RESOLUTION NO. Substitute 2012-229

SPONSOR ______ Ms. Shapiro

DATE ______ April 15, 2013 ______ COMMITTEE ______ Planning

A Substitute Resolution denying the vacation of a portion of Oak Hill 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 Oak Hill Road, in Boston Township, Council District 1, set forth in the legal description attached hereto as Exhibit A, 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. 2012-151, 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 requested to be vacated on May 11, 2012; and

WHEREAS, pursuant to Resolution No. 2012-151, 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 request to vacate on May 14, 2012; and

WHEREAS, pursuant to Resolution No. 2012-151, 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 request 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 Oak Hill 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 of the Ohio Revised Code, this Council ordered the County Engineer to prepare a report on the requested vacation, the County Engineer has prepared said report and said report was read at the final public hearing on June 11, 2012; and

WHEREAS, this Council has determined, after reviewing all pertinent information, that (i) the vacation of that portion of Oak Hill Road set forth in the legal description attached hereto as Exhibits A, is not 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) denying the vacation of that portion of Oak Hill Road requested to be vacated 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 request to vacate that portion of Oak Hill Road, in Boston Township, Council District 1, set forth in the legal description attached hereto as Exhibits A is hereby denied.

SECTION 2

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 denying the proposed vacation so that the general public may continue to utilize the aforementioned lands.

SECTION 3

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 4

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.

INTRODUCED June 4, 2012
ADOPTED April 15, 2013

CLERK OF COUNCIL

APPROVED April 16, 2013

EXECUTIVE

ENACTED EFFECTIVE April 16, 2013

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