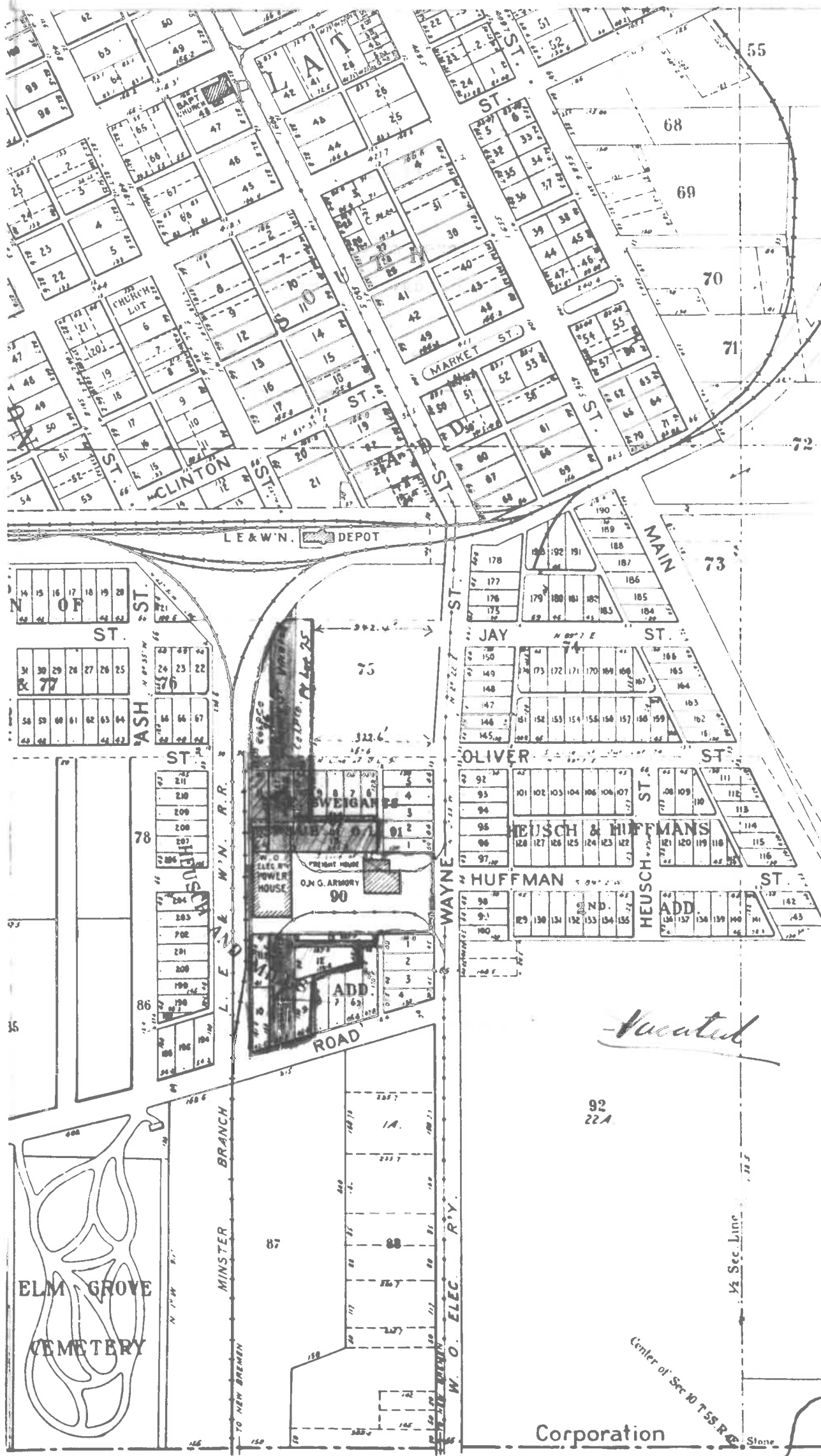


TRANSCRIPT OF PROCEEDINGS TO
VACATE CERTAIN STREETS AND ALLEYS IN THE CITY
OF ST. MARYS, AUGLAIZE COUNTY, OHIO, WHICH
STREETS AND ALLEYS ARE NOW PARTLY OCCUPIED
BY THE CENTRAL OHIO LIGHT AND POWER COMPANY
AND WHICH ARE INCLUDED IN CERTAIN DEEDS TO
SAID COMPANY FROM FORMER OWNERS.



I hereby certify that the following is a true copy of that part of the proceedings of the Council of the City of St. Marys, State of Ohio, relating to the petition for the vacation of certain streets and alleys in the vicinity of the Central Ohio Power and Light Company, at their regular meeting July 9, 1937.

Mont Youngs

Clerk of Council.

Present: Ferris, Goodwin, Hertenstein, Sullivan, Sunderland.
Absent: President Botkin, Williams.

R.B. Anderson, representing the Central Light and Power Company, presented a petition asking the vacation of certain streets and alleys in the vicinity of the power plant belonging to the above company.

Moved by Sunderland and seconded by Goodwin that the petition be accepted and the clerk instructed to publish the necessary legal notice.

Yeas: Ferris, Goodwin, Hertenstein, Sullivan, Sunderland.

Attest: Mont Youngs
Clerk

C.F. Wirwille.
President pro tem

The above Minutes will be found on Page 238, Vol. 12, of
The Records of Minutes of the City of St. Marys, Ohio.

The following is a certified copy of the petition presented to Council of the City of St. Marys, Ohio; the original being on file in the office of the Clerk of the Council.

Mont Young
Clerk of Council

TO THE HONORABLE MAYOR
AND COUNCIL OF THE CITY
OF ST. MARYS, OHIO.

The undersigned respectfully represents that it is the owner of most of the lots and lands abutting the streets and alleys hereinafter mentioned.

That about the year of 1900, the Council of St. Marys, Ohio, attempted to vacate a part of said streets but without the passage of any Ordinance, as provided by law.

That relying on such vacation, The Western Ohio Railway Company, then the owner of most of said abutting property, erected a large power house, and other improvements on said property, and the streets and alleys abutting the same, and it, and its successors, have exclusively used and occupied the same ever since.

Your petitioner, as owner as aforesaid, is now using and occupying said streets and alleys hereinafter mentioned, in connection with its said power house; that the streets and alleys hereinafter mentioned are of no use to the public and the vacation thereof will not be detrimental to the general interest.

WHEREFOR, the undersigned respectfully prays your honorable body to vacate the following described parts of said streets and alleys in the City of St. Marys, to-wit:

Perry Street from the south line of the right of way of the Minster branch of the Lake Erie and Western Railway to the north line of Outlot 90, and from the south line of said Outlot 90, to the Greenville Road.

Also, Oliver Street north of Lots 10 and 11 in Sweigart's Addition to said City.

Also, the alley south of Lot 10 in said Sweigart's Addition.

Also, the alley south of Lot 13 of Heusch and Mills Addition to said City.

The Central Ohio Light and Power Company.

By Anderson & Lusk
Its Attorneys

July 9, 1937.

I hereby certify that the following is a true copy of that portion of the minutes of the adjourned meeting of the Council of the City of St. Marys, State of Ohio, relating to the passing of Ordinance No. 1072. Meeting held Aug. 30, 1937.

Mont Youngs
Clerk of Council.

Adjourned Meeting

St. Marys, Ohio. Aug. 30, 1937.

Present: President Botkin

Members: Ferris, Goodwin, Hertenstein, Sullivan, Sunderland, Williams, Wirwille.

Ordinance No. 1072, vacating certain streets and alleys, was introduced.

Moved by Sunderland and seconded by Williams that Ordinance No. 1072 be read the first time.

Yeas: Ferris, Goodwin, Hertenstein, Sullivan, Sunderland, Williams, Wirwille.

Moved by Williams and seconded by Wirwille that Ordinance No. 1072 be read the second time under the suspension of rules.

Yeas: Ferris, Goodwin, Hertenstein, Sullivan, Sunderland, Williams, Wirwille.

Moved by Sullivan and seconded by Goodwin that the rules be suspended and Ordinance No. 1072 be read the third time.

Yeas: Ferris, Goodwin, Hertenstein, Sullivan, Sunderland, Williams, Wirwille.

Moved by Wirwille and seconded by Williams that Ordinance No. 1072 be passed as read and placed on file.

Yeas: Ferris, Goodwin, Hertenstein, Sullivan, Sunderland, Williams, Wirwille.

Attest: Mont Youngs
Clerk

L.E. Botkin
President of Council

The above Minutes will be found in Volume 12, Page 242 in the Records of Minutes of St. Marys, Ohio.

Ordinance No. 1072 is recorded on Page 532, Vol. 1, of the Ordinances and Resolutions of St. Marys, Ohio.

VOL 7 PAGE 156
CERTIFICATE OF PUBLICATION

ORDINANCE NO. 1072

To vacate Perry Street from the south line of the right-of-way of the Minster branch of the Lake Erie and Western Railway to the north line of Outlot 20, and from the south line of said Outlot 20, to the Greenville Road. Also, Oliver Street north of Lots 10 and 11 in Sweigart's Addition to said city. Also, the alley south of Lot 10 in said Sweigart's Addition. Also, the alley south of Lot 13 of Heusch and Mills Addition to said city.

WHEREAS, on the 9th day of July, 1937, a petition by persons owning most of the lots and lands in the immediate vicinity of Perry Street from the south line of the right-of-way of the Minster Branch of The Lake Erie and Western Railway to the north line of said Outlot 20, and from the south line of said Outlot 20, to the Greenville Road, also Oliver Street north of Lots 10 and 11 in Sweigart's Addition to said City; also, the alley south of Lot 10 in said Sweigart's Addition; also, the alley south of Lot 13 of Heusch and Mills Addition to said City, was duly presented to the Council, praying that said streets and alleys between the points named be vacated, and notice of the pendency and prayer of said petition has been given, as required by law, by publication in The Evening Leader of St. Marys, Ohio, a newspaper of general circulation in the corporation, for six consecutive weeks, ending August 21, 1937, and.

