

In the matter of the public hearing )  
 on the proposed Annexation of approxi- )  
 mately 6.78 acres of land in Amherst )  
 Township to the City of Amherst, Ohio ) December 22, 1994  
 Attorney Robert Gargasz Agent for )  
 the Petitioners )

WHEREAS, Petition was submitted to this office on July 8, 1994 for the proposed annexation of approximately 5.18 acres in Amherst Township to the City of Amherst, Ohio, which was filed with the County Auditor, and County Engineer, requesting a report as to the accuracy of the petition and map; and

WHEREAS, the Lorain County Engineer by letter dated July 20, 1994 advised a discrepancy exists with Parcel 019. The tax duplicate shows 3.85 acres and calculated acreage of 2.25 acres, resulting in a difference of 1.60 acres. The duplicate acreage should be used; and

WHEREAS, Attorney Gargasz submitted an amended Petition for the proposed Annexation of approximately 6.78 acres of land. The Petition was again forwarded to the County Auditor, and County Engineer for final review. The Engineer's office by letter dated August 22, 1994 indicated all corrections have been made; and

WHEREAS, after due and legal notice, a public hearing was held on November 10, 1994 at 11:00 A.M. in the Commissioners Public Hearing Room, on the proposed annexation of approximately 6.78 acres of land in Amherst Township to the City of Amherst, Ohio.

WHEREAS, at the November 10, 1994 public hearing the Commissioners entertained questions and/or comments from property owners and representatives from the Amherst Township Trustees; and

WHEREAS, the Commissioners were advised by the Township Trustees their concern for the roadway maintenance, because the entire roadway was not included in the Annexation Petition; and

WHEREAS, the Commissioners requested the hearing be continued until December 22, 1994 giving all parties sufficient time to approve an agreement referencing the roadway, and submit this agreement to Mr. Innes, Assistant Prosecutor, for his review and approval; and

WHEREAS, Attorney Gargasz has indicated the Agreement has been amicably reached and signatures need to be obtained; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Lorain County, Ohio, that based upon the amended Petition received as recommended by the Lorain County Engineer showing no discrepancies, we do and hereby grant Annexation Petition for approximately 6.78 acres in Amherst Township to the City of Amherst, Ohio, contingent upon the execution and effective date of the Road Maintenance Agreement which reads as follows:

ROAD MAINTENANCE AGREEMENT  
BETWEEN THE CITY OF AMHERST AND AMHERST TOWNSHIP  
FOR A PORTION OF MIDDLE RIDGE ROAD

WHEREAS, the City of Amherst, Ohio and Amherst Township, Ohio agree that the efficient maintenance of a portion of Middle Ridge Road adjacent to real property annexed from Amherst Township to the City of Amherst, requires a formal maintenance agreement; and

WHEREAS, it is agreed that the general maintenance responsibility should be defined for the full width of the road right-of-way for each section of roadway maintained; and

WHEREAS, the City of Amherst and Amherst Township mutually agree that the annexation of real property, a portion of which is adjacent to Middle Ridge Road, constitutes adequate consideration for entering into a formal agreement regarding the maintenance of said road by the City of Amherst; and

WHEREAS, Amherst Township consents to said annexation in exchange for this agreement;

NOW, THEREFORE, in consideration of the mutual promise, and obligations to be observed and performed by the parties hereto, it is agreed as follows:

SECTION I. ROADWAY MAINTENANCE SECTION

Upon execution of this agreement and the annexation of the adjacent real property, the City of Amherst agrees to perform and be held solely responsible for the general maintenance of the section of Middle Ridge Road designated in Exhibit "A" which is attached hereto.

SECTION II. DEFINITION-GENERAL MAINTENANCE  
RESPONSIBILITY

1. Snow and ice removal
2. Application and abrasives
3. Pavement maintenance, including minor surface treatment, not exceeding two inch (2") thickness
4. Vegetation control, including weeds, brush and trees
5. Application of pavement markings
6. Public health and welfare (dist. obstacles, liquid spills,

Resolution No. 94-985 con't.

FURTHER BE IT RESOLVED that said Annexation Petition as granted reads as follows:

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF  
LORAIN COUNTY, OHIO  
PETITION FOR ANNEXATION  
TO THE CITY OF AMHERST, OHIO OF  
6.78 ACRES, MORE OR LESS,  
IN AMHERST TOWNSHIP**

**PETITION FOR ANNEXATION OF 6.78 ACRES OF REAL  
PROPERTY CURRENTLY LOCATED IN AMHERST TOWNSHIP,  
OHIO TO THE CITY OF AMHERST, OHIO**

The undersigned ("Petitioners") petition for the annexation of the real property described in Exhibit "A" attached to this Petition (the "Territory") to the City of Amherst, Lorain County, Ohio (the "City"). The Territory consists of 6.78 acres, more or less, located contiguous and adjacent to the City. Petitioners have attached as Exhibit "B" and made a part of this Petition an accurate map (or plat) showing the boundaries of the Territory. The number of owners of real estate in the Territory is three (3).

