

RESOLUTION**DENYING R.C. 5553.041 ROAD VACATION PETITION FILED BY THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION TO VACATE A PORTION OF RIVER ROAD (TOWNSHIP ROAD 131)**

WHEREAS, a Petition was filed pursuant to R.C. 5553.041 on April 2, 2026 upon behalf of the Director of the Ohio Department of Transportation (ODOT) proposing to vacate a portion of River Road (Township Road 131) south of State Route 161 (“Petition”) as more fully detailed in the exhibit attached to the Petition; and,

WHEREAS, the Board has undertaken all necessary steps in advance of rendering a decision on the Petition; NOW, THEREFORE,

BE IT RESOLVED by the Board of County Commissioners, County of Licking, State of Ohio:

1. This Board concludes that vacating the portion of River Road as outlined in the petition has not, in the opinion of this Board, been shown to be for the public convenience or welfare.
2. Accordingly, the Petition is *denied, without prejudice*.
3. The Board deems this resolution as a final order in all respects, subject to appeal in accordance with R.C. 5563.02. In the event of any such appeal, the Board hereby sets an appellate bond, conditioned to pay all costs made on the appeal including, but not limited to, the completion of a transcript, if the appellant fails to sustain such appeal or it is dismissed, in the amount of Three Thousand Dollars (\$ 3,000.00).
4. The Board makes the following findings and conclusions in support of its decision:
 1. A viewing of the area proposed to be vacated was conducted on the 28th day of April, 2026, after having been properly published and notice properly given in regard to the Petition.
 2. A hearing date was convened on the Petition that same day, again after having been properly published and notice properly given.
 3. A review of the Petition by Board Staff confirmed the legal sufficiency of the Petition in accordance with R.C. 5553.041, and no objections have been heard otherwise.
 4. The Board considered all available evidence, including oral statements by a representative of the Ohio Department of Transportation, the County Engineer, a Township Trustee and the Township Fire Chief, a representative of the Licking County Area Transportation Study (LCATS), and interested property owners, as well as written comments from residents.
 5. It is the duty of this Board to determine if vacating the portion of River Road as requested is “for the public convenience or welfare” – the standard set out in R.C. 5553.04. This determination “lies within the sound discretion” of this Board. *Matter of Vacation of a Pub. Rd.*, 18 Ohio St.3d 397, 399 (1985).
 6. As the Petitioner is requesting a change in the present state of affairs, this Board feels that the burden of proof is ODOT to show that vacating River Road as requested is “for the public convenience or welfare”. See, generally, *State v. Nicholas*, 2022-Ohio-4276, ¶ 27 (“The burdens of pleading and proof with regard to most facts have been and should be assigned to the plaintiff who generally seeks to change the present state of affairs and who therefore naturally should be expected to bear the risk of failure of proof or persuasion”), citing, *Schaffer v. Weast*, 546 U.S. 49, 56 (2005), quoting 2 Strong, *McCormick on Evidence*, Section 337 (5th Ed.1999).
 7. Upon review, the Board is unable to conclude that the Petitioner has met that burden, namely that the vacation of River Road, as currently proposed, would be in the public convenience or welfare as:
 - a. Traffic studies were insufficient in that they were not formally offered as exhibits for the Board to review. And, to the extent testimony regarding a traffic study was presented, said study was reportedly over a decade old and thus outdated.
 - b. Statistical documentation regarding the number and severity of traffic accidents at this location was not presented. Moreover, the information that was orally presented was inconsistent and limited to what a witness might have recalled regarding such statistics.

- c. The evidence presented did not result in any level of consensus as to the best solution, with ODOT advocating a design consistent with its Petition; LCATS recommending a full closure of River Road at State Route 16; with some residents supporting either of those options while others recommended leaving the current route in place or recommending other options entirely.
- d. While testimony was presented regarding possible options available to facilitate emergency access to State Route 16, the exhibit attached to the Petition does not include those design attributes and thus the Board has no assurance that such measures would be put in place.
- e. The closing of River Road to State Route 16 could result in serious concerns for residents in the event that River Road east is closed or impassable for any reason.
- f. ODOT conceded that an option to add an acceleration lane for those wishing to turn east from River Road was not fully explored and thus the Board is not in a position to consider that as a potential preferable alternative.

CC: Michael L. Smith, Auditor
Jared Knerr, Engineer
Kim Christian, Engineer Office
Randy Thorp, Sheriff
Carson Combs, Planning
Bryan Long, Recorder
Sean Grady, EMA/HS
Andrew Batstra, 911

FILE
ODOT
ODNR
Board of Education
Granville Township Trustees
Granville Township FO
Abutting Property Owners

**LICKING COUNTY COMMISSIONERS
CERTIFICATION PAGE**

Resolution No. 26-0380-COMM

April 30, 2026

Decision Regarding the River Road Vacation Petition

Upon the motion of Duane H. Flowers, seconded by Rick Black.

VOTE:

Rick Black	Aye
Timothy E. Bubb	Aye
Duane H. Flowers	Aye

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon and duly passed by the Board of County Commissioners of Licking County, Ohio, on the date noted above.



Christel Hamper, Clerk of the Board
Board of County Commissioners
Licking County, Ohio