

AN ORDINANCE
33-48
No.

To accept deeds and releases to Burrell Avenue and part of "A" Street in the Industrial Area, and to confirm the dedication thereof.

WHEREAS, the Midland Heater Corporation has heretofore presented a Special Warranty Deed dated the 15th day of November, 1948, the Armstrong Furnace Company has heretofore presented a Quit Claim Deed dated the 16th day of November, 1948, and the Penn Mutual Life Insurance Company, has presented a partial Release of Mortgage dated the 9th day of March, 1948, all to the City of Grandview Heights, Ohio, conveying Burrell Avenue from the intersection of Edgehill Road and the alley immediately East of Northwest Boulevard, East, to the East corporation line and including "A" Street from Burrell Avenue North and parallel to the East corporation line to the lot line of a parcel owned by Mary H. Kirn. Said property so conveyed is more fully described in said deeds and releases aforesaid and upon a map prepared by the City Engineer dated August, 1946, and now on file with the Clerk of said City; and

WHEREAS, It is the opinion of this Council that said parts of streets so defined should be incorporated in the City Street System.

NOW, THEREFORE, Be It Ordained by the Council of the City of Grandview Heights, Ohio:

Section 1. That the Special Warranty Deed from the Midland Heater Corporation dated the 15th day of November, 1948, the Quit Claim Deed from the Armstrong Furnace Company, dated the 16th day of November, 1948, the partial Release of Mortgage from The Penn Mutual Life Insurance Company dated the 9th day of March, 1948, conveying title to Burrell Avenue and part of "A" Street running North from Burrell Avenue parallel and adjacent to the C. & O. railroad to the property line of Mary H. Kirn, be, and the same is hereby approved and accepted, and that the dedication of such streets to public use as contained therein, be and the same is hereby accepted and confirmed.

Filed October 14-1943

MAH

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

The City of Grandview Heights
Ohio, a municipal corporation

ok Gust
on M-70-112

Plaintiff

VS

ORD # 14-15-16-17-1940

The Goldberg Realty Company
C. Eugene Smith, Administrator
of the Estate of Llewellyn L.
Aller, deceased; Charles L. Allen
Trustee, and Helen E. Benua,

C.P. Ct. 6-16-41

Defendants

No. 157210

M-112

ENTRY

This day this matter came on for hearing upon the application of Donald C. Power, City Solicitor of the City of Grandview Heights, Ohio, filed pursuant to Section 1229-1 of the General Code and its related sections, for a determination of the compensation or damages, if any, due The Goldberg Realty Company and Helen E. Benua by reason of the improvement involving the elimination of the grade crossing over the tracks of The Chesapeake and Ohio Railway Company on Goodale Street in Franklin County, Ohio, and in the Cities of Columbus and Grandview Heights. And upon consideration thereof, a jury being waived, the Court finds from the evidence that on the 25th day of January, 1939, the Council of the City of Grandview Heights Passed a resolution which was duly entered on its journal in which it was determined that the claims of the defendants above named, for compensation for lands described in said entry as belonging to each of said defendants, and damages to their property, should be judicially inquired into after the completion of said improvement.

The Court finds that said improvement has been completed and that on December 2, 1940, the Council of the City of Grandview Heights, Ohio, duly enacted Ordinance No. 16-40 vacating the

following portion of Extrados Street in the City of Grandview Heights, Ohio, to-wit;

All that part of Extrados Street, 30 feet in width, in the City of Grandview Heights, extending from the south line of Goodale Street southeastward to a line which is parallel with and 250 feet distant at right angles from the south line of Goodale Street.

That on December 2, 1940, the Council of the City of Grandview Heights, Ohio, duly passed Ordinance No. 17-40 which vacated a portion of Viola Avenue in the City of Grandview Heights, Ohio, to-wit:

All that part of Viola Avenue in the City of Grandview Heights together with all that portion of Lot No. 1 in Block 3 in Clayton's Subdivision in the City of Grandview Heights lying North of a line 250 ft. South of Goodale Boulevard and parallel thereto.

