



# Stark County Auditor

## Tax Map Office

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To do a lot vacation in an unincorporated area take the following steps.

- 1.) The attached form entitled LOT VACATIONS IN AN UNINCORPORATED AREA must be carefully filled out. I suggest you have the owner or his(her) agent fill it out in the office and then have it checked it before the owner or his(her) agent submits it to any weekly paper.
- 2.) THE NAMES MUST APPEAR EXACTLY AS THEY ARE ON THE TAX DUPLICATE.
- 3.) Located in the township of -----
- 4.) The legal description must be written correctly, ie.. if they are whole lots then they must say all of lot(s) # -----, and if a portion of the lot is must say so, ie being ---feet of the ---- part of lot(s) number -----.
- 5.) Look up the correct name of the allotment in the lot index book.
- 6.) Look up the plat book and page in the lot index book.
- 7.) Again assure that the names appear just as they are on the tax duplicate. Stress that if this is not advertised correctly they may have to readvertise.

Ten days after second advertisement, the owner or his(her) agent needs to bring the original affidavit from the newspaper along with an original clipping of the notice.

The auditors map office then types a letter which the owner or his(her) agent then records along with the affidavit and the clipping from the newspaper.

The map office then creates a special work order to change the tax duplicate to indicate the legal description in acreage.

If the property is being resurveyed, property owner or his(her) agent must let the surveyor know that the lots have been or are in the process of being vacated, this is so that the surveyors new legal description refers to the lots as formerly known as or having been vacated by affidavit of publication.

Once the lots are vacated there must a new survey done before the property can be transferred

# LOT VACATIONS IN AN UNINCORPORATED AREA

## Auditor's Office Needs:

1. Original Affidavit from the Newspaper.
2. Clipping from the Newspaper of the publication. **THE PUBLICATION MUST FOLLOW THE GUIDELINES AS SET FORTH IN THE OHIO REVISED CODE (see example below).**
3. The notice must be published once a week for two weeks on consecutive days. (i.e. Monday and Monday, Tuesday and Tuesday, etc.)

## Example:

<p style="text-align: center;"><b>PUBLIC NOTICE</b></p> <p>_____ gives notice in accordance with the Ohio Revised Code Section 711.25 of his intention to vacate the following described real estate.</p> <p>Situated in the Township of _____, County of Stark, and State of Ohio known as and being Lot No(s). _____ in _____ as recorded in Plat Vol. _____, Page _____ Stark County Plat Records.</p> <p>_____ represents that he is the owner in fee simple of the above described real estate.</p>
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## OHIO REVISED CODE

### § 711.25 Vacation of lots not within a municipal corporation.

#### Text of Statute

Any person owning, either jointly or severally, either in his own right or in trust, and having the legal title to any land laid out in town lots, or having such title to any whole block of lots in any land laid out in town lots, and not within the limits of or under the control of a municipal corporation, may vacate such lots or block of lots upon giving notice of such intention for two weeks, in a newspaper published and of general circulation in the county in which such land lies. If any of such lots have been sold, personal written notice shall be given to the owner thereof.

### § 711.26 Auditor shall make changes and transfers.

#### Text of Statute

If no notice of an injunction granted against, or a dissent from, the vacation of lots under section 711.25 of the Revised Code is served upon the county auditor of the county where the lands lie by the owners of any of such lots, within ten days after the completion of the notice required by such section, such auditor shall make all necessary changes and transfers in and upon his duplicate after such ten days from the time of the completion of the notice, proof of which shall be furnished him.

### § 711.27 Certificate of auditor; record by recorder.

#### Text of Statute

The county auditor shall give to the party at whose instance a vacation of lots or blocks of lots is made under section 711.25 of the Revised Code a certificate stating that such lots or blocks have been vacated. Such certificate shall be presented to the county recorder, who shall write upon the plat of such lots or blocks the word "vacated." Such vacation shall have the same effect as if made by the judgment of a court having jurisdiction thereof. The auditor and recorder shall be entitled to such fees for their services under this section as those to which they are entitled in like cases, which shall be paid by the party making such vacation.