

ROAD RECORD NO. II

ROAD RECORD NO. II

PAGE NO. 25

IN THE MATTER OF THE COUNTY ROAD PETITIONED FOR BY
LINONIA M. ZOLLINGER AND OTHERS IN PERRY TP. FRANKLIN
COUNTY, OHIO.

Zollinger Road - from Riverside Drive to Tremont Road

***** ROW = 40'
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 Establishing & Location of a County (40 feet wide) Road on the following line, to-wit: Commencing in the Columbus and Dublin road, on which said road runs along the east bank of the Scioto river, and at a point in said road about 54 rods north of the South line of lands now owned by Hiram Richards in Perry Tp., Franklin Co. Ohio. And being a point where a lane or private way intersects with said Columbus and Dublin road so called, and in the center line of said lane or private way; thence east upon the course of said lane or private way, through the lands lately belonging to Hiram Richards deceased; thence directly east through the lands of Rudolph Pheneger deceased, and being upon the line between the lands now held by the Widow of said Rudolph Pheneger deceased, and Newton Pheneger, to the Free Turnpike road lying and abutting the said Rudolph Pheneger land, upon the east, in which said Free Turnpike road is to be the eastern terminus of said proposed road. The proposed road will run through the lands of the late Hiram Richards deceased. Geo. W. Lakin and the lands of Rudolph Pheneger deceased, situate in Perry Tp. Franklin Co. Ohio, and be of about the distance of two miles from its beginning as aforesaid to its terminus as aforesaid.

Dated October, 9th. 1890.

Linonia M. Zollinger
Ann M. Toy.

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

THE STATE OF OHIO,) Jefferson Zollinger having been first duly sworn states that on the 10th day of
Franklin County, ss.) October 1890, and at least thirty days before the 10th of November, 10th 1890, he set up
copies of the foregoing notice at the Auditor's Office, in said County, and at three public places in the town-
ship of Perry in which said road is proposed to be laid out and established.

(signed) J. Zollinger

Sworn to and subscribed before me, this 10th day of November, A.D. 1890

Henry J. Caren
Depty. Co. Aud'r.

AFFIDAVIT OF PRINTER.

THE STATE OF OHIO,) I, Jas. Finley Brown 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 Nov. 10th. A.D. 1890,
in Columbus Record a newspaper printed in said County of Franklin, State of Ohio, and of general circulation
therein, and that the first publication was made Oct. 10th. A.D. 1890

Jas. Finley Brown

Sworn to before me, and signed in my presence, this 8th day of November, A.D. 1890

Robert A. Lovell

ROAD PETITION.

FOR A COUNTY ROAD IN PERRY 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 establishing & Opening 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: Commencing in the Columbus and Dublin road, which road runs along the east bank of the Scioto River, and at a point in said road about 54 rods North of the South line of lands now owned by Hiram Richards in Perry Township, Franklin County, Ohio, and being the point where a lane or private way intersects with said Columbus and Dublin Road so called, and in the center line of said lane or private way, through the lands lately belonging to Hiram Richards deceased; thence directly east through the lands of Rudolph Pheneger deceased, and being upon the line between the lands now held by the Widow of said Rudolph Pheneger deceased and Newton Pheneger to the Free Turnpike Road, lying and abutting the said Rudolph Pheneger's lands upon the east, which said Free Turnpike Road is to be the eastern terminus of said proposed road. The proposed road will run through the lands of the late Hiram Richards deceased, Geo. W. Lakin and the lands of Rudolph Pheneger deceased, situate in Perry Township, Franklin County, Ohio, and be of about the distance of two miles from its beginning as aforesaid to its terminus as aforesaid. We ask that said proposed road be not less than forty feet in width.

Dated this 9th day of October A.D. 1890.

PETITIONERS' NAMES.	PETITIONERS' NAMES.	PETITIONERS' NAMES.	PETITIONERS' NAMES.
Linonia Zollinger	A.F. Richards	Reinhard Trapp	Fred Fishinger
Ann M. Toy	G.M. Matthews	E.R. Delashmutt	William Shupp
Hiram Richards	Nancy Matthews	D.M. Slyh	Henry Reeb
J.C. Richards	Soloman	Frank Gearn	John F. Legg
James S. Ortman	Bart Ortman	Porter Delashmutt	P.J. McCoy
	W.S. Adams		A. Shepard

