



# LORAIN COUNTY COMMISSIONERS



Michelle Hung

David J Moore

Jeff Riddell

October 26, 2023

RECEIVED

OCT 30 2023

KEN CARNEY  
LORAIN COUNTY ENGINEER

cc PZ  
RK  
RD  
MH  
JK  
TS  
FL

City of Elyria  
131 Court Street  
Elyria, Ohio 44035

Attn: Michael Lotko III, Clerk of Council

Enclosed is a complete transcript of the granted Expedited Type 1 Annexation of 5.9668 acres from Carlisle Township to the City of Elyria, Ohio.

This annexation was granted October 20, 2023 by Resolution No. 23-756, Robert D. Yost, Agent, Authorized Member for Petitioner Tyllin, Ltd.

Sincerely,

Theresa L. Upton  
Clerk

tlu  
Enclosure

Cc: Carlisle Township Trustees  
Craig Snodgrass, LC Auditor  
Kenneth P. Carney, LC Engineer  
Ted Spillman, Tax Map  
Paul Adams, Director, Board of Elections  
Rob Berner, Director 9-1-1  
Robert D. Yost, Agent, Authorized Member for Petitioner Tyllin, Ltd.  
File

d.17

RESOLUTION NO. 23-756

In the matter of approving an Expedited 1)  
Annexation of 5.9668 acres from Carlisle)  
Township to the City of Elyria, Ohio )  
- Robert D. Yost, agent, Authorized )  
Member for Petitioner Tyllin, Ltd. )

October 20, 2023

WHEREAS, a Petition, Legal Description and Map were filed in the Board of Commissioners received by the Clerk on September 28, 2023 for the proposed Annexation of approximately 5.9668 acres in Carlisle Township to the City of Elyria, Ohio as follows:

**PETITION FOR ANNEXATION**  
**EXPEDITED TYPE 1 PROCEEDING - R.C. 709.022** 2023 SEP 28 AM 11:15

The undersigned, being one hundred percent (100%) of the property owners in the area proposed to be annexed, such property being adjacent and contiguous to the City of Elyria, State of Ohio, hereby petition the Board of Commissioners of Lorain County, Ohio, for annexation of the vacant property located at Dewhurst Road, Elyria, Ohio 44035 and further described in the legal description and survey map attached hereto as Exhibit A and Exhibit B, respectively, and incorporated herein by reference.

Lorain County Permanent Parcel Nos.: 10-00-005-107-065  
10-00-005-107-703

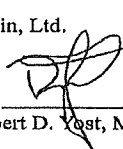
The undersigned further requests that the Board follow the procedures specified in Ohio Revised Code Section 709.022. A certified copy of the Annexation Agreement evidencing the consent of the City of Elyria and Carlisle Township is attached hereto as Exhibit C and incorporated herein by reference.

The name of the person to act as agent for Tyllin Ltd., is Robert D. Yost, Authorized Manager of Tyllin Ltd., 260 S. Logan Street, Elyria, Ohio 44035.

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

Tyllin, Ltd.

9-5-23  
Date

By:   
Robert D. Yost, Manager

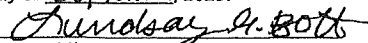
STATE OF OHIO

ss

COUNTY OF LORAIN

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named Robert D. Yost, Manager of Tyllin Ltd., who acknowledged that he did sign this instrument, and that the same is his free act and deed and the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal at Elyria, Ohio, this 5 day of September 2023.

  
Notary Public  
LINDSAY M. BOTT, Attorney  
Notary Public - State of Ohio  
My Commission has no expiration date.  
Section 147.03 R.C.

And;

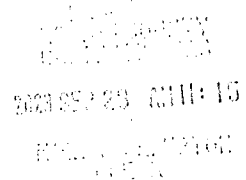
WHEREAS, Exhibit A - Legal Description reads as follows:

Exhibit "A"

THOMAS SIMON & ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS

150 SOUTH OLIVE STREET  
ELYRIA, OHIO 44035  
(440) 327-2925

July 21, 2023  
Job No. 2023-029



Parcel No. 10-00-005-107-703  
2.0107 Acres

Situated in the City of Elyria, County of Lorain, in the State of Ohio and being known as part of Carlisle Township Section No. 5, and being further bounded and described as follows:

Beginning at an iron pin found set at the intersection of the centerline of Dewhurst Road (40 feet wide) and the Southerly line of Original Eaton Township Lot No. 92;

Thence, North 00 degrees 21'25" East a distance of 265.81 feet along the centerline of said Dewhurst Road, to a point thereon;

Thence, South 89 degrees 38'29" West a distance of 20.00 feet to a point on the Easterly line of said Carlisle Township Section No. 5, and being the Northeasterly corner of land conveyed to D.J. and P.J. Terrell by deed recorded in Official Record Volume 1287 Page 57 of Lorain County Recorder's Records on June 6, 1996, and being the Principal Place of Beginning;

Thence, South 89 degrees 38'29" West passing through an iron pipe found set at 16.24 feet, a distance of 494.09 feet along the Northerly line of said land conveyed to D.J. and P.J. Terrell, to an iron pipe found set at a Northwesterly corner thereof;

Thence, South 00 degrees 21'31" East a distance of 76.80 feet along a Westerly line of said land conveyed to D.J. and P.J. Terrell, to an iron pin set at a corner thereof;

Thence, South 83 degrees 18'40" West a distance of 89.05 feet along a Northerly line of said land conveyed to D.J. and P.J. Terrell, to an Iron pin set at a Northwesterly corner thereof, being a point on the Northeasterly line of Timber Ridge Subdivision as recorded in Plat Volume 79 Page 23 of Lorain County Map Records;

Thence, North 25 degrees 42'05" West a distance of 229.42 feet along said Northeasterly line of Timber Ridge Subdivision, to an iron pin found set thereon;

Thence, North 89 degrees 42'10" East a distance of 682.29 feet to a point on the Easterly line of said Carlisle Township Section No. 5;

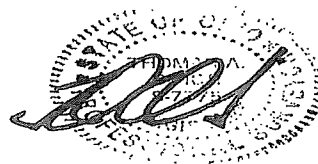
**THOMAS SIMON & ASSOCIATES, INC.**  
PROFESSIONAL LAND SURVEYORS

150 SOUTH OLIVE STREET  
ELYRIA, OHIO 44035  
(440) 327-2925

July 21, 2023  
Job No. 2023-029

Parcel No. 10-00-005-107-703  
2.0107 Acres

Thence, South 00 degrees 21'25" West a distance of 120.00 feet along the Easterly line of said Carlisle Township Section No. 5, to the Principal Place of Beginning, containing 2.0107 Acres as surveyed by Thomas A. Simon, Registered Professional Surveyor No. S-7775 in May, 2023. Basis of bearings is the centerline of Dewhurst Road (North 00 degrees 21'25" East). Iron pins set are 5/8" diameter, 30" long with plastic caps "T. Simon, S-7775".



**THOMAS SIMON & ASSOCIATES, INC.**  
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ELYRIA, OHIO 44035  
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July 21, 2023  
Job No. 2023-029

Parcel No. 10-00-005-107-065  
3.9561 Acres

Situated in the City of Elyria, County of Lorain, in the State of Ohio and being known as part of Carlisle Township Section No. 5, and being further bounded and described as follows:

Beginning at an Iron pin found set at the intersection of the centerline of Dewhurst Road (40 feet wide) and the Southerly line of Original Eaton Township Lot No. 92;

Thence, North 00 degrees 21'25" East a distance of 265.81 feet along the centerline of said Dewhurst Road, to a point thereon;

Thence, South 89 degrees 38'29" West a distance of 20.00 feet to a point on the Easterly line of said Carlisle Township Section No. 5, and being the Northeastly corner of land conveyed to D.J. and P.J. Terrell by deed recorded in Official Record Volume 1287 Page 57 of Lorain County Recorder's Records on June 6, 1996;

Thence, North 00 degrees 21'25" East along the Easterly line of said Carlisle Township Section No. 5, a distance of 120.00 feet to a point thereon, being the Principal Place of Beginning;

Thence, South 89 degrees 42'10" West a distance of 682.29 feet to an Iron pin found set at the Northeastly corner of Sublot No. 9 of Timber Ridge Subdivision as recorded in Plat Volume 79 Page 23 of Lorain County Map Records;

Thence, South 89 degrees 39'31" West a distance of 187.15 feet along the Northerly lines of Sublot Nos. 9 and 8 of said Timber Ridge Subdivision, to a corner thereof;

Thence, North 00 degrees 15'35" East a distance of 197.93 feet along the Easterly line of Robin Park Subdivision No. 7 as recorded in Plat Volume 58 Page 21 of Lorain County Map Records, to a point thereon, being the Southwesterly corner of land conveyed to B.C. and A. Underwood by deed recorded in document no. 20180666691 of Lorain County Recorder's Records on March 30, 2018;

Thence, North 89 degrees 39'12" East a distance of 869.79 feet along the Southerly line of said land conveyed to B.C. and A. Underwood, to a mag nail set at the Southeastly corner thereof, being a point on the Easterly line of said Carlisle Township Section No. 5;

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ELYRIA, OHIO 44035  
(440) 327-2925

July 21, 2023  
Job No. 2023-029

Parcel No. 10-00-005-107-065  
3.9561 Acres

Thence, South 00 degrees 21'25" West a distance of 198.54 feet along said Easterly line of said Carlisle Township Section No. 5, to the Principal Place of Beginning, containing 3.9561 Acres as surveyed by Thomas A. Simon, Registered Professional Surveyor No. S-7775 in May, 2023. Basis of bearings is the centerline of Dewhurst Road (North 00 degrees 21'25" East). Iron pins set are 5/8" diameter, 30" long with plastic caps "T. Simon, S-7775".



And;

WHEREAS, Letters were issued to Ken Carney, Lorain County Engineer and Auditor Craig Snodgrass, asking for review and accuracy of the Petition and Map. (There is no requirement to send these documents to the Auditor or Engineer, but did so as information status); and

*WHEREAS, October 6, 2023 Lorain County Engineer issued a letter stating "the petitioners' s legal description and map accurately describe the perimeter of the territory that he proposes to annex to the City of Elyria; and*

WHEREAS, this petition was submitted as an Expedited 1 and Elyria City Council adopted Ordinance No. 2023-43 on April 17, 2023 and Carlisle Township on March 20, 2023 approved by a motion accepting the Agreement and annexation agreement is as follows:

Exhibit "C"

**ANNEXATION AGREEMENT**

709.901-20 CHH:15

THIS ANNEXATION AGREEMENT (the "Agreement"), is entered into as of the last date of signature below (the "effective Date"), by and between the City of Elyria, Ohio (the "City"), an Ohio municipal corporation having its address at 125 Court Street, Elyria, Ohio 44035; and Carlisle Township, Lorain County, Ohio (the "Township"), a township duly organized and validly existing under the laws of the State of Ohio, having its address at 11969 State Route 301, LaGrange, Ohio 44050.

**WITNESSETH:**

WHEREAS, (the "Petitioner") owns certain real estate containing acres, more or less, as illustrated in the attached Exhibit "A" (the "Property"); and

WHEREAS, the Petitioner desires to annex the Property from the Township into the City pursuant to Ohio R.C. Sections 709.2021 and 709.2022; and

WHEREAS, the City and the Township desire to maintain a cooperative relationship, foster economic development on the Property and provide for necessary public infrastructure improvements that will serve the residents and the property owners of the City and the Township; and

WHEREAS, in furtherance of this relationship, the City and the Township desire to enter into this Agreement to outline the procedure under which the annexation of the Property to the City will occur; and

WHEREAS, the City and the Township desire to work in good faith to identify certain public infrastructure improvements that will serve residents and property owners in the Township

and the City; and

WHEREAS, the legislative authorities of the City and the Township have each authorized the execution of this Agreement through the adoption of City Ordinance 2023-43 and Township Resolution \_\_\_\_\_, respectively, in public meetings held in accordance with the Ohio Revised Code and the applicable ordinances of the City.

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants and agreements hereinafter set forth, the City and the Township hereby agree as follows:

1. Territory Defined: This Agreement shall cover and be applicable only to the Property, which is presently located within the boundaries of the Township as illustrated in Exhibit "A". The boundaries of the Property relevant to this Agreement shall not be reduced, enlarged, modified, or altered in any way except by written consent approved by the legislative authorities of both the City and the Township by means of appropriate actions authorizing such reduction, enlargement, modification, or alteration. Any changes to the boundaries of the Property shall require a written amendment to this Agreement.
2. Annexation of the Property: On or after the Effective Date of this Agreement, all or part of the Property shall, upon proper petition(s) to and with the approval of the Lorain County Board of Commissioners (the "Commissioners"), and the Township Trustees, and acceptance of the annexation by the City, be annexed to and accepted by the City and shall be subject to all other conditions and limitations in this Agreement.
  - 2.1. Procedure: The petition seeking to annex the Property of the City shall be filed pursuant to and in compliance with the provisions of Sections 709.021 and 709.022 of the Ohio Revised Code as an "expedited type 1" annexation.

