

ORDINANCE NO. 2017-44

AN ORDINANCE VACATING THE GILBERT LANE RIGHT-OF-WAY IN THE CITY OF STOW AND DECLARING AN EMERGENCY.

WHEREAS, Gilbert Lane is a public road that is approximately 600 lin. ft. in length located west of Gilbert Road and north of Graham Road; and

WHEREAS, the vacation of this road was a condition of approval in the Quail Creek (formerly known as Gilbert Crossing) PRD approved in 2016 (P.C. 2016-022 and Resolution No. 2016-132); and

WHEREAS, when public rights-of-way are vacated, the former right-of-way is split and one-half of the property is transferred to the abutting land owners (the abutting property owners in this case include Universal Development to the north and the Stow Falls Shopping Center to the south) and the City retains any necessary utility easements within the former right-of-way; and

WHEREAS, the Planning Commission recommended approval hereupon at its regular meeting of February 28, 2017 with the condition that its approval be subject to the Engineering Department's approval of the final vacation plat, that said plat include any necessary utility easements within the vacated right-of-way and the consolidation of the lots for the development; and

WHEREAS, this Council hereby declares that the Gilbert Lane right-of-way is no longer necessary to be held for public right-of-way purposes; and

WHEREAS, lawful notice was duly given for a period of six (6) weeks by posting Ordinance No. 2017-14 and giving notice of the intention to vacate said right-of-way in the Stow Sentry; and

WHEREAS, a public hearing on the vacation of said right-of-way was held on the 27<sup>th</sup> day of April, 2017, at 6:00 o'clock, p.m., in the Council Chambers of Stow City Hall; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO, WITH AT LEAST TWO-THIRDS OF SAID MEMBERS ELECTED OR APPOINTED THERETO CONCURRING:

SECTION 1. That the street as hereinbelow set forth be, and the same is, hereby vacated as public right-of-way by the City of Stow, reserving, however, the right to construct and maintain necessary public utilities within such right-of-way and easement area herein reserved. No permanent structures shall be erected on the utility easement. It is hereby declared that title to such roadway shall go to the adjoining property owner:

Gilbert Lane west of Gilbert Road.

SECTION 2. That the Clerk be, and she hereby is, directed to file notification of this action with the Summit County Engineer's Office and to record this document with the Summit County Recorder's Office and the Tax Map Department of the Summit County Auditor's Office.

SECTION 3. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 4. That this Ordinance was adopted pursuant to Section 4.11 Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reason that the applicant wishes to begin its development project in the Spring of 2017, and, pursuant to Section 4.13, Charter, shall take effect upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL 4/27/17

ATTEST   
Bonnie J. Emahiser  
CLERK OF COUNCIL

FILED WITH MAYOR 4/28/17

FILED WITH CLERK 5/1/17

APPROVED AS TO FORM

  
Amber K. Zibritosky  
LAW DIRECTOR

  
Mike Rasor  
PRESIDENT OF COUNCIL

APPROVED   
Sara Kline  
MAYOR

EFFECTIVE DATE 5/1/17