Robert J. Gargasz, Esq. is appointed agent for the Petitioners as required by Section 709.02 of the Ohio Revised Code and is granted full power and authority to amend, alter, change, correct, withdraw or refile this Petition, increase or decrease the size of the Territory and so any and all things essential to this Petition and take any other action necessary pertaining to the granting of this Petition. The Agent's authority includes, but is not limited to, the authority to make any amendment and/or deletion in order to correct any discrepancy or mistake noted by the Lorain County Engineer in his examination of this Petition, description and plat. An amendment for that purpose shall be made by the presentation of an amended plat and description to the Board of County Commissioners on, before or after the date set for hearing of this Petition.

**PETITIONERS:**

S/Edward J. Gross, 5936 Liberty Avenue,  
Vermilion, Ohio 44089

S/Daniel J. Gross, 5114 Edgewood Drive  
Lorain, Ohio 44053

S/Guy L. Gross, 5103 Seven Pines Drive  
Lorain, Ohio 44053

## LEGAL DESCRIPTION

SITUATED in the County of Lorain and State of Ohio. Being known as part of Original Lots No's. 6 and 15 of Amherst Township and more definitely described as follows:

BEGINNING at the intersection of the centerline of Pyle South Amherst Road and Middle Ridge Road.

THENCE North  $75^{\circ} - 05' - 00''$  West in the Centerline of Middle Ridge Road, a distance of 432.00 feet to an angle point in said road.

THENCE continuing in the centerline of Middle Ridge Road, North  $60^{\circ} - 01' - 59''$  West, a distance of 22.63 feet to a point in the easterly line of lands conveyed to Pinecrest Association as described in Volume 1053 page 576 of the Lorain County Record of Deeds.

THENCE North  $04^{\circ} - 11' - 59''$  West, in the said easterly line of lands so conveyed to Pinecrest Association, a distance of 36.26 feet to the northerly line of Middle Ridge Road and the principal place of beginning.

THENCE continuing in the easterly line of lands so conveyed to Pinecrest Association, the following six (6) courses:

1. THENCE North  $04^{\circ} - 11' - 59''$  West, a distance of 70.86 feet to a point.
2. THENCE North  $04^{\circ} - 59' - 31''$  East, a distance of 93.93 feet to a point.
3. THENCE North  $10^{\circ} - 51' - 59''$  West, a distance of 56.14 feet to a point.
4. THENCE North  $19^{\circ} - 08' - 01''$  East, a distance of 179.50 feet to a point.
5. THENCE South  $54^{\circ} - 08' - 29''$  East, a distance of 47.68 feet to a point.
6. THENCE North  $27^{\circ} - 16' - 38''$  East in the east line of lands so conveyed to Pinecrest Association and the east line of lands conveyed to Pinecrest Apartments Partnership as described in Volume 1281 Page 336 of the Lorain County Record of Deeds, a distance of 310.23 feet to the northeast corner thereof.

THENCE North  $64^{\circ} - 53' - 42''$  West, in the north line of lands so conveyed to Pinecrest Apartments Partnership, a distance of 304.81 feet to a point in the centerline of Beaver Creek.

THENCE in the westerly, southerly, southeasterly and southwesterly meandering of the centerline of Beaver Creek, also being the corporation line of the City of Amherst, Ohio, a distance of about 340 feet to the north line of Middle Ridge Road.

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Resolution No. 94-985 con't.

THENCE South  $60^{\circ} - 01' - 59''$  East in the north line of Middle Ridge Road, a distance of about 192 feet to the west line of Original Lot No. 15.

THENCE North  $92^{\circ} - 38' - 29''$  West, in the west line of Original Lot No. 15, a distance of 140.07 feet to a point in the south line of lands so conveyed to Pinecrest Association as aforementioned.

THENCE in the southerly line of lands so conveyed to Pinecrest Association, the following four (4) courses:

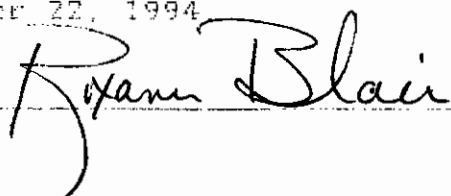
1. THENCE South  $68^{\circ} - 25' - 59''$  East, a distance of 63.80 feet to a point.
2. THENCE South  $04^{\circ} - 59' - 71''$  West, a distance of 92.15 feet to a point.
3. THENCE South  $04^{\circ} - 11' - 59''$  East, a distance of 52.90 feet to the north line of Middle Ridge Road.
4. THENCE South  $60^{\circ} - 01' - 59''$  East in the north line of Middle Ridge Road, a distance of 36.26 feet to the principal place of beginning, containing within said bounds 6.78 acres, be the same more or less, but is subject to all legal highways.

A certified copy of the final transcript of this Board of County Commissioners relating to the findings and orders of this Board, together with the accompanying map and petition and all other papers pertaining thereto shall be delivered to the City of Asherst, Ohio.

The foregoing resolution was introduced upon a motion by Commissioner Mary Jo Vasi, seconded by Commissioner Elizabeth C. Blair, and upon roll call, the vote taken thereon resulted as follows: both voted in favor of the motion, Commissioner Herbert J. Jacoby, absent on vacation leave.

Motion carried.

I, Roxann Blair, Clerk to the Board of Commissioners of Lorain County, Ohio, hereby certify that this is a true copy of Resolution No. 94-985 as it appears in Journal No. 94 on the date of December 22, 1994.

  
\_\_\_\_\_  
Roxann Blair

# LORAIN COUNTY



COMMISSIONERS

# 21221-X  
94-985  
Res

Commissioners

January 12, 1995

Herbert J. Jacoby  
Mary Jo Vasi  
E.C. (Betty) Blair

988-2420

Olga Sivinski  
Clerk of Council  
City of Amherst  
Amherst City Hall  
206 S. Main Street  
Amherst, Ohio 44001

Dear Ms. Sivinski:

We are enclosing a complete record of transcript from the Board of Commissioners, granting Annexation of approximately 6.78 acres of land in Amherst Township to the City of Amherst, Ohio. Please note, this Annexation was approved contingent upon the approval and execution of the Road Maintenance Agreement between the City of Amherst and Amherst Township. I am presently in process of obtaining a signed Agreement from Attorney Gargas.

This documentation is being forwarded for your information and files. Should you have any questions regarding this correspondence, or its enclosures, please feel free to contact this office.

Yours truly,

*Roxann Blair*  
Roxann Blair -  
Clerk

RB/h

Enclosures

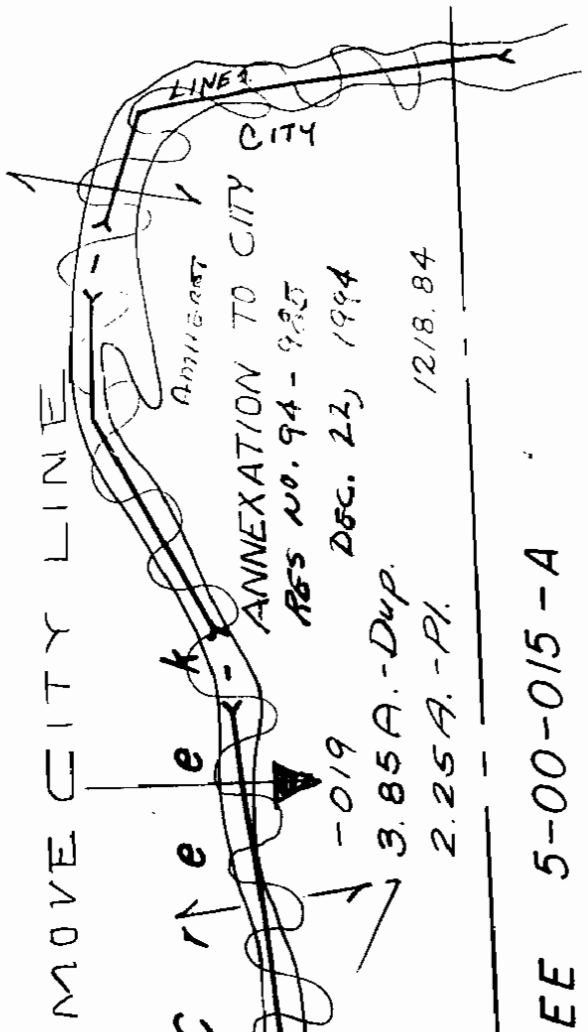
cc: Attorney Robert Gargas  
Kenneth P. Carney, Sr., County Engineer  
Mark Stewart, County Auditor  
Amherst Township Trustees Clerk  
Mary Ann Jamison, County Recorder  
Board of Elections  
Tax Map ✓  
Denise Gross, Appraisal Dept.  
9-1-1  
File





