

RESOLUTION NO. 2023-5-1

**RESOLUTION TO VACATE MULTIPLE ALLEYS LOCATED IN NEW
PITTSBURG,
CHESTER TOWNSHIP, WAYNE COUNTY, OHIO**

WHEREAS, pursuant to Ohio Revised Code §5553.045(B), the Chester Township Board of Trustees, on March 21, 2023, did petition the Board of County Commissioners, Wayne County, Ohio to vacate five (5) total alleys located in the unincorporated territory in Chester Township, Wayne County, Ohio, further described and depicted in Exhibit A; 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 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 April 26, 2023, 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 once a week for two consecutive weeks 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 April 26, 2023, hold the public hearing with no objections presented; and

WHEREAS, the Board of County Commissioners declared five (5) alleys located in the Census Designated Place of New Pittsburg, in 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. 2023-240 granting approval of the Chester Township Board of Trustees' petition to vacate aforesaid alleys 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. 2023-240 of the Board of County Commissioners, Wayne County, Ohio, five (5) total alleys located in the unincorporated territory in Chester Township, Wayne County, Ohio, further described and depicted in Exhibit A are ordered to be vacated; and

RESOLVED that the aforesaid five (5) total alleys 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 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. Kurt Rickett seconded that said motion. On the roll being called the vote resulted as follows:

Mr. Jerry L. Bowman, JB Yes
Mr. John (Hud) Wharton, yes JW
Mr. Kurt Rickett, YES KLR

Resolution 2023-51 adopted on the 15th day of May, ~~2020~~ ²⁰²³.

CERTIFICATION:

The foregoing Resolution was duly adopted by the Chester Township Board of Trustees and filed with the Chester Township Fiscal Officer this 15 day of May, 2023.

Debbie Berger
Debbie Berger, Fiscal Officer

Resolution

No. 2023-240

Board of Wayne County Commissioners
Ron Amstutz Jonathan Hofstetter Sue A. Smail

Adopted: May 10, 2023

Subject: **Approval of Alley Vacations in the unincorporated hamlet of New Pittsburgh in Chester Township**

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

WHEREAS, pursuant to Ohio Revised Code 5553.045(B), the Chester Township Board of Trustees (Trustees), on March 21, 2023, did petition the Board of County Commissioners, Wayne County, Ohio (Board) to vacate five (5) total alleys located in the unincorporated territory of New Pittsburgh in Chester Township, Wayne County, Ohio, see attached Exhibits 1-4; and

WHEREAS, the Clerk of the Board of County Commissioners, Wayne County, Ohio, (Clerk) did cause notice of the public hearing to be posted on the Wayne County website; and

WHEREAS, the Clerk did cause notice of the public hearing to be published once in the Daily Record, a newspaper having general circulation in Wayne County; and

WHEREAS, by regular mail, Clerk did send the hearing date set for the proposed vacations at least twenty days before the hearing notice to all owners of property abutting upon the aforesaid alleys; 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 alley vacations in the unincorporated territory in Chester Township should proceed;

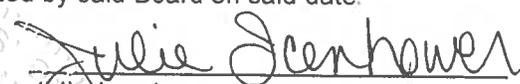
NOW, THEREFORE, BE IT RESOLVED by the Board of Wayne County Commissioners that the five (5) total alleys located in the unincorporated territory of New Pittsburgh in Chester Township, Wayne County, Ohio, see attached Exhibits 1-4 are hereby vacated, to pass, in fee, to the abutting landowners being subject to the preservation of any permanent easement, over, or under such alleys for service 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

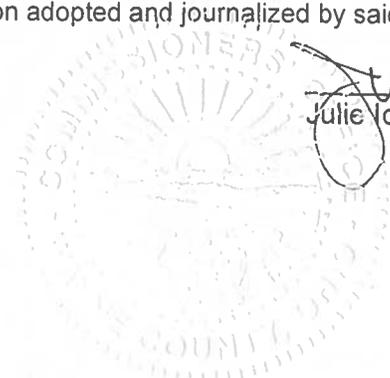
BE IT FURTHER RESOLVED, the Clerk and the Deputy Clerk, on behalf of the Board, are separately and individually authorized to provide a copy of this Resolution to Barbara Biro, Asst. Pros. Atty., for recording at the Wayne County Recorder's Office and to provide a courtesy copy to the Wayne County Auditor.

The vote is as follows: Ron Amstutz yea Jonathan Hofstetter yea Sue A. Smail yea

CERTIFICATE

I, Julie Icenhower, Deputy 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.


