

FRANKLIN CO. O., ROAD RECORD No. 16 Vacation Alley Chaseland Addition

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

PUBLIC ROAD PETITION

Filed Oct 10 1945

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 alley on the line hereinafter described; and make application to you to institute and order proper proceedings in the premises for vacation of such alley the same not being a road on the state highway system.

The following is the general route and termini of said road:

Beginning at High Street approximately 138 feet north of Chase Avenue and running easterly 150 feet to an alley, and more particularly described as follows; Situated in the Township of Sharon, County of Franklin and State of Ohio.

Beginning at a point, the northwest corner of Lot No. 17 of the National Land and Improvement Company subdivision in said township, known as Chaseland; thence east along and upon said north line of said lot a distance of 150 feet to a point, the northeast corner of said lot; thence south along and upon the west line of a 20 foot alley a distance of 23 feet to a point in said west line; thence west parallel to said north line a distance of 150 feet to a point in the west line of said lot; thence north along and upon said west line of said lot a distance of 23 feet to the place of beginning, containing .079 of an acre of land, more or less.

Petitioners Names: Howard G Linn, George H Lewis, Samuel F Mattox, Howard Potter, J W Loos, Burdette Keps, R C Scott, Leonard Insley, Chas S Mote, Fred S Schrock, H D Barber, Chas Goering, Claude A Riser, Jno W Pixler, J M Schooler, Carl O Knost.

PETITION TO VACATE 23' x 150 foot ALLEY OFF THE NORTH SIDE OF LOT 17 of CHASELAND ADD. SHARON TWP. FILED. VIEW NOV 1 1945 FINAL HEARING NOVEMBER 16 1945

October 16 1945

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

WHEREAS, Howard G Linn, et al. on the 10th day of October, 1945, presented a petition to the board of county commissioners of Franklin County, Ohio, signed by at least twelve freeholders of Franklin County, residing in the vicinity of the proposed vacation, requesting said Board to vacate said 23'x 150' alley off the north side of lot 17 of Chaseland Addition, Sharon Township, said alley to be vacated more particularly described as follows:

Beginning at High Street approximately 138 feet north of Chase Avenue and running easterly 150 feet to an alley, and more particularly described as follows: Situated in the Township of Sharon, County of Franklin, and State of Ohio, beginning at a point, the northwest corner of Lot No. 17 of the National Land and Improvement Company subdivision in said township, known as Chaseland; thence east along and upon said north line of said lot a distance of 150 feet to a point; the northwest corner of said lot; thence south along and upon the west line of a 20 foot alley a distance of 23 feet to a point in said west line; thence west parallel to said north line a distance of 150 feet to a point in the west line of said lot; thence north along and upon said west line of said lot a distance of 23 feet to the place of beginning, containing .079 of an acre of land, more or less.

therefore

BE IT RESOLVED, By the Board of County Commissioners of Franklin County, Ohio, that Thursday November 1, 1945, at ten o'clock A M 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 Friday, November 16, 1945, at ten o'clock A M., 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 view and hearing shall 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: C F Lauderbaugh and Harry T Vigor. Absent and not voting George W Matson

PROOF OF PUBLICATION

State of Ohio } ss.
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

Two times Oct 17-24
1945

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

Robert W. Irwin

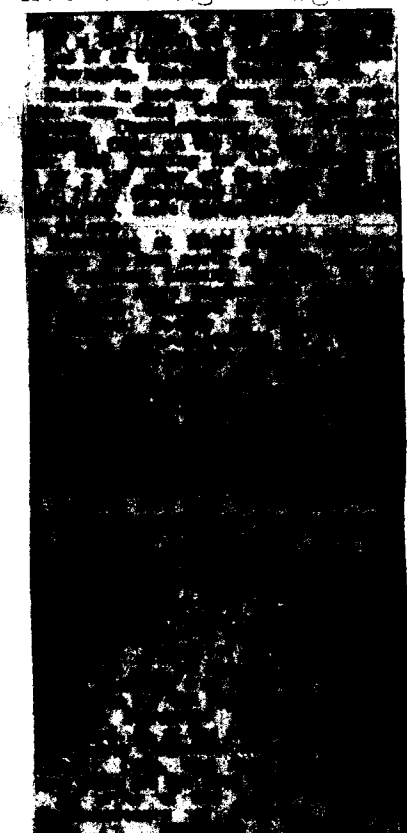
Suscribed and sworn to this 24th

day of Oct 1945

E. T. Spitznagel

Notary Public in and for Franklin Co.

