

## FRANKLIN CO. O., ROAD RECORD No. 16 Vacation Ashbrook Joint County Road

THE COL. B. B. MFG. CO. 76473

Ashbrook Road - vacation of a section along the County line and going north

Filed Oct 21, 1940

## PUBLIC ROAD PETITION

Columbus, Ohio, July 27, 1940.

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

The undersigned petitioners, freeholders of said County, residing in the vicinity of the proposed improvement hereinafter described, respectfully represent that the public convenience and welfare require the vacating of Ashbrook Road, a public road on the line hereinafter described; and make application to you to institute and order proper proceedings in the premises for vacating such road; the same not being a road on the State Highway System. The following is the general route and termini of said road:

Beginning at the point of intersection of the center line of Smith Road (SR #937) and Ashbrook Road (County Road #224), thence along the existing center line of Ashbrook Road, said line extending along the line dividing the lands of Bertha B Heffley, the Canal Winchester Bank, Austin and Mary Zwyer, Milford M and Blanch Higgenbotham in Franklin County from the lands of Charles N and Agnes H McIntyre in Franklin County and Charles M and Agnes N. McIntyre, Louisa Ashbrook, B. F. Ashbrook and Austin and Mary Zwyer in Fairfield County, to the point of inter-section of the center line of the Ashbrook and Lithopolis-Canal Winchester Road in Fairfield County. Length of road to be vacated being approximately 7100 feet or 1.35 mile. Said Ashbrook Road being located in Range 21, Township 15, Section 31, and Township 10, Section 6, in Franklin and Fairfield Counties being in Madison Township in Franklin County and partially in Bloom Township, Fairfield County.

Petitioners Names: C. N. McIntyre, Agnes H McIntyre, S B Dick, Lulu Dietz and Otis Good, Otis Good, Mrs Helen M Smith, Austin Zwyer, O A Crist, M M Higgenbotham, Clarke Hummell, Blanche Sallee, Utley Fridley, John M Smith, Gilbert M Smith, Mrs C E Stibleton, Albert Balenburg.

Tuesday, Nov 26 1940

In the matter of the petition filed October 21, 1940, by C.N. McIntyre, et al., praying for the vacation of Ashbrook Joint County Road located in Madison Township, Franklin County, Ohio, and Bloom Township, Fairfield County, Ohio, the Boards of County Commissioners of Franklin and Fairfield Counties met in joint session this 26th day of November, 1940, at the office of the Board of County Commissioners of Franklin County, Ohio, Present, Harry T Vigor, Chas W Schneider and Geo G. Trabue, Franklin County Commissioners; Tom Cox, Jr., Thomas Landerfelt and Henry P. Darfus, Fairfield County Commissioners.

Mr. Trabue moved, seconded by Mr. Schneider, that Mr. Vigor, be appointed chairman of the Joint Board of County Commissioners and that Mr. Schneider be appointed clerk of the Joint Board of County Commissioners. Voting Aye thereon: Vigor, Schneider, Trabue, Cox, Landerfelt and Darfus.

At said Jojnt Session, Mr. Landerfelt offered the following preamble and resolution and moved the adoption of the same, which was duly seconded by Mr. Cox.

WHEREAS, C. N. McIntyre, et al., on the 21st day of October, 1940, filed a petition with the Board of County Commissioners of Franklin County, Ohio, signed by at least twelve freeholders of Franklin and Fairfield Counties, Ohio, residing in the vicinity of the proposed vacation, requesting the vacation of a public road, the general route and termini thereof to be as follows:-

Beginning at the point of intersection of the center line of Smith Road (SR#937) and Ashbrook Road (County Road #224); thence along the existing center line of Ashbrook Road, said line extending along the line dividing the lands of Bertha B. Heffley, the Canal Winchester Bank, Austin and Mary Zwyer, Milford M and Blanch Higgenbotham in Franklin County from the lands of Charles N and Agnes M. McIntyre in Franklin County and Charles N. and Agnes H. McIntyre, Louisa Ashbrook, B. F. Ashbrook and Austin and Mary Zwyer in Fairfield County, to the point of intersection of the center line of the Ashbrook and the Lithopolis-Canal Winchester Road in Fairfield County, a distance of approximately 1.35 miles in Madison Township, Franklin County, Ohio, and Bloom Township, Fairfield County, Ohio.

and

WHEREAS, On the 18th day of November, 1940, a copy of said petition was mailed to the Board of County Commissioners of Fairfield County, Ohio; therefore

BE IT RESOLVED, By the Joint Board of County Commissioners of Franklin and Fairfield Counties, Ohio, that Friday, December 13, 1940, at ten o'clock A M., eastern standard time, is hereby fixed as the date and time when the Joint Board of County Commissioners will view the proposed vacation on and along the general route thereof and that Tuesday, December 17, 1940, 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 vacation at the office of the Board of County Commissioners of Franklin County, Ohio, in the Court House, Columbus, 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, and in the Lancaster Eagle Gazette, a newspaper published in and having a general circulation in Fairfield County, Ohio, in which counties the proposed vacation is located, and that said notice, in addition to the date and place of said view and place and time of the final hearing, shall state briefly the character of the proposed vacation; and

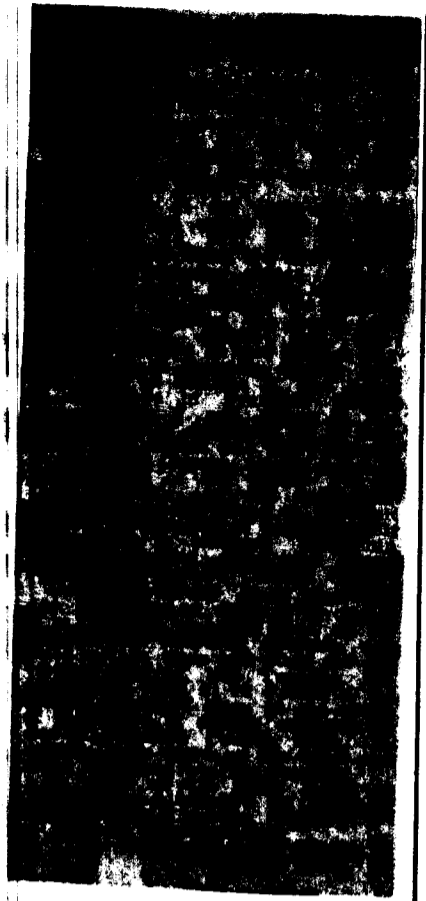
BE IT FURTHER RESOLVED, That Allan Slade, Engineer of Franklin County, Ohio, be and he hereby is appointed to act in the matter of preparing an accurate survey and plat of the same and setting forth his opinion either for or against said proposed vacation, as provided in section 6875 General Code of Ohio.

Voting Aye thereon: Harry T Vigor, Chas W Schneider and George G Trabue, Franklin County Board of Commissioners.

Attest: Chas W Schneider

Tom Cox, Jr. T S Landerfelt, H P Darfus, Fairfield Co. Board of Commissioners.

THE COL. B. S. MFG. CO. 76473



**Publisher's Affidavit**

State of Ohio, Fairfield County, ss.

**Gladys Kropps**

an agent of the Eagle-Gazette, a newspaper printed and of general circulation in the County aforesaid, makes oath and says that the annexed advertisement was published in said

Eagle-Gazette for 2 times, being

2 consecutive weeks: commencing

on the 27 day of November

A. D., 19 40

*Gladys Kropps*

SWORN TO and subscribed before me, this

10 day of December

A. D., 19 40

*Boyd Henry*

ALBERT BOYD HENRY

Notary Public, Franklin Co., Ohio

My commission expires Dec. 14, 1940

Printer's fee \$ 7.80

**PROOF OF PUBLICATION**

State of Ohio }  
Franklin County } ss.

**Robert W. Irwin,**  
Secretary - Treasurer of the Ohio  
Star 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, November 27,

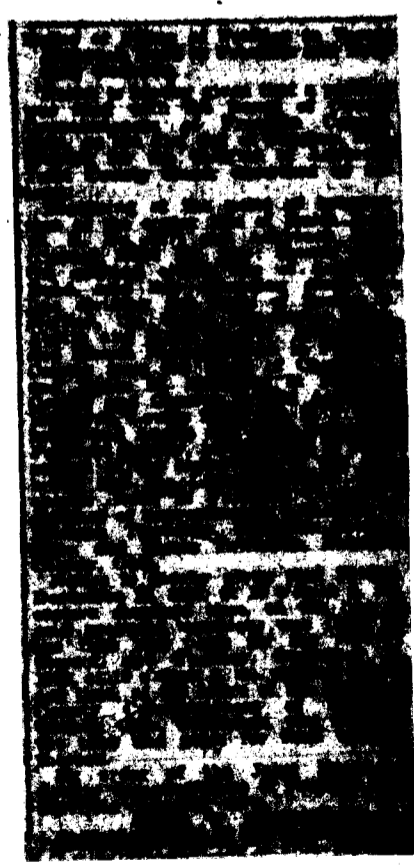
December 4, 1940

in said newspaper and that the rate  
charged therefor is the same as that  
charged to commercial advertisers  
for the services on annual contracts.

Subscribed and sworn to this 4th

day of December 19 40

Notary Public in and for Franklin Co.



## FRANKLIN CO. O., ROAD RECORD No. 16

Vacation Ashbrook Joint County Road

THE COL. B. R. MFG. CO. 76473

December 13, 1940

In the matter of the petition of C. N. McIntyre, et al., praying for the vacation of Ashbrook Joint County Road located in Madison Township, Franklin County, Ohio, and Bloom Township, Fairfield County, Ohio, Mr. Landerfelt offered the following preamble and resolution and moved the adoption of the same, which was duly seconded by Mr. Cox.

WHEREAS, On the 21st day of October, 1940, C.N. McIntyre et al., filed with the Board of County Commissioners of Franklin County, Ohio, a petition praying for the vacation of Ashbrook Joint County Road located in Madison Township, Franklin County, Ohio, and Bloom Township, Fairfield County, Ohio, described in said petition; and

WHEREAS, On the 26th day of November, 1940, the Joint Board of County Commissioners of Franklin County and Fairfield County, did fix the 13th day of December, 1940, at ten o'clock A. M. eastern standard time, on the line of said proposed road vacation as the time and place for the viewing thereof, and did further fix the 17th day of December, 1940, 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 Franklin County, Ohio, and in the Eagle Gazette, a newspaper published in and of general circulation in Fairfield County, Ohio, was given of the time and place for the viewing of said location and of the final hearing thereon; and

WHEREAS, The Joint Board of County Commissioners of Franklin and Fairfield Counties, Ohio, did on the 13th day of December, 1940, the day fixed for the viewing of the said proposed road vacation meet on the line thereof as described in the petition and heard all of 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 road vacation and by actual view of same, and the premises along and adjacent thereto which are to be affected thereby, find that the vacation of the said proposed road is of sufficient importance to require that the Engineer of Franklin County, Ohio, be instructed and directed to make a survey and plat thereof; therefore

BE IT RESOLVED, By the Joint Board of County Commissioners of Franklin and Fairfield Counties, Ohio, that the engineer of Franklin County, Ohio, be and he hereby is instructed and directed to make a plat and survey of the proposed road vacation, 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 road vacation may be discernible to property owners and others interested and make report to the Joint Board of County Commissioners on or before the 17th day of December, 1940, at ten o'clock A.M. eastern standard time. Said report shall set forth the opinion of the county engineer either for or against the granting of said petition, which report, together with the plat and survey of the proposed road vacation shall be deposited with the Joint Board of County Commissioners of Franklin and Fairfield Counties, Ohio.

Voting Aye thereon: Harry T Vigor, Chas W Schneider and George G Trabue. Franklin County Board of Commissioners  
Tom Cox, Jr. Thomas Landerfelt, Henry P. Darfus. Fairfield County Board of Commissioners.

Attest: Chas W Schneider, Clerk of the Joint Board.

Columbus, Ohio. Dec 17 1940

SUBJECT: Proposed vacation of a portion of Ashbrook Joint County Road, located in Madison Township, Franklin County, Ohio, and Bloom Township, Fairfield County, Ohio.

The Honorable Joint Board of County Commissioners, Franklin and Fairfield Counties, Ohio.

Gentlemen: Pursuant to the order of your Joint Board dated December 13, 1940, I have made a survey and plat, which I hereby submit, of a portion of Ashbrook Road, in Madison Township, Franklin County, Ohio, and Bloom Township, Fairfield County, Ohio, showing the proposed vacation of a portion of the said Ashbrook Road along the following described center line, which was decided upon at the date and time of viewing of your Honorable Joint Board on December 13, 1940.

Beginning at a point in the present center line of Ashbrook Road located 30 feet south of the north property line of the 10 acre tract of land owned by the Canal Winchester Bank, thence southerly on the present center line of Ashbrook Road to a point in the County line dividing the counties of Franklin and Fairfield, thence easterly along the said county line to a point in the quarter section line dividing the southeast and southwest sections of section 31, range 20, township 15, of Madison Township, Franklin County, Ohio.

