

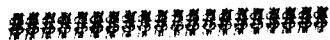
ROAD RECORD NO.11

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IN THE MATTER OF THE WIDENING AND OPENING OF E.5" AVE., ROAD PETITIONED FOR BY THEODORE LEONARD AND OTHERS IN MARION AND CLINTON TPS., FRANKLIN COUNTY, OHIO.....

Fifth Avenue - widening to 30' south of the centerline from Taylor Avenue east for 300'



ROW = 30'

ROAD NOTICE..

NOTICE IS HEREBY GIVEN, That a petition will be presented to the Commissioners of Franklin County, at the next session May 9" 1905, A.D., praying for the widening and opening of East 5th Avenue Road on the following line, to-wit:

"Beginning at the intersection of the half Section line in Taylor Avenue with the Township line between Marion and Clinton Townships in the center of 5" Avenue. Thence East a distance of 300 feet; thence West parallel to said Township line 300 feet to the said half Section line in said Taylor Avenue; thence North 30 feet on said half Section line to place of beginning; being a tract of land 30x300 feet on the South East corner of Taylor and 5th Avenue. Marion Tp., Franklin County, Ohio...

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

THE STATE OF OHIO,) Theodore Leonard having been first duly sworn states that on the 8" day of Franklin County, ss.) April, 1905, and at least thirty days before May 9" 1905, he set up copies of the foregoing notice at the Auditor's Office, in said County, and at three public places in the townships of Marion and Clinton in which said road is proposed to be laid out and established.

(signed) Theodore Leonard

Sworn to and subscribed before me, this 8" day of May, 1905, A.D...

John A. Robinson, Notary Public, in and for Franklin Co., O....

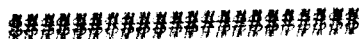
AFFIDAVIT OF PRINTER..

THE STATE OF OHIO,) I, J.H. Browning, being duly sworn, depose and say, that the foregoing notice Franklin County, ss.) was published one time a week for four consecutive weeks to May 9, 1905, A.D., in The Daily Reporter a newspaper printed in said County of Franklin, State of Ohio, and of general circulation therein, and that the first publication was made April, 7, 1905, A.D...

J.H. Browning

Sworn to before me, and signed in my presence, this 6" day of May, A.D. 1905

F.M. Sprague.....



ROAD PETITION...

FOR A WIDENING AND OPENING OF E.5" AVE., ROAD IN MARION AND 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 widening and 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 cause the widening and opening of such road, to-wit: Beginning at the intersection of the half Section line in Taylor Avenue with the Township line between Marion and Clinton Tp., in the center of 5" Ave.; thence East with said township line a distance of (300) Three Hundred Feet; thence South at right angles with said township line (30) Thirty Feet; thence West parallel to said township line (300) Three Hundred Feet to the said half Section line in said Taylor Avenue; thence North (30) Thirty Feet on said half Section line to the place of beginning; being a tract of land 30 by 300 feet, on the South east corner of Taylor and 5" Avenue's. Marion Township, Franklin County, Ohio.....

Dated this 9th day of May, A.D. 1905.....

Table with 4 columns: PETITIONERS' NAMES. Theodore Leonard, G.E. Roberts, Samuel Snider, J.E. McNally, John Leonard, O.C. Roberts, I.A. Litzinger, J.J. Mangold, Jane Benedict, Emry Deit, Fred Dressel, Lewis Cook....., Maltilda L. Boyd.

COLUMBUS, OHIO, May 9" 1905

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

Now comes Theodore Leonard 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 Theodore Leonard and G.E.Roberts are held and firmly bound unto the State of Ohio,for the use of Franklin County,in the penal sum of Two Hundred (\$200.00)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,Ohio this 9th day of May,1905

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

"Beginning at the intersection of the half Section line in Taylor Avenue with the Township line between Marion and Clinton Townships in the center of 5th Avenue. Thence East a distance of 300 feet; thence South at right angles with said Township line 300 feet; thence West parallel to said Township line 300 feet to the said half Section line to place of beginning; being a tract of land 30x300 feet on the Southeast corner of Taylor and 5" Avenue, Marion Township, Franklin County, Ohio.....

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....

Theodore Leonard (SEAL)
G.E. Roberts (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 David Headly, Frank M.Ranck and Charles Frank,Sr.,three disinterested freeholders of Franklin County,Ohio,be and they hereby appointed Viewers,and Walter Braun Surveyor of said County and that they meet at said proposed road on the 24" day of May,1905 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, May 15, 1905

David Headly)
Frank M. Ranck) VIEWERS. Walter Braun SURVEYOR..
Charles Frank,Sr.)

Gentlemen: You were appointed by the County Commissioners of Franklin County,Ohio,to view and lay out and alter a proposed County Road on the following route,as petitioned for by Theodore Leonard et al..

"Beginning at the intersection of the half Section line in Taylor Avenue with the Township line between Marion and Clinton Townships in the center of 5th Avenue; thence East a distance of 300 feet; thence South at right angles with said Township line 30 feet; thence West parallel to said Township line 300 feet to the said half section line to place of beginning; being a tract of land 30x300 feet on the South East Corner of Taylor and 5" Avenue,Marion Township, Franklin County, Ohio....

(signed) Theo. Leonard,

Sworn to before me,and signed in my presence,this 17 day of May,1905

T.F.Hane, Notary Public,
Franklin County,O.....

You will therefore meet on the 24" day of May,1905 at 10 A.M.,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 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 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,
L.E. Jones, County Auditor....

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

TO Theodore Leonard....

You are hereby notified that the Viewers and Surveyor appointed by the Commissioners of Franklin County,Ohio,in their order of May 15" 1905,to lay out and survey and alter the County Road petitioned for by the undersigned and others,will meet at place of said proposed alteration on the 24" day of May,1905,for the purpose set forth in said order,

Dated this 15" day of May,1905,A.D.

Theodore Leonard Principal Petitioner...



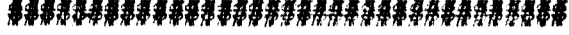
PROOF OF SERVICE..

THE STATE OF OHIO,) Theodore Leonard having been first duly sworn, states, that on the 16 day of May,
Franklin County, ss.) 1905, (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 Theodore Leonard,

(signed) Theodore Leonard

Sworn to and subscribed before me, this 17 day of May, 1905, A.D.

T.F.Hane Notary Public,
Franklin Co., Ohio.....



CERTIFICATE OF MAKING OATH...

THE STATE OF OHIO,) BE IT REMEMBERED, That on this 24th day of May, 1905, A.D., personally appeared before
Franklin County, ss.) me, T.F.Hane a Notary Public in and for said County, Walter Braun County Surveyor of a
County Road petitioned for by Theodore Leonard and others, and were by me duly sworn to the faithful and im-
partial performance of their respective duties.

T.F.Hane, Notary Public,
in and for Franklin County, Ohio....

THE STATE OF OHIO,) BE IT REMEMBERED, That on this 24 day of May, 1905, A.D., personally appeared before
Franklin County, ss.) me, Walter Braun a County Surveyor in and for said County, Charles Frank, Frank M. Ranck
and Homie P. Dean, Viewers and Clark Baumgartner, Chainman, 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.

Walter Braun, County Surveyor.....



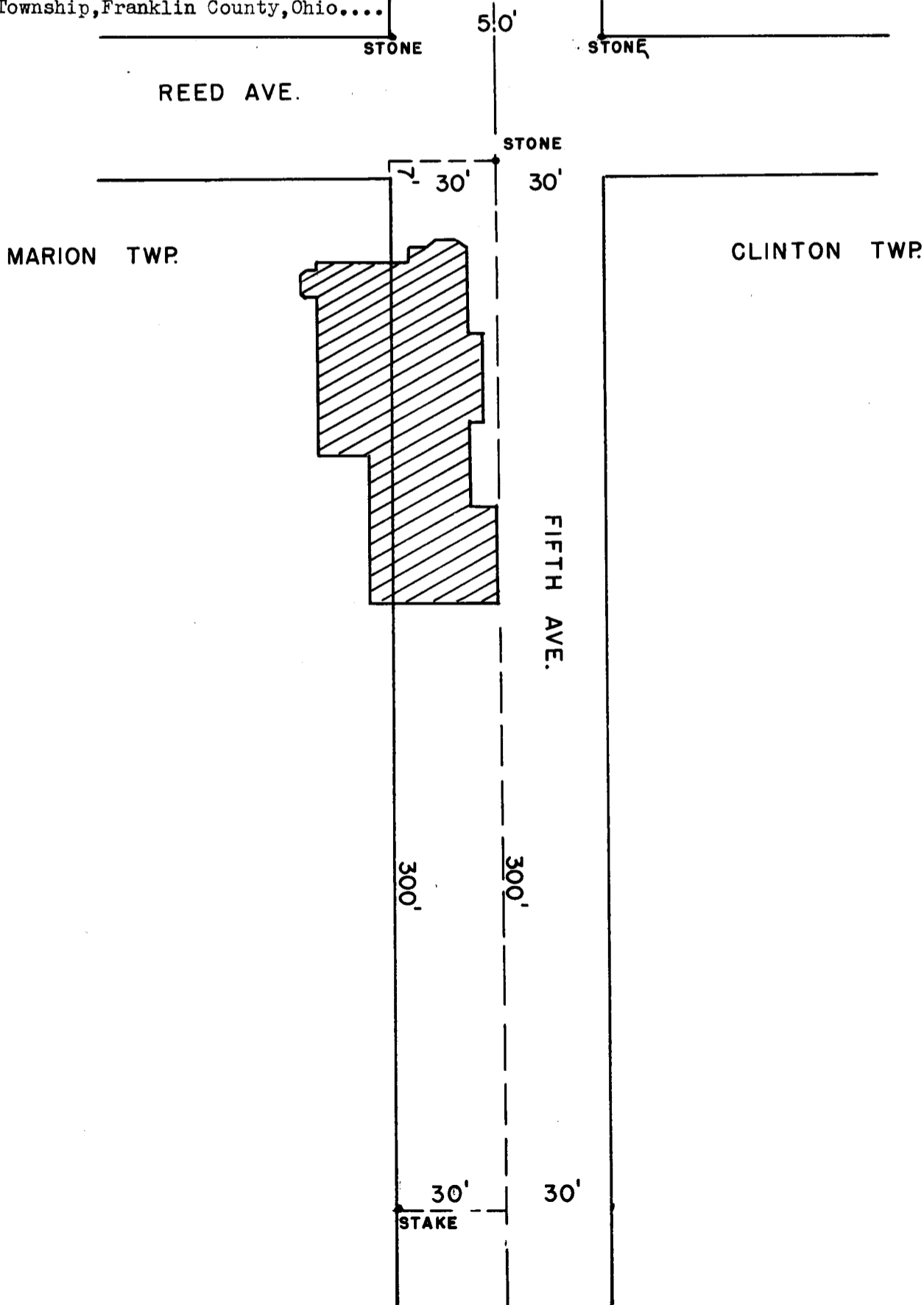
SURVEYOR'S REPORT...

TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

The undersigned, in obedience to your order dated May 15, 1905, proceeded, on the 24th day of May to
survey and mark the line of road as described in said order, under the direction of the Viewers therein na-
med, and respectfully submits the following return of said survey:

*PLAT OF 5th AVENUE.

Beginning at the intersection of the half section line in Taylor Avenue with the Township line between
Marion and Clinton Townships, in the center of 5th Ave.; thence East with said Township line a distance of 300
feet; thence South at right angles with said Township line 30 feet; thence West parallel to said Township line
300 feet to the said half section line in said Taylor Avenue; thence North 30 feet on said half section line
to the place of beginning; being a tract of land 30x300 feet, on the Southeast corner of Taylor and 5th Avenue,
Marion Township, Franklin County, Ohio....



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

Walter Braun Surveyor of said Franklin Co.....

REPORT OF VIEWERS...

TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

In obedience to your order, issued at your May 15" session, A.D. 1905, we, the undersigned, Viewers, appointed under said order, met with Walter Braun Surveyor, at the beginning of said road on May 24" 1905 and were severally sworn to discharge, faithfully and impartially, the duties required of us in said order.

Owing to sickness David Headly, Viewer, was unable to appear and the other two Viewers and the Surveyor appointed Homer P. Dean a disinterested freeholder to fill his place.

