

SEE GRAFTON VILLAGE ORD
87-097 PASSED 8-4-87

#1733

RESOLUTION NO. 87-864

APPROVED
LORAIN CO.
MAP DEPT.
DATE 12 21-87
PAGE 1987 11-1733
BY T. McNeal
VOID AFTER 17397

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

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this petition is the fourth petition considered by the Board at this hearing as the first three were dismissed or withdrawn by Petitioner without prejudice to later filings.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.

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.

Mona L. Walsh

DESCRIPTION, 1,805.2 acres of land, proposed ANNEXATION to the VILLAGE OF GRAFTON, LORAIN COUNTY, OHIO

#17397

APPROVED	
LORAIN CO.	
MAP DEPT.	
DATE 12-21-87	
PAGE 11-F 4 SOUTH	
BY T. Moran	
VOID AFTER	17397

16 B

Situated in the Townships of Eaton and Grafton, County of Lorain and Ohio. Being known as parts of Original Eaton Township 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, bounded and described as follows:

* Beginning at the intersection of the southerly line of a 5.00 acre tract of land conveyed to Eaton Township by deed dated August 16th, 1955, with the westerly line of Island Road (60ft.).

Thence in a southerly direction along the westerly line of Island Road, a distance of about 6740 feet to the northerly line of lands conveyed to Stanley E. and Alma J. Wyatt by deed recorded in Volume 823, Page 681 of Lorain County Deed Records.

Thence in a westerly direction along Wyatt's northerly line, a distance of 234⁽²⁾ feet to Wyatt's northwest corner.

Thence in a southerly direction along Wyatt's westerly line, a distance of 82.50⁽³⁾ feet to the northerly line of Original Lot 40.

Thence in a westerly direction along the northerly line of Original Lot 40, a distance of about 1121⁽⁴⁾ feet to the northwesterly corner of a proposed subdivision known as Eaton Islands Farms.

Thence in a southerly direction along the westerly line of said proposed subdivision, a distance of about 932⁽⁵⁾ feet to a corner of a 37.55 acre parcel of land now under title to the State of Ohio.

Thence in an easterly direction along a northerly line of said 37.55 acre parcel, a distance of about 162⁽⁶⁾ feet to a point.

Thence in a southerly direction along the westerly line of said proposed Eaton Island Farms, a distance of about 1688⁽⁷⁾ feet to the southerly line of Original Lot 40, being also the southerly line of Eaton Township.

Thence in a westerly direction along the southerly lines of Original Lots 40 and 41, being also the southerly line of Eaton Township, a distance of about 4270 feet to the westerly right-of-way line of the Wooster-Avon Lake Road (Ohio Route 83).

Thence in a southerly direction along the westerly right-of-way line of the Wooster-Avon Lake Road (Ohio Route 83), a distance of about 1260 feet to the southerly line of lands now under title to the State of Ohio Welfare Department, presently identified as Permanent Parcel Number 16-00-005-000-001.

Thence in a westerly direction along the southerly line of Permanent Parcel Number 16-00-005-000-001, a distance of about 2600⁽¹⁰⁾ feet to the westerly line of Original Grafton Township Lot 5.

Thence in a northerly direction along the westerly line of Original Grafton Township Lot 5, a distance of about 190⁽¹¹⁾ feet to the southeast corner of a 52 acre parcel of land conveyed to the State of Ohio by deed dated December 31st, 1934.

Thence in a westerly direction along said 52 acre parcel of land, presently identified as Permanent Parcel Number 16-00-004-000-003, a distance of about 2284 feet to the southwest corner of said parcel. (11)

Thence in a northerly direction along the westerly line of said 52 acre parcel, a distance of about 1007.5 feet to the northwest corner thereof and the northerly line of Grafton Township. (12)

Thence in a westerly direction along the northerly line of Grafton Township, a distance of about 970 feet to the southwest corner of a 48.21 acre parcel of land conveyed to the State of Ohio by deed dated December 31st, 1934, presently identified as Permanent Parcel Number 11-00-080-000-013. (13)

Thence in a northerly direction along the westerly line of said parcel, a distance of about 2563 feet to the southerly right-of-way line of the Cleveland, Columbus, Cincinnati and St. Louis Railroad. (14)

Thence in a general northeasterly direction along the southerly right-of-way line of the Cleveland, Columbus and Cincinnati Railroad, a distance of about 7620 feet to its intersection with the westerly line of the Wooster-Avon Lake Road (Ohio Route 83). (15)

Thence in a southerly direction along the westerly right-of-way of the Wooster-Avon Lake Road (Ohio Route 83, 80ft.), a distance of about 4280 feet to a point being 45 feet south of the north line of Original Eaton Township Lot 60. (16)

Thence in a westerly direction in a line perpendicular to the westerly right-of-way line of the Wooster-Avon Lake Road, a distance of 80.00 feet to a point. (17)

Thence in a northerly direction in a line parallel to the right-of-way line of the Wooster-Avon Lake Road (Ohio Route 83), a distance of 80.00 feet to a point.

Thence in a westerly direction in a line perpendicular to the right-of-way line of the Wooster-Avon Lake Road (Ohio Route 83), a distance of 100.00 feet to a point. (18)

Thence in a southerly direction in a line parallel to the right-of-way line of the Wooster-Avon Lake Road (Ohio Route 83), a distance of 100.00 feet to a point. (19)

Thence in an easterly direction in a line perpendicular to the right-of-way line of the Wooster-Avon Lake Road, a distance of 260.00 feet to the easterly right-of-way line of said Road. (20)

Thence in a northerly direction along the easterly right-of-way line of the Wooster-Avon Lake Road, a distance of about 4365 feet to the southerly right-of-way line of the Cleveland, Columbus and Cincinnati Railroad. (21)

Thence in a general northeasterly direction along the southerly right-of-way line of said Railroad, a distance of about 4983 feet to the westerly corner of lands conveyed to Eaton Township by deed dated August 16th, 1955, presently identified by Permanent Parcel Number 11-00-037-000-004.

Thence in a southeasterly direction along the southerly line of said Eaton Township Parcel, a distance of about 1256 feet to the westerly line of Island Road and place of beginning, embracing 1,805.2 acres of land, more or less, but being subject to all legal highways.

This description has been compiled from information of record and prepared by Michael G. Hura, Registered Surveyor No. 4712.