

R E M O N S T R A N C E .

To the Honorable Board of Commissioners of Belmont County, Ohio:

The undersigned resident freeholders of said County, residing in the vicinity of the county road, the alteration of which is petitioned for by Joseph Pfeffer et al, said road leading from a point in the present road near the tenant house on the farm of Eleanor Scherrer, through the lands of said Eleanor Scherrer and the lands of Kate Cumisky, Mary Cumisky and Margaret Haren, and the lands of Thos. Watson, to a point north-east of a bridge in the road leading to Barnesville, remonstrate against and object to the alteration of said road, or any part of the same between the points named for the reasons that the alteration of said road is unnecessary and not required by the public convenience; and for the further reason that a good road can not be made on the line proposed by the petitioners at a reasonable expense, and also for the reason that irreparable damage would be done to the several land owners by the proposed alteration of said road.

Signed, Kate Cumisky and 52 others.

St. Clairsville, Ohio Apr. 19, 1909.

The Board of County Commissioners met this day in special session and the Board having at their session held December 9th, 1908 established said road according to the prayer of the petition and the report of the viewers and Surveyor appointed, and it appearing that Katherine Cumisky, Mary Cumisky, Margaret Haren and James Sanderson did on the 29th day of December 1908 file with the County Auditor their bond as required by law, appealing from the decision of the County Commissioners in their award of compensation and damages in said matter, and it further appearing that the County Auditor did certify to the Probate Court a full transcript of the proceedings of this Board relative to said petition and establishment, and it further appearing that said matter has been settled between the interested parties and the Probate Judge having certified a copy of his journal of proceedings relative to said matter as follows: Transcript of Docket and Journal Entries of the Proceedings of the Probate Court of Belmont County, Ohio, with reference to the petition of Joseph Pfeffer and others for the alteration of a County Road in Somerset Township, Belmont County, Ohio. Probate Court, Belmont County. Katherine Cumisky, Mary Cumisky and Margaret Haren, plaintiffs Doc. 9 vs. page 135 Jos. Pfeffer and W. M. McCort No. 15411 road appeal December 31st, 1908 Transcript and original papers filed and jury ordered drawn as provided by law, and order to draw jury issued to Clerk and Sheriff. Cause set for trial on the 10th day of February, 1909 at 8 o'clock A.M. and continued. Notice ordered and issued to appellants and obligors: Journal 37, page 71, January 22d, 1909: Order to draw a jury returned and filed indorsed with names of jurors drawn. January 22d, 1909: Venire issued. Notice to appellant and obligors issued. January 30, 1909: Notice returned and filed endorsed with return of Sheriff. Feb. 1, 1909: Alias notice to Margaret Haren issued to Sheriff of Monroe County. Feb. 10, 1909: Venire returned and filed endorsed with return of Sheriff. Feb. 10, 1909: On motion and by agreement of parties cause continued to April 14th, 1909 at 9 o'clock A. M. Journal 37, page 137. Apr. 2, 1909: On motion of plaintiff, this cause was dismissed at cost of plaintiff, journal 37, page 237. Katherine Cumisky et al, plaintiffs, Journal 37 vs Page 71, Joseph Pfeffer et al, defendants. Dec. 31, 1908 road appeal. A transcript of the record of the County Commissioners of this County duly certified according to law, as showing all the ordered and proceedings had or made by or before them in the relation to the alteration of a certain county road, petitioned for by Joseph Pfeffer et al and also the original papers therein, were this day received from the Auditor of this County in pursuance of the appeal of Katherine Cumisky, Mary Cumisky and Margaret Haren, from the final decision of the said County Commissioners, confirming the assessment of compensation and damages made by the viewers of said road in their behalf. It is therefore by the Court ordered that a jury of twelve men be selected and returned by the sheriff and Clerk of Courts of this County as is provided by law. And it is further ordered that this cause be set for trial on the 19th day of February 1909, and that a venire issue directed to the Sheriff, commanding said jurors to appear in this court on said day and hour, and that summons be issued according to law to all the appellants and all the obligors in the bond given by the petitioners for the alteration of said county road, to attend at the same time and place, and this cause is continued. John S. Cochran, Probate Judge, Katherine Cumisky et al, plaintiffs, journal 37 vs page 137. Joseph Pfeffer et al, defendants Feb. 10, 1909. Road appeal. On motion and by agreement of all parties this cause is continued to April 14, 1909 at 9 o'clock A. M. John C. Nichols, Probate Judge. Katherine Cumisky, Mary Cumisky, Margaret Haren, plaintiffs, journal 37 vs page 237 Joseph Pfeffer and W. M. McCort. April 2, 1909. Road Appeal. This day on motion of counsel for the plaintiffs this cause is dismissed at the costs of the plaintiffs, which are here adjudged against them, taxed at \$50.87, John C. Nichols, Probate Judge. State of Ohio, Belmont County ss: I, John C. Nichols, Judge and ex-officio clerk of the Probate Court of Belmont County, Ohio, do hereby certify that the foregoing is a true and correct transcript of the Docket and journal entries of the proceedings in said Court with reference to the above entitled matter. In witness whereof, I have hereunto set my hand and affixed the seal of said court, at St. Clairsville, Ohio, this 9th day of April A. D. 1909. John C. Nichols, Judge and ex-officio Clerk of said Probate Court.

It appearing from the certificate of said Court that no change in the compensation and damages has been made on account of any proceedings in said Court, therefore it is ordered that the proceedings of this Board had on the 9th day of December, 1908, relative to the compensation and damages and the establishment of said alteration, be and the same are hereby affirmed.

A. G. Holloway
Robert McMillen Commissioners
J. W. Martin

ATTEST:

A. W. Beatty, Auditor.

S	Deflection		Feet	Scale	Deflection		Remarks
	Deg	Min			Deg	Min	
1	N 50	00 E	484.40	.807			To Sta. No. 2, on McDaniel's land
2	N 24	18 E	176.20	.293	L 25	42	" " " 3 " " " "
3	N 58	29 E	77.50	.129	R 34	11	" " " 4 " " " "
4	N 20	24 E	546.15	.910	L 38	05	" " " 5 " " " "
5	N 14	17 E	92.90	.121	L 6	07	" " " 6 " Pfeffer
6	N 31	23 E	269.90	.450	R 17	06	" " " 7 " " " "
7	N 38	28 E	548.80	.914	R 7	05	" " " 8 " " " "
8	N 17	55 E	118.20	.197	L 20	33	" " " 9 " " " "
9	N 4	41 W	184.70	.308	L 23	36	" " " 10 " " " "
10	N 00	29 W	189.40	.316	R 5	10	" " " 11 " " " "
11	N 10	39 W	363.40	.606	L 10	10	" " " 12 " " " "
12	N 3	11 E	385.40	.642	R 13	50	" " " 13 " " " "
13	N 9	36 E	276.30	.460	R 6	25	" " " 14 " " " "
14	N 5	17 E	353.30	.589	L 4	19	" " " 15 " Scheerer
15	N 13	52 E	328.90	.548	R 8	35	" " " 16 " " " "
16	N 11	21 E	258.70	.431	L 2	32	" " " 17 " Cumiskey
17	N 26	01 E	186.00	.300	R 14	41	" " " 18 " " " "
18	N 40	46 E	445.50	.742	R 14	45	" " " 19 " " " "
19	N 27	20 E	367.10	.612	L 13	26	" " " 20 " " " "
20	N 18	54 E	300.00	.500	R 8	26	" " " 21 " " " "
21	N 27	45 E	278.10	.463	R 8	57	" " " 22 " " " "
22	N 7	47 E	434.40	.724	L 35	32	" " " 23 " " " "
23	N 50	38 E	269.50	.449	R 58	25	" " " 24 " " " "
24	N 00	34 W	300.00	.500	L 51	12	" " " 25 " " " "
25	N 18	14 W	315.00	.525	L 17	40	" " " 26 " " " "
26	N 19	00 E	183.00	.305	R 37	14	" " " 27 " " " "
27	N 70	50 E	500.00	.833	R 57	50	" " " 28 " " " "
28	N 71	50 E	287.60	.479	R 1	00	" " " 29 " " " "
29	N 56	50 E	415.20	.692	L 15	00	" " " 30 " " " "
30	N 40	00 W	280.00	.466	L 96	50	" " " 31 " " " "
31	N 77	13 W	218.10	.363	L 37	13	" " " 32 " " " "
32	S 69	32 W	107.70	.180	L 33	15	" " " 33 " " " "
33	N 87	36 W	193.10	.322	R 22	52	" " " 34 " " " "
34	N 79	50 W	211.80	.336	R 7	46	" " " 35 " " " "
35	S 70	22 W	208.40	.347	L 29	48	" " " 36 " " " "
36	S 81	13 W	225.00	.375	R 10	57	" " " 37 " " " "
37	N 83	51 W	186.70	.311	R 14	56	" " " 38 " " " "
38	N 66	28 W	330.50	.537	R 17	23	" " " 39 " " " "
39	N 63	25 W	304.20	.507	R 3	03	" " " 40 " " " "
40	N 44	53 W	164.90	.275	R 18	32	" " " 41
41	N 6	21 W	472.30	.787	R 38	32	" " " 42
42	N 17	34 W	404.90	.675	L 11	13	" " " 43
43	N 42	4 W	404.04	.674	L 25	30	" " " 44
44	N 72	15 W	116.00	.193	L 30	11	" " " 45
45	N 5	25 W	432.20	.720	R 66	50	" " " 46 The end

