

The Kile and Warner Joint Road Improvement.  
One Mile Assessment.

Abstract of the proceedings in the matter of the Kile and Warner Road

Union County Commissioner's Journal.

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The joint board of Madison and Union County met at the court house in Marysville, O. this 26<sup>th</sup> day of July, 1898, at ten a.m. to hear a petition of Fred Kyle and others praying for the appointment of a joint board of road commissioners to lay out and construct a free turn pike road in the counties of Madison and Union. Members present were Messrs. Henry Lilly, S. S. Robbins, James Withrow of Madison County Board and Cyrus Zimmerman, Chas. Smith and Thomas Parish, Union County Board.

The joint board organized by electing Charles Smith, President and Edward M. Fullington, Secretary. The petition was presented and read. There appearing to be some doubt in the minds of the members of the joint Board as to the method of procedure, on motion of Mr. Lilly the board adjourned to meet at same place July 15<sup>th</sup> 1898. B. W. Smith, Pres. joint Board.

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There being no quorum at the adjourned meeting of the joint board of Madison and Union County July 15<sup>th</sup> 1898, the board met this 31<sup>st</sup> day of July, at the call of the President. Members present, Henry Lilly, S. S. Robbins, James Withrow of Madison County, B. W. Smith, Cyrus Zimmerman, Thomas Parish, Union County.

On motion the minutes of the previous meeting were approved as read, all members concurring.

The opinion of the Prosecutor of Madison County having been submitted to this board as follows, was referred to the Attorney General of the State, whose opinion is given below.

London, Ohio, July 5<sup>th</sup> 1898.

To the County Surveyor of Union County,  
Marysville, Ohio.

Dear Sir. -

The Commissioners of Madison County called my attention to the one mile assessment pike matter petitioned for by the citizens of your and this county. I think the petition for such should be filed in both counties as required by section 4804 revised statutes, and after this is done they should give public notice for four weeks in each county in newspaper of general circulation as called for by Sec. 4774.

The commissioners here inform me that they had adjourned to July 15<sup>th</sup> 1898, to further consider the matter. I think that should be declared off and no action taken until the petitioners file their petition in both counties and advertise for four weeks after the petitions have been filed.

My understanding of the law is this that when the petitions are filed at a regular or special session, of the commissioners

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then they, (the commissioners) fix a time long enough ahead of the filing of the petition to permit notice by publication, to be made for four weeks as required, and the petitioners must at the time so fixed, satisfy the commissioners that such notice has been given.

Respectfully,

Mary Jones.

Office of the Attorney General,  
State of Ohio.

Columbus, O. July 15<sup>th</sup> 1898.

Hon. W. J. Hoopes,  
Prosecuting Atty.  
Marietta, Ohio.

Dear Sir: -

I have the honor to receive a communication from you under date of July 15<sup>th</sup> 1897, asking for an official construction of section 4774, in the following particulars:

1. Should there be four weeks advertisement in a newspaper of general circulation, after the filing of a petition as referred to in that section, or will four weeks publication in a newspaper of general circulation, setting out in full the conditions of the petition, prior to the said intended application, be sufficient to comply with the requisition of said statute?
2. Can a hearing of said petition be had on the date of the filing of the same, if the commissioners are satisfied that notice has been given by advertisement in some newspaper of general circulation, four weeks prior to said hearing.
3. Under section 4804, how many road commissioners are required, if said proposed <sup>road</sup> ditch extends into two counties, and how shall said commissioners be appointed?
4. Shall said petition be filed in both counties, and shall the advertisement be made in both counties?

In answering the above questions in their order, and construing section 4774, which reads as follows:

"Free turnpike roads shall be authorized and commissioners appointed to lay out and establish the same in the following manner: a majority of all the land owners residing in the county, who own lands lying within the bounds of any free turnpike as provided in this chapter, shall present a petition to the board of county commissioners at any regular or special session, asking the appointment of commissioners to lay out and establish a free turnpike road between any points in such county, and stating therein that they desire the county commissioners to levy an extra tax, the amount of which shall not exceed ten mills on the dollar of valuation in any year, on the lands and taxable property in the bound of

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the road, and also the number of years they desire the levy to continue, not to exceed eight years, and they shall satisfy the commissioners that public notice has been given by advertisement in a newspaper of general circulation in such county of such intended application, for at least four consecutive weeks preceding the hearing of such application."

