



LORAIN COUNTY COMMISSIONERS



Michelle Hung
President

David J. Moore
Vice President

Matt Lundy
Member

November 19, 2021

Kenneth P. Carney
Lorain County Engineer
247 Hadaway Street
Elyria, Ohio 44035

Dear Mr. Carney:

Enclosed are various documents filed by the Village of Grafton petitioning the Board of Commissioners to conform boundaries pursuant to ORC.

- a) Petition to conform pursuant to ORC 503.07 by Law Director Gretchen A. Holderman - Village of Grafton filed on November 18, 2021
- b) Village of Grafton Ordinance No. 21-022, adopted November 16, 2021 petitioning the same to conform Commissioners Res#16-664, #19-188 and #20-349
- c) Legal Boundary Description
- d) Map

Please review and advise your findings as to the accuracy, so this may be placed on the Commissioners agenda.

Yours truly,

Theresa L. Upton
Clerk

tlu
Enclosure

Cc: Amy Barnhart, Fiscal Officer, Grafton Village
Craig Snodgrass, LC Auditor
Ted Spillman, Tax Map
File

**PETITION TO CONFORM BOUNDARIES
PURSUANT TO THE OHIO REVISED CODE**

To the Honorable Board of Commissioners
of Lorain County, Ohio

Now comes the Village of Grafton, Lorain County, Ohio, by and through Gretchen A. Holderman, its duly appointed and acting Law Director, and, pursuant to Section 503.07, et seq., of the Ohio Revised Code, hereby petitions the Board of Commissioners of Lorain County, Ohio, to enter an Order conforming the boundaries of the Village of Grafton so as to include past and recently annexed property and to make the boundaries of said Village of Grafton identical with the corporate limits of the municipality.


Attached hereto and incorporated herein by reference is a certified copy of the Village of Grafton Council Ordinance No. 21-022, passed on November 16, 2021, authorizing the petitioning of the Board of Commissioners of Lorain County, Ohio to extend said Village of Grafton boundaries so as to include said past and recently annexed property, and further designating the Village of Grafton Law Director as the agent of the Village of Grafton in the matter.

Filed herewith are certified copies of Ordinance No. 17-001 passed on January 3, 2017; Ordinance No. 19-014 passed on June 19, 2019; and, Ordinance No. 20-013 passed on October 6, 2020, which Ordinances accepted the annexation of certain properties to the Village of Grafton, along with accurate descriptions of the areas included within the present corporation limits of the Village of Grafton and an accurate map.

Village of Grafton, Ohio

Date: NOVEMBER 16, 2021

By:


Gretchen A. Holderman (0058508)

Law Director, Village of Grafton, Ohio
5605 Rockside Road, Suite 113
Independence, Ohio 44131
T:216-861-1313/F:216-861-1314
gholderman@lillieholderman.com

2021 NOV 18 P 3:20

RECEIVED
LORAIN COUNTY CLERK
NOV 18 2021

CLERK-TREASURER'S CERTIFICATION

I, AMY R. BARNHART, CLERK OF COUNCIL, OF THE VILLAGE OF GRAFTON DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE #21-022 AS PASSED BY THE COUNCIL OF THE VILLAGE OF GRAFTON ON 11-16-2021.

DATE 11-17-2021


CLERK

VILLAGE OF GRAFTON
ORDINANCE NO. 21-022

INTRODUCED BY:

MOTION BY: DUKLES

SECONDED BY: STRAH

AN ORDINANCE TO PETITION THE LORAIN COUNTY BOARD OF COMMISSIONERS TO CONFORM AND EXTEND THE CURRENT BOUNDARIES OF THE VILLAGE OF GRAFTON TO INCLUDE REAL PROPERTY ANNEXED TO THE VILLAGE OF GRAFTON FROM EATON TOWNSHIP AND CARLISLE TOWNSHIP, SO THAT THE BOUNDARIES OF SAID EATON TOWNSHIP AND CARLISLE TOWNSHIP ARE IDENTICAL WITH THE CORPORATE LIMITS OF THE VILLAGE OF GRAFTON, AND DECLARING AN EMERGENCY.

WHEREAS certain annexation proceedings have been completed annexing certain land and territory into the Village of Grafton; and

WHEREAS Section 503.07 of the Ohio Revised Code authorizes a municipality to petition the Board of County Commissioners for a change in township lines in order to make them identical, in whole or in part, with the corporate limits of the municipal corporation; and

WHEREAS changing such boundary lines so as to delete said recently annexed properties from Eaton Township and Carlisle Township and adding them to the Village of Grafton, will simplify and clarify police and fire protection responsibilities, voting rights, and tax levy jurisdictions.

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

SECTION 1. That Grafton Village Council, pursuant to Section 503.07 of the Ohio Revised Code, hereby respectfully petitions the Board of Commissioners of Lorain County, Ohio for a change in township lines of Eaton Township and Carlisle Township, so as to delete from said Township certain real property annexed to the Village of Grafton as described in Resolution Nos. 16-644, 19-188, and 20-349 of the Lorain County Commissioners, attached hereto as Exhibits A, B, and C, and to make the boundary lines of said Eaton Township and Carlisle Township to conform with and identical to those of the Village of Grafton as described on the new legal description attached hereto as Exhibit D.

SECTION 2. That the Law Director is hereby designated as agent of the Village of Grafton to present said Petition and any other required legislation or documents to Board of Commissioners of Lorain County and to do all things necessary and proper on behalf of the Village of Grafton to accomplish the purpose of this Ordinance.

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

SECTION 4. That this Ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the public health, safety and welfare of the citizens of the Village of Grafton, the immediate emergency being the necessity to petition the Lorain County Board of Commissioners to conform and extend the current boundaries of the Village of Grafton to include real property annexed to the Village of Grafton from Eaton Township and Carlisle Township, so that the boundaries of said Eaton Township and Carlisle Township are identical with the corporate limits of the Village of Grafton; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.



PRESIDENT OF COUNCIL

11-16-2021

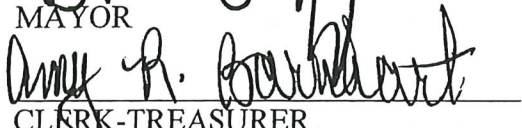
DATE PASSED



MAYOR

11-16-2021

DATE APPROVED



CLERK-TREASURER

11-16-2021

DATE ATTESTED

APPROVED AS TO FORM BY:



GRETCHEN A. HOLDERMAN, DIRECTOR OF LAW

Situated in the Village of Grafton, County of Lorain and State of Ohio and known as being part of Original Grafton Township Lot Nos. 1, 2, 3, 4, 5, 18, 19 and 20, part of Original Carlisle Township Lot No. 25 and part of Original Eaton Township Lot Nos. 37, 38, 39, 40, 41, 42, 43, 44, 58, 59, 60, 61, 62, 79, 80, 81, 82, 98, 99 and 100, being more definitely described as follows:

Beginning at the intersection of the centerline of Main Street (State Route 57) (60 feet wide) and the northerly line of Parcel Number 16-00-018-101-009 conveyed to Dean M. and Nadine E. Bally as recorded in Official Record Volume 913, Page 750 of the Lorain County Land Record;.

