

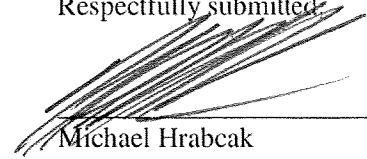
CITY OF WORTHINGTON, OHIO

In Re: Right-of-Way – Elmwood Subdivision :
Franklin County Recorder’s Office :
Book 4, Page 93, Properties Located at :
6211, 6219, 6227, 6233 and 6245 :
Linworth Road, Worthington, Ohio 43085 :

PETITION TO VACATE RIGHT-OF-WAY

Now comes your Applicant, MRZ Investments, LLC, an Ohio limited liability company, by and through counsel, being the owner of the property located at 6245 Linworth Road, Worthington, Ohio 43085 and respectfully requests the City of Worthington to vacate the right-of-way easement, in whole or in part, as to the subject property, and on behalf of the affected neighboring property owners located at 6211 Linworth Rd., Worthington, OH 43085, 6219 Linworth Rd., Worthington, OH 43085, 6227 Linworth Road, Worthington, OH 43085, and 6233 Linworth Rd., Worthington, OH 43085, for the reasons more fully set forth in the Memorandum in Support which follows.

Respectfully submitted,



Michael Hrabcak (0055716)

Hrabcak & Company, L.P.A.
67 E. Wilson Bridge Road, Suite 100
Worthington, Ohio 43085
Telephone: (614) 781-1400
Facsimile: (614) 781-1171
Email: mike@hrabcklaw.com
Attorney for Applicant

RECORDED
MAR 03 2015
RAF

MEMORANDUM IN SUPPORT

On or about April 10, 2014, your Applicant, MRZ Investments, LLC, an Ohio limited liability company (hereinafter “MRZ”), took title to the property located at 6245 Linworth Road, Worthington, Ohio 43085, following a foreclosure action hosted by the Franklin County Sheriff’s Office, in which MRZ was the high bidder. Prior to MRZ’s being the title owner to the subject property, the property was owned and occupied by Stephen M. Poole, who took title to the property on or about April 9, 2007, by way of Quitclaim Deed. Mr. Poole owned the property for a period of seven years, until the property was foreclosed upon in the Franklin County Court of Common Pleas, in the case captioned, Green Tree Servicing, LLC v. Stephen M. Poole, et al.; 2013 CV 005866.

MRZ, the current owner, purchased the property for the specific purpose of remedying its long-existing state of disrepair and decay. Noteworthy, a principal of MRZ owns the property located at 6280 Linworth Road, Worthington, Ohio 43085. Being a homeowner whose primary residence is located adjacent to the subject property, its principal welcomed the opportunity to bring the property back to a current state of repair and care, thus eliminating an eyesore from constant view.

After purchasing the property and engaging in substantial interior and exterior maintenance, repairs, as well as capital improvements, it was discovered that the residence situated upon the lot encroaches upon a right-of-way easement which is only evidenced by the recorded Elmwood Subdivision plat, located at Book 4, Page 93 of the Franklin County, Ohio Recorder’s Office. A copy of the plat is attached hereto as Exhibit “A.” A plat survey was completed in or about June and July, 2014, a copy of which is attached hereto and incorporated herein as Exhibit “B.” The plat survey reflects that a portion of the existing house, exterior walkway, driveway, as

well as existing stone walls, among other things, are located within the right-of-way. Photographs of the subject property are attached hereto and incorporated herein as Exhibit "C," depicting the front view of the subject property and existing stone walls, as well as the driveway. Noteworthy, the right-of-way is captioned on the plat for "street purposes" and runs along the front of Lots 35, 34, 33, 32, and a small portion of Lot 31. At no time during MRZ's ownership and the prior ownership of the subject property has there been any use of the right-of-way by city, county, state or Ohio Department of Transportation for any purpose whatsoever. Further, the use of the right-of-way area by the owners of Lot 36 has always been open, continuous, exclusive, adverse and notorious. The same is true to the best of your Applicant's due diligence as to Lot numbers 35, 34, 33, 32, and 31 as to the right-of-way. Your Applicant had no prior notice of knowledge of the right-of-way, as its only reference is disclosed in a document recorded in 1888, within a phrase, "for street purposes."

Your Applicant submits this Petition to Vacate Right-of-Way in that the Applicant believes not only is in the Applicant's best interest, Applicant's neighboring homeowners' best interest, but also the public interest at large, in that the existing right-of-way easement has not been utilized since it was originally recorded on February 16, 1888. Further, your Applicant's past use, as well as that of the neighboring property owners' use of the existing right-of-way will not be inconsistent with their use of the same throughout their respective periods of ownership, and for periods prior thereto, to the best of their knowledge.

Third, the vacation of the right-of-way easement will remove a cloud and/or impediment as to the subject property, as well as the affected lot owners and taxpayers. In addition, the properties' value will be further enhanced (over and above the substantial enhancements your

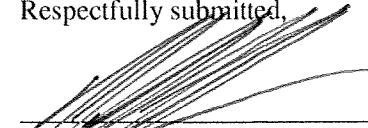
Applicant has already made) by the vacation of the easement, serving the public's and City's best interests.

Finally, your Applicant submits that any alleged dedication for public use has failed, in that there has been no acceptance by the City of Worthington or any other governmental entity, allowing the adjoining private property owners' rights to vest in the alleged right-of-way area. Specifically, to constitute a common-law dedication of real property, three elements are necessary, namely: 1) the existence of an intention on the part of the owner to make such dedication; 2) an actual offer on the part of the owner evidenced by some unequivocal act, to make such dedication; and 3) the acceptance of such offer by or on behalf of the public. In addition, as to the right-of-way, there is no evidence of a "dedication" or the acceptance of the dedication.

First, the only reference to the right-of-way is on a plat map from 1888. From 1888 forward, to the best of Applicant's belief, after inquiry, there was never any acceptance of such offer by or on behalf of the public. In fact, the right-of-way area has been used by prior owners of Applicant's property, as well as by other affected property owners immediately adjacent to the right-of-way area, without interruption by the City of Worthington or any other governmental entity. Noteworthy, the right-of-way has never been utilized by anyone other than the adjacent lot owners.

WHEREFORE, based upon the foregoing, your Applicant respectfully requests that the right-of-way be vacated in whole or in part as to the Applicant's property, and/or found to be void, voidable, invalid and/or of no further effect.

Respectfully submitted,



Michael Hrabcak (0055716)
Hrabcak & Company, L.P.A.
67 E. Wilson Bridge Road, Suite 100
Worthington, Ohio 43085
Telephone: (614) 781-1400
Facsimile: (614) 781-1171
Email: mike@hrabcaklaw.com
Attorney for Applicant

Respectfully submitted,

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Facsimile: (614) 781-1171
Email: mike@hrabcaklaw.com
Attorney for Applicant

NEIGHBORING PROPERTY OWNERS:

Elaine A. Warren
6211 Linworth Rd., Worthington, OH 43085


Jeffrey V. Lanum
6219 Linworth Rd., Worthington, OH 43085

Jennifer L. Brown
6227 Linworth Road, Worthington, OH 43085

Donald W. Alexander
6233 Linworth Rd., Worthington, OH 43085

Geraldine J. Alexander
6233 Linworth Rd., Worthington, OH 43085

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Attorney for Applicant

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Geraldine J. Alexander
6233 Linworth Rd., Worthington, OH 43085

Geraldine J. Alexander

Donald W. Alexander

ELMWOOD BOOK 4 PAGE 93

This is to certify that the within plat, correctly represents my division into lots, streets and alleys of a tract of land situated in Perry Township, Franklin County, Ohio, said tract having been heretofore conveyed by H.C. McClelland & wife to H.R. McClelland and containing 22 & 3/80 acres of land. The dimensions of lots and widths of streets and alleys are marked upon said plat in feet and decimal parts of a foot. Monuments from which to make surveys and measurements are set at points indicated upon said plat. Streets and alleys delineated upon above plat, not heretofore dedicated to public use, are hereby dedicated to the public as highways. Said division of lots, streets and alleys is to be known as Elmwood.

Witnesses: Frank J. Clarke, Opha Moore
STATE OF OHIO }
FRANKLIN COUNTY } ss. Personally appeared before me a Notary Public in and for said county, Henry T. McClelland, the owner of the land embraced in the within addition, who acknowledged the signing and sealing of the same, to be his voluntary act and deed, for the uses and purposes therein mentioned. In witness whereof I have hereunto set my hand & seal this 6th day of February, 1888.

Transferred Feb'y 8/88 Grant J. Pennington
Co. Auditor.
Filed Feb'y 8/88 at 11:45 A.M.
Recorded February 16th 1888
M. A. Lally
Dr. Recorder
Sold 4/10/88 to F.D. Sheldon.

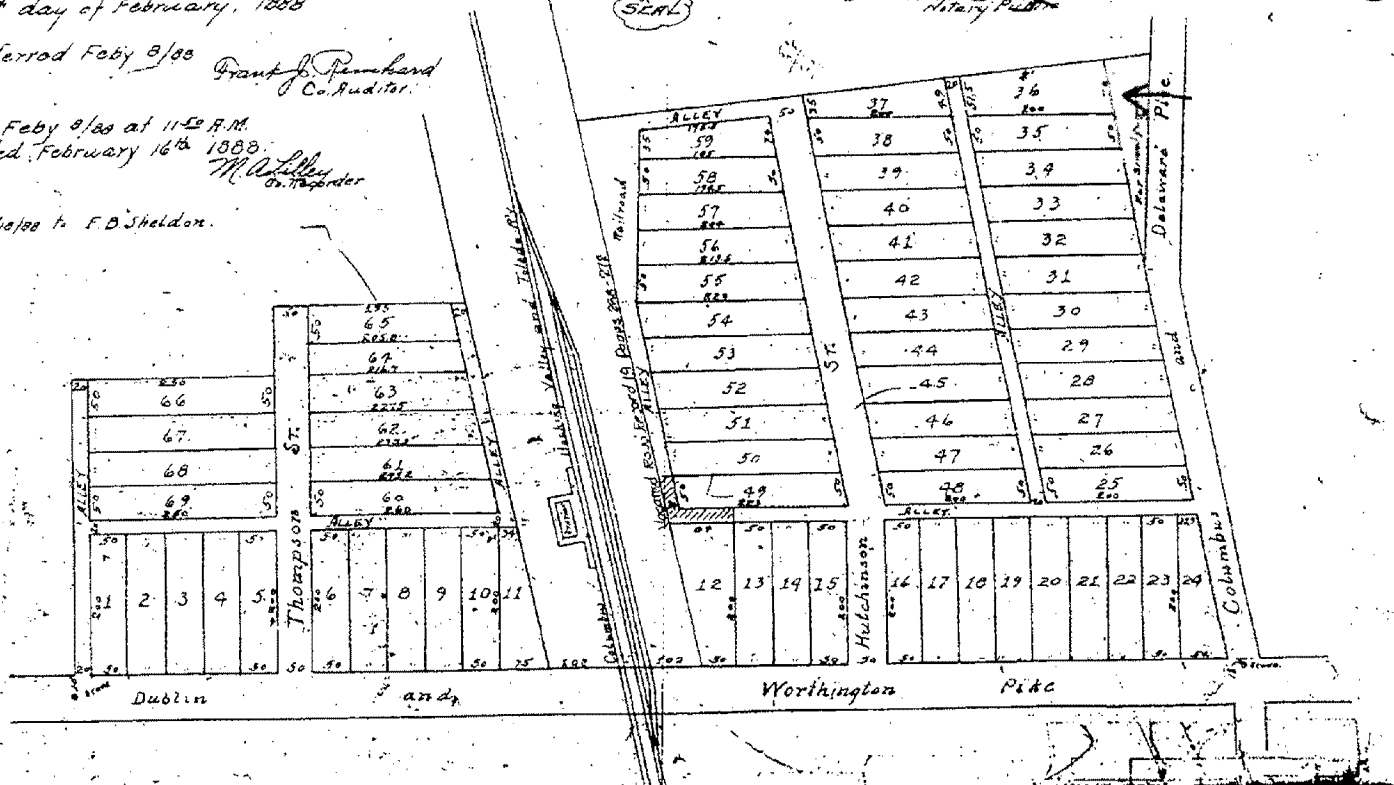
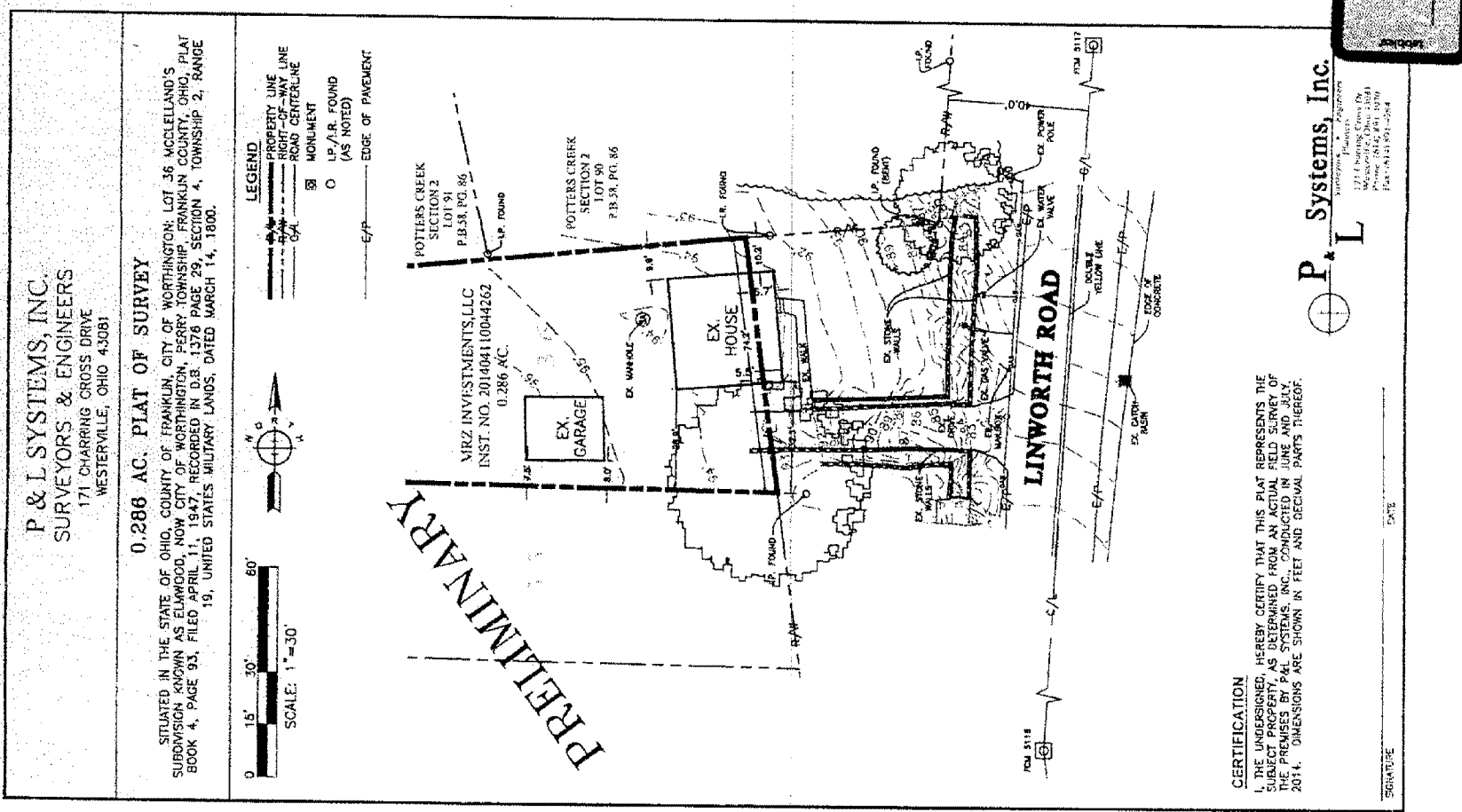


EXHIBIT
A



EXHIBIT
C





ORDINANCE NO. 12-2015
(As Amended)

Vacating Street Right-of-Way on the West Side of
Linworth Road and Reserving an Easement for
Utilities and Drainage.

