



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 Marrero
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
440-329-5545

August 10, 2005

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

Dear Ms. Simon:

Enclosed are two corrected copies of Resolutions adopted by the Lorain County Board of Commissioners relating to the Annexation petition for 13.48 acres from New Russia Township to the City of Oberlin, Lorain County, Ohio.

Please note the corrections are to include two paragraphs italicized below in the legal description that were incorrect and omitted from Resolution No. 05-266, adopted March 31, 2005 (Page 2 - receiving and journalizing petition) and from Resolution No. 05-483, adopted June 9, 2005 (Page 6 - granting annexation), but were noted and received in the legal description submitted on March 24, 2005;

Thence northerly in the westerly right of way line of Oberlin-Ashland Road and in the existing corporation line of the City of Oberlin, a distance of about 600 feet to an angle point therein;

Thence northwesterly in said right of way line and in the existing corporation line of the City of Oberlin, a distance of about 44.63 feet to an angle point thereon;

This was brought to my attention by the Tax Map Department in recording the document. Sorry for any inconvenience that may have occurred, should you have any questions, please feel free to call.

Sincerely,


Theresa L. Upton, Clerk

tlu

Enclosure

Cc: Attorney James N. Taylor, Agent
Elaine King, Clerk, New Russia Township
Mark Stewart, LC Auditor / Attn: Rosemary Wirth
Kenneth P. Carney, LC Engineer
Judy Nedwick, LC Recorder
Tom McNair, Tax Map
Greg Stempowski, LC Board of Elections
Robin Jones, Director - 911
File

RESOLUTION NO. 05-266

In the matter of receiving and journalizing a regular annexation)
petition of 13.48 acres from New Russia Township to the City) March 31, 2005
of Oberlin - Attorney James N. Taylor, Agent)

WHEREAS, the Lorain County Board of Commissioners receives and journalizes a petition and map that was received in the Commissioners Office on March 24, 2005 an annexation of approximately 13.48 acres of land in the Township of New Russia to the City of Oberlin, Lorain County, Ohio; and

WHEREAS, Attorney James N. Taylor is Agent for Petitioners; and

WHEREAS, the Petition and legal description reads as follows:

The undersigned, being a majority of the property owners in the proper proposed to be annexed, such property being contiguous to the City of Oberlin, Ohio hereby petition the Board of Commissioners of Lorain County, Ohio, for annexation of the property described below to the City of Oberlin, Ohio:

Situated in the Township of New Russia, County of Lorain, and State of Ohio. Being known as part of Original Russia Township Lots Nos. 105 and 106 and more definitely described as follows:

Beginning at the intersection of the centerline of Hamilton Street and the centerline of The Oberlin-Ashland Road, also known as Ohio State Route No. 58; said point being the corner common to Original Russia Township Lots Nos. 95, 96, 105, and 106; said point being also in the existing corporation line of the City of Oberlin;

Thence easterly in the centerline of Hamilton Street and in the northerly line of Original Russia Township Lot No. 106 and in the existing corporation line of the City of Oberlin; a distance of about 700 feet to the northeasterly corner of "Parcel No. 4" conveyed to DTW, LLC as recorded in Lorain County Recorder's Instrument No. 20010800109; said point being an angle point in the existing corporation line of the City of Oberlin;

Thence southerly in the easterly line of said "Parcel No. 4" and in the existing corporation line of the City of Oberlin, a distance of about 937.16 feet to the southeasterly corner of said "Parcel No. 4" and an angle point in the existing corporation line of the City of Oberlin; said point being also in the northerly line of land conveyed to Big Till, LLC as recorded in Lorain County Recorder's Instrument No. 20050057679;

Thence westerly in the northerly line of land so conveyed to Big Till, LLC and in the northerly line of "Parcel No. 2" conveyed to Frank S. Carlson, Trustee as recorded in Lorain County Recorder's Instrument No. 20020846380, a distance of about 330 feet to the southeasterly corner of land conveyed to Russell S. and Wilma C. Hunt as recorded in volume 1297, Page 64 of Lorain County Records; said point being also the southwesterly corner of the aforesaid "Parcel No. 4".

Thence northerly in the Hunt's easterly line and in the easterly line of land conveyed to James H. Horning and Carol L. Wilburn as recorded in Lorain County Recorder's Instrument No. 20030964541, said line being also the westerly line of the aforesaid "Parcel No. 4", a distance of about 281.5 feet to Horning and Wilburn's northeasterly corner;

Thence westerly in Horning and Wilburn's northerly line, said line being also the southerly line of land conveyed to WGI Properties, LLC as recorded in Lorain County Recorder's Instrument No. 20030890037, and in the westerly extension of said line, a distance of about 416.50 feet to a point in the westerly right of way line of the Oberlin-Ashland Road, also known as Ohio State Route 58; said westerly right of way line as established by the State of Ohio by Highway Project No. LOR-58-(7.98); said westerly right of way line being also the existing corporation line of the City of Oberlin;

Thence northerly in the westerly right of way line of Oberlin-Ashland Road and in the existing corporation line of the City of Oberlin, a distance of about 600 feet to an angle point therein;

Thence northwesterly in said right of way line and in the existing corporation line of the City of Oberlin, a distance of about 44.63 feet to an angle point thereon;

Thence northerly in the existing corporation line of the City of Oberlin, a distance of about 30 feet to a point in the centerline of Hamilton Street, said centerline being also the northerly line of Original Russia Township Lot No. 105;

Thence easterly in the centerline of Hamilton Street and in the northerly line of Original Lot No. 105, and in the existing corporation line of the City of Oberlin, a distance of about 80 feet to the place of beginning;

Enclosing a parcel containing about 13.48 acres of land of which about 0.79 acre is within Original Lot NO. 105 and 12.69 acre are within Original Lot No. 106, but subject to all legal highways.

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: 3-10-05

S/Doyle J. Jones

Date: 3-10-05

S/Gail A. Jones

WGI PROPERTIES, LLC

Date: 3/14/05

S/Jill Herron, Member

Date: 3/14/05

S/Kelly Wessell, Member

Date: 3/14/05

S/Heidi Freas, Member

Date: 3/14/05

S/Meghan Wessell, Member

DTW, LLC

Date: 3/18/05

S/Don Wessell, Member

Date: 3/18/05

S/Theo Wessell, Member

THE CITY OF OBERLIN

Date: 3/24/05

By: Robert DiSpirito, City Manager

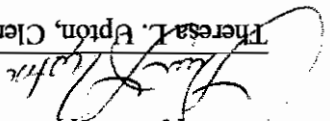
WHEREAS, the County Auditor and Engineer have been notified to review and advise on their findings as to the accuracy of said petition.



NOW, THEREFORE BE IT RESOLVED, the Lorain County Board of Commissioners has scheduled a public hearing on Thursday, June 9, 2005 at 10:15 a.m.

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

I, Theresa L. Upton, Clerk to the Lorain County Board of Commissioners do hereby certify that the above Resolution No. 05-266 is a true copy as it appears in Journal No. 05 on date of March 31, 2006.


Theresa L. Upton, Clerk

RESOLUTION NO. 05-483

In the matter of granting the annexation of)
13.48 acres from New Russia Township to) June 9, 2005
the City of Oberlin. Attorney James N.)
Taylor, Agent)

WHEREAS, the Lorain County Board of Commissioners meet on June 9, 2005 to conduct a public hearing on the proposed Annexation of 13.48 acres from New Russia Township to the City of Oberlin. Attorney James N. Taylor, Agent; and

WHEREAS, a petition and map for annexation were filed with the Clerk of the Board of Commissioners on March 24, 2005 for a proposed regular annexation and the same was set on for public hearing on March 31, 2005 by Resolution No. 05-266, the 77th day; and

WHEREAS, letters were issued to Mark Stewart, Lorain County Auditor and Ken Carney, Lorain County engineer asking for review and accuracy of the Petition and Map; and

WHEREAS, March 28 a letter from County Auditor was received stating that these two parcels #09-00-105-000-018 and 09-00-105-000-002 are already in the City of Oberlin the later #002 was annexed to the City of Oberlin per City of Oberlin Ordinance #88-65 AC CMS on November 2, 1988. (This was only 2.76 acres of land that was annexed in accordance with Board of Commissioners Resolution No. 88-485 on June 28, 1988). The Petitioners are requesting that the total of 13.48 acres be annexed which would include the left out strips of road around the previous annexed part to be included); and

WHEREAS, April 5 received a letter from County Engineer indicating 0.79 acres in original to #105 and 12.69 in original lot #106 does accurately follow the map and is contiguous with the City of Oberlin; and

WHEREAS, the following items were received;

- a. March 28 received Certificate of Filing from County Auditor on petition
- b. April 7 received affidavit on mailing notices
- c. April 22 received Certificate of Filing from County Auditor on journalizing
- d. April 25 received Ordinance No. 05-27 AC CMS indicating services to be provided by City of Oberlin upon annexation
- e. May 4 received affidavit of public notice in Chronicle Telegram

and;

WHEREAS, June 6, 2005 Prosecutor's Office received a copy of a letter addressed to the City of Oberlin from New Russia Township dated February 9, 2005 stating they oppose this annexation, as there is a more viable solution. The Trustees suggest the formation of a JEDD formulated to the needs of Welcome Nursing Home; and

WHEREAS, Assistant County Prosecutor Innes administered an oath to all persons testifying according to law and the evidence presented was tendered through stipulations of the Attorney for Petitioner with no evidence in opposition to the annexation being presented; and

WHEREAS, Attorney James N. Taylor, Taylor, Breuning & Robinson, Co., LPA serving as Agent for Petitioners clarified some issues with abbreviations within the annexation. Attorney Taylor represents Doyle & Gail Jones, west side of SR58, south is the Welcome Home Nursing Home, whom asked to be annexed. With the new annexations law there is always an issue on the road, and the City of Oberlin will maintain this road rather than $\frac{1}{2}$ and $\frac{1}{2}$ in City and Township. The entities he represents again are: Doyle & Gail Jones for road purposes on west side, and WGI Properties, LLC is the Welcome Nursing Home. The family children formed the limited liability company years ago for the holding of such property and there are 2 lots consisting of 13.48 acres. The other entity is DDW LLC, Mr. Don and Theo Wessell (mother & father) of the children just described. This nursing home is on the southern part of the town next to their property they, in which they own 12-acre parcel they will develop into assisted and unassisted care facilities as part of the corporate entity Welcome Home Nursing Home. They current nursing home is maximized with the present land use and 108 beds. They plan to go beyond skilled nursing to assisted/unassisted care.

Assistant County Prosecutor said the Clerk has indicated that all statutory issues have been met.

Agent Taylor said 100% of the property owners have signed off on the petition and the City of Oberlin will provide services.

The territory is not unreasonable large. A CETA or JEDD is not workable because this development will not be a strip center with stores, it will be an expanding existing facility across a street. It would also be difficult to figure out taxes and payroll for employees of one company in a township and city. He stated on balance and the general good of the territory the proposed annexation can be served and the benefits to the surrounding area will out weight the detriments to the territory to be annexed and to the surrounding area. The benefits to the City of Oberlin are huge with having job creation, no large buildings, and the detriment to the Township would be losing a small piece of land. This parcel has two homes, mainly being used as a parking lot, one house will be torn down the other being used as offices.

Agent Taylor asked the following;

- 1) Please state your name, position and address;
Mr. Robert DiSpirto, City Manger, City of Oberlin, 205 Morgan Street, Oberlin
- 2) Are you aware of this project and have you had conversations with the family.
Mr. DiSpirto said yes and he has had several conversations.
- 3) Is the City willing to provide services.
Mr. DiSpirto said yes they are.
- 4) Do you think this is a good thing for the City of Oberlin.
Mr. DiSpirto said very much so.
- 5) Do you think it would be difficult to have it both entities rather than having one entity.
Mr. DiSpirto said yes

Agent Taylor asked Mr. DiSpirto if he had any further comments.

Mr. DiSpirto thanked the Board for this opportunity and said City Council and the Administration consider Welcome Nursing Home a very long standing, successful and extremely valuable part of the community. He is very excited about this expansion and their services to the community from generations have been very happy and very much in support for this annexation. April 18, City Council approved an Ordinance to provide the necessary utilities for this expanded service.

Agent Taylor asked the following:

- 1) Please state your name, position and address;
Jill Wessell Herron, Administrator/Owner, Welcome Nursing Home, currently reside at 6799 Cliffside Drive, Vermilion
- 2) Besides being Administrator of Nursing Home are you one of the principles in one of the limited liability company owning the property across the street that has been requested for annexation.
Mrs. Herron said this is correct
- 3) Is the LLC a Limited Liability Company with your siblings
Mrs. Herron said correct, three sisters

Agent Taylor had Attorney Bruening display the plans of the proposed expansion of Welcome Home Nursing Home.

