

## **VACATION OF PUBLIC ROADS**

### **§ 94.100 ROAD VIEWERS.**

The Board may, at a regular meeting, appoint three freeholders of the county as road viewers, and direct the road viewers to view a particular road or part of road for possible vacation. Such road viewers shall be paid \$25 plus mileage, unless they are regularly employed by the county to perform this duty.

(Ord. 2006-02, passed 3-17-2006)

### **§ 94.101 ROAD VIEWERS' DUTIES.**

The road viewers appointed in §94.100 shall view the road or part of road as directed by the Board, and make a written report thereof to the Board in accordance with this subchapter.

(Ord. 2006-02, passed 3-17-2006)

### **§ 94.102 ROAD DISCONTINUANCE CRITERIA.**

The road viewers shall recommend discontinuance of the subject road if they determine that the road is not needed or that the repairs of the same are burdensome and in excess of the benefits of continuing the road. In determining whether the road is needed, the road viewers shall consider whether those whose property abuts on or adjoins the road proposed for closure still would have reasonable access to the general street or road system if the road were closed.

(Ord. 2006-02, passed 3-17-2006)

### **§ 94.103 ROAD VIEWERS' REPORT.**

The road viewers shall make their recommendation to continue or discontinue the subject road at the next regular meeting of the Board in a written report setting forth fully their finding. Their report shall be on a form provided to the viewers by the Department.

(Ord. 2006-02, passed 3-17-2006)

### **§ 94.104 NOTICE TO ABUTTING OR ADJOINING PROPERTY OWNERS.**

The county shall send notice of the date, time and place of the regular meeting at which the road viewers' report is to be made, together with a copy of the road viewers' report, to all those whose property abuts or adjoins the road proposed for closure. Such notice shall be mailed via regular U.S. Mail, or sent via facsimile or electronic mail if so requested, no later than 5 days prior to the regular meeting at which the report is to be presented.

(Ord. 2006-02, passed 3-17-2006)

### **§ 94.105 DECISION BY THE BOARD.**

The Board may not vacate a road unless the road viewers have recommended it be vacated. After providing those whose property abuts or adjoins the road an opportunity to be heard on the matter, the Board may, but is not required to, vacate a road for which the road viewers' recommend vacation.

(Ord. 2006-02, passed 3-17-2006)

### **§ 94.106 DOCUMENTATION OF VACATION.**

In the event the Board decides to vacate the road, the Board shall execute a document in recordable form, evidencing the vacation. Such document shall be submitted to the Board with any road viewers' report recommending vacation, in case the Board wishes to vacate. Such document shall be filed of record with the Office of the County Clerk of the county.

(Ord. 2006-02, passed 3-17-2006)

### **§ 94.107 COUNTY LINE ROADS.**

If such road runs on the county line with another county, the county commissioners of the other county interested shall also appoint viewers and the other county's concurrence with the decision to vacate shall be necessary to vacate the road.

(Ord. 2006-02, passed 3-17-2006)