

## FRANKLIN CO. O., ROAD RECORD No. 18

Vacation of part of a 20 foot Alley running South of  
Chesapeake Ave. in Clinton Township.

THE COL. B. D. MFG. CO. 85947

\* \* \* \* \*

## PUBLIC ROAD PETITION

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 part of 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 a 20 foot alley running south from the south right-of-way line of Chesapeake Avenue to the north right-of-way line of a 10 foot alley, said 20 foot Alley being between lot number 85 of Lincoln Heights Subdivision, in Plat Book 7, Page 250 and lot number 32 of John M. Pughs Subdivision in Plat 4, page 324 as shown of record in Franklin County Recorder's Office. Clinton Township

The following persons signed said petition: Lewis Banks; Louis Distelzweiz; Clifton Parker; John Paschal; Nick Blanch; Floyd Clay; Cam Williams; John D. Smith; Carrie L. Simons; Herbert Graham; Oliver B. Duff; Cardie Berry; Peter Woody and Esther Distelzweiz.

\* \* \* \* \*

May 13, 1955

PETITION TO VACATE PART OF A 20 FOOT ALLEY RUNNING  
SOUTH OF CHESAPEAKE AVENUE IN CLINTON TOWNSHIP:  
REFERRED TO COUNTY ENGINEER FOR CHECKING.

On motion of Mr. Vigor, seconded by Mr. Lauderbaugh, the petition filed for the vacation of a 20 foot alley running south from the south right-of-way line of a 10 foot alley, said 20 foot alley being between lot number 85

## FRANKLIN CO. O., ROAD RECORD No. 18

THE COL. B. B. MFG. CO. 88947

Contd. - Vac. of 20 Foot Alley Running So. of Chesapeake Ave. - Clinton Twp.

of Lincoln Heights Subdivision, in Clinton Township; be and it hereby is referred to the Engineer's office for checking for sufficiency of signatures and accuracy of description.

Voting Aye thereon: C. P. Lauderbaugh and Harry T. Vigor (Signed)

Absent and not voting: Henry A. Koontz.

\* \* \* \* \*

June 13, 1955

Board of County Commissioners  
Franklin County, Ohio

Re: Vacation of part of a 20' Alley running south of Chesapeake  
Avenue in Clinton Township.

Gentlemen:-

I have checked the attached petition filed by Lewis Banks, et al praying for the vacation of part of a 20 foot Alley running south of Chesapeake Avenue in Clinton Township, and find that the petition contains sufficient number of signatures. Also, the description is accurate.

Respectfully submitted,

Guy Elbin,  
County Engineer

By Frank R. McIlyar (Signed)  
Land Agent

GE:FRM:cd

\* \* \* \* \*

June 17, 1955

PETITION FILED FOR VACATION OF PART OF A 20 FOOT ALLEY  
RUNNING SOUTH OF CHESAPEAKE AVENUE IN CLINTON TOWNSHIP:  
VIEW, JULY 6, 1955 - HEARING, JULY 15, 1955.

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

WHEREAS, Lewis Banks, et al., on the 13th day of May, 1955, filed a petition with 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 a portion of a 20-foot Alley running south of Chesapeake Avenue in Clinton Township, the general route and termini thereof, to be as follows:

Being a 20-foot alley running south from the south right-of-way line of Chesapeake Avenue to the north right-of-way line of a 10 foot alley; said 20 foot alley being between lot number 85 of Lincoln Heights Subdivision, in Plat Book 7, page 250 and lot number 32 of John M. Pughs' Subdivision in Plat Book 4, page 324, as shown of record in Franklin County Recorder's Office.  
therefore

BE IT RESOLVED, by the Board of County Commissioners of Franklin County, Ohio, that Wednesday, July 6, 1955, at 10 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, July 15, 1955, at 10 o'clock a.m., is hereby fixed as the time and date for the final hearing of said petition and proposed vacation, in the office of the Board of County Commissioners at 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, 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: Henry A. Koontz, C. P. Lauderbaugh, and Harry T. Vigor.

# PROOF OF PUBLICATION

State of Ohio }  
Franklin County } ss.

Robert W. Irwin 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, July 7-14,  
1955

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

*[Signature]*

Subscribed and sworn to this 14th

of July 1955

*E. T. Speinagel*  
Notary Public in and for Franklin County

Unit L595

E. T. SPEINAGEL, Notary Public  
My Commission Expires Oct. 1, 1955

# RECEIVED

JUL 16 1955

BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, OHIO

## NOTICE OF FILING OF PETITION TO VACATE PART OF A 20-FOOT ALLEY RUNNING SOUTH OF CHESAPEAKE AVENUE IN CLINTON TOWNSHIP, FRANKLIN COUNTY, OHIO.

Notice is hereby given that a petition was filed with the Board of County Commissioners of Franklin County, Ohio, on the 13th day of May, 1955, praying for the vacation of part of a 20-foot Alley running south of Chesapeake Avenue in Clinton Township, described as follows: Being a 20-foot alley running south from the south right-of-way line of Chesapeake Avenue to the north right-of-way line of a 40-foot alley; said 20-foot alley being between lot number 85 of Lincoln Heights Subdivision, in Plat Book 7, page 260, and lot number 32 of John M. Pugh's Subdivision in Plat Book 4, page 324, as shown of record in Franklin County Recorder's Office.

Further notice is hereby given that Thursday, July 21, 1955, at 10 o'clock a. m. on the line of said road, was fixed as the time and place for the viewing thereof, and Friday, July 22, 1955, at 10 o'clock a. m., at the office of the Board of County Commissioners of Franklin County, Ohio, was fixed as the time and place for the hearing thereon.

By Order of the Board of County Commissioners of Franklin County, Ohio,  
ELLA A. MCCARDEY,  
Assistant Clerk.

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## FRANKLIN CO. O., ROAD RECORD No. 18

THE COL. S. S. MFG. CO. 86947

Contd. -Vac. of a 20 Foot Alley Running So. of Chesapeake Ave. - Clinton Twp.

July 5, 1955

PROCEEDINGS FOR VACATION OF PART OF A 20-FOOT ALLEY RUNNING SOUTH OF CHESAPEAKE AVENUE IN CLINTON TOWNSHIP - RESCINDED.

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

WHEREAS, proceedings for the vacation of part of a 20-foot Alley running south of Chesapeake Avenue, in Clinton Township, based on a petition filed by Lewis Banks, et al., on the 13th day of May, 1955, were had by the Board of County Commissioners; and

WHEREAS, the notice of viewing and hearing was not published as required by law; now, therefore,

BE IT RESOLVED, that the following resolutions adopted by this Board in connection with said vacation, be, and they hereby are, rescinded and declared null and void;

Resolution adopted June 17, 1955: "Petition for vacation of part of a 20-foot Alley running south of Chesapeake Avenue, in Clinton Township: View, July 6, 1955; Hearing, July 15, 1955,"

and

BE IT FURTHER RESOLVED, that proceedings for said vacation shall be commenced anew.

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

\* \* \* \* \*

July 5, 1955

PETITION FILED FOR VACATION OF PART OF A 20-FOOT ALLEY RUNNING SOUTH OF CHESAPEAKE AVENUE IN CLINTON TOWNSHIP: VIEW, JULY 21, 1955 - HEARING, JULY 22, 1955.

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

WHEREAS, Lewis Banks, et al., on the 13th day of May, 1955, filed a petition with 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 a portion of a 20-foot Alley running south of Chesapeake Avenue, in Clinton Township, the general route and termini thereof, to be as follows:

Being a 20-foot alley running south from the south right-of-way line of Chesapeake Avenue to the north right-of-way line of a 10-foot alley; said 20-foot alley being between lot number 85 of Lincoln Heights Subdivision, in Plat Book 7, page 250, and lot number 32 of John M. Pugh's Subdivision, in Plat Book 4, page 324, as shown of record in Franklin County Recorder's Office,

therefore,

BE IT RESOLVED, by the Board of County Commissioners of Franklin County, Ohio, that Thursday, July 21, 1955, at 10 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, July 22, 1955, at 10 o'clock a.m., is hereby fixed as the time and date for the final hearing of said petition and proposed vacation, in the office of the Board of County Commissioners at 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, 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: Henry A. Koontz, C. P. Lauderbaugh and Harry T. Vigor.

