

DEAN C. RINGLE, P.E., P.S.
FRANKLIN COUNTY ENGINEER

March 10, 2004

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 Mr. Walden J. Limbaugh, for the vacation of a portion of Sycamore Drive located in Mount Air, the City of Columbus, Franklin County, Ohio, and find that the petition is valid.

Respectfully submitted,

A handwritten signature in cursive script that reads "Dean C. Ringle".

Dean C. Ringle, P.E., P.S.
Franklin County Engineer

DCR:DLP:cmc

TinL

RESOLUTION NO. 235-04

March 16, 2004

PETITION FILED FOR THE VACATION OF A
PORTION OF SYCAMORE DRIVE, LOCATED
IN MOUNT AIR, THE CITY OF COLUMBUS,
FRANKLIN COUNTY, OHIO – VIEW – TUESDAY,
APRIL 6, 2004 AT 11:00 A.M., HEARING –
TUESDAY, APRIL 27, 2004 AT 9:00 A.M.
(FRANKLIN COUNTY ENGINEER)

WHEREAS, Mr. Walden J. Limbaugh has filed a petition with the Board of County Commissioners, Franklin County, Ohio, requesting said Board to vacate a portion of Sycamore Drive, located in Mount Air, the City of Columbus, Franklin County, Ohio, the general route and termini thereof, to be as follows:

Situated in the State of Ohio, County of Franklin, the City of Columbus, and being a portion of Sycamore Drive, (Mount Air Subdivision), as shown and delineated upon the recorded plat thereof in Plat Book 19, Page 21, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Being all of that portion of Sycamore Drive, (35 feet in width), beginning at the westerly right-of-way of Olentangy River Road, (State Route 315), thence in a westerly direction approximately 880 feet to the westerly lot lines of Lot Number 1354 and Lot Number 1394, there to terminate, said termination also being the vacation line of a portion of Sycamore Drive previously vacated as shown in Road Record 17, Page 277, of record in the Office of the Franklin County Engineer; Respectfully submitted, Dean C. Ringle, P.E., P.S., Franklin County Engineer; now, therefore, upon motion of Commissioner Stokes, seconded by Commissioner Kilroy

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

Section 1) That Tuesday, April 6, 2004 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, April 27, 2004 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 Hearing Room, 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.


RESOLUTION, Cont'd.
PETITION FILED FOR THE VACATION OF A
PORTION OF SYCAMORE DRIVE, LOCATED
IN MOUNT AIR, THE CITY OF COLUMBUS,
FRANKLIN COUNTY, OHIO - VIEW - TUESDAY,
APRIL 6, 2004 AT 11:00 A.M., HEARING -
TUESDAY, APRIL 27, 2004 AT 9:00 A.M.
(FRANKLIN COUNTY ENGINEER)

Page 2

Voting Aye thereon:


ARLENE SHOEMAKER, PRESIDENT


DEWEY R. STOKES


MARY JO KILROY
BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, OHIO

Voting Nay thereon:

ARLENE SHOEMAKER, PRESIDENT

DEWEY R. STOKES

MARY JO KILROY
BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, OHIO

DCR:DP:cmc

c: Journal
Engineer
Road Record

THE DAILY REPORTER

www.sourcenews.com

RECEIVED
FRANKLIN COUNTY ENGINEER

580 South High Street • Suite 316
Columbus, Ohio 43215-5644
(614) 224-4835
FAX (614) 224-8649
email: cdr@sourcenews.com

04 APR -1 PM 1:14

Proof of Publication 03/30/04

NOTICE OF INTENTION
DONALD H BACKSTROM
970 DUBLIN ROAD
COLUMBUS OH 43215

Notice of Intention

Total public notice charge: \$89.00

STATE OF OHIO
Franklin County, Ohio, ss.

PATRICIA A DECK

On behalf of THE DAILY REPORTER,
a newspaper published in
Franklin County, Ohio, makes
oath that the attached printed
advertisement was published 2
time(s) in said newspaper
i. e., on

March 23 2004
March 30 2004

and that said newspaper is of
general circulation in said County.

Subscribed and sworn to
this 30 day of March 2004

Notary Public, State of Ohio

Notice of Intention To Vacate a Portion of Sycamore Drive Located in Mount Air, The City of Columbus Franklin County, Ohio

Notice is hereby
given that it is the intention
of the Board of County Com-
missioners of Franklin Coun-
ty, Ohio, to vacate a portion
of Sycamore Drive, located
in Mount Air, the City of
Columbus, Franklin County,
Ohio, the said drive being
more particularly described
as follows:

Situated in the State
of Ohio, County of Franklin,
the City of Columbus, and
being a portion of Sycamore
Drive, (Mount Air Subdivi-
sion), as shown and delineat-
ed upon the recorded plat
thereof in Plat Book 19, Page
21, Recorder's Office,
Franklin County, Ohio and
being more particularly de-
scribed as follows:

Being all of that por-
tion of Sycamore Drive, (35
feet in width), beginning at
the westerly right-of-way of
Olentangy River Road, (State
Route 315), thence in a
westerly direction approx-
imately 880 feet to the west-
erly lot lines of Lot Number
1354 and Lot Number 1394,
there to terminate, said ter-

mination also being the va-
cation line of a portion of
Sycamore Drive previously
vacated as shown in Road
Record 17, Page 277, of
record in the Office of the
Franklin County Engineer;
Respectfully submitted, Dean
C. Ringle, P.E., P.S., Franklin
County Engineer.

Notice is hereby
given that Tuesday, April 6,
2004 at 11:00 a.m. at the
place of said proposed vaca-
tion was fixed as the time
and place for viewing there-
of and Tuesday, April 27,
2004 at 9:00 a.m. at the Of-
fice 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 Commis-
sioners
Mar 23/30



CANDACE L. HUFFMAN
Notary Public, State of Ohio
My Commission Expires
6/19/08

RESOLUTION NO. 322-04

April 13, 2004

VACATION OF A PORTION OF SYCAMORE DRIVE, LOCATED IN MOUNT AIR, THE CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO – VIEWED – ENGINEER TO FILE REPORT BY APRIL 27, 2004
(FRANKLIN COUNTY ENGINEER)

WHEREAS, a petition was filed with this Board by Mr. Walden Limbaugh, praying for the vacation of a portion of Sycamore Drive, located in Mount Air, the City of Columbus, Franklin County, Ohio; and

WHEREAS, on the 16th day of March, 2004, said Board of County Commissioners did fix the 6th day of April, 2004 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 27th day of April, 2004 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 6th day of April, 2004, 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 a portion of Sycamore Drive, located in Mount Air, the City of Columbus, 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 Kilroy, seconded by Commissioner Shoemaker,

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 27th day of April, 2004, 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.

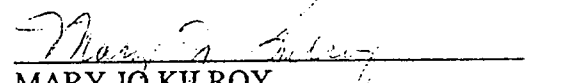
RESOLUTION, Cont'd.
VACATION OF A PORTION OF SYCAMORE
DRIVE, LOCATED IN MOUNT AIR, THE CITY
OF COLUMBUS, FRANKLIN COUNTY, OHIO -
VIEWED - ENGINEER TO FILE REPORT BY
APRIL 27, 2004
(FRANKLIN COUNTY ENGINEER)

Page 2

Voting Aye thereon:


ARLENE SHOEMAKER, PRESIDENT

DEWEY R. STOKES


MARY JO KILROY
BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, OHIO

Voting Nay thereon:

ARLENE SHOEMAKER, PRESIDENT

DEWEY R. STOKES

MARY JO KILROY
BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, OHIO

DCR:TML:cmc

c: Journal
Engineer
Road Record

RESOLUTION NO. 376-04

April 27, 2004

PRAYER OF PETITION TO VACATE A PORTION
OF SYCAMORE DRIVE, LOCATED IN MOUNT AIR,
THE CITY OF COLUMBUS, FRANKLIN COUNTY,
OHIO - GRANTED
(FRANKLIN COUNTY ENGINEER)

WHEREAS, Mr. Walden J. Limbaugh has petitioned for the vacation of a portion of Sycamore Drive, located in Mount Air, the City of Columbus, Franklin County, Ohio; and

WHEREAS, on the 13th day of April, 2004, 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 the 27th day of April, 2004, relative to the petition for the vacation of a portion of Sycamore Drive, located in Mount Air, the City of Columbus, 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, Dean C. Ringle, P.E., P.S., County Engineer, did on 20th day of April, 2004, report thereon in writing which report contained the following recommendation, to-wit:

Situated in the State of Ohio, County of Franklin, the City of Columbus, and being a portion of Sycamore Drive, (Mount Air Subdivision), as shown and delineated upon the recorded plat thereof in Plat Book 19, Page 21, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Being all of that portion of Sycamore Drive, (35 feet in width), beginning at the westerly right-of-way of Olentangy River Road, (State Route 315), thence in a westerly direction approximately 880 feet to the westerly lot lines of Lot Number 1354 and Lot Number 1394, there to terminate, said termination also being the vacation line of a portion of Sycamore Drive previously vacated as shown in Road Record 17, Page 277, of record in the Office of the Franklin County Engineer. Respectfully submitted, Dean C. Ringle, P.E., P.S., Franklin County Engineer; and

WHEREAS, no objections to the vacation of a portion of Sycamore Drive, located in Mount Air, the City of Columbus, 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 Kilroy, seconded by Commissioner Stokes

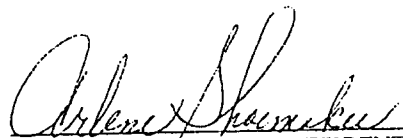
BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

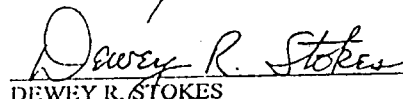
Section 1) That the vacation of a portion of Sycamore Drive, located in Mount Air, the City of Columbus, Franklin County, Ohio, as recommended by the County Engineer to be vacated and as described in his report and shown on the submitted plat, be and the same is hereby declared vacated, excepting however, 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.

