

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 77<sup>th</sup> 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 ½ and ½ 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 60<sup>th</sup> 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".

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 Recorders' 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.

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 DiSpirito 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 outweigh the detriments 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

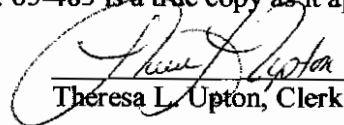


Commissioner Blair said as much as she likes annexations, she will move to approve based upon the technical requirements being fulfilled and 100% of the owners requested annexation, in fact this is for an existing viable business and the jobs that will be brought to the County/City and services that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

JOURNAL ENTRY

Public Hearing on the Proposed Annexation of approximately 13.48 acres  
in New Russia Township to the City of Oberlin

Attorney James N. Taylor, Agent

June 9, 2005

10:15 a.m.

This was the day duly noted for the Public Hearing on the Proposed  
Annexation of approximately 13.48 acres in New Russia Township to the City of  
Oberlin. Attorney James N. Taylor, Agent

Discussion continued and the following resolution was adopted:

**AFFIDAVIT**

RECEIVED  
NOTARY PUBLIC  
STATE OF OHIO

STATE OF OHIO )  
 ) SS:  
COUNTY OF LORAIN )

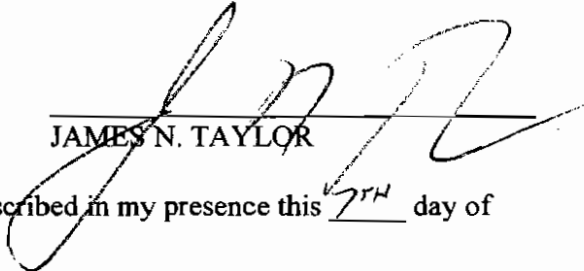
2005 APR -7 P

TERESA L. UP

I, JAMES N. TAYLOR, being first duly sworn according to law, depose and state that:

1. Affiant is the agent for WGI Properties, LLC, DTW, LLC, Doyle and Gail Jones and The City of Oberlin.
2. Affiant received notice from the Clerk of the Board of County Commissioners of Lorain County indicating that the county records show the property owned by Doyle and Gail Jones and The City of Oberlin is already in the City of Oberlin.
3. To Affiant's knowledge, the property owned by Doyle and Gail Jones and The City of Oberlin that is already within the City of Oberlin does not include the area from the West sideline of State Route 58 to approximately the centerline of State Route 58; said lands are owned by Doyle and Gail Jones and The City of Oberlin but were not annexed into the City.
4. Doyle and Gail Jones and The City of Oberlin have included their names on the petition for annexation to add the areas they own but are not part of the City of Oberlin to the City of Oberlin, for the sole purpose of avoiding a road maintenance problem upon annexation of the property owned by WGI Properties, LLC and DTW, LLC.

Further Affiant sayeth naught.

  
\_\_\_\_\_  
JAMES N. TAYLOR

SWORN TO BEFORE ME and subscribed in my presence this 7<sup>TH</sup> day of APRIL, 2005.

  
\_\_\_\_\_  
NOTARY PUBLIC

This instrument prepared by:  
ERIK A. BREUNIG, Esq.  
TAYLOR, BREUNIG & ROBINSON CO., L.P.A.  
409 East Avenue, Suite B  
Elyria, OH 44035  
(440) 323-5700

**ERIK A. BREUNIG, Attorney at Law**  
**Notary Public - State of Ohio**  
**My Commission has no expiration date**  
**Section 147.03**

**AFFIDAVIT**

RECEIVED  
2005 APR -7 P

STATE OF OHIO )  
 ) SS:  
COUNTY OF LORAIN )


I, JAMES N. TAYLOR, being first duly sworn according to law, depose and state that:

1. Affiant is the agent for WGI Properties, LLC, DTW, LLC, Doyle and Gail Jones and The City of Oberlin.
2. Affiant has filed a petition to have property, consisting of approximately 13.48 acres, annexed to the City of Oberlin from the Township of New Russia.
3. Said petition was filed by Affiant on March 24, 2005.
4. Affiant received notice on March 28, 2005, of said petition being set for hearing before the Lorain County Board of Commissioners on June 9, 2005, at 10:15 am.
5. On April 1, 2005, Affiant sent notice of the filing of the petition, the date of the hearing, an annexation map, a statement indicating where the full petition can be reviewed, and a statement indicating how owners who signed can have their names removed, by regular mail, with certificates of mailing, to the surrounding properties owners, a list of whom is attached hereto as Exhibit "A."

Further Affiant sayeth naught.

  
\_\_\_\_\_  
JAMES N. TAYLOR

SWORN TO BEFORE ME and subscribed in my presence this 7<sup>TH</sup> day of APRIL, 2005.

  
\_\_\_\_\_  
NOTARY PUBLIC

This instrument prepared by:  
ERIK A. BREUNIG, Esq.  
TAYLOR, BREUNIG & ROBINSON CO., L.P.A.  
409 East Avenue, Suite B  
Elyria, OH 44035  
(440) 323-5700

**ERIK A. BREUNIG, Attorney at Law**  
**Notary Public - State of Ohio**  
**My Commission has no expiration date**  
**Section 147.03**

Job No. 05032  
 March 8, 2005  
**PROPOSED ANNEXATION**  
**HAMILTON STREET & STATE ROUTE 58**  
**OWNERSHIP LIST**  
 Page 1 of 2

<i>Parcel No.</i>	<i>Ownership</i>
<b>SUBJECT PARCELS:</b>	
09-00-106-000-001	WGI PROPERTIES, LLC 417 South Main St. Oberlin, OH 44074
09-00-106-000-006	DTW, LLC 326 West Lorain St. Oberlin, OH 44074
09-00-105-000-002 (PART)	DOYLE J. & GAIL A. JONES 450 South Main St. Oberlin, OH 44074
09-00-105-000-018 (PART)	THE CITY OF OBERLIN 69 South Main St. Oberlin, OH 44074
<b>ABUTTING PARCELS:</b>	
09-00-106-000-046	ANNIE RUTH BECKMAN 102 East Hamilton St. Oberlin, OH 44074
09-00-106-000-057	BIG TILL, LLC C/O ANNE H. FITCH 152 South Cedar St. Oberlin, OH 44074
09-00-106-000-056	FRANK S. CARLSON, TRUSTEE P.O. Box 0344 Oberlin, OH 44074
09-00-106-000-050	RUSSELL S. & WILMA C. HUNT 14249 State Route 58 S. Oberlin, OH 44074
09-00-106-000-002 09-00-106-000-051	JAMES H. HORNING & CAROL L. WILBURN 47400 Garfield Rd. Oberlin, OH 44074
09-00-105-000-018 (PART) 09-00-095-107-016	THE CITY OF OBERLIN 69 South Main St. Oberlin, OH 44074

**Job No. 05032**  
**March 8, 2005**  
**PROPOSED ANNEXATION**  
**HAMILTON STREET & STATE ROUTE 58**  
**OWNERSHIP LIST**  
**Page 2 of 2**

<i>Parcel No.</i>	<i>Ownership</i>
09-00-096-104-012	DOLORES G. BOARD 14 East Hamilton St. Oberlin, OH 44074
09-00-096-104-013	FRED & ODESSA THOMAS 24 East Hamilton St. Oberlin, OH 44074
09-00-096-104-011 09-00-096-104-015 09-00-096-104-033	DTW, LLC 326 West Lorain St. Oberlin, OH 44074
09-00-096-104-014	WGI PROPERTIES, LLC 417 South Main St. Oberlin, OH 44074
09-00-096-113-053	EUGENE & EVELYN BUFORD 431 South Pleasant St. Oberlin, OH 44074
09-00-105-000-019	MICHAEL F. GALBREATH TRUSTEE OF THE C.J.S. TRUST P.O. Box 936 Elyria, OH 44036
09-00-015-000-002 (PART)	DOYLE J. & GAIL A. JONES 450 South Main St. Oberlin, OH 44074



