

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

RESOLUTION NO. 19-188

In the matter of granting an Expedited 1)
Annexation of 94.5349 acres from Carlisle)
Township to the Village of Grafton, James)
R. Wright, Agent for Petitioner Kevin)
Flanigan)

April 3, 2019

WHEREAS, a Petition, Legal Description and Map were filed in the Board of Commissioners received by the Clerk on March 22, 2019 for the proposed Annexation of approximately 94.5349 acres in Carlisle Township to the Village of Grafton, Ohio

The undersigned, being a duly authorized member of the sole owner of the herein described real property, currently situated in the Township of Carlisle, Lorain County, Ohio, hereby petitions the Lorain County Commissioners for the annexation of the herein described property into the Village of Grafton, Lorain County, Ohio.

All of the following contiguous parcels, which are adjacent and contiguous to the Village of Grafton, consisting of 94.5349 acres, are wholly owned by KNG, Ltd., an Ohio limited liability company:

Parcels sought to be wholly annexed in to the Village of Grafton:

Lorain County PPN: 10-00-025-103-003
Lorain County PPN: 10-00-025-103-004
Lorain County PPN: 10-00-025-103-005
Lorain County PPN: 10-00-025-103-006
Lorain County PPN: 10-00-025-103-025
Lorain County PPN: 10-00-025-103-037
Lorain County PPN: 10-00-025-103-026

Parcels for which a portion of the parcel is south for annexation into the Village of Grafton (a portion of the following parcels are already situated in the Village of Grafton):

Lorain County PPN: 10-00-025-103-025
Lorain County PPN: 10-00-025-103-026
Lorain County PPN: 10-00-025-103-035
Lorain County PPN: 10-00-025-103-037

Carlisle Township and the Village of Grafton have entered into an Annexation Agreement (the "Agreement") under R.C. 709.192 consenting to the annexation south in this petition. The original Agreement is attached hereto and is signed by the Carlisle Township Trustees and the Mayor of the Village of Grafton, The Carlisle Township Trustees authorized the Agreement through Township Resolution 19-06. Council for the Village of Grafton authorized the Agreement through Village Resolution 19-005

James R. White, Attorney for KNG, Ltd., is hereby appointed for the undersigned petitioner as required by R.C. 709.02(c)(3) with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, do any and all things essential thereto, and to take any action necessary for obtaining the granting of this petition. Said amendment, alternation, change, correction, withdrawal, refilling, substituting, compromise, increase or delete the area, do any other things or actions for granting this petition shall be made in the petition, description and plat by said agent without further consent of the petitioner.

Acceptance of Agent:

S/James R. White, Attorney, Fauver Co., LPA
409 East Avenue, Suite A, Elyria, Ohio 44035
(440) 934-3700 / jwhite@fauverlegal.com

The following are enclosed herewith and made a part hereof by this reference:

1. An accurate legal description of the perimeter of the territory proposed for annexation;
2. A map of the territory proposed for annexation; and
3. The original Annexation Agreement between Carlisle Township and the Village of Grafton.

**PETITION OF OWNER OF ALL PARCELS PROPOSED FOR ANNEXATION
 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 LAW OR EQUITY.**

S/Kevin Flanigan, Authorized Member, KNG, Ltd.,

3/18/19

And;

WHEREAS, the legal description is as follows:

RECEIVED
 2019 MAR 22 P 3: 24

**Annexation Parcel
 October 2017**

**Legal Description
 94.5349 Acres**

Situated in the Township of Carlisle, County of Lorain, State of Ohio and being known as part of Original Carlisle Township Section Number 25 and more definitely described as follows:

Beginning at a PK nail found at the centerline intersection of North Main Street (a.k.a. State Route 57) (R/W Varies) and Fox Run (60' R/W).

Thence South 71° 33' 19" West along said centerline of Fox Run, a distance of 450.00 feet to a point in the easterly line of Fox Run Subdivision Number 2 as recorded in Volume 86, Page 57 of the Lorain County Plat Records;

Thence South 18° 26' 41" East, along the westerly line of said Fox Run Subdivision Number 2 and along the westerly line of Fox Run Subdivision Number 3 as recorded in Volume 100, Page 33 of the Lorain County Plat Records, a distance of 464.13 feet to a point in the southeasterly corner of said Fox Run Subdivision Number 3;

Thence South 89° 29' 50" West, along the southerly line of said Fox Run Subdivision Number 3, a distance of 1060.94 feet to a point in southwesterly corner of said Fox Run Subdivision Number 3 and being a southeasterly corner of said Carlisle Township; Said point being 0.09 feet northerly from a 1-inch iron pin found, and the **True Place of Beginning** of land herein described:

Course 1: Thence continuing **South 89° 29' 50" West**, along a southerly line of said Carlisle Township, a distance of **450.00 feet** to a point;

Course 2: Thence **South 31° 52' 04" West**, along the easterly line of said Carlisle Township, a distance of **1714.06 feet** to a point in the northerly right-of-way line of Baltimore & Ohio Railroad CSX (66 feet);

Course 3: Thence **North 58° 40' 12" West**, a distance of **473.90 feet** to a point of curvature;

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

**Annexation Parcel
October 2017****Legal Description
94.5349 Acres**

- Course 4:** Thence along the northerly line of said Baltimore & Ohio Railroad CSX parcel and along the arc of a curve deflecting to the left, a distance of **564.02 feet** and having a **radius of 2322.09 feet**, a **tangent of 283.40 feet**, a **delta of 13° 55' 00"**, and a **chord distance of 562.63 feet** which bears **North 65° 37' 42" West**, to a point of tangency;
- Course 5:** Thence **North 72° 35' 12" West**, a distance of **377.29 feet** to a point along the centerline of the Black River;
- Course 6:** Thence **North 08° 19' 51" West**, along the centerline of the Black River, a distance of **353.85 feet** to a point;
- Course 7:** Thence **North 30° 05' 51" West**, along the centerline of the Black River, a distance of **123.07 feet** to a point in the southerly line of Tanglewood Subdivision as recorded in Volume 51, Page 36 of the Lorain County Plat Records;
- Course 8:** Thence **South 70° 58' 07" East**, along the southerly line of said Tanglewood Subdivision, a distance of **180.78 feet** to a point;
- Course 9:** Thence **North 54° 17' 17" East**, along the southeasterly line of said Tanglewood Subdivision, a distance of **455.04 feet** to a point;
- Course 10:** Thence **North 00° 13' 35" East**, along the easterly line of said Tanglewood Subdivision, a distance of **702.98 feet** to a point;
- Course 11:** Thence **North 14° 18' 04" East**, along the easterly line of said Tanglewood Subdivision, a distance of **499.21 feet** to a point in the southerly line of said Tanglewood Subdivision and the northerly line of Carlisle Township Section 25;

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

**Annexation Parcel
October 2017**

**Legal Description
94.5349 Acres**

- Course 12:** Thence **North 89° 21' 43" East**, along the southerly line of said Tanglewood Subdivision and the northerly line of said Carlisle Township Section 25, a distance of **2086.84 feet** to a point in the westerly line of Tanglewood Subdivision Number 2 as recorded in Volume 61, Page 12 of the Lorain County Plat Records and in the easterly line of said Carlisle Township;
- Course 13:** Thence **South 00° 00' 00" East**, along the easterly line of said Carlisle Township, a distance of **90.84 feet** to a point in the southwesterly corner of said Tanglewood Subdivision Number 2;
- Course 14:** Thence **South 00° 29' 57" West**, along the westerly line of Fox Run Subdivision Number 2 as recorded in Volume 86, Page 57 of the Lorain County Plat Records and the easterly line of said Carlisle Township, a distance of **914.25 feet** to the **True Place of Beginning**.

Containing within said bounds **94.5349 acres** of land, more or less, but subject To all legal highways and easements of record. All bearings are to an assumed meridian and are intended to describe angles only. Basis for bearings used was the portion of the south line of Tanglewood Subdivision as Recorded in Plat Volume 54, Page 36-38, which is assumed to be South 89° 21' 43" West.

This instrument prepared in October 2017 by Amy M. Kelly, P.S. 8469 on behalf of Bramhall Engineering & Surveying Company.

The above intends to describe all of Lorain County Permanent Parcel Numbers 10-00-025-103-003, 10-00-025-103-004, 10-00-025-103-005, and 10-00-025-103-006 and a portion of Lorain County Permanent Parcel Numbers 10-00-025-103-025, 10-00-025-103-026, 10-00-025-103-035, & 10-00-025-103-037 to be annexed from Carlisle Township to the Village of Grafton. The above described area is adjacent and contiguous to said Village of Grafton.

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

And;

WHEREAS, the Annexation Agreement is as follows:

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (the "Agreement"), is entered into as of the last date of signature below (the "Effective Date"), by and between the Village of Grafton, Ohio (the "Village"), an Ohio municipal corporation having its address at 960 Main Street, Grafton, Ohio 44044; 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, KNG, Ltd. (the "Petitioner") owns certain real estate containing 94.53 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 Village pursuant to Ohio R.C. Sections 709.021 and 709.022; and

WHEREAS, the Village 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 property owners of the Village and the Township; and

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

RECORDED
2019 MAR 22 P 3:24

WHEREAS, the Village 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 Village; and

WHEREAS, the legislative authorities of the Village and the Township have each authorized the execution of this Agreement through the adoption of Village Resolution No. 19-~~005~~ and Township Resolution 19-~~06~~, respectively, in public meetings held in accordance with the Ohio Revised Code and the applicable ordinances of the Village.

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants and agreements hereinafter set forth, the Village 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 Village 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 Village, be annexed to and

accepted by the Village and shall be subject to all other conditions and limitations in this Agreement.

- 2.1. Procedure: The petition seeking to annex the Property to the Village 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 Village 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 Village'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 Village for all purposes.
- 2.3. Cooperative Efforts: The Township and the Village 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 process or endanger the possible approval of the annexation petition by the Commissioners.
- 2.4. Services: Following the annexation of the Property, the Village shall provide police, fire, EMS, electric, street maintenance, storm sewer, sanitary sewer, and all other municipal services authorized by Ordinance and/or Village

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 Village. The Village shall not supply water to the residents of the Property absent future legislation by Village Council.

2.5. Real Estate Tax Revenue: Following the 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:

Village:

Village of Grafton
Attn: Village Administrator
960 Main Street
Grafton, OH 44044
(Fax) (440) 926-9018

Township:

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

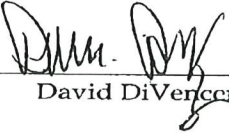
Notices shall be deemed received at the earlier of (i) actual hand delivery to the address of the receiving party, (ii) when received or when receipt is refused or (iii) two business days following proof of mailing via the United States mail.

3.2. Severability: In the event of any one or more of the provisions of this Agreement are held to be invalid, illegal or unenforceable in any respect, that

invalidity, illegality, or unenforccability shall not affect any other provision of this Agreement. Such provisions shall be modified in order to best preserve the intention of the Village and the Township. The Agreement as modified shall remain in full force and effect. If such provisions cannot be so modified, then such provisions shall be severed and the remaining provisions of the Agreement shall remain in full force and effect.

- 3.3. Governing Law: This Agreement shall be governed exclusively by and construed in accordance with the laws of the State of Ohio.
- 3.4. Binding Effect: This Agreement shall inure to the benefit of and shall be binding upon the Village and the Township, their legal representatives, successors and assigns.
- 3.5. Entire Agreement: This Agreement embodies the entire understanding among the parties with respect to the subject matter herein contemplated. Any amendments hereto shall be in writing and shall be executed by both the Village and the Township.
- 3.6. Counterparts: This Agreement may be executed in counterparts, each of which, when executed and delivered, shall be deemed an original, and all counterparts shall constitute one and the same instrument.


Village of Grafton

By: 
David DiVerencenzo, Mayor

Carlisle Township Board of Trustees

By: 
James L. Wright, Trustee

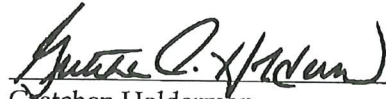
Date: 3/19/19

By: 
Jared W. Smith, Trustee

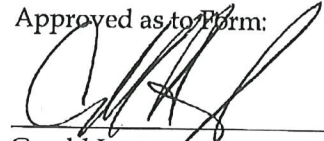
By: 
Barry A. Taylor, Trustee

Date: 03/04/2019

Approved as to Form:


Gretchen Holderman,
Grafton Village Law Director

Approved as to Form:


Gerald Innes,
Assistant Lorain County Prosecutor

And;

WHEREAS, Clerk noted this proposed Annexation on the March 27, 2019 Commissioners agenda; 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; and

WHEREAS, March 28, 2019 Chief Deputy Engineer Peter Zwick submitted a letter as follows:

“Expedited Type 1 annexation report for Auditor’s Parcels 10-00-025-103-003-004,-005,-006,-026,-035 & -037, Carlisle Township, Original Lot 25.

Report that the petition’s legal description and accompanying map accurately describe the perimeter of territory proposed to be annexed to the Village of Grafton”; and

WHEREAS, said petition was filed as an Expedited Type 1 Annexation as authorized under R.C. 709.022 and the Board of Commissioners received and filed the petition at a regular meeting on March 27, 2019 and the next regular session of April 3, 2019, a decision was rendered for the following petition; and

WHEREAS, Agent James R. Wright said the petition was submitted as an Expedited 1 along with the Village of Grafton Resolution No. 19-005, Carlisle Township Resolution No. 19-06 and annexation agreement; and

WHEREAS, Assistant County Prosecutor Innes 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 Village of Grafton and Carlisle Township

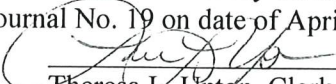
BE IT FURTHER RESOLVED that:

- 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 Village of Grafton and the Board of Trustees of 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 Village of Grafton)

Motion by Lundy seconded by Kokoski to adopt Resolution. Upon roll call the vote taken thereon, resulted as: Ayes: Lundy, Kokoski & Sweda / Nays: None

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. 19-188 is a true copy as it appears in Journal No. 19 on date of April 3, 2019



Theresa L. Upton, Clerk

VILLAGE OF GRAFTON
RESOLUTION NO. 19-005

INTRODUCED BY:

MOTION BY: SAUER

SECONDED BY: STRAH

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ANNEXATION AGREEMENT WITH CARLISLE TOWNSHIP IN CONNECTION WITH THE INTENTIONS OF KNG, LTD. TO FILE A PETITION TO REQUEST THE ANNEXATION OF APPROXIMATELY 94.53 ACRES OF LAND INTO THE VILLAGE OF GRAFTON FROM CARLISLE TOWNSHIP, AND DECLARING AN EMERGENCY

WHEREAS, KNG, Ltd., the owner of approximately 94.53 acres of land ("Property") located in Carlisle Township has indicated its desire to Petition the County Commissioners for the annexation of such Property into the Village of Grafton ("Annexation"); and

WHEREAS, the Village of Grafton desires to enter into an Annexation Agreement with Carlisle Township (Exhibit "A" attached) which outlines the procedures under which the Annexation of the Property would occur, along with the obligations and entitlements of the parties; and

WHEREAS, Council has deemed it to be in the best interest of the Village of Grafton and its residents to enter into the aforesaid Agreement as soon as possible.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF GRAFTON, STATE OF OHIO:

Section 1. That, the Mayor is hereby authorized to enter into the Annexation Agreement attached as Exhibit "A" on behalf of the Village of Grafton.

Section 2. That, it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 3. That, this Resolution is hereby declared to be an emergency measure, immediately necessary for the preservation of the public health, safety and welfare of the Village of Grafton and its citizens, the emergency being the need to assist in expediting KNG, LTD.'s

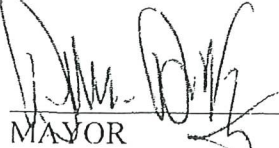
efforts for the Annexation of the Property; therefore, this Resolution shall be in full force and effect from and upon its adoption and approval.