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July 22, 1955

VACATION OF PART OF A 20-FOOT ALLEY RUNNING SOUTH OF CHESAPEAKE AVENUE IN CLINTON TOWNSHIP, VIEWED: ENGINEER TO FILE REPORT BY JULY 22, 1955.

In the matter of the petition filed for the vacation of part of a 20-foot alley running south of Chesapeake Avenue in Clinton Township, Mr. Vigor offered the following preamble and resolution and moved the adoption of the same, which was duly seconded by Mr. Koontz;

WHEREAS, on the 13th day of May, 1955, a petition was filed with this Board by Lewis Banks, et al., praying for the vacation of part of a 20-foot alley running south of Chesapeake Avenue in Clinton Township, Franklin County, Ohio; and

WHEREAS, on July 5, 1955, said Board of County Commissioners did fix the 21st day of July, 1955, at 10 o'clock a.m., on the line of the proposed vacation as the time and place for the viewing thereof, and did further fix July 22, 1955, at 10 o'clock a.m., at the office of the Board of County Commissioners of Franklin County, Ohio, as the time and place for the final hearing on said proposed 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 proposed vacation, and of the final hearing thereon; and

## FRANKLIN CO. O., ROAD RECORD No. 18

THE COL. V. D. MFG. CO. 86947

Contd. - Vac. of a 20 Foot Alley Running So. of Chesapeake Ave. - Clinton Twp.

WHEREAS, the Board of County Commissioners of Franklin County, Ohio, did, on the 21st day of July, 1955, meet on the line of said proposed alley vacation, as described in the petition, and hear 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 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 said alley 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 alley vacations, 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 such sufficient other points of 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 22nd day of July, 1955, at 10 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 vacation shall be deposited with the County Commissioners.

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

Absent and not voting: C. P. Lauderbaugh.

\* \* \* \* \*

July 22, 1955

Board of County Commissioners  
Franklin County, Ohio.

Re: Vacation of part of a 20-Foot Alley Running South of  
Chesapeake Avenue in Clinton Township.

Gentlemen:-

Pursuant to your order of July 22, 1955, I have made a survey and plat, which I hereby submit, of a part of a 20-Foot Alley, running south of Chesapeake Avenue, in Clinton Township, showing the proposed vacation of the following described Alley:

Being a 20-foot alley running south from the south right-of-way line of Chesapeake Avenue to the north right-of-way line of a 10-foot alley; said 20-foot alley being between lot number 85 of Lincoln Heights Subdivision, in Plat Book 7, page 250, and lot number 32 of John M. Pugh's Subdivision, in Plat Book 4, page 324, as shown of record in Franklin County Recorder's Office.

The petition praying for the vacation of said Alley is on file in your office bearing a sufficient number of signatures of abutting property owners.

Utilities that are now within this Alley and the Easement granted by the sub-dividers for utilities is not to be vacated through this 20 foot Alley sought to be vacated.

I am of the opinion that the proposed vacation of the aforesaid Alley, with the exception above stated will be of no inconvenience to the general public and I, therefore recommend the said vacation as shown on the accompanying plat.