COLUMBUS, OHIO, Monday, November, 10th 1890

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

Now comes L.M. Zollinger 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 L.M. Zollinger and _____ are held and firmly bound unto the State of Ohio, for the use of Franklin County, in the penal sum of One Hundred 100.00 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 Cols. O. this 10th day of Nov'br 1890

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

Commencing in the Columbus and Dublin road, which said road runs along the east bank of the Scioto River, and at a point in said road about 54 rods north of the south line of lands now owned by Hiram Richards in Perry Township, Franklin County, Ohio, and being the point where a lane or private way intersects with said Columbus and Dublin road, so called, and in the center line of said lane or private way; thence east upon the course of said lane or private way through the lands lately belonging to Hiram Richards deceased, thence directly east through the lands of Rudolph Pheneger deceased and being upon the line between the lands now held by the Widow of said Rudolph Pheneger deceased and Newton Pheneger to the Free Turnpike Road lying and abutting the said Rudolph Pheneger's lands upon the east, which said Free Turnpike Road is to be the eastern terminus of said proposed road. The proposed road will run through the lands of the late Hiram Richards deceased, Geo. W. Lakin and the lands of Rudolph Pheneger deceased, situate in Perry Township, Franklin County, Ohio, and be of about the distance of two miles from its beginning as aforesaid to its terminus as aforesaid. We ask that said proposed road be not less than forty feet in width.

Dated this 9th day of October, A.D. 1890

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: B.H. Harmon) L.M. Zollinger (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 P.B. Watkins, Jacob Reab and John R. Brown, Sr. three disinterested freeholders of Franklin County, Ohio, be and they are hereby appointed Viewers, and John J. Dunn Surveyor of said Road and that they meet at The Surveyor's Office on the 20th day of November at 9 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, November 10th 1890

P.B.Watkins)
 Jacob Reab) VIEWERS.
 John R.Brown, Jr.)

John J.Dun SURVEYOR.

Gentlemen: You were appointed by the County Commissioners of Franklin County, Ohio, to view and lay out a proposed County Road on the route, as petitioned for by Livonia Zollinger et al, in (Perry Tp.)

You will therefore meet on the 20th day of November 1890 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 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 December next. Said Viewers 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,
 Frank J. Reinhard County Auditor.

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

TO L.M.Zollinger, Ann M.Toy, A.F.Richards, Hiram Richards, Geo.W.Lakin, E.D. Richards, Newton Pheneger, Eliza Pheneger.

You are hereby notified that the Viewers and Surveyor appointed by the Commissioners of Franklin County, Ohio, in their order of Nov. 10th 1890, to lay out and survey the County Road Petitioned for by the undersigned and others, will meet at Co. Surveyor's Office on the 20th day of November 1890, for the purpose set forth in said order.

Dated this 10th day of Nov. A.D. 1890

Mrs. J. Zollinger Principal Petitioner.

PROOF OF SERVICE.

THE STATE OF OHIO,) J.Zollinger having been first duly sworn, states, that on the 10th day of November Franklin County, ss.) 1890, (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 L.M.Zollinger, Ann M.Toy, A.F.Richards, Hiram Richards, Geo.W.Lakin, E.D.Richards, Newton Pheneger & Eliza Pheneger.

(signed) L.Zollinger

Sworn to and subscribed before me, this 20th day of November, A.D. 1890

H.J.Caren, Deputy Aud'r.

CERTIFICATE OF MAKING OATH.

THE STATE OF OHIO,) BE IT REMEMBERED, That on this 7th day of March, A.D. 1891, personally appeared before me, John J. Dun a Surveyor in and for said County, P.B.Watkins and John R.Brown and Clem Cook Viewers, of a County Road petitioned for by J.Zollinger and others, and were by me duly sworn to the faithful and impartial performance of their respective duties.

John J. Dun

THE STATE OF OHIO,) BE IT REMEMBERED, That on this 7th day of March, A.D. 1891, personally appeared before me, John J. Dun a Surveyor in and for said County P.B.Watkins, John R.Brown, Clem Cook of a County Road petitioned for by L.Zollinger and others, and were by me duly sworn to the faithful and impartial performance of their respective duties.

John J. Dun

SURVEYOR'S REPORT.

TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

The undersigned, in obedience to your order dated November 10th 1890, proceeded, on the 20th day of November to survey and mark the Zollinger Road described in said order, under the direction of the Viewers, and respectfully submits the following return of said survey:

(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 November session, A.D. 1890, we, the undersigned, Viewers, appointed under said order, met with John J. Dun Surveyor, at the site of said road on _____ and were severally sworn to discharge, faithfully and impartially, the duties required of us in said order.