This statute appears to provide for special proceedings for establishment of a free turnpike in a manner peculiar to itself, an scarcely analogous to other like proceedings, ditch and the two mile assessment plan, and not wholly free from ambiguity. The term "petition" and "application" and "intended application" seem to be synonymous. The statute apparently makes it incumbent upon the land owners residing in the district to attend to the publication or service independent of the board of commissioners, and it limits the time and opportunity in presenting the petition to a regular or special meeting of the board, and not to be filed with the county auditor as clerk of the board during the interval between sessions; and it is a condition precedent to the presentation of such petition, at such regular session, that an advertisement, with the contents thereof, shall have been made by such land holder, apparently at the expense of the landholders; that if such legal advertisement, setting out the contents of the petition, has been made in some newspaper of general circulation in such county, for a period of four weeks, then such intended application or petition, with the proper proof of said notice filed therewith, at a regular or special session, of the board of commissioners, then said commissioners shall have jurisdiction over the subject matter, and can proceed forth with to a hearing, and any of the land holders, in the minority, and otherwise interested by this statute, having already been notified of the contents of this petition and of the intended hearing, by such legal publication, would be bound by the action of the board at such meeting, as in the nature of a default, should they fail to present their claims.

I think it a fair construction of the statute, in answer to your first proposition, that a publication for at least four consecutive weeks in a newspaper of general circulation, as required by said statute, should be, before the presentation of the petition to the regular or special session of the board of county commissioners. And such presentation and advertisement brings the subject matter before the board, ready for hearing on and after such date.

As to your inquiries, under section 4804, I would follow the foregoing construction of 4774, and have each board of

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county commissioners appoint in their respective counties a separate board of road commissioners.

I construe the statute to mean also that the advertising shall be in each county. But I would suggest that the spirit of the statute would require that the advertisement in each county, as well as the petition filed with the county commissioners of each county, would include the entire description of the bounds of said proposed free turnpike to enable the joint board to be advised of the requirements of section 4804.

Respectfully submitted,  
F. S. Monnett.

Atty. Gen.

Moved by Mr. Simmerman that the proceedings of the petitioners in this matter be approved, and that the opinion of the Attorney General Monnett be made a part of the record of these proceedings.

"Ayes", Lilly, Robbins, Smith, Simmerman and Parish.

Moved by Mr. Simmerman to adjourn to August 13<sup>th</sup>, 10 A.M. at Marysville to hear the petition of Fred Kyle et al, and that the Auditor be instructed to notify those interested of the time, place and purpose of said meeting.

"Ayes", Lilly, Robbins, Smith, Simmerman and Parish.

Attest: Edward M. Fullington, Sec.

The foregoing minutes are approved this 13<sup>th</sup> day of Aug. 1897.

H. Lilly  
Cyrus Zimmerman

S. S. Robbins  
Thos. Parish

James Withrow  
C. W. Smith.

Pursuant to adjournment of July 31<sup>st</sup> 1897, the joint board of County Commissioners of Union and Madison Counties met this 13<sup>th</sup> day of August, 1897 at ten A.M. in the office of the Union County board. Those present being Messrs. Lilly, Withrow and Robbins of Madison County and Messrs. Smith, Zimmerman and Parish of the Union County Board.

The following proceedings were had in the matter of the Kyle Road.

The following petition was presented, its purpose and object being as stated in the minutes of this board, June 26<sup>th</sup> 1897.

Petition for Road Improvement.

To the Honorable Board of Commissioners of Union Counties, State of Ohio.

We the undersigned, resident landowners of Union and Madison Counties, State of Ohio, and whose lands are situated within one mile of the contemplated improvement hereinafter described, respectfully petition your honorable board under the provisions of an Act for

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the improvement of roads and all subsequent acts classed in the Revised Statutes of Ohio, as title seven, chapter seven, and acts amendatory thereto and supplementary thereof, to appoint commissioners to improve the following described road by grading, graveling, culverting and bridging:  
Commencing at the point of intersection of the Kile and Warner Road with the Post Gravel Road, near the village of Kyle in Madison County, Thence running north-erly on the line of said Kile and Warner Road, on the lands of James A. Kile, Fred Kile, E. Warner, B. W. Evans and others to the Warner Gravel Road, and there to terminate. Said petitioners further ask that said board of county commissioners levy an extra tax, not exceeding 10 mills on each dollar valuation in any one year, on all the lands and tax-able property within the bounds of said proposed gravel road and that said levy continue eight years if the cost of building be not sooner paid.

Names.

Fred Kile.  
Clark Kile.  
John M<sup>c</sup>. Cam.  
L. J. Skidmore.  
John E. Bonnell.  
Mary M<sup>c</sup>. Blain.  
Sarah Baultis.  
W. N. Kile.  
Ohloe Kile.  
W. T. S. Kile.

Names.

J. A. Kile  
Elsie B. Stewart  
E. M. Williams  
Pinney Price.  
Alie Lambka  
E. M. Kilbury  
R. P. Kile  
John Hinton  
Allie Hunter  
W. L. Williams  
Mrs. W. L. Williams.

The board proceed to examine the names of the petitioners and compare them with the names of the landholders resid-ing within the bounds of the proposed improvement, and found that there are twenty such land owners within the bounds of the road, and that thirteen of them, being a majority thereof, have signed said petition.

Proof of publication having been offered to the satisfaction of the board, Mr. Zimmerman moved that the prayer of the petition be granted. Carried. Ayes, Messrs. Lilly, Withrow, Robbins, Zimmerman, Smith and Parish.

Mr. Zimmerman moved that the improvement be known as the Kyle and Warner Road. Carried, all voting Aye.

It is therefore ordered that Joseph H. Richey, Louis Curry, and Jesse D. M<sup>c</sup>. Campbell, three judicious free holders of Union County and Henry Wright, Archibald Walker and L. C. Kent, three judicious free holders of Madison County be and they are hereby appointed Road Commissioners of the Kyle and Warner Gravel Road, to lay out and establish said road according to law, and they are required to enter into proper bond, in the sum of Three Hundred (\$300) Dollars,

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with two sureties each, before entering upon their duties as such commissioners. It is directed that the secretary of the joint board notify the several road commissioners of their appointment, send to each a bond to be executed, and to appear before their respective county boards of commissioners for approval of their bond. The secretary was further directed to transmit a copy of the proceedings thus far of this board, to the Auditor of Madison County, and C. W. Smith was authorized to sign the minutes of this meeting as President of the joint board. On motion the board adjourned to meet at the call of the President. On the adoption of the foregoing the following voted "Aye." Messrs. Lilly, Robbins, Withrow, Smith Zimmerman and Parish.

Attest: Edward M. Fullington, Secy.

The foregoing minutes are approved this 16<sup>th</sup> day of August, 1897.  
Signed, C. W. Smith.

Petitioner's Bond.

Know all men by these presents, that we, J. A. Kyle and Clark Kyle are held and firmly bound unto the State of Ohio, for the use of Union County and Madison County, in the penal sum of Twenty Five 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 assigns by these presents.

Sealed with our seal and dated at Kyleville, this 27<sup>th</sup> day of April, 1897.

The condition of the above are such that whereas; Applications have been made to the boards of commissioners of Madison and Union Counties for the construction of a gravel road on the line following, to wit:

Commencing at the point of intersection of the Kyle and Warner Road with the Post Road near the village of Kyle in Madison County; thence running northerly into Union County, along the line of said Kyle and Warner road on the lands of James A. Kyle, Fred Kyle, and C. Warner, B. W. Evans and others to the Warner Gravel road and there to terminate.

Now if the said applicant shall pay the treasury of said county the amount of all costs and expenses accruing thereon, in case the prayer of the petitioners be not granted, or when the proceedings had in pursuance thereof shall not be finally confirmed and established, then this obligation shall be void; otherwise to remain in full force in law.

Signed, J. A. Kyle  
Clark Kyle.

The above bond is accepted and sureties thereof this 27<sup>th</sup> day of April 1897.

Edward M. Fullington,  
Auditor of Union County, Ohio.

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Free Turnpike Road Notice.

Notice is hereby given that a petition will be presented to the joint board of commissioners of Union and Madison County, Ohio, at a special session to be held at Marysville, Ohio, on the 26<sup>th</sup> day of June, at 11 o'clock A.M. asking that said joint board appoint commissioners to lay out and construct a free turnpike road lying and being fully within the said counties of Madison and Union between the following points to wit:

Commencing at the intersection of the Kyle and Warner Road with the Post Gravel Road near the village of Kyle in Madison County; thence running northerly into Union County along the line of said Kyle and Warner road along the lands of Jas. A. Kyle, Fred. Kyle, E. Warner, B. W. Evans and others to the Warner Gravel road and there to terminate.

Said petition also prays that said joint board of commissioners of Union and Madison Counties, Ohio, levy an extra tax not exceeding ten mills on the dollar valuation in any one year, on all the lands and taxable property within the bounds of said road, and that said levy continue for eight years if the cost and expense of building be not sooner paid.  
May, 19<sup>th</sup> 1897. Fred Kyle and others.

The State of Ohio, Union County, ss:

The undersigned being duly sworn says that a copy of the annexed notice was published four consecutive weeks in The Marysville Tribune, a newspaper of general circulation in Union County, the first publication beginning with May 19<sup>th</sup> 1897.

Signed, H. O. Shearer.

Sworn to and subscribed before me this 18<sup>th</sup> day of June, 1897.  
Printer's Fees. \$8.<sup>00</sup> Edward M. Fullington, Auditor.

State of Ohio, Union County, ss:

The undersigned being duly sworn says that a copy of the annexed notice was published for four consecutive weeks in The Plain City Dealer a newspaper of general circulation in Madison County, the first publication beginning May 18<sup>th</sup> 1897.

Signed, J. A. Kyle.

Sworn to and subscribed before me this 26<sup>th</sup> day of June, 1897.  
Edward M. Fullington, Auditor Union County.

In the matter of The Kyle and Warner Road:

Sept. 4<sup>th</sup> 1897.

The board of county commissioners of Union County, this day appointed Andrew Hilland and J. K. Dodge Road Commissioners of The Kyle and Warner Road to fill the vacancy caused by the resignation of L. Curry and J. D. Mc. Campbell.

Sept. 27<sup>th</sup> 1897.

