

This road record entry is a combination of the original road record book found in the Franklin County Engineer's Tax Map Department and the WPA transcribed road record book found in the Franklin County Engineer's Records Department. The WPA information was added to the original record to aid in reading the text or plats.

The information below refers to the WPA transcribed entries and was included in the front of each of those books:

“THE HISTORICAL DATA IN THIS RECORD

WAS COMPILED BY RECORDS IN THE OFFICE OF THE FRANKLIN COUNTY ENGINEER

WORKS PROGRESS ADMINISTRATION IN OHIO OFFICIAL PROJECT 665-42-3-130

W P 17847

SPONSORED BY

ALLEN C. SLADE, COUNTY ENGINEER

FRANKLIN COUNTY, OHIO”

FRANKLIN CO. O., ROAD RECORD No. ¹⁴~~13~~ Vacation Roads etc. Eberly Heights Addition

IN THE MATTER OF EBERLY HEIGHTS ADD.
TO FRANKLIN COUNTY OHIO.

FILED SEPT. 13, 1935

PETITION

To the County Commissioners of Franklin County, Ohio.

Now comes E. G. Buchsieb and states that he is the owner in fee simple of all parkways, reserves and lots in Eberly Heights Addition to Franklin County, Ohio, an addition of one hundred seventy nine (179) lots, accepted by the Board of County Commissioners on the 23rd day of May, 1924, excepting the following lots: Lots Nos. 1,2,3,4,5,6,7,8,9,10, 51,52,53,54,55,56,139,140,141,142,143,144,145 and Parkway D, and requests the county commissioners of Franklin County, Ohio to vacate the following unimproved roads, places, walks, alleys and avenues in said addition, to wit:

Marion Road, Eberly Drive, Shenandoah Drive, Roanoke Road, Fayette Road, all that portion of Marietta Road which lies northerly of the west line of the intersection of Marietta Road and Augusta Avenue, and all unnamed and intervening alleys, places and parkways, excepting a strip of ground 20 feet wide extending in an easterly and westerly direction along the entire length of the aforesaid property on Refugee Pike, and excepting, also a strip of ground 10 feet wide extending in a northerly and southerly direction along the length of the aforesaid property on Kilgore Road, the aforesaid being all the drives, alleys, etc., as shown by the plat of the aforesaid addition. E G Buchsieb, Petitioner.

We the undersigned, being freeholders of Franklin County, Ohio, residing in the vicinity of Eberly Heights Addition to Franklin County, Ohio, hereby join in the petition of E. G. Buchsieb and consent to and request your Honorable Commission to vacate the streets, avenues, alleys and places whose vacation is asked for in the foregoing petition of E. G. Buchsieb.

Name and address: W K Larger, 713 Deshler Ave. Frank Larger, 1675 Frebis Ave. Frank Spangler, 2262 Refugee Pike, Marion E Pettegrew, 1060 Linwood Avenue, Jos. Larger, 549 Elsmar St. A L Kramer, 514 Kelton Avenue, Carl L Buchsieb, 25 Greenlawn Ave., R M Johnson, 1060 Linwood Avenue, Irene E Wagoner, 208 1/2 S 3rd St., Mrs Leo Feist, 1207 College Ave., Mrs Louise Webster, 1191 College Avenue, R G Herr, 2081 Winchester Pike, A H Munk, 2686 Winchester Pike, Jos Maeder, 1868 Moler Road, Max Waibel, 2137 Fairwood. Chas Rohr, 1779 Refugee Pike, Emil Larger, 1678 Moler Road, Edw. W Reeb, Sta G. Rt 3. So Columbus, Mrs Edw. W Reeb, Sta G. Rt 3, So. Columbus. John Borst, Rt 3. So. Columbus, Adolph Bohley, Rt 3 So. Columbus, Mary Bohley, Rt 3. S. Columbus, Chas Erckert, 1320 Moler Road, Mrs Chas Erckert, 1320 Moler Road, Ernest V Erckert 1509 Lockbourne Road, Mrs Ernest Erckert, 1509 Lockbourne Road, Mrs Leah McClish, Lockbourne, Ohio. John Warner Lockbourne Ohio, Chas Hann Sta G So Columbus, A F Herr, Lockbourne, O. C R Dill, Lockbourne, Ohio, Fannie G Dill, Lockbourne, Ohio, F E Dill, Lockbourne, Ohio, Bertha M Dill, Lockbourne, Ohio, W S Reese, Columbus, Ohio, Laura E Flory, Lockbourne, Ohio, Frank Flory, Lockbourne, Ohio.

PETITION TO VACATE ROADS ALLEYS ETC
IN EBERLY HEIGHTS ADD. MARION TWP
FILED. VIEW OCT. 3, 1935; FINAL
HEARING OCTOBER 16, 1935

September 14, 1935

Mr. Shade offered the following preamble and resolution and moved the adoption of the same, which was duly seconded by Mr. Paul.

WHEREAS, E. G. Buchsieb, et al., on the 13th day of September, 1935, presented a petition to the Board of County Commissioners of Franklin County, Ohio, signed by at least twelve freeholders of Franklin County, Ohio, residing in the vicinity of the proposed vacations requesting said Board to vacate roads, alleys, etc., in Eberly Heights Addition, Marion Township, as follows:-

Marion Road, Eberly Drive, Shenandoah Drive, Roanoke Road, Fayette Road, all that portion of Marietta Road which lies northerly of the west line of the intersection of Marietta Road and Augusta Avenue, and all unnamed and intervening alleys, places and parkways, excepting a strip of ground 20 feet wide extending in an easterly and westerly direction along the entire length of the aforesaid property on Refugee Pike, and excepting, also a strip of ground ten feet wide extending in an northerly and southerly direction along the length of the aforesaid property on Kilgore Road, the aforesaid being all the drives, alleys, etc., as shown by the plat of the aforesaid addition.

therefore

BE IT RESOLVED, By the board of county commissioners of Franklin County, Ohio, that Thursday October 3, 1935, at ten o'clock A M., eastern standard time, is hereby fixed as the date and hour when the Board of County Commissioners will view the proposed vacations along the general route thereof; and that Wednesday, October 16, 1935, at ten o'clock A M., eastern standard time, is hereby fixed as the time and date for final hearing on said petition and proposed vacations at the office of the Board of County Commissioners in the Court House of Franklin County, Ohio; and

BE IT FURTHER RESOLVED, that notice of the time and place for both such view and hearing be given by publication once a week for two consecutive weeks in the Ohio State Journal, a newspaper published in and having a general circulation in Franklin County, Ohio, where the proposed vacations are located, and that said notice, in addition to the date and place of such view and place and time of the final hearing, shall state briefly the character of the proposed vacations.

Voting Aye thereon: Vigor, Shade and Paul.

PROOF OF PUBLICATION

State of Ohio } ss.
Franklin County }

Paul Eisole, cashier of the Ohio State Journal, a newspaper published at Columbus, Franklin County, Ohio, with a paid circulation of more than 25,000, personally appeared and made oath that the attached printed advertisement was published for

2 times, 9/16-23-
1935

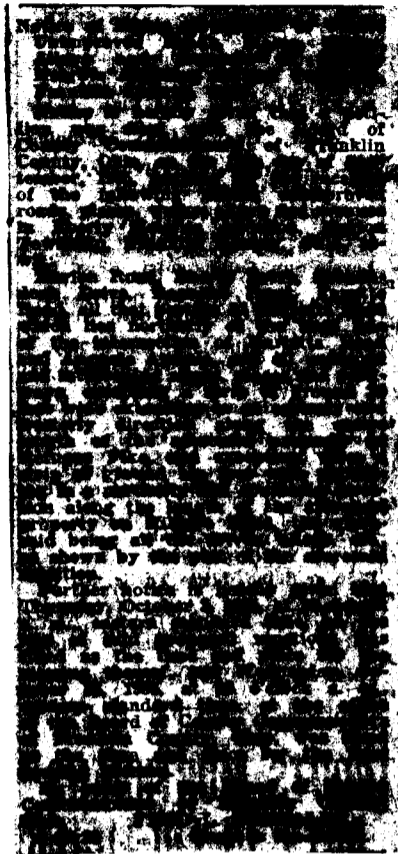
in said newspaper and that the rate charged therefor is the same as that charged to commercial advertisers for like articles on similar contracts.

Subscribed and sworn to this 3rd

day of September 1935
W. H. Rible

Notary Public in and for Franklin Co.

W. H. RIBLE
Notary Public, Franklin County, Ohio



October 3, 1935

In the matter of the petition of E G Buchsieb et al praying for the vacation of public roads, alleys etc., in Eberly Heights Addition, Marion Township, Franklin County, Ohio, Mr. Shade offered the following preamble and resolution and moved the adoption of the same, which was duly seconded by Mr. Vigor.

WHEREAS, On the 13th day of September, 1935, E G Buchsieb, et al., filed with the Board of County Commissioners of Franklin County, Ohio, a petition praying for the vacation of public roads, alleys, etc., in Eberly Heights Addition, Marion Township, Franklin County, Ohio, described in said petition; and

WHEREAS, On the 13th day of September, 1935, said Board of County Commissioners did fix the 3rd day of October, 1935, at ten o'clock A.M., eastern standard time, on the line of said proposed vacations as the time and place for viewing thereof, and did further fix the 16th day of October, 1935, at ten o'clock A.M., eastern standard time, at the office of the Board of County Commissioners of Franklin County, Ohio, as the time and place for final hearing on said petition; and

WHEREAS, Legal notice by publication in the Ohio State Journal, a newspaper published in and of general circulation in said county was given of the time and place for the viewing of said vacations and of the final hearing thereon; and

WHEREAS, the board of county commissioners of Franklin County, Ohio, did on the 3rd day of October, 1935, the day fixed for the viewing of the said proposed roads, alleys, etc., meet on the line thereof as described in the petition, and heard all the proof offered by parties interested in and affected thereby and other persons competent to testify, and did go over and along the line of said proposed vacations and by actual view of same, and the premises along and adjacent thereto which are to be affected thereby, does find that the vacation of the said roads, alleys, etc., is of sufficient importance to require that the surveyor of Franklin County, Ohio, be instructed and directed to make a survey and plat thereof; therefore

BE IT RESOLVED, By the board of county commissioners of Franklin County, Ohio, that the Surveyor of Franklin County, Ohio, be and he hereby is instructed and directed to make a plat and survey of the proposed roads, alleys, etc., an accurate and detailed description of each tract of land which will be necessary to be taken, together with the names of each owner; shall set stakes at the termini of each right of way line and at all angles between such termini and at sufficient other points on the right of way lines so that the bounds of the proposed vacations may be discernible to property owners and others interested, and make report to the Board of County Commissioners on or before the 16th day of October, 1935, at ten o'clock A.M., eastern standard time. Said report shall set forth the opinion of the county surveyor either for or against the granting of said vacations, which report, together with the plat and survey of the proposed vacations shall be deposited with the county commissioners.

Voting Aye thereon: Harry T Vigor and David A Shade. Absent and not voting, Edw T Paul

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 FRANKLIN CO. O., ROAD RECORD No. ~~13~~ ¹⁴ Vacation of Roads, etc. eberly heights addition

BEFORE THE BOARD OF COUNTY COMMISSIONERS
 OF FRANKLIN COUNTY OHIO.

FILED OCTOBER 2, 1935

IN THE MATTER OF THE VACATION OF
 EBERLY HEIGHTS ADDITION.

