

RESOLUTION NO. 13-806

In the matter of establishing deposit and fee regulations)
For costs incurred in the process of vacating a public road) September 25, 2013

WHEREAS, House Bill 51 (HB 51) of the 130th General Assembly, authorizing the board of county commissioners to establish a fee to cover the actual costs the county incurs in providing published notice and mailed notice, has been passed by the General Assembly and signed by the Governor on April 1, 2013; and

WHEREAS, Section 5553.05 of the Ohio Revised Code (ORC) as enacted by HB 51 authorizes the Board of Commissioners of Lorain County to establish a reasonable fee or schedule of fees to cover the actual costs incurred by the County in any road vacation proceeding that takes place under Chapter 5553.051 of the ORC; and

WHEREAS, Section 5553.04 of the ORC as enacted by HB 51 also authorizes the Board to require an initial deposit to be paid at the time a petition for a road vacation is filed or promptly thereafter; and

WHEREAS, the Board desires to implement a deposit and fee schedule, effective September 25, 2013, for road vacation petitions filed with the Board,

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Ottawa County:

Section 1.0 - Road Vacation Deposit

Every petition to vacate a road submitted pursuant to Chapter 5553.01 of the ORC shall be subject to a deposit in the amount of **\$500.00**. This fee represents a deposit in advance for costs anticipated to be incurred by the County in conducting the proceedings leading to a decision upon the petition. The Deposit constitutes an advance paid by the petitioners to reimburse expenses the county incurs on behalf of and at the behest of the petitioners in considering the petition, including, but not limited to, duplication, copying, postage, preparation of an accounting ledger, a charge for reviewing the petition in the manner required by law, and any telephone or fax charges.

Section 1.1 Time Period in Which to Make Deposit

The deposit required pursuant to Section 1.0 of this resolution shall be paid to the Clerk of the Board when the petition to vacate a road is filed.

Section 2.0 - Fee Schedule in Review

Deposit	\$500.00
Copies/Faxes	\$.05 ea.
Postage 1 st Class or Certified	Actual Cost
Cost of Publication	Actual Cost

Section 3.0 - Deposit of Fee Revenue

The Clerk shall deposit all funds received from deposits or fees for processing petitions to vacate a road into a revenue account created within the general fund for that purpose.

Section 3.1 - Payment of Expenses

All expenses shall be paid from an expense line item specifically created within the general fund once proceedings and all mailings are complete.

Section 3.2 - Maintenance of Records and Final Accounting of Fees Paid

The Clerk shall maintain an accurate and detailed accounting of all funds received and expended in processing each road vacation petition file pursuant to Chapter 5553.051 of the ORC.

At the conclusion of the road vacation proceeding for each petition, the Clerk shall make a final accounting of expenses incurred in processing the petition. In the event the funds received are in excess of final expenses, the Clerk shall cause any such excess to be refunded to the petitioners.

Motion by Kalo, seconded by Williams to adopt Resolution. Ayes: all.

Motion carried. _____(discussion was held on the above)

I, Theresa L. Upton, Clerk to the Lorain County Board of Commissioners do hereby certify that the above Resolution No. 13-806 is a true copy as it appears in Journal No. 13 on date of September 25, 2013

Theresa L. Upton, Clerk