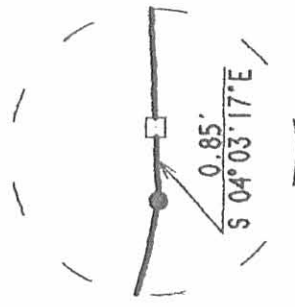


Received 4/16/04 JML

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD	BEARING
-------	-------------	--------	-----	---------	-------	-------	---------

C 1	56° 57' 00"	20.99'	20.86'	11.39'	20.02'		S 37° 58' 43" W
-----	-------------	--------	--------	--------	--------	--	-----------------



DETAIL SKETCH A

LOT 46

N 82° 52' 09" E
93.73'

LOT 45

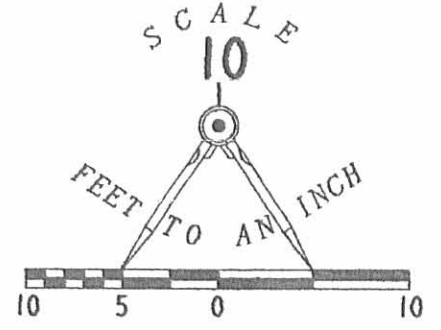
89.21'
N 69° 37' 51" W
BASIS FOR BEARINGS

PATH (20')

N 12° 37' 06" W
36.65'

49.00'
S 04° 03' 17" E

C1
20.86'



LEGEND

- 5/8 INCH IRON ROD SET
- 1 INCH IRON PIPE FOUND
- 5/8 INCH IRON ROD FOUND
- 1/2 INCH SQUARE IRON ROD FOUND

RETRACEMENT SURVEY OF
LOT 45
WATERBURY SUMMER RESORT
PLAT BOOK C, VOLUME 3, PAGE 1-2
VIRGINIA MILITARY SURVEY
9925, 9946, 10121
WASHINGTON TOWNSHIP
LOGAN COUNTY, OHIO



SURVEYED BY:
[Signature]
JEFFREY I. LEE
PROFESSIONAL SURVEYOR 6359
MARCH 31, 2004

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LEE SURVEYING & MAPPING CO., INC.
117 North Madriver Street
BELLEFONTAINE, OHIO 43311
(937) 593-7335

DAN D412 3778034 L-3778

INDIAN LAKE

N 01° 22' 27" W
21.97'

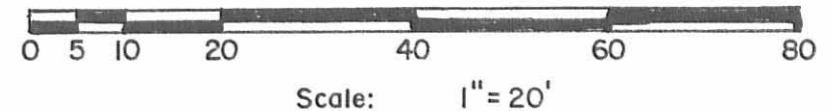
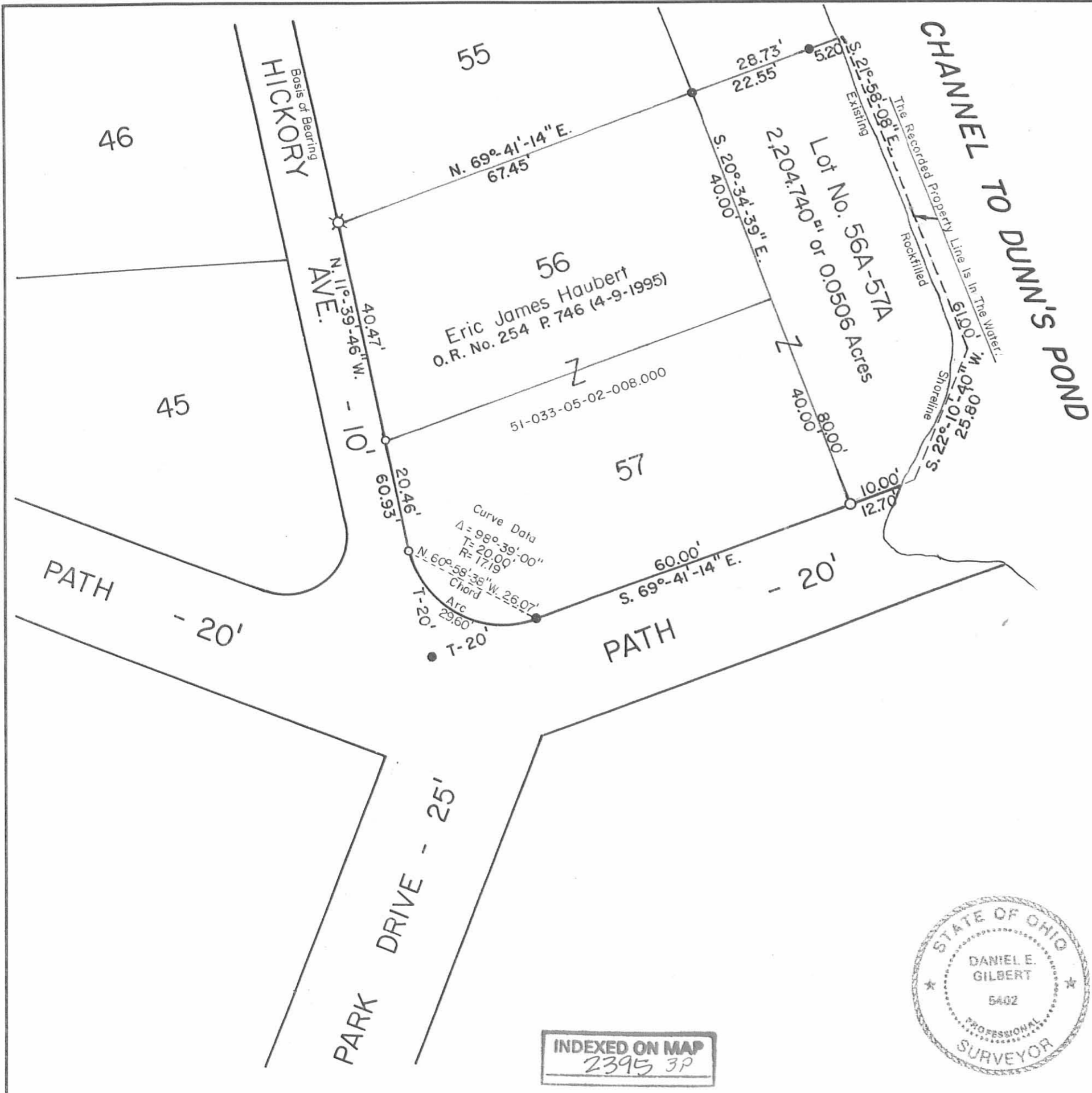
CONCRETE SEAWALL

