

1 RESOLUTION NO. 2018-514

2
3 SPONSOR Mr. Wilhite

4
5 DATE December 11, 2018 COMMITTEE Planning

6
7 **A Resolution denying the vacation of Oakdale Avenue, in Northfield Center Township,**
8 **Council District 1, pursuant to Section 5553.042 of the Ohio Revised Code and Section**
9 **125.03 of the Codified Ordinances of the County of Summit, for the Council, and declaring**
10 **an emergency.**

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12 WHEREAS, on or about July 10, 2018, the Petitioner filed a petition that this Council
13 vacate Oakdale Avenue, which is an unimproved road right-of-way, in Northfield Center
14 Township, Council District 1, pursuant to Section 5553.042 of the Ohio Revised Code and
15 Section 125.03 of the Codified Ordinances of the County of Summit; and

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17 WHEREAS, pursuant to Resolution No. 2018-314, as required by Section 125.03(e) of
18 the Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised
19 Code, this Council conducted a public viewing of the area proposed to be vacated on September
20 21, 2018; and

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22 WHEREAS, pursuant to Resolution No. 2018-314, as required by section 125.03(e) of
23 the Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised
24 Code, this Council held public hearings on the proposal to vacate on October 1, 2018 and
25 October 15, 2018; and

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

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35 WHEREAS, pursuant to Section 5553.06 and 5553.07, this Council ordered the County
36 Engineer to prepare a report on the proposed vacation, the Engineer has prepared said report and
37 said report was read at the first public hearing on October 1, 2018; and

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39 WHEREAS, this Council has determined after reviewing all pertinent information, that
40 (i) the vacation of Oakdale Avenue, which is an unimproved road right-of-way, in Northfield
41 Center Township, Council District 1, is not in the best interest for the public convenience or
42 welfare, (ii) this Council has complied with all legal requirements, including but not limited to,
43 those contained in Chapter 5553 of the Ohio Revised Code and Section 125.03 of the Codified
44 Ordinances of the County of Summit and (iii) the vacation of Oakdale Avenue shall be denied.

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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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1 RESOLUTION NO. 2018-514

2 PAGE TWO

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4 SECTION 1

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6 The vacation of Oakdale Avenue, which is an unimproved road right-of-way, in
7 Northfield Center Township, Council District 1, set forth in the above mentioned petition is
8 hereby denied.

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10 SECTION 2

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12 This Resolution is hereby declared an emergency in the interest of the health, safety, and
13 welfare of the citizens of the County of Summit.

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15 SECTION 3

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

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21 SECTION 4

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23 It is found and determined that all formal actions of this Council concerning and relating
24 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
25 deliberations of this Council and of any of its committees that resulted in such formal action,
26 were in meetings open to the public, in compliance with all legal requirements, including Section
27 121.22 of the Ohio Revised Code.

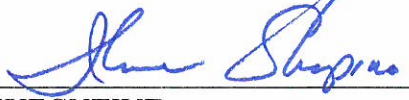
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31 INTRODUCED December 3, 2018

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33 ADOPTED December 11, 2018

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38 CLERK OF COUNCIL


PRESIDENT OF COUNCIL

39 APPROVED December 13, 2018

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44 EXECUTIVE

45 ENACTED EFFECTIVE December 13, 2018

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