

ROAD PETITION,

For Alteration of County Road in Wayne Township,

To the Board of Commissioners of Belmont County, Ohio:

The undersigned petitioners resident free holders of said county, respectfully represent, that the public convenience requires that the county road leading from what is known as Coulter's Mill in section 33, Wayne Township, Belmont Co, Ohio, to intersect the state road at the residence of Alex Bell in the south-west quarter of section 34 in said Township, should be altered between said points, to wit:-

Beginning at a point where the Township road intersects the County road near what is known as Coulter's Mill, and thence running along the line of said Township road in a northern direction through the lands belonging to the heirs of George Nicholson, deceased, to a gate on the west side of said road where a private road runs north from said township road; thence in the same direction along said private road through the aforesaid lands and the lands of G. H. and W. H. Nicholson and David M. Brown to a stake on the west side and near the residence of said David M. Brown; thence in the same direction to a stake on the west side of a tobacco house and about ten rods west of School house number eight; thence in a north westerly direction through the lands of said David M. Brown, and along or near the private road running through said lands, to a point where said private road crosses the line between the lands of said David M. Brown and John Moler; thence along the line of said private road through the lands of said John Moler to a point near the north east corner of said John Moler's barn; thence in a north-west direction to a point on said John Moler's lands where said private road intersects the state road near the residence of E. P. Brown.

Said petitioners therefore ask that the necessary proceedings may be had to establish such alteration according to law.

Dated this Oct 18A. D. 1897

PETITIONERS' NAMES.	PETITIONERS' NAMES.	PETITIONERS' NAMES.	PETITIONERS' NAMES.
D. M. Brown.	E. P. Brown	E. P. Frost.	
G. H. Nicholson	E. M. Thornberry	W. F. Neptune	
W. H. Nicholson	L. M. Wharton	J. F. Keinton	
A. B. Warfield	G. A. Millison	G. L. Milhoan	
J. H. Heikely	J. W. Russell	Leander Davis	
W. S. Shry	Jemima F. Wharton	Leed Schafer	
W. B. Wharton	R. M. Scott	Isaiah Phillips	
Ann. E. Litton	W. M. Montgomery		

Know all Men by these Presents:

That we, David M. Brown and G. H. Nicholson are held and firmly bound unto the State of Ohio, for the use of Belmont County, in the penal sum of One 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 Somerton this 5 day of December 1899.

The Conditions of the above Obligations are such, That whereas application has been made to the Board of Commissioners of said Belmont County for the alteration of a County road on the following line, to-wit:

Leading from Coulter's Mill, in Section 33, Wayne Township, Belmont County, Ohio, to intersect the state road at the residence of Alex Bell, in south west quarter of Section 34, in said township, between said points to wit:

Beginning at a point where the township road intersects the County road near what is known as Coulter's Mill, and thence running along the line of said township road in a northern direction through the lands belonging to the heirs of George Nicholson, deceased, to a gate on the west side of said road where a private road runs north from said township road; thence in the same direction along said private road through the aforesaid lands, and the lands of G. H. and W. H. Nicholson, and David M. Brown to a stake on the west side and near the residence of said David M. Brown; thence in the same direction to a stake on the west side of a tobacco house and about ten rods west of schoolhouse number eight; thence in a north westerly direction through the lands of said David M. Brown, and along or near the private road running through said lands, to a point where said private road crosses the line between the lands of David M. Brown and John Moler; thence along the line of said private road through the lands of said John Moler to a point near the northeast corner of said John Moler's barn; thence in a north-west direction to a point on said John Moler's lands where said private road intersects the state road near the residence of E. B. Brown

Now if the said applicants 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.

David M. Brown Seal
G. H. Nicholson Seal

St. Clairsville, O., Dec 5 1899

The Commissioners met in Regular session at their office, and the Board being satisfied that the foregoing petition was signed by at least twelve freeholders of the county, residing in the vicinity of the of said county road, and that the proper notices had been given according to law, bond filed, approved and accepted, thereupon the Board appointed Sumley Bernhard Lee Evans and Thos Ramsey three disinterested freeholders of the county, viewers, and John A. Gould surveyor of said proposed road, to meet at the residence of David M. Brown Wayne Township for the purpose of discharging their official duties relative to the object prayed for in the foregoing petition. And the Auditor is authorized to notify all non-resident landowners by publication, as required by law.

ATTEST:

County Auditor. Geo M Wise, J. M. Williams, J. H. Smith Commissioners.

REPORT OF VIEWERS.

To the Board of Commissioners of Belmont County, Ohio:

In obedience to your order, issued at your December 21 session, A. D. 1899, we the undersigned, Viewers appointed under said order, met with Sarah Nichols Surveyor, at the residence of D. M. Brown on Jan 10 1900 and were severally sworn to discharge, faithfully and impartially, the duties required of us in said order.

Thomas Turrey one of the viewers appointed under said order failing to appear, Nathan McFarling was appointed as provided in Sec 4644 to fill the vacancy.

Chas Wittmer and A B Warfield were selected by us as chain carriers, and J W Weekley as a marker, who were also duly sworn.

We then proceeded to view said proposed Alteration of Court 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 _____ of said road as follows:

For a description of the line of said road see Surveyor report

In our opinion the alterations hereby contemplated render unnecessary the following described part of the original road to-wit:-
That part of the road from Coulter's Mill to the Sumerton road near the Pleg run bridge.

We would respectfully report that the said Road ought to be established for the following reasons:

First, As a general public convenience, Second, the principal petitioner, D. M. Brown has been debarred of any out let to the public road. Third:- The patrons of the No 8 School Dist of Wayne Tp have no public way to said school house, and are deprived of access to said school by tenure or conveyance; Fourth the No 8 School House which is located 17.00 rods east of the herein reported line of road, and over this distance and along a line as shown on the surveyor's plat; the said David M Brown agrees to donate the public use so long as used for a public way to said school lot a road way 15 ft wide. Also at present the nearest Public Road to said school house being the township road at a near a point where the herein reported survey leaves said township road, namely a distance of about 120 rods; Fifth the small cost of opening said line of road, also the good ground and location for a road

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,
January 15 1900

Smiley Bernhard
Lee Evans
Nathan McFarling } Viewers.

FEEES	
<u>Smiley Bernhard</u> Viewer, <u>2</u> days, <u>\$ 3.00</u> <small>Pd # 313</small>	<u>Chas Wittmer</u> Chainman, <u>1</u> days, <u>\$ 1.00</u> <small>Pd # 312</small>
<u>Lee Evans</u> " <u>2</u> " <u>\$ 3.00</u>	<u>A B Warfield</u> " <u>1</u> " <u>\$ 1.00</u> <small>Pd # 312</small>
<u>Nathan McFarling</u> " <u>2</u> " <u>\$ 3.00</u> <small>Pd # 299</small>	<u>J W Weekley</u> Marker, <u>1</u> " <u>\$ 1.00</u> <small>Pd # 312</small>
<u>Sarah Nichol</u> Surveyor, <u>2 1/2</u> days, <u>\$ 12.50</u> <small>Pd # 319</small>	

SEPARATE REPORT OF VIEWERS.

To the Board of Commissioners of Belmont County, Ohio:

The undersigned, Viewers of the Allocation of County Road petitioned for by David M Brown 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	<u>G W Nicholson & V W Nicholson Land appropriated</u>	<u>\$13⁰⁰</u>	dollars;
To	<u>D M Brown Claim of D M Brown withdrawn</u>	<u>15⁰⁰</u>	dollars;
To	<u>John Moler</u>	<u>20⁰⁰</u>	dollars;
To			dollars;
To			dollars;
To			dollars;
To			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			dollars;
To	<u>G W Nicholson & V W Nicholson</u>	<u>\$25⁰⁰</u>	dollars;
To	<u>D M Brown Claim of D M Brown withdrawn</u>	<u>25⁰⁰</u>	dollars;
To	<u>John Moler</u>	<u>30⁰⁰</u>	dollars;
To			dollars;
To			dollars;
To			dollars;
To			dollars;

Smiley Bernhard
Lee Evans
Nathan McFauling } Viewers and Jurors to award damages.

Jan 15 1800

St. Clairsville, O., March 5 1800

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 above petition, was read the first time.

ATTEST:
M Aldredge }
 County Auditor.

Geo M Wise
J W McKusick
J B Smith } Commissioners.

St. Clairsville, O., March 6 1800

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 above petition, was read the second time.

ATTEST:
M Aldredge }

Geo M Wise
J W McKusick
J B Smith } Commissioners.

St. Clairsville, O., Sept 10 1890

The Commissioners met in regular session, and

In the matter of the alteration of County road in Wayne Township, as petitioned for by D. M. Brown, Et al. The final order of Board in relation to said road, having been deferred at their meeting on July 9th pending the payment of a tender to pay the amount of Compensation and Damages awarded by the Viewers in said road case. This day comes D. M. Brown, Principal Petitioner, through his attorneys, Petty and Crew, and files receipts for the payment of the money so ordered to be paid, except in the case of John Moler, one of the claimants, for which payment affidavit is produced showing that payment had been tendered in the sum of Fifty Dollars, on the 16th day of July 1900.

Board thereupon passed the following order, to-wit:-

It appearing that petitioners have paid to S. W. Nicholson and U. W. Nicholson two of the claimants, the amounts awarded to them by the Viewers, and have tendered to John Moler (and upon his refusing to accept, have deposited in the County Treasury subject to his demand) the amount of compensation and Damages awarded to him by said Viewers, and the Board being of the opinion that said alteration of 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 alteration of road be recorded and that said alteration of road be established a public highway, 30 ft wide and Auditor is directed to notify Trustees of Wayne Township to open said road as required by law.

Yeas Wilkinson, Wise & Smith,

For the various hearings in D. M. Brown Road Case, see Commissioners Journal No 6 Page 435 and Journal No 7. Pages 41 and 44

SURVEYOR'S REPORT.

To the Board of Commissioners of Belmont County, Ohio:

The undersigned, in obedience to your order, dated Dec 31 1899, proceeded, on the 10th day of January to survey and mark the Alteration of County Road described in said order, under the direction of the viewers therein named, and respectfully submits the following return of said survey:

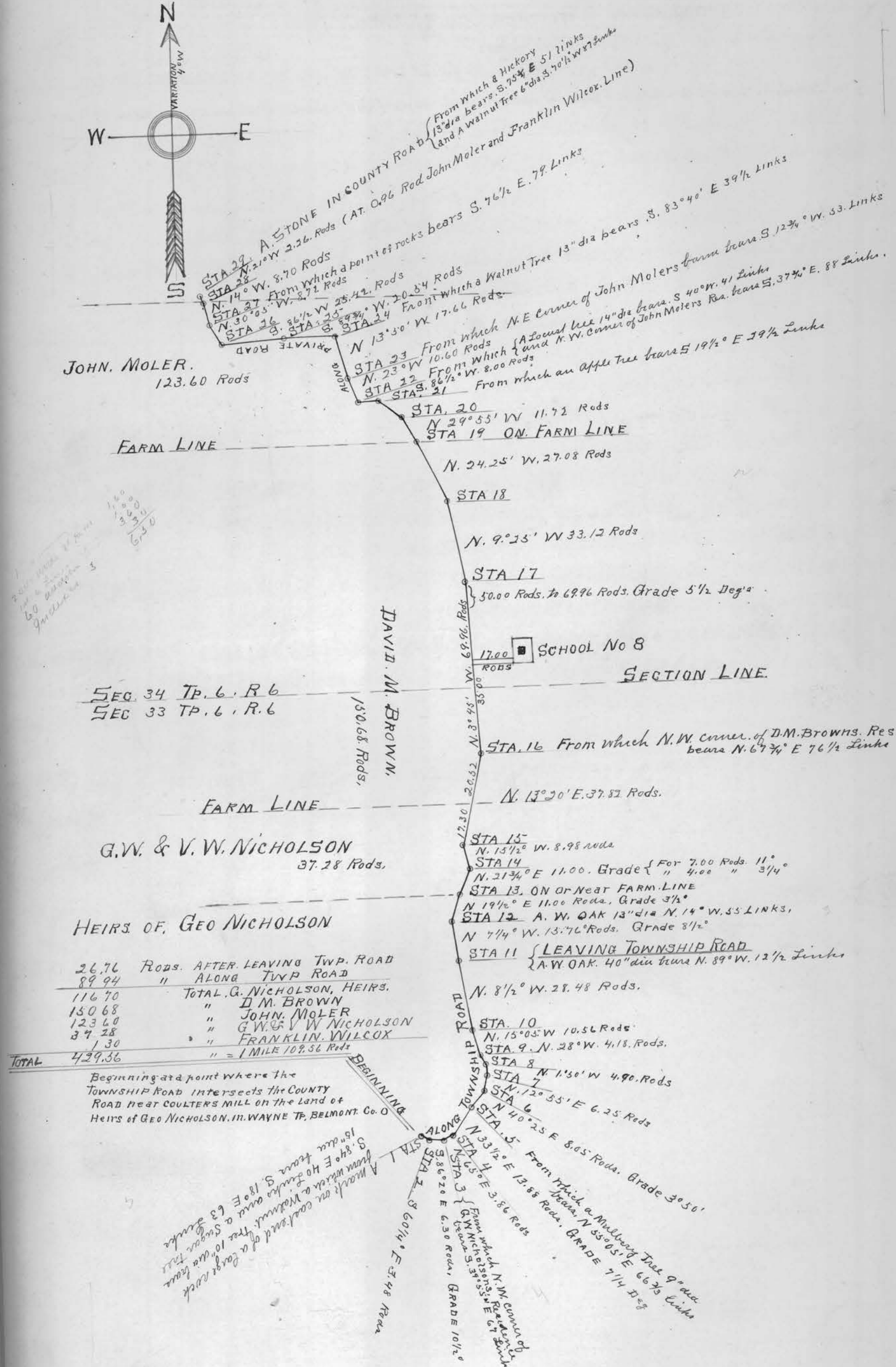
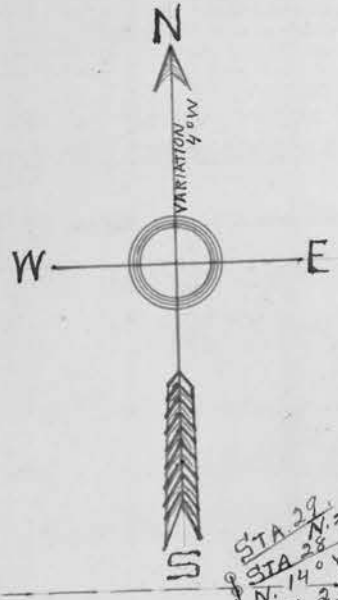
See Next Page

125
6
2004

I Certify, That the above is a correct plat and return of the survey of the.....
named above.....

Surveyor of said

Plat of ALTERATION OF COUNTY ROAD IN WAYNE TP. Road.



1160
3500
630

SEC 34 TP. 6 R. 6
SEC 33 TP. 6 R. 6

26.76	Rods.	AFTER LEAVING TWP. ROAD
89.94	"	ALONG TWP. ROAD
116.70		TOTAL G. NICHOLSON, HEIRS.
150.68	"	D. M. BROWN
123.60	"	JOHN. MOLER
37.28	"	G.W. & V.W. NICHOLSON
1.30	"	FRANKLIN. WILCOX
TOTAL	429.36	" = 1 MILE 109.56 Rods

Beginning at a point where the
TOWNSHIP ROAD intersects the County
Road near COULTERS MILL on the land of
Heirs of Geo NICHOLSON, in WAYNE TP, BELMONT Co. O

March on east end of a large rock
from which a Walnut tree 10" dia bears
S. 84° E. 40 Links and a Sugar tree
S. 18° E. 63 Links

I CERTIFY that the above plat and return of the survey of the ALTERATION of
COUNTY ROAD named above; petitioned for by DAVID M BROWN, Etal, is correct.
ISAIAH NICHOL, Surveyor of said Alteration of COUNTY ROAD

ROAD PETITION,

For Alteration of County Road in Smith Township
— By Trustees of Smith Tp.

To the Board of Commissioners of Belmont County, Ohio:

I the undersigned Jane Beech, for and in Consideration of the vacation of that part of the old County Road through my premises hereby rendered unnecessary and of the sum 100

Dollar received of the Board of County Commissioners of Belmont Co. Ohio, do donate the above platted and described tract of land thirty feet wide and 35.94 rods in length to the Public, to be used as a County Road. Jane Beech ^{her} _x mark

I the undersigned heirs of A. C. Ramage for and in Consideration of the vacation of that part of the old County road through our premises hereby rendered unnecessary, and the sum of Fifty five Dollars \$55³⁰/₁₀₀ Dollars to be paid to E. M. Ramage as damages caused by the necessity of building a fence on each side of said road received from the Board of County Commissioners of Belmont Co. Ohio, do hereby donate the above platted and described tract of land thirty feet wide and 56.57 rods in length to the Public, to be used as a County Road.

J. H. Ramage
M. R. Ramage
E. M. Ramage
Nanna Ramage Lewis
H. G. Ramage
Mary Louise Roland.
J. C. Roland Jr.
Alvaretta Kelsey
Jessie E. R. White.

Dated this A. D. 189.....

PETITIONERS' NAMES.	PETITIONERS' NAMES.	PETITIONERS' NAMES.	PETITIONERS' NAMES.