PRESIDENT OF COUNCIL

2-19-19


DATE PASSED



MAYOR

2-19-19

DATE APPROVED



CLERK-TREASURER

2-19-19

DATE ATTESTED

APPROVED AS TO FORM:



GRETCHEN A. HOLDERMAN, LAW DIRECTOR

MOTION TO WAIVE 3 READINGS: SAUER
SECONDED BY: STRAH



Carlisle Township

Lorain County, OH

Resolution 2019-06

Resolution 2019-06 A Resolution to Accept the Annexation Agreement Between Grafton Village and Carlisle Township - KNG Ltd Petitioner

Be it resolved by the Board of Trustees of Carlisle Township, Lorain County, OH, that:

Trustee T. Taylor moved to adopt the following:

WHEREAS, KNG Ltd. (the "Petitioner") owns certain real estate containing 94.53 acres, more or less, hereafter referred to as (the property); and

WHEREAS, the Petitioner desires to annex the Property from the Township into the Village pursuant to Ohio R.C. Sections 709.021 and 709.022; and

WHEREAS, the Village and 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 property owners of the Village and Township; and

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

WHEREAS, the Village and 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 Village.

NOW, THEREFORE, in consideration of the Village authorizing and executing this agreement, the Township does hereby approve such agreement and authorize the execution of this agreement.

NOW, THEREFORE, BE IT ORDAINED BY CARLISLE TOWNSHIP, LORAIN COUNTY, OH, THAT; it is found and determined that all formal actions of the Board of Trustees of Carlisle Township concerning and relating to the adoption of this resolution were adopted in an open meeting of the Board, and that all deliberations of the Board and 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 Revised Code of Ohio.

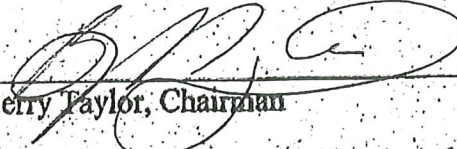
Furthermore, That it is found and determined by the Board of Trustees of Carlisle Township, Lorain County that the requirement of reading a proposed resolution on two separate days, pursuant to O.R.C. 504.10 be waived for proposed Resolution No. 2019-06 in accordance with O.R.C. 504.10 and, therefore, that the Board of Trustees be authorized to adopt proposed Resolution No. 2019-06 after its first reading.

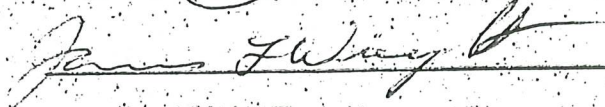
Seconded by Trustee A. Wright, vote resulted as follows:

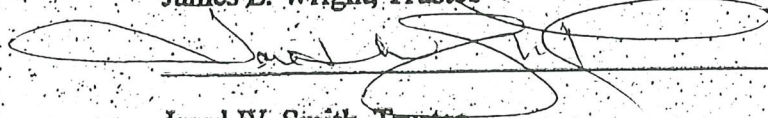
Trustee Berry-Taylor Aje Trustee Jared Smith Aje Trustee James Wright Aje

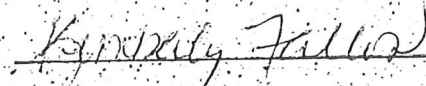
Adopted on this 04 day of March 2019.

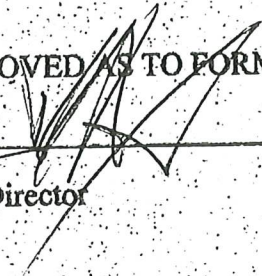
Carlisle Township Board of Trustees:


Berry Taylor, Chairman


James L. Wright, Trustee


Jared W. Smith, Trustee

Attested: 
Kimberly A. Fallon, Fiscal Officer

APPROVED AS TO FORM:

Law Director

3-5-19
Date

First Reading 3/04/2019
Passed _____

wjo

VILLAGE OF GRAFTON
ORDINANCE NO. 19-014

INTRODUCED BY:

MOTION BY: DUKLES

SECONDED BY: STRAH

AN ORDINANCE ACCEPTING THE ANNEXATION OF APPROXIMATELY 95.5349 ACRES OF REAL ESTATE TO THE VILLAGE OF GRAFTON, UPON THE APPLICATION OF THE OWNERS, KNG, LTD., AND DECLARING AN EMERGENCY

WHEREAS, a Petition for the annexation of certain territory consisting of approximately 95.5349 acres of land within Carlisle Township was duly filed by the property owner, KNG, Ltd.; and

WHEREAS, the Petition was duly considered and granted by the Board of Commissioners of Lorain County, Ohio; and