I recommend the vacation of the above described portion of Ashbrook Road for the following reasons:

1. This vacation has been petitioned for and agreed upon by all the abutting property owners involved.
2. Vacation of this road will be of no inconvenience to the general public, as it has been abandoned for a period of years to public traffic.
3. The vacation, as proposed, provides a means of ingress and egress to all properties abutting the present road, in addition to providing a means of ingress and egress to the Kramer Cemetery located in the 61 acre tract owned by Austin and Mary Zwyer.

I, therefore, am of the opinion that the vacation of this portion of Ashbrook Road would be of no inconvenience to the general public, and I recommend the vacation as shown. Respectfully submitted, Allan Slade, County Engineer.

PORTION OF ASHBROOK JOINT  
COUNTY ROAD DECLARED VACATED

In the matter of the petition of C. N. McInture, et al., praying for the vacation of a portion of Ashbrook Joint County Road located in Madison Township, Franklin County, Ohio, and Bloom Township, Fairfield County, Ohio, Mr. Schneider offered the following preamble and resolution, and moved the adoption of the same, which was duly seconded by Mr. Trabue.

WHEREAS, On the 13th day of December, 1940, the Joint Board of County Commissioners of Franklin and Fairfield Counties, Ohio, did, by resolution duly adopted, direct the Engineer of Franklin County, Ohio, to make report in writing to said Joint Board on or before ten o'clock A.M. of Tuesday, December 17, 1940, relative to the proceedings for the vacation of a portion of Ashbrook Joint County Road; said report to be made in manner and form set forth and required by section 6865 of the General Code of Ohio; and

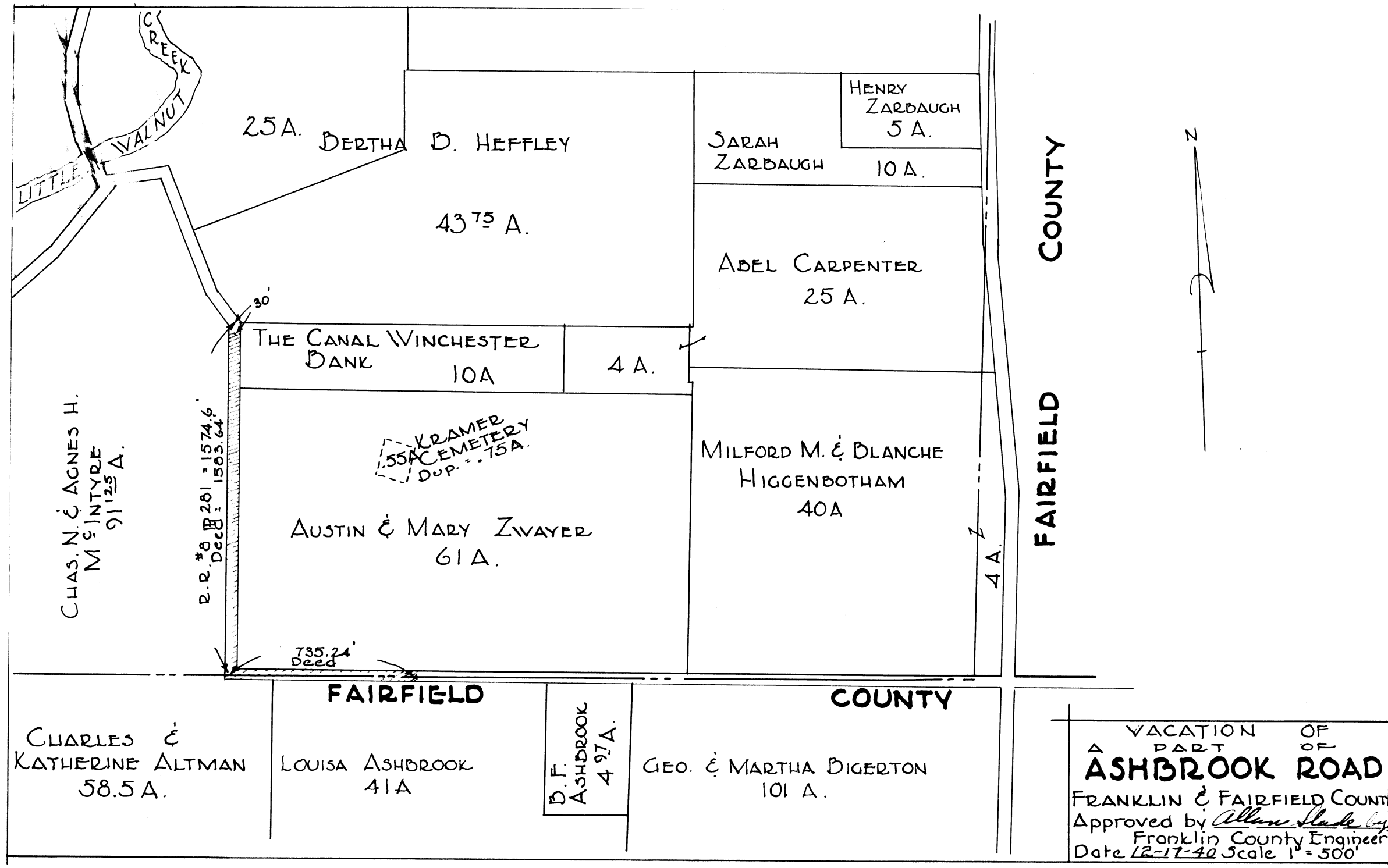
WHEREAS, Allan Slade, County Engineer, did on the 17th day of December, 1940, report thereon in writing, which report contained the following recommendations, to wit:-