WHEREAS, on March 3, 2015, a petition was filed by the owners of 6211, 6219,
6227, 6233 and 6245 Linworth Road to vacate the right-of-way abutting their lots to the
east along the west side of Linworth Road; and,

WHEREAS, the right-of-way was established 'for street purposes' by plat as
depicted on the Elmwood Subdivision plat recorded on February 16, 1888 in the office of
the Franklin County Recorder; and,

WHEREAS, Section 723.04 of the Ohio Revised Code requires the Worthington
City Council to hold a hearing on the petition and upon being satisfied that there is good
cause for such vacation, that it will not be detrimental to the general interest, and that it
should be made, City Council may declare that such area be vacated.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of
Worthington, County of Franklin, State of Ohio:

SECTION 1. That an area of land delineated on the Elmwood Subdivision Plat
recorded in Plat Book 4, Page 93 in the office of the Franklin County Recorder on
February 16, 1888, and dedicated for street purposes, as such area is more specifically
described on Exhibit "A" attached hereto and made a part hereof, is hereby vacated by
the City of Worthington.

SECTION 2. Such vacation is declared by the City Council upon hearing the
petition and upon being satisfied that there is good cause for such vacation, that it will not
be detrimental to the general interest, and that it should be made.

SECTION 3. That an easement for utilities and drainage shall be reserved in,
over, under and through the area to be vacated.

SECTION 4. That notice of passage of this Ordinance shall be posted in the
Municipal Administration Building, the Worthington Library, the Griswold Center and
the Worthington Community Center and shall set forth the title and effective date of the
Ordinance and a statement that the Ordinance is on file in the office of the Clerk of
Council. This Ordinance shall take effect and be in force from and after the earliest
period allowed by law and by the Charter of the City of Worthington Ohio.

Passed May 18, 2015

Bonnie D. Michael

President of Council

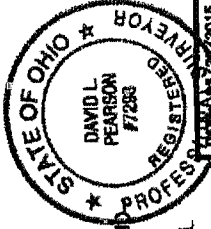
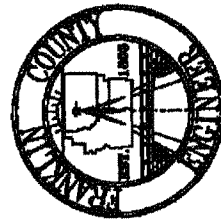
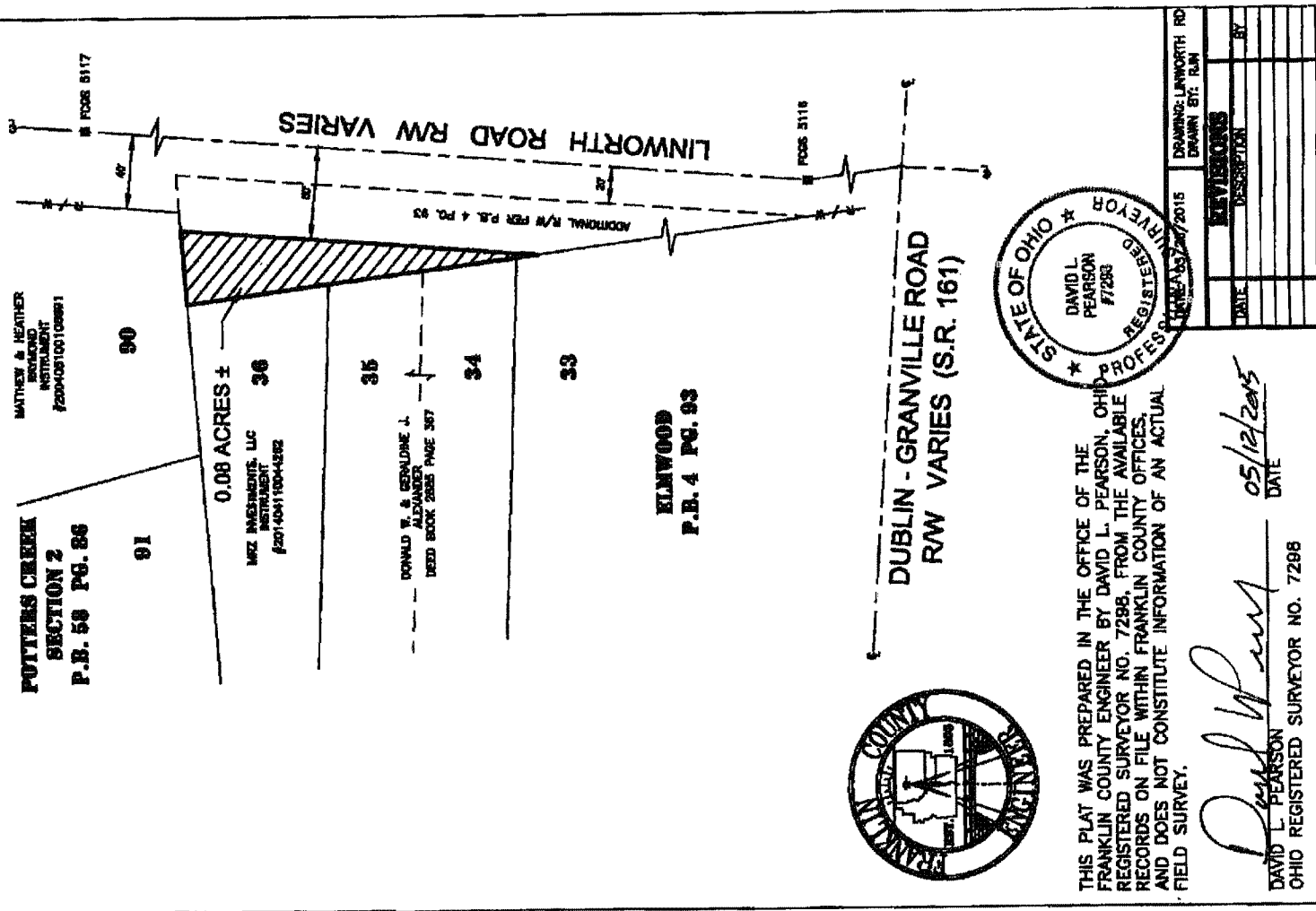
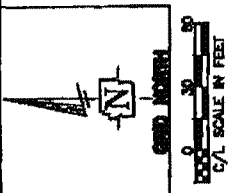
Attest:
D. Kaye Thress
Clerk of Council

