

ROAD RECORD NO.10

PAGE NO.17

THEODORE LEONARD ROAD

IN THE MATTER OF THE COUNTY ROAD PETITIONED FOR BY THEODORE LEONARD AND OTHERS IN MARION & CLINTON TPS. FRANKLIN COUNTY, OHIO.

Taylor Avenue - from Mt. Vernon Avenue to Fifth Avenue ROW = 40'

Fifth Avenue - from Taylor Avenue to Cleveland Avenue ROW = 50'

ROAD NOTICE. *****

NOTE: See the Surveyor's Report for more information regarding the road alignments and the right-of-way

NOTICE IS HEREBY GIVEN, That a petition will be presented to the Commissioners of Franklin County, at the next session MARCH A.D. 1877, praying for the location of a County Road on the following line, to-wit:

Beginning at Toll House on the Johnstown pike; thence north on Reed Avenue, near the residence of Theodore Leonard, on the township line between the township of Marion and Clinton; thence running in a westerly course through the lands belonging to Theodore Leonard, Joyce & Miller, Miller & Joyce, T.E. Miller, and R.C. Hurd, English & Monypeny, Samuel Israel, Miller & Joyce, R.C. Hurd, John Schuhardt, Miller & Joyce, Bidleman Hrs', J. Peters and M. & J. Kingery, terminating on the Westerville Pike at the toll gate, located near said Kingery's west line.

T. Leonard and others. Petitioners.

January 30th, A.D. 1877.

AFFIDAVIT THAT COPIES OF THE ABOVE NOTICE WERE DULY POSTED UP. *****

THE STATE OF OHIO,) T. Ewing Miller having been first duly sworn states that on the _____ day Franklin County, ss.) of _____ 18 _____, and at least thirty days before the first Monday of March 1877, he set up copies of the foregoing notice at the Auditor's Office, in said County, and at eight public places in the Township of Marion and Clinton in which said road is proposed to be laid out and established.

(Signed) T. Ewing Miller.

Sworn to and subscribed before me, this 31st day of January A.D. 1877.

AFFIDAVIT OF PRINTER. *****

THE STATE OF OHIO,) I, James Hagerty being duly sworn, depose and say, that the foregoing notice Franklin County, ss.) was published one time a week for four consecutive weeks prior to March 5 A.D. 1877, in The Ohio State Journal, a newspaper printed in said County of Franklin, State of Ohio, and of General circulation therein, and that the first publication was made February 3d A.D. 1877.

James Hagerty

Sworn to before me, and signed in my presence, this 5th day of Mar. A.D. 1877.

R.B. Smith, Notary Public Franklin Co.

ROAD PETITION *****

FOR A COUNTY ROAD IN MARION & CLINTON TOWNSHIPS. *****

To the Board of Commissioners of Franklin County, Ohio:

The undersigned petitioners, resident freeholders of said County, respectfully represent that the public convenience requires the establishment of a County (50 feet wide) road on the line hereinafter described; and pray that your body will institute and order the proper proceedings in the premises to locate and establish such road, to-wit: Beginning at Toll House on the Johnstown Pike; thence north on Reed Avenue, near the residence of Theodore Leonard on the township line between the townships of Marion and Clinton; thence running in a westerly course through the lands belonging to Theo Leonard, Joyce & Miller, Miller and Joyce. T.E. Miller and R.C. Hurd, English & Monypeny, Samuel Israel, Miller & Joyce, R.C. Hurd, John Schuhardt, Miller & Joyce, Bidleman Hrs'. J. Peters and M & J Kingery terminating on the Westerville Pike, at the toll gate, located near said Kingery's west line.

DATED THIS Twenty fifth day of July A.D. 1877.

PETITIONERS' NAMES.	PETITIONERS' NAMES.	PETITIONERS' NAMES.	PETITIONERS' NAMES.
Theodore Leonard	Wm. Monypeny	Miller & Hurd	John Schlereth
John Joyce	A.J. Bidleman	T.E. Miller	
John C. English	M. Kingery	J.P. Bidleman	
Samuel Israel.	G.E. Roberts.	Hard's Heirs	

COLUMBUS, OHIO, March 5th 1877.

The Commissioners met in regular session at the Auditor's Office, and the following proceedings were had, to-wit:

KNOW ALL MEN BY THESE PRESENTS, *****

That we Theodore Leonard and _____ are held and firmly bound unto the State of Ohio, for the use of Franklin County, in the penal sum of One Hundred (100) Dollars, for the true and faithful payment of which, well and truly to be made, we bind ourselves, jointly and severally, our heirs, executors and administrators, by these presents.

Sealed with our seals, and Dated at Columbus, Ohio, this 5th day of March A.D. 1877.

THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, That whereas application has been made to the Board of Commissioners of said Franklin County for the establishment of a County road on the following line, to-wit:

Beginning at Toll House on the Johnstown Pike; thence north on Reed Ave. near the residence of Theodore Leonard, on the Township line between the townships of Marion and Clinton; thence running in a westerly direction through the lands belonging to Theo. Leonard, Joyce & Miller, Miller & Joyce, T.E. Miller and R.C. Hurd, English & Monypeny, Samuel Israel, Miller & Joyce, R.C. Hurd, John Schuhardt, Miller & Joyce, Bidleman Hrs' G.W. Rice, J. Peters, M. & J. Kingery terminating at the Westerville Pike, at the Toll gate, located near said Kingery's west line.

Now, if the said Applicant shall pay into the Treasury of the said County, the amount of all costs and expenses accruing thereon, in case the prayer of said petitioners shall not be granted, or when the proceedings had in pursuance thereof shall not be finally confirmed and established, then this obligation to be void; otherwise to be in full force in law.

ATTEST:) Theodore Leonard (SEAL)
)
) (SEAL)
) (SEAL)

Which bond is accepted and approved. And it appearing that the foregoing petitioners have fully complied with the law in regard to said petition, it is ordered that G.S. Innis, Frederick Beck and Jacob Zettler, three disinterested freeholders of Franklin County, Ohio, be and they are hereby appointed Viewers, and B.F. Bowen Surveyor of said proposed County road and that they meet at T. Leonard's residence on the 11th day of April at two o'clock P.M., and after being duly sworn, proceed to the discharge of the duties of their several appointments, according to law. It is further ordered that the County Auditor issue the necessary order to the said Viewers and Surveyor, and that said Viewers and Surveyor report their proceedings in the premises to this board, at its next regular session.

Whereupon the County Auditor issued to said Viewers and Surveyor the following order, viz:

G.S. Innis,) AUDITOR'S OFFICE, Franklin County, Ohio.
Jacob Zettler,) VIEWERS. Columbus, March 17th, 1877
Fred Beck.)

Gentlemen: You were appointed by the County Commissioners of Franklin County, Ohio, to view and lay out a proposed County Road on the following route, as petitioned for by Theo Leonard and others to-wit: Beginning at Toll House on the Johnstown Pike; thence north on Reed Avenue near the residence of Theo Leonard, on the Township line between the Townships of Marion and Clinton, thence running in a westwardly direction through the lands belonging to Theo Leonard, Joyce & Miller, Miller & Joyce, T.E. Miller and R.C. Hurd, English & Monypeny, Samuel Israel, Miller & Joyce, R.C. Hurd, John Schuhardt, Miller & Joyce, Bidleman Hrs'. G.W. Rice, J. Peters, M. & J. Kingery, terminating on the Westerville Pike at the Toll Gate, located near said Kingery west line.

You will therefore meet on the 11th day of April, 1877, at residence, T. Leonard, the place designated as the beginning of said road, or alteration, and after taking an oath or affirmation, faithfully, and impartially to discharge the duties of your appointments respectively, you shall take to your assistance, two suitable persons as Chain-Carriers, and one Marker, and proceed to view and lay out said road, or alteration, as prayed for in the above petition, or as near the same as in your opinion a good road can be made at a reasonable expense; taking into consideration the utility, convenience and inconvenience, and expense which will result to individuals, as well as to the Public. And said Viewers shall, in addition to their duties as Viewers, also at the same time assess and determine the compensation to be made to the land owners across which the road is to be located, and the damages sustained by any person through whose premises the road is proposed to be established; and the said Viewers shall make and sign a report in writing, stating their opinion in favor of or against the establishment or alteration of said road, or any part thereof, and set forth the reasons of the same; which report, together with the plan and survey of said road or alteration, shall be delivered to the County Auditor by one of the Viewers on or before the first day of our session in June next. Said Viewer shall also determine the width of said road, which cannot be more than 60 feet wide.

AND FURTHER, it shall be the duty of the Viewers aforesaid, at the same time at which they are required to make their report of the view, to make a separate report in writing, stating the amount of the compensation to be made to the owners of the land across which the road is to be located, and the damages, (if any), and to whom, which by them have been assessed, and be further governed in their proceedings under this order by the provisions of the statute in such case made and provided.

By Order of the Commissioners,
L.T. Strader, COUNTY AUDITOR.

NOTICE TO LAND OWNERS OF THE TIME AND PLACE OF HOLDING VIEW.

TO Mrs H.R. Huffman, Messers P.O'Day, John Slup, Felix Tyfel, John Schlereth, John Peters, J.R. Bidleman Hrs' Moses Raymond;

You are hereby notified that the viewers and Surveyor appointed by the Commissioners of Franklin County, Ohio, in their order of _____ 1877, to lay out and survey the County road petitioned for by the undersigned and others, will meet at T. Leonard's residence on the 11th day of April A.D. 1877, for the purpose set forth in said order.

DATED THIS _____ DAY OF _____ A.D. 1877
Theo Leonard, PRINCIPAL PETITIONER.

PROOF OF SERVICE.

THE STATE OF OHIO,) Theodore Leonard Jr. having been first duly sworn, states, that on the
Franklin County, ss.) day of May 1877, (being not less than six days before the time appointed for the meeting of said Viewers and Surveyor,) he served a copy of the foregoing notice upon H.R. Huffman, P.O'Day, John Slup, Felix Tyfel, John Schlereth, John Peters, J.R. Bidleman Hrs', Moses Raymond

(Signed) Theodore Leonard, Jr.
Sworn to and subscribed before me, this 23d day of May A.D. 1877.

THE STATE OF OHIO,) BE IT REMEMBERED, That on this 11th day of April A.D. 1877, personally
Franklin County, ss.) appeared before me, B. F. Bowen a Notary Public in and for said County, G.S.
Innis and Frederick Beck and J.M. Montgomery, Viewers, James Caren and Theodore Leonard Jr. Chain Car-
riers, and _____ Marker, of a County road petitioned for by Theodore Leonard and others,
and were by me duly sworn to the faithful and impartial performance of their respective duties.

B.F. Bowen, Notary Public
Franklin C.

The STATE OF OHIO,) BE IT REMEMBERED, That on this 10th day of April A.D. 1877, personally
Franklin County, ss.) appeared before me, L.T. Strader an Auditor in and for said County, Benjamin F.
Bowen, Surveyor of _____
of a County road petitioned for by Theodore Leonard and others, and were by me duly sworn to the faith-
ful and impartial performance of their respective duties.

L.T. Strader, Co. Auditor,
Franklin Co.

SURVEYOR'S REPORT.

TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

The undersigned in obedience to your order dated, March 1877, proceeded, on the 11th day of April,
1877, to survey and mark the road described in said order, under the direction of the Viewers therein named,
and respectfully submits the following return of said survey:

Beginning at the intersection of Mt Vernon Ave. (designated in the order as the Johnstown Pike)
and Reed Avenue near the old Toll house; thence north 2 30' E. on the section line I64 60/100 poles to the
south line of Clinton Township, also north line of Marion Township; thence on the line between Marion and
Clinton Townships, N. 87° 45' W. 321 poles to Shoemaker lane; thence continuing same course in same line
I60 40/100 poles to the Westerville Pike at the Toll gate. See plat hereto attached for more definite
description of land through which the road passes.

In that portion of the road surveyed between Mt. Vernon Ave. and the township line, there are
seven (7) feet of the road taken east of the section line and thirty three (33) feet west of said line.
All other portions of the section or township line is in the center of the road. The whole distance
surveyed is two miles and six rods.

(SEE PLAT AT END OF RECORD)

REPORT OF VIEWERS.

TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

In obedience to your order, issued at your March session A.D. 1877, we, the undersigned, Viewers app-
ointed under said order, met with B.F. Bowen Surveyor, at Theo Leonard's Res. on 11 day of April A.D. 1877, and
were severally sworn to discharge, faithfully and impartially, the duties required of us in said order.

(If any Viewer is unable to attend, here state by whom the vacancy was filled.)

Jacob Zettler one of the Viewers named in the order failed to appear at 2 O'clock at which time
G.S. Innis and Fred Beck two of the Viewers and B.F. Bowen, the Surveyor appointed, J.M. Montgomery in place
of Jacob Zettler _____.

James Caren and Theo Leonard Jr. were selected by us as chain-carriers and _____
as Marker, who were also duly sworn.

We then proceeded to view said proposed County road on the line described in your order, and
caused the same to be surveyed, "as prayed for in the petition, or as near the same as in our opinion
a good road can be made at a reasonable expense, taking into consideration the utility, convenience and
inconvenience and expense which will result to individuals as well as the public," by the location of
said road, as follows:

Beginning at intersection of Johnstown Pike and Reed Avenue, near the old Toll house; thence
north 2° 30' E on the line of the private road leading to the residence of Theodore Leonard, I64 60/100
poles to the north line of Marion Township, also south line of Clinton Township; thence on said line N
87 45' W 481 40/100 poles to the Westerville Pike at the Toll Gate. Whole distance two miles and six
rods.

We would respectfully report that the said Road ought to be located and established for the
following reasons: That a road can be made very cheaply on the line surveyed and that it will be a
public convenience.

We have also determined that the public convenience requires that said road shall be forty
feet (40) wide from the Johnstown pike to the S. line of Clinton Tp. and fifty feet wide on the Tp. line
from T. Leonard's residence to Westerville Pike.

We have also determined that the public convenience requires that such _____
shall be established _____ feet in width.

All of which is respectfully submitted,)
April, 21st. 1877.)

G.S. Innis,)
J.M. Montgomery,) VIEWERS.
Fred Beck.)

FEEES.

G.S. Innis, VIEWER, 2 DAYS, \$ 3.00 ***** James Caren, CHAINMAN, 1 DAYS, \$ 1.25
J.M. Montgomery, " 2 " \$ 3.00 ***** Theo Leonard, Jr. " 1 " \$ 1.25
Fred'k. Beck. " 2 " \$ 3.00 ***** MARKER " \$

4 DAYS SURVEYOR, 4 DAYS, \$20.00

SEPARATE REPORT OF VIEWERS.

TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

The undersigned Viewers of the County Road petitioned for by Theo Leonard and others, make the following separate report of the compensation and damages assessed and awarded by them to persons entitled thereto. The parties named below have filed their written applications for the said allowances, according to law, and the same are hereto appended and returned with this report.

Compensation for land taken for said road has been awarded the following sums:

TO Bidleman Heirs, 3/4 Acres @ \$ 75.00	\$ 131.50 DOLLARS;
TO J.H. Peters, 27/100 Acres @ \$ 150.00	\$ 40.50 DOLLARS;
TO _____	DOLLARS;
TO _____	DOLLARS;
TO _____	DOLLARS;
TO _____	DOLLARS;

Each of the above sums has been assessed "without deduction for benefits to any property of the owner, which would accrue by the opening of said road."

The following sums are allowed as damages to be paid to claimants whose premises will be rendered less valuable by the opening and construction of said road through the same:

TO _____	DOLLARS;
TO _____	DOLLARS;
TO _____	DOLLARS;
TO _____	DOLLARS;
TO _____	DOLLARS;

G.S. Innis,) Viewers and
F.C. Beck,) Jurors to
Jas. M. Montgomery,) Award Damages.

Columbus, O. April, 21st 1877.

COLUMBUS, OHIO, June 4th, 1877

The Commissioners met in regular session, and the report of the Surveyor and Viewers appointed to survey and view the road, as described in the foregoing petition, was read for the first time.

ATTEST:))
L.T. Strader)	I.S. Beekey,) COMMISSIONERS.
County Auditor.)	D.B. Strait.)

COLUMBUS, OHIO, June 5th, 1877

The Commissioners met in regular session, and the report of the Surveyor and Viewers appointed to survey and view the road, as described in the foregoing petition, was read the second time.

ATTEST:))
L.T. Strader,)	I.S. Beekey,) COMMISSIONERS.
County Auditor.)	D.B. Strait.)

COLUMBUS, OHIO, June 6th, 1877

The Commissioners met in regular session, and in the matter of the petition of Theodore Leonard and others for a County road, the report of the Viewers in relation to establishment of the same, was this day publicly read, being the third reading of the same, and said Viewers having filed a separate report to land owners by reason of the location of the said road through their several premises; said report was also publicly read; and the Board being of the opinion that the compensation and damages, awarded by said Viewers to the several claimants to wit:

Bidleman Hrs' Compensation for land 3/4 A. \$131.50 and J.H. Peters 27/100 A. \$40.50 is reasonable and just. Further action in this matter was postponed until to-morrow, June 7, for want of time for proper consideration, and all parties present interested in the same were notified to be present.
Co. Comr's.

COLUMBUS, OHIO, June, 7th, 1877

The Commissioners met in Regular Session, and proceeded to consider the Viewers' report in favor of the road petitioned for by Theo Leonard and others. The Board being of the opinion that the whole of said road as laid out and surveyed will not be of public utility but that so much of the same as lies between the beginning of said road at the intersection of Mt Vernon Ave. (designated in the order as the Johnstown Pike) and terminating at the crossing of Shoemaker's lane, will be useful to the public and that said road is capable of division, and no objections being made, no damages claimed, nor petition for review filed on that part of said road, it is therefore ordered that the aforesaid useful part of said road be established a public highway, and that the plat and survey of said road be recorded according to law.

ATTEST:	
L.T. Strader,	I.S. Beekey,)
Auditor.	D.B. Strait.) Co. Comr's.

SEPTEMBER 5th 1877.

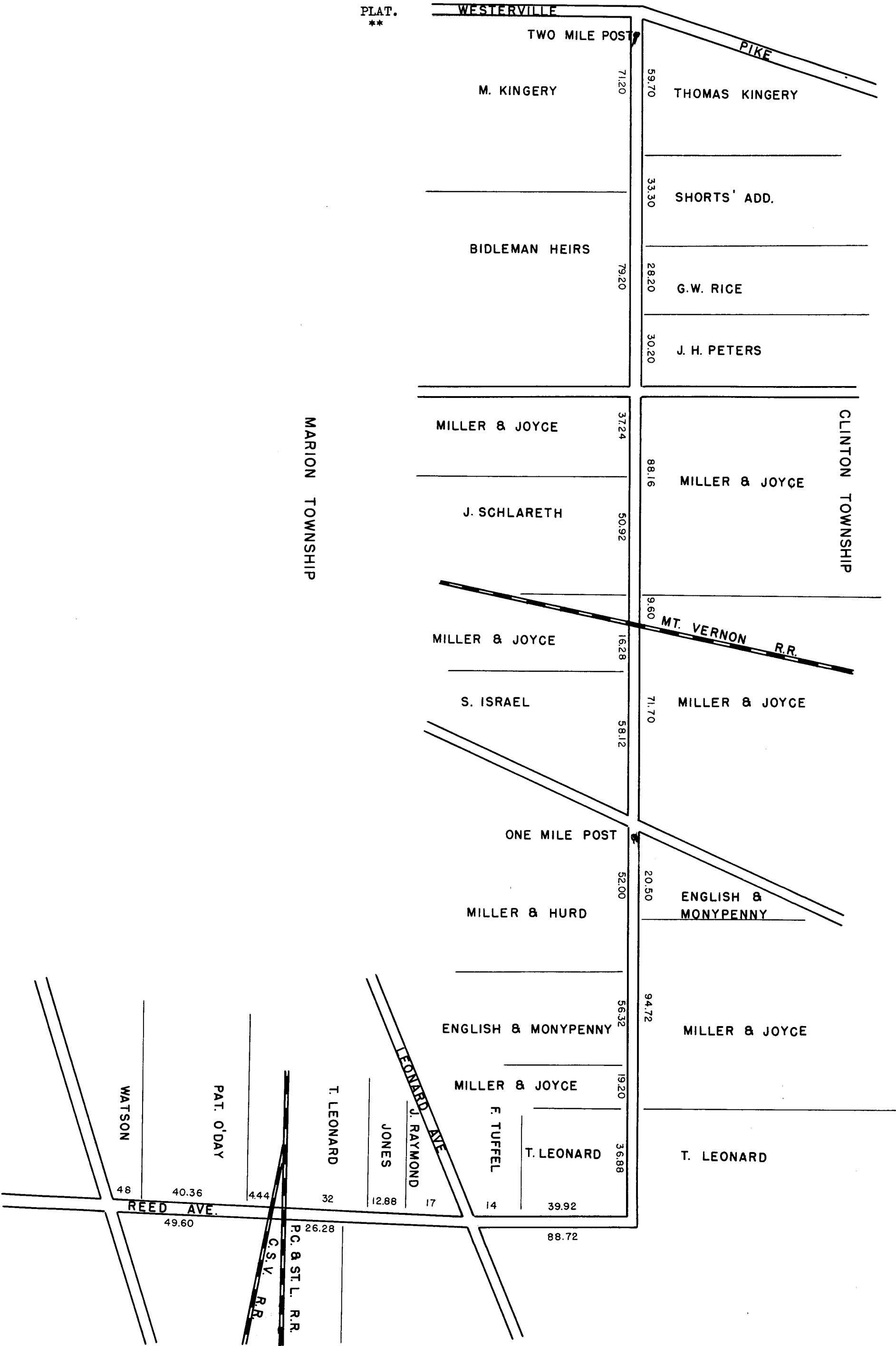
In the matter of the County road petitioned for by Theodore Leonard and others, the same having been established a public highway at June Session A.D. 1877.

It is therefore ordered that the County Auditor issue an order in the name of the Board, directing the Trustees of Marion and Clinton Townships to cause the said Road to be opened according to law.

ATTEST:
L.T. Strader,
Auditor.

I.S. Beekey,)
D.B. Strait.)Co. Com's.

PLAT.
**



I CERTIFY that the above is a correct plat and return of the survey of the Road named above _____.

B.F. Bowen Surveyor of said Road.