1. Thence westerly along the northerly line of Parcel Number 16-00-018-101-009 conveyed to Bally and the northerly line of Parcel Numbers 16-00-018-101-007 and 16-00-019-104-010 and conveyed to Nathan J. and Erin Messer as recorded in 20130477041 of the Lorain County Land Records to Messer's westerly line;
2. Thence southwesterly along Messer's westerly line to the northwesterly right of way of Crook Street (40 feet wide);
3. Thence southwesterly along the northwesterly right of way of Crook Street to the easterly line of land conveyed to John M. and Vicki L. Ives as recorded in Official Record Volume 1001, Page 159 of the Lorain County Land Records;
4. Thence northwesterly along Ives' easterly line to the northeasterly corner of Parcel No 16-00-019-104-008 of said land conveyed to Ives;
5. Thence westerly along the northerly line of Parcel Number 16-00-019-104-008 conveyed to Ives to the easterly of land conveyed to the Village of Grafton as recorded in Deed Volume 197, Page 9 of Lorain County Land Record;
6. Thence southeasterly along Village of Grafton's easterly line to the northwesterly right of way of Crook Street (40 feet wide);
7. Thence southwesterly along the northwesterly right of way of Crook Street to the northeasterly right of way of the CSX Railroad;
8. Thence northwesterly along the northeasterly right of way of the CSX Railroad to the northerly line of Parcel No. 16-00-091-500-001 conveyed to CSX Transportation Inc. as recorded in instrument No 20070231556 of the Lorain County Land Records;
9. Thence westerly along the northerly line of Parcel No. 16-00-091-500-001 conveyed to CSX Transportation Inc. to the southwesterly right of way of the CSX Railroad;

10. Thence southeasterly along the southwesterly right of way of the CSX Railroad to the northeasterly corner of Parcel No. 16-00-019-103-007 conveyed to Edward J. Wolf as recorded in Official Record Volume 530, Page 726 of the Lorain County Land Records;
11. Thence southwesterly along the northerly line of Parcel No. 16-00-019-103-007 conveyed to Edward J. Wolf to the centerline of Mechanic Street (60 feet wide);
12. Thence southeasterly along the centerline of Mechanic Street to the centerline of Crook Street (40 feet wide);
13. Thence northeasterly along the centerline of Crook Street to the northwesterly corner of land conveyed to Danny B. and Lori A. Clark as recorded in Instrument No. 20180603610 of the Lorain County Land Records;
14. Thence southeasterly along Clark's westerly line to the northerly line of land conveyed to Danielle Flanigan as recorded in Instrument No. 20150546385 of the Lorain County Land Records;
15. Thence southwesterly along Flanigan's northerly line to the centerline of Chamberlain Road (60 feet wide);
16. Thence southwesterly along the centerline of Chamberlain Road to the northeasterly corner of Riverview Subdivision No. 2 as recorded in Volume 30, Page 46 of the Lorain County Plat Records;
17. Thence westerly along the northerly line of Riverview Subdivision No. 2 to the easterly line of land conveyed to Kathryn Ternes as recorded in Instrument No. 20200747840 of the Lorain County Land Records;
18. Thence northerly along Ternes' easterly line to the centerline of Crook Street (width varies);
19. Thence easterly along the centerline of Crook Street to the southeasterly corner of land conveyed to Sandra Calco as recorded in Instrument No. 20150534842 of the Lorain County Land Records;
20. Thence northerly along Calco's easterly line to Calco's northeasterly corner;
21. Thence westerly along Calco's northerly line and it's westerly prolongation to the easterly line of land conveyed to Kathleen Fleming and James Johnson as recorded in Instrument No. 20190709068 of the Lorain County Land Records;
22. Thence northerly along Fleming and Johnson's easterly line to their northeasterly corner;

23. Thence westerly along Fleming and Johnson's northerly line and along the northerly line of Parcel 1 conveyed to Kathleen R. Fleming and James P. Johnson as recorded in Official Record Volume 1003 Page 261 of the Lorain County Land Records and the northerly line of Parcel No. 16-00-019-101-018 conveyed to Daniel R. and Karen A. Lease as recorded in Official Record Volume 825, Page 894 of the Lorain County Land Records and a northerly line of Parcel Number 16-00-019-101-016 conveyed to Brian Crisman and Lisa Montanero as recorded in Instrument No. 20150555756 of the Lorain County Land Records;
24. Thence northerly along the easterly line of Parcel Number 16-00-019-101-016 conveyed to Brian Crisman and Lisa Montanero and the easterly line of Parcel Number 16-00-002-102-001 conveyed to river Estates Homeowners Association Inc. as recorded in Instrument No. 2010-0322341 of the Lorain County Land Records and the easterly line of Parcel No. 16-00-002-500-001 conveyed to CSX Transportation Inc. as recorded in Instrument No. 20070231556 of the Lorain county Land records to the northwesterly right of way of the CSX Railroad;
25. Thence leaving said right of way, southwesterly and westerly along the northerly line of Parcel Number 16-00-002-101-003 conveyed to Lorain Co. Metropolitan Park District as recorded in Instrument No. 20140528505 of the Lorain County Land Records to the easterly line of Lagrange Township;
26. Thence northerly along the easterly lines of Lagrange Township and Carlisle Township to the southwesterly corner of Parcel No. 11-00-100-103-017 conveyed to Metro Parks Lorain County;
27. Thence easterly and southerly along the southerly line of Parcel No. 11-00-100-103-017 conveyed to Metro Parks Lorain County to the northwesterly corner of Parcel No. 11-0-100-504-004 conveyed to Baltimore and Ohio RR CSX System;
28. Thence southeasterly and easterly along the southerly boundary of Parcel No. 11-00-100-504-004 conveyed to Baltimore and Ohio RR CSX System to the southerly prolongation of the easterly line of Parcel Number 11-00-100-103-017 conveyed to Metro Parks Lorain County;
29. Thence northerly along the easterly line and it's southerly prolongation of Parcel Number 11-00-100-103-017 conveyed to Metro Parks Lorain County and along the easterly line of Parcel Number 11-00-100-501-003 conveyed to Baltimore and Ohio RR CSX System to the CSX Railroad northeasterly right of way;
30. Thence northwesterly along CSX Railroad's northeasterly right of way about 3,832 feet to a point of curvature therein;

31. Thence continuing along CSX Railroad's northeasterly right of way and the arc of a curve deflecting to the left, about 564 feet to a point of tangency therein;
32. Thence continuing along CSX Railroad's northeasterly right of way about 377 feet to a point in the centerline of the Black River;
33. Thence northwesterly along the centerline of the Black River about 354 feet to an angle point therein;
34. Thence continuing northwesterly along the centerline of the Black River about 123 feet to a point in the southerly line of Sublot No. 24 in Tanglewood Subdivision as recorded in Volume 51, Page 36 of the Lorain County Plat Records;
35. Thence southeasterly along said southerly line of Sublot No. 24 about 181 feet to an angle point therein;
36. Thence northeasterly along the southeasterly line of sublots 24 and 25, about 455 feet to an angle point in the easterly line of said Tanglewood Subdivision;
37. Thence northerly along the easterly line of Tanglewood Subdivision, about 703 feet to an angle point therein;
38. Thence northeasterly along the easterly line of Tanglewood Subdivision, about 499 feet to the southerly line of said Tanglewood Subdivision and the northerly line of Carlisle Township Section 25;
39. Thence northeasterly along the southerly line of said Tanglewood Subdivision and the northerly line of Carlisle Township Section 25, about 2087 to the westerly line of Tanglewood Subdivision No. 2 as recorded in Volume 61, Page 12 of the Lorain County Plat Records, and the easterly line of Carlisle Township;
40. Thence southerly along the easterly line of Carlisle Township about 91 feet to a southwesterly corner of said Tanglewood Subdivision No. 2 and the northwesterly corner of Fox Run Subdivision No. 2 recorded in Volume 86, Page 57 of the Lorain County Plat Records;
41. Thence easterly along the northerly line of Fox Run Subdivision No. 2 and along the northerly line of Fox Run Subdivision No. 5 recorded in Volume 106, Page 80 of the Lorain County Plat Records and the northerly line of Emerald Point Subdivision No. 1.

- recorded in Volume 57, Page 39 of the Lorain County Plat Records to the southwesterly corner of Waterford Crossing Subdivision recorded in Volume 69, Page 66 of the Lorain County Plat Records;
42. Thence northerly, easterly, northerly and westerly along the boundary of Waterford Crossing Subdivision to the northeasterly right of way of Grafton Road (State Route 57) (width varies);
 43. Thence northwesterly along the northeasterly right of way of Grafton Road to the southerly line of C.A. Miller Subdivision recorded in Volume 17, Page 13A of the Lorain County Plat Records;
 44. Thence easterly along the southerly line of C.A. Miller Subdivision and along the southerly line of Barrington Park Subdivision recorded in Volume 90, Page 24 of the Lorain County Plat Records and the southerly line of Barrington Park Subdivision No. 2 recorded in Volume 91, Page 47 of the Lorain County Plat Records and the southerly line of Barrington Park Subdivision No. 3 recorded in Volume 93, Page 5, and the southerly line of Barrington Park Subdivision No. 6 recorded in Volume 98, Page 79 of the Lorain County Plat Records, to the westerly line of Block "E" in said Barrington Park Subdivision No. 6;
 45. Thence northerly along said westerly line of Block "E" to a southerly line thereof;
 46. Thence westerly along said southerly line of Block "E" to a westerly line thereof;
 47. Thence northerly along said westerly line of Block "E" to a northerly line thereof;
 48. Thence easterly along said northerly line of Block "E" to a westerly line thereof;
 49. Thence northerly along said westerly line of Block "E" to a northerly line thereof;
 50. Thence easterly along said northerly line of Block "E" to the easterly line thereof and the westerly line of Original Eaton Township Lot No. 83;
 51. Thence southerly along the westerly line of Original Eaton Township Lot Nos. 83 and 82 to the northwesterly corner of Greenwood Farms Subdivision recorded in Volume 27, Page 58 of the Lorain County Plat Records;
 52. Thence easterly along the northerly line of Greenwood Farms Subdivision and the northerly line of land conveyed to the Village of Grafton and the northerly line of land conveyed to Deborah A. Haun as recorded in Instrument No. 20070219059 of the Lorain

County Land Records and the northerly line of Kinter's Sunny Acres Subdivision No. 1 recorded in Volume 24, Page 1 of the Lorain County Plat Records and the northerly line of Fiddler's Green Subdivision recorded in Volume 88, Page 35 of the Lorain County Plat Records and the northerly line of Fiddler's Green Subdivision No. 3 recorded in Volume 105, Page 34 of the Lorain County Plat Records, to the westerly line of Original Eaton Township Lot No. 62;

53. Thence southerly along the westerly line of Original Eaton Township Lot No. 62 to the southeasterly right of way of CSX Railroad;
54. Thence southeasterly along a line perpendicular to the southeasterly right of way of CSX Railroad to a line 100 feet southeasterly of and parallel with the southeasterly right of way of CSX Railroad.
55. Thence northeasterly along said parallel line to the westerly right of way of South Avon Belden Road (State Route 83) (width varies);
56. Thence southerly along the westerly right of way of south Avon Belden Road about 4,160 feet to a point 45 feet southerly of the northerly line of Original Eaton Township Lot No. 60;
57. Thence westerly along a line perpendicular to the westerly right of way of South Avon Belden Road about 80 feet;
58. Thence northerly along a line parallel with the westerly right of way of South Avon Belden Rod about 80 feet;
59. Thence westerly along a line perpendicular to the westerly right of way of South Avon Belden Road about 100 feet;
60. Thence southerly along a line parallel with the westerly right of way of South Avon Belden Road about 100 feet;
61. Thence easterly along a line perpendicular to the westerly right of way of South Avon Belden Road about 260 feet to the easterly right of way of South Avon Belden Road;
62. Thence northerly along the easterly right of way of South Avon Belden Rod to a line 100 feet southeasterly of and parallel with the southeasterly right of way of CSX Railroad;
63. Thence northeasterly along said parallel line to a line 100 feet southwestly of and parallel with the southwestly line of Parcel Number 11-00-037-000-004 conveyed to Eaton Township Trustees;
64. Thence southeasterly along said parallel line to a line 100 feet westerly of and parallel with the westerly right of way of Island Road (60 feet wide);

