

1 RESOLUTION NO. 2012-230

2  
3 SPONSOR Ms. Shapiro

4  
5 DATE June 18, 2012 COMMITTEE Planning

6  
7 **A Resolution approving the vacation of a portion of Stanford Road and County bridge**  
8 **number BST38-0072 located thereon, in Boston Township, Council District 1, pursuant to**  
9 **Chapter 5553 of the Ohio Revised Code and Section 125.03 of the Codified Ordinances of**  
10 **the County of Summit, for the Council, and declaring an emergency.**

11  
12 WHEREAS, on or about March 30, 2012, Boston Township enacted a Resolution requesting  
13 that this Council vacate a portion of Stanford Road and County bridge number BST38-0072  
14 located thereon, in Boston Township, Council District 1, pursuant to Chapter 5553 of the Ohio  
15 Revised Code and Section 125.03 of the Codified Ordinances of the County of Summit; and

16  
17 WHEREAS, pursuant to Resolution No. 2012-152, as required by Section 125.03(e) of the  
18 Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised Code,  
19 this Council conducted a public viewing of the area proposed to be vacated on May 11, 2012; and

20  
21 WHEREAS, pursuant to Resolution No. 2012-152, as required by Section 125.03(e) of the  
22 Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised Code,  
23 this Council held a public hearing on the proposal to vacate on May 14, 2012; and

24  
25 WHEREAS, pursuant to Resolution No. 2012-152, as required by Section 125.03(e) of the  
26 Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised Code,  
27 this Council held a final public hearing on the proposal to vacate on June 11, 2012; and

28  
29 WHEREAS, pursuant to Section 125.03 of the Codified Ordinances of the County of Summit  
30 and Section 5553.05 of the Ohio Revised Code, the Clerk of this Council caused notice to be  
31 delivered by regular mail to the landowners abutting that portion of Stanford Road proposed to be  
32 vacated, and the Ohio Director of Natural Resources informing those parties of the date set for the  
33 public viewing and hearings, and complied with all public notice requirements as set forth in  
34 Section 5553.05 of the Ohio Revised Code and Section 125.03 of the Codified Ordinances of the  
35 County of Summit; and

36  
37 WHEREAS, pursuant to Sections 5553.06 and 5553.07, this Council ordered the County  
38 Engineer to prepare a report on the proposed vacation, the Engineer has prepared said report and  
39 said report was read at the final public hearing on June 11, 2012; and

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

43  
44 WHEREAS, this Council has determined, after reviewing all pertinent information, that (i)  
45 the vacation of that portion of Stanford Road and County bridge number BST38-0072 located  
46 thereon set forth in the legal description and vacation plat attached hereto as Exhibits A and B,  
47 respectively, is for the public convenience or welfare, (ii) this Council has complied with all legal  
48 requirements, including but not limited to, those contained in Chapter 5553 of the Ohio Revised  
49 Code and Section 125.03 of the Codified Ordinances of the County of Summit and (iii) the  
50 vacation of that portion of Stanford Road and County bridge number BST38-0072 located thereon  
51 is necessary and in the best interest of the County of Summit.  
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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 that portion of Stanford Road and County bridge number BST38-0072  
10 located thereon, in Boston Township, Council District 1, set forth in the legal description and  
11 vacation plat attached hereto as Exhibits A and B, respectively, is hereby approved and the same  
12 is hereby vacated, and the vacated land hereby vests in the abutting land owners, subject to the  
13 preservation of any existing right-of-way by any public utility in, over or under the vacated land,  
14 together with ingress and egress thereto and therefrom for the purpose of serving and maintaining  
15 the same. Further, the County Executive is hereby authorized to execute any documents  
16 necessary to complete the vacation of that portion of Stanford Road.

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18 SECTION 2

19  
20 The Clerk of Council is hereby directed to file a copy of this Resolution, the legal description  
21 and vacation plat attached hereto as Exhibits A and B, respectively, and any other record of the  
22 proceedings with the County Fiscal Officer for tax purposes, with a copy to the County Engineer  
23 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 and for the further reason of immediately  
29 vacating the same and transferring ownership to the abutting property owners in order to alleviate  
30 any cost and hardship to Boston Township for maintaining the same.

31  
32 SECTION 4

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

37  
38 SECTION 5

39  
40 It is found and determined that all formal actions of this Council concerning and relating to  
41 the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
42 deliberations of this Council and of any of its committees that resulted in such formal action, were  
43 in meetings open to the public, in compliance with all legal requirements, including Section  
44 121.22 of the Ohio Revised Code.  
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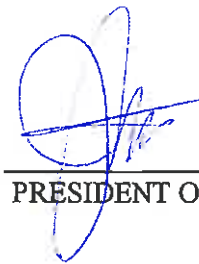
RESOLUTION NO. 2012-230

PAGE THREE


INTRODUCED June 4, 2012

ADOPTED June 18, 2012

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED June 18, 2012

  
EXECUTIVE

ENACTED EFFECTIVE June 18, 2012

Voice Vote: 11-0. YES: Comunale, Crawford, Feeman, Kostandaras  
Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro