



LORAIN COUNTY

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440-329-5786

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440-329-5116

Community Development Director

Ronald F. Twining
440-328-2323

Records Center Supervisor

Lynn Wallace
440-326-4866

November 27, 2002

Rita Ruot, Clerk
LaGrange Village
355 S. Center Street
P.O. Box 597
LaGrange, Ohio 44050

Dear Ms. Ruot:

Enclosed is a complete transcript of the granted Annexation from LaGrange Township to the Village of LaGrange, Ohio.

This annexation was granted October 24, 2002 by Resolution No. 02-813, for 59.94 acres in LaGrange Township to the Village of LaGrange, Ohio – Attorney Garrett Murray, acting on behalf of Agent, Dennis Walter – for Petitioner Keystone Board of Education.

There were no appeals to this regular annexation, therefore the thirty (30) days has expired.

Yours truly,

Roxann Blair,
Clerk

RB/tu

Enclosure

Cc: Attorney Garrett Murray
Dennis J. Walter, Agent
Roberta Dove, Clerk, LaGrange Township
Mark Stewart, LC Auditor/Attn: Rosemary Wirth
Kenneth P. Carney, LC Engineer/Attn: Wayne Mileti
Mary Ann Jamison, LC Recorder
Tom McNair, Tax Map
Greg Stempowski, Board of Elections
Robin Jones, Director 9-1-1
File

RESOLUTION NO. 02-813

In the matter of granting the regular Annexation of)
approximately 59.94 acres in LaGrange Township) October 24, 2002
to the Village of LaGrange, Ohio -- Attorney Garrett)
Murray, acting on behalf of Agent, Dennis Walter -)
for Petitioner Keystone Board of Education)

WHEREAS, Assistant County Prosecutor Innes administered an oath to anyone wishing to give testimony; and

WHEREAS, Assistant County Prosecutor Innes said under the new annexation law, we have a proceeding that is a regular annexation and there are seven (7) decisions to find on the granting or denying of said annexation and the following are as follows:

- 1) Petition meet all requirements set forth in ORC 709.02
Clerk has prepared a summary of that and the list refers to:
(breakdown list is attached) notices have been filed, all various procedural aspects as contained in the law and the dates indicate these procedures have been complied with; and

WHEREAS, Attorney Garrett Murray, 409 East Avenue, Suite A, Elyria, Ohio said all requirements have been complied with under ORC 709.02, regarding all notices and have reviewed what the Clerk has prepared and does agree and certify that all regulations as far as notices are concerned. Commissioner Vasi asked him to state the agent and the township; and

WHEREAS, Attorney Garrett Murray said a court reporter is present at his request; Diane L. Cieply, Camillo and Clerk Court Reporters, 589 West Broad Street, Elyria, Ohio. Attorney Murray stated he is representing the Keystone Local School District Board of Education, 301 Liberty Street, LaGrange, Ohio. They are currently located in the Village of LaGrange, and the Agent for this annexation proceeding is Dennis Walter, 17302 Indian Hollow Road, Grafton, Ohio 44044. Attorney Murray introduced Dr. Gary Friedt, Superintendent, Keystone Local School District, Dennis Walter, Agent for Petitioner (member on Keystone Board of Education and President of Con-Sun Foods), Keystone Local School District Treasurer Bev Fry, LaGrange Mayor Kim Strauss and LaGrange Township Trustee Barb Harper.

This annexation petition was filed on August 22, 2002 for 59.94 acres from the Township of LaGrange to the Village of LaGrange, the parcel is located in Lorain County, Ohio and the annexation map was displayed showing the parcel is located on the south side of SR 303, east of LaGrange Village Circle. This property is owned by the Keystone Local School District and purchased in January 2001 from the estate of Edwin Molder. Mr. Molder's two daughters Darlene Hartenrod and Debra Maroski live on the adjoining parcels ending numbers of 027 and 026 and have no objection to this property.

Also adjoining their parcel #032 and #031 the heirs of Mr. Molder's estate -- Mrs. Hartenrod and Mrs. Maroski own this large parcel and the smaller parcel, Mr. Molder's son lives on and has no problem with this annexation.

The entranceway to this parcel is a 60 ft x 630 ft private road that comes back into the acreage and in the purchase agreement between the Molder family and Keystone Board of Education, there were certain benefits given to the adjoining territory. This being, they have the right to have access to this private drive (6 acres to be developed) and also have the right subdivision regulations of the Village of LaGrange to tie into a sanitary sewer line that could come back and serve the Keystone Schools and tap into any water lines that come onto the property. The deed grants a covenant on the 630 feet. There is a restriction that starts 125 feet back from SR303 and Keystone Board of Education is required to plant evergreen trees along the private drive, which will act as a buffer to the Hartenrod and Maroski properties.

The subject parcel is bounded on the east, west and south by farmland, bounded on north by Hartenrod and Markoski property and across SR303 there are residents and looking on the aerial photo residents can be seen. The parcel is large 2024 feet on the west, 860 feet on the north and 1311 on the south and 2025 on east boundary and is contiguous to the corporate line of the Village of LaGrange and contiguous on the west boundary line of the Village of LaGrange.

The reason for annexation is for the developing of the parcel owned by the Keystone Board of Education to construct a 93,000 square foot high school. There is an issue on the ballot that addresses the crowded facility district and the existing school buildings, also there was an annexation that the Board approved north of LaGrange for a development of many new homes.

The bond issue is for \$17 million to build a high school and the high school and middle school building are now in the Village of LaGrange and the employees pay income tax to the Village.

The Village by Ordinance 2002-97 has described the services that will be set forth upon annexation with local police protection with 5 full time officers including Chief and part time officers, which already service these schools within 2 minutes. There will be some advantage of having LaGrange police department service the new high school because the existing building in the Village will still be used by the School District. The sanitary sewer service in LaGrange, at this particular point is at the corner of Molder property and the Ordinance says the sanitary sewer service shall commence on the day the extension of the connection to any existing sewer lines may be required and has been fully paid and approved.

As far as fire protection for the new school, in LaGrange the fire service is provided by the Township. The Village of LaGrange is working on an agreement with Rural Water Authority and LaGrange Village now receives water from the Rural Water Authority and the Ordinance on services excludes the fire services because the Township will do it and secondly, it excludes water service because in any event the water will come from Rural Water Authority and provide water to the Village.

The Village and Township have an outstanding working relationship. The Village is located within the borders of LaGrange Township and the residents of the Village pay about 52% of the real estate taxes to LaGrange Township and balance goes to Village. Village provides service for the village residents and Township provides fire protection for the Village. The Village and Township went together 50/50 when they purchased the Stewart farm for 101 acres which they have developed into a joint community park with baseball, soccer, football, basketball, tennis and volleyball courts and three picnic pavilions. Recently the Village donated land to the Township for a new satellite fire station and ambulance facility located behind the Village Township Hall. Discussions are being held regarding a joint Village/Township Municipal Building so the two political subdivisions; and

WHEREAS, Attorney Murray said under the new law, the Board of Commissioners continue to be limited to considering only the elements put forth in the statute on approving or denying an annexation. The Board may grant an annexation only if it finds based upon the provenance of the substantial reliable probated evidence that the following elements have been met; the petition and filing have met the requirements of ORC 709.02, persons whom signed the petition at the time it was signed owned the property which it did and the municipal corporation has adopted an ordinance indicating what services would be set forth, which they have and the territory is not unreasonably large and the one difference is the general good. The code said on the balance the general good of the territory proposed to be annexed will be served and the benefits to the territory proposed to be annexed of the surrounding areas outweigh the detriments to the territory proposed to be annexed and the surrounding area if the annex petition is granted. As used in this section, surrounding area means the unincorporated area of any township located ½ mile or less of the territory proposed to be annexed. He pointed out the law "on the balance – the general good of the territory proposed to be annexed will be served, they are still talking about the general good of the territory sought to be annexed and then they use the conjunction and say the benefits of the territory sought to be annexed and the surrounding area will outweigh the detriments to this territory and surrounding areas if the petition is granted, so this area has been added." The next test would be whether a street or highway divides the annexation and this said annexation goes to the edge of the road; and