Julie Icenhower, Deputy Clerk



Resolution

No. 2023-156

Board of Wayne County Commissioners

Ron Amstutz Jonathan Hofstetter Sue A. Smail

Adopted: March 22, 2023

Subject: **Resolution Setting Public Hearing Regarding Petition for Vacation of Alleys in Chester Township (5553.045)**

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

WHEREAS, pursuant to Ohio Revised Code 5553.045(B), via Res.# 2023-3-1, the Chester Township Board of Trustees, on March 21, 2023, did petition the Board of County Commissioners, Wayne County, Ohio (Board) to vacate six (6) alleys located in the unincorporated territory in Chester Township, Wayne County, Ohio, further described and depicted in Exhibit A; and

WHEREAS, pursuant to Ohio Revised Code 5553.045(B), the Engineer shall issue to the Board a written report similar in content to reports required under section 5553.06 of the Ohio Revised Code (The failure of the engineer to provide this report does not affect the actions required under this section and does not invalidate the vacation of a road or portion of a road under this section); and

WHEREAS, pursuant to Ohio Revised Code 5553.045(C), the Board shall set a date for a public hearing on the vacation of the road or portion of the road. (not more than forty-five days after the date the twp. resolution/petition is filed with the Board); and

WHEREAS, pursuant to Ohio Revised Code 5553.045(C), the Clerk of the Board shall notify by regular mail the landowners abutting the road or portion of the road proposed to be vacated. (20 days before the Board's Public Hearing and shall state that the board of township trustees has filed a resolution requesting the vacation of the specified road or portion of the road under this section, and shall inform the landowners of the time and place of the public hearing on this issue. The notice shall be mailed to the addresses of the abutting landowners as they appear on the county auditor's current tax list or the county treasurer's mailing list. Failure of the delivery of this notice to any abutting landowner does not invalidate the vacation of a road or a portion of a road under this ORC section);

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

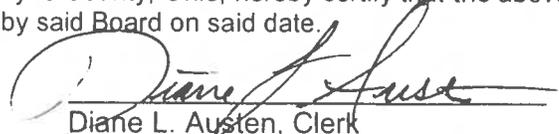
Section 1: Public Hearing is scheduled for Wednesday, April 26, 2023 immediately following the 9:00a.m. Commissioners' Session in the 2nd Floor Meeting Room located at the Wayne County Admin. Bldg., 428 W. Liberty St., Wooster, Ohio and Clerk of the Board is directed to prepare and mail the required notices as referenced above.

(Pursuant to ORC 5553.045(D), after the Public Hearing, if the Board determines that the vacation of the road or portion of the road would be for the public convenience or welfare, it shall adopt a resolution by a majority vote declaring the road or portion to be vacated and file a certified copy of the resolution with the Petitioner, Board of Township Trustees, County Recorder, County Engineer {copy will also be sent to the County Auditor}). (Upon 60 days after filing of the twp. resolution/petition with the Board, if the Board takes no action to rule on the Vacation, the road or portion of the road specified in the resolution shall be deemed vacated)

The vote is as follows: Ron Amstutz yea Jonathan Hofstetter yea Sue A. Smail Absent

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

RESOLUTION NO. 2023-3-1

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

TO VACATE MULTIPLE ALLEYS LOCATED IN NEW PITTSBURG AND OVERTON,
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 or 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, there are five (5) alleys located in New Pittsburg, all of which are township roads in New Pittsburg, Chester Township, Wayne County, Ohio requested to be vacated, and are depicted in Exhibit A attached hereto and incorporated herein. These alleys are not used to calculate distribution of the auto registration distribution fund under R.C. 4501.04(E), and, thus, are not roads 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 Alley north of Winkler St. East of Overton Road, a township road in Overton, Chester Township, Wayne County, Ohio is requested to be vacated as depicted in Exhibit A attached hereto and incorporated herein. This alley 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 the aforementioned alleys which are further depicted in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, that the Chester Township Board of Trustees hereby requests the vacation of the aforementioned alleys which are depicted in Exhibit A; 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. Kurt Rickett seconded that said motion. On the roll being called the vote resulted as follows:

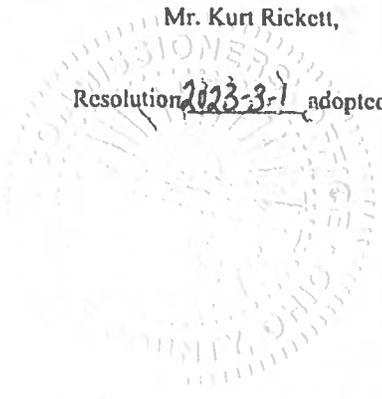
- Mr. Jerry L. Bowman, yes JB
- Mr. John (Ihud) Wharton, yes J.W.
- Mr. Kurt Rickett, yes KLR

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

Diane L. Auster
Wayne County Commissioners

Resolution 2023-3-1 adopted on the 20th day of March, 2023.

