

**RESOLUTION NUMBER: 2021-72
RESOLUTION HOLDING HEARING ON THE PROPOSED VACATION OF A PORTION OF LAKEVIEW
DRIVE IN SAYBROOK TOWNSHIP**

WHEREAS, this being the date set by Resolution No. 2021-41 adopted January 12, 2021 for the public hearing on the proposed vacation of a portion of Lakeview Drive in Saybrook Township; and

WHEREAS, The Clerk to summarize documents received by the Board in this matter, to-wit:

- The petition was filed by attorney Joshua J. Strickland for the petitioner Philip Moroco in the Board's Offices on October 28, 2020.
- Petition sent for legal review (November, 2020)
- Resolution No. 2021-40 accepted for filing the petition on January 12, 2021
- Resolution No. 2021-41 set the date and time of view and public hrg. for the road vacation on January 12, 2021
- The road viewing was held on February 4, 2021 at 1:00p.m.
- The map and petition were filed with the County Engineer on January 12, 2021
- Petitioners notified of time and place of view and hearing on January 12, 2021
- Notice of time and date of view and public hearing sent to abutting property owners January 12, 2021.
- Notice of time and date of view and public hearing sent to Saybrook Township Trustees and the Ohio Dept. of Natural Resources on January 12, 2021
- Notice was published in the Gazette Newspapers on January 20, 2021 and January 27, 2021.
- On February 4, 2021 a response letter was received by the Clerk of the Board from the County Engineer.

WHEREAS, The report of the County Engineer is as follows:

February 4, 2021

Dear Lisa,

I have reviewed the petition from Philip Moroco of Saybrook Township, for the vacation 190.2 feet of Lakeview Drive in Saybrook Township. The requirements of ORC 5553.042(B) govern the procedure to follow in this matter. Lakeview Drive as it currently exists is part of the East-Geneva-On-The-Lake Plat Recorded in Plat Book 7, pages 34-35.

The description for the entire 30 foot width of roadway requested to be vacated runs along the following centerline: Beginning at the intersection of the centerline of Lakeview Dr. and the eastern line of Highland Ave., thence continuing east 190.2 feet to the intersection of the centerline of Lakeview Dr. and the western line of Morningside Ave. Contrary to the petitioner's request, half of the road would pass in fee simple to the abutting landowners on each side of the road.

My report finds that this section of road was formally "abandoned" in 1990, and has not been in use for a period of more than 21 years. Vacation of this section would land lock one property owner, although they are functioning as if the road already had been vacated.

Signed- Thomas Partridge, P.E., P.S. Chief Deputy Engineer

WHEREAS, A public hearing was held via GoToMeeting with the login information via the internet at <https://global.gotomeeting.com/join/821496509> or via Phone at [+1 \(786\) 535-3211](tel:+17865353211) using Access Code: 821-496-509. A recording of the public hearing is available upon request; and

WHEREAS, There being no further testimony or questions the Public Hearing is adjourned; now

THEREFORE, BE IT RESOLVED, By the Board of Commissioners of Ashtabula County, Ohio, that the hearing in the matter of the proposed vacation of a portion of Lakeview Drive in the Township of Saybrook is here by declared adjourned.

**ASHTABULA COUNTY COMMISSIONERS
CERTIFICATION PAGE**

Resolution No. 2021-72

February 09, 2021

**RESOLUTION HOLDING HEARING ON THE PROPOSED VACATION OF A
PORTION OF LAKEVIEW DRIVE IN SAYBROOK TOWNSHIP**

Upon the motion of Casey R. Kozlowski, seconded by J.P. Ducro IV.

VOTE:

Kathryn L. Whittington

Aye

J.P. Ducro IV

Aye

Casey R. Kozlowski

Aye

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon and duly passed by the Board of County Commissioners of Ashtabula County, Ohio, on the date noted above.



Lisa Hawkins, Clerk of the Board
Board of County Commissioners
Ashtabula County, Ohio

DWORKEN & BERNSTEIN Co. L.P.A.

Melvyn E. Resnick
Patrick J. Perotti**
Irving Rosner
Gary S. Okin**
Howard S. Rabb
Patrick T. Murphy
Keith R. Kraus¹
Jodi Littman Tomaszewski
Richard N. Selby II
Kenneth J. Cahill
Erik L. Walter^{1,2,3,4}
Anna M. Parise
Kristen M. Kraus
Nicole T. Fiorelli

Geoffrey H. Turoff
Jonathan T. Stender
Grant J. Keating
Joshua J. Strickland
Amanda Ackerman Condon
Jo A. Tatarko
Jim Timmerberg
Shelley M. Fleming
Frank A. Bartela
Patrick J. Brickman
Stacy M. Callen
Daniel J. Williams⁵
Lydia C. Gross
Jeffrey C. Kakish^{6,7}
Of Counsel - Jerome Emoff^{8,9}
Of Counsel - Kim Alabasi

Howard W. Bernstein*
Marvin P. Dworken*
Alec Berezin*
David M. Dworken¹⁰
David J. Richards, Jr.¹¹

