

1 RESOLUTION NO. 2021-132

2
3 SPONSOR Ms. Sims

4
5 DATE June 14, 2021

6
7 COMMITTEE Planning

8 **An Amended Resolution approving the removal of roadway and road infrastructure and**
9 **vacation of segments of Everett Road in Bath, Richfield and Boston Townships and**
10 **segments of Oak Hill Road in Boston Township, in Council District 1, pursuant to Section**
11 **5553.04 of the Ohio Revised Code and Section 125.03 of the Codified Ordinances of the**
12 **County of Summit, for the Council, and declaring an emergency.**

13 WHEREAS, the Summit County Engineer submitted a request November 13, 2020 to
14 Summit County Council to vacate segments of Everett Road in Bath, Richfield and Boston
15 Townships and Oak Hill Road in Boston Township, in Council District 1; and

16
17 WHEREAS, the Summit County Engineer proposed to remove roadway surfaces,
18 bridges, and appurtenant safety devices and signage related to these roads that run through
19 properties owned by the Summit Metro Parks and Cuyahoga Valley National Park; and

20
21 WHEREAS, the Summit Metro Parks and Cuyahoga Valley National Park have
22 supported and encouraged the Summit County Engineer's proposal based on the Parks' long
23 range plans for these properties; and

24
25 WHEREAS, pursuant to Resolution No. 2021-082, as required by Section 125.03(e) of
26 the Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised
27 Code, this Council conducted a public viewing of the area proposed to be vacated on April 23,
28 2021; and

29
30 WHEREAS, pursuant to Resolution No. 2021-082, as required by section 125.03(e) of
31 the Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised
32 Code, this Council held a public hearing on the proposal to vacate on April 26, 2021; and

33
34 WHEREAS, the Summit County Engineer is requesting County Council to authorize the
35 removal of roadway surfaces, bridges, and appurtenant safety devices and signage and phased
36 vacate vacation of segments of the aforementioned roads pursuant to Section 5553.04 of the
37 Ohio Revised Code. Copies of the request, maps indicating the specific segments to be vacated,
38 the reports of the Engineer required under Ohio Revised Code Section 5553.06, and other
39 documentation filed with the Clerk of Council are attached and marked as Exhibit "A"; and

40
41 WHEREAS, pursuant to Section 125.03 of the Codified Ordinances of the County of
42 Summit and Section 5553.05 of the Ohio Revised Code, the Clerk of this Council caused notice
43 to be delivered by regular mail to the landowners abutting the road right-of-way proposed to be
44 vacated, informing those parties of the date set for the public viewing and hearings, and
45 complied with all public notice requirements as set forth in Section 5553.05 of the Ohio Revised
46 Code and Section 125.03 of the Codified Ordinances of the County of Summit; and

47
48 WHEREAS, this Council has determined after reviewing all pertinent information, that
49 (i) the removal of roadway surfaces, bridges, and appurtenant safety devices and signage and
50 vacation of segments of Everett Road in Bath, Richfield and Boston Townships and segments of
51 Oak Hill Road in Boston Township, in Council District 1, set forth in the legal description and
52 vacation plat attached hereto as Exhibit A, is for the public convenience or welfare, (ii) this

3
4 Council has complied with all legal requirements, including but not limited to, those contained in
5 Chapter 5553 of the Ohio Revised Code and Section 125.03 of the Codified Ordinances of the
6 County of Summit, (iii) no compensation or damages is due to any abutting landowner as a result
7 of this vacation, and (iv) the vacation of segments of Everett Road in Bath, Richfield and Boston
8 Townships and segments of Oak Hill Road in Boston Township, in Council District 1, is
9 necessary and in the best interest of the County of Summit.

10
11 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
12 of Ohio, that:

13
14 SECTION 1

15
16 ~~The vacation of segments of Everett Road in Bath, Richfield and Boston Townships and 6~~
17 ~~segments of Oak Hill Road in Boston Township, in Council District 1, set forth in the legal 7~~
18 ~~description and vacation plat attached hereto as Exhibit A is hereby approved and the same is 8~~
19 ~~hereby vacated, and the vacated land hereby vests in the abutting land owners, subject to the 9~~
20 ~~preservation of any existing right of way by any public utility in, over or under the vacated land, 10~~
21 ~~together with ingress and egress thereto and therefrom for the purpose of serving and 11 maintaining~~
22 ~~the same. No compensation or damages are due to any abutting landowner. Further, 12 the County~~
23 ~~Executive is hereby authorized to execute any documents necessary to complete the 13 said vacation.~~
24 The Summit County Engineer shall proceed to remove roadway surfaces, bridges, and
25 appurtenant safety devices and signage associated with the road segments identified in Exhibit A.
26 The Summit County Engineer may use his own forces to accomplish such work as he determines
27 appropriate, and/or request authorization as appropriate for the use of contract services. Upon
28 the completion of the removal of the roadway surfaces, bridges, and appurtenant safety devices
29 and signage hereby authorized, the Summit County Engineer shall certify such completion to this
30 Council, with copies recorded with the Summit County Fiscal Office, and in the road records of
31 the County. Upon the recording of such certification, the segments of Everett Road in Bath,
32 Richfield and Boston Townships and segments of Oak Hill Road in Boston Township, in
33 Council District 1, set forth in the legal description and vacation plat attached thereto shall be
34 considered vacated, and the vacated land shall thereby vest in the abutting land owners, subject
35 to the preservation of any existing right-of-way by any public utility in, over or under the vacated
36 land, together with ingress and egress thereto and therefrom for the purpose of serving and
37 maintaining the same. The Summit County Engineer shall coordinate this work with the Summit
38 Metro Parks and Cuyahoga Valley National Park, and use methods and scheduling of work as he
39 deems appropriate to phase the vacation of these roads. Council finds that no compensation or
40 damages are due to any abutting landowner. Further, the County Executive is hereby authorized
41 to execute any documents necessary to complete the said vacation.

42
43 SECTION 2

44
45 The Clerk of Council is hereby directed to file a copy of this Resolution, the legal
46 description and vacation plat attached hereto as Exhibit A, and any other record of the
47 proceedings with the County Fiscal Officer for tax purposes, with a copy to the County Engineer
48 for road purposes.
49
50
51
52

1 RESOLUTION NO. 2021-132

2 PAGE THREE

3
4 SECTION 3

5
6 This Resolution is hereby declared an emergency in the interest of the health, safety, and
7 welfare of the citizens of the County of Summit.

8
9 SECTION 4

10
11 Provided this Resolution received the affirmative vote of eight members, it shall take
12 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
13 effect and be in force at the earliest time provided by law.

14
15
16 SECTION 5

17
18 It is found and determined that all formal actions of this Council concerning and relating
19 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
20 deliberations of this Council and of any of its committees that resulted in such formal action,
21 were in meetings open to the public, in compliance with all legal requirements, including Section
22 121.22 of the Ohio Revised Code.

23
24
25 INTRODUCED May 10, 2021

26
27 ADOPTED June 14, 2021

28
29
30
31 
32 _____
33 CLERK OF COUNCIL

34
35
36
37 
38 _____
39 PRESIDENT OF COUNCIL

32
33 APPROVED June 15, 2021

34
35
36
37 
38 _____
39 EXECUTIVE

ENACTED EFFECTIVE June 15, 2021

Voice Vote - YES 9-2: Darrow, DeVitis, Dickinson, Donofrio,
Feeman, Rodgers, Schmidt, Sims, Walters
NO: McKenney, Wilhite