

FRANKLIN CO. O., ROAD RECORD No. 16 Vacation alley and Scioto Drive Walnut Hts Add.

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

PUBLIC ROAD PETITION

Filed Mch 21 1944

Columbus Ohio. Sept 15 1943

To the Hon 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 vacation of a 15 ft alley and all Scioto Drive, Walnut Heights Add. Hamilton Township, 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:

Being all of Scioto drive (15 ft wide) extending along the east side of Walnut Heights Add. and all of the 15 ft alley extending along the north side of the aforesaid Walnut Heights Add. Hamilton Township, Franklin County, Ohio.

Petitioners Names--James S Carruthers, Robt E Carruthers Fred Fisher, Stella Glick, Raymond Glick, Jewel Saxton, Carl Obert, Guy L Seymour, Carl L Switzer, Florence Switzer, Robt B Southall, Thos C Lewis, Clara Lewis, Arthur Heckman, Edith Heckman Mr and Mrs L A Clements, Frank Echardt Mrs E C Snead C W Kilbourne G W Shannon, Fred Stewart, Mary Stewart, Otto Knepper, Lulu Carroll, H G Baum, Mrs Martha Baum, Lemuel Baum Della Charles, Dona Simmons, Clarence Simmons, Bessie Hoon, Jas Hoon, Kathryn Fout Fred Fout, Lena Knepper, Myrtle F Musselman Walter Wagner Edith M Wagner, Norman Hopper Pearl Hopper Emma Walker Erma Hoppes, Frank J Click Myrtle Click, C V Morgan Susie Bradshaw.

RESOLUTION

WHEREAS, the board of county commissioners of Franklin County, Ohio, has received a petition from E C Loggie, Obetz Station, praying for the vacating of all of Scioto Drive (15 ft wide) extending along the east side of Walnut Heights Addition and all of the 15 ft alley extending along the north side of the aforesaid Walnut Heights Addition in Hamilton Township, Franklin County, Ohio. and

WHEREAS, the board of county commissioners of Franklin County, Ohio, through the office of the county engineer, has requested the cooperation and opinion of the board of trustees of Hamilton Township in such matter, now therefore

BE IT RESOLVED, by the board of Trustees of Hamilton Township, that it hereby approves of the vacating of all of Scioto Drive (15 ft wide) extending along the east side of Walnut Heights Addition and all of the 15 foot alley extending along the north side of the aforesaid Walnut Heights Addition in Hamilton Township, and further recommends that proceedings be initiated for such vacating

Voting Aye thereon: Mr Loggie, Mr. Donahu Mr Sherman. Board of Trustees Truro Township.
Voting Nay thereon.

Attest: Mrs Eva Evens Clk of Board
Date Mch 7 1944

PETITION TO VACATE ALLEY AND SCIOTO
DRIVE WALNUT HTS ADD. HAMILTON TWP.
FILED. VIEW APL 10 1944. FINAL HEARING
APL 18 1944

Mch 21 1944

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

WHEREAS, James S Carruthers et al., on the 21st day of March, 1944, 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 vacation, requesting said Board to vacate 15 foot alley and all of Scioto Drive Walnut Heights Addition, Hamilton Twp. more particularly described as follows:

Being all of Scioto Drive (15 ft wide) extending along the east side of Walnut Heights Addition and all of the 15 ft. alley extending along the north side of the aforesaid Walnut Heights Addition, Hamilton Township, Franklin County, Ohio.

therefore

BE IT RESOLVED, By the Board of County Commissioners of Franklin County, Ohio, that Monday, April 10, 1944, at ten o'clock A M., eastern war 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 Tuesday, April 18, 1944, at ten o'clock A M., eastern war time, is hereby fixed as the time and date for the 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: Harry T Vigor, C.P. Lauderbaugh and George W Matson.

STATE OF OHIO
PROOF OF PUBLICATION

STATE OF OHIO
 FRANKLIN COUNTY

Robert W. Irwin
 Secretary - Treasurer 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, March 23, 30,

1944

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

Suscribed and sworn to this 30th

day of March 19 44

Josephine Scott
 Notary Public in and for Franklin Co.

JOSEPHINE SCOTT, Notary Public
 MY COMMISSION EXPIRES Aug. 1, 1944

April 10 1944

In the matter of the resolution of March 21, 1944, adopted by the Board of County Commissioners for the vacation of a 15 ft alley and all of Scioto Drive, Walnut Heights Add. Hamilton Township, Franklin County, Ohio, Mr. Lauderbaugh offered the following preamble and resolution and moved the adoption of the same, which was duly seconded by Mr. Matson.

