

I AMY R. BARNHART, CLERK OF COUNCIL, OF THE VILLAGE OF GRAFTON DO HEREBY CERTIFY THAT THE ENCLOSED DOCUMENTS ARE TRUE AND EXACT COPIES OF DOCUMENTS NECESSARY TO COMPLETE ANNEXATION PROCEDURES FOR THE VILLAGE OF GRAFTON.

DATE: 8-11-2020

Amy R. Barnhart  
CLERK

A PETITION TO THE LORAIN COUNTY COMMISSIONERS TO REQUEST ANNEXATION OF LAND ONLY OWNED BY THE VILLAGE OF GRAFTON AND TO BE ANNEXED FROM THE TOWNSHIP OF EATON INTO THE VILLAGE OF GRAFTON PURSUANT TO OHIO REVISED CODE SECTIONS 709.14 AND 709.16

WHEREAS the Village of Grafton currently owns a Parcel of real estate described on Exhibit A (legal description) and Exhibit B (map) attached hereto, which is also known as Permanent Parcel No. 11-00-098-000-280; and

WHEREAS the parcel is contiguous to the Village of Grafton and located in Eaton Township; and

WHEREAS the Village of Grafton has determined that annexing the subject parcel into the Village of Grafton is necessary for the preservation of the public health, safety and welfare of its citizens, and has authorized this land to be annexed into the Village of Grafton by and through Village of Grafton Ordinance No. 16-021 (Exhibit C attached hereto).

NOW, THEREFORE, THE VILLAGE OF GRAFTON HEREIN RESPECTFULLY PETITIONS THE LORAIN COUNTY COMMISSIONERS AS FOLLOWS:

1. The Village of Grafton hereby requests the Lorain County Commissioners to Approve the annexation of the parcel described in Exhibit A (legal description) (attached hereto) And Exhibit B (map) (attached hereto), which parcel is also known as Permanent Parcel No. 11-00-098-000-280 from the Township of Eaton and into the Village of Grafton, pursuant to Sections 709.14 and 709.16 of the Ohio Revised Code

RECEIVED  
LORAIN COUNTY  
COMMISSIONERS  
2016 SEP 29 12:33 PM  
THERESA L. UPTON  
CLERK

Respectfully submitted,

VILLAGE OF GRAFTON

By: 

David M. DiVencenzo, Mayor

Date: 9/29/16

**BLOCK E**  
**Barrington Park Subdivision No. 6**

Situated in the Township of Eaton, County of Lorain, and State of Ohio, being part of Original Eaton Township Lot 98, and known as all of Block E in the Barrington Park Subdivision No. 6 as shown by the recorded plat in Volume 98 of Maps, Pages 79, 80, and 81 of Lorain County Records, and enclosing an area of 28,588 square feet (0.6563 acres) of land as appears by said plat, be the same more or less but subject to all legal highways, easements, and restrictions of record.

RECEIVED  
LORAIN COUNTY  
COMMISSIONERS  
2016 SEP 29 P 3:55  
THERESA L. UPTON  
CLERK

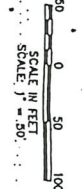
Legal description reviewed by JB  
on 8/14/20 per ORC, Section 5713.09

Description prepared by:  
David J. Bruckner, P.S  
Registered Ohio Professional  
Surveyor No. 6939