WHEREAS, the Board of Commissioners of Lorain County approved the annexation of territory to the Village of Grafton in Resolution #19-188, passed on April 3, 2019, as hereinafter described; and

WHEREAS, the Board of Commissioners of Lorain County certified the transcript of the proceedings in connection with the subject annexation to the Clerk of Council for the Village of Grafton who received same on April 16, 2019; and

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

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

Section 1. That, the application of the property owner, KNG, Ltd., for the annexation of the following described territory in the County of Lorain and adjacent to the Village of Grafton, is hereby accepted by the Village of Grafton, to wit:

Situated in the Township of Carlisle, County of Lorain, State of Ohio and being known as part of Original Carlisle Township Section Number 25 and more definitely described as follows:

Beginning at a PK nail found at the centerline intersection of North Main Street (a.k.a. State Route 57) (R/W Varies) and Fox Run (60' R/W).

Thence South $71^{\circ} 33' 19''$ West along said centerline of Fox Run, a distance of 450.00 feet to a point in the easterly line of Fox Run Subdivision Number 2 as recorded in Volume 86, Page 57 of the Lorain County Plat Records;

Thence South $18^{\circ} 26' 41''$ East, along the westerly line of said Fox Run Subdivision Number 2 and along the westerly line of Fox Run Subdivision Number 3 as recorded in Volume 100, Page 33 of the Lorain County Plat Records, a distance of 464.13 feet to a point in the southeasterly corner of said Fox Run Subdivision Number 3;

Thence South $89^{\circ} 29' 50''$ West, along the southerly line of said Fox Run Subdivision Number 3, a distance of 1060.94 feet to a point in southwesterly corner of said Fox Run Subdivision Number 3 and being a southeasterly corner of said Carlisle Township; Said point being 0.09 feet northerly from a 1-inch iron pin found, and the True Place of Beginning of land herein described:

- Course 1: Thence continuing South $89^{\circ} 29' 50''$ West, along a southerly line of said Carlisle Township, a distance of 450.00 feet to a point;
- Course 2: Thence South $31^{\circ} 52' 04''$ West, along the easterly line of said Carlisle Township, a distance of 1714.06 feet to a point in the northerly right-of-way line of Baltimore & Ohio Railroad CSX (66 feet);
- Course 3: Thence North $58^{\circ} 40' 12''$ West, a distance of 473.90 feet to a point of curvature;
- Course 4: Thence along the northerly line of said Baltimore & Ohio Railroad CSX parcel and along the arc of a curve deflecting to the left, a distance of 564.02 feet and having a radius of 2322.09 feet, a tangent of 283.40 feet, a delta of $13^{\circ} 55' 00''$, and a chord distance of 562.63 feet which bears North $65^{\circ} 37' 42''$ West, to a point of tangency;

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

- Course 5: Thence North 72° 35' 12" West, a distance of 377.29 feet to a point along the centerline of the Black River;
- Course 6: Thence North 08° 19' 51" West, along the centerline of the Black River, a distance of 353.85 feet to a point;
- Course 7: Thence North 30° 05' 51" West, along the centerline of the Black River, a distance of 123.07 feet to a point in the southerly line of Tanglewood Subdivision as recorded in Volume 51, Page 36 of the Lorain County Plat Records;
- Course 8: Thence South 70° 58' 07" East, along the southerly line of said Tanglewood Subdivision, a distance of 180.78 feet to a point;
- Course 9: Thence North 54° 17' 17" East, along the southeasterly line of said Tanglewood Subdivision, a distance of 455.04 feet to a point;
- Course 10: Thence North 00° 13' 35" East, along the easterly line of said Tanglewood Subdivision, a distance of 702.98 feet to a point;
- Course 11: Thence North 14° 18' 04" East, along the easterly line of said Tanglewood Subdivision, a distance of 499.21 feet to a point in the southerly line of said Tanglewood Subdivision and the northerly line of Carlisle Township Section 25;
- Course 12: Thence North 89° 21' 43" East, along the southerly line of said Tanglewood Subdivision and the northerly line of said Carlisle Township Section 25, a distance of 2086.84 feet to a point in the westerly line of Tanglewood Subdivision Number 2 as recorded in Volume 61, Page 12 of the Lorain County Plat Records and in the easterly line of said Carlisle Township;
- Course 13: Thence South 00° 00' 00" East, along the easterly line of said Carlisle Township, a distance of 90.84 feet to a point in the southwesterly corner of said Tanglewood Subdivision Number 2;

Course 14: Thence South 00° 29' 57" West, along the westerly line of Fox Run Subdivision Number 2 as recorded in Volume 86, Page 57 of the Lorain County Plat Records and the easterly line of said Carlisle Township, a distance of 914.25 feet to the True Place of Beginning.

Containing within said bounds 94.5349 acres of land, more or less, but subject to all legal highways and easements of record. All bearings are to an assumed meridian and are intended to describe angles only. Basis for bearings used was the portion of the south line of Tanglewood Subdivision as Recorded in Plat Volume 54, Page 36-38, which is assumed to be South 89° 21' 43" West.

The above intends to describe all of Lorain County Permanent Parcel Numbers 10-00-025-103-003, 10-00-025-103-004, 10-00-025-103-005, and 10-00-025-103-006 and a portion of Lorain County Permanent Parcel Numbers 10-00-025-103-025, 10-00-025-103-026, 10-00-025-103-035, & 10-00-025-103-037.

Section 2. That, the certified transcript of the proceedings for annexation with an accurate map of the territory together with the petition for annexation and any other papers relating to the proceedings of the County Commissioner, are on file with Clerk of Council, and have been for more than 60 days.

Section 3. That, the Clerk of Council is directed to make four (4) copies of this Ordinance, to each of which shall be attached a copy of the plat 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, and the Clerk of Council shall then forthwith deliver one (1) copy to the Lorain County Auditor, one (1) copy to the Lorain County Recorder, one (1) copy to the Lorain County Treasurer, and one (1) copy to the Ohio Secretary of State, and shall file notice of this annexation with the Lorain County Board of Elections with 30 days after it becomes effective and do all other things required by law.

Section 4. That, 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 that all deliberations of this Council that resulted in such formal action occurred in meetings open to the public, in compliance with all legal requirements, including the Ohio Revised Code.

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

Section 5. That, this Ordinance be, and hereby is 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 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 from and upon its passage and approval by the Mayor.

Michael C. Lee
PRESIDENT OF "COUNSEL"

6-18-19
DATE PASSED

John J. Donohue
MAYOR

6-18-19
DATE APPROVED

Amy R. Burnhart
CLERK-TREASURER

6-18-19
DATE ATTESTED

APPROVED AS TO FORM BY:

Gretchen A. Holderman
GRETCHEN A. HOLDERMAN, DIRECTOR OF LAW

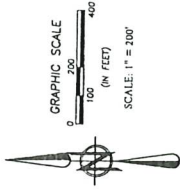
MOTION TO WAIVE 3 READINGS: DUKLES
SECONDED: STRAH

AREA TO BE ANNEXED TO THE VILLAGE OF GRAFTON

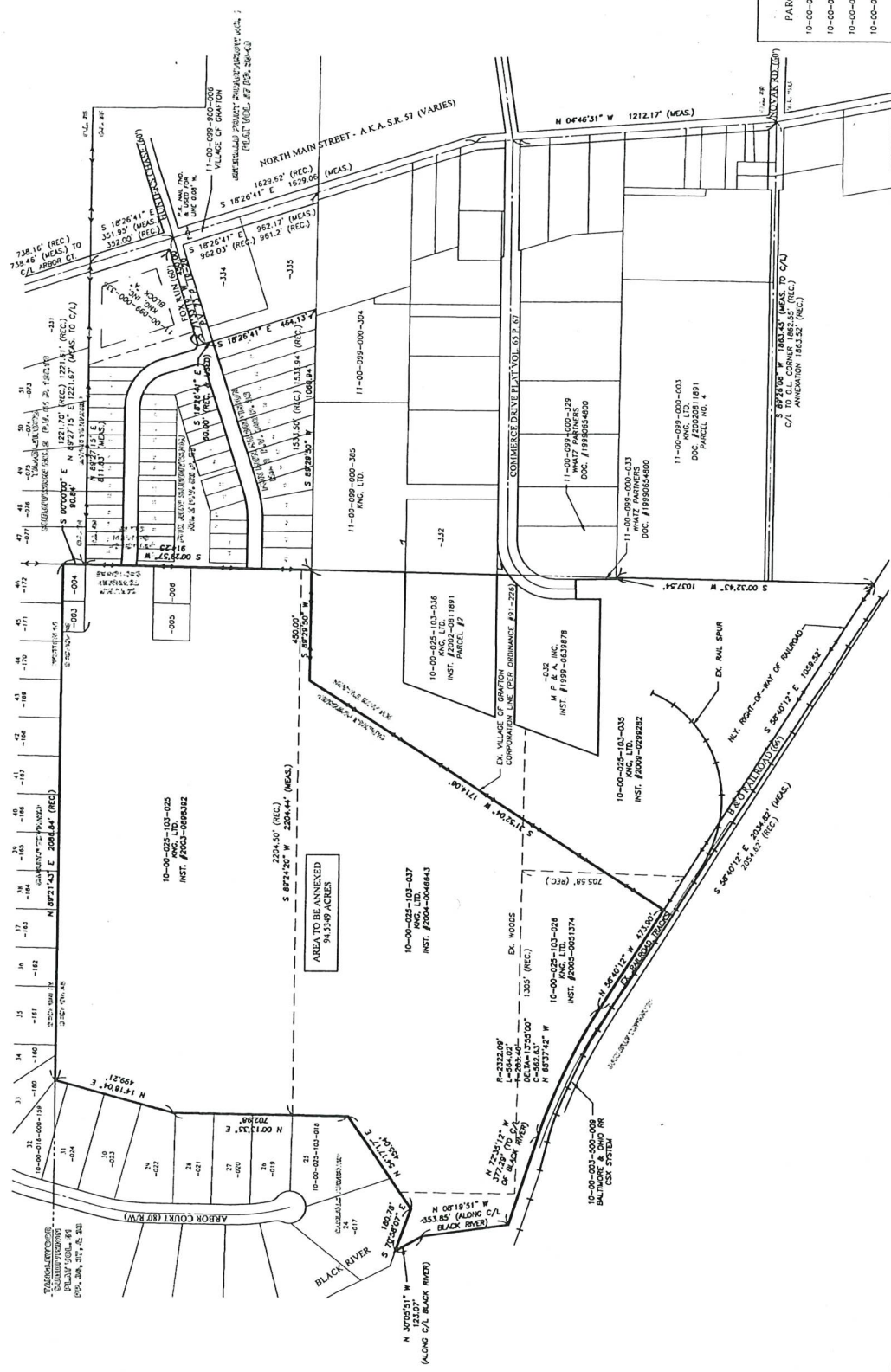
SITUATED IN THE TOWNSHIP OF CARLISLE, COUNTY OF LORAIN, STATE OF OHIO AND CONTAINING 94.5349 ACRES OF LAND IN ORIGINAL CARLISLE TOWNSHIP SECTION No. 25



VICINITY MAP
(NTS)



BASIS OF BEARINGS:
THAT PORTION OF THE SOUTH LINE OF TANGLEWOOD SUBDIVISION AS RECORDED IN PLAT VOL. 54 PAGE 16-18 WHICH IS ASSUMED TO BE S 89° 21' 44" W



2019 MAR 22 P 3:24

PARCEL NO.	OWNER NAME(S)	RECORD INFORMATION
10-00-025-103-004	KMG, LTD.	INST. #2014-0522136
10-00-025-103-004	KMG, LTD.	INST. #2014-0522136
10-00-025-103-005	KMG, LTD.	INST. #2014-0526620
10-00-025-103-006	KMG, LTD.	INST. #2014-0517963
11-00-099-000-322	KMG, LTD.	INST. #2002-0811891

DRAWN BY: ANK
 CHECKED BY: CUT
BRAMHALL
 ENGINEERING AND SURVEYING COMPANY
 801 MOORE ROAD, AVON, OHIO 44001
 (419) 934-7878 (419) 934-7879 FAX
 SHEET 1 OF 1
 JOB NO. 02-1391-S

DATE	BY	DESCRIPTION
02/20/19	CUT	ISSUED FOR REVIEW