PROTEST OF JOSEPH F. FRITZ JR

Now comes Joseph F. Fritz, Jr., and objects to and protests against the petition for the vacation in the above matter, and says that he is the owner of Lots 51, 52 and 53 of Eberly Heights Addition, being the same addition in which are the roads, streets, alleys, places and parks sought by the petition to be vacated by petitioners, for the following reasons;

1. Said addition and all lots therein are subject to restrictions respecting the use of said lots, the character of the improvement which may be erected on said lots, the cost and character of the improvement, and the distance buildings or improvements shall be located back of the front line, and this objector, Joseph F. Fritz, Jr., purchased the aforesaid lots in said addition relying of right upon the character and permanence of said restrictions. This objector further says that a part contractual relation exists, with respect to these restrictions, between the grantor in the deeds for these lots and every purchaser of them and between those purchasers, and that the Board of County Commissioners have no authority in law to disturb such contractual relations.

2. The petitioners, Emil G. Buchsieb, et al who now own lots in said addition, purchased said lots with full knowledge of said restrictions and of this objector's interest and rights under said restrictions, and said petitioners are now, by reason of the above facts, and by the record of said plat and the said deeds thereunder, bound thereby and estopped to deny or question them. The other petitioners in said petition who are not owners of lots in said subdivision have no place or standing in the matter.

3. The only authority to change said plat or any part of it, is vested in the Platting Commission of the City of Columbus or in a court of competent jurisdiction, and only then upon the concurrence and with the consent of all the owners of all the property lying within said plat. This plat is of record in the Recorder's Office, Franklin County, Ohio, and no action by the County Commissioners can alter any detail of that plat, excepting as affecting Kilgore Road and Refugee Pike and those only as county rods if such they be.

4. The power given the commissioners by Section 6860, General Code, under which this petition is filed, is limited to county roads established as such by the commissioners or such as have by prescription or other legal process become county roads. The statutes nowhere give power to the commissioners to vacate any street, drive, walk, alley or avenue anywhere.

5. Said Eberly Heights Addition was platted by H. E. Barthman, he being at the time the sole owner of the entire tract which was incorporated into said addition and he acting strictly within his legal rights, provided streets, alleys, drives, walks parks and roads for the convenience of those who should thereafter purchase lots, and for their security and protection he imposed these restrictions on the use of said lots by the purchasers thereof, all of which rights and benefits pass to the purchasers of lots in that addition and have the same status in law as any other encumbrance Mr. Barthman might have placed upon the premises, and no power exists in the commissioners to in any way modify any details of that plat.

6. An action is already pending in the Common Pleas Court brought by Mr. Buchsieb to vacate this plat. Under the circumstances set forth in these objections, the only power to disturb this plat is in the Common Pleas Court. We further believe, under the law, that this plat having been originally submitted to the Platting Commission of the City of Columbus, that in some way that Platting Commission is a necessary party to any action or proceedings which seek to alter that plat.

WHEREFORE this objector, Joseph F Fritz, Jr., asks that the petition be dismissed. Respectfully submitted, E. D. Howard, Attorney for Joseph F Fritz., Jr.

MEMO

To the County Commissioners.

Gentlemen: Having stated above several reasons why the commissioners have not power to act as petitioned for in this matter, opportunity should be given objector to present through counsel court decisions upholding his contentions. The matter should be fully considered by your Board. No harm can result to anyone from your taking as much time as it is necessary for that purpose.

As above stated, a case brought by Mr. Buchsieb is now pending in the Common Pleas Court seeking to vacate the entire plat. Your Board is party defendant in that action. There should not be two actions pending at the same time for the same purpose before different tribunals.

I expect to be away a good part of the month of October, and respectfully request that the hearing set for October 16 be continued for thirty days. Respectfully submitted, E D Howard, Attorney for Joseph F Fritz., Jr.

October 5, 1935

The Board of County Commissioners, Court House, Columbus, Ohio.

FILED Oct 7, 1935

Gentlemen: In the matter of the vacation of Eberly Heights Addition pending before you, I filed a few days ago a protest of Joseph F Fritz, claiming among other things that your Board had no authority to vacate a street or alley, etc. A case in the 25th N.P. (N S) Reports so held. It seems that the statute has since been amended giving you that authority. The main question, however, involved is that of the effect of the restrictions on these lots, and my contention on that behalf is maintained. Inasmuch as my contention is that the commissioners have no authority to alter the plat, I made no mention of the question of damages in case your Board should decide otherwise.

For the purpose of saving this question I desire hereby to supplement Mr. Fritz's protest.

The statute provides that in case the vacation is ordered, the commissioners shall ascertain the

FRANKLIN CO. O., ROAD RECORD No. 13 Vacation of roads, etc. Eberly Heights Addition

the damages. And of course Mr. Fritz will claim damages. Since the amount is to be ascertained by the Board, there is no particular point at this time in naming the amount except for formal purposes, and we therefore contend that Mr. Fritz will be damaged by the vacation petitioned for in the sum of Five Thousand (\$5000.00) Dollars. Respectfully submitted, E. D. Howard, Attorney for Joseph F. Fritz.,

EDH-F

Columbus, Ohio. Oct 16, 1935

subject; Vacation of Streets and Alleys
in Eberly Heights Subdivision
Marion Township.

FILED COTOBER 16, 1935

To the Honorable Board of County Commissioners, Franklin County, Ohio.

