

1 RESOLUTION NO. 2017-098

Late filing
First Reading Passage Requested
(Clerk of Council)

2
3 SPONSOR Mr. Feeman

4
5 DATE March 6, 2017

COMMITTEE Public Works

6
7 **A Resolution setting a date for this Council to, pursuant to Chapters 5553 and 711 of the**
8 **Ohio Revised Code and Section 125.03 of the Codified Ordinances of the County of**
9 **Summit, conduct a public hearing to consider the vacation of a right of way formerly**
10 **known as Springfield Lake Boulevard, and accepting for dedication that portion of said**
11 **road, which was reconfigured in 2001 and is now known as Canfield Road, located in**
12 **Springfield Township, in Council District 8, for Council, and declaring an emergency.**

13
14 WHEREAS, a public road formerly known as Springfield Lake Boulevard situated in the
15 County of Summit, Springfield Township, Council District 8, is no longer needed and has been
16 unused as a road by the public since at least 2001 by virtue of the reconfiguration and
17 reconstruction of the aforesaid road with that reconfigured portion now serving the traveling
18 public; and

19
20 WHEREAS, the road formerly known as Springfield Lake Boulevard was never formally
21 vacated as a public road and still exists as a public road on the County records; and

22
23 WHEREAS, the 2001 reconstructed and reconfigured public road which is now utilized
24 by the traveling public has never been formally accepted for dedication as a public road but has
25 been maintained by Springfield Township since 2001; and

26
27 WHEREAS, pursuant to Section 5553.045(B) of the Ohio Revised Code, the Springfield
28 Board of Township Trustees passed a Resolution requesting this Council to vacate that portion of
29 Springfield Lake Boulevard which is no longer used for public travel and further requesting this
30 Council to accept as a dedicated public roadway that portion of Canfield Road which was
31 reconstructed in 2001; and

32
33 WHEREAS, a certified copy of the aforesaid Township Resolution which was filed with
34 the Clerk of this Council on or about February 10, 2017, is attached and marked as Exhibit "A";
35 and

36
37 WHEREAS, the vacation of the right of way of that portion of the former Springfield
38 Lake Boulevard requested by the Township in its Resolution would return ownership of the
39 underlying land to the Township as the only abutting property owner; and

40
41 WHEREAS, pursuant to Section 5553.045(B) of the Ohio Revised Code and Section
42 125.03(f) of the Codified Ordinances of the County of Summit, the County Engineer has
43 reviewed a proposed vacation and dedication plat, a copy of which is attached and marked as
44 Exhibit "B"; and

45
46 WHEREAS, Section 5553.045(B) of the Ohio Revised Code requires the County
47 Engineer, within thirty days after receipt of the copy of Township Resolution, to issue to this
48 Council a written report similar in content to reports required under Section 5553.06 of the
49 Revised Code; and
50

1 RESOLUTION NO. 2017-098

2 PAGE TWO

3
4 WHEREAS, Section 5553.045(C) of the Ohio Revised Code requires this Council, not
5 later than forty-five days after receipt of the copy of the Township Resolution, to set a date for a
6 public hearing on the vacation of the road or portion of the road; and

7
8 WHEREAS, Section 5553.045(C) further requires the Clerk of Council, within at least
9 twenty days before the public hearing, to notify by regular mail the landowners abutting the road
10 or portion of the road proposed to be vacated that the Board of Township Trustees has filed the
11 aforementioned Township Resolution and informing the landowners of the time and place of the
12 public hearing; and

13
14 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
15 that it is necessary and in the best interest of the County of Summit to, pursuant to Chapters 5553
16 and 711 of the Ohio Revised Code and Section 125.03 of the Codified Ordinances of the County
17 of Summit, conduct a public hearing to consider the vacation of a right of way formerly known
18 as Springfield Lake Boulevard, and accepting for dedication that portion of said road, which was
19 reconfigured in 2001 and is now known as Canfield Road, located in Springfield Township, in
20 Council District 8;

21
22 NOW THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
23 of Ohio, that:

24
25 SECTION 1

26
27 The Clerk of Council shall set the date of March 27, 2017, at 4:30pm, for the public
28 hearing on the vacation as required pursuant to Section 5553.045(C) of the Ohio Revised Code
29 and Section 125.03(e) of the Codified Ordinances of the County of Summit, to determine
30 whether the proposed vacation of the right of way of the former Springfield Lake Boulevard and
31 the acceptance for dedication of the reconfigured portion of the aforesaid road now known as
32 Canfield Road, as requested by the Township Resolution, would be for the public convenience or
33 welfare.

34
35 SECTION 2

36
37 The Clerk of Council shall cause notice by regular U.S. mail to be made upon the
38 abutting landowner (Springfield Township) informing them of the date set for the public hearing,
39 and the Clerk shall comply with all notice requirements as set forth in Section 5553.045(C) of
40 the Ohio Revised Code.

41
42 SECTION 3

43
44 The County Engineer shall submit a written report on the vacation and proposed
45 dedication containing the Engineer's opinion for or against the vacation and for or against the
46 proposed dedication and shall do so on or before March 13, 2017.
47
48

1 RESOLUTION NO. 2017-098

2 PAGE THREE

3
4 SECTION 4

5
6 This Resolution is hereby declared an emergency in the interest of the health, safety and
7 welfare of the citizens of the County of Summit and for the further reason of immediately
8 allowing the County to comply with the requirements of Section 5553.045 of the Ohio Revised
9 in a timely manner.

10
11 SECTION 5

12
13 Provided this Resolution receives the affirmative vote of eight members, it shall take
14 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
15 effect and be in force at the earliest time provided by law.

16
17 SECTION 6

18
19 It is found and determined that all formal actions of this Council concerning and relating
20 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
21 deliberations of this Council and of any of its committees that resulted in such formal action,
22 were in meetings open to the public, in compliance with all legal requirements, including Section
23 121.22 of the Ohio Revised Code.


24
25
26 INTRODUCED March 6, 2017

27
28 ADOPTED March 6, 2017

29
30 
31
32 _____
33 CLERK OF COUNCIL

34
35 
36
37 _____
38 PRESIDENT OF COUNCIL

39
40 APPROVED March 7, 2017

41
42 
43
44 _____
45 EXECUTIVE

46 ENACTED EFFECTIVE March 7, 2017

Voice Vote: YES 10-0: Dickinson, Donofrio, Feeman, Hamilton, Koehler,
Prentice, Rodgers, Schmidt, Walters, Wilhite
ABSENT: Crawford