

1 RESOLUTION NO. 2017-102

2
3 SPONSOR Mr. Wilhite

4
5 DATE April 3, 2017 COMMITTEE Planning

6
7 **A Resolution approving pursuant to Section 5553.045 of the Ohio Revised Code and**
8 **Section 125.03 of the Codified Ordinances of the County of Summit, the vacation of a right**
9 **of way formerly known as Springfield Lake Boulevard, and accepting for dedication**
10 **pursuant to Section 711.091 of the Ohio Revised Code that portion of said road, which was**
11 **reconfigured in 2001 and is now known as Canfield Road, located in Springfield Township,**
12 **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, in Council District 8, is no longer needed and has
16 been 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

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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

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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 to this Resolution and
35 marked as Exhibit A; and

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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

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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 plat, a copy of which is attached to this Resolution and marked as
44 Exhibit C; and

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46 WHEREAS, pursuant to Section 5553.045(B) of the Ohio Revised Code the County
47 Engineer issued to this Council a written report recommending the vacation as shown on the plat
48 as petitioned by Springfield Township, a copy of which is attached to this Resolution and marked
49 as Exhibit B; and

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4 WHEREAS, pursuant to Section 5553.045(C) of the Ohio Revised Code this Council
5 held a public hearing on the vacation of the road or portion of the road; and
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7 WHEREAS, pursuant to Section 711.091 of the Ohio Revised Code, the County Engineer
8 has inspected the roadway now known as Canfield Road and has found that it has been
9 constructed in accordance with the specifications set forth on the plat and has endorsed the
10 dedication plat, also part of and shown on Exhibit C, as acceptance of the improvement; and
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12 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
13 that it is necessary and in the best interest of the County of Summit, pursuant to Chapters 5553
14 and 711 of the Ohio Revised Code and Section 125.03 of the Codified Ordinances of the County
15 of Summit, to vacate the right of way formerly known as Springfield Lake Boulevard, and to
16 accept for dedication that portion of said road, which was reconfigured in 2001 and is now
17 known as Canfield Road, located in Springfield Township, in Council District 8;
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19 NOW THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
20 of Ohio, that:
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22 SECTION 1

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24 This Council hereby vacates the right of way of the former Springfield Lake Boulevard as
25 shown on the vacation plat attached hereto as Exhibit C and as requested by Springfield
26 Township's Resolution. Ownership of the vacated road right of way shall revert to the adjacent
27 property owner as provided by law.
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29 SECTION 2

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31 This Council hereby accepts for dedication the land indicated on Exhibit C to be
32 dedicated as Canfield Road. Further, this Council, pursuant to Section 711.091 of the Ohio
33 Revised Code, accepts the improvement of the aforesaid road as shown on Exhibit C. This
34 Council finds that the dedication of said land and improvement is for public use and benefit, and
35 said road shall be a township road and shall be maintained by Springfield Township.
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37 SECTION 3

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39 This Council directs that the President of the County Council shall sign the plat to denote
40 acceptance of the dedication of Canfield Road for public use and benefit, and the vacation of the
41 right of way formerly known as Springfield Lake Boulevard. The plat constituting Exhibit C
42 shall then be filed with the Recorder's Division of the Fiscal Office.
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44 SECTION 4

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46 This Resolution is hereby declared an emergency in the interest of the health, safety and
47 welfare of the citizens of the County of Summit and for the further reason of immediately
48 allowing the County to comply with the requirements of Section 5553.045 of the Ohio Revised
49 Code to vacate the right of way of the former Springfield Lake Boulevard in a timely manner and
50 to immediately accept as a dedicated public roadway that portion of Canfield Road which was
51 reconfigured in 2001.
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4 SECTION 5

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

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10 SECTION 6

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12 It is found and determined that all formal actions of this Council concerning and relating
13 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
14 deliberations of this Council and of any of its committees that resulted in such formal action,
15 were in meetings open to the public, in compliance with all legal requirements, including Section
16 121.22 of the Ohio Revised Code.

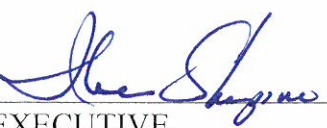
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19 INTRODUCED March 20, 2017

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21 ADOPTED April 3, 2017

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26 CLERK OF COUNCIL


PRESIDENT OF COUNCIL

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28 APPROVED April 4, 2017

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33 EXECUTIVE

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35 ENACTED EFFECTIVE April 4, 2017

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