7/8/16

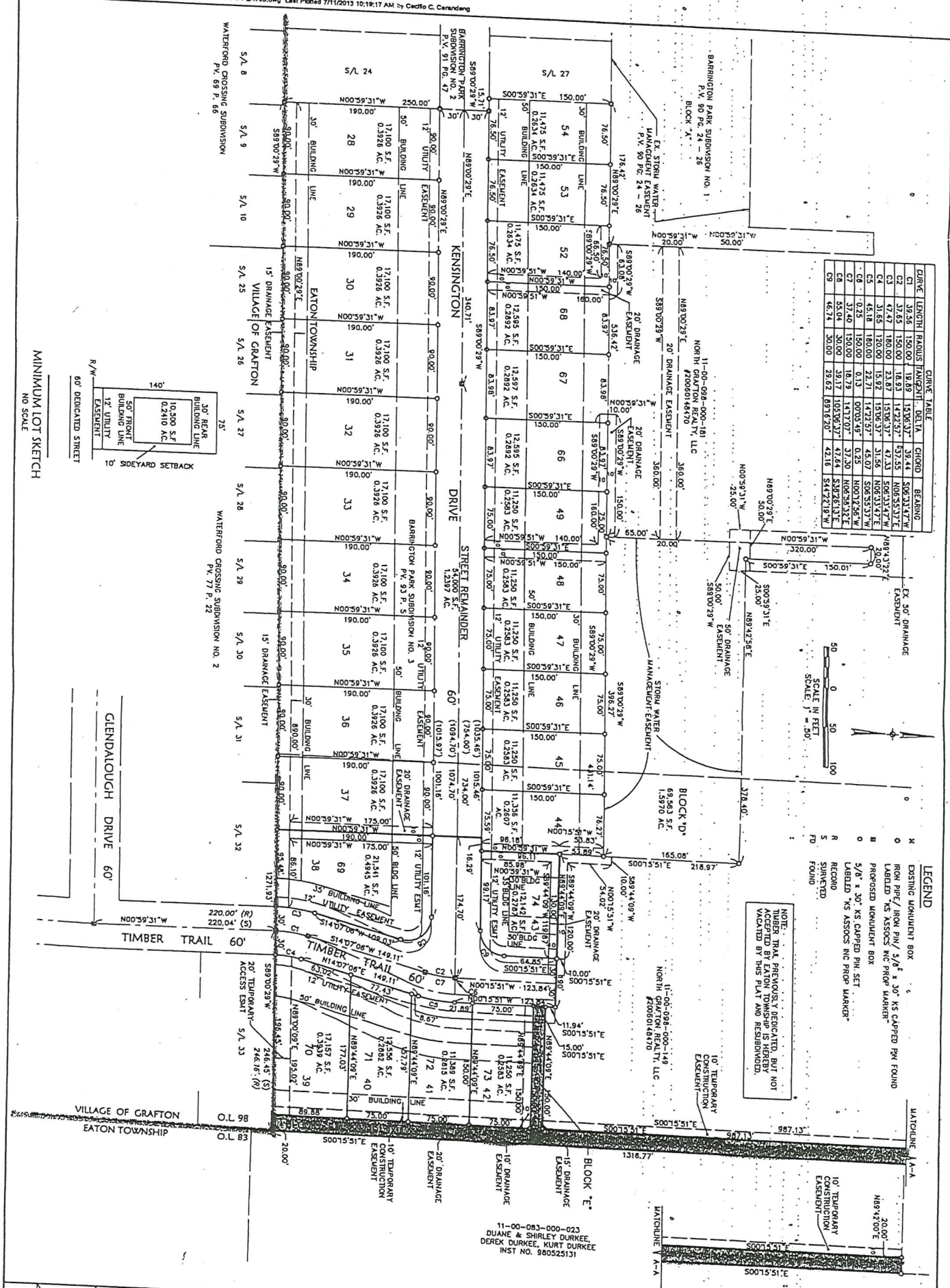
EXHIBIT A

CHUNK	LENGTH	PARALLEL	PERCENT	DETA	CHORD	BEARING
C1	19.56	150.00	18.82	158.31	157.73	S86°31'47"
C2	47.47	180.00	23.87	158.37	47.43	N08°55'37"E
C3	31.65	120.00	15.92	150.37	31.56	N08°31'47"E
C4	45.18	180.00	22.71	142.97	45.07	S06°55'37"W
C5	0.25	150.00	0.13	000.34	0.25	N00°12'36"W
C6	37.40	150.00	18.79	147.07	37.30	N06°38'32"E
C7	55.04	300.00	35.17	105.08	54.76	S32°26'13"E
C8	46.74	300.00	28.62	89.87	42.16	S44°27'19"W

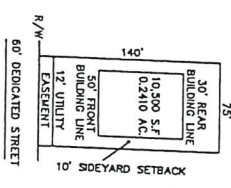


- LEGEND**
- X EXISTING MONUMENT BOX
  - IRON PIN/ IRON PW/ 5/8" x 30" KS CAPPED PIN FOUND
  - LABELED "KS ASSOC INC PROP MARKER"
  - PROPOSED MONUMENT BOX
  - 5/8" x 30" KS CAPPED PIN SET
  - LABELED "KS ASSOC INC PROP MARKER"
  - R SURVEYED
  - S RECORDED
  - FD FOUND

NOTE: THESE ARE PREVIOUSLY DEDICATED, BUT NOT RECORDED. THESE ARE BEING RECORDED BY THIS PLAT AND RESUBDIVIDED.



