

1 RESOLUTION NO. 2015-127

Late Filing

2
3 SPONSOR Mr. Kostandaras, Ms. Lee

4
5 DATE March 30, 2015

COMMITTEE Planning

6
7 **A Resolution approving the vacation of Mull Avenue, in Copley Township, Council District**
8 **5, pursuant to Section 5553.042 of the Ohio Revised Code and Section 125.03 of the**
9 **Codified Ordinances of the County of Summit, for the Council, and declaring an**
10 **emergency.**

11
12 WHEREAS, on or about January 23, 2015, the Petitioners filed a petition that this
13 Council vacate a portion of Mull Avenue, which is an unimproved road right-of-way, in Copley
14 Township, Council District 5, pursuant to Section 5553.042 of the Ohio Revised Code and
15 Section 125.03 of the Codified Ordinances of the County of Summit; and

16
17 WHEREAS, pursuant to Resolution No. 2015-071, as required by Section 125.03(e) of
18 the Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised
19 Code, this Council conducted a public viewing of the area proposed to be vacated on March 6,
20 2015; and

21
22 WHEREAS, pursuant to Resolution No. 2015-071, as required by section 125.03(e) of
23 the Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised
24 Code, this Council held a public hearing on the proposal to vacate on March 9, 2015; and

25
26 WHEREAS, pursuant to Section 125.03 of the Codified Ordinances of the County of
27 Summit and Section 5553.05 of the Ohio Revised Code, the Clerk of this Council caused notice
28 to be delivered by regular mail to the landowners abutting the unimproved road right-of-way
29 proposed to be vacated, and the Ohio Director of Natural Resources informing those parties of
30 the date set for the public viewing and hearings, and complied with all public notice
31 requirements as set forth in Section 5553.05 of the Ohio Revised Code and Section 125.03 of the
32 Codified Ordinances of the County of Summit; and

33
34 WHEREAS, pursuant to Section 5553.06 and 5553.07, this Council ordered the County
35 Engineer to prepare a report on the proposed vacation, the Engineer has prepared said report and
36 said report was read at the final public hearing on March 23, 2015; and

37
38 WHEREAS, this Council has determined after reviewing all pertinent information, that
39 (i) the vacation of a portion of Mull Avenue, which is an unimproved road right-of-way, in
40 Copley Township, Council District 5, set forth in the legal description and vacation plat attached
41 hereto as Exhibits A and B, respectively, is for the public convenience or welfare, (ii) this
42 Council has complied with all legal requirements, including but not limited to, those contained in
43 Chapter 5553 of the Ohio Revised Code and Section 125.03 of the Codified Ordinances of the
44 County of Summit and (iii) the vacation of a portion of Mull Avenue is necessary and in the best
45 interest of the County of Summit.

46
47 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
48 of Ohio, that:

49
50
51
52

5 SECTION 1
6

7 The vacation of Mull Avenue, which is an unimproved road right-of-way, in Copley
8 Township, Council District 5, set forth in the legal description and vacation plat attached hereto
9 as Exhibits A and B, respectively, is hereby approved and the same is hereby vacated, and the
10 vacated land hereby vests in the abutting land owners, subject to the preservation of any existing
11 right-of-way by any public utility in, over or under the vacated land, together with ingress and
12 egress thereto and therefrom for the purpose of serving and maintaining the same. Further, the
13 County Executive is hereby authorized to execute any documents necessary to complete the
14 vacation of Mull Avenue.
15

16 SECTION 2
17

18 The Clerk of Council is hereby directed to file a copy of this Resolution, the legal
19 description and vacation plat attached hereto as Exhibits A and B, respectively, and any other
20 record of the proceedings with the County Fiscal Officer for tax purposes, with a copy to the
21 County Engineer for road purposes.
22

23 SECTION 3
24

25 This Resolution is hereby declared an emergency in the interest of the health, safety, and
26 welfare of the citizens of the County of Summit.
27

28 SECTION 4
29

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

34 SECTION 5
35

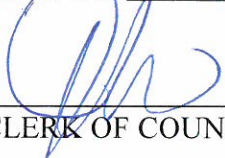
36 It is found and determined that all formal actions of this Council concerning and relating
37 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
38 deliberations of this Council and of any of its committees that resulted in such formal action,
39 were in meetings open to the public, in compliance with all legal requirements, including Section
40 121.22 of the Ohio Revised Code.
41
42
43
44
45
46
47
48
49
50
51
52

1 RESOLUTION NO. 2015-127

2 PAGE THREE

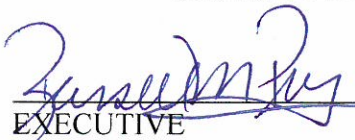
3
4 INTRODUCED March 16, 2015

5
6 ADOPTED March 30, 2015

7
8
9
10 
CLERK OF COUNCIL


PRESIDENT OF COUNCIL

11
12 APPROVED March 31, 2015

13
14
15 
16 EXECUTIVE

17
18 ENACTED EFFECTIVE March 31, 2015

Voice Vote: 8-0 YES: Comunale, Donofrio, Feeman, Kurt, Prentice
Rodgers, Schmidt, Shapiro
ABSENT: Crawford, Kostandaras, Lee