

* * * * *

Vacation of Part of McCutcheon Road No. 171 - Mifflin Township.McCutcheon Road - vacation over Big Walnut Creek going east PUBLIC ROAD PETITIONColumbus, Ohio
April 4, 1956

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 a 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:

Beginning at a point in McCutcheon Road, No. 171 on the west bank of Big Walnut Creek and in the west property line of Ervin O. Nance 10.52 Acre tract of land, Mifflin Township.

Thence in a southeasterly direction (partically through Nance's land) approximately 400 feet to a point on the east side of Big Walnut Creek and there to terminate. (The eastern terminus of the McCutcheon Road as established in 1843)

The following persons signed said petition: Paul L. Mowery; Eunice P. Mowery; James N. Strawser; Hazel M. Strawser; Bertha L. Allen; Donald F. Allen; Walter C. Lore; Viola Lore; Roger W. Cottrell; Margaret T. Cottrell; Arthur Le Pera; Martha J. LePera; Mildred E. Rowe; B. T. Murray; Ervin O. Nance and Clark C. Cornell.

* * * * *

May 1, 1956

PETITION TO VACATE A PORTION OF McCUTCHEON ROAD
NO. 171, MIFFLIN TOWNSHIP - REFERRED TO ENGINEER FOR
CHECKING.

On motion of Mr. Lauderbaugh, seconded by Mr. Vigor, the petition filed by Paul L. Mowery, et al, April 27, 1956, for the vacation of a portion of McCutcheon Road, No. 171, on the west bank of Big Walnut Creek, and in the west property line of Ervin O. Nance 10.52 Acre tract of land, Mifflin Township, in Franklin County, Ohio, be, and it hereby is, referred to the Engineer's Office for checking for sufficiency of signatures and accuracy of description.

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

* * * * *

May 7, 1956

Board of County Commissioners
Franklin County, Ohio.

Re: Vacation of a portion of McCutcheon Rd. No. 171, Mifflin Twp.

Gentlemen:-

I have checked the attached petition filed by Paul L. Mowery, et al, praying for the vacation of a portion of McCutcheon Road No. 171, Mifflin 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. McIllyar (Signed)
Land Agent

GE:FRM:cd

FRANKLIN CO. O., ROAD RECORD No. 18

THE COL. B. B. MFG. CO. 86947

Contd. - Vac. part of McCutcheon Rd. No. 171 - Mifflin Twp.

May 8, 1956

PETITION FILED FOR VACATION OF A PORTION OF McCUTCHEON ROAD,
NO. 171, MIFFLIN TOWNSHIP: VIEW - THURSDAY, MAY 24, 1956
HEARING - FRIDAY, JUNE 8, 1956.

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

WHEREAS, Paul L. Mowery, et al., on the 27th day of April, 1956, 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 McCutcheon Road, No. 171, Mifflin Township, the general route and termini thereof, to be as follows:

Beginning at a point in McCutcheon Road, No. 171, on the west bank of Big Walnut Creek and in the west property line of Ervin O. Nance 10.52 Acre Tract of land, Mifflin Township; thence in a southeasterly direction (partially through Nance's land) approximately 400 feet to a point on the east side of Big Walnut Creek and there to terminate. (The eastern terminus of the McCutcheon Road as established in 1843),

therefore,

BE IT RESOLVED, by the Board of County Commissioners of Franklin County, Ohio, that Thursday, May 24, 1956, 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, June 8, 1956, 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.

* * * * *

May 25, 1956

VIEW OF VACATION OF A PORTION OF McCUTCHEON ROAD, NO. 171,
MIFFLIN TOWNSHIP, POSTPONED TO MONDAY, MAY 28, 1956.

Pursuant to resolution duly adopted and legal advertisement fixing Thursday, May 24, 1956, at 10 o'clock a.m., for the viewing of the proposed vacation of a portion of McCutcheon Road, No. 171, Mifflin Township, same came on and there being not a quorum present, the meeting of the Board of County Commissioners was continued to this 25th day of May, 1956; and on motion of Mr. Vigor, seconded by Mr. Koontz, said viewing be, and it hereby, is, postponed to Monday, May 28th, 1956.

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

Absent and not voting: C. P. Lauderbaugh

* * * * *

May 29, 1956

VACATION OF A PORTION OF McCUTCHEON ROAD, NO. 171,
MIFFLIN TWP., VIEWED: ENGINEER TO FILE REPORT BY JUNE 8, 1956.

Pursuant to postponement, a quorum not being present, viewing was had on May 28, 1956, on the petition filed for the vacation of a portion of McCutcheon Road No. 171, Mifflin Township, and Mr. Lauderbaugh offered the following preamble and resolution and moved the adoption of the same, which motion was duly seconded by Mr. 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

2 times, May 9-16,

1956

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

Subscribed and sworn to this 17

day of May 1956

Josephine Scott
Notary Public in and for Franklin County

Unit L595

JOSEPHINE SCOTT, Notary Public
FRANKLIN COUNTY, OHIO

56-2

NOTICE OF FILING OF PETITION TO VACATE A PORTION OF McCUTCHEON ROAD NO. 171, MIFFLIN 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 27th day of April, 1956, praying for the vacation of a portion of McCutcheon Road No. 171, Mifflin Township, Franklin County, Ohio, described as follows:

Beginning at a point in McCutcheon Road, No. 171, on the west bank of Big Walnut Creek and in the west property line of Ervin O. Nance 10.53 Acre Tract of land, Mifflin Township; thence in a southeasterly direction (partially through Nance's land) approximately 400 feet to a point on the east side of Big Walnut Creek and there terminate. (The eastern terminus of the McCutcheon Road as established in 1843).

Further notice is hereby given that Thursday, May 24, 1956, at 10:00 o'clock a. m., on the line of said road, was fixed as the time and place for the viewing thereof, and Friday, June 8, 1956, at 10:00 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 hereon.

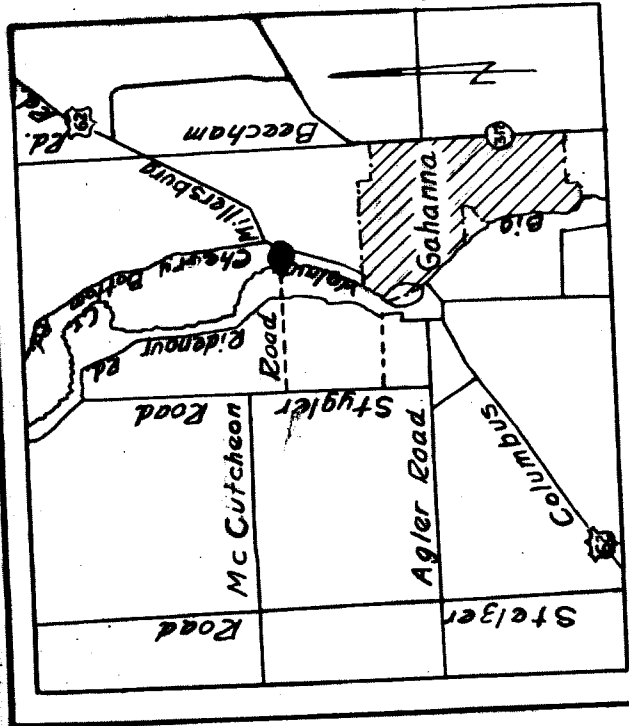
By Order of the Board of County Commissioners, Franklin County, Ohio.

ELLA A. McCARLEY,
5-9 15 Assistant Clerk.

