

1 RESOLUTION NO: 2022-007

2  
3 SPONSORS: Ms. Sims

4  
5 DATE January 31, 2022 COMMITTEE Planning

6  
7 **A Resolution approving the vacation of excess right-of-way along Akron-Cleveland Road**  
8 **between Wyoga Lake Road and the Boston Heights corporate line located in Boston**  
9 **Township, in Council District 1, pursuant to Chapter 5553 of the Ohio Revised Code and**  
10 **Section 125.03 of the Codified Ordinances of the County of Summit, for Council, and**  
11 **declaring an emergency.**

12  
13 WHEREAS, on or about September 29, 2021, the Summit County Engineer’s Office  
14 requested the vacation of excess right-of-way pursuant to Sections 5553.04 and 5553.05 of the  
15 Ohio Revised Code, and an amended Engineer’s Report was filed December 22, 2021 is marked  
16 as Exhibit “A”; and

17  
18 WHEREAS, the aforementioned request concerns areas of excess right-of-way along  
19 Akron-Cleveland Road between Wyoga Lake Road and the Boston Heights corporate line located  
20 in Boston Township, in Council District 1; and

21  
22 WHEREAS, the vacation of the portions of excess right-of-way requested will transfer  
23 ownership of the underlying land to the abutting property owners; and

24  
25 WHEREAS, pursuant to Resolution No. 2021-323, as required by Section 125.03(e) of the  
26 Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised Code, this  
27 Council conducted a public viewing of the area proposed to be vacated on November 19, 2021;  
28 and

29  
30 WHEREAS, pursuant to Resolution No. 2021-323, as required by section 125.03(e) of the  
31 Codified Ordinances of the County of Summit and Section 5553.05 of the Ohio Revised Code, this  
32 Council held a public hearing on the proposal to vacate on November 22, 2021; and

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

40  
41 WHEREAS, this Council has determined after reviewing all pertinent information, that (i)  
42 the vacation of excess right-of-way along Akron-Cleveland Road between Wyoga Lake Road and  
43 the Boston Heights corporate line located in Boston Township, District 1, set forth attached hereto  
44 as Exhibit A, is for the public convenience or welfare, (ii) this Council has complied with all legal  
45 requirements, including but not limited to, those contained in Chapter 5553 of the Ohio Revised  
46 Code and Section 125.03 of the Codified Ordinances of the County of Summit and (iii) the vacation  
47 of excess right-of-way along Akron-Cleveland Road between Wyoga Lake Road and the Boston  
48 Heights corporate line located in Boston Township is necessary and in the best interest of the  
49 County of Summit.

50  
51  
52

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52

RESOLUTION NO. 2022-007

PAGE TWO

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

SECTION 1

The vacation of excess right-of-way along Akron-Cleveland Road between Wyoga Lake Road and the Boston Heights corporate line located in Boston Township, District 1, set forth hereto as Exhibit A, is hereby approved and the same is hereby vacated, and the vacated land hereby vests in the abutting land owners, subject to the preservation of any existing right-of-way by any public utility in, over or under the vacated land, together with ingress and egress thereto and therefrom for the purpose of serving and maintaining the same. Further, the County Executive is hereby authorized to execute any documents necessary to complete the said vacation.

SECTION 2

The Clerk of Council is hereby directed to file a copy of this Resolution, the vacation plat attached hereto as Exhibit A, and any other record of the proceedings with the County Fiscal Officer for tax purposes, with a copy to the County Engineer for road purposes.

SECTION 3

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

SECTION 4

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 5

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.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

RESOLUTION NO. 2022-007

PAGE THREE

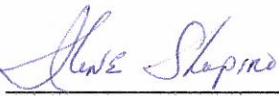
INTRODUCED January 3, 2022

ADOPTED January 31, 2022

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED February 1, 2022

  
EXECUTIVE

ENACTED EFFECTIVE February 1, 2022

Voice Vote - YES: 11-0: Darrow, DeVitis, Dickinson, Donofrio, Feeman, McKenney, Rodgers, Schmidt, Sims, Walters, Wilhite