

ROAD RECORD NO.11

ROAD RECORD NO.11

PAGE NO.441

IN THE MATTER OF THE ESTABLISHING OF A COUNTY ROAD PETITIONED FOR BY J. E. SWISHER AND OTHERS IN MADISON TP., FRANKLIN COUNTY, OHIO.....

Swisher Road - from Toy Road to Groveport Road

ROW = 30' and 36' NOT centered on the centerline

ROAD NOTICE...

NOTICE IS HEREBY GIVEN, That a petition will be presented to the Commissioners of Franklin County, at the next session Nov.28, A.D.1905,praying for the Establishment of a County Road on the following line, to-wit: Beginning at a point in the Groveport Pike, on the line between the lands of C. Herr and the Board of Education of Madison Township, Franklin County, Ohio, and used for school purposes; thence in a Southerly direction on the line between said lands; thence continuing in the same direction on the line between the lands owned by Amos Culp and Archibald Wood, to a point in the Toy County Road, and there to terminate, and being a distance of three fourths of a mile, more or less. We only ask the road established as it now is.....

October 24th, A.D. 1905.....

AFFIDAVIT OF PRINTER..

THE STATE OF OHIO,) I, Benj. F. Gayman being duly sworn, depose and say, that the foregoing notice was Franklin County, ss.) published one time a week for four consecutive weeks from and after Oct.26, A.D.1905, in The Times a newspaper printed in said County of Franklin, State of Ohio, and of general circulation therein, and that the first publication was made Oct.26, A.D.1905

Benj. F. Gayman

Sworn to before me, and signed in my presence, this 28" day of November, A.D.1905

Oliver P. Gayman,
Mayor, Canal Win., O.....

ROAD PETITION..

FOR ESTABLISHING 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 establishment 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 locate and construct such road, to-wit: Beginning at a point in the Groveport Pike, on the line between the lands of C. Herr and the Board of Education of Madison Township, Franklin County, Ohio, and used for school purposes; thence in a South-erly direction on the line between said lands; thence continuing in the same direction on the line between lands owned by Amos Culp and Archibald Wood, to a point in the Toy County road, and there to terminate and being a distance of three-fourths of a mile, more or less. We only ask the road to be established as it now is..

Dated this 18th October, A.D. 1905....

* PETITIONERS' NAMES. *	* PETITIONERS' NAMES. *	* PETITIONERS' NAMES. *	* PETITIONERS' NAMES. *
J. E. Swisher,	John Matheny,	Wilson Obetz,	Wm. Leyshon,
S. W. Blackwood,	Sam'l. Bowen, (his X mark)	Samuel Spangler,	
Amos Culp, per S.W. Blackwood	*Witness G.W. Blackwood.	J.G. Behm,	
(Gdn. *			
Chas. Koebel,	John Behm,	J. J. Smith....	
*	*	*	*

COLUMBUS, OHIO, October 24, 1905

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

Now comes J.E. Swisher 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 J.E.Swisher,Chas.Koebel,John Behm and John Matheny are held and firmly bound unto the State of Ohio,for the use of Franklin County,in the penal sum of Two 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,by these presents.

Sealed with our Seals,and dated at Columbus,O.,this 24" day of October,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 laying out and establishing of a County road on the following line,to-wit:

Beginning at a point in the Groveport Pike,on the line between the lands of C. Herr and the Board of Education of Madison Twp.,Franklin County,Ohio,and used for school purposes; thence in a southerly direction on the line between said lands; thence continuing in the same direction on the line between lands owned by Amos Culp and Archibald Wood,to a point in the Toy County Road,and there to terminate,and being a distance of three fourths of a mile,more or less. We only ask the road to be established as it now is....

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:
S.W.Blackwood)
J.E.Swisher)

J. E. Swisher (SEAL)
Chas. Koebel (SEAL)
John Matheny (SEAL)
John Behm (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 Chas.Frank,Sr.,Con Seymour and Philip Dill three disinterested freeholders of Franklin County,Ohio,be and they are hereby appointed Viewers,and Walter Braun Surveyor of said County road and that they meet at line of road on the 11" day of December 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, Nov. 28" 1905

Chas. Frank,Sr.)
Con Seymour) VIEWERS. Walter Braun SURVEYOR.
Philip Dill)

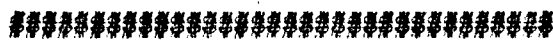
Gentlemen: You were appointed by the County Commissioners of Franklin County,Ohio,to view and lay out a proposed County Road on the following route,as petitioned for by J.E.Swisher et al....

Beginning at a point in the Groveport Pike,on the line between the lands of C.Herr and the Board of Education of Madison Twp.,Franklin County,Ohio,and used for school purposes; thence in a Southerly direction on the line between said lands; thence continuing in the same direction on the line between lands owned by Amos Culp and Archibald Wood to a point in the Toy County Road and there to terminate,and being a distance of three fourths of a Mile,more or less. We only ask the road to be established as it now is.....

You will therefore meet on the 11" day of December 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 March 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..



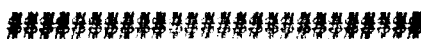
NOTICE TO LAND OWNERS OF THE TIME AND PLACE OF HOLDING VIEW..

TO Mrs.A.Wood,S.W.Blackwood,Gdn.,Broad of Education of Madison Township. Christian Herr and The Scioto Valley Traction Co.,.....

You are hereby notified that the Viewers and Surveyor appointed by the Commissioners of Franklin County,Ohio,in their order of November 28,1905,to lay out and survey the County Road petitioned for by the undersigned and others,will meet on line of road petitioned for on the 11" day of December,1905,for the purpose set forth in said order.

Dated this 28" day of November, A.D.1905

J.E.Swisher, Principal Petitioner.....