E. T. SPITZNAGEL, Notary Public
My Commission Expires June 30, 1946



FRANKLIN CO. O., ROAD RECORD No. 16 Vacation Alley in Chaseland Addition

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

ENGINEER DIRECTED TO PREPARE PLAT AND SURVEY
FOR VACATION OF 23' x 150' ALLEY OFF THE NORTH
SIDE OF LOT 17 OF CHASELAND ADD. SHARON TOWNSHIP

November 1 1945

In the matter of the petition filed with the board of county commissioners of Franklin County, Ohio, on the 10th day of October 1945, praying for the vacation of a 23' x 150' alley off the north side of Lot 17 of Chaseland Addition, Sharon Township, Mr. Vigor offered the following preamble and resolution and moved the adoption of the same, which was duly seconded by Mr. Matson.

WHEREAS, on the 16th day of October, 1945, a petition was filed with the Board of County Commissioners by Howard G Linn, et al. praying for the vacation of a 23' x 150' alley off the north side of Lot 17 of Chaseland Addition, Sharon Township, Franklin County, Ohio; and

WHEREAS, on the 16th day of October, 1945, said board of county commissioners did fix the first day of November 1945, at ten o'clock A M on the line of the proposed vacation as the time and place for the viewing thereof; and did further fix the 16th day of November 1945, at ten o'clock A M at the office of the board of county commissioners as the time and place for the final hearing on said proposed 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 alley vacation and of the final hearing thereon; and

WHEREAS, The board of county commissioners of Franklin County, Ohio, did, on the first day of November 1945, the day fixed for the viewing of the said proposed alley 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 vacation in Chaseland Addition, 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 said 23' x 150' alley off the north side of Lot 17 of Chaseland 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 23' x 150' alley off the north side of lot 17 in Chaseland Addition, Sharon Township, an accurate and detailed description of each tract of land affected, 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 alley vacation 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 November, 1945, at ten o'clock A M. 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 23' x 150' alley off the north side of Lot 17 in Chaseland Addition vacation shall be deposited with the County Commissioners.

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

Board of County Commissioners, Franklin County, Ohio.

November 7 1945

Subject: Vacation of a 23' x 150' alley off the north side of Lot 17, Chaseland Addition.

Gentlemen: Pursuant to your order of November 1, 1945, I have made a survey and plat of an alley 23.9 feet wide off of the north side of Lot 17 of Chaseland Addition, Sharon Township, Franklin County Ohio.

I have made a study and an investigation of the proposed vacation and submit the following report:

This strip of land was dedicated to the County of Franklin by Deed of Dedication, executed by the National Land and Improvement Company, on November 19, 1903, for alley purposes.

The County of Franklin accepted the Deed of Dedication with the following Reverter Clause.

"To have and to hold said premises for the public use and travel as an alley way and for no other purpose or use whatever so long as it shall be kept, used and appropriated as such, and if said grantee or any one holding or claiming to hold said premises under, by or through said grantee shall violate the said conditions, then these presents and thus conveyance shall become null and void, and the same shall immediately revert unto and be re-vested in said grantor, its successors or assigns forever, and they shall be seized as of their former estate therein as if these presents had never been executed and may immediately re-enter, repossess and hold said premises as of a good estate in fee simple as aforesaid".

