

# Resolution

No. 2020-575

## Board of Wayne County Commissioners

Ron Amstutz    Rebecca S. Foster    Sue A. Smail

*Adopted:* November 12, 2020

*Subject:* **Approval of Petitions for Alley Vacations in Chester Township**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

WHEREAS, Chester Township Trustees passed Resolution #2020-9-1; #2020-9-2; and #2020-10-1 to Authorize Filing Petitions for Alley Vacation; and

WHEREAS, said Petitions for Vacation of Alleys (ORC 5553.045) were filed with the Board of Commissioners on September 22, 2020 and October 13, 2020; and

WHEREAS the alleys being vacated are not used to calculate distributions of the auto registration fund as outlined by ORC 5553.045; and

WHEREAS, the Wayne County Engineer's Report (required by ORC 5553.045(B)) dated November 2, 2020 recommends approval of the aforementioned petitions listing points such as no current parcel will be landlocked; and

WHEREAS, a Public Hearing was held on November 4, 2020;

NOW, THEREFORE, BE IT RESOLVED by the Board of Wayne County Commissioners

1. The alleys described as follows shall be vacated.

Vacation of all of Alley, 16 feet wide, between Hiner Road, TR140, and West Alley in the Unincorporated Village of New Pittsburg. Situated in the NW Qtr. of Sec. 30 and the NE Qtr. of Sec. 30, Twp. 20N, R14W in Chester Twp., Wayne County, Ohio and being a strip of land 16' by 160' between Sublot 48 (P.N. 10-00611.000) and Sublot 49 (P.N. 10-00561.000) as recorded in Frederick Rice's Addition to New Pittsburg Vol. 2, Page 41 Wayne County Map Records

Vacation of the north part of West Alley, 16 feet wide, in the Unincorporated Village of New Pittsburg. Situated in the NE Qtr. of Sec. 30, Twp. 20N, R14W, in Chester Twp., Wayne County, Ohio and being a strip of land 16' by 180' between Sublot 45 (P.N. 10-00145.000) and Sublot 43 (P.N. 10-00144.000) and adjoining P.N. 10-01509.007 and P.N. 10-00193.000 as recorded in Frederick Rice's Addition to New Pittsburg Vol. 2, Page 41 Wayne County Map Records

Vacation of the south part of West Alley, 16 feet wide, in the Unincorporated Village of New Pittsburg. Situated in the NW Qtr. of Sec. 30 and the NE Qtr. of Sec. 30 Twp. 20N., R14W in Chester Twp., Wayne County, Ohio and being a strip of land 16 feet by 332 feet between Sublot 51 (P.N. 10-00674.000) and Sublot 46 (P.N. 10-00610.000) and adjoining P.N. 10-01509.005 and P.N. 10-01509.007 as recorded in Frederick Rice's Addition to New Pittsburg Volume 2, Page 41 Wayne County Map Records

2. The said vacated alleys shall pass, in fee to the abutting landowner(s) thereof, as provided by law, subject to the preservation of any existing rights of way, over, or under such roadway by a public

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Filed for Record in WAYNE County, Ohio  
Jane Carmichael    Rec Fees: \$194.00  
VACT OR Vol 32 Pgs 334 - 355

utility or rural electric cooperative poles, or other equipment or appliances of any public utility or rural electric cooperative located on, over, or under such roadway for such period of time as such public utility or rural cooperative service facilities continue to be used to render service to the public and also subject to the right of ingress and egress for the purpose of servicing and maintaining the same.

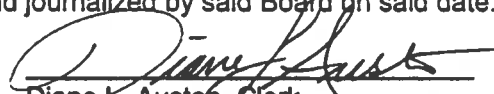
3. The Clerk of the Board is hereby authorized and directed to provide the following persons with a copy of this Resolution.

Wayne County Engineer  
Wayne County Auditor  
Fiscal Officer of Township  
(Twp., please note that a rep. of Twp. or the Wayne Co. Prosecutor's Office will need to record the Alley Vacations at the Wayne County Recorder's Office)

The vote is as follows: Ron Amstutz yea Rebecca S. Foster yea Sue A. Smail yea

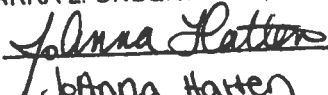
CERTIFICATE

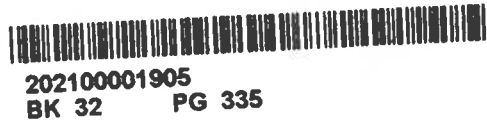
I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.

  
Diane L. Austen, Clerk



This Conveyance has been examined and the Grantor has complied with Section 318 202 Of the Revised Code  
Fee \$ \_\_\_\_\_  
Exempt   
JARRA L. UNDERWOOD, County Auditor

AMT. PD \$5.50 DATE 2 / 10 / 21  
JARRA L. UNDERWOOD, AUDITOR  
 DEPUTY  
Joanna Harten



AUDITOR'S OFFICE  
PICK UP

Inst #202100001905

WAYNE COUNTY TAX MAP  
Initials SOUP FILE# \_\_\_\_\_  
DATE 2 / 2 / 2021  
IDENT. NP.001-vacmedAlly

Paperwork for this document originated in the Commissioner's office. The Recorder's office is not liable for any papers that are missing.



