



Incorporated January 7, 1887

SEE # 17397

GRAFTON ANNEX,  
FOR RES. 87-864

ORD. 87-097

8-4-87

3-2-89

To Whom It May Concern:

The undersigned, the duly appointed Clerk-Treasurer of the Village of Grafton, hereby certifies that all copies of the foregoing petitions, ordinances, maps and agreements are true, conformed and authenticated copies of the foregoing, duly adopted by the Village of Grafton Council on the dates indicated.

Sincerely,

Sharon L. Wildenheim  
Clerk-Treasurer  
Village of Grafton, Ohio

PETITION FOR ANNEXATION

WHEREAS, the State of Ohio, through the Department of Rehabilitation and Correction, owns and operates the facility adjacent to Grafton, Ohio, known as the Grafton Honor Farm; and

WHEREAS, the State of Ohio desires to expand the facilities at the Grafton Correctional Camp, to include the construction and operation of two new institutions; and

WHEREAS, the new facilities at the future Grafton Correctional Complex will require water, sewage treatment, fire protection and emergency services; and

WHEREAS, the Municipality of Grafton is willing to provide such services; and

WHEREAS, cooperation in the development of regional utility and service organizations is in the best interests of both state and local government; and

WHEREAS, completion and operation of these institutions will provide jobs and serve the needs of the citizens of Ohio;

THEREFORE, now comes the petitioner, William Sykes, Director of Administrative Services, State of Ohio, and petitions the Board of County Commissioners of Lorraine County, in which county the proposed Grafton Correctional Complex will be located, for the annexation of the property upon which the complex will be located, into the Municipality of Grafton.

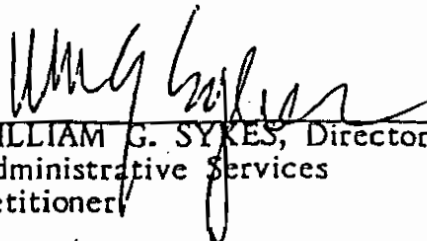
Further, the petitioner states:

- (1) The property is described in Attachment A, affixed hereto. A plat of the territory sought to be annexed is also attached.
- (2) The State of Ohio is the sole owner of the property which is the subject of this petition.
- (3) The agent of the petitioner in all further matters regarding such petition is William C. Mullan, Deputy Director of Operations, Department of Rehabilitation and Correction, 1050 Freeway Drive North, Columbus, Ohio 43229.

Thank you in advance for your consideration in this matter.

Signed,

9/26/86  
Date

  
\_\_\_\_\_  
WILLIAM G. SYKES, Director  
Administrative Services  
Petitioner

SPONSORED BY: Mayor Smith

VILLAGE OF GRAFTON

MOTION BY: Mr. Laurio

ORDINANCE NO. 87-097

SECONDED BY: Mr. Trenchard

AN ORDINANCE RATIFYING AN AGREEMENT MADE  
BETWEEN THE VILLAGE OF GRAFTON AND OHIO  
DEPARTMENT OF REHABILITATION AND CORRECTION

WHEREAS, the Ohio Department of Rehabilitation and Correction will require various municipal services including sewage treatment, for the new facilities to be constructed at the site of the Grafton Correctional Complex; and

WHEREAS, the Village of Grafton has resolved to furnish sewage treatment conditioned upon annexation of said Complex to the Village of Grafton; and

WHEREAS, official representatives of the Ohio Department of Rehabilitation and Correction and the Village of Grafton have negotiated an agreement, subject to stated conditions, for the Village of Grafton to supply such sewage services for fees as negotiated; and

WHEREAS, the Grafton Village Council duly moved and passed at a meeting held on June 3, 1986 a motion authorizing the Mayor to sign said agreement; and

WHEREAS, both parties to said agreement have, by their actions, recognized said agreement to be binding upon both parties; and

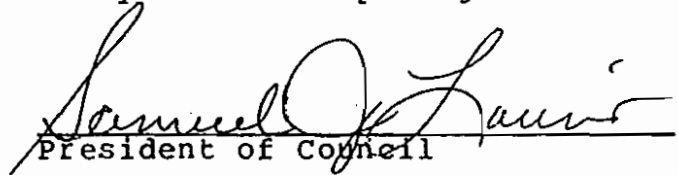
WHEREAS, ratification of the duly negotiated agreement may be necessary to abide by legal requirements associated with current annexation proceedings; and

WHEREAS, it is necessary, expedient and in the best interest of the citizens of the Village of Grafton that the duly negotiated agreement dated June 12, 1986 between the Village of Grafton and the Ohio Department of Rehabilitation and Correction be ratified by the Grafton Village Council.

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

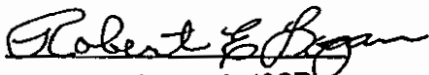
SECTION ONE: That the Grafton Village Council endorses and ratifies the agreement entered into between the Village of Grafton and the Ohio Department of Rehabilitation and Corrections as negotiated and subject to the conditions as embodied within the writings of the agreement dated June 12, 1986 and signed under motion authority by the Mayor of the Village of Grafton and signed by a State of Ohio representative on June 26, 1986.

SECTION TWO: That this ordinance is and is hereby declared to be an emergency measure, emergency being the immediate necessity to provide for the Public Peace, Health, Safety and Welfare of the people of the Village of Grafton by indicating the Village's ratification, wherefore this ordinance shall be in full force and effect from and immediately after its passage and approval.

  
President of Council

Passed: AUG - 4 1987

Date Filed with Mayor: \_\_\_\_\_

Attest: 

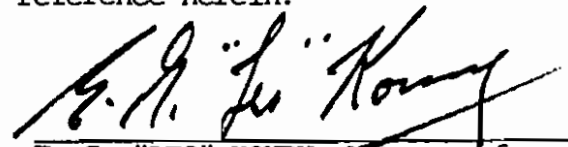
Date Approved: AUG - 4 1987

Effective: AUG - 4 1987

  
Mayor



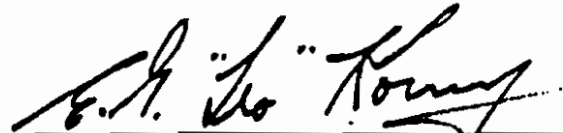
grant this Defendants' Motion to Dismiss, this Defendant moves this Court for an order continuing the Hearing on the Merits scheduled in this matter for February 4, 1988 and for an order requiring Plaintiffs to cause a full record of proceedings to be filed in this matter, including a transcript of such proceedings so as to allow this Defendant an opportunity to properly respond to Plaintiffs' allegations, as is further shown by the Memorandum in Support of these Motions which is attached hereto and incorporated by reference herein.



E. G. "LEO" KOURY, Attorney for  
Defendant, William C. Mullan, Agent  
for Petitioner, State of Ohio  
(0006012)  
520 Broadway, 2nd Floor  
Lorain, Ohio 44052  
(216) 277-7214

PROOF OF SERVICE

A copy of the foregoing Motion was mailed to John Lawther, Attorney for Plaintiffs, 110 Herrick Avenue West, P.O. Box 147, Wellington, Ohio 44090; Robert E. Logan, Clerk/Treasurer of Grafton Village, 1009 Chestnut Street, Grafton, Ohio 44004; and Thomas Smith, Attorney for Robert E. Logan, Clerk/Treasurer of Grafton Village, 940 Lorain Boulevard, Elyria, Ohio 44035; on this 2<sup>nd</sup> day of February, 1988, by regular U.S. Mail.



E. G. "LEO" KOURY, Attorney for  
Defendant, William C. Mullan, Agent  
for Petitioner, State of Ohio  
(0006012)

FILED  
CLERK OF COMMON PLEAS

ENTERED

08 SEP 12 P 2: 32

JOURNAL ENTRY

COURT OF COMMON PLEAS

Lorain County, Ohio

Donald J. Rothgery, Clerk

Case No. 88CV099892

*In re Estate of Jameson Estate et al*

Plaintiff

Attorney for Plain

*Robert E Logan, etc et al*

Defendant

Attorney for Defend

Date \_\_\_\_\_ J.E. \_\_\_\_\_ Vol. 380 Page 375

*Case settled by mutual agreement. See judgment entry.*

*Joseph E. Crigline Jr.*

I HEREBY CERTIFY THIS TO BE A TRUE AND  
CERTIFIED COPY OF THE ORIGINAL ON FILE  
IN THIS OFFICE.

DONALD J. ROTHGERY, CLERK

BY *Barbara Paskin* DEPUTY

COURT OF COMMON PLEAS  
COUNTY OF LORAIN  
STATE OF OHIO

IN THE MATTER OF THE PETITION :  
FOR ANNEXATION OF APPROXIMATELY :  
1805 ACRES IN EATON AND GRAFTON :  
TOWNSHIPS INTO THE VILLAGE OF :  
GRAFTON :

BOARD OF TOWNSHIP TRUSTEES FOR :  
EATON TOWNSHIP :

AND :

CASE NO. 88CV-099892

BOARD OF TOWNSHIP TRUSTEES FOR :  
GRAFTON TOWNSHIP :

JUDGE JOSEPH CIRIGLIANO

PLAINTIFFS, :

VS. :

ROBERT E. LOGAN, CLERK/TREASURER ,:  
VILLAGE OF GRAFTON :

AND :

WILLIAM C. MULLAN, AGENT FOR :  
PETITIONER, STATE OF OHIO :

DEFENDANTS :

CONSENT DECREE

The parties to this action, by and through their respective counsel, hereby stipulate and agree that:

1. This is a civil action for injunctive relief, alleging that errors were committed in proceedings before the Board of County Commissioners in Lorain County, concerning the petition for annexation of certain territory in Eaton and Grafton townships into the Village of Grafton. The territory at issue is owned by the State of Ohio and is



utilized by the Department of Rehabilitation and Correction for correctional purposes. The territory originally described in the petition for annexation, and regarding which the proceedings before the County Commissioners were held, is fully described in Appendix 1.

2. The petition was filed on March 25, 1987, in which defendant William C. Mullan was named agent for the petitioner, State of Ohio. Public hearings were held by the Lorain County Board of County Commissioners on June 11, June 12, July 2, July 28, and August 18, 1987. Interested parties and any other person who so desired were afforded the opportunity to appear and be heard by the Board of County Commissioners regarding this matter. Plaintiffs, through their counsel, appeared, presented evidence and argued before the Commissioners. On November 12, 1987, the Board of Commissioners issued a decision granting the petition. This decision was memorialized in Resolution No. 87-864, filed with defendant Robert E. Logan on November 12, 1987. The decision held that all requisites of Section 709.033 had been satisfied.

3. The instant petition for injunction was filed with the Court of Common Pleas for Lorain County on January 11, 1988, seeking to enjoin the presentation of the annexation petition to the Grafton legislative authority. This court

has jurisdiction of the matter pursuant to Section 709.07 of the Revised Code.

4. Upon the full and informed consent of all parties to this litigation, in resolution of all claims asserted and relief sought herein, and following an open hearing before the court regarding the issues contained herein, it is hereby **ORDERED ADJUDGED AND DECREED** that the petition for injunction be and is hereby dismissed; and it is further **PROVIDED:**

A. The hearings before the Board of County Commissioners afforded a full, fair and impartial opportunity for any person to appear and address the Board.

B. The Decision and Order of the Board of Commissioners was reasonable and lawful; the Board of Commissioners did not commit error in the hearings or order; the annexation petition was properly filed with the County Auditor's office; the State of Ohio is an owner of the territory at issue, as defined in 709.02 R.C.; that adequate notice of the hearing was published as required by 709.031 R.C.; that the municipal corporation complied with 709.031(B) R.C.; that the territory to be annexed is not unreasonably large; that annexation is in the general good of the territory to

be annexed; and that no material, relevant or prejudicial errors were committed by the petitioner.

C. The Village of Grafton will enter into a separate contract for the allowance of the connection of certain township residents to the sewage treatment system of the Village of Grafton, upon such terms as may be agreed by those parties. This contract is incorporated herein by reference as if fully rewritten herein, and is hereby attached and made a part of this Consent Decree, and is binding upon all parties hereto and their successors in office. See Appendix 2. In the event that the consent of the Department of Rehabilitation and Correction or the Department of Administrative Services is necessary for such connection, the State shall not unreasonably withhold such consent.

D. The State of Ohio, Department of Rehabilitation and Correction will enter into a separate contract for the provision of fire protection services with Eaton and Grafton Township, at a cost of \$250 per ambulance run and \$350 per fire truck. This contract is incorporated herein as if fully rewritten herein, and is hereby attached and made a part of this Consent Decree, and is binding upon all parties hereto and

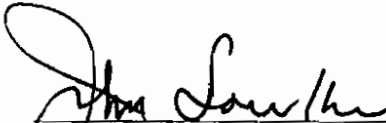
their successors in office. See Appendix 3. Such services shall be provided pursuant to and consistent with the mutual aid compact between Eaton Township and Grafton Village (a copy of which is attached hereto as Appendix 4), upon and only upon the request of the Village of Grafton or the Ohio Department of Rehabilitation and Correction; Eaton and Grafton Townships shall not be liable or responsible in any way for any damage or loss occurring prior to a request for their assistance.

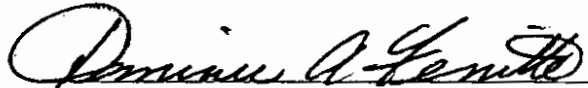
E. The territory to be annexed shall be reduced by a strip one hundred (100) feet in width around the perimeter of the property, except where the territory is contiguous with the Village of Grafton; this territory was fully subject to all notice and hearing requirements, and no person or party is in any way prejudiced by this modification. The territory as modified is described in the attached legal description and plat (see Appendix 5), the cost of which shall be borne equally by the State of Ohio, the Village of Grafton and the plaintiffs.

F. This consent Decree is agreed to by the Board of Commissioners, in witness whereof their signatures are

affixed below. The Clerk of Courts will file a certified copy of the Decree with the Commissioners as approved by Judge Cirigliano.

IT IS SO ORDERED.

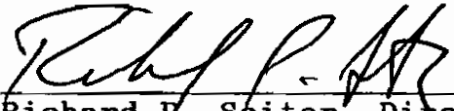
  
\_\_\_\_\_  
John Lowther, Attorney  
Board of Township Trustees


  
\_\_\_\_\_  
Chairman  
Grafton Township Board of Trustees

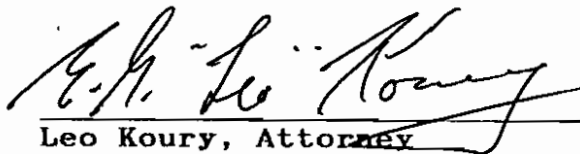
  
\_\_\_\_\_  
Chairman  
Eaton Township Board of Trustees

  
\_\_\_\_\_  
Thomas Smith, Attorney  
Village of Grafton

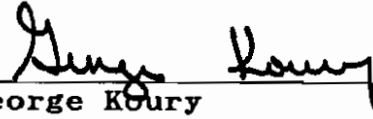
  
\_\_\_\_\_  
Thomas Smith, Mayor  
Village of Grafton

  
\_\_\_\_\_  
Richard E. Seiter, Director  
Department of Rehabilitation and  
Correction

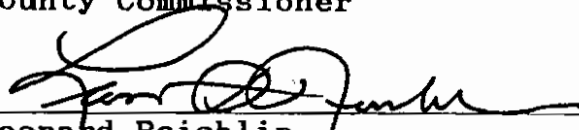
  
\_\_\_\_\_  
William Flaherty, Director  
Department of Administrative  
Services



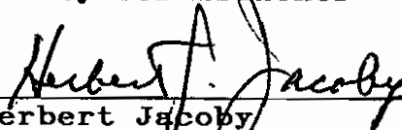
Leo Koury, Attorney  
State of Ohio



George Koury  
County Commissioner



Leonard Reichlin  
County Commissioner



Herbert Jacoby  
County Commissioner



Joseph E. Cirigliano, Judge

## APPENDIX 2

### AGREEMENT

THIS AGREEMENT, made and entered into this 8<sup>th</sup> day of Sept, 1988, by and between the VILLAGE OF GRAFTON and the TOWNSHIPS OF EATON and GRAFTON, all being subdivisions existing in the State of Ohio and organized under the laws thereof and being hereinafter referred to respectively as the VILLAGE and the TOWNSHIPS; the Village being authorized to execute this Agreement by Ordinance \_\_\_\_\_ passed by its Council on \_\_\_\_\_, 1988, and the Townships being empowered to do so by Resolution of its respective Boards of Trustees, Eaton Township on 8-30-88, 1988 and Grafton Township on 8-31-88, 1988,

WHEREAS, the Village has entered into an Agreement with the State of Ohio to accept the annexation of the facility known as the Grafton Prison Farm, and

WHEREAS, the Village has updated its sewerage facilities after approval by the Ohio EPA, and

WHEREAS, the State of Ohio is connecting its sewer lines to the Village lines at the Elm Street connection, and

WHEREAS, the Townships have requested that they be allowed to tie into existing sewer lines, and

WHEREAS, the Townships and the Village are attempting to settle a Court action concerning the annexation, and

WHEREAS, it is deemed in the best interests of the Village and the Townships to enter into an Agreement to cooperate in the utilization of sewers, and

WHEREAS, the Townships and Village agree that a purpose of this Agreement is to allow certain areas of the Townships in the area of Highway 82 and Highway 83 to tap into the Village sewer system without the pre-condition of annexation,

NOW, THEREFORE, in consideration of the premises and of the mutual covenants hereinafter set forth and of other good and valuable considerations, the Village and the Townships do hereby promise and agree:

Section I: It is the intent of the Village to enter into an agreement with the County to secure permission to service sanitary sewer requirements outside of Village borders.