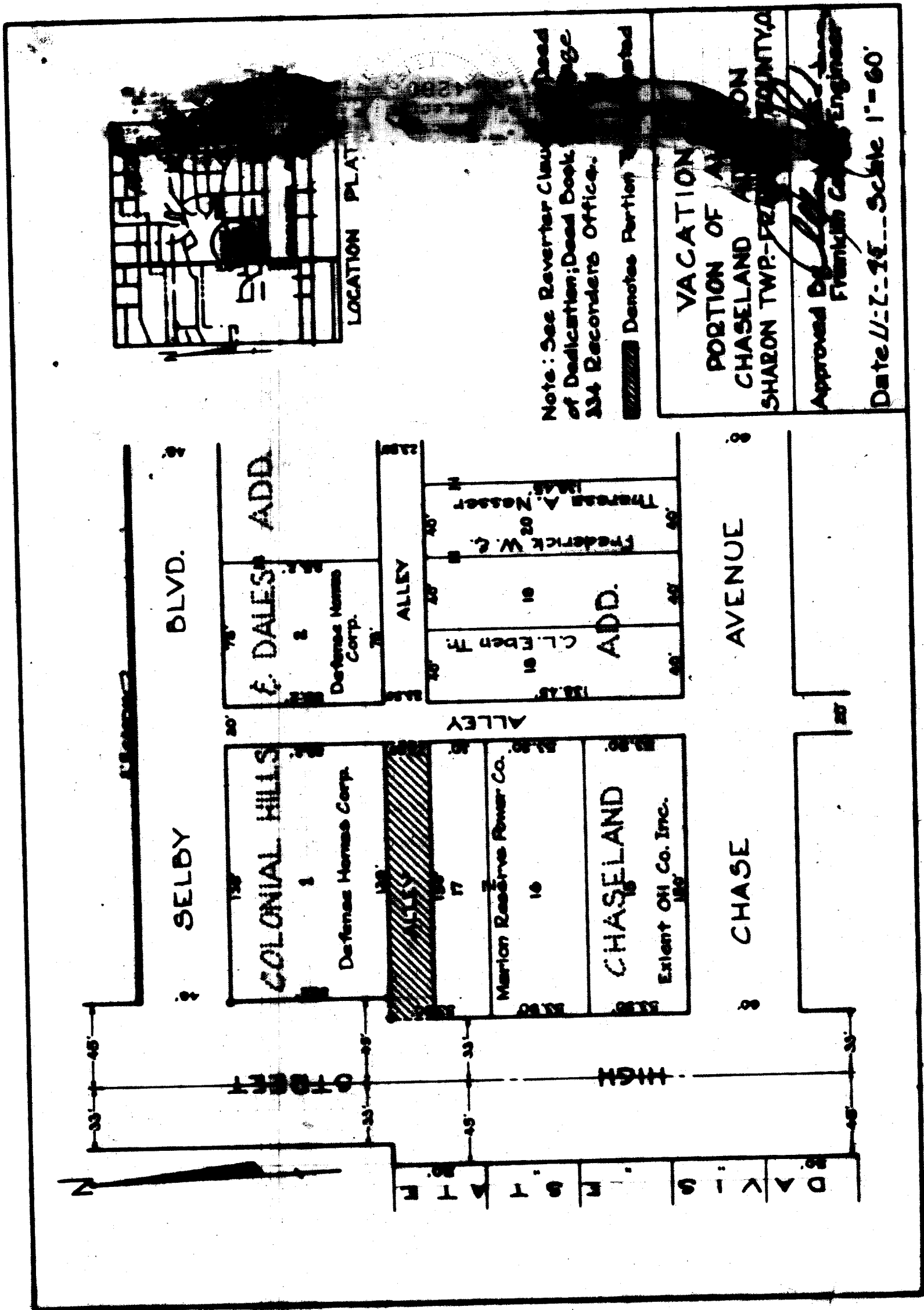
The Deed of Dedication was filed in the Recorder's Office on April 25, 1905, and is of record in Deed Book 401, Page 334. The 23.9 foot strip of land is not now nor to my knowledge ever used for alley purposes/

Attached hereto is a letter from Francis A Marzolf, property manager of the Colonial Hills and Dales Subdivision, owners of the property immediately north of this 23.9 foot alley, agreeing and connecting to the proposed alley vacation.

Mr Howard G Linn has entered into a contract to purchase Lots to acquire this 23.9 foot strip of land from the National Land and Improvement Company. The Vacation Petition contains the necessary number of signatures.