Gentlemen:

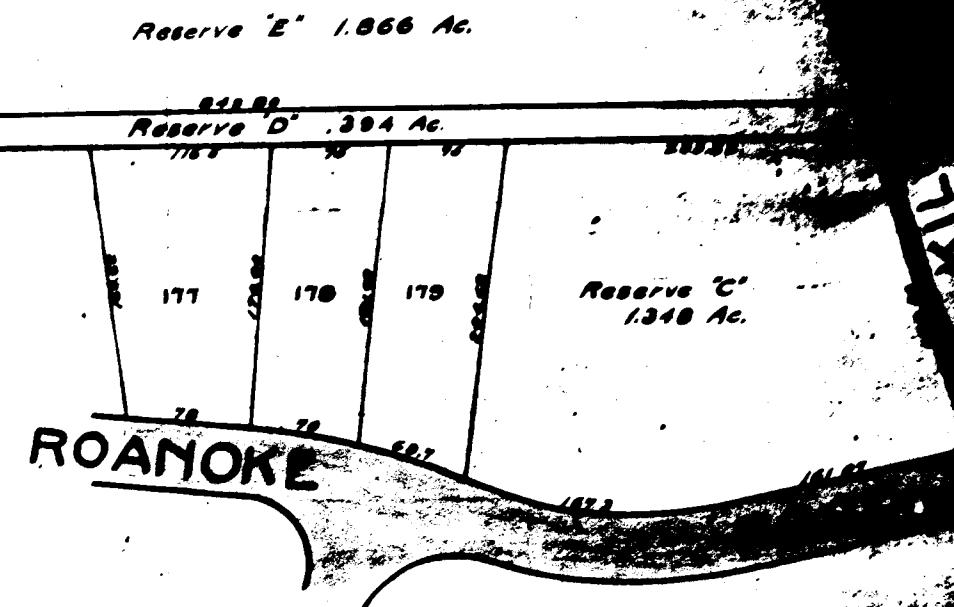
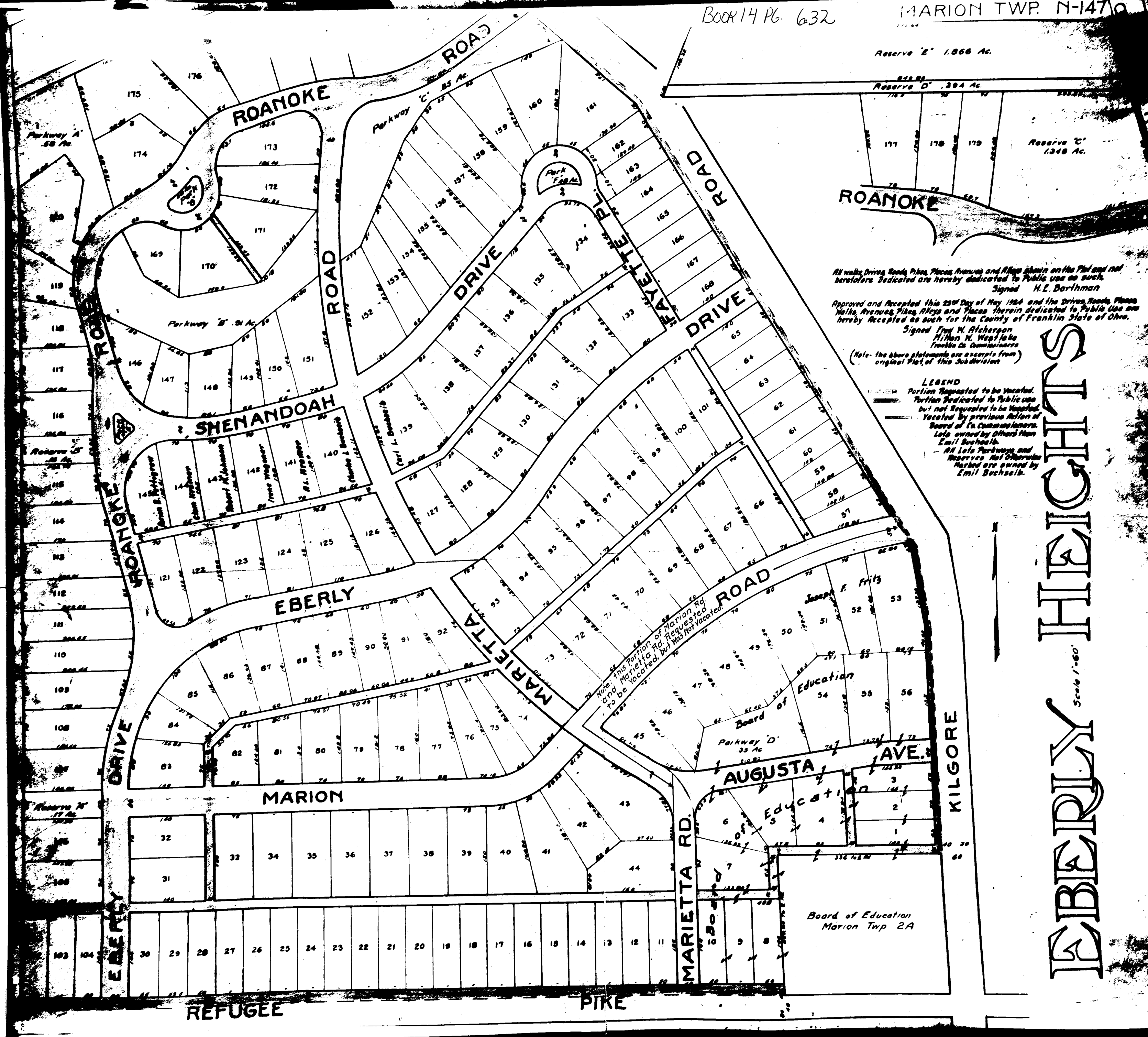
As directed by your Board on October 3, 1935, I have prepared a plat of Eberly Heights Subdivision, as of record in Plat Book 16, page 50, Recorder's office, Franklin County, Ohio, in which I have shown the Roads, Drives, Streets and Alleys proposed to be vacated, as set forth in the petition presented by E. G. Buchsieb, et al.

Following are the roads, streets and alleys proposed to be vacated:

Marion Road, Eberly Drive, Shenandoah Drive, Roanoke Road, Fayette Road, all that portion of Marietta Road which lies northerly of the west line of the intersection of Marietta Road and Augusta Avenue, and all unnamed and intervening alleys, places and parkways, excepting a strip of ground 20 feet wide extending in an easterly and westerly direction along the entire length of the aforesaid property on Refugee Pike, and excepting, also a strip of ground ten feet wide extending in a northerly and southerly direction along the length of the aforesaid property on Kilgore Road, the aforesaid being all the drives, alleys, etc., as shown by the plat of the aforesaid addition. X (1)

I would recommend that the prayer of the petition be granted and that the above enumerated roads, drives, streets, alleys, etc., be vacated, provided that the property owners of all lots abutting on the said roads, streets and alleys etc., are willing to give their consent to the vacation, in which case, I am of the opinion that the proposed vacation will not cause the public to be inconvenienced and will not be detrimental to public welfare.

Respectfully submitted, G. P. Logue, Deputy County Engineer.



All walks, Drives, Roads, Places, Places, Avenues and Places shown on this Plat and not heretofore Dedicated are hereby dedicated to Public use as such.
 Signed H.E. Barthman

Approved and Accepted this 23rd Day of May 1904 and the Drive, Roads, Places, Walks, Avenues, Places, Places, Avenues and Places therein dedicated to Public use are hereby Accepted as such for the County of Franklin State of Ohio.
 Signed Fred H. Atcherson
 Milton H. Westlake
 Franklin G. Commissioners

(Note: the above plat is an excerpt from original Plat of this Subdivision)

LEGEND

Portion Requested to be Vacated
 Portion Dedicated to Public use but not Requested to be Vacated
 Vacated by previous Action of Board of Commissioners
 Lots owned by Others than Emil Buchsals
 All Lots Parkways and Reserves Not Otherwise Marked are owned by Emil Buchsals.

EBERLY HEIGHTS
 Scale 1"=60'

