

1 RESOLUTION NO. 2012-228

2  
3 SPONSOR Ms. Shapiro

4  
5 DATE \_\_\_\_\_ COMMITTEE Planning

6  
7 **A Resolution approving the vacation of a portion of Wetmore Road, in Boston Township,**  
8 **Council District 1, pursuant to Chapter 5553 of the Ohio Revised Code and Section 125.03**  
9 **of the Codified Ordinances of the County of Summit, for the Council, and declaring an**  
10 **emergency.**

11  
12 WHEREAS, on or about March 30, 2012, Boston Township enacted a Resolution requesting  
13 that this Council vacate a portion of Wetmore Road, in Boston Township, Council District 1,  
14 pursuant to Chapter 5553 of the Ohio Revised Code and Section 125.03 of the Codified  
15 Ordinances of the County of Summit; and

16  
17 WHEREAS, pursuant to Resolution No. 2012-150, as required by Section 125.03(e) of the  
18 Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised Code,  
19 this Council conducted a public viewing of the area proposed to be vacated on May 11, 2012; and

20  
21 WHEREAS, pursuant to Resolution No. 2012-150, as required by Section 125.03(e) of the  
22 Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised Code,  
23 this Council held a public hearing on the proposal to vacate on May 14, 2012; and

24  
25 WHEREAS, pursuant to Resolution No. 2012-150, as required by Section 125.03(e) of the  
26 Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised Code,  
27 this Council held a final public hearing on the proposal to vacate on June 11, 2012; and

28  
29 WHEREAS, pursuant to Section 125.03 of the Codified Ordinances of the County of Summit  
30 and Section 5553.05 of the Ohio Revised Code, the Clerk of this Council caused notice to be  
31 delivered by regular mail to the landowners abutting that portion of Wetmore Road proposed to  
32 be vacated, and the Ohio Director of Natural Resources informing those parties of the date set for  
33 the public viewing and hearings, and complied with all public notice requirements as set forth in  
34 Section 5553.05 of the Ohio Revised Code and Section 125.03 of the Codified Ordinances of the  
35 County of Summit; and

36  
37 WHEREAS, pursuant to Sections 5553.06 and 5553.07, this Council ordered the County  
38 Engineer to prepare a report on the proposed vacation, the Engineer has prepared said report and  
39 said report was read at the final public hearing on June 11, 2012; and

40  
41 WHEREAS, the Engineer has prepared a legal description and vacation plat of the portion of  
42 Wetmore Road proposed to be vacated, attached hereto as Exhibits A and B, respectively; and

43  
44 WHEREAS, this Council has determined, after reviewing all pertinent information, that (i)  
45 the vacation of that portion of Wetmore Road set forth in the legal description and vacation plat  
46 attached hereto as Exhibits A and B, respectively, is for the public convenience or welfare, (ii)  
47 this Council has complied with all legal requirements, including but not limited to, those  
48 contained in Chapter 5553 of the Ohio Revised Code and Section 125.03 of the Codified  
49 Ordinances of the County of Summit and (iii) the vacation of that portion of Wetmore Road is  
50 necessary and in the best interest of the County of Summit.

3  
4 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of  
5 Ohio, that:

6  
7 SECTION 1

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9 The vacation of that portion of Wetmore Road, in Boston Township, Council District 1, set  
10 forth in the legal description and vacation plat attached hereto as Exhibits A and B, respectively,  
11 is hereby approved and the same is hereby vacated, and the vacated land hereby vests in the  
12 abutting land owners, subject to the preservation of any existing right-of-way by any public utility  
13 in, over or under the vacated land, together with ingress and egress thereto and therefrom for the  
14 purpose of serving and maintaining the same. Further, the County Executive is hereby authorized  
15 to execute any documents necessary to complete the vacation of that portion of Wetmore Road.

16  
17 SECTION 2

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

23  
24 SECTION 3

25  
26 This Resolution is hereby declared to be 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 vacating the same and transferring ownership to the abutting property owners in order to alleviate  
29 any cost and hardship to Boston Township for maintaining the same.

30  
31 SECTION 4

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

36  
37 SECTION 5

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39 It is found and determined that all formal actions of this Council concerning and relating to  
40 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, were  
42 in meetings open to the public, in compliance with all legal requirements, including Section  
43 121.22 of the Ohio Revised Code.  
44

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5 INTRODUCED June 4, 2012

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7 ADOPTED \_\_\_\_\_

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10 \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
PRESIDENT OF COUNCIL

11

12 APPROVED \_\_\_\_\_

13

14

15 \_\_\_\_\_  
EXECUTIVE

16

17 ENACTED EFFECTIVE \_\_\_\_\_