Jacob Reab being absent S.N. Cook was appointed as Viewer in his place by the Surveyor and two of the Viewers.

Dick Richards, R.Z. Dawson Jr. and Frank Richards were selected by us as chain-carriers, and J.F. Zollinger as marker, who were also duly sworn.

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 establishing & Location of said road, as follows:

Commencing in the Columbus and Dublin Road which said road runs along the east bank of the Scioto River, and at a point in said road about 54 rods north of the south line of lands owned by Hiram Richards in Perry Township, Franklin County, Ohio, and being the point where a private lane or road way intersects with said Dublin Pike, and in the center line of said lane through the lands belonging to Hiram Richards deceased. Thence east through the lands of Rudolph Pheneger deceased and being upon the line between the lands of the Widow of said Rudolph Pheneger and Newton Pheneger to the Fairview Free Turnpike, said road being 40 ft. in width.

We have also determined that the public convenience requires that such Road shall be established 40 feet in width.

All of which is respectfully submitted,
November, 22, 1890)

N.C. Cook)
P.B. Watkins) VIEWERS.
John R. Brown)

FEEES.

N.C. Cook	Pd. Viewer,	2 days,	\$ 3.00	R.Z. Dawson	Chainman, Pd.	2 days,	\$2.00
John R. Brown	" "	2 "	\$ 3.00	Dick Richards	" " I "		\$1.00
P.B. Watkins	" "	2 "	\$ 3.00	Frank Richards	" " I "		\$1.00
				J.F. Zollinger	Marker	" I "	\$1.00

J.J. Dun Surveyor, 5 days, \$ 25.00 Pd.

SEPARATE REPORT OF VIEWERS.

TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

The undersigned Viewers of the Zollinger Road petitioned for by L. Zollinger 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 N.F. Pheneger, $1\frac{1}{4}$ A	\$ 100 per A.	125 DOLLARS;
TO Eliza Pheneger $1\frac{1}{4}$ A	100 " "	125 DOLLARS;
TO Geo. W. Lakin $\frac{3}{4}$ A	85 " "	65 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.

November, 22, 1890

H.C. Cook) VIEWERS AND
P.B. Watkins) JURORS TO
John R. Brown) AWARD DAMAGES.

COLUMBUS, OHIO, December, 1st. 1890

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:)
Frank J. Reinhard)
County Auditor.

COLUMBUS, OHIO, December, 2nd. 1890

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:)
Frank J. Reinhard)
County Auditor.

COLUMBUS, OHIO, December, 3rd. 1890

The Commissioners met in regular session, and The Viewers having reported in favor of the establishment of said road; said report was this day publicly read for the third time, and further postponed until December, 10th 1890

ATTEST: Frank J. Reinhard County Auditor.

)
) Co. Comm'rs.
)

NOTE * For Commissioners proceedings between dates of Dec. 10/90 and Mch. 14* 1891. See Commissioners Journal.

The Board Met:

Saturday, March 14th 1891

Present: Cassady, Morehead and McDonald.

In the matter of the petition of L. Zollinger et al for the location of a County Road in Perry Tp.

The Viewers heretofore appointed having filed their amended report in favor of the location and establishment of said County Road and an affidavit having been filed showing that notice to non-resident land owners had been given as required by law (said report having been publicly read for the third time March 11/90 and postponed until this date.) and said Viewers having filed a separate report in writing of the amount of compensation which they have assessed by the reason of the location of said road which report was also publicly read. And the Board being of the opinion that the compensation awarded by said Viewers, to-wit: x John J. Pheneger 23.92. B.H. Pheneger 23.92. Henry A. Pheneger 23.92. Borker W. Pheneger 23.92. Elizabeth Pheneger 23.92. Newton Pheneger 215.40 and Geo. W. Lakin 40.00 is reasonable and just, but that said road is not of sufficient importance to the public to warrant payment of said compensation out of the County Treasury, it is ordered that the petitioners pay or tender to pay said compensation assessed by said Viewers to the several parties, and in case the same is accepted, it is further ordered that the County Auditor, in the name of the Board issue an order on the Trustees of Perry Twp. directing them to cause said road to be opened according to law. Yeas: Cassady, Morehead & McDonald.

Pheneger Bro's by their Attorney's Marriott & Hughs given notice of appeal from assessment of compensation and damages.

