

Violet Township Board of Trustees

August 4, 2010

Public Hearing

Non-Maintained Joy Avenue

Mr. Dunlap called the Public Hearing to order at 8:07 p.m.

Mr. Weltlich made a motion to recess the regular meeting to go to the Public Hearing for non-maintained Joy Avenue. Seconded by Mr. Myers. Roll call vote: Mr. Weltlich, yes; Mr. Myers, yes; Mr. Dunlap, yes. Motion carried.

Mr. Yapple explained that the Ohio Revised Code gives us a chance to take a public right of way that has never been improved and put it on non maintained status. We don't maintain those public right of ways as they are today. There is a section of Joy Avenue that has been. The right-of-way had never been improved by the developer prior to the platting of the roadway. The suggestion is to put that section of Joy Avenue on non-maintained status and if someone wants an access point they have to complete the right-of-way by county standards and the County Engineer would have to inspect and approve the improvements to that right-of-way. It would be that persons expense to do that work rather than the township. Under current condition it could be construed that the township would have to improve the right of way.

We have suggested to the current owner (one individual owns all the lots) that the right-of-way is not part of what they own. There are issues we are discussing with the property owner about what they can and cannot do. They say they own 10 acres. They do not own 10 acres they own (10) one acre plots. So it is different and you cannot go in and do certain things.

To change the platting you have 10 or 12 property owners and they all have to agree to that change because it affects them as they are part of the plat. There is a process to de-platting or modifying that plat. There are other issues that fall into the mix such as all those homes have a well and septic. The Health Department may not issue permits because of the soil conditions in the area.

There is an easement that gets to the street within Fox Glenn between two lots that may provide access to sanitary sewer.

Mr. Dunlap asked if they could obtain Pickerington water and sewer without annexing. Mr. Yapple said yes but it costs more money for the utilities because they are outside the city.

Mr. Yapple explained this was the first of two hearings for this issue. The next hearing is scheduled for August 18, 2010. At that time we can pass a resolution to move forward with the non maintenance of this right of way. It is a county right of way. It is assigned to the Township but owned by the County.

He thought Mr. Hummel was farming it and someone is mowing and maintaining it. Mr. Butcher asked if this was vacated or non maintained by the county. There is a standard that if it has not been used for 21 years and a road is there it can be abandoned. There is a piece of Diley Road that has been reverted back to the owner at his request because it had not been used for 21 years but they asked him to give proposed future right of way to the western side of his property. He had to have a petition signed to do all that. That was a petition process to vacate the roadway. Mr. Butcher said he remembers that part of the statute was 'x' number of years. It was 21 years and it relates to vacation or abandonment and this is not in a private subdivision. Mr. Yapple said it was put in the position it is today when 33 went in.

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Mr. Weltlich made a motion to close the public hearing on the non-maintained Joy Avenue. Seconded by Mr. Myers. Roll call vote: Mr. Weltlich, yes; Mr. Myers, yes; Mr. Dunlap, yes. Motion carried 3-0.

Mr. Weltlich made a motion to return to the Regular Trustee meeting of the Trustees. Seconded by Mr. Myers. Roll call vote: Mr. Weltlich, yes; Mr. Myers, yes; Mr. Dunlap, yes. Roll call vote: Mr. Weltlich, yes; Mr. Myers, yes; Mr. Dunlap, yes. Motion carried 3-0.

Respectfully submitted,

Christopher H. Smith, Fiscal Officer

Joniann Goldberg, Admin. Assistant

Approved By:

Terry J. Dunlap, Sr., Chairman

Date

Harry W. Myers, Jr., Vice-Chairman

Gary P. Weltlich, Trustee