



Ted Kalo Matt Lundy Lori Kokoski



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Kind: ANNEXATION
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Fee Amt: \$0.00 Page 1 of 16
Lorain County, Ohio
Judith M Nedwick County Recorder
File 2018-0664139

226 Middle Avenue
Elyria, OH 44035
Office: 440-329-5111
Fax: 440-323-3357
www.loraincounty.us

County Administrator
James R. Cordes
440-329-5760

Clerk of Board of Commissioners
Theresa Upton
440-329-5103

Animal Control Officer
Timothy Pihlblad
440-326-5997

Budget Director
Lisa Hobart
440-329-5201

Charles Berry Bridge Superintendent
Al Zocchi
440-244-2137

Children & Family Council
440-284-4464

Community Development Director
Don Romancak
440-328-2323

E-9-1-1 Director
Tracy Slagle
440-329-5444

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

Facilities Management Director
Karen Davis
440-329-5102

Human Resources Department
440-329-5150

IT Director
Ernie Smith
440-329-5786

Lorain County Crime/Drug Lab Director
Emmanuel de Leon
440-329-5636

Lorain County Transit
Parcela Novak
440-329-5525

Office of Sustainability Coordinator
Michael Challender
440-328-2361

Purchasing
KC Saunders
440-329-5240

Records Center Supervisor
Denise Lindak
440-326-4866

Solid Waste Director
Keith Bailey
440-329-5442

Visit Lorain County
440-984-5282

Workforce Development Director
Mike Longo
440-284-1834

March 6, 2018

City of Elyria
131 Court Street
Elyria, Ohio 44035

Dear Clerk Bullocks:

Enclosed is a complete transcript of the granted Expedited Type 2 Annexation of 36.15 acres from Eaton Township to the City of Elyria, Ohio.

This annexation was granted February 20, 2018 by Resolution No. 18-128, Attorney Kenneth J. Fisher and Dennis Nevar, Agents for Petitioners Victor J. Cohn, Managing Member Rt. 57 Chestnut Ridge LLC and Holly Brinda, Mayor City of Elyria, Ohio

Sincerely,

Theresa L. Upton
Clerk

tlu
Enclosure

Cc: Eaton Township Trustees
Craig Snodgrass, LC Auditor/Attn: Rosemary Wirth
Kenneth P. Carney, LC Engineer
Judy Nedwick, LC Recorder
Ted Spillman, Tax Map
Paul Adams, Board of Elections
Tracy Lopez, Director 9-1-1
File

UNOFFICIAL

RESOLUTION NO. 18-128

In the matter of granting an Expedited 2 annexation of)
36.15 acres from Eaton Township to the City of Elyria,)
Lorain County, Ohio. Attorney Kenneth J. Fisher and)
Dennis A. Nevar of Kenneth J. Fisher Co., LPA are)
Agents for Petitioner Victor J. Cohn, Managing Member)
- Rt. 57 Chestnut Ridge LLC., and Holly Brinda, Mayor)
- City of Elyria, Ohio)

February 20, 2018

WHEREAS, an expedited 2 annexation Petition and Map were filed with the Board of Commissioners on January 5, 2018 for approximately 36.15 acres in Eaton Township to the City of Elyria, Ohio for

- 1) 38265 Chestnut Ridge Road, Elyria, Oh 44035 PPN#11-00-092-000-070
- 2) Chestnut Ridge Rd., Elyria, Oh 44035 PPN#11-00-092-000-008
- 3) Unincorporated portion of Chestnut Ridge Rd., Elyria, Oh 44035 - PPN#11-00-091-900-003
- 4) A portion of the unincorporated portion of Chestnut Ridge Rd., Elyria, Oh 44035 PPN#11-00-091-900-005

And;

WHEREAS, January 5, 2018 Clerk sent letter to Engineer and Auditor to review and advice accuracy; and

WHEREAS, January 8, 2018, Commissioners adopted Res#18-19 receiving and journalizing said petition; and

WHEREAS, January 10, 2018 - Agreement for Chestnut Ridge Road. City of Elyria maintains at its sole cost, Chestnut Ridge Road and its full right of way within the geographic boundaries of from 351 feet west of Dewhurst Road to the west; and to Stillwater Boulevard to the east (total length of about 2,000 feet); and

WHEREAS, January 24, 2018 City of Elyria Ordinances were received, adopted on January 17, 2018;

- 2018-2 indicating what services the City of Elyria will provide upon annexation
- 2018-3 City of Elyria to maintain any segmented road caused by annexation
- 2018-4 buffer between territory proposed annexation and surrounding township land if Elyria determines that use districts in township are incompatible with those in the city

And;

WHEREAS, January 26, 2018 Eaton Township Res#2018-01-23-02 opposed annexation

- Not in best interest of citizens of Eaton Township
- Petition fails to meet requirements of ORC 709.023 E 1
 - o Not meet 709.021 and not filed in matter provided
 - o Petition fails to meet 709.02 C 2 fails to contain accurate legal description and map
 - Legal description of perimeter is defective
 - Map is inaccurate as it cannot be read as it is too small format
 - Map provided by petitioners to township is small and unreadable
- Petition fails to meet 709.023 E 2 persons who signed petition are all owners of real estate
 - o Provide evident that Victor J. Cohn has legal authority to sign on behalf of SR57 Chestnut
- City provide evidence Mayor has authority to sign
- Create an unincorporated area of township completely surrounded creating an island
- Segmentation of Chestnut Ridge Rd to create road maintenance

And;

WHEREAS, January 26, 2018 Engineer issued a letter that legal description and accompanying plat map accurately describe the perimeter of territory now petition for annexation. RC 709.023 E 7 requires City to agree to assume maintenance of segmented portions of chestnut Ridge Rd, as a condition. The agrment4 for Chestnut Ridge Road in Exhibit B of Elyria Ord 2018-3 will satisfy this condition and City will maintain about 2,000 ft length of the road in vicinity; and

WHEREAS, January 30, 2018 Auditor certificate of filing received on Petition and Res#18-19; and

WHEREAS, February 8, 2018 - Agent Fisher submitted affidavit confirming service on City of Elyria and Eaton Township and all adjacent property owners; and

