

1 RESOLUTION NO: 2013-056

First Reading Passage Requested
(Clerk of Council)

2
3 SPONSOR Ms. Shapiro

4
5 DATE January 28, 2013

COMMITTEE Planning

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7 **A Resolution setting dates for this Council to conduct a public viewing, a public hearing,**
8 **and setting a date for a final hearing, to consider the vacation of a right of way located in**
9 **the Garden Acres Allotment, in Council District 8, pursuant to Chapter 5553 of the Ohio**
10 **Revised Code and Section 125.03 of the Codified Ordinances of the County of Summit, for**
11 **Council, and declaring an emergency.**

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13 WHEREAS, the right of way in the Garden Acres Allotment is situated in the County of
14 Summit, Springfield Township, District 8, and has been maintained by the petitioner; and

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16 WHEREAS, the Petitioner has filed a petition, requesting that this Council vacate the
17 right of way in the respective Township. A copy of the aforesaid petition and other
18 documentation being filed with the Clerk of Council on or about December 12, 2012, is attached
19 and marked as Exhibit "A" ; and

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21 WHEREAS, the vacation of the right of way in the Garden Acres Allotment requested in
22 the petition would return ownership of the underlying land to the petitioner and the County of
23 Summit as the abutting property owners; and

24
25 WHEREAS, pursuant to Section 5553.06 of the Ohio Revised Code and Section
26 125.03(a) of the Codified Ordinances of the County of Summit, Ohio, the County Engineer has
27 prepared a proposed vacation plat, a copy of which is attached and marked as Exhibit "B";

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29 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
30 of Ohio, that:

31
32 Section 1

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34 The Clerk of Council shall set the date of March 4, 2013, at 4:30 p.m. for the public
35 hearing on the vacation as required pursuant to Section 5553.05 of the Ohio Revised Code and
36 Section 125.03(e) of the County of Summit Codified Ordinances of the County of Summit, to
37 determine whether the proposed vacation of the right of way in the Garden Acres Allotment as
38 requested by the petition would be for the public convenience or welfare.
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4 Section 2

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6 The Clerk of Council shall set the date of March 1, 2013 at 1:00 p.m. as the time for a
7 public viewing of the proposed vacation site pursuant to the requirements of Section 5553.05 of
8 the Ohio Revised Code and Section 125.03(e) of the Codified Ordinances of the County of
9 Summit.

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11 Section 3

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13 The Clerk of Council shall cause notice by regular U.S. mail to be made to the abutting
14 landowners, and the Ohio Director of Natural Resources informing the property owners of the
15 date set for the public hearing, and the Clerk shall comply with all public notice requirements as
16 set forth in Section 5553.05 of the Ohio Revised Code.

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18 Section 4

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20 The Clerk of Council shall set the date of March 25, 2013 at 4:30 p.m., for a final hearing
21 on the Petition to vacate the right of way in the Garden Acres Allotment.

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23 Section 5

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25 The Engineer shall submit a written report on the vacation containing the Engineer's
26 opinion for or against the vacation on or before the date of the final hearing.

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28 Section 6

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30 This Resolution is hereby declared to be an emergency in the interest of the health, safety
31 and welfare of the citizens of the County of Summit and for the further reason of allowing
32 ownership and maintenance of the right of way in the Garden acres Allotment to immediately
33 transfer.

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35 Section 7

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

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41 Section 8

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43 It is found and determined that all formal actions of this Council concerning and relating
44 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
45 deliberations of this Council and of any of its committees that resulted in such formal action,
46 were in meetings open to the public, in compliance with all legal requirements, including Section
47 121.22 of the Ohio Revised Code.
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INTRODUCED January 28, 2013

ADOPTED January 28, 2013


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED January 29, 2013


EXECUTIVE

ENACTED EFFECTIVE January 29, 2013

Voice Vote:10-0. YES: Komunale, Crawford, Feeman, Kostandaras, Kurt, Lee
Rodgers, Roemer, Shapiro, Schmidt Absent: Prentice