

VILLAGE OF GRAFTON
ORDINANCE NO. 22-003

INTRODUCED BY:

MOTION BY: **DUKLES**

SECONDED BY: **STRAH**

ORDINANCE ACCEPTING THE ANNEXATION OF APPROXIMATELY 50.906 ACRES OF REAL ESTATE TO THE VILLAGE OF GRAFTON, UPON THE APPLICATION OF THE OWNER, THE VILLAGE OF GRAFTON, AND DECLARING AN EMERGENCY

WHEREAS, a Petition for the annexation of certain territory consisting of approximately 50.906 acres of land within Eaton Township and Grafton Township was duly filed by the Village of Grafton, the owner of such property; 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 the above-referenced territory, as hereinafter described, to the Village of Grafton in Resolution #19-570, passed on September 18, 2019; 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 November 29, 2021; 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.

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, the Village of Grafton, 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:

- Land situated in Eaton Township, Lorain County, Ohio, as more fully detailed and described in the Description of Corporation Line "A" as set forth on Exhibit #1 (legal description) and Exhibit #5 (map) attached hereto;
- Land situated in Eaton Township, Lorain County, Ohio, as more fully detailed and described in the Description of Corporation Line "B" as set forth on Exhibit #2 (legal description) and Exhibit #5 (map) attached hereto;

- Land situated in Grafton Township, Lorain County, Ohio, as more fully detailed and described in the Description of Corporation Line "C" as set forth on Exhibit #3 (legal description) and Exhibit #5 (map) attached hereto;
- Land situated in Eaton Township, Lorain County, Ohio, as more fully detailed and described in the Description of Corporation Line "D" as set forth on Exhibit #4 (legal description) and Exhibit #5 (map) attached hereto;

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, necessary so the Village can immediately proceed with its plans to use and/or develop the subject territory as originally contemplated which plans were delayed because of litigation, and otherwise for the benefit, safety, and welfare of the citizens of the Village of Grafton; therefore, this Ordinance shall be in full force and effect from and upon its passage and approval by the Mayor.



 PRESIDENT OF COUNSEL

2-15-2022

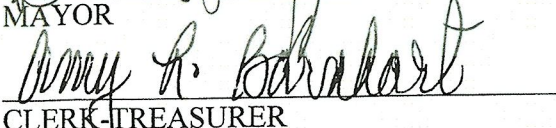
 DATE PASSED



 MAYOR

2-15-2022

 DATE APPROVED



 CLERK-TREASURER

2-15-2022

 DATE ATTESTED

APPROVED AS TO FORM BY: 

 GRETCHEN A. HOLDERMAN, DIRECTOR OF LAW

RECEIVED
2011 JUN 10 A 10:15
CLERK

**A PETITION TO THE LORAIN COUNTY COMMISSIONERS TO
REQUEST THE ANNEXATION OF LAND SOLELY OWNED BY THE VILLAGE OF
GRAFTON TO BE ANNEXED FROM EATON TOWNSHIP AND GRAFTON
TOWNSHIP INTO THE VILLAGE OF GRAFTON PURSUANT TO
OHIO REVISED CODE SECTIONS 709.14 AND 709.16**

WHEREAS, the Village of Grafton currently owns certain lands more fully described and depicted on Exhibits 1, 2, 3, 4 (legal descriptions) and Exhibit 5 (map) attached hereto; and

WHEREAS, the lands described on Exhibits 1, 2, 3, 4, and depicted on Exhibit 5, are all owned by the Village of Grafton; and

WHEREAS, the lands described on Exhibits 1, 2, and 4, and depicted on Exhibit 5, are located in Eaton Township; and

WHEREAS, the lands described on Exhibit 3 and depicted on Exhibit 5 are located in Grafton Township; and

WHEREAS, all lands described and depicted in Exhibits 1, 2, 3, 4, and 5, are contiguous to the Village of Grafton; and

WHEREAS the Village of Grafton has determined that annexing the subject lands 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 into the Village of Grafton by and through Village of Grafton Ordinance No. 19-012 (Exhibit 6 attached hereto).

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

The Village of Grafton hereby requests the Lorain County Commissioners to approve the annexation of the following lands:

- Land situated in Eaton Township, Lorain County, Ohio, as more fully detailed and described in the Description of Corporation Line "A" as set forth on Exhibit #1 (legal description) and Exhibit #5 (map) attached hereto;
- Land situated in Eaton Township, Lorain County, Ohio, as more fully detailed and described in the Description of Corporation Line "B" as set forth on Exhibit #2 (legal description) and Exhibit #5 (map) attached hereto;

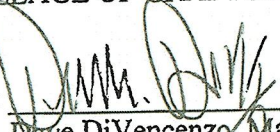
- Land situated in Grafton Township, Lorain County, Ohio, as more fully detailed and described in the Description of Corporation Line "C" as set forth on Exhibit #3 (legal description) and Exhibit #5 (map) attached hereto;
- Land situated in Eaton Township, Lorain County, Ohio, as more fully detailed and described in the Description of Corporation Line "D" as set forth on Exhibit #4 (legal description) and Exhibit #5 (map) attached hereto;

from Eaton Township and Grafton Township as indicated above, into the Village of Grafton, pursuant to Sections 709.14 and 709.16 of the Ohio Revised Code.

Respectfully submitted,

VILLAGE OF GRAFTON

By:



Dave DiVencenzo, Mayor

Date:

6-4-19

**DESCRIPTION OF PROPOSED
CORPORATION LINE "C"**

Situated in Grafton Township, Lorain County, Ohio, and being part of Original Lot 5, Township 5 North, Range 16 West, and part of land described in Instrument No. 837319#1846, as conveyed to Village of Grafton, and the proposed corporation line being described for the Village of Grafton more particularly described as follows:

COMMENCING at the southeast corner of Original Lot 5 and on the centerline of State Route 83 (a.k.a. South Avon Beldon Road);

Thence on and along the east line of Original Lot 5 and the centerline of State Route 83, in a northerly direction a distance of 1969.35 feet more or less to the southeast corner of land described in Instrument No. 837319#1846, as conveyed to Village of Grafton;

Thence on and along the south line of said land described in Instrument No. 837319#1846, in a westerly direction a distance of 30.00 feet more or less to the west right of way line of State Route 83 and the TRUE POINT OF BEGINNING;

Thence on and along the proposed corporation line and the westerly right of way line of State Route 83 in a northerly direction a distance of 190.00 feet more or less to a point on the north line of said land described in Instrument No. 837319#1846, and the point of termination of this description;

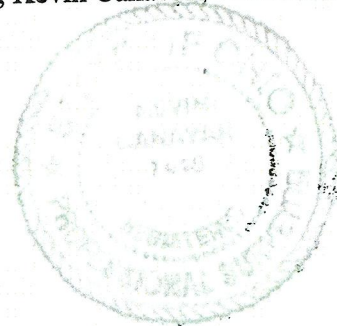
There is 0.436 acres more or less between the existing corporation line and the proposed corporation line on said land described in Instrument No. 837319#1846, and all being subject to legal highway, easements, and restrictions.

The intent of this description is to incorporate all land described in said Instrument No. 837319#1846, as conveyed to Village of Grafton, less road right of way.

This description and related survey plat is based on an actual field survey performed in January of 2018 by Poggemeyer Design Group under my supervision, Kevin Canavan, Professional Surveyor No. 7448.

 MAY 30, 2019

POGGEMEYER DESIGN GROUP, INC.
1168 NORTH MAIN STREET
BOWLING GREEN, OHIO 43402
(419) 352-7537



Legal description reviewed by JB
on 5/2/22 per ORC, Section 5713.09

**Exhibit
3**

DESCRIPTION OF PROPOSED CORPORATION LINE "D"

Situated in Eaton Township, Lorain County, Ohio, and being part of Original Lot 58, of Township 5 North, Range 16 West, and part of land described in Instrument No. 837320#1846, as conveyed to Village of Grafton, described as follows:

COMMENCING on the east line of Original Lot 58 and on the centerline of right-of-way of State Route 83 (a.k.a. South Avon Beldon Road), at a point on the southeasterly property line of CSX Railroad, formerly known as the C.C.C. and St. L. Railroad;

Thence on and along said centerline of right-of-way of State Route 83 and the east line of Original Lot 58, in a southerly direction a distance of 360.30 feet more or less to the northeast corner of said land described in Instrument No. 837320#1846;

Thence on and along the north line of said land described in Instrument No. 837320#1846, in a westerly direction a distance of 250.60 feet more or less to a property corner;