We took to our assistance Clark Baumgartner, 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 widening and opening of said road, as follows:

Beginning at the intersection of the half Section line in Taylor Avenue with the Township line between Marion and Clinton Townships, in the center of 5" Avenue; thence East with said Township line a distance of 300 feet; thence South at right angles with said Township line 30 feet; thence West parallel to said township line 300 feet to the said half section line in said Taylor Avenue; thence North 30 feet on said half section line, to place of beginning; being a tract of land 30x300 feet, on the South East corner of Taylor and 5th Avenue. Marion Township, Franklin County, Ohio....

We would respectfully report that the said road ought to be opened for the following reasons:

Because 5" Avenue is one of the main thoroughfares of the County and the public convenience requires that this part of the road should be opened to conform with the balance of the thoroughfare..

We have also determined that the public convenience requires that such road shall be established 30 feet in width.

All of which is respectfully submitted,)
May, 24th, 1905)

Charles Frank)
F.M. Ranck) VIEWERS.
Homer P. Dean)

FEEES...

Charles Frank, Viewer, 2 days, \$ 3.00 Clark Baumgartner, Chainman, 1 day, \$ 1.00
F.M. Ranck, " 2 " \$ 3.00
H.P. Dean, " 2 " \$ 3.00
Walter Braun Surveyor, 1 day, \$ 5.00

SEPARATE REPORT OF VIEWERS...

TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

The undersigned Viewers of the County road petitioned for by Theodore 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 in the following sums:

TO Theodore Leonard Seven Hundred 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 Theodore Leonard. Thirty-one Hundred DOLLARS;

Charles Frank)
F. M. Ranck) VIEWERS AND
Homer P. Dean) JURORS TO
Award Damages.

COLUMBUS, OHIO, June 5, 1905

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.

Henry A. Mason)
Peter Swickard) Commissioners.
W. S. Carlisle)

COLUMBUS, OHIO, June 6, 1905

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.

Henry A. Mason)
Peter Swickard) Commissioners.
W. S. Carlisle)

COLUMBUS, OHIO, June 10, 1905

The Commissioners met in regular session, and

In the matter of the report of the Viewers, on the petition of Theodore Leonard et al, for the establishment and widening of a County road; same came on to be heard and considered pursuant to continuance of June 9th 1905.

The report of the Viewers being in favor of the establishment and widening of said road, the same having been publicly read on the 7th day of June, 1905, for the third time, 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 the several premises, which report was also publicly read, and the Board being of the opinion that the compensation and damages awarded by said Viewers to the claimant Theo Leonard of \$ 700 (Dollars) compensation and \$ 3100 damages is reasonable and just, that said road will not be of sufficient importance to the public to justify the payment in full, of the compensation and damages out of the County Treasury, but that said road will be of sufficient public utility and of sufficient public utility and of sufficient importance to the public to warrant the payment of a part of the compensation and damages so awarded, it is therefore ordered that the County Auditor draw his order on the County Treasurer in favor of said claimant for the amount of said Compensation so awarded, to-wit: The sum of \$700 and for a portion of said damages so awarded, to-wit; the sum of \$1400, or a total of \$2100 and it is further ordered that principle petitioner, Theo Leonard pay or cause to be paid, the balance of said damages so awarded, to-wit; the sum of \$1700.00

It appearing that the principle petitioner, Theo Leonard has fully complied with the above order, and has accepted the amount of compensation and damages ordered to be paid to him by the County Auditor out of the County Treasury, to-wit: The sum of \$2100, the same to be in full of all compensation and damages so awarded by said Viewers and appraisers, and further agrees that no part of said damages assessed against him, by the Board of County Commissioners of Franklin County, Ohio, shall be demanded or accepted by him from any of the other petitioners in said road matter.

And the road being of the opinion that said road will be of public utility, and no petition for review being filed, it is ordered 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 as directed in the report of said Viewers and Surveyor.

It is further ordered that all buildings and material of whatsoever kind now situated on said road shall belong to and may be removed therefrom by the present owner. Theo Leonard and that all such buildings and material shall be removed therefrom before the 1st day of October, 1905.

It is further ordered that said road shall be opened to public travel as provided by law immediately upon the removal of said buildings, etc....

Approved and accepted,
Theodore Leonard.
6/21/1905
O.K. A.T. Seymour, Pros. Atty.....

Henry A. Mason
Peter Swickard
W.S. Carlisle,
Brd. of Co., Commissioners...
