

COURT OF COMMON PLEAS
ATHENS COUNTY, OHIO

George B. Rowan and
Alice H. Rowan,

Plaintiffs

vs.

The City of Athens, a
Municipal Corporation,
Leonard V. Fulton, et al,

Defendants

Cause No. 21782

ENTRY

May 2nd, 1960

ENVELOPE: 352A
ENTRY VACATING CLAIR STREET IN
HIGHLAND PARK ADDITION
ATHENS
Also see Speed V. Sumner 249
525
BAC

This cause came on for trial on the Petition of the plaintiff, all defendants, except the City of Athens, being in default for answer or demurrer, and the evidence, and on consideration, the Court finds that notice of the pendency, object of, and prayer for vacating Claire Street from Franklin Avenue to Spring Street in the Highland Park Addition to the City of Athens, Ohio, has been served upon the City of Athens, Ohio, and that all the remaining defendants have entered their appearance, waived the issuance and service of summons, and consented to the vacating of said Claire Street as prayed for in the Petition of the plaintiffs and have joined in the prayer for said vacation, and that notice by publication has been given in the Athens Messenger, a newspaper of general circulation in Athens County, Ohio, in accordance with the provisions of Section 723.10 of the Revised Code of Ohio.

WHEREFORE, the Court finds that said street, known as Claire Street, in the Highland Park Addition to the City of Athens, Ohio, is no longer of public use to the lot owners abutting thereon, nor to the public, and only of limited use to the City of Athens, Ohio, and the vacation of said street will be conducive to the general interest of said municipality and should be vacated.

IT IS THEREFORE Ordered, Adjudged, and Decreed that the Answer of the defendant, the City of Athens, be and is hereby dismissed, and that said Claire Street, in the Highland Park Addition to the City of Athens, Ohio, from Franklin Avenue to Spring Street, be and the same is hereby vacated, except that there is excepted and reserved unto the City of Athens, Ohio, the right to enter upon and construct, maintain, repair, and operate underground without the payment of damages, sanitary sewer lines, storm sewer lines, water lines, and any and all other underground constructions that said City may deem to be necessary for the health and welfare of said City of Athens.

It is further ordered, adjudged, and decreed that fifteen (15) feet of said surface land in said Claire Street so vacated adjacent to each lot abutting on said street on the Southwest side thereof, revert to the owner or owners of each abutting lot on said Southwest side as a matter of law.

It is further ordered, adjudged and decreed that fifteen (15) feet of said surface land in said Claire Street so vacated adjacent to each lot abutting on said street on the Northeast side thereof, revert to the owner or owners of each abutting lot on the said Northeast side as a matter of law.

It is further ordered that this Entry is to act as a conveyance to the abutting owners of the lots on said street of the said lands of said vacated street.

It is further ordered that plaintiff pay the costs of these proceedings for which judgment is rendered.

/s/ Francis D. White
JUDGE

APPROVED:

/s/ John F. Newcomb
Attorney for Plaintiff

/s/ William Rowland
Attorney for the Defendant,
The City of Athens

CLERK'S CERTIFICATION

The State of Ohio, Athens County, SS:

I, the undersigned Clerk of Courts of said County, hereby certify that the foregoing is a true and correct copy of the original Entry filed with me May 2, 1960. WITNESS my hand and official seal, this 2nd day of May, 1960.

/s/ PHILLIS L. CROSS
Clerk of Courts

SEAL

No. 50303

Transferred 5-31-60 (\$3.50)
Received June 1, 1960 - 10:40 A.M.
Recorded June 2, 1960

Fee: \$ 2.00

CLAUDIS E. CHAPPEL,
Recorder
Athens County, Ohio

ATTEST: Claudis E. Chappel,
Recorder