The board of County Commissioners of Union County,

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being in special session, this day appointed William Wagner and John Robinson Road Commissioners of The Kile and Warner Free Turnpike, to fill the vacancy caused by the resignation of J. K. Dodge and J. D. Mc Campbell, and instructed the Auditor to notify the Commissioners of said free turnpike to file their bonds on the 4<sup>th</sup> day of October, 1897.

B. W. Smith } Commissioners  
Cyrus Zimmerman }  
Thos. Parish. } Union County

Special Session, Union County Board of Commissioners.  
October, 4<sup>th</sup> 1897.

The Board of County Commissioners of Union County being in special session, members present, Commissioner Zimmerman, Parish and Lincoln, considered the bonds of Joseph K. Rieley, John Robinson and William Wagner, Road Commissioners of the Kile and Warner Free Turnpike, which have been filed for approval. Said bonds are executed in the sum of \$300, each in accordance with the former orders of the board in said matter, and otherwise in accordance with the statutes. On motion of Mr. Lincoln the bonds were approved. "Ayes", Lincoln, Parish and Zimmerman.

State of Ohio. Bond of Road Commissioner.  
Know all men by these presents, That we, William Wagner as principal and J. A. Kile and John Rausch as sureties, are held and firmly bound unto the State of Ohio and for the use of the county of Union, in the penal sum of Three Hundred Dollars to the payment of which, well and truly to be made, we do hereby jointly and severally bind ourselves our heirs, executors, administrators and assigns, firmly by these presents, as witnessed by our hands hereunto affixed, this 4<sup>th</sup> day of October, 1897, in the year of our Lord 1897. The condition of this obligation is such, that whereas the said William Wagner was, on the 27<sup>th</sup> day of September, in the year of our Lord, 1897, duly appointed to the office of Road Commissioner of the Kile and Warner free turnpike, to begin on the 4<sup>th</sup> day of October, 1897, and continue until his successor is chosen and qualified, or he is otherwise relieved from the discharge of his duty as such Commissioner. Now if the said William Wagner shall faithfully discharge his official duty as such officer, and pay all loss or damage that the county may sustain by reason of his failure therein, during the term for which he has been appointed, then this obligation shall be void, otherwise the same shall remain and be in full force and virtue.

Wm Wagner  
J. A. Kile  
John Rausch.

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The within bond is approved by us as to the amount and sureties thereof, this 4<sup>th</sup> day of October, 1897.

Gyrus Zimmerman  
Thomas Parish  
O. E. Lincoln

Oath.

State of Ohio, ss:

Union County.

Before me Edward M. Fullington, Auditor within and for the County aforesaid, personally appeared William Wagner and made solemn oath that he will support the constitution of the United States and the constitution of the State of Ohio, and that he will faithfully discharge the duties of his office as Road Commissioner of the Kile and Warner Free Turnpike.

Signed, William Wagner.

Sworn to and subscribed before me this 4<sup>th</sup> day of October, 1897.

Edward M. Fullington.

The State of Ohio, Bond of Road Commissioner.  
Know all men by these presents, That we, Joseph K. Richey as principal and William Robb and Robt. M<sup>c</sup>. Brory as sureties, are held and firmly bound unto the State of Ohio, for the benefit of Union County, in the penal sum of Three Hundred Dollars to the payment of which well and truly to be made, we do hereby jointly and severally bind ourselves, our heirs, executors and administrators, firmly by these presents, as witnessed by our hands hereunto affixed, this 4<sup>th</sup> day of October, 1897.

The condition of this obligation is such, that whereas the said Joseph K. Richey was on the 13<sup>th</sup> day of August 1897, duly appointed to the office of Road Commissioner of the Kile and Warner Free Turnpike, to hold his office from the 4<sup>th</sup> day of October 1897, until his successor is chosen and qualified or until he is otherwise relieved of his office.

Now if the said Joseph K. Richey shall faithfully perform the duties as such officer, during the term for which he has been appointed, then this obligation shall be void, otherwise to remain in full force and virtue.

Joseph K. Richey  
William Robb  
Robt. M<sup>c</sup>. Brory

The within bond is approved by us as to the amount and sureties this 4<sup>th</sup> day of October, 1897.

Gyrus Zimmerman  
Thomas Parish  
O. E. Lincoln

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## Oath.

The State of Ohio, Union County, SS:  
Before me, County Auditor in and for the county of Union personally appeared Joseph K. Richey and made oath that he will support the Constitution of the United States and the Constitution of the State of Ohio, and that he will faithfully discharge the duties of his office as Road Commissioner of the Kile and Warner Free Turnpike.

Signed Joseph K. Richey  
Sworn to and subscribed before me this 4<sup>th</sup> day of October, 1897.  
Edward M. Fullington.

The State of Ohio, Bond of Road Commissioner.  
Know all men by these presents, That we, John Robinson as principal and J. A. Kile and John Rausch as sureties, are held and firmly bound unto the State of Ohio, for the use of Union County, in the penal sum of Three Hundred Dollars, to the payment of which well and truly to be made, we do hereby jointly and severally bind ourselves, our heirs, executors and administrators, firmly by these presents, as witnessed by our hands hereunto affixed this 4<sup>th</sup> day of October, 1897.

The condition of this obligation is such, that whereas the said John R. Robinson was on the 27<sup>th</sup> day of September, 1897 duly appointed to the office of Road Commissioner of the Kile and Warner Free Turnpike, beginning on the 4<sup>th</sup> day of October 1897, and until his successor is chosen and qualified, or he is otherwise relieved of the duties of said office. Now if the said John Robinson shall well and faithfully discharge the duties of the office to which he has been appointed, and pay any loss or damage that the county may sustain by reason of his failure therein, during the term for which he has been appointed, then this obligation shall be void, otherwise the same shall be and remain in full force and virtue.

John Robinson

J. A. Kile

John Rausch.

The within bond is approved by us as to the amount and sureties this 4<sup>th</sup> day of October, 1897.

Cyrus Zimmerman

Thomas Parish

O. E. Lincoln

## Oath

The State of Ohio, County of Union, SS:  
Before me, Edward M. Fullington, Auditor within and for the County aforesaid, personally appeared John Robinson and made solemn oath, that he would support the constitution of the United States and the constitution of the State of Ohio, and that he will faithfully discharge the duties of his

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office as Road Commissioners of the Kile and Warner Free Turnpike

Signed, John Robinson

Sworn to and subscribed before me this 4<sup>th</sup> day of October, 1897.

Edward M. Fullington.

Report of Commissioners of the Kile and Warner Free Turnpike.  
Filed in the office of County Auditor of Union County, Ohio, Dec. 8<sup>th</sup> 1897.  
To the Honorable Board of Commissioners of Union County, Ohio.

Gentlemen:

We, the undersigned Road Commissioners of the Kile and Warner Free Turnpike, appointed by your honorable body on the 13<sup>th</sup> day of August, 1897, respectfully submit the following report. In obedience to Section #4780 of the Revised Statutes of Ohio, we having been duly sworn, chose,

Archibald Walker, President

L. B. Kent, Secretary

John Robinson, Treasurer.

and proceeded on the 12<sup>th</sup> day of October, 1897 to view, locate and establish said Free Turnpike along the line petitioned, taking to our assistance L. B. Harvey, and W. L. Mc Cafferty as engineers and William Kile and Fred. Kile as chainmen.

We herewith return to your Honorable Body,

First, A map showing the line of the road and the lands that should be taxed for its construction.

Second, A tabulated schedule showing the acreage and valuation thereof as found on the tax duplicate.

Third, a profile showing the grade lines, cuts, and fills, the graveling and the manner in which the improvement shall be substantially made.

Fourth, An estimate of the cost of said improvement.

Signed,

Arch Walker

L. B. Kent

John Robinson

Henry Wright

Wm Wagner

Joseph R. Richey

Road Commissioners of  
Kile and Warner Free Turnpike

W. L. Mc Cafferty,  
Engineer.

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Name as per Duplicate	Spv.	Survey	Union County		Val. Assessed	Per. Prop.	Totals	
			acres in Tract	acres Assessed				
Davis Mary A.	Jerome	7074	17	17	310	70	380	
Coultes Sarah	"	"	18 14	18 14	330		330	
Evans Benj. W.	"	"	50	50	920	550	1470	
Kile James A.	"	"	96 91	70	1556		1556	
same	"	"	43 56	43 56	1116		1116	
Kile Wm + Chloe	"	"	17	17	310	100	410	
Kile R. C.	"	"	1	1	22		22	
Kile Blank	"	"	1	1	20		20	
Kile Fred	"	"	69	69	12	540	552	
Kramer Jacob	"	"	51 50	45	1152	260	1412	
Orv Noah	"	6954	29 50	10	166		166	
Sager Geo.	"	7074	17 70	17 70	410		410	
Taylor Samuel	"	5167	109 10	90	2235		2235	
same	"	"	23	23	380		380	
Warner Elijah	"	7074	10	10	290		290	
S. + O. C. Railway	Main Line		2950 ft	@ 9500 per mile			5336	
same	Side Track		2475 ft	@ 1500 per mile			706	
Total Union County.							\$16791	

Estimated Cost of Kile and Warner Gravel Road.

1612 yards grading 4475 ft. 268.65 rods at 60 cents.	\$161.20
1896 yards of gravel on road at 75 cents	\$1354.50
Total	\$1515.70

Specifications for Kile and Warner Gravel Road.

Location-

Said road shall follow the line of stakes and the center thereof shall be twenty feet to the left of the side stakes and conform to the line of center stakes set at each five hundred feet.

Grade-

The grade shall be twenty feet wide and have a crown of six inches, the top of which shall correspond to the grade line shown by the profile; the sides of the grades shall be true and smooth and have slope of 1/2 horizontal to 1 vertical, the top also must be true and smooth.

Side Ditches-

The side ditches shall be not less than one foot wide in bottom with a slope of 1/2 horizontal of 1 perpendicular inside and 1 to 1 on outside, and the bottom must be at least one foot below the edge of the grade at water divides and not less than five below at the culverts.

All side drains must be so constructed that they will carry all water to the sewers and culverts, leaving no dead water therein.

Outlets-

The contractor will be required to cut all outlets sufficiently far and deep to thoroughly drain the road,

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without extra compensation therefor.

Examination;

All grading to be examined by the road commissioners and accepted before the same is overlaid with gravel. The contractor will also be required to keep the grade in the same condition as when accepted while graveling and until the road is finally accepted.

All sewer pipe necessary to drain the road shall be furnished and put in according to instructions of the road commissioners at twenty per cent of the price list.

Gravel-

To be of good quality, entirely free from top dirt, loam, clay or sediment and to be uniformly spread on the center line of the grade 12 feet wide, 14 inches deep in the center and 8 inches deep at edges thereof.

Gravel must measure full in width and depth at final acceptance of the road as no allowance will be made for shrinkage.

Each cubic yard containing large stones must be thoroughly raked and the rakings thrown forward.

No stone larger than three inches in diameter must be left nearer than two feet of the edge or 4 inches of the top and no stone larger than 4 inches in diameter will be regarded as gravel and must not be placed in road.

Ditch-

From station 36.80 to station 44.00

A ditch must be constructed on the east side of the road with a slope of  $1\frac{1}{2}$  to 1 and to be the depth indicated by the profile and in all respects according to the specifications furnished by the engineer.

Along said ditch the grade to the center line shall be without crown.

Material-

The contractor will be required to furnish all material. Should he be unable to agree with the owners of material, desired to be used for the construction of said road, the Commissioners will procure the same according to Section #4782 Revised Statutes of Ohio.

Estimates-

Estimates will be made and paid by the Road Commissioners at the request of the contractor, but no estimate will be given for less than one half mile of grading and graveling and at least 20 per cent of the estimate will be retained until the final completion of that section.

Contracts and Bonds-

Each contractor must within five days enter into a contract and give an ample bond for the proper completion of his contract at the time fixed by the road commissioners and according to these specifications.

At least 40 rods of the road must be graded and accepted by

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the road commissioners, together with its side ditches and sewers before any gravel will be allowed placed thereon.

Reservations.

- 1- The road commissioners reserve the right to make any change they may desire in the above work and a corresponding change will be made in the amount paid for the same at the rate of the purchase bid.
- 2.- The road commissioners reserve the right to place laborers or material along the line of the road for its completion at the expense of the contractor whenever the work is not properly progressing.
- 3.- The road commissioners directions and decisions on all matters pertaining to the road shall be final and conclusive, but no deviations from these specifications will be effective unless it be reduced to writing and signed by a majority of said commissioners.

Signed-

Archibald Walker

L. G. Kent

John Robinson

William Wagner

Henry Knight

Joseph K. Richey.

L. B. Harvey, Engineer.

Road Commissioners.

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Special Session, December, 11<sup>th</sup> 1897.

The Board of County Commissioners of Union County, Ohio, being in special session, this 11<sup>th</sup> day of Dec. 1897, all members present, received the report of the Road Commissioners of the Kile and Warner Free Turnpike.

It is ordered that the report of said commissioners be transmitted to the County Auditor, and that said Auditor levy upon the grand duplicate of the county, according to law for the purpose of improving and constructing said road, the amount of tax and for the number of years petitioned for in said matter.

Attest, Edward M. Fullington, Secy.

Cyrus Zimmerman }  
Thomas Parish }  
O. E. Lincoln. }  
Commissioners  
of  
Union County

Marysville, Ohio, Oct. 10<sup>th</sup> 1898.

I, Edward M. Fullington, Auditor of Union County, Ohio, certify that the foregoing is a true copy of the proceedings of the joint Board of Commissioners of Union and Madison County and the Board of Commissioners of Union County, in the matter of the Kile and Warner Free Turnpike, and all of the papers filed in my office pertaining to said matter. Given under my hand and the seal of Office, this 10<sup>th</sup> day of October, 1898. Edward M. Fullington, Auditor of Union County, Ohio.

The Kile and Warner Joint Road Improvement.  
One Mile Assessment.

Village of Kile, Madison County, Ohio.

Name as per Duplicate	Sp.	Surv.	No. of Lot	Set.	Val.	Per Prop.	Totals
Hunter Jno. P. + Allie	Darby	7074	3	20	00		\$ 20
Kile James A.	"	"	8	10	00		10
Same	"	"	10	10	00		10
Same	"	"	12	10	00		10
Same	"	"	13	10	00		10
Same	"	"	14	10	00		10
Same	"	"	15	10	00		10
Same	"	"	16	10	00		10
Same	"	"	18	10	00		10
Same	"	"	19	10	00		10
Same	"	"	20	10	00		10
Same	"	"	21	10	00		10
Same	"	"	22	10	00		10
Same	"	"	23	10	00		10
Same	"	"	24	10	00		10
Same	"	"	25	10	00		10
Same	"	"	26	10	00		10
Same	"	"	27	10	00		10
Same	"	"	28	10	00		10
Same	"	"	29	10	00		10
Same	"	"	30	10	00		10
Kile St. P. S.	"	"	4	20	00		20
Mc Carr Jno.	"	"	9	110	00		110
Pinney Price	"	"	11	10	00		10
Skidmore Lydia J.	"	"	7	110	00		110
Stewart Elsie B.	"	"	1	520	00	\$ 850	1370
Same	"	"	2	20	00		20
Novel Jno. and Clarence	"	"	17	10	00		10

Madison County

Name as per Tax Duplicate	Sp.	Survey Acres	Assessed	Value	Per Prop.	Totals
Barey Andrew	Darby	7074	77 00	77. 20 10		20.10
Kile Enoch	"	"	15 95	15.95 909		909
Kile James A.	"	"	9 30	9.30 400 550		950
Taylor Samuel	"	5167	88 00	67. 1943		1943
Same.	"	"	12 30	3. 68		68
P. + O. C. R. R.	"	7074	2 90			70
Same	"	"	2 18			70
Same	main line		1725 ft.			31.19
Same	Side track		1525 ft.			430
Same	Build. Right + Pass. Depot					200

Total

\$9769

H. L. Mc Cafferty, } Engineers  
L. B. Harvey }

Arch Walker }  
L. O. Kent }  
John Robinson } Road Commissioners  
Henry Wright }  
Wm Wagner }  
Joseph H. Riehey }

Filed Dec. 7<sup>th</sup> 1897.

H. D. Wilson,  
Auditor (blank)

The Kile and Warner Joint Road Improvement,  
One Mile Assessment.

Annual Report.

To the Honorable Board of Commissioners of Union County,  
Marysville, Ohio, Dec. 5<sup>th</sup> 1898.

The undersigned Road Commissioners of the Kile and Warner Free Turnpike, respectfully present this, their Annual Report of Receipts and Expenditures for the year ending the first Monday of December, 1898.

Receipts			
Balance on hand December 6 <sup>th</sup> 1897,		0	00
Received from Sale of Bonds,		* 1688	00
Received for County Treasurer; Taxes collected,			00
Miscellaneous Receipts			
<b>Total.</b>			* 1688.00
Expenditures			
Overdraft December 6 <sup>th</sup> 1897,			
Paid Contractors for Construction Road,		\$ 1220	00
Paid Contractors + others for extra work,		76	13
Paid Tribune + Journal for printing		20	00
Paid L. B. Kent for Services as Commissioners		55	35
Paid Arch Walker .. " " " "		55	95
Paid Henry Wright " " " "		20	40
Paid John Robinson " " " "		62	25
Paid Wm Wagner " " " "		38	60
Paid L. B. Harvey and assistants, engineering work.		30	55
Paid for Redemption of Bonds,			
Paid for Redemption of Coupons, due,		22	20
Paid for interest on money borrowed		4	24
<b>Total</b>			* 1605.64
Balance on hand December 5 <sup>th</sup> 1898,			* 82.33

We certify the foregoing to be correct.

Arch Walker, }  
L. B. Kent, } Road Commissioners  
John Robinson. }

Section 4792, Revised Statutes: The Road Commissioners shall annually on the first Monday of December, make a full settlement with the County Commissioners of the several Counties in or through which their respective road are located, and shall file with them a statement of all their receipts and expenditures within the County, and deposit a copy thereof in the Auditor's Office of the County.

The State of Ohio. Bond of Road Commissioners.

Of The Kile and Warner Gravel Road.

Know all men by these presents, that we, L. B. Kent as principal and R. Mooney and W. E. Bryan as sureties are held and firmly bound unto the State of Ohio, for the use of Madison County, Ohio in the penal sum of Three

The Kile and Warner Joint Road Improvement.  
One Mile Assessment.

Hundred Dollars (\$300) to the payment of which well and truly to be made, we do hereby jointly and severally bind ourselves, our heirs, executors and administrators, firmly by these presents, as witnessed by our hands hereunto affixed this 30<sup>th</sup> day of August in the year of our Lord one thousand eight hundred and ninety seven.

The condition of this obligation is such, that whereas, the said L. B. Kent was, on the 13<sup>th</sup> day of August in the year of our Lord, one thousand eight hundred and ninety seven, duly appointed to the office of Road Commissioner of the Kile and Warner Gravel Road, to hold his office for — years to begin on his qualification and approval of his Bond, after his said appointment, and until his successor is chosen and qualified.

Now if the said L. B. Kent shall faithfully discharge his official duties as such officer and pay any loss or damage that the county may sustain by reason of his failure therein, during the term for which he has been appointed as aforesaid, then this obligation shall be void, otherwise the same shall be and remain in full force and virtue.

L. B. Kent  
R. Mooney  
C. E. Bryan.

This Bond is approved this 30<sup>th</sup> day of August, 1897.  
H. Lilly } Commissioners  
James Withrow } of  
Madison County Ohio.

Prosecuting Attorney's Certificate.

I have inspected the within Bond, and do hereby certify that the same is sufficient.

Wary Jones,  
Pros. Atty. of Madison County.

Approval.

The within bond is approved by me as to the amount and sureties thereof, this 30<sup>th</sup> day of August, 1897.

W. D. Wilson, Auditor Madison County,  
Per. Geo. W. Blank, Deputy.

Oath.

State of Ohio, Madison County SS:  
Before me Deputy Clerk of the Probate Court, within and for the county aforesaid, personally appeared L. B. Kent, and made solemn oath that he would support the Constitution of The United States and the Constitution of the State of Ohio, and that he will faithfully discharge the duties of his office as Road Commissioner of the Kile and Warner Gravel Road. Signed, L. B. Kent.  
Sworn to and subscribed before me this 30<sup>th</sup> day of Aug. A. D. 1897.  
Ida March, Deputy Clerk Probate Court.

The Kile and Warner Joint Road Improvement.  
One Mile Assessment.

The State of Ohio, Bond of Road Commissioner of The  
Kile and Warner Gravel Road.

Know all men by these presents, that we, Henry Wright  
as principal and William Atkinson and D. B. Sherwood as  
sureties are held and firmly bound unto the State of Ohio,  
for the use of Madison County, in the penal sum of Three  
Hundred Dollars (\$300.<sup>00</sup>) to the payment of which well and  
truly to be made, we do hereby jointly and severally bind  
ourselves, our heirs, executors and administrators firmly by  
these presents, as witnessed by our hands hereunto affixed  
this 30<sup>th</sup> day of August in the year of our Lord, one thousand  
eight hundred and ninety seven.

The condition of this obligation is such, that whereas, the  
said Henry Wright was, on the 13<sup>th</sup> day of August, in the  
year of our Lord, one thousand eight hundred and ninety  
seven, duly appointed to the office of Road Commissioner  
of the Kile and Warner Gravel Road, to hold his office for  
— years, to begin on his qualification and the approval of  
his bond, after his said appointment and until his successor  
is chosen and qualified.

Now if the said Henry Wright shall faithfully discharge his  
official duties as such officer, and pay any loss or damage  
that the county may sustain by reason of his failure  
therein, during the term for which he has been appointed,  
as aforesaid, then this obligation shall be void, otherwise  
the same shall be and remain in full force and virtue.

Henry Wright

William Atkinson

D. B. Sherwood.

The above bond is approved this  
30<sup>th</sup> day of August, 1897.

H. Lilly

Commissioners:

James Withrow

of  
Madison County

Prosecuting Attorney's Certificate.

I have inspected the within Bond and do hereby certify that  
the same is sufficient.

Wary Jones,

Prosecuting Attorney of Madison Co.

Approval.

The within Bond is approved by me as to the amount and  
sureties thereof this 30<sup>th</sup> day of August, 1897.

W. D. Wilson, Auditor of Madison County,

Per. Geo. W. Clark, Deputy.

Oath.

The State of Ohio, Madison County ss:

Before me, Deputy Clerk of the Probate Court, within and  
for the county aforesaid, personally appeared Henry Wright,

The Kile and Warner Joint Road Improvement.  
One mile Assessment.

and made solemn oath that he would support the Constitution of the United States and the Constitution of the State of Ohio, and that he will faithfully discharge the duties of his office as Road Commissioner of The Kile and Warner Gravel Road.

Signed Henry Wright.

Sworn to and subscribed before me this 30<sup>th</sup> day of Aug. A.D. 1897  
Ida March, Deputy Clerk, Probate Court.

The State of Ohio, Bond of Road Commissioner of  
The Kile and Warner Gravel Road.

Know all men by these presents, that we, Arch Walker as principal and D. D. Dominy and J. M. Beach as sureties are held and firmly bound unto the State of Ohio, for the use of Madison County, Ohio, in the penal sum of Three Hundred Dollars (\$300.00) to the payment of which well and truly to be made, we do hereby jointly and severally bind ourselves, our heirs, executors and administrators, firmly by these presents, as witnessed by our hands hereunto affixed this 30<sup>th</sup> day of August, in the year of our Lord one thousand eight hundred and ninety seven.

The condition of this obligation is such, that whereas, the said Arch Walker was on the 13<sup>th</sup> day of August, in the year of our Lord one thousand eight hundred and ninety seven, duly appointed to the office of Road Commissioner of The Kile and Warner Gravel Road, to hold said office for — years, to begin on the qualification and approval of his bond, after his said appointment and until his successor is chosen and qualified.

Now, if the said Arch Walker shall faithfully discharge his official duties as such officer, and pay any loss or damage the county may sustain by reason of his failure therein, during the term