

**Commissioners' Journal**  
**September 28, 2021**

*The Geauga County Board of Commissioners met in session on September 28, 2021 at 9:30 a.m. in the Commissioners' Chambers located at 470 Center Street in Chardon, Ohio.*

*It is declared and determined that all formal actions of the Board of County Commissioners concerning and relating to the adoption of all resolutions that were adopted in this meeting, and that all deliberations of the Board of County Commissioners that resulted in such formal action were open to the public and were in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.*

*The President of the Board, James W. Dvorak opened the meeting at 9:31 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.*

*Commissioner Dvorak read the following prayer:*

*I praise you, Lord for Autumn  
The beauty and hope in the change of season  
The promise that the coming of Autumn heralds another ending  
A new beginning  
And the wonder of another winter, another spring, another summer  
Yet to come  
Amen*

**COMMISSIONERS OFFICE - COUNTY ADMINISTRATOR'S REPORT**

*County Administrator Gerard Morgan reported on the items approved by the County Administrator on September 22, 2021 that included for Maintenance to accept the retirement resignation of Suzanna Adams, Part-time General Communications Clerk to be effective October 31, 2021 and for Water Resources approved and executed the Ohio Water Development Authority Fund Payment Requests for Technical Services (Loan #8993) by GPD Group, Incorporated for the Chardon Township Wastewater Treatment Plant and Sewers Project (Henning Road) for Pay Request #8 in the amount of \$13,722.28, Pay Request #9 \$7,256.44 and Pay Request #10 in the amount of \$5,766.76 and on September 27, 2021 for the Department on Aging approve an unpaid personal leave of absence for Elizabeth Oliverio, Information and Referral Assistant for eight hours due to previously planned event on October 22, 2021. This will extend her probationary period by an additional eight hours; for the Department of Development (Building) approved up to eighty (80) hours of unpaid leave for Larry Heiden, during the period September 1, 2021 through March 1, 2022. This will extend his probationary period by the total number of unpaid hours used; for Maintenance approved hiring Andrea Scheid to the position of Part-time General Communications Clerk / Switchboard Operator (#1912) to be effective October 4, 2021 at the rate of \$11.82 per hour (Grade 3, Step 3) with a one-year probationary period. This offer of employment is contingent upon the successful completion of the required pre-employment conditions; as authorized by Resolution #21-003 under the direction and supervision of the County Commissioners that was approved January 7, 2020 pursuant to O.R.C. 305.30.*

**APPROVE FINANCIALS**

*Budget and Finance Manager Adrian Gorton explained the financials for today as including an Appropriation transfer to the Maintenance Equipment account for the purchase of additional snow removal equipment; a Cash transfer from the General Fund Common Pleas and Juvenile Court to the Pre-trial Release Supervision and Care and Custody funds for reimbursement of expenses paid for by the grants that should have been out of the General Fund; a Formal Contract from the Commissioners to Benesch, Friedlander, Coplan and Aronoff, LLP for phase II Capital Improvement Projects; a Formal Contract from Water Resources to Practical Inspection Services for the interior and exterior painting of the County Water Tower; and a payment from Job and Family Services to the Geauga County Board of Mental Health for the July – September contribution to the Therapeutic Youth Center in the amount of \$38,400.00.*

*Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute Resolution #21-117 itemizing the financials for the meeting of September 28, 2021.*

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

Commissioners' Journal  
September 28, 2021

AUDITOR'S OFFICE – RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

Mr. Gorton asked the Board to approve the resolution accepting the amounts and rates determined by the Budget Commission that authorizes the necessary tax levies and certifies them to the Auditor. Ms. Blair noted that we will have to do an amendment once the levy results that are currently on the ballot are certified.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute Resolution #21-118 Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor.