WHEREAS, February 12, 2018 - Agency affidavit confirming that Victor J. Cohn as Managing Member of Rt. 57 Chestnut Ridge LLC has full authority to execute; and

WHEREAS, said petition was submitted pursuant to Revised Code Section 709.023 as an Expedited Type 2 annexation; and

WHEREAS, upon review of the Petition and the objections, the Lorain County Board of Commissioners at its regular meeting held February 20, 2018, considered said Petition and made the following findings:

1. Agent for Petitioners has filed proof of service with the Board of Commissioners that, within five (5) days of filing the Petition, the Agent caused notification pursuant to ORC 790.023(B) to be made to the Clerk of Council of Elyria City, the Clerk of Eaton Township and to the owners of property adjacent to the territory proposed for annexation or adjacent to the roads adjacent to that territory and located directly across the road from that territory.
2. That the petition meets all requirements set forth in, and was filed in the manner provided in ORC 709.021, including but not limited to an accurate legal description of the perimeter of the territory proposed to be annexed and an accurate map of the territory. 709.023(E)(1)
3. That the persons who signed the Petition are owners of the property located in the proposed territory to be annexed, and they constitute all the owners in the territory. 709.023(E)(2)
4. The territory proposed to be annexed does not exceed 500 acres. 709.023(E)(3)
5. The territory proposed to be annexed shares a contiguous boundary with the City of Elyria for a continuous length of at least 5% of the perimeter of the territory proposed to be annexed. 709.023(E)(4)
6. The annexation will not create an unincorporated area of the Eaton Township that is completely surrounded by the territory proposed to be annexed. 709.023(E)(5)
7. The City of Elyria has agreed to provide the territory to be annexed the municipal services specified in Ordinance No. 2018-2 as follows:

January 10, 2018

AGREEMENT FOR CHESTNUT RIDGE ROAD

The Lorain County Commissioners, the Lorain County Engineer and the City of Elyria mutually agree that the City of Elyria maintain, at its sole cost, Chestnut Ridge Road (a County Road) and its full right-of-way within the geographic boundaries of from 351 feet west of Dewhurst Road to the west, and to Stillwater Boulevard to the east (total length of about 2,000 feet).

Maintenance shall include all ordinary, necessary and appropriate maintenance, repair and upkeep to the road and its approaches and appurtenances, and as formerly maintained by the County:

1. Snow and ice removal, and application of abrasives
2. Repair and resurfacing of asphalt and concrete pavement, road base, shoulders, and berms
3. Application and re-application of pavement markings
4. Erection and replacement of existing traffic control signalization and signage
5. Provision and maintenance of street lighting system
6. Drainage system, storm sewer, catch basin, and culvert cleaning and repair
7. Guardrail installation and repairs
8. Mowing and control of roadside vegetation
9. Public health and welfare preservation such as emergency repair and maintenance, storm damage cleanup, removal of obstacles, dirt, spills, etc.
10. Bridge and railing cleaning and repair
11. Inspection
12. Issuance of highway permits for overweight or oversize load, and for driveway and ditch enclosure
13. All other ordinary, necessary and appropriate maintenance, repair and upkeep.

Furthermore, the parties mutually agree that the City of Elyria also provide or construct, at its sole cost, any unusual repair or maintenance, any rehabilitation, reconstruction, widening, or other improvement of said road and appurtenances, that the City of Elyria, in its sole judgment, deems necessary. This agreement shall remain in effect for an indefinite term from the date of execution, and may be revised or terminated by mutual agreement.

IN WITNESS WHEREOF, the parties have signed this Agreement on the dates next to their respective signatures.

BOARD OF COMMISSIONERS
OF LORAIN COUNTY, OHIO

CITY OF ELYRIA

By: Ted Kalo Date: 2/20/18
Ted Kalo, President

By: Jolly C. Brinda Date: 2/14/18
Jolly C. Brinda, Mayor

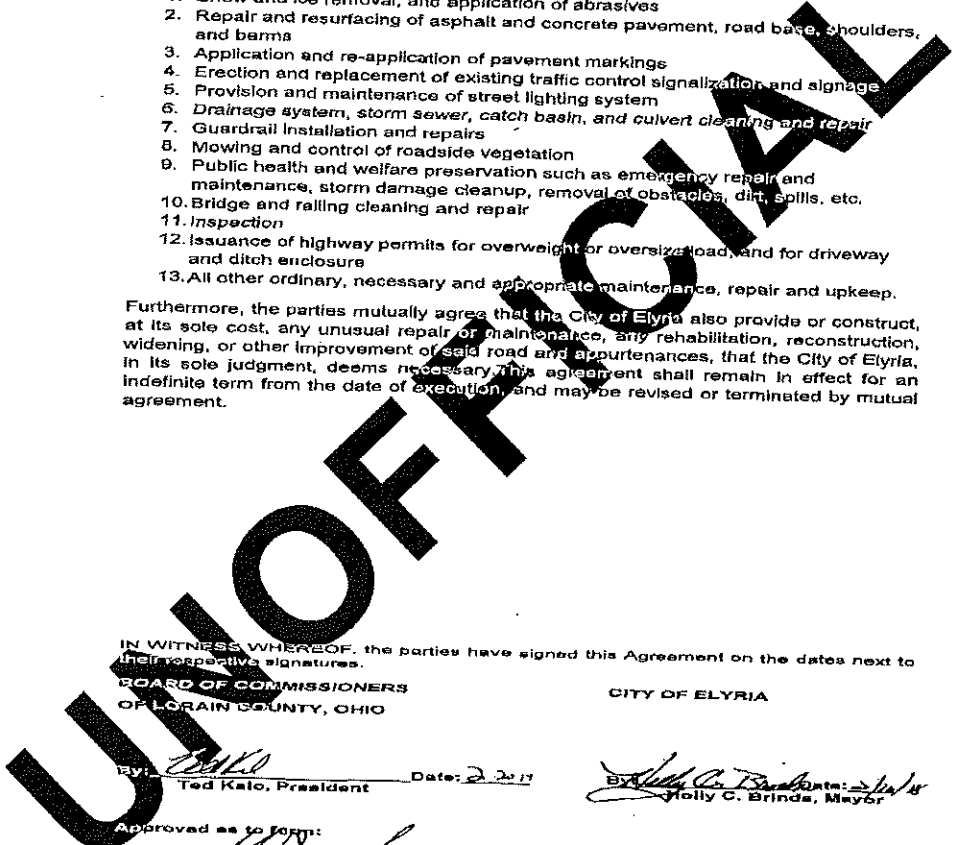
Approved as to form:

Gerald A. Innes
Gerald A. Innes, Assistant Prosecutor

Erik A. Brautig
Erik A. Brautig, Assistant Law Director

Ken Carney
Ken Carney, County Engineer

John Schneider
John Schneider, City Engineer



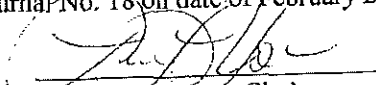
- 8. The City of Elyria has agreed as a condition of annexation to assume maintenance of all streets or highways divided or segmented by the boundary line between the City and Township created by the annexation, pursuant to Ordinance No. 2018-3, said ordinance having been filed with the Board of Commissioners within twenty days after the Petition was filed. 709.023(E)(7)
- 9. The City of Elyria filed with the Board of Commissioners within twenty days after the Petition was filed, Ordinance No. 2018-4 which requires the owners of the annexed territory to provide a buffer separating any uses in the annexed territory that are incompatible with uses under current township zoning in adjacent land remaining in Lagrange Township. 709.023(C)

THEREFORE, BE IT RESOLVED by the Lorain County Board of Commissioners that the Petition, having met all the condition of ORC 709.023 for an Expedited Type 2 annexations, that the Petition is hereby granted.

The Clerk is directed to enter this resolution upon the journal of the Board and deliver a certified copy of the same to Attorney Kenneth Fisher and Dennis Nevar, Agents for the Petitioners, City of Elyria, and Eaton Township, Auditor, Engineer and 911.

Motion by Kalo, seconded by Lundy to adopt Resolution. Upon roll call the vote taken thereon, resulted as: Ayes: All; Kalo, Lundy & Kokoski / Nays: None
 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. 18-128 is a true copy as it appears in Journal No. 18 on date of February 20 2018


 Theresa L. Upton, Clerk

UNOFFICIAL



Matt Lundy Ted Kalo Lori Kokoski

226 Middle Avenue
Elyria, OH 44035
Office: 440-329-5111
Fax: 440-323-3357
www.loraincounty.us

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- Children & Family Council Director
Melissa Meyer-Fischer
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- Community Development Director
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440-328-2323
- E-9-1-1 Director
Tracy Slagle
440-329-5444
- Emergency Management & Homeland
Security Director
Thomas Kelley
440-329-5117
- Facilities Management Director
Karen Davis
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- Human Resources Department
440-329-5150
- IT Director
Ernie Smith
440-329-5786
- Lorain County Crime/Drug Lab Director
Emmanuel de Leon
440-329-5636
- Lorain County Transit
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- Office of Sustainability Coordinator
Michael Challender
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440-326-4866
- Solid Waste Director
Keith Bailey
440-329-5442
- Visit Lorain County
440-984-5282
- Workforce Development Director
Mike Longo
440-284-1834

January 9, 2018

Attorney Kenneth J. Fisher
Kenneth J. Fisher Co., LPA
2100 Terminal Tower
50 Public Square
Cleveland, Ohio 44113

Dear Attorney Fisher:

Enclosed is Resolution No. 18-19 adopted by the Lorain County Board of Commissioners on January 8, 2018 receiving and journalizing an Expedited 2 annexation of 36.15 acres from Eaton Township to the City of Elyria, Lorain County, Ohio, Lorain County, Ohio.

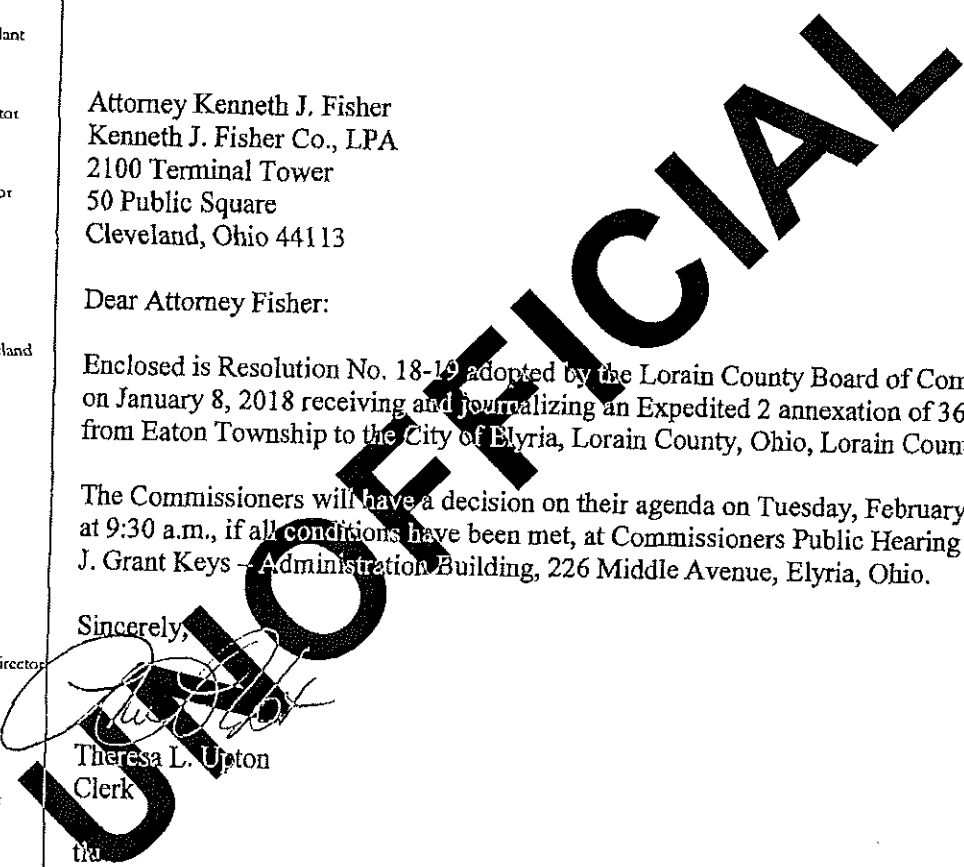
The Commissioners will have a decision on their agenda on Tuesday, February 20, 2018 at 9:30 a.m., if all conditions have been met, at Commissioners Public Hearing Room B, J. Grant Keys - Administration Building, 226 Middle Avenue, Elyria, Ohio.

Sincerely,


Theresa L. Upton
Clerk

na
Enclosure

Cc: Ken Carney, LC Engineer
Craig Snodgrass, LC Auditor / Attn: Rosemary Wirth
Eaton Township Trustees
City of Elyria
File



Legal Description as follows;
Exhibit A

Barbosa and Associates LLC

5604 Case Road North Ridgeville, Ohio 44039 (440) 327-4776



Description of lands petitioned for annexation

Situated in the Township of Eaton, County of Lorain, and State of Ohio and being known as part of Eaton Township Original Lot 92 and further described as follows:

COMMENCING at the intersection of the centerlines of Dewhurst Road and Chestnut Ridge Road Thence N76°52'18"E along the centerline of Chestnut Ridge Road a record distance of 721.36 feet to the northeast corner of lands conveyed to Vereit MT Elyria Oh. LLC as recorded by deed instrument no. 2016-0581854 of Lorain County records being the Principal Place of Beginning;

Thence N2°10'22"W on the projection of the east line of Vereit as aforesaid 30.56 feet to a point on the City of Elyria corporation line;

Thence N76°52'18"E along the corporation line as aforesaid a distance of 468.31 feet to a point on the projection of the west line of lands conveyed to Nash Family Trust by deed instrument no. 1993-0229653 of Lorain County records;

Thence S2°07'30"E along said projection and the west line of Nash as aforesaid passing an iron pipe found at a distance of 60.07 feet and a distance of 330.28 feet to an iron pipe found at the southwest corner of Nash Family Trust as aforesaid;

Thence N76°52'18"E along the south line of Nash Family Trust and the south line of lands conveyed to Donald M. and Ruth D. Nash Trustees by deed instrument no. 1998-0549581 of Lorain County records a distance of 200.00 feet to an easterly corner of lands conveyed to RT. 57 Chestnut Ridge LLC by deed instrument no. 2002-0831935 of Lorain County records referenced by an iron pipe found at 201.32' and 0.67' southerly at right angles;

Thence N2°07'30"W along the east line of Nash Trustees as aforesaid and the west line of lands conveyed to RT. 57 Chestnut Ridge LLC by deed instrument no. 2002-0831934 of Lorain County records a distance of 269.16 feet to the southerly right-of-way of Chestnut Ridge Road referenced by an iron pin found at a distance of 269.34 feet;

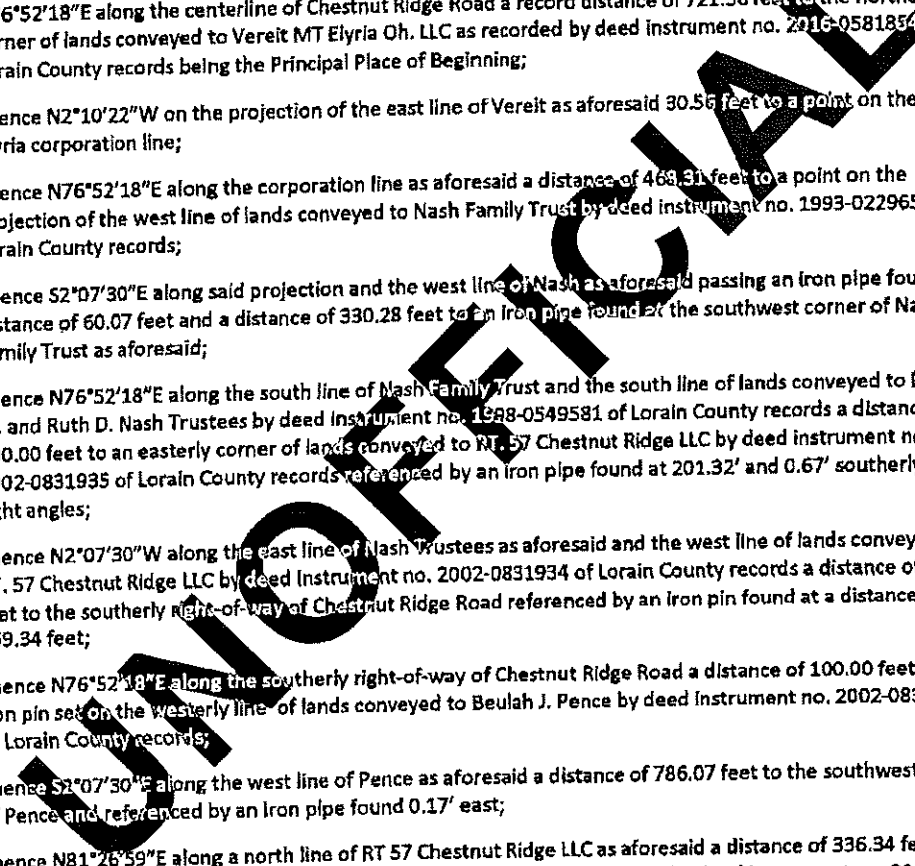
Thence N76°52'18"E along the southerly right-of-way of Chestnut Ridge Road a distance of 100.00 feet to an iron pin set on the westerly line of lands conveyed to Beulah J. Pence by deed instrument no. 2002-0831934 of Lorain County records;

Thence S2°07'30"E along the west line of Pence as aforesaid a distance of 786.07 feet to the southwest corner of Pence and referenced by an iron pipe found 0.17' east;

Thence N81°26'59"E along a north line of RT 57 Chestnut Ridge LLC as aforesaid a distance of 336.34 feet to an iron pin found at the northwest corner of lands conveyed to Samuel Dennis by deed instrument no. 2013-0479311 of Lorain County records;

Thence S1°55'18"E along the west line of Dennis a distance of 611.15 feet to an iron pin found on the north line of lands conveyed to Ray D. Roach Trustee and Fannie M. Roach Trustee by deed instrument no. 2011-0360251 of Lorain County records;

Thence S84°59'05"W along the north line of Roach Trustees a distance of 430.77 feet to an iron pipe found at the northwest corner of Roach Trustees;



ADJACENT PROPERTY OWNERS TO THE REAL PROPERTY SUBJECT TO THE PETITION FOR ANNEXATION FROM EATON TOWNSHIP, LORAIN COUNTY, OHIO TO THE CITY OF ELYRIA, LORAIN COUNTY, OHIO

EXHIBIT "C" - Subject Properties and Adjacent Property List (Ohio Revised Code Section 709.02(D))

Property Owner	Property Address	Mailing Address	Permanent Parcel Number
Rt. 57 Chestnut Ridge LLC	38265 Chestnut Ridge Road, Elyria, Ohio 44035	614 West Superior Avenue, Suite 200, Cleveland, Ohio 44113	11-00-092-000-070
Rt. 57 Chestnut Ridge LLC	Chestnut Ridge Road, Elyria, Ohio 44035	614 West Superior Avenue, Suite 200, Cleveland, Ohio 44113	11-00-092-000-008
City of Elyria	Chestnut Ridge Road, Elyria, Ohio 44035	133 Court Street, Elyria, Ohio 44035	11-00-091-900-058
Verell MT Elyria OH LLC	38305 Chestnut Ridge Road, Elyria, Ohio 44035	2325 E. Camelback Road, Suite 100, Phoenix, Arizona 85016	11-00-092-000-098
B&H Dia Corp.	Rear Land, Elyria, Ohio 44035	645 Chestnut Commons Drive, Elyria, Ohio 44035	11-00-092-000-091
Old Phoenix Ltd.	38333 Chestnut Ridge Road, Elyria, Ohio 44035	38333 Chestnut Ridge Road, Elyria, Ohio 44035	11-00-092-000-089
Old Phoenix Ltd.	Right of Way, Elyria, Ohio 44035	38333 Chestnut Ridge Road, Elyria, Ohio 44035	11-00-092-000-087
Stephanie Kay Severson	10325 Dewhurst Road, Elyria, Ohio 44035	P.O. Box 800973, San Diego, California 92160	11-00-092-000-086
Horizon Activities Center	10347 Dewhurst Road, Elyria, Ohio 44035	29510 Lorain Road, North Olmsted, Ohio 44070	11-00-092-000-085
Judy A. Genoff	10365 Dewhurst Road, Elyria, Ohio 44035	10365 Dewhurst Road, Elyria, Ohio 44035	11-00-092-000-028
Eaton Twp Acquisition LLC	Rear Land, Elyria, Ohio 44035	25425 Center Ridge Road, Westlake, Ohio 44145	11-00-092-000-048

EXHIBIT "C"

Eaton Twp Acquisition LLC	Rear Land, Elyria, Ohio 44035	25425 Center Ridge Road, Westlake, Ohio 44145	11-00-092-000-035
Ray D. Roach, Trustee & Fannie M. Roach, Trustee	Rear Land, Elyria, Ohio 44035	9419 Stone Road, Litchfield, Ohio 44253	11-00-092-000-036
Samuel Dennis	Rear Land, Elyria, Ohio 44035	963 Salem Avenue, Elyria, Ohio 44035	11-00-092-000-023
Juanita Cooper	38175 Chestnut Ridge Road, Elyria, Ohio 44035	38175 Chestnut Ridge Road, Elyria, Ohio 44035	11-00-092-000-012
Kim W. Wherry	Chestnut Ridge Road, Elyria, Ohio 44035	11870 Carleton Lane, Grafton, Ohio 44044	11-00-092-000-011
Rodney J. Smith	38211 Chestnut Ridge Road, Elyria, Ohio 44035	38211 Chestnut Ridge Road, Elyria, Ohio 44035	11-00-092-000-010
Beulah J. Vance	38227 Chestnut Ridge Road, Elyria, Ohio 44035	38227 Chestnut Ridge Road, Elyria, Ohio 44025	11-00-092-000-009
Hunters Crossing Apartments LLC	207 Hunters Crossing Drive, Elyria, Ohio 44035	27800 Cedar Road, Beachwood, Ohio 44122	11-00-091-000-063
Donald M. Nash & Ruth D. Nash, Trustees	38257 Chestnut Ridge Road, Elyria, Ohio 44035	38257 Chestnut Ridge Road, Elyria, Ohio 44035	11-00-092-000-043
Nash Family Trust	38261 Chestnut Ridge Road, Elyria, Ohio 44035	38261 Chestnut Ridge Road, Elyria, Ohio 44035	11-00-092-000-056
Chestnut Commons Commercial Association Elyria	Chestnut Commons Drive, Elyria, Ohio 44035	3681 S. Green Road, Suite 305, Beachwood, Ohio 44122	11-00-091-000-148
Chestnut Commons Commercial Association Elyria	403 Chestnut Commons Drive, Elyria, Ohio 44035	3681 S. Green Road, Suite 305, Beachwood, Ohio 44122	11-00-091-000-154
Lorain National Bank	105 Chestnut Commons Drive, Elyria, Ohio 44035	100 Liberty Street, Warren, Pennsylvania 16365	11-00-091-000-164

**PETITION FOR EXPEDITED TYPE 2 ANNEXATION ON APPLICATION OF OWNERS
PURSUANT TO OHIO REVISED CODE SECTIONS 709.021 AND 709.023**

2013 JUN -5 A 11:05

TO: Board of County Commissioners of Lorain County, Ohio
226 Middle Avenue, Fourth Floor
Elyria, Ohio 44035

The undersigned, being the sole owners of the adjacent and contiguous properties hereinafter described, hereby petition for the expedited annexation (pursuant to Ohio Revised Code Sections 709.021 and 709.023) of such properties, as legally described in Exhibit "A" attached hereto and incorporated herein by reference, from Eaton Township to the City of Elyria, Lorain County, Ohio:

- 1) 38265 Chestnut Ridge Road, Elyria, Ohio 44035 (PPN 11-00-092-000-070);
- 2) Chestnut Ridge Road, Elyria, Ohio 44035 (PPN 11-00-092-000-003);
- 3) Unincorporated portion of Chestnut Ridge Road, Elyria, Ohio 44035 (PPN 11-00-091-900-003); and
- 4) A portion of the unincorporated portion of Chestnut Ridge Road, Elyria, Ohio 44035 (PPN 11-00-091-900-005).