WHEREAS, the Council upon hearing, is satisfied that there is good cause for such vacation as prayed for, that it will not be detrimental to the general interest and ought to be made; Now, Therefore,

BE IT ORDAINED, by the Council of the City of St. Marys, State of Ohio:

Section 1. That Perry Street from the south line of the right-of-way of the Minster Branch of The Lake Erie and Western Railway to the north line of Outlot 20, and from south line of said Outlot 20, to the Greenville Road; also, Oliver Street north of Lots 10 and 11 in Sweigart's Addition to said City; also, the alley south of Lot 10 in said Sweigart's Addition; also, the alley south of Lot 13 of Heusch and Mills Addition to said City, be, and the same are, hereby vacated, subject, however, to the right of the City to erect, construct, maintain, operate, repair and renew storm sewers, sanitary sewers and police and fire alarm poles and wires, and the right of ingress and egress for any or all of said purposes, without, however, unnecessarily interfering with or curtailing the use of said streets and alleys so vacated for any of the purposes for which they are now, or may hereafter, be used and occupied. And, provided further, that the right-of-way and easement in said vacated streets and alleys of any lot owner shall not be impaired by said vacation.

Section 2. That this Ordinance be and remain in force from and after the earliest date allowed by law.

Passed August 20, 1937.

LOWELL E. BOTKIN,
President of Council
ALBERT M. KOCH,
Mayor

Attest:
MONT YOUNG,
Clerk

Notice is hereby given that a petition by the owner of most of the lots in the immediate vicinity of the following streets and alleys has been presented to the Council of the City of St. Marys, praying for the vacation of

Perry Street from the south line of the right-of-way of the Minster Branch of The Lake Erie and Western Railway to the north line of Outlot 20, and from the south line of said Outlot 20, to the Greenville Road.

Also, Oliver Street north of Lots 10 and 11 in Sweigart's Addition to said City.

Also, the alley south of Lot 10 in said Sweigart's Addition.

Also, the alley south of Lot 13 of Heusch and Mills Addition to said City, and that said petition is now pending before said Council and final action thereon, according to law, will be taken on and after August 25, 1937.

MONT YOUNG,
Clerk of the Council of the City of St. Marys, Ohio
Dated July 9, 1937.

J 10-17-24-31 A 7-14

State of Ohio, Auglaize County, ss:

On this 9th day of Sept A. D. 1937

personally appeared before the undersigned, a Notary Public within and for said County and State, A. C. BUSS, who being duly sworn, states on oath that he is Manager of **THE ST. MARYS EVENING LEADER**, a newspaper published daily at St. Marys, County of Auglaize, State of Ohio, and that the same is of general circulation in said County, and that the notice, a true copy of which is hereto annexed, was published in said newspaper

2 weeks in its issues of Sept. 2 - 9

A. D. 1937

Subscribed and sworn to before me this 10th day of

A. D. 1937

Pr's Fees \$ 1.39

Affidavit

Total, \$

Notary Public

KATHRYN C. GEIGER, Notary Public
In and for Auglaize County,
My Commission Expires April 4, 1938

CERTIFICATE OF PUBLICATION

State of Ohio, Auglaize County, ss:

On this 9th day of Sept A. D. 1937

personally appeared before the undersigned, a Notary Public within and for said County and State, A. C. BUSS, who being duly sworn, states on oath that he is Manager of **THE ST. MARYS EVENING LEADER**, a newspaper published daily at St. Marys, County of Auglaize, State of Ohio, and that the same is of general circulation in said County, and that the notice, a true copy of which is hereto annexed, was published in said newspaper

6 weeks in its issues of July 10 - 17 - 24 - 31

August 7 - 14

A. D. 1937

Subscribed and sworn to before me this 10th day of

A. D. 1937

Pr's Fees \$ 1.09

Affidavit

Total, \$

Notary Public

KATHRYN C. GEIGER, Notary Public
In and for Auglaize County,
My Commission Expires April 4, 1938

RECORDED & INDEXED

STATE OF OHIO, COUNTY OF AUGLAIZE, SS:

We hereby certify that the foregoing pages show all the proceedings had by the Council of the City of St. Marys, Ohio, in the vacation of certain streets and alleys described in Ordinance No. 1072 of said City.

Dated at Wapakoneta, Ohio, this September 13, 1937.

ANDERSON & LUSK, Attorneys,

By W. B. Anderson

88209

State of Ohio, Auglaize County, S. S.
Filed April 16th 1959
at 8:40 A. M.
Recorded April 16th 1959
Vol. No. 7 (Misc) Page 152-157
Fee \$4.90

Lila Hestner
RECORDER, AUGLAIZE CO., OHIO