



**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

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***TOM GROSSMANN
SHANNON JONES
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**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

MINUTES: Special Session – November 1, 2018

The Board met in regular session pursuant to adjournment of the October 30, 2018, meeting.

Tom Grossmann – absent

Shannon Jones – present

David G. Young – present

Tina Osborne, Clerk – present

18-1710 A resolution was adopted to continue the public hearing to consider the vacation of a portion of Glosser-Richardson Road in Union Township. Vote: Unanimous

PUBLIC HEARING

**CONSIDER PETITION FOR VACATION OF A PORTION OF
GLOSSER-RICHARDSON ROAD IN UNION TOWNSHIP**

The Board met this 1st day of November 2018, in the Commissioners' Meeting Room, to consider the a petition to vacate a portion of Glosser-Richardson Road filed by Scott and Teresa Stang, signed by 12 freeholders of the County in the vicinity of the proposed vacation.

Commissioner Young opened the hearing by request the Clerk read into the record the following:

- i) The petition and maps are the only documents filed in support of the Petition to Vacate
- ii) Resolution #18-1580 set the matter for a Viewing and for a final Hearing
- iii) The viewing and hearing was advertised in the Journal News Pulse of Lebanon and Mason on October 21, 2018 and on October 28, 2018
- iv) Proof of publication was received

- v) Notice was sent to abutting property owners and the director of natural resources via regular US Mail on October 11, 2018
- vi) The viewing occurred on November 1, 2018, at 4:00 p.m.

Commissioner Young administered the oath to all those desiring to speak during today's hearing.

Neil Tunison, County Engineer, read into the record his report on the proposed vacation and stated the following comments:

The petition is deficient with respect to a specific description of the portion of Glosser-Richardson Road to be vacated. If only the portions through Stang's property are vacated, a segmented portion of road will remain through Yantos' property based on the information provided by the Petitioner in the petition.

- 1) The right-of-way, which is not dedicated (easement only), runs through the listed properties and will not affect the taxable acreage. A vacation would simply terminate the right-of-way; there would be no property division.
- 2) The right-of-way is partially unimproved/abandoned.
- 3) The road has not been relocated.
- 4) The aerial images do not indicate use by any other parties.
- 5) The Warren County Commissioners should retain the easement rights for utilities, etc. over the area vacated.
- 6) Engineer's Office has no additional comments.

Mr. Tunison stated his recommendation to only vacate the portion of the right-of-way that is located on the Stang property, excluding the portion of the right-of-way located within the "flag pole" portion of the property. He then stated his desire for the application to provide a meets and bounds legal description on the portion of the right-of-way within the "flag pole" in order to determine the exact location that would not be vacated.

There was discussion relative to the need for clarification on what the applicant is requesting to be vacated.

Mr. Florence, attorney for applicant, stated the Stangs are requesting only the portion located on their property to be vacated. Mr. Florence then stated that they accept the recommendation of the County Engineer.

Bruce McGary, Assistant Prosecutor, questioned whether Mr. Florence's clients are willing to provide the legal description as recommended by the County Engineer.

Mr. Florence stated affirmatively.

Scott Stang, property owner, spoke in favor of the vacation petition. He stated that they have no idea where the road is located and they are building housing. He then stated in order to proceed with construction, it is necessary to vacate the road.

Bill Duning, attorney for the adjacent property owners Rich Shevchick and Dan Shevchick, stated that his clients are not opposed to the recommendation of the County Engineer but stated the following concerns:

- The neighbors desire for the gate to be removed
- The petition was signed by non-residents of the area, not in the vicinity
- No notice was provided to the Schevchicks

Mr. Duning then provided a list of the property owners that signed the petition along with their addresses.

There was discussion relative to the definition of "vicinity" and it was determined that the Board would be responsible for deciding what that would be.

Commissioner Jones stated that she has not heard any testimony in opposition to the County Engineer recommendation.

Rich Shevchick, adjacent property owner, presented testimony relative to the use of the portion of the road right-of-way within the "flag pole" area as without it he has no ability to turn around. He then stated he has no objection to the vacation as long as he continues to have the ability to turn around.

There was discussion relative to cars traveling in the area in order to shortcut to SR 42, not realizing the road only exists on the map.

Fred Vonderhaar, Union Township Trustee, stated that the township erected No Outlet signs are trying to address access by the public.

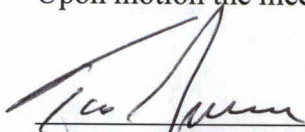
There was discussion relative to who is responsible for roadway maintenance.

Mr. Tunison stated that many years ago the Township Trustees made the decision to not put any money into roadway maintenance.

There was discussion relative to the need to continue this public hearing to allow the petitioner to have a legal description prepared.

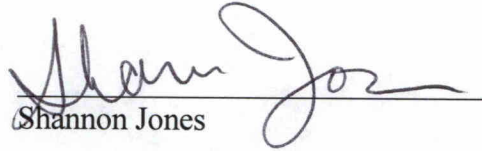
Upon further discussion, the Board resolved (Resolution #18-1710) to continue this public hearing to December 18, 2018, at 9:00 a.m.

Upon motion the meeting was adjourned.




Tom Grossmann, President

David G. Young



Shannon Jones

I hereby certify that the foregoing is a true and correct copy of the minutes of the meeting of the Board of County Commissioners held on November 1, 2018, in compliance with Section 121.22 O.R.C.



Tina Osborne, Clerk
Board of County Commissioners
Warren County, Ohio