Thence on and along an east line of said land described in Instrument No. 837320#1846, in a northerly direction a distance of 59.95 feet more or less to the Village of Grafton existing corporation line and the TRUE POINT OF BEGINNING;

- 1) Thence parallel to and 100.00 feet southeast of the southeast property line of CSX Railroad, in a southwesterly direction, a distance of 150.23 feet more or less to the west line of said land described in Instrument No. 837320#1846;
- 2) Thence on and along said west line, in a northerly direction, a distance of 18.58 feet more or less to the northwest corner of said land described in Instrument No. 837320#1846;
- 3) Thence on and along the northwesterly line of said land described in Instrument No. 837320#1846, in a northeasterly direction, a distance of 150.00 feet more or less to the most northern corner of said land described in Instrument No. 837320#1846;
- 4) Thence on and along the easterly line of said land described in Instrument No. 837320#1846, in a southerly direction, a distance of 18.18 feet more or less returning to the true point of beginning, containing in all 0.052 acres more or less, and all subject to legal highway, easements, and restrictions, and all to be incorporated to Village of Grafton.

The intent of this description is to incorporate all the land described in Instrument No. 837320#1846, less existing road right-of-way. This description and related survey plat is based on an actual field survey performed in January of 2018 by Poggemeyer Design Group under my supervision, Kevin Canavan, Professional Surveyor No. 7448.