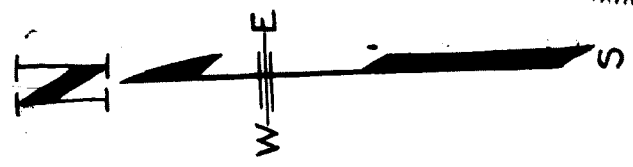
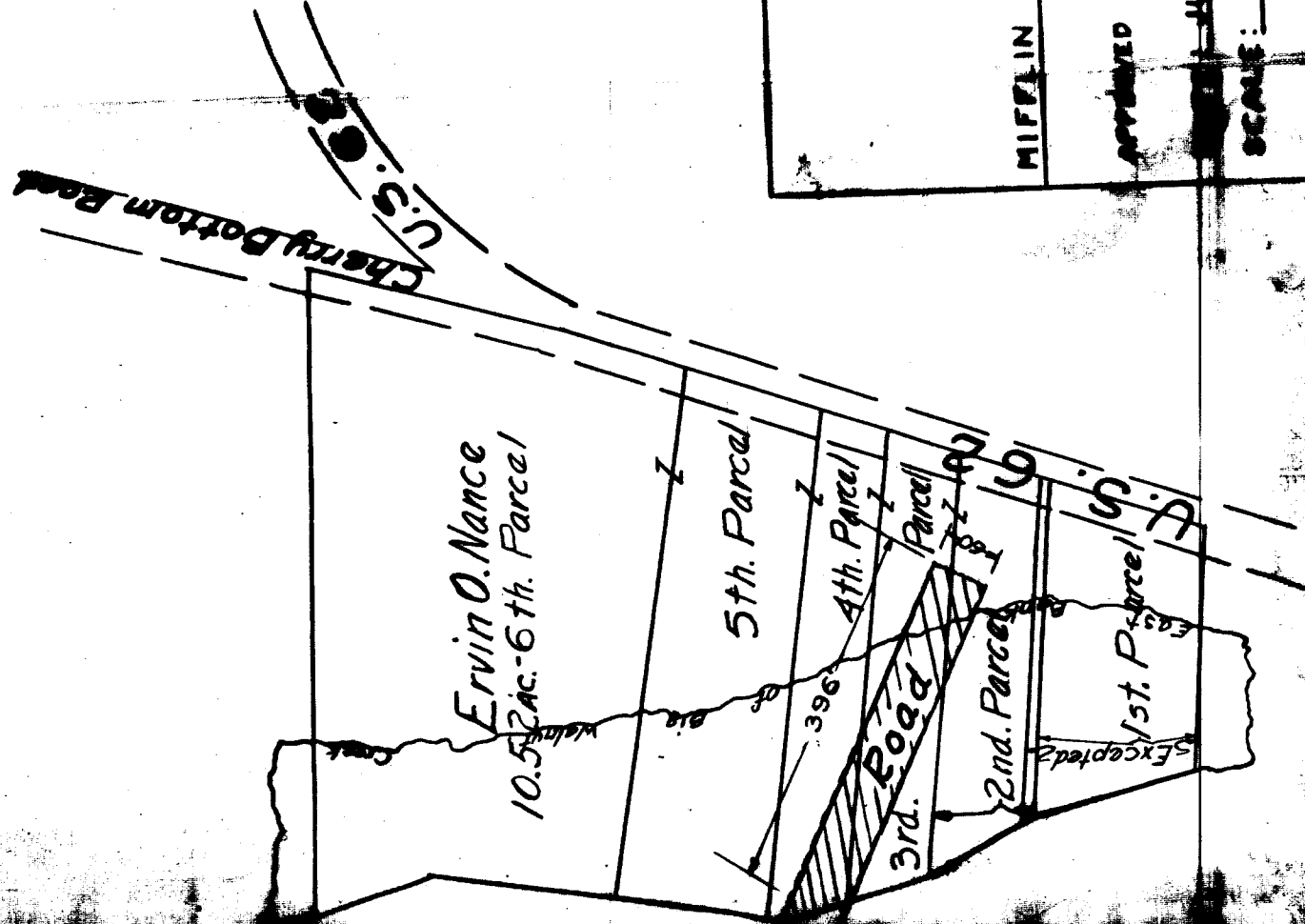
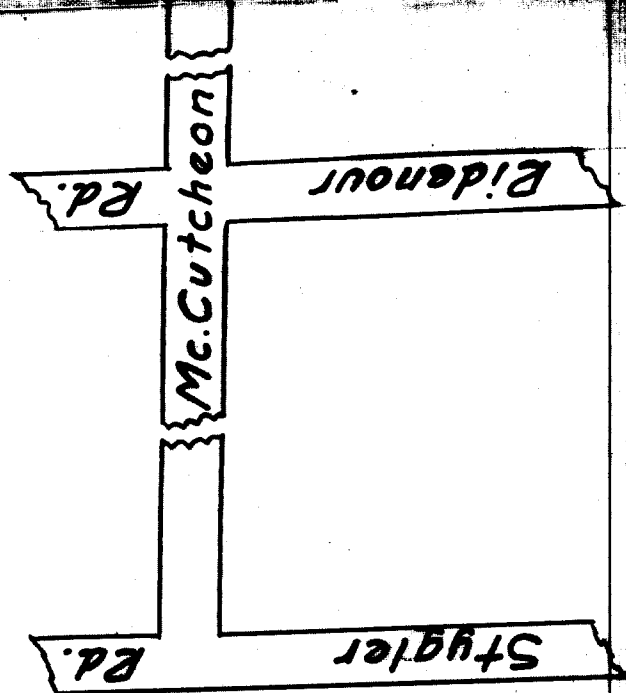
RECEIVED

MAY 17 1956

COMMISSIONERS



● Portion To Be Vacated



VACATION OF
PORTION OF
MCCUTCHEON RD.

MIFFLIN TWP. FRANKLIN COUNTY OHIO

APPROVED BY *Guy E. Elbin*
FRANKLIN COUNTY ENGINEER

JUNE 8, 1956

SCALE: 1" = 200' ±

FRANKLIN CO. O., ROAD RECORD No. 18

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

Contd. - Vac. part of McCutcheon Rd. No. 171 - Mifflin Twp.

