

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at 5:30 p.m., on the 13<sup>th</sup> day of December, 2016, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Michael Inderhees, Greg Insko, Jeffrey F. Ritter

Mr. Ritter introduced the following resolution and moved its adoption:

RESOLUTION NO.: 64 -16

**RESOLUTION FINALIZING THE VACATION OF THE PORTION OF JONROSE AVENUE**

**WHEREAS**, the Colerain Township Board of Trustees, by Resolution No. 31-14 dated May 13, 2014, did petition the Hamilton County Board of Commissioners to vacate a township road located in Colerain Township, Hamilton County, Ohio being further described as follows: with the termini being the county bridge as the eastern terminus, a line connecting the northern boundary of parcel No. 051000710242 with the northern boundary of parcel No. 051000710435 as the northwestern terminus (hereinafter the "Portion of Jonrose Avenue"); and,

**WHEREAS**, pursuant to the Ohio Revised Code § 5553.045, the Colerain Township Board of Trustees, provided Resolution No. 31-14 to and did petition the Hamilton County Board of Commissioners to vacate the Portion of Jonrose Avenue, on or about January 25, 2016, and whereas Resolution No. 31-14 and petition was received by the Hamilton County Board of Commissioners on February 10, 2016; and,

**WHEREAS**, the Hamilton County Board of Commissioners failed to vote on the vacation of the Portion of Jonrose Avenue within sixty days of the Petition being filed with the Board on February 10, 2016; and

**WHEREAS**, Ohio Revised Code § 5553.045(D) provides:

"If the board of county commissioners fails to vote on the issue of vacating the road or portion of the board within sixty days after the township's resolution is filed with it, the road or portion of the road specified in the resolution shall be deemed to be vacated, and the petitioner board of township trustees shall adopt another resolution describing the road or portion of the road that has been vacated and explaining this vacation is by action of this section. The board of township trustees shall file a certified copy of that resolution with the board of county commissioners, the county recorder, and the county engineer."; and,

**WHEREAS**, pursuant to the Ohio Revised Code § 5553.045, the failure of the Hamilton County Board of Commissioners to vote on the issue of the vacation of the Portion of Jonrose Avenue by April 11, 2016, resulted in the Portion of Jonrose Avenue being deemed vacated; and

**WHEREAS**, the Colerain Township Board of Trustees by Resolution #60-16 dated December 9, 2016, a copy of which is attached as Exhibit "A" and incorporated herein, did declare the Portion of Jonrose Avenue to be vacated pursuant to Ohio Revised Code § 5553.045(D); and,

**WHEREAS**, pursuant to Ohio Revised Code § 5553.045(D), a certified copy of Colerain Township Resolution #60-16 has been filed with the Hamilton County Board of Commissioners, the Hamilton County Recorder, and the Hamilton County Engineer.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of Colerain Township, Hamilton County, Ohio, pursuant to Ohio Revised Code § 5553.045(E), the description of the Portion of Jonrose Avenue and described in Resolution #60-16 and incorporated herein and the above-described Portion of Jonrose Avenue is ordered vacated and the vacated Portion of Jonrose Avenue shall pass, in fee, to the abutting landowners subject to all of the following:

- (i) A permanent easement as provided in section § 5553.043 of the Revised Code in, over, or under the road for the service facilities, as defined in section 5553.042 of the Revised Code, of a public utility or electric cooperative as defined in section 4928.01 of the Revised Code;
- (ii) The right of ingress or egress to service and maintain those service facilities;
- (iii) 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.

1. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.

2. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading.

3. That this Resolution shall be effective at the earliest date allowed by law.

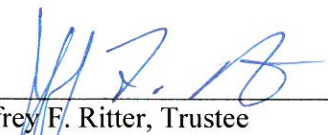
Mr. Inderhees seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

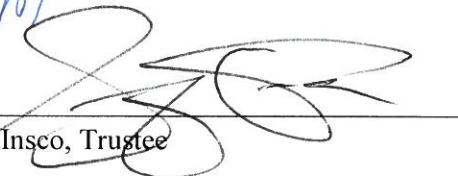
Vote Record: Mr. Inderhees AYE, Mr. Ritter AYE, Mr. Insko Aye

ADOPTED this 13<sup>th</sup> day of December, 2016.


BOARD OF TRUSTEES:

  
Michael Inderhees, Trustee

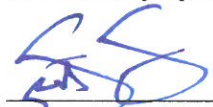
  
Jeffrey F. Ritter, Trustee

  
Greg Insko, Trustee

ATTEST:


  
Heather E. Harlow,  
Fiscal Officer

Resolution prepared by and approved as to form:

  
Lawrence E. Barbieri (0027106)  
Scott A. Sollmann (0081467)  
5300 Socialville Foster Rd., Suite 200  
Mason, OH 45040  
(513) 583-4200  
Colerain Township Law Director

**AUTHENTICATION**

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer this 13<sup>th</sup> day of December 2016.

  
Heather E. Harlow,  
Colerain Township Fiscal Officer