

1 RESOLUTION NO. 2013-107

2
3 SPONSOR Ms. Shapiro

4
5 DATE April 15, 2013 COMMITTEE Planning

6
7 **A Resolution approving the vacation of a right of way located in the Garden Acres**
8 **Allotment, in Springfield Township, Council District 8, pursuant to Chapter 5553 of the**
9 **Ohio Revised Code and Section 125.03 of the Codified Ordinances of the County of Summit,**
10 **for the Council, and declaring an emergency.**

11
12 WHEREAS, on or about December 12, 2012, the Petitioner filed a petition that this Council
13 vacate a portion of the right of way located in the Garden Acres Allotment, in Springfield
14 Township, Council District 8, pursuant to Chapter 5553 of the Ohio Revised Code and Section
15 125.03 of the Codified Ordinances of the County of Summit; and

16
17 WHEREAS, pursuant to Resolution No. 2013-056, 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 March 1, 2013;
20 and

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22 WHEREAS, pursuant to Resolution No. 2013-056, as required by Section 125.03(e) of the
23 Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised Code,
24 this Council held a public hearing on the proposal to vacate on March 4, 2013; and

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26 WHEREAS, pursuant to Resolution No. 2013-056, as required by Section 125.03(e) of the
27 Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised Code,
28 this Council held a final public hearing on the proposal to vacate on March 25, 2013; and

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30 WHEREAS, pursuant to Section 125.03 of the Codified Ordinances of the County of Summit
31 and Section 5553.05 of the Ohio Revised Code, the Clerk of this Council caused notice to be
32 delivered by regular mail to the landowners abutting the portion of the right of way in the Garden
33 Acres Allotment that is proposed to be vacated, and the Ohio Director of Natural Resources
34 informing those parties of the date set for the public viewing and hearings, and complied with all
35 public notice requirements as set forth in Section 5553.05 of the Ohio Revised Code and Section
36 125.03 of the Codified Ordinances of the County of Summit; and

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38 WHEREAS, pursuant to Sections 5553.06 and 5553.07, this Council ordered the County
39 Engineer to prepare a report on the proposed vacation, the Engineer has prepared said report and
40 said report was read at the final public hearing on March 25, 2013; and

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42 WHEREAS, the Engineer has prepared a legal description and vacation plat of the portion of
43 the right of way in the Garden Acres Allotment that is proposed to be vacated, attached hereto as
44 Exhibits A and B, respectively; and

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46 WHEREAS, this Council has determined, after reviewing all pertinent information, that (i)
47 the vacation of the portion of the right of way in the Garden Acres Allotment, in Springfield
48 Township, Council District 8, set forth in the legal description and vacation plat attached hereto
49 as Exhibits A and B, respectively, is for the public convenience or welfare, (ii) this Council has
50 complied with all legal requirements, including but not limited to, those contained in Chapter
51 5553 of the Ohio Revised Code and Section 125.03 of the Codified Ordinances of the County of
52 Summit and (iii) the

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5 vacation of the portion of the right of way in the Garden Acres Allotment is necessary and in the
6 best interest of the County of Summit.

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

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11 SECTION 1

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13 The vacation of the portion of the right of way in the Garden Acres Allotment, in Springfield
14 Township, Council District 8, set forth in the legal description and vacation plat attached hereto
15 as Exhibits A and B, respectively, is hereby approved and the same is hereby vacated, and the
16 vacated land hereby vests in the abutting land owner, subject to the preservation of any existing
17 right-of-way by any public utility in, over or under the vacated land, together with ingress and
18 egress thereto and therefrom for the purpose of serving and maintaining the same. Further, the
19 County Executive is hereby authorized to execute any documents necessary to complete the
20 vacation of the right of way in the Garden Acres Allotment.

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22 SECTION 2

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

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29 SECTION 3

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31 This Resolution is hereby declared to be an emergency in the interest of the health, safety and
32 welfare of the citizens of the County of Summit and for the further reason of immediately
33 vacating the same and transferring ownership to the abutting property owners.

34
35 SECTION 4

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

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41 SECTION 5

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43 It is found and determined that all formal actions of this Council concerning and relating to
44 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, were
46 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 March 18, 2013

ADOPTED April 15, 2013


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED April 16, 2013


EXECUTIVE

ENACTED EFFECTIVE April 16, 2013

Voice Vote: 11-0 YES: Comunale, Crawford, Feeman, Kostandaras
Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro