

PUBLIC ROAD PETITION

Franklin County, Ohio

August 25, 1978

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 all of the public Alleys 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 termin of said road:

Being all public, dedicated alleys within "Lindsey's Fifth Avenue Addition", as the same are found in Plat Book 4, Page 114, Recorder's Office, Franklin County, Ohio, and which are more fully illustrated on the plat attached hereto.

The following persons signed said petition: The Columbus Truck & Equipment Co.; Joseph E. Stimmel; Matthew Long; Pauline A. Kelley; D. Reinhard; Jack R. Karn; N. E. Mason; Patricia A. Patterson; Marjorie N. Kennedy; John C. Benson; Erma W. Smith; Y. Geyer; Richard A. Hoover; Ernest Shield; Harold J. Cowans; Gary Hussey; David Williams; Charles E. Glasco; Karl H. Wirtz; Samuel Hairston; J. Caskey; Morris Paine

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August 25, 1978

REQUEST TO VACATE ALLEYS WITHIN LINDSEY'S FIFTH AVENUE ADDITION, CLINTON TOWNSHIP, FILED BY TIM E. IHLE, REFERRED TO THE FRANKLIN COUNTY ENGINEER FOR CHECKING.

On motion of Mr. Cooper, seconded by Mr. Foulk, the request filed August 25, 1978, by Tim E. Ihle, for the vacation of eight (8) Alleys, located in Clinton Township, (as described in attached petition), be and it hereby is referred to the Franklin County Engineer's Office for sufficiency of signatures and accuracy of signatures.

Voting Aye thereon: Harold M. Cooper and Jack Foulk.

* * * * *

August 30, 1978

Board of County Commissioners
Franklin County Administration Bldg.
410 South High Street
Columbus, Ohio 43215

Re: Vac of all of the public Alleys, "Lindsey's Fifth Ave. Addition", Clinton Township, Franklin County, Ohio.

Gentlemen:-

I have checked the attached petition filed by Tim E. Ihle, for the vacation of eight (8) Alleys, "Lindsey's Fifth Avenue Addition", Clinton Township, Franklin County, Ohio, and find that the petition contains sufficient number of signatures. Also the signatures are accurate.

Respectfully submitted,

Cletus E. McPherson, P.E.
Franklin County Engineer

By Joseph J. Gatto II
R/W Supervisor

CEM:JJG:cd

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August 30, 1978

PETITION FILED FOR VACATION OF EIGHT (8) ALLEYS, "LINDSEY'S FIFTH AVENUE ADDITION", CLINTON TOWNSHIP, FRANKLIN COUNTY, OHIO, VIEW - TUESDAY, SEPTEMBER 19, 1978, AT 9:00 A.M. - HEARING - TUESDAY, SEPTEMBER 26, 1978, AT 9:00 A.M.

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

Cont'd. - Vac. of all of the public Alleys, "Lindsey's Fifth Avenue Addition", Clinton Township

WHEREAS, Tim N. Ihle, filed a petition with the Board of County Commissioners, Franklin County, Ohio, requesting said Board to vacate eight (8) Alleys, "Lindsey's Fifth Avenue Addition", Clinton Township, Franklin County, Ohio, the general route and termini thereof, to be as follows:

Being all public, dedicated alleys within "Lindsey's Fifth Avenue Addition", as the same are found in Plat Book 4, Page 114, Recorder's Office, Franklin County, Ohio, and which are more fully illustrated on the plat attached hereto. therefore

BE IT RESOLVED, by the Board of County Commissioners of Franklin County, Ohio, that Tuesday, September 19, 1978, at 9:00 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 Tuesday, September 26, 1978, at 9:00 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 County Administration Building, 410 South High Street, Columbus, Ohio 43215, 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 Columbus Citizen 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: Harold M. Cooper and Jack Foulk.

* * * * *

September 1, 1978

*Mr. Robert Paine
48 S. Drexel Avenue
Bexley, Ohio 43209

Dear Mr. Paine:-

In compliance with Section 5553.05 of the Revised Code of Ohio, please be advised that the Board of County Commissioners has adopted a resolution to proceed with the Vacation of eight (8) Alleys, "Lindsey's Fifth Avenue Addition", Clinton Township, Franklin County, Ohio.

The final hearing will be held in the Office of the Board of County Commissioners on Tuesday, September 26, 1978, at 9:00 A.M.

It will not be necessary to attend the hearing if you have no objections to the proposed vacation.

Respectfully submitted,

Barbara J. Carter, Clerk
Board of County Commissioners

BJC:JJG:cd

* The above letter was also mailed to the following: Dept. of Natural Resources; Clinton Township Trustees, Ann Perkins, Clerk; Mr. Phillip W. Shaeffing; Ms. Marian Childs; Mr. Morris Paine; Ms. Ruth McRae; Ms. Bernice Childs; Ms. Dotty Evans; Mr. Jack Karn; Taylor Realty Co., C/o Cols. Truck & Equipment Company

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September 19, 1978

VACATION OF EIGHT (8) ALLEYS, "LINDSEY'S FIFTH AVENUE ADDITION", CLINTON TOWNSHIP, FRANKLIN COUNTY, OHIO, VIEWED - ENGINEER TO FILE REPORT BY TUESDAY, SEPTEMBER 26, 1978, AT 9:00 A.M.

In the matter of the resolution of August 30, 1978, adopted by the Board of County Commissioners for vacation of eight (8) Alleys, "Lindsey's Fifth Avenue Addition", Clinton Township, Franklin County, Ohio, Mr. Cooper offered the following preamble and resolution and moved the adoption of the same, which motion was duly seconded by Mr. Foulk.

WHEREAS, on the 25th day of August, 1978, a petition was filed with this Board by Tim E. Ihle, praying for the vacation of eight (8) Alleys, "Lindsey's Fifth Avenue Addition", Clinton Township, Franklin County, Ohio; and

WHEREAS, on the 30th day of August, 1978, said Board of County Commissioners did fix the 19th day of September, 1978, at 9:00- A.M., on the line of said proposed vacation, as the time and place for viewing thereof and did further fix the 26th, day of September, 1978, at 9:00 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 vacation; and

WHEREAS, legal notice by publication in the Columbus Citizen Journal, a newspaper published in and of general circulation in said County was given of the time and place for viewing of said proposed vacation and of the final hearing thereon; and

WHEREAS, the Board of County Commissioners of Franklin County, Ohio, did on the 19th day of September, 1978, meet on the line of said proposed vacation, as described in resolution of August 30, 1978, and heard all of the proof offered by parties interested in and affected thereby, does find that the vacation of eight (8) Alleys, "Lindsey's Fifth Avenue Addition", Clinton Township, Franklin County, Ohio, is of sufficient importance to require that the Engineer of Franklin County, Ohio, be instructed and directed to make a survey and plat thereof; now therefore

BE IT RESOLVED, by the Board of County Commissioners of Franklin County, Ohio, that the

Cont'd. - Vac. of all of the public Alleys, "Lindsey's Fifth Avenue Addition, Clinton Twp. Engineer of Franklin County, Ohio, be and he hereby is instructed and directed to make a plat and survey of the proposed 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 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 the property owners and on or before the 26th day of September, 1978, at 9:00 A.M., said report shall set forth an 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: Michael J. Dorrian, Harold M. Cooper and Jack Foulk.

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September 26, 1978

Board of County Commissioners
Franklin County Administration Bldg.
410 South High Street
Columbus, Ohio 43215

Re: Vacation of eight (8) Alleys, "Lindsey's Fifth Avenue Addition", Clinton Township, Franklin County, Ohio.

Gentlemen:-

Pursuant to your order of September 19, 1978, I have made a survey and plat, which I hereby submit of a vacation of Eight (8) Alleys, "Lindsey's Fifth Avenue Addition", Clinton Township, Franklin County, Ohio, showing the proposed vacation of the following described Alleys",

Being all public, dedicated alleys within "Lindsey's Fifth Avenue Addition", as the same are found in Plat Book 4, Page 114, Recorder's Office, Franklin County, Ohio, and which are more fully illustrated on plat attached hereto

The petition praying for the vacation of eight (8) alleys, "Lindsey's Fifth Avenue Addition", Clinton Township, Franklin County, Ohio, is on file in your Office.

Utilities that are now within these Alleys and the Easement granted by the subdividers for utilities is not to be vacated through these alleys sought to be vacated.

I am of the opinion that the vacation of the aforementioned Alleys 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,

Cletus E. McPherson, P.E.
Franklin County Engineer

CEM:JJG:cd

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September 26, 1978

PRAYER OF PETITION TO VACATE EIGHT (8) ALLEYS,
"LINDSEY'S FIFTH AVENUE ADDITION, CLINTON
TOWNSHIP FRANKLIN COUNTY, OHIO - GRANTED.

In the matter of the petition filed August 25, 1978, by Tim E. Ihle, for the vacation of eight (8) Alleys, "Lindsey's Fifth Avenue Addition", Clinton Township, Franklin County, Ohio, Mr. Cooper offered the following preamble and resolution and moved the adoption of the same, which was duly seconded by Mr. Foulk.

WHEREAS, on the 19th day of September, 1978, the Board of County Commissioners of Franklin County, Ohio, by resolution duly adopted direct the Engineer of Franklin County, Ohio, to make a report in writing to this Board on or before 9:00 A.M. of Tuesday, September 12, 1978, relative to the petition for the vacation of eight (8) Alleys, "Lindsey's Fifth Avenue Addition", Clinton Township, Franklin County, Ohio, said report to be made in manner and form set forth and required by Section 5553.04 of the Ohio Revised Code; and

WHEREAS, Cletus McPherson, County Engineer did on the 12th day of September, 1978, report thereon in writing which report contained the following recommendation, to-wit:

September 26, 1978, Board of County Commissioners Franklin County Administration Building, 410 South High Street, Columbus, Ohio 43215. Re: Vacation of eight (8) Alleys, "Lindsey's Fifth Avenue Addition", Clinton Township, Franklin County, Ohio. Gentlemen:-

Pursuant to your order of September 18, 1978, I have made a survey and plat, which I hereby submit of a vacation of eight (8) Alleys "Lindsey's Fifth Avenue Addition", Clinton Township, Franklin County, Ohio, showing the proposed vacation of the following described Alleys:

Being all public, dedicated alleys within "Lindsey's Fifth Avenue Addition", as the same are found in Plat Book 4, Page 114, Recorder's Office, Franklin County, Ohio, and which are more fully illustrated on plat attached hereto.

Cont'd. - Vac. of all of the public Alleys, "Lindsey's Fifth Avenue Addition", Clinton Township

The petition praying for the vacation of eight (8) Alleys, "Lindsey's Fifth Avenue Addition", Clinton Township, Franklin County, Ohio, is on file in your Office.

Utilities that are now within these Alleys and the easement granted by the subdividers for utilities is not to be vacated through these Alleys sought to be vacated.

I am of the opinion that the vacation of the aforementioned Alleys 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, Cletus E. McPherson, P.E., Franklin County Engineer.

and WHEREAS, objections were made to the Vacation of eight (8) Alleys, "Lindsey's Fifth Avenue Addition", Clinton Township, Franklin County, Ohio.

WHEREAS, the Board of County Commissioners, did find in favor of vacating 2 Alleys and a portion of a third Alley in "Lindsey's Fifth Avenue Addition", Clinton Township, Franklin County, Ohio, as shown by the attached plat prepared by the Franklin County Engineer's Office.

WHEREAS, the Board of County Commissioners of Franklin County, Ohio, finds that the utilities that are now within the said Alleys and the Easement granted by the subdividers for utilities is not to be vacated through the two (2) Alleys and a portion of a third Alley sought to be vacated; therefore

BE IT RESOLVED, by the Board of County Commissioners of Franklin County, Ohio, that the vacation of two (2) Alleys and a portion of a third Alley, "Lindsey's Fifth Avenue Addition", Clinton Township, Franklin County, Ohio, as recommended by the County Engineer to be vacated and as shown on the newly submitted plat, be and the same is hereby declared vacated, excepting however, the utilities that are now within the said Alleys and the Easement granted by the owners, present or past for utilities.

Voting Aye thereon: Michael J. Dorrian, Harold M. Cooper and Jack Foulk.

