

Mt. Vernon Place Road - vacation from the east line of the N & W Railroad east to Nelson Road

ROAD RECORD NO. 12

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IN THE MATTER OF THE VACATION OF COUNTY ROAD NORTH OF CLIFTON AVE. SOMETIMES CALLED MT. VERNON PLACE ROAD PETITIONED FOR BY ANNE E. NELSON AND OTHERS IN MARION TOWNSHIP, FRANKLIN COUNTY, OHIO.

NOTICE OF PRESENTING VACATION COUNTY ROAD PETITION.

Notice is hereby given that a petition will be presented to the Commissioners of Franklin County, at their next session April 1, 1914, praying for the Vacation of a County Road on the following line, to-wit: Situate in the County of Franklin, State of Ohio, City of Columbus. Being a strip of land through Lots 2 and 5 of the partition of the Nelson Farm in Half Sections 15 and 16, Section 11, Twp. 5, Range 22, Refugee Lands, as said Lots are numbered and delineated on the plat of said partition of Record in Complete Record 28, p. 454 Ct. of Common Pleas, Franklin County, Ohio., said strip being 60 ft. in width and 30 ft. on each side of the following described center line: Beginning at a point on the east line of the right-of-way of The Norfolk & Western Railway Company, 146.43 feet south of and at right angles to the north line of said Lot No. 5; thence south 86 Deg. 20' East, parallel to said North line 1313.49 feet to a point in the east line of said Lot No. 5; thence continuing South 86 Deg. 20' East, through said Lot No. 2, 100.48 ft. to a point in the center line of a proposed street bearing North 14 Deg. East; thence South 76 Deg. East at right angles to said stake 622.46 ft. to the center of the Alum Creek Road. Said Road, if it had ever been opened up, would be a continuation of Mt. Vernon Avenue from the Norfolk and Western Railway Company's right of way eastward. Anne Elizabeth Nelson, W. O. Henderson, Lucy P. Ellis. Feb. 25, 1914.

PROOF OF POSTING AND PUBLISHING NOTICE.

THE STATE OF OHIO, FRANKLIN COUNTY, SS.

Howard B. Nelson being duly sworn, says that on the 1<sup>st</sup> day of March, 1914, and at least thirty days before the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, he set up copies of the foregoing notice, in three public places in the Township of Marion through which the road is proposed to be vacated.

Howard B. Nelson

Sworn to before me, and signed in my presence, this 30<sup>th</sup> day of March, 1914.

E. G. Pease  
Notary Public, Franklin Co., Ohio.

COUNTY ROAD PETITION.

IN RE VACATION OF COUNTY ROAD NORTH OF CLIFTON AVENUE FROM THE NORFOLK & WESTERN RAILWAY COMPANY'S RIGHT OF WAY TO NELSON ROAD AND SOMETIMES DESIGNATED MT. VERNON PLACE.....

Columbus, Ohio, April 1st. 1914.

TO THE BOARD OF COUNTY COMMISSIONERS,  
FRANKLIN COUNTY, OHIO.

Gentlemen:

The undersigned, Anne E. Nelson, W. O. Henderson and Lucy P. Ellis, respectfully represent:-

That heretofore on August 3, 1894, John J. Nelson, Martha L. Nelson and Carlton T. Nelson executed and delivered to the County Commissioners of Franklin County, Ohio, a deed for the following described premises, to-wit:

Situate in the County of Franklin,  
State of Ohio and Township of Marion;

Being a strip of land through Lots Two (2) and Five (5) of the partition of the Nelson Farm in Half Section 15 and 16, Section 11, Township 5, Range 22,

Refugee Lands, as said Lots are numbered and delineated on the plat of said partition, of record in Complete Record 28, page 454, Court of Common Pleas, Franklin County, Ohio; said strip being 60 feet in width and 30 feet on each side of the following described center line; beginning at a point on the east line of the right of way of the Norfolk & Western Railway Company, 146.43 feet south of and at right angles to the north line of said Lot No. 5; thence south 86 Deg. 20' east, parallel to said north line 1213.49 feet to a point in the east line of said Lot No. 5; thence continuing south 86 Deg. 20' east, through said Lot No. 2, 100.48 ft. to a point in the center line of a proposed street, bearing north 14 Deg. east; thence south 78 Deg. east at right angles to said stake 622.46 feet to the center of the Alum Creek Road

Said strip was deeded for use as a street or public highway only.

Since said deed was executed, said premises have been annexed and taken into the City of Columbus.