PROOF OF SERVICE..

THE STATE OF OHIO,) J.E.Swisher, having been first duly sworn, states, that on the 28th day of November
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 Mrs A.Wood, S.W.Blackwood, Board of
Education of Madison Township, Christian Heer and the Scioto Valley Traction Company,

(SEAL)

(signed) J.E.Swisher

Sworn to and subscribed before me, this 11th day of December, A.D.1905

John C.Coon, Notary Public....

CERTIFICATE OF MAKING OATH....

THE STATE OF OHIO,) BE IT REMEMBERED, That on this 11th day of December, A.D.1905, personally appeared
Franklin County, ss.) before me, Walter Braun a County Surveyor in and for said County, Chas. Frank, Sr., Phil
J.Dill and McConnell Seymour, Viewers of the County Road petitioned for by J.E.Swisher and others, and were
by me duly sworn to the faithful and impartial performance of their respective duties.

(SEAL)

Walter Braun.....

SURVEYOR'S REPORT.

TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

The undersigned, in obedience to your order dated the 28th of November, 1905, proceeded, on the 11th
day of December, 1905 to survey and mark the _____ described in said order, under the
direction of the Viewers therein named, and respectfully submits the following return of said survey:

Beginning a point in the Groveport Pike on the line between the lands of C.Heer and the Board
of Education of Madison Township, Franklin County, Ohio, and used for school purposes; thence in a Southerly
direction on the line between said lands; thence continuing in the same direction on the line between the
lands owned by Amos Culp and Archibald Wood to a point in Toy County Road and there to terminate, and being
a distance of three fourths of a Mile, more or less. We only ask the road established as it now is...

PLAT OF SWISHER ROAD
Madison Twp.

REPORT OF VIEWERS..

TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

In obedience to your order, issued at your Nov. 28th session, A.D. 1905, we, the undersigned, Viewers, appointed under said order, met with Walter Braun Surveyor, at the beginning of said road on the 11th December, 1905 at 10 o'clock A.M. and were severally sworn to discharge, faithfully and impartially, the duties required of us in said order.

C.E. Balz and T.B. Menseley were selected by us as chain-carriers, and _____ 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 establishment of said road, as follows:

Beginning at a stone in the centre of the Toy County Road, said stone being on the section line between sections 29 and 30, Madison Twp.; thence N. 4' 4" E. 2702.20 ft. to a stone on the section line; thence continuing same course 3325 feet to the South line of the school lot; thence same course 3655.20 feet to centre of the track of the Scioto Valley Traction Co.; thence same course 3713 feet to the centre of the Groveport Pike. The land to be appropriated for road purposes is as follows:

A strip of land 25 feet in width lying East of the section line above described and adjoining the land of Betty C. Beauchamp and being all in the Section No. 29 and recently purchased by Chas. Koebel et al; also a strip of land 5 feet in width lying West of said Section line and in Section No. 30 in the name of Amos Culp; also a strip of land 21 feet in width lying West of the Section line in Section No. 19 in the name of C.S. Heer and also crossing the right of way of Traction Company with same width; also a strip of land 15 ft. in width lying East of said Section line in Section No. 20 and extending from Section 29 to the Groveport Pike supposed to belong to Amos Culp which strip also crosses the right of way of said Traction Company.

We would respectfully report that the said County Road ought to be established for the following reasons: First; There has been a private road established here for years which the public has been at liberty to travel at all times, the greater portion of the road is already graded and graveled; the County will be to no expense in the construction of culverts and the public convenience demands that the same be opened and established as prayed for..

We have also determined that the public convenience requires that such road shall be established; that portion in Sections 29 & 30 shall be 30 feet and the portion in Sections 19 & 20 shall be 36 feet. All of which is respectfully submitted,)

this 16th day of December, 1905)

Charles Frank)
T. J. Dill) VIEWERS...
McC. Seymour)

FEEES..

P.J. Dill	Viewer,	2	days,	\$ 3.00	C.E. Balz,	Chainman,	1	days,	\$ 2.00
Chas. Frank, Sr.	"	2	"	\$ 3.00	F.B. Menseley,	"	1	"	\$ 1.00
McCon Seymour,	"	2	"	\$ 3.00	"	"	"	"	"
					Walter Braun Surveyor,	3	days,	\$ 15.00	

SEPARATE REPORT OF VIEWERS..

TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

The undersigned Viewers of the County petitioned for by J.E. Swisher and others.

16th day of December, 1905.....

Charles Frank)
P.J. Dill) VIEWERS AND
McC. Seymour) JURORS TO
AWARD DAMAGES.

COLUMBUS, OHIO, March 5th 1906

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:

John Scott,)
Clerk.

Peter Swickard)
Wm. S. Carlisle) Commissioners.
Morton Hayes)

COLUMBUS, OHIO, Mch. 6th 1906

The Commissioners met in regular session, and the report of the Surveyor and Viewers appointed to survey and view the road, as describe in the foregoing petition, was read the second time..

ATTEST:

John Scott,)
Clerk.

Peter Swickard)
Wm. S. Carlisle) Commissioners.
Morton Hayes)

COLUMBUS, OHIO, March 7, 1906

The Commissioners met in regular session, and the report of the Viewers and Surveyor appointed to survey and view the road, as described in the petition, was this day publicly read for the third time and being in favor of said road and no objections being made, nor damages claimed, nor petition for review filed, and the board being of the opinion, that said road 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 road be recorded, and that said road be established a public highway to the width set forth in said report, and that a notice in accordance therewith be served on the Trustees of the Township or Townships through which the same is located..

ATTEST:

John Scott,
Clerk of the Board.

Peter Swickard)
Wm. S. Carlisle) County
Morton Hayes) Commissioners....
