

1 RESOLUTION NO. 2018-433

Late Filing
First Reading Passage Requested
(Clerk of Council)

2
3 SPONSOR Mr. Wilhite

4
5 DATE October 15, 2018

COMMITTEE Planning

6
7 **A Resolution setting a date for this Council, pursuant to Chapter 5553 of the Ohio Revised**
8 **Code and Section 125.03 of the Codified Ordinances of the County of Summit, to conduct a**
9 **public hearing to consider the vacation of a fire lane right-of-way located between Avalon**
10 **Hills lots 53 & 54, located in Coventry Township, in Council District 8, for Council, and**
11 **declaring an emergency.**

12
13 WHEREAS, a public fire lane right-of-way located between Avalon Hills lots 53 & 54
14 (a.k.a. 793 and 799 Fowler Avenue), situated in the County of Summit, Coventry Township,
15 Council District 8, is unused by the public; and

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17 WHEREAS, pursuant to Section 5553.045(B) of the Ohio Revised Code, the Coventry
18 Board of Township Trustees passed a Resolution requesting this Council to vacate said fire lane
19 right-of-way which is not used for public travel; and

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21 WHEREAS, a certified copy of the aforesaid Township Resolution which was filed with
22 the Clerk of this Council on or about September 28, 2018, is attached and marked as Exhibit
23 "A"; and

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25 WHEREAS, Section 5553.045(B) of the Ohio Revised Code requires the County
26 Engineer, within thirty days after receipt of the copy of Township Resolution, to issue to this
27 Council a written report similar in content to reports required under Section 5553.06 of the
28 Revised Code; and

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

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

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40 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
41 that it is necessary and in the best interest of the County of Summit, pursuant to Chapter 5553 of
42 the Ohio Revised Code and Section 125.03 of the Codified Ordinances of the County of Summit,
43 to conduct a public hearing to consider the vacation of the afore mentioned right-of-way, located
44 in Coventry Township, in Council District 8;

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

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2 PAGE TWO

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4 SECTION 1

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6 The Clerk of Council shall set the date of November 5, 2018, at 4:30pm for the public
7 hearing on the vacation, as required pursuant to Section 5553.045(C) of the Ohio Revised Code
8 and Section 125.03(e) of the Codified Ordinances of the County of Summit, to determine
9 whether the proposed vacation of the fire lane right-of-way as requested by the Township
10 Resolution would be for the public convenience or welfare.

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12 SECTION 2

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14 The Clerk of Council shall cause notice by regular U.S. mail to be made upon the
15 abutting landowner(s) and Coventry Township informing them of the date set for the public
16 hearing, and the Clerk shall comply with all notice requirements as set forth in Section
17 5553.045(C) of the Ohio Revised Code.

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19 SECTION 3

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21 The County Engineer shall submit a written report on the vacation containing the
22 Engineer's opinion for or against the vacation prior to the November 5, 2018 hearing.

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24 SECTION 4

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

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31 SECTION 5

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

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37 SECTION 6

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

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2 PAGE THREE

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5 INTRODUCED October 15, 2018

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7 ADOPTED October 15, 2018

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11 _____
12 CLERK OF COUNCIL

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17 PRESIDENT OF COUNCIL

18 APPROVED October 16, 2018

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21 _____
22 EXECUTIVE

ENACTED EFFECTIVE October 16, 2018

Voice Vote: YES 11-0 - Dickinson, Donofrio, Feeman, Hamilton,
Koehler, Prentice, Rodgers, Schmidt, Soyars, Walters, Wilhite