Village of LaGrange

Founded 1875

COPY

ORDINANCE NO. 2023 - 2506

AN ORDINANCE ACCEPTING THE ANNEXATION OF 32.3840 ACRES LOCATED ON BIGGS ROAD TO THE VILLAGE OF LAGRANGE UPON THE PETITION OF THE OWNER.

WHEREAS, on March 6, 2023, Joshua E. Lamb, Esq., as Agent for the North Pointe LaGrange, LLC ("Owner") has petitioned the Board of Commissioners of Lorain County, Ohio, to annex to the Village of LaGrange certain real property located on Biggs Road and being 32.384 acres more or less located in Lagrange Township as is more fully described in **Exhibit "A,"** attached hereto and incorporated herein, hereinafter referred to as the "Territory;" and,

WHEREAS, the Petition was duly considered by the Board of Commissioners of Lorain County, Ohio, on April 7, 2023; and,

WHEREAS, said Board of Commissioners has approved the annexation of the territory to the Village of LaGrange as hereinafter described; and,

WHEREAS, the Board of Commissioners certified the transcript of the proceedings in connection with the annexation with the map and petition required in connection therewith to the Village Fiscal Officer who received same on May 3, 2023; and,

WHEREAS, sixty (60) days from the date of that filing have now elapsed in accordance with the provisions of Section 709.04 of the Ohio Revised Code.

NOW THEREFORE, BE IT ORDAINED BY the Council of the Village of LaGrange, County of Lorain, State of Ohio,::

SECTION 1. That the application of the property owners, North Pointe LaGrange, LLC for the annexation of the territory described in Exhibit A and depicted on Exhibit B attached hereto and incorporated herein by reference, in the County of Lorain and located adjacent to the Village of LaGrange an accurate map of which territory together with the petition for its annexation and other papers relating thereto and a certified copy of the transcript of the proceedings of the Board of County Commissioners of Lorain County in relation thereto, are on file with the Village Fiscal Officer, be and the same is hereby accepted.

SECTION 2. That the Fiscal Officer is hereby authorized and directed to make three (3) copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Fiscal Officer

shall then forthwith deliver one copy to the Lorain County Auditor, one copy to the Lorain County Recorder, and one copy to the Ohio Secretary of State, and shall file notice of this annexation with the Lorain County Board of Elections within thirty (30) days after it becomes effective, and shall do all other things required by law therein.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall be in full force and effect from and immediately after its passage.

1st Reading: 07-27-2023

2nd Reading: _____

3rd Reading: _____

PASSED: 07-27-2023

ATTEST:

Christie Homer-Miller, Fiscal Officer

SIGNED:

Gary Kincannon, Mayor

APPROVED AS TO FORM:

_____

Jon D. Clark, Solicitor

2023-25506

EXHIBIT

A

PENGAD 800-631-6989

LEGAL DESCRIPTION
North Pointe Lagrange
Annexation Parcel

Situated in the Township of Lagrange, Lorain County, State of Ohio; and being part of Original Lagrange Township Lot 36, Township 4 North, Range 17 West, Connecticut Western Reserve; and being part of the land described in File 2021-0853257 to North Pointe Lagrange LLC; and being more definitely described as follows:

BEGINNING at a brass disk monument found in the centerline of Biggs Road (60 feet wide) at the northwest corner of Original Lot 36;

Thence along the north line of Original Lot 36 and the centerline of Biggs Road North 89°52'15" East 934.80 feet to the northeast corner of the 10.00-acre parcel of land described in File 2015-0560428 to Eligio Angelo Caraballo and the **PRINCIPAL PLACE OF BEGINNING** of the land herein described whence a 5/8-inch iron rod with cap stamped "Carlson" found for reference is distant South 00°34'42" West 30.00 feet;

Course 1: Thence continuing along the north line of Original Lot 36 and the centerline of Biggs Road North 89°52'15" East 438.76 feet to the northwest corner of the 16.93-acre parcel of land described in File 2018-0667190 to Kenneth G. Keiffer whence a 5/8-inch iron rod with cap stamped "Carlson" found for reference is distant South 00°39'21" West 30.00 feet;

Course 2: Thence along the west line of said 16.93-acre parcel South 00°39'21" West 562.55 feet to the southwest corner thereof whence a 5/8-inch iron rod with cap stamped "Carlson" found for reference is distant North 89°53'36" East 0.27 feet;

Course 3: Thence along the south line of said 16.93-acre parcel North 89°53'36" East 993.15 feet to an iron rod set;

Course 4: Thence through the lands of the grantor South 00°17'11" West 812.09 feet to an iron rod set in the north line of the 5.0217-acre parcel of land described in File 1999-0618568 to Kathleen A. and Lewis M. Behlke;

Course 5: Thence along the north line of said 5.0217-acre parcel and then the north line of the 43.78-acre parcel described in File 2002-0827514 to Kathleen A. and Lewis M. Behlke South 89°52'51" West 1435.29 feet to the southeast corner of the aforesaid 10.00-acre parcel whence a 3/4-inch iron pipe found for reference is distant North 00°34'42" East 1.42 feet;

Course 6: Thence along the west line of said 10.00-acre parcel North 00°34'42" East 1374.82 feet to the principal place of beginning;

Containing within said bounds 32.3840 acres of land, more or less, but subject to all legal highways and easements of record as surveyed by Dale R. Haywood, Registered State of Ohio Surveyor No. 8284 on behalf of Atwell, LLC in December 2022.

Bearings indicated are to describe angles only. The basis of bearings is State Plane Coordinate System NAD83, Ohio North Zone. All rods set are 5/8" iron rebar with cap stamped "Atwell".

Legal description reviewed by TS
on 8/23/23 per ORC, Section 5713.09

LEGAL DESCRIPTION
North Pointe Lagrange
Annexation Parcel

The intent of this survey is to create a description for a new parcel of land.

STATE OF OHIO
DALE R. HAYWOOD
S-8284
REGISTERED PROFESSIONAL SURVEYOR

Dale Haywood

SEAL:

DATE: December 21, 2022

PPN: 15-00-036-000-136

Legal description reviewed by TB
on 8/23/23 per ORC, Section 5713.09

NOTICE OF FILING OF PETITION FOR ANNEXATION

Date: March 7, 2023

VIA PERSONAL DELIVERY
Village of Lagrange
c/o Clerk of Village Council
301 Liberty Street
LaGrange, Ohio 44050

This notice is given to you in your capacity as Clerk of the Council of the Village of Lagrange.

You are advised that a Petition for Annexation (O.R.C. §709.023) was filed by North Pointe LaGrange LLC with the Board of Commissioners of Lorain County, Ohio on March 6, 2023 at 1:43p.m., for the annexation of 32.3840 acres from LaGrange Township, Ohio to the Village of LaGrange, Ohio.

A true and correct copy of the time-stamped Petition for Annexation that was filed with the Lorain County Board of Commissioners, along with all attachments or documents accompanying the Petition for Annexation, is attached hereto.

Joshua E. Lamb, Agent for Petitioner
North Pointe LaGrange LLC
5750 Cooper Foster Park Road,
Suite 102
Lorain, Ohio 44053
(440) 988-9500

PETITION FOR ANNEXATION OF LAND TO THE VILLAGE OF LAGRANGE FROM LAGRANGE TOWNSHIP (LAND NOT TO BE EXCLUDED FROM TOWNSHIP)

To: Lorain County Board of Commissioners
226 Middle Avenue, 4th Floor
Elyria, Ohio 44035

Pursuant to Section 709.02 of the Ohio Revised Code, the undersigned, being the sole legal owner of the real property described in Exhibit A attached hereto and further known as Lorain County Permanent Parcel No. 15-00-036-000-136 (the "Property"), which is contiguous and adjacent to the Village of LaGrange, hereby petitions the Board of Commissioners for Lorain County to cause the Property to be annexed to the Village of Lagrange, Ohio from LaGrange Township, Ohio, following the special procedures provided by Section 709.023 of the Ohio Revised Code.

An accurate legal description of the Property to be annexed to the Village of Lagrange is attached hereto as Exhibit A and is made a part hereof. An accurate map of the Property sought to be annexed is set forth in Exhibit B, which is attached hereto and made a part hereof.

Pursuant to O.R.C. §709.02(D), the list of the owner of the Property to be annexed to the Village of LaGrange is set forth in Exhibit C, which is attached hereto and made a part hereof. The undersigned is the sole owner of the Property sought to be annexed. All the owners of the Property subject to this petition for annexation have consented to this petition and have executed the same.

Pursuant to O.R.C. §709.02(D), a list of all properties adjacent to and/or directly across the street from the Property sought to be annexed are contained in Exhibit C hereto (including but not limited to the name and mailing address of each owner and the permanent parcel number of the relevant properties).

This Petition is presented pursuant to O.R.C. §709.023.

The name of the person to act as agent for the undersigned petitioner is Joshua E. Lamb, Trigilio, Stephenson & Dattilo, PLL, 5750 Cooper Foster Park Road, Suite 102, Lorain, Ohio 44053, Telephone No. (440) 988-9500, Fax No. (440) 988-9511, who can be emailed at jlamb@tsohiolaw.com

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 OR THIS SPECIAL ANNEXATION PROCEDURE.

North Pointe LaGrange, LLC

By: Richard Beran Date: February 28, 2023

Its: Managing Member

EXHIBIT

A

PENGAD 800-631-6989

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Annexation Parcel

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STATE OF OHIO
DALE R.
HAYWOOD
S-8284
REGISTERED
PROFESSIONAL SURVEYOR

Dale Haywood

SEAL:

DATE: December 21, 2022

PPN: 15-00-036-000-136

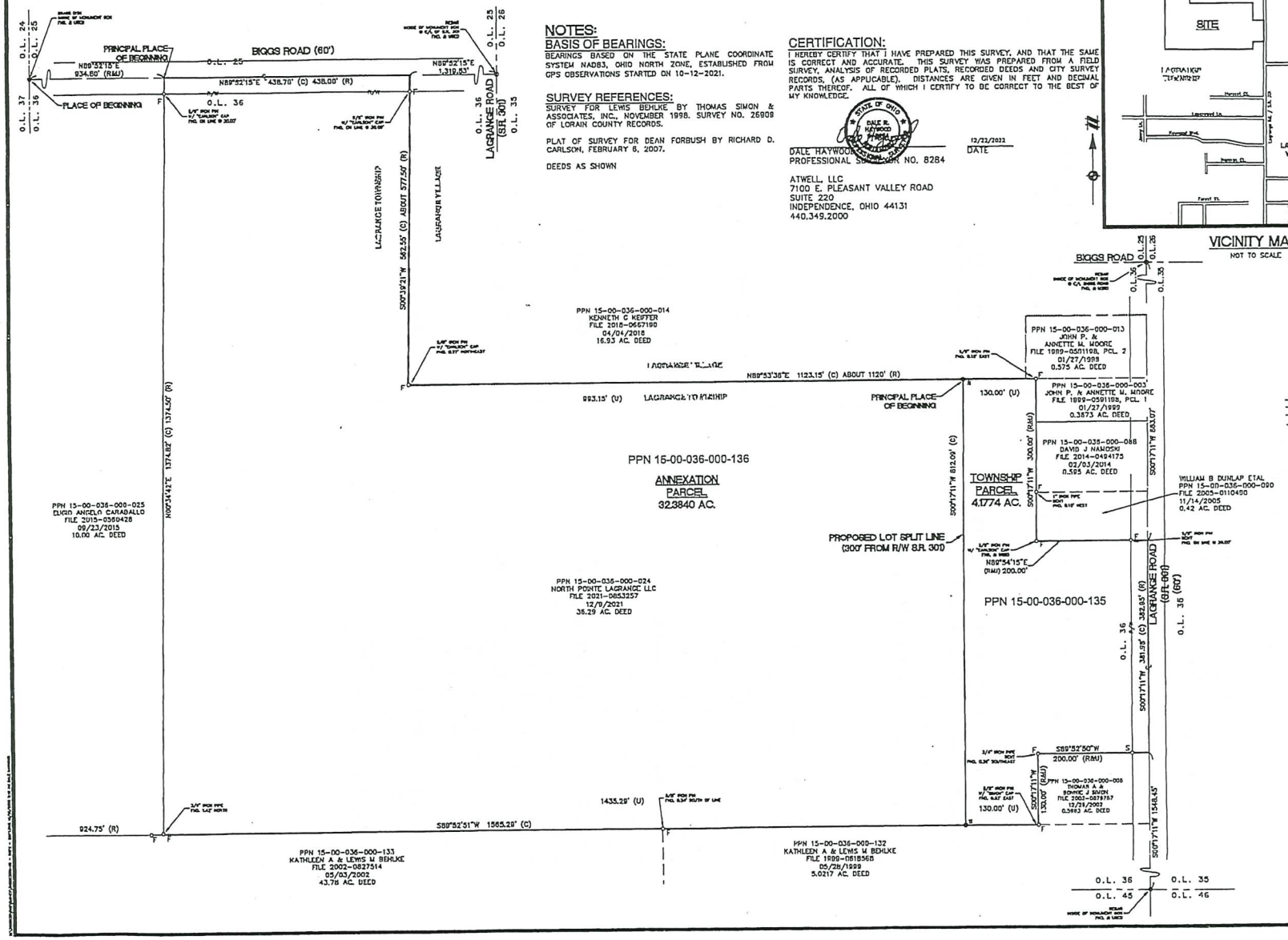
EXHIBIT

B

PENGAD 800-631-6989

SURVEY MAP

SITUATED IN THE TOWNSHIP OF LAGRANGE, COUNTY OF LORAIN AND STATE OF OHIO
PART OF ORIGINAL LAGRANGE TOWNSHIP LOT 36



NOTES:

BASIS OF BEARINGS:

BEARINGS BASED ON THE STATE PLANE COORDINATE SYSTEM NAD83, OHIO NORTH ZONE, ESTABLISHED FROM GPS OBSERVATIONS STARTED ON 10-12-2021.

SURVEY REFERENCES:

SURVEY FOR LEWIS BEHLKE BY THOMAS SIMON & ASSOCIATES, INC., NOVEMBER 1998. SURVEY NO. 26908 OF LORAIN COUNTY RECORDS.

