

1 RESOLUTION NO. 2017-434

2
3 SPONSOR Mr. Wilhite

4
5 DATE _____ COMMITTEE Planning

6
7 **A Resolution approving the vacation of a portion of Everett Road located in Bath, Richfield,**
8 **and Boston Townships in Council Districts 1 and 4, and a portion of Oak Hill Road located**
9 **in Boston Township in Council District 1, pursuant to Chapter 5553 of the Ohio Revised**
10 **Code and Section 125.03 of the Codified Ordinances of the County of Summit, for the**
11 **Council, and declaring an emergency.**

12
13 WHEREAS, the County Engineer has recommended that a portion of Everett Road located in
14 Bath, Richfield, and Boston Townships, and a portion of Oak Hill Road located in Boston
15 Township, as described in Exhibit A to this legislation, be vacated pursuant to Chapter 5553 of
16 the Ohio Revised Code and Section 125.03 of the Codified Ordinances of the County of Summit;
17 and

18
19 WHEREAS, pursuant to Section 125.03 of the Codified Ordinances of the County of Summit
20 and Section 5553.05 of the Ohio Revised Code, the Clerk of this Council caused notice to be
21 delivered by regular mail to the landowners abutting those portions of Everett Road and Oak Hill
22 Road proposed to be vacated, and the Ohio Director of Natural Resources informing those parties
23 of the date set for the public viewing and hearings, and complied with all public notice
24 requirements as set forth in Section 5553.05 of the Ohio Revised Code and Section 125.03 of the
25 Codified Ordinances of the County of Summit; and

26
27 WHEREAS, pursuant to Resolution No. 2017-349, as required by Section 125.03(e) of the
28 Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised Code,
29 this Council conducted a public viewing of the area proposed to be vacated on September 15,
30 2017; and

31
32 WHEREAS, pursuant to Resolution No. 2017-349, as required by Section 125.03(e) of the
33 Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised Code,
34 this Council held a public hearing on the proposal to vacate on September 25, 2017; and

35
36 WHEREAS, pursuant to Sections 5553.06 and 5553.07, the County Engineer has prepared a
37 report on the proposed vacation and said report was submitted to Council and made a part of the
38 record of the public hearing on September 25, 2017; and

39
40 WHEREAS, the Engineer has prepared a legal description and vacation plat of the portions
41 of Everett Road and Oak Hill Road proposed to be vacated, attached hereto as Exhibit A; and

42
43 WHEREAS, this Council has determined, after reviewing all pertinent information, that (i)
44 this Council has complied with all legal requirements, including but not limited to, those
45 contained in Chapter 5553 of the Ohio Revised Code and Section 125.03 of the Codified
46 Ordinances of the County of Summit, and (ii) the vacation of those portions of Everett Road and
47 Oak Hill Road set forth in the legal description and vacation plat attached hereto as Exhibit A is
48 for the public convenience and welfare, and in the best interest of the County of Summit.

49
50
51
52

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

6
7 SECTION 1

8
9 The vacation of those portions of Everett Road located in Bath, Richfield, and Boston
10 Townships in Council Districts 1 and 4, and Oak Hill Road located in Boston Township in
11 Council District 1, set forth in the legal description and vacation plat attached hereto as Exhibit A,
12 is hereby approved and the same is hereby vacated, and the vacated land hereby vests in the
13 abutting land owners according to law, subject to the preservation of any existing right-of-way by
14 any public utility in, over or under the vacated land, together with ingress and egress thereto and
15 therefrom for the purpose of serving and maintaining the same. Further, the County Executive is
16 hereby authorized to execute any documents necessary to complete the vacation of those portions
17 of Everett Road and Oak Hill Road.

18
19 SECTION 2

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

24
25 SECTION 3

26
27 This Resolution is hereby declared to be an emergency in the interest of the health, safety and
28 welfare of the citizens of the County of Summit.

29
30 SECTION 4

31
32 Provided this Resolution receives the affirmative vote of eight members, it shall take effect
33 immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and
34 be in force at the earliest time provided by law.

35
36 SECTION 5

37
38 It is found and determined that all formal actions of this Council concerning and relating to
39 the adoption of this Resolution were adopted in an open meeting of this Council, and that all
40 deliberations of this Council and of any of its committees that resulted in such formal action, were
41 in meetings open to the public, in compliance with all legal requirements, including Section
42 121.22 of the Ohio Revised Code.
43

1 RESOLUTION NO. 2017-434

2 PAGE THREE

3

4

5 INTRODUCED October 16, 2017

6

7 ADOPTED _____

8

9

10 _____

11 CLERK OF COUNCIL

12

13

14

15

16 APPROVED _____

17

18

19 _____

20 EXECUTIVE

21

22 ENACTED EFFECTIVE _____

PRESIDENT OF COUNCIL