

FRANKLIN CO. O., ROAD RECORD No. 16

Stewart Road Vacation

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

Stewart Road - vacation from Waggoner Road to the County line

Columbus, Ohio. Dec 2 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 vacating of Stewart 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 Waggoner Road, Truro Township, thence eastwardly a distance of approximately 3690.56 feet or 0.7 mile to the County Line dividing the counties of Franklin and Licking, Ohio. Width of present established road being 30 ft. Said road being located in Truro Township, Franklin County, Ohio.

PETITIONERS NAMES: A F Fearson, Maude Fearson, Don Coulter, J E Carr, Floyd Good, D B Lunn, H B Woodruff, John A Morrison, E A Dozer, Orthello Dozer, Chas R Kinser, Marolin T Kinser, A L Motz, C H Hummell, Parley E Rawn, Arthur Cheney C J Donavan Maude A Donavan, Len W Tussing, Fred W Tussing Wesley S Will.

RESOLUTION

WHEREAS, the Board of County Commissioners of Franklin County, Ohio, has received a petition from Samuel Oldham signed by 15 freeholders of Truro Township, praying for the vacating of Stewart Road, a township road, under the supervision of the Board of Trustees of Truro Township; 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 Truro Township in such matter, now, therefore

BE IT RESOLVED, by the Board of Trustees of Truro Township, that it hereby approves of the vacating of Stewart Road, a township road, beginning Waggoner Road and extending eastwardly a distance of approximately 3690.56 feet or 0.7 miles to the County line dividing the Counties of Franklin and Licking, Ohio, and further recommends that proceedings be initiated for such vacating.

Voting Aye thereon: C H Hummell, A B Cheney, I G Weaver, Board of Trustees, Truro Township. Attest: J M Slack, Clerk of the Board.

PETITION TO VACATE STEWART ROAD TRURO TWP. FILED. VIEW APL 10 1944 FINAL HEARING APL 18 1944

March 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, Samuel Oldham 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 Stewart Road, Truro Township, more particularly described as follows:-

Beginning at Waffoner Road, Truro Township; thence eastwardly a distance of approximately 3690.56 feet, or 0.7 mile to the county line dividing the counties of Franklin and Licking, Ohio. Width of present established road being 30 feet. Said road being located in Truro Township, Franklin County, Ohio.

therefore

BE IT RESOLVED, By the Board of County Commissioners of Franklin County, Ohio, that Monday April 10, 1944, at eleven 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 vacation along the general route thereof, and that Tuesday, April 18, 1944, at eleven o'clock A.M. eastern war time, is hereby fixed as the time and date for the final hearing on said petition and proposed vacation 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 vacation is 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 vacation.

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

PROOF OF PUBLICATION

State of Ohio, Franklin County, Ohio, 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

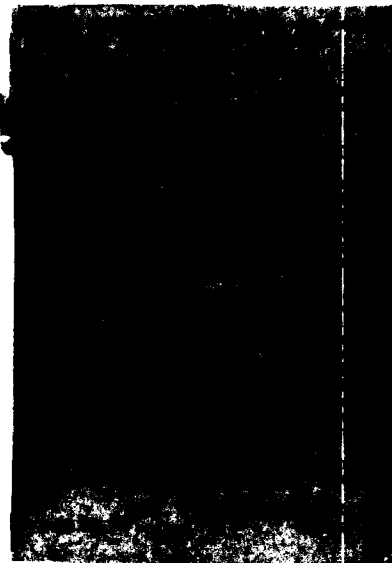
2 times, MARCH 23, 30, 1944

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

Subscribed and sworn to this 30th day of March 1944

Josephine Scott, Notary Public in and for Franklin Co.

JOSEPHINE SCOTT, Notary Public BY COMMISSION EXPIRES AUG. 1, 1945



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

SURVEYOR DIRECTED TO PREPARE SURVEY
AND PLAT AND REPORT IN THE MATTER OF THE
PETITION FOR THE VACATION OF STEWART ROAD

In the matter of the resolution of March 21, 1944, adopted by the Board of County Commissioners for the vacation of Stewart Road, Truro 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 Stewart Road, Truro Township, 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 eleven o'clock A.M. eastern war time, on the line of said proposed vacation as the time and place for viewing thereof, and did further fix the 18th day of April 1944, at eleven o'clock A.M. eastern war time at the office of the Board of County Commissioners of Franklin County, Ohio, as the time and place for final hearing on said vacation; 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 vacation 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 road vacation, 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 road vacation, 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 Stewart 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 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 Stewart Road, 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 Stewart Road 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 eleven 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 Stewart Road shall be deposited with the county commissioners.