Section II: The Village promises and agrees with the Townships to initiate discussion with the County regarding the development of sewer districts located within the immediate area surrounding the State of Ohio Prison Farm facility. The Village agrees to use its best efforts to negotiate a suitable agreement with the County.

Section III: The Village further promises and agrees that it shall attempt to secure agreement from the County for the transport and delivery to the intercepting and trunk sewers of the Village all sanitary sewerage and waste originating in the agreed areas in accordance with a plan to be developed at the time such lines are constructed subject to Village approval.

Section IV: The Village agrees that it shall review each request for tap-in to such future lines under such plan and make a determination regarding the feasibility of accepting such waste materials.

Section V: The parties agree that acceptance of sanitary sewerage and wastes by the Village shall be based on any plan negotiated in the future with the County under State of Ohio statutes.

Section VI: The parties agree to allow designated areas of the Townships to connect into the existing Grafton Waste Water Treatment system without a pre-condition of annexation, subject to terms and conditions herein. The parties further agree that, due to the status of existing state laws regulating the proposal, much of the detail of the connections must be left open for further negotiation.



IN WITNESS WHEREOF, the Village and the Townships  
(Eaton and Grafton) have caused this Agreement to be executed  
by their respective officers thereunto duly authorized as of  
the day and year first above written.

Witnesses:

VILLAGE OF GRAFTON

By: Thomas M. Huff  
Mayor

TOWNSHIP OF EATON

By: Chester C. Carpenter  
Emi D. Walker  
Frank Weston  
Trustees

TOWNSHIP OF GRAFTON

By: Robert A. Kowalski  
Orville A. Fenwick  
Russell Best  
Trustees

RESOLUTION NO. 87-273

In the matter of providing for a public Hearing )  
on the annexation, to the Village of Grafton, )  
certain properties in Grafton and Eaton )  
Townships owned by the State of Ohio wherein )  
the Grafton Correction Facility is located. )

April 14, 1987

WHEREAS, the Clerk gave notice to the Board of Commissioners this date, on the filing with her on March 25, 1987, a petition to annex all or parts of Original Lots 37, 38, 39, 40, 41, 42, 43, 44, 58, 59, 60, 61, 62, 79 and 80 of Eaton Township and parts of Original Lots 4, 5, and 6 of Grafton Township to the Village of Grafton, by the State of Ohio, designating the Agent, Mr. William C. Mullan, Deputy Director of Operations; and

WHEREAS, the petition and description of the areas involved in proposed annexation to the Village of Grafton, have been entered upon the journal of proceedings of the Board on date of March 25, 1987 on pages 197 - 200, Book No. 87.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Lorain County, Ohio, that we do and hereby provide for the public hearing to take place in the Public Hearing Room, 4th Floor County Administration Building, Elyria, Ohio on June 11, 1987 at 11:00 A.M. D.S.T. A certified copy of this resolution is to be filed with the Agent of the petitioner for purpose of notifying the petitioner of the time and place of hearing all in accordance with law.

BE IT FURTHER RESOLVED that said Agent for the petitioner shall cause notice containing the substance of said petition and the time and place where hearing will be had thereon to be published in a newspaper printed and of general circulation in Lorain County for a period of four consecutive weeks prior to the time fixed for the hearing and shall deliver a copy of the notice to the Clerk of each township; any portion of which is included within the territory sought to be annexed and to the Clerk of the Legislative Authority of the municipal corporation to which annexation is proposed.

FURTHER BE IT RESOLVED that it is found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board that resulted in such formal action, were in meetings open to the public, in compliance with the law.

The foregoing resolution was introduced upon a motion by Commissioner Leonard P. Reichlin, seconded by Commissioner Herbert J. Jacoby and the vote taken thereon resulted as follows: Leonard P. Reichlin, "aye"; Herbert J. Jacoby, "aye"; Commissioner George I. Koury, Jr., absent - on vacation leave.

Motion carried.

I, Mona L. Walsh - Clerk of the Board of Commissioners of Lorain County, Ohio, do hereby certify that the above Resolution No. 87-273 is a true copy as it appears in Journal No. 87 on date of April 14, 1987.



TRANSCRIPT OF PROCEEDINGS

ANNEXATION

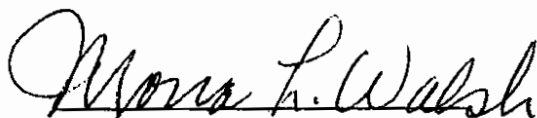
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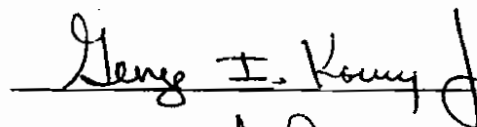
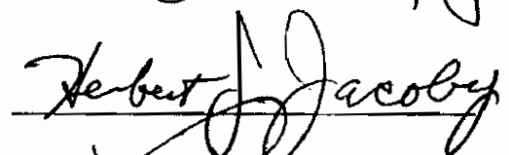
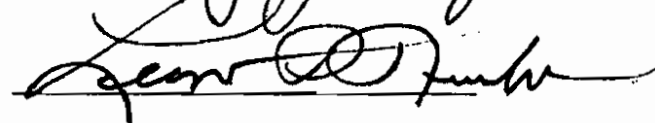
PROPERTIES LOCATED IN EATON  
AND GRAFTON TOWNSHIPS OF  
LANDS OPERATED BY THE STATE  
OF OHIO AS A GRAFTON HONOR  
FARMS TO THE VILLAGE OF GRAFTON

Said properties being known as part  
of original Eaton Township Lots NOs  
37, 38, 39, 40, 41, 42, 43, 44, 58,  
59, 60, 61, 62, 79 and 80 and Original  
Grafton Township Lots 4, 5, and 6  
comprising 1,805.2 acres.

Granted: November 12, 1987

LORAIN COUNTY COMMISSIONERS

  
Mona L. Walsh, Clerk

RESOLUTION NO. 87-864

In the matter of granting annexation of properties )  
to the Village of Grafton located in the Townships )  
of Eaton and Grafton, County of Lorain, State of )  
Ohio, requested by the State of Ohio, through the )  
Department of Rehabilitation and Correction )  
which facilities and lands are used as a Grafton )  
Correctional Honor Farm. )

November 12, 1987

WHEREAS, the Board of Lorain County Commissioners conducted several hearings on a petition for annexation requested by the State of Ohio for properties used by them as an Honor Farm, which properties are located in the Townships of Eaton and Grafton, known as Lots #37 , 38, 39, 40, 41, 42, 43, 44, 58, 59, 60, 61, 62,79, and 80, and parts of Original Grafton Township Lots 4, 5, and 6; and

WHEREAS, the Board of Commissioners issued an official statement on date of November 10, 1987 of its decision and order regarding all the testimony, exhibits and oral arguments, together with briefs supporting their decision which reads as follows:

BEFORE THE BOARD OF COMMISSIONERS  
LORAIN COUNTY, OHIO

IN THE MATTER OF THE PETITION )  
FOR ANNEXATION OF 1805 ACRES ± )  
INTO THE VILLAGE OF GRAFTON BY )  
THE STATE OF OHIO . )))

DECISION AND ORDER

This cause came on to be considered by the Board of Commissioners of Lorain County, Ohio, upon a petition for annexation filed with the Clerk of this Board on March 25, 1987 by the State of Ohio, through William G. Sykes, director of Administrative Services, hereinafter referred to as Petitioner. Full and exhaustive hearings were conducted before the full board on June 11, June 12, July 2, July 28, and August 18, 1987. Legal counsel for both the proponents and the opponents to the proposed annexation were afforded a full and fair opportunity to present oral testimony , exhibits and oral arguments together with briefs supporting the viewpoints.

The petition seeks the annexation of approximately 1805 acres of land in Eaton and Grafton Townships into the Village of Grafton. Although this petition is the fourth petition considered by the Board at this hearing as the first three were dismissed or withdrawn by Petitioner without prejudice to later filings.