Introduced March 16, 2015
P.H. April 6, 2015
Tabled
Effective June 10, 2015

EXHIBIT "A"

**VACATION OF A PORTION OF
LINWORTH ROAD (C.R. 63)**

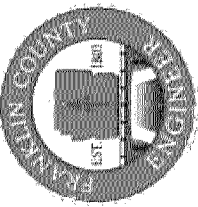
SITUATE IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF WORTHINGTON AND BEING A PART OF THE ELMWOOD SUBDIVISION AS SHOWN AND DELINEATED UPON THE RECORDED PLAT THEREOF IN PLAT BOOK 4, PAGE 93 RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.



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
DAVID L. PEARSON
OHIO REGISTERED SURVEYOR NO. 7298
DATE 05/12/2015

DATE	DESCRIPTION	BY



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

June 17, 2015

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 Hrabcak and Company, LPA, legal counsel for MRZ Investments, LLC, for the vacation of a portion of Linworth Road, City of Worthington, Franklin County, Ohio, and find that the petition is valid.

Respectfully submitted,

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

DCR:MS:cm

970 Dublin Road, Columbus, OH 43215 (614) 525-3030 Fax (614) 525-3359
www.franklincountyengineer.org

Resolution No. 0481-15

June 30, 2015

Petition filed for vacation of a portion of a portion of Linworth Road, City of Worthington, Franklin County, Ohio, (Engineer)

WHEREAS, Hrabcak and Company, LPA, legal counsel for MRZ Investments, LLC, has filed a petition with the Board of County Commissioners, Franklin County, Ohio, requesting said Board to vacate a portion of Linworth Road in City of Worthington, Franklin County, Ohio, the general route and termini thereof to be as follows:

Situate in the State of Ohio, County of Franklin, City of Worthington, being a part of Elmwood Subdivision as shown and delineated upon the recorded plat thereof in Plat Book 4, Page 93, Recorder's Office, Franklin County, Ohio, being more particular described as follows:

Being all that area of land out of a triangular tract of right-of-way dedicated "for street purposes", said area of land lays west of a line which is 50 feet west of and parallel to the centerline of Linworth Rd., as monumented by the Franklin County Engineer holding monument box FCGS 5116 and FCGS 5117, said tract of land laying adjacent to the East lot line of lots number 36, 35, 34 and part of lot 33, containing 0.08 acres of land, more or less.

This description was prepared in the office of the Franklin County Engineer by David L. Pearson, P.S., Ohio Registered Surveyor No. 7298, from available records on file within the Franklin County offices and does not constitute information of an actual field survey. Respectfully submitted, Dean C. Ringle, P.E., P.S., Franklin County Engineer;

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

Section 1) That Tuesday, July 21, 2015 at 12:00 pm 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, August 11, 2015 at 9:00 am 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

Resolution No. 0481-15

June 30, 2015

Petition filed for vacation of a portion of a portion of Linworth Road, City of Worthington, Franklin County, Ohio, (Engineer)
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.

DCR:MS:cm
Prepared By: Carla Marable
c: Engineer

SIGNATURE SHEET

Resolution No. 0481-15

June 30, 2015

**PETITION FILED FOR VACATION OF A PORTION OF A PORTION OF LINWORTH ROAD, CITY OF WORTHINGTON, FRANKLIN COUNTY, OHIO, (ENGINEER)
(Engineer)**

Upon the motion of Commissioner John O'Grady, seconded by Commissioner Paula Brooks:

Voting:

**Marilyn Brown, President
Paula Brooks
John O'Grady**

**Aye
Aye
Aye**

Board of County Commissioners
Franklin County, Ohio

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon by the Board of County Commissioners, Franklin County, Ohio on the date noted above.


Victoria Caldwell, Clerk
Board of County Commissioners
Franklin County, Ohio

THE DAILY REPORTER

www.thedailyreporteronline.com

Proof of Publication 07/14/2015

**NOTICE OF INTENTION
CARLA MARABLE
FRANKLIN CITY ENGINEERS OFFICE
970 DUBLIN RD
COLUMBUS OH 43215**

Notice of Intention
to Vacate a Portion of Linworth Road, City of
Worthington

Total public notice charge: \$ 129.00

**STATE OF OHIO
Franklin County, Ohio, ss.
PENNEY S BAKER**

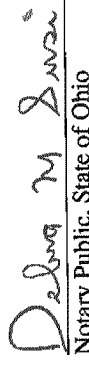
On behalf of THE DAILY REPORTER, a newspaper published in Franklin County, Ohio, makes oath that the attached printed advertisement was published 2 time(s) in said newspaper i.e., on

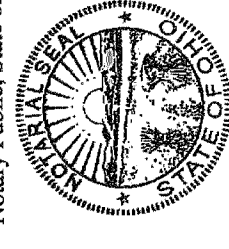
July 7, 2015
July 14, 2015

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



Subscribed and sworn to this 14th day of July, 2015.


Notary Public, State of Ohio



**DEBRA M. SUSI
Notary Public, State of Ohio
My Commission Expires
03-22-2018**

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

Notice of Intention
to Vacate a Portion of
Linworth Road, City of
Worthington,
Franklin County, Ohio
NOTICE is hereby given
that it is the intention of the
Board of County
Commissioners of Franklin
County, Ohio, to vacate a por-
tion of Linworth Road, City
of Worthington, Ohio, being
County, Ohio, the said road
being more particularly
described as follows:
Situate in the State of Ohio,
County of Franklin, Township
of Franklin, and being a part
of Elmwood Subdivision as
shown and delineated upon
the recorded plat thereof in
Plat Book 4, Page 92,
Recorder's Office, Franklin
County, Ohio, being more
particular described as fol-
lows:

Being all that area of land
out of a triangular area of
right-of-way described "of
street purposes" said area of
land, more particularly, being
in the East part of a line which
is 50 feet west of and parallel
to the centerline of Linworth
Rd., as monumented by the
Franklin County Engineer
holding monument box
FCGS 5116 and FCGS 5117,
said tract of land lying adja-
cent to the East lot line of lots
number 36, 35, 34 and part of
lot 33, containing 0.08 acres
of land, more or less.

This description was pre-
pared in the office of the
Franklin County Engineer by
David L. Penney, P.E., No.
7988, from available records
in file within the Franklin
County offices and does not
constitute information of an
actual field survey.
Respectfully submitted, Dean
C. Kingle, P.E., P.S., Franklin
County Engineer.

NOTICE is hereby given
that Tuesday, July at 12:00
pm at the place of said pro-
posed vacation was fixed as
the time and place for view-
ing thereof and Tuesday,
August 11, 2015 at 9:00 am at
the Office of the Board of
County Commissioners was
fixed the time and place for
final hearing thereon.

By order of the Board of
County Commissioners of
Franklin County, Ohio,
Victoria Caldwell, Clerk,
Board of County
Commissioners
Jul 7/14

Resolution No. 0549-15

August 04, 2015

Vacation of a portion of Linworth Road in the City of Worthington, Franklin County, Ohio, viewed, Engineer to file report by August 11, 2015 (Engineer)

WHEREAS, a petition was filed with this Board by Hrabcak and Company, LPA, legal counsel for MRZ Investments, LLC, praying for the vacation of a portion of Linworth Road, City of Worthington, Franklin County, Ohio; and

WHEREAS, on June 30, 2015, said Board of County Commissioners did fix the 21st day of July, 2015 on the line of said proposed vacation, as the time and place for viewing thereof and did further fix the 11th day of August, 2015, 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 21st day of July, 2015 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 Linworth Road in the City of Worthington, 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 Engineer of Franklin County, Ohio be and hereby is instructed and directed to make a plat and survey of the proposed vacation and 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 on or before the 11th day of July, 2015. Said report shall set forth an opinion of the County Engineer with regard to the granting of said vacation and, together with the plat and survey of the proposed vacation, shall be deposited with the Commissioners.

DCR:MS:cm
Prepared By: Carla Marable
c: Engineer

SIGNATURE SHEET

Resolution No. 0549-15

August 04, 2015

VACATION OF A PORTION OF LINWORTH ROAD IN THE CITY OF WORTHINGTON, FRANKLIN COUNTY, OHIO, VIEWED, ENGINEER TO FILE REPORT BY AUGUST 11, 2015 (Engineer)

Upon the motion of Commissioner John O'Grady, seconded by Commissioner Paula Brooks:

Voting:

**Marilyn Brown, President
Paula Brooks
John O'Grady**

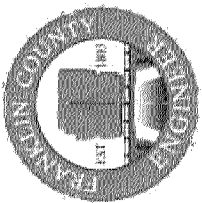
**Aye
Aye
Aye**

Board of County Commissioners
Franklin County, Ohio

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon by the Board of County Commissioners, Franklin County, Ohio on the date noted above.

Victoria Caldwell, Clerk
Board of County Commissioners
Franklin County, Ohio



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

June 29, 2015

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 August 4, 2015, I have made a survey and plat, which I hereby submit for the vacation of a portion of Linworth Road located in the City of Worthington, Franklin County, Ohio, showing the proposed vacation of the following:

Situate in the State of Ohio, County of Franklin, City of Worthington, being a part of Elmwood Subdivision as shown and delineated upon the recorded plat thereof in Plat Book 4, Page 93, Recorder's Office, Franklin County, Ohio, being more particular described as follows:

Being all that area of land out of a triangular tract of right-of-way dedicated "for street purposes", said area of land lays west of a line which is 50 feet west of and parallel to the centerline of Linworth Rd., as monumented by the Franklin County Engineer holding monument box FCGS 5116 and FCGS 5117, said tract of land laying adjacent to the East lot line of lots number 36, 35, 34 and part of lot 33, containing 0.08 acres of land, more or less.

This description was prepared in the office of the Franklin County Engineer by David L. Pearson, P.S., Ohio Registered Surveyor No. 7298, from available records on file within the Franklin County offices and does not constitute information of an actual field survey. Respectfully submitted, Dean C. Ringle, P.E., P.S., Franklin County Engineer.

The petition praying for the vacation of a portion of Linworth Road in the City of Worthington, 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 the above described portion of Linworth Road in the City of Worthington, Franklin County, Ohio, be vacated.

Respectfully submitted,

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

DCR:MS:cm

970 Dublin Road, Columbus, OH 43215 (614) 525-3030 Fax (614) 525-3359
www.franklincountyengineer.org

Resolution No. 0589-15

August 11, 2015

Prayer of petition to vacate a portion of Linworth Road located in the City of Worthington, Franklin County, Ohio, granted (Engineer)

WHEREAS, Hrabcak and Company, LPA, legal counsel for MRZ Investments, LLC, petitioner has petitioned for the vacation of a portion of Linworth Road located in the City of Worthington, Franklin County, Ohio; and

WHEREAS, on August 4, 2015, 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 11th day of August, 2015, relative to the petition for the vacation of Linworth Road located in the City of Worthington, Franklin County, Ohio, said report to be made in a 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 the 11th day of August, 2015 report thereon in writing, which report contained the following recommendation, to-wit:

Situate in the State of Ohio, County of Franklin, City of Worthington, being a part of Elmwood Subdivision as shown and delineated upon the recorded plat thereof in Plat Book 4, Page 93, Recorder's Office, Franklin County, Ohio, being more particular described as follows:

Being all that area of land out of a triangular tract of right-of-way dedicated "for street purposes", said area of land lays west of a line which is 50 feet west of and parallel to the centerline of Linworth Rd., as monumented by the Franklin County Engineer holding monument box FCGS 5116 and FCGS 5117, said tract of land laying adjacent to the East lot line of lots number 36, 35, 34 and part of lot 33, containing 0.08 acres of land, more or less.

This description was prepared in the office of the Franklin County Engineer by David L. Pearson, P.S., Ohio Registered Surveyor No. 7298, from available records on file within the Franklin County offices and does not constitute information of an actual field survey. Respectfully submitted, Dean C. Ringle, P.E., P.S., Franklin County Engineer; and

WHEREAS, no objections to the vacation of a portion of Linworth Road located in the City of Worthington, Franklin County, Ohio were filed, and no claims for compensation or damages on account thereof were filed; and

Resolution No. 0589-15

August 11, 2015

Prayer of petition to vacate a portion of Linworth Road located in the City of Worthington, Franklin County, Ohio, granted (Engineer)

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,

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

That the vacation of a portion of Linworth Road located in the City of Worthington, Franklin County, Ohio, as described and recommended by the County Engineer in his report and shown on the submitted plat, is hereby declared vacated, excepting however, the utilities that are now within the vacated area and the easements granted by the owners, present or past, for utilities.

DCR:MS:cm
Prepared By: Carla Marable
c: Engineer

SIGNATURE SHEET

Resolution No. 0589-15

August 11, 2015

PRAYER OF PETITION TO VACATE A PORTION OF LINWORTH ROAD LOCATED IN THE CITY OF WORTHINGTON, FRANKLIN COUNTY, OHIO, GRANTED (Engineer)


Upon the motion of Commissioner Paula Brooks, seconded by Commissioner Marilyn Brown:

**Voting: Marilyn Brown, President Aye
Paula Brooks Aye**

Board of County Commissioners
Franklin County, Ohio

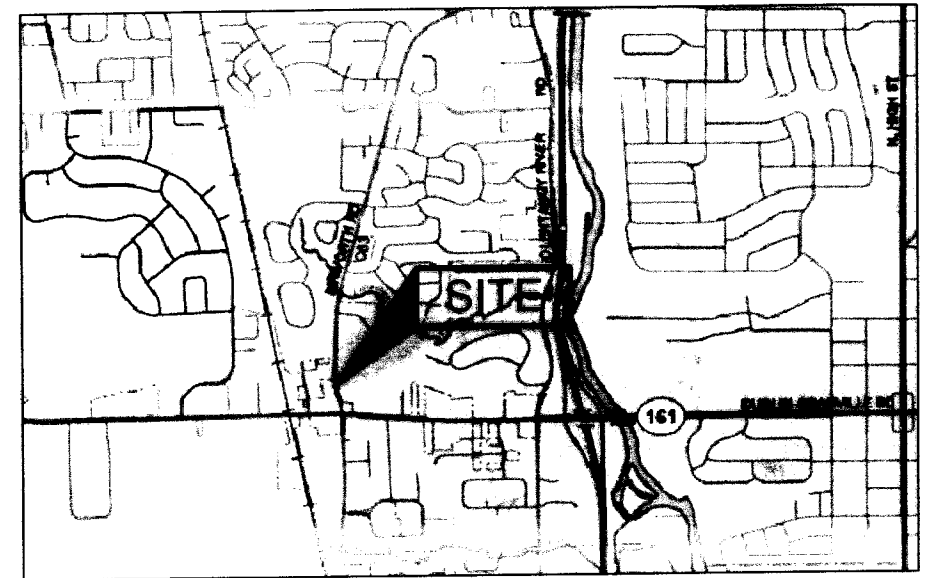
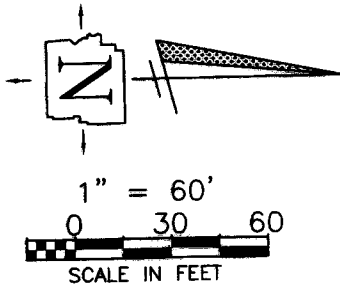
CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon by the Board of County Commissioners, Franklin County, Ohio on the date noted above.


Victoria Caldwell, Clerk
Board of County Commissioners
Franklin County, Ohio

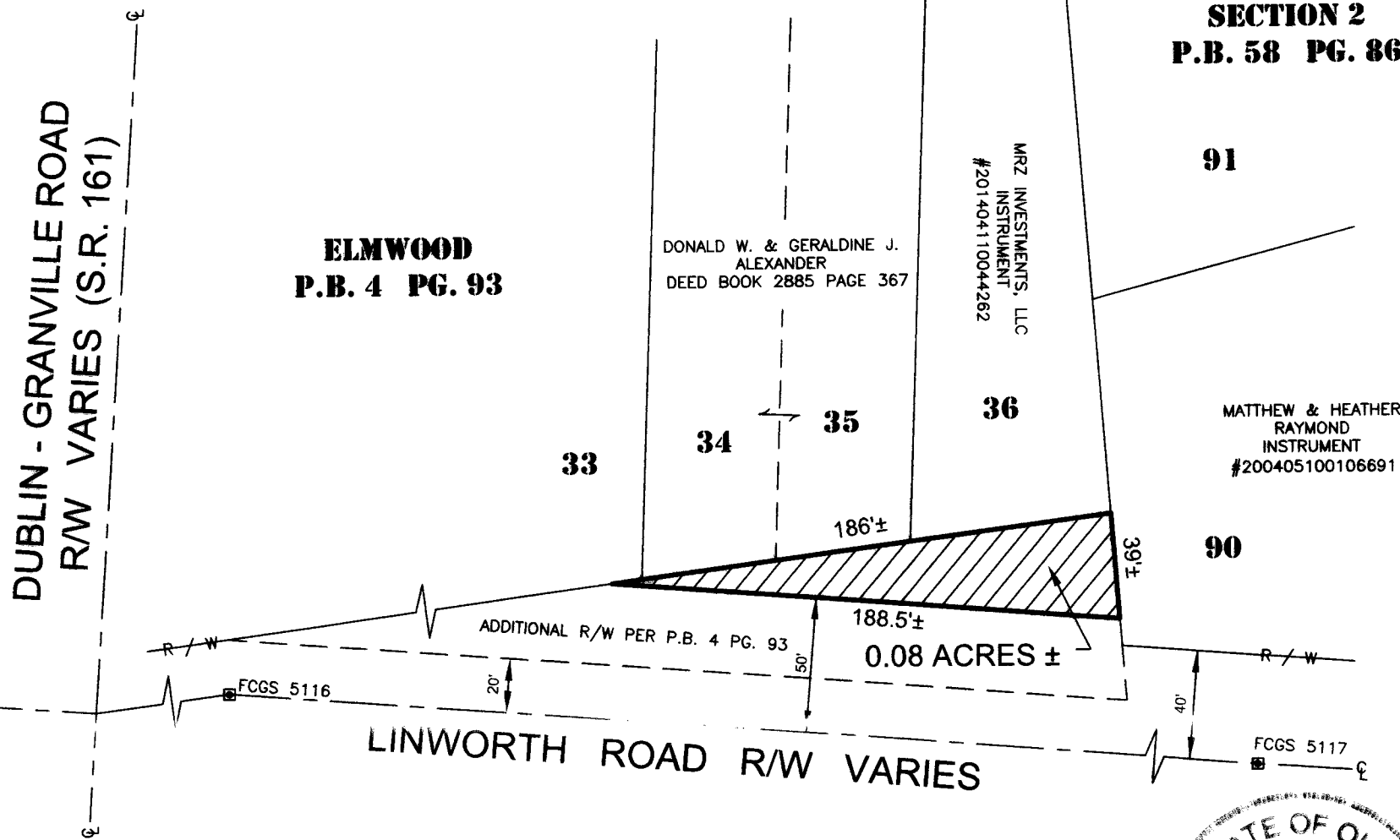
VACATION OF A PORTION OF LINWORTH ROAD (C.R. 63)

SITUATE IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF WORTHINGTON AND BEING A PART OF THE ELMWOOD SUBDIVISION AS SHOWN AND DELINEATED UPON THE RECORDED PLAT THEREOF IN PLAT BOOK 4, PAGE 93 RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.




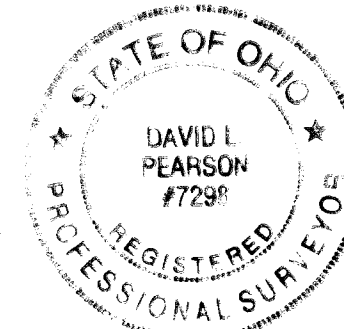
LOCATION MAP

APPROVED FOR VACATION



LEGEND

 0.017 AC. AREA TO BE VACATED



<i>Marcelia Brown</i>	8/11/15
FRANKLIN COUNTY COMMISSIONER	DATE
<i>Paula Brook</i>	8/11/15
FRANKLIN COUNTY COMMISSIONER	DATE
<i>Angela</i>	8/11/15
FRANKLIN COUNTY COMMISSIONER	DATE
<i>Dean C. Rife</i>	8-5-15
FRANKLIN COUNTY ENGINEER	DATE
<i>Neil W. ...</i>	8/5/15
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 08/05/2015
 DAVID L. PEARSON P.S.
 OHIO REGISTERED SURVEYOR NO. 7298
 DATE

VACATION PLAT

CALCULATED: R/JN CHECKED: D/LP

SCALE IN FEET

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