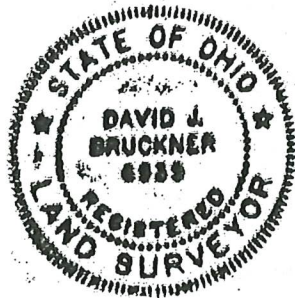
65. Thence southerly along said parallel line to a line 100 feet northerly of and parallel with the northerly line of land conveyed to Michael J. and Elaine D. Hearn as recorded in Instrument No. 20030928015 of the Lorain County Land Records;
66. Thence westerly along said parallel line to a line 100 feet westerly of and parallel with Hearn's westerly line;
67. Thence southerly along said parallel line to a line 100 feet northerly of and parallel with the northerly line of Original Eaton Township Lot No. 40;
68. Thence westerly along said parallel line to a line 100 feet westerly of and parallel with the westerly line of land conveyed to Michael J. Hearn and Elaine Dennstedt as recorded in Official Record Volume 1129, Page 603 of the Lorain County Land Records;
69. Thence southerly along said parallel line and along a line 100 feet westerly of and parallel with the westerly line of lands conveyed to Bessie S. Hana as recorded in Instrument No. 20180663784 of the Lorain County Land Records and Nathan I. and Michelle L. Reader as recorded in Instrument No. 20040978648 of the Lorain County Land Records and Dennis and Diedra Ashmun as recorded in Official Record Volume 960, Page 587 of the Lorain County Land Records and Robert E. and Lisa L. Bowman as recorded in Official Record Volume 933, Page 281 of the Lorain County Land Records and Amanda N. Quintana as recorded in Instrument No. 2019-0714061 of the Lorain County Land Records, to a line 100 feet southerly of and parallel with Quintana's southerly line.
70. Thence easterly along said parallel line to a line 100 feet westerly of and parallel with the westerly line of land conveyed to Nathan and Melissa Kline as recorded in Instrument No. 2016-0598897 of the Lorain County Land Records;
71. Thence southerly along said parallel line and along a line 100 feet westerly of and parallel with the westerly line of lands conveyed to David M. Freeman as recorded in Instrument No. 2015002878 of the Lorain County Land Records and Brian and Stefanie Vina as recorded in Instrument No. 2021006077 of the Lorain County Land Records and Debra A. Miles as recorded in Instrument No. 2004090308 of the Lorain County Land Records and Michael D. and Leigh Bevins as recorded in Official Record Volume 310, Page 401 of the Lorain County Land Records and Robert Ulman as recorded in Official Record Volume 1335, Page 321 of the Lorain County Land Records and Debra A. Shaffer as recorded in Instrument No. 20160599689 of the Lorain County Land Records and Dale and Tina Young as recorded in Instrument No. 20210798137 of the Lorain County Land Records and Eugene and Kathleen Traxler as recorded in Instrument No. 20070210210 of the Lorain County Land Records, to a line 100 feet northerly of and parallel with the northerly line of Grafton Township;

72. Thence westerly along said parallel line to a line 100 feet westerly of and parallel with the westerly right of way of State Route 83 (80 feet wide);
73. Thence southerly along said parallel line to a line 100 feet northerly of and parallel with the northerly line of land conveyed to Kenneth E. Tompkins as recorded in Instrument Nos. 20090319308 and 20090319309 of the Lorain County Land Records;
74. Thence westerly along said parallel line to a line 100 feet easterly of and parallel with the easterly line of Original Grafton Township Lot No. 4;
75. Thence northerly along said parallel line to a line 100 feet northerly of and parallel with the northerly line of said land conveyed to Kenneth E. Tompkins;
76. Thence westerly along said parallel line and along a line 100 feet northerly of and parallel with a northerly line of land conveyed to the Village of Grafton as recorded in Instrument No. 2021-0841461 of the Lorain County Land Records to a line 100 feet easterly of and parallel with an easterly line of said land conveyed to the Village of Grafton;
77. Thence northerly along said parallel line and along a line 100 feet easterly of and parallel with the easterly line of land conveyed to Marvin J. Basinger as recorded in Instrument No. 2015-0552264 of the Lorain County Land Records to a line 100 feet northerly of and parallel with the northerly line of said land conveyed to Marvin J. Basinger;
78. Thence westerly along said parallel line to a line 100 feet easterly of and parallel with the easterly line of land conveyed to Thomas J. Sr., Thomas J. Jr., and Jamie Nagel as recorded in Instrument No. 2017-0636833 of the Lorain County Land Records;
79. Thence northerly along said parallel line to a point 100 feet southeasterly of the southeasterly right of way of CSX Railroad;
80. Thence northwesterly along a line perpendicular to the southeasterly right of way of CSX 100 feet to southeasterly right of way of CSX Railroad and the easterly line of said land conveyed to Nagel;
81. Thence southerly along Nagel's easterly line to the northerly line of land conveyed to Marvin J. Basinger as aforesaid;
82. Thence easterly and southerly along Basinger's boundary to the northerly line of land conveyed to the Village of Grafton as aforesaid;
83. Thence westerly, southerly and easterly along the boundary of said land conveyed to the Village of Grafton to the westerly line of said land conveyed to Kenneth E. Tompkins;

84. Thence southerly along Tompkins's westerly line to the northerly line of Original Grafton Township Lot No. 17;
85. Thence westerly along the northerly line of Original Grafton Township Lot No. 17 to the northwesterly corner thereof;
86. Thence southerly along the westerly line of Original Grafton Township Lot No. 17 to the northeasterly right of way of Elyria Medina Road (State Route 57) (60 feet wide);
87. Thence northwesterly along the northeasterly right of way of Elyria Medina Road to the easterly line of land conveyed to Michael R. McMillan and Amy McMillan as recorded in Instrument No. 20110387680 of the Lorain County Land Records;
88. Thence northerly along McMillan's easterly line to McMillan's northeasterly corner;
89. Thence northwesterly along McMillan's northerly line and along the northerly line of land conveyed to Jill Lawson as recorded in Instrument No. 2021-0827955 of the Lorain County Land Records and the northerly line of land conveyed to Francis and Deanna Mulgrew as recorded in Instrument No. 2018-0696138 of the Lorain County Land Records and the northerly line of land conveyed to Charles R. and Diane J. McCullough as recorded in Instrument No. 2018-0692932 of the Lorain County Land Records to an easterly line of Parcel No. 16-00-018-102-031 of land conveyed to Charles R. and Diane J. McCullough as recorded in Instrument No. 2015-0540195 of the Lorain County Land Records;
90. Thence northerly, easterly and northerly along McCullough's easterly line to a northeasterly corner thereof;
91. Thence along McCullough's northerly line and along the northerly line of land conveyed to Paul D. and Sandra M. Kasper as recorded in Instrument No. 20120400006 of the Lorain County Land Records and along the northerly line of Nelson G. Hitchcock Allotment as recorded Volume 15, Page 19 of the Lorain County Plat Records to the southeasterly prolongation of the easterly line of land conveyed to David M. Watson as recorded in Instrument No. 2018-0694622 of the Lorain County Land Records;
92. Thence northwesterly along the easterly line and its' southeasterly prolongation of said land conveyed to David M. Watson to the northerly line of Parcel No. 16-00-018-102-003 so conveyed to Watson;
93. Thence westerly along Watson's said parcel line to the point of beginning.