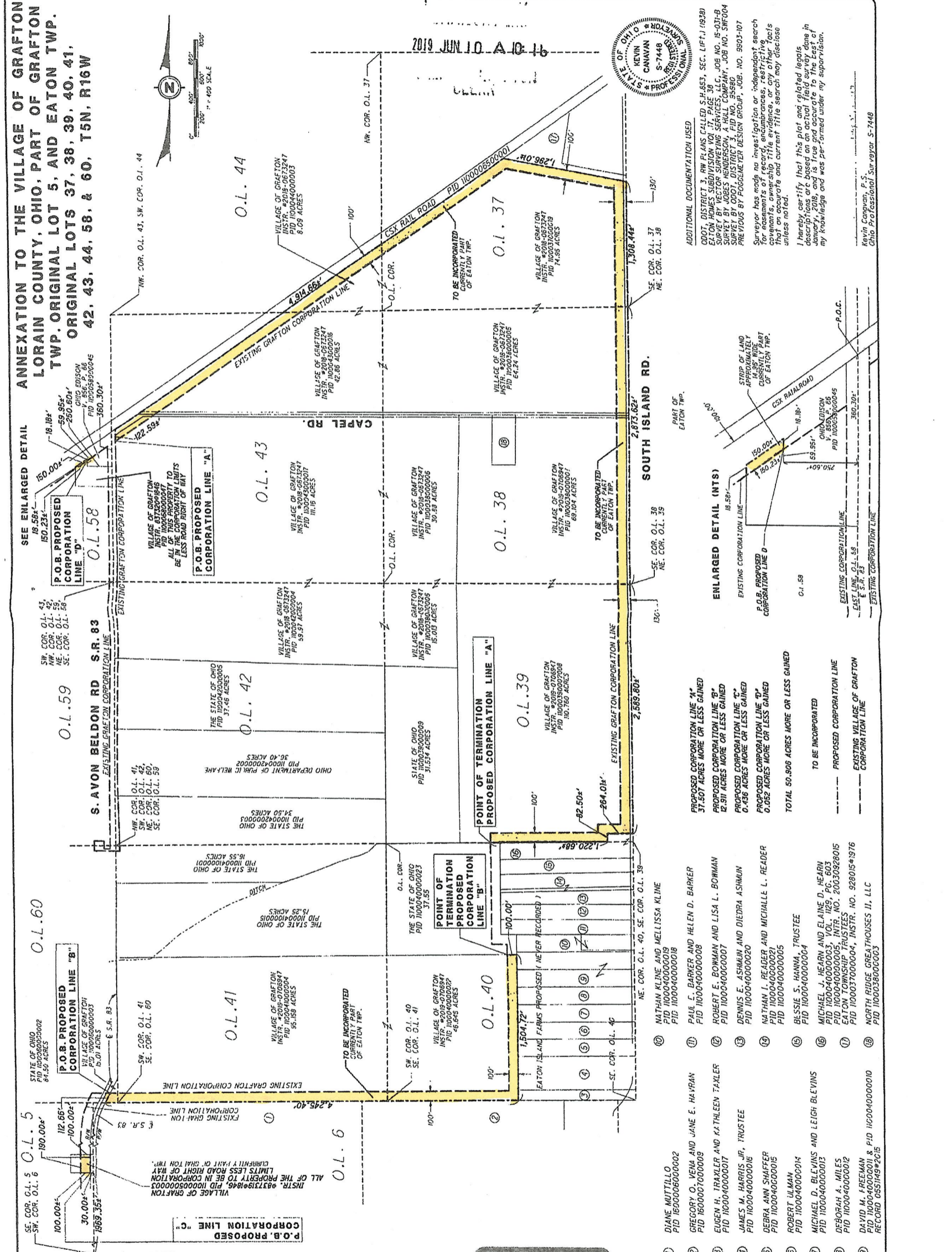
Kevin Canavan May 30, 2019

POGMEYER DESIGN GROUP, INC.
1168 NORTH MAIN STREET
BOWLING GREEN, OHIO 43402 (419) 352-7537

Legal description reviewed by VB
on 5/2/22 per ORC, Section 5713.09

Exhibit

4



ADDITIONAL DOCUMENTATION USED
 COOT, DISTRICT 3, RW PLANS CALLED S-7463, SEC. 11(F), 1938)
 GRAFTON VILLAGE SURVEYING SERVICES, LLC, JOB NO. 15-037-B
 SURVEY BY JAMES HENDERSON, A HULL COMPANY, JOB NO. SHF004
 SURVEY BY COOT, DISTRICT 3, PID NO. 95580
 PREVIOUS BY POGEMEYER DESIGN GROUP, JOB NO. 9503-107
 Surveyor has made no investigation or independent search for encumbrances, restrictive covenants, or other facts that an accurate and current title search may disclose unless noted.
 I hereby certify that this plat and related legal descriptions are based on an actual field survey done in January, 2019, and is true and accurate to the best of my knowledge and was performed under my supervision.
 Kevin Canavan, P.E.
 Ohio Professional Surveyor S-7448

- 1 DIANE MITTILLO
PID 1000040000001
 - 2 GREGORY O. VEHA AND JANE E. HAYVAN
PID 1000007000008
 - 3 EUGEN H. TRAXLER AND KATHLEEN TAXLER
PID 1000400000017
 - 4 JAMES M. HARRIS JR., TRUSTEE
PID 1000400000016
 - 5 DEBRA ANN SHAEFFER
PID 1000400000015
 - 6 ROBERT ULMAN
PID 1000400000014
 - 7 MICHAEL D. BLEVINS AND LEIGH BLEVINS
PID 1000400000013
 - 8 DEBORAH A. MILES
PID 1000400000012
 - 9 DAVID M. FREEMAN
PID 1000400000011 & PID 1000400000010
RECORD 65514954265
 - 10 NATHAN KLINE AND MELLISSA KLINE
PID 1000400000009
 - 11 PAUL C. BARKER AND HELEN D. BARKER
PID 1000400000008
 - 12 ROBERT E. BOWMAN AND LISA L. BOWMAN
PID 1000400000007
 - 13 DENNIS E. ASHUM AND DIEDRA ASHUM
PID 1000400000006
 - 14 NATHAN L. READER AND MICHALLE L. READER
PID 1000400000005
 - 15 BLESSIE S. HANNA, TRUSTEE
PID 1000400000004
 - 16 MICHAEL J. HEARN AND ELAINE D. HEARN
PID 1000400000003, VOL. 1029, PG. 603
 - 17 EATON TOWNSHIP TRUSTEES
PID 1000400000005, INSTR. NO. 20030928015
 - 18 NORTH RIDGE GREAT HOUSES II, LLC
PID 1000380000003
- PROPOSED CORPORATION LINE "A"
 37,507 ACRES MORE OR LESS GAINED
- PROPOSED CORPORATION LINE "B"
 12,511 ACRES MORE OR LESS GAINED
- PROPOSED CORPORATION LINE "C"
 0,436 ACRES MORE OR LESS GAINED
- PROPOSED CORPORATION LINE "D"
 0,052 ACRES MORE OR LESS GAINED
- TOTAL 50,906 ACRES MORE OR LESS GAINED
- TO BE INCORPORATED
 --- PROPOSED CORPORATION LINE
 --- EXISTING VILLAGE OF GRAFTON CORPORATION LINE