

VACATION OF CHEROKEE STREET, FRANKLIN TOWNSHIP, FRANKLIN COUNTY, OHIO

October 7, 1998

Honorable Board of County Commissioners
Franklin County Administration Building
373 South High Street, 26th Floor
Columbus, Ohio 43215

Honorable Board:

I have reviewed the petition from Julie Rich, for the vacation of Cherokee Street, located in Franklin Township, Franklin County, Ohio, and find that the petition is valid.

Respectfully submitted,

John Circle, P.E., P.S.
Franklin County Engineer

JC:DLP:cmc

RESOLUTION NO. 993-98

October 13, 1998

PETITION FILED FOR THE VACATION OF
CHEROKEE STREET, FRANKLIN TOWNSHIP,
FRANKLIN COUNTY, OHIO - VIEW -
NOVEMBER 3, 1998 AT 11:00 A.M., HEARING -
NOVEMBER 24, 1998 AT 9:00 A.M.
(FRANKLIN COUNTY ENGINEER)

WHEREAS, Julie Rich filed a petition with the Board of County Commissioners, Franklin County, Ohio, requesting said Board to vacate Cherokee Street, Franklin Township, Franklin County, Ohio, the general route and termini thereof, to be as follows:

Beginning at the westerly right of way of Hague Avenue, thence westerly approximately 450 feet to the easterly line of previously vacated Cherokee Street, as shown in Road Record 25, Page 116.

Now, therefore, upon motion of Commissioner Stokes, seconded by Commissioner Teater,

BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

Section 1) That Tuesday, November 3, 1998 at 11:00 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 Tuesday, November 24, 1998 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 Franklin County Administration Building, 373 South High Street, 26th Floor, Columbus, Ohio 43215.

Section 2) That notice of the time and place for both such view and hearing will be given by publication once a week for two consecutive weeks in 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: Arlene Shoemaker, Dorothy S. Teater and Dewey R. Stokes.

**NOTICE OF INTENTION TO VACATE
CHEROKEE STREET, FRANKLIN TOWNSHIP,
FRANKLIN COUNTY, OHIO**

NOTICE is hereby given that it is the intention of the Board of County Commissioners of Franklin County, Ohio, to vacate Cherokee Street, Franklin Township, Franklin County, Ohio the said street being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Franklin, located in Virginia Military Survey No. 875, being a part of Cherokee Street (50 feet in width) located in Holton's Hague Avenue Subdivision as shown and delineated upon the recorded plat thereof in Plat Book 21, Page 2, Recorder's Office, Franklin County, Ohio, being more particularly described as follows:

Being all of that portion of Cherokee Street (50 feet wide) beginning at the westerly right-of-way of Hague Avenue (50 feet wide) thence in a westerly direction approximately 450 feet to the easterly terminus of previously vacated Cherokee Street shown of record in Road Record 25, Page 116, Franklin County Engineer's Office, containing 0.516 acres more or less.

It is the intent of this description to vacate the above-described length and the full width (50 feet) of said street as shown on said plat.

This description was prepared in the office of the Franklin County Engineer by David L. Pearson, P.S., Ohio Registered Surveyor No. 7298, from the above said recorded plat and Road Record and not an actual survey. Respectfully submitted, John Circle, P.E., P.S., Franklin County Engineer.

NOTICE is hereby given that Tuesday, November 3, 1998 at 11:00 a.m., at the place of said proposed vacation was fixed as the time and place for viewing thereof and Tuesday, November 24, 1998 at 9:00 a.m., at the Office of the Board of County Commissioners was fixed as the time and place for final hearing thereon.

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

Sharon Y. Bice, Clerk
Board of County Commissioners

PUBLISHED – Tuesday, October 20, 1998 and October 27, 1998.

RESOLUTION NO. 1088-98

November 10, 1998

VACATION OF CHEROKEE STREET,
FRANKLIN TOWNSHIP, FRANKLIN
COUNTY, OHIO - VIEWED - ENGINEER
TO FILE REPORT BY NOVEMBER 24, 1998
(FRANKLIN COUNTY ENGINEER)

WHEREAS, a petition was filed with this Board by Julie Rich, praying for the vacation of Cherokee Street, Franklin Township, Franklin County, Ohio; and

WHEREAS, on the 13th of October, 1998, said Board of County Commissioners did fix the 3rd of November, 1998 at 11:00 a.m. on the line of said proposed vacation, as the time and place for viewing thereof and did further fix the 24th of November, 1998 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 of the viewing and final hearing was published in a newspaper of general circulation in said County; and

WHEREAS, the Board of County Commissioners of Franklin County, Ohio, did on the 3rd of November, 1998, meet on the line of said proposed vacation, and heard all of the proof offered by parties interested in the affected thereby, does find that the vacation of Cherokee Street, Franklin 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, upon motion of Commissioner Stokes, seconded by Commissioner Teater.

BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

Section 1) That the Engineer of Franklin County, Ohio be and 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 24th of November, 1998 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 Commissioners.

Voting Aye thereon: Dorothy S. Teater and Dewey R. Stokes.

November 12, 1998

Honorable Board of County Commissioners
Franklin County Administration Building
373 South High Street, 26th Floor
Columbus, Ohio 43215

Honorable Board

Pursuant to your order of November 10, 1998, I have made a survey and plat, which I hereby submit for the vacation of Cherokee Street, Franklin Township, Franklin County, Ohio, showing the proposed vacation of the following:

Situated in the State of Ohio, County of Franklin, Township of Franklin, located in Virginia Military Survey No. 875, being a part of Cherokee Street (50 feet in width) located in Holton's Hague Avenue Subdivision as shown and delineated upon the recorded plat thereof in Plat Book 21, Page 2, Recorder's Office, Franklin County, Ohio, being more particularly described as follows:

Being all of that portion of Cherokee Street (50 feet wide) beginning at the westerly right-of-way of Hague Avenue (50 feet wide) thence in a westerly direction approximately 450 feet to the easterly terminus of previously vacated Cherokee Street shown of record in Road Record 25, Page 116, Franklin County Engineer's Office, containing 0.516 acres more or less.

It is the intent of this description to vacate the above-described length and the full width (50 feet) of said street as shown on said plat.

This description was prepared in the office of the Franklin County Engineer by David L. Pearson, P.S., Ohio Registered Surveyor No. 7298, from the above said recorded plat and Road Record and not an actual survey. Respectfully submitted, John Circle, P.E., P.S., Franklin County Engineer.

The petition praying for the vacation of Cherokee Street, Franklin Township, Franklin County, Ohio, is on file in your office.

Utilities that are now within this part of the vacation and easements granted by the subdividers for utilities are not to be vacated.

It is my recommendation that Cherokee Street, located in Franklin Township, Franklin County, Ohio, be vacated.

Respectfully submitted,

John Circle, P.E., P.S.
Franklin County Engineer

JC:DLP:cmc

RESOLUTION NO. 1153-98

November 24, 1998

PRAYER OF PETITION TO VACATE
CHEROKEE STREET, FRANKLIN TOWNSHIP,
FRANKLIN COUNTY, OHIO - GRANTED.
(FRANKLIN COUNTY ENGINEER) _____

WHEREAS, Julie Rich has petitioned for the vacation of Cherokee Street, located in Franklin Township, Franklin County, Ohio; and

WHEREAS, on November 10, 1998, the Board of County Commissioners of Franklin County, Ohio, by resolution duly adopted directed the Engineer of Franklin County, Ohio, to make a report in writing to this Board on or before November 24, 1998, relative to the petition for the vacation of Cherokee Street, Franklin 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, John Circle, County Engineer, did on November 12, 1998, report thereon in writing which report contained the following recommendation, to-wit:

Situated in the State of Ohio, County of Franklin, Township of Franklin, located in Virginia Military Survey No. 875, being a part of Cherokee Street (50 feet in width) located in Holton's Hague Avenue Subdivision as shown and delineated upon the recorded plat thereof in Plat Book 21, Page 2, Recorder's Office, Franklin County, Ohio, being more particularly described as follows:

Being all of that portion of Cherokee Street (50 feet wide) beginning at the westerly right-of-way of Hague Avenue (50 feet wide) thence in a westerly direction approximately 450 feet to the easterly terminus of previously vacated Cherokee Street shown of record in Road Record 25, Page 116, Franklin County Engineer's Office, containing 0.516 acres more or less.

It is the intent of this description to vacate the above-described length and the full width (50 feet) of said street as shown on said plat.

This description was prepared in the office of the Franklin County Engineer by David L. Pearson, P.S., Ohio Registered Surveyor No. 7298, from the above said recorded plat and Road Record and not an actual survey. Respectfully submitted, John Circle, P.E., P.S., Franklin County Engineer; and

WHEREAS, no objections to the vacation of Cherokee Street, Franklin Township, Franklin County, Ohio, was filed, no claims for compensation or damages on account thereof was filed; and

WHEREAS, the Board of County Commissioners of Franklin County, Ohio, finds that the utilities are now within the said vacation, and the easements granted by the subdividers for utilities are not to be vacated through the area sought to be vacated; now, therefore, upon motion of Commissioner Stokes, seconded by Commissioner Teater,


BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

Section 1) That the vacation of Cherokee Street, Franklin Township, Franklin County, Ohio, as recommended by the County Engineer to be vacated and as described in his report and shown on the submitted plat, be and the same is hereby declared vacated, excepting however, the utilities that are now within the said portion of the above mentioned vacation and the easement granted by the owners, present or past for utilities.

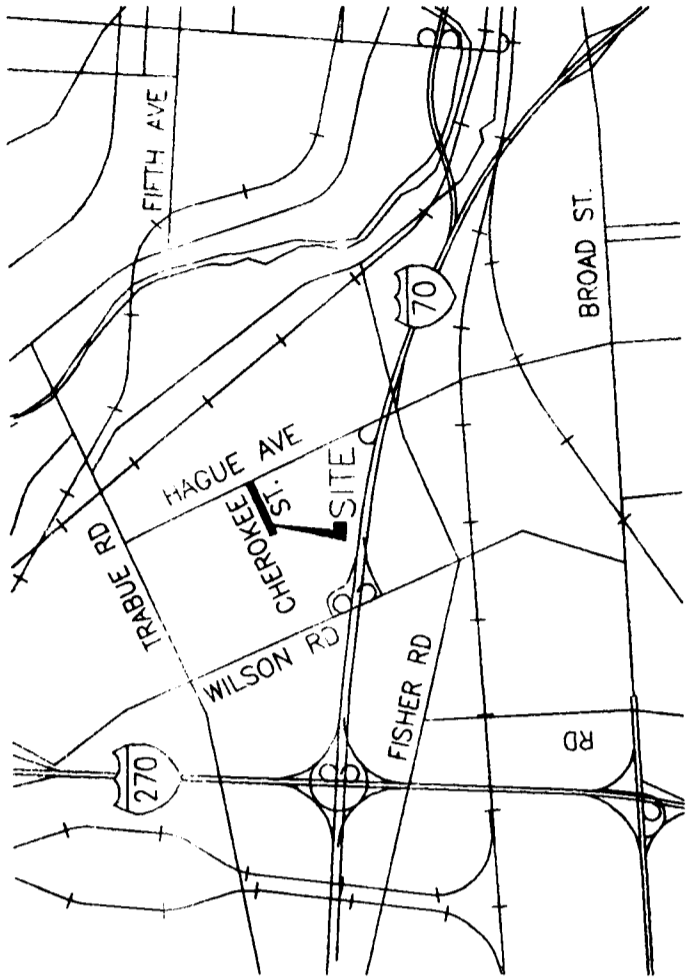
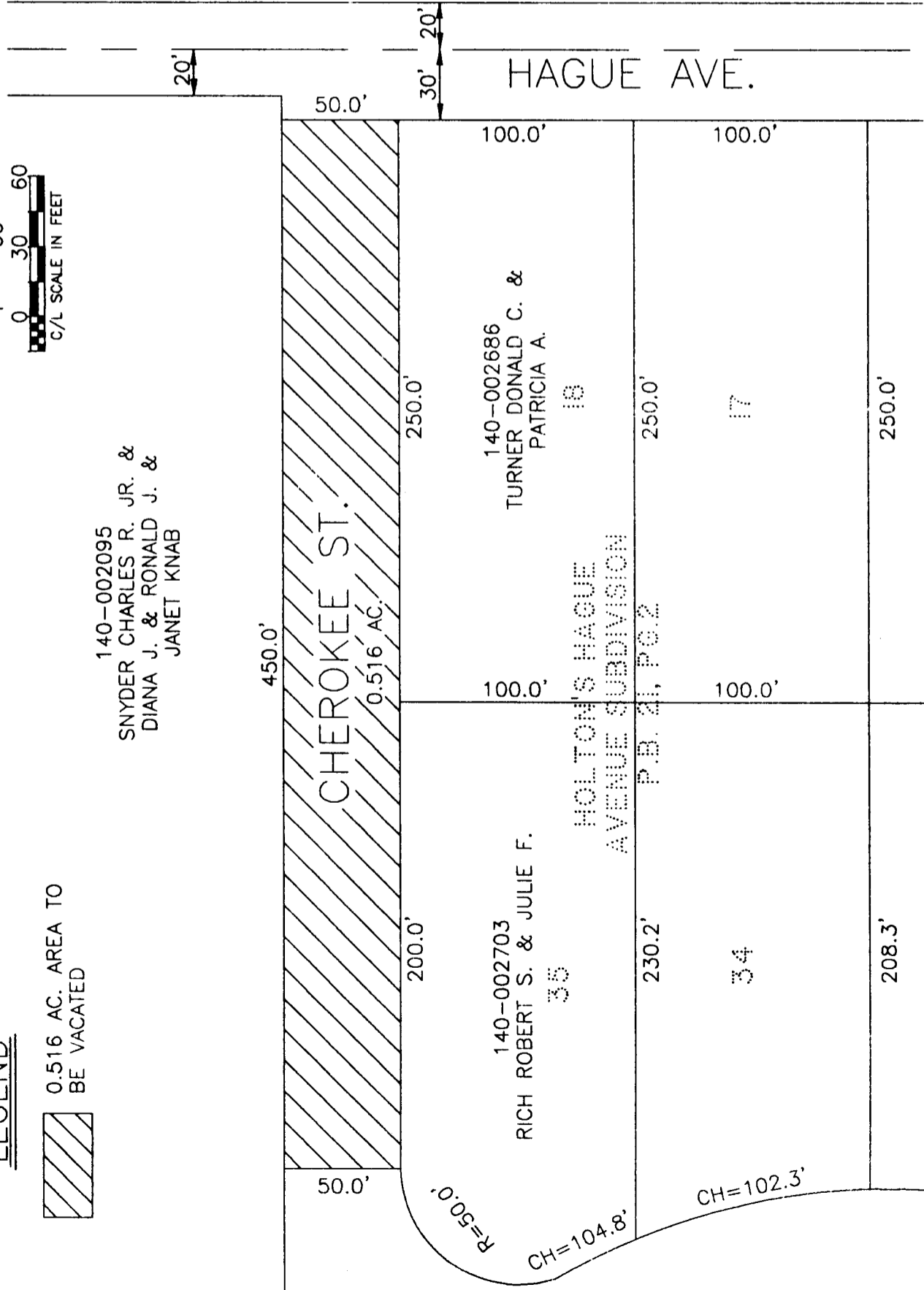
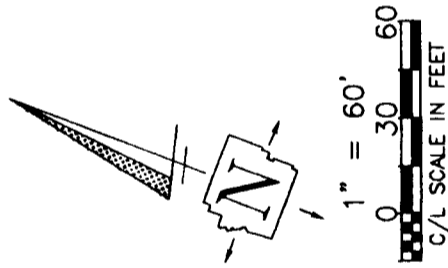
Voting Aye thereon: Arlene Shoemaker, Dorothy S. Teater and Dewey R. Stokes.

VACATION OF A PORTION OF CHEROKEE STREET (50 FEET IN WIDTH), SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, TOWNSHIP OF FRANKLIN AND BEING A PART OF HOLTON'S HAGUE AVENUE SUBDIVISION AS SHOWN AND DELINEATED UPON THE RECORDED PLAT THEREOF IN PLAT BOOK 21, PAGE 2, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

LEGEND

 0.516 AC. AREA TO BE VACATED

140-002095
SNYDER CHARLES R. JR. &
DIANA J. & RONALD J. &
JANET KNAB



APPROVED FOR VACATION

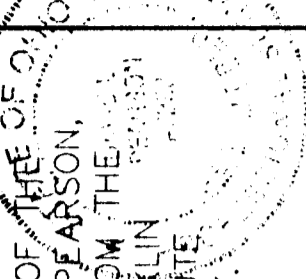
Charles L. Stember
FRANKLIN COUNTY COMMISSIONER
DATE 11/27/98

Barbara S. Slater
FRANKLIN COUNTY COMMISSIONER
DATE 11/27/98

Dwight R. Stokes
FRANKLIN COUNTY COMMISSIONER
DATE 11/24/98

Jeff C. Circle
FRANKLIN COUNTY ENGINEER
DATE 11-23-98

Dean C. Pugh
FRANKLIN COUNTY CHIEF DEPUTY ENGINEER
DATE 11-23-98



THIS PLAT WAS PREPARED IN THE OFFICE OF THE OFFICE OF THE REGISTERED SURVEYOR BY DAVID L. PEAPSON, OHIO REGISTERED SURVEYOR NO. 7298, FROM THE AVAILABLE RECORDS ON FILE WITHIN FRANKLIN COUNTY OFFICES, AND DOES NOT CONSTITUTE INFORMATION OF AN ACTUAL FIELD SURVEY.

David L. Peapson
DAVID L. PEAPSON P.S.
OHIO REGISTERED SURVEYOR NO. 7298
DATE 11-12-98

AGREEMENT FOR DRIVEWAY IN COMMON

This Agreement is made and entered into at Franklin County, Ohio, this 19 day of November, 1998, by and between Donald D. Turner and Patricia A. Turner, hereinafter called First Parties, and Robert S. Rich and Julie Rich, hereinafter called Second Parties.

Witnesseth: Whereas, First Parties are the owners of the real estate described as follows:

Being Lot Number Eighteen (18) in HOLTON'S HAGUE AVENUE SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 21, page 2, Recorder's Office, Franklin County, Ohio.

Also known as 1705 Hague Avenue, Columbus, Ohio 43204.

First Parties acquired title through instrument recorded at Deed Volume 2192, page 286, Recorder's Office, Franklin County, Ohio.

Whereas, Second Parties are the owners of the adjoining real estate described as follows:

Being Lot Number Thirty-five (35), in HOLTON'S HAGUE AVENUE SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 21, page 2, Recorder's Office, Franklin County, Ohio.

Also known as 3175 Cherokee Street, Columbus, Ohio 43204.

Second Parties acquired title through instrument recorded at official instrument #199805180119836, Recorder's Office, Franklin County, Ohio and;

Whereas FRANKLIN COUNTY COMMISSIONERS has vacated a 50 ft. wide and 450 ft. long street known as Cherokee Street, Franklin Township, Franklin County, Ohio which abuts the entire north line of First Parties' above described real estate and part of the north line of Second Parties' above described real estate and;

Whereas FRANKLIN COUNTY COMMISSIONERS has caused the ownership of said vacated Cherokee Street to be 100% in the names of the First Parties and Second Parties as follows:

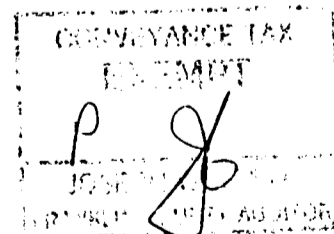
Undivided one-half interest of said vacated Cherokee Street (50 ft. x 450 ft. parcel) in the names of Donald C. Turner and Patricia A. Turner, husband and wife.

Undivided one-half interest of said vacated Cherokee Street (50 ft. x 450 ft. parcel) in the names of Robert S. Rich and Julie Rich, husband and wife and;

Whereas the parties hereto desire to have a common driveway consisting of said vacated Cherokee Street for the convenience and benefit of themselves and of the occupants of their respective properties.

Now therefore, in consideration of One Dollar and other valuable consideration each parties received from the other parties, First Parties and Second Parties agree that both First Parties and Second Parties shall have an easement and right of way in perpetuity for driveway purposes upon the entire vacated Cherokee Street being a 50 ft. x 450 ft. parcel of real estate.

TRANSFERRED
NOT NECESSARY
NOV 2 1 1998
JOSEPH W. TESTA
AUDITOR
FRANKLIN COUNTY, OHIO



To have and to hold to each of said two parties, the easement and right of way as appurtenant to their respective properties for the use and benefit of themselves and their heirs, assigns, agents, employees, tenants, visitors, licensees and all persons using the same for the benefit of any of them to freely pass and repass on foot or with vehicles for all lawful purposes incident or proper to the enjoyment of their lands as residential properties.

And in consideration of the mutual grants and agreements herein it is mutually agreed:

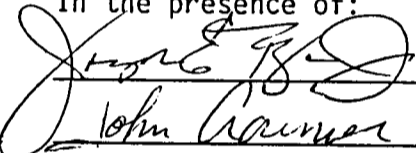
That First Parties and Second Parties will each pay one-half of the costs of maintaining and repairing said driveway and improvements, except that any damage, other than ordinary wear and tear, caused by either First Parties or Second Parties shall be paid for by the parties causing such damage, be it First Parties or Second Parties or their successors or assigns.

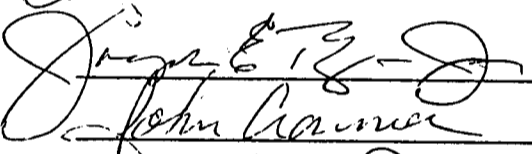
That neither of said parties will obstruct or permit obstruction of said driveway in any manner whatsoever. Said vacated street shall be kept free of all improvements, fences, parked vehicles, tangible personal property, refuse, trash and litter not agreed to by both First Parties and Second Parties, their successors and assigns.

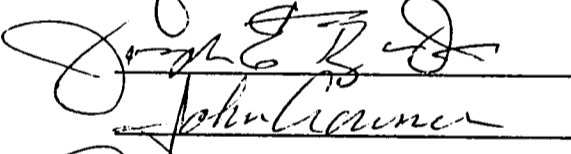
Any that the conveyances and covenants herein contained shall be binding upon and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.

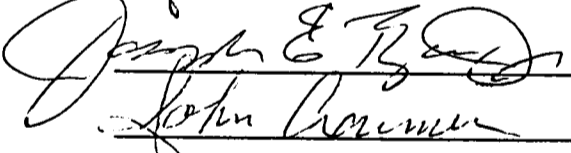
In Witness Whereof, First Parties and Second Parties have hereunto set their hands the day and year first above written.

In the presence of:




John Turner


John Turner


John Turner


John Turner



DONALD D. TURNER, FIRST PARTY



PATRICIA A. TURNER, FIRST PARTY



ROBERT S. RICH, SECOND PARTY

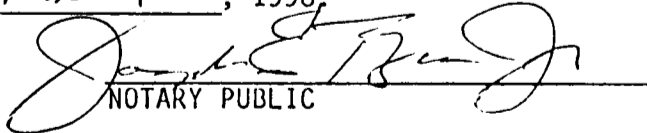


JULIE RICH, SECOND PARTY

STATE OF OHIO
SS:
FRANKLIN COUNTY

Before me, a Notary Public in and for said county and state, personally appeared the above named First Parties, Donald D. Turner and Patricia A. Turner, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

In testimony whereof, I hereunto set my hand and official seal at Columbus, Ohio, this 19th day of November, 1998.



NOTARY PUBLIC

JOSEPH E. RYAN, JR., ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

STATE OF OHIO
FRANKLIN COUNTY SS:

Before me, a Notary Public in and for said county and state, personally appeared the above named Second Parties, Robert S. Rich and Julie Rich, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

In testimony whereof, I hereunto set my hand and official seal at Columbus, Ohio, this 9th day of November, 1998.


NOTARY PUBLIC

JOSEPH E. RYAN, JR., ATTORNEY AT LAW
NOTARY PUBLIC, State of Ohio
My commission has not expired
Section 147.03 R.C.