Diane L. Auster, clerk



CERTIFICATION:

The foregoing Resolution was duly adopted by the Chester Township Board of Trustees and filed with the Chester Township Fiscal Officer this 20th day of March, 2023.

Debbie Berger
Debbie Berger, Fiscal Officer

EXHIBIT A
Vacation – 5 Alleys
New Pittsburgh – Chester Township
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 Proposed Vacation

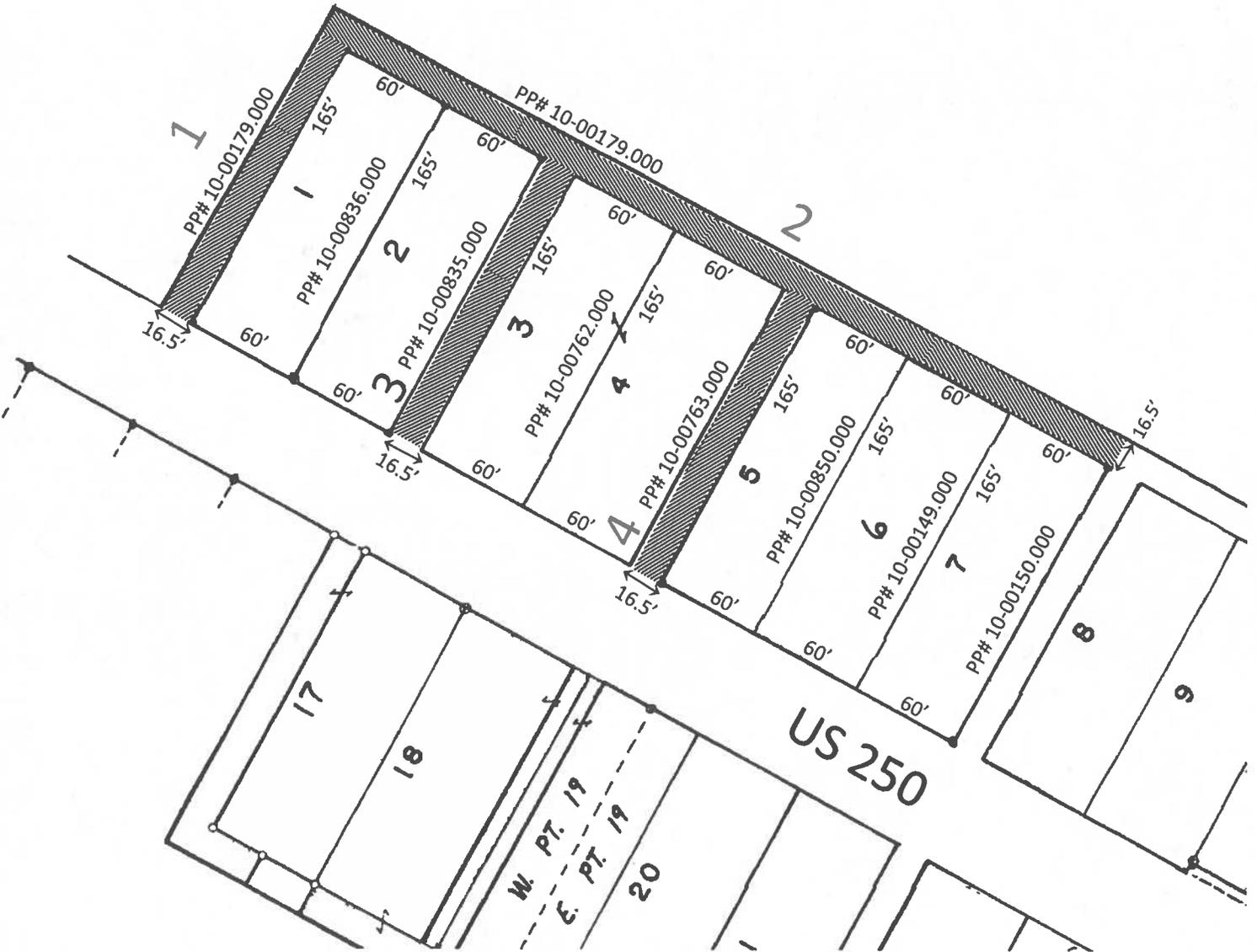


EXHIBIT A
Vacation – 5 Alleys
New Pittsburgh – Chester Township
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Proposed Vacation