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

SUBJECT PROPOSED VACATION OF STEWART ROAD
TRURO TWP. FRANKLIN COUNTY OHIO

April 18 1944

Hon Board of County Commissioners, Franklin County, Ohio.

Gentlemen: Pursuant to your order of April 10, 1944, I have made a survey of plats, which I hereby submit showing the proposed vacation of Stewart Road (30 ft wide) Truro Township, and which said Stewart Road is more particularly described as follows:

STEWART ROAD (30 ft wide)

Beginning at a point in the center of Waggoner Rd. and the northwest corner of Samuel Oldham's 16.206 acre tract of land, thence east along Samuel Oldham's north line, south 85 deg. 35 min. east. 230.66 rods to a stone in said Samuel Oldham's north line and in the line dividing the counties of Franklin and Licking, also being the east line of said Truro Township, thence, northerly with the said County line a distance of 30 ft to a point, thence, north 85 deg. 35 min. west and parallel with said north line of Samuel Oldham's lands through the lands of Matthew M Stewart and Edith M Henderson, a distance of 230.66 rods to the center line of Waggoner Rd. thence, along the center of the road southerly 30 ft to the beginning.

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

I am of the opinion that the proposed vacation of the aforesaid described Stewart Road would be of no inconvenience to the general public, and I therefore recommend the said vacation as shown on the accompanying plat.

Respectfully submitted

Allan Slade. County Engineer.

FRANKLIN CO. O., ROAD RECORD No. 16

Vacation Stewart Road

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY OHIO. Filed Apl 18 1944. at 10:45 A M

In the matter of the application of A F Pearson et al to vacate Stewart Road in Truro Township, Franklin County, Ohio.

Now comes Edith Mae Henderson a freeholder of Truro Township, Franklin County, Ohio, owner of a tract of 82.12 acres of land with a frontage of approximately 174 rods on said Stewart Road, living in the Village of Reynoldsburg and within about one mile from said Stewart road and objects to and protests against the making of any order or resolution by the said Board of County Commissioners vacating, altering or otherwise curtailing the use of said road by the public or by this objector for the following reasons to wit:

1. That the petition does not show that the persons signing said petition reside in the vicinity of said road.
2. That this objector owns land with a frontage of approximately 174 rods on said said Stewart road and consisting of some 82.12 acres and that the vacating of said road would leave a great part of said premises without access to the public road to her great and irreparable injury and damage.
3. That the vacating of said road without the consent of this objector would be unconstitutional and void.
4. That the vacating of said road would be depriving said objector of her property and rights without due process of law.

Wherefore this objector prays that said petition be dismissed at the cost of the signers thereof.

Signed Warren E Bigomy, Atty for Edith Mae Henderson.

State of Ohio
Franklin County ss

Edith Mae Henderson of lawful age being duly sworn says that she is the objector above named and that the facts stated and the allegations contained in her foregoing objections and protest are true as she verily believes.

Signed Edith Mae Henderson

Sworn to before me and subscribed in my presence this 18th day of April A D 1944.

Signed Warren E Bigomy
Notary Public State of Ohio.

STEWART ROAD TRURO TWP
DECLARED VACATED

April 18 1944

In the matter of the petition filed by A F Pearson, et al., praying for the vacation of Stewart road, Truro 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,

FRANKLIN CO. O., ROAD RECORD No. 16 Stewart Road Vacation

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

Ohio, did, by resolution duly adopted, direct the engineer of Franklin County, Ohio, to make report in writing to the board on or before eleven o'clock A.M., eastern war time of Tuesday, April 18, 1944, relative to the proceedings for the vacation of Stewart Road, Truro 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 of plats, which I hereby submit, showing the proposed vacation of Stewart Road (30 ft wide) Truro Township, and which said Stewart road is more particularly described as follows:

STEWART ROAD (30 ft wide) beginning at a point in the center of Waggoner Road and the northwest corner of Samuel Oldham's 16.206 acre tract of land, thence east along Samuel Oldham's north line, south 85 deg. 35 min. east, 230.66 rods to a stone in said Samuel Oldham's north line and in the line dividing the counties of Franklin and Licking, also being the east line of said Truro Township; thence, northerly with the said county line a distance of 30 feet to a point, thence north 85 deg. 35 min. west and parallel with said north line of Samuel Oldham's lands through the lands of Matthew M Stewart and Edith M Henderson, a distance of 230.66 rods to the center line of Waggoner Road, thence along the center of the road southerly 30 feet to the beginning.

Also shown on the said plat are the names of owners of land abutting on said road who will be affected by the proposed vacation. I am of the opinion that the proposed vacation of the aforesaid described Stewart road would be of no inconvenience to the general public and I therefore recommend the said vacation as shown on the accompanying plat. Respectfully submitted, Allan Slade, County engineer."

and

WHEREAS, The objections filed by Edith Mae Henderson to the granting of the prayer of the petition to vacate Stewart Road, Truro Township, were over ruled; and

WHEREAS, The Board of County Commissioners of Franklin County, Ohio, finds that the public utility and welfare do not require said Stewart Road as described above, 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 Stewart Road 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 is hereby declared vacated; and

BE IT FURTHER RESOLVED, That Tuesday, May 2, 1944, at ten o'clock A.M. eastern war time be and the same is hereby fixed as the time and the office of the board the place, for hearing and considering claims for compensation and damages in said matter, and all claims shall be filed in writing with the Board on or before the time of said hearing; and

BE IT FURTHER RESOLVED, that notice of the time and place for hearing said claims shall be served on the owner or owners personally, or by leaving a copy of the same at the usual place of residence of such owner, or owners, at least five days before the time fixed for said hearing, and the clerk of the Board shall cause notice to be given and make due report thereon as provided in section 6870 of the General Code.

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

PROOF OF SERVICE

STATE OF OHIO
FRANKLIN COUNTY

on the 24th day of April, 1944, personally appeared before me E R Decker, Assistant County Engineer who being first duly sworn deposes and says that he served a copy of the attached notice upon each lot and land owner therein mentioned in the manner and at the time stated after their respective names.

These are the land owners whose property will be affected by the vacation of said Stewart road, in Truro Township, Franklin County, Ohio.

NAME OF PERSON SERVED	How served	When served
Edith M Henderson	By handing her personally a copy of said notice	4-24-44
Samuel Oldham	" " him " " " "	4-24-44
Mathew M Stewart by Arthur Cheney Trustee	By leaving a copy of said notice at the usual place of residence of Arthyr Cheney Tr.	4-24-44

