

ROAD RECORD NO.10

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CALVIN MITCHELL ROAD.

Brand Road - alteration from Dublin Road west 3432'

ROW = 45'

IN THE MATTER OF THE ALTERATION OF A COUNTY ROAD
PETITIONED FOR BY CALVIN MITCHELL AND OTHERS IN
WASHINGTON FRANKLIN COUNTY, OHIO.

ROAD NOTICE.

NOTICE IS HEREBY GIVEN, That a petition will be presented to the Commissioners of Franklin County,
at the next session _____ A.D. 18 __, praying for the Alteration of a road on the following line, to-
wit:

18 September A.D.1879.

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

THE STATE OF OHIO,) Calvin Mitchell having first duly sworn states that on the 8 day of August 1879, and
Franklin County, ss.) at least thirty days before the first Monday of September 1879, he set up copies of the
foregoing notice at the Auditor's Office, in said County, and at three public places in the township of Wash-
ington in which said road is proposed to be laid out and established.

(signed) Calvin Mitchell

Sworn to and subscribed before me, this 18 day of September A.D.1879

AFFIDAVIT OF PRINTER.
(NONE)

ROAD PETITION.

FOR AN ALTERATION OF ROAD IN WASHINGTON TOWNSHIP.

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 Alteration of a County road on the line hereinafter described; and pray that your body will institute and order the proper proceedings in the premises to to make the Alteration for such road, to-wit: Leading from the Franklin & Delaware Free Turnpike Road westwardly to the line of Franklin County. The said County road intersects said Free Turnpike between the residence of C. Foglesung and that of Calvin Mitchell. The said alteration beginning in said County road at a point nearly opposite the well on the lot known as the late John Fillers residence, thence via Charles Foglesung's south west corner. Eastwardly straight through the land of Charles Mitchell along his north line to the said Franklin and Delaware Free Turnpike Road. Your petitioners therefore ask that the necessary proceedings may be had to establish such alteration according to law.

Dated this 8th day of August A.D. 1879.

PETITIONERS' NAMES.	PETITIONERS' NAMES.	PETITIONERS' NAMES.	PETITIONERS' NAMES.
Charles Fogelgesang	Gideon Artz	A.H. Price	Marion Boyer
Harlan F. Johnston	Welcome Wells	J.W.D. Donalson	Cyrus Freshwater
John Dun Jr.	B.W. Cosgray	J.E. Donalson	Charles W. Mitchell
John Price	B.M. Artz	James Donalson	and 28 others.

COLUMBUS, OHIO, August 23, 1879

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

Now comes Calvin Mitchell one of the signers of the foregoing petition, and files his bond which is in the words and figures following, to-wit:

KNOW ALL MEN BY THESE PRESENTS.

That we Calvin Mitchell and Isaac N. Hansbrough are held and firmly bound unto the State of Ohio, for the use of Franklin County, in the penal sum of One Hundred 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, be these presents.

Sealed with our seals, and dated at Columbus this 23 day of August 1879.

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 Alteration of a County road on the following line, to-wit:

Leading from the Franklin and Delaware Free Turnpike Road westwardly to the line of Franklin County. The said County Road intersects said Free Turnpike between the residence of C. Fogelsang and that of Calvin Mitchell. The said Alteration beginning in said County Road at a point nearly opposite the well on the lot known as the late John Filler residence, thence via Charles Fogelsang south west corner eastwardly straight through the land of Charles Mitchell along his north line to the said Franklin and Delaware Free Turnpike Road. Your petitioners therefore ask that the necessary proceeding may be had to establish such alteration according to law.