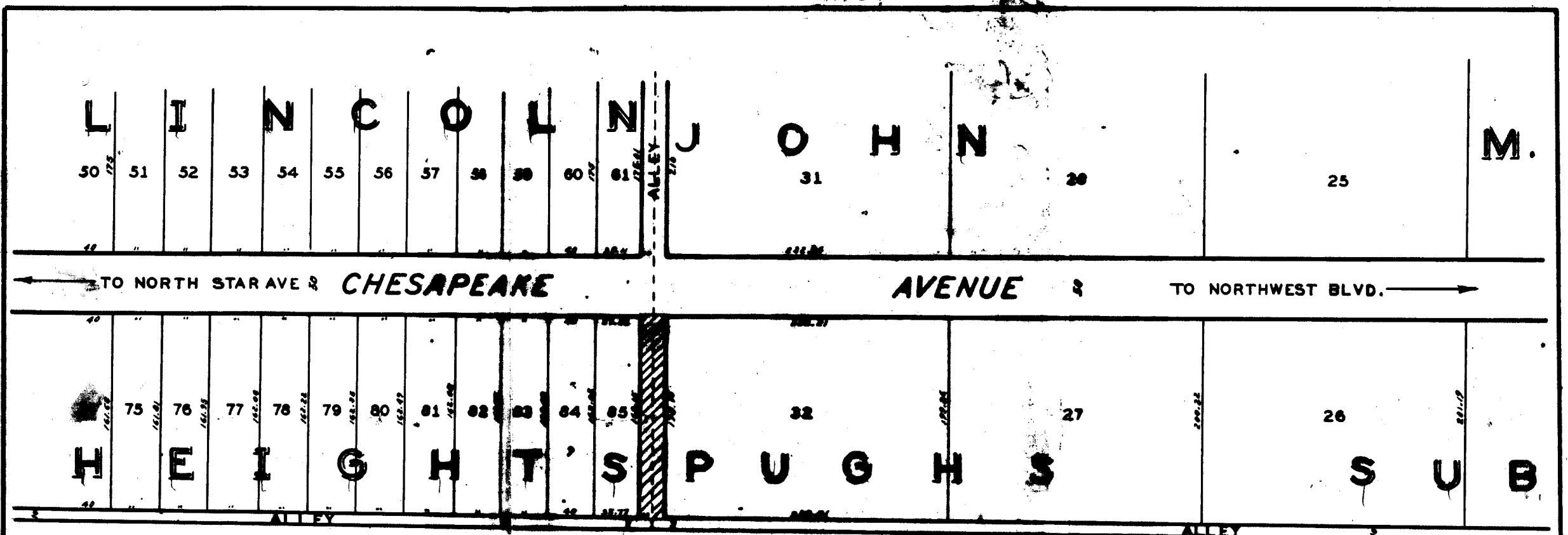
Respectfully submitted,

Guy Elbin, (Signed)  
County Engineer

GE:FRM:cd

\* \* \* \* \*

0-15  
R.M.G.



CODE



DENOTES PORTION TO BE VACATED

JOHN M. PUGHS SUBDIVISION  
PLAT BOOK 4 PAGE 324

LINCOLN HEIGHTS  
PLAT BOOK 7 PAGE 250



VACATION

PART OF 20' ALLEY  
10' IN JOHN M. PUGHS SUB.  
10' IN LINCOLN HEIGHTS

CLINTON TWP FRANKLIN COUNTY OHIO

APPROVED BY *Guy Elbin*  
FRANKLIN COUNTY ENGINEER

DATE July 22, 1955

SCALE 1" = 300'

## FRANKLIN CO. O., ROAD RECORD No. 18

THE COL. R. R. REG. CO. 86947

Contd. - Vac. of 20 Foot Alley Running So. of Chesapeake Ave. - Clinton Twp.

July 22, 1955

HEARING ON PETITION TO VACATE PART OF A 20-FOOT ALLEY  
RUNNING SOUTH OF CHESAPEAKE AVENUE, CLINTON TOWNSHIP:  
CLAIMS FOR DAMAGES TO BE HEARD JULY 29, 1955.