*Retired
^Deceased
**Board Certified in Family Relations Law
***Board Certified in Employment Law
¹Also Admitted to Practice in Florida
²Also Admitted to Practice in Michigan
³Also Admitted to Practice in Montana

Please Respond to:
Painesville Office

October 27, 2020

writer's e-mail:
jstrickland@dworkenlaw.com

VIA UPS TO:

Ashtabula County Commissioners
Lisa Hawkins, Clerk of the Board
25 West Jefferson Street
Jefferson, Ohio 44047

RECEIVED
ASHTABULA COUNTY BOARD OF COMMISSIONERS
OCT 28 2020
ASHTABULA COUNTY BOARD OF COMMISSIONERS
RECEIVED
OCT 28 2020

In Re: Morocco Road Vacation Petition

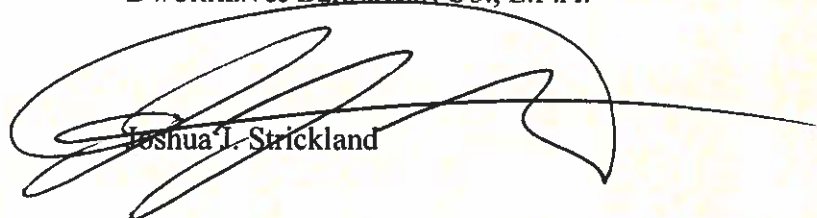
Dear Ms. Hawkins:

As we had discussed previously, enclosed with this letter is the original of the road vacation petition pursuant to Ohio Revised Code Section 5553.042(B) signed by abutting land owner Philip Morocco for that portion of Lakeview Drive in Saybrook Township between Highland Avenue and Morningside Avenue that was previously abandoned by the Commissioners in 1990. Attached to the petition is a list of the abutting landowners to this section of road along with their parcel numbers and tax mailing address.

Please let me know if there are any issues. Assuming not, when a hearing date has been established please let me know. I look forward to working with you on this.

Very truly yours,

DWORKEN & BERNSTEIN Co., L.P.A.



Joshua J. Strickland

JJS:jjj

Enclosure

cc: Julie & Philip Morocco (via email only)
Erik L. Walter, Esq. (via email only)

PUBLIC ROAD PETITION
Ohio Revised Code Sec. 5553.042(B)

To the Honorable Board of Commissioners of Ashtabula County, Ohio:

The undersigned petitioner, being the landowner of two (2) parcels of real property located at 5420 Lakeview Drive, Saybrook Township, Ashtabula County, Ohio respectfully requests that the portion of Lakeview Drive between Highland Avenue and Morningside Avenue in Saybrook Township, Ashtabula County, Ohio that was previously abandoned by the Board of Commissioners of Ashtabula County, Ohio on August 6, 1990 (the "Road") be vacated and hereby submit this petition to accomplish the same. Petitioner's land abuts the Road. The Road is not on the State Highway System. The Road was abandoned by the Board of Commissioners more than 21 years ago. The Road runs along a hillside overlooking Lake Erie and has, since it was abandoned in 1990, substantially eroded into the beach below the hillside. The Road was abandoned by the Board of Commissioners in 1990 out of concern of erosion and the Saybrook Township Trustees were in favor of the abandonment of the Road when same was done.

Petitioner specifically requests that real estate comprising the Road be, upon such vacation, pass in fee to the real estate of those abutting land owners to the south of the Road's location via extension north of the abutting land owners' existing property lines subject to: (1) all existing rights of way in, over, or under the Road for the service facilities and rights of ingress and egress of any public utility or electric cooperative for as long as the public utility or electric cooperative continues to render service to the public including, but not limited to, the storm sewers and (2) The right of such utilities 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 subject to the terms of their respective easement(s).

Petitioners further request that the Board of Commissioners of Ashtabula County, Ohio hold the required hearing on this petition in accordance with O.R.C. Section 5553.05 providing the notices required by said statute. A list of the abutting landowners is on Exhibit "A" attached hereto and incorporated herein.

Petitioner:


Philip A. Moroco, II

EXHIBIT "A"

Abutting Landowners to the Road

Name:	PPNs:	Tax Mailing Address:
Philip A. Moroco, II	48-018-10-192-00	676 Daugherty Ave. Sharon PA 16146
	48-018-10-193-00	
James M. Lacivita and Cathryn L. Lacivita	48-018-10-194-00	5422 Lakeview Drive Ashtabula OH 44004
	48-018-10-195-00	
Kathleen S. McIntyre and Mark T. McIntyre	48-018-10-196-00	5430 Lakeview Drive Ashtabula OH 44004
	48-018-10-197-00	
	48-018-10-198-00	
<i>Susan M. Wellinger</i>	48-018-10-001-00	100 Division Street Evans City, PA 16033
	48-018-10-002-00	
	48-018-10-003-00	
Lakelands Community Association		c/o Maureen Kennedy 2030 Morningside Ave. Ashtabula Ohio 44004