



# LORAIN COUNTY

## Board of Commissioners

Betty Blair Lori Kokoski Ted Kalo

County Administrator  
James R. Cordes  
440-329-5760

Assistant County Administrator  
Ronald F. Twining  
440-329-5530

Clerk of Board  
Theresa Upton  
440-329-5103

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

Budget Director  
Lisa Hobart  
440-329-5201

Charles Berry Bridge Supervisor  
Charles Mackin  
440-244-2137

Children & Family Council  
Melissa Stefano  
440-284-4467

Community Development  
440-328-2323

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

Emergency Management  
& Homeland Security Director  
Thomas Kelley  
440-329-5117

Golden Acres Administrator  
Jeni Dull  
440-988-7210

Human Resources Department  
440-329-5150

IT Director  
Ernie Smith  
440-329-5786

Lorain County Transit  
Robin Bulan  
440-328-2490

Maintenance Director  
Dennis Shawver  
440-329-5326

Office on Aging Director  
Patricia Littleton  
440-329-4818

Office Services Supervisor  
Jennifer Demich  
440-329-5115

Purchasing Director  
Yvonne Newton  
440-329-5240

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

Solid Waste Director  
Daniel Billman  
440-329-5442

Special Projects Manager  
Karen Davis  
440-329-5102

Workforce Development Director  
Vivian Alexander  
440-284-1850

05-09-08A11:56 RCVD

May 8, 2008

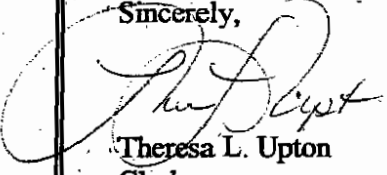
Ken Carney  
LC Engineer  
247 Hadaway Street  
Elyria, Ohio 44035

Dear Mr. Carney:

Enclosed is Resolution No. 08-316, adopted by the Lorain County Board of Commissioners on May 8, 2008 receiving and journalizing an Expedited 1 Annexation of 2.7531 acres from Pittsfield Township to the City Oberlin, Ohio - Attorney Eric R. Severs is Agent for Petitioners; Oberlin Land Company, Wal-Mart Real Estate Business Trustee and Continental Land & Building Co., LLC.

This is being forwarded for your information and the Board of Commissioners will place this on their May 22, 2008 agenda for a decision.

Sincerely,

  
Theresa L. Upton  
Clerk

tlu  
Enclosure

Cc: Mark Stewart, LC Auditor  
Attorney Eric R. Severs, Agent  
James McConnell, Financial Officer, Pittsfield Township  
Belinda Anderson, Clerk, City of Oberlin  
File

a.1

RESOLUTION NO. 08-316

In the matter of receiving and journalizing an )  
 Expedited 1 Annexation of 2.7531 acres from ) May 8, 2008  
 Pittsfield Township to the City Oberlin, Ohio )  
 - Attorney Eric Severs, Agent for Petitioners )  
 Oberlin Land Company, Wal-Mart Real Estate )  
 Business Trust & Continental Land & Building )  
 Company )

WHEREAS, the Lorain County Board of Commissioners receives and journalizes a petition and map that was received in the Commissioners Office on May 1, 2008 for the proposed expedited 1 annexation of approximately 2.7531 acres of land in the Township of Pittsfield to the City of Oberlin, Ohio; and

WHEREAS, Attorney Eric Severs, Agent for Petitioners Oberlin Land Company, Wal-Mart Real Estate Business Trust & Continental Land & Building Company; and

WHEREAS, the Petition and legal description reads as follows:

Pursuant to Section 709.02 of the Ohio Revised Code, the undersigned, being all of the owners of the real property described in Exhibit A, attached hereto and made a part hereof, hereby petition the Board of Commissioners of Lorain County, Ohio to cause the property, as identified in Exhibit A, to be annexed to the City of Oberlin, Ohio following the special procedures provided by Section 709.022 of the Ohio Revised Code.

An accurate map of the plat of the property sought to be annexed is set forth in Exhibit B attached hereto and made a part hereof.