WHEREAS, On the 21st day of March, 1944, the board of county commissioners of Franklin County, Ohio, adopted a resolution declaring it necessary to vacate a 15 foot alley and all of the Scioto Drive, Walnut Heights Addition, Hamilton Twp. Franklin County, Ohio; and

WHEREAS, On the 21st day of March, 1944, said board of county commissioners did fix the 10th day of April, 1944, at ten o'clock A.M., eastern war time, on the line of said proposed vacations as the time and place for viewing thereof, and did further fix the 18th day of April, 1944, at ten o'clock A.M. eastern war time, at the office of of the board of county commissioners of Franklin County, Ohio, as the time and place for final hearing on said vacations; 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 10th day of April, 1944, the day fixed for the viewing of the said proposed alley and road vacations, meet on the line thereof, as described in the resolution 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 alley and road 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 a 15 foot alley and all of Scioto Drive, Walnut Heights Addition 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 board of County Commissioners of Franklin County, 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 vacation of a 15 foot alley and all of Scioto Drive, Walnut Heights Addition, 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 lines and at all angles between such termini, and at sufficient other points in the right of way lines, so that the bounds of the proposed vacation of a 15 foot alley and all of Scioto Drive, Walnut Heights Addition, may be discernible to property owners and others interested and make report to the Board of County Commissioners on or before the 18th day of April, 1944, at ten o'clock A.M., eastern war time. Said report shall set forth the opinion of the county engineer either for or against the granting of said vacation, which report, together with the plat and survey of the proposed vacation of a 15 foot alley and all of the Scioto Drive Walnut Heights Addition shall be deposited with the County Commissioners.

Voting Aye thereon: George W. Matson and C. P. Lauderbaugh
 Absent and not voting Harry T. Vigor.

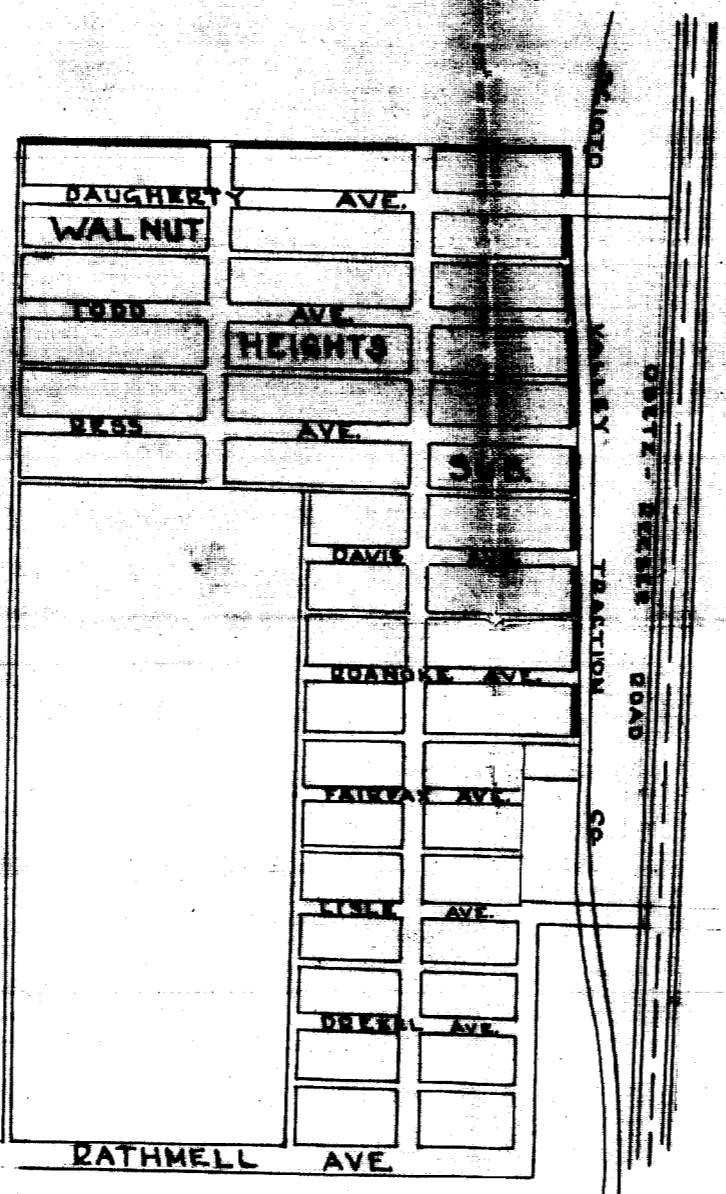
SCIOTO

VALLEY

TRACTION

CO.

