



**RESOLUTION APPROVING THE VACATION OF THELROY DRIVE IN SUGARCREEK TOWNSHIP, GREENE COUNTY, OHIO, AND PETITIONING THE BOARD OF GREENE COUNTY COMMISSIONERS TO DECLARE AND ORDER THE ROADWAY VACATED**

**RESOLUTION NO. 2023.07.17.06**

Trustee Cramer moved the adoption of the following Resolution:

**Be it resolved** by the Sugar Creek Township Board of Trustees, Greene County, Ohio:

**WHEREAS**, in accordance with Ohio Revised Code Section 5553.045(B), a board of township trustees may petition the board of county commissioners to vacate a township road or a portion of a township road by passing a resolution that requests the vacation of the road or portion and 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; and

**WHEREAS**, in accordance with Ohio Revised Code Section 5553.045(D), if the board of county commissioners determines, after a public hearing, 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, the county recorder, and the county engineer; and

**WHEREAS**, the Sugar Creek Township Board of Trustees has determined that Thelroy Road is not needed for public use, and vacation of the roadway would be for the public convenience or welfare; and

**WHEREAS**, the location of the roadway is more fully described in the attached Exhibit A and Exhibit B; and

**WHEREAS**, the roadway requested to be vacated 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 Sugar Creek Township Board of Trustees to the Director of Transportation as mileage in Sugar Creek Township used by and maintained for the public; and

**WHEREAS**, the Sugar Creek Township Board of Trustees wishes to petition the Board of Commissioners, Greene County, Ohio, to vacate the abandoned 14' alley and allow the property to pass in fee to the abutting landowners in accordance with R.C. 5553.045(E); and

**WHEREAS**, in accordance with the aforementioned statutes, the abutting property owners will own the fee of the land to the midpoint of the roadway that abuts their property, with the alley being subject to all of the following:

- (1) Any existing right of way in, over, or under the road, highway, street, or alley for the service facilities of any public utility or electric cooperative for as long as the public utility or electric cooperative continues to render service to the public;
- (2) The right of ingress and egress for a public utility or electric cooperative to service and maintain its service facilities as provided under section 5553.043 of the Revised Code;
- (3) The right to trim or remove any trees, shrubs, brush, or other obstacles growing in or encroaching onto the right of way that may affect the operation, use, or access to service facilities;
- (4) Any right of way for public nonmotorized vehicular recreational use as provided under section 5553.044 of the Revised Code.

**NOW THEREFORE, BE IT RESOLVED**, that the Sugarcreek Township Board of Trustees hereby requests that the Greene County Board of Commissioners declare and order the roadway described in this Resolution and accompanying exhibits vacated.

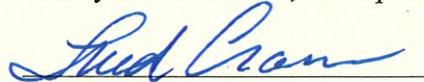
**BE IT FURTHER RESOLVED**, that the Sugarcreek Township Board of Trustees hereby directs the Sugarcreek Township Fiscal Officer to file a copy of this Resolution, as a petition for vacation, with the Board of County Commissioners, Greene County, Ohio, and to certify another copy to the Greene County Engineer.

**BE IT FURTHER RESOLVED**, that all formal actions of Sugarcreek Township concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Township Trustees, and that all deliberations of the Township Trustees and any of the Township's committees that resulted in such formal action, were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

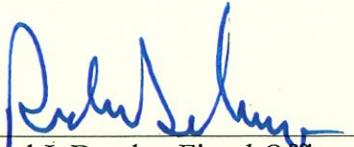
**BE IT FURTHER RESOLVED**, that this Resolution shall be in full force and effect immediately upon its adoption.

Adopted the 17<sup>th</sup> day of July, 20 23.

  
Carolyn L. Destefani, Chairperson

  
Fred Cramer, Vice Chairperson

  
Marvin Moeller, Trustee

Attest:   
Richard J. Demko, Fiscal Officer