

PETITION TO VACATE STREET AND ALLEY

To The Auglaize County Board of County Commissioners

Gentlemen:

The undersigned hereby represent to the Board of Commissioners of Auglaize County, Ohio, that they are the owners of the right to mine coal lying adjacent to the street and alley hereinafter described and further are the owners of the real estate abutting the street and alley hereinafter described. The undersigned represent to the Board of County Commissioners that a public road and alley was once established by Plat, that further that this road and alley has not been improved by public funds and for more than twenty-one years has not been used.

The undersigned, in accordance with Revised Code Sections 5553.23, 5553.042, and 5553.04 through 5553.11 respectfully request that the Board vacate the following described alley and street:

Situated in the Village of Fryburg, Township of Pusheta, County of Auglaize and State of Ohio, and more particularly bounded and described as follows:

Beginning at the Northeast corner of Lot Number Fifty of P. Wagner's Second Addition; thence South along the East line of Lots Number Fifty and Fifty-One to the Southeast corner of Lot Number Fifty-One of P. Wagner's Second Addition; thence East to a point in the West line of Lot Number Fifty-Two of P. Wagner's Second Addition; thence North along the West line of Lot Number Fifty-Two of P. Wagner's Second Addition to the Northwest corner of said Lot Number Fifty-Two; thence East along the North line of Lots Number Fifty-Two and Fifty-Three of P. Wagner's Addition to a point on the North line of said Lot Number Fifty-Three, said point being twelve feet West of the point where the East line of Lot Number Forty-Eight of P. Wagner's Second Addition, extended, intersects the North line of Lot Number Fifty-Three; thence North to a point in the South line of Lot Number Forty-Eight of P. Wagner's Second Addition, said point being twelve feet West of the Southeast corner of said Lot Number Forty-Eight; thence West along the South lines of Lots Number Forty-Eight and Forty-Nine of P. Wagner's Second Addition to the Southwest corner of said Lot Number Forty-Nine; thence North along the West line of said Lot Number Forty-Nine to the Northwest corner of said Lot Number Forty-Nine; thence West, forty-nine and 5 tenths feet, more or less, to the point of beginning.

Attached hereto as Exhibit A is a copy of the Plat showing the portion of the street and alley proposed to be vacated. The undersigned represent that neither the alley nor the street has been improved, maintained, nor used, for a period of an excess of twenty-one years and that they are entitled to have the same vacated. The undersigned further agree to be responsible for the costs and expenses incurred by the Board in

RECEIVED

DEC 14 1979

Auglaize County Engineer's Office
Clayton Stimmel, P.E.

connection with these proceedings and agree to furnish a bond required by the Board to secure the payment of such costs and expenses or in the alternative to submit a deposit requested by the Board of County Commissioners.

Respectfully submitted,

Thomas R. Cooper
Thomas R. Cooper

Lillian A. Cooper
Lillian A. Cooper

Dean R. Butcher
Dean R. Butcher

Norma E. Butcher
Norma E. Butcher

William Bias
William Bias

DOUGLAS S. JAUERT CO., L.P.A.

By Douglas S. Jauert
Douglas S. Jauert, Attorney
for the Petitioners

The Board of County Commissioners met this day in regular session with the following members present:

Howard Werner

Paul F. Reinhart

Mr. Reinhart made the motion that the following be adopted:

R E S O L U T I O N

WHEREAS, a petition was this day filed with the Board of County Commissioners by Douglas S. Jauert, attorney for Thomas Cooper, Lillian Cooper, Dean Butcher, Norma Butcher, and William Bias in re: vacating an alley in the Village of Freyburg, Pusheta Township, Auglaize County, Ohio; said petition does appear on Page: 247 of this County Commissioners journal #67.

and

WHEREAS, in accordance with Revised Code sections 5553.23, 5553.042, and 5553.04 thru 5553.11, the Board does accept the petition for vacation of an alley, and sets the date of view in connection with same for the 16th day of November, 1979 at 10:00 A.M. and the hearing on the vacation for the 11th day of December, 1979 at 10:00 A.M. at the office of the Board of County Commissioners, basement of the county courthouse, Wapakoneta, Ohio;

therefore be it

RESOLVED, that the Board do this day authorize the clerk of the Board of Commissioners to make the proper legal notice in a local newspaper in connection with same..

Mr. Werner seconded the motion, and the roll being called on its adoption - the vote resulted as follows:

Mr. Werner yes;

Mr. Reinhart yes.

cc: Doug Jauert, agent
petitioners
Clerk, Pusheta Twp.
county engineer

Notice is hereby given that the Board of County Commissioners of Auglaize County will view the premises hereinafter described at 10:00 A.M. on November 16, 1979 and will have final hearing upon a Petition filed by Thomas R. and Lillian A. Cooper, Dean R. and Norma E. Butcher, and William Bias to vacate the street and alley hereinafter described at the Auglaize County Courthouse on December 11, 1979 at 10:00 A.M. The Petition was filed requesting that the alley and street hereinafter described be vacated. The area to be vacated is more particularly described as follows:

Situated in the Village of Fryburg, Township of Pusheta, County of Auglaize and State of Ohio, and more particularly bounded and described as follows:

Beginning at the Northeast corner of Lot Number Fifty of P. Wanger's Second Addition; thence South along the East line of Lots Number Fifty and Fifty-One to the Southeast corner of Lot Number Fifty-One of P. Wagner's Second Addition; thence East to a point in the West line of Lot Number Fifty-Two of P. Wagner's Second Addition; thence North along the West line of Lot Number Fifty-Two of P. Wagner's Second Addition to the Northwest corner of said Lot Number Fifty-Two; thence East along the North line of Lots Number Fifty-Two and Fifty-Three of P. Wagner's Addition to a point on the North line of said Lot Number Fifty-Three, said point being twelve feet West of the point where the East line of Lot Number Forty-Eight of P. Wagner's Second Addition, extended, intersects the North line of Lot Number Fifty-Three; thence North to a point in the South line of Lot Number Forty-Eight of P. Wagner's Second Addition, said point being twelve feet West of the Southeast corner of said Lot Number Forty-Eight; thence West along the South lines of Lots Number Forty-Eight and Forty-Nine of P. Wagner's Second Addition to the Southwest corner of said Lot Number Forty-Nine; thence North along the West line of said Lot Number Forty-Nine to the Northwest corner of said Lot Number Forty-Nine; thence West, forty-nine and 5 tenths feet, more or less, to the point of beginning.

Douglas S. Jauert
Attorney for Petitioners

(Legal Notice to be published once a week on the same day for two consecutive weeks)