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:)	Calvin Mitchell	(SEAL)
E. Kiese Wetter)	Isaac N. Hansbrough	(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 Daniel Thomas, Joseph Davis, Jr. and Conard Koehler three disinterested freeholders of Franklin County, Ohio, be and they are hereby appointed Viewers, and B.F. Bowen Surveyor of said Alteration of said road and that they meet at Calvin Mitchell's on the 29th day of September at ten o'clock A.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:

AUDITOR'S OFFICE, FRANKLIN COUNTY, OHIO.
Columbus, _____ 18__

Daniel Thomas)	
Joseph Davis Jr.) VIEWERS.	B.F. Bowen SURVEYOR.
Conard Koehler)	

Gentlemen: You were appointed by the County Commissioners of Franklin County, Ohio, to view and lay out a proposed Alteration of a County Road on the following route, as petitioned for by Calvin Mitchell et al. Leading from the Franklin and Delaware Free Turnpike Road westwardly to the line of Franklin County. The said County Road intersects said Free Turnpike between the residence of C. Fogelgesang and that of Calvin Mitchell. The said alteration beginning in said County Road at a point nearly opposite the well on the lot known as the late John Filler's residence, thence via Charles Vogelsang south west corner eastwardly straight through the land of Charles Mitchell along his north line to the said Franklin and Delaware Free Turnpike Road. Your petitioners therefore ask that the necessary proceeding may be had to establish such alteration according to law.

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

TO Calvin Mitchell and Charles Fogelgesang.

You are hereby notified that the Viewers and Surveyor appointed by the Commissioners of Franklin County, Ohio, in their order of September 15 1879, to lay out and survey the Alteration of a road petitioned for by the undersigned and others, will meet at Calvin Mitchell's house on the 29 day of September 1879, for the purpose set forth in said order.

Dated this 18 day of September A.D. 1879

Calvin Mitchell Principal Petitioner.

PROOF OF SERVICE

THE STATE OF OHIO,) Charles Mitchell having been first duly sworn, states, that on the 18 day of Sept-
Franklin County, ss.) ember 1879, (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 Daniel Thomas, Jos Davis Jr., Conard Koehler viewers and B.F. Bowen Surveyor and Charles Mitchell and Charles Fogelsang Land-owners.

(signed) Calvin Mitchell

Sworn to and subscribed before me, this 27 day of Sept. A.D. 1879

E. Kiesewetter.

 CERTIFICATE OF MAKING OATH.

THE STATE OF OHIO,) BE IT REMEMBERED, That on this 29 day of September A.D. 1879, personally appeared Franklin County, ss.) before me, B.F. Bowen a Notary Public in and for said County. and Daniel Thomas, Jos. Davis Jr. and Conrad Koehler Viewers, Francis Riley and Conrad Koehler Chain Carriers, and _____ Marker, of a _____ petitioned for by Charles Mitchell and others, and were by me duly sworn to the faithful and impartial performance of their respective duties.

B.F. Bowen Notary Public, Franklin Co. Ohio.

THE STATE OF OHIO,) BE IT REMEMBERED, That on this 27 day of September A.D. 1879, personally appeared Franklin County, ss.) before me, John T. Gale a Probate Judge in and for said County, B.F. Bowen Surveyor of a County Road petitioned by Charles Mitchell and others, and was by me duly sworn to the faithful and impartial performance of his respective duties.

John T. Gale Probate Judge.

SURVEYOR'S REPORT.

TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

The undersigned in obedience to your order dated June 1879, proceeded, on the 29 day of September to survey and mark the Alteration of a County Road described in said order, under the direction of the Viewers therein named, and respectfully submits the following return of said survey:

Beginning at a stake in the centre of the County road leading from the Franklin and Delaware County Free Turnpike road westwardly to the west line of Franklin County, and opposite the residence of the late John Filler deceased and on the land now owned by Calvin Mitchell. Thence through the land of the said Mitchell S 88° 45 E. passing the southwest corner of Charles Vogelsang's land and the northwest corner of the School lot at 30 40/100 poles. Then continue same course 25 60/100 poles further to a Beech tree 22½ feet south from the line between the land of the said Mitchell and Vogelsang. Thence parallel with and 22½ feet south from said line N 88° E 152 poles to the Franklin and Delaware County Free Turnpike. That part of the old road sought to be changed is shown on the plat hereto attached and made a part of this report. From the survey and plat it will be seen that part of the road is taken off of the land of the said Vogelsang on the line of 25 60/100 rods opposite the school lot.

(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 June session, A.D. 1879, we, the undersigned, Viewers appointed under this order, met with B.F. Bowen Surveyor, at Calvin Mitchell's on 29th September 1879 and were severally sworn to discharge, faithfully and impartially, the duties required of us in said order.