Board of County Commissioners, Geauga County, Ohio

Date: September 28, 2021

Resolution: #21-118

Tax Year 2021 (2022 Collection Year)

***<sup>1</sup>RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR***

***(BOARD OF COUNTY COMMISSIONERS)***

*Revised Code, Secs.5705.34, 5705.35*

*The Board of County Commissioners of Geauga County, Ohio, met in regular session on the 22<sup>nd</sup> day of September, 2020 at the office of the Board of County Commissioners, with the following members present:*

*James W. Dvorak*

*Timothy C. Lennon*

*Ralph Spidalieri*

*Commissioner Spidalieri moved the adoption of the following Resolution:*

*WHEREAS, This Board of County Commissioners in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing on January 1, 2022; and*

*WHEREAS, The Budget Commission of Geauga County, Ohio, has certified its action thereon to this Board together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board, and what part thereof is without, and what part within the ten mill tax limitation; and*

*THEREFORE, BE IT RESOLVED, By the Board of County Commissioners of Geauga County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and*

*BE IT FURTHER RESOLVED, That there be and is hereby levied on the tax duplicate of said County the rate of each tax necessary to be levied within and without the ten mill limitation as follows:*

**Commissioners' Journal  
September 28, 2021**

<b>SCHEDULE A</b>										
<b>SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITORS ESTIMATED TAX RATES</b>										
<b>FUND</b>	Amount to Be Derived from Levies Inside 10 Mill Limitation				Amount Approved by Budget Commission Outside 10 Mill Limitation				County Auditor's Estimate of Tax Rate to Be Levied	
									Inside 10 Mill Limit	Outside 10 Mill Limit
	Column II				Column IV				V	VI
General Fund (A)	8	718	110	00					2.50	
Road & Bridge Fund (D)							0	00		0.00
District Board of Health (E)					626	433		00		0.20
General Bond Retirement (OIG)										
Senior Citizens Special Levy Fund (T88)					3	132	168	00		1.00
Child Welfare Services Special Levy Fund (SS)					3	765	412	00		1.20
Mental Health & Clinics Special Levy Fund (AA)					3	758	601	00		1.20
Mental Retardation Special Levy (Metzenbaum) (S03)					12	938	500	00		4.30
Geauga County Public Library Special Levy Fund					5	775	346	00		2.00
Geauga County Library Bond Fund					1	422	768	00		0.44
Fund										
Fund										
Fund										
Fund										
Fund										
Fund										
<b>TOTAL</b>	<b>8</b>	<b>718</b>	<b>110</b>	<b>00</b>	<b>31</b>	<b>419</b>	<b>228</b>	<b>00</b>	<b>2.50</b>	<b>10.34</b>

**Commissioners' Journal  
September 28, 2021**

<b>SCHEDULE B</b>						
<b>LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES</b>						
FUND	Maximum Rate Authorized to Be Levied	County Auditor's Estimate of Yield of Levy <small>(Carry to Schedule A, Column II)</small>				
General Fund: Current expense levy authorized by voters on not to exceed _____ years						
General Fund: Current expense levy authorized by voters on not to exceed _____ years						
General Fund: Current expense levy authorized by voters on not to exceed _____ years						
General Fund: Current expense levy authorized by voters on not to exceed _____ years						
<b>Total General Fund outside 10 mill Limitation</b>						
Childrens Services Fund: Levy authorized by voters on March 15, 2016 not to exceed _____ 5 _____ years	0.70	2	192	517	00	
Childrens Services Fund: Levy authorized by voters on November 3, 2015 not to exceed _____ 5 _____ years	0.50	1	572	895	00	
Road & Bridge Fund: Levy authorized by voters on March 15, 2016 not to exceed _____ 0 _____ years	0.00			0	00	
Metzenbaum DD Fund: Levy authorized by voters on November 4, 2008 not to exceed _____ continuing _____ years	3.30	9	792	711	00	
Metzenbaum DD Fund: Levy authorized by voters on November 3, 2015 not to exceed _____ 5 _____ years	1.00	3	145	789	00	
Mental Health Fund: Levy authorized by voters on November 6, 2012 not to exceed _____ 5 _____ years	0.50	1	566	084	00	
Mental Health Fund: Levy authorized by voters on May 6, 2014 not to exceed _____ 5 _____ years	0.70	2	192	517	00	
Senior Citizens Fund: Levy authorized by voters on November 4, 2014 not to exceed _____ 5 _____ years	1.00	3	132	168	00	
Health District Fund: Levy authorized by voters on November 5, 2013 not to exceed _____ 5 _____ years	0.20		626	433	00	
Geauga County Library Fund: Levy authorized by voters on November 5, 2007 not to exceed _____ continuing _____ years	1.00	2	887	673	00	
Geauga County Library Fund: Levy authorized by voters on November 2, 2010 not to exceed _____ continuing _____ years	1.00	2	887	673	00	
Geauga Library Bond Fund: Levy authorized by voters on November 7, 2017 not to exceed _____ 30 _____ years	0.44	1	422	768	00	

*and be it further RESOLVED, That the Clerk of this Board be and is hereby directed to certify a copy of this Resolution to the County Auditor of said County.*

*Commissioner Lennon seconded the motion and the roll being called upon its adoption the vote resulted as follows:*

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

**DEPARTMENT ON AGING – ACCEPT RESIGNATION – MARK STUKBAUER – CHORE AND HOME SAFETY COORDINATOR**

*Director Jessica Boalt asked the Board to accept the resignation of Mark Stukbauer, Chore and Home Safety Coordinator.*

*Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to accept the resignation of Mark Stukbauer, Chore and Home Safety Coordinator to be effective September 24, 2021.*

**Commissioners' Journal**  
**September 28, 2021**

*Roll Call Vote:*            *Commissioner Spidalieri*     *Aye*  
                                  *Commissioner Lennon*        *Aye*  
                                  *Commissioner Dvorak*        *Aye*

*DEPARTMENT ON AGING – ADVERTISE POSITION – CHORE AND HOME SAFETY COORDINATOR (#1032)*

*Ms. Boalt asked the Board to grant permission to advertise for the position of Chore and Home Safety Coordinator, internally and then if no qualified candidate is found, externally until the position can be filled.*

*Motion:*            *by Commissioner Spidalieri, seconded by Commissioner Lennon to grant permission to advertise for the position of Chore and Home Safety Coordinator (#1032), Internally for a period of five days with applications being accepted October 4, 2021 through 4:30 p.m. on October 8, 2021, then if no qualified candidate is found, then externally until the position is filled.*

*Roll Call Vote:*            *Commissioner Spidalieri*     *Aye*  
                                  *Commissioner Lennon*        *Aye*  
                                  *Commissioner Dvorak*        *Aye*

*DEPARTMENT ON AGING – WESTERN RESERVE AREA AGENCY ON 2022, OLDER AMERICANS ACT / SENIOR COMMUNITY SERVICES FOR GEAUGA RESIDENTS AGE 60 AND OVER*

*Ms. Boalt asked the Board to approve the submission of their proposal for Federal funding through the Western Reserve Area Agency on Aging, for \$348,000.00 for 2022. Ms. Boalt explained that this year they are requesting an additional \$75,000.00 than they normally do.*

*Motion:*            *by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and authorize the President of the Board to execute the proposal for funding from the Western Reserve Area Agency on Aging 2022, Older Americans Act / Senior Community Services for Geauga Residents Age 60 and over for the period January 1, 2022 through December 31, 2022 in the amount of \$348,000.00 for Supportive Services IIIB \$115,000.00, Transportation IIIB \$90,000.00, Transportation IIIE \$120,000.00, Matter of Balance IIID \$15,000.00 and Diabetes Self-Management IIID \$8,000.00.*

*Roll Call Vote:*            *Commissioner Spidalieri*     *Aye*  
                                  *Commissioner Lennon*        *Aye*  
                                  *Commissioner Dvorak*        *Aye*

*MAINTENANCE – SERVICE CONTRACT AGREEMENT – GARLAND DBS, INCORPORATED*  
*Director Glen Vernick asked the Board to execute the Contract with Garland DBS, Incorporated to perform roof repairs that may need to be handled.*

*Motion:*            *by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute the service Contract Agreement with Garland DBS, Incorporated to perform Roof Repairs at Various County Buildings per the Maintenance Director for a one-year period, in an amount not to exceed \$20,000.00.*

*Roll Call Vote:*            *Commissioner Spidalieri*     *Aye*  
                                  *Commissioner Lennon*        *Aye*  
                                  *Commissioner Dvorak*        *Aye*

