

Vacation of the old Headley Road from Granville Street to Carpenter Road

IN THE MATTER OF THE VACATION OF A COUNTY ROAD PETITIONED FOR BY THOS. YOUNG AND OTHERS IN MIFFLIN 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 Mch A.D. 1881, praying for the Vacation of a County Road on the following line, to-wit: So much of road known as the Headley Road; as lies in Mifflin Township along the Bank of Rocky Fork. Commencing in the center of said road, where it crosses John Kramer south line, thence southwestwardly to the Souder Road at the west end of the Iron Bridge. Whereas so much of said Road has been rendered dangerous to public travel, and where as two other roads having been established to accomodate the public.

Therefore your petitioners ask that so much of road as above stated may be vacated.

David Beers and others.

A.D. 1881

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

THE STATE OF OHIO,) Thomas Young having been first duly sworn states that on the 16th day of Dec 1880, and Franklin County, ss.) at least thirty days before the first Monday of March 1881, 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 Mifflin in which said road is proposed to be laid out and established.

(signed) Thos. Young

Sworn to and subscribed before me, this 19 day of Mch A.D. 1881

E. Kieseewetter, Audt.

AFFIDAVIT OF PRINTER.

THE STATE OF OHIO,) I, W.B. Peckinpaugh being duly sworn, depose and say, that the foregoing notice was Franklin County, ss.) published one time a week for four consecutive weeks prior to Mch A.D. 1881, in The Franklin Co. Legal Record, a newspaper printed in said County of Franklin, State of Ohio, and of general circulation therein, and that the first publication was made Dec 16/80 A.D.

W.B. Peckinpaugh

Sworn to before me, and signed in my presence, this 26th day of February A.D. 1881.

Wm. F. Brown, Notary Public.

***** ROAD PETITION. *****

FOR A VACATION OF A COUNTY ROAD IN MIFFLIN 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 vacation 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 vacate such road, so much of Road known as the Headley road as lies in Mifflin Tp. along the Bank of the Rocky Fork. Commencing in the center of said Road where it crosses John Kramer's south line, thence south westwardly to the Souder Road, at the west end of the Iron bridge whereas so much of said road has been rendered dangerous to public travel and whereas two other roads have been established to accommodate the public. Therefore your petitioners ask that so much of road as above stated may be vacated.

Table with 4 columns: PETITIONERS' NAMES. John Shilling, A.W. King, G.W. Bucham, R. Neiswender, J.A. Rickenbacker, L.G. Stysler, F. Rusilt, F.M. Latta, G.F. Smith, V.D. Moore, David Beers, W.A. Stysler, M.L. Shepard, A.J. Agler, C. Renim, M. Clouse, and eight others.

COLUMBUS, OHIO, Mch. 9, 1881

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

Now comes Thos. Young 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 Thos. Young and David Beers are held and firmly bound unto the State of Ohio, for the use of Franklin County, in the penal sum of \$ 100.00 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 this 9 day of Mch. 1881

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

So much of the road known as the Headley road as lies in Mifflin Tp., along the Bank of the Rocky Fork. Commencing in the center of said road where it crosses John Kramer's south line. Thence south westwardly to the Souder Road, at the west end of the Iron bridge, whereas so much of said road has been rendered dangerous to public travel, and whereas two other roads having been established to accommodate the public. Therefore your petitioners ask that so much of road as above stated may be vacated.

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: E. Kieseewetter

David Beers (SEAL) Thomas Young (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 Wm. Taylor, D.B. Strait and S.V. Parks three disinterested freeholders of Franklin County, Ohio, be and they are hereby appointed Viewers, and B.F. Bowen Surveyor of said Road and that they meet at Thos. Young's house on the 29. day of 1881, 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, March 9th 1881

Wm. Taylor)
D.B. Strait) VIEWERS. B.F. Bowen SURVEYOR.
Saml. W. Park.)

Gentlemen: You were appointed by the County Commissioners of Franklin County, Ohio, to view a proposed Vacation of County Road on the following route, as petitioned for by Thos. Young et al.

So much of the road known as the Headley Road as lies in Mifflin Tp., along the Bank of the Rocky Fork. Commencing in the center of said road, where it crosses John Kramer's south line; thence south westwardly to the Souder road at the west end of the iron bridge.

You will therefore meet on the 29th day of Mch. 1881 @ Thos. Young's at 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, survey 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 owners of the land across which the road is to be located, and the damages sustained by any person or persons through whose premises the road is proposed to be established; and said Viewers shall make and sign a report in writing, stating their opinion in favor 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,

E. Kiesewetter, County Auditor.

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

TO THOS. YOUNG AND JOHN KRAMER.

You are hereby notified that the Viewers and Surveyor appointed by the Commissioners of Franklin County, Ohio, in their order of Mch. 9 1881, to lay out and survey the vacation petitioned for by the undersigned and others, will meet at Thos. Young's on the 29 day of March 1881, for the purpose set forth in said order.

Dated this 15 day of March A.D. 1881

Thos. Young Principal Petitioner.

CERTIFICATE OF MAKING OATH.

THE STATE OHIO,) BE IT REMEMBERED, That on this 1st day of April A.D. 1881, personally appeared Franklin County, ss.) before me, B.F. Bowen a County Surveyor in and for said County, Dennis B. Strait and Samuel Park and William Taylor Viewers, of a road petitioned for by Thos. Young and others, and were by me duly sworn to the faithful and impartial performance of their respective duties.

B.F. Bowen, Surveyor of Franklin Co. O.

SURVEYOR'S REPORT.

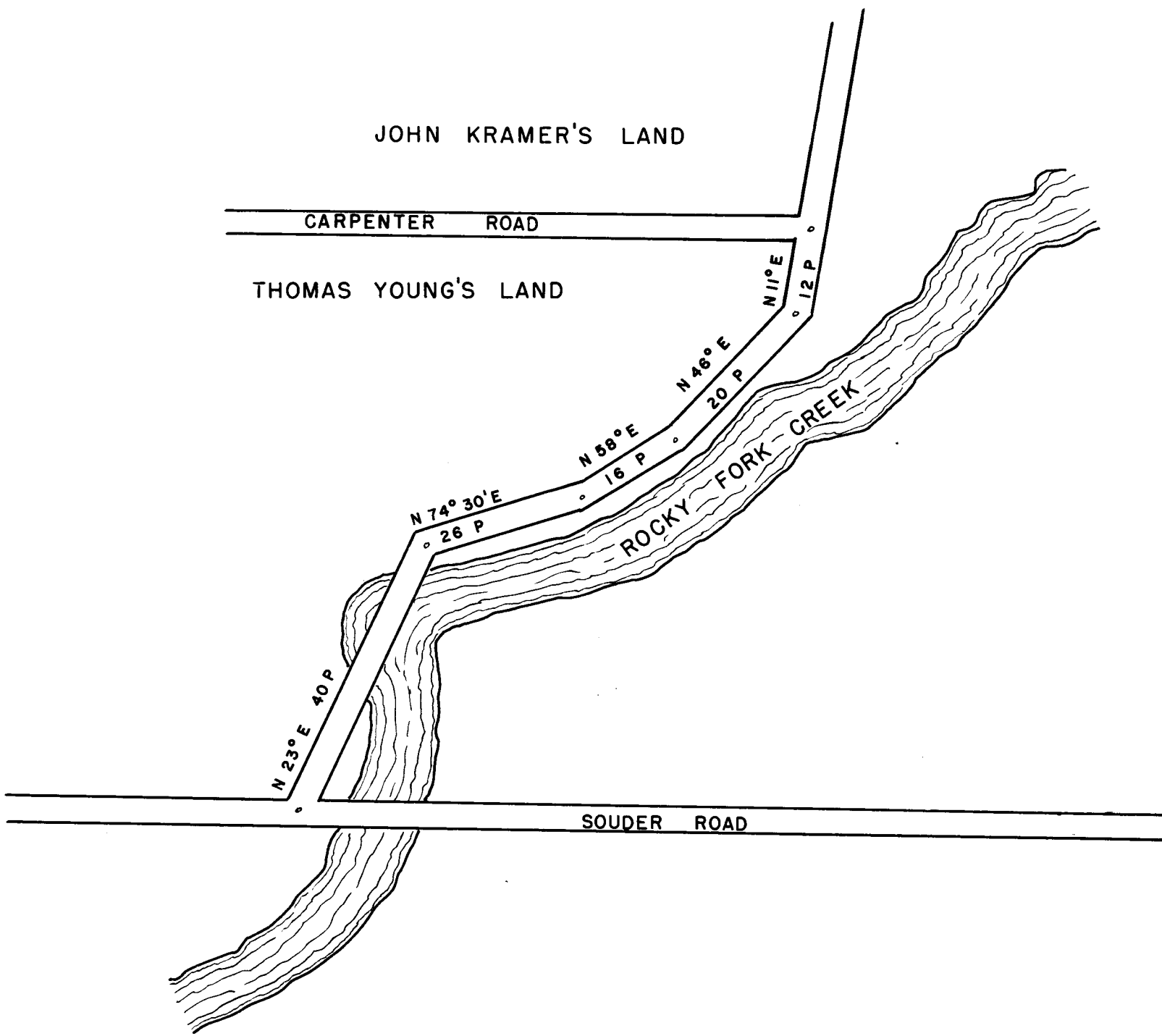
TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