Such properties, which consist of a combined 36.15 acres, share a contiguous boundary with the City of Elyria for a continuous length of 6.2% of the perimeter thereof. The proposed annexation to the City of Elyria will not create an unincorporated area of Eaton Township that is completely surrounded by the subject properties proposed for annexation.

An accurate map showing the acreage and boundaries of the subject properties proposed to be annexed to the City of Elyria is attached hereto as Exhibit "B" and incorporated herein by reference.

A list of the owners, mailing addresses and Permanent Parcel Numbers of all parcels located adjacent to the subject properties proposed to be annexed in these within proceedings is attached hereto as Exhibit "C" and incorporated herein by reference.

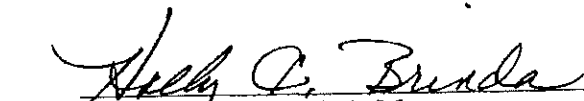
Petitioners hereby appoint Attorneys Kenneth J. Fisher and Dennis A. Nevar of Kenneth J. Fisher Co., L.P.A., 2100 Terminal Tower, 50 Public Square, Cleveland, Ohio 44113 to act as agents for the Petitioner.

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

Rt. 57 Chestnut Ridge LLC

City of Elyria, Ohio


VICTOR J. COHN, Managing Member


HOLLY C. BRINDA, Mayor

UNOFFICIAL

2013 JUN -5 A 11:05

Date: 12-9-17

Date: 12/29/17

1

UNOFFICIAL

Barbosa and Associates LLC

5604 Case Road North Ridgeville, Ohio 44039 (440) 327-4776

EXHIBIT

tabbies

"A"**Description of lands petitioned for annexation**

Situated in the Township of Eaton, County of Lorain, and State of Ohio and being known as part of Eaton Township Original Lot 92 and further described as follows:

COMMENCING at the intersection of the centerlines of Dewhurst Road and Chestnut Ridge Road Thence N76°52'18"E along the centerline of Chestnut Ridge Road a record distance of 721.36 feet to the northeast corner of lands conveyed to Vereit MT Elyria Oh. LLC as recorded by deed instrument no. 2016-0581854 of Lorain County records being the Principal Place of Beginning;

Thence N2°10'22"W on the projection of the east line of Vereit as aforesaid 30.56 feet to a point on the City of Elyria corporation line;

Thence N76°52'18"E along the corporation line as aforesaid a distance of 468.31 feet to a point on the projection of the west line of lands conveyed to Nash Family Trust by deed instrument no. 1993-0229653 of Lorain County records;

Thence S2°07'30"E along said projection and the west line of Nash as aforesaid passing an iron pipe found at a distance of 60.07 feet and a distance of 330.28 feet to an iron pipe found at the southwest corner of Nash Family Trust as aforesaid;

Thence N76°52'18"E along the south line of Nash Family Trust and the south line of lands conveyed to Donald M. and Ruth D. Nash Trustees by deed instrument no. 1998-0549581 of Lorain County records a distance of 200.00 feet to an easterly corner of lands conveyed to RT 57 Chestnut Ridge LLC by deed instrument no. 2002-0831935 of Lorain County records referenced by an iron pipe found at 201.32' and 0.67' southerly at right angles;

Thence N2°07'30"W along the east line of Nash Trustees as aforesaid and the west line of lands conveyed to RT. 57 Chestnut Ridge LLC by deed instrument no. 2002-0831934 of Lorain County records a distance of 269.16 feet to the southerly right-of-way of Chestnut Ridge Road referenced by an iron pin found at a distance of 269.34 feet;

Thence N76°52'18"E along the southerly right-of-way of Chestnut Ridge Road a distance of 100.00 feet to an iron pin set on the westerly line of lands conveyed to Beulah J. Pence by deed instrument no. 2002-0831934 of Lorain County records;

Thence S2°07'30"E along the west line of Pence as aforesaid a distance of 786.07 feet to the southwest corner of Pence and referenced by an Iron pipe found 0.17' east;

Thence N81°26'59"E along a north line of RT 57 Chestnut Ridge LLC as aforesaid a distance of 336.34 feet to an iron pin found at the northwest corner of lands conveyed to Samuel Dennis by deed instrument no. 2013-0479311 of Lorain County records;

Thence S1°55'18"E along the west line of Dennis a distance of 611.15 feet to an iron pin found on the north line of lands conveyed to Ray D. Roach Trustee and Fannie M. Roach Trustee by deed instrument no. 2011-0360251 of Lorain County records;

Thence S84°59'05"W along the north line of Roach Trustees a distance of 430.77 feet to an iron pipe found at the northwest corner of Roach Trustees;

UNOFFICIAL

Thence S15°45'46"E along the west line of Roach Trustee as aforesaid a distance of 531.88 feet to an iron pipe found at the northeast corner of lands conveyed to Eaton Township Acquisition referred to as parcel (1) by deed instrument no. 2003-0963669 of Lorain County records;

Thence S74°18'51"W along the north line of Eaton Township Acquisition as aforesaid a distance of 453.21 feet to an iron pin set on the west line of lands conveyed to Eaton Township Acquisition referred to as parcel (2) by deed 2003-0963669 of Lorain County records;

Thence N16°16'21"W along the east line of Eaton Township Acquisition parcel (2) 32.39 feet to an iron pin set at the northeast corner thereof;

Thence S88°11'44"W along the north line of Eaton Township Acquisition parcel two and the north line of Judy A. Genoff passing through an iron pipe found at the northeast corner of Genoff at a distance of 292.32 feet and to an iron pin set a distance of 440.92 feet at the easterly right of way of State Route 57;

Thence N6°43'42"W along the easterly right-of-way of State Route 57 a distance of 354.82 feet to an iron pin found set by Bramhall Engineering at the southwest corner of lands conveyed to Old Phoenix LTD by deed instrument no 2006-0128664 of Lorain County records;

Thence N89°32'03"E along the south line of Old Phoenix LTD as aforesaid a distance of 382.58 feet to an iron pin found set by Bramhall Engineering at the southeast corner of Old Phoenix LTD;

Thence N16°16'21"W along the easterly line of Old Phoenix LTD a distance of 240.79 feet to an iron pin set;

Thence S86°15'22"W along a ditch to a easterly corner of Old Phoenix LTD a distance of 186.09 feet;

Thence N2°10'22"W along the easterly lines of lands conveyed to Old Phoenix LTD, land conveyed to B & H DIA Corp by deed instrument no. 2016-0600517 and Vereit MT Elyria Oh LLC as aforesaid a distance of 1283.68 feet passing for reference a magnail nail found 0.16' west on the southerly right-of-way of Chestnut Ridge Road to the to the Principal Place of Beginning and containing within said bounds 36.15 acres, be the same more or less but subject to all legal highways, easements, agreements, restrictions, ordinances and codes as surveyed by Wilfredo Barbosa Professional Surveyor PS#8301 on June 9, 2017.

Basis of bearings are assumed and are for the purpose of determining angles.

UNOFFICIAL

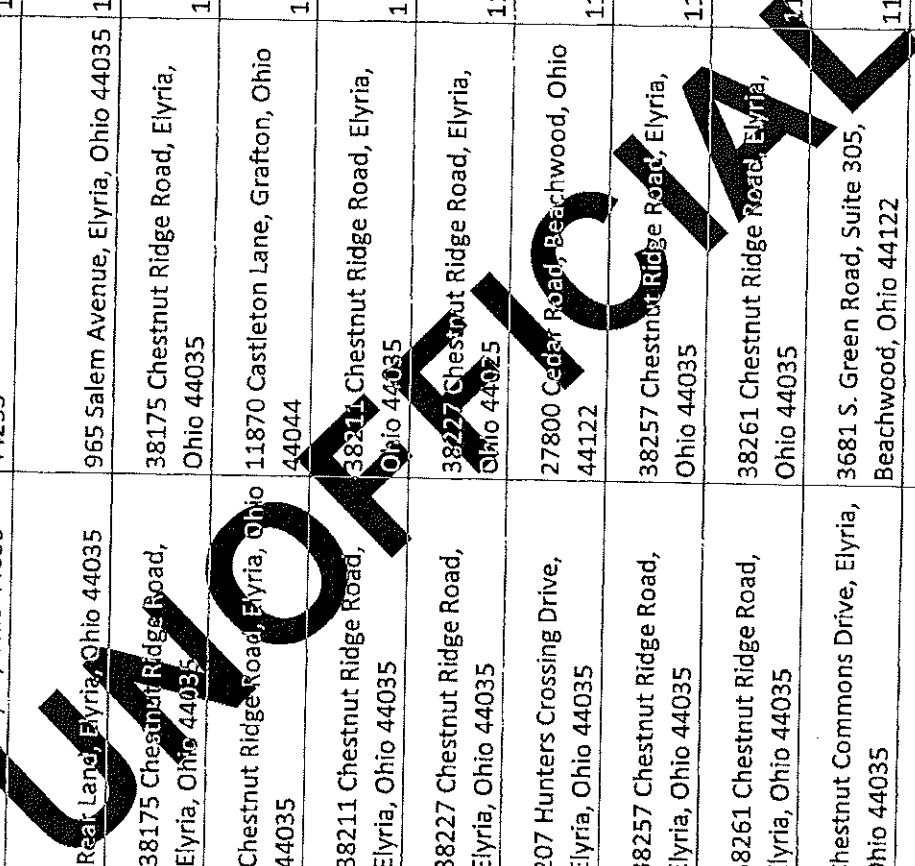


20180664139

EXHIBIT "C" - Subject Properties and Adjacent Property List (Ohio Revised Code Section 709.02(D))			
Property Owner	Property Address	Mailing Address	Permanent Parcel Number
Rt. 57 Chestnut Ridge LLC	38265 Chestnut Ridge Road, Elyria, Ohio 44035	614 West Superior Avenue, Suite 200, Cleveland, Ohio 44113	11-00-092-000-070
Rt. 57 Chestnut Ridge LLC	Chestnut Ridge Road, Elyria, Ohio 44035	614 West Superior Avenue, Suite 200, Cleveland, Ohio 44113	11-00-092-000-008
City of Elyria	Chestnut Ridge Road, Elyria, Ohio 44035	131 Court Street, Elyria, Ohio 44035	11-00-091-900-003
Verreit MT Elyria OH LLC	38305 Chestnut Ridge Road, Elyria, Ohio 44035	2325 E. Camelback Road, Suite 100, Phoenix, Arizona 85016	11-00-092-000-090
B&H Dia Corp.	Rear Land, Elyria, Ohio 44035	555 Chestnut Commons Drive, Elyria, Ohio 44035	11-00-092-000-091
Old Phoenix Ltd.	38333 Chestnut Ridge Road, Elyria, Ohio 44035	38333 Chestnut Ridge Road, Elyria, Ohio 44035	11-00-092-000-089
Old Phoenix Ltd.	Right of Way, Elyria, Ohio 44035	38333 Chestnut Ridge Road, Elyria, Ohio 44035	11-00-092-000-087
Stephanie Kay Severson	10325 Dewhurst Road, Elyria, Ohio 44035	P.O. Box 600971, San Diego, California 92160	11-00-092-000-086
Horizon Activities Center	10347 Dewhurst Road, Elyria, Ohio 44035	29510 Lorain Road, North Olmsted, Ohio 44070	11-00-092-000-085
Judy A. Genoff	10365 Dewhurst Road, Elyria, Ohio 44035	10365 Dewhurst Road, Elyria, Ohio 44035	11-00-092-000-028
Eaton Twp Acquisition LLC	Rear Land, Elyria, Ohio 44035	25425 Center Ridge Road, Westlake, Ohio 44145	11-00-092-000-048

EXHIBIT
"C"

