

Request to Vacate Wood St Easement 03/23/2015

Dear Honorable Board of Franklin County Commissioners,

My wife and I own the two parcels 150-000763-00 and 150-000764-00 also known as 1950 Daugherty Ave, located in the town of Reese, in Hamilton Township. There is a 50' easement running in between the two parcels that was part of the sub-divisions Wood St as originally platted in the early 1900's, but that portion of Wood St was never developed. The easement has always been generally maintained by the owners of the two parcels throughout all the years, but now has large trees that are many years old, and in need of removal for safety and other concerns. The township trustees have informed me that township is not responsible for the maintenance of the easement since it had never been turned over to the township, and remains the responsibility of Franklin County. A person within the Franklin County Engineers has informed me that it should be the responsibility of Hamilton Township, but it is in a gray area since the subdivision was platted long ago before there was legislation defining responsibility, and therefore still owned by the county. I have no interest in assuming the cost of removing the trees on the property since it is now the responsibility of either the township, or the county, of which neither is willing to maintain.

Since that portion of Wood St was never developed in more than 100 years, and never maintained by either Hamilton Township or Franklin County, I would respectfully request that the Board of Franklin County Commissioners vacate the portion of the Wood St easement between parcels 150-000763-00 and 150-000764-00, and permit the 50' easement be equally divided and added to the adjacent parcels 150-000763-00 and 150-000764-00.

Respectfully Yours
Edward V. and Michelle D. Molinar

Michelle D. Molinar
Michelle D. Molinar



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

August 12, 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 Edward and Michelle Molinar for the vacation of a portion of an unimproved portion of Woods Street, Hamilton Township, 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

MS
DCR:MS:cm

Franklin County, Ohio, ROAD RECORD #35

- 241 -

Petition filed for vacation of an unimproved portion of Woods Street, Hamilton Township, Franklin County, Ohio, (Engineer)

WHEREAS, Edward and Michelle Molinar have filed a petition with the Board of County Commissioners, Franklin County, Ohio, requesting said Board to vacate a portion of an unimproved portion of Woods Street, Hamilton Township, Franklin County, Ohio, the general route and termini thereof to be as follows:

Situate in State of Ohio, County of Franklin, Township of Hamilton, and being a part of Walnut Heights as shown and delineated upon the recorded plat thereof in Plat Book 9, Page 3, Recorder's Office, Franklin County, Ohio, being more particularly described as follows:

Being all that portion of unimproved Woods St. (50 feet wide) extending from the northerly right-of-way of Daugherty Ave. to the northerly subdivision line of said Walnut Heights, said street being bounded on the west by lot no. 369 and bounded on the east by lot no. 370 containing 0.146 acres, 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 courthouse records and not an actual field survey. Respectfully submitted, Dean C. Ringle, P.E., P.S., Franklin County Engineer; now, therefore,

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

Section 1) That Tuesday, September 15, 2015 at 11:00 am 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, October 6, 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 viewing 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 viewing 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 PAGE FOLLOWS

SIGNATURE SHEET

PETITION FILED FOR VACATION OF AN UNIMPROVED PORTION OF WOODS STREET, HAMILTON TOWNSHIP, FRANKLIN COUNTY, OHIO, (Engineer)

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

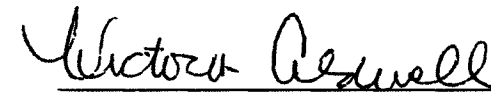
Voting:

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

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

Proof of Publication 10/14/2015

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

Notice of Intention
to Vacate an Unimproved Portion of Woods Street

Total public notice charge: \$ 62.00

STATE OF OHIO
Franklin County, Ohio, ss.

PENNEY S BAKER

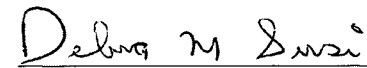
On behalf of THE DAILY REPORTER, a newspaper published in Franklin County, Ohio, makes oath that the attached printed advertisement was published 1 time(s) in said newspaper i.e., on

October 14, 2015

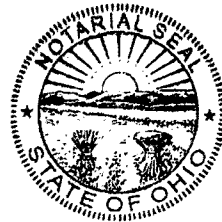
and that said newspaper is of general circulation in said County.



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



Notary Public, State of Ohio



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

**Notice of Intention
to Vacate an Unimproved
Portion of Woods Street,
Hamilton 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 an unimproved portion of Woods Street in Hamilton Township, Franklin County, Ohio, the said street being more particularly described as follows:

Situate in the State of Ohio, County of Franklin, Township of Franklin, and being a part of Walnut Heights as shown and delineated upon the recorded plat thereof in Plat Book 9, Page 3, Recorder's Office, Franklin County, Ohio, being more particularly described as follows:

Being all that portion of unimproved Woods St. (50 feet wide) extending from the northerly right-of-way of Daugherty Ave. to the northerly subdivision line of said Walnut Heights, said street being bounded on the west by lot no. 369 and bounded on the east by lot no. 370 containing 0.146 acres, 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 courthouse records and not an actual field survey. Respectfully submitted, Dean C. Ringle, P.E., P.S., Franklin County Engineer.

NOTICE is hereby given that Tuesday, September 15, 2015 at 11:00 am at the place of said proposed vacation was fixed as the time and place for viewing thereof and Tuesday, October 20, 2015 at 9:00 am 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.
Victoria Caldwell, Clerk,
Board of County Commissioners
Oct 14

Resolution No. 0706-15

September 22, 2015

Vacation of a portion of an unimproved portion of Woods Street in Hamilton Township, Franklin County, Ohio, viewed, Engineer to file report by October 6, 2015 (Engineer)

WHEREAS, a petition was filed with this Board by Edward and Michelle Molinar, praying for the vacation of a portion of an unimproved portion of Woods Street, Hamilton Township, Franklin County, Ohio; and

WHEREAS, on August 25, 2015, said Board of County Commissioners did fix the 15th day of September, 2015 on the line of said proposed vacation, as the time and place for viewing thereof and did further fix the 6th day of October, 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 15th day of September, 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 an unimproved portion of Woods Street in Hamilton 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 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 6th day of October, 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 PAGE FOLLOWS

Franklin County, Ohio, ROAD RECORD #35

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SIGNATURE SHEET

Resolution No. 0706-15

September 22, 2015

VACATION OF A PORTION OF AN UNIMPROVED PORTION OF WOODS STREET IN HAMILTON TOWNSHIP, FRANKLIN COUNTY, OHIO, VIEWED, ENGINEER TO FILE REPORT BY OCTOBER 6, 2015

(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



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

September 23, 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 September 22, 2015, I have made a survey and plat, which I hereby submit for the vacation of an unimproved portion of Woods St. located in Hamilton Township, Franklin County, Ohio, showing the proposed vacation of the following:

Situate in State of Ohio, County of Franklin, Township of Hamilton, and being a part of Walnut Heights as shown and delineated upon the recorded plat thereof in Plat Book 9, Page 3, Recorder's Office, Franklin County, Ohio, being more particularly described as follows:

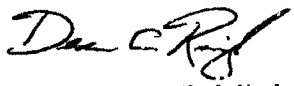
Being all that portion of unimproved Woods St. (50 feet wide) extending from the northerly right-of-way of Daugherty Ave. to the northerly subdivision line of said Walnut Heights, said street being bounded on the west by lot no. 369 and bounded on the east by lot no. 370 containing 0.146 acres, more 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 courthouse records and not an actual field survey. Respectfully submitted, Dean C. Ringle, P.E., P.S., Franklin County Engineer.

The petition praying for the vacation of an unimproved portion of Woods St. in Hamilton 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 the above described an unimproved portion of Woods St. in Hamilton Township, Franklin County, Ohio, be vacated.

Respectfully submitted,


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


JCR:MS:cm

Resolution No. 0733-15

October 20, 2015

Prayer of petition to vacate a portion of an unimproved portion of Woods St. located in Hamilton Township, Franklin County, Ohio, granted (Engineer)

WHEREAS, Edward and Michelle Molinar petitioned for the vacation of an unimproved portion of Woods St. located in Hamilton Township, Franklin County, Ohio; and

WHEREAS, on September 22, 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 20th day of October, 2015, relative to the petition for the vacation of an unimproved portion of Woods St. located in Hamilton Township, 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 23rd day of September, 2015 report thereon in writing, which report contained the following recommendation, to-wit:

Situate in State of Ohio, County of Franklin, Township of Hamilton, and being a part of Walnut Heights as shown and delineated upon the recorded plat thereof in Plat Book 9, Page 3, Recorder's Office, Franklin County, Ohio, being more particularly described as follows:

Being all that portion of unimproved Woods St. (50 feet wide) extending from the northerly right-of-way of Daugherty Ave. to the northerly subdivision line of said Walnut Heights, said street being bounded on the west by lot no. 369 and bounded on the east by lot no. 370 containing 0.146 acres, 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 courthouse records and not an actual field survey. Respectfully submitted, Dean C. Ringle, P.E., P.S., Franklin County Engineer; and

WHEREAS, no objections to the vacation of an unimproved portion of Woods St. located in Hamilton Township, Franklin County, Ohio were filed, and no claims for compensation or damages on account thereof were filed; and

WHEREAS, the Board of County Commissioners of Franklin County, Ohio finds that the utilities are now within the said vacation, and

Resolution No. 0733-15

October 20, 2015

Prayer of petition to vacate a portion of an unimproved portion of Woods St. located in Hamilton Township, Franklin County, Ohio, granted (Engineer)

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 an unimproved portion of Woods St. located in Hamilton Township, 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 PAGE FOLLOWS

SIGNATURE SHEET

Resolution No. 0733-15

October 20, 2015

PRAYER OF PETITION TO VACATE A PORTION OF AN UNIMPROVED PORTION OF WOODS ST. LOCATED IN HAMILTON TOWNSHIP, FRANKLIN COUNTY, OHIO, GRANTED.

(Engineer)

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

Voting:

**Paula Brooks
John O'Grady**

**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.



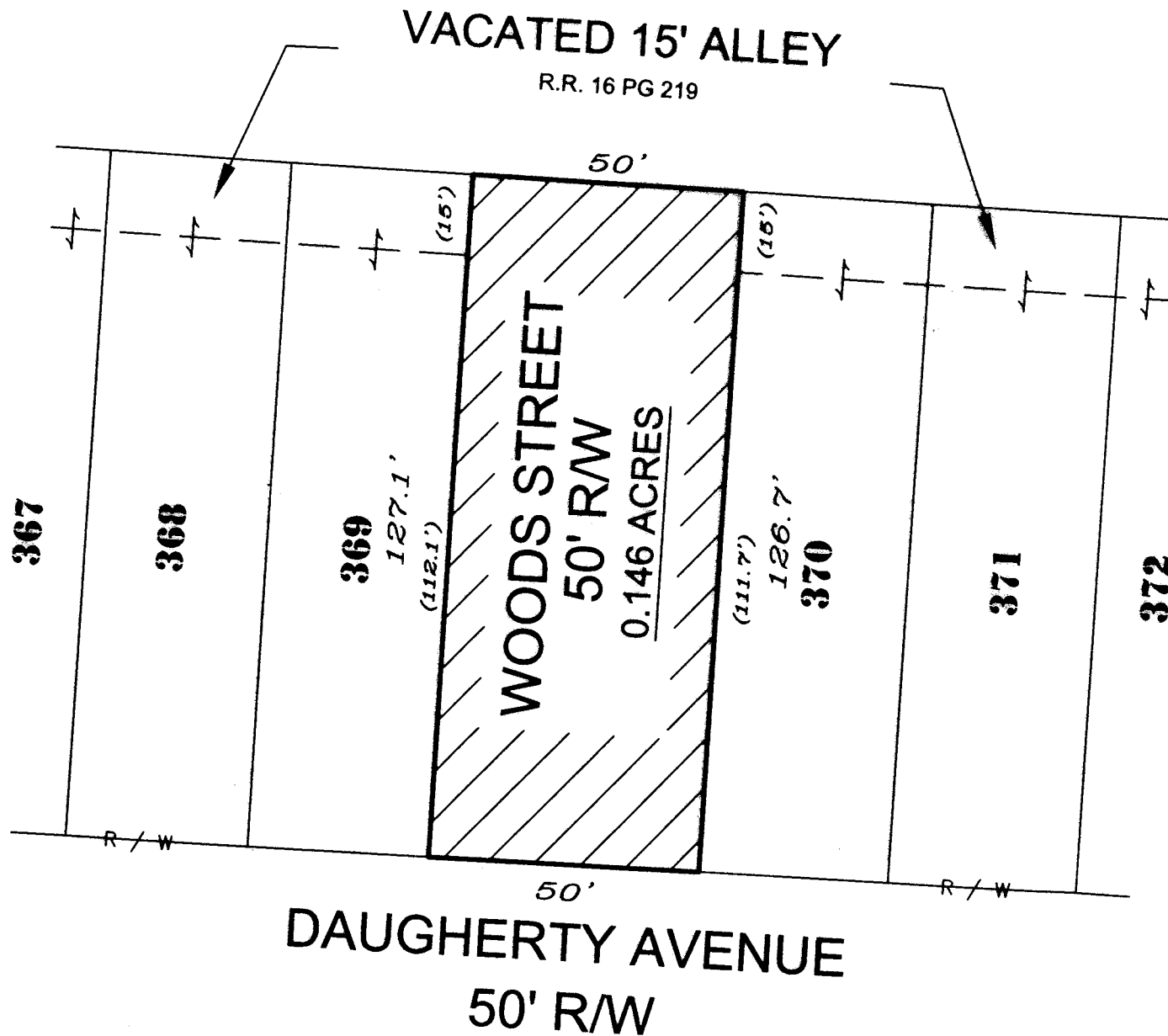
Victoria Caldwell, Clerk
Board of County Commissioners
Franklin County, Ohio