The undersigned in obedience to your order dated March 9 1881, proceeded, on the 1st day of April to survey and mark the change of 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 west end of the Iron bridge over Rocky Fork creek on the Souder road, on the land of Thos. Young, east of Gahanna in Mifflin Tp. Thence N. 23 E 40 poles. N. 74 30' E 26 poles. N 58 E 16 poles. N 46 E 20 poles. N. 11 E 12 poles, to the Carpenter Road on the line between Thos Young and John Kramer.

(PLAT ON REVERSE SIDE*)

(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.

REPORT OF VIEWERS.

TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

In obedience to your order, issued at your March session, A.D. 1881, we, the undersigned, Viewers appointed under said order, met with B.F. Bowen Surveyor, at Thos. Young's on 1st day of April and were severally sworn to discharge, faithfully and impartially, the duties required of us in said order.

D.B. Strait, Wm. Taylor and Samuel Clark, met at the place and time designated in the Com'rs order. But the Surveyor being absent they adjourned to meet on Friday April 1st 1881, at which time they all met.

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

Beginning at the West end of the Iron bridge over Rockey Fork creek on the Souder Road, on the land of Thomas Young, East of Gahanna in Mifflin Tp. Thence N. 23 E. 40 poles. N 74 30' E 26 poles. N 58 E 16 poles. N 46 E 20 poles. N 11 E 12 poles to the Carpenter Road on the line between Thos. Young & John Kramer.

We would respectfully report that the said Road ought to be vacated for the following reasons: That much of the road has long since been washed away by the creek. That since the opening of the Carpenter road, it has been virtually abandoned by travel. That it is of but little if any public benefit. That the cost of making the road passable, convenient and safe would largely exceed the advantage to be gained. All of which is respectfully submitted,)

April 2 1881.) D.B. Strait)
Wm. Taylor) VIEWERS.
S.W. Park)

FEEES.

D.B. Strait Viewer, 3 days, \$ 4.50.
Wm. T. Taylor " 3 " \$ 4.50 (Viewers carried chain.)
Samuel Park " 3 " \$ 4.50

COLUMBUS, OHIO, June 6 1881

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 first time.

COLUMBUS, OHIO, June 7 1881

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.

COLUMBUS, OHIO, June 8 1881

The Commissioners met in regular session, and in the matter of the County Road vacation petitioned for by Thos. Young et al.

The Viewers appointed by this Board, having reported in favor of said vacation, said report was this day publicly read the third time, and it appearing to the satisfaction of the Board, that said road has become useless and no objection being made, it is ordered that the road as appears from the petition and plat filed by said Viewers and Surveyor be and the same is hereby vacated.

J.M. Briggs) Co. Com'rs.