

1 RESOLUTION NO. 2014-340

2
3 SPONSOR Mr. Kostandaras

4
5 DATE September 22, 2014 COMMITTEE Planning

6
7 **An amended Resolution approving the vacation of Reserve Avenue and Fineview Avenue,**
8 **in Copley Township, Council District 5, pursuant to Chapter 5553 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.**

11
12 WHEREAS, on or about May 22, 2014, the Petitioners filed a petition that this Council
13 vacate Reserve Avenue and Fineview Avenue, which is an unimproved road right-of-way, in
14 Copley Township, Council District 5, pursuant to Chapter 5553 of the Ohio Revised Code and
15 Section 125.03 of the Codified Ordinances of the County of Summit; and

16
17 WHEREAS, pursuant to Resolution No. 2014-248, as required by Section 125.03(e) of
18 the Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised
19 Code, this Council conducted a public viewing of the area proposed to be vacated on August 1,
20 2014; and

21
22 WHEREAS, pursuant to Resolution No. 2014-248, as required by section 125.03(e) of
23 the Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised
24 Code, this Council held a public hearing on the proposal to vacate on August 4, 2014; and

25
26 WHEREAS, pursuant to Section 125.03 of the Codified Ordinances of the County of
27 Summit and Section 5553.05 of the Ohio Revised Code, the Clerk of this Council caused notice
28 to be delivered by regular mail to the landowners abutting the unimproved road right-of-way,
29 Reserve Avenue and Fineview Avenue, proposed to be vacated, and the Ohio Director of Natural
30 Resources informing those parties of the date set for the public viewing and hearings, and
31 complied with all public notice requirements as set forth in Section 5553.05 of the Ohio Revised
32 Code and Section 125.03 of the Codified Ordinances of the County of Summit; and

33
34 WHEREAS, pursuant to Section 5553.06 and 5553.07, this Council ordered the County
35 Engineer to prepare a report on the proposed vacation, the Engineer has prepared said report and
36 said report was read at the final public hearing on August 11, 2014; and

37
38 WHEREAS, this Council has determined after reviewing all pertinent information, that
39 (i) the vacation of Reserve Avenue and Fineview Avenue, which are unimproved road right-of-
40 ways, in Copley Township, Council District 5, set forth in the legal description and vacation plat
41 attached hereto as amended Exhibits A and B, respectively, is for the public convenience or
42 welfare, (ii) this Council has complied with all legal requirements, including but not limited to,
43 those contained in Chapter 5553 of the Ohio Revised Code and Section 125.03 of the Codified
44 Ordinances of the County of Summit and (iii) the vacation of Reserve Avenue and Fineview
45 Avenue is necessary and in the best interest of the County of Summit.

46
47 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
48 of Ohio, that:

49
50
51
52

3
4 SECTION 1

5
6 The vacation of Reserve Avenue and Fineview Avenue, which is an unimproved road
7 right-of-way, in Copley Township, Council District 5, set forth in the legal description and
8 vacation plat attached hereto as amended Exhibits A and B, respectively, is hereby approved and
9 the same is hereby vacated, and the vacated land hereby vests in the abutting land owners,
10 subject to the preservation of any existing right-of-way by any public utility in, over or under the
11 vacated land, together with ingress and egress thereto and therefrom for the purpose of serving
12 and maintaining the same. Further, the County Executive is hereby authorized to execute any
13 documents necessary to complete the vacation of Reserve Avenue and Fineview Avenue.

14
15 SECTION 2

16
17 The Clerk of Council is hereby directed to file a copy of this Resolution, the legal
18 description and vacation plat attached hereto as amended Exhibits A and B, respectively, and any
19 other record of the proceedings with the County Fiscal Officer for tax purposes, with a copy to
20 the County Engineer for road purposes.

21
22 SECTION 3

23
24 This Resolution is hereby declared an emergency in the interest of the health, safety, and
25 welfare of the citizens of the County of Summit and for the further purpose of appropriating said
26 funds so that the County Engineer may commence necessary work as soon as possible.

27
28 SECTION 4

29
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.

33
34 SECTION 5

35
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.

41
42
43
44
45
46
47
48
49
50
51
52

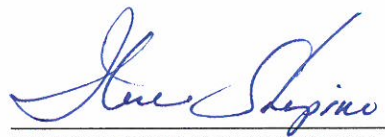
1 RESOLUTION NO. 2014-340

2 PAGE THREE

3
4 INTRODUCED August 4, 2014

5
6 ADOPTED September 22, 2014

7
8
9
10  _____
CLERK OF COUNCIL



PRESIDENT OF COUNCIL

11
12 APPROVED September 22, 2014

13
14
15  _____
16 EXECUTIVE

17
18 ENACTED EFFECTIVE September 22, 2014

Voice Vote: 11-0 YES: Comunale, Crawford, Feeman, Kostandaras
Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro