upon reviewing the map and description we have found that the legal description does follow the perimeter of the map and both appear to be accurate. The parcel to be annexed is contiguous with the City of Oberlin.

Please contact this office if you have any further questions.

Sincerely yours, S/Ken Carney, Lorain County Engineer"; 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 December 15, 2005, the next regular session following filing of the petition;

WHEREAS, Assistant County Prosecutor Innes said this Expedited Type 1 annexation does not require a hearing. The petition has been signed by all owners, a map and legal description were received along with the agent and an annexation agreement; and

WHEREAS, Commissioner Blair asked if there were any comments to be paid for or against; and there being none; and

WHEREAS, the petition read as follows:

Petition for annexation – pursuant to Ohio Rev. Code Ann. 709.022

To The Board of County Commissioners, Lorain County, Ohio:

Doren C. Portman and Joann J. Portman (collectively, the "Portmans") are the sole owners of the real property located at 14911 State Route 58, Oberlin, Ohio, further known as parcels numbered 1400016000018 and 1400016000031 (the "Subject Property"). WXZ Acquisition Co., LLC ("WXZ") has entered into a Purchase of Sale Agreement with the Portmans to acquire the Subject Property for development, subject to this Petition for Annexation on an Expedited 1 basis. The Subject Property contains 1.77 acres of land.

The Portmans and WXZ hereby petition for honorable body to annex the Subject Property to the City of Oberlin, Lorain County, Ohio.

This Petition for Annexation is being made pursuant to that certain Agreement between the City of Oberlin and the Board of Township Trustees of Pittsfield Township, Lorain County, Ohio dated August 2, 1991 in which the Township has agreed not to object to the annexation of property to the City of Oberlin if such property is located within the geographical area defined therein. A copy of the Agreement is attached hereto as Exhibit A.

Attached as Exhibit B is an accurate legal description of the perimeter of the Subject Property, which falls within the geographical area defined in the Agreement between the City of Oberlin and the Board of Township Trustees of Pittsfield Township, Lorain County, Ohio. Attached as Exhibit C is an ALTA/ASCM Survey of the Subject Property. Attached as Exhibit E is a list of the properties adjacent to the Subject Property.

The Subject Property is contiguous to the City of Oberlin. WXZ intends to develop the Subject Property, providing economic improvement and job opportunities to the area.

Agent for Petitioners: Cary J. Zabell, Esq.
Cary J. Zabell Co., LPA
25700 Science Park Drive, Suite 250
Beachwood, Ohio 44122
Tel: (216) 831-8111
Fax: (216) 831-8868
Email: Czabell@sbcglobal.net

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

Respectfully submitted,

PETITIONERS:

S/Doren C. Portman

Dated: 10/28/05

S/Joann J. Portman

Dated: 10/27/05

WXZ Acquisition Co., LLC

By: James R. Wymer, President

Dated: October 25, 2005

Said legal description is as follows:

Parcel No. 1

Situated in the Township of Pittsfield, County of Lorain, State of Ohio, being part of Original Township Lot Number 16, bounded and described as follows:

Beginning at a point in the centerline of Ashland Oberlin Road (State Route 58) as established by the Ohio Department of Highways as shown on the Centerline Survey Plat for Lorain 58 (7.98) as recorded in Plat Book Volume 25, Page 47 of the Lorain County Records of Deeds; said point also being a monument box and also being on the North line of Original Lot 25 and the South line of Original Lot 16;

Thence North 0°58'23" east along said centerline a distance of 376.67 feet to a point;

Thence North 86°0'23" east a distance of 50.20 feet to an iron pin;

Said point being on the easterly right of way line of the Ashland-Oberlin Road presently established;

Said point also being the principal point of beginning of lands herein described;

Thence North 0°58'23" east along the easterly right of way line of the Ashland-Oberlin Road a distance of 249.73 feet to an iron pin;

Thence South $89^{\circ}01'37''$ east a distance of 282.09 feet to an iron pin;
Thence South $3^{\circ}36'23''$ west a distance of 227.04 feet to an iron pin;
Said point also being on the north line of land conveyed to the Macdermott Company by deed dated April 13, 1950, recorded in volume 486, Page 141 of the Lorain County Record of Deeds;

Thence South $86^{\circ}08'23''$ west along the north line of land conveyed to the aforesaid Macdermott Company a distance of 30.00 feet to an iron pipe on the northwest corner of land conveyed to the aforesaid Macdermott Company;

Said point also being on the Northeast corner of land conveyed to the Macdermott Company by deed dated April 13, 1950, recorded in Vol. 486, Page 145 of the Lorain County Record of Deeds;

Thence South $86^{\circ}08'23''$ west along the north line of land conveyed to the aforesaid Macdermott Company a distance of 242.68 feet to an iron pin which is the principal place of beginning, be the same more or less but subject to all legal highways.