CERTIFICATE OF FILING

IVED  
COUNTY  
SIONERS

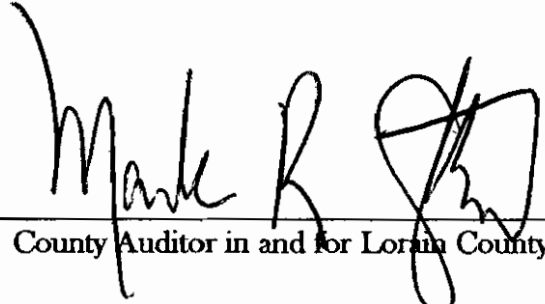
9 P 3 06

State of Ohio )  
                                  )ss  
Lorain County )

L. UPTON  
ERK

I, Mark R. Stewart, the duly elected, qualified and acting Auditor in and for the  
County and State Aforesaid, do hereby certify that Theresa L. Upton  
the duly elected/appointed, qualified and acting Clerk  
in and for said Board of Commissioners of Lorain County, Ohio and ex-officio  
Fiscal Officer for said District, has this day officially filed in the office of the Auditor of  
Lorain County a certified copy of regular petition, legal description and map for the  
Proposed Annexation of approximately 13.48 acres of land in New Russia Township to the  
City of Oberlin, Ohio. James N. Taylor, is Agent for Petitioners.

WITNESS my hand and Official Seal at Elyria, Ohio, this 28<sup>th</sup> day of  
March, 2005

  
\_\_\_\_\_  
County Auditor in and for Lorain County, Ohio



## PETITION FOR ANNEXATION

The undersigned, being a majority of the property owners in the property 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 Deed 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 No. 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 the 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 therein;

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 about 12.69 acres 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

Doyle S. Jones  
Doyle S. Jones

Date: 3-10-05

Gail A. Jones  
Gail A. Jones

Date: 3/14/05

**WGI PROPERTIES, LLC**  
Jill Herron, member  
Jill Herron, member

Date: 3/14/2005

Kelly Wessell, member  
Kelly Wessell, member

Date: 3/14/05

Heidi Freas  
Heidi Freas, member

Date: 3/14/05

Meghan Wessell  
Meghan Wessell, member

Date: 3/18/05

**DTW, LLC**  
Don Wessell  
Don Wessell, member

Date: 3/18/05

Theo Wessell  
Theo Wessell, member

Date: 3/24/05

**THE CITY OF OBERLIN**  
By: Robert DiSpirito  
Robert DiSpirito, City Manager

**Job No. 05032**  
**March 8, 2005**  
**PROPOSED ANNEXATION**  
**HAMILTON STREET & STATE ROUTE 58**  
**OWNERSHIP LIST**  
**Page 1 of 2**

<i>Parcel No.</i>	<i>Ownership</i>
<b>SUBJECT PARCELS:</b>	
09-00-106-000-001	WGI PROPERTIES, LLC 417 South Main St. Oberlin, OH 44074
09-00-106-000-006	DTW, LLC 326 West Lorain St. Oberlin, OH 44074
09-00-105-000-002 (PART)	DOYLE J. & GAIL A. JONES 450 South Main St. Oberlin, OH 44074
09-00-105-000-018 (PART)	THE CITY OF OBERLIN 69 South Main St. Oberlin, OH 44074
<b>ABUTTING PARCELS:</b>	
09-00-106-000-046	ANNIE RUTH BECKMAN 102 East Hamilton St. Oberlin, OH 44074
09-00-106-000-057	BIG TILL, LLC C/O ANNE H. FITCH 152 South Cedar St. Oberlin, OH 44074
09-00-106-000-056	FRANK S. CARLSON, TRUSTEE P.O. Box 0344 Oberlin, OH 44074
09-00-106-000-050	RUSSELL S. & WILMA C. HUNT 14249 State Route 58 S. Oberlin, OH 44074
09-00-106-000-002 09-00-106-000-051	JAMES H. HORNING & CAROL. L. WILBURN 47400 Garfield Rd. Oberlin, OH 44074
09-00-105-000-018 (PART) 09-00-095-107-016	THE CITY OF OBERLIN 69 South Main St. Oberlin, OH 44074

