

Hubbard Road - from US 40 to Roberts Road

ROAD RECORD NO. 8

ROW was not stated
1950 FCE Map says 40'

ROAD RECORD NO. 8

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GEORGE HUBBARD ROAD.

Be it remembered that heretofore, to wit: At the September Session A.D. 1856, of the County Commissioners of Franklin County, Ohio, among other proceedings then and there had, were the following to wit: Tuesday, September 2nd, 1856. This day George Hubbard presented a petition for a New County Road in the Township of Prairie and Brown. Beginning for the same on the County Road leading from Amity Road to Big Darby Creek in Brown Township (in the County aforesaid) being the first public Road North of and running about parallel with the Columbus and Xenia Rail Road at a point on the ground belonging to the Colored Institute and where an extension of the partition line of Division between Thomas Biddle and George Hubbard, run ning north would intersect the said road. Thence in Southerly direction, through the land belonging to the Colored Institute aforesaid to the Northern point or end of the line

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(George Hubbard Road- Continued)

of Division between Thomas Biddle and George Hubbard, running north would intersect the said road; - Thence in a southerly direction, through the land belonging to the Colored Institute aforesaid to the Northern point or end of the line of division, as established between George Hubbard and D. L. Baker (Now the property of Thos. Biddle) Thence with such division line, as the center of the road, to where it would intersect the Columbus and Xenia Rail Road in Prairie Township; Thence continuing south or southwardly, with the aforesaid partition or division extended across the same Rail Road, and across the land of W.D. Mason the nearest and best route to the National Road in last named Township, and there ending.

Which said petition is in the words following, to wit:
To the Honorable, The Commissioners of Franklin County, O:

The petition of the undersigned free holders in said County, and residing in the vicinity where within proposed and described road is to be laid out, respectfully represent that the wants of the people and the good of the public, requires the establishment of a County Road, as hereinafter named and specified, and we most respectfully request you to established a County Road, as follows: Beginning for the same, on the County Road leading from Amity Road to Big Darby creek, in Brown Township (in the county aforesaid) being the first public road north of and running about parallel with the Columbus and Xenia Rail Road at a point on the ground belonging to the Colored Institute, and where an extension of the partition line of division between Thomas Biddle and George Hubbard, running north would intersect the said Road. Thence, in a Southeasterly direction through the lands belonging to the Colored Institute aforesaid to the northern point or end of the line of division established between George Hubbard and D. L. Baker (now the property of Thos. Biddle) Thence with such division line extended across the said Rail Road and across the lands of W.D. Mason the nearest and best route to the National Road in last named Township and there ending. Your petitioners respectfully signed that your honors would take such proceedings in the premises and under the Laws of Ohio in like cases made and provided as will establish and open such Road for Public uses. Prairie Township, Franklin County, June 8th, 1856.

GEORGE HUBBARD	WILLIAM BORLAND	THOMAS BIDDLE
SAMUEL W. FLENNIKEN	JACOB (X) MCCOY	HENRY FRANCIS
JACOB MAJOR	his mark	JAMES O'HARRA
W. RICHARD	H.S. HIGH	JAMES THOMAS
JOHN MAJOR.	JOHN LLOYD	HAWTHORE BAILEY.
	JOSEPH O'HARRA	
	JOHN MCCOY	

Accompanying said petition was a copy of the following Notice, to wit: Notice is hereby given that their will be a petition presented to the Commissioners of Franklin County at their next regular session, being on the first Monday of September next and the first day of the month praying for the location and estanlishing of a County road as follows: Beginning for the same on the Public Road or Highway leading from Amity Road to Big Darby Creek in Brown Township, being the first public road north and running about parallel with the Columbus and Xenia Rail Road at a point on the ground belonging to the Colored Institute, and where an extension of the partition line of division between Thomas Biddle and George Hubbard running north, would intersect the said Road, Thence on a south-easterly direction through the Land belonging to the Colored Institute aforesaid to the northern point or end of the line of division, as established between L.L.Baker and Geo.Hubbard; Thence with such division line as the centre of the Road to where it would intersect the Columbus and Xenia Rail Road in Prairie Township; Thence continuing south or southwardly with the aforesaid partition or division line extended across the said Rail Road and across the lands of W.D. Mason the nearest and best route to the National Road, and ending. Many Petitions. July 29-'56. (PAGE NO. 229)

At the same time George Hubbard produced the affidavit Gamaliel Scott (Printer) stating that the above "NOTICE" had been published in THE "COLUMBUS GAZETTE", a Newspaper of General circulation in the County of Franklin for four consecutive weeks before the meeting of the County Commissioners.

George Hubbard at the same time made oath that he had stuck a "Notice" in the Auditor's Office four consecutive weeks before the meeting of the County Commissioners. - And at the same time C.T. Johnson made Affidavit that he had stuck up three notices in Brown and three in Prairie Townships four consecutuve weeks before the meeting of the County Commissioners. George Hubbard at the same time made oath that twelve of the petitioners were freenolders.

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At the same time the said petitioners and executed the following Bond, to wit:

KNOW ALL MEN BY THESE PRESENTS; That we, George Hubbard and Thomas Biddle are held and firmly bound unto the State of Ohio, for the use of Franklin County; in the just and full sum of One Hundred Dollars, the payment of which, well and truly to be made, we bind ourselves, our heirs, &c, jointly and severally, firmly by these presents. Witness our hands and seals, the first day of September in the year 1856.- The condition of the above obligation is such, That whereas the above bound George Hubbard has petitioned the County Commissioners for a new County Road in Brown and Prairie Townships. Now if the said Hubbard shall succeed in his petition, then this obligation to be void and of no effect, otherwise to remain in full force in law.

GEORGE HUBBARD (SEAL)
THOMAS BIDDLE (SEAL)

Thereupon the Commissioners appointed Horton Howard, Aaron Clover and Joseph O'Harra, Viewers, and W.W.Pollard, Surveyor, and ordered that they be duly notified of their appointment. Whereupon there was issued from the Office of the Auditor of said County the following Order, to wit:

HORTON HOWARD, -AARON CLOVER and JOSEPH O'HARRA, Viewers;
W.W.POLLARD, Surveyor.
GENTLEMEN:

AUDITOR'S OFFICE FRANKLIN COUNTY,
COLUMBUS, SEPTEMBER 5, 1856.

You have been appointed by the Commissioners of this County to View and Survey a route for a new County road in Brown and Prairie Townships as follows: Beginning for the same on the County road leading from Amity Road to Big Darby creek in Brown Township, being the first Public Road north of and running about parallel with the Columbus & Xenia Rail Road at a point on the ground belonging to the Colored Institute & where an extension of the partition line of division between Thomas Biddle and George Hubbard running North would intersect the said road. Thence in a southeasterly direction, through the Lands belonging to the Colored Institute aforesaid to the Northern point or end of the line of divisions as established between George Hubbard and J.L.Baker. Thence with said division line, the centre of the road to where it would intersect _____

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(George Hubbard's Road- Continued)

the Columbus and Xenia Rail Road in Prairie Township. Continuing south or southwardly with the afore-said partition or division line, extended across the said Rail Road, and across the Lands of W.D. Mason, the nearest and best route to the National Road in the last named Township and there ending.

You will therefore please meet at the place of beginning as within specified on the 16th day of September or within five days thereafter and proceed to view and survey said route according to Law, and make true report thereof to this Office on or before the first Monday of December next.

Yours Respectfully,
JOHN M. PUGH,
Clerk of Commissioners.

BROWN TOWNSHIP, FRANKLIN COUNTY, OHIO,
SEPTEMBER 16th, 1856.

Personally came before me Horton Howard, Aaron Clover and Joseph O'Harra, the within named Viewers, and made solemn Oath that they would faithfully and impartially preform the duties devolving upon them by virtue of this instrument.
W.W.POLLARD, Surveyor,
Franklin County, Ohio

And afterwards, to wit: In due time said Order was duly returned to said Auditor's Office with the following reports of the Surveyor and viewers together with a complete plat of the Survey of said Road; The Report of the Surveyor is the following words, to wit:

Beginning at a stake in the centre of the County Road, leading from the Amity Road westwardly across the Big Darby Creek in the South - line of Union Seminary Lands northwest corner to Thomas Biddle land and northeast corner to George Hubbards land; Thence along said Biddle and Hubbards line S. 24°-E. one mile one hundred and thirty one and a half poles to the stone in the North bank of the Columbus and Xenia Rail Road, Thence at right angles with the Rail Road S. 11°-10' E. 6 poles to a stake in the South bank of said Rail Road; Thence S. 21°-15' E. through W.D.Mason's Land, two hundred and twenty-one and eighty hundreths poles to a stake in the National Road passing through the centre of the Gate leading from said National Road into said Masons Pasture and there ending, making the whole distance two (2) miles, Thirtynine & Thirty hundreths (39- 30/100) poles.

W.W.POLLARD, Surveyor F.C.O.

To the Commissioners in and for the County of Franklin, Ohio; greeting:

Pursuant to the annexed order we the undersigned Viewers therein named met agreeably to "Notice" given with W.W.Pollard, Surveyor (so named in said order) at the point of Beginning for said road as prayed for in South line of Union Seminary ground on the sixteenth day of September A.D. 1856 and proceeded to view and survey said route for Road as prayed for, taking for our assistance Samuel Warrell and William Burkhardt as chain Carriers, and C.P.Johnson as Marker, and did view and Survey and mark said Route for Road as shown on the plat described above made by W.W.Pollard the surveyor. Said plat and description being true representation of said Road as Surveyed. We do most respectfully report in favor of the Road as prayed and surveyed beleiving that the public convenience requires a Road at or near that point and we are of opinion that a good public highway can be made along this line at reasonable expense. We also assess damages in favor of W.D.Mason for the use of his ground and for fencing to the amount of \$220. he having filed his written claim for damages.

Signed this 15th day of November A.D. 1856.

H.HOWARD)
AARON CLOVER) Commissioners.
JOSEPH O'HARRA)

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I certify that Samuel Worrel and William Burkhardt, Chain Carriers, and J.P.Johnson, Marker, in this Survey were duly qualified before me faithfully and impartially to preform the duties respectfully assigned them.
Sept. 16, 1856.

W.W.POLLARD, S.F.C.O.

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1st Reading. And afterwards, to wit: At the December Session of the County Commissioners, said report was taken up and read first time.

2nd Reading. And afterwards, to wit: On the second day of said December Session being the second day of said month, said report was taken up and read second time.

3rd Reading. And afterwards, to wit: On the third day of said December Session of the County Commissioners, said report was again taken up and read the third time, and the Commissioners being of opinion that said road was of public utility ordered the same to be established and recorded in accordance with the report of the Surveyor and Viewers. Thereupon W.D.Mason, through his Attorney, - Thomas Sparrow, Esq., gave "Notice" that an appeal would be taken for a review, which was granted.

And afterwards, to wit: In due time the following petition was presented for a review; in words following, to wit:

TO THE COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

The undersigned freeholders of said County living in the vicinity of the Road petitioned for by George Hubbard & others and described as follows: Beginning in the County road leading from Amity Road to Big Darby Creek in Brown Township (in the County aforesaid) being the first public road North of and running about parallel with the Columbus & Xenia Rail Road at a point on the ground belonging to the Colored Institute & where an extension of the partition line of Division between Thomas Biddle & George Hubbard running North would intersect the said Road. Thence a southeasterly direction through the land belonging to the Colored Institute aforesaid to the Northern point or end of the line of division, as established between - George Hubbard & J.L.Baker (now the property of Thomas Biddle); Thence with such division line as the centre of the Road, to where it would intersect the Columbus & Xenia Rail Road in Prairie Township. Thence continuing south or southwardly with the aforesaid partition or division line extended across the said Rail Road & across the lands of W.D.Mason the nearest and best Route to the National Road; in the last named Township and there ending; respectfully petition for a review of much of said Road as lies between the Columbus and Xenia Rail Road and the National Road across the land of W.D.Mason.

Your petitioners beleive and so represent that the Viewers of said Road have not allowed said Mason adequate damages for the injury sustained by said road crossing his farm. Your petitioners further represent that the road already opened by said Mason, W.Y.Emet and David Howard furnishes sufficient and adequate accomodation to the public.

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Your petitioners therefore pray that a review of so much of said Road above described as his, between the C.X.R.R. and the National Road may be granted as provided by law. Dec.3,1856.

W.D.MASON G.C.DEEMS
DAVID HOWARD Z.POSTLE
ISAAC INGALLS JAS.MCWILLIAMS
HIRAM INGALLS LORENZO ALLEGRE
J.K.YOUNG WILLIAM LISLE
O.S.ELLIOTT SML.BLOOD.

At the same time W.D.Mason entered into Bond with the County in words following, to wit: KNOW ALL MEN BY THESE PRESENTS;

That W.D.Mason and Jonas M.McCune are held and firmly bound unto the State of Ohio for use of Franklin County, in the just and full sum of One Hundred Dollars the payment of which well and truly to be made, we bind ourselves, our heirs, &c, jointly and severally firmly by these presents. Witness our hands and seals the fifteenth day of December in the year 1856.

The condition of the above obligation is such, That whereas the above bound W.D.Mason this day presented a petition for a Review on the road established at the December Session of the County Commissioners A.D.1856, on the petition of George Hubbard and others in Prairie and Brown Township. Now if the said Mason shall succeed in his petition, then this obligation to be void and of no effect, otherwise to remain in full force in Law.

H.D.MASON (SEAL)
J.M.McCune (SEAL)

Whereupon there was issued from the office of the County Auditor the following Order, in words to wit:

AUDITOR'S OFFICE FRANKLIN CO.---
COLUMBUS, DEC. 22,1856.

DAVID TAYLOR)
JARED FORSMAN)
ALEXANDER MOOBERY) REVIEWERS.
DAVID S.FANCHER and)
JOSEPH WELLS)

GENTLEMEN:

You have been appointed by the Commissioners of Franklin County to REVIEW the following road which was established on the petition of George Hubbard and others in Prairie and Brown Townships, to wit: Beginning at stake in the centre of the County Road leading from the Amity Road westwardly across the Big Darby creek in the south line of Union Seminary Lands northwest corner to Thomas Biddle's land and northeast corner of George Hubbard's line S. 24°-E. one mile One hundred and Thirty one and a half Poles to a stone in the north bank of the Columbus and Xenia Railroad; thence at right angles with the Railroad S. 40°-10' E. 6 poles to a stake in the south bank of said Railroad; thence S. 21°-15' E. through W.D.Mason's land two hundred and twenty one and eighty hundredths poles to a stake in the centre of the National Road passing through the centre of the gate leading from said National Road into Mason's Pasture and there ending, making the whole distance Two miles, Thirty-nine and thirty hundredths (2 miles, 39- 30/100 poles.

You will therefore please meet at Road on the 16th day of February A.D.1857 or within five days thereafter and make due return thereof to this Office on or before the first Monday in March next.

Respectfully Yours,
JOHN M. PUGH,
Clerk to Commissioners

And afterwards, to wit: In due time said order was returned to said Auditor's Office with the following endorsements thereon, to wit:

THE STATE OF OHIO, FRANKLIN COUNTY, SS.-

Personally appeared before me, the within named David Taylor Jared Forzman, Alexander Moobery, David S.Fancher and Joseph Wells and were duly sworn by me to perform the duty of appraisers as required in the within order.

Witness my hand and official seal this 16th day of Febr. 1857.
WM.JAMISON, Probate Judge.

And accompanying said order was the report of the Reviewers in words following, to wit: TO THE COMMISSIONERS OF FRANKLIN COUNTY, OHIO; GENTLEMEN:

The undersigned Reviewers appointed by your Honorable body to review the road petitioned for by George Hubbard and others in Prairie and Brown Townships, beg leave to make the following report:

We have examined said route for the proposed road, and recommend the establishment of same, believing it to be of public utility. and we do also assess to W.D. Mason, Three Hundred and fifty-one Dollars and Eighty cents damage. February 17, 1857.

Fees--
A. Moobery 3.00 paid
D.Taylor 3.00 paid
Jos.H.Wells 3.00 paid
Jared Forsman 3.00 paid
David S.Fancher 3.00 paid.
ALEXANDER MOOBERY
DAVID TAYLOR
JOSEPH WELLS
JARED FORSMAN
DAVID S.FANCHER.

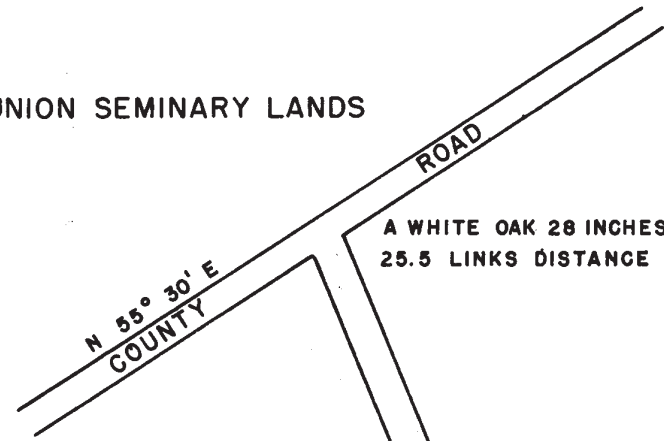
And afterward, to wit: At the March Session 1857 of the Said County Commissioners, said report was taken up and read the first time.

And afterwards, to wit: On the third day of the same session the said County Commissioners, said report was again taken up and read the third time; and no objection being made against the establishment of said road, and the Commissioners being of the opinion that said road would be of Public Utility, the same was therefore established in accordance with the Report of the Reviewers and the former Viewers, and that the County pay One Hundred and 80/100 Dollars of the Damage awarded by said Reviewers.

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UNION SEMINARY LANDS



GEORGE HUBBARD'S LAND

THOMAS BIDDLE'S LAND