A list of the owners of the property sought to be annexed and their addresses are set forth on Exhibit C attached hereto. All of the owners of the property subject to this Petition for annexation have consented to the Petition and are signers thereon for the annexation of said property. A list of all properties adjacent to those sought to be annexed is filed herewith as Exhibit D.

This Petition is further presented, pursuant to Section 709.022 of the Ohio Revised Code, for expedited processing under the terms of an Annexation Agreement between the City of Oberlin and Pittsfield Township. A certified copy of said Annexation Agreement is attached hereto as Exhibit E.

The names of the persons to act as agents for the undersigned petitioners is Eric R. Severs, 5 South Main Street, Oberlin, Ohio 44074, Telephone No. (440) 774-1278, Facsimile No. (440) 774-7088, who can be e-mailed at [ersevers@oberlin.net](mailto:ersevers@oberlin.net).

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

Oberlin Land Company  
 By:.....  
 Its:.....  
 Date: 092507

Wal-Mart Real Estate Business Trust  
 By: Frances Coberg  
 Its: Director  
 Date: 4/9/08

Continental Land & Building Co., LLC

By: Clifford ....

Its: Managing Member

Date: 11/21/07

Exhibit A;

Legal Description

**Area to be Annexed to the City of Oberlin 2.7531 Acres :**

**Situated** in the Township of Pittsfield, County of Lorain, State of Ohio and known as being part of Original Pittsfield Township Lot No. 15. Also being part of the land conveyed to Wal-Mart Real Estate Business Trust as recorded in Instrument No. 20050106897 of the Lorain County Land Records, part of the land conveyed to Oberlin Land Company as recorded in Instrument No. 20060175404 of the Lorain County Land Records and part of the land conveyed to Continental Land & Building Co. as recorded in Instrument No. 20070188491 of the Lorain County Land Records, being more definitely described as follows;

**Commencing** at the intersection of the centerline of State Route 58 and the southerly line of Original Pittsfield Township Lot No. 16, said point being distant North 00° 58' 25" East, 29.45 feet from a 1" iron pin found in a monument box on the centerline of State Route 58;

Thence, along said southerly line, South 89° 56' 16" West, 4.16 feet to the southeasterly corner of Original Pittsfield Township Lot No. 15;

Thence, along the southerly line of Original Pittsfield Township Lot No. 15, South 89° 56' 16" West, 209.97 feet to the southeasterly corner of said land conveyed to Continental Land & Building Co. and the True Point of Beginning for the parcel herein described;

Thence, continuing along said southerly line, South 89° 56' 16" West, 1655.01 feet to the northwesterly corner of land conveyed to Land Concepts Co. Inc. as recorded in O.R. Volume 209, Page 59 of the Lorain County Land Records;

Thence, along the northerly extension of Land Concepts Co. Inc.'s westerly line, North 00° 14' 14" West, 49.28 feet to the northerly right of way of Kipton East Road, State Route 10, U.S. Route 20;

Thence, along said right of way the following four courses;

North 89° 57' 12" East, 426.56 feet;

Thence, along the arc of a curve which deflects to the left, 714.74 feet, said curve having a radius of 11399.20 feet, a central angle of 03° 35' 33", and a chord of 714.62 feet which bears North 87° 51' 54" East; :

Thence North 81° 43' 11" East, 324.37 feet; ::

Thence North 83° 36' 29" East, 197.35 feet to the easterly line of said land conveyed to Continental Land & Building Co.;

Thence, along Continental Land & Building Co.'s easterly line, South 01° 01' 59" West, 143.15 feet to the point of beginning. ::

Containing within said bounds 2.7531 acres (119,927 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in March 2004.

Bearings are based on Ohio State Plane, North Zone NAD83 (1986) Grid North based on GPS observations performed in January 2003.

S/Trevor A. Bixler, PS  
Professional Surveyor, Ohio No. 7730  
KS ASSOCIATES  
Civil Engineers + Surveyors  
260 Burns Road, Suite 100  
Elyria, OH 44035  
440-365-4730



Exhibit B are the maps; and

Exhibit C is the list of owners of property to annexed as follows

Oberlin Land Company  
3680 Starr's Centre Drive, Suite B  
Canfield, Ohio 44406

Continental Land & Building Co., LLC  
5311 Northfield Road, Suite 325  
Bedford Heights, Ohio 44146

Wal-Mart Real Estate Business Trustee  
1301 S.E. 10<sup>th</sup> Street #5066-00  
Bentonville, Arkansas 72716-0555

Exhibit D is the list of properties adjacent to property proposed for annexation as follows;

**Owner information Mailing Address**

	<b>Owner information</b>	<b>Mailing address</b>
Pizza Hut 14-00-015-000-011	ROR LLC & SZAMBECKI LLC & DWW PIZZA LLC	ROR LLC & SZAMBECKI LLC PO BOX 370 KENT OH 44240
Oberlin Land Company 14-00-015-000-024	OBERLIN LAND COMPANY	OBERLIN LAND COMPANY 3680 STARRS CENTRE DR #B CANFIELD OH 44406

Walmart 14-00-015-000-018	WAL MART REAL ESTATE BUSINESS TRUST	WALMART REAL ESTATE 1301 SE 10TH ST #5066-00 BENTONVILLE AR 7271 6-0555
Triad 14-00-026-000-008	TRIAD REALTY LLC	TRIAD REALTY LLC 3951 CONVENIENCE CR NW CANTON OH 44718
Triad 14-00-026-000-009	TRIAD REALTY LLC	TRIAD REALTY LLC 3951 CONVENIENCE CR NW CANTON OH 44718
Land Concepts 14-00-026-000-02	LAND CONCEPTS COMPANY INC	LAND CONCEPTS PO BOX 0127 OBERLIN OH 44074
Turnbull 14-00-026-000-014	TURNBULL W CLAUD & WILLIAM A & GLENN A	TURNBULL W CLAUD & 46661 STATE ROUTE 20 OBERLIN OH 44074
Continental Land Company 14-00-015-000-025	CONTINENTAL LAND & BUILDING COMPANY LLC	CONTINENTAL LAND 5311 NORTHFIELD RD #325 BEDFORD HEIGHTS OH 44146

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 decision to be placed on their agenda for Thursday, May 22, 2008.

Motion by Blair, seconded by Kokoski 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. 08-316 is a true copy as it appears in Journal No. 08 on date of May 8, 2008.

  
\_\_\_\_\_  
Theresa L. Upton, Clerk



a.1

RESOLUTION NO. 08-316

In the matter of receiving and journalizing an )  
 Expedited 1 Annexation of 2.7531 acres from ) May 8, 2008  
 Pittsfield Township to the City Oberlin, Ohio )  
 - Attorney Eric Severs, Agent for Petitioners )  
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WHEREAS, Attorney Eric Severs, Agent for Petitioners Oberlin Land Company, Wal-Mart Real Estate Business Trust & Continental Land & Building Company; and

WHEREAS, the Petition and legal description reads as follows:

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An accurate map of the plat of the property sought to be annexed is set forth in Exhibit B attached hereto and made a part hereof.

A list of the owners of the property sought to be annexed and their addresses are set forth on Exhibit C attached hereto. All of the owners of the property subject to this Petition for annexation have consented to the Petition and are signers thereon for the annexation of said property. A list of all properties adjacent to those sought to be annexed is filed herewith as Exhibit D.

This Petition is further presented, pursuant to Section 709.022 of the Ohio Revised Code, for expedited processing under the terms of an Annexation Agreement between the City of Oberlin and Pittsfield Township. A certified copy of said Annexation Agreement is attached hereto as Exhibit E.

The names of the persons to act as agents for the undersigned petitioners is Eric R. Severs, 5 South Main Street, Oberlin, Ohio 44074, Telephone No. (440) 774-1278, Facsimile No. (440) 774-7088, who can be e-mailed at [ersevers@oberlin.net](mailto:ersevers@oberlin.net).

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 By:.....  
 Its:.....  
 Date: 092507

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 By: Frances Coberg  
 Its: Director  
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Continental Land & Building Co., LLC

By: Clifford ....