MINIMUM LOT SKETCH  
NO SCALE



RECORD PLAT  
BARRINGTON PARK SUBDIVISION  
TOWNSHIP OF EATON COUNTY, MICHIGAN

**KS**  
KS ASSOCIATES

KS Associates, Inc.  
260 Burns Road, Suite 100  
Elyria, OH 44035  
P 440 365 4730  
F 440 365 4790  
www.ksassociates.com

DATE	DESCRIPTION	BY
3-08-2013	ORIGINAL ISSUE	JRK

SHEET 3 OF 3  
JOB NO. 13101

RECEIVED  
LORAIN COUNTY COMMISSIONERS

VILLAGE OF GRAFTON  
ORDINANCE NO. 16-021

RECEIVED  
LORAIN COUNTY  
COMMISSIONERS  
2016 SEP 29 P 3:55  
THERESA L. UPTON  
CLERK

INTRODUCED BY:

MOTION BY: LESCHER

SECONDED BY: SAUER

AN ORDINANCE AUTHORIZING THE VILLAGE OF GRAFTON TO FILE A PETITION WITH THE LORAIN COUNTY COMMISSIONERS TO REQUEST ANNEXATION OF LAND INTO THE VILLAGE OF GRAFTON FROM THE TOWNSHIP OF EATON PURSUANT TO OHIO REVISED CODE § 709.14 AND § 709.16 AND DECLARING EMERGENCY

WHEREAS Council deems it in the best interest of the Village of Grafton to file a Petition for annexation of a certain parcel of land owned by the Village of Grafton; and

WHEREAS said parcel is contiguous to the Village of Grafton and located in Eaton Township.

NOW, THEREFORE, be it RESOLVED as follows:

SECTION 1. The Village of Grafton requests the Lorain County Commissioners approve the annexation of the Parcel described in Exhibit A (legal description) and B (map) attached hereto (which is also known as Permanent Parcel No. 11-00-098-000-280) which adjoins property already located within the boundaries of the Village of Grafton, from the Township of Eaton, to the Village of Grafton pursuant to Sections 709.14 and 709.16 of the Ohio Revised Code.

SECTION 2. Gretchen A. Holderman, the Village Solicitor, is hereby authorized to prosecute the proceedings necessary to complete this annexation.

SECTION 3. The Mayor is hereby authorized to execute a Petition for Annexation on behalf of the Village and to submit such Petition for Annexation to the Lorain County Commissioners.

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and open to the public, in compliance with all legal requirements, including the Ohio Revised Code.

SECTION 5. That this Ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the public health, safety and welfare of the citizens of the Village of Grafton, the immediate emergency being the necessity to seek the annexation of the above-described property to further the development of the Village and preserve the public health, safety and welfare of its citizens, therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Approved: X

Disapproved: \_\_\_\_\_

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

8/16/16  
\_\_\_\_\_  
DATE PASSED

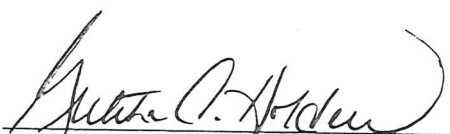
  
\_\_\_\_\_  
MAYOR

8-16-16  
\_\_\_\_\_  
DATE APPROVED

  
\_\_\_\_\_  
CLERK-TREASURER

8-16-16  
\_\_\_\_\_  
DATE ATTESTED

APPROVED AS TO FORM BY:

  
\_\_\_\_\_  
GRETCHEN A. HOLDERMAN, DIRECTOR OF LAW

RECEIVED  
LORAIN COUNTY  
COMMISSIONERS  
2016 SEP 29 P 3:55  
THERESA L. UPTON  
CLERK

b.10

RESOLUTION NO. 16-644

In the matter of receiving and journalizing a municipal Corporation Annexation Petition of approximately 0.6563 acres from Eaton Township to the Village of Grafton, Ohio Mayor Dave DiVencenzo, Agent for Petitioner Village of Grafton, Lorain County, Ohio )

October 12, 2016

WHEREAS, the Lorain County Board of Commissioners receives and journalizes a petition and map that was received in the Commissioners Office on September 29, 2016 for the proposed municipal corporation annexation of approximately 0.6563 acres of land in the Township of Eaton to the Village of Grafton, Ohio; and

WHEREAS, Mayor Dave DiVencenzo is Agent for Petitioner – Village of Grafton; and

WHEREAS, the Petition and legal description reads as follows:

A Petition to the Lorain County Commissioners to request annexation of land only owned by the Village of Grafton and to be annexed from the Township of Eaton into the Village of Grafton pursuant to Ohio Revised Code Sections 709.14 and 709.16

WHEREAS, the Village of Grafton currently owns a Parcel of real estate described on Exhibit A (legal description) and Exhibit B (map) attached hereto, which is also known as Permanent Parcel No. 11-00-098-000-280; and

WHEREAS, the Village of Grafton has determined that annexing the subject parcel into the Village of Grafton is necessary for the preservation of the public health, safety and welfare of its citizens, and has authorized this land to be annexed in the Village of Grafton by and through Village of Grafton Ordinance No. 16-021(Exhibit C attached hereto)

NOW, THEREFORE, THE VILLAGE OF GRAFTON HEREIN RESPECTFULLY PETITIONS THE LORAIN COUNTY COMMISSIONERS AS FOLLOWS:

1. The Village of Grafton hereby requests the Lorain County Commissioners to approve the annexation of the parcel described in Exhibit A (legal description) (attached hereto) and Exhibit B (map) (attached hereto), which parcel is also known as Permanent Parcel No. 11-00-098-000-280, from the Township of Eaton and into the Village of Grafton, pursuant to Sections 709.14 and 709.16 of the Ohio Revised Code.

Respectfully submitted,  
VILLAGE OF GRAFTON  
By: S/Dave DiVencenzo, Mayor  
Date: 9/29/16

And;

Exhibit A  
Block E – Barrington Park Subdivision No. 6  
Situating in the Township of Eaton, County of Lorain and State of Ohio being part of Original Eaton Township Lot No. 98 and known as all of Block E in the Barrington Park Subdivision No. 6 as shown by the recorded plat in Volume 98 of Maps, Pages 79, 80, and 81 of Lorain County Records, and enclosing an area of 28,588 square feet (0.6563 acres) of land as appears by said plat, be the same more or less but subject to all legal highways, easements, and restrictions of record.

Description prepared by:  
David J. Bruckner, P.S.  
Registered Ohio Professional  
Surveyor No. 6939

And;

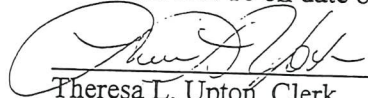
Legal description reviewed by TS  
on 8/14/20 per ORC, Section 5713.09

WHEREAS, the County Auditor and Engineer have been notified to review and advice on their findings as to the accuracy of said petition.

NOW, THEREFORE BE IT RESOLVED, the Lorain County Board of Commissioners has scheduled this for the agenda of October 26, 2016 (27<sup>th</sup> day).

Motion by Lundy, seconded by Kokoski to adopt Resolution. Upon roll call the vote taken thereon, resulted as: Ayes: Lundy & Kokoski / Absent: Kalo at a NOACA summit in Boston  
Motion carried.

I, Theresa L. Upton, Clerk to the Lorain County Board of Commissioners do hereby certify that the above Resolution No. 16-644 is a true copy as it appears in Journal No. 16 on date of October 12, 2016

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





# LORAIN COUNTY ENGINEER

KEN CARNEY, P.E., P.S.

RECEIVED  
LORAIN COUNTY  
COMMISSIONERS  
2016 OCT 11 AM 10:13  
THERESA L. UPTON  
CLERK

October 5, 2016

Lorain County Commissioners  
226 Middle Avenue  
Elyria, Ohio 44035  
Attn: Theresa Upton, Clerk

Re: Annexation report for Auditor's parcel 1100098000280, Eaton Twp. Original Lot 98

Dear Board:

We report that the legal description and accompanying plat map accurately describe the perimeter of territory that the Village of Grafton now petitions for annexation.

Sincerely,

Peter Zwick, PE, PS.  
Deputy Engineer

KC/PZ/rlb  
cc: File

Z:\Word Data\2016\Peter\10-05-16 Commissioners re - Block E legal description proposed for annexation - Eaton Township to the Village of Grafton, Ohio.doc

RESOLUTION NO. 16-680

In the matter of granting the Municipal Owned Land )  
Annexation Petition of 0.6563 acres from Eaton ) October 26, 2016  
Township to the Village of Grafton. Mayor David )  
DiVencenzo, Agent )

WHEREAS, a Municipal Owned Land Annexation Petition and Map were filed in the Board of Commissioners received by the Clerk on September 29, 2016 for the proposed Annexation of approximately 0.6563 acres in Eaton Township to the Village of Grafton, Ohio; and

WHEREAS, letters were issued to Craig Snodgrass, Lorain County Auditor and Kenneth P. Carney, Lorain County Engineer 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, Resolution No. 16-644, adopted October 12, 2016 received and journalized this Petition and scheduled a decision on the proposed municipal annexation on Commissioners agenda for October 26, 2016 (which is the 27<sup>th</sup> day); and

WHEREAS, Engineer by letter dated October 5, 2016, "reports that the legal description and accompanying plat map accurately describe the perimeter of the territory that the Village of Grafton now petitions for annexation"; and

WHEREAS, Eaton Township Trustee Jason Monschein on behalf of the Trustees wanted to note;

- Since last remittance of Grafton Village, the incorrect parcel number was removed
- Was a letter received from Engineer, he never received, Clerk stated yes.
- Village of Grafton is using the last resolution presented #16-021. Clerk stated yes, there was nothing incorrect from that resolution presented. Trustee Monschein said last time they had an error; they withdrew and submitted all new paperwork, they don't have to do another hearing. Assistant Prosecutor Innes said there are no requirements for that.

Trustee Monschein said in the legal description is states more or less of 0.6563 acres with 28,588 feet under Recorders Page 78, 80 & 81. He does not feel that the survey is correct, does not show any markers or pins that are properly placed upon completion of construction. That is fine for the development itself, there is only one owner and the other side is open field and they do not want anything back there. If not properly marked to phase, then he would request Village of Grafton to provide a new survey, this would be fair on behalf of the township and to the property owners. He knows that there is limited opportunity that the commissioners can deny but would ask that a survey be done it was last done in 2004. In 2013 it was resurveyed to create this parcel and was signed by Prosecutor, Engineer in May and sold a month later. He said being that there is only 1 house currently built along this he would like to see this be accurate.

Assistant County Prosecutor Innes said Commissioners only requirement is an accurate description. Mr. Monschein said under AG legal opinion it was asked and not sure the accurate map was submitted.

Commissioner Kalo commented to Trustee Monschein that he has done a good job trying to fight this municipal annexation. Mr. Cordes said if the Village were to spend the money on the survey and if it is off say 1 foot, would this make that much of a difference and then it would be back again for annexation petition request at taxpayers funds. Mr. Monschein said as a Trustee he has 6,000 residents that he represents and there are 2 neighbors that are against this request and he feels that the more or less in legal description that should be properly set. He also noted that at one time on an older map it indicated easements and make sure not field and property owners very concerns with people being in and out. He also walked this area with Mr. Zwick, Engineers office and this property is all wooded there are no flags, etc.

Mr. Monschein said in the County Commissioners annexation manual, if a municipality purchased land under fair market value. The contract with Village the land was purchased for \$12,500.00 and Auditors' website indicates it was transferred for \$0. Commissioner Kalo said he appreciates all of Trustee Monschein's evidence but will move to approve this annexation; it has been here a couple of times as a municipal annexation. He stated Trustee Monschein spent a lot of time reviewing this annexation with arguments but the more or less is conjecture at this point and spending the public taxpayer dollars in the Township or Village and there is a general idea on the placement of the property of acquiring and he knows the Sheriff is opposed to this, but the County Commissioners have little authority to stop a municipal annexation and can't see Village of Grafton going back, spending money on another survey and approved for a foot either way on said parcels. Trustee Monschein if the Commissioners determine accurate description and the tax dollars, Grafton will go after 3 township tax dollars into the school and ask that it be denied and get a survey, there is minimal effort in a municipal annexation petition and let them do work to get it right. He said on the map he can't see pins.

Commissioner Kalo said to Trustee Monschein he did a good job representing the residents  
Commissioner Kokoski said delaying would still just prevent inevitable. Mr. Innes said if accurate description law states approval.

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 set forth that under an ordinance of the municipality the territory describes in the petition was authorized to be annexed.
2. An accurate legal description of the perimeter of the territory proposed to be annexed.
3. The Petition contains an accurate map or plat of the territory proposed to be annexed.
4. The Petition contains the name of the person acting as statutory agent for the petitioners.

BE IT FURTHER RESOLVED that:

- I. Upon the findings that all of the conditions of annexation as contained in Revised Code Section 709.16 have been met, the Petition as presented is granted.
- II. Herein the annexed area shall not be excluded or removed 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 Clerk of the Village of Grafton.