Eaton Twp Acquisition LLC	Rear Land, Elyria, Ohio 44035	25425 Center Ridge Road, Westlake, Ohio 44145	11-00-092-000-035
Ray D. Roach, Trustee & Fannie M. Roach, Trustee	Rear Land, Elyria, Ohio 44035	9419 Stone Road, Litchfield, Ohio 44253	11-00-092-000-036
Samuel Dennis	Rear Land, Elyria, Ohio 44035	965 Salem Avenue, Elyria, Ohio 44035	11-00-092-000-023
Juanita Cooper	38175 Chestnut Ridge Road, Elyria, Ohio 44035	38175 Chestnut Ridge Road, Elyria, Ohio 44035	11-00-092-000-012
Kim W. Whary	Chestnut Ridge Road, Elyria, Ohio 44035	11870 Castleton Lane, Grafton, Ohio 44044	11-00-092-000-011
Rodney J. Smith	38211 Chestnut Ridge Road, Elyria, Ohio 44035	38211 Chestnut Ridge Road, Elyria, Ohio 44035	11-00-092-000-010
Beulah J. Pence	38227 Chestnut Ridge Road, Elyria, Ohio 44035	38227 Chestnut Ridge Road, Elyria, Ohio 44035	11-00-092-000-009
Hunters Crossing Apartments LLC	207 Hunters Crossing Drive, Elyria, Ohio 44035	27800 Cedar Road, Beachwood, Ohio 44122	11-00-091-000-063
Donald M. Nash & Ruth D. Nash, Trustees	38257 Chestnut Ridge Road, Elyria, Ohio 44035	38257 Chestnut Ridge Road, Elyria, Ohio 44035	11-00-092-000-043
Nash Family Trust	38261 Chestnut Ridge Road, Elyria, Ohio 44035	38261 Chestnut Ridge Road, Elyria, Ohio 44035	11-00-092-000-056
Chestnut Commons Commercial Association Elyria	Chestnut Commons Drive, Elyria, Ohio 44035	3681 S. Green Road, Suite 305, Beachwood, Ohio 44122	11-00-091-000-148
Chestnut Commons Commercial Association Elyria	403 Chestnut Commons Drive, Elyria, Ohio 44035	3681 S. Green Road, Suite 305, Beachwood, Ohio 44122	11-00-091-000-154
Lorain National Bank	105 Chestnut Commons Drive, Elyria, Ohio 44035	100 Liberty Street, Warren, Pennsylvania 16365	11-00-091-000-164



ANNEXATION MAP
OF PART OF
ORIGINAL EATON TOWNSHIP LOT 92
TOWNSHIP OF EATON COUNTY OF LORAIN
STATE OF OHIO



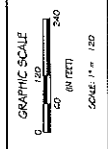
- LEGEND:
- = PIPE FOUND
 - = PIPE FOUND AND USED
 - = IRON PIN FOUND
 - = IRON PIN FOUND AND USED
 - ◆ = IRON PIN SET
 - = MONUMENT BOX

- R. REC. = RECORD
 - U. = USED
 - C. CALC. = CALCULATED
 - C. F.O. = FOUND
 - F. = FOUND
 - F. = IRON PIN, REPAIR
- EXISTING CORPORATION LINE



Matthew J. Pappas
REGISTERED SURVEYOR NO. 10317

DATE: 10/23/17



BARBOSA AND ASSOCIATES LLC
5604 CASE ROAD
NORTH RIDGEVILLE, OH 44039
440.927-4776

DATE: JUNE 9, 11, 16, 2017 (SURVEY)
JUNE 23, 2017 (PLAT)
REVISED 7/15/2017 (CORRECTED)
FILED 7/15/2017

REGISTERED SURVEYOR NO. 8301

DATE: JUNE 9, 11, 16, 2017 (SURVEY)
JUNE 23, 2017 (PLAT)
REVISED 7/15/2017 (CORRECTED)
FILED 7/15/2017

REGISTERED SURVEYOR NO. 8301

DATE: JUNE 9, 11, 16, 2017 (SURVEY)
JUNE 23, 2017 (PLAT)
REVISED 7/15/2017 (CORRECTED)
FILED 7/15/2017

REGISTERED SURVEYOR NO. 8301

DATE: JUNE 9, 11, 16, 2017 (SURVEY)
JUNE 23, 2017 (PLAT)
REVISED 7/15/2017 (CORRECTED)
FILED 7/15/2017



TOTAL ACREAGE OF LANDS
PETITIONED FOR
ANNEXATION = 36.15
ACRES

PERIMETER OF LANDS
= 7,469 LINEAR FEET

LINEAR FEET OF COMMON
LINE TO CITY OF ELYRIA
CORPORATION LINE
= 460.31'

LINEAR FEET OF ADJACENT
LINE EQUALS 6.25% OF
TOTAL PERIMETER OF
LANDS

UNOFFICIAL

BASES OF BOUNDARIES HAS BEEN USED TO CALCULATE ANGLES

Elyria Enterprises Ltd.	Chestnut Ridge Road, Elyria, Ohio 44035	Bellwether Re Capital LLC Dan O'Shaughnessy East Ninth Street, Suite 300 Cleveland, Ohio 44114	Attn: 1360	11-00-091-000-147
Elyria Chestnut LLC	540 Chestnut Commons Drive, Elyria, Ohio 44035	6610 Chatsworth Street, NW, Canton, Ohio 44718		11-00-091-000-160
Magda Ohio LLC	600 Chestnut Commons Drive, Elyria, Ohio 44035	96 Old Forest Hill Road,		11-00-091-000-175
Four Elyria Company LLC	620 Chestnut Commons Drive, Elyria, Ohio 44035	6610 Chatsworth Street, Canton, Ohio 44718		11-00-091-000-176
Zappitelli Enterprises Inc.	720 Chestnut Commons Drive, Elyria, Ohio 44035	9946 Johnnycake Ridge Road, Painesville, Ohio 44077		11-00-091-000-151
Walmart Real Estate Business Trust	1000 Chestnut Commons Drive, Elyria, Ohio 44035	P.O. Box 8042, Bentonville, Arkansas 72716		11-00-091-000-172
Walmart Stores East LP	Chestnut Commons Drive, Elyria, Ohio 44035	P.O. Box 8042, Bentonville, Arkansas 72716		11-00-091-000-171
Chestnut Commons LLC	811 Chestnut Commons Drive, Elyria, Ohio 44035	6190 Chochra Road, Suite A, Cleveland, Ohio 44113		11-00-091-000-173
Akbar Properties LLC	525 Chestnut Commons Drive, Elyria, Ohio 44035	5340 Gordon Way, Dublin, Ohio 43017		11-00-091-000-174
CHP Chestnut Commons OH MOB LLC	303 Chestnut Commons Drive, Elyria, Ohio 44035	450 S. Orange Avenue, Orlando, Florida 32801		11-00-091-000-165