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 Denotes Portion to be Vacated

Road Record
 WALNUT
 Approved By
 Date 4-18

FRANKLIN CO. O., ROAD RECORD No. 16 Vacation of alley and Scioto Drive Walnut Hts Add

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

PETITION

RECEIVED APL 17 1944
BAY

Apl 10 1944

To The Franklin County Commissioners, Columbus, Ohio.

The undersigned respectfully petitions for the Scioto Drive to be kept open on the east side and the north side in Reese Station Hamilton Township and to keep any one from obstruction the said Scioto Drive so the public can use it.

Petitioners Names: Harry T Upperman, Mrs Jesse Tigner, George Miller Reese, Noaman A Hopper, Mrs Norman Hopper, Homer G Mecum, Mrs race Ackerman, Joe Bragg, Mrs Kathryn Plummer, Mrs Tina Lisle, Elmer Essigm Oscar Workman, Elizabeth Workman, Frank Hanidlon, Gilbert Wolfe, Clarence Hoover Mrs Lulah Hoover Oliver J Baxter Beulah Baxter, George Schneider, Kathrina Schneider, Karl Schneider Alice Schneider, Dodothy Baxter.

SUBJECT: Proposed vacation of an Unnamed Alley
and Scioto Drive Walnut Heights Addition
Hamilton Township, Franklin County, Ohio.

Apl 18 1944

Hon. Board of County Commissioners, Franklin County, Ohio.

Gentlemen: Pursuant to your order of April 10, 1944, I have made a survey and plat, which I hereby submit, showing the proposed vacation of Scioto Drive (15 ft. wide) and the unnamed 15 foot alley along the north side of Walnut Heights Addition, Hamilton Township, and which said Scioto Drive and unnamed 15 foot alley are more particularly described as follows:-

Scioto drive (15 ft wide)
Being all of Scioto Drive (15 ft wide) extending along the east side of Walnut Heights Addition, Hamilton Township, excepting those portions of said Scioto Drive which extends across other dedicated alleys and Avenues in said Addition.

Unnamed 15 foot Alley.
Being all of the 15 foot alley extending along the north side of Walnut Heights Addition, Hamilton Township, excepting those portions of said alley which extend across Ridge Street and Woods Street in said Addition.

Also shown on said plat are the names of the lot owners and owners of land abutting on said Addition who will be affected by the proposed vacation.

It is my understanding that since the date of viewing the proposed vacation of the above described roads, April 10, 1944, that a controversy has arisen among the owners of lots in the aforesaid described Walnut Heights Addition as to whether the proposed vacation of Scioto Drive and the unnamed 15 foot alley would be beneficial to the general public and to those residing in the neighborhood in particular.

With such a controversial condition existing, it is my recommendation that the Board and the County Engineer review the proposed vacation and go over and along the line of the proposed alley drive vacations and hear all objections against the proposed improvement, and I suggest the date for such reviewing of April 20, 1944, at ten A.M. I further recommend that the final hearing on the proposed vacations be postponed until April 25, 1944, at ten A M at which time I will present to the Board my recommendations either for or against the granting of said vacation proceedings. Respectfully submitted Allan Slade. County Engineer.

FRANKLIN CO. O., ROAD RECORD No. 16 Vacation of Alley and Scioto Drive Walnut Hts Add

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

FINAL HEARING IN THE MATTER OF THE
VACATION OF UNNAMED ALLEY AND SCIOTO
DRIVE IN WALNUT HEIGHTS ADD. HAMILTON
TWO POSTPONED TO APRIL 25 1944

April 18 1944

In the matter of the petition filed by James S Carruthers et al., praying for the vacation of an unnamed alley and Scioto Drive in Walnut Heights Addition, Hamilton Township, Mr. Matson offered the following preamble and resolution and moved the adoption of the same, which was duly seconded by Mr. Lauderbaugh.