Its: Managing Member

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Legal Description

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Thence, along said right of way the following four courses;

North  $89^{\circ} 57' 12''$  East, 426.56 feet;

Thence, along the arc of a curve which deflects to the left, 714.74 feet, said curve having a radius of 11399.20 feet, a central angle of  $03^{\circ} 35' 33''$ , and a chord of 714.62 feet which bears North  $87^{\circ} 51' 54''$  East; ;

Thence North  $81^{\circ} 43' 11''$  East, 324.37 feet; ::

Thence North  $83^{\circ} 36' 29''$  East, 197.35 feet to the easterly line of said land conveyed to Continental Land & Building Co.;



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Bearings are based on Ohio State Plane, North Zone NAD83 (1986) Grid North based on GPS observations performed in January 2003.

S/Trevor A. Bixler, PS  
Professional Surveyor, Ohio No. 7730  
KS ASSOCIATES  
Civil Engineers + Surveyors  
260 Burns Road, Suite 100  
Elyria, OH 44035  
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Triad 14-00-026-000-008	TRIAD REALTY LLC	TRIAD REALTY LLC 3951 CONVENIENCE CR NW CANTON OH 44718
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Turnbull 14-00-026-000-014	TURNBULL W CLAUD & WILLIAM A & GLENN A	TURNBULL W CLAUD & 46661 STATE ROUTE 20 OBERLIN OH 44074
Continental Land Company 14-00-015-000-025	CONTINENTAL LAND & BUILDING COMPANY LLC	CONTINENTAL LAND 5311 NORTHFIELD RD #325 BEDFORD HEIGHTS OH 44146

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 decision to be placed on their agenda for Thursday, May 22, 2008.

Motion by Blair, seconded by Kokoski 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. 08-316 is a true copy as it appears in Journal No. 08 on date of May 8, 2008.

  
\_\_\_\_\_  
Theresa L. Upton, Clerk





# LORAIN COUNTY

## Board of Commissioners

Betty Blair Lori Kokoski Ted Kalo

County Administrator  
James R. Cordes  
440-329-5760

Assistant County Administrator  
Ronald F. Twining  
440-329-5530

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Office on Aging Director  
Patricia Littleton  
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Office Services Supervisor  
Jennifer Demich  
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Purchasing Director  
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Solid Waste Director  
Daniel Billman  
440-329-5442

Special Projects Manager  
Karen Davis  
440-329-5102

Workforce Development Director  
Vivian Alexander  
440-284-1830

05-29-08PC02:25 RCVD

May 27, 2008

City of Oberlin  
c/o Belinda Anderson, Clerk  
85 South Main Street  
Oberlin, Ohio 44074

Dear Ms. Anderson:

Enclosed is a complete transcript of the granted Expedited Type 1 Annexation of 2.7531 acres from Pittsfield Township to the City of Oberlin, Ohio.

This annexation was granted May 22, 2008 by Resolution No. 08-360, Attorney Eric R. Severs, Oberlin Land Concept, Wal-Mart Real Estate Business Trust and Continental Land & Building Co., LLC.

Sincerely,

Theresa L. Upton  
Clerk

tlu

Enclosure

Cc: Attorney Eric R. Severs  
James McConnell, Financial Clerk, Pittsfield Township  
Mark Stewart, LC Auditor/Attn: Rosemary Wirth  
Kenneth P. Carney, LC Engineer  
Judy Nedwick, LC Recorder  
Ted Spillman, Tax Map  
Alex Heyd Board of Elections  
Robin Jones, Director 9-1-1  
File





RESOLUTION NO. 08-360

In the matter of granting an Expedited 1 Annexation )  
of 2.7531 acres from Pittsfield Township to the City of ) May 22, 2008  
Oberlin – Eric R. Severs, Agent for Petitioners; Oberlin)  
Land Concept, Wal-Mart Real Estate Business Trust )  
and Continental Land & Building Co., LLC )

WHEREAS, a petition and map for annexation of 2.7531 acres from Pittsfield Township to the City of Oberlin were filed with the Clerk of Board of Commissioners of Lorain County, Ohio on May 1, 2008 by Attorney Eric R. Severs, Agent for the petitioners; Oberlin Land Concept, Wal-Mart Real Estate Business Trust and Continental Land & Building Co., LLC; and

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

WHEREAS, Mark Stewart, Lorain County Auditor certified the filing of said petition on May 16, 2008; and

WHEREAS, Ken Carney, Lorain County Engineer by letter dated May 18, 2008 submitted the following:

"This is in response to the Petition for the proposed annexation of 2.7531 acres of land in Original Lot #15 of Pittsfield Township to the City of Oberlin. The Petition was prepared by Eric R. Severs the acting agent for petitioners; Oberlin Land Concept, Wal-Mart Real Estate Business Trust and Continental Land & Building Co., LLC the owners of said parcels proposed to be annexed.

We have reviewed the description of the proposed parcel to be annexed to the drawing, which was prepared by Trevor A. Bixler with KS Associates. We have found the description and the map reads the same and appears to be accurate with the County records. The proposed parcel of land is adjacent and contiguous to the City of Oberlin.

If there are any questions, please contact this office.  
Sincerely, S/Ken Carney, Lorain County Engineer"; and

WHEREAS, said petition was filed as an Expedited Type 1 Annexation as authorized under R.C. 709.022 and the Board of Commissioners received and filed the petition at a regular meeting on May 8, 2008 and the next regular session of March 22, 2007, a decision was rendered for the following petition;

WHEREAS, Agent Eric R. Severs said the petition was submitted as an Expedited 1 along with the City of Oberlin Ordinance No. 06-71 AC CMS and annexation agreement; and

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

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Lorain County, Ohio, that upon review of the documents submitted, the following findings are made:



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

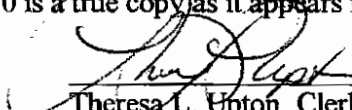
1. The Petition contains an accurate legal description of the perimeter of the territory proposed to be annexed.
2. The Petition contains an accurate map or plat of the territory proposed to be annexed.
3. The Petition contains the name of the person acting as statutory agent for the petitioners.
4. Filed with the Petition is a list of all the tracts, lots or parcels in the territory proposed to be annexed together with all the tracts, lots or parcels located adjacent to the territory to be annexed or directly across the road, including the name and mailing address of each owner and the permanent parcel number of each parcel.
5. Filed with the Petition is an Annexation Agreement between the City of Oberlin and Board of Trustees of Pittsfield Township.

BE IT FURTHER RESOLVED that:

- I. Upon the findings that all of the conditions of annexation as contained in Revised Code Section 709.022 have been met, the Petition as presented is granted, incorporating the Annexation Agreement between the City of Oberlin and the Board of Trustees of Pittsfield Township.
- II. Herein the annex area will not be excluded from the Township
- III. The Clerk is directed to enter the resolution upon the journal of the Board and send a certified copy of the record (including all resolutions, the petition, the map and all other papers on file to the Clerk of the City of Oberlin.

Motion by 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. 08-360 is a true copy as it appears in Journal No. 08 on date of May 22, 2008.

  
\_\_\_\_\_  
Theresa L. Upton, Clerk



### CERTIFICATE OF FILING

RECEIVED  
LORAIN COUNTY  
COMMISSIONERS

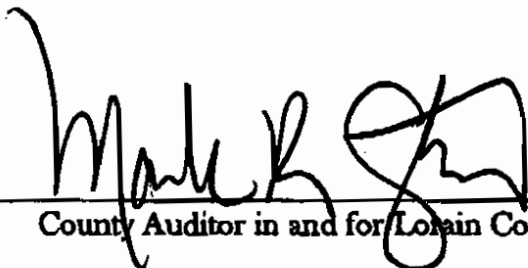
State of Ohio )  
                  )ss  
Lorain County )

2008 JUN -3 A 10: 32

TERESA L. UPTON  
CLERK

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 Resolution No. 08-360  
Providing for In the matter of granting an Expedited 1 Annexation of 2.7531 acres from  
Pittsfield Township to the City of Oberlin - Eric R. Severs, Agent for Petitioners: Oberlin  
Land Concept, Wal-Mart Real Estate Business Trust and Continental Land & Building  
Co., LLC

WITNESS my hand and Official Seal at Elyria, Ohio, this 29<sup>th</sup> day of  
May, 2008

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

