

1 RESOLUTION NO. 2014-494

2
3 SPONSOR Mr. Pry

4
5 DATE November 24, 2014

COMMITTEE Public Works

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7 **A Resolution authorizing the County Engineer to remove and dispose of a stone and**
8 **mortar wall, concrete steps and other privately owned items that were constructed within**
9 **the right of way of Ira Road in Bath Township, using County crews and equipment, and**
10 **assessing the property owner of 2554 Ira Road the cost of removal, estimated to be**
11 **\$25,000.00, in Council District 1, for the Engineer, and declaring an emergency.**

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13 WHEREAS, the County Engineer has identified a stone and mortar wall structure with
14 concrete steps located in Bath Township at 2554 Ira Road, Akron, Ohio; and

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16 WHEREAS, the structure has been determined to be located within a portion of the right-
17 of-way of Ira Road; and

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19 WHEREAS, the County Engineer has determined that the structure constitutes an
20 obstruction and a safety hazard to the traveling public, and

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22 WHEREAS, the County has on two separate occasions requested the property owner to
23 remove the structure from the right-of-way, and

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25 WHEREAS, the property owner has failed to remove the structure from the right-of-way;
26 and

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28 WHEREAS, the Section 5547.03 of the Ohio Revised Code, "Removal of Structures
29 constituting Obstructions or Interference", provides legal authorization to the County to order the
30 removal of the obstruction and, if the owner fails to remove the obstruction within five days,
31 authorizes the County to do so by employing the necessary labor; and

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33 WHEREAS, the Section 5547.03 of the Ohio Revised Code, "Removal of Structures
34 constituting Obstructions or Interference", provides the amount to be certified to the proper
35 officials to be placed on the tax duplicate against the property owners to be collected as other
36 taxes and in one payment; and

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38 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
39 that the aforementioned removal and disposal of the stone and mortar wall, concrete steps and
40 other privately owned items that were constructed within the right-of-way of Ira Road is
41 necessary and in the best interest of the County of Summit;

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43 NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State
44 of Ohio, that;

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46 SECTION 1

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48 The Summit County Council shall notify the property owner of 2554 Ira Road, Akron,
49 Ohio, located in Bath Township, that the stone and mortar wall, concrete steps and other
50 privately owned items that were constructed within the right-of-way of Ira Road shall be
51 removed within five days of the receipt of notification.
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2 PAGE TWO

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4 SECTION 2

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6 If the Property owner fails to remove the stone and mortar wall, concrete steps and other
7 privately owned items that were constructed within the right-of-way of Ira Road in Bath
8 Township, the County Engineer shall employ the necessary labor and equipment to remove the
9 obstruction and certify the cost of the removal to the Fiscal Officer.

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11 SECTION 3

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13 The County Fiscal Officer shall place the costs of the structure removal on the tax
14 duplicate to be collected in a single payment and the payment will be credited to the County
15 Engineer's Motor Vehicle Gas and License fund.

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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 will facilitate
21 the removal of the obstruction at the earliest possible time.

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23 SECTION 5

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

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29 SECTION 6

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

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38 INTRODUCED November 10, 2014

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40 ADOPTED November 24, 2014

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44 CLERK OF COUNCIL

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50 PRESIDENT OF COUNCIL

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52 APPROVED November 25, 2014

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55 EXECUTIVE

56 ENACTED EFFECTIVE November 25, 2014

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