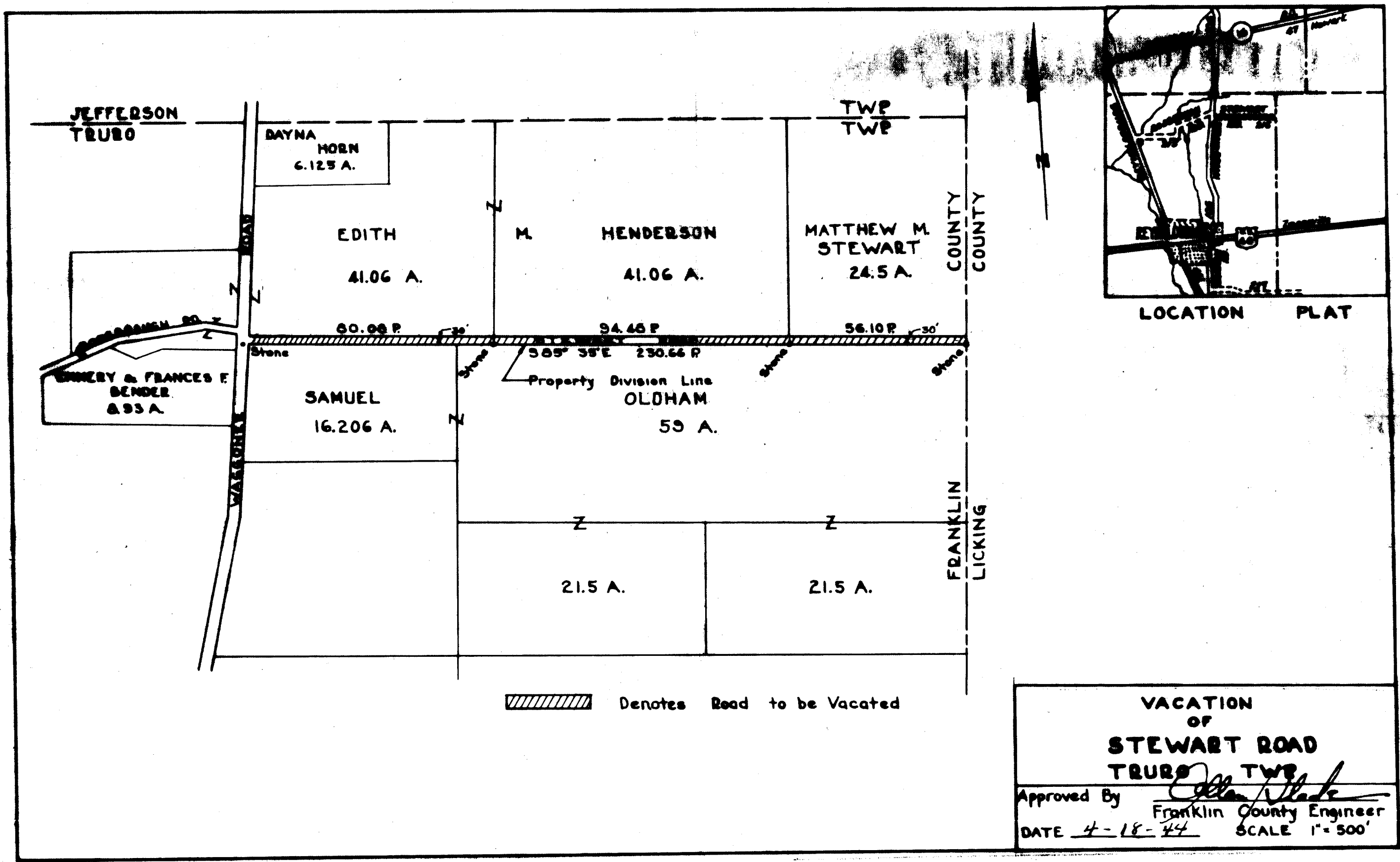
and further deponent saith not.

E. R. Decker. Asst County Engr.

Sworn to before me and signed in my presence this 24th day of April 1944.

Wm F Boland
Notary public Franklin County Ohio

Seal.



FRANKLIN CO. O., ROAD RECORD No. 16 Vacation Stewart Road

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

Columbus Ohio Apl 19 1944

NOTICE IN THE MATTER OF VACATING STEWART ROAD
TRURO TOWNSHIP

Notice is hereby given that the survey made and plat filed with the Board of county commissioners by the county engineer in the matter of the vacation of Stewart Road, Truro Township, Franklin County Ohio, April 18, 1944, shows that the vacation thereof affects property owned by you and abutting thereon, which road is more particularly described as follows:

STEWART road, (30 ft wide) beginning at a point on the center of Waggoner Road and the northwest corner of Samuel Oldham's 16.206 acre tract of land, thence east along Samuel Oldham's north line, south 85 deg. 35 min. east, 230.66 rods to a stone in said Samuel Oldham's north line and in the line dividing the counties of Franklin and Licking, also being the east line of said Truro Township, thence northerly with the said county line a distance of 30 ft. to a point, thence, north 85 deg. 35 min. west and parallel with said north line of Samuel Oldham's lands through the lands of Matthew M. Stewart and Edith M Henderson, a distance of 230.66 rods to the center line of Waggoner Road, thence, along the center of the road southerly 30 feet to the beginning.

You are further notified that Tuesday, May 2 1944, at ten o'clock A M eastern war time, at the office of the board of county commissioners of Franklin County, has been fixed as the time and place for hearing and considering claims that may be filed on account of the vacation of said Stewart road. Application for compensation and damages shall be made in writing any time before the time for hearing thereon. Failure to make such application shall be a waiver of all rights thereto by every person interested therein, except minors or other persons under disability.

By order of the Board of County Commissioners of Franklin County, Ohio.

Wm F Berkhemer, Clerk of the Board.

BEFORE THE BOARD OF COUNTY COMMISSIONERS FRANKLIN COUNTY, OHIO.

Filed in Commr's office
May 1 1944

In the Matter of the Application
for Vacation of Stewart Road.

Now comes Edith Mae Henderson and claims that she has suffered and sustained damages by reason of the action of the said board of county commissioners wherein said Board on the 18th day of April 1944, by resolution and order vacated said road, in the manner and for the amounts as follows:

1. That by said resolution and order this claimant is and will be deprived of the use of said road as a public highway in going to and from the various points along the south frontage of said tract of land in the petition described which is bounded on the south by said Stewart Road, and is permanently prevented from disposing of any part of said tract of land fronting on said Stewart road with the use of said road as a public highway to and from said Waggoner road, described in the petition herein filed, to her great damage in the sum of One Thousand dollars.

2. That by the abandonment and vacating of said Stewart Road this claimant will be put to the expense and necessity of maintaining a suitable crossing of the natural creek and watercourse which crosses said Stewart Road in order to have agress from and regress to said eastern portion of said tract of land fronting on said Stewart Road to her great damage in the sum of Five Hundred Dollars.

WHEREFOR this claimant asks that she be allowed the sum of One Thousand Five Hundred Dollars as compensation for the damages and loss sustained by reason of the order heretofore made herein by which order said road is vacated.

Signed Edith Mae Henderson

State of Ohio, Franklin County, SS

Edith Mae Henderson, of lawful age being duly sworn says that the facts stated and the allegations contained in her foregoing application for an allowance for damages are true as she verily believes.

Signed. Edith Mae Henderson

Sworn to before me and subscribed in my presence this 1st day of May A D 1944.

Signed Warren E Bigony.
Notary Public State of Ohio.

VACATING STEWART ROAD TRURO TWP.
FRANKLIN COUNTY OHIO. COMPENBATION
AND DAMAGES VLAIMS

May 2 1944

Board of County Commissioners,
Franklin County, Ohio.

Gentlemen: After hearing all claims for compensation and damages alleged to occur due to the vacating of Stewart Road, Truro Township, and investigating the same, I am of the opinion that none of the affected lands will be damaged, and I therefore recommend that all claims for compensation and damages filed with your Board in said matter be rejected.

Respectfully submitted, Allan Slade, County Engineer.

FRANKLIN CO. O., ROAD RECORD No. 16 Vacation Stewart Road

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

CLAIM FOR DAMAGES ACCOUNT STEWART
ROAD VACATION REJECTED

May 2 1944

This being the day and hour fixed for the purpose of considering claims for compensation and damages that may be filed in the matter of the vacation of Stewart road, Truro Township, same came on, and the Board of county commissioners finds the following claim for damages has been filed in accordance with law, to wit:-

In the matter of the application for vacation of Stewart Road. Now comes Edith Mae Henderson and claims that she has suffered and sustained damages by reason of the action of the said board of county commissioners wherein said Board on the 18th day of April, 1944, by resolution and order vacated said road in the manner and for the amounts as follows:-

1. That by said resolution and order this claimant is and will be deprived of the use of said road as a public highway in going to and from the various points along the south frontage of said tract of land in the petition described which is bounded on the south by said Stewart road, and is permanently prevented from disposing of any part of said tract of land fronting on said Stewart road with the use of said road as a public highway to and from said Waggoner Road, described in the petition herein filed, to her great damage in the sum of One Thousand dollars.

2. That by the abandonment and vacating of said Stewart road this claimant will be put to the expense and necessity of maintaining a suitable crossing of the natural creek and watercourse which crosses said Stewart road in order to have egress and regress to said eastern portion of said tract of land fronting on said Stewart road to her great damage in the sum of Five Hundred dollars.

Wherefore this claimant asks that she be allowed the sum of One Thousand Five Hundred dollars as compensation for the damages and loss sustained by reason of the order heretofore made herein by which order said road is vacated. Signed Edith Mae Henderson.

After due consideration of said claim for damages and the hearing of evidence thereon and considering the county engineer's report thereon, Mr. Lauderbaugh offered the following resolution and moved the adoption of the same, which was duly seconded by Mr. Matson.

BE IT RESOLVED, By the board of county commissioners of Franklin County, Ohio, that in the opinion of said board the lands affected by the vacation of said Stewart Road will not be damaged and that the recommendation of the county engineer in said matter be accepted and the claim for damages filed by Edith Mae Henderson in the total sum of \$1500.00, be and the same is hereby disallowed and rejected.

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