

ORDINANCE NO. 2009-131

SPONSOR Mr. Kostandaras and Mr. Pry

DATE: April 13, 2009

COMMITTEE Rules

An Ordinance amending Chapter 125 of the Codified Ordinances of the County of Summit entitled “*Annexation and Public Improvement Procedures*” for the purpose of establishing public road petition procedures for the Council office when a petition is filed with the Council under Chapter 5553 of the Ohio Revised Code; and for the further purpose of defraying costs and expenses incurred in connection with the proceedings initiated by a petition, for County Council, and declaring an emergency.

WHEREAS, the County Commissioners Association in its Legislative Program for 2009-2010 supports legislation at the state level to permit a board of commissioners to charge a fee to defray the costs and expenses incurred by the board in connection with road vacation proceedings when initiated by petition; and

WHEREAS, Summit County with its home rule authority need not wait for the State to provide for and establish fees for road vacation procedures when initiated by petition; and

WHEREAS, the Summit County Charter 3.03 authorizes the Council to provide for the procedures for making public improvements and levying assessments; and

WHEREAS, it is in the best interest of the residents of the County to establish a fee schedule for the costs associated with road vacation public hearings, including newspaper publication costs and court reporters; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the County of Summit to amend Chapter 125 of the County Codified Ordinances to provide further procedures and fees for public road petitions.

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

SECTION 1

Chapter 125 of the Codified Ordinances of the County of Summit, entitled “*Annexation and Public Improvement Procedures*” is hereby amended by enacting §125.03 as follows:

(SECTION 1 continued)

125.03 PUBLIC ROAD PETITIONS, PROCEDURES AND FEES

The following procedures shall govern the filing and processing of all petitions for public road vacations that are filed with the County Council.

- (a) Filing of a Road Vacation Petition. A petition for a road vacation pursuant to Chapter 5553 of the Ohio Revised Code, as amended, shall be filed by the petitioner or his agent in the office of the County Council. The original and seven (7) copies of the petition, map, and legal description shall be filed by the petitioner or his agent. Each copy shall be time-stamped upon receipt. One copy shall be returned to the petitioner or the agent, and the remaining copies shall be retained by the Clerk of Council. A surveyor's Mylar may be required by the Clerk of Council to accept and process the petition.
- (b) Form of the Petition. The petition shall be in the form and comply with the requirements and provisions of Chapter 5553 of the Ohio Revised Code, as amended.
- (c) Filing Fees. At the time of the filing of the petition, the agent or petitioner shall deposit with the Clerk of Council the sum of two hundred (\$200.00), provided, however, that the Ohio Director of Transportation shall not be required to pay said deposit. In the event that the costs to process the application and to provide for any publication, viewing and public hearings required under Chapter 5553 of the Ohio Revised Code, exceed said deposit, Council may, by resolution, require additional sums to be paid by the petitioner or his agent.
- (d) Note for the Council Record. Receipt of the petition shall be noted for the record at the next regular Council Meeting.
- (e) Public Viewing and Hearing. Council shall, by resolution, fix a date to view the proposed improvement and a date for a final hearing on the petition, consistent with the requirements and procedures of Chapter 5553 of the Ohio Revised Code.
- (f) The Clerk of Council shall forward the petition, notice of viewing and hearing, and other related documents filed with Council to the appropriate County, State and local offices for review and comment.
- (g) Except for as set forth herein, the requirements and procedures set forth in Chapter 5553 of the Ohio Revised Code shall govern the filing of a petition for road vacation with County Council.

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SECTION 2

This Ordinance is hereby declared an emergency in the interest of the health, safety, and welfare of the citizens of the County of Summit, and for the further purpose of immediately providing a procedure and charging a fee to defray costs and expenses incurred in connection with the proceedings initiated by a petition filed with County Council under Chapter 5553 of the Ohio Revised Code.

SECTION 3

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

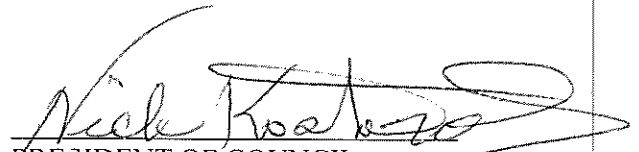
SECTION 4

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

INTRODUCED March 30, 2009

ADOPTED April 13, 2009


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED April 13, 2009


EXECUTIVE

April 13, 2009
ENACTED EFFECTIVE

Voice Vote: 9-0 YES: Crossland, Feeman, Kostandaras, Poda, Prentice, Rodgers, Schmidt, Shapiro, Smith ABSENT: Comunale, Crawford