13189.39

ROAD PETITION.

For Establishment Road in Colerain township

To the Board of Commissioners of Belmont County, Ohio:

The undersigned petitioners, resident freeholders of said County, respectively represent, that the public convenience requires the location of a County road along the following described route, to-wit: Beginning at railroad bridge near public school; thence east along church street past Cope's residence to the country road near Mrs. Barton's residence. Said point of beginning being in the Barton and Colerain pike, and point of ending in County road; and the entire length of said road being in Colerain township, Belmont County, Ohio.

Said petitioners therefore ask that such proceedings may be had to establish such road, as required by law.

(See Commissioners Journal page 304, Vol. 10.)

Dated this A. D. 19.....

PETITIONERS' NAMES	PETITIONERS' NAMES	PETITIONERS' NAMES	PETITIONERS' NAMES
	W.W. Bradford F.W. Boggs E.C. Cope R.A. McEachen R.M. Simpson Moses Gallagher	Geo. A.P. Theaker E.P. Bailey E.U. Fox Alvin Barton Sylvester C. Brown O.W. Bundy and 7 others	

Know all Men by these Presents:

That we, W.W. Bradford, E.C. Cope and W.S. Barton
 are held and firmly bound unto the State of Ohio, for the use of Belmont 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 Barton, Ohio this _____ day of _____ 19____

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

Beginning at railroad bridge near public school; thence east along church street past Cope's residence to the County road near Mrs, Bartons residence, said point of beginning being in the Barton and Colerain pike and point of ending being in County road and the entire length of said road being in Colerain township, Belmon County, Ohio.

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:

R.M. Simpson
William Wells

W.W. Bradford SEAL
E.C. Cope SEAL
W.S. Barton SEAL

St. Clairsville, O., Nov. 23rd, 1908 19__

The Commissioners met in special 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 Oliver Negus, L.D. Mitchell, and W.L. Kinsey three disinterested freeholders of the County, viewers, and John A. Bond surveyor of said proposed road, to meet Barton, Dec. 4th, 1908, 10:00 A.M. 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 land owners by publication, as required by law.

ATTEST:

A.W. Beatty
 County Auditor.

A.G. Holloway
Robt. McMillen
J.W. Martin Commissioners.

Report of Viewers.

To the Board of Commissioners of Belmont County, Ohio:

In obedience to your order, issued at your Nov. 23rd session, A. D. 19 08 we the undersigned, Viewers appointed under said order, met with John A. Bond Surveyor, at Barton on Dec. 4th, and were severally sworn to discharge, faithfully and impartially, the duties required of us in said order.

Arch Dunn and Harry Mithhell were selected by us as chain carriers, and John Wiley as a marker, who were also duly sworn.

We then proceeded to view said proposed 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:

(For description see page 178, this Vol.)

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

- 1st. That it is public convenience.
- 2nd. That it shortens the distance between Barton and Farmington and the surrounding community.
- 3rd. That it is a reasonable grade and can be made at a reasonable expense.

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, Dec. 7th 19 08

O.S. Negus	}	Viewers.
W.L. Kinsey		
L.D. Mitchell		

FEES.

O.S. Negus	Viewer,	2 days,	\$4.00	Arch Dunn	Chainman,	1 days,	\$ 2.00
W.L. Kinsey	"	2 days,	\$4.00	Harry Mitchell	"	1 days,	\$ 2.00
L.D. Mitchell	"	2 days,	\$4.00	John Wiley	Marker,	1 days,	\$ 2.00
				Surveyor,	days,	\$	

If any viewer is unable to attend hereafter by whom the vacancy was filled.

Separate Report of Viewers.

To the Board of Commissioners of Belmont County, Ohio:

The undersigned, Viewers of the petitioned for by 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	Dollars
To	Dollars
To	Dollars
To	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	Dollars
To	Dollars
To	Dollars
To	Dollars
To	Dollars
To	Dollars
To	Dollars

.....

 } Viewers and Jurors to award damages.

19.....

St. Clairsville, O., Dec. 7th, 1908 19

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:	}	A.G. Holloway	}	Commissioners.
A.W. Beatty		Robt. McMillen		
County Auditor.	J.W. Martin			

St. Clairsville, O., Dec. 8th, 1908 19

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:	}	A.G. Holloway	}	Commissioners.
A.W. Beatty		robt. McMillen		
County Auditor.	J.W. Martin			

St. Clairsville, O., n Dec. 9th 19 08

The Commissioners met in regular session, and The report of the viewers in relation to the establishment of said road having been this day publicly read for the third time and being favor for said road, and no objections being made nor damages claimed nor assessed 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 report of said viewers, with the survey and plat of said road be recorded, and that said road, be established a public highway 30 ft. in width; that the County Auditor issue the necessary order to the trustees of Colerain township to open said road according to law.

ATTEST:

A.W. Beatty
Auditor.

A.G. Holloway
Robt. McMillen Commissioners
J.W. Martin

Surveyor's Report.

To the Board of Commissioners of Belmont County, Ohio:

The undersigned, in obedience to your order, dated Nov. 23rd 1908, proceeded on the 4th day of December, 1908 to survey and mark the proposed County road described in 4th order under the direction of the Viewers therein named, and respectfully submits the following return of said survey:

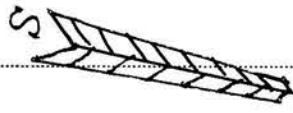
Commenceing at an Iron pin in the center of the Barton pike from which the N W corner of Dr. Cope's building bears S 5° 2.9' E 60.80 ft. thence S 60° 40'E 194.9 ft. to station no.2 on Rebecca McGarr from which the S E Corner of Barton school house bears S 63° 12' E 25.65 ft. thence S 6.9° 47' E 377.50 ft. to station number 3 on Rebecca McGarr from which the N E corner of Catholic church building bears S 17 ° 44' E 25.65 ft. thence S 70 ° 44' E 579 ft. to station number 4 on Rebecca McGarr; thence N 82° 20' E 64.70 ft. to station :no.5 on County road the end from which the S.E corner of Anna P. Bartons house bears n 62° 15' W 137 ft.

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

John A Bond

Surveyor of said

Plat of County
W.W. Bradford.



Road.

Iron-Pin center of Barton P.K.



Bridge 400/2
B. & O R.R.

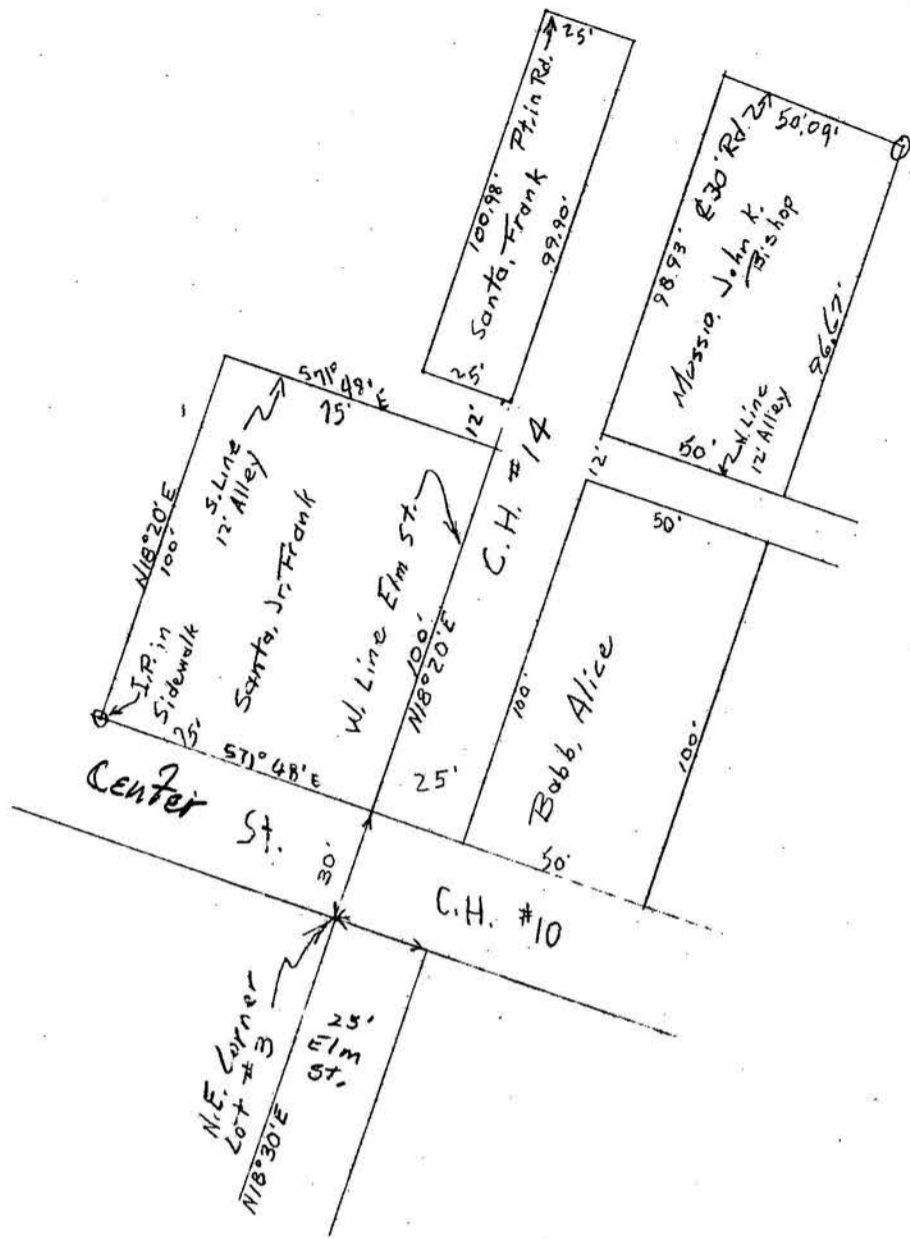
N.W. corner of Dr. Copes Building bears S 52.9' E 60.80'

S. E. corner of Barton Schoolhouse bears S 53° 12' E 25.65'

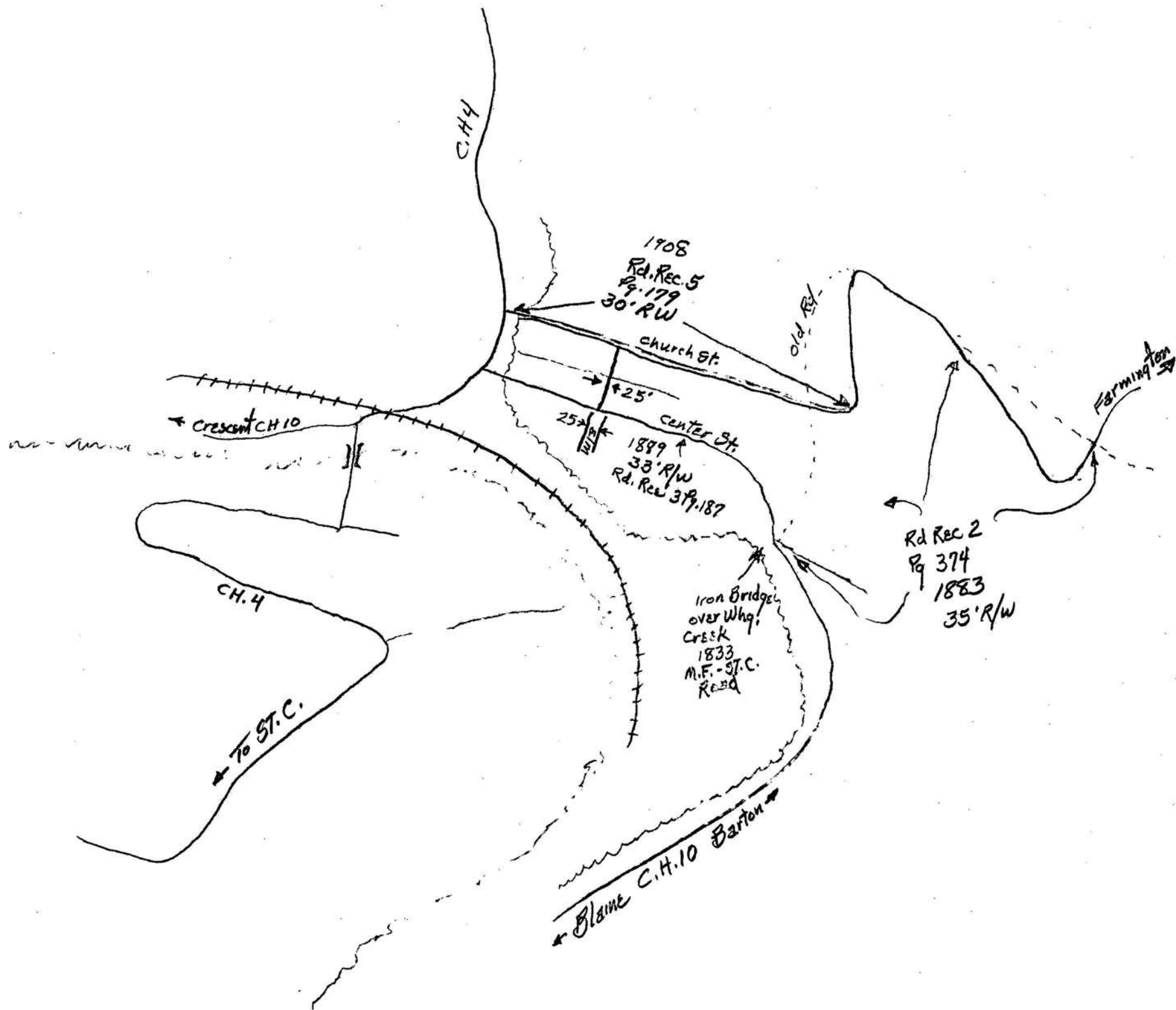
3 N.E. corner of Catholic church building bears S 17° 44' E 25.65 feet

S	Deg	Min	Feet	Scale	Deg	Min	Remarks
1	S 60	40 E	194.90	2.248			To Sta. No 2. on Rebecca M. Garry
2	S 69	47 E	377.50	5.625	9	07	" " 3 " " "
3	S 70	44 E	579.00	9.650	0	57	" " " 4 " " "
4	N 82	20 E	64.70	1.078	26	54	" " " 5 in county road.
			1216.10 = 2303		miles	in	length

S. E. corner of Anna P. Barton's house N 62° 15' W 137 feet



30' R/W Rd. Rec. 5
 Pg. 179 Church St.



ROAD PETITION.

For Alteration Road in Warren township

the Board of Commissioners of Belmont County, Ohio:

(For full proceedings see page 190, this Vol.)

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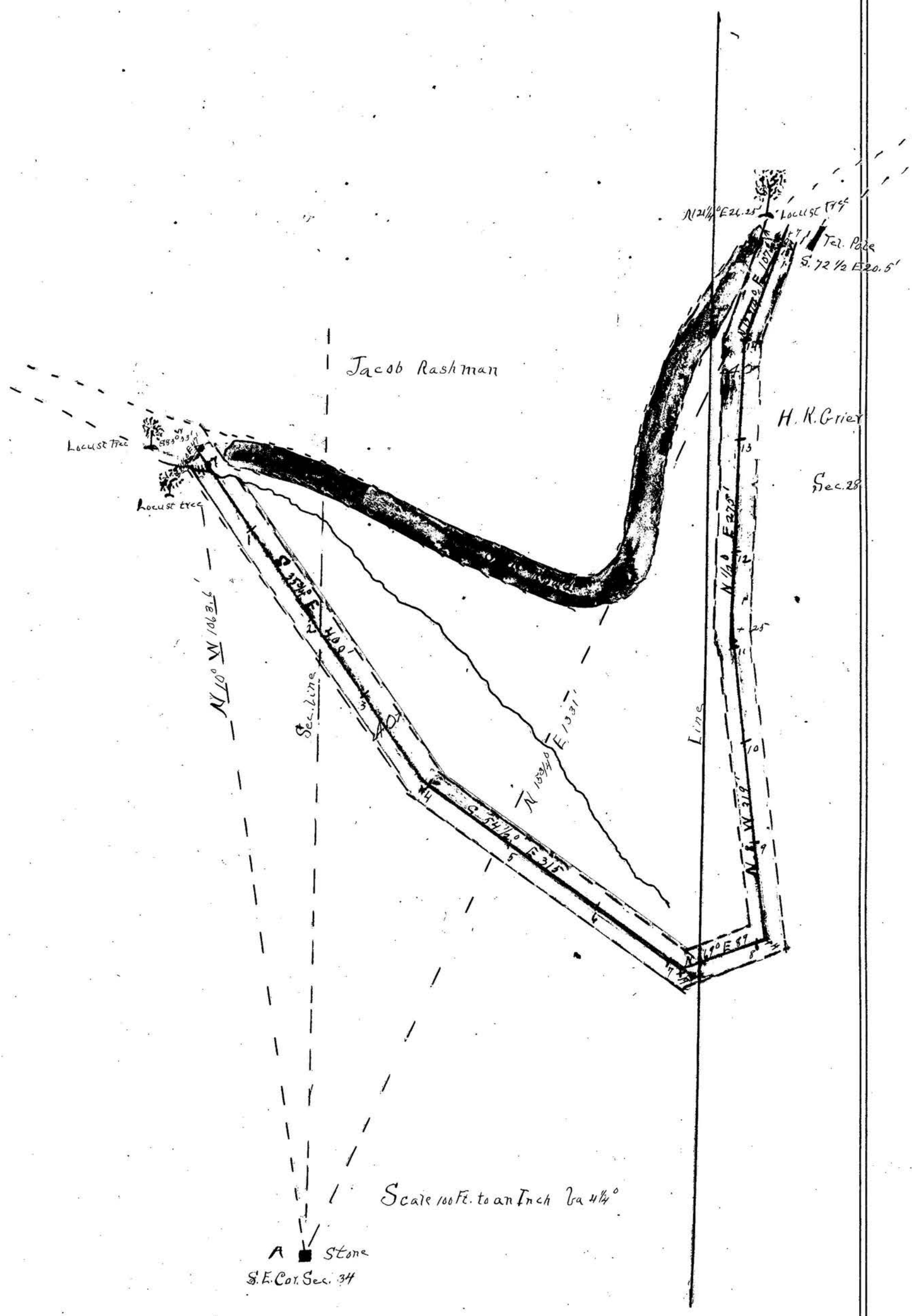
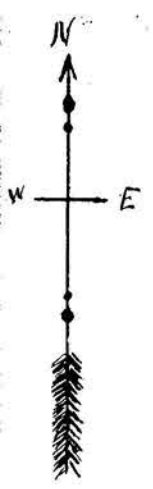
(See Commissioners Journal Vol. 10, page 175.)

Dated this A. D. 19.....

PETITIONERS' NAMES	PETITIONERS' NAMES	PETITIONERS' NAMES	PETITIONERS' NAMES

Plat of County Road.
Jacob Reishman and wife

Jacob Reishman and wife



Jacob Rashman

H. K. Grier

Sec. 28

Scale 100 ft. to an Inch or 4 1/4"

A Stone
S.E. Cor. Sec. 34