WHEREAS, on April 27, 1956, a petition was filed with this Board by Paul L. Mowery, et al., praying for the vacation of a portion of McCutcheon Road No. 171, Mifflin Township, ~~and the Board of County Commissioners of Franklin County, Ohio, did fix the 24th day of May, 1956, 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 Friday, June 8, 1956, 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~~ Franklin County, Ohio; and

WHEREAS, on May 8, 1956, said Board of County Commissioners did fix the 24th day of May, 1956, 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 Friday, June 8, 1956, 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 to the time and place for the viewing of said proposed vacation, and of the final hearing thereon; and

WHEREAS, the Board of County Commissioners of Franklin County, Ohio, did meet on the line of said proposed 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 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 said portion of McCutcheon 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 survey and plat of the proposed road vacation, 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 vacation may be discernible to property owners and others interested and make report to the Board of County Commissioners on or before the 8th day of June, 1956, 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, C. P. Lauderbaugh and Harry T. Vigor.

* * * * *

June 8, 1956

Board of County Commissioners
Franklin County, Ohio.

Re: Vacation of a Portion of McCutcheon Rd., No. 171, Mifflin Twp.

Gentlemen:-

Pursuant to your order of May 29, 1956, I have made a survey and plat, which I hereby submit, of a portion of McCutcheon Road, No. 171, Mifflin Township, showing the proposed vacation of the following described Road:

Beginning at a point in McCutcheon Road, No. 171, on the west bank of Big Walnut Creek and in the west property line of Ervin O. Nance 10.52 Acre Tract of land, Mifflin Township; thence in a southeasterly direction (Partially through Nance's land) approximately 400 feet to a point on the east side of Big Walnut Creek and there to terminate. (The eastern terminus of the McCutcheon Road as established in 1843).

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

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

I am of the opinion that the proposed vacation of the aforesaid Road, 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)
Franklin County Engineer.

GE:FRM:ced

CR - RM

FRANKLIN CO. O., ROAD RECORD No. 18

THE COL. E. E. MFG. CO. 86947

Contd. - Vac. part of McCutcheon Rd. No. 171 - Mifflin Twp.

June 8, 1956

HEARING ON PETITION TO VACATE A PORTION OF McCUTCHEON ROAD
NO. 171, MIFFLIN TOWNSHIP: CLAIMS FOR COMPENSATION AND
DAMAGES TO BE HEARD JUNE 15, 1956.

In the matter of the petition filed by Paul L. Mowery, et al., with the Board of County Commissioners of Franklin County, Ohio, on the 27th day of April, 1956, praying for the vacation of a portion of McCutcheon Road No. 171, Mifflin Township, Franklin County, Ohio, Mr. Lauderbaugh offered the following preamble and resolution and moved the adoption of the same, which motion was duly seconded by Mr. Vigor:

WHEREAS, on May 29, 1956, 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, June 8, 1956, relative to the petition for the vacation of a portion of McCutcheon Road No. 171, Mifflin 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 June 8, 1956, report thereon in writing, as follows:

"Board of County Commissioners, Franklin County, Ohio.

"Re: Vacation of a Portion of McCutcheon Rd., No. 171, Mifflin Township.

"Gentlemen:- Pursuant to your order of May 29, 1956, I have made a survey and plat, which I hereby submit, of a portion of McCutcheon Road, No. 171, Mifflin Township, showing the proposed vacation of the following described Road:

"Beginning at a point in McCutcheon Road, No. 171, on the west bank of Big Walnut Creek and in the west property line of Ervin O. Nance 10.52 Acre Tract of land, Mifflin Township; thence in a southeasterly direction (partially through Nance's land) approximately 400 feet to a point on the east side of Big Walnut Creek and there to terminate. (The eastern Terminus of the McCutcheon Road as established in 1843).

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

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

"I am of the opinion that the proposed vacation of the aforesaid Road, 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, Franklin County Engineer."

and

WHEREAS, the Board of County Commissioners of Franklin County, Ohio, finds that the public utility and welfare do not require said portion of McCutcheon Road, Mifflin 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, June 15, 1956, 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, C. P. Lauderbaugh, and Harry T. Vigor.

* * * * *

June 15, 1956

PRAYER OF PETITION TO VACATE A PORTION OF McCUTCHEON
ROAD NO. 171, MIFFLIN 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 Paul L. Mowery, et al., for the vacation of a portion of McCutcheon Road No. 171, Mifflin Township, Franklin County, Ohio, same came on and the Board of County Commissioners of Franklin County, Ohio, finds that there were 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 a portion of McCutcheon Road No. 171, Mifflin 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 8th day of June, 1956, and the same hereby is declared vacated, excepting, however, utilities that are now within this Road and the Easement granted by the sub-dividers for utilities which are not vacated.

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

* * * * *