

Initials WLD FILE# _____
DATE 9 / 18 / 2020
IDENT. WL001

202000011232 09/18/2020 02:57 PM
Filed for Record in WAYNE County, Ohio
Jane Carmichael Rec Fees: \$106.00
VACT OR Vol 32 Pgs 234 - 244

**BOARD OF TRUSTEES
PAINT TOWNSHIP, WAYNE COUNTY, OHIO
Resolution No. 2020-7-3**

RESOLUTION TO PETITION THE BOARD OF COUNTY COMMISSIONERS, WAYNE COUNTY, OHIO TO VACATE A PORTION OF ROCK ALLEY IN PAINT 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 a road or portion of a 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 portion of Rock Alley, a township road requested to be vacated, described further in Exhibit A and depicted in Exhibit B 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 portion of a road certified by the Paint Township Board of Trustees to the director of transportation as mileage in Paint Township used by and maintained for the public; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Paint Township Board of Trustees hereby requests the vacation of that portion of Rock Alley which is described in Exhibit A and depicted in Exhibit B; and

BE IT FURTHER RESOLVED, that the Paint Township Board of Trustees hereby directs the Paint 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.

AMT. PD 86.00 DATE 9 / 17 / 2020
JARRA L. UNDERWOOD, AUDITOR

Jarra L. Underwood DEPUTY

This Conveyance has been examined and the Grantor has complied with Section 319.202 Of the Revised Code
Fee \$ _____
Exempt
JARRA L. UNDERWOOD, County Auditor

INTRODUCTION AND VOTE RECORD:

Trustee Chuck Gatti introduced the foregoing Resolution and moved its adoption;

Trustee Marion Miller seconded the Motion. The roll call being called upon the question of adoption of the Resolution by the Township Fiscal Officer, the vote resulted as follows:

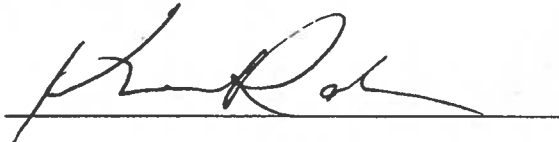
Trustees: Miller: yes Gatti: yes Herman: — *absent*

Adopted at the meeting of the Paint Township Board of Trustees, this 9 th day of July, 2020.


Adopted Date July 9, 2020

CERTIFICATION

I hereby certify that the foregoing is a true and accurate copy of the Resolution of the Board of Township Trustees of Paint Township, Wayne County, Ohio, adopted the 9 day of July, 2020, at its regular meeting.



Karen Raber
Township Fiscal Officer


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BK 32 PG 235



WAYNE COUNTY ENGINEER'S OFFICE
SCOTT A. MILLER
WAYNE COUNTY ENGINEER

July 27, 2020



202000011232
BK 32 PG 236

Wayne County Commissioners
428 West Liberty Street
Wooster, Ohio

Re: Alley Vacation-West Lebanon-Rock Alley

Honorable Commissioners:

This office has reviewed the petition and inspected the proposed alley vacation in the field and finds the alley to be unused and meets the criteria in Section 5553.045 of the Ohio Revised Code.

If you should have any questions feel free to contact this office.

Yours truly,


John M. Zaranec, Jr. P. S.
Deputy Surveyor

3151 WEST OLD LINCOLN WAY WOOSTER, OHIO 44691
TEL (330) 287-5500 FAX (330) 287-5520
www.wayne-county-engineer.com

Diane Austen

From: John Zaranec <JMZ@wayne-county-engineer.com>
Sent: Monday, July 27, 2020 1:51 PM
To: Patrick Herron
Cc: Jamie Pience; Diane Austen
Subject: RE: West Lebanon Rock Alley Vacation

Patrick,

The description they used, I wrote it for them.

JZ

**John M. Zaranec, Jr. PS
Deputy County Surveyor
Wayne County Engineer
3151 West Old Lincoln Way
Wooster, Ohio 44691
Office 330-287-5500 Ext. 227
Cell 330-201-8087**



202000011232
BK 32 PG 237

From: Patrick Herron <pcherron@wayneohio.org>
Sent: Monday, July 27, 2020 1:48 PM
To: John Zaranec <JMZ@wayne-county-engineer.com>
Cc: Jamie Pience <jpience@wayneohio.org>; Diane Austen <dausten@wayneohio.org>
Subject: RE: West Lebanon Rock Alley Vacation

John;

Thank you for your letter. The only additional question I would like you to address if you can in the letter is if the legal description they provided is accurate. I appreciate your help

Patrick

From: John Zaranec [<mailto:JMZ@wayne-county-engineer.com>]
Sent: Monday, July 27, 2020 6:47 AM
To: Barbara E. Biro (bbiro@countyprosecutor.com) <bbiro@countyprosecutor.com>; 'auhler@countyprosecutor.com' <auhler@countyprosecutor.com>
Cc: Patrick Herron <pcherron@wayneohio.org>; Scott A Miller <sam@wayne-county-engineer.com>
Subject: West Lebanon Rock Alley Vacation

Resolution

No. 2020-345

Board of Wayne County Commissioners

Ron Amstutz Rebecca S. Foster Sue A. Smail

Adopted: July 15, 2020

Subject: Resolution Setting Public Hearing Regarding Petition for Vacation of a Portion of Rock Alley in Paint Township

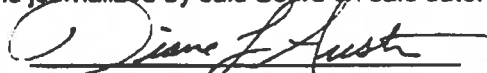
It was moved by Commissioner Smail and seconded by Commissioner Foster that the Board of County Commissioners of Wayne County, Ohio, set the date, time, and location of public hearing regarding the vacation of a portion of Rock Alley in Paint Township, Wayne County, Ohio, as follows:

Plain Township Resolution No.	Road Description	Date, Time, and Location of Hearing
2020-7-3	Vacation of part of Rock Alley, TR1124, 16.50' wide, between TR1120 and Massillon Road, SR241, in the Unincorporated Village of West Lebanon. Situated in the NW Qtr. of Sec. 1 and the NE Qtr. of Sec. 2 Twp. 15, R11 Paint Twp., Wayne County, Ohio being a strip of land 16.50' by 200' between Sublot 16 (P.N. 39-00347.000) and Sublot 17 (P.N. 39-00018.000) as recorded in Vol. 10, Page 177 Wayne County Deed Records.	Wednesday, August 26, 2020, immediately following the Board's 9:00 AM Regular Session, in the Meeting Room on the Upper Level of the Wayne County Administration Building, 428 W. Liberty Street, Wooster, Ohio 44691

The vote is as follows: Ron Amstutz absent 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



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BK 32 PG 238

LEGAL NOTICE

Petition for Vacation of a portion of Rock Alley in Paint Township

Public Hearing is scheduled for Wednesday, August 26 immediately following the 9:00a.m. Commissioners' Session to be held in the 2nd floor mg. room of the Co. Admin. Bldg., 428 W. Liberty St., Wooster, Ohio.

General Description/ Location:

Vacation of part of Rock Alley, TR1124, 16.50' wide, between TR1120 and Massillon Road, SR241, in the Unincorporated Village of West Lebanon

Wayne County
Commissioners
Publish Wooster Daily Record
Aug. 5, 2020

Gatehouse Media
P.O. Box 918
Wooster, OH 44691
Phone: 330-264-1125
Fax: 330-264-3756

I, Elizabeth Miles, being first duly sworn depose and say that I am Office Manager of **THE WOOSTER DAILY RECORD**

THE WOOSTER DAILY RECORD, a newspaper printed and published in the city of Wooster, and of General circulation in the County of Wayne, State of Ohio, and personal knowledge of the facts herein stated and that the notice hereto annexed was Published in said newspaper, commencing on the 5th day of August 2020

Elizabeth Miles
Elizabeth Miles

Name of Account: Wayne County Commissioners

Ad Number: 12663165

Day(s) published: August 5, 2020

Sworn to and described before me this 7th day of August, 2020

Margaret A. Jacobs



MARGARET A. JACOBS
Notary Public, State of Ohio
My Commission Expires Feb. 21, 2021



202000011232
BK 32 PG 239



Resolution

No. 2020-421

Board of Wayne County Commissioners
Ron Amstutz Rebecca S. Foster Sue A. Smail

Adopted: September 2, 2020

Subject: **Approval of Petition for Alley Vacation in West Lebanon, Paint Twp.**

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

WHEREAS, the Paint Township Trustees passed Resolution #2020-7-3 to Authorize Filing a Petition for Alley Vacation; and

WHEREAS, said Petition for Vacation of Alley (ORC 5553.045) was filed with the Board of Commissioners on July 14, 2020; and

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

WHEREAS, the Wayne County Engineer's Office review states the alley is unused and meets the criteria in Section 5553.045 of the Ohio Revised Code; and

WHEREAS, a Public Hearing was held on August 26, 2020 and no objections were presented;

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

1. The alley described as follows shall be vacated.

General route and termini of the alley: Vacation of part of Rock Alley, TR1124, 16.50' wide, between TR1120 and Massillon Road, SR241, in the Unincorporated Village of West Lebanon. Situated in the NW Qtr. of Sec. 1 and the NE Qtr. of Sec. 2 Twp. 15, R11 Paint Twp., Wayne County, Ohio being a strip of land 16.50' by 200' between Sublot 16 (P.N. 39-00347.000) and Sublot 17 (P.N. 39-00018.000) as recorded in Vol. 10, Page 177 Wayne County Deed Records.

2. The said vacated alley 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 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.

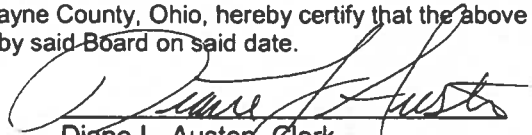
Wayne County Engineer
Fiscal Officer of Paint Township

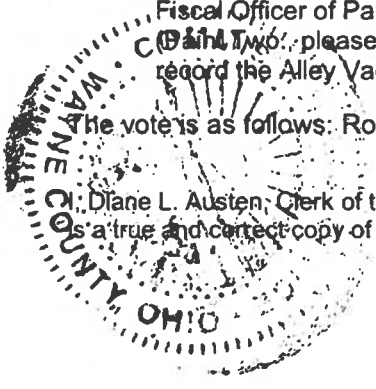
(Paint Twp.: please note that a rep. of Paint Twp. or the Wayne Co. Prosecutor's Office will need to record the Alley Vacation at the Wayne County Recorder's Office)

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

CERTIFICATE

I, Diane L. Auster, 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. Auster, Clerk



**BOARD OF TRUSTEES
PAINT TOWNSHIP, WAYNE COUNTY, OHIO
Resolution No. 2020-9-4**

**RESOLUTION TO VACATE A PORTION OF ROCK ALLEY, A TOWNSHIP ROAD
IN PAINT TOWNSHIP, WAYNE COUNTY, OHIO**

WHEREAS, pursuant to Ohio Revised Code §5553.045(B), the Paint Township Board of Trustees, on July 14, 2020, did petition the Board of Wayne County Commissioners to vacate a portion of Rock Alley located in the unincorporated Village of West Lebanon in Paint 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 partial road vacation in the unincorporated Village of West Lebanon in Paint Township should proceed; and

WHEREAS, the Board of Wayne County Commissioners did set the public hearing to hear arguments for and against the proposed vacation for August 26, 2020, immediately following the 9:00AM Commissioners' Session to be held in the 2nd floor mtg. room of the County Administration Building, 428 W. Liberty Street, Wooster, OH; and

WHEREAS, the Clerk of the Board of Wayne County Commissioners did, by regular mail sent at least twenty days before the hearing and by a notice published once a week for two consecutive weeks (August 5, 2020 and August 12, 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 Wayne County Commissioners did on August 26, 2020, hold the public hearing with no objections presented; and

WHEREAS, the Board of Wayne County Commissioners declared said part of Rock Alley located in the unincorporated Village of West Lebanon in Paint Township, Wayne County, Ohio to be vacated by granting approval of the Paint Township Board of Trustees' petition to vacate the portion of said alley; and

WHEREAS, the Board of Wayne County Commissioners directed its Clerk to provide a copy of Resolution No. 2020-421 granting approval of the Paint Township Board of Trustees' petition to vacate said part of Rock Alley located in the unincorporated Village of West Lebanon in Paint Township, Wayne County, Ohio, to the Paint Township Board of Trustees; and

NOW, THEREFORE, BE IT RESOLVED by the Paint Township Board of Trustees, having considered all evidence, including but not limited to Resolution No. 2020-421 of the Board of Wayne County Commissioners, part of Rock Alley located in the unincorporated Village of West Lebanon in Paint Township, Wayne County, Ohio, further described in Exhibit A and Exhibit B is ordered to be vacated; and

RESOLVED that said part of Rock Alley located in the unincorporated Village of West Lebanon in Paint 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



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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 Paint 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.

INTRODUCTION AND VOTE RECORD:

Trustee Herman introduced the foregoing Resolution and moved its adoption;

Trustee Miller seconded the Motion. The roll call being called upon the question of adoption of the Resolution by the Township Fiscal Officer, the vote resulted as follows:

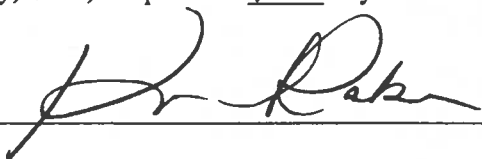
Trustees: Miller: yes Gatti: yes Herman: yes

Adopted at the meeting of the Paint Township Board of Trustees, this 10 th day of September, 2020.

Adopted Date 9/10/2020

CERTIFICATION

I hereby certify that the foregoing is a true and accurate copy of the Resolution of the Board of Township Trustees of Paint Township, Wayne County, Ohio, adopted the 10th day of September 2020, at its regular meeting.



