

1 RESOLUTION NO. 2013-069

2  
3 SPONSOR Ms. Shapiro

4  
5 DATE March 4, 2013 COMMITTEE Planning

6  
7 **A Resolution approving the vacation of Sollman Road, in Copley Township, Council**  
8 **District 5, pursuant to Chapter 5553 of the Ohio Revised Code and Section 125.03 of the**  
9 **Codified Ordinances of the County of Summit, for the Council, and declaring an**  
10 **emergency.**

11  
12 WHEREAS, on or about October 3, 2012, the Petitioners filed a petition that this Council  
13 vacate Sollman Rd., which is an unimproved road right-of-way, in Copley Township, Council  
14 District 5, pursuant to Chapter 5553 of the Ohio Revised Code and Section 125.03 of the Codified  
15 Ordinances of the County of Summit; and

16  
17 WHEREAS, pursuant to Resolution No. 2012-442, 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 January 25, 2013;  
20 and

21  
22 WHEREAS, pursuant to Resolution No. 2012-442, as required by Section 125.03(e) of the  
23 Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised Code,  
24 this Council held a public hearing on the proposal to vacate on January 28, 2013; and

25  
26 WHEREAS, pursuant to Resolution No. 2012-442, as required by Section 125.03(e) of the  
27 Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised Code,  
28 this Council held a final public hearing on the proposal to vacate on February 25, 2013; and

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

37  
38 WHEREAS, pursuant to Sections 5553.06 and 5553.07, this Council ordered the County  
39 Engineer to prepare a report on the proposed vacation, the Engineer has prepared said report and  
40 said report was read at the final public hearing on February 25, 2013; and

41  
42 WHEREAS, the Engineer has prepared a legal description and vacation plat of the  
43 unimproved road right-of-way, Sollman Road, proposed to be vacated, attached hereto as Exhibits  
44 A and B, respectively; and

45  
46 WHEREAS, this Council has determined, after reviewing all pertinent information, that (i)  
47 the vacation of Sollman Rd., which is an unimproved road right-of-way, in Copley Township,  
48 Council District 5, set forth in the legal description and vacation plat attached hereto as Exhibits  
49 A and B, respectively, is for the public convenience or welfare, (ii) this Council has complied  
50 with all legal requirements, including but not limited to, those contained in Chapter 5553 of the  
51 Ohio Revised Code and Section 125.03 of the Codified Ordinances of the County of Summit and  
52 (iii) the vacation of Sollman Rd is necessary and in the best interest of the County of Summit.

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 Sollman Rd., which is an unimproved road right-of-way, in Copley  
10 Township, Council District 5, set forth in the legal description and vacation plat attached hereto  
11 as Exhibits A and B, respectively, is hereby approved and the same is hereby vacated, and the  
12 vacated land hereby vests in the abutting land owners, subject to the preservation of any existing  
13 right-of-way by any public utility in, over or under the vacated land, together with ingress and  
14 egress thereto and therefrom for the purpose of serving and maintaining the same. Further, the  
15 County Executive is hereby authorized to execute any documents necessary to complete the  
16 vacation of Sollman Rd.

17  
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.

30  
31 SECTION 4

32  
33 Provided this Resolution receives the affirmative vote of eight members, it shall take effect  
34 immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and  
35 be in force at the earliest time provided by law.

36  
37 SECTION 5

38  
39 It is found and determined that all formal actions of this Council concerning and relating to  
40 the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
41 deliberations of this Council and of any of its committees that resulted in such formal action, were  
42 in meetings open to the public, in compliance with all legal requirements, including Section  
43 121.22 of the Ohio Revised Code.  
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PAGE THREE

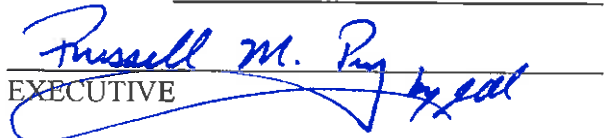
INTRODUCED February 11, 2013

ADOPTED March 4, 2013

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED March 5, 2013

  
EXECUTIVE

ENACTED EFFECTIVE March 5, 2013

Voice Vote: 8-0: YES: Comunale, Crawford, Feeman, Kostandaras, Kurt, Rodgers  
Roemer, Schmidt. Absent: Lee, Prentice, Shapiro