

1 RESOLUTION NO. 2017-478

First Reading Passage Requested
(Clerk of Council)

2
3 SPONSOR Mr. Wilhite

4
5 DATE October 30, 2017

COMMITTEE Planning

6
7 **A Resolution authorizing the publication and legal notice for the proposed vacation of a**
8 **portion of the County ditch known as Pond Brook located in Twinsburg Township,**
9 **Council District 1, and setting dates for the public viewing and public hearing pursuant**
10 **to Sections 6131.64 and 6131.07 of the Ohio Revised Code, for Council, and declaring an**
11 **emergency.**

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13 WHEREAS, MetroParks has petitioned this Council to vacate a portion of said ditch
14 from State Route 82 (East Aurora Road) on the north to the Wheeling and Erie Railroad on the
15 south, and being located in Twinsburg Township, and as further described in Exhibit A to this
16 legislation, and;

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18 WHEREAS, vacation of said ditch will allow this section of Pond Brook to revert to a
19 meandering stream, to the benefit of wildlife and improved water quality, and;

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21 WHEREAS, Metro Parks intends to enter into a perpetual maintenance agreement with
22 the county with respect to the ditch whereby Metro Parks will maintain the ditch after it is
23 vacated, and;

24
25 WHEREAS, Section 6131.64 of the Ohio Revised Code authorizes this Council to vacate
26 said ditch, and;

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28 WHEREAS, a public viewing and public hearings, as provided in Section 6131.07 of the
29 Ohio Revised Code, are required prior to the vacation of public ditches.

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31 NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit,
32 State of Ohio, that:

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34 SECTION 1

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36 Pursuant to Section 6131.07 of the Ohio Revised Code, *the viewing of the proposed*
37 *vacation shall take place on Tuesday, November 21, 2017 at 2:00p.m starting at the Liberty*
38 *Park parking lot located at 3973 East Aurora Road (approximately 200 feet east of the*
39 *bridge over Pond Brook) in Twinsburg Township. Public Hearings will take place on*
40 *Monday, December 4 and Tuesday, December 12, 2017 at 4:30pm in Council Chambers,*
41 *Ohio Building – 7th Floor, 175 South Main Street, Akron, Ohio.*

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43 Pursuant to Section 6131.07 of the Ohio Revised Code, a legal notice giving a description
44 of the proposed vacation and notice of the time and place for the viewing and public hearings
45 shall be published once on November 7, 2017 in a newspaper of general circulation in Summit
46 County. Written notice of the viewing and hearings shall be sent by certified mail on October
47 31, 2017 to the owners of property abutting upon that portion of the ditch to be vacated.

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1 RESOLUTION NO. 2017-478

2 PAGE TWO

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5 SECTION 2

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7 This Resolution is hereby declared an emergency in the interest of the health, safety and
8 welfare of the citizens of the County of Summit and for the further reason to immediately
9 authorize the publication and notice of a viewing and hearings for the proposed ditch vacations
10 located in Twinsburg Township, Summit County, Ohio.

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12 SECTION 3

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14 Provided this Resolution receives the affirmative vote of eight members, it shall take
15 effect immediately upon its adoption and approval by the Executive; otherwise it shall take
16 effect and be in force at the earliest time provided by law.


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18 SECTION 4

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20 It is found and determined that all formal actions of this Council concerning and relating
21 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
22 deliberations of this Council and of any of its committees that resulted in such formal action,
23 were in meetings open to the public, in compliance with all legal requirements, including
24 Section 121.22 of the Ohio Revised Code.

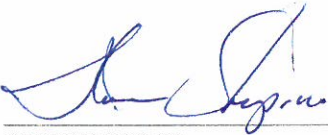
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26
27 INTRODUCED October 30, 2017

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29 ADOPTED October 30, 2017

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32 _____
33 CLERK OF COUNCIL

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37 PRESIDENT OF COUNCIL

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39 APPROVED October 31, 2017

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43 EXECUTIVE

44 ENACTED EFFECTIVE October 31, 2017

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Voice Vote: 10-0 YES: Crawford, Dickinson, Feeman, Hamilton, Koehler,
Prentice, Rodgers, Schmidt, Walters, Wilhite
ABSENT: Donofrio