

1 RESOLUTION NO: 2019-073

**First Reading Passage Requested**  
**(Clerk of Council)**

2  
3 SPONSORS: Ms. Walters

4  
5 DATE March 4, 2019

COMMITTEE Planning

6  
7 **A Resolution setting dates for this Council to conduct a public viewing, and setting a date**  
8 **for a final hearing, to consider the vacation of unused road right-of-way located at 5649**  
9 **Akron Cleveland Road, in Council District 1, pursuant to Chapter 5553 of the Ohio**  
10 **Revised Code and Section 125.03 of the Codified Ordinances of the County of Summit, for**  
11 **Council, and declaring an emergency.**

12  
13 WHEREAS, a portion of land along the western boundary of property located at 5649  
14 Akron Cleveland Road is an unimproved road right-of-way which is situated in the County of  
15 Summit, Boston Township, District 1; and

16  
17 WHEREAS, the Petitioner has filed a petition pursuant to Section 5553.04 of the Ohio  
18 Revised Code requesting that this Council vacate this unused road right-of-way in the respective  
19 township. Copies of the aforesaid petition and other documentation filed with the Clerk of  
20 Council on or about January 31, 2019, are attached and marked as Exhibit "A" ; and

21  
22 WHEREAS, the vacation of the portion of property requested in the petition would return  
23 ownership of the underlying land to the Petitioner as an abutting property owner; and

24  
25 WHEREAS, pursuant to Section 5553.06 of the Ohio Revised Code and Section  
26 125.03(a) of the Codified Ordinances of the County of Summit, Ohio, the petitioners have  
27 prepared a proposed vacation plat, subject to the approval of the County Engineer, a copy of  
28 which is on file in the Council office.

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

32  
33 SECTION 1

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35 The Clerk of Council shall set the date of **March 29, 2019 at 2:00 p.m.** as the time for a  
36 public viewing of the proposed vacation site pursuant to the requirements of Section 5553.05 of  
37 the Ohio Revised Code and Section 125.03(e) of the Codified Ordinances of the County of  
38 Summit.  
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2 PAGE TWO

3  
4 SECTION 2

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6 The Clerk of Council shall set the date of April 1, 2019, at 4:30 p.m. for the final  
7 hearing on the vacation as required pursuant to Section 5553.05 of the Ohio Revised Code and  
8 Section 125.03(e) of the County of Summit Codified Ordinances of the County of Summit, to  
9 determine whether the proposed vacation of a portion of land along the western boundary of  
10 property located at 5649 Akron Cleveland Road requested by the petition would be for the public  
11 convenience or welfare.

12  
13 SECTION 3

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15 The Clerk of Council shall cause notice by regular U.S. mail to be made to the abutting  
16 landowners and the applicable Township, and the Ohio Director of Natural Resources informing  
17 them of the date set for the public hearings, and the Clerk shall comply with all public notice  
18 requirements as set forth in Section 5553.05 of the Ohio Revised Code.

19  
20 SECTION 4

21  
22 Pursuant to section 5553.06 of the Ohio Revised Code, the Engineer shall submit a  
23 written report on the vacation containing the Engineer's opinion for or against the vacation on or  
24 before the date of the final hearing.

25  
26 SECTION 5

27  
28 This Resolution is hereby declared to be an emergency in the interest of the health, safety  
29 and welfare of the citizens of the County of Summit and for the further reason of timely setting  
30 the proper hearing and viewing dates and providing for proper notice of the same without undue  
31 delay.

32  
33 SECTION 6

34  
35 Provided this Resolution receives the affirmative vote of eight members, it shall take  
36 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
37 effect and be in force at the earliest time provided by law.

38  
39 SECTION 7

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41 It is found and determined that all formal actions of this Council concerning and relating  
42 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
43 deliberations of this Council and of any of its committees that resulted in such formal action,  
44 were in meetings open to the public, in compliance with all legal requirements, including Section  
45 121.22 of the Ohio Revised Code.  
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2 PAGE THREE

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4 INTRODUCED March 4, 2019

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6 ADOPTED March 4, 2019

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10 CLERK OF COUNCIL

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18 PRESIDENT OF COUNCIL

11 APPROVED March 5, 2019

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16 EXECUTIVE

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18 ENACTED EFFECTIVE March 5, 2019

Voice Vote: YES - 11-0 Dickinson, Donofrio, Feeman, Hamilton, Koehler, McKenney, Prentice, Rodgers, Schmidt, Walters, Wilhite