

IN THE MATTER OF THE TOY ROAD PETITIONED FOR BY CHARLES TOY ETAL AND OTHERS IN FRANKLIN COUNTY, OHIO.

Toy Road - from Saltzgaber Road to Bixby Road

ROW = 33'

ROAD NOTICE.

NOTICE IS HEREBY GIVEN, That a petition will be presented to the Commissioners of Franklin County, at the next session June A.D.1883, praying for the loacation of a County Road on the following line, to-wit: Beginning at the Circleville road on the half Sec. line about 20 rods north of the residence of Wm.Haustine in Madison Twp.Franklin Co.O., Thence west along the line of 1/2 Sec; which 1/2 Sec. line divides the lands of said Wm.Haustine heirs of A.Woods deceased, J.C.Haumum, Chas.Toy, Abner Behm, J.E.Swisher, Wm McClish in said Twp, and also dividing the lands of Geo.Weitzell and said Wm.McClish and V.Reiselt in Hamilton in said Co. and extending to the east line of the lands of P.Dill; thence north on the lands of said Dill and a private road now used as such by Wm.McClish and V.Reiselt, to what is called the Bighee or Lockbourne road and terminating and ending at said last named road.

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

THE STATE OF OHIO,) J.E.Swisher having been first duly sworn states that on the 25 day of April 1883, Franklin County, ss.) and at least thirty days before the first Monday of June 1883, 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 Hamilton and one public place in Madison Tp., in which said road is proposed to be laid out and established.

(signed) J.E.Swisher

Sworn to and subscribed before me, this 4 day of June A.D.1883

H.J.caren Depty Audtr.

AFFIDAVIT OF PRINTER.

THE STATE OF OHIO,) I, J.C.Briggs 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 A.D.18 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 June 26th A.D.1883

Sworn to before me, and signed in my presence, this 25 day of July A.D.1883

C.P.Williams, Notary Pub.

ROAD PETITION.

FOR A COUNTY ROAD IN MADISON 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 location 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 lay out, locate and establish such road, to-wit: Beginning at the Circleville road on the half Sec line about twenty rods north of the residence of Wm Hauerstine in Madison Tp.Franklin Co.O., Thence west along said half section line which 1/2 section line divided the lands of said Wm Hauenstine, Heirs of A.Woods deceased, J.C.Haumum, Chas.Toy, Abner Behm, J.E.Swisher, Wm A.McClish in said Twp., and also dividing the lands of George Weitzell and said William McClish and V.Reiselt in Hamilton tp. said County and extending to the east line of the lands of Philip Dill. Thence north on the lands of said Dill and on a private road now used as such, by said Wm.McClish and V. Reiselt to what is called the Big bee or Lockbourne road, & terminating and ending at said last named road.

Table with 4 columns: PETITIONERS' NAMES. Lists names of petitioners such as J.E.Swisher, Charles Toy, J.C.Haumum, William Naustine, Valentine Rich, Philip Dill, Kalita Sallee, Henry L.Poast, Jacob Swisher, A.M.Rarey, Frank B.Herr, Henry Whetsel, L.F.Powell, William H.McCarty, C.Black, Sr., Z.C.Payne, W.T.Reese, M.O'Harra, Thomas M.Clark, Jacob M.Cartney, Jas.Schierer, J.J.Smith, O.B.Bates, J.R.Stimmel, John S.McClish, Charles Obetz, J.G.Long, H.L.Chaney, C.F.Needles, W.K.Cox, H.C.Swisher, Jacob Stautzenberger, Harvey Lisle, G.W.Lisle, J.F.Kile, A.Wilson, Jacob Van, S.O.Newdren, W.H.Rager, Z.Vesey, S.S.Christ, C.Black, Jr., O.P.Chaney, Milton Cummins.

KNOW ALL MEN BY THESE PRESENTS.

That we Charles Toy and J.Swisher 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 ourseleves jointly and severally, our heirs, executors and administrators, by these presents.

Sealed with our seals, and dated at Columbus, O. this 24th day of April 1883.

