

1 ORDINANCE NO. 2017-553

First Reading Passage Requested
(M. Evans)

2
3 SPONSOR Mr. Feeman

4
5 DATE December 12, 2017

COMMITTEE: Public Works

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7 **An Ordinance vacating a portion of a County ditch known as Pond Brook,**
8 **located in Twinsburg Township, Council District 1, for MetroParks Serving Summit**
9 **County and for the Summit County Engineer and County Council, and declaring an**
10 **emergency.**

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12 WHEREAS, the County owns an easement for a county ditch known as Pond
13 Brook (County Ditch No. 14) which flows through land owned or controlled by
14 MetroParks Serving Summit County (MetroParks); and

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16 WHEREAS, MetroParks has petitioned this Council to vacate a portion of said
17 ditch which runs from State Route 82 (East Aurora Road) on the north to the Wheeling
18 and Lake Erie Railroad on the south, and being located in Twinsburg Township, and as
19 further described in Exhibit 1 to this legislation, and;

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21 WHEREAS, vacation of said ditch will allow said section of Pond Brook, over
22 time, to revert to a meandering stream, to the benefit of wildlife and public welfare, said
23 ditch being unnecessary as a public utility; and

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25 WHEREAS, Metro Parks intends to enter into a perpetual maintenance agreement
26 with the county with respect to the ditch whereby Metro Parks will maintain the ditch
27 after it is vacated, and;

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29 WHEREAS, section 6131.64 of the Ohio Revised Code authorizes this Council to
30 vacate said ditch; and

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32 WHEREAS, pursuant to section 6131.07 of the Ohio Revised Code, notice of a
33 public viewing of said area and of the Public Works Committee hearing on this
34 Resolution were sent to all owners of real estate on which said ditch is located, those
35 being petitioner MetroParks Serving Summit County and the City of Aurora, as well as to
36 the public by publication; and

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38 WHEREAS, the County Engineer has reviewed the vacation, and has issued a
39 report supporting the vacation; and

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41 WHEREAS, this Council has determined by reviewing all pertinent information
42 and by conducting a public viewing and hearing that public convenience and welfare is
43 better served by the presence of a meandering stream in the referenced area, and that
44 vacation of the existing ditch as provided hereby is conducive and advantageous to public
45 welfare and necessary and in the best interest of the County of Summit;

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1 ORDINANCE NO. 2017-553

2 PAGE TWO

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4 SECTION 1

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6 NOW, THEREFORE, BE IT ORDAINED by the Council of the County of
7 Summit, State of Ohio, that:

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9 The portion of the county ditch known as Pond Brook (County Ditch No. 14)
10 from State Route 82 (East Aurora Road) on the north to the Wheeling and Lake Erie
11 Railroad on the south, and as described in Exhibits A and B, is hereby vacated and
12 abandoned as a County ditch, with its location and establishment hereby held for naught.

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14 SECTION 2

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16 The Executive is authorized to execute releases of easements and such other
17 documents as are necessary to vacate County ditch easements in the subject area.
18 Further, the Clerk of County Council is directed to Exhibits A and B of this legislation
19 with the Summit County Fiscal Office and the County Engineer to be recorded in the
20 permanent records of the County.

21
22 SECTION 3

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24 This Ordinance is hereby declared an emergency in the interest of the health,
25 safety and welfare of the citizens of the County of Summit, and for the further reason that
26 the vacation of said ditch is beneficial to wildlife and to the area.

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28 SECTION 4

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

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34 SECTION 5

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

41
42 INTRODUCED December 12, 2017

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44 ADOPTED December 12, 2017

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47 CLERK OF COUNCIL

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50 PRESIDENT OF COUNCIL

51 EXECUTIVE *J. Deane Shapiro*

52 December 13, 2017

December 13, 2017

APPROVED

ENACTED EFFECTIVE

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