VACATION OF A PORTION OF WOODS STREET

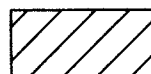
SITUATE IN THE STATE OF OHIO, COUNTY OF FRANKLIN, TOWNSHIP OF HAMILTON, BEING A PART OF WALNUT HEIGHTS AS SHOWN AND DELINEATED UPON THE RECORDED PLAT THEREOF IN PLAT BOOK 9 PAGE 3 RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO

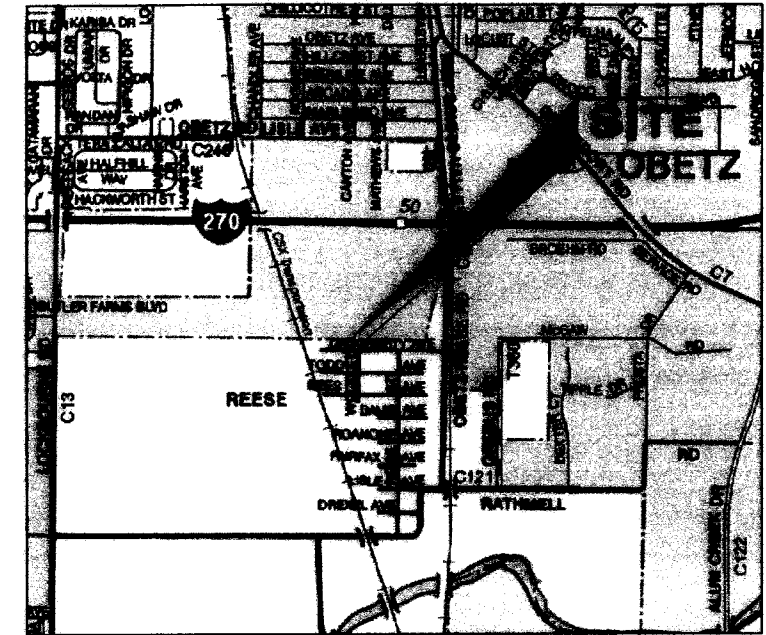
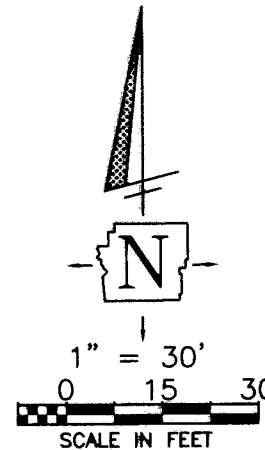
SGO ASSOCIATES, LTD.
INST. #200509020181779
60.257 ACRES

LOT 369 : EDWARD V. & MICHELLE D. MOLINAR
INST. #201306260107681
LOT 370: EDWARD V. & MICHELLE D. MOLINAR
INST. #201306260107680



LEGEND

 0.146 AC. AREA TO BE VACATED



LOCATION MAP

APPROVED FOR VACATION

FRANKLIN COUNTY COMMISSIONER	DATE
<i>Paula Booth</i>	10/21/15
FRANKLIN COUNTY COMMISSIONER	DATE
<i>David L. Pearson</i>	10/20/15
FRANKLIN COUNTY COMMISSIONER	DATE
<i>Don C. Rife</i>	9-25-15
FRANKLIN COUNTY ENGINEER	DATE
<i>Michael J. ...</i>	9-24-15
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 09/24/2015
DAVID L. PEARSON P.S. DATE
OHIO REGISTERED SURVEYOR NO. 7298

VACATION PLAT

CALCULATED: RUN CHECKED: DLP

SCALE IN FEET

0 15 30

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