-018  
 10.25 A. - Dup.  
 11.85 A. - Pl

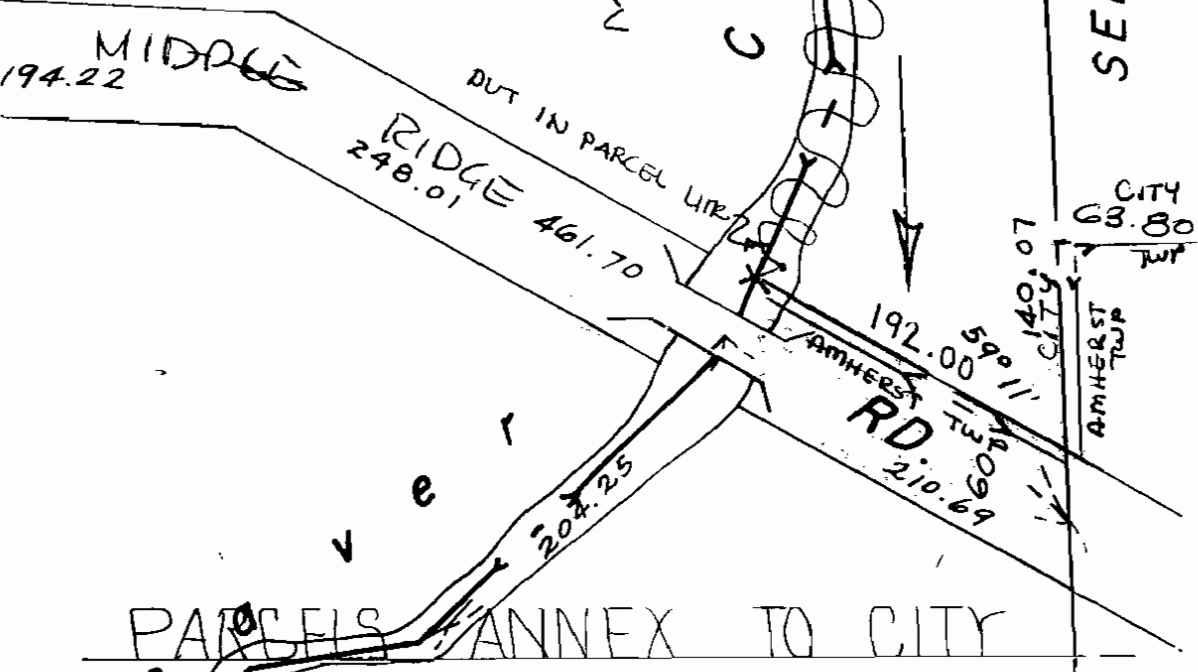
019 3.85 A  
 068 1.24 A  
 062 1.69 A  
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 6.78 A



SEE 5-00-015-A

ANNEX TO:

CITY OF AMHERST



21221-X

05-00-006-000-019  
 05-00-015-000-068  
 05-00-015-000-062

APPROVED LORAIN CO. MAP DEPT
DATE 3-6-95
PAGE 5-00-006B
BY CAROLYN FRANCIS
21221-X

-023

# LORAIN COUNTY



COMMISSIONERS

## Commissioners

Herbert J. Jacoby  
Mary Jo Vasi  
E.C. (Betty) Blair

August 19, 1994

Mr. Frank Colbert  
Lorain County Tax Map  
226 Middle Avenue  
Elyria, OH 44035

Dear Mr. Colbert:

We are referring the attached amended annexation request to your attention for certain property in Amherst Township to the City of Amherst, Ohio, Robert J. Gargasz, Esquire, is acting as Agent for the Petitioners, Edward J. Gross, Daniel J. Gross and Guy L. Gross. Please review and advise your findings as to the accuracy of the Petition and Map.

A Public Hearing will be scheduled after we receive your report.

Yours truly,

Virgil J. Muntean  
County Administrator  
(signed by Karen L. Davis,  
Administrative Secretary,  
in order to expedite.)

VJM/kld

Enclosures

cc: file

9  
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10:28  
CLEAR

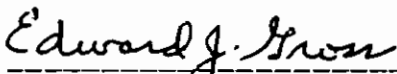
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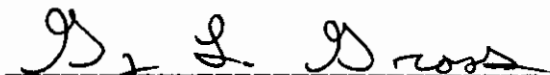
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