Francis Riley and Conrad Koehler were selected by us as chain-carriers and _____ as Marker, who were also duly sworn.

We then proceeded to view said proposed Alteration of 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 Change of said road, as follows:

Beginning at a stake in the County road leading from the Franklin and Delaware County Free Turnpike road westwardly to the County line and at a point opposite the residence of John Filler deceased and on the land owned by Calvin Mitchell and south of and adjoining the lands of Charles Vogelsang to the Franklin and Delaware County Free Turnpike.

In reporting in favor of said road it is with the understanding that the new route be cleared and made ready for public travel by the petitioners, and that the old road remain open for travel until the new one is opened as above.

We would recommend that the Board of Co. Commissioners pay \$100 towards improving said road.

We would respectfully report that the said Alteration of road ought to be made for the following reasons: That the ground over which the new route passes is better suited for a road that it will straighten the road and thereby, better subserve the public interest.

We have also determined that the public convenience requires that such Alteration of County Road shall be established Forty five feet in width.

All of which is respectfully submitted,
 Oct. 4th 1879.

D.W. Thomas)
 J.W. Davis) VIEWERS.
 Conrad Koehler)

				FEES			
Daniel Thomas	Viewer,	2 days,	\$ 3.00	Francis Riley	Chainman,	1 days	\$ 1.00
Jos Davis, Jr.	"	2 "	\$ 3.00	Conrad Koehler	"	1 "	\$ 1.00
Conrad Koehler	"	2 "	\$ 3.00				

SEPARATE REPORT OF VIEWERS.

TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

The undersigned Viewers of the Alteration of a County Road petitioned for by Calvin Mitchell 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 in the following sums:

No Damages claimed, none allowed.

D.W. Thomas) Viewers and
Conrad Koehler) Jurors to
Award Damages.

_____ 18 _____

COLUMBUS, OHIO, December 1st 1879

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 following petition, was read the first time.

ATTEST:)
E. Kiesewetter)
County Auditor.)
I.S. Beekey)
Commissioners.

COLUMBUS, OHIO, December, 2d. 1879

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:)
E. Kiesewetter)
County Auditor.)
I.S. Beekey)
Commissioners.

COLUMBUS, OHIO, December 3rd 1879

The Commissioners met in regular session, and in the matter of the petition of Calvin Mitchell and others for the Alteration of a County road.

The report of the viewers in relation to the establishment of said road, having been this day publicly read, being the third reading of the same and no objection being made nor damages claimed nor petition for review filed, and the Board being of the opinion that said Alteration as laid out and surveyed will be of public utility, it is ordered that the reports of said viewers with the survey and plat of said alteration be recorded and that said road be established a public highway forty five feet in width. It is further ordered that the County Auditor issue an order in the name of the Board, directing the Trustees of Washington Township to cause said road to be opened according to law.

I.S. Beekey) Co
Com'rs.

(See Section 3496 Revised Statute)

E. Kiesewetter.
Auditor.

AUDITOR'S OFFICE.
Franklin County.
Columbus, Ohio, Feby 27 1880

This indenture witnesseth that the Franklin and Jackson Turnpike Company of Franklin County, Ohio, with the consent of three fourths (3/4) of the Stockholders of said Company hereby relinquishes and transfers to the Commissioners of Franklin County Ohio that part of the turnpike belonging to said Company described as follows:

One mile of our road commencing at the Columbus & Harrisburg turnpike, and running south to the first mile post near Toll Gate, together with all rights and privileges appertaining thereto.

In witness whereof we have hereunto subscribed our names and affixed the official seal of said Turnpike Company this 27 day of Feby A.D. 1880.

Wm. Miller (SEAL)
Secy. of
Franklin & Jackson Tpke Co.

