



# 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  
Jeri 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  
440-284-1830

October 3, 2008

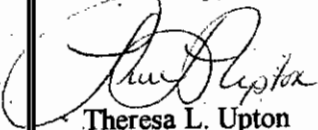
Art Weber, Clerk  
City of Elyria  
131 Court Street  
Elyria, Ohio 44035

Dear Mr. Weber:

Enclosed is Resolution No. 08-703, adopted by the Lorain County Board of Commissioners on October 2, 2008 accepting petition request as filed by Terry Shilling, Law Director, City of Elyria and adopt resolution confirming boundaries of Ely Township with the present corporation limits of the City of Elyria, Ohio due to the annexation of 226.13 acres in Carlisle Township, Ohio.

This is being forwarded for your information and files.

Yours truly,

  
Theresa L. Upton  
Clerk

tlu  
Enclosure

Cc: Marlene Joy Thompson, Fiscal Officer, Carlisle Township  
Ken Carney, Lorain County Engineer  
Judy Nedwick, Lorain County Recorder  
Ted Spillman, Lorain County Tax Map  
Mark Stewart, Lorain County Auditor  
Alex Heyd, Lorain County Board of Elections  
Robin Jones, 9-1-1 Department.  
File

In the matter of accepting petition request as filed by Terry) Shilling, Law Director, City of Elyria and adopt resolution )  
 Confirming boundaries of Ely Township with the present ) October 2, 2008  
 corporation limits of the City of Elyria, Ohio due to the )  
 annexation of 226.13 acres in Carlisle Township, Ohio )

WHEREAS, on date of March 2, 2006 the Lorain County Board of Commissioners granted Annexation for approximately 226.13 acres in Carlisle Township, Resolution No. 06-154; and

WHEREAS, on March 28, 2006 a notice of appeal and precipe were filed from Carlisle Township against the City of Elyria and a response was received from Defendant Agent Taylor on April 26, 2006; and

WHEREAS, Pursuant to ORC 709.07, in which it provides that filing of an appeal is a stay on the proceedings that last until appeals have been exhausted, therefore that would be the 46<sup>th</sup> day following the decision of the Court of Appeals, Ninth Judicial District, Lorain County, Ohio, Case No. 07CA009142. The decision by the Court, pursuant to Appellate Rule 30, judgment was rendered on March 17, 2008 so appeal time expired on May 2, 2008; and

WHEREAS, the City of Elyria approved said annexation of Carlisle Township, Ordinance No. 2008-72 on May 19, 2008; and

WHEREAS, as a result of the Annexation proceedings, Terry Shilling, Law Director-City of Elyria by Ordinance No. 2008-19, adopted September 2, 2008, has filed a Petition request for adoption of a Resolution to conform boundaries of Ely Township with present corporation limits of the City of Elyria, Ohio on September 8, 2008; and

WHEREAS, said Petition along with Map was forwarded to the County Engineer and County Auditor for their review and findings.

NOW, THEREFORE BE IT RESOLVED, by the Lorain County Board of Commissioners that after review and recommendation of the Lorain County Engineer we do and hereby grant the request of Terry Shilling, Law Director – City of Elyria and conform boundaries pursuant to Section 503.07 of the Ohio Revised Code; which Petition and Resolution of the City of Elyria, Ohio reads as follows:

**“PETITION BY THE CITY OF ELYRIA FOR CHANGE OF TOWNSHIP BOUNDARIES PURUSANT TO ORC 503.07**

The City of Elyria, Ohio, by Terry S. Shilling, Law Director, petitions the Board of County Commissioners of Lorain County, Ohio, pursuant to RC 503.07, for an order changing the boundaries of Ely Township to make them identical with the boundaries of the City of Elyria, and for such other actions as may be proper. The portions of the City of Elyria, Ohio, not now included with the limits of Ely Township include those portions of Carlisle Township annexed by the City of Elyria, by Ordinance No. 2008-72, a copy of which is attached, marked as Exhibit A, consisting of 226.13 acres of land.

A true copy of said Ordinance is attached. A map of said area annexed to the City of Elyria is located in said attached ordinance.

The change of boundary lines shall reflect the removal of the annexed territory from its present township and reflect the territory's inclusion within corporate limits of the City of Elyria and within the boundaries of Ely Township.

This petition is filed under the authority of Ordinance No. 2008-119 passed September 2, 2008 a true copy of which is attached as Exhibit B"

**"AN ORDINANCE DIRECTING THE ELYRIA CITY LAW DIRECTOR TO PEITTION THE LORAIN COUNTY BOARD OF COMMISSIONERS TO CHANGE THE TOWNSHIP BOUNDARY LINES OF 226.13 ACRES OF LAND ANNEXED TO THE CITY OF ELYRIA, BY ORDINANCE NO. 2008-72 AND DECLARING AN EMERGENCY.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELYRIA, STATE OF OHIO:**

**SECTION 1.** That the Elyria City Law Director is hereby directed, on behalf of Elyria City Council to present to the Board of County Commissioners of Lorain County, a petition praying for such change and extensions of the boundary lines of Elyria Township as may be necessary to include those portions of other township which have, by successive orders of the board, been annexed to the City of Elyria, and make the boundary line of Elyria Township co-extensive with the corporate limits of the City of Elyria. The boundary lines to be changed are those needed to conform to the City of Elyria's annexation as described in the attached Exhibit "A" and as depicted on its attached map. The change of boundary lines shall reflect the removal of the annexed territory from its present township and the inclusion of said territory to within the corporate limits of the City of Elyria and Ely Township. All this shall be done in accordance with and pursuant to Ohio Revised Code Section 503.07.

**SECTION 2.** That is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in meetings open to the public, in compliance with Ohio law.

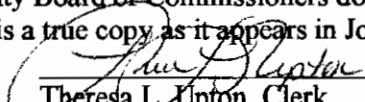
**SECITON 3.** That this Ordinance is hereby declared to be an emergency measure, the emergency being the need to have the boundary of the described annexed territory conform to the boundary lines of Ely Township forthwith so that said property does not simultaneously remain within the voting and taxing districts of the City of Elyria and Carlisle Township and especially in order to attempt to resolve the matter in sufficient time for use by the Board of Elections for the upcoming elections, and is necessary for the immediate preservation of the public peace, health, safety or welfare of the people of the City of Elyria; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval.

**FURTHER BE IT RESOLVED,** that copies of this Resolution be forwarded to the City of Elyria, Carlisle Township, Lorain County Engineer, Lorain County Recorder, Lorain County Tax Map, Lorain County Auditor, Lorain County Board of Elections and 9-1-1 Department.

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. 08-703 is a true copy as it appears in Journal No. 08 on date of October 2, 2008.

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



PETITION BY THE CITY OF ELYRIA FOR CHANGE OF TOWNSHIP  
BOUNDARIES PURSUANT TO O.R.C. 503.07

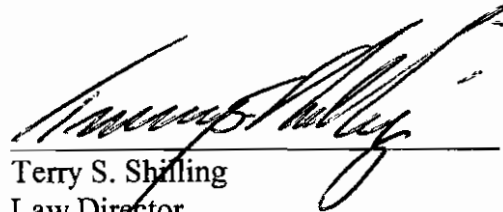
The City of Elyria, Ohio, by Terry S. Shilling, Law Director, petitions the Board of County Commissioners of Lorain County, Ohio, pursuant to RC 503.07, for an order changing the boundaries of Ely Township to make them identical with the boundaries of the City of Elyria, and for such other actions as may be proper. The portions of the City of Elyria, Ohio, not now included within the limits of Ely Township include those portions of Carlisle Township annexed by the City of Elyria, by Ordinance No. 2008-72, a copy of which is attached, marked as Exhibit A, consisting of 226.13 acres of land.

A true copy of said Ordinance is attached. A map of said area annexed to the City of Elyria is included in said attached ordinance.

The change of boundary lines shall reflect the removal of the annexed territory from its present township and reflect the territory's inclusion within the corporate limits of the City of Elyria and within the boundaries of Ely Township.

This petition is filed under the authority of Ordinance No. 2008- 119, passed September 2, 2008, a true copy of which is attached as Exhibit B.

SEPT 30, 2008



Terry S. Shilling  
Law Director  
City of Elyria, Ohio





**LORAIN COUNTY ENGINEER**  
**KEN CARNEY, P.E., P.S.**

RECEIVED  
LORAIN COUNTY  
COMMISSIONERS

2008 SEP 24 P 3:48

HERESA L. UPTON September 22, 2008  
Clerk

The Honorable Board of  
County Commissioner's  
of Lorain County, Ohio

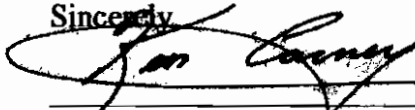
Dear Board,

We have reviewed the petition filed by the City of Elyria requesting to conform and extend the current boundaries of Ely Township due to the annexation of property from Carlisle Township.

After reviewing the information provided by the City of Elyria with our records the request to conform the boundaries is consistent with the property annexed.

If there are any questions, please contact us at our office.

Sincerely,

  
\_\_\_\_\_  
Ken Carney  
Lorain County Engineer

Handwritten notes or markings in the top right corner, possibly including a date or page number.

Faint handwritten text or markings in the lower left quadrant of the page.



**CERTIFICATION**

I HEREBY CERTIFY THAT THIS IS AN EXACT AND TRUE COPY OF Ordinance No 2008-119

Arthur J. Weber  
ARTHUR J. WEBER, CLERK OF COUNCIL  
CITY OF ELYRIA, OHIO

09-05-08  
DATE

RECEIVED

2008 SEP -8 P 2:41

ORDINANCE NO. 2008- 119

LORAIN COUNTY

AUDITOR

AN ORDINANCE DIRECTING THE ELYRIA CITY LAW DIRECTOR TO PETITION THE LORAIN COUNTY BOARD OF COMMISSIONERS TO CHANGE THE TOWNSHIP BOUNDARY LINES OF 226.13 ACRES OF LAND ANNEXED TO THE CITY OF ELYRIA, BY ORDINANCE NO. 2008-72, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELYRIA, STATE OF OHIO:

SECTION 1: That the Elyria City Law Director is hereby directed, on behalf of Elyria City

Council to present to the Board of County Commissioners of Lorain County, a petition praying for such changes and extensions of the boundary lines of Ely Township as may be necessary to include those portions of other townships which have, by successive orders of the Board, been annexed to the City of Elyria, and make the boundary line of Ely Township co-extensive with the corporate limits of the City of Elyria. The boundary lines to be changed are those needed to conform to the City of Elyria's annexation as described in the attached Exhibit "A" and as depicted on its attached map. The change of boundary lines shall reflect the removal of the annexed territory from its present township and the inclusion of said territory to within the corporate limits of the City of Elyria and Ely Township. All this shall be done in accordance with and pursuant to Ohio Revised Code Section 503.07.

SECTION 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in meetings open to the public, in compliance with Ohio law.

SECTION 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the need to have the boundary of the described annexed territory conform to the boundary lines of Ely Township forthwith so that said property does not simultaneously remain within the

- Sponsored by:
- COMMUNITY DEVELOPMENT:
- Callahan
- Bullocks
- Baker
- Mitchell
- Kirscher

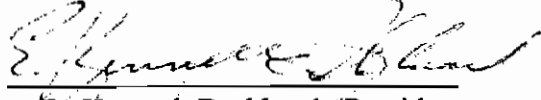
NO TRANSFER NECESSARY  
 MARK R. STEWART  
 LORAIN COUNTY AUDITOR  
9/8/08  
 DEPUTY

RECEIVED  
 LORAIN COUNTY  
 COMMISSIONERS

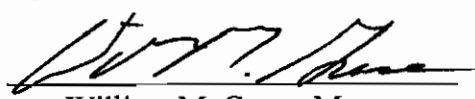
2008 SEP 8 P 2:41

HERES L. D. TONK  
 CLERK

voting and taxing districts of the City of Elyria and Carlisle Township and especially in order to attempt to resolve the matter in sufficient time for use by the board of elections for the upcoming elections, and is necessary for the immediate preservation of the public peace, health, safety or welfare of the people of the City of Elyria; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval.

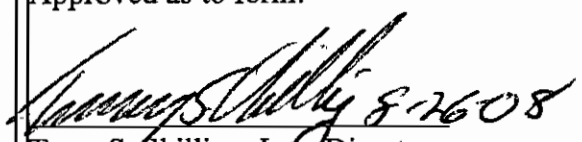
PASSED: 4/2/08   
E. Kenneth Burkhard, President

ATTEST:  APPROVED: 9/2/08  
Arthur J. Weber, Clerk

  
William M. Grace, Mayor

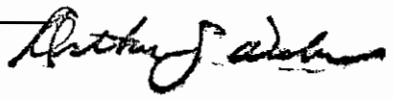
DATE: 9-3-08

Approved as to form:

  
Terry S. Shilling, Law Director

CERTIFICATE OF PUBLICATION

I, THE UNDERSIGNED CLERK OF COUNCIL OF THE CITY OF ELYRIA, OHIO, HEREBY CERTIFY THAT THE FULL TEXT OF THE FOREGOING ORDINANCE NO. 2008-119 WAS POSTED IN THREE PLACES WITHIN THE CITY AS DETERMINED BY COUNCIL, AND THAT SUCH PLACES WERE AS FOLLOWS: CITY HALL, CENTRAL FIRE STATION AND THE POLICE STATION.

DATED: 9/4/08  
  
CLERK OF COUNCIL  
CITY OF ELYRIA, OHIO

Date presented to the Mayor: 9/3/08

"Exhibit A"

ORDINANCE NO. 2008- 72

Sponsored by:

COMMUNITY DEVELOPMENT:

T. Callahan  
F. Bullocks  
K. Brubaker  
K. Krischer  
D. Mitchell

AN ORDINANCE PURSUANT TO OHIO REVISED CODE SECTIONS 709.07 (C) and 709.04 ACCEPTING THE PETITION OF ELBERT INVESTMENTS, LLC, THE UNITED POLISH CLUB OF ELYRIA, OHIO AND WESTBROOK MEADOWS, LTD. FOR ANNEXATION OF 226.13 ACRES OF LAND TO THE CITY OF ELYRIA, OHIO AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELYRIA, STATE OF OHIO:

SECTION 1. That the petition of Elbert Investments, LLC, (an Ohio Limited Liability Company), the United Polish Club of Elyria, Ohio (an Ohio Non-Profit Corporation) and Westbrook Meadows, LTD., (an Ohio Limited Liability Company), approved by the Lorain County Commissioners under Resolution 06-154 and received by the Clerk of Council's Office on May 13, 2008, for the annexation to the City of Elyria, Ohio of 226.13 acres of land, situated in Carlisle Township, and described in Exhibit "A" attached hereto and made a part hereof as if fully rewritten herein, be and the same is hereby accepted.

SECTION 2. It is hereby determined by the Council of the City of Elyria that the land described in Exhibit "A" shall be a part of Ward 5 of the City.


SECTION 3. That the Clerk of Council shall make three (3) copies containing the petition, the map or plat accompanying the Petition, a transcript of the proceedings of the Board of County Commissioners, and resolutions and ordinances in relation to the annexation, with a certificate to each copy that it is correct. Such certificate shall be signed by the Auditor or Clerk in his official capacity, and shall be authenticated by the seal of the municipal corporation, if there is any. The Auditor or Clerk shall forthwith deliver one such copy to the County Auditor and one such copy to the County Recorder, who shall make a record thereof in the proper book

of records and preserve it. The other copy shall be forwarded by the Auditor or Clerk to the Secretary of State.

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in meetings open to the public, in compliance with Ohio law.

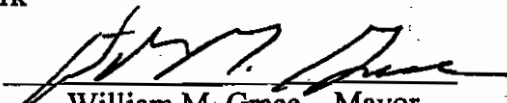
SECTION 5. That this Ordinance be and hereby is declared to be an emergency ordinance, the emergency being the need to have the annexation of said 226.13 acres of land accepted to enable the City of Elyria to complete the extension of existing city sanitary sewer facilities to said 226.13 acres of land during the Northern Ohio 2008 Construction season, and for the immediate preservation of the public peace, health, safety or welfare of the people of the City of Elyria, Ohio; Wherefore, this ordinance shall be in full force and effect from and immediately after its passage and approval.

PASSED: 5/19/08

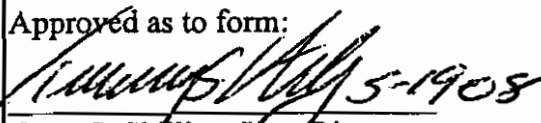
  
E. Kenneth Burkhard, President

ATTEST:   
Arthur J. Weber, Clerk

APPROVED: 5/19/08

  
William M. Grace, Mayor

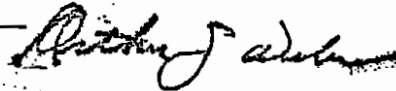
DATE: 5-20-08

Approved as to form:  
  
Terry S. Shilling, Law Director

CERTIFICATE OF PUBLICATION

I, THE UNDERSIGNED CLERK OF COUNCIL OF THE CITY OF ELYRIA, OHIO, HEREBY CERTIFY THAT THE FULL TEXT OF THE FOREGOING ORDINANCE NO. 2008- 72 WAS POSTED IN THREE PLACES WITHIN THE CITY AS DETERMINED BY COUNCIL, AND THAT SUCH PLACES WERE AS FOLLOWS: CITY HALL, CENTRAL FIRE STATION AND THE POLICE STATION.

DATED: 5/20/08



CLERK OF COUNCIL  
CITY OF ELYRIA, OHIO

Date presented to the Mayor: 5/20/08

RESOLUTION NO. 06-154

In the matter of granting the annexation of )  
226.13 acres from Carlisle Township to ) March 2, 2006  
the City of Elyria. Attorney James N. )  
Taylor, Agent )

WHEREAS, the Lorain County Board of Commissioners meet on October 24 and 25, 2005 to conduct a two day public hearing on the proposed Annexation of 226.13 acres from Carlisle Township to the City of Elyria. Attorney James N. Taylor, Agent; and

WHEREAS, a petition and map for annexation were filed with the Clerk of the Board of Commissioners on February 10, 2005 for a proposed regular annexation and the same was set on for public hearing on April 21, 2005 (70<sup>th</sup> day) by Resolution No. 05-167A on February 17, 2005; 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, February 22, 2005 received an affidavit from Attorney Taylor notifying residents and clerks; and

WHEREAS, February 22, 2005 received letter from County Engineer reviewing the map and description stating 226.13 acres of land in Sections 4, 6 and 7 of Carlisle Township to the City of Elyria. Section 4 has 19.44 acres, Section 6 has 85.18 acres and Section 7 has 131.15 acres. Description follows the map correctly and is contiguous and adjacent to the City of Elyria. There is a concern about a narrow portion of land proposed to be annexed (80' wide) consisting of Indian Hollow Road right-of-way that connects 124 acres on west side of Indian Hollow Road with the 102 acres on east side of Indian Hollow Road. This 80' section of Indian Hollow Road (County Road) would cause problems for emergency, safety, repairs, utilities and reconstruction of the road; and

WHEREAS, Attorney Schrader submitted a request for proof of authority and notice of appearance; and

WHEREAS, March 7, received \$250 deposit from Carlisle Township on the Court Reporter; and

WHEREAS, March 8, received letter from Jerome & Patty Rybicki, Indian Hollow Road, objecting; and

WHEREAS, March 14, received Ordinance No. 2005-25 from the City of Elyria indicating services to be provided upon annexation; and

WHEREAS, March 17, received Certificate of Filing from County Auditor on Resolution No. 05-167A; and

WHEREAS, March 30, received affidavit of notice to publish in the Chronicle Telegram on September 14, 2005; and

I, Theresa L. Upton, Clerk to the Lorain County Board of Commissioners do hereby certify that the above Resolution No. 06-154 is a true copy as it appears in Journal No. 06 on date of March 2, 2006.

Theresa L. Upton, Clerk

WHEREAS, April 11, received form letters objecting from: Charlotte & Randy Sizemore, 245 Miller Court, Elyria and Janice C. Brooks, President - Carlisle Historical & Biographical Society; and

WHEREAS, April 12, received flyer from Buyer Family, Robson Road, and letter from James Pugh, Grafton Road - objecting; and

WHEREAS, April 18, received letter from Dennis R. Manns, 1853 Grafton Road, objecting; and

WHEREAS, April 21, received letter from Walter & Ann Bring, Butternut Ridge objecting; and

WHEREAS, April 21, received confirmation from Agent Taylor, Attorney Schrader & City of Elyria - Law Director Terry Shilling to continue the April 21 annexation hearing to August 1 in order to attempt negotiations of CEDA and/or JEDD agreements. Commissioners by Resolution No. 05-348 continued this public hearing until August 1 at 9:30 a.m.; and

WHEREAS, May 6, received Certificate of Filing from County Auditor on Resolution #05-348; and

WHEREAS, July 28, Commissioners Resolution No. 05-627, continued the public hearing from August 1 until September 12 at 9:30 a.m., being done by the request of both parties and petitioner; and

WHEREAS, August 1, received confirmation from Agent Taylor, Attorney Schrader & City of Elyria - Law Director Terry Shilling to continue the August 1 annexation hearing to September 12 and 13 in order to continue the attempt of negotiations of CEDA and/or JEDD agreements; and

WHEREAS, August 2, received Certificate of Filing from County Auditor on Resolution #05-627; and

WHEREAS, September 2, received confirmation from Agent Taylor, Attorney Schrader to continue the annexation hearings on September 12 and 13 on the intent of the parties that all three Commissioners be present for the hearings; and

WHEREAS, September 3, letter from Barbara Pitts and Jean Eastin, 135 Mallard Creek Run, LaGrange asking the Commisisoners to use their influence with LORCO to insure that all Carlisle Township is considered for future sewers; and

WHEREAS, September 8, Commissioners Resolution No. 05-750A continued the hearing from September 12 and 13, 2005 at 9:30 a.m., until October 24 and 25, 2005 at 9:30 a.m.; and

WHEREAS, September 13, received Certificate of Filing from County Auditor, and

WHEREAS, October 2, letter signed by 17 Carlisle Township residents objecting to the annexation and any future attempts to annex any part of Carlisle Township; and

WHEREAS, October 13, Agent Taylor filed with the Clerk to the Lorain County Board of Commissioners three subpoenas to be served for Mark Stewart, Lorain County Auditor; Chris Eichenlaub, Elyria Safety Service Director; and William Holtzman, Lorain County Engineer's Department; and

WHEREAS, October 14, Sheriff's Civil Office served all three subpoenas; total miles were 2 miles each; and

WHEREAS, October 14, letter from Midge & Jack Carmon, LaGrange objecting; and

WHEREAS, Assistant County Prosecutor Innes said the Clerk has indicated that all procedural statutory issues have been met; 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 Petitioners, Attorney for Carlisle Township and the City of Elyria with full transcript prepared by Court Reporters; Cefaratti Group, Cleveland, Ohio on October 24, 2005 and Kathleen A. Hopkins & Associates, Elyria, Ohio on October 25, 2005; and

WHEREAS, December 8, Resolution No. 05-978 continued the decision on this annexation for February 2, 2006 requested by all; Attorney Schrader - Carlisle Township, Attorney Taylor-Agent for Petitioners and City of Elyria in order to discuss negotiations relating to an agreement. Unless either party indicates that discussions have stalled the Board of Commissioners can place a decision on their agenda sooner; and

