

PROCEDURE FOR FILING PETITION TO
VACATE ROAD
(O.R.C. 5553.04)

A petition shall be obtained from the County Commissioners Office or online to vacate a road by any abutting land owner. **No land contract or renters name will be accepted.** The following steps shall apply:

- ▶ Petition obtained from the County Commissioners Office or online and completed in full.
- ▶ Description of the road to be vacated including the length and width of the road must be on petition. This can be obtained from your surveyor or the County Engineer's office. **(The Petitioner must provide a copy of tax map of the area to be vacated.)**
- ▶ Signature of petitioner on back with mailing address and phone number.
- ▶ Petition shall include 12 signatures of property owners, a legible printed name and their mailing addresses. They shall live in the vicinity of the road to be vacated.
- ▶ Husband and wife will count as one each - (2).
- ▶ Petition to be filed with the Commissioners Office once completed.
- ▶ **FEES APPLY AND MUST BE PAID TO THE COUNTY AUDITOR AND RECORDER BEFORE PETITION IS FINALIZED.**

The petition and map are filed with the Commissioners' office. A viewing and hearing date is set. The Board of Commissioners will notify those that signed the petition and abutting property owners of the viewing and hearing dates and times via regular mail once signatures are verified as property owners. Next, the Commissioners will place in a newspaper of general circulation once a week for two consecutive weeks a notice of the place and time of the viewing and hearing of the road vacation.

The Board of Commissioners will view the road with the County Engineer or his representative at the time and place set for the viewing. The petitioner, abutting land owners and residents are encouraged to participate in this viewing, as well as, the Township Trustees.

The Commissioners will hold a Public Hearing at the time set for the road vacation in their office at 15 South Court Street, Athens, Ohio at the given date and time. It is imperative that the petitioner, or his representative be present at this hearing to present evidence of why this road is to be vacated.

The Board will make their decision either at the hearing or within a set number of days after the hearing. The Board of Commissioners shall notify, via mail, those that signed the petition and the abutting property owners of their decision. **The petitioner must then pay all fee's associated with the vacation to the Auditor and Recorder for the vacation to be final.** It is at this time the Township Trustees, the Engineer and other officials will be notified of the road vacation.

At this time, by resolution, the road becomes the property of the abutting land owners, (each side getting half) subject to the preservation of any existing right of way by any public utility or rural electric cooperative service facility for such period of time as such public utility or rural electric cooperative facility continues to be used.

*Noted: it is advised that petitioners follow the Ohio Revised Code as stated above.