

STATE OF OHIO ROAD LAWS



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The information in this document has been gathered over several years to create a reference document related to the establishment of roads within the State of Ohio. The author of the document, Alvin J. Spraley, P.S., has been a Professional Surveyor in Ohio and Indiana for several decades. His enjoyment of history, and professional need for concise information pertaining to roadway right of way while employed for nearly 40 years at The Ohio Department of Transportation, was the driving force of this effort. The result is found on these pages.

You will find this document to be separated into three main sections; State Roads, County Roads, and Township Roads. State Roads should not be confused with current State Highways. While many State Highways are originally State Roads, an original State Road may not be a State Highway today.

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OHIO ROAD LAWS ESTABLISHING WIDTHS
~STATE ROADS~

February 17, 1804 Vol. 2, Page 207

An act, appropriating part of the 3% fund granted for laying out, opening and making roads in this state. Section 4 . . . "All roads laid out under this act, shall be **66 feet** in width, and shall be and remain public highways."

Effective February 18, 1804.

February 25, 1824 Vol. 22, Page 303

An act defining the mode of laying out and establishing state roads. Section 3 . . . "State roads established by the General Assembly shall be opened and considered public highways and shall be **66 feet** in width."

Effective February 25, 1824.

March 14, 1831 Vol. 29, Page 353

(Repeals Vol. 22, Page 303) An act defining the mode of laying out and establishing state roads. Section 3 . . . "All state roads that shall hereafter be established by the General Assembly agreeably to the provisions of this act, shall be opened and considered public highways **60 feet** wide."

Effective October 1, 1831.

February 27, 1846 Vol. 44, Page 73

Section 1 . . . "Be it enacted by the General Assembly of the State of Ohio, that the County Commissioners of the several counties of this state be, and they are hereby authorized to lay out and establish state roads as hereinafter provided."

Effective March 1, 1846.

March 11, 1853 Vol. 51, Page 388

(Repeals Vol. 29, Page 353 and Vol. 44, Page 73) An act defining the mode of laying out and establishing state roads. Section 1 . . . "That all state roads to be hereafter laid out, shall be by petition to the County Commissioners, as hereinafter provided." Section 6 . . . "All state roads that shall be hereinafter established agreeably to the provisions of this act shall be opened and considered public highways **60 feet** wide." Section 17 . . . "By proper petition the County Commissioners may reduce the width of any state road which now is or may hereafter be laid out and established the width to be not less than **40 feet**."

Effective March 11, 1853.

April 18, 1904 Vol. 97, Page 523

To establish a State Highway Department. . . . "State Highway to establish standards for highway construction and to assist the County Commissioners and Township Trustees with technical advise and financial assistance in road construction." Section 8 . . . "In case such proposed highway shall deviate from the existing highway, the officials making application must provide for securing the requisite right of way by condemnation proceedings or otherwise, prior to the actual commencement of the work or improvement."

May 31, 1911 Vol. 102, Page 333

Creating a Highway Department. Section 11 . . . “Provision for inter-county highways to be established.” Section 22 . . . “In making road improvements, additional right of way needed to be secured by the County Commissioners or Township Trustees.” Repeals all sections or acts or parts of acts which are inconsistent herewith.

Effective June 9, 1911.

April 18, 1913 Vol. 103, Page 155

Providing a levy to create a fund to aid in the construction and maintenance of highways. Section 3 . . . “First inter-county highways named.”

Effective May 2, 1913.

April 18, 1913 Vol. 103, Page 449

(Repeals Section 22 of Vol. 102, Page 333) To amend sections of the General Code. Section 1195 . . . “If highway is to be improved with cooperation of the County Commissioners then the County Commissioners shall provide the additional right of way needed.”

Effective May 7, 1913.

May 17, 1915 Vol. 105-106, Page 574

(Repeals Section 1195 of act passed April 18, 1913) To provide for a system of highway laws. Section 1201 . . . “County Commissioners as applicants for state aid in constructing or improving inter-county highways shall provide the necessary right of way needed and used for the improvement.”

The section of law allowing County Commissioners to establish state roads as provided by Laws of Ohio Volume 51, Page 388 is *repealed*.

Effective June 5, 1915.

March 20, 1917 Vol. 107, Page 69

Amendment of highway laws for the State of Ohio. Section 6912 . . . “for hearing claims for compensation for lands and property to be taken for said improvement or damages sustained on account thereof.” (Work within a single county).

Section 6936 . . . “for hearing claims for compensation for lands and property to be taken for said improvement or damages sustained on account thereof.” (Road work in several counties, Section 6935 applies).

April 21, 1927 Vol. 112, Page 430

To revise the laws relating to the Department of Highways and the state highway system. Section 1189 . . . “the inter-county highways and main market roads heretofore established by law shall, after taking effect of this act, be known as state highways.” Section 1202 . . . “the Director is hereby authorized to purchase or appropriate property for the necessary right of way for highway improvements. Title shall be taken to the State by easement deed.”

Effective the first Monday of January, 1928.

Section 1189 of the Ohio Revised Code

New State roads added to the system between July 1, 1935 and June 30, 1936 shall have a minimum right of way of 50 feet and to be a minimum of 40 miles and a maximum of 75 miles per county.

Effective July 16, 1935.

SUMMARY

From 1804 to 1824 all 3% state roads established **66 feet** wide.

From 1824 to 1831 all state roads established **66 feet** wide.

From 1831 to 1915 all state roads established **60 feet** wide.

Volume	Page	Date	Remarks
2	136	February 18, 1804	and shall be and remain public highways. Page 142, shall be 66' in width, 3% road laws.
5	51	February 3, 1807	3% roads to be subject to same rules and regulations as county roads.
9	67	January 28, 1811	3% roads to be subject to same regulations and alterations as county roads.
22	303	February 25, 1824	Roads established by the General Assembly shall be 66' wide.
29	353	March 14, 1831	Rules for altering or changing location of road, State roads to be 60' wide.
30	18	February 6, 1832	Law against obstructing public roads
33	29	March 5, 1835	County Commissions may vacate a State road under certain conditions as outlined.
39	19	March 20, 1841	Mode of laying out and establishing State roads.
44	73	February 27, 1846	County Commissioners authorized to lay out State roads as hereafter provided.
51	388	March 11, 1853	All State roads hereinafter laid out shall be by petition to the County Commissioners and opened 60' wide. (Section 6) The County Commissioners may reduce State roads to 40' width by proper petition. (Section 17)
52	26	March 25, 1854	Altering line of State and county roads.
56	75	March 26, 1859	Altering line of State and county roads.

Volume	Page	Date	Remarks
58	140	May 13, 1861	Board of public affairs of the National Road to remain in charge.
70	134	April 16, 1873	Applications for altering or vacating any State road shall be by petition of the freeholders.
73	105	April 6, 1876	County Commissioners may take control of the National Road.
80	64	March 21, 1883	Regarding the alterations of State roads.
89	56	March 2, 1892	Petition by at least 20 freeholders to establish a State road.
97	511	April 18, 1904	Provide for operations of State Highway Department.
97	523	April 18, 1904	State Highway Department created.
102	333	May 31, 1911	Section 11, Inter-County highways created. Section 22, County or Township to provide additional right of way as needed.
103	155	April 8, 1913	First Inter-County or Main Market roads established.
103	258	April 18, 1913	How original State roads could be altered or vacated.
103	453	April 18, 1913	Section 1195, Applications to provide additional right of way on improvement of Inter-County highways.
105-106	574	June 2, 1915	Repeals all laws inconsistent herewith.
112	430	April 21, 1927	Section 1189, Inter-County highways to State highways. Section 1202, right of way taken by easement.
116	91	July 16, 1935	New roads added to the State system shall have a minimum of 50' of right of way.

**OHIO ROAD LAWS ESTABLISHING WIDTHS
~COUNTY ROADS~**

February 17, 1804 Vol. 2, Page 207

" . . . It shall be the duty of said commissioners to order said road to be opened a necessary width, not exceeding **66 feet**."

January 22, 1806 Vol. 4, Page 13

(Repeals Vol. 2, Page 207; Vol 3, Page 433 and all previous acts) " . . . shall order said road to be opened not exceeding **50 feet** in width."

February 20, 1809 Vol. 7, Page 125 & Vol. 8, Page 567

(Repeals Vol. 4, Page 13) " . . . shall order such road to be opened a necessary width not exceeding **66 feet**."

February 16, 1816 Vol. 14, Page 223

(Repeals Vol. 7, Page 125 & Vol. 8, Page 567) " . . . shall order a road opened a necessary width, not exceeding **60 feet**."

February 26, 1820 Vol. 18, Page 193

(Repeals Vol. 14, Page 223) " . . . Commissioners shall set forth in their order the width of the road, not exceeding **60 feet** nor less than **30 feet**."

February 25, 1824 Vol. 22, Page 303

" . . . That when the General Assembly shall by law authorize any *state* roads or roads to laid out and established they shall be **66 feet** in width."

February 26, 1824 Vol. 22, Page 305

(Repeals Vol. 18, Page 193) " . . . that all roads and highways which have been or may hereafter be laid out and established agreeably to law, within this state, shall be opened and kept in repair or in the manner hereinafter provided, . . . "and all county roads and township roads hereafter be laid out and established agreeably to the provisions of this act" and all county roads shall be **60 feet** wide."

Effective June 1, 1824.

March 14, 1831 Vol. 29, Page 353

(Repeals Vol. 22, Page 303) " . . . and all *state* roads that shall be hereinafter established agreeably to the provisions of this act shall be opened and considered public highways **60 feet** wide."

Effective October 1, 1831.

March 14, 1831 Vol. 29, Page 358

(This act supersedes all previous county road acts) " . . . that all roads and highways which have been, or may hereafter be, laid out and established agreeably to law, within this state,

shall be opened and kept in repair in the following manner. ". . . and all county roads shall be **60 feet** wide." *Effective October 1, 1831.*

March 11, 1831 Vol 29, Page 365

(All laws and parts of laws contrary to this act are repealed).
Effective June 1, 1831

February 15, 1844 Vol. 42, Page 18

(Amendment to Vol. 29, Page 358 and repeals that part of Vol. 29, Page 358 requiring that all county roads shall be 60 feet wide). "County Commissioners, when they shall establish any county road, shall cause to be entered on their records the width of such road, provided such road shall not be opened less than **40** nor more than **60 feet** wide" ". . . and upon petition the commissioners may reduce the width of any road which has been already laid out and established, to a width not less than **40 feet**. This law does not apply to Hardin, Allen, Van Wert, Putnam, Paulding, Williams, Henry, and Lucas counties.

January 27, 1853 Vol. 51, Page 303

(Repeals Vol. 29, Page 358, Vol. 42, Page 18, and Vol. 29, Page 365 provided that it shall not affect none according to preceding acts) ". . . that all county and township roads shall hereafter be laid out and established . . . not less than **30** nor more than **60 feet** wide, and in all cases shall be determined by the viewers of the same."
Effective March 1, 1853

February 7, 1853 Vol. 51, Page 327

". . . that part of Act Vol. 51, Page 303 which reads "This act shall take effect and be in force from and after the first day of March 1853, be, and the same is hereby repealed.

March 11, 1853 Vol. 51, Page 388

(Repeals Vol. 29, Page 353) ". . . that all *state* roads be hereafter laid out by petition to the County Commissioners" ". . . roads shall be opened and considered public highways **60 feet** wide.

April 7, 1865 Vol. 62, Page 98

(Repeals Vol. 51, Page 303) ". . . that all county roads and highways which shall hereafter be laid out and established, shall be not less than **30** nor more than **60 feet** wide and in all cases the widths shall be determined by the viewers of the same."
Effective April 7, 1865

March 27, 1867 Vol. 64, Page 68

"County Commissioners of their respective counties and trustees of their respective townships shall have power to increase or reduce the width of any county or township roads, provided they are not increased more than the maximum or minimum limits as fixed by law."
Effective March 27, 1867

January 1, 1880 Revised Statute 4637

(Revised Statute 4637 supersedes all previous acts) ". . . all County roads hereafter laid out and established shall not be less than 30 nor more than 60 feet wide, to be determined by the viewers of the same as hereinafter provided, except that when the road is upon a state line, the County Commissioners may determine the width, not less than **15** nor more than **30 feet** of the land to taken in this state.

April 27, 1896 Vol. 92, Page 748

"All turnpikes in Pickaway County shall be **45 feet** wide when laid out with side track and **40 feet** wide when laid out without side track."

May 17, 1915 Vol. 106, Page 574 (General Code 6861)

"All public roads hereafter located and established by the County Commissioners shall be of such width, not less than **30 feet** as may be determined by the County Surveyor subject to the approval of the County Commissioners."

COUNTY ROADS

From 1792 to 1804 **any width necessary**.

From 1804 to 1806 any width necessary not over **66 feet**.

From 1806 to 1809 any width necessary not over **60 feet**.

From 1809 to 1816 any width necessary not over **66 feet**.

From 1816 to 1820 any width necessary not over **60 feet**.

From 1820 to 1824 any width **between 30 feet and 60 feet**, with specified width to be set forth in Commissioner's order.

From 1824 to 1844 all county roads shall be **60 feet** wide.

From 1844 to 1853 any width **between 40 feet and 60 feet**, the width to be recorded when established. The act of 1844 also permits any road previously established to be reduced to a width not less than **40 feet** upon petition to the Commissioners.

From 1853 to 1915 any width **between 30 feet and 60 feet** to be determined by viewers.

From 1915 to the present time any width over **30 feet**. After 1986, Ohio Revised Code 5553.03 allowed a minimum of 20' width *under certain conditions*.

Between 1867 and 1880 the County Commissioners had the power to increase or reduce the width of any County or Township road provided that they were not increased or decreased more than the limits allowed by law.

Volume	Page	Date	Remarks
North west Territory	21	August 1, 1792	Chapter 4, proceedings for opening highways. No width mentioned.
1	163	December 13, 1799	Roads opened with a necessary width not exceeding 66'.
2	207	February 17, 1804	Commissioners to open roads with a necessary width not to exceed 66'.
3	435	February 17, 1804	Commissioners to open roads with a necessary width not exceeding 66' wide.
4	13	January 22, 1806	Commissioners to open roads with a necessary width not exceeding 50' wide.
5	51	February 3, 1807	Law establishing how the 3% roads were to be opened and maintained.
7	125	January 20, 1809	Roads opened with a necessary width not exceeding 66' wide.
8	567	February 20, 1809	Roads opened with a necessary width not exceeding 66' wide.
14	223	January 16, 1816	Roads opened with a necessary width not exceeding 60' wide.
18	193	February 26, 1820	Roads opened with any width not exceeding 60' wide nor less than 30' wide.
22	305	February 26, 1824	County roads shall be established 60' wide.
24	62	February 8, 1826	Petition from trustees to County commissioners on petition for road.
29	358	March 14, 1831	County roads shall be established 60' wide.
30	18	February 6, 1832	Law to keep roads open and free from obstructions.
34	44	March 14, 1836	Required a bond with a petition for roads.
36	20	March 5, 1838	Law relative to road tax.
37	23	February 16, 1839	Appeal to court on opening County road.
41	58	March 11, 1853	Laying out County roads on the State lines.
42	18	February 15, 1844	County roads to be opened maximum of 60' in width nor less than 40' in width if noted on the record. Also, can reduce existing County road to a minimum of 40' in width.
43	95	March 12, 1845	County roads which have been unopened for 7 years to be vacated.

Volume	Page	Date	Remarks
43	106	March 12, 1845	To provide for layout and establishment of Free Turnpikes.
45	19	January 29, 1847	Relating to roads and highways and the duties of the supervisors. Nothing about width. Repealed in 1853.
46	38	February 2, 1848	An act opening and regulating roads and highways. Repealed in 1853.
46	40	February 8, 1848	Authorized Township trustees to make alteration in township roads. Repealed in 1853.
46	94	February 24, 1848	County commissioners to establish State roads.
48	56	March 22, 1850	How the width of roads on the State line were determined.
48	58	February 19, 1850	Section 134. County commissioners changing the location of Free Turnpikes.
49	114	March 24, 1851	County commissioners to prevent blocking of roads.
51	303	January 27, 1853	All County and Township roads established shall be a minimum of 30' wide or a maximum of 60' wide. If no width was stated, 60' width was used.
51	327	February 7, 1853	Repeals Section 39 of Volume 51, Page 303. Did not affect the width.
51	388	March 11, 1853	County commissioners to establish State roads by petition with a width of 60'.
52	19	March 1, 1854	Section 137, 138. Vacating unused and unopened roads.
52	26	March 25, 1854	Section 139. Alterations of State and County roads.
53	119	April 8, 1856	Petitions for laying out, vacating or altering shall specify the beginning and end.
56	75	March 26, 1859	All alterations of County roads made prior to March 29, 1859 is part of road and unused line is vacated.
56	82	March 29, 1859	Vacating road. Dedication by private persons to public use.
58	5	January 25, 1861	Converting of Plank roads to County roads.
59	26	March 13, 1862	County Commissioners appropriate Plank roads for County roads.
62	98	April 7, 1865	Roads opened with a minimum of 30' width or maximum of 60' wide.
65	178	May 9, 1868	To improve road by petition, no width mentioned.

Volume	Page	Date	Remarks
67	9	February 16, 1870	Authorizing County commissioners to construct Turnpike roads.
68	93	May 1, 1871	Authorizing County commissioners to construct Turnpike roads amended.
73	184	April 11, 1876	County commissioners to lay out and construct roads on petition.
74	141	April 28, 1877	County commissioners to construct roads on petition.
74	145	April 30, 1877	County commissioners to locate and construct Turnpike roads.
74	207	May 5, 1877	Authorizing County commissioners to locate and construct Turnpike roads.
75	90	April 4, 1878	Regarding Turnpikes and Plank roads. (Toll)
75	515	May 11, 1878	County commissioners to lay out Free Turnpikes.
79	142	April 17, 1882	County commissioners to lay out and construct Turnpike roads.
80	21	February 16, 1883	Levy taxes for County roads.
80	58	March 15, 1883	Levy taxes for County roads amended.
93	126	April 19, 1898	Improving County roads by petition.
93	220	April 23, 1898	County commissioners to layout and construct roads in the county.
93	234	April 23, 1898	Free Turnpikes 30' width to 60' width.
93	421	April 26, 1898	Roads improved to have a minimum width of 40'.
97	94	April 8, 1904	Roads improved by this act to have a minimum width of 35'.
97	482	April 24, 1904	Improve roads by County commissioners taxes.
106	574	June 2, 1915	Minimum 30' width. No maximum mentioned.
107	71	March 20, 1917	Roads improved by this act to have a minimum width of 30'. No maximum width mentioned.
112	444	April 21, 1927	County road laws
112	484	April 21, 1927	County road laws
Ohio Revised Code	5553.03	February 24, 1986	Under certain conditions, road can be a minimum width of 20'.

**OHIO ROAD LAWS ESTABLISHING WIDTHS
~TOWNSHIP ROADS~**

February 17, 1804 Vol. 3, Page 435, Chapter 36, Section 10

“ . . . provided, that no private cart way laid out in pursuance of this act shall exceed **33 feet** in breadth, said private cart way shall be opened and kept in repair by the person or persons petitioning therefore.”

Effective March 10, 1804

January 22, 1806 Vol. 4, Page 13

“ . . . Section 11, by petition to the township trustees people can have a road laid out from dwelling house to public road etc., provided, that no cart way laid out in pursuance of this section, shall exceed **20 feet** in breadth, and that the petitioner shall defray every expense and charge of laying out, opening and keeping the same in repair.”

Effective April 1, 1809

February 20, 1809 Vol. 8, Page 567

(Revises Section 7, Vol. 4, Page 13) “ . . . provided, that no road laid out in pursuance to this section, shall exceed **20 feet** in breadth, and that the petitioner shall defray every expense and charge of laying out, opening, and keeping the same in repair.”

Effective April 1, 1809

February 16, 1816 Vol. 14, Page 223

(Repeals Vol. 8, Page 567) “ . . . that no road laid out in pursuance to this section, shall exceed **20 feet** in breadth; and that the petitioner of petitioners, shall defray every expense and charge of laying out, opening and keeping the same in repair.”

Effective May 1, 1816

February 26, 1820 Vol. 18, Page 193

(Repeals act of February 16, 1816) “ . . . Section 12, persons can petition township trustees to lay out a private road to a public road.” No mention of width.

Effective June 1, 1820

February 26, 1824 Vol. 22, Page 305

(Repeals Vol. 18, Page 193) “ . . . an act for opening and regulating roads and highways. Section 1, all county and township roads, shall hereafter be laid out and established agreeably to the provisions of this act, and township roads not exceeding **40 feet** wide.” Section 14, persons who wish to have a township road laid out from the plantation to a public road etc., to petition township trustees. Applicants to pay all costs accruing under provisions of this act, and maintenance of said road.”

Effective June 1, 1824

March 11, 1831 Vol. 29, Page 365

(Repeals Vol. 22, Page 305) “. . . an act defining the mode of laying out and establishing township roads. Section 1, persons shall petition township trustees for a township road. Section 3, Trustees to open said road **30 feet** wide and it shall be considered a township of private road and kept open and in repair at the expense of the applicants.”

Effective June 1, 1831

January 29, 1847 Vol. 45, Page 19

“. . . Section 1, township roads to become public roads except as provided by law in Section 2. Section 3, this act does not apply in Allen, Champaign, Clark, Darke, Logan, Mercer, Miami, and Shelby County in District 7.”

January 27, 1853 Vol. 51, Page 303

(Repeals Vol. 29, Page 365 and Vol. 45, Page 19) “. . . Section 1, and all county and township roads shall hereafter be laid out and established agreeably to the provisions of this act; and shall not be less than **30 feet**, nor more than **60 feet** wide, and in all cases the width of such roads shall be determined by the viewers of the same as hereafter provided. Section 32, Trustees to issue order to petitioners to open said road **30 feet** wide, and considered a private of township road. Any township road which commences in a state, turnpike of county road and passes on or intersects another such road or township road of terminating in a state, turnpike or county road shall be opened and kept in repair as a public road.”

Effective March 1, 1853

April 8, 1856 Vol. 53, Page 119

(Amend act of Vol. 51, Page 303) “. . . Section 19, all township roads heretofore or hereafter established are hereby declared to be public highways; but nothing herein shall be construed to require them to be established or altered at the public expense, or to be kept in repair at public expense, further than is provided by the act to which this is an amendment.”

March 7, 1861 Vol. 58, Page 32

(To amend Section 32 & 35 of Vol. 51, Page 303) “. . . Section 32, township road to be opened 30 feet wide, to be considered a private or township road to be kept open at private expense: provided, however, that any township toad which commences in a state, turnpike, or county road, and passes on and intersects another state, turnpike, county or township road, shall be opened and kept in repair by the supervisor of township roads.”

Effective March 7, 1861

April 7, 1865 Vol. 62, Page 98

(To amend Section 1 of Vol. 51, Page 303 and Section 32 of Vol. 58, Page 32) “. . . Section 1, all township roads shall not be less than **15 feet** nor more than **30 feet** wide. Section 32 reads the same as regards public or private road as Section 32 of the act in Vol. 58, Page 32.”

Effective April 7, 1865

March 27, 1867 Vol. 64, Page 68

“ . . . Section 1, township trustees of the several townships shall have power to increase or reduce the width of any of the township roads within their respective townships; provided that no county or township road shall be widened beyond the maximum limit, or narrowed to less than the minimum limit fixed by law for such county or township roads, change to be provided in Section 2.”

Effective March 27, 1867

May 1, 1871 Vol. 68, Page 102

(Amend Section 32 of Vol. 66, Page 20) “ . . . viewers report in writing to the trustees shall state the width to which such road shall be opened, which shall not be less than **30 feet** nor more than **60 feet** wide. The same shall be considered a private or township road, subject to be kept open and in repair at the expense of the applicant or applicants for the same, provided, however, that any township road which commences in a state, turnpike, county or township road, shall be opened and kept in repair by the supervisor in whose district any such township road may be situated.”

Effective May 1, 1871

March 10, 1876 Vol. 73, Page 21

(To amend Section 32 of Vol. 68, Page 102) “ . . . Section 32, width of said road shall be opened; which shall not be less than 16 feet nor more than 60 feet, and shall be considered a private or township road. Provided, however, that any township road which commences in a state, turnpike, township or county road, and is not less than 30 feet in width, and passes on and intersects another state, turnpike, county or township road, shall be open and kept in repair by the supervisor of township roads.”

Effective March 10, 1876

March 13, 1896 Vol. 92, Page 63

“ . . . to authorize the improvement of public roads of townships. Section 13, no road or street shall be improved under the provisions of this act that is less than **40 feet** in width.”

Effective March 13, 1896

April 5, 1898 Vol. 93, Page 82

(Amend Vol. 92, Page 63) “ . . . Section 13, no road or street shall be improved under the provisions of this act which is less than **40 feet** in width.”

Effective April 5, 1898

April 26, 1898 Vol. 93, Page 421

“ . . . Section 14, all roads improved under the provisions of this act shall be free turnpikes, nor shall any road be improved under the provisions of this act which is less than **40 feet** in width.”

Effective April 26, 1898

April 16, 1900 Vol. 94, Page 284

(Amend Section 13 of Vol. 92, Page 63) “. . . section 13, no road shall be improved under the provisions of this act which is less than **40 feet** in width.”