In the matter of the petition filed by Lewis Banks, et al., with the Board of County Commissioners of Franklin County, Ohio, on the 13th day of May, 1955, praying for the vacation of part of a 20-foot Alley running south of Chesapeake Avenue, Clinton Township, Franklin County, Ohio, Mr. Vigor offered the following preamble and resolution and moved the adoption of the same, which was duly seconded by Mr. Koontz:

WHEREAS, on July 22, 1955, the Board of County Commissioners of Franklin County, Ohio, did by resolution duly adopted, direct the Engineer of Franklin County, Ohio, to make a report in writing to this Board on or before 10 o'clock a.m., of Friday, July 22, 1955, relative to the petition for the vacation of part of a 20-foot Alley running South of Chesapeake Avenue, Clinton Township, Franklin County, Ohio; said report to be made in manner and form set forth and required by Section 5553.06 of the Revised Code of Ohio; and

WHEREAS, Guy Elbin, County Engineer, did, on the 22nd day of July, 1955, report thereon in writing, as follows:

"Board of County Commissioners, Franklin County, Ohio.

"Re: Vacation of part of a 20-Foot Alley running south of Chesapeake Ave. in Clinton Twp.

"Gentlemen:-Pursuant to your order of July 22, 1955, I have made a survey and plat, which I hereby submit, of a part of a 20-Foot Alley, running South of Chesapeake Avenue, in Clinton Township, showing the proposed vacation of the following described Alley:

"Being a 20-foot alley running south from the south right-of-way line of Chesapeake Avenue to the north right-of-way line of a 10-foot alley; said 20-foot alley being between lot number 85 of Lincoln Heights Subdivision, in Plat Book 7, page 250, and lot number 32 of John M. Pugh's Subdivision, in Plat Book 4, page 324, as shown of record in Franklin County Recorder's Office.

"The petition praying for the vacation of said Alley is on file in your office bearing a sufficient number of signatures of abutting property owners.

"Utilities that are now within this Alley and the Easement granted by the sub-dividers for utilities is not to be vacated through this 20 foot Alley sought to be vacated.

"I am of the opinion that the proposed vacation of the aforesaid Alley, with the exception above stated will be of no inconvenience to the general public and I, therefore recommend the said vacation as shown on the accompanying plat.

"Respectfully submitted, (Signed) Guy Elbin, County Engineer."

and

WHEREAS, the Board of County Commissioners of Franklin County, Ohio, finds that the public utility and welfare do not require said Alley running south of Chesapeake Avenue, Clinton Township, and that the vacation thereof would not inconvenience the public; now, therefore,

BE IT RESOLVED, by the Board of County Commissioners of Franklin County, Ohio, that Friday, July 29, 1955, at 10 o'clock a.m., eastern standard time, be, and the same is hereby, fixed as the time and the office of this 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 any and all claims allowed shall be assessed against the abutting property owners affected by said vacation, and

BE IT FURTHER RESOLVED, that decision on said vacation is hereby deferred until claims for compensation and damages are heard and determined.

Voting Aye thereon: Henry A. Koontz, and Harry T. Vigor. Absent and not voting: C. P. Lauderbaugh.

\* \* \* \* \*

July 29, 1955

PRAYER OF PETITION TO VACATE PART OF A 20-FOOT ALLEY  
RUNNING SOUTH OF CHESAPEAKE AVENUE, CLINTON TOWNSHIP - GRANTED.

This being the day and hour set for the purpose of considering claims for compensation and damages that may be filed in the matter of the petition of Lewis Banks, et al, for the vacation of part of a 20-foot alley running south of Chesapeake Avenue, Clinton Township, Franklin County, Ohio, same came on and the Board of County Commissioners of Franklin County, Ohio, finds that there wer no claims filed, and Mr. Lauderbaugh offered the following resolution and moved the adoption of the same, which motion was duly seconded by Mr. Vigor:

BE IT RESOLVED, by the Board of County Commissioners of Franklin County, Ohio, that the vacation of part of a 20-foot Alley running south of Chesapeake Avenue, Clinton Township, Franklin County, Ohio, as recommended by the County Engineer, be vacated, and as described in his report and shown on the plat submitted by him on the 22nd day of July, 1955, and the same hereby is declared vacated, excepting, however, utilities that are now within this alley and the easement granted by the subdividers for utilities which are not vacated.

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

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