- 4) What will be constructed
Mrs. Herron said currently Welcome Nursing Home is 108 beds skilled nursing facility; Medicare/Medicaid approved. There are many people that need long term care in a nursing home environment but there is a large population of people that did not need nursing home placement so they have continued to look into the development of assisted and independent living. Working with a development company out of Springfield, Ohio that has a lot of experience in this field. Through a feasibility study and lots of meetings, they have come up with assisted living that would accommodate 26 – 28 residents with a focus on assisted or Alzheimer's or memory dementia as well as, frail elderly with ability to divide separately with people that are on the memory deficit side don't necessary have to intermingle with those people that are just frail and can't take care of themselves independently. The feasibility study showed there was a need for more independent housing for cottage style houses so this proposal that is being shown shows 51 independent units; like duplex's and tripods to accommodate some single family homes but not very many. She believes there is a need out there and they are only providing services to one side of the long term and would like to expand their services to the Oberlin area as well as the greater Lorain County area.
- 5) Will this be done in phases.
Mrs. Herron said yes, the assisted living will go up with one building, with a potential of a third wing, not sure yet, and the independent cottages will be built overtime, when interest and people decide to move.

- 6) Expenditures including the land will be about \$4.8 million and how many people will have employment
Mrs. Herron said correct. Currently there are 170 part/full time employees
- 7) If this annexation is approved, approximately how many employees will be employed in addition.
Mrs. Herron said approximately 25
- 8) To do this project, you need services from City of Oberlin or can New Russia Township provide these services
Mrs. Herron said yes City of Oberlin services are need and New Russia Township can not provide such.
- 9) Is the Nursing Home a corporate entity and would it be difficult to figure out payroll and taxes for employees in the township and city.
Mrs. Herron said yes Welcome Home Nursing Home is a corporate entity and it would be difficult to have a company in two different entities.
- 10) Do you believe this parcel is large
Mrs. Herron said no.
- 11) How long has the nursing home been in existence.
Mrs. Herron said they are celebrating their 60th anniversary this year.
- 11) Is this annexation necessary for the growth of this business.
Mrs. Herron said yes.

Agent Taylor asked the following;

- 1) Please state your name and address;
Don Wessel, 326 West Lorain Street, Oberlin, Ohio.
- 2) Are you familiar with this project.
Yes, he is partnership owner of GWI, LLC that owns the 2 parcels. Agent Taylor said the two parcels one is owned by children's llc and parent llc owns the other.
- 3) Is the information you daughter gave is correct and the job creation.
Mr. Wessell said yes it is vital for continued growth

Agent Taylor said all conditions have been discussed and meet and discussions were held with the Township of New Russia as a courtesy before the project was even started; and

WHEREAS, Commissioner Blair asked if Attorney Severs, City of Oberlin Solicitor if he had any comments. He said no; and

WHEREAS, Commissioner Blair asked if there were any representatives from New Russia Township, there were none; and

WHEREAS, Commissioner Blair asked if there were any other comments from anyone in opposition, there were none; and

WHEREAS, Commissioner Blair asked if there were any other comments from anyone in favor, there were none; and

WHEREAS, Commissioner Kokoski asked why, it is not possible for a JEDD agreement. Agent Taylor said the main issue would be because of the taxes for employees but it also an agreement between the City and Township that has a time issues and the company does not want time delays

Commissioner Blair and Kalo said the City of Oberlin has worked out JEDD's before. Agent Taylor said yes, but not in this case. Mr. DiSprito said in 1991 the city negotiated with Pittsfield with a revenue agreement; and

WHEREAS, Commissioner Blair said there was a comment that Rural Water would be the supplier. Mr. DiSpirto said no, Oberlin would provide these services. Commissioner Blair asked if this annexation is approved is does the facility planning need to be addressed for sanitary sewers. Mr. DiSpirto said there is no amendment to the facility planning area it is in within the City of Oberlin; and

Said Legal Description reads as follows:

Situated in the Township of New Russia, County of Lorain, and State of Ohio. Being known as part of Original Russia Township Lots Nos. 105 and 106 and more definitely described as follows:

Beginning at the intersection of the centerline of Hamilton Street and the centerline of The Oberlin-Ashland Road, also known as Ohio State Route No. 58; said point being the corner common to Original Russia Township Lots Nos. 95, 96, 105, and 106; said point being also in the existing corporation line of the City of Oberlin;

