

ROAD RECORD NO. 11

ROAD RECORD NO. 11

PAGE NO. 481

IN THE MATTER OF THE COUNTY ROAD PETITIONED FOR BY  
A. L. CARY AND OTHERS IN CLINTON TWP., FRANKLIN  
COUNTY, OHIO.....

Genessee Avenue - from Parkwood Avenue west to the railroad

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ROW = 50'

ROAD NOTICE...

NOTICE IS HEREBY GIVEN, That a petition will be presented to the Commissioners of Franklin County, at the next session Wednesday, Oct. 28, A. D. 1908, praying for the laying out & establishing of a Road on the following line, to-wit: Beginning at the Denune road, Clinton Township, Franklin County, Ohio, at the Northeast corner of Lot No. One (1) of a Subdivision made by the heirs of Armstrong Burwell in partition proceedings in the case of James M. Burwell Plaintiff vs. Anna Ranck et al, defendants in the Court of Common Pleas of Franklin County, Ohio, of record in complete Record 130, page 457 thereof in the Clerk's Office of Franklin County, Ohio. Thence a westerly direction on the North line of said Lot Number One (1) to the East line of the right of way of the Cleveland, Akron and Cols., Railway Company; thence West across said right of way and to the North line of said Lot Number One (1) and there terminating with Genessee Avenue...

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

THE STATE OF OHIO, ) A. L. Cary having been first duly sworn states that on the 26th, day of September Franklin County, ss.) 1908, and at least thirty days before the 28th, day of October, 1908, 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 Clinton Township in which said road is proposed to be laid out and established.

(signed) A. L. Cary

Sworn to and subscribed before me, this 28" day of October, A. D. 1908

L. A. Russell, Notary Public,  
Fra. Co., O...

AFFIDAVIT OF PRINTER..

THE STATE OF OHIO, ) I, I. N. Sprague 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 October 28th, A. D. 1908, in The Columbus Citizen, a newspaper printed in said County of Franklin, State of Ohio, and of general circulation therein, and that the first publication was made September 26" A. D. 1908

I. N. Sprague

Sworn to before me, and signed in my presence, this 17" day of October, A. D. 1908

Charles F. Fischer...

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ROAD PETITION..

FOR A COUNTY ROAD IN CLINTON TOWNSHIP....

TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

the undersigned petitioners, freeholders of said County, respectfully represent that the public convenience requires the laying out & establishing 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 and establish such road, to-wit: Beginning at the Denune road, Clinton Township, Franklin County, Ohio, at the Northeast corner of Lot Number One (1) of a Subdivision made by the heirs of Armstrong Burwell\* Plaintiff vs. Anna Ranck, et al, defendants in the Court of Common Pleas of Franklin County, Ohio of Record in Complete Record 130, page 457 thereof in the Clerk's office of Franklin County, Ohio. Thence a Westerly direction on the North line of said Lot Number One (1) to the East line of the right of way of the Cleveland, Akron and Columbus Railway Company; thence West across said right of way of the Cleveland, Akron & Columbus Railway Company to the West line of said right of way and to the north line of said Lot No. One (1) and there terminating with Genessee Avenue,... ( \* in partition proceedings in the case of Jas. M. Burwell\* )

Dated this 28th, day of October, A. D. 1908

| PETITIONERS' NAMES. | PETITIONERS' NAMES. | PETITIONERS' NAMES. | PETITIONERS' NAMES. |
|---------------------|---------------------|---------------------|---------------------|
| A. L. Cary,         | P. J. Ranck,        | Victor W. Jones,    | A. C. Wolfe,        |
| D. M. Taylor,       | H. W. Strait,       | Wm. B. Leitch,      | E. G. Burwell,      |
| C. W. Corbett,      | E. L. Williams,     | L. H. Mann,         |                     |
| L. A. Russell,      | J. D. Smith,        | R. Davidson,        |                     |
| R. A. Vaelmeck      | Phillip Kaedel,     | Sam'l. Brown...     |                     |

COLUMBUS, OHIO, September 18

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

Now comes A. L. Cary 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, A. L. Cary and A. C. Wolfe are held and firmly bound unto the State of Ohio, for the use of Franklin County, in the penal sum of One Hundred (\$100) 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 26<sup>th</sup> day of September, 1908

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

Beginning in the Denune Road, Clinton Township, Franklin County, Ohio, at the Northeast corner of Lot Nimber One (1) of a Subdivision made by the heirs of Armstrong Burwell in partition proceedings in the case of James M. Burwell Plaintiff vs. Anna Ranek et al defendants in the Court of Common Pleas of Franklin County, Ohio, of Record in Complete Record 130 page 457 thereof in the Clerk's Office of Franklin County, Ohio. Thence a Westerly direction on the North line of said Lot Number One (1) to the East line of the right of way of the Cleveland, Akron and Columbus Railway Company; thence West across said right of way to the West line of said right of way and to the North line of said Lot No. One (1) and there terminating with Genesee Avenue...

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. D. Morgan )

A. C. Wolfe (SEAL)  
A. L. Cary (SEAL)  
C. T. Phillips (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 Marion Corwin, Harry C. Kennedy and Chas. Merion, Jr. three disinterested freeholders of Franklin County, Ohio, be and they are hereby appointed Viewers, and Walter Braun County Surveyor of said Road and that they meet at on the line of said proposed road on the 14<sup>th</sup> day of December, 1908 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, November 7<sup>th</sup> 1908

Marion Corwin )  
Harry C. Kennedy ) VIEWERS.  
Chas. Merion )

Walter Braun SURVEYOR.

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 A. L. Cary et al...

You will therefore meet on the 14<sup>th</sup>, day of December, 1908 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 \_\_\_\_\_ 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,

County Auditor...

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

TO William Gittins and Everal Burwell.....

You are hereby notified that the Viewers and Surveyor appointed by the Commissioners of Franklin County, Ohio, in their order of November 7<sup>th</sup> 1908, to lay out and survey the County Road petitioned for by the undersigned and others, will meet on line of said proposed road on the 14<sup>th</sup> day of December 1908, for the purpose set forth in said order..

Dated this 7<sup>th</sup>, day of November, A. D. 1908

John Scott, Clerk...

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PROOF OF SERVICE..

THE STATE OF OHIO, ) A. L. Cary having been first duly sworn, states, that on the 5<sup>th</sup>, day of December  
Franklin County, ss.) 1908, (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 Wm. Gittins and Everal Burwell  
(signed) A. L. Cary

Sworn to and subscribed before me, this 14<sup>th</sup> day of December, A. D. 1908

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CERTIFICATE OF MAKING OATH...

THE STATE OF OHIO, ) BE IT REMEMBERED, That on this 14th, day of December, A. D. 1908, personally  
Franklin County, ss.) appeared before me, Walter Braun, the County Surveyor in and for said County,  
Marion Corwin, Harry C. Kennedy and Charles Merion, Jr., Viewers, petitioned for by A. L. Cary and others,  
and were by me duly sworn to the faithful and impartial performance of their respective duties.

Walter Braun, Co., Surveyor...

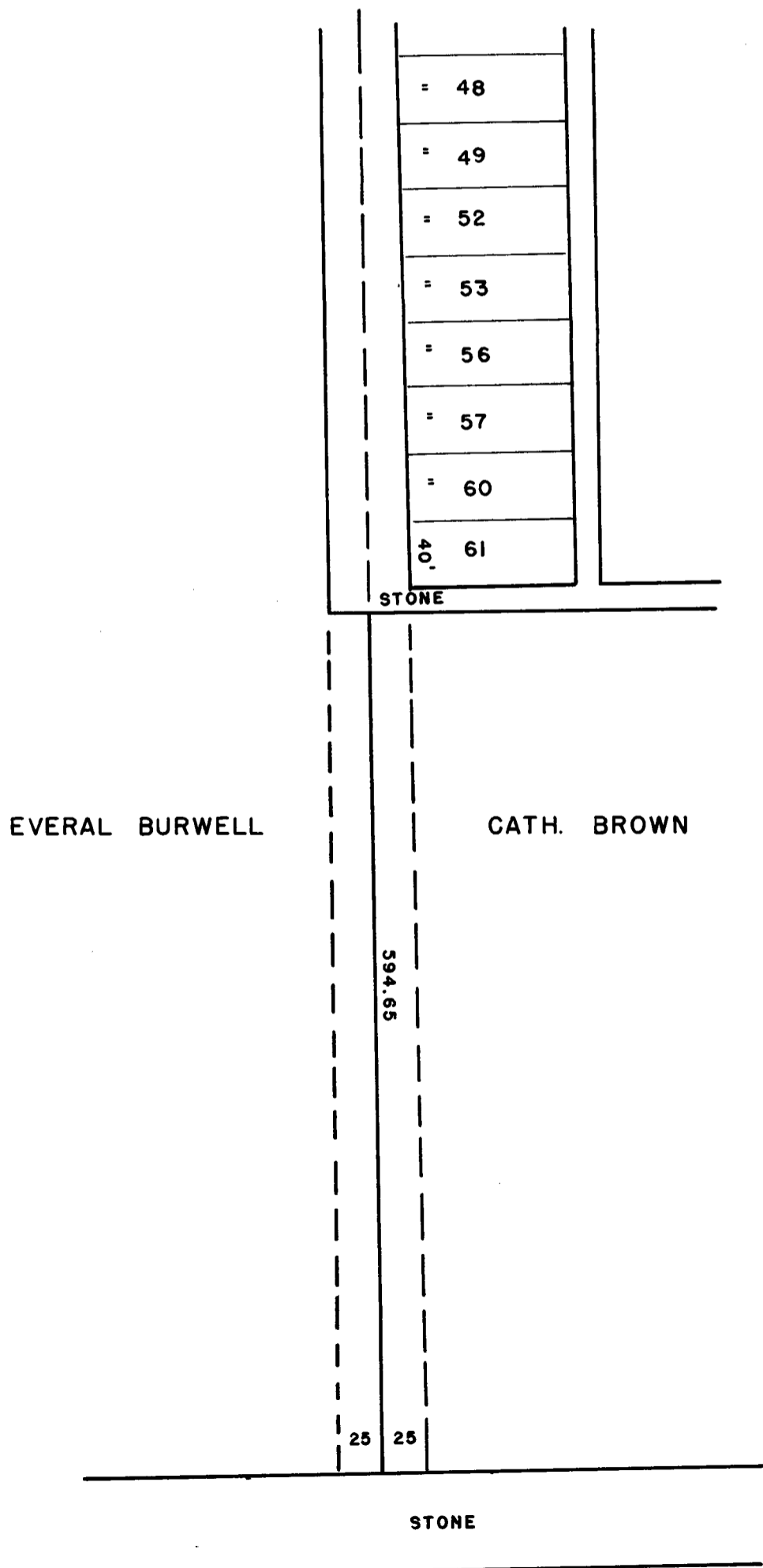
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SURVEYOR'S REPORT..

TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

The undersigned, in obedience to your order dated November 7<sup>th</sup> 1908, proceeded, on the 14th,  
day of December, 1908 to survey and mark the road described in said order, under the direction of the  
Viewers therein named, and respectfully submits the following return of said survey:

PLAT OF THE ROAD PETITIONED FOR BY A. L. CARY.  
Clinton Township.





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REPORT OF VIEWERS...

TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

In obedience to your order, issued at your November 7<sup>th</sup> session, A. D. 1908, we, the undersigned, Viewers, appointed under said order, met with Walter Braun, Co., Surveyor, at the beginning of said road in the Denune Rd. on the 14<sup>th</sup>, day of Dec. 1908 at 10 o'clock A. M., and were severally sworn to discharge, faithfully and impartially, the duties required of us in said order.

Clark Baumgartnet and F. B. Meneley were selected by us as chain-carriers, and John Wolf as merker, 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 to the public," by the establishment of said road, as follows:

Beginning at a stone in the center of the Denune road at the Northeast corner of Lot No. One (1) of a subdivision made by the heirs of Armstrong Burwell in partition proceedings Complete Record 130 page 457 and being the Northeast corner of Everal Burwell's land; thence West along the line of said Lot No. 1, 594.65 feet to a stone in the South east corner of Wolf & Cary's Addition; thence West on the same line 2022.05 feet to the West line of the right of way of the C. A. and C. Railway Co., and there to terminate and connect with Genesee Avenue of Heddon's Addition in Clinton Tp...

We would respectfully report that the said road ought to be established for the following reasons: It will provide an outlet for the property located between the C. A. & C. Ry. and the Denune road and will farther be a benefit to the public being a connecting road between Cleveland Avenue and the Denune Road.

We have also determined that the public convenience requires that such road shall be established 50 feet in width...

All of which is respectfully submitted,  
26th, day of Dec. 1908)

Harry D. Kennedy )  
Marion Corwin ) VIEWERS.  
Charles Merion, Jr. )

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FEEES...

|                     |         |   |       |         |                    |           |       |       |      |
|---------------------|---------|---|-------|---------|--------------------|-----------|-------|-------|------|
| Marion Corwin,      | Viewer, | 2 | days, | \$ 4.00 | Clark Baumgartner, | Chainman, | _____ | days, | \$ 0 |
| Harry D. Kennedy,   | "       | 2 | "     | \$ 4.00 | F. B. Memeley,     | "         | _____ | "     | \$ 0 |
| Charles Merion, Jr. | "       | 2 | "     | \$ 4.00 | John Wolf,         | Marker,   | _____ | "     | \$ 0 |

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SEPARATE REPORT OF VIEWERS..

TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

The undersigned Viewers of the road petitioned for by A. L. Cary et al 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 J. Everal Burwell, Sixty-five 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 J. Everal Burwell Sixty-five DOLLARS;

Harry D. Kennedy ) VIEWERS AND  
Marion Corwin ) JURORS TO  
Charles Merion, Jr. ) AWARD DAMAGES.

December 26<sup>th</sup> 1908....

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COLUMBUS, OHIO, March 1<sup>st</sup>, 1909

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. )  
Henry A. Mason )  
Morton Hayes ) Commissioners.

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COLUMBUS, OHIO, March 2<sup>nd</sup> 1909

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:  
John Scott, )  
Clerk. )  
Henry A. Mason )  
Morton Hayes ) Commissioners.

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COLUMBUS, OHIO, Mch. 3<sup>rd</sup>, 1909

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 no

application having been made to them for a review of the road or any part thereof or alteration thereof, and it being the opinion of the Board that said road will be of public utility and the report of the Viewers being favorable thereto; the report of said Viewers is therefore ratified and confirmed. It is further ordered and directed that the compensation found and determined by said Viewers to be due and payable to J. Everal Burwell for property appropriated in the sum of Sixty-five Dollars (\$65) be and the same is hereby directed to be paid from the Treasury of Franklin County, Ohio.

It is further found that said road would not be of sufficient importance to the public to cause all of the damages which have been assessed, viz: \$35.00 to be paid by the County, but that it is of sufficient importance to the public to cause the payment of the sum of \$10.00 so assessed as damages by said Viewers to J. Everal Burwell and that the balance of said damages so assessed, to-wit: The sum of Twenty-five Dollars (\$25) be required to be paid by the petitioners therefor; that on the payment of said compensation and damages so assessed an order be issued to the Trustees of Clinton Township directing the opening of the road as set forth in the petition and as reported by the Viewers and Surveyor thereon..

ATTEST:-  
John Scott,  
Clerk...

Henry A. Mason ) County  
Morton Hayes ) Comr's.....

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