Effective April 16, 1900

April 8, 1904 Vol. 97, Page 94

(Amend Section 14 of Vol. 93, Page 421) “. . . section 14, all roads improved under the provisions of this act shall be free turnpikes. No roads shall be improved which is less than **35 feet** in width.”

Effective April 19, 1904

April 22, 1904 Vol. 97, Page 550

(Repeals Sections 1 to 25 of Vol. 94, Page 284) “. . . section 13, no road or street shall be improved under the provisions of this act which is less than **30 feet** in width.”

Effective May 3, 1904

May 17, 1915 Vol. 105-106, Page 574-666

Law allowing township trustees to create township roads by petition repealed.

Effective June 2, 1915

SUMMARY FOR TOWNSHIP ROADS

Volume	Page	Date	Remarks
3	435	February 17, 1804	Maximum width 33'; required private maintenance
4	13	January 22, 1806	Maximum width 20'; required private maintenance
8	567	February 20, 1809	Maximum width 20';required private maintenance
14	223	February 16, 1816	Maximum width 20'; required private maintenance
18	193	February 26, 1820	No maximum width stated
22	305	February 26, 1824	Maximum width 40'; required private maintenance
29	365	March 11, 1831	30' width; required private maintenance
45	19	January 29, 1847	Private roads to become public roads. Exceptions noted in Section 2 and 3 of the law.
51	303	January 27, 1853	Section 32, 30' in width with private or public maintenance as provided in the act.
53	119	April 8, 1856	All township roads declared as public roads, but not all were maintained at public expense.
58	32	March 7, 1861	Roads opened with 30' width, private or public maintenance

Volume	Page	Date	Remarks
62	98	April 7, 1865	Roads opened with no less than 15' width, no more than 30' width. Private or public maintenance.
64	68	March 27, 1867	Township trustees may increase or decrease the width of a township road within legal limits.
68	102	May 1, 1871	Roads opened with no less than 30' width, no more than 60' width. Private or public maintenance.
73	21	March 10, 1876	Roads opened with no less than 16' width, no more than 60' width. Private or public maintenance. Must be a minimum of 30' width for public maintenance.
105-106	574	May 17, 1915	Laws allowing township trustees to create township roads by petition repealed. Effective June 2, 1915.

ESTABLISHMENT OF WIDTH WHERE RECORDS HAVE BEEN LOST

Section 12358 General Code relates to lost road records and reads as follows: "As to all County Roads whose records have been lost or destroyed as aforesaid (by fire, riot or civil commotion) and are not reproduced under the next four preceding sections prima facie, the center of the road as now fenced shall be taken as the true center and prima facie the width of such shall be **60 feet.**"

ROAD LAID OUT BY ACT OF STATE LEGISLATURE

This does not mean inter-county highway or state roads as we know them on the present state system. There are many inter-county highways which were not originally established by act of State Legislature and there are roads which were originally established by legislature which are not at present on the inter-county highway system.

Revised Statutes 4633-51 Ohio Laws 388, Passed March 11, 1853, authorized the County Commissioners to reduce the width of state roads by following the proceedings therein specified.

It is apparent that any road which has not been established by regular proceedings without a specified width shall be governed by the Statute in force at that date.

If the Statute was such that there were maximum and minimum widths specified there is some question as to what width should be taken. If it can be proven that a certain width is needed or occupied this width could very likely be held to be the legal width.

In the case where there were no legal proceedings held and the road was established by prescription the width is usually determined by the fenced width or that which is actually used for road purposes.

Where a road has been established and all records have been lost and if the commissioners have

in accordance with Section 12358 properly advertised for such record and there are no productions the road shall be **60 feet** wide.

RE-ESTABLISHMENT UNDER IMPROVEMENT

When a road is advertised for the hearing of damages in connection with its improvement under Section 6912 and the owners properly notified where additional land is to be taken under 6913 and if all such claims have been disposed of and the survey properly recorded in the road records, the road then becomes established in the width specified in connection with the improvement and on the location as shown on the plan and in the road record.

This would apply to all cases where a road was originally established without width and to all cases where the road was improved and does not follow the line of the original road establishment.

Where a road was established at one width and then is to be widened with improvement a notice must be served under Section 6913 on all property owners along the line of the improvement.

Where a road was established by prescription or without formal proceedings its width may be established in connection with the hearing of damages under Section 6912.

NOTE: Sections 6860-6920 General Code, do not apply to inter-county highways and main market roads.