**Job No. 05032**  
**March 8, 2005**  
**PROPOSED ANNEXATION**  
**HAMILTON STREET & STATE ROUTE 58**  
**OWNERSHIP LIST**  
**Page 2 of 2**

<i>Parcel No.</i>	<i>Ownership</i>
09-00-096-104-012	DOLORES G. BOARD 14 East Hamilton St. Oberlin, OH 44074
09-00-096-104-013	FRED & ODESSA THOMAS 24 East Hamilton St. Oberlin, OH 44074
09-00-096-104-011 09-00-096-104-015 09-00-096-104-033	DTW, LLC 326 West Lorain St. Oberlin, OH 44074
09-00-096-104-014	WGI PROPERTIES, LLC 417 South Main St. Oberlin, OH 44074
09-00-096-113-053	EUGENE & EVELYN BUFORD 431 South Pleasant St. Oberlin, OH 44074
09-00-105-000-019	MICHAEL F. GALBREATH TRUSTEE OF THE C.J.S. TRUST P.O. Box 936 Elyria, OH 44036
09-00-015-000-002 (PART)	DOYLE J. & GAIL A. JONES 450 South Main St. Oberlin, OH 44074

**ORDINANCE NO. 05-27 AC CMS**

**AN ORDINANCE INDICATING WHAT SERVICES THE CITY OF OBERLIN, OHIO, WILL PROVIDE TO CERTAIN REAL PROPERTY PROPOSED TO BE ANNEXED TO THE CITY OF OBERLIN, OHIO, PURSUANT TO SECTION 709.03(D) OF THE OHIO REVISED CODE AND THE APPROXIMATE DATE BY WHICH IT WILL PROVIDE THEM AND DECLARING AN EMERGENCY**

**WHEREAS, Doyle J. and Gail A. Jones, WGI Properties LLC, DTW LLC and the City of Oberlin, Ohio, on March 24, 2005, filed a petition to annex approximately 13.48 acres of property located in New Russia Township to the City of Oberlin; and**

**WHEREAS, the Board of Lorain County Commissioners have set June 9, 2005, at 10:15 a.m. as the date and time of the hearing upon the Petition; and**

**WHEREAS, Section 709.03 (D) of the Ohio Revised Code requires that the City of Oberlin adopt a statement indicating what services the City will provide to the territory proposed for annexation, upon annexation, and the approximate date that such services will be provided upon annexation, and file same with the Board of Commissioners at least twenty (20) days before the date of the hearing.**

**NOW THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:**

**SECTION 1. That the City of Oberlin, Ohio, will provide to the real property set forth in Exhibit A attached hereto, upon completion of annexation proceedings and acceptance by the City, all municipal services presently being provided to the residents of the City of Oberlin, Ohio, such including, but not limited to, police, fire, electric, water, sewer, and garbage service, subject, however, to all municipal ordinances and regulations applicable thereto, and further subject to any restrictions due to plant or line capacity or extension cost.**

**SECTION 2. That said services will be provided to the a proposed for annexation within thirty (30) days of the completion of the annexation proceedings and acceptance by the City.**

THOMAS A. UPTON  
CITY CLERK

2005 APR 25 P 3:08

RECEIVED  
LORAIN COUNTY  
COMMISSIONERS

SECTION 3. That the Clerk of Council shall provide a certified copy of this ordinance to the Board of Lorain County Commissioners no later than May 20, 2005.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code

SECTION 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of public, peace, health, and safety of the citizens of the City of Oberlin, Ohio, to wit:

"to ensure the adoption of the statement required by Section 709.03(D) of the Ohio Revised Code at least twenty (20) days prior to the annexation hearing to be held before the Board of Lorain County Commissioners"

and shall take effect immediately upon passage.