RESOLUTION NO. 2020-9-1

RESOLUTION TO PETITION THE BOARD OF COUNTY COMMISSIONERS, WAYNE COUNTY, OHIO

TO VACATE "SECOND ALLEY" IN NEW PITTSBURG,  
CHESTER TOWNSHIP, WAYNE COUNTY, OHIO

WHEREAS, pursuant to R.C. 5553.045(B), a board of township trustees may petition the board of county commissioners to vacate a township road or portion of a township road by adopting a resolution requesting the vacation of the road or portion of road, which includes a description of the general route and termini of the road or portion of the road requested to be vacated; and

WHEREAS, as used in R.C. 5553.045, "road" means a road, or portion of a road, which is not used to calculate distributions of the auto registration distribution fund under division (E) of section 4501.04 of the Revised Code and, thus, is not a road or portion of a road certified by the board of township trustees to the director of transportation in accordance with that division as mileage in the township used by and maintained for the public.

WHEREAS, "Second Alley", a township road in New Pittsburg, Chester Township, Wayne County, Ohio is requested to be vacated, described further in Exhibit B and depicted in Exhibit A attached hereto and incorporated herein, is not used to calculate distribution of the auto registration distribution fund under R.C. 4501.04(E), and, thus, is not a road certified by the Chester Township Board of Trustees to the director of transportation as mileage in Chester Township used by and maintained for the public; and

WHEREAS, the Chester Township Board of Trustees desires to petition the Board of Commissioners, Wayne County, Ohio to vacate that "Second Alley" which is further described and depicted in Exhibit A and Exhibit B.

NOW, THEREFORE, BE IT RESOLVED, that the Chester Township Board of Trustees hereby requests the vacation of the entire "Second Alley" which is described and depicted in Exhibit A and Exhibit B; and

BE IT FURTHER RESOLVED, that the Chester Township Board of Trustees hereby directs the Chester Township Fiscal Officer to file a copy of this Resolution, as a petition for vacation, with the Board of County Commissioners, Wayne County, Ohio and to certify another copy to the Wayne County Engineer.

IT IS FURTHER RESOLVED, that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board of Township Trustees and that all deliberations of such Board were in meetings open to the public, in compliance with Ohio law, including R.C. 121.22.

Mr. John Wharton made the motion to adopt this Resolution and Mr. Jerry Bowman seconded that said motion. On the roll being called the vote resulted as follows:

- Mr. Jerry L. Bowman, JLB
- Mr. John (Hud) Wharton, J.W.
- Mr. Randy Elser, RE

Resolution 2020-9-1 adopted on the 21th day of September, 2020.

CERTIFICATION:

The foregoing Resolution was duly adopted by the Chester Township Board of Trustees and filed with the Chester



202100001905  
BK 32 PG 337

Township Fiscal Officer this 21 day of September 2020.

Debbie Berger  
Debbie Berger, Fiscal Officer



RESOLUTION NO. 2020-10-1

RESOLUTION TO PETITION THE BOARD OF COUNTY COMMISSIONERS, WAYNE COUNTY, OHIO

TO VACATE THE SOUTH PART OF "WEST ALLEY" IN NEW PITTSBURG

CHESTER TOWNSHIP, WAYNE COUNTY, OHIO

WHEREAS, pursuant to R.C. 5553.045(B), a board of township trustees may petition the board of county commissioners to vacate a township road or portion of a township road by adopting a resolution requesting the vacation of the road or portion of road, which includes a description of the general route and termini of the road or portion of the road requested to be vacated; and

WHEREAS, as used in R.C. 5553.045, "road" means a road, or portion of a road, which is not used to calculate distributions of the auto registration distribution fund under division (E) of section 4501.04 of the Revised Code and, thus, is not a road or portion of a road certified by the board of township trustees to the director of transportation in accordance with that division as mileage in the township used by and maintained for the public.

WHEREAS, the south part of "West Alley," a township road in New Pittsburg, Chester Township, Wayne County Ohio is requested to be vacated, described further in Exhibit B and depicted in Exhibit A attached hereto and incorporated herein, is not used to calculate distribution of the auto registration distribution fund under R.C. 4501.04(E), and, thus, is not a road certified by the Chester Township Board of Trustees to the director of transportation as mileage in Chester Township used by and maintained for the public; and

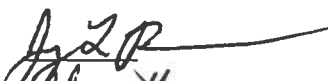
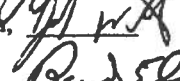

WHEREAS, the Chester Township Board of Trustees desires to petition the Board of Commissioners, Wayne County, Ohio to vacate that south part of "West Alley" which is further described and depicted in Exhibit A and Exhibit B.

NOW, THEREFORE, BE IT RESOLVED, that the Chester Township Board of Trustees hereby requests the vacation of the south part of "West Alley" which is described and depicted in Exhibit A and Exhibit B; and

BE IT FURTHER RESOLVED, that the Chester Township Board of Trustees hereby directs the Chester Township Fiscal Officer to file a copy of this Resolution, as a petition for vacation, with the Board of County Commissioners, Wayne County, Ohio and to certify another copy to the Wayne County Engineer.

IT IS FURTHER RESOLVED, that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board of Township Trustees and that all deliberations of such Board were in meetings open to the public, in compliance with Ohio law, including R.C. 121.22.

Mr. John Wharton made the motion to adopt this Resolution and Mr. Jerry Bowman seconded that said motion. On the roll being called the vote resulted as follows:


Mr. Jerry L. Bowman,	
Mr. John (Hud) Wharton,	
Mr. Randy Elser,	

Resolution 2020-10-1 adopted on the 12 th day of October, 2020.

CERTIFICATION:

The foregoing Resolution was duly adopted by the Chester Township Board of Trustees and filed with the Chester

Township Fiscal Officer this 12<sup>th</sup> day of Oct, 2020.



202100001905  
BK 32 PG 339

Debbie L. Berger  
Debbie Berger, Fiscal Officer



RESOLUTION NO. 2020-10-2

RESOLUTION REGARDING PETITIONS TO VACATE ALLEYS IN NEW  
PITTSBURG, CHESTER TOWNSHIP, WAYNE COUNTY, OHIO

WHEREAS, pursuant to R.C. 5553.045(B), on September 22, 2020, the Chester Township Board of Trustees has petitioned the Board of County Commissioners, Wayne County, Ohio to vacate two alleys in New Pittsburg, Wayne County, Ohio according to its resolutions (Resolution No. 2020-9-1 and Resolution No. 2020-9-2) and

WHEREAS, pursuant to R.C. 5553.045(B), on September 22, 2020, the Chester Township Board of Trustees has certified copies of the aforementioned two resolutions, as petitions for vacation, to the Wayne County Engineer; and

WHEREAS, the Board of County Commissioners, Wayne County, Ohio has already set a public hearing on these two aforementioned petitions on October 28, 2020.

WHEREAS, the Chester Township Board of Trustees has determined in its resolution (Resolution No. 2020-10-1) to petition the Board of County Commissioners, Wayne County, Ohio to vacate another alley in the vicinity of the aforementioned two alleys in New Pittsburg, Wayne County, Ohio; and

WHEREAS, it is for public convenience and welfare to have the public hearing held on the same day on all three of these petitions.

NOW, THEREFORE, BE IT RESOLVED, that the Chester Township Board of Trustees hereby requests that the public hearing date be set by the Board of County Commissioners, Wayne County, Ohio on Resolution No. 2020-9-1, Resolution No. 2020-9-2, and Resolution No. 2020-10-1, as petitions for vacation, on the same day;

IT IS FURTHER RESOLVED, that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board of Township Trustees and that all deliberations of such Board were in meetings open to the public, in compliance with Ohio law, including R.C. 121.22.

Mr. Randy Elser made the motion to adopt this Resolution and Mr. John Wharton seconded that said motion. On the roll being called the vote resulted as follows:

Mr. Jerry L. Bowman,

Mr. John (Hud) Wharton

Mr. Randy Elser,

Resolution 2020-10-2 adopted on the 12 th day of October, 2020.

CERTIFICATION:

The foregoing Resolution was duly adopted by the Chester Township Board of Trustees and filed with the Chester Township Fiscal Officer this 12<sup>th</sup> day of October, 2020.

Debbie L. Berger  
Debbie Berger, Fiscal Officer



**RESOLUTION NO. 2021-1-4**  
**RESOLUTION TO VACATE THE SOUTH PART OF "WEST ALLEY"**  
**IN NEW PITTSBURG,**  
**CHESTER TOWNSHIP, WAYNE COUNTY, OHIO**

**WHEREAS**, pursuant to Ohio Revised Code §5553.045(B), the Chester Township Board of Trustees, on October 13, 2020 did petition the Board of County Commissioners, Wayne County, Ohio to vacate the south part of "West Alley" located in the unincorporated New Pittsburg, Chester Township, Wayne County, Ohio, further described in Exhibit A and Exhibit B; and

**WHEREAS**, pursuant to Ohio Revised Code §5553.045(B) and in substantial compliance with Ohio Revised Code §5553.06, the Wayne County Engineer did provide a written report setting forth his opinion that the road vacation in the unincorporated New Pittsburg, Chester Township should proceed; and

**WHEREAS**, the Board of County Commissioners, Wayne County, Ohio did set the public hearing to hear arguments for and against the proposed vacation for November 4, 2020 immediately following the Commissioners' Session in the Commissioners' Meeting Room on the 2nd Floor of the County Administration Building, 428 West Liberty St., Wooster, Wayne County, Ohio; and

**WHEREAS**, the Clerk of the Board of County Commissioners, Wayne County, Ohio did, by regular mail sent at least twenty days before the hearing and by a notice published once a week for two consecutive weeks, commencing on the October 21, 2020, in the Daily Record, a newspaper published and having general circulation in Wayne County, notify all owners of property abutting upon the aforesaid street and all interested parties of the hearing dates set for the proposed vacation; and

**WHEREAS**, the Board of County Commissioners, Wayne County, Ohio did, on November 4, 2020, hold the public hearing; and

**WHEREAS**, the Board of County Commissioners declared said south part of "West Alley" located in the unincorporated New Pittsburg, Chester Township, Wayne County, Ohio to be vacated by granting approval of the Chester Township Board of Trustees' petition to vacate the portion of said street; and

**WHEREAS**, the Board of County Commissioners, Wayne County, Ohio directed its Clerk to provide a copy of Resolution No. 2020-575 granting approval of the Chester Township Board of Trustees' petition to vacate aforesaid alley located in the unincorporated New Pittsburg, Chester Township, Wayne County, Ohio, to the Chester Township Board of Trustees; and

**NOW, THEREFORE, BE IT RESOLVED** by the Chester Township Board of Trustees, having considered all evidence, including but not limited to Resolution No. 2020-575 of the Board of County Commissioners, Wayne County, Ohio, that the south part of "West Alley" located in the unincorporated New Pittsburg, Chester Township, Wayne County, Ohio, further described in Exhibit A and Exhibit B is ordered to be vacated; and



**RESOLVED** that the south part of "West Alley" located in the unincorporated territory of Chester Township, Wayne County, Ohio shall pass, in fee, to the abutting landowners being subject to the preservation of any permanent easement, over, or under such road for the service facilities by a public utility or electric cooperative, the right of ingress or egress to service and maintain those service facilities, and the right to trim or remove any trees, shrubs, brush, or other obstacles growing in or encroaching onto the permanent easement that may affect the operation, use, or access to those service facilities; and

**RESOLVED** that the Chester Township Board of Trustees is hereby authorized and directed to file a certified copy of this resolution with Exhibit A and Exhibit B with the Wayne County Recorder's Office; and

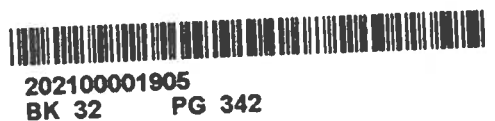
**IT IS FURTHER RESOLVED** that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board of Township Trustees and that all deliberations of such Board were in meetings open to the public, in compliance with Ohio law, including §121.22.

Mr. John Wharton made the motion to adopt the Resolution and Mr. Jerry Bowman seconded that said motion. On the roll being called the vote resulted as follows:

Mr. Jerry L. Bowman, YES

Mr. John (Hud) Wharton, YES

Mr. Randy Elser, YES



Resolution 2021-1-4 adopted on the 25th day of January, 2020. 2021

**CERTIFICATION:**

The foregoing Resolution was duly adopted by the Chester Township Board of Trustees and filed with the Chester Township Fiscal Officer this 25<sup>th</sup> day of January, 2020. 2021

Debbie Berger  
Debbie Berger, Fiscal Officer



NEW PITTSBURG

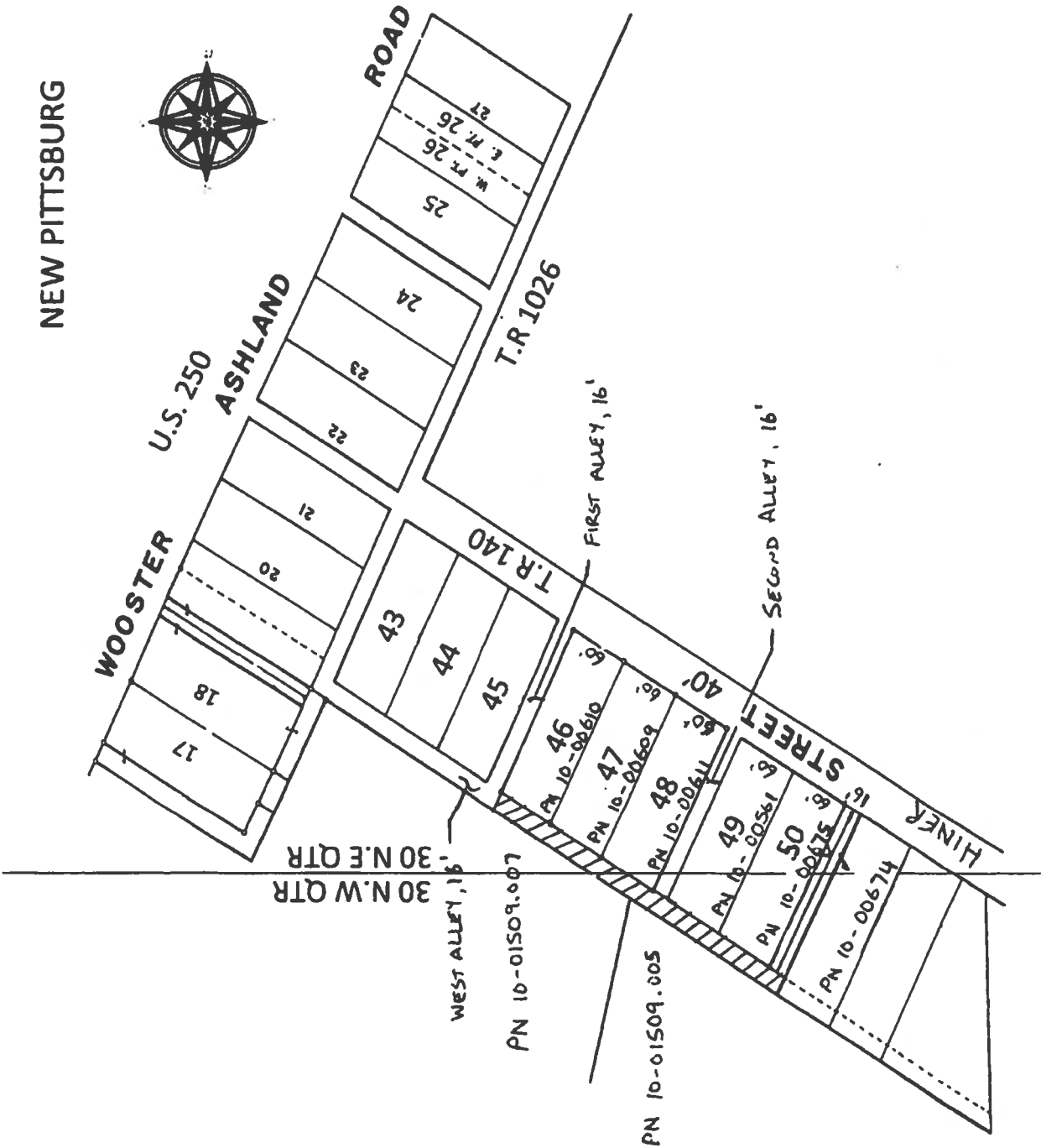


Exhibit A

Vacation of the south part of West Alley, 16 feet wide, in The Unincorporated Village of New Pittsburg. Situated in the N.W. Qtr. of Sec. 30 and the N.E. Qtr. of Sec. 30 Twp. 20 N., R. 14 W. in Chester Township, Wayne County, Ohio and being a strip of land 16 feet by 332 feet between Sublot 51 (P.N. 10-00674.000) and Sublot 46 (P.N. 10-00610.000) and adjoining P.N. 10-01509.005 and P.N. 10-01509.007 as recorded in Frederick Rice's Addition to New Pittsburgh Volume 2, Page 41 Wayne County Map Records.



202100001905  
BK 32 PG 344

West Adjoiners

P.N. 10-01509.005

Brent C. Durham

Deed Vol. 911, P. 506 O.R.W.C.

10295 Hiner Road

Wooster, Ohio 44691

P.N. 10-01509.007

Tracy A. Chio

Deed Vol. 739, P. 2599 O.R.W.C.

9813 Hiner Road

Wooster, Ohio 44691

***Exhibit B***

**East Adjoiners**

**P.N. 10-00674.000 & P.N. 10-00675.000**

**Cody R. & Shirley M. Shutt**

**Deed Vol. 758, P. 1674 O.R.W.C.**

**9925 Hiner Road**

**Wooster, Ohio 44691**

**P.N. 10-00561.000**

**Jonathan A. & Heidi M. Bair**

**Deed Vol. 49, P. 959 O.R.W.C.**

**9895 Hiner Road**

**Wooster, Ohio 44691**

**P.N. 10-00611.000**

**Jeff Price**

**Deed Vol. 841, P. 640 O.R.W.C.**

**9885 Hiner Road**

**Wooster, Ohio 44691**

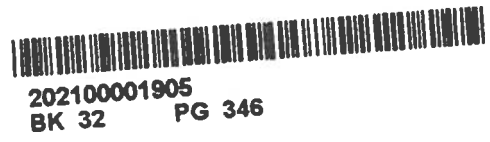
**P.N. 10-00609.000**

**Brian L. Love**

**Deed Vol. 822, P. 1143 O.R.W.C.**

**9869 Hiner Road**

**Wooster, Ohio 44691**



**P.N. 10-00610.000**

**Zachary Gray**

**Deed Vol. 908, P. 936 O.R.W.C.**

**9857 Hiner Road**

**Wooster, Ohio 44691**



**RESOLUTION NO. 2021-1-3**  
**RESOLUTION TO VACATE THE NORTH PART OF "WEST ALLEY"**  
**IN NEW PITTSBURG,**  
**CHESTER TOWNSHIP, WAYNE COUNTY, OHIO**

**WHEREAS**, pursuant to Ohio Revised Code §5553.045(B), the Chester Township Board of Trustees, on September 22, 2020 did petition the Board of County Commissioners, Wayne County, Ohio to vacate the north part of "West Alley" located in the unincorporated New Pittsburg, Chester Township, Wayne County, Ohio, further described in Exhibit A and Exhibit B; and

**WHEREAS**, pursuant to Ohio Revised Code §5553.045(B) and in substantial compliance with Ohio Revised Code §5553.06, the Wayne County Engineer did provide a written report setting forth his opinion that the road vacation in the unincorporated New Pittsburg, Chester Township should proceed; and

**WHEREAS**, the Board of County Commissioners, Wayne County, Ohio did set the public hearing to hear arguments for and against the proposed vacation for November 4, 2020 immediately following the Commissioners' Session in the Commissioners' Meeting Room on the 2nd Floor of the County Administration Building, 428 West Liberty St., Wooster, Wayne County, Ohio; and

**WHEREAS**, the Clerk of the Board of County Commissioners, Wayne County, Ohio did, by regular mail sent at least twenty days before the hearing and by a notice published once a week for two consecutive weeks, commencing on the October 21, 2020, in the Daily Record, a newspaper published and having general circulation in Wayne County, notify all owners of property abutting upon the aforesaid street and all interested parties of the hearing dates set for the proposed vacation; and

**WHEREAS**, the Board of County Commissioners, Wayne County, Ohio did, on November 4, 2020, hold the public hearing; and

**WHEREAS**, the Board of County Commissioners declared said north part of "West Alley" located in the unincorporated New Pittsburg, Chester Township, Wayne County, Ohio to be vacated by granting approval of the Chester Township Board of Trustees' petition to vacate the portion of said street; and

**WHEREAS**, the Board of County Commissioners, Wayne County, Ohio directed its Clerk to provide a copy of Resolution No. 2020-575 granting approval of the Chester Township Board of Trustees' petition to vacate aforesaid alley located in the unincorporated New Pittsburg, Chester Township, Wayne County, Ohio, to the Chester Township Board of Trustees; and

**NOW, THEREFORE, BE IT RESOLVED** by the Chester Township Board of Trustees, having considered all evidence, including but not limited to Resolution No. 2020-575 of the Board of County Commissioners, Wayne County, Ohio, that the north part of "West Alley" located in the unincorporated New Pittsburg, Chester Township, Wayne County, Ohio, further described in Exhibit A and Exhibit B is ordered to be vacated; and

**RESOLVED** that the north part of "West Alley" located in the unincorporated territory of Chester Township, Wayne County, Ohio shall pass, in fee, to the abutting landowners being subject to the preservation of any permanent easement, over, or under such road for the service facilities by a public utility or electric cooperative, the right of ingress or egress to service and maintain those service facilities, and the right to trim or remove any trees, shrubs, brush, or other obstacles growing in or encroaching onto the permanent easement that may affect the operation, use, or access to those service facilities; and

**RESOLVED** that the Chester Township Board of Trustees is hereby authorized and directed to file a certified copy of this resolution with Exhibit A and Exhibit B with the Wayne County Recorder's Office; and

**IT IS FURTHER RESOLVED** that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board of Township Trustees and that all deliberations of such Board were in meetings open to the public, in compliance with Ohio law, including §121.22.

Mr. John Wharton made the motion to adopt the Resolution and Mr. Jerry Bowman seconded that said motion. On the roll being called the vote resulted as follows:

Mr. Jerry L. Bowman, YES

Mr. John (Hud) Wharton, YES

Mr. Randy Elser, YES

Resolution 2021-1-3 adopted on the 25th day of January, 2020. 2021

**CERTIFICATION:**

The foregoing Resolution was duly adopted by the Chester Township Board of Trustees and filed with the Chester Township Fiscal Officer this 25th day of January, 2020. 2021

Debbie Berger  
Debbie Berger, Fiscal Officer

202100001905  
BK 32 PG 348



NEW PITTSBURGH

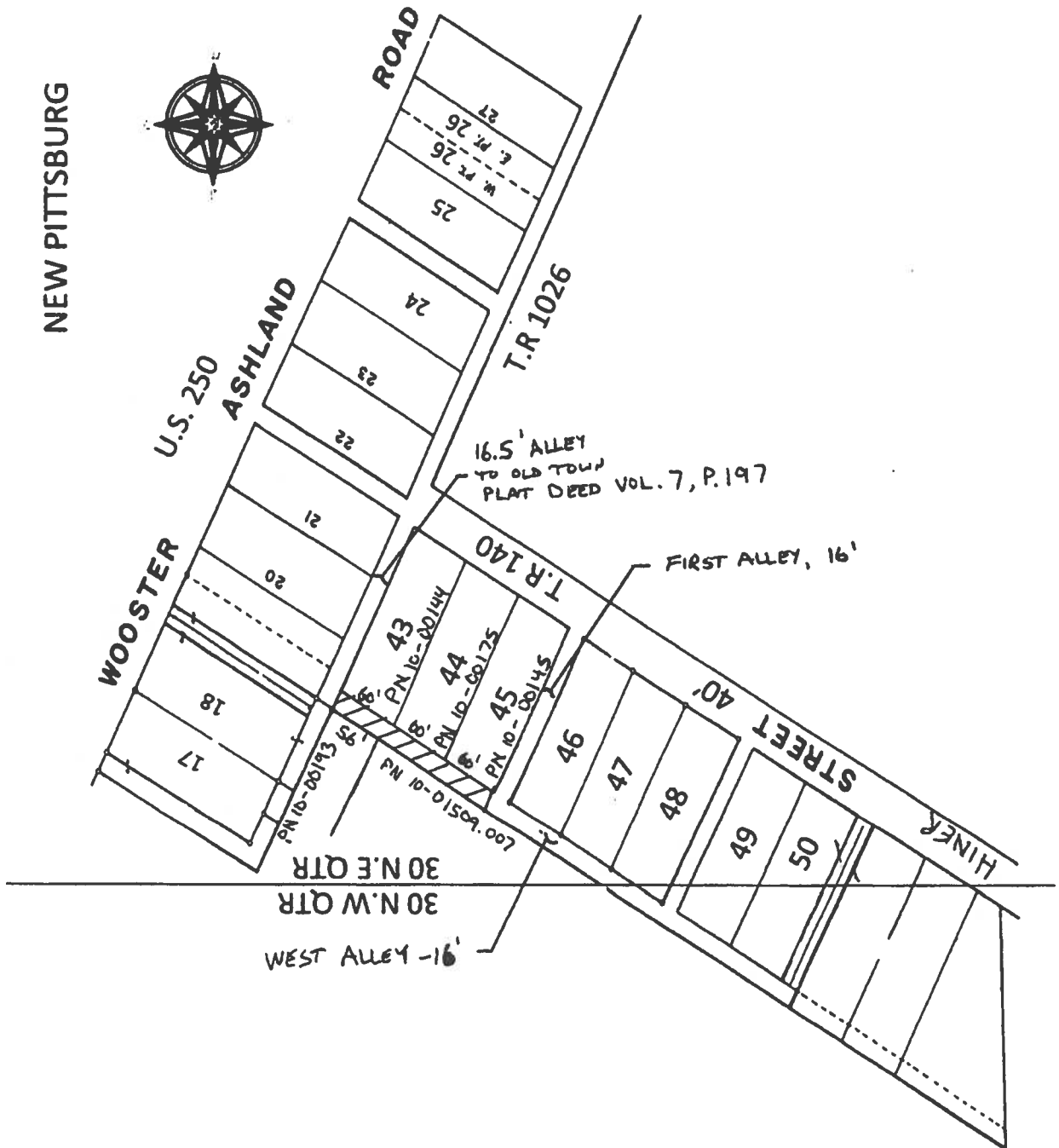


Exhibit A



Vacation of the north part of West Alley, 16 feet wide, in The Unincorporated Village of New Pittsburgh. Situated in the N.E. Qtr. of Sec. 30 Twp. 20 N., R. 14 W. in Chester Township, Wayne County, Ohio and being a strip of land 16 feet by 180 feet between Sublot 45 (P.N. 10-00145.000) and Sublot 43 (P.N. 10-00144.000) and adjoining P.N. 10-01509.007 and P.N. 10-00193.000 as recorded in Frederick Rice's Addition to New Pittsburgh Volume 2, Page 41 Wayne County Map Records.

West Adjoiners



202100001905  
BK 32 PG 350

P.N. 10-01509.007

Tracy A. Chio

Deed Vol. 739, P. 2599 O.R.W.C.

9813 Hiner Road

Wooster, Ohio 44691

P.N. 10-00193.000

Christopher A. & Heather D. Mark


Deed

9814 Ashland Road

Wooster, Ohio 44691

***Exhibit B***

**East Adjoiners**

  
202100001905  
BK 32 PG 351

**P.N. 10-00145.000**

**Kevin C. Rogers**

**Deed Vol. 222, P. 97 O.R.W.C.**

**9941 Hiner Road**

**Wooster, Ohio 44691**

**P.N. 10-00175.00 & P.N. 10-00144.000**

**Stephen A. & Tracy A. Chio**

**Vol. 640, P. 201 W.C.D.R.**

**9813 Hiner Road**

**Wooster, Ohio 44691**



**RESOLUTION NO. 2021-1-5**  
**RESOLUTION TO VACATE "SECOND ALLEY"**  
**IN NEW PITTSBURG,**  
**CHESTER TOWNSHIP, WAYNE COUNTY, OHIO**

**WHEREAS**, pursuant to Ohio Revised Code §5553.045(B), the Chester Township Board of Trustees, on September 22, 2020 did petition the Board of County Commissioners, Wayne County, Ohio to vacate the "Second Alley" located in the unincorporated New Pittsburg, Chester Township, Wayne County, Ohio, further described in Exhibit A and Exhibit B; and

**WHEREAS**, pursuant to Ohio Revised Code §5553.045(B) and in substantial compliance with Ohio Revised Code §5553.06, the Wayne County Engineer did provide a written report setting forth his opinion that the road vacation in the unincorporated New Pittsburg, Chester Township should proceed; and

**WHEREAS**, the Board of County Commissioners, Wayne County, Ohio did set the public hearing to hear arguments for and against the proposed vacation for November 4, 2020 immediately following the Commissioners' Session in the Commissioners' Meeting Room on the 2nd Floor of the County Administration Building, 428 West Liberty St., Wooster, Wayne County, Ohio; and

**WHEREAS**, the Clerk of the Board of County Commissioners, Wayne County, Ohio did, by regular mail sent at least twenty days before the hearing and by a notice published once a week for two consecutive weeks, commencing on the October 21, 2020, in the Daily Record, a newspaper published and having general circulation in Wayne County, notify all owners of property abutting upon the aforesaid street and all interested parties of the hearing dates set for the proposed vacation; and

**WHEREAS**, the Board of County Commissioners, Wayne County, Ohio did, on November 4, 2020, hold the public hearing; and

**WHEREAS**, the Board of County Commissioners declared said "Second Alley" located in the unincorporated New Pittsburg, Chester Township, Wayne County, Ohio to be vacated by granting approval of the Chester Township Board of Trustees' petition to vacate the portion of said street; and

**WHEREAS**, the Board of County Commissioners, Wayne County, Ohio directed its Clerk to provide a copy of Resolution No. 2020-575 granting approval of the Chester Township Board of Trustees' petition to vacate aforesaid alley located in the unincorporated New Pittsburg, Chester Township, Wayne County, Ohio, to the Chester Township Board of Trustees; and

**NOW, THEREFORE, BE IT RESOLVED** by the Chester Township Board of Trustees, having considered all evidence, including but not limited to Resolution No. 2020-575 of the Board of County Commissioners, Wayne County, Ohio, "Second Alley" located in the unincorporated New Pittsburg, Chester Township, Wayne County, Ohio, further described in Exhibit A and Exhibit B is ordered to be vacated; and

**RESOLVED** that "Second Alley" located in the unincorporated territory of Chester Township, Wayne County, Ohio shall pass, in fee, to the abutting landowners being subject to

the preservation of any permanent easement, over, or under such road for the service facilities by a public utility or electric cooperative, the right of ingress or egress to service and maintain those service facilities, and the right to trim or remove any trees, shrubs, brush, or other obstacles growing in or encroaching onto the permanent easement that may affect the operation, use, or access to those service facilities; and

**RESOLVED** that the Chester Township Board of Trustees is hereby authorized and directed to file a certified copy of this resolution with Exhibit A and Exhibit B with the Wayne County Recorder's Office; and

**IT IS FURTHER RESOLVED** that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board of Township Trustees and that all deliberations of such Board were in meetings open to the public, in compliance with Ohio law, including §121.22.

