

1 RESOLUTION NO. 2013-340

2

3 SPONSOR Mr. Pry

4

5 DATE _____ COMMITTEE Public Works

6

7 **A Resolution to remove Rothrock Road, Rothrock Loop, and Springside Connector from**
8 **the County Highway System, for the Engineer, and declaring an emergency.**

9

10 WHEREAS, in County of Summit Court of Common Pleas Case #CV-2011-07-4035, the
11 court ruled that the City of Fairlawn had authority to place a barricade on the City of Fairlawn's
12 portion of Rothrock Road, and the City of Fairlawn closed the road to thru traffic; and

13

14 WHEREAS, Section 5553.02 of the Ohio Revised Code states with reference to the
15 establishment of County highways, "no public road shall be located or established, by the board
16 of county commissioners, unless the location or establishment begins on a public road and
17 terminates on a public road, or begins on a public road and services a public park, a state
18 supported educational institution, public school, public aviation area, or a public recreation area,
19 or begins on a public road and services at least three private residences or business in the first
20 five hundred feet and one private residence or business in each two hundred feet thereafter"; and

21

22 WHEREAS, Section 5541.02 of the Ohio Revised Code also states "...that all portions of
23 the system of county highways connect with either a state or intercounty highway, or another
24 county road", and

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26 WHEREAS, Rothrock Road (C.H. 202), Rothrock Loop (C.H. 203), and Springside
27 Connector (C.H. 202A) no longer meet the criteria of a County highway as defined by the Ohio
28 Revised Code; and

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30 WHEREAS, Section 5541.02 of the Ohio Revised Code grants authority to this Council
31 to designate County Highways; and

32

33 WHEREAS, Attorney General Opinion No. 82-012 states "County commissioners may
34 remove a road from the county highway system pursuant to the statutory requirements of
35 Section 5541.02 of the Ohio Revised Code and in compliance with the provisions of Section
36 5553.02 of the Ohio Revised Code, and through such statutory procedure establish a township
37 road from an already existing county road"; and

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39 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
40 that the aforementioned removal of Rothrock Road (C.H. 202), Rothrock Loop (C.H. 203), and
41 Springside Connector (C.H. 202A) from the County's Highway System is necessary and in the
42 best interest of the County of Summit;

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

46

47 SECTION 1

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49 Rothrock Road (C.H. 202), Rothrock Loop (C.H. 203), and Springside Connector (C.H.
50 202A), all located in Copley Township, are hereby removed from the County Highway System
51 of the County of Summit.

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4 SECTION 2

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6 The County Engineer is directed to update the map of the County of Summit's County
7 Highway System, accordingly, and to take all steps necessary pursuant to Section 5541.02 of the
8 Ohio Revised Code to effectuate such removal.

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10 SECTION 3

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12 The maintenance responsibility for that portion of Rothrock Road located in Copley
13 Township, Rothrock Loop, and Springside Connector shall become the responsibility of Copley
14 Township. The County Engineer is directed to work with Copley Township to transition
15 maintenance responsibilities to the Township.

16

17 SECTION 4

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19 This Resolution is hereby declared an emergency in the interest of the health, safety and
20 welfare of the citizens of the County of Summit, and for the further reason that it immediately
21 provides for the removal of three roads from the county system which no longer meet the
22 definition of a "county road."

23

24 SECTION 5

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

29

30 SECTION 6

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

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38

39 INTRODUCED July 29, 2013

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41 ADOPTED _____

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44 _____

45 CLERK OF COUNCIL

46

PRESIDENT OF COUNCIL

47 APPROVED _____

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49

50 _____

51 EXECUTIVE

ENACTED EFFECTIVE