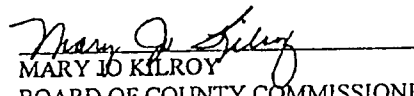
RESOLUTION, Cont'd.
PRAYER OF PETITION TO VACATE A PORTION
OF SYCAMORE DRIVE, LOCATED IN MOUNT AIR,
THE CITY OF COLUMBUS, FRANKLIN COUNTY,
OHIO - GRANTED
(FRANKLIN COUNTY ENGINEER)

Page 2

Voting Aye thereon:


ARLENE SHOEMAKER, PRESIDENT


DEWEY R. STOKES


MARY JO KILROY
BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, OHIO

Voting Nay thereon:

ARLENE SHOEMAKER, PRESIDENT

DEWEY R. STOKES

MARY JO KILROY
BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, OHIO

DCR:DP:cmc

c: Journal
Engineer
Road Record

The petitioner for this vacation of Sycamore Dr. did not pursue this vacation with the City of Columbus. The reason being, that by the Columbus City Charter, once the City of Columbus vacates a road right-of-way for public use, the city retains title to the road right-of-way and then sells the right-of-way to adjacent property owners. The petitioner did not want to pay for the right-of-way. By a 1974 Ohio Supreme Court ruling, Sparrow Et Al vs. City of Columbus Et Al (a copy being kept in the Franklin County Engineer's Survey Deputy's office) a county road or street that has been annexed, requires legislation by both the county commissioners and the respective municipality to vacate. Therefore since the petitioner did not pursue this vacation thru both the City of Columbus and the Board of Franklin County Commissioners, this vacation is null and void. It is being recorded in this road record as documentation that an attempt to vacate Sycamore Dr. was made.

APPROVED FOR VACATION

Arthur Shambaugh 4-27-04
 FRANKLIN COUNTY COMMISSIONER DATE

Dwight R. Stites 4-27-04
 FRANKLIN COUNTY COMMISSIONER DATE

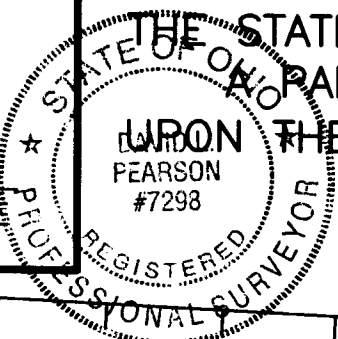
Nancy G. Kilroy 4-27-04
 FRANKLIN COUNTY COMMISSIONER DATE

Don C. Reigh 4-20-04
 FRANKLIN COUNTY ENGINEER DATE


W. A. D. Williams 4/20/04
 FRANKLIN COUNTY CHIEF DEPUTY ENGINEER DATE

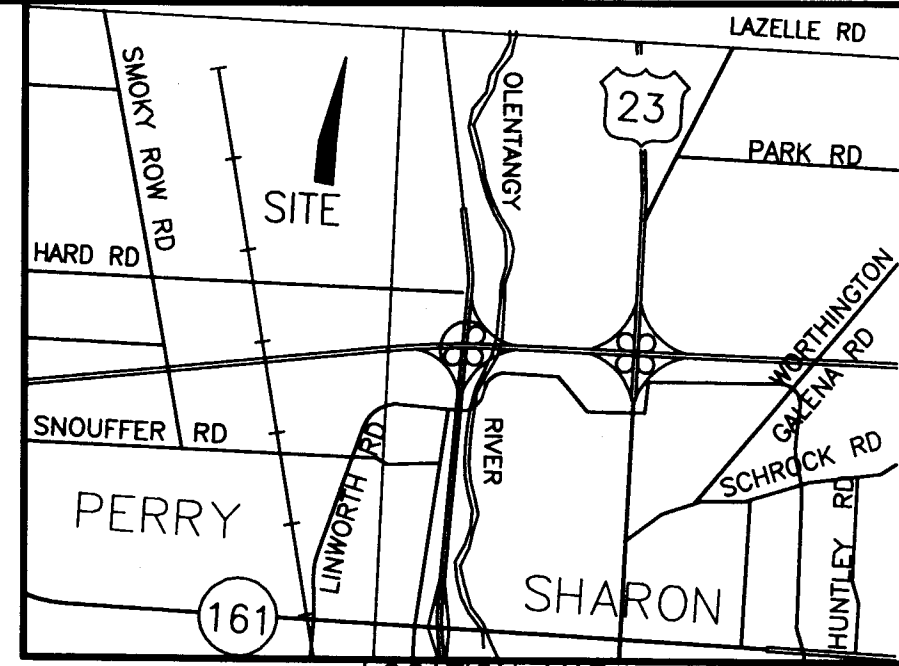
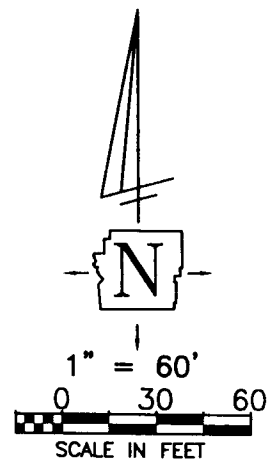
THIS PLAT WAS PREPARED IN THE OFFICE OF THE FRANKLIN COUNTY ENGINEER BY DAVID L. PEARSON, OHIO REGISTERED SURVEYOR NO. 7298, FROM THE AVAILABLE RECORDS ON FILE WITHIN FRANKLIN COUNTY OFFICES, AND DOES NOT CONSTITUTE INFORMATION OF AN ACTUAL FIELD SURVEY.

David L. Pearson 4/20/2004
 DAVID L. PEARSON P.S.
 OHIO REGISTERED SURVEYOR NO. 7298



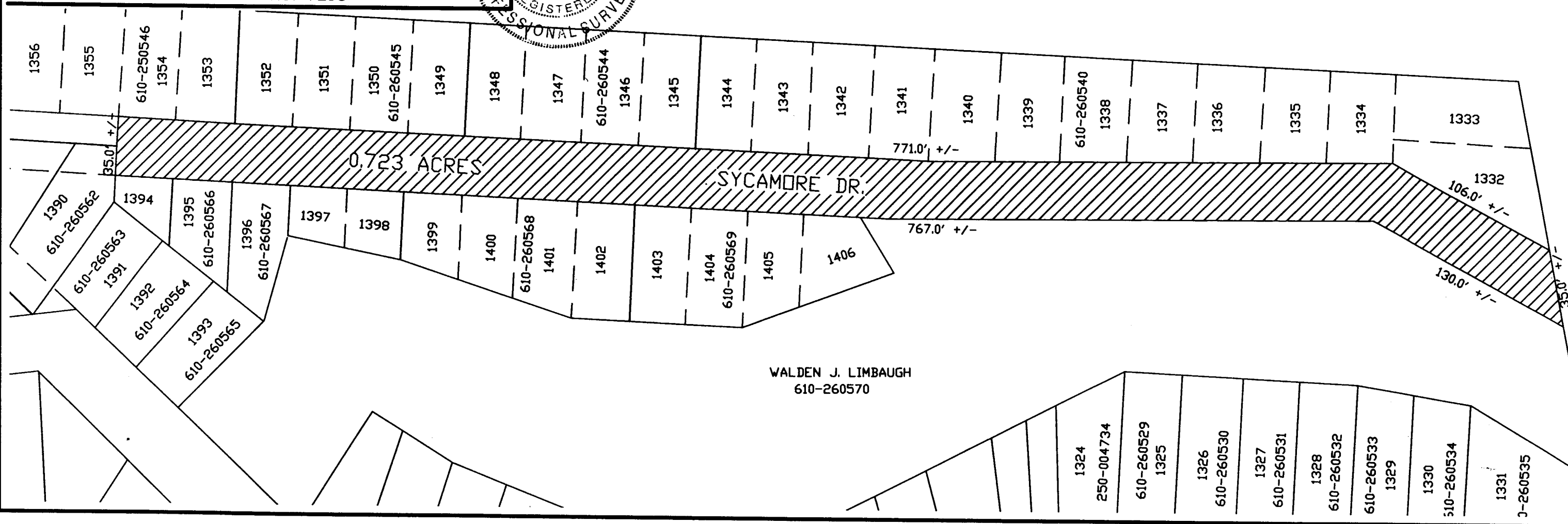
LEGEND

 0.723 AC. AREA TO BE VACATED



LOCATION MAP

VACATION OF A PORTION OF SYCAMORE DRIVE, SITUATE IN THE STATE OF OHIO, COUNTY OF FRANKLIN, TOWNSHIP OF SHARON AND BEING THE PART OF MOUNT AIR SUBDIVISION AS SHOWN AND DELINEATED IN THE RECORDED PLAT THEREOF IN PLAT BOOK 19, PAGE 21 RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.



WALDEN J. LIMBAUGH
 610-260570

VACATION PLAT

SCALE IN FEET

CALCULATOR
 DATA
 CHECKED
 DUP