

1 RESOLUTION NO. 2017-502

First Reading Passage Requested
(Clerk of Council)

2
3 SPONSOR Mr. Wilhite

4
5 DATE November 13, 2017

COMMITTEE Planning

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7 **A Resolution setting a date for this Council, pursuant to Chapter 5553 of the Ohio Revised**
8 **Code and Section 125.03 of the Codified Ordinances of the County of Summit, to conduct a**
9 **public hearing to consider the vacation of Marvo Drive, located in Springfield Township, in**
10 **Council District 8, for Council, and declaring an emergency.**

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12 WHEREAS, a public road known as Marvo Drive situated in the County of Summit,
13 Springfield Township, Council District 8, is unused as a road by the public; and

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15 WHEREAS, pursuant to Section 5553.045(B) of the Ohio Revised Code, the Springfield
16 Board of Township Trustees passed a Resolution requesting this Council to vacate Marvo Drive
17 which is not used for public travel; and

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19 WHEREAS, a certified copy of the aforesaid Township Resolution which was filed with
20 the Clerk of this Council on or about October 18, 2017, is attached and marked as Exhibit "A";
21 and

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23 WHEREAS, Section 5553.045(B) of the Ohio Revised Code requires the County
24 Engineer, within thirty days after receipt of the copy of Township Resolution, to issue to this
25 Council a written report similar in content to reports required under Section 5553.06 of the
26 Revised Code; and

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28 WHEREAS, Section 5553.045(C) of the Ohio Revised Code requires this Council to set a
29 date for a public hearing on the vacation of the road or portion of the road that is not later than
30 forty-five days after receipt of the copy of the Township Resolution; and

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32 WHEREAS, Section 5553.045(C) further requires the Clerk of Council, within at least
33 twenty days before the public hearing, to notify by regular mail the landowners abutting the road
34 or portion of the road proposed to be vacated that the Board of Township Trustees has filed the
35 aforementioned Township Resolution and informing the landowners of the time and place of the
36 public hearing; and

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38 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
39 that it is necessary and in the best interest of the County of Summit, pursuant to Chapter 5553 of
40 the Ohio Revised Code and Section 125.03 of the Codified Ordinances of the County of Summit,
41 to conduct a public hearing to consider the vacation of Marvo Drive, located in Springfield
42 Township, in Council District 8;

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

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4 SECTION 1

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6 The Clerk of Council shall set the date of December 4, 2017, at 4:30pm for the public
7 hearing on the vacation, as required pursuant to Section 5553.045(C) of the Ohio Revised Code
8 and Section 125.03(e) of the Codified Ordinances of the County of Summit, to determine
9 whether the proposed vacation of Marvo Drive as requested by the Township Resolution would
10 be for the public convenience or welfare.

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12 SECTION 2

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14 The Clerk of Council shall cause notice by regular U.S. mail to be made upon the
15 abutting landowner(s) and Springfield Township informing them of the date set for the public
16 hearing, and the Clerk shall comply with all notice requirements as set forth in Section
17 5553.045(C) of the Ohio Revised Code.

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19 SECTION 3

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21 The County Engineer shall submit a written report on the vacation containing the
22 Engineer's opinion for or against the vacation prior to the December 4, 2017 hearing.

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24 SECTION 4

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26 This Resolution is hereby declared an emergency in the interest of the health, safety and
27 welfare of the citizens of the County of Summit and for the further reason of immediately
28 allowing the County to comply with the requirements of Section 5553.045 of the Ohio Revised
29 in a timely manner.

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31 SECTION 5

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

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37 SECTION 6

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39 It is found and determined that all formal actions of this Council concerning and relating
40 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
41 deliberations of this Council and of any of its committees that resulted in such formal action,
42 were in meetings open to the public, in compliance with all legal requirements, including Section
43 121.22 of the Ohio Revised Code.

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RESOLUTION NO. 2017-502

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INTRODUCED November 13, 2017

ADOPTED November 13, 2017



CLERK OF COUNCIL



PRESIDENT OF COUNCIL

APPROVED November 14, 2017



EXECUTIVE

ENACTED EFFECTIVE November 14, 2017

Voice Vote: 11-0 YES: Crawford, Dickinson, Donofrio, Feeman, Hamilton, Koehler, Prentice, Rodgers, Schmidt, Walters, Wilhite