WHEREAS, February 2, Resolution No. 06-71, continued the decision on the annexation for 30 days requested by all; Attorney Schrader - Carlisle Township, Attorney Taylor-Agent for Petitioners and City of Elyria in order to discuss negotiations relating to an agreement. The decision will be held on March 2, 2006 at 9:30 a.m.; and

Said Legal Description reads as follows:

Situated in the Township of Carlisle, County of Lorain and State of Ohio. Being known as part of Carlisle Township Sections Nos. 4, 6 and 7 are more definitely described as follows:

Beginning at the intersection of the centerline of the Elyria-Medina Road, also known as Grafton Road and the centerline of Indian Hollow Road, 60 feet wide;

Thence southerly in the centerline of Indian Hollow Road, a distance of about 579 feet to the northeasterly corner of "Parcel No.3" conveyed to Elbert Investments, LLC as recorded in Lorain County Recorder's Instrument No.20040042579;

Thence westerly in the northerly line of said "Parcel No.3", a distance of about 30 feet to a point in the westerly sideline of Indian Hollow Road; said point is the principal place of beginning;



Thence continuing westerly in the northerly line of said "Parcel No.3", a distance of about 252 feet to an angle point therein;

Thence northerly in the easterly line of said "Parcel No.3", a distance of about 288.30 feet to an angle point therein and a point in the southerly line of Southwood Subdivision No.1 as recorded in Volume 17, Page 39 of Lorain County Plat Records;

Thence westerly in the northerly line of said "Parcel No.3" and southerly line of Southwood Subdivision No.1 and south line of Southwood Subdivision No.2 as recorded in Volume 20, Page 7 of Lorain County Plat Records, a distance of about 1258.37 feet to the southeasterly corner of Southwood Subdivision No.3 as recorded in Volume 30, Page 43 of Lorain County Plat Records; said point being an angle point in the existing corporation line of the City of Elyria;

Thence continuing westerly in the northerly line of said "Parcel No.3" and southerly line of Southwood Subdivision No.3 and existing southerly corporation line of the City of Elyria, a distance of about 1017.03 feet to the northwesterly corner of Parcel No.3" and an angle point in the existing corporation line of the City of Elyria;

Thence southerly in the westerly line of said "Parcel No.3", and existing easterly corporation line of the City of Elyria, a distance of about 357.60 feet to an angle point therein;

Thence easterly, leaving said corporation line, in the southerly line of said "Parcel No.3", a distance of about 356.84 feet to an angle point therein;

Thence southerly in the westerly line of said "Parcel No.3" and in the westerly line of Parcel No. 2" conveyed to Elbert Investments, LLC as recorded in Lorain County Recorder's Instrument No.20040042579, a distance of about 660 feet to the northeasterly corner of land conveyed to The United Polish Club, Inc. as recorded in Lorain County Recorder's Instrument No.20000693744;

Thence westerly in The United Polish Club's northerly line, a distance of about 2610.75 feet to a point in the easterly sideline of Middle Avenue, 60 feet wide;

Thence southerly in the easterly sideline of Middle Avenue, a distance of about 200 feet to a point in The United Polish Club's southerly line;

Thence easterly in The United Polish Club's southerly line, a distance of about 270.25 feet to an angle point therein;

Thence southerly in The United Polish Club's westerly line, a distance of about 460.01 feet to The United Polish Club's southwest corner;

Thence easterly in The United Polish Club's southerly line, a distance of about 2341.90 feet to a point in the westerly line of the above referenced "Parcel No.2" conveyed to Elbert Investments, LLC, recorded as aforesaid;

Thence southerly in the westerly line of said "Parcel No. 2", a distance of about 84.48 feet to the southwest corner thereof;

Thence easterly in the southerly line of said "Parcel No. 2", and in the southerly line of "Parcel No. 1" conveyed to Elbert Investments, LLC as recorded in Lorain County Recorder's Instrument No.20040042579 and in the easterly extension thereof (crossing Indian Hollow Road), a distance of about 2215 feet to a point in the easterly sideline of Indian Hollow Road;

Thence southerly in the easterly sideline of Indian Hollow Road, a distance of about 426.21 feet to an angle point therein;

Thence continuing southerly in the easterly sideline of Indian Hollow Road, a distance of about 1011.53 feet to an angle point therein;

Thence continuing southerly in the easterly sideline of Indian Hollow Road, a distance of about 4.3 feet to a point in the southerly line of "Parcel No. 1" conveyed to Westbrook Meadows, Ltd. as recorded in Lorain County Recorder's Instrument No.20020877062; said point being also in the northerly line of Ridgewood Allotment as recorded in Volume 17, Page 3 of Lorain County Plat Records;

Thence easterly in the southerly line of said "Parcel No. 1" and northerly line of Ridgewood Allotment, a distance of about 506.43 feet to the northeasterly corner of said Ridgewood Allotment and a point in the line between Carlisle Township Sections Nos. 6 and 7;

Thence southerly in the easterly line of Ridgewood Allotment and Section Line, a distance of about 487.80 feet to the northwesterly corner of Ridgewood Subdivision No. 2 as recorded in Volume 18, Page 8 of Lorain County Plat Records;

Thence easterly in the northerly line of Ridgewood Subdivision No. 2, said line being also the southerly line of "Parcel No. 1" conveyed to Westbrook Meadows Ltd., recorded as aforesaid, a distance of about 1744.13 feet to an angle point therein;

The following six courses are in the generally easterly, southerly and westerly lines of said "Parcel No. 1";

Thence northerly, a distance of about 269.80 feet to an angle point;

Thence continuing northerly, a distance of about 233.50 feet to an angle point;

Thence easterly, a distance of about 17.73 feet to an angle point;

Thence northerly, a distance of about 246.91 feet to an angle point;

Thence easterly, a distance of about 27.02 feet to an angle point;

Thence southerly, a distance of about 694.89 feet to an angle point;

Thence easterly in the southerly line of said "Parcel No. 1", said line being also the northerly right-of-way line of U.S. Route 20 and Ohio Route 301, a distance of about 206.85 feet to the southeasterly corner of said "Parcel No. 1";

The following seven courses are in the generally easterly and northerly lines of said "Parcel No. 1";

Thence northerly, a distance of about 649.53 feet to an angle point;

Thence westerly, a distance of about 5.66 feet to an angle point;

Thence northerly, a distance of about 462.90 feet to an angle point;

Thence westerly, a distance of about 280.08 feet to an angle point;

Thence northerly, a distance of about 266.37 feet to an angle point;

Thence westerly, a distance of about 17.73 feet to an angle point;

Thence northerly, a distance of about 368.97 feet to a point in the southwesterly sideline of the Elyria-Medina Road, 60 feet wide;

Thence northwesterly in the southwesterly sideline of the Elyria-Medina Road, a distance of about 381.16 feet to a point in the westerly line of the aforesaid "Parcel No.1" conveyed to Westbrook Meadows Ltd.;

Thence southerly in the westerly line of "Parcel No.1", a distance of about 341.30 feet to an angle point therein;

Thence westerly in the northerly line of "Parcel No. 1", a distance of about 566.19 feet to an angle point therein;

Thence northerly in the easterly line of "Parcel No. 1", a distance of about 304.52 feet to an angle point therein;

Thence westerly in the northerly line of "Parcel No. 1", a distance of about 854.43 feet to an angle point therein and a point in the line between Carlisle Township Sections Nos. 6 and 7;

Thence southerly in the westerly line of "Parcel No. 1" and Section Line, a distance of about 99.57 feet to an angle point;

Thence westerly in the northerly line of said "Parcel No. 1" and in the westerly extension thereof (crossing Indian Hollow Road), a distance of 538.53 feet to a point in the westerly sideline of Indian Hollow Road;

Thence northerly in the westerly sideline of Indian Hollow Road, a distance of about 297.50 feet to a point in the northerly line of "Parcel No. 1" conveyed to Elbert Investments, LLC as recorded in Lorain County Recorder's Instrument No. 20040042579;

Thence westerly in the northerly line of said "Parcel No. 1", a distance of about 339.15 feet to an angle point therein;

Thence northerly in the easterly line of said "Parcel No. 1", a distance of about 118 feet to an angle point therein and a point in the southerly line of "Parcel No. 2" conveyed to Elbert Investments, LLC, recorded as aforesaid;

Thence easterly in the southerly line of said "Parcel No. 2", a distance of about 339.15 feet to a point in the westerly sideline of Indian Hollow Road;

Thence northerly in the westerly sideline of Indian Hollow Road, a distance of about 1000 feet to the principal place of beginning;

Enclosing a parcel containing about 226.13 acres of land of which about 19.44 acres are contained within Carlisle Township Section 4, about 85.18 acres are contained within Carlisle Township Section 6, and about 121.51 acres are contained within Carlisle Township Section No. 7 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, Brauning & Robinson Co., L.P.A. 409 East Avenue, Suite B, Elyria, Ohio 44035, Telephone: (440) 323-5700, Fax (440) 284-2818.

**ELBERT INVESTMENTS, LLC**

Date: 2-9-05 By/Lorne J. Elbert, Jr., Managing Member

**THE UNITED POLISH CLUB OF ELYRIA, OHIO**

Date: 2-9-05 By: Robert J. Pluta, President

**WESTBROOK MEADOWS, LTD**

Date: 2-9-05 By: Maurice Shave, Member-Manager

And;

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 evidence and testimony presented (a complete transcript containing verbatim testimony is kept at the office of the Clerk of the Board of Commissioners):

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.

