

IN THE MATTER OF: RESOLUTION — SETTING THE DATE AND TIME FOR VIEWING AND PUBLIC HEARING FOR THE VACATION OF A BRIDGE* LOCATED AT THE END OF EAST TOWNSHIP ROAD 138 IN PLEASANT TOWNSHIP, SENECA COUNTY, OHIO

Paradiso offered the following resolution and moved the adoption of the same, which was duly seconded by Shuff.

WHEREAS, The Seneca County Commissioners, Anthony Paradiso, Tyler Shuff, and William Frankart met in an open and regular session on this 18th day of May 2023, and

WHEREAS, the proposed Bridge* Vacation located at the end of E TR138 in Pleasant Township, Seneca County, Ohio, and further described as follows:

A bridge originally constructed on railroad property that is now privately owned and that never existed on the E TR138 right of way due to a 100-foot limit of railroad property.

WHEREAS, It is the desire of this Board to set a time, date and place for a viewing and public hearing on the above-proposed vacation, now therefore be it

RESOLVED, That this Board of County Commissioners, Seneca County, Ohio has fixed Thursday, June 8, 2023 at 9:15 a.m., at the above-described location as the date, time, and place that said Board will view the proposed vacation and has also fixed Thursday, June 8, 2023 at 10:30 a.m. at the office of the Seneca County Commissioners, 111 Madison St., Tiffin, Ohio 44883, as the time, date, and place for the public hearing, and be it further

RESOLVED, That the Clerk of the Board be, and she is hereby authorized and instructed to certify copies of this resolution to the Seneca County Engineer, the Seneca County Auditor, the Seneca County Prosecutor, the abutting landowners, in line with this action, and be it further

RESOLVED, That it is found and determined that all formal action of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board, and that all deliberations of the Board and any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with the law.

Mr. Frankart - yes

Mr. Shuff - yes

Mr. Paradiso yes

William Frankart
Tyler Shuff
Anthony Paradiso

I, the undersigned, Clerk to the Board of County Commissioners, Seneca County, Ohio, do hereby certify that the foregoing is a true and correct copy from the official record of said Board of County Commissioners as recorded in Resolution 2023 - 103

Kathleen Patterson
Clerk to the Board

*This structure DOES NOT meet the current definition of a bridge in the State of Ohio. Its reference is simply for clarity.



Office of the Seneca County Engineer

3300 South Township Road 151, Tiffin, OH 44883 Phone: (419)447-1011

Mark R. Zimmerman PE/PS, Seneca County Engineer

May 9, 2023

To: Seneca County Commissioners
From: Mark R. Zimmerman PE/PS
Seneca County Engineer
RE: Bridge* Vacation

The Pleasant Township Trustees have requested that a bridge be Vacated per O.R.C. 5553.04-5553.11. I submit the following:

TR138 in Pleasant Township was established in the 1880's. The road served the 'public good' until 1947 when a portion of the roadway between CR37 and the now abandoned Cleveland, Cincinnati, Chicago & St Louis Railroad was vacated.

It is important to note that because the Railroad was established prior to the establishment of TR138, the road right of way ended at, and began again at the 100-foot limit of the railroad property. Basically, there is a gap in the road right of way at nearly every railroad crossing in Seneca County.

Because there was an open ditch along the east side of the railroad for drainage purposes, it was necessary for a bridge to be built for roadway continuity. Said bridge was constructed on railroad property over the ditch sometime in the late 1800's, and exists today as a farm field crossing.

As I see it, the following are the facts of this matter:

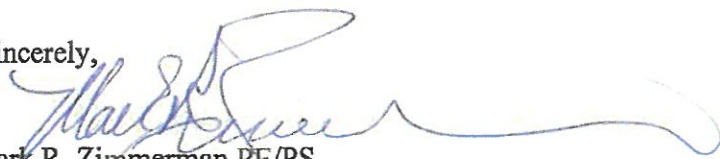
1. The bridge was constructed on railroad property and never resided on Township right of way.
2. The bridge was constructed and maintained by Seneca County (Pleasant Township) until the adjacent roadway was vacated.
3. When the roadway was vacated, the bridge was technically not vacated because it never existed on township right of way.
4. The land once occupied by the railroad is now in private ownership, therefore the bridge now exists on private property.
5. There is no precedent that I know of in Seneca County to address the actual ownership and responsibility of said bridge.

Therefore, out of an abundance of caution and to relieve the County/Township of any maintenance responsibility, I suggest the bridge be vacated and ownership passed to the underlying property owners. It is my opinion that the bridge is in 'ownership limbo' and that it is not necessarily recognized that the structure is even currently owned by the County/Township. I consider this vacation to act as a Quit Claim of the structure, and setting no precedent of ownership for other potential orphaned or abandoned infrastructure in Seneca County.

This vacation will simply serve to vacate any interest, if it exists, to this structure.

I believe it to be in the public interest to set a viewing/hearing for this vacation at your earliest convenience.

Sincerely,



Mark R. Zimmerman PE/PS
Seneca County Engineer

*This structure DOES NOT meet the current definition of a bridge in the State of Ohio. It's reference is simply for clarity.

ON MAY 3, 2023, DURING A REGULAR MEETING OF THE BOARD
OF TRUSTEES OF PLEASANT TOWNSHIP, SENECA COUNTY, MR. STACY
SUBMITTED THE FOLLOWING RESOLUTION AND URGED ITS ADOPTION:

BE IT RESOLVED:

THE PLEASANT TOWNSHIP BOARD OF TRUSTEES
IS REQUESTING THE SENECA COUNTY ENGINEER
TO VACATE THE BRIDGE LOCATED ON T.R. 138
BETWEEN C.R. 37 AND C.R. 15.

MR. BILLER SECONDED THE RESOLUTION.

ROLL CALL:

<u>DAVE KINGSBOROUGH</u>	<u>YES</u>
<u>WILLIAM BILLER</u>	<u>YES</u>
<u>DOUG STACY</u>	<u>YES</u>

CHAIRMAN KINGSBOROUGH DECLARED THE RESOLUTION TO BE DULY PASSED.