Motion by Kalo, seconded by Kokoski to adopt Resolution. Upon roll call the vote taken thereon, resulted as: Ayes: Kalo & Kokoski / Absent: Lundy on vacation

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. 16-680 is a true copy as it appears in Journal No. 16 on date of October 26 2016.

  
Theresa L. Upton, Clerk

VILLAGE OF GRAFTON  
ORDINANCE NO. 17-001

INTRODUCED BY:  
MOTION BY: **LESCHER**  
SECONDED BY: **STRAH**

AN ORDINANCE ACCEPTING THE ANNEXATION OF APPROXIMATELY 0.6563 ACRES (PERMANENT PARCEL NO. 11-00-098-000-280) OF REAL ESTATE TO THE VILLAGE OF GRAFTON UPON APPLICATION OF THE OWNER, THE VILLAGE OF GRAFTON, AND DECLARING AN EMERGENCY

WHEREAS, the Village of Grafton has petitioned the Lorain County Commissioners to approve the annexation of a Parcel described in Exhibit A (legal description) and B (map) attached hereto (which is known as Permanent Parcel No. 11-00-098-000-280, containing approximately 0.6563 acres from the Township of Eaton to the Village of Grafton pursuant to Sections 709.14 and 709.16 of the Ohio Revised Code; and

WHEREAS the Petition was duly considered by the Board of Commissioners of Lorain County, Ohio on October 26, 2016; and

WHEREAS the Board of Commissioners of Lorain County has approved the annexation of the territory to the Village of Grafton in Resolution 16-680 passed October 26, 2016, as hereinafter described; and

WHEREAS the Board of Commissioners of Lorain County certified the transcript of the proceedings in connection with the annexation with the map and petition required in connection therewith to the Clerk of Council who received same on November 4, 2016; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF GRAFTON, COUNTY OF LORAIN, AND STATE OF OHIO AS FOLLOWS:

Section 1. That the proposed annexation as applied for in the Petition of the property owner, the Village of Grafton, for annexation of territory in the County of Lorain and adjacent to the Village of Grafton, is hereby accepted by the Village of Grafton. The territory to be annexed is described as follows:

Block E – Barrington Park Subdivision No. 6

Situated in the Township of Eaton, County of Lorain and State of Ohio being part of Original Eaton Township Lot No. 98 and known as all of Block E in the Barrington Park Subdivision No. 6 as shown by the recorded plat in Volume 98 of Maps, Pages 79, 80 and 81 of Lorain County Records, and enclosing an area of 28,588 square feet (0.6563 acres) of land as

appears by said plat, be the same more or less but subject to all legal highways, easements, and restrictions of record. Permanent Parcel No. 11-00-098-000-280.

Section 2. That the Clerk of Council 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 Commissioners of Lorain County relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then forthwith deliver one copy to Craig Snodgrass, Lorain County Auditor, one copy to Judy Nedwick, Lorain County Recorder and one copy to Jon Husted, Ohio Secretary of State within (30) days after it becomes effective, and shall do all other things required by law therein.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and open to the public, in compliance with all legal requirements, including the Ohio Revised Code.

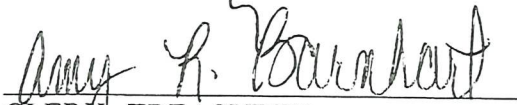
Section 4. That this Ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the public health, safety and welfare of the citizens of the Village of Grafton. The immediate emergency being the necessity to accept the annexation as approved by the Lorain County Board of Commissioners; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

  
PRESIDENT OF COUNCIL

1-3-2017  
DATE PASSED

  
MAYOR

1-3-2017  
DATE APPROVED

  
CLERK-TREASURER

1-3-2017  
DATE ATTESTED

APPROVED AS TO FORM BY:   
DIRECTOR OF LAW

**BLOCK E**  
**Barrington Park Subdivision No. 6**

Situated in the Township of Eaton, County of Lorain, and State of Ohio, being part of Original Eaton Township Lot 98, and known as all of Block E in the Barrington Park Subdivision No. 6 as shown by the recorded plat in Volume 98 of Maps, Pages 79, 80, and 81 of Lorain County Records, and enclosing an area of 28,588 square feet (0.6563 acres) of land as appears by said plat, be the same more or less but subject to all legal highways, easements, and restrictions of record.

P.P.N. 11-00-098-000-280

Legal description reviewed by VB  
on 8/14/20 per ORC, Section 5713.09

Description prepared by:  
David J, Bruckner, P.S  
Registered Ohio Professional  
Surveyor No. 6939

7/8/16