The following communications were received:

Auditor's Office, Franklin Co., Columbus, O. June, 1st. 1891

In the matter of the County Road petitioned for in Perry Tp. Franklin Co. Ohio, by Zollinger et al, and now pending on appeal in the Probate Court of said County. We the Appellants agree to withdraw our appeal in the above Case, and accept the sum of \$ 635.00 in full payment of compensation and damages by us sustained in the location of said road by the Commissioners of said County, in case the said sum be paid to us within a reasonable time hereafter.

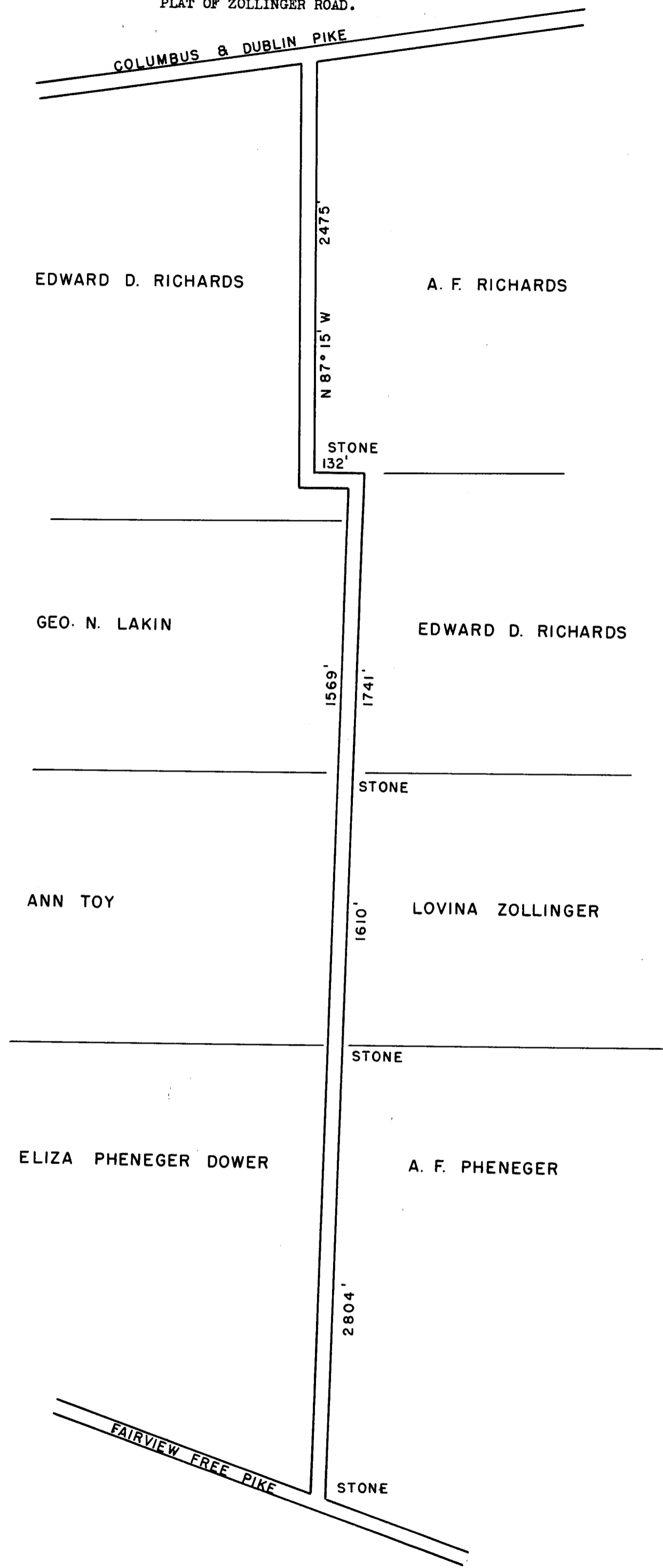
Elizabeth Pheneger	P.W. Pheneger
J.J. Pheneger	H.A. Pheneger
N.F. Pheneger	B.H. Pheneger

Auditor's Office,
Franklin Co., Columbus, O. June. 3rd. 1891

In the matter of the County Road in Perry Tp. Franklin Co. Ohio, petitioned for by Lavonia Zollinger et al, and established by the County Commissioners of said County, and order being appealed to the Probate Court. For the purpose of settling matters in litigation and establishing the road, we hereby agree to pay as portion of the compensation and damages the sum of Four Hundred Dollars.

Lavonia M. Zollinger by J. Zollinger.
Ann M. Toy

PLAT OF ZOLLINGER ROAD.



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

John J. Dun Surveyor of said County.
H.K. Knapf. Deputy.