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

Beginning at the Circleville road on the half Sec. line about 20 rods north of the residence of William Hustine in Madison Twp., Franklin County, Ohio, Thence west along said 1/2 Sec. line divided the lands of said Wm. Hustine, heirs of A. Woods deceased, J.C. Haunum, Chas Toy, Abner Behm, J.E. Swisher, Wm. McClish in said township and also dividing the lands of George Weitzell and said Wm. McClish & V. Reisel in Hamilton Twp. said County and extending to the east line of the lands of Philip Dill. Thence north on the land of said Dill & on a private road now used as such by Wm. McClish and V. Reisel to what is called the Big bee or Lockbourne road and terminating and ending at said last named road.

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:) Charles Toy (SEAL)
N. Koehler) J.E. Swisher (SEAL)
M.M. Benjamin)

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 J.S. Borrer, Saml. Holton and Levi Bauingartner 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 Philomon Dill's on the 27 day of July 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.

AUDITOR'S OFFICE, FRANKLIN COUNTY, OHIO.
Columbus, June, 21st, 1883

J.S. Borrer)
Saml. Holton) VIEWERS. B.F. Bowen SURVEYOR.
Levi Bauingartner)

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 Chas. Toy et al.

Beginning at the Circleville Road on the half Sec. line about 20 rods north of the residence of William Hustine in Madison twp., Franklin County, Ohio. Thence west along said 1/2 Sec. line which 1/2 Sec. line divides the lands of said Wm. Hustine, heirs of A. Woods, Wm. McClish in said township and also dividing the lands of George Weitzell and said Wm. McClish & V. Reisel in Hamilton township said County and extending to the east line of the lands of Philip Dill; thence north on the lands of said Dill and on a private road now used as such by Wm. McClish and V. Reisel to what is called the Bigbee or Lockbourne Road and terminating and ending at said last named road.

THE STATE OF OHIO,) BE IT REMEMBERED, That on this 27th day of July A.D. 1883, personally appeared before Franklin County, ss.) me, B.F. Bowen a County Surveyor in and for said County, John S. Borrer, Samuel Holton and Levi Bauingartner, Viewers of a County Road petitioned by Charles Toy and others, and were by me duly sworn to the faithful and impartial performance of their respective duties.

B.F. Bowen County Surveyor,
Franklin Co. Ohio.

SURVEYOR'S REPORT.

TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

The undersigned in obedience to your order dated June 21st 1883, proceeded, on the 27th day of July 1883 to view and mark the 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 stone in the center of the Circleville road so called and at the south east corner of land owned by the heirs of Archibald Wood in Madison township; thence on the line between the land of said Woods' heirs, J.C. Haunum and Abner Behm on the north and William Hustine, Charles Toy, J.E. Swisher and Wm. McClish on the N. 86 45' W. 428.60 poles to the line between Madison and Hamilton Township; thence with the Township line S 3 15' W. 5 poles to the South east corner of land owned by George Whitzel; thence on the line between said Whitzel and V. Risel on the north and W.H. McClish on the south N 86 45' W 16340 poles to the southwest corner of said Risel's land; thence on the line between said V. Risel and George Whitzel on the east and Philomon Dill on the west N. 3 15' E 72.60 poles to the Bixley road. Whole distance 669.60 poles or 2 093/1000 Miles. See Plat.

(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. 1883, we, the undersigned, Viewers appointed under said order, met with B.F. Bowen Surveyor, at Chas. Toy on Aug. 11th and were severally sworn to discharge, faithfully and impartially, the duties required of us in said order.

Fay Needles and Edward Toy were selected by us as chain-carriers and J.E. Swisher 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 a stone in the center of the Circleville road so called and southeast corner of land owned by the heirs of Archibald Wood in Madison township; thence on the line dividing the lands of Archibald Wood's hrs., J.C. Haunum and Abner Behm in Madison twp., on the north and William Hustine, Chas Toy, J.E. Swisher and Wm. McClish on the south to the line between Madison and Hamilton twps; thence with the township line south to the line be-

tween George Whitzel and Wm.H.McClish; thence on said line west to the east line of Philomon Dill's land; thence on said line northward to the Bixby road. All of which is more particularly described in the Surveyor's Report which is herewith submitted and made a part of the record.