This revised description of the corporate boundary of the Village of Grafton was prepared from records by David J. Bruckner, P.S., Registered Ohio Professional Surveyor, No. 6939 in November 2021.

Pertinent records used include those listed herein, Lorain County GIS Maps, Village of Grafton Ordinance No. 17-001, 19-014, 20-013, Court of Common Pleas Case No. 88CV-099892 and the Plat of Annexation of Eaton Township and Grafton Township to Grafton Village recorded in Volume 97, Page 48 of the Lorain County Plat Records.



David J. Bruckner 11-12-21
David J. Bruckner, P.S.
Registered Ohio Professional
Surveyor No. 6939

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;

- 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.

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 Lee
PRESIDENT OF COUNSEL

6-18-19
DATE PASSED

John Donohy
MAYOR

6-18-19
DATE APPROVED

Amy R. Borenhart
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

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 petition.

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

NO TRANSFER NECESSARY
J. CRAIG SNODGRASS, CPA, CGFM
LORAIN COUNTY AUDITOR

mem 8-14-20
DEPUTY

**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	Legal Description
October 2017	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

RECEIVED
TOWNSHIP CLERK
CARRISLE TOWNSHIP
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)

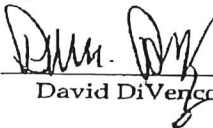
Notices shall be deemed received at the earlier of (i) actual hand delivery to the address of the receiving party, (ii) when received or when receipt is refused or (iii) two business days following proof of mailing via the United States mail.

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 unenforceability 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 DiVenanzo, Mayor

Carlisle Township Board of Trustees

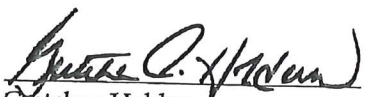
By: 
James L. Wright, Trustee

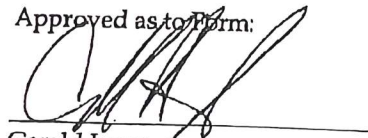
Date: 2/19/19

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

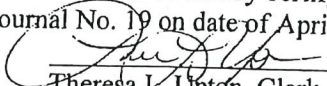
BE IT FURTHER RESOLVED that:

- 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
ORDINANCE NO. 17-001

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

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

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

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

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

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

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

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

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

Block E – Barrington Park Subdivision No. 6

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

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

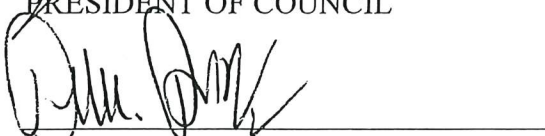
Section 2. That the Clerk of Council is hereby authorized and directed to make three (3) copies of this Ordinance, to each of which shall be attached a copy of the map accompanying the Petition for Annexation, a copy of the transcript of proceedings of the Board of Commissioners of Lorain County relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then forthwith deliver one copy to Craig Snodgrass, Lorain County Auditor, one copy to Judy Nedwick, Lorain County Recorder and one copy to Jon Husted, Ohio Secretary of State within (30) days after it becomes effective, and shall do all other things required by law therein.

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

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


PRESIDENT OF COUNCIL

1-3-2017
DATE PASSED


MAYOR

1-3-2017
DATE APPROVED


CLERK-TREASURER

1-3-2017
DATE ATTESTED

APPROVED AS TO FORM BY: 
DIRECTOR OF LAW

BLOCK E
Barrington Park Subdivision No. 6

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

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

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

7/8/16

" B "

b.10

RESOLUTION NO. 16-644

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

October 12, 2016

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

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

WHEREAS, the Petition and legal description reads as follows:

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

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

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

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

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

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

And;

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

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

And;

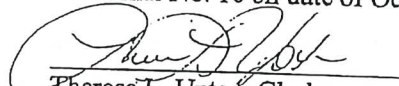
Legal description reviewed by TS on 8/14/20 per ORC, Section 5713.09

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

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

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

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


Theresa L. Upton, Clerk

VILLAGE OF GRAFTON
ORDINANCE NO. 20-013

INTRODUCED BY:
MOTION BY: SAUER
SECONDED BY: STRAM

AN ORDINANCE ACCEPTING THE ANNEXATION OF 27.4297 ACRES (PERMANENT PARCEL NO. 11-00-080-000-022) OF REAL ESTATE TO THE VILLAGE OF GRAFTON UPON APPLICATION BY ATTORNEY KATHRYN FROMBAUGH, AGENT FOR PETITIONERS THOMAS J NAGEL SR., JAIMIE NAGEL AND THOMAS NAGEL JR, AND DECLARING AN EMERGENCY

WHEREAS, Attorney Kathryn Frombaugh, Agent for Thomas J. Nagel Sr., Jaimie Nagel and Thomas Nagel Jr. has petitioned the Lorain County Commissioners to approve the annexation of a Parcel described in Exhibit A (legal description) and B (map) attached hereto (which is known as Permanent Parcel No. 11-00-080-000-022, containing 27.4297 acres from the Township of Eaton to the Village of Grafton pursuant to Sections 709.04 of the Ohio Revised Code; and

WHEREAS the Petition was duly considered by the Board of Commissioners of Lorain County, Ohio on June 1, 2020; and

WHEREAS the Board of Commissioners of Lorain County has approved the annexation of the territory to the Village of Grafton in Resolution 20-349 passed June 1, 2020, as hereinafter described; and

WHEREAS the Board of Commissioners of Lorain County certified the transcript of the proceedings in connection with the annexation with the map and petition required in connection therewith to the Clerk of Council who received same on July 21, 2020; and

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

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

Section 1. That the proposed annexation as applied for in the Petition of the property owners, Attorney Kathryn Frombaugh, Agent for Thomas J Nagel Sr., Jaimie Nagel and Thomas Nagel Jr, for annexation of territory in the County of Lorain and adjacent to the Village of Grafton, is hereby accepted by the Village of Grafton. The territory to be annexed is described in Exhibit "A"

Section 2. That the Clerk of Council is hereby authorized and directed to make four (4) copies of this Ordinance, to each of which shall be attached a copy of the map accompanying the Petition for Annexation, a copy of the transcript of proceedings of the Board of Commissioners


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

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

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


PRESIDENT OF COUNCIL

10-6-2020
DATE PASSED


MAYOR

10-6-2020
DATE APPROVED


CLERK-TREASURER

10-6-2020
DATE ATTESTED

APPROVED AS TO FORM BY: 
DIRECTOR OF LAW

Motion to waive 3 readings: STRAH
Seconded by: SAUER

EXHIBIT A

Boundary Description
Parcel No. 11-00-080-000-022
27.4297 Acres

2020 JAN -3 P 3:12

Situated in the County of Lorain, in the State of Ohio and being known as part of Original Eaton Township Lot. No. 80, and being further bounded and described as follows:

Beginning at a railroad spike found on the centerline of Elm Street (60 feet wide) and the Southerly line of said Original Lot No. 80;

Thence, South 89 degrees 40'27" East a distance of 1499.65 feet along the Southerly line of said Original Lot No. 80, to a point thereon, being the Principal Place of Beginning;

Thence, North 01 degrees 33'29" East a distance of 2028.77 feet along a line being the existing corporation line of the Village of Grafton, to a corner thereof;

Thence, North 89 degrees 40'27" West a distance of 261.19 feet along a line being the existing corporation line of the Village of Grafton, to a point on the Southeasterly line of land conveyed to CSX Transportation, Inc. by deed recorded in document no. 20000677885 of Lorain County Recorder's Records on April 7, 2000, said line also being an existing corporation line of the Village of Grafton;

Thence, North 55 degrees, 28'40" East a distance of 930.00 feet along said Southeasterly line of land conveyed to CSX Transportation, Inc., being an existing corporation line of the Village of Grafton, to an iron pin set thereon, being the Northwesterly corner of land conveyed to the State of Ohio by deed recorded in Deed Volume 272 Page 247 of Lorain County Recorder's Records;

Thence, South 01 degrees 33'29" West a distance of 2560.30 feet along the Westerly line of said land conveyed to the State of Ohio, being an existing corporation line of the Village of Grafton, to the Southwesterly corner thereof, being a point on the Southerly line of said Original Lot No. 80;

Thence, North 89 degrees 40'27" West a distance of 490.60 feet along the Southerly line of said Original Lot No. 80, to the Principal Place of Beginning, containing 27.4297 Acres as surveyed by Thomas A. Simon, Registered Professional Surveyor No. S-7775 in March, 2007. Basis of bearings is the Southerly line of Original Lot No. 80 (South 89 degrees 40'27" East). Iron pins set are 5/8" diameter, 30" long with plastic caps "T. Simon, S-7775".

RESOLUTION NO. 20-349

June 1, 2020

In the matter of granting the annexation of)
27.4297 acres from Eaton Township to the)
Village of Grafton. Attorney Kathryn)
Frombaugh, Agent for Petitioners Thomas J.)
Nagel Sr., Jaimie Nagel and Thomas Nagel Jr.)

WHEREAS, the Lorain County Board of Commissioners met via zoom on June 1, 2020 to conduct a public hearing on the proposed Annexation of 27.4297 acres from Eaton Township to the Village of Grafton. Attorney Kathryn Frombaugh, Agent for Petitioners Thomas J. Nagel Sr., Jaimie Nagel and Thomas Nagel Jr.; and

WHEREAS, a petition and map for annexation were filed with the Clerk of the Board of Commissioners on February 25, 2020 for a proposed regular annexation; and

WHEREAS, letters were issued to Craig Snodgrass, Lorain County Auditor and Ken Carney, Lorain County Engineer on February 27, 2020 for review and accuracy of said petition; and

WHEREAS, March 3, 2020, Resolution No. 20-156 received and journalized said petition and set public hearing for May 5, 2020; and

WHEREAS, March 3, 2020 – Engineer resubmitted his report on March 3, 2020 stating petition's legal description and accompanying map accurately describe the perimeter of territory proposed to be annexed to the Village of Grafton. This territory is landlocked, so there is no need for any road maintenance agreement between the County and the Village; and

WHEREAS, March 3, 2020, Certificate of Filing from County Auditor received on proposed annexation; and

WHEREAS, March 16, 2020 – received affidavit of facts from Agent Frombaugh dated March 11, 2020 notices were sent to owners and adjacent land owners and proof of service was given to Village of Grafton and Eaton Township on March 6, 2020; and

WHEREAS, March 18, 2020 Village of Grafton Resolution No. 20-014 set forth services to be supplied to the 27.4297 acres of land; and

WHEREAS, March 30, 2020, Agent Frombaugh notice of publication in Chronicle Telegram of said hearing to be held May 5, 2020; and

WHEREAS, March 31, 2020 Certificate of Filing from County Auditor on Resolution No. 20-156 receive and journalize petition; and

WHEREAS, May 4, 2020 as per discussion with Assistant Prosecutor Gerald A. Innes the annexation hearing on May 5, 2020 has been cancelled and Commissioners will approve a resolution on May 6, 2020 to reschedule. Clerk sent email to Agent, Township and Village; and

WHEREAS, Resolution No. 20-301, adopted May 6, 2020 amended Res#20-156 on March 3, 2020 receiving and journalizing said petition and set hearing date of May 5, 2020. Said amendment is to reflect due to the COVID-19 the hearing on May 5, 2020 was cancelled due to the inability to have public participation at that time and will reschedule hearing to June 1, 2020 at 9:30 a.m.; and

WHEREAS, May 18, 2020 received affidavit of facts from Agent Kathryn Frombaugh dated May 8, 2020 notices were sent to owners and adjacent land owners and proof of service was given to Village of Grafton and Eaton Township; and

WHEREAS, May 18, 2020, Agent Frombaugh notice of publication in Chronicle Telegram on May 15 2020 of said hearing to be held June 1 2020; and

WHEREAS, Assistant County Prosecutor Innes administered an oath to all persons testifying; and

WHEREAS, Commissioner Kokoski asked Agent Frombaugh if she had any statement to be made. Agent Frombaugh said not at this time; and

WHEREAS, Commissioner Kokoski asked if there were any Township Trustee present or if Attorney Schrader was making statement on their behalf

Attorney Schrader said yes he is representing Eaton Township generally they do not like annexation and will have some questions regarding procedurals things and apologize to Clerk Upton he was having trouble hearing her when she was reading, so at some point he might ask the questions she already answered. He said he is just here to make sure that everything that is in the statue is followed correctly regarding annexation, so he will be quiet now and let Petitioner make their presentation now and no Trustees are here now; and

WHEREAS, Commissioner Kokoski asked if there were anyone present that wanted to make a statement in favor of the annexation.

Kathy Frombaugh, Agent for Petitioners and said they are doing this mainly out of convenience the property is landlocked and fully surrounded by property already annexed into the Village of Grafton. There is already utilities that would go through property to other property and the water and sewer would be more reasonable if it was in the Village of Grafton and there is no intend by her clients to improve the property at this time just want to make sure that the full amount of services is provided if ever needed in the future. Also for the convenience for them because they already have property that is right beside that has already been annexed in the Village. She said there has been published and notices twice with no concerns that they are aware of and ask that it be granted; and

WHEREAS, Commissioner Kokoski asked if there were anyone present that wanted to make a statement in opposition to the annexation, there were none; and

WHEREAS, Commissioner Kokoski asked if the Engineers office had any statements.

