

ROAD RECORD NO. 12

PAGE NO. 221

IN THE MATTER OF THE EARL ROAD PETITIONED FOR BY CLINTON EARL AND OTHERS IN MIFFLIN TOWNSHIP, 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 October, 24, 1914, praying for the laying out, etc., of a County Road on the following line, to-wit: Beginning at a point in the center of the McCutcheon County Road where the one-half (1/2) Township line between 1/2 Townships 1 and 2 of Mifflin Township intersects said road; said point being also the north end of the White County Road; thence in a northerly direction along said one-half (1/2) township line, to a point in the center line of a road between Mifflin and Blendon Township and there terminate, being about 1.60 miles in length and lying wholly within Mifflin Township. Said road to be established 40 ft. in width, 20 feet on each side of the 1/2 Township line.

Clinton Earl, et al. Petitioners.

OHIO STATE JOURNAL PROOF OF PUBLICATION

PROOF OF PUBLICATION

STATE OF OHIO, FRANKLIN COUNTY, ss.

DR. 73 page 448

Paul Eisell, Cashier. The Ohio State Journal, a newspaper published at Columbus, Franklin County, Ohio, personally appeared and made oath that the attached advertisement was published for four consecutive weeks in said newspaper from and after Sept. 13, 1914, and that said paper is of general circulation in said County and State.

Paul Eisell

Subscribed and sworn to this 20th day of Oct. 1914.

(SEAL)

M. W. Rible

Notary Public in and for 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, October 24, 1914, praying for the laying out, etc., of a County Road on the following line, to-wit: Beginning at a point in the center of the McCutcheon County Road, where the one-half (1/2) township line between 1/2 townships 1 and 2 of Mifflin township intersects said road; said point being also the north end of the White County Road; thence in a northerly direction along said one-half (1/2) township line, to a point in the center line of a road between Mifflin and Blendon Townships and there terminate, being about 1.60 miles in length and lying wholly within Mifflin Township. Said Road to be established 40 feet in width 20 feet on each side of the 1/2 township line.

Clinton Earl, Et. Al.

9-18 25 10-2 9 Petitioners.

* F I L E D *
* Jan. 29, 1915 *
* Samuel L. Black, *
* Probate Judge. *

PROOF OF POSING AND PUBLISHING NOTICE.

THE STATE OF OHIO, FRANKLIN COUNTY, SS.

Clinton B. Earl being duly sworn, says that on the 19th day of September, 1914, and at least thirty days before the 24th day of October, 1914, 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 Mifflin through which the road is proposed to be established. Affiant further says that the substance of said notice was published for four consecutive weeks before the 24th day of October, 1914, (the date of presentation of the petition,) in the Ohio State Journal a newspaper published in said Franklin County, in which said road sought to be established by such petition, is situated.

Clinton B. Earl

Sworn to before me, and signed in my presence, this 20th day of October, 1914.

F. M. Sayre, County Auditor.

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 laying out and 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 lay out and establish such Road, to-wit: Beginning at a point in the center of the McCutcheon County Road where the one-half (1/2) Township line between 1/2 townships 1 and 2 of Mifflin Township intersects said road; said point being also the north end of the White County Road; thence in a northerly direction along said one-half (1/2) Township line, to a point in the center line of a road between Mifflin and Blendon Townships and there terminate, being about 1.60 miles in length and lying wholly within Mifflin Township. Said road to be established

40 ft. in width, 20 ft. on each side of the $\frac{1}{2}$ Township Line.

PETITIONERS' NAMES	PETITIONERS' NAMES	PETITIONERS' NAMES
Clinton Earl	Grant Herr	W. E. Burwell
J. H. Bender	Louis Mahdiger	Daniel Earl
J. F. Lindenmayer	Rettie Sandusky	Wm. E. Dell
J. C. Lintner	H. C. Burwell	G. L. Grey
C. H. Schneider	Harry Earl	Wouglass Agler
Alan Emig	George Earl	Samuel Heisllick Weirs
J. M. Sandusky	Anana M. & Bernard Stecher	David Taylor

BOND ON COUNTY ROAD PETITION.

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KNOW ALL MEN BY THESE PRESENTS:

That we, Clinton Earl, J. Sandusky and G. L. Frey, 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, and administrators.

Signed by us and dated at Columbus, this 22nd day of August, 1914.