"The Honorable Joint Board of County Commissioners, Franklin and Fairfield Counties, Ohio. Gentlemen: Pursuant to the order of Your Joint Board dated December 13, 1940, I have made a survey and plat, which I hereby submit, of a portion of Ashbrook Road, in Madison Township, Franklin County, Ohio, and Bloom Township, Fairfield County, Ohio, showing the proposed vacation of a portion of the said Ashbrook Road along the following described center line, which was decided upon at the date and time of viewing by your Honorable Joint Board on December 13, 1940.

Beginning at a point in the present center line of Ashbrook Road located 30 feet south of the north property line of the 10 acre tract of land owned by the Canal Winchester Bank; thence southerly on the present center line of Ashbrook Road to a point in the County line dividing the counties of Franklin and Fairfield, thence easterly along the said county line to a point in the quarter section line dividing the southeast and southwest sections of section 31, range 20, township 15, of Madison Township, Franklin County, Ohio.

I recommend the vacation of the above described portion of Ashbrook Road for the following reasons:

1. This vacation has been petitioned for and agreed upon by all the abutting property owners involved.
2. Vacation of this road will be of no inconvenience to the general public, as it has been abandoned for a period of years to public traffic.
3. The vacation as proposed, provides a means of ingress and egress to all properties abutting the present road, in addition to providing a means of



VACATION OF  
A PART OF  
**ASHBROOK ROAD**  
FRANKLIN & FAIRFIELD COUNTY  
Approved by *Allen Slade*  
Franklin County Engineer  
Date 12-17-40 Scale 1" = 500'

## FRANKLIN CO. O., ROAD RECORD No. 16 Vacation of a portion of Ashbrook Joint County Road

THE COL. B. B. MFG. CO. 76473

ingress and egress to the Kramer Cemetery located in the 61 acre tract owned by Austin and Mary Zwayer.

I, therefore, am of the opinion that the vacation of this portion of Ashbrook Road would be of no inconvenience to the general public, and I recommend the vacation as shown, Respectfully submitted, Allan Slade, County Engineer."

and

WHEREAS, No objections to the vacation of said portion of Ashbrook Joint County Road were filed, nor claims for compensation and damages on account thereof were filed; and

The Joint Board of County Commissioners of Franklin and Fairfield Counties, finds that the public utility and welfare do not require the portion of said Ashbrook Joint County Road described in the plat and report submitted by the County Engineer, and that the vacation thereof would not inconvenience the public; therefore

BE IT RESOLVED, By the Joint Board of Franklin and Fairfield Counties, that the portion of Ashbrook Joint County Road, located in Madison Township, Franklin County, Ohio, and Bloom Township, Fairfield County, Ohio, as recommended by the Franklin County Engineer to be vacated, and as described in the said Engineer's report and shown on the plat submitted by him, be and the same is hereby declared vacated.

Voting Aye thereon: Harry T Vigor, Chas W Schneider and George G. Trabue; Franklin County Board of Commissioners.  
Tom Cox, Jr., Thomas Landerfelt and Henry P. Darfus, Fairfield County Board of Commissioners.

Attest: Chas W. Schneider, Clerk of the Joint Board.

No further business appearing, the Joint Board of County Commissioners adjourned.