The Court further finds that on December 2, 1940, the Council of the City of Grandview Heights, Ohio, duly dedicated to public use for street purposes the following described property in the City of Grandview Heights, Ohio,

A part of Lot No. 1 in Block No. 3 in Clayton's Subdivision in the Village of Grandview Heights, beginning at the northerly corner of said Lot No. 1 at the intersection of the easterly line of Viola Avenue with the southwesterly line of Extrados Street; thence southeasterly with the northeasterly line of said lot, 60 feet to the northerly corner of Lot No. 2 in Clayton's Subdivision; thence westerwardly 36 feet, more or less, to a point in the west line of said Lot No. 1; thence northward with the west line of said Lot No. 1, 55 feet to the place of beginning.

The Court further finds that the Council of the City of Grandview Heights, Ohio, on December 2, 1940, duly passed Ordinance No. 14-40 and dedicated to a public use for street purposes the following:

PARCEL NO. 1 - A strip of land 50 feet in width lying south of a line which is parallel with and 250 feet south of the south line of Goodale Street, and extending from the west line of Viola Avenue westward 441.5 feet to the west line of the Northwest Boulevard Company's Reserve.

Subject, to a railroad right of way, 15 feet in width, south of and adjacent to the north

line of the above described parcel, heretofore granted to The Pennsylvania Railroad Company for a switch track.

Parcel No. 2- Beginning at a point in the south line of Goodale Street, 8.5 feet east of the Northwest corner of Lot No. 11 in Plat No. 6, of the Northwest Boulevard Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 13, Page 22, Recorder's Office, Franklin County, Ohio; thence south, parallel with the west line of said Lot No. 11, 250 feet to the north line of a 15 foot right of way for a railroad switch track; thence west 50 feet, parallel with the south line of Goodale Street, to the west line of the Northwest Boulevard Company's Reserve; thence north with the west line of said reserve, 250 feet to the south line of Goodale Street; thence east 50 feet to the place of beginning.

The Court further finds that The Goldberg Realty Company is at the present time and has been continuously, since sometime prior to the time said proceedings were had in the matter of the elimination of said grade crossing, the owner of Lots 8, 9, 10 and 11 in Block No. 3 of Clayton's Subdivision, and that Helen E. Benua is at the present time and has been continuously, since sometime prior to the time said proceedings were had in the matter of the elimination of said grade crossing, the owner of Lots 12, 13 and a portion of 14 and 15 in Block 3, Clayton's Subdivision.

The Court further finds that the property of the defendants, The Goldbert Realty Company and Helen E. Benua, did not abut on that portion of Extrados Street which was vacated by the Council of the City of Grandview Heights, Ohio, by Ordinance No. 16-40 under date of December 2, 1940, which portion of said street so vacated did, prior to said vacation, provide an outlet to Goodale Street for the benefit of the property of said defendants. That, however, by virtue of the dedication to public use of the property described in Ordinances No. 15-40 and 14-40, as hereinabove set forth, and which dedication has been effected since the filing of this proceeding in this Court, said defendants in the use and enjoyment of their premises aforesaid after the vacation of that portion of Extrados Street hereinabove described and the dedication of the premises

described in said Ordinances No. 15-40 and 14-40 and do have access to a public street which furnishes an outlet to the general street system of the City of Grandview Heights from and to the premises of said defendants.

The Court further finds that by reason of the foregoing matters and things neither of said defendants, i.e. The Goldberg Realty Company and Helen E. Benua, have suffered any damages and neither is entitled to any compensation on account thereof.

It is therefore ordered, adjudged and decreed that the claim of the defendantmthw Goldberg Realty Company, and the claim of the defendant, Helen E. Benua , be disallowed and that the plaintiffs pay the costs of this proceeding.

R.P. Duncan, Judge