*DEPARTMENT OF WATER RESOURCES – OHIO WATER DEVELOPMENT AUTHORITY, APPLICATION FOR RELEASE OF RETAINER FUNDS – WORKMAN INDUSTRIAL SERVICES, INCORPORATED – AUBURN CORNERS WASTEWATER TREATMENT PLANT EXPANSION AND TROY OAKS PUMP STATION UPGRADES*

*Director Steven Oluic asked the Board to approve the application for Ohio Water Development Authority for the release of retainer funds for Workman Industrial Services on the Auburn Corners and Troy Oaks Wastewater Treatment Plant upgrades.*

**Commissioners' Journal**  
**September 28, 2021**

*Motion:* by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and authorize the President of the Board to execute the Ohio Water Development Authority, Application for Release of Retainer Funds to Workman Industrial Services, Incorporated for the Auburn Corners Wastewater Treatment Plant Expansion and Troy Oaks Pump Station Upgrades in the amount of \$231,420.82.

*Roll Call Vote:*

Commissioner Spidalieri	Aye
Commissioner Lennon	Aye
Commissioner Dvorak	Aye

DEPARTMENT OF WATER RESOURCES – APPROVE MERIT INCREASE – KATHLEEN MILLER, FISCAL AND PERSONNEL SPECIALIST

*Dr. Oluic asked the Board to approve a merit increase for Kathleen Miller.*

*Motion:* by Commissioner Spidalieri, seconded by Commissioner Dvorak to approve a Merit Increase (one step) for Kathleen Miller, Fiscal and Personnel Specialist to the rate of \$23.24 per hour (Grade 12, Step 2) to be effective October 3, 2021.

*Roll Call Vote:*

Commissioner Spidalieri	Aye
Commissioner Lennon	Aye
Commissioner Dvorak	Aye

COMMISSIONERS' OFFICE – ACCEPT 2022 CEBCO/ ANTHEM HEALTHCARE COUNTY AND EMPLOYEE CONTRIBUTION RATES

*Mr. Morgan explained that the Board had approved the CEBCO / Anthem healthcare plans and today they are asking the Board to approve the contribution rates for the employees which is a slight increase of \$2.00 per month for family and \$1.00 per month for single. The overall increase on healthcare for last year was .06%.*

*Motion:* by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and accept the 2022 Geauga County CEBCO/Anthem Healthcare County and Employee Contribution Rates.

*Roll Call Vote:*

Commissioner Spidalieri	Aye
Commissioner Lennon	Aye
Commissioner Dvorak	Aye

COMMISSIONERS' OFFICE – REQUEST FOR PARTIAL PAYMENT #11 – DONLEY'S INDEPENDENCE, LLC – COUNTY OFFICE BUILDING

*Mr. Morgan asked the Board to approve the request for partial payment #11 for Donley's on the new office building. Mr. Morgan noted that we are looking at setting up another walk through on the building in October.*

*Motion:* by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and authorize the President of the Board to execute the Request for Partial Payment #11 for Donley's Independence, LLC for the Geauga County Office Building, GMP Phase #1 and #2 in the amount of \$1,217,559.81.

*Roll Call Vote:*

Commissioner Spidalieri	Aye
Commissioner Lennon	Aye
Commissioner Dvorak	Aye

COMMISSIONERS' OFFICE – ACKNOWLEDGE RECEIPT OF RESOLUTION #2021-26 FROM AUBURN TOWNSHIP BOARD OF TRUSTEES – PETITION TO VACATE THE PUBLIC RIGHT OF WAY UPON A PORTION OF WASHINGTON STREET

*Clerk Christine Blair explained that the Board had received a petition from the Auburn Township Board of Trustees by Resolution #2021-26 to vacate the public right of way upon a portion of Washington Street. Deputy Engineer Andy Haupt explained that this is the portion that goes from the curb to into the reservoir about 300 feet. They redirected Valley Road and at the time they never vacated this portion of the road.*

**Commissioners' Journal**  
**September 28, 2021**

*Motion:* by Commissioner Spidalieri, seconded by Commissioner Lennon to acknowledge receipt of Resolution #2021-26 from the Auburn Township Board of Trustees Petitioning the Geauga County Commissioners to Vacate the Public Right of Way Upon a Portion of Washington Street (TR-0047), Pursuant to O.R.C. 5553.045.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

COMMISSIONERS' OFFICE – RESOLUTION OF CONVENIENCE AND NECESSITY FOR PROPOSED VACATION OF PUBLIC RIGHT OF WAY UPON A PORTION OF WASHINGTON STREET - AUBURN TOWNSHIP – SET A PUBLIC VIEWING AND PUBLIC HEARING

*Ms. Blair asked the Board to approve the Resolution of Convenience and Necessity to set the Public Viewing, Hearing and advertisement in regards to the petition.*

*Motion:* by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute Resolution #21-119 of Convenience and Necessity for the Proposed Vacation of the Public Right-of-Way Upon a Portion of Washington Street (TR-0047), in Auburn Township, Geauga County, Ohio pursuant to Section 5553.045 of the Ohio Revised Code, further setting a Public Viewing on Tuesday, October 19, 2021 at 11:00 a.m. and a Public Hearing on Tuesday, October 26, 2021 at 10:00 a.m. Notice of the Public Viewing and Public Hearing will be advertised on October 7, 2021, October 14, 2021 and on the county website.

*Board of County Commissioners, Geauga County, Ohio*

*Date:* September 28, 2021  
*Resolution:* #21 – 119

**RESOLUTION OF CONVENIENCE AND NECESSITY FOR THE PROPOSED VACATION OF THE PUBLIC RIGHT OF WAY UPON A PORTION OF WASHINGTON STREET (TR-0047), IN AUBURN TOWNSHIP, GEAUGA COUNTY, OHIO PURSUANT TO SECTION 5553.045 OF THE OHIO REVISED CODE**

*WHEREAS, per Section 5553.045 of the Ohio Revised Code, the Auburn Board of Township Trustees, in Resolution 2021-26 petitioned the Geauga County Board of Commissioners on September 15, 2021 for the vacation of the public right-of-way upon a portion of Washington Street (TR-0047); and*

*WHEREAS, the Geauga County Board of Commissioners is of the opinion that the public convenience and welfare may require the vacation of the public right-of-way upon a portion of Washington Street (TR-0047) in Auburn Township, Geauga County, Ohio in accordance with Chapter 5553.045 of the Ohio Revised Code; and*

*NOW, THEREFORE, BE IT RESOLVED by the Geauga County Board of Commissioners that the public convenience and welfare may require the vacation of the public right-of-way upon a portion of Washington Street (TR-0047) in Auburn Township which public right-of-way is more particularly described as follows:*

*Washington Street (TR-0047) beginning at a point where the centerline of said Washington Street intersects the southerly right-of-way of Valley Road (TR-0199), easterly approximately 1121.29 feet to the existing terminus of said Washington Street established by previous vacation actions recorded in Volume 9 Page 58 of the Geauga County Records of Plats, and Volume 16, Page 449 and Volume 19, Page 383 of the Geauga County Board of Commissioners Records;*

*BE IT FURTHER RESOLVED that the Geauga County Board of Commissioners shall hold a public viewing on the proposed vacation on October 19, 2021 at 11:00 a.m. at the site and meet initially at the adjacent location of 17759 Valley Road in Auburn Township.*

*BE IT FURTHER RESOLVED that the Geauga County Board of Commissioners shall, thereafter, hold a public hearing on the proposed vacation on October 26, 2021 at 10:00 a.m. at the Commissioners' Offices at 470 Center Street, Bldg #4, Chardon, Ohio, at which time the Board will hear evidence, comments and questions, if any, from any interested persons concerning the proposed vacation of said public right-of-way.*

**Commissioners' Journal**  
**September 28, 2021**

*BE IT FURTHER RESOLVED that the Clerk of the Geauga County Board Commissioners is hereby instructed to give notice of the time and place for the aforementioned viewing and hearing by publication once a week for two consecutive weeks in a newspaper of general circulation in Geauga County.*

*BE IT FURTHER RESOLVED that the Clerk of the Geauga County Board of Commissioners is hereby instructed to send written notice of said public viewing and hearing by first class mail to all abutting property owners in accordance with R.C. 5553.045 at least twenty-days in advance of said hearing.*

*BE IT FURTHER RESOLVED that the Clerk of the Geauga County Board of Commissioners is hereby instructed to transmit a certified copy of this resolution to the Auburn Township Board of Trustees and the Geauga County Engineer.*

Roll Call Vote:	Commissioner Spidalieri	Aye
	Commissioner Lennon	Aye
	Commissioner Dvorak	Aye

**PUBLIC COMMENT**

*After a question from local reporter, Alec, there was a brief discussion on where the progress is on the new County Office Building.*

*Local resident offered his heartfelt thanks to the Board for the things they do.*

*Local resident Judy Zamlen-Spotts raised concern over the increase in drug problems happening in Geauga County and inquired about what the county was doing to work on reducing the issues. Mr. Morgan noted that there are things happening, they are just not being broadcast, but last year the Common Pleas Court started the Drug Court program.*

**COMMISSIONERS' OFFICE – MOVE TO RECESS**

*Motion: by Commissioner Dvorak, seconded by Commissioner Lennon to move into recess at 9:51 a.m. until the Public Hearing.*

Roll Call Vote:	Commissioner Spidalieri	Aye
	Commissioner Lennon	Aye
	Commissioner Dvorak	Aye

***The Board reconvened at 10:02 a.m.***

**COMMISSIONERS' OFFICE – PUBLIC HEARING – PROPOSED VACATION OF PUBLIC RIGHT OF WAY UPON ALL OF HAMB DEN HILLS DRIVE (NO ROAD NUMBER) AND WILDWOOD DRIVE (NO ROAD NUMBER) IN HAMB DEN TOWNSHIP**

*Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to waive the reading of the legal notice.*

Roll Call Vote:	Commissioner Spidalieri	Aye
	Commissioner Lennon	Aye
	Commissioner Dvorak	Aye

*Commissioner Dvorak opened the Public Hearing at 10:02 a.m. County Administrator Gerard Morgan swore in all parties wishing to speak during the hearing. Deputy Engineer Andy Haupt read the following Engineer's Report to be entered upon the record:*

**Office of the Geauga County Engineer: Report (ORC 5553.06) Proposed Vacation of the Public Right of Way of all of Hambden Hills Drive, 60 feet wide, (no road number) and Wildwood Drive, 60 feet wide, (no road number), Hambden Township, Geauga County, Ohio**

Wednesday, September 8, 2021

**History of Hambden Hills Drive and Wildwood Drive (no number assigned)**

***Hambden Hills Estates, a Subdivision of 16.2828 Acres***

*Hambden Hills Estates was recorded in Volume 7, Page 97 of the Geauga County Records of Plats on October 21, 1957 and established 14 sublots along the northerly margin of State Route*



**Commissioners' Journal**  
**September 28, 2021**

166, Rock Creek Road with 1 subplot titled "Future Road" reserved for access to acreage to the north of this subdivision. No public highway was dedicated as a part of this subdivision.

**Hambden Hills Estates No. 2, a Subdivision of 41.1072 Acres**

Hambden Hills Estates No. 2 was recorded in Volume 8, Page 25 of the Geauga County Records of Plats on August 6 1958 and established 32 sublots to the north of Hambden Hills Estates (Volume 7, Page 97). Wildwood Drive and Hambden Hills Drive were both "...dedicated to the public for use as highways... ". The plat clearly shows that Hambden Hills Drive is dedicated over the Hambden Hills Estates (Volume 7, Page 97) subplot titled "Future Road" to the northerly margin of State Route 166 Rock Creek Road.

**Current Events: Township Trustee Action**

On Wednesday August 18, 2021, the Hambden Township Board of Trustees passed resolution number 23-2021 petitioning the Geauga County Board of Commissioners to vacate the public right of ways of all of Hambden Hills Drive (no road number) and all of Wildwood Drive (no road number), pursuant to section [5553.045](#) of the Ohio Revised Code.

**Location:**

The location of the public right of ways to be vacated is as follows:

**Hambden Hills Drive** beginning at a point where the centerline of said Hambden Hills Drive intersects the northerly right-of-way of State Route 166, (66 feet wide, now known as Rock Creek Road), said point being located approximately 33.50' northerly of the intersection of the centerlines of Hambden Hills Drive and S.R. 166, said centerline/centerline intersection being approximately 1026.84 feet southwesterly, along the centerline of S.R. 166 from the Hambden/Thompson Township Line. Hambden Hills Drive to be vacated extends from the aforesaid beginning point located at the north margin of State Route 166, northerly approximately 1596.41 feet to the existing terminus of said Hambden Hills Drive located on a southerly line of land owned by Donald G. and Michelle D. Carrigan by deed recorded in Volume 1960, Page 2280 of the Geauga County Records of Deeds.

**Wildwood Drive** beginning at a point located at the intersection of the centerlines of Hambden Hills Drive and Wildwood Drive, said point being located approximately 997.55 feet northerly from the aforesaid beginning point of said Hambden Hills Drive, and proceeds northeasterly along the centerline of Wildwood Drive, approximately 1111.09 feet to a point located at its existing terminus, said point also being a northerly line of Hambden Hills Estates Subdivision No. 2, and the Geauga County/Lake County Line.

**Auto Registration Funds:**

Both Hambden Hills Drive and Wildwood Drive are not used to calculate distributions of the auto registration distribution fund.

**Underlying Fee:**

This action will release, cancel, rescind and vacate the public right-of-way of said Hambden Hills Drive and Wildwood Drive as described above, by removing the highway easement, allowing the underlying landowners to retain the fee of all lands currently owned pursuant to Ohio law and subject to Chapter 5553 of the Ohio Revised Code. The total area of the public right-of-way of Hambden Hills Drive and Wildwood Drive being vacated is approximately 3.89 acres.

**Abutting Property Owners:**

All abutting property owners were notified and notice of the hearing was published in accordance of Ohio law.

The abutting property owners are identified as follows:

In Geauga County:

- 1) PPN# 15080400; Donald G. & Michelle D. Carrigan, Sumner Road, Hambden, Ohio whose property lies at the northerly terminus of Hambden Hills Drive.
- 2) PPN# 15009651; John E. & Sharon L. Brink & Ronald & Tina Bender, 15098 Rock Creek Road, Chardon Ohio 44024, the owners of subplot 4 of Hambden Hills Estates Subdivision, whose property lies on the westerly margin of Hambden Hills Drive.

**Commissioners' Journal**  
**September 28, 2021**

- 3) PPN# 15017490; Charles M. Cox TOD & Lois M. Cox TOD, 15112 Rock Creek Road, Chardon Ohio 44024, the owners of subplot 5 of Hambden Hills Estates Subdivision, whose property lies on the easterly margin of Hambden Hills Drive.
- 4) PPN# 15071801 through 15071833; BASP LLC, 8855 Clay Street, Montville Ohio 44064, the owner of sublots 15 through 47 of Hamden Hills Estates Subdivision No. 2. These sublots all lie along the margins of the entirety of Hamden Hills Drive and Wildwood Drive
- 5) PPN# 15102565; BASP LLC, 8855 Clay Street, Montville Ohio 44064, the owner of subplot "Future Road" of Hambden Hills Estates, whose property lies under the existing right-of-way of said Hamden Hills Drive.

*In Lake County:*

- 1) PPN#07A001V000060; BASP LLC, 8855 Clay Street, Montville Ohio 44064, the owner of the parcel located in Lake County, whose property lies at the northerly terminus of Wildwood Drive at the Lake/Geauga County Line.

**Intent:**

1. To vacate all of the public right-of-way of said Hambden Hills Drive and Wildwood Drive as described above.
2. To not extinguish the rights of ingress and egress reserved under the law, if any, of the abutting property owners named herein.
3. To not remove public utilities' rights of ingress and egress, or easement rights within the vacated right-of-way limits resulting from a road vacation, per state law.