Mr. Peter Zwick stated that the map and petition were accurate and no need for road maintenance as indicated on the letter of March 3 and he has nothing further; and

WHEREAS, Attorney Schrader apologies if these things had already been answered but Eaton Township Trustee Jason Monschein, is a fireman and is unable to be here today, he is working today

Attorney Schrader asked if in the record, is there documentation or evidence that the township was notified by the agent within 5 days the Commissioners set the first hearing that was continued. Clerk stated yes

Commissioner Kokoski asked Clerk or Assistant Prosecutor to answer the questions.

Clerk stated yes everyone was notified.

Attorney Schrader said within 5 days of time the commissioners set the hearing. Clerk said yes

Attorney Schrader said when it was continued was there a notice to the township within 5 days. Clerk said yes

Attorney Schrader said when you did continue did they start the hearing, he knows it was continued on May 4 and was set on May 5 did the commissioners start the hearing on following day or just told everyone that is was being continued or let it go, how was this done. He said sometimes you start a hearing then adjourn

Commissioner Kokoski said the Commissioners cancelled this all together and delayed to the date, never opened a hearing at all

Attorney Schrader said ok

Attorney Schrader said within 10 days within the time the hearing was continued, is there evidence of the Agent notifying the adjacent owners and following notarized affidavit that they have in fact notified owners that the date of continuance, adjacent owners not township. Commissioner Kokoski asked if the Clerk did this. Clerk Upton stated that the Agent did do that all paperwork was done on May 8 to all attached property owners

Attorney Schrader said there was published notice in the paper and evidence that that was placed on May 14. Clerk said yes it was published on May 12

Attorney Schrader said they did both the mail notice and publish notice. Clerk said correct

Attorney Schrader asked if the City filed a resolution of services to be provided to the area for the refiled petition. Clerk said no, there is a Village of Grafton Resolution No. 20-014 that was approved on March 17.

Attorney Schrader said that was for the one that withdrawn, he is talking about the one that was original scheduled for May and now being heard today.

Commissioner Kokoski said sorry we did not have these questions ahead of time to be a little bit more prepared.

Clerk asked if the Village of Grafton wanted to answer because she is showing that she received 2 resolutions, one being 20-014 and you have not met since.

Village Administrator Joe Price said the resolution that was passed and there were 2 resolutions and he has is Clerk Treasurer present. Clerk Barnhart said one resolution was dated January 21 and the 2nd on March 17. Mr. Price said both resolutions were passed and both approved by Council and not sure why they would come into questions.

Attorney Schrader said they were both resolutions indicating what services would be provided. Clerk Upton said yes. Mr. Price said yes and Clerk Upton has a copy of resolution.

Attorney Schrader said the resolution was filed with the Commissioners, Clerk Upton said yes

Attorney Schrader said he apologies and normally go up to the Clerk's Office and review the file so he would know the answers to the questions although on the ordinance you have until the day of hearing to file, so he was not attempting to delay the hearing he just needed to ask questions and appreciates your indulgence. He also appreciates the efficiency of Theresa Upton always does a great job. Clerk thanked him. Commissioner Kokoski said so do they

Attorney Schrader said he remembers on the annexation case argument over the 100 foot strip, which we believe was a barrier to annexation and certainly Attorney Gretchen Holderman said was not. There was a resolution indicating sewer would be available without annexation so as to the issue of general good, this would be for the convenience for the property owner, which he understands and sewer and water from Village, which is true but believe pursuant to that resolution and judgment entry signed by the Judge back in 1988, you are already entitled to those things because it is within the immediate area of what ultimately what was annexed to be the prison. So he is not sure that the annexation is at all necessary or for the general good on that basis. He is not arguing the 100 foot strip, because as Agent Kathy argued they are pretty much surrounded by the Village and that adjacency includes areas other than the 100 foot strip, so this is not an argument they are making. They are concerned that the petitioners may already entitled and believe are entitled to water and sewer pursuant to that Judge Cirigilianos entry back in 1988. He said the fact that it appears the procedures are correct and the Board of Trustees has long taken the position they do not like annexations but they are not going to oppose one if there is no reason too. The only reason to oppose this one is from the journal entry the petitioners are already entitled to that, which they say they would benefit from pursuant to this annexation with extension of water and sewer but there is a judgement entry that gives them that right already, as he read it. So that is all they have at this point. Frankly, if that had not existed the judgement entry of water and sewer the Trustees said as long as everything was done procedural correctly and there is no such argument the township would not have opposed. So he hopes that and

making this as quick as he can and the only objection is that we believe they are already entitled to that by way of a judgement entry back in 1988

Joe Price, Village of Grafton Administrator responded to Attorney Schrader. He stated that looking at that agreement it talks about extending the sewers north to SR82, if sewer in the future in 1988. Since this time, LORCO was created and brought sewers to that area this had nothing to with the property to the west and this parcel would not have been excluded and water would have been Rural Water so it is not a matter, that agreement from 1988 has nothing to do with this.

Commissioner Kokoski thanked him for clarification

AND;

WHEREAS, Commissioner Kokoski asked if there were any other comments, Commissioners, there were none; and

WHEREAS, Commissioner Kokoski asked Assistant Prosecutor Innes that there are 7 criteria's that Commissioners have to review annexation petition.

Assistant Prosecutor Innes said let's go through them.

He said to Mr. Schrader questions as the status requires.

- 1 The technical requirements of the petition of the statutes and are true
- 2 Representation from Agent and persons that signed petition are owners
- 3 Petition contains majority of the owners
- 4 Municipality has adopted an ordinance providing services
- 5 27 acres piece of land is generally not unreasonable
- 7 No highway or street being divided
- 6 On balance, the benefit to the territory outweighs the detriments. Although Mr. Shrader has pointed out that the services might already be there and Agent Frombaugh that the property is already surrounded by Village and asked Agent if she stated the owners already have property in the Village that was previously annexed. Agent Frombaugh said they do, adjacent to the property. Mr. Innes said he can see that the owners would like to have all their property within one location and has not heard anything detrimental about this. Although the benefit presented was not overwhelming the balance of benefit of annexation, balance is greater than any detriments because we have no detriments presented.

AND;

WHEREAS, Commissioner Kokoski asked if the Commissioners had any comments.
Commissioner Lundy said not at this time
Commissioner Sweda said not at this time

Commissioner Kokoski said with no more comments will entertain motion close said hearing.

Motion by Kokoski, seconded by Sharon to close the hearing. Upon roll call the vote taken thereon, resulted as; Ayes: All.

