RESOLUTION NO. 2009-16

A RESOLUTION ADOPTING A POLICY RELATIVE TO THE REPAIR AND/OR REPLACEMENT OF DRIVEWAY APPROACHES WITHIN THE PUBLIC RIGHT-OF-WAY WITHIN THE UNINCORPORATED AREA OF BALLVILLE TOWNSHIP, OHIO.

WHEREAS, the Board of Trustees of Ballville Township, Ohio is aware that private property owners within the unincorporated area of the township own their property to the centerline of the public right-of-way, but subject to the rights of the township and the motoring and pedestrian public; and

WHEREAS, the Board has always utilized an unwritten policy that whenever it disturbs, damages or destroys a driveway approach within the public right-of-way due to performing repairs or maintenance within said right-of-way, it will be repaired or replaced with asphalt, no matter what material the original driveway approach was prior to the township performing repairs or maintenance within the public right-of-way, or if the approach was stone, it will be replaced with stone; and

WHEREAS, the Board of Trustees of Ballville Township has determined that it is necessary to memorialize the aforementioned unwritten policy of repairing or replacing driveway approaches of property owners whose driveway approach has been disturbed, damaged or destroyed with asphalt, no matter what material the original driveway apron was prior to the township performing repairs or maintenance within the public right-of-way, or if the approach was stone it will be replaced with stone; and

Mr. Stotz, moved the adoption of the following Resolution:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF BALLVILLE TOWNSHIP, SANDUSKY COUNTY, AND STATE OF OHIO:

SECTION 1. That the following policy shall be adopted by the Board of Trustees of Ballville Township, Sandusky County, Ohio:

In the event a driveway approach located within the public right-of-way is disturbed, damaged or destroyed due to the township performing repairs or maintenance within the public right-of-way, it will be repaired or replaced with asphalt, no matter what material the original driveway apron or approach was prior to the township performing repairs or maintenance within the public right-of-way. In the event the driveway approach was stone, it will be repaired or replaced with stone.

Furthermore, from and after the effective date of this Resolution, no property owner shall install concrete within five (5) feet as measured from the edge of the road right-of-way. The only suitable materials for driveway approaches are stone or asphalt.

SECTION 2. The Fiscal Officer is hereby authorized and directed to publish a copy of the within Resolution in a newspaper of general circulation within the unincorporated area of the township.

SECTION 3. That this Board of Trustees hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including *§121.22 of the Ohio Revised Code.*

SECTION 4. That this Resolution shall take effect from and after the earliest date permitted by law.

Mr. Sadler seconded the resolution, and upon roll call, the votes resulted as follows: Gerald Kessler, yes ; Roy Sadler, yes ; and David Stotz, yes .

Gerald E. Kessler
Trustee

Roy L. Sadler
Trustee

David L. Stotz
Trustee

ATTEST:

Mary Kay Gabel
Township Fiscal Officer

ADOPTED: December 1, 2009