

FRANKLIN CO. O., ROAD RECORD No. 17

THE COL. B. B. MFG. CO. 83512

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March 17, 1953

OHIO AVENUE BETWEEN JENKINS AVENUE AND
WOODROW AVENUE, MARION TOWNSHIP,
VACATED (Pursuant to G.C. Sec. 6869)

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

WHEREAS, the Ohio General Code Section 6869 provides in part as follows:

"* * * * A road, or part thereof, which remains unopened for seven years after the order establishing it was made or authority granted for opening it, shall be vacated, and the right to build it pursuant to the establishment in the original proceedings therefor shall be barred."

and

WHEREAS, on February 17, 1953, Mr. Paul Gingher, Attorney for The American Structural Products Company, addressed a letter to the Board of County Commissioners requesting the vacation of Ohio Avenue from Jenkins Avenue south to Woodrow Avenue, in Marion Township under the above-quoted section of the Code, on behalf of his client who owns property abutting on Ohio Avenue between Jenkins Avenue and Woodrow Avenue, and

WHEREAS, on March 5, 1953, a letter was addressed to the Board of County Commissioners by the Franklin County Engineer, as follows:

"As per your request of February 27, 1953, in regards to the vacation of part of Ohio Avenue in Marion Township, Franklin County, Ohio.

"According to our Road Record, Book 13, Page 253, Franklin County Engineer's Office, the record shows that Ohio Avenue from Jenkins Avenue to Reeb Avenue was established by resolution, Board of County Commissioners, Franklin County, Ohio, January 16, 1926.

"As to the question of the portion of said Ohio Avenue between Jenkins Avenue and Woodrow Avenue having remained unopened for seven years or more, we can only say that to our knowledge we do not believe that this portion of Ohio Avenue has ever been opened.

"Very truly yours, Guy Elbin, County Engineer, by (signed) Harold E. Smith, Land Agent."

and

WHEREAS, On March 13, 1953, the following affidavit was filed with the Board of County Commissioners:

"STATE OF OHIO, FRANKLIN COUNTY, ss.

"Now comes E. A. Eichner, 1618 South Champion Avenue, Marion Township, Franklin County, Ohio, and after first being duly cautioned and sworn says that he now is and has been for many years a resident of Franklin County, Ohio; that he has resided continuously since 1925 in and is familiar with the neighborhood in the vicinity of Ohio Avenue; that Ohio Avenue from Jenkins Avenue south to Woodrow Avenue has never been opened for public use as a highway; that said Ohio Avenue from Jenkins Avenue south to Woodrow Avenue has not since 1925 been used as a public way to his knowledge.

"Further, deponent sayeth not.

(Signed) E. A. Eichner

"Sworn to before me and subscribed in my presence this 13th day of March, 1953.

(SEAL)

(Signed) Carl R. Johnson
Carl R. Johnson, Notary Public State of Ohio"

Now, therefore

FRANKLIN CO. O., ROAD RECORD No. 17 Vacation of Ohio Avenue between Jenkins Ave. and
Woodrow Avenue, Marion Township

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Contd.

BE IT RESOLVED, By the Board of County Commissioners of Franklin County, Ohio, that said Board finds that that part of Ohio Avenue between Jenkins Avenue and Woodrow Avenue, in Marion Township, Franklin County, Ohio, was duly established as a public road by order of the Board of Franklin County Commissioners on January 16, 1926; that said portion of said road has remained unopened for more than seven years and, in fact, has never been opened, used or maintained as a public road after said order of establishment, and

BE IT FURTHER RESOLVED, that in view of said findings that portion of Ohio Avenue extending between Jenkins Avenue and Woodrow Avenue, and situated in Marion Township, Franklin County, Ohio, be and the same is hereby ordered vacated and the right to build said portion of said road pursuant to the establishment in said original proceedings therefor, be and the same is hereby barred pursuant to the authority granted by Section 6869 of the General Code of Ohio, and

BE IT FURTHER RESOLVED, that the Clerk or Assistant Clerk of this Board is hereby directed to certify copies of this resolution to the Franklin County Engineer and the Franklin County Auditor.

Voting Aye thereon: Harry T. Vigor, C.P. Lauderbaugh and Henry A. Koontz.

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