Motion carried.

NOW, THEREFORE BE IT RESOLVED, by the Lorain County Board of Commissioners of Lorain County, Ohio that;

- I. The Board makes the following findings upon the resolutions of the Village of Grafton, report of the Lorain County Engineer and Agent Kathryn Frombaugh for Petitioners Thomas J. Nagel Sr., Jaimie Nagel and Thomas Nagel, Jr. that:
 - A. The petition meets all the requirements set forth in, and was filed in the manner provided in Section 709.02 of the Revised Code in that:
 1. The real estate is "contiguous" to the municipal corporation to which annexation is proposed.
 2. The petition contains:
 - a. The name of the owners, their signatures, and date each signature was obtained.
 - b. A legal description of the perimeter of the proposed territory to be annexed.
 - c. A map or plat of the proposed territory to be annexed.
 - d. The name and address of the agent for the petitioner.
 - e. Lists of all the parcels and the name and mailing address of the owners of each parcel:
 3. Within the proposed territory to be annexed.
 4. That lie adjacent or directly across the street from the proposed territory to be annexed.
 5. That a majority of the territory proposed for annexation lies within the county.
 - B. The person who signed the petition is owner of real estate located in the territory proposed to be annexed in the petition, and, as of the time the petition was filed with The Board of County Commissioners the number of valid signatures on the petition constitute a majority of the owners of real estate in that territory. In order to be valid signatures:
 1. Signature is of "owner" of property.
 2. Were not obtained more than 180 days before the date the petition was filed.
 3. Constitute a majority of the owners of the territory proposed for annexation.
 - C. The Village of Grafton to which the territory is proposed to be annexed has complied with divisions (D) of section 709.03 of the Revised Code, the requirement to adopt by ordinance or resolution a statement indicating what services will be provided upon annexation and approximate date the services will be provided.
 - D. No street or highway will be divided or segmented by the boundary line between Eaton Township and the Village of Grafton as to create a road maintenance problem, or, if a street or highway be so divided or segmented, the City of Oberlin has agreed, as a condition of the annexation, that it will assume the maintenance of that street or highway. For the purposes of division, "street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.

II. The Board further finds the territory to be annexed is not unreasonably large based upon stipulated testimony of Agent Kathryn Frombaugh, Petitioner and that:

Said finding was supported by the evidence that:

The territory is not unreasonably large and 0.7229 acres is not the largest territory this Board of Commissioners has permitted an annexation to occur. The municipality of Grafton Village will be able to provide services to the territory, they are not undertaking something that is unreasonable large, the shape and geographic features of the territory proposed to be annexed are regular and not unusual and are not creating any islands or peninsulas. The removal of the territory from the Township will not create a situation that the tax base of the Township to be so eroded or depleted so as to not permit the Township to continue on and provide goods and services to the township residents.

III. The Board further finds that on balance, the general good of the territory proposed to be annexed will be served, benefits to the territory proposed to be annexed and the surrounding area will outweigh the detriments to the territory proposed to be amended and the surrounding area, if the annexation is granted. As used...here..."surrounding area" means the territory within the unincorporated area of any township located one-half mile or less from any of the territory proposed to be annexed.

Said finding was supported by the evidence that:

On balance, the general good of the territory proposed to be annexed, is served because of the available of certain city services to those areas, including sewers, fire, police and there is also benefits to the area to be annexed and the surrounding areas and those benefits out weight the deterrments due to the availability of utilities.

The annexation will provide benefit to the surrounding area through the enhancement of value of properties in the surrounding area. Final condition which we believe that has been met, is no street or highway will be divided between the Township and the municipality as to creating maintenance issues; and

IV. The Board further finds that;

Said finding was supported by the evidence based upon stipulated testimony of Agent Kathryn Frombaugh and Petitioner;

Said Legal Description reads as follows:

Exhibit A
Boundary Description
Parcel No. 11-00-080-000-022
27.4297 Acres

Situated in the County of Lorain, in the State of Ohio and being known as part of Original Eaton Township Lot. No. 80, and being further bounded and described as follows:

Beginning at a railroad spike found on the centerline of Elm Street (60 feet wide) and the Southerly line of said Original Lot No 80;

Thence, South 89 degrees 40'27" East a distance of 1499.65 feet along the Southerly line of said Original Lot No. 80, to a point thereon, being the Principal Place of Beginning;

Thence North 01 degrees 33'29" East a distance of 2028.77 feet along a line being the existing corporation line of the Village of Grafton, to a corner thereof;

Thence, North 89 degrees 40'27" West a distance of 261.19 feet along a line being the existing corporation line of the Village of Grafton, to a point on the Southeasterly line of land conveyed to CSX Transportation, Inc., by deed recorded in document no. 20000677885 of Lorain County Recorders' Records on April 7, 2000, said line also being an existing corporation line of the Village of Grafton;

Thence, North 55 degrees, 28'40" East a distance of 930.00 feet along said Southeasterly line an iron pin set thereon, being the Northwesterly corner of land conveyed to the State of Ohio by deed recorded in Deed volume 272 Page 247 of Lorain County Recorder's Records;

Thence, South 01 degrees 33'29" West a distance of 2560.30 feet along the Westerly line of said land conveyed to the State of Ohio, being an existing corporation line of the Village of Grafton, to the Southwesterly corner thereof, being a point on the Southerly line of said Original Lot No. 80;

Thence, North 89 degrees 40'27" West a distance of 490.60 feet along the Southerly line of said Original Lot No. 80, to the Principal Place of Beginning, containing 27.4297 Acres as surveyed by Thomas A. Simon, Registered Professional Surveyor No. S-7775 in March, 2007. Basis of bearings is the Southerly line of Original Lot No. 80 (South 89 degrees 40'27" East). Iron pins set at 5/8" diameter, 30" long with plastic caps "T.Simon, S-7775".


BE IT FURTHER RESOLVED, that;

- I. Based upon the findings of fact that all the conditions of annexation as contained in Revised Code 709.033 have been met the petition for annexation as presented is granted and incorporating the items of the annexation agreement between Eaton Township and the Village of Grafton.
- II. The Clerk be directed to enter this resolution upon the journal of the Board and send a certified copy to Attorney Kathryn Frombaugh, Agent for petitioner, Clerk of Grafton Village, and the Township Eaton
- III. The Clerk, if no appeal is filed within thirty days of journalization of this resolution, be directed to deliver a certified copy of the entire record to the Clerk to the Village of Grafton

Motion by Kokoski, seconded by Sweda to adopt Resolution. Upon roll call the vote taken thereon, resulted as: Ayes: Kokoski, Sweda and Lundy / 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. 20-349 is a true copy as it appears in Journal No. 20 on date of June 1, 2020



Theresa L. Upton