PASSED: 1<sup>st</sup> Reading – April 18, 2005 (E)  
2<sup>nd</sup> Reading –  
3<sup>rd</sup> Reading –

ATTEST:

  
CLERK OF COUNCIL

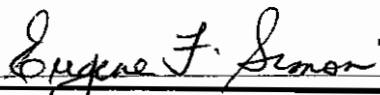
  
PRESIDENT OF COUNCIL (acting)

POSTED: April 19, 2005

EFFECTIVE: April 19, 2005

a:/ORD05-27Wessell'sNursingHomeAnnex.doc

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 05-27 as passed by the Oberlin City Council.

  
Clerk of Council, City of Oberlin, Ohio

**EXHIBIT A**  
**ORDINANCE NO. 05-27 AC CMS**

**PETITION FOR ANNEXATION**

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 927.16 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 recoded in Volume 1297, Page 64 of Lorain County Deed 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;



**Page 2 – Petition for Annexation**

**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 No. 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 the 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 therein;**

**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 about 12.69 acres are within Original Lot No. 106, but subject to all legal highways.**

**ORDINANCE NO. 05-71 AC CMS**

**AN ORDINANCE ACCEPTING THE ANNEXATION OF APPROXIMATELY  
13.48 ACRES OF REAL ESTATE TO THE CITY OF OBERLIN UPON APPLICATION OF  
OWNERS, DOYLE AND GAIL JONES, WGI PROPERTIES, LLC., DTW, LLC., AND  
THE CITY OF OBERLIN**

WHEREAS, a petition for the annexation of certain territory containing approximately 13.48 acres of land within New Russia Township was duly filed by property owners, Doyle and Gail Jones, WGI Properties, LLC., DTW, LLC., and the City of Oberlin; and

WHEREAS, the petition was duly considered by the Board of Commissioners of Lorain County, Ohio, on June 9, 2005; and

WHEREAS, said Board of Commissioners has approved the annexation of the territory to the City of Oberlin, as hereinafter described; and

WHEREAS, the Board of County Commissioners certified the transcript of the proceedings in connection with the annexation with the map and petition required in connection therewith to the Clerk of Council who received same on July 26, 2005; and

WHEREAS, sixty (60) days from the date of that filing have now elapsed in accordance with the provisions of Section 709.04 of the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That the application of the property owners, Doyle and Gail Jones, WGI Properties, LLC., DTW, LLC., and the City of Oberlin, for the annexation of the following described territory in the County of Lorain and adjacent to the City of Oberlin, to wit:

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;



ATTEST:

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

POSTED: 10/4/2005

EFFECTIVE DATE: 11/2/2005

α:/ORD05-71.Annexation.Wessell

City of  
**Oberlin**

85 South Main Street, Oberlin, Ohio 44074  
(440) 775-1531

October 5, 2005

Mark R. Stewart  
Lorain County Auditor  
County Administration Building  
226 Middle Avenue  
Elyria, OH 44035

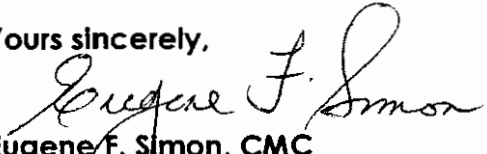
Dear Mr. Stewart:

Enclosed is documentation with reference to the annexation of 13.48 acres from New Russia Township, Lots Nos. 105 and 106, to the City of Oberlin, Ohio, Lorain County, Ohio.

Oberlin City Council passed Ordinance No. 05-71 AC CMS at its October 3, 2005 meeting that accepted the annexation in the City of Oberlin.

The ordinance will become effective in 30 days from date of passage, which will be November 2, 2005.

Yours sincerely,



Eugene F. Simon, CMC  
Clerk of Council

/efs

Enclosures/Related Documents

cc: Attorney James N. Taylor, Agent  
Elaine King, Clerk, New Russia Township  
Kenneth P. Carney, LC Engineer  
Judy Nedwick, LC Recorder  
Tom McNair, Tax Map  
Greg Stempowski, LC Board of Elections  
Robin Jones, Director - 911  
Lorain County Board of Commissioners  
Kenneth Blackwell, Secretary of State  
WGI Properties, LLC  
DTW, LLC  
Doyle & Gail Jones  
Kelth Johnson/Dawn Ferritto, GIS  
File

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*"Ohio's Best College Town"*

—OHIO Magazine