

Initials Sup FILE# 2021-4002 Board of Wayne County Commissioners  
 DATE 10 / 26 / 2021 Ron Amstutz Rebecca S. Foster Sue A. Smail  
 IDENT. NR 001

Adopted: September 29, 2021

Subject: **Approval of Petition for Vacation in Chester Township (ORC 5553.045)**

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

WHEREAS, a Petition for Vacation was filed on August 17, 2021 by the Chester Township Trustees; and

WHEREAS, a Public Hearing was held on September 22, 2021; and

WHEREAS, it is the determination that the vacation will be for the public convenience or welfare;

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

1. The road described as follows shall be vacated.

A portion of West Alley

Filed for Record in Wayne County, Ohio  
 202100014418 10/26/2021 11:19 AM COPY  
 Jane Carmichael Rec Fees: \$90.00  
 VACT OR Vol 33 Pgs 43 - 51

2. The said vacated road 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.

Fiscal Officer of Chester Township  
 Wayne County Prosecuting Attorney  
 Director of the Ohio Dept. of Natural Resources  
 Engineer  
 Auditor

BE IT FURTHER RESOLVED, it is recommended the Township consult counsel at the Wayne County Prosecuting Attorney's Office to assist with passing the final resolution/order of Vacation and Recording the Vacation.

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

#### CERTIFICATE

I, Barbara A. Winey, Dep. 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.

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

This Conveyance has been examined and the Grantor has complied with Section 319.202

Of the Revised Code  
 Fee \$  
 Exempt X

JARRAL L. UNDERWOOD, County Auditor

Barbara A. Winey, Dep. Clerk

AMT. PD  
 JARRAL L. UNDERWOOD, AUDITOR  
 DEPUTY  
 Suzanne Altland  
 SUZANNE ALTLAND

**RESOLUTION NO. 8-2-2021**  
**RESOLUTION TO PETITION THE BOARD OF COUNTY**  
**COMMISSIONERS, WAYNE COUNTY, OHIO**  
**TO VACATE A PORTION 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**, a portion 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 portion 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 a portion 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:

Page 1 of 2

I hereby certify this is a true and  
correct copy of the original on file.

*Diane L. Auster*  
Wayne County Commissioners  
Diane L. Auster, clerk

# Resolution

No. 2021-444

## Board of Wayne County Commissioners

Ron Amstutz    Rebecca S. Foster    Sue A. Smail

*Adopted:* August 18, 2021

*Subject:* **Resolution Scheduling Public Hearing on Petition for Vacation of Road/Alley in Chester Township**

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

WHEREAS, on August 17, 2021, Chester Township Trustees filed a Resolution/Petition for Vacation of a portion of West Alley in the Unincorporated Village of New Pittsburg, Chester Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Wayne County Commissioners that the Public Hearing is scheduled for Wednesday, September 22, 2021 immediately following the Commissioners 9AM weekly Session. in the Commissioners' Meeting Room, 2<sup>nd</sup> floor of the County Administration Building, 428 West Liberty Street, Wooster, Ohio; and

BE, IT FURTHER RESOLVED that the Clerk is hereby directed to complete the following:

Request publication of the Public Hearing in the Daily Record

Request posting of the Public Hearing on the County website

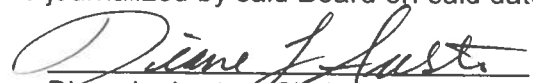
Mail a copy of this resolution to each abutting property owner & Dir. of Natural Resources at least twenty (20) days prior to the Public Hearing

E-mail a copy of this resolution to the Township, Engineer, Auditor and the Prosecutor'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



# LOCALiQ

Copley Ohio Newspapers, Inc.  
The Alliance Review | The Daily Record  
Record-Courier | Times-Gazette | The Daily Jeff

PO Box 630599 Cincinnati, OH 45263-0599

## PROOF OF PUBLICATION

"Carol L. Zemrock, Budget Director"  
Wayne County Commissioners - Legals  
428 W. Liberty Street  
Wooster OH 44691

### STATE OF OHIO, COUNTY OF WAYNE

The 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 state and that the notice hereto annexed was Published in said newspapers in the issue:

08/29/2021

and that the fees charged are legal.

Sworn to and subscribed before on 08/29/2021

## Petition for Vacation of an Alley/Road in Chester Township

for a portion of "West Alley" in the Unincorporated Village of New Pittsburg, Chester Township.

Public Hearing is set for Wed., Sept. 22 immediately following the Commissioners 9AM weekly Session in the 2nd floor mtg. room of the County Admin. Bldg., 428 W. Liberty St., Wooster, Ohio.

Wayne County  
Commissioners  
11- 8/29/21 (6196177)

Linda Tutt  
Legal Clerk

Sarah Bertelsen  
Notary, State of WI, County of Brown

7/27/25

My commission expires

Publication Cost: \$34.66

Order No: 6196177

# of Copies:

Customer No: 481621


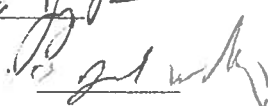
-1

PO #:

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

SARAH BERTELSEN  
Notary Public  
State of Wisconsin

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

Resolution 8-2-2021 adopted on the 16 th day of August, 2021.

CERTIFICATION:

The foregoing Resolution was duly adopted by the Chester Township Board of Trustees and filed with the Chester Township Fiscal Officer this 16 day of August, 2021.

Debbie Berger  
Debbie Berger, Fiscal Officer

**RESOLUTION NO. 2021-10-1**  
**RESOLUTION TO VACATE A PORTION OF "WEST ALLEY"**  
**IN CHESTER TOWNSHIP, WAYNE COUNTY, OHIO**

**WHEREAS**, pursuant to Ohio Revised Code §5553.045(B), the Chester Township Board of Trustees, on August 17, 2021, did petition the Board of County Commissioners, Wayne County, Ohio to vacate a portion of "West Alley" located in the unincorporated territory in 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 partial road vacation in the unincorporated territory in 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 September 22, 2021, immediately following the 9:00A.M., 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 for a week starting August 29, 2021 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 September 22, 2021, hold the public hearing with no objections presented; and

**WHEREAS**, the Board of County Commissioners declared said portion 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. 2021-522 granting approval of the Chester Township Board of Trustees' petition to vacate aforesaid portion of an alley located in the unincorporated territory in 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. 2021-522 of the Board of County Commissioners, Wayne County, Ohio, that portion 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 portion of "West Alley" located in New Pittsburg, 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 Jo L B

Mr. John (Hud) Wharton,

yes John Wharton

Mr. Randy Elser,

yes Randy Elser

Resolution 2021-10-1 adopted on the 18th day of October, 2021.

**CERTIFICATION:**

The foregoing Resolution was duly adopted by the Chester Township Board of Trustees and filed with the Chester Township Fiscal Officer this 18 day of October, 2021.