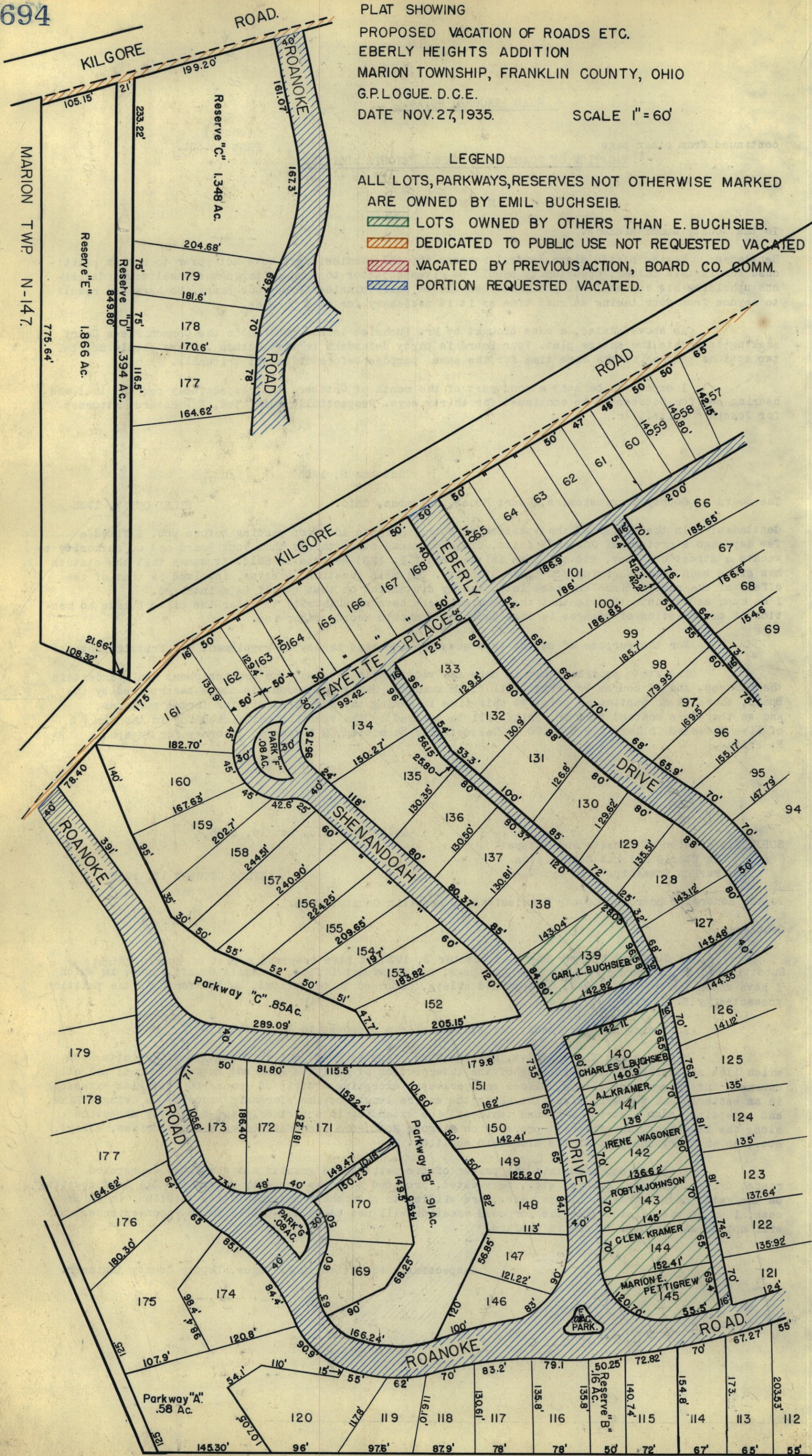
Board of Education
 Marion Twp 2A

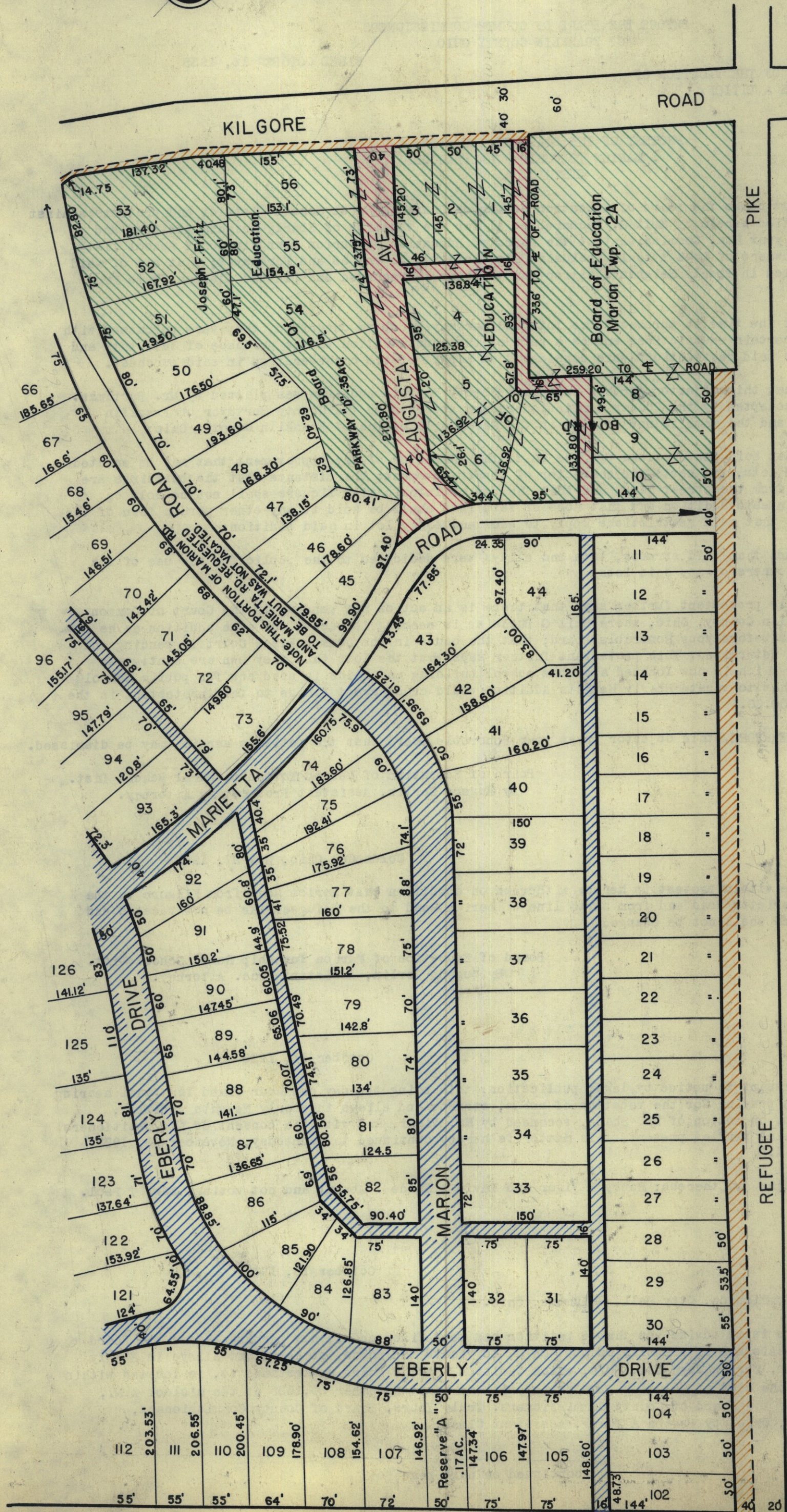
REFUGEE

PIKE

PLAT SHOWING
 PROPOSED VACATION OF ROADS ETC.
 EBERLY HEIGHTS ADDITION
 MARION TOWNSHIP, FRANKLIN COUNTY, OHIO
 G.P. LOGUE, D.C.E.
 DATE NOV. 27, 1935. SCALE 1" = 60'

LEGEND
 ALL LOTS, PARKWAYS, RESERVES NOT OTHERWISE MARKED
 ARE OWNED BY EMIL BUCHSEIB.
 [Green hatched] LOTS OWNED BY OTHERS THAN E. BUCHSIEB.
 [Orange hatched] DEDICATED TO PUBLIC USE NOT REQUESTED VACATED
 [Red hatched] VACATED BY PREVIOUS ACTION, BOARD CO. COMM.
 [Blue hatched] PORTION REQUESTED VACATED.





FRANKLIN CO. O., ROAD RECORD No. 13

Vacation of Roads etc. Eberly Heights Addition

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF FRANKLIN COUNTY OHIO

FILED OCTOBER 16, 1935

In the Matter of the Vacation of
Eberly Heights Addition.PROTEST OF THE BOARD OF EDUCATION OF
MARION TOWNSHIP RURAL SCHOOL
DISTRICT

Now comes the Board of Education of Marion Township Rural School District and protests against the petition filed herein by Emil G. Buchsieb et al for the vacation of Eberly Heights Addition and represents to your Hon. Commission that the Board of Education of Marion Township Rural School District are the owners of Lots 1 to 10 inclusive also lots 54, 55 and 56 and Parkway D; that all of said lots are located in Eberly Heights Addition as the same is recorded and platted thereon. This protestant says:

At the time it purchased the lots and parkway D, above described, they were purchased with reference to certain restrictions and as a part of the consideration to the purchase of said lots and Parkway D that said restrictions were considered as a part of the consideration in said purchase.

That this objector further says that Eberly Heights Addition was platted by Mr. Barthman. The plat was accepted by the county commissioners and approved by the county surveyor of Franklin County and the same is now on file in the Recorder's office of Franklin County, Ohio;

That said restrictions provide as to the character of any improvement that may be erected on any of said lots, the costs and character of the improvement; the distance that the buildings are to be located from the street line, and that the use of intoxicating liquors shall not be sold or manufactured in said addition and that none of said lots shall be sold to any other persons than of the caucasian race; that said restrictions apply to each and every lot in said addition;

And, that said streets, lots and alleys were dedicated to the public for the use of the purchaser and owners of any of said lots.

This protestant further says that there is an action now pending in the Court of Common Pleas of Franklin County, Ohio, wherein Emil G Buchsieb is seeking to vacate the same addition as he now seeks to vacate before your Honorable Board; that the cause in the Common Pleas Court is pending and has never been determined. This protestant further says that the lots that they own are contiguous to property on which is now located a double school building and which is used now for public school purposes and that to vacate Eberly Heights Addition would cause great damages to this protestant in the sum of \$15,000.00.

WHEREFORE, this objector prays your Honorable Board that the petition herein may be dismissed.

Board of Education of Marion Township, Rural School District
By Eugene Carlin, Assistant Prosecuting Attorney.

Columbus, Ohio, Nov 27, 1935

The within protest is hereby withdrawn on condition that Marion Road from Kilgore to the West line of Marietta Road and from north line of Marion Road to the Refugee Pike be not vacated and the restrictions shall not be changed.

Board of Education of Marion Township Rural School Dist
By Eugene Carlin, Assistant Pros. Attorney.

October 16, 1935

Pursuant to notice by legal publication, this being the day and hour fixed for final hearing on the petition praying for the vacation of roads, streets and alleys in Eberly Heights Addition, Marion Township, on motion of Mr. Shade, seconded by Mr. Vigor, and with the consent of the petitioners and all interested parties present, this matter is hereby continued to Wednesday, November 20, 1935 at ten o'clock A.M.

Voting Aye thereon: Harry T Vigor and David A Shade. Absent and not voting, Edw T Paul.

October 18, 1935

City Planning Commission, City Hall, Columbus, Ohio.

Gentlemen: This is to advise you that a petition has been filed and is now pending before the Board of County Commissioners of Franklin County, Ohio, to vacate the roads, streets, and alleys in Eberly Heights Addition, Marion Township, Ohio, which addition, as the Board understands it, is located within three miles of the City of Columbus. The matter will be heard November 20, 1935 at ten o'clock A.M. at the office of the Board of County Commissioners. Truly yours, Board of County Commissioners, Franklin County, Ohio, by Bertha A Young, Assistant Clerk.

CITY OF COLUMBUS

October 24, 1935

RESOLUTION

WHEREAS, The City Planning Commission has received a communication from the Commissioners' of

Franklin County pertaining to the vacation of Eberly Heights, and

WHEREAS, the said Eberly Heights Addition is within the three mile planning limits of the City of Columbus, and

WHEREAS, the said planning commission has given due consideration of the vacating of said addition, and

WHEREAS, the vacating of same does not interfere with any of the proposed plans of said Commission.

NOW THEREFORE BE IT RESOLVED, That the said Planning Commission does not object and hereby gives its unanimous approval of such vacation.

Henry W. Worley, Chairman.

November 20, 1936

Pursuant to postponement, this being the day and hour fixed for final hearing on the petition praying for the vacation of roads, streets and alleys in Eberly Heights Addition, Marion Township, on motion of Mr. Shade, seconded by Mr. Vigor, and with the consent of the petitioners and all interested parties present, this matter is hereby again continued to Wednesday, November 27, 1935, at ten o'clock A.M.

Voting Aye thereon: Harry T Vigor and David A Shade. Absent and not voting, Edw. T Paul.

PETITION TO FRANKLIN COUNTY
COMMISSIONERS.

November 26, 1935

We, the voters, Residents and Land Owners, living around and in the vicinity of Eberly Heights Addition, and being vitually interested in this Community, and further knowing that a request has been placed before the Commissioners asking that the Roads of Eberly Heights Addition be closed; we respectfully request and demand that these roads be left open and retain its status as a complete and open road addition.

If the roads in this Addition are closed, it will kill the value and drive it further down on these lots, and also have a devaluating influence on the surrounding land and near vicinity.

As there has been quite a few very good improvements going through in this neighborhood in the past two years, which is giving this neighborhood an upward trend in the way of value, we are sure the commissioners are not going to stand in the way of these improvements by closing these roads.

As a mutual benefit to the voters, residents and land owners around and in the vicinity and to the owners of lots in the Eberly Heights Addition, we trust the commissioners will see fit to leave these roads open.

Joseph F Fritz, Jr.
Committee
Ida Ma Jewett
Committee.

NAME	ADDRESS	FRANKLIN COUNTY
Clarence Fritz	553 Lewis Ave. Columbus, Ohio.	etal

November 27, 1935

In the matter of the proceedings for the vacation of Marion Road, Eberly Drive, Shenandoah Drive, Roanoke Road, Fayette Road, all that portion of Marietta Road which lies northerly of the west line of the intersection of Marietta Road and Augusta Avenue, and all unnamed and intervening alleys in Eberly Heights Addition, Marion Township, Franklin County, Ohio, Mr. Shade, a member of the Board of County Commissioners of Franklin County, Ohio, offered the following preamble and resolution and moved the adoption of the same, which was duly seconded by Mr. Vigor, also a member of said Board.

WHEREAS, On the 3rd day of October, 1935, the board of county commissioners of Franklin County, Ohio, did, by proceedings duly adopted, authorize and direct the Engineer of Franklin County, Ohio, to make report in writing to the Board on or before ten o'clock A.M., eastern standard time, of Wednesday, October 16, 1935, relative to the proceedings for the vacation of the above named roads, streets and alleys in Eberly Heights Addition, Marion Township; said report to be in manner and form as set forth and required by section 8865 General Code of Ohio; and

WHEREAS, G R Logue, Deputy County Engineer, on the 16th day of October, 1935, made report thereon in writing recommending that the prayer of the petition be granted and that the above enumerated roads, streets and alleys be vacated; and

WHEREAS, This being the day and hour fixed by postponement for the final hearing of said petition and for the consideration and action on said engineer's report, the same came on; and