HICKORY AVENUE (10')

2 WORKING DAYS
BEFORE YOU DIG
CALL TOLL FREE **800-362-2764**
OHIO UTILITIES PROTECTION SERVICE.

INDEXED ON MAP
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Rev 5-14-04 SMJ/ML



REFERENCES:

- Waterbury Summer Resort (8-12-1926) Plat Cab. A Slide 223-225.
- Waterbury Summer Resort (11-10-1976) Indian Lake Reservoir Lands. Plat Cab. A Slides 561-587.

SYMBOLS:

- o - 3/4" Iron Pipes Fd.
- O - 1" Iron Pipe Fd.
- ⊗ - 1" Round Iron Bar Fd. (8" Deep).
- - 5/8" x 30" Rebars Set. (DEG-LS 5402).

HAUBERT SURVEY - Lots No. 56-57 and 56A-57A, Waterbury Summer Resort, V.M.S. No. 9925, Washington Township, Logan County, Ohio.

SCALE: 1" = 20'	APPROVED BY:	DRAWN BY DEG
DATE: 5-8-2004		REVISED

Daniel E. Gilbert
 Daniel E. Gilbert, P.S.
 Reg. Sur. No. 5402

DRAWING NUMBER
 2004-017



INDEXED ON MAP
 2395 3P

GERALD L. HEATON
PROSECUTING ATTORNEY
OF
LOGAN COUNTY, OHIO

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Office Manager

Patricia A. Peck
IV-D Coordinator

Steven L. Skidmore
Victim-Witness Coordinator

Kimberly A. Purdon
Paralegal

Rita L. Robinson
Receptionist

AUG 23

August 23, 1993

Board of County Commissioners
Logan County Courthouse
Bellefontaine, OH 43311

RE: Petition Vacation Hearing
August 19, 1993

Dear Sirs:

I respond to your request of August 19, 1993 for my opinion regarding the legal status of the "path" designation on the plat map of the Waterbury Allotment. Specifically, you request whether or not you may act on a vacation petition presented to you for the vacation of one of those paths.

Ohio Revised Code §5535.01 divides the public highways of this state into three classes. State roads are the roads and highways on the state highway system. County roads include all roads which are or may be established as a part of the county highway system. Township roads are all public highways other than state or county roads.

A public highway or road is established in one of three ways: (1) By statutory dedication; (2) By dedication under the common law; (3) By eminent domain. Statutory dedication requires compliance with §5553.31 R.C. which requires that the plat of the lands together with a definite description of the property to be dedicated for road purposes must be presented to the Board of County Commissioners for approval and acceptance. It would then be placed upon the proper road records of the county. Common law dedication requires that the owner of the lands intended to and did give the property to the public and that the gift was accepted by the authorities whose duty it would be to care for the road or street if it should be established. The creation of a public highway or road by eminent domain requires compliance with

INDEXED ON MAP
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§5553.05 et. seq.

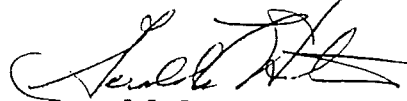
The plat map of the Waterbury subdivision evidences no approval or acceptance by the Board of County Commissioners of acceptance of the plat. The deeds to many of the interior lots, if not all, contain a grant of a right to "walk over paths and boulevard as shown on the plat". This is a conveyance of an interest in the paths and negates any showing of intention on the part of the owner creating the Waterbury Allotment to give or any gift of the paths to the public. Finally, I find no proceedings in the records of the Board of County Commissioners to create an improvement on these paths by eminent domain under §5553.05 et. seq. Therefore, it is my opinion and you are advised that the "paths" located on the plat of the Waterbury Allotment do not constitute public highways or roads as those terms are defined in Chapter 5553 of the Revised Code.

The petition filed in this matter, dated May 4, 1993, seeks to have a vacation of the paths pursuant to §5553.04 R.C. That section, in pertinent part, states:

When a petition signed by at least twelve freeholders of the county residing in the vicinity of the proposed improvement . . . is presented to the board requesting the board to . . . vacate . . . a public road . . .

Therefore the statutory authority of the Board of County Commissioners to vacate is dependent upon the property being a public road and therefore under their jurisdiction. In light of the finding made above, it is my opinion and you are advised that the Logan County Board of County Commissioners has no statutory authority to vacate the paths on Waterbury as they do not constitute public highways or roads as is contemplated by §5553.04 R.C.

Yours very truly,


Gerald L. Heaton