Thence easterly in the centerline of Hamilton Street and in the northerly line of Original Russia Township Lot No. 106 and in the existing corporation line of the City of Oberlin; a distance of about 700 feet to the northeasterly corner of "Parcel No. 4" conveyed to DTW, LLC as recorded in Lorain County Recorder's Instrument No. 20010800109; said point being an angle point in the existing corporation line of the City of Oberlin;

Thence southerly in the easterly line of said "Parcel No. 4" and in the existing corporation line of the City of Oberlin, a distance of about 937.16 feet to the southeasterly corner of said "Parcel No. 4" and an angle point in the existing corporation line of the City of Oberlin; said point being also in the northerly line of land conveyed to Big Till, LLC as recorded in Lorain County Recorder's Instrument No. 20050057679;

Thence westerly in the northerly line of land so conveyed to Big Till, LLC and in the northerly line of "Parcel No. 2" conveyed to Frank S. Carlson, Trustee as recorded in Lorain County Recorder's Instrument No. 20020846380, a distance of about 330 feet to the southeasterly corner of land conveyed to Russell S. and Wilma C. Hunt as recorded in volume 1297, Page 64 of Lorain County Records; said point being also the southwesterly corner of the aforesaid "Parcel No. 4".

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Thence westerly in Horning and Wilburn's northerly line, said line being also the southerly line of land conveyed to WGI Properties, LLC as recorded in Lorain County Recorder's Instrument No. 20030890037, and in the westerly extension of said line, a distance of about 416.50 feet to a point in the westerly right of way line of the Oberlin-Ashland Road, also known as Ohio State Route 58; said westerly right of way line as established by the State of Ohio by Highway Project No. LOR-58-(7.98); said westerly right of way line being also the existing corporation line of the City of Oberlin;

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Thence northwesterly in said right of way line and in the existing corporation line of the City of Oberlin, a distance of about 44.63 feet to an angle point thereon;

Thence northerly in the existing corporation line of the City of Oberlin, a distance of about 30 feet to a point in the centerline of Hamilton Street, said centerline being also the northerly line of Original Russia Township Lot No. 105;

Thence easterly in the centerline of Hamilton Street and in the northerly line of Original Lot No. 105, and in the existing corporation line of the City of Oberlin, a distance of about 80 feet to the place of beginning;

Enclosing a parcel containing about 13.48 acres of land of which about 0.79 acre is within Original Lot NO. 105 and 12.69 acre are within Original Lot No. 106, but subject to all legal highways.

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 City of Oberlin and report of the Lorain County Engineer and the stipulations of James N. Taylor, Agent for Petitioner and New Russia Township 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 City of Oberlin by Ordinance 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 City of Oberlin 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 New Russia Township and the City of Oberlin as to create a road maintenance problem, or, if a street or highway be so divided or segmented, the City of Oberlin 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 Agent Taylor, Petitioners and Oberlin City Manager DiSpirto that:

Said finding was supported by the evidence that:

The territory is not unreasonable large and 13.48 acres is not the largest territory this Board of Commissioners has permitted an annexation to occur. The municipality of Oberlin 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

IV. The Board further finds that;

Said finding was supported by the evidence based upon stipulated testimony of Agent Taylor and the Petitioners;

BE IT FURTHER RESOLVED, that;

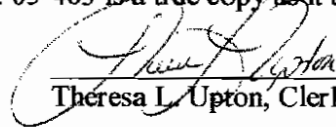
- I. Based upon the findings of fact that all the conditions of annexation as contained in Revised Code 709.033 have been met the petition for annexation as presented is granted and incorporating the items of the annexation agreement between Township and the City of Oberlin.
- II. The Clerk be directed to enter this resolution upon the journal of the Board and send a certified copy to Attorney James N. Taylor, Agent for petitioners, Clerk of Oberlin City, and the Clerk of Township New Russia
- III. The Clerk, if no appeal is filed within thirty days of journalization of this resolution, be directed to deliver a certified copy of the entire record to the Clerk to the City Oberlin

Commissioner Blair said as much as she likes annexations, she will move to approve based upon the technical requirements being fulfilled and 100% of the owners requested annexation, in fact this is for an existing viable business and the jobs that will be brought to the County/City and services that will be provided.

Commissioner Kokoski also said as much as she dislikes annexations, she would second.

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

I, Theresa L. Upton, Clerk to the Lorain County Board of Commissioners do hereby certify that the above Resolution No. 05-483 is a true copy as it appears in Journal No. 05 on date of June 9, 2005.



Theresa L. Upton, Clerk

