

1 RESOLUTION NO. 2015-248

Late Filing

2
3 SPONSOR Mr. Pry

4
5 DATE June 1, 2015

COMMITTEE Public Works

6
7 **A Resolution removing Rothrock Road, Rothrock Loop, and Springside Connector from the**
8 **County Highway System, for the Engineer, and declaring an emergency.**

9
10 WHEREAS, Section 5541.02 of the Ohio Revised Code grants authority to this Council to
11 designate County Highways; and

12
13 WHEREAS, the Section 5553.02 of the Ohio Revised Code states that with reference to the
14 establishment of County highways, “no public road shall be located or established, by the board of
15 county commissioners, unless the location or establishment begins on a public road and terminates on
16 a public road, or begins on a public road and services a public park, a state supported educational
17 institution, public school, public aviation area, or a public recreation rear, or begins on a public road
18 and services at least three private residences or business in the first five hundred feet and one private
19 residence or business in each two hundred feet thereafter;” and

20
21 WHEREAS, Section 5541.02 of the Ohio Revised Code also states “...that all portions of the
22 system of county highways connect with either a state or intercounty highway, or another county
23 road...;” and

24
25 WHEREAS, in Copley Township v. City of Fairlawn, Ohio, et al. C.A. Nos. 27010, 27012
26 and 27040, the Ninth District Court of Appeals held that the City of Fairlawn has the authority to
27 close Rothrock Road to thru traffic; and

28
29 WHEREAS, the City of Fairlawn has closed Rothrock Road to thru traffic; and

30
31 WHEREAS, as a result of the aforementioned closure of Rothrock Road to thru traffic,
32 Rothrock Road (C.H. 202), Rothrock Loop (C.H. 203), and Springside Connector (C.H. 202A) no
33 longer meet the criteria of a County highway as defined by the Ohio Revised Code; and

34
35 WHEREAS, Ohio Attorney General Opinion No. 82-012 states that “County commissioners
36 may remove a road from the county highway system pursuant to the statutory requirements of Ohio
37 Revised Code Section 5541.02 and in compliance with the provisions of Section 5553.02 of the Ohio
38 Revised Code, and through such statutory procedure establish a township road from an already
39 existing county road;” and

40
41 WHEREAS, this Council finds and determines, after reviewing all pertinent information, that
42 the aforementioned removal of Rothrock Road (C.H. 202), Rothrock Loop (C.H. 203), and
43 Springside Connector (C.H. 202A) from the County’s Highway System is necessary and in the best
44 interest of the County of Summit.

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

48
49 SECTION 1

50
51 Rothrock Road (C.H. 202), Rothrock Loop (C.H. 203), and Springside Connector (C.H.
52 202A), all located in Copley Township, are hereby removed from the County Highway System of the
53 County of Summit.
54

1 RESOLUTION NO. 2015-248

2 PAGE TWO

3
4 SECTION 2

5
6 The County Engineer is hereby directed to update the map of the County of Summit's County
7 Highway System, accordingly, and to take all steps necessary pursuant to Section 5541.02 of the
8 Ohio Revised Code to effectuate such removal.

9
10 SECTION 3

11
12 Responsibility for maintenance of that portion of Rothrock Road (C.H. 202) located in
13 Copley Township, Rothrock Loop (C.H. 203), and Springside Connector (C.H. 202A) shall become
14 the responsibility of Copley Township. The Summit County Engineer is directed to work with
15 Copley Township to transition maintenance responsibilities to the Township.

16
17 SECTION 4

18
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 immediately
21 removes three roads from the County Highway System that no longer meet the definition of a
22 "county road," and further immediately provides for a transitioning of the maintenance responsibility
23 to Copley Township.

24
25 SECTION 5

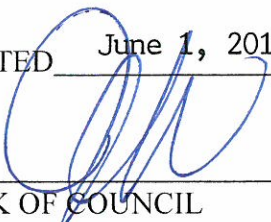
26
27 Provided this Resolution receives the affirmative vote of eight members, it shall take effect
28 immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in
29 force at the earliest time provided by law.

30
31 SECTION 6

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


38
39
40 INTRODUCED May 11, 2015

41
42 ADOPTED June 1, 2015

43
44 
45
46
47 CLERK OF COUNCIL


48
49
50 PRESIDENT OF COUNCIL

51 APPROVED June 2, 2015

52
53 
54 EXECUTIVE

June 2, 2015
ENACTED EFFECTIVE

Voice Vote: 10-0 YES: Comunale, Crawford, Donofrio, Feeman,
Kostandaras, Lee, Prentice, Rodgers, Schmidt, Shapiro
ABSENT: Kurt