

1 RESOLUTION NO. 2019-153

2
3 SPONSOR Ms. Walters

4
5 DATE April 29, 2019

COMMITTEE Planning

6
7 **A Resolution approving the vacation of unused road right-of-way located at 5649 Akron**
8 **Cleveland Road, in Council District 1, pursuant to Section 5553.04 of the Ohio Revised**
9 **Code and Section 125.03 of the Codified Ordinances of the County of Summit, for the**
10 **Council, and declaring an emergency.**

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12 WHEREAS, on or about January 31, 2019, the Petitioner filed a petition that this Council
13 vacate a portion of land along the western boundary of property located at 5649 Akron Cleveland
14 Road that is an unimproved road right-of-way which is situated in the County of Summit, Boston
15 Township, District 1, pursuant to Section 5553.04 of the Ohio Revised Code and Section 125.03
16 of the Codified Ordinances of the County of Summit; and

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18 WHEREAS, pursuant to Resolution No. 2019-073, as required by Section 125.03(e) of
19 the Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised
20 Code, this Council conducted a public viewing of the area proposed to be vacated on March 29,
21 2019; and

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23 WHEREAS, pursuant to Resolution No. 2019-073, as required by section 125.03(e) of
24 the Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised
25 Code, this Council held a public hearing on the proposal to vacate on April 1, 2019; and

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27 WHEREAS, pursuant to Section 125.03 of the Codified Ordinances of the County of
28 Summit and Section 5553.05 of the Ohio Revised Code, the Clerk of this Council caused notice
29 to be delivered by regular mail to the landowners abutting the unimproved road right-of-way
30 proposed to be vacated, and the Ohio Director of Natural Resources informing those parties of
31 the date set for the public viewing and hearings, and complied with all public notice
32 requirements as set forth in Section 5553.05 of the Ohio Revised Code and Section 125.03 of the
33 Codified Ordinances of the County of Summit; and

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35 WHEREAS, pursuant to Section 5553.06 and 5553.07, this Council ordered the County
36 Engineer to prepare a report on the proposed vacation, the Engineer has prepared said report and
37 said report was read at the final public hearing on April 1, 2019; and

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39 WHEREAS, this Council has determined after reviewing all pertinent information, that
40 (i) the vacation of a portion of land along the western boundary of property located at 5649
41 Akron Cleveland Road that is an unimproved road right-of-way which is situated in the County
42 of Summit, Boston Township, District 1, set forth in the legal description and vacation plat
43 attached hereto as Exhibit A, is for the public convenience or welfare, (ii) this Council has
44 complied with all legal requirements, including but not limited to, those contained in Chapter
45 5553 of the Ohio Revised Code and Section 125.03 of the Codified Ordinances of the County of
46 Summit and (iii) the vacation of a portion of land along the western boundary of property located
47 at 5649 Akron Cleveland Road is necessary and in the best interest of the County of Summit.

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

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1 RESOLUTION NO. 2019-153

2 PAGE TWO

3
4 SECTION 1

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6 The vacation of a portion of land along the western boundary of property located at 5649
7 Akron Cleveland Road that is an unimproved road right-of-way which is situated in the County
8 of Summit, Boston Township, District 1, set forth in the legal description and vacation plat
9 attached hereto as Exhibit A, is hereby approved and the same is hereby vacated, and the vacated
10 land hereby vests in the abutting land owners, subject to the preservation of any existing right-of-
11 way by any public utility in, over or under the vacated land, together with ingress and egress
12 thereto and therefrom for the purpose of serving and maintaining the same. Further, the County
13 Executive is hereby authorized to execute any documents necessary to complete the said
14 vacation.

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16 SECTION 2

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18 The Clerk of Council is hereby directed to file a copy of this Resolution, the legal
19 description and vacation plat attached hereto as Exhibit A, and any other record of the
20 proceedings with the County Fiscal Officer for tax purposes, with a copy to the County Engineer
21 for road purposes.

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23 SECTION 3

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25 This Resolution is hereby declared an emergency in the interest of the health, safety, and
26 welfare of the citizens of the County of Summit.

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28 SECTION 4

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

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34 SECTION 5

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36 It is found and determined that all formal actions of this Council concerning and relating
37 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
38 deliberations of this Council and of any of its committees that resulted in such formal action,
39 were in meetings open to the public, in compliance with all legal requirements, including Section
40 121.22 of the Ohio Revised Code.

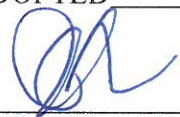
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RESOLUTION NO. 2019-153
PAGE THREE

INTRODUCED April 15, 2019

ADOPTED April 29, 2019

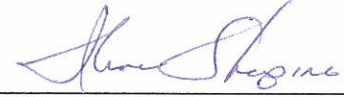


CLERK OF COUNCIL



PRESIDENT OF COUNCIL

APPROVED April 30, 2019



EXECUTIVE

ENACTED EFFECTIVE April 30, 2019

Voice Vote 9-0: YES - Dickinson, Donofrio, Hamilton, Koehler,
McKenney, Rodgers, Schmidt, Walters, Wilhite
ABSENT: Feeman, Prentice