WHEREAS, The Board of Education of Marion Township Rural School District had filed a claim for damages in the sum of \$15,000.00 and protested the granting of the prayer of said petition; and

WHEREAS, Joseph F Fritz, Jr. had filed a claim for damages in the sum of \$5000.00 and protested the granting of the prayer of the petition; and

WHEREAS, The Board of Education of Marion Township Rural School District withdrew its claims at the hearing, to wit: November 27, 1935; therefore

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 FRANKLIN CO. O., ROAD RECORD No. 13 Vacation Roads, etc. Eberly Heights Addition

After due consideration of the petition and the protest and damage claim of Joseph F Fritz, Jr the Board of County Commissioners of Franklin County, Ohio, hereby finds that the public convenience and welfare do not require that Roanoke Road, Shenandoah Drive, Eberly Drive, Fayette Road, Marion Road, Marietta Road, and all intervening alleys, with the exception of that portion of Marion Road commencing at its intersection with Kilgore Pike, thence running west to its intersection with the west line of Marietta Road, and also except that portion of Marietta Road commencing at its intersection with the north line of Marion Road, thence southeasterly to its intersection with the north line of Refugee Pike, be open to public use, convenience and welfare; therefore

BE IT RESOLVED, By the Board of County Commissioners of Franklin County, Ohio, that the roads, streets and alleys enumerated in preceding paragraph, with the exceptions noted, be and the same are hereby declared to be vacated; and

BE IT FURTHER RESOLVED, that in the opinion of said Board, Joseph F. Fritz, Jr., the owner of lots 51, 52 and 53 in said addition, on account of the vacation of said roads, streets and alleys is damaged in the sum of \$450.00; and

BE IT FURTHER RESOLVED, that in the opinion of the board of county commissioners the improvement is not of sufficient importance to the public to cause any part of the compensation and damages awarded to Joseph F Fritz, Jr., to be paid from the county treasury, but that said compensation and damages in the sum of \$450.00 shall be paid by E. G. Buchsieb, a land owner who will be benefited by said improvement, and the Board hereby orders that said payment be made within thirty days from November 27, 1935; and

WHEREAS, E. G. Buchsieb, by his Attorneys, Mathews and Clark, has filed notice of appeal in said proceedings, to wit:-

"Before the county commissioners of Franklin County, Ohio, In the Matter of the Vacation of Eberly Heights Addition. Notice of Appeal

Now comes Emil Buchsieb and gives notice of his intention to appeal that part of the final order made herein by the county commissioners of Franklin County, Ohio, which awards \$450.00 damages to Joseph F Fritz, Jr., because of the vacation of the streets in said Eberly Heights Addition. Emil Buchsieb by Mathews and Clark. His Attorneys of Record".

therefore

BE IT RESOLVED, By the Board of County Commissioners of Franklin County, Ohio, that the persons filing said notice of appeal be and hereby are required to file a bond in the sum of Five Hundred Dollars with sureties thereon to the satisfaction of the County Auditor, as provided in section 6891-1 General Code of Ohio.

Voting Aye thereon: Harry T Vigor and David A Shade. Absent and not voting, Edw T Paul.

BEFORE THE COUNTY COMMISSIONERS OF
FRANKLIN COUNTY OHIO.

FILED NOV. 27 1935

In the Matter of the Vacation of Eberly Heights Addition.

NOTICE OF APPEAL

Now comes Emil Buchsieb and gives notice of his intention to appeal that part of the final order made herein by the county commissioners of Franklin County, Ohio, which awards \$450.00 damages to Joseph F Fritz, Jr., because of the vacation of the streets in said Eberly Heights Addition.

Emil Buchsieb
By Mathews and Clark.
His attorneys of Record.

December 17, 1935

To the Board of County Commissioners of Franklin County:

Gentlemen: We take this way of notifying you that the damages assessed by your Board on account of the vacation of Eberly Heights Addition have been paid to Mr. Fritz and the record may be closed.

Very respectfully yours,

Thos H. Clark. Attorney for Emil G Buchsieb.

December 18, 1935

In the matter of the proceedings for the vacation of Roanoke Road, Shenandoah Drive, Eberly Drive Fayette Road, Marion Road, Marietta Road and all intervening alleys, with the exception of that portion of Marion Road commencing at its intersection with the Kilgore Road; thence running west to its intersection with the west line of Marietta Road, and also except that portion of Marietta Road commencing at its intersection with the north line of Marion Road, thence southeasterly to its intersection with the north line of Refugee Pike, all in Eberly Heights Addition, Marion Township, Mr. Shade offered the following preamble and resolution, and moved the adoption of the same, which was duly seconded by Mr. Vigor.

WHEREAS, On the 27th day of November, 1935, the Board of County Commissioners of Franklin County, Ohio, awarded to Joseph F. Fritz, Jr., pursuant to claim made in the matter of the vacation of the roads and alleys above mentioned, damages in the sum of \$450.00, said sum to be paid by E. G. Buchsieb, petitioner; and

WHEREAS, The Notice of appeal in said matter filed by E. G. Buchsieb by his attorneys Mathews

FRANKLIN CO. O., ROAD RECORD No. ¹⁴13x Vacation of Roads etc. Eberly Heights Addition

and Clark was not perfected;and

WHEREAS, On the 17th day of December, 1935, Thos H. Clark, Attorney for E. G. Buchsieb, informed the Board of County Commissioners in writing that the damages assessed on account of the vacation of above mentioned roads and alleys have been paid to Joseph F Fritz, Jr., therefore

BE IT RESOLVED, By the Board of County Commissioners of Franklin County, Ohio, that the findings of said Board dated November 27, 1935, in the matter of the vacation of the above mentioned roads and alleys in Eberly Heights Addition be and the same is hereby reaffirmed and the roads, streets and alleys therein mentioned, and as shown on plat submitted by the county engineer, be and the same are hereby declared vacated.

Voting Aye thereon: Harry T Vigor and David A Shade. Absent and not voting, Edw T Paul.