I can see no harm or inconvenience to the travelling public in the vacation of this alley and therefore recommend that the alley, 23.9 feet wide off the north side of Lot 17, Chaseland Addition, in Sharon Township, Franklin County, Ohio, be vacated as shown on the attached vacation plat.
Respectfully submitted, Allan Slade. County Engineer.

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



PRAYER OF PETITION TO VACATE 23' x 150' ALLEY OFF THE NORTH SIDE OF LOT 17 OF CHASELAND ADD. SHARON TWP GRANTED

November 16 1945

In the matter of the petition filed by Howard G Linn, et al., praying for the vacation of a 23' x 150' alley off the north side of Lot 17 in Chaseland Addition, Sharon Township, Mr. Vigor offered the following preamble and resolution and moved the adoption of the same, which was duly seconded by Mr. Matson.

WHEREAS, On the first day of November, 1945, the board of county commissioners of Franklin County, Ohio, by resolution duly adopted, directed the engineer of Franklin County, Ohio, to make report to said Board on or before ten o'clock A M of Friday, November 16, 1945 relative to the proceedings for the vacation of an alley, 23' x 150' off the north side of Lot 17 in Chaseland Addition, Sharon Township, Franklin County, Ohio; said report to be made in manner and form set forth and required by section 6865 General Code of Ohio; and

WHEREAS, Allen Slade, county engineer, did on the 16th day of November, 1945, report thereon in writing, which report contained the following recommendation, to wit:-

FRANKLIN CO. O., ROAD RECORD No. 16 Vacation alley in Chaseland Addition.

THE COL. B. B. MFG. CO. 176473

"November 7, 1945. Board of County Commissioners, Franklin County, Ohio. Re: Vacation of a 23.9 foot alley off of the north side of Lot 17 Chaseland Addition. Gentlemen: Pursuant to your order of November 1, 1945, I have made a survey and plat of an alley 23.9 feet off of the north side of Lot 17 of Chaseland Addition, Sharon Township, Franklin County, Ohio.

I have made a study and an investigation of the proposed vacation and submit the following report: This strip of land was dedicated to the County of Franklin by Deed of Dedication, executed by the National Land and Improvement Company, on November 19, 1945, for alley purposes. The County of Franklin accepted the Deed of Dedication with the following Reverter Clause.

"To have and to hold said premises for the public use and travel; as an alley way and for no other purpose or use whatever so long as it shall be kept, used and appropriated as such, and if said grantee or any one holding or claiming to hold said premises under, by or through said grantee shall violate the said conditions, then these presents and those conveyance shall become null and void, and the same shall immediately revert unto and be re-vested in said grantor, its successors and assigns forever, and they shall be seized as of their former estate therein as if these presents had never been executed and may immediately re-enter, repossess and hold said premises as of a good estate in fee simple as aforesaid." The deed of dedication was filed in the Recorder's office on April 25, 1905, and is of record in Deed Book 401, page 334.

The 23.9 foot strip of land is not now nor to my knowledge ever used for alley purposes.

Attached hereto is a letter from Francis A. Marzolf, property manager, of the Colonial Hills and Dales Subdivision, owners of the property immediately north of this 23.9 foot alley agreeing and connecting to the proposed alley vacation.

Mr. Howard G. Linn has entered into a contract to purchase Lots and to acquire this 23.9 foot strip of land from the National Land and Improvement Company. The vacation petition contains the necessary number of signatures.

I can see no harm or inconvenience to the traveling public in the vacation of this alley and therefore recommend that the alley, 23.9 feet wide off of the north side of Lot 17, Chaseland Addition, in Sharon Township, Franklin County, Ohio, be vacated, as shown on the attached vacation plat. Respectfully submitted. Allen Slade, County engineer.

and

WHEREAS, No objections to the vacation of said alley were filed with this Board; and

WHEREAS, the county commissioners of Franklin County, Ohio, find that the public utility and welfare do not require said alley in Chaseland Addition, Sharon Township, 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 said Board hereby determines that the public utility and welfare do not require said alley in Chaseland Addition and therefore said alley be and the same is hereby declared vacated in accordance with the recommendation of the county engineer and as set forth in the plat submitted by said engineer.

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