Debbie Berger  
Debbie Berger, Fiscal Officer

# NEW PITTSBURG

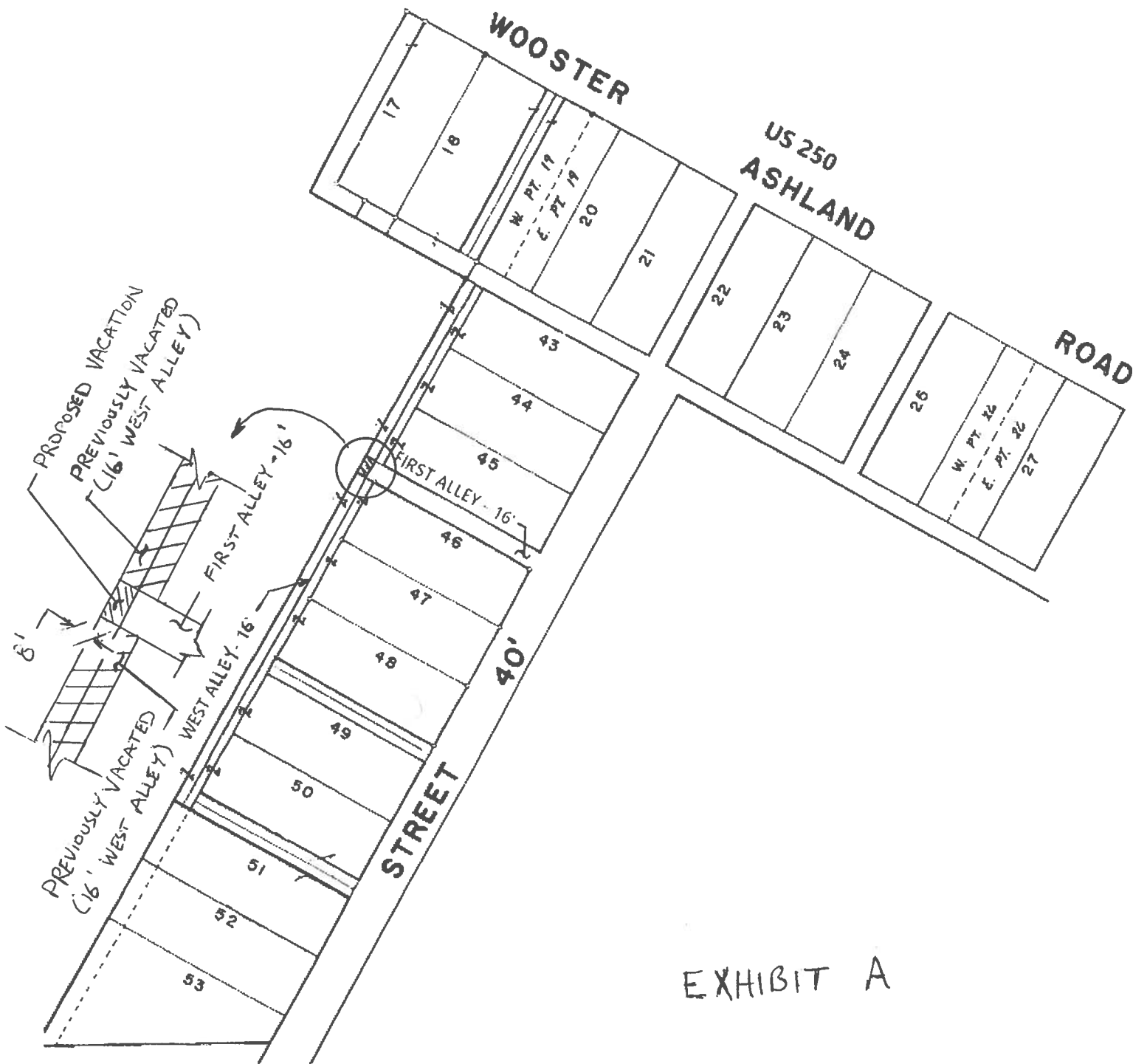


EXHIBIT A



Portion of West Alley Vacation Description:

Vacation of the westerly 8' half of a portion of the 16' wide West Alley, in the Unincorporated Village of New Pittsburg. Situated in the N.E. Quarter of Section 30, Twp. 20 N., R. 14 W. in Chester Township, Wayne County, Ohio and being a strip of land 16.0 feet by 8.0 feet adjacent to P.N. 10-01509.007 as recorded in Frederick Rice's Addition to New Pittsburg Volume 2, Page 41 Wayne County Map Records. Attached Exhibit A shows location of proposed vacated alley.

West Adjoiner:

P.N. 10 – 01509.007

Tracy A. Chio

9813 Hiner Road

Wooster, OH 44691

**EXHIBIT B**