



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. Szelepa 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
440-284-1850

December 1, 2008

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

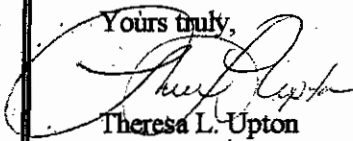
Dear Mr. Weber:

Enclosed is a complete transcript of the granted regular Annexation from Carlisle Township to the City of Elyria, Ohio.

This annexation was granted by Resolution 08-758 on October 30, 2008 for 0.436 acres from Carlisle Township to the City of Elyria, Ohio – Attorney Mark Stephenson, Agent for Petitioner, Barbara J. Stephenson, Trustee of the Richard J. Gilles Trust.

The time has lapsed on the appeal process, therefore this annexation is hereby granted.

Yours truly,


Theresa L. Upton
Clerk

tlu

Enclosure

Cc: Marlene Joy Thompson, Financial Officer – Carlisle 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
Gerald A. Innes, LC Assistant Prosecutor
File
Atty MARK STEPHENSON

226 Middle Ave. Elyria, Ohio 44035-5641 Phone: 440-329-5000 or 440-244-6261 Fax: 440-323-3357
www.loraincounty.us

RESOLUTION NO. 08-758

In the matter of granting the annexation of)
0.436 acres from Carlisle Township to the) October 30, 2008
the City of Elyria. Attorney Mark)
Stephenson, Agent for Petitioner Barbara J.)
Stephenson, Trustee of the Richard J. Gilles)
Trust)

WHEREAS, the Lorain County Board of Commissioners met on October 30, 2008 to conduct a public hearing on the proposed Annexation of 0.436 acres from Carlisle Township to the City of Elyria. Attorney Mark Stephenson, Agent for Petitioner Barbara J. Stephenson, Trustee of the Richard J. Gilles Trust; and

WHEREAS, a petition and map for annexation were filed with the Clerk of the Board of Commissioners on August 6, 2008 for a proposed regular annexation and the same was set on for public hearing on August 14, 2008 by Resolution No. 08-586, the 78th day; and

WHEREAS, letters were issued to Mark Stewart, Lorain County Auditor and Ken Carney, Lorain County Engineer on August 7, 2008 asking for review and accuracy of the Petition and Map; and

WHEREAS, August 13, 2008 received affidavit of notice to owners of surrounding area and proof of service notifying Clerks of the Township and City.

WHEREAS, August 19, 2008 received proof of publication notice to appear in Chronicle Telegram on August 18, 2008

WHEREAS, August 27, 2008 Certificate of Filing was received from Auditor on proposed annexation; and

WHEREAS, September 9, 2008 received letter from Engineer after review stated land is in Original Section #5 of Carlisle Township to the City of Elyria, and the description and map reads approximately the same but drawing does not show where the description begins and is adjacent and contiguous to the City. Clerk notified agent by fax; and

WHEREAS, October 3, 2008 received letter from Engineer after meeting with Agent relating to the drawing submitted not showing where the description begins. This parcel is an existing parcel of record and reference to where the description begins is of no consequence in regard to the proposed annexation and the parcel is surrounded by lands in the City of Elyria. Clerk notified agent by fax; and

WHEREAS, October 28, 2008 received City of Elyria Ordinance #2008-125 stating what services will be provided by February 2, 2009 or upon annexation, whichever last occurs. Assistant County Prosecutor Innes noted that this should have been filed 20 days prior to the hearing; 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; and

WHEREAS, Attorney Mark Stephenson, serving as Agent stated the Petitioner Barbara Stephenson, Trustee of the Richard J. Gilles Trust would like to sell the house. In order to do so, the house needs to be annexed for services; and

WHEREAS, Attorney Mark Stephenson stated the City of Elyria did adopt an Ordinance stating what services will be provided, but it was an oversight to record it with the Commissioners. Therefore, he would request that this be waived in order to comply with the statute. Assistant Prosecutor Innes states that he is not confident this would effect the cure but with no objection to this annexation the Commissioners could waive; and

WHEREAS, Assistant County Prosecutor said the Clerk has indicated that all statutory issues have been met there has been no challenges to the signatures on the petition; and

WHEREAS, Assistant Prosecutor Innes asked anyone else for comments, there was nothing additional; and

WHEREAS, Assistant County Prosecutor Innes said if there is nothing else, the hearing will be closed and there are seven factors the Board of Commissioners needs to determine.

Motion by Blair, seconded by Kokoski to close the hearing. Upon roll call the vote taken thereon, resulted as; Ayes: All.

Motion carried.

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 Elyria with Attorney Mark Stephenson and report of the Lorain County Engineer that:

The necessary requirements are in the record for notification and have been complied with. The petitioner is the owner 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 Elyria 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:
3. Within the proposed territory to be annexed.
 4. That lie adjacent or directly across the street from the proposed territory to be annexed.
 5. 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 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. Agent and Board have agreed to waive the 20-day requirement and cure the procedural issue.
- 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 based upon stipulated testimony of Agent Mark Stephenson and that:

Said finding was supported by the evidence that:

The territory is not unreasonable large and 0.436 acres is not the largest territory this Board of Commissioners has permitted an annexation to occur. The municipality of Elyria 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 Mark Stephenson;

BE IT FURTHER RESOLVED, that;

- I. Based upon the findings of fact that all the conditions of annexation as contained in Revised Code 709.02 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 Mark Stephenson, Agent for petitioners, Clerk of Elyria, 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

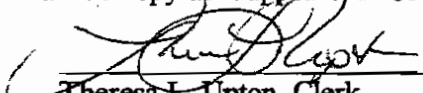
Said Legal Description reads as follows:

Situated in the Township of Carlisle, County of Lorain and State of Ohio:
And being part of Original Section 5 of said Township, bounded and described as follows: Beginning at a point in the centerline of the Abbe Road, at the Northwestern corner of lands conveyed to Edwin and Clara Machovina by deed dated April 11, 1955 and recorded in Deed Volume 624, page 513, Lorain County Record of Deeds; thence in the centerline of said road North 1°10' West a distance of 100 feet to a point; thence South 89° 24' East a distance of 190.00 feet to an iron pin; thence South 1°10' East a distance of 100.00 feet to an iron pin; thence North 89°34' West a distance of 190.00 feet to the place of beginning of lands herein described, containing within said bounds 0.436 acres of land, surveyed by Laudon & Huffman, Registered Surveyors, be the same more or less, but subject to all legal highways.

Permanent parcel No. 10-00-005-102-001

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. 08-758 is a true copy as it appears in Journal No. 08-2 on date of October 30, 2008.


Theresa L. Upton, Clerk



Lorain County Internet Maps

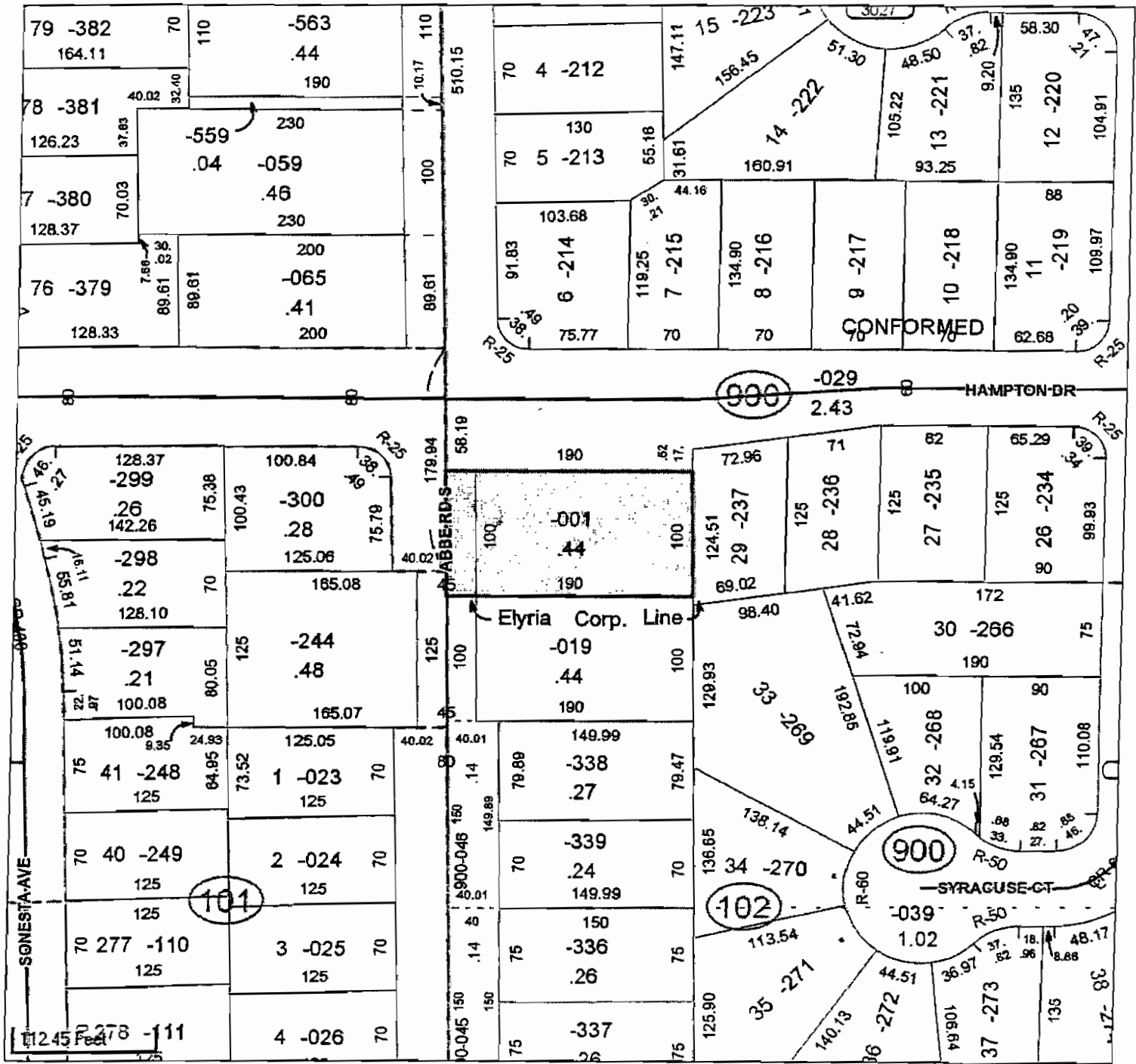
Mark R. Stewart, Auditor

Map image generated at: 8/1/2008 8:15:36 AM

Township: 10
Tract: 00
Original Lot: 005



102
001



This map is a digital representation of recorded plats, survey, deeds, and other public information generated solely for the purpose of public review and analysis. The Lorain County Auditor assumes no responsibility for the accuracy, timeliness or completeness of this map or Lorain County GIS data. The burden for determining accuracy, completeness, timeliness, and appropriateness for use rests solely on the user. The parcel lines and digital data shown are approximate and do not replace land surveys, deeds, and/or other legal instruments defining land ownership or use.