That that portion of said Road lying in said Lot No. 2 had, prior to the execution of said deed, been mortgaged by the grantors, and upon foreclosure of a part of said premises, some were sold free from the rights of the County under said deed; that said Road, when dedicated, was not given any specific name, but would form a continuation of Mt. Vernon Avenue eastward from The Norfolk & Western Railway Company's right of way to Nelson Road; that W. O. Henderson and Lucy P. Ellis own all of the premises on both sides of said Road from The Norfolk & Western Railway Company's right of way to the east line of Lot No. 5, being the west line of said Lot No. 2; and Anne Eliza Nelson owns all of the property on both sides of said Road from the east line of said Lot No. 5 to Nelson Road; that no part of said Road has never been opened up for or used by the public; that the property on either side of said Road and the property comprising said Road has always been, as well before as continuously after said deed, inclosed by fence and used exclusively as farm lands;

That no injustice will be done by the vacation of said Road; that the owners of the premises abutting on said Road contemplate subdividing the property in the vicinity thereof, and, in order to satisfactorily subdivide said premises, it is desired to have said Road vacated; that the proposed plan for subdivision of said property provides for a Road extending from the present termination of Mt. Vernon Avenue at the Norfolk & Western Railway Company's right of way in an easterly direction;

That they have given notice of the fact that a petition would this day be presented to your honorable body, praying for the vacation of said Road, by a thirty days' notice in the Columbus Evening Dispatch, a newspaper published and of general circulation in Franklin County, Ohio, and by posting copies of such notice in three public places in Marion Township, Franklin County, Ohio; proofs of the publication and of the posting of such notice are hereto attached, marked Exhibits A and B respectively, and made a part hereof.

Anne E. Nelson

W. O. Henderson

Lucy P. Ellis

by Worys Sater Seymour & Pease  
Their Atty.

STATE OF OHIO, )  
Franklin County, ) ss;

ANNE ELIZA NELSON, being first duly sworn, says that she is one of the petitioners herein, and that the facts stated and allegations contained in the foregoing petition are true.

x Anne Eliza Nelson

SWORN TO before me and subscribed in my presence by the said Anne E. Nelson this 30 day of March, A. D. 1914.

E. G. Pease

Notary Public, Franklin County, Ohio.

(SEAL)

NOTICE OF PETITION TO VACATE COUNTY ROAD (BEING THE FIRST COUNTY ROAD NORTH OF CLIFTON AVENUE) FROM THE NORFOLK & WESTERN RAILWAY COMPANY'S RIGHT OF WAY TO NELSON ROAD, AND SOMETIMES DESIGNATED AS MT. VERNON PLACE.

TO WHOM IT MAY CONCERN:

Notice is hereby given that a petition will be presented to the Board of County Commissioners of Franklin County, Ohio, at their session to be held on the 1st day of April, 1914, praying for the vacation of the following County Road, to-wit:

Situate in the County of Franklin, State of Ohio and City of Columbus:

Being a strip of land through Lots two (2) and five (5) of the partition of the Nelson Farm in Half Sections 15 and 16, Section 11, Township 5, Range 22, Refugee Lands, as said Lots are numbered and delineated on the plat of said partition, of record in Complete Record 28, page 454, Court of Common Pleas, Franklin County, Ohio; said strip being 60 feet in width and 30 feet on each side of the following described center line; beginning at a point on the east line of the right of way of the Norfolk and Western Railway Company, 146.43 feet south of and at right angles to the north line of said Lot No. 5; thence south 86 Deg. 20 min. east, parallel to said north line, 1213.49 feet to a point in the east line of said Lot No. 5; thence continuing south 86 Deg. 20 Min. east, through said Lot No. 2, 100.48 ft. to a point in the center line of a proposed street, bearing north 14 Deg. east; thence south 78 Deg. east at right angles to said stake 622.46 feet to the center of the Alum Creek Road.

Said road, if it had ever been opened up, would be a continuation of Mt. Vernon Avenue from the Norfolk and Western Railroad Company's right of way eastward.

Dated this 25th day of February, 1914.

Anne Eliza Nelson  
W. O. Henderson  
Lucy P. Ellis.

THE STATE OF OHIO, FRANKLIN COUNTY, SS.:

A. E. Campbell being duly sworn, deposes and saith, that the Notice, of which a true copy is hereunto attached, was published in the COLUMBUS DISPATCH, a Daily Newspaper printed in and in general circulation in said Franklin County, Ohio, for 1 time, to-wit, on March 2nd, 1914.

(over)

A. E. Campbell

Sworn to and subscribed before me, this 30th day of March, 1914, as witness my hand and seal of office.

G. E. Fowler  
Notary Public in and for Franklin County, Ohio.

(SEAL)

Printer's Fee.....\$	<u>6.72</u>
This Affidavit.....	<u>.25</u>
\$	<u>6.97</u>

IN RE VACATION COUNTY ROAD, BEING THE FIRST COUNTY ROAD NORTH OF CLINTON AVENUE FROM THE NORFOLK & WESTERN RAILWAY COMPANY'S RIGHT OF WAY TO NELSON ROAD, AND SOMETIMES DESIGNATED AS MT. VERNON AVENUE.....

Columbus, Ohio, April 1st, 1914.

Page 129 TO THE RECORDER OF FRANKLIN COUNTY, Columbus, Ohio.

Dear Sir:-

Excerpt from the minutes of a regular meeting of the Board of County Commissioners of Franklin County, Ohio, held April 1, 1914, showing action of County Commissioners in reference to a petition for the vacation of County Road known as Mt. Vernon Place, now located in the City of Columbus, Ohio.

Mr. Davis offered the following resolution and moved its adoption:

"WHEREAS, Anne Eliza Nelson, W. O. Henderson and Lucy P. Ellis filed their petition with this Board, praying for the vacation of a Road heretofore deed to the County Commissioners of Franklin County, Ohio, by John J. Nelson, Martha L. Nelson and Carlton T. Nelson, by deed dated August 3, 1894, recorded in Deed Book 261, page 513, which said Road was described in said Deed as follows:

Situate in the County of Franklin, State of Ohio and Township of Marion:

Being a strip of land through Lots Two (2) and Five (5) of the partition of the Nelson Farm in Half Sections 15 and 16, Section 11, Township 5, Range 22, Refugee Lands, as said lots are numbered and delineated on the plat of said partition, of record in Complete Record 28, page 454, Court of Common Pleas, Franklin County, Ohio; said strip being 60 feet in width and 30 feet on each side of the following described center line; beginning at a point on the east line of the right of way of the Norfolk & Western Railway Company, 146.43 feet south of and at right angles to the north line of said Lot No. 5; thence south 86 Deg. 20' east, parallel to said north line 1213.49 feet to a point in the east line of said Lot No. 5; thence continuing south 86 Deg. 20' east, through said Lot No. 2 100.48 feet to a point in the center line of a proposed street, bearing north 14 Deg. east; thence south 76 Deg. east at right angles to said stake 622.46 feet to the center of the Alum Creek Road.

Which said Road, by reason of the extension of the City of Columbus is now within said City; and

WHEREAS, said Board finds that the statements in said petition are true; that said Road was dedicated to public use on August 3, 1894; that said Anne Eliza Nelson, W. O. Henderson and Lucy P. Ellis own all the property abutting on said Road; and

WHEREAS, said Anne Eliza Nelson, W. O. Henderson and Lucy P. Ellis have given notice of the filing of said petition, for more than thirty days prior thereto, by notice published in the Columbus Evening Dispatch, a newspaper published and of general circulation in Franklin County, Ohio, and by posting copies of such notice in three public places in Marion Township, Franklin County, Ohio, for more than thirty days prior to the filing of said petition; and

WHEREAS, said Board is satisfied that due and legal notice has been given as required by law, and is further satisfied that no injustice will result from the vacation of said Road.

NOW, THEREFORE, BE IT RESOLVED, that the above mentioned Road be, and the same is, hereby vacated, and that all costs accruing on these proceedings shall be paid by said petitioner."

Said resolution was duly seconded by Mr. Sinclair and on call of the roll, Mr. St. Clair voted "Aye"; Mr. Ramphrey voted "Aye" and Mr. Davis voted "Aye", and no one voted "No", and thereupon said resolution was declared adopted.

\* \* \* \*

Columbus, Ohio, April \_\_\_\_\_, 1914.

I, JOHN SCOTT, Clerk of the Board of County Commissioners of Franklin County, Ohio, do hereby certify that the foregoing is a true and correct transcript of a resolution passed April 1, 1914, by the Board of County Commissioners of Franklin County, Ohio, said transcript being taken from the minutes of the proceedings of said meeting.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 1st, day of April, 1914.

John Scott  
Clerk of the Board of County Commis-  
sioners of Franklin County, Ohio.

\* The above recorded in Vacation Record, Miscellaneous #9. p 213 in Recorder's Office.