RESOLUTION NO. 2012-228

SPONSOR _____ Ms. Shapiro

DATE ___________________________ COMMITTEE __________ Planning

A Resolution approving the vacation of a portion of Wetmore Road, in Boston Township, Council District 1, pursuant to Chapter 5553 of the Ohio Revised Code and Section 125.03 of the Codified Ordinances of the County of Summit, for the Council, and declaring an emergency.

WHEREAS, on or about March 30, 2012, Boston Township enacted a Resolution requesting that this Council vacate a portion of Wetmore Road, in Boston Township, Council District 1, pursuant to Chapter 5553 of the Ohio Revised Code and Section 125.03 of the Codified Ordinances of the County of Summit; and

WHEREAS, pursuant to Resolution No. 2012-150, as required by Section 125.03(e) of the Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised Code, this Council conducted a public viewing of the area proposed to be vacated on May 11, 2012; and

WHEREAS, pursuant to Resolution No. 2012-150, as required by Section 125.03(e) of the Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised Code, this Council held a public hearing on the proposal to vacate on May 14, 2012; and

WHEREAS, pursuant to Resolution No. 2012-150, as required by Section 125.03(e) of the Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised Code, this Council held a final public hearing on the proposal to vacate on June 11, 2012; and

WHEREAS, pursuant to Section 125.03 of the Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised Code, the Clerk of this Council caused notice to be delivered by regular mail to the landowners abutting that portion of Wetmore Road proposed to be vacated, and the Ohio Director of Natural Resources informing those parties of the date set for the public viewing and hearings, and complied with all public notice requirements as set forth in Section 5553.05 of the Ohio Revised Code and Section 125.03 of the Codified Ordinances of the County of Summit; and

WHEREAS, pursuant to Sections 5553.06 and 5553.07, this Council ordered the County Engineer to prepare a report on the proposed vacation, the Engineer has prepared said report and said report was read at the final public hearing on June 11, 2012; and

WHEREAS, the Engineer has prepared a legal description and vacation plat of the portion of Wetmore Road proposed to be vacated, attached hereto as Exhibits A and B, respectively; and

WHEREAS, this Council has determined, after reviewing all pertinent information, that (i) the vacation of that portion of Wetmore Road set forth in the legal description and vacation plat attached hereto as Exhibits A and B, respectively, is for the public convenience or welfare, (ii) this Council has complied with all legal requirements, including but not limited to, those contained in Chapter 5553 of the Ohio Revised Code and Section 125.03 of the Codified Ordinances of the County of Summit and (iii) the vacation of that portion of Wetmore Road is necessary and in the best interest of the County of Summit.
NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of Ohio, that:

SECTION 1

The vacation of that portion of Wetmore Road, in Boston Township, Council District 1, set forth in the legal description and vacation plat attached hereto as Exhibits A and B, respectively, is hereby approved and the same is hereby vacated, and the vacated land hereby vests in the abutting land owners, subject to the preservation of any existing right-of-way by any public utility in, over or under the vacated land, together with ingress and egress thereto and therefrom for the purpose of serving and maintaining the same. Further, the County Executive is hereby authorized to execute any documents necessary to complete the vacation of that portion of Wetmore Road.

SECTION 2

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

SECTION 3

This Resolution is hereby declared to be an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further reason of immediately vacating the same and transferring ownership to the abutting property owners in order to alleviate any cost and hardship to Boston Township for maintaining the same.

SECTION 4

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

SECTION 5

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