Karen Raber
Township Fiscal Officer



Vacation of part of Rock Alley, T.R. 1124, 16.50' wide, between T.R. 1120 and Massillon Road, S.R. 241 in the Unincorporated Village of West Lebanon. Situated in the N.W Qtr. of Sec. 1 and the N.E. Qtr. of Sec. 2 Twp. 15, R. 11 Paint Twp., Wayne County Ohio being a strip of land 16.50' by 200' between Sublot 16 (P.N. 39-00347.000) and Sublot 17 (P.N. 39-00018.000) as recorded in Vol. 10, Page 177 Wayne County Deed Records.

Sublot 16 – P.N. 39-00347.000

Sublot 17 – P.N. 39-00018.000

Kristina L. Riegan

6161 Massillon Road Navarre Ohio 44662

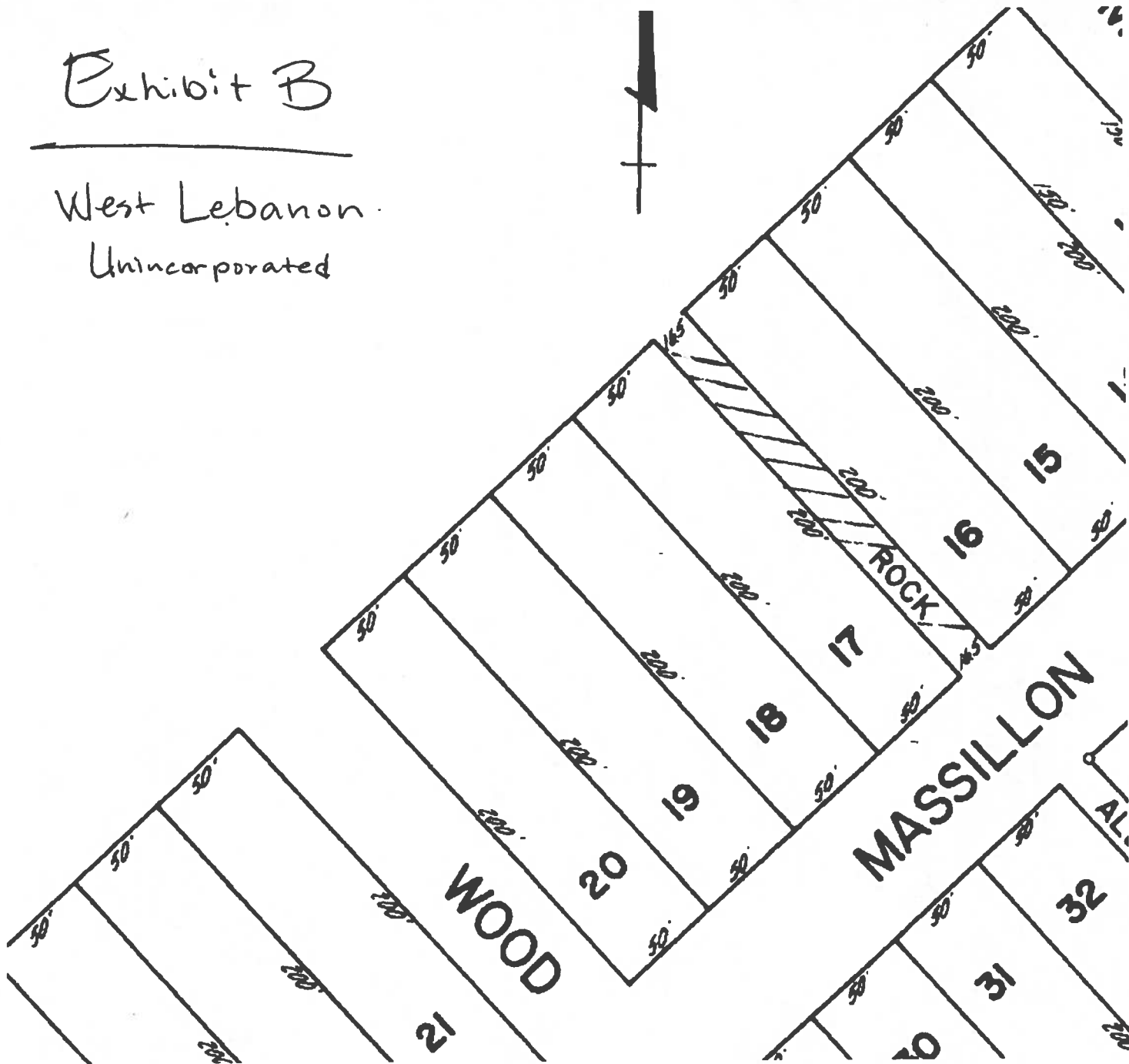
Deed Vol. 909, P. 796 O.R.W.C.



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BK 32 PG 243

Exhibit B

West Lebanon
Unincorporated



202000011232
BK 32 PG 244

AUDITOR'S OFFICE
PICK UP

Inst #202000011232