

1 RESOLUTION NO. Substitute 2012-229

2
3 SPONSOR Ms. Shapiro

4
5 DATE April 15, 2013 COMMITTEE Planning

6
7 **A Substitute Resolution denying the vacation of a portion of Oak Hill Road, in Boston**
8 **Township, Council District 1, pursuant to Chapter 5553 of the Ohio Revised Code and**
9 **Section 125.03 of the Codified Ordinances of the County of Summit, for the Council, and**
10 **declaring an emergency.**

11
12 WHEREAS, on or about March 30, 2012, Boston Township enacted a Resolution requesting
13 that this Council vacate a portion of Oak Hill Road, in Boston Township, Council District 1, set
14 forth in the legal description attached hereto as Exhibit A, pursuant to Chapter 5553 of the Ohio
15 Revised Code and Section 125.03 of the Codified Ordinances of the County of Summit; and

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17 WHEREAS, pursuant to Resolution No. 2012-151, as required by Section 125.03(e) of the
18 Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised Code,
19 this Council conducted a public viewing of the area requested to be vacated on May 11, 2012; and

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21 WHEREAS, pursuant to Resolution No. 2012-151, as required by Section 125.03(e) of the
22 Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised Code,
23 this Council held a public hearing on the request to vacate on May 14, 2012; and

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25 WHEREAS, pursuant to Resolution No. 2012-151, as required by Section 125.03(e) of the
26 Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised Code,
27 this Council held a final public hearing on the request to vacate on June 11, 2012; and

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

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37 WHEREAS, pursuant to Sections 5553.06 and 5553.07 of the Ohio Revised Code, this
38 Council ordered the County Engineer to prepare a report on the requested vacation, the County
39 Engineer has prepared said report and said report was read at the final public hearing on June 11,
40 2012; and

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42 WHEREAS, this Council has determined, after reviewing all pertinent information, that (i)
43 the vacation of that portion of Oak Hill Road set forth in the legal description attached hereto as
44 Exhibits A, is not for the public convenience or welfare, (ii) this Council has complied with all
45 legal requirements, including but not limited to, those contained in Chapter 5553 of the Ohio
46 Revised Code and Section 125.03 of the Codified Ordinances of the County of Summit and (iii)
47 denying the vacation of that portion of Oak Hill Road requested to be vacated is necessary and in
48 the best interest of the County of Summit.

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2 PAGE TWO

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

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7 SECTION 1

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9 The request to vacate that portion of Oak Hill Road, in Boston Township, Council District 1,
10 set forth in the legal description attached hereto as Exhibits A is hereby denied.

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12 SECTION 2

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14 This Resolution is hereby declared to be an emergency in the interest of the health, safety and
15 welfare of the citizens of the County of Summit and for the further reason of immediately
16 denying the proposed vacation so that the general public may continue to utilize the
17 aforementioned lands.

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19 SECTION 3

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

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25 SECTION 4

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27 It is found and determined that all formal actions of this Council concerning and relating to
28 the adoption of this Resolution were adopted in an open meeting of this Council, and that all
29 deliberations of this Council and of any of its committees that resulted in such formal action, were
30 in meetings open to the public, in compliance with all legal requirements, including Section
31 121.22 of the Ohio Revised Code.

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34 INTRODUCED June 4, 2012

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36 ADOPTED April 15, 2013

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39 CLERK OF COUNCIL

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42 PRESIDENT OF COUNCIL

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44 APPROVED April 16, 2013

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46 
EXECUTIVE

ENACTED EFFECTIVE April 16, 2013

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