Mr. John Wharton made the motion to adopt the Resolution and Mr. Jerry Bowman seconded that said motion. On the roll being called the vote resulted as follows:

Mr. Jerry L. Bowman, YES

Mr. John (Hud) Wharton, YES

Mr. Randy Elser, YES

Resolution 2021-1-5 adopted on the 25th day of January, ~~2020~~. 2021

**CERTIFICATION:**

The foregoing Resolution was duly adopted by the Chester Township Board of Trustees and filed with the Chester Township Fiscal Officer this 25<sup>th</sup> day of January, ~~2020~~. 2021

Debbie Berger  
Debbie Berger, Fiscal Officer

202100001905  
BK 32 PG 353



202100001905  
BK 32 PG 354

NEW PITTSBURG

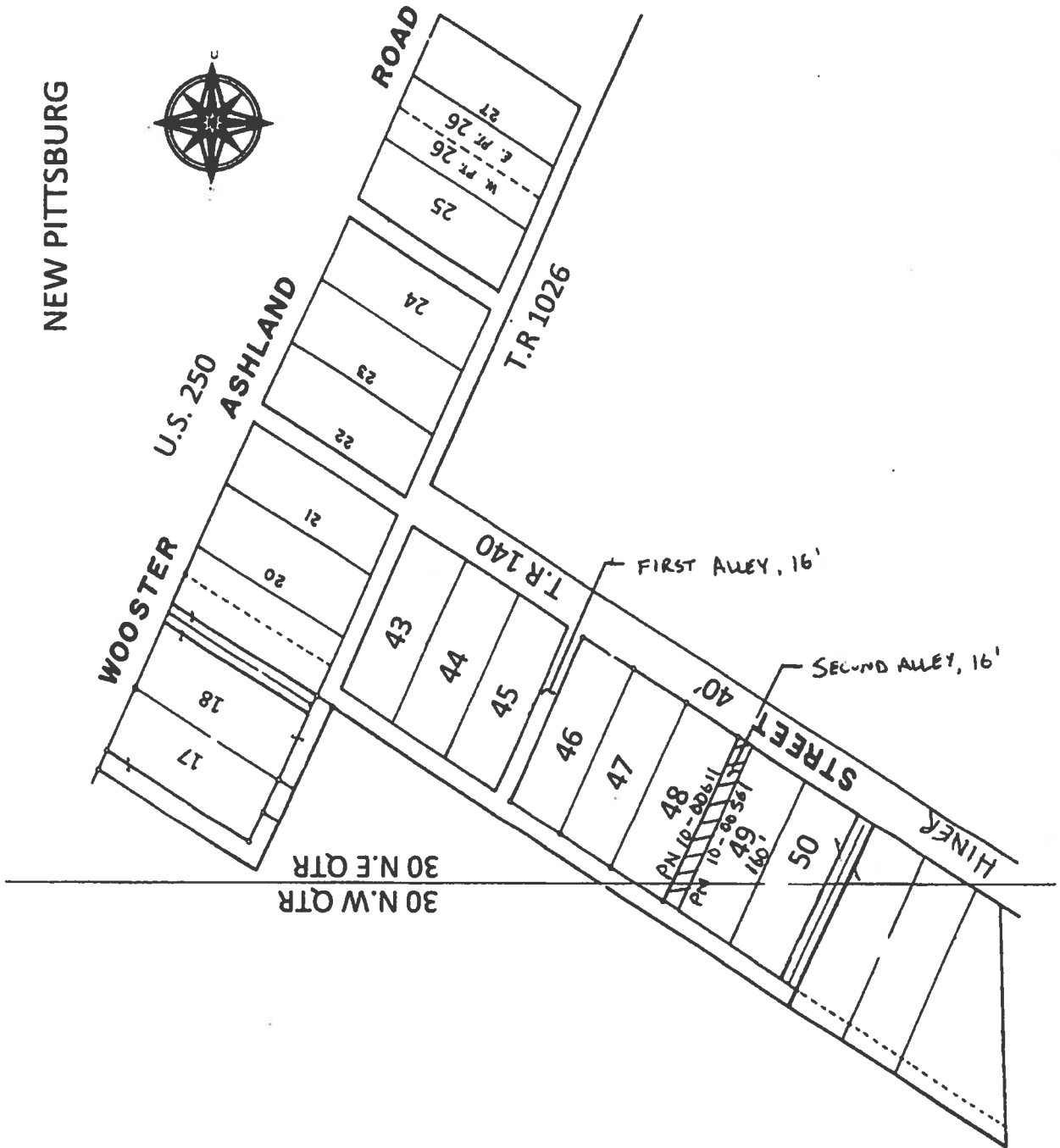


Exhibit A

Vacation of all of Second Alley, 16 feet wide, between Hiner Road, T.R. 140, and West Alley in The Unincorporated Village of New Pittsburg. Situated in the N.W. Qtr. of Sec. 30 and the N.E. Qtr. of Sec. 30 Twp. 20 N., R. 14 W. in Chester Township, Wayne County, Ohio and being a strip of land 16 feet by 160 feet between Sublot 48 (P.N. 10-00611.000) and Sublot 49 (P.N. 10-00561.000) as recorded in Frederick Rice's Addition to New Pittsburgh Volume 2, Page 41 Wayne County Map Records.

P.N. 10-00611.000

Jeff Price

Deed Vol. 841, P. 640 O.R.W.C.

9885 Hiner Road

Wooster, Ohio 44691

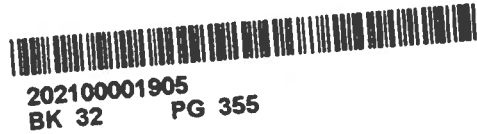
P.N. 10-00561.000

Jonathan A. & Heidi M. Bair

Deed Vol. 49, P. 959 O.R.W.C.

9895 Hiner Road

Wooster, Ohio 44691



***Exhibit B***