

# 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  
Ken Kelleher  
440-284-4467

Projects Manager  
Karen Davis  
440-329-5102

Human Resources Department  
440-329-5150

Golden Acres Administrator  
Jeri Dull  
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  
Lisa Hobart  
440-329-5201

IT Director  
Ernie Smith  
440-329-5786

Maintenance Director  
Dennis Shawver  
440-329-5326

Community Development Director  
Ronald F. Twining  
440-328-2525

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

Lorain County Transit Manager  
Thomas Ferguson  
440-329-5545

December 22, 2006

Village of Wellington  
115 Willard Memorial Square  
Wellington, Ohio 44035

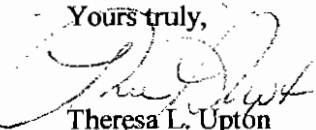
Dear Clerk Karen Webb:

Enclosed is a complete transcript of the granted regular Annexation from Wellington Township to the Village of Wellington, Ohio.

This annexation was granted October 26, 2006 by Resolution No. 06-801, for 10.56 acres in Wellington Township to the Village of Wellington – Attorney Erik Breunig and James Taylor, Agents.

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

Yours truly,

  
Theresa L. Upton  
Clerk

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Enclosure

Cc: Attorney Breunig & Taylor  
Bernie Nirode, Financial Officer, Wellington Township  
Mark Stewart, LC Auditor/Attn: Rosemary Wirth  
Kenneth P. Carney, LC Engineer  
Judy Nedwick, LC Recorder  
Tom McNair, Tax Map  
Alex Heyd, Board of Elections  
Robin Jones, Director 9-1-1  
Gerald A. Innes, LC Assistant Prosecutor  
File



RESOLUTION NO. 06-801

In the matter of granting the regular annexation of 10.56 acres)  
from Wellington Township to the Village of Wellington, ) October 26, 2006  
Lorain County, Ohio – Attorney James Taylor & Erik Breunig )  
– Agents for Petitioners; Eagles Club )

WHEREAS, Petition and Map were filed in the Board of Commissioners received by the Clerk on August 21, 2006, for a proposed regular Annexation of approx. 10.56 acres in Wellington Township to the Village of Wellington for the Petitioner – Wellington Eagles No. 2051 Company; and

WHEREAS, Letters were issued on August 24, 2006 to Mark Stewart, Lorain County Auditor and Kenneth P. Carney, Lorain County Engineer for review and accuracy; and

WHEREAS, August 25, 2006 received Affidavit from Attorney Breunig notifying the residents; and

WHEREAS, August 28, 2006 Certificate of Filing from County Auditor was received on submitted petition; and

WHEREAS, August 30, 2006 received Affidavit from Attorney Breunig notifying the Clerks; and

WHEREAS, August 30, 2006 received letter from County Engineer reviewing said petition in original lot #23 of Wellington Township to the Village. Attorney's James N. Taylor and Erik A. Breunig, acting agents for James Donaldson Jr., of the Wellington Eagles #2051 Co., Inc, prepared petition. The Eagles are sole owner of said parcel to be annexed. This proposed annexation description consist of one parcel of record which does follow the map and description and is adjacent and contiguous to the Village of Wellington; and

WHEREAS, September 7, 2006 Board of Commissioners received and journalized said petition by Res#06-680, and scheduled a hearing date on October 26, 2006 (66<sup>th</sup> day); and

WHEREAS, September 11, 2006 Certificate of Filing was received from County Auditor on said Resolution; and

WHEREAS, September 29, 2006 received Affidavit of notice to publish in the Chronicle Telegram on September 27, 2006; and

WHEREAS, October 4, 2006 Resolution No. 2006-39 from Village of Wellington indicating city services will be provide or make available to the territory, within 30 days after its annexation; and

WHEREAS, October 26, 2006 received from Attorney Breunig, Agent for Petitioner a letter from Wellington Township dated September 19, 2006 "Encouraging the Commissioners to not approve this proposed annexation"; and

WHEREAS, all persons testifying were given an oath according to law and the evidence presented was tenured through stipulations of Attorney Erik Breunig and James Taylor Agent for Petitioners; Eagle Club with no one present for the opposition; and

Said Legal Description reads as follows:

The Undersigned, being all of the property owners in the property to be annexed, such property being contiguous to the Village of Wellington, Ohio hereby petition the Board of Commissioners of Lorain County, Ohio, for annexation of the property described below to the Village of Wellington, Ohio.

Situated in the Township of Wellington, County of Lorain, and State of Ohio. Being known as part of Original Wellington Township Lot No. 23, and more definitely described as follows:

Beginning in the original centerline of the Ashland-Oberlin Road, also known as Ohio Route No. 58, said original centerline being also the westerly line of Original Lot No. 23, at the northwesterly corner of land conveyed to Wellington Eagles #2051 Company, Inc., as recorded in Lorain County Recorder's Instrument No. 20060133478; said point being southerly, a distance of about 1604.22 feet from the intersection of said original centerline and the centerline of Cemetery Road; said point being also an angel point in the existing corporation line of the Village of Wellington;

Thence easterly in the Wellington Eagles' northerly line, said line being also the existing corporation line of the Village of Wellington and the southerly line of land conveyed to Eva Holdings, Ltd, as recorded in Lorain County Recorder's Instrument No. 20010761841, a distance of about 1318.24 feet to appoint in the southwesterly right-of-way line of the Wheeling and Lake Erie Railroad;

Thence southeasterly in the Wellington and Lake Erie Railroad's southwesterly line, a distance of about 530.69 feet to the Wellington Eagles' southeasterly corner and the northwesterly corner of land conveyed to Daniel L. Brown as record in Lorain County Recorder's Instrument No. 20020827177;

Thence westerly in the Wellington Eagles' southerly line and in Brown's northerly line, a distance of about 1756 feet to a point in the original centerline of the Ashland-Oberlin Road and a point in the existing corporation line of the Village of Wellington;

Thence northerly in the original centerline of the Ashland-Oberlin Road and in the existing corporation line of the Village of Wellington, a distance of about 300 feet to the place of beginning;

Enclosing a parcel containing about 105.6 acres of land but subject to all legal highways.

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

THE WELLINGTON EAGLES NO. 2051  
COMPANY

By: James Donaldson, Jr.

Date: 8-16-2006

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

- I. The Board makes the following findings upon the resolutions of the Village of Wellington by Resolution No. 2006-39, report of the Lorain County Engineer and the stipulations of Attorney Erik Breunig & James Taylor, Agents for Petitioners that:

The necessary requirements are in the record for notification and have been complied with. The petitioners are owners of the territory of property proposed to be annexed, there has been no dispute of the validity of the petitioner's signatures and those signatures constitute a majority of the territory proposed to be annexed on the date of petition. The Village of Wellington 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 Village of Wellington to which the territory is proposed to be annexed has complied with divisions (D) of section 709.03 of the Revised Code, the requirement to adopt by ordinance or resolution a statement indicating what services will be provided upon annexation and approximate date the services will be provided.
- D. No street or highway will be divided or segmented by the boundary line between Wellington Township and the Village of Grafton as to create a road maintenance problem, or, if a street or highway be so divided or segmented, the Village of Wellington has agreed, as a condition of the annexation, that it will assume the maintenance of that street or highway. For the purposes of division, "street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.

II. The Board further finds the territory to be annexed is not unreasonably large based upon stipulated testimony of Agent Bond that:

Said finding was supported by the evidence that:

The territory is not unreasonable large and 10.56 acres is not the largest territory this Board of Commissioners has permitted an annexation to occur. The municipality of Wellington will be able to provide services to the territory, they are not undertaking something that is unreasonable large, the shape and geographic features of the territory proposed to be annexed are regular and not unusual and are not creating any islands or peninsulas. The removal of the territory from the Township will not create a situation that the tax base of the Township to be so eroded or depleted so as to not permit the Township to continue on and provide goods and services to the township residents.

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

Said finding was supported by the evidence that:

On balance, the general good of the territory proposed to be annexed, is served because of the available of certain city services to those areas, including sewers, fire, police and there is also benefits to the area to be annexed and the surrounding areas and those benefits out weight the detemrments due to the availability of utilities.

It could not be done at this point, because it would have been an increase of territory, not permitted by the statute. 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 Bond for Petitioners and there was no opposition present from the Township Trustees that:

BE IT FURTHER RESOLVED, that;

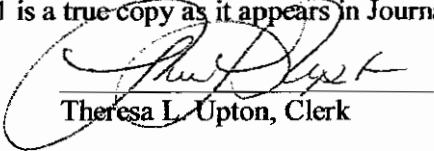
I. Based upon the findings of fact that all the conditions of annexation as contained in Revised Code 709.033 have been met the petition for annexation as presented is granted and incorporating the items of the annexation agreement between Wellington Township and the Village of Wellington

II. The Clerk be directed to enter this resolution upon the journal of the Board and send a certified copy to Erik Breunig and James Taylor, Agents for petitioner, Clerk of Wellington Village, and the Financial Officer of Wellington Township

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 Village of Wellington

Motion by Kokoski, seconded by Kalo 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. 06-801 is a true copy as it appears in Journal No. 06 on date of October 26, 2006.

  
Theresa L. Upton, Clerk