Now, upon review, of all the evidence and the applicable law the Board finds, pursuant to O.R.C. Section 709.033 as follows:

1. The petition does contain, (1) a full legal description and an accurate map or plat of the territory sought to be annexed, (2) a statement that the State of Ohio is the sole owner of the real estate in the territory sought to be annexed, and (3) a statement that William C. Mullan will act as agent for the Petitioner. The petition thus contains all matter required in O.R.C. Section 709.02.
2. Mona Walsh, Clerk of this Board, testified that upon receiving the present petition, she caused same to be filed in the office of the county auditor in compliance with and pursuant to Ohio Revised Code Section 709.03.
3. A notice of the hearing in this matter was timely published in the Elyria Chronicle Telegram, a newspaper of general circulation in Lorain County, on May 12, 19, and 26, 1987, and on June 2, 1987. Such notice sufficiently described the substance of the petition

and set forth the time and place of the hearing in compliance with Ohio Revised Code Section 709.031. Timely and sufficient notice was also delivered to the Clerks of Eaton and Grafton Townships and to the Clerk of Council for the Village of Grafton.

4. The Village of Grafton complied fully with Ohio Revised Code Section 709.031(B) when it, as an emergency measure, adopted Resolution No. 87-871 on June 11, 1987. The Village by such resolution, adopted a statement indicating the services it would provide to the territory which is proposed for annexation. Such resolution was adopted at a meeting open to the public. Adequate notice of such meeting was given and no violations of Ohio Revised Section 121.22 were shown to have occurred. Resolution No. 87-871 must therefore be presumed by this Board to be valid.

5. The State of Ohio is an owner for purposes of annexation proceedings. Although the State of Ohio is not specifically enumerated in the definition of "owner" in Ohio Revised Code Section 709.02, there are several persuasive rulings by the Ohio Attorney General which appear to establish that the State of Ohio qualifies as an owner for the purpose of filing an annexation petition such as is now before this Board.

6. Although the territory to be annexed contains approximately 1805 acres of land, it is not unreasonably large. In making this finding, the Board notes that the territory to be annexed is intended to be used for one purpose; that the land is not disproportionately important to Eaton or Grafton Townships as it is exempt from real estate taxes; and that the residents of the territory are thus not politically or socially significant to the townships. The Board also notes that there is precedent of a much larger annexation in Lorain County.

7. The map or plat of the territory is accurate. In making this finding, this Board notes that the County Engineer's testimony in regard to its accuracy was not challenged in any manner by the opponents to the annexation.

8. The general good of the territory sought to be annexed will be served if the annexation is granted. In making this finding, this Board notes the annexation, in addition to other service benefits, will serve to supply the territory with sanitary sewers at substantially reduced rates; that substantial revenues will be generated from a village income tax; and that a stable community atmosphere conducive to employment opportunities will result.

IT IS THEREFORE ORDERED AND RESOLVED by the Board of Commissioners of Lorain County, Ohio, that the within petition for annexation be and is hereby granted and allowed.

BOARD OF COMMISSIONERS OF LORAIN COUNTY

George I. Koury, Jr.  
Leonard P. Reichlin  
Herbert J. Jacoby       "

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Lorain County, Ohio, that we do and hereby grant the petition for annexation of 1805 acres± into the Village of Grafton by the State of Ohio of properties situated in the Townships of Eaton and Grafton, known as Lots #37, 38, 39, 40, 41, 42, 43, 44, 58, 59, 60, 61, 62, 79, and 80, and parts of Original Grafton Township Lots 4, 5, and 6.


FURTHER BE IT RESOLVED that a copy of this resolution be forwarded to the Village of Grafton, Lorain County Auditor and the State of Ohio notifying them of the Board's final decision on these proceedings.

The foregoing resolution was introduced upon a motion by Commissioner George I. Koury, Jr., seconded by Commissioner Herbert J. Jacoby and the vote taken thereon resulted as follows: George I. Koury, Jr., "aye"; Herbert J. Jacoby, "aye"; Leonard P. Reichlin, "aye".

Motion carried.

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I, Mona L. Walsh, Clerk of the Board of Commissioners, Lorain County, Ohio, do hereby certify that the above Resolution No. 87-864 is a true copy as it appears in Journal No. 87 on date of November 12.