WHEREAS, Attorney Murray said the basis has been provided for the granting of said annexation and Keystone School District needs a new high school because of the crowded conditions in the current school and the new high school being built on the subject property would certainly be a benefit to this parcel and the land was purchased for this reason and would be benefited by a 93,000 square foot building. The 59.94 acres is large enough to spread this facility with a proper campus like setting for the development and construction of the high school and to the rear it would be a great distance from SR303. This land will be benefited and will need a sanitary sewer service from the Village for this development and for future development that could come down the road. This annexation will also benefit the surrounding and development of parcel will benefit people of LaGrange and the Township by providing education by a facility which will not be crowded and will only worsen by the influxes of new homes, condos and developments and will benefit when people move. People are interested in school and the reputation and when industry locates they also look at the schools to see what reputation they have. The benefits of this property certainly outweighs any detriments to the territory sought to be annexed and the surrounding areas; and

WHEREAS, Attorney Murray said the taxes on this particular property are \$105 per year for farmland, under the law there will be a contribution to the township and the school in the village is tax exempt but is now bear land; and

WHEREAS, Assistant County Prosecutor Innes said there is a method challenging signatures on the petition, but there has been no challenge raised; and

WHEREAS, Commissioner Vasi said since there are no challenges does the Clerk still have to wait thirty days once it is journalized for an appeal. Mr. Innes said yes; and

WHEREAS, Commissioner Moore asked if there were any Township Trustees present for comments; and

WHEREAS, Barbara Harper, LaGrange Township Trustee said this project should move forward and there is no dispute, this area needs a new high school. Her one concern is the one access for safety purposes, she worries in case of lack of access to this one point how will safety services access, also the sewers, the resolution states the village by council approval will provide with sewers without annexation; and

WHEREAS, Mayor Strauss, Village of LaGrange said the Village and Township have purchased the property behind this property to develop a road to develop a joint municipal building, which would give them a second access onto SR301 and a library would also be built here. Would like to stress to the Commissioners, they work well with the Township and all residents are together. The Mayor said the Village contributes to the Townships general fund and the Fire and EMS fund paying approximately \$141,000 of \$383,000 they have in the fund which is about 40%; and

WHEREAS, Commissioner Moore asked if there were anyone present from the Engineer to give comments; and

WHEREAS, Wayne Mileti, Lorain County Engineer's Office said the description correctly follows the map and; and

WHEREAS, Gary Friedt, Superintendent, Keystone Board of Education said they have worked very closely with all governmental entities including Township and Village of LaGrange. He said they are very excited about this project and have been working with the Ohio School Facilities Commission, which will eventually participate in the project cost. This is a two phase project 1) 93,0000 square foot project and then within the next 10-12 years they would fully develop this site and it is important in site development to have the facilities to provide quality educational facility for the children 2) by working with the Village and tapping into the sanitary sewers this provides the best opportunity to do this and thanked the Board for their support; and

WHEREAS, Commissioner Moore asked for any further comments; and

WHEREAS, Assistant County Prosecutor Innes asked if there were any more challenges to the stipulations regarding the procedural matters, there were none; and

WHEREAS, Moore moved to approve said annexation, seconded by Blair to grant said annexation on the following conditions:

- A) "The petition meets all the requirements set forth in, and was filed in the manner provided in, Section 709.02 of the Ohio 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 names 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 petitioners
 - e) Lists of all the parcels and the name and mailing address of the owners of each parcel:
 1. Within the proposed territory to be annexed.
 2. That lie adjacent or directly across the street from the proposed territory to be annexed.
 - 3) That a majority of the territory proposed for annexation lies within the county.
- B) "The person 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 or 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 municipal corporation to which the territory is proposed to be annexed has complied with division (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 an approximate date the services will be provided.
- D) The territory proposed to be annexed is not unreasonably large".
- E) "On balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding area will outweigh the detriments to the territory proposed to be annexed and the surrounding area, if the annexation petition 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."

- F) "No street or highway will be divided or segmented by the boundary line between a township and the municipal corporation as to create a road maintenance problem, or, if a street or highway will be so divided or segmented, the municipal corporation has agreed, as a condition of the annexation, that it will assume the maintenance of that street or highway. For the purposes of this division, 'street' or 'highway' has the same meaning as in section 4511.01 of the Revised Code; and

NOW, THEREFORE BE IT RESOLVED, this annexation is granted based upon the requirements set forth above and the description is as follows:

"The undersigned, being the owner seized of a freehold estate in the within described territory, and being a majority of the owners of the real estate as hereinafter more fully described by an accurate legal description of the perimeter of said territory, does hereby petition for the annexation of said territory to the Village of LaGrange, Lorain County, Ohio to wit;

Situated in the Township of Lagrange, County of Lorain, and State of Ohio. Being known as part of Original Lagrange Township Lot No.54 and more definitely described as follows:

Beginning at the intersection of the centerline of the Wakeman- Lagrange-Richfield Road, also known as Ohio State Route No.303 and the westerly line of Original Lagrange Township Lot No.54; said point being about 145.85 feet distant easterly from the intersection of said centerline with the centerline of Dill's Court as shown by the plat of Dill's Subdivision as recorded in Volume 13, Page 46 of Lorain County Plat Records;

Thence North 89°06'46" East in the centerline of the Wakeman- Lagrange-Richfield Road, a distance of 400.00 feet to a northwesterly corner of a 60.0023 acre parcel conveyed to the Keystone Local School District Board of Education as recorded in Lorain County Recorder's Instrument No. 20010799244;

Thence South 0°55'36" East in the westerly line of said 60.0023 acre parcel, a distance of 30.00 feet to a point in the southerly sideline of the Wakeman-Lagrange-Richfield Road, said point is the principal place of beginning;

Thence North 89°06'46" East in the southerly sideline of the Wakeman-Lagrange-Richfield Road, a distance of 90.35 feet to a point in the easterly line of the aforesaid 60.0023 acre parcel;

The following ten courses are in boundary lines of the aforesaid 60.0023 acre parcel, said lines as described in Lorain County Recorder's Instrument No.2001 0799244 from a survey by Laundon, Simon, Kelsner and Associates, Inc. for the referenced parcel:

Thence South 0°55'36" East, a distance of 630.08 feet to a point;

Thence North 89°05'45" East, a distance of 400.06 feet to a point;

Thence South 0°56'04" East, a distance of 719.73 feet to a point;

Thence North 88°44'01" East, a distance of 575.06 feet to a point;

Thence South 0°53'47" East, a distance of 1305.46 feet to a point in the southerly line of Original Lot No.54;

Thence South 88°53'15" West in the southerly line of Original Lot No. 54, a distance of 1311.74 feet to an angle point in said Original Lot Line and an angle point in the existing corporation line of the Village of Lagrange;

Thence South 89°58'15" West in said Original Lot Line and corporation line, a distance of 153.67 feet to the southwesterly corner of Original Lot No.54;

Thence North 0°54'39" West in the westerly line of Original Lot No.54 and in the existing corporation line of the Village of Lagrange, a distance of 2024.16 feet to a point;

Thence North 89°06'57" East, a distance of 400.18 feet to a point;

Thence North 0°55'36" West, a distance of 630.07 feet to the principal place of beginning;

Enclosing a parcel containing 59.94 acres of land but subject to all legal highways.

The within territory is contiguous to the said Village of LaGrange, Ohio.

Petitioner has attached hereto and made a part of this Petition an accurate map the territory sought to be annexed marked "Annexation Map."

Petitioner states there is one (1) owner of real estate in the territory sought to be annexed.

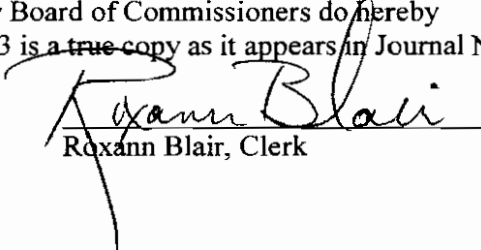
Dennis J. Walter, 17302 Indian Hollow Road, Grafton, Ohio 44044, is hereby appointed agent for the undersigned Petitioner as required by O.R.C. 7090.02 with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase, decrease or delete the area; to do any and all things essential thereto and to take any action necessary for obtaining the granting of this Petition without further expressed consent of the Petitioner.

Keystone Local School District Board of Education

By: Gary Friedt, Superintendent"; and

Motion carried. _____(discussion was held on the above)

I, Roxann Blair, Clerk to the Lorain County Board of Commissioners do hereby certify that the above Resolution No. 02-813 is a true copy as it appears in Journal No. 02-02 on date of October 24, 2002.


Roxann Blair, Clerk