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 Elyria to which the territory is proposed to be annexed has complied with division (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. The statement that services will be provided "upon annexation" complies with the statutory requirement of stating the approximate date for providing services.
- D. No street or highway will be divided or segmented by the boundary line between Carlisle Township and the City of Elyria as to create a road maintenance problem, or, if a street or highway be so divided or segmented, the City of Elyria 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.

Said finding is made upon consideration of the following:

- (1) The geographic character, shape, and size of the territory to be annexed in relation to the territory to which it will be annexed, and in relation to the territory remaining after the annexation is completed;
- (2) The ability of the annexing city to provide the necessary municipal services to the added territory; and
- (3) The effect on remaining township territory if annexation is permitted.

The evidence presented demonstrates that annexation of 226.13 acres has not been found to be unreasonably large in numerous court decisions.

Although the configuration of the territory is somewhat irregular, the entire area has developed in a similar pattern; this annexation will not be inconsistent with that pattern or present new burdens upon the city or township. The City of Elyria will be able to provide utility, safety and emergency services to the territory. The response time will not be significantly different from services currently provided within the township.

The removal of the territory from the Township will not cause 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. In the immediate future, the Township will be gaining considerable tax revenue.

- 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 annexed 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:

- A. The good of the territory will be served/benefits to the territory.

The annexation will provide sewers to the area. Other alternative sewer systems are not likely to occur for years, if at all. Petitioners have already waited several years for alternative sewer access to become available.

Sewer access will enable petitioners, the Polish Club to build a pavilion, club house and recreational facilities, which can not be presently done through septic or mound systems.

The other petitioners plan to build residential developments, which in addition to sewer accessibility will be enhanced in the City due to increased density.

Emergency, fire and police service will be provided by full time units.

- B. Benefits to the surrounding area .

Increased development opportunities will increase the tax base of the properties and make additional revenue available to both the City and the Township.

The immediate and long term increase in commercial use of the area will result in jobs and economic opportunities needed in an area with a depressed economy.

The increase in families and development provide needed growth to the area.

- C. Detriments to the surrounding area

The extension of the irregular shape of the area creates some potential for disruption and confusion of services. The increased development and commercial activity reduces the rural nature of the area. After several years the township could lose some of its tax base.

Cooperation between the City, County, and Township officials should keep problems with provision of services to a minimum and temporary. After a short adjustment period, cooperative efforts should allow for a smooth transition in services.

Commercial and residential growth appear to be a natural expansion in the areas accessed by this annexation. Some growth is healthy for all the affected entities.

The Township will receive a short term, but substantial increase in tax revenue. The Township will have sufficient time to plan and use this increased revenue to alleviate the long term impact.

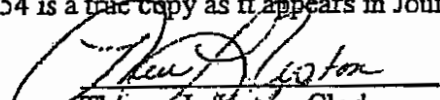
BE IT FURTHER RESOLVED, that;

- 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.
- 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 City, and the Financial Officer of Township Carlisle.
- 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 Elyria.

Motion by Kalo, seconded by Blair to adopt Resolution. Ayes: Kalo & Blair / Nay: Kokoski.

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. 06-154 is a true copy as it appears in Journal No. 06 on date of February 2, 2006

  
Theresa L. Upton, Clerk

CITY OF DAYTON

CARROLL TOWNSHIP

SECTION 4  
SECTION 7

SECTION 5  
SECTION 8

TOTAL AREA TO  
BE ANNEXED  
22613 AC.±

THERESAL UPTON  
PLANNING

APPROVED  
LOCAL GOVT  
PLANNING COMMISSION  
JAN FEB 10 P 2:40

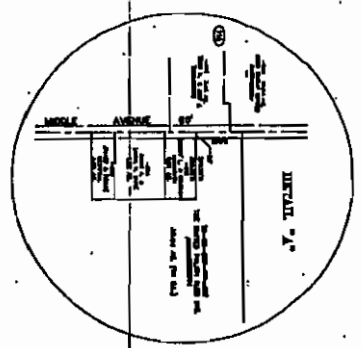
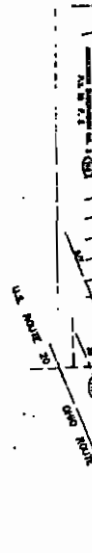


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Table with multiple columns and rows, likely a legend or data table.



Signature and name of the planner or surveyor.

Table with columns for 'DATE', 'REVISION', and 'BY', used for tracking map updates.



ANNEXATION MAP  
OF PART OF  
CARROLL TOWNSHIP, DAYTON, OHIO  
PLANNED BY THERESAL UPTON  
PLANNING

DATE  
BY