  
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SPONSORED BY: MAYOR SMITH

MOTION BY: Mr. Laurio

SECONDED BY: Mr. Bescan

**A RESOLUTION OF INTENT TO SUPPLY SERVICES UPON  
ANNEXATION AND DECLARING AN EMERGENCY**

**WHEREAS**, the State of Ohio, through the Department of Rehabilitation and Correction has petitioned the County Commission of Lorain County for the annexation of property it owns into the Village of Grafton, to be known as the Grafton Correctional Complex, and

**WHEREAS**, the said facility will require services, including sewage treatment, fire and police protection and ambulance services, which the Village of Grafton is willing and able to provide, and

**WHEREAS**, the Ohio Revised Code provides for a statement of services to be provided the owner of the property to be annexed, and

**WHEREAS**, it is in the best interest of the citizens of the Village of Grafton that the annexation take place and that certain services be provided the Department:

**WHEREAS**, an emergency exist in the usual daily operation of the Village of Grafton in that it is immediately necessary to indicate the Village intent, Thereby preservint the Public Peace, Health, Safety and Welfare.

**BE IT THEREFORE RESOLVED BY THE VILLAGE OF GRAFTON,  
LORAIN COUNTY AND STATE OF OHIO:**

**Section One:** That in the event the Petition for Annexation of the State of Ohio of certain real property, contiguous to the Village, to be used and known as the Grafton Correctional Complex, is approved by the County Commission of Lorain County, the Village of grafton does hereby and herewith pledge and offer to provide the following services to the said Complex:

- A. sewage treatment
- B. fire protection
- C. police protection
- D. ambulance service
- E. water

**Section Two:** The clerk should be and he is hereby authorized and directed to forward certified copies of this Resolution to the Ohio Department of Rehabilitation and Correction and the Secretary of the Lorain County Commission forthwith.

**Section Three:** 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 in compliance with all requirements under the law.

**Section Four:** That this resolution is and is hereby declared to be an emergency measure, emergency being the immediate necessity to provide for the Public Peace, Health, Safety, and welfare of the people of the Village of Grafton by indicating the Villages intent, wherefore this resolution shall be in full force and effect from and immediately after its passage and approval

*Samuel J. Laurio*  
PRESIDENT OF COUNCIL

PASSED: JUN 11 1987 DATE FILED WITH MAYOR:

ATTEST: *Robert E. Logan* DATE APPROVED: JUN 11 1987

EFFECTIVE: JUN 11 1987 *Thomas M. Sullivan*  
MAYOR



SPONSORED BY:

VILLAGE OF GRAFTON

MOTION BY: Hosek

ORDINANCE NO. 88-118

SECONDED BY: Trenchard

AN ORDINANCE ACCEPTING AN APPLICATION FOR ANNEXATION THE PETITION FOR WHICH WAS GRANTED BY THE BOARD OF COMMISSIONERS OF LORAIN COUNTY IN THE MATTER OF ANNEXATION OF EATON AND GRAFTON TOWNSHIP LAND OWNED BY THE STATE OF OHIO TO THE VILLAGE OF GRAFTON AND DECLARING AN EMERGENCY

WHEREAS, the Village of Grafton and the State of Ohio, declared their intention for annexation of certain land to the Village of Grafton; and

WHEREAS, the Board of Commissioners of Lorain County granted the petition of the State of Ohio requesting said annexation; and

WHEREAS, the Townships of Eaton and Grafton filed an injunction against annexation; and

WHEREAS, the representatives of the State of Ohio, the Village of Grafton, and the Townships of Eaton and Grafton have agreed upon terms of a settlement of the injunction against annexation; and

WHEREAS, the Board of Commissioners of Lorain County filed the papers relating to the annexation with the Clerk of the Village of Grafton pursuant to O.R.C. Section 709.033; and

WHEREAS, the Clerk of the Village of Grafton has placed the transcripts before this Council for action pursuant to O.R.C. Section 709.08; and

WHEREAS, it is in the best interest of the citizens of the Village of Grafton that the annexation take place.

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

SECTION 1: That the Grafton Village Council hereby accepts the application for annexation of certain land owned by the State of Ohio for which a petition was approved and granted by the Board of Commissioners of Lorain County on November 12, 1987.

SECTION 2: That the Grafton Village Council authorizes the Mayor to execute documents necessary to complete the annexation process.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and any of its committees that have consulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.2 of the Ohio Revised Code.

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Grafton, Ohio; the immediate emergency being the necessity of settling the legal action and completing annexation of land, and that the Ordinance shall take effect and be in force immediately after passage and approval by the Mayor.

Passed: 9-20-88

Cheryl Hosek  
Cheryl Hosek  
President of Council

Date Filed with Mayor: 9-20-88

Thomas W. Smith  
Thomas Smith, Mayor

Approved as to form:  
Dan T. Pribich  
Daniel T. Pribich, Law Director

Date Approved: 9-20-88

Attest: [Signature]

Effective: 9-20-88