

1 RESOLUTION NO: 2015-071

**First Reading Passage Requested**  
**(Clerk of Council)**

2  
3 SPONSORS Mr. Kostandaras, Ms. Lee

4  
5 DATE February 9, 2015

COMMITTEE Planning

6  
7 **A Resolution setting dates for this Council to conduct a public viewing, a public hearing,**  
8 **and setting a date for a final hearing, to consider the vacation of a part of Mull Avenue, in**  
9 **Council District 5, pursuant to Chapter 5553 of the Ohio Revised Code and Section 125.03**  
10 **of the Codified Ordinances of the County of Summit, for Council, and declaring an**  
11 **emergency.**

12  
13 WHEREAS, Mull Avenue is an unimproved road right-of-way which is situated in the  
14 County of Summit, Copley Township, District 5, which has been maintained by the Petitioner;  
15 and

16  
17 WHEREAS, the Petitioner has filed a petition pursuant to Section 5553.042 of the Ohio  
18 Revised Code alleging that the road right-of-way has been abandoned and not used for a period  
19 of twenty-one years, and requesting that this Council vacate the unimproved road right-of-way in  
20 the respective township. Copies of the aforesaid petition and other documentation filed with the  
21 Clerk of Council on or about January 23, 2015, are attached and marked as Exhibit "A" ; and

22  
23 WHEREAS, the vacation of Mull Avenue requested in the petition would return  
24 ownership of the underlying land to the Petitioner as an abutting property owner and to the other  
25 abutting property owners; and

26  
27 WHEREAS, pursuant to Section 5553.06 of the Ohio Revised Code and Section  
28 125.03(a) of the Codified Ordinances of the County of Summit, Ohio, the petitioners have  
29 prepared a proposed vacation plat, subject to the approval of the County Engineer, a copy of  
30 which is attached and marked as Exhibit "B";

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

34  
35 SECTION 1

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37 The Clerk of Council shall set the date of **March 9, 2015, at 4:30 p.m.** for the public  
38 hearing on the vacation as required pursuant to Section 5553.05 of the Ohio Revised Code and  
39 Section 125.03(e) of the County of Summit Codified Ordinances of the County of Summit, to  
40 determine whether the proposed vacation of Mull Avenue as requested by the petition would be  
41 for the public convenience or welfare.  
42

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2 PAGE TWO

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4 SECTION 2

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6 The Clerk of Council shall set the date of **March 6, 2015 at 2:00 p.m.** as the time for a  
7 public viewing of the proposed vacation site pursuant to the requirements of Section 5553.05 of  
8 the Ohio Revised Code and Section 125.03(e) of the Codified Ordinances of the County of  
9 Summit.

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11 SECTION 3

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13 The Clerk of Council shall cause notice by regular U.S. mail to be made to the abutting  
14 landowners and the applicable Township, and the Ohio Director of Natural Resources informing  
15 them of the date set for the public hearings, and the Clerk shall comply with all public notice  
16 requirements as set forth in Section 5553.05 of the Ohio Revised Code.

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18 SECTION 4

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20 The Clerk of Council shall set the date of **March 23, 2015 at 4:30 p.m.** for a final  
21 hearing on the Petition to vacate the unimproved road right-of-way.

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23 SECTION 5

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25 Pursuant to section 5553.05 of the Ohio Revised Code, The Engineer shall submit a  
26 written report on the vacation containing the Engineer's opinion for or against the vacation on or  
27 before the date of the final hearing.

28  
29 SECTION 6

30  
31 This Resolution is hereby declared to be an emergency in the interest of the health, safety  
32 and welfare of the citizens of the County of Summit and for the further reason of timely setting  
33 the proper hearing and viewing dates and providing for proper notice of the same without undue  
34 delay.

35  
36 SECTION 7

37  
38 Provided this Resolution receives the affirmative vote of eight members, it shall take  
39 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
40 effect and be in force at the earliest time provided by law.

41  
42 SECTION 8

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44 It is found and determined that all formal actions of this Council concerning and relating  
45 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
46 deliberations of this Council and of any of its committees that resulted in such formal action,  
47 were in meetings open to the public, in compliance with all legal requirements, including Section  
48 121.22 of the Ohio Revised Code.  
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2 PAGE THREE


3  
4 INTRODUCED February 9, 2015

5  
6 ADOPTED February 9, 2015

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CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

11  
12 APPROVED February 10, 2015

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16 EXECUTIVE

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18 ENACTED EFFECTIVE February 10, 2015

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