We would respectfully report that the said County road ought to be established for the following reasons: That the public convenience requires said road to be located and that a road can be made on the route described at a reasonable expense.

We have also determined that the public convenience requires that such County road shall be established thirty three feet in width.

all of which is respectfully submitted,
August 11th 1883)

Levi Bauingartner)
J.S.Borrer)VIEWERS.
S.L.Holton)

FEEES.

| | | | | | | | | | |
|-------------------|---------|---|-------|---------|-------------|-----------|---|-------|----------|
| J.S.Borrer | Viewer, | 2 | days, | \$ 3.00 | Fay Needles | Chainman, | 1 | days | \$ 1.00 |
| S.L.Holton | " | 2 | " | \$ 3.00 | Edward Toy | " | 1 | " | \$ 1.00 |
| Levi Bauingartner | " | 2 | " | \$ 3.00 | J.E.Swisher | Marker, | 1 | " | \$ 1.00 |
| | | | | | B.F.Bowen | Surveyor, | 3 | days, | \$ 15.00 |

SEPARATE REPORT OF VIEWERS.

TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

The undersigned Viewers of the County Road petitioned for by Charles Toy 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:

| | | |
|---------------------------|-----------|----------|
| To Archibald Wood's Heirs | \$ 59.25 | DOLLARS; |
| TO William Haunstine | 60.00 | DOLLARS; |
| TO J.C.Haunon | 25.00 | DOLLARS; |
| To Abner Behm | 54.00 | DOLLARS; |
| TO George Whitzel | 54.00 | DOLLARS; |
| TO V.Reisel | 20.00 | DOLLARS; |
| Total Amount | \$ 272.25 | |

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."

Aug. 11th 1883.

Levi Bauingartner) Viewers and
J.S.Borrer) Jurors to
S.L.Holton) Award Damages.

COLUMBUS, OHIO, Sept. 1st, 1883

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.

ATTEST:) Wm. Wall)
E.Kiesewetter) J.M.Briggs) Commissioners.
County Auditor.

COLUMBUS, OHIO, Sept. 4, 1883

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:) J.M.Briggs) Commissioners.
E.Kiesewetter,)
County Auditor.

COLUMBUS, OHIO, Oct. 16th, 1883

The Commissioners met in regular session, and in the matter of the petition of Chas Toy et al for the location of a county road in Madison Township. The matter having been postponed until this date and the exceptions taken being overruled and the viewers having reported in favor of the establishment of the same and being the third reading of the same. And said Viewers having filed a separate report in writing of the amount of compensation and damages which they have assessed to land owners by reason of the location of 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 said claimants, to-wit: Archibald Wood's Hrs, \$59.25, Wm. Haunstine \$60. J.E. Haunon \$25. Abner Behm \$54. Geo. Whitzel \$54. V. Riesel \$20., is reasonable and just and that said road will be of public utility, and sufficient importance to the public to justify the payment of one half of said compensation and damages out of the County Treasury and no petition for reviewing being filed it is ordered that the Co. Treas Auditor draw his order upon the County Treasurer in favor of said claimants for one half the amount of compensation and damages so awarded to them respectively; that the several reports of the viewers with the survey and plat of said road be recorded and that said road be established a public highway. It is further ordered that the County Auditor issue in the name of the Board an order to the Trustees of Madison Tp., directing them to cause said road to be opened according to law.