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 laying out and establishing of a County Road, on the following line, to-wit:

A point in the center of the McCutcheon County Road where the one-half ($\frac{1}{2}$) township line between $\frac{1}{2}$ townships 1 and 2 of Mifflin Township intersects said road; said point being also the north end of the White County Road; thence in a northerly direction along said one-half ($\frac{1}{2}$) Township line, to a point in the center line of a road between Mifflin and Blendon Townships and there terminate, being about 1.80 miles in length and lying wholly within Mifflin Township. Said road to be established 40 ft. in width, 20 ft. on each side of the $\frac{1}{2}$ Township Line.

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.

Clinton Earl
J. M. Sandusky
G. L. Frey

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

OFFICE OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, Ohio, Oct. 24, 1914.

IN THE MATTER OF THE)
EARL Road)

Laying out and establishment

The Petition of Clinton Earl and others for the laying out etc., of a County Road along the following described route, to-wit: Beginning at a point in the center of the McCutcheon County Road where the one-half township line between $\frac{1}{2}$ townships 1 and 2 of Mifflin Township intersects said road; said point being also the north end of the White County Road; thence in a northerly direction along said $\frac{1}{2}$ Township line to a point in the center line of a road between Mifflin and Blendon Townships and there terminate, being about 1.80 miles in length and lying wholly within Mifflin Township. Said road to be established 40 ft. in width, 20 ft. on each side of the $\frac{1}{2}$ Township line; 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, A. M. Gibson and Wm. M. Long three disinterested freeholders of this County be and they hereby are appointed as Viewers, and the County Surveyor to survey the same. Page 223

It is further ordered that an order issue directing said Viewers, with said County Surveyor, to meet on line of said proposed road and proceed on the 10th day of November, 1914, 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 lay out 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 laid out 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 laying out etc of such road, being the damages sustained by any person through whose premises the Road is proposed to be laid out; (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

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 said 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 laying out, etc. 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 Dec. 1914 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 damages, if any, and to whom

by them assessed, which would accrue by the laying out etc, of the Road; and file the written applications on which such assessments have been made, with the County Auditor.

Richard Sinclair)
Lewis Davis) County Commissioners.
Thos. L. Humphreys)

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

TO Chas. Verion, A. M. Gibson and Wm. M. Long Viewers and John Peake, Surveyor.

YOU ARE HEREBY NOTIFIED, That under the Order of the Commissioners of Franklin County, Ohio, dated October 24, 1914, you were appointed to view, survey and lay out the County Road petitioned for by Clinton Earl and others, and to perform the other duties required of you by law.

You are directed to meet on line of said proposed road on the 10th day of November, 1914, at 10 o'clock A. M., for the purposes aforesaid and as set forth in said Order.

And the 9th day of November, 1914, is the day by which claims for compensation must be filed.

Dated this 24th day of October, 1914.

John Scott
Clerk Bd. Co. Com'rs.

PROOF OF SERVICE

THE STATE OF OHIO, FRANKLIN COUNTY, SS.

Clinton Earl being duly sworn, says that on the 2nd day of November, 1914, (being not less than six days before the time appointed for the meeting of the Viewers and Surveyor,) he served a copy of the foregoing notice upon Chas. Verion, A. M. Gibson and Wm. M. Long, Viewers and John Peake, Surveyor.

(Signed) Clinton Earl

Sworn to before me, and signed in my presence, this 5th day of November, 1914.

C. A. DeLay
Notary Public.

NOTICE TO LAND OWNERS OF TIME AND PLACE OF MEETING VIEWERS AND SURVEYOR.

TO Clinton Earl, J. M. & Retta Sandusky, Grant Herr, Louis Fahringer, Geo. Earl, W. E. Burwell, Daniel Earl, Wm. E. Dill, Douglass Agler, Sam Heimlich's Hrs. and David Taylor.

YOU ARE HEREBY NOTIFIED, that the viewers and Surveyor appointed by the Commissioners of Franklin County, Ohio, in their order dated Oct. 24th 1914, to view, survey and lay out the County Road petitioned for by Clinton Earl and others, will meet on line of said proposed road on the 10th day of November, 1914, at 10 o'clock, A. M., for the purposes set forth in said order.

And the 9th day of November, 1914, is the day by which claims for compensation must be filed.

Dated this 24th day of Oct. 1914.

John Scott,
Clerk Bd. Co. Com'rs.

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PROOF OF SERVICE

THE STATE OF OHIO, FRANKLIN COUNTY, SS.

Clinton Earl being duly sworn, says that on the 2nd day of November, 1914, (being not less than six days before the time appointed for the meeting of the Viewers and Surveyor,) he served a copy of the foregoing notice upon Clinton Earl, J. M. & Retta Sandusky, Grant Herr, Louis Fahringer, Geo. Earl, W. E. Burwell, Daniel Earl, Wm. E. Dill, Douglass Agler, Samuel Heimlich Hrs'. and David Taylor.

(Signed) Clinton Earl,

Sworn to before me, and signed in my presence, this 5th day of November, 1914.

C. A. DeLay
Notary Public.

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*NOTE:

- SEE SURVEYOR'S PLAT BOOK 3 - Page 176.-

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REPORT OF VIEWERS.

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

In obedience to your order dated Oct. 24, 1914, we, the undersigned, Viewers appointed under said Order, make the following report:

Together with C. C. Hurlbut, Deputy County Surveyor, we met at south end of proposed road on the 10th day of November, 1914, at 10 o'clock, A. M., and after taking the oath required by law, a certificate of which oath is herewith returned: we proceed to view the Road 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, inconvenience and expense which will result to individuals, as well as to the public, if such road or any part thereof is laid out and established, as follows:

Beginning at a point in the center of the McCutcheon County Road where the one-half ($\frac{1}{2}$) Township line between $\frac{1}{2}$ Townships 1 and 2 of Mifflin Township intersects said road; said point being also the north end of the White County Road; thence in a northerly direction along said one-half ($\frac{1}{2}$) Township line to a point in the center line of a road between Mifflin and Blendon Townships and there terminate, being about 1.50 miles in length, and lying wholly within Mifflin Township. Said road to be established 40 ft. in width, 20 ft. on each side of the $\frac{1}{2}$ Township Line.

We further report that our opinion is that said Road ought to be granted.

We have also determined that the public convenience requires that said Road should be estab-

lished and opened forty feet in width.

A correct certified return of the survey of said Road and a plat of the same is herewith delivered. The notices to the Viewers and Surveyor and also to the Land Owners, of the time and place of meeting, with proof of service of the same, are also herewith returned.

All of which is respectfully submitted, this 12th day of November, 1914.

A. M. Gibson)
Wm. M. Long) Viewers.
Charles Merion)

FEEES.

A. M. Gibson	Viewer, 2 day...	\$ 4.00
Wm. M. Long	" 2 day...	\$ 4.00
Charles Merion	" 2 day...	\$ 4.00

SEPARATE REPORT OF VIEWERS

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

The undersigned Viewers of the County Road petitioned for by Clinton Earl and others, make the following separate Report of the amount of damages, and to whom assessed by them, which would accrue by the opening of the Road. The parties named below have filed their written applications on which such assessments have been made, according to law, and the same are returned with this Report.

We have assessed and determined the compensation to be paid in money, for the property sought to be appropriated, in the following sums:

TO Douglass Agler,	1.04 Acres Land	@ 100.00	\$104.00	
	137. Rods Fence	@ 1.00	137.00	
	Damages		1.00	\$242.00
TO Samuel Heinrich Heirs	0.50 Acres Land	@ 100.00	50.00	
	65 Rods Fence	@ 1.00	65.00	\$115.00
TO David Taylor.	1.52 Acres Land	@ 100.00	\$152.00	
	200. Rods Fence	@ 1.00	200.00	
	Damages to Farm		1.00	\$353.00

Each of the above sums has been assessed and determined without deduction for benefit to any (Page 228) property of the owner which would accrue by the opening of the Road.

Respectfully submitted this 12th day of November, 1914.

A. M. Gibson) Viewers and Jurors to Assess
Wm. M. Long) and Determine Compensation
Charles Merion) and Damages.

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

Office of County Commissioners of Franklin County, Columbus, Ohio, December session, Dec. 7, 1914.

IN THE MATTER OF THE)
EARL County Road)

Laying out and Establishing

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 of the Board.

Richard Sinclair)
Lewis Davis) County
Thos. E. Humphreys) Commissioners.

Office of County Commissioners of Franklin County, Columbus, Ohio, December session, Dec. 8, 1914.

IN THE MATTER OF THE)
Earl County Road)

Laying out and Establishing

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 of the Board.

Richard Sinclair)
Lewis Davis) County
Thos. E. Humphreys) Commissioners.

Office of County Commissioners of Franklin County, Columbus, Ohio, December session, Dec. 9, 1914.

IN THE MATTER OF THE)
Earl County Road)

Laying out and Establishing

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 on motion by Mr. Davis, seconded by Mr. Humphreys, further consideration thereof and action (Page 229) thereon was postponed to Dec. 23rd 1914, at 10 A. M. at the Office of the Board of County Commissioners.

Noting Aye thereon; Davis and Humphreys, Absent, Sinclair.

Dec. 23, 1914.

In the matter of the establishment of a County Road petitioned for by Clinton D. Earl and others. Mr. Humphreys offered the following preamble and resolution, and moved the adoption of the same, which was duly seconded by Mr. Sinclair.

WHEREAS, the Viewers appointed to view, lay out and establish said road, made report on the 12th day of November, 1914, as follows: "We further report that our opinion is that said road ought

to be granted. We have also determined that the public convenience requires that said road should be established and opened forty (40) feet in width"; and

WHEREAS, Said Report was publicly read for the first time on Dec. 7, 1914; for the second time Dec. 8, 1914, and for the third time Dec. 9, 1914, and on motion, further action thereon was postponed until December 23, 1914; and

WHEREAS, On the 12th day of November, 1914, said Viewers acting as Jurors to assess and determine compensation and damages, made separate report thereon in part as follows: "We have assessed and determined the compensation to be paid in money for the property sought to be appropriated in the following sums:

Douglass Agler	1.04 Acres of land, 137 rods of fence, Damages	\$ 104.00 137.00 1.00	Total \$ 242.00
Samuel Heinrich Meirs,	$\frac{1}{2}$ Acre of Land, 85 Rods Fence	50.00 65.00	\$ 115.00
David R. Taylor,	1.52 Acres of land, 200 Rods of Fence, Damages	152.00 200.00 1.00	Total \$ 353.00

therefore;

BE IT RESOLVED, By the Board of County Commissioners of Franklin County, Ohio, that it is its opinion that said road will be of public utility and the report of the Viewers being favorable to the construction thereof, said report is approved and said road ordered established as set forth in the report of the Viewers; and

BE IT FURTHER RESOLVED, That it is the opinion of the Board that said road will not be of sufficient importance to the public to cause all the damages and compensation which have been assessed, to be paid by the County, but that it will be of sufficient importance to the public to cause one-half of the compensation and damages so assessed, to be paid by the county, to-wit: the sum of \$355.00; and

BE IT FURTHER RESOLVED, That the applicants for the establishment of said road be, and they are hereby required to within thirty days, to pay into the County Treasury, one-half of the Compensation and damages so assessed, to-wit: the sum of \$355.00; and

BE IT FURTHER RESOLVED, That upon full payment of said compensation and damages by the County, and by the applicants for the establishment of said Road, said road shall be a public highway and the County Commissioners shall issue an order to the Trustees of the proper township, directing it to be opened.

Voting Aye thereon; Sinclair, Davis and Humphreys.

ATTEST:

John Scott
Clerk of the Board.

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Attorney's representing remonstrators against the establishment of said road, gave notice of intention to appeal from the findings of the Board and the Bond required to be filed in said matter was fixed at \$300.00.

Jan. 20, 1915.

Mr. Davis offered the following preamble and resolution, and moved the adoption of the same, which was duly seconded by Mr. Sinclair.

WHEREAS, By action of the Board of County Commissioners of Dec. 23, 1914, on the report of the Viewers appointed to view, lay out and establish a county road petitioned for by Clinto D. Earl and others, in which the Board of Commissioners found and declared that said road will be of sufficient importance to the public to warrant the payment of one-half of the compensation and damages awarded by the viewers thereon to be paid by the County; and

WHEREAS, The Board of County Commissioners has, after further consideration of said matter, decided, declared and is of the opinion that said road is and will be of sufficient importance to the public to cause all of the damages and compensation which have been allowed by said Viewers in said matter to be paid by the County, to-wit: the sum of \$710.00; therefore

BE IT RESOLVED, By the Board of County Commissioners of Franklin County, Ohio, that the resolution of the Board in the matter of the report of the Viewers and Surveyor in the matter of County road petitioned for by Clinton D. Earl and others, of Dec. 23, 1914, be, and the same hereby is amended in part to read as follows:- "That it is the opinion of the Board of Commissioners that said road as established by said Viewers in their report filed with the Board of Commissioners on the 12th day of November, 1914, will be of sufficient importance to the public to cause all of the compensation and damages so assessed, to-wit: the sum of \$710.00, to be paid by the County, and that the Clerk of the Board be, and he hereby is directed to prepare proper vouchers for the payment of same.

Voting Aye thereon; Sinclair and Davis
" Nay " Humphreys.