**Conclusion:**

*Based on the above facts, and having no impacts to the travelling public, the Office of the Geauga County Engineer believes the vacation requested would be for the public convenience and necessity.*

*This action is recommended.*

*Prepared by:*

*Andrew W. Haupt, P.E., P.S.  
Special Projects Manager*

*Joe Cattell, P.E., P.S.  
Gauga County Engineer*

*Assistant Prosecutor Laura LaChapelle explained that the Engineer's Report is required to be read into the record and to hear testimony for or against the road vacation. Mr. Haupt responded to Ms. LaChapelle by explain that the roads being discussed have never been built and since the subdivision was approved in 1957 the roads not built are considered public highway. These roads do not serve the public. Adjacent property owner Lois Cox from Rock Creek Road explained that the property has utilized the property since they moved in, as the realtor told them the property lines were rectangular, later learning that they are at an angle, that her septic is in the easement and her house is three feet from the property line. Ms. LaChapelle explained that this vacation removes the public right of way that just means it is not a public street and no right for the public to travel on that section of the road. Ms. Cox stated that the property owner has easement access and wants to know why it's not being split and given back to the adjoining property owners. Mr. Haupt explained that the easement is over top of the land, the underlying property owner still owns the land. Subdivisions were done two ways, the old way, like this one, in that the sublots are defined to the centerline, the easement, think of like a piece of paper on top of a piece of paper, the easements are rights for the public to travel over, that is being removed, the land is not changing, there is no land to give back. Mr. Haupt explained that the property lines do not change, this action removes the public access to walk the roads. The roads do not exist and were never built so it has no benefit to the traveling public. Sharon Brink from Rock Creek Road expressed that they just want to make sure their rights are taken care of also, whatever they may be. Ms. LaChapelle expressed that they would have to deal directly with the property owner.*

**Commissioners' Journal**  
**September 28, 2021**

*Being no further comments or questions, the Public Hearing was closed at 10:19 a.m.*

**ACKNOWLEDGEMENTS**

- a) *Geauga County Board of Developmental Disabilities Board Minutes for July 21, 2021*
  
- b) *A weekly report filed by the County Dog Warden of all dogs seized, impounded, redeemed or destroyed for the week ending September 16, 2021 as required by O.R.C. 955.12.*

**OTHER**

*The Board reviewed upcoming events.*

**MEETINGS**

- Tue., 9/28 The Commissioners will hold a Budget Hearings at 8:45 a.m.*
  
- Tue., 9/28 Investment Advisory Board meeting, 9:15 a.m., Chambers*
  
- Tue., 9/28 The Commissioners will hold Budget Hearings, beginning at 12:00 p.m.*
  
- Thu. 9/30 The Commissioners will hold Budget Hearings, beginning at 8:30 a.m.*
  
- Tue., 10/5 The Commissioners will hold regular session at 9:30 a.m.*
  
- Tue., 10/5 The Commissioners will hold Budget Hearings, beginning at 12:00 p.m.*
  
- Thu., 10/7 The Commissioners will hold a Public Viewing at 10:00 a.m. regarding the proposed vacation of the public right-of-way upon a portion of Wisner Road (TR-0084), All of Section C, near the intersection of Mitchells Mills Road and Wisner Road, in Chardon Township*
  
- Mon., 10/11 **County offices will be closed for general business due to Columbus Day. Twenty-four hour operations will continue to operate as usual.***
  
- Thu., 10/14 Planning Commission, 7:30 a.m. Building #8 meeting room, 470 Center St., Chardon*
  
- Thu., 10/14 The Commissioners will hold regular session at 9:30 a.m. that includes a Public Hearing at 10:00 a.m. for the Proposed Vacation of the Public Right-of-Way upon a portion of Wisner Road (TR-0084), All of Section C, in Chardon Township*
  
- Fri., 10/15 Emergency Operations Center Training, Department of Emergency Services, 8:30 a.m. – 1:30 p.m.*

**BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD**

*Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to adjourn the meeting at 10:19 a.m.*

*Geauga County Board of Commissioners*

\_\_\_\_\_  
*James W. Dvorak*

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*Timothy C. Lennon*

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*Ralph Spidalieri*

\_\_\_\_\_  
*Christine Blair, Commissioners' Clerk*

**Commissioners' Journal**  
**September 28, 2021**

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