WHEREAS, On the 10th day of April, 1944, the board of County Commissioners of Franklin County, Ohio, did by resolution duly adopted, direct the engineer of Franklin County, Ohio, to make report in writing to the Board on or before ten o'clock A.M., eastern war time of Tuesday, April 18, 1944, relative to the proceedings for the vacation of an unnamed alley and Scioto Drive in Walnut Heights Addition, Hamilton Township; said report to be in manner and form set forth and required by section 6865 General Code of Ohio; and

WHEREAS, This 18th day of April, 1944, Allan Slade, County Engineer did report thereon in writing, which report contained the following recommendations, to wit:-

"Hon Board of County Commissioners Franklin County, Ohio.
Gentlemen: Pursuant to your order of April 10, 1944, I have made a survey and plat, which I hereby submit, showing the proposed vacation of Scioto Drive (15 ft wide) and the unnamed 15 foot alley along the north side of Walnut Heights Addition, Hamilton Township, and which said Scioto Drive and unnamed 15 foot alley are more particularly described as follows:-

SCIOTO DRIVE (15 ft wide), being all of Scioto Drive (15 ft wide) extending along the east side of Walnut Heights Addition, Hamilton Township, excepting those portions of said Scioto Drive which extends across other dedicated alleys and avenues in said Addition.

UNNAMED 15 FOOT ALLEY being all of the 15 foot alley extending along the north side of Walnut Heights Addition, Hamilton Township, excepting those portions of said alley which extend across Ridge Street and Woods Street in said addition.

Also shown on said plat are the names of the lot owners and owners of land abutting on said addition who will be affected by the proposed vacation.

It is my understanding that since the date of viewing the proposed vacation of the above described roads April 10, 1944, that a controversy has arisen among the owners of lots in the sforesaid described Walnut Heights Addition as to whether the proposed vacation of Scioto Drive and the unnamed fifteen foot alley would be beneficial to the general public and to those residing in the neighborhood in particular.

With such a controversial condition existing, it is my recommendation that the Board and the County Engineer review the proposed vacation and go over and along the line of the proposed alley drive vacations and hear all objections against the proposed improvement, and I suggest the date for such reviewing of April 20, 1944, at ten o'clock A.M. I further recommend that the final hearing on the proposed vacations be postponed until April 25, 1944, at ten A.M., at which time I will present to the Board my recommendations either for or against the granting of said vacation proceedings. Respectfully submitted, Allan Slade, County Engineer."

therefore

BE IT RESOLVED, By the Board of County Commissioners of Franklin County, Ohio, that said alley and Scioto Drive be reviewed April 20, 1944, and Final Hearing thereon be postponed to ten o'clock A.M. eastern war time of Tuesday, April 25, 1944 at the office of said Board.

Voting Aye thereon: Harry T Vigor, C.P. Lauderbaugh and George W. Matson.

April 25 1944

SUBJECT: PROPOSED VACATION OF SCIOTO DRIVE
AND UNNAMED ALLEY, WALNUT HEIGHTS ADD.
HAMILTON TWP. FRANKLIN COUNTY OHIO.

Hon Board of County Commissioners, Franklin County, Ohio.

Gentlemen: Pursuant to your order of April 10, 1944, regarding the proposed vacation of Scioto Drive and an unnamed 15 ft alley along the north side of Walnut Heights Addition, Hamilton Township, and my report regarding the same, submitted to your Honorable Board on April 18, 1944, with its recommendations that the premises of the proposed vacations be reviewed and the final hearing be postponed until April 25, 1944, in order to more fully inspect, hear and review all evidence submitted, for or against, the proposed vacations, I herewith submit my opinion and recommendations regarding these improvements.

After hearing all arguments, for and against, the proposed vacations I have reached the conclusion that the controversy that has arisen regarding the past use of Scioto Drive and the unnamed 15 ft alley by the abutting lot owners is purely a local one of long standing, one that has jeopardized the peace and tranquility of the community and which should be terminated as soon as possible.

The proper improvement of either Scioto Drive or the unnamed 15 ft alley for travel would be very expensive, the cost of which could not be justified by expenditure of either Township or County funds for benefits received by the general public, as more convenient improved public ways are at present available, nor would it be justifiable to assess the costs of an improvement upon the abutting lot owners who have expressed themselves unanimously in favor of the proposed vacations.

The Board of trustees of Hamilton Township, who bear the responsibility of maintaining and improving both Scioto Drive and the unnamed alley, have also by resolution regularly

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

adopted, unanimously approved of the proposed vacations. I believe their view point, experience and opinion should be given deep consideration in reaching our decision in this matter.

