

1 RESOLUTION NO. 2018-001

**First Reading Passage Requested**  
**(J. Wilhite)**

2  
3 SPONSOR Ms. Shapiro

4  
5 DATE January 8, 2018

COMMITTEE: Planning

6  
7 **A Resolution authorizing the closure of a portion of Everett Road, from Farmstead Road to**  
8 **Wheatley Road, to daily traffic, located in Bath, Richfield, and Boston Townships, in**  
9 **Council District 1, for the Engineer, and declaring an emergency.**

10  
11 WHEREAS, Section 1.01 of the Summit County Charter vests in the County “the  
12 concurrent exercise ... of all or any powers vested in municipalities by the Ohio Constitution or  
13 by general law.”

14  
15 WHEREAS, the Ohio Supreme Court in *City of Cleveland v. City of Shaker Heights*, 30  
16 Ohio St.3d 49 (1987) determined that municipalities may close through streets using their Home  
17 Rule powers, if done in good faith and for reasonable purposes; and

18  
19 WHEREAS, for several months, the Council has been considering the vacation of this  
20 portion of Everett Road, located in Bath, Richfield, and Boston Townships, in Council District 1,  
21 due to conditions of the road and the corresponding cost to repair the same; and

22  
23 WHEREAS, as this Council continues to consider whether to vacate this portion of  
24 Everett Road, it has determined that it is appropriate to close the same to daily traffic due to the  
25 condition of the road; and

26  
27 WHEREAS, this Council has determined by reviewing all pertinent information that  
28 closing Everett Road from Farmstead Road to Wheatley Road, is necessary and in the best  
29 interest of the County of Summit for the reasons stated above;

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

33  
34 SECTION 1

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36 Effective January 30, 2018, the County Engineer is authorized to close Everett Road from  
37 its intersection with Farmstead Road to its intersection with Wheatley Road located in Bath,  
38 Richfield, and Boston Townships, in Council District 1. All other portions of Everett Road will  
39 remain open. The County Engineer is further authorized and directed to cooperate with the local  
40 fire departments and districts near the portion of the closed road to provide emergency access to  
41 safety vehicles through the closed portion of Everett Road in the manner that the County  
42 Engineer deems appropriate and as soon as practical, provided that each department or district  
43 given access to the same signs an agreement whereby it holds the county harmless from any  
44 injury to property or person caused by use of the closed section of the road.

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46 SECTION 2

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48 This Resolution is hereby declared an emergency in the interest of the health, safety and  
49 welfare of the citizens of the County of Summit, and for the further reason that it promotes safe  
50 travel within the County of Summit.  
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1 RESOLUTION NO. 2018-001

2 PAGE TWO

3  
4 SECTION 3

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

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10 SECTION 4

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12 It is found and determined that all formal actions of this Council concerning and relating  
13 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
14 deliberations of this Council and of any of its committees that resulted in such formal action,  
15 were in meetings open to the public, in compliance with all legal requirements, including Section  
16 121.22 of the Ohio Revised Code.

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19 INTRODUCED January 8, 2018

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22 ADOPTED January 8, 2018

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26 CLERK OF COUNCIL

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33 PRESIDENT OF COUNCIL

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36 APPROVED January 10, 2018

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ENACTED EFFECTIVE

Voice Vote: 10-1 YES: Dickinson, Donofrio, Feeman, Hamilton, Koehler,  
Prentice, Rodgers, Schmidt, Walters, Wilhite  
NO: Crawford