Immediately following approval of the annexation, the City shall accept the Property into its municipal boundaries and petition the Commissioners to conform the boundaries to exclude the Property from the Township pursuant to R. C. 503.07.

2.2. Effect of Annexation: Immediately following (i) approval of the annexation petition affecting the Property by the Township and Commissioners and (ii) the City's acceptance into its municipal boundaries of the Property affected by the petition, then subject to paragraph 2.5 herein, the annexed Property shall be treated and viewed as part of the City for all purposes.

2.3. Cooperative Efforts:

- A. The Township and the City shall cooperate in good faith to facilitate the approval and success of the annexation petition. Each party shall refrain from taking any action that would directly or indirectly delay the annexation petition by the Commissioners.
- B. City will require any development of the annexed property to comply with the current Ohio BPA General Permit Authorization for Storm Water Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System.
- C. Any property owner, already having connected to the City sanitary sewer through easements, shall be required to abandon such easement and connect to the Southeast Interceptor at such time as the Southeast Interceptor becomes accessible to said property owner, if required by the City Engineer, and shall be required to participate in any cost-sharing, assessment, and/or capital recovery



fee as required by the City Engineer at such time.

2.4. Services: Following the annexation of the Property, the City shall provide police, fire, EMS, street maintenance, storm sewer, sanitary sewer, and all other Municipal services authorized by Ordinance and/or City Council, to the residents of the Property at the same cost and under the same policies and conditions that such services are provided to other residents of the City. The City shall not supply water to the residents of the Property absent future legislation by City Council.

2.5. Real Estate Tax Revenue: Following annexation of the Property, the Township will continue to receive real estate tax revenues in accordance with Ohio R.C. 709.19(C) or 709.19(D), as applicable.

3. Miscellaneous:

3.1. Notices: Any notice required to be given hereunder shall be given in writing by ordinary United States mail, postage prepaid, by nationally recognized overnight courier, by facsimile transmission, or by hand delivery addressed to the parties at their respective addresses as set forth below:

City:

City of Elyria  
131 Court St.  
Elyria, OH 44035  
(Fax) 440-326-1488

Township:

Carlisle Township Board of Trustees  
11969 State Route 301  
LaGrange, OH 44050  
(Fax) 440-458-5179

Notices shall be deemed received at the earlier of (i) actual hand delivery to the address of the receiving party, (ii) when received or when receipt is refused or (iii)

Date: 3-20-23

By: Jared W. Smith  
Jared W. Smith, Trustee

By: James L. Wright  
James L. Wright, Trustee

Date: 3-20-23

Approved as to Form:

Approved as to Form:

Sam A. Peticord 5-24-23  
Assistant Law Director

Thomas Mangan 3-9-23  
Assistant Lorain County Prosecutor

6

And;

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

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

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

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

BE IT FURTHER RESOLVED that:

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

Motion by Moore, seconded by Riddell to adopt Resolution. Upon roll call the vote taken thereon, resulted as: Ayes; Moore, Riddell & Hung / Nays: None

Motion carried.

I, Theresa L. Upton, Clerk to the Lorain County Board of Commissioners do hereby certify that the above Resolution No. 23-756 is a true copy as it appears in Journal No. 23 on October 20, 2023

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

Exhibit "B"

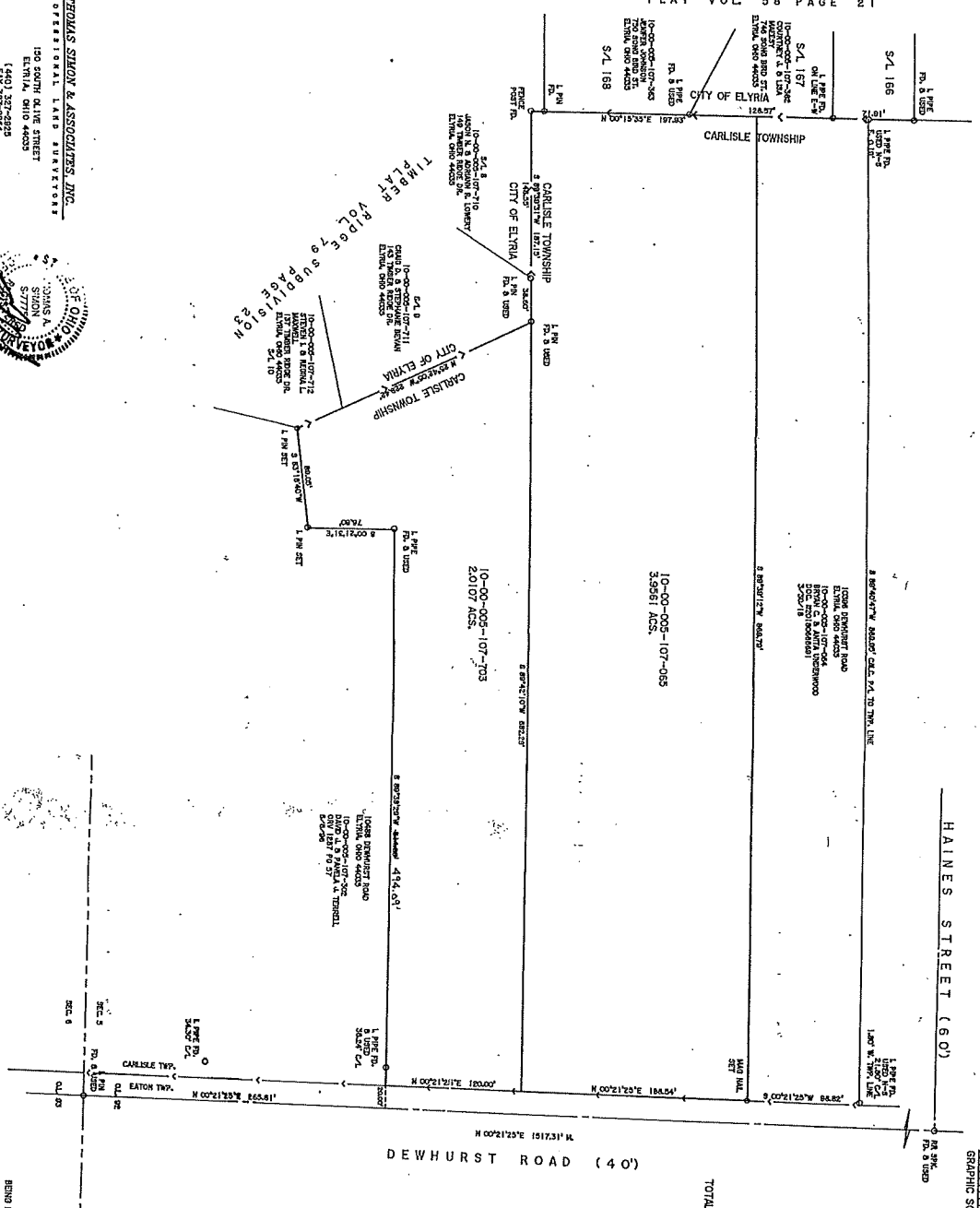
ROBIN PARK SUBD. NO.7  
PLAT VOL. 58 PAGE 21

TERMAS SIMON & ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS

100 SOUTH OLIVE STREET  
ELYRIA, OHIO 44035  
(440) 327-2222  
FAX 327-2299



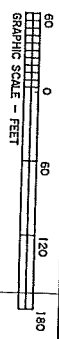
TIMBER RIDGE Plat Vol. 58 Page 19, 20, 21, 22, 23, 24



HAINES STREET (60')

DEWHURST ROAD (40')

TOTAL AREA OF ANNEXATION = 3.9958 ACRES



ANNEXATION PLAT  
FOR  
TYLINS LTD.

BEING KNOWN AS PART OF CARLISLE TOWNSHIP  
SECTION NO. 5  
CITY OF ELYRIA  
COUNTY OF LOHAIN  
JUNE 2003  
SCALE: 1" = 60'