It is my opinion that the proposed vacation of Scioto Drive and the unnamed 15 ft alley (north side) of Walnut Heights Addition, Hamilton Township, would be of no inconvenience to the general public, and I therefore recommend the proposed vacations as shown on the accompanying plat. Respectfully submitted, Allan Slade, County Engineer.

FINAL HEARING IN THE MATTER OF
THE VACATION OF SCIOTO DRIVE AND
UNNAMED ALLEY IN WALNUT HEIGHTS
ADDITION. HAMILTON TWP. SAID DRIVE
AND ALLEY DECLARED VACATED.

In the matter of the petition filed by James S Carruthers et al., praying for the vacation of an unnamed alley and Scioto Drive in Walnut Heights Addition, Hamilton Township, Mr. Matson offered the following preamble and resolution and moved the adoption of the same, which was duly seconded by Mr. Lauderbaugh.

WHEREAS, This 25th day of April, 1944, pursuant to postponement was fixed for the final hearing in the matter of the petition filed, by James S Carruthers, et al., praying for the vacation of an unnamed alley and Scioto Drive in Walnut Heights Addition, Hamilton Township, same came on, and the County Engineer having filed his opinion and recommendations regarding this improvement as follows:-

"Hon. Board of County Commissioners, Franklin County, Ohio.
Gentlemen: Pursuant to your order of April 10, 1944, regarding the proposed vacation of Scioto Drive and an unnamed 15 foot alley along the north side of Walnut Heights Addition, Hamilton Township, and my report regarding same, submitted to your Honorable Board on April 18, 1944, with its recommendation that the premises of the proposed vacations be reviewed and the final hearing be postponed until April 25, 1944, in order to more fully inspect, hear and review all evidence submitted, for or against, the proposed vacations, I herewith submit my opinion and recommendation regarding these improvements.

After hearing all arguments, for and against, the proposed vacations, I have reached the conclusion that the controversy that has arisen regarding the past use of Scioto Drive and the unnamed 15 ft alley by the abutting lot owners is purely a local one of long standing, one that has jeopardized the peace and tranquility of the community and which should be terminated as soon as possible.

The proper improvement of either Scioto Drive and the unnamed 15 ft alley for travel would be very expensive, the cost of which could not be justified by expenditure of either Township or County funds for benefits received by the general public, as more convenient improved public ways are at present available, nor would it be justifiable to assess the costs of an improvement upon the abutting lot owners who have expressed themselves unanimously in favor of the proposed vacations.

The Board of Trustees of Hamilton Township, who bear the responsibility of maintaining and improving both Scioto Drive and the unnamed alley, have also by resolution regularly adopted, unanimously approved of the proposed vacations. I believe their view point, experience and opinion should be given deep consideration in reaching our decision in this matter.

It is my opinion that the proposed vacation of Scioto Drive and the unnamed 15 foot alley (north side) of Walnut Heights Addition, Hamilton Township would be of no inconvenience to the general public, and I therefore recommend the proposed vacations as shown on the accompanying plat. Respectfully submitted, Allan Slade, County Engineer".

and

WHEREAS, The Board of County Commissioners has heard all evidence for and against the proposed vacations of said drive and alley; and

and WHEREAS, No objections were filed in writing to, the granting of the prayer of said petition;

and WHEREAS, The Board of County Commissioners finds that the public utility convenience and welfare do not require said unnamed 15 ft alley and Scioto Drive described as follows:-

Scioto Drive (15 ft wide) being all of Scioto Drive (15 ft wide) extending along the east side of Walnut Heights Addition, Hamilton Township, excepting those portions of said Scioto Drive which extends across other dedicated alleys and avenues in said addition.

Unnamed 15 foot alley, being all of the 15 foot alley extending along the north side of Walnut Heights Addition, Hamilton Township, excepting those portions of said alley which extend across Ridge Street and Woods Street in said Addition,

and that the vacation thereof would not inconvenience the public; therefore

BE IT RESOLVED, By the Board of County Commissioners of Franklin County, Ohio, that the said 15 ft unnamed alley and Scioto Drive in Walnut Heights Addition, Hamilton Township, as recommended by the County Engineer to be vacated, and as described in his report and shown on the plat submitted by him, be and the same are hereby declared vacated in accordance with the provisions of section 6869 General Code of Ohio.

Voting Aye thereon: Harry T Vigor, C.P. Lauderbaugh and George W. Matson.