Parcel No. 2

Situated in the Township of Pittsfield, County of Lorain, State of Ohio, being part of Original Township Lot Number 16, bounded and described as follows:

Beginning at a point in the centerline of Ashland Oberlin Road, State Route 58, as established by the Ohio Department of Highways as shown on the Centerline Survey Plat for Lorain 58 (7.98) as recorded in Plat Book Volume 25, Page 47 of the Lorain County Records of Deeds;

Said point also being a monument box and also being on the North line of Original Lot 25 and the South line of Original Lot 16;

Thence North $0^{\circ}58'23''$ east along the said centerline of State Route 58 (7.98) a distance of 630.62 feet to a point;

Thence South $89^{\circ}01'37''$ east a distance of 50.00 feet to an iron pin;

Said point also being on the easterly right of way line of a Perpetual Highway Easement conveyed to the State of Ohio by easement recorded in Volume 983, Page 781 of the Lorain County Records of Deeds;

Said point also being the principal place of beginning of lands herein described;

Thence North $0^{\circ}58'23''$ east along the easterly line of right of way of aforesaid Perpetual Easement along the State Route 58 (7.98) a distance of 40.00 feet to an iron pin;

Thence South $89^{\circ}01'37''$ east a distance of 283.89 feet to an iron pin;

Thence South $3^{\circ}36'23''$ west a distance of 40.04 feet to an iron pin;

Thence North $80^{\circ}01'37''$ west along the north line of lands conveyed to Jo Ann and Doren Portman by Deed dated September 4, 1974, recorded in Volume 1110, Page 319 of the Lorain County Record of Deeds a distance of 282.09 feet to an iron pin in the Northwest corner of lands conveyed to the aforesaid JO Ann and Doren Portman which is the principal; point of beginning; be the same more or less, but subject to all legal highways.

Consolidated legal description**Total Parcel:**

Commencing at a point in the centerline of Ashland Oberlin Road (State Route 58 – variable width) as established by the Ohio Department of Highways as shown on the Centerline of Survey Plat for Lorain 58 (7.98) as recorded in Plat Book Volume 25, Page 47 of the Lorain County Records of Deeds; said point also being a monument box and also being on the north line of said Original Lot 25 and the South line of Original Lot 16;

Thence N00°58'23"E 376.67 feet along the centerline of said Ashland Oberlin Road; thence N86°00'23"E 50.20 feet to a pint, and being the PLACE OF BEGINNING; thence N00°58'23"E 289.73 feet along the East right-of-way line of said Ashland Oberlin Road; thence S89°01'37"E 283.93 feet (recorded as 283.89 feet); thence S03°36'23"W 267.08 feet; thence S86°08'54"W 272.62 feet (recorded as S86°08'23"W 272.68 feet total) to the Place of beginning, being part of the Original Lot 16, containing 1.77 acres of land, more or less, subject to easement, conditions, restrictions and exceptions of record, if any.

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:

The Petition contains the signatures of all the property owners in the territory to be annexed.

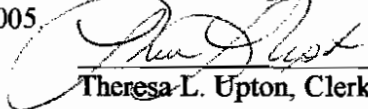
1. The Petition contains an accurate legal description of the perimeter of the territory proposed to be annexed.
2. The Petition contains an accurate map or plat of the territory proposed to be annexed.
3. The Petition contains the name of the person acting as statutory agent for the petitioners.
4. 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.
5. Filed with the Petition is an Annexation Agreement between the City of Oberlin and the Board of Trustees of Pittsfield 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 Oberlin and the Board of Trustees of Pittsfield Township.
- II. Herein the annex area will not be excluded from the Township
- III. The Clerk is 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 Oberlin.

Motion by Kalo, seconded by Kokoski to adopt Resolution. Ayes: All.
Motion carried. _____ (discussion was held on the above)

I, Theresa Upton, Acting Clerk to the Lorain County Board of Commissioners do hereby certify that the above Resolution No. 05-1004 is a true copy as it appears in Journal No. 05 on date of December 15, 2005.



Theresa L. Upton, Clerk