PLAT OF SURVEY FOR DEAN FORBUSH BY RICHARD D. CARLSON, FEBRUARY 8, 2007.

DEEDS AS SHOWN

CERTIFICATION:

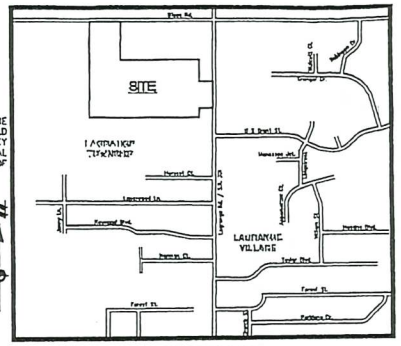
I HEREBY CERTIFY THAT I HAVE PREPARED THIS SURVEY, AND THAT THE SAME IS CORRECT AND ACCURATE. THIS SURVEY WAS PREPARED FROM A FIELD SURVEY, ANALYSIS OF RECORDED PLATS, RECORDED DEEDS AND CITY SURVEY RECORDS, (AS APPLICABLE). DISTANCES ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF. ALL OF WHICH I CERTIFY TO BE CORRECT TO THE BEST OF MY KNOWLEDGE.

STATE OF OHIO
DALE R. HAYWOOD
8284
PROFESSIONAL SURVEYOR

DALE HAYWOOD
PROFESSIONAL SURVEYOR NO. 8284

12/22/2022
DATE

ATWELL, LLC
7100 E. PLEASANT VALLEY ROAD
SUITE 220
INDEPENDENCE, OHIO 44131
440.349.2000



VICINITY MAP:

NOT TO SCALE

LEGEND

⊗	SET 5/8" IRON ROD, 30" LONG WITH "ATWELL" CAP
O	FOUND MONUMENT AS NOTED
⊗F	FOUND MONUMENT AS NOTED
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
R/W	RIGHT OF WAY
PPN	PERMANENT PARCEL NUMBER
C	

PROPERTY LINE
ADJOINER PROPERTY LINE
ORIGINAL LOT LINE
MUNICIPALITY LINE

811 Know what's below. Call before you dig.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES WERE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE RESPONSIBLE FOR ANY DAMAGE AND ALL EXPENSES WHICH MAY BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PROTECT ANY AND ALL UNDERGROUND UTILITIES.

NOTICE:
CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR ATWELL SHALL BE RESPONSIBLE OR HAVE ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS EMPLOYED IN THE WORK, OF ANY ADJACENT STRUCTURES, OR OF ANY OTHER PERSONS.

ATWELL
SOLUTIONS LASTING
7100 E. PLEASANT VALLEY RD., SUITE 220
INDEPENDENCE, OHIO 44131
440.349.2000
www.atwell-group.com

LOT 36
ORIGINAL LAGRANGE TOWNSHIP
LAGRANGE TOWNSHIP
LORAIN COUNTY, OHIO

CLIENT: NORTH POINTE LAGRANGE LLC

SURVEY MAP

DATE: OCTOBER 21, 2021

11/21/2022 LOT SPLIT
12/22/2022 PARCEL SPLIT

REVISIONS

SCALE 0 40 80
1" = 80 FEET

DR. DH | CK. DH
P.M. HAYWOOD
BOOK
JOB 21002126
SHEET NO. 1 OF 1

EXHIBIT C

PENGAD 800-631-6989

INFORMATION RELATING TO OWNERS OF REAL PROPERTY SOUGHT TO BE ANNEXED

Owners' Name and Address	Permanent Parcel Number	Total Acreage of Property to be Annexed
North Pointe LaGrange LLC 27201 Royalton Road Columbia Station, Ohio 44028	15-00-036-000-136	32.3840

LIST OF OWNERS OF PROPERTY ADJACENT TO AND DIRECTLY ACROSS THE STREET FROM PETITIONERS

Owner's Name and Mailing Address	Permanent Parcel Number
North Pointe LaGrange LLC 27201 Royalton Road Columbia Station, Ohio 44028 & 16206 State Route 301 LaGrange, Ohio 44050	15-00-036-000-135
Kenneth G. Keiffer 42303 Peck Wadsworth Wellington, Ohio 44090	15-00-036-000-014
Eligio Angelo Caraballo 41369 Biggs Road Lagrange, Ohio 44050	15-00-036-000-025
Lewis M. & Kathleen A. Behlke 16340 State Route 301 Lagrange, Ohio 44050	15-00-036-000-133
Lewis M. & Kathleen A. Behlke 16292 State Route 301 Lagrange, Ohio 44050	15-00-036-000-132
Jet Development, LLC 42052 Biggs Road Lagrange, Ohio 44050	15-00-025-000-009