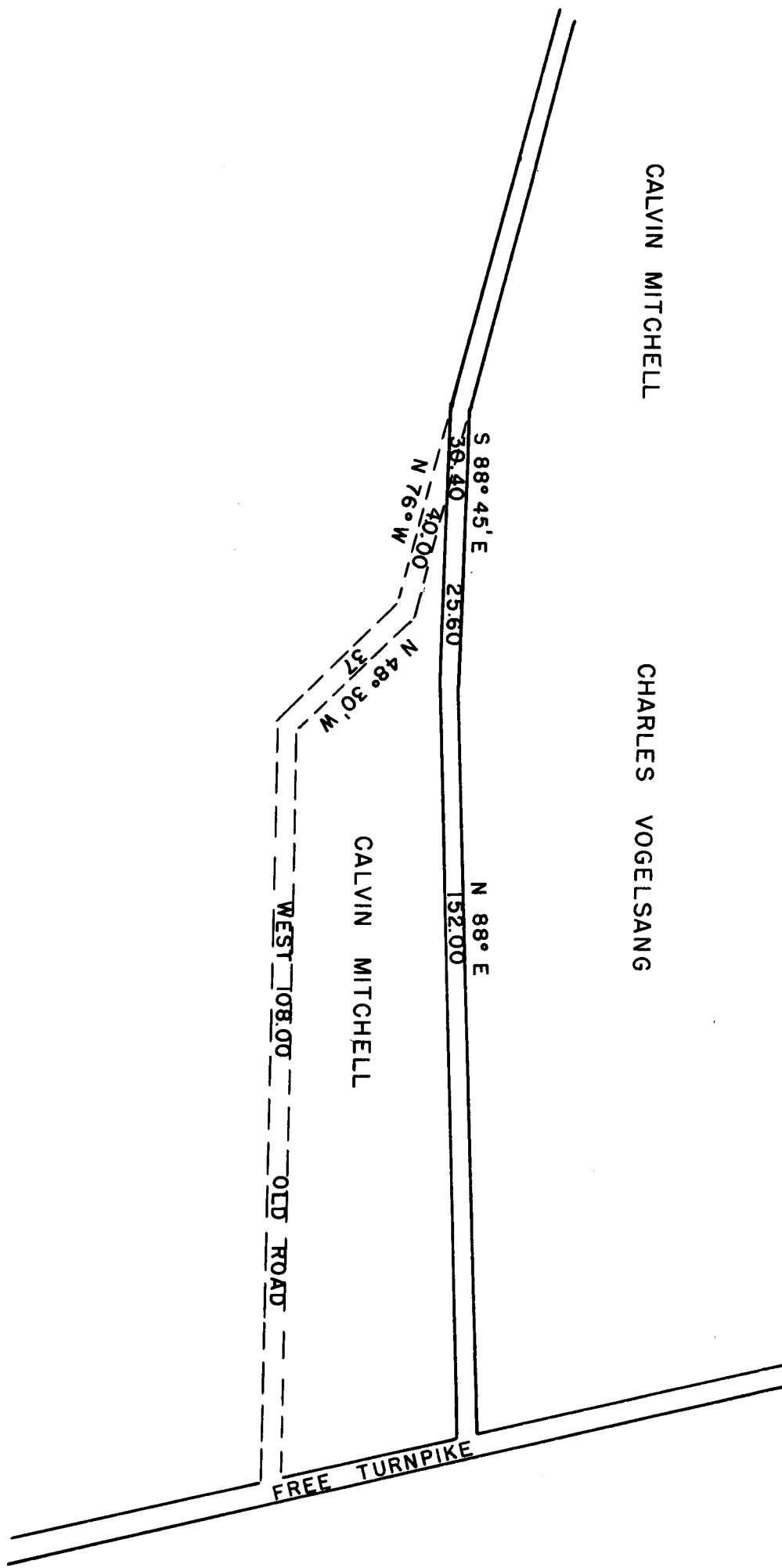
Wm. Miller (SEAL)
President of
Franklin & Jackson Tpke Co.

Accepted this 7th day of April 1880
I.S. Beekey) County
Thos Robinson) Commissioners.

Placed upon record and the Trustees of Franklin Tp notified and to take charge of same as a public Highway this 8th day of April 1880.
E. Kiesewetter Co. Aud.

(SEE PLAT ON REVERSE SIDE.)

PLAT OF CALVIN MITCHELL ROAD.



I CERTIFY that the above is a correct plat and return of the survey of the Alteration of said road named above.

B.F.Bowen Surveyor of said Road.