

#20711V

RESOLUTION NO. 93-899

In the matter of granting the vacation)
of Fox Road, Eaton Township, Lorain) November 4, 1993
County, Ohio.)

WHEREAS, on date of January 21, 1992 the Eaton Township Trustees, by Resolution No. 92-36 voted in favor of the abandonment of Fox Road; and

WHEREAS, the Township Trustees have indicated, that during their meeting of February 4, 1992 it was determined that the families on Fox Road were willing to allow the Township to abandon said road, which is located West of Medina-Elyria Road (a.k.a. SR 57); and

WHEREAS, correspondence received from the Township Trustees was forwarded to the County Engineer for review and recommendation; and

WHEREAS, the Lorain County Engineer by letter dated September 1, 1993 submitted a list of the abutting property owners; and

WHEREAS, the Commissioners Resolution No. 93-744 adopted September 9, 1993 accepted the request of the Eaton Township Trustees and scheduled a public hearing. Notice was published in the Chronicle-Telegram on September 16 and 23, 1993 providing for the view and hearing. Notices were also forwarded to property owners, Township Trustees, County Engineer and public utility companies; and

WHEREAS, Attorney Harry F. Butler, representing Francis H. Dernier, property owner residing at 4033 Grafton Road, Grafton, Ohio prepared a statement which reads as follows:

"The undersigned represents Frances H. Dernier, who owns Permanente Parcel No. 11-00-098-000-012 over which the most easterly part of Fox Road aka Fox Lane, passes.

HISTORY

Mr. Dernier has made numerous inquiries over the years to find out why Fox road was created. He is unable to determine when it was created.

Fox Road was never improved by Eaton Township nor Lorain County. No ditches were established; no grading was ever done; no gravel, stone or slag was ever brought in; and the Trustees and County have never improved it in any way. No signs were ever erected. When we had the viewing,
it took Mr. Dernier to point out and describe its location.

Mr. Dernier has a private driveway to his home over a portion of Fox Road. By long-standing agreement, his neighbors to the south, the Guyeska family, use that drive to access their property, even though the Guyeskas have plenty of access to Rt. 57 (Grafton Road). We understand that the Guyeska parcel will very shortly be transferred to the Shamrock Development Co. to square up their property. We also understand that the Guyeskas will purchase the Morgan property. The Morgan property runs along the north line of Dernier on a diagonal course and apparently encompasses the back half of Fox Road.

REQUEST OF MR. DERNIER

Mr. Dernier agrees that Fox Road should be vacated. He also concurs with the opinion of the Lorain County Prosecutor that the vacation of the road should leave the ownership of the land with the original property lines as conveyed by deeds, since the Township and County never acquired title to Fox Road. Mr. Dernier's title goes to the south line of Fox Road, and he has been paying real estate taxes based upon that title. Such title was subject to the use of Fox Road, which, of course, was never a road.

Therefore, Mr. Francis H. Dernier requests that Fox Road be vacated and the title owners be restored to their full ownership of their lands.

Respectfully submitted,
S/Harry F. Butler
Attorney for Francis H. Dernier"

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Lorain County, Ohio, that based upon the request of Attorney Butler, representing Francis H. Dernier, and with no opposition from abutting property owners or Township Trustees, we do and hereby grant the vacation of Fox Road. This vacation is contingent upon the two (2) property having access, and is subject to any easements which exist by operation of law:

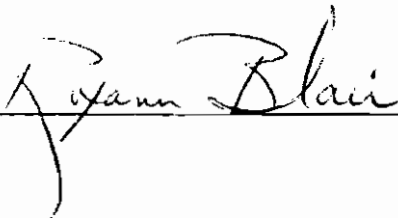
Elizabeth A. Morgan
4029 Grafton Road
Grafton, Ohio 44044 Parcel #11-00-098-000-037

Richard and Stephanie Guyeska
4035 Grafton Road
Grafton, Ohio 44044 Parcel #11-00-098-000-050

The foregoing resolution was introduced upon a motion by Commissioner Herbert J. Jacoby, seconded by Commissioner Mary Jo Vasi and upon roll call, the vote taken thereon resulted as follows: Mr. Jacoby, "aye"; Mrs. Vasi, "aye"; Mrs. Blair, "aye".

Motion carried

I, Roxann Blair, Clerk of the Board of Commissioners of Lorain County, Ohio, do hereby certify that the above Resolution No. 93-899 is a true copy as it appears in Journal No. 93 on date of November 4, 1993



LORAIN COUNTY



COMMISSIONERS

#20711V

Commissioners

*Herbert J. Jacoby
Mary Jo Vasi
Elizabeth C. Blair*

January 6, 1994

Mr. Harry F. Butler
Attorney-at-Law
475 Middle Avenue
Elyria, Ohio 44035

Dear Mr. Butler:

We are enclosing a copy of Resolution No. 93-899 adopted by the Board of Commissioners on November 4, 1993 granting the vacation of Fox Road in Eaton Township, Lorain County, Ohio.

This is being forwarded for your information and files.

Yours truly,

Roxann Blair
Roxann Blair,
Clerk

RB/h

Enclosures

cc: County Engineer
County Auditor
County Recorder
Tax Map
Eaton Township Trustees
File