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

Nov. 20th. '83

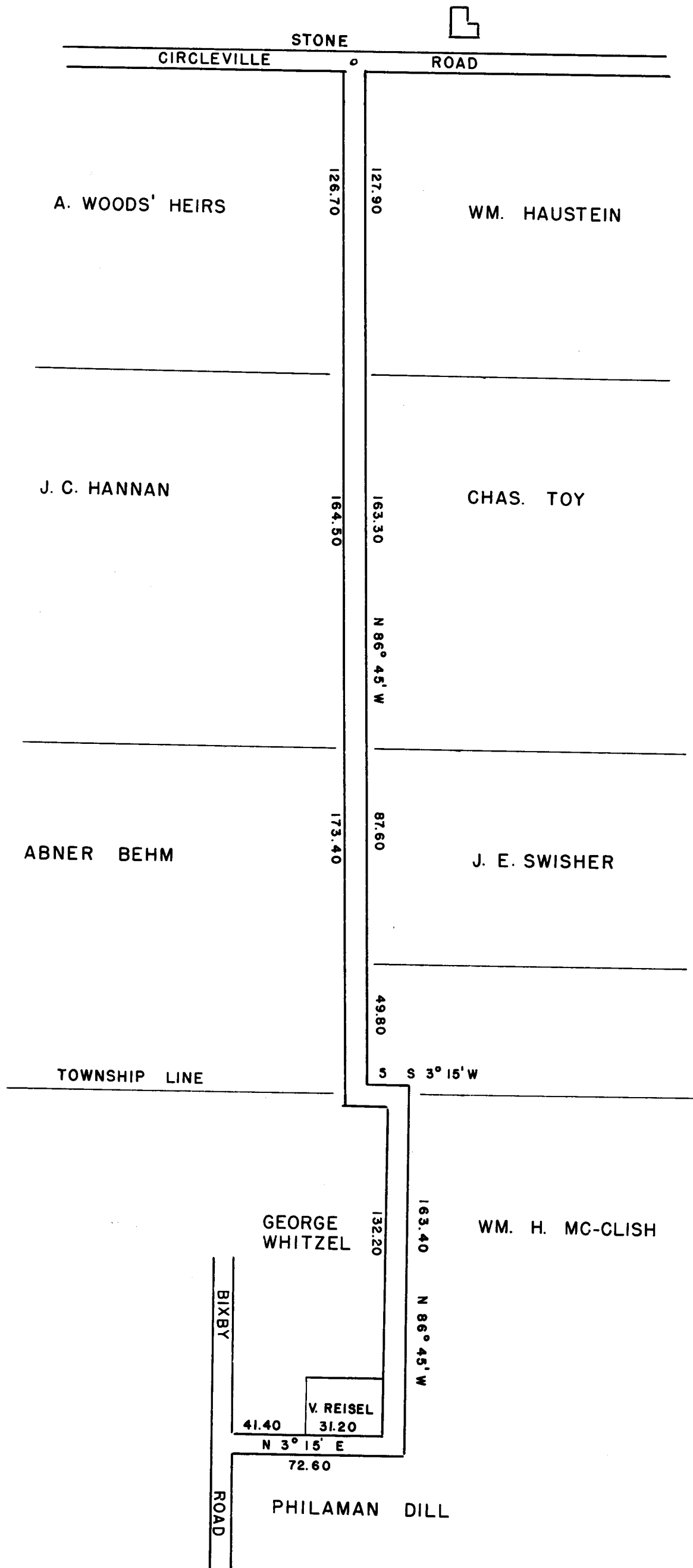
In the matter of the Toy Road, Madison Tp., Franklin Co. O.

This day appeared J.E. Swisher and Chas Toy Petitioners by their Attorney's Byrne Fetters and Geo Weitzel by his Attorney E.B. Jewett and said Weitzel hereby withdraws his appeals hereto one made in this action to the Probate Court of Franklin Co. Ohio, and hereby withdraws all resistance to the establishment of said road and the County Commissioners are hereby authorized to open and establish so far as Geo. Weitzel is concerned and this Board doth further find that Abner Behm and the A. Wood's hrs have never perfected their appeal from the Board to the Probate Court of this County.

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

(See Plat on reverse side.)

PLAT OF TOY ROAD.



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

B.F. Bowen Surveyor of said Road.