

No road exists - petition denied

ROAD RECORD NO. 12

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IN THE MATTER OF THE OPENING AND ESTABLISHING OF A COUNTY ROAD PETITIONED FOR BY J. B. DENUNE AND OTHERS IN MIFFLIN TWP. FRANKLIN COUNTY, OHIO.

## NOTICE OF PRESENTING COUNTY ROAD PETITION.

Notice is hereby given that a petition will be presented to the Commissioners of Franklin County at their next session February 10<sup>th</sup> 1910, praying for the opening and establishing of a County Road on the following line, to-wit: Beginning in the School House Road west of land owned by J. B. Denune, W. J. Eckart and the Federal Gas Company and south of the section line; thence west along side of land owned by O. T. Owston, Harry Rihl, Charles Green and J. B. Denune to a point five hundred feet (500') from said School House road; thence south five hundred and fifty feet (550') alongside of and through land owned by J. B. Denune to Parkwood Avenue; thence west on Aberdeen Avenue alongside of and through lands owned by J. B. Denune, E. E. Denune, Charles Radebaugh, C. A. & C. Railroad, Jane Reasoner, Iva Waggaman, Fred Shirtsinger and Clinton Township School Board to Cleveland Avenue.

## PROOF OF POSTING AND PUBLISHING NOTICE.

THE STATE OF OHIO, FRANKLIN COUNTY, SS.

J. B. Denune being duly sworn, says that on the 5<sup>th</sup> day of January, 1910, and at least thirty days before the 10<sup>th</sup> day of February, 1910, he set up copies of the foregoing notice at the Auditor's Office in said County, and in three public places in the Township of Clinton through which the road proposed to be established. Affiant further says that the substance of said notice was published for four consecutive weeks before the 10<sup>th</sup> day of February, 1910, (the date of presentation of the petition,) in the Columbus Citizen a newspaper published in said Franklin County, in which said road sought to be laid out & established by such petition, is situated.

J. B. DenuneSworn to before me, and signed in my presence, this 10<sup>th</sup> day of February, 1910.

Theodore Weyant  
Notary Public, Franklin Co. O.

## COUNTY ROAD PETITION..

TO THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

The undersigned petitioners, resident freeholders of said County, residing in the vicinity of the proposed improvement hereinafter described, respectfully represent that the public convenience requires the opening & establishing of a County Road on the line hereinafter described; and pray that your body will institute and order proper proceedings in the premises to establish such road, to-wit: Beginning in the School House road west of land owned by J. B. Denune, W. J. Eckart and the Federal Gas Company and south of the Section line; thence west along side of land owned by O. T. Owston, Harry Rihl, Chas. Green and J. B. Denune to a point five hundred feet (500') from said School House Road; thence south five hundred and fifty feet (550') alongside of and through land owned by C. H. Green and J. B. Denune; thence west through land owned by J. B. Denune to Parkwood Avenue; thence west on Aberdeen Avenue alongside of and through lands owned by J. B. Denune, E. E. Denune, Charles Radebaugh, C. A. & C. Railroad, Jane Reasoner, Iva Waggaman, Fred Shirtsinger and Clinton Township School Board, to Cleveland Avenue.

Dated this 5th, day of January, 1910.

PETITIONERS NAMES	PETITIONERS NAMES
J. B. Denune	L. W. Winteringer
E. E. Denune	Ethel D. Young
H. E. Osborne	P. F. Denune
F. A. Todd	Wm. Harper
Frank Kailer	N. J. Reasoner
C. W. Broderick	Geo. Shilley
L. H. Frizzell	The Cols. Real Est. & Imp.
A. A. Hoffman	Co. by J. A. Chilcote, Sec'y.

## BOND ON COUNTY ROAD PETITION.

KNOW ALL MEN BY THESE PRESENTS:

That we, J. B. Denune and John A. Chilcote, are held and firmly bound unto the State of Ohio, for the use of Franklin County, in the penal sum of Two Hundred Dollars, to the payment of which, well and truly to be made, we do hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us and dated at Columbus, this 10<sup>th</sup> day of February, 1910.

The condition of the above obligation is such, that whereas, application has been made to the Board of Commissioners of said Franklin County, for the opening & establishing of a County Road on the following line, to-wit:

Beginning in the School House Road west of land owned by J. B. Denune, W. J. Eckart and the Federal Gas Company, and south of the Section line; thence west alongside of land owned by O. T. Owston, Harry Rihl, Charles Green and J. B. Denune, to a point five hundred feet (500') from said School House road; thence south five hundred and fifty feet (550') alongside of and through land owned by C. H. Green and J. B. Denune; thence west through land owned by J. B. Denune to Parkwood Avenue; thence west on

Aberdeen Avenue, alongside of and through lands owned by J. B. Denune, E. E. Danune, Charles Radebaugh, C. A. & C. Railroad, Jane Reasoner, Iva Waggaman, Fred Shirtsinger and Clinton Township School Board to Cleveland Avenue.

Now, if the said applicants shall pay into the Treasury of said county, the amount of all costs and expenses accruing thereon, in case said application shall fail; then this obligation to be void, otherwise to be in full force in law.

J. B. Denune  
John A. Chilcote

ORDER APPOINTING VIEWERS -- COUNTY ROAD.  
Issued to Viewers and County Surveyor.

Office of County Commissioners of Franklin County, Ohio, Feb. 10<sup>th</sup> 1910.

IN THE MATTER OF THE )  
OPENING AND ESTABLISHING CO. ROAD )

The Petition of J. B. Denune and others for the opening & establishing of a County Road along the following described route, to-wit: Beginning in the School House Road West of land owned by J. B. Denune, W. J. Eckart and the Federal Gas Company; and south of the Section line; thence west along side of land owned by O. T. Owston, Harry Rihl, Charles Green and J. B. Denune to a point five hundred (500') feet from said School House Road; thence south five hundred and fifty feet (550') alongside of and through land owned by C. H. Green and J. B. Denune; thence west through land owned by J. B. Denune to Parkwood Avenue; thence west on Aberdeen Avenue alongside of and through lands owned by J. B. Denune, E. E. Denune, Chas. Radebaugh, C. A. & C. R. R., Jane Reasoner, Iva Waggaman, Fred Shirtsinger and Clinton Township School Board to Cleveland Ave., having been presented to the Commissioners; and they being satisfied from the proof before them that proper notice of the intention to present such Petition has been given according to law; it is ordered that Chas. Merion, Jr., Harry Kennedy and C. C. Walcutt three disinterested freeholders of this County be and they hereby are appointed as Viewers, and the County Surveyor to survey the same. (P.33)

It is further ordered that an order issue directing said Viewers, with said County Surveyor to meet on line of road and proceed on the 15<sup>th</sup> day of March, 1910, or on their failing to meet on that day, within five days thereafter.

(If either of said Viewers fail to attend at the place specified, at or before ten o'clock A. M. of said day, said Surveyor and two Viewers will fill the vacancy by appointing a judicious disinterested freeholder of this County.) And after taking an oath faithfully and impartially to discharge the duties of their appointment respectively, to take to their assistance two suitable persons as chain carriers and one marker, and proceed to view, survey and open and establish said Road as prayed for in the Petition, or as near the same as in their opinion a good road can be made at reasonable expense, taking into consideration the utility, convenience, inconvenience and expense which will result to individuals, as well as to the public, if such road or any part thereof is opened and established also, as a jury, assess and determine the compensation to be paid in money for the properties sought to be appropriated, without deduction for benefit to any property of the owner, and to assess and determine how much less valuable, is any, the land or premises from which such appropriation may be taken, will be rendered by the opening and establishing of such road, being the damages sustained by any person through whose premises the Road is proposed to be opened & established; (but said Viewers are not required to so assess or award damages or compensation to any person except minors idiots, or lunatics, unless the owner or his agent, having notice as provided by law, files with them a written application, giving a description of the premises on which damages or compensation is claimed;) and also to determine whether the public convenience requires that such Road or any part thereof shall be sixty feet in width, or whether a less width than sixty feet will as well promote the public convenience; and report the width in their opinion, the same shall be opened and established.

Said Surveyor will survey such Road, under the direction of the Viewers, and cause the same to be conspicuously marked throughout, noting the courses and distances, and at the end of each mile cause the number of the same, and also the commencement and termination of the Road or Survey to be marked on a tree or monument erected for that purpose. And said Surveyor will make and deliver to one of the Viewers, without delay, a correct certified return of the Survey of said Road, and a Plat of the same; to be returned with the Reports of said Viewers.

It is further ordered that said Viewers make and sign a Report in writing, stating their opinion in favor of or against the opening and establishing of such Road, or any part thereof, and set forth the reasons of the same, and deliver such Report to the County Auditor, on or before the first day of the regular session of the Commissioners next ensuing; and at the time said Viewers make such Report, they shall also make a separate Report, in writing, stating the amount of the damages, if any, and to whom by them assessed, which would accrue by the \_\_\_\_\_ of the Road; and file the written applications on which such assessments have been made with the County Auditor.

NOTICE TO VIEWERS AND SURVEYOR OF TIME AND PLACE OF MEETING --- COUNTY ROAD.

TO Charles Merion, Jr., Harry Kennedy and C. C. Walcutt Viewers and Hugh K. Lindsey Surveyor.

YOU ARE HEREBY NOTIFIED, That under the Order of the Commissioners of Franklin County, Ohio, dated February 10<sup>th</sup> 1910, you were appointed to view, survey and lay out & establish the County Road petitioned for by J. B. Denune and others, and to perform the other duties required of you by law.

You are directed to meet on line of proposed road on the 15<sup>th</sup> day of March, 1910, at 10 o'clock A. M., for the purposes aforesaid and as set forth in said order.

And the 15<sup>th</sup> day of March, 1910, is the day by which claims for compensation must be filed.

Dated this 10<sup>th</sup> day of February, 1910.

J. B. Denune  
Principal Petitioner.

REPORT OF VIEWERS---COUNTY ROAD.

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TO THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

March 19, 1910.

In the matter of the County Road petitioned for by J. B. Denune and others, Millfin Township, Franklin County, Ohio.

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS,  
FRANKLIN COUNTY, OHIO.

Gentlemen:-

The undersigned Viewers, Charles Merion, Jr., Harry Kennedy and George M. Williams, substituted by the Engineer for C. C. Walcutt who was unable to be present, Viewers appointed by your Honorable Board February 10, 1910, first being duly sworn by Hugh K. Lindsey, County Surveyor, Franklin County, Ohio, met on the line of said road petitioned for by J. E. Denune and others, at 10 o'clock A. M. on the 15th day of March, 1910.

We examined the line of said roadway and met all persons interested in the establishment and location of said road, and also all persons opposed to the establishment and location of said road.

We find that the establishment of said road is practically co-extensive with that of the street and roadway known as Aberdeen Ave., in the addition of East Linden Park Place, which roadway has been dedicated for public use, and a plat of same is on file with the County Recorder. There are also practically two parallel roads on each side of said proposed road about 400 feet distance in each case.

We believe and find that the necessity does not exist at this time for the location and establishment of the road petitioned for by these parties. We are unable to grant the right of way over the Cleveland, Akron & Columbus Railroad, and your Honorable Board would be unable to grant a right of way over this same railroad in the event of our granting the petition. Such power rests only with the Court of Common Pleas.

We recommend, therefore, that the petition be not granted and that the matter of building the subway or crossing over the C. A. & C. Railroad be taken up for the benefit of all these additions at some future date.

Respectfully submitted,

Charles Merion, Jr., Chain  
Geo. M. Williams  
H. D. Kennedy

ORDERS OF COUNTY COMMISSIONERS. ---- Made after Returns of Viewers and Surveyors.

Office of County Commissioners of Franklin County, Columbus, Ohio, June Session, June 6<sup>th</sup> 1910.

IN THE MATTER OF THE )  
Location of a County Road )

Petitioned for by  
J. E. Denune and others.

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 first time.

ATTEST:

John Scott  
Clerk.

A. M. Gibson )  
County  
Morton Hayes ) Commissioners.  
Richard Sinclair )

Office of County Commissioners of Franklin County, Columbus, Ohio, June session, June 7<sup>th</sup> 1910.

IN THE MATTER OF THE )  
Location of a County Road )

Petitioned for by  
J. E. Denune and others.

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 second time.

ATTEST:

John Scott  
Clerk.

A. M. Gibson )  
County  
Morton Hayes ) Commissioners.  
Richard Sinclair )

Office of County Commissioners of Franklin County, Columbus, Ohio, June session, June 8<sup>th</sup> 1910.

IN THE MATTER OF THE )  
Location of a County Road )

Petitioned for by  
J. E. Denune and others.

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 said report being unfavorable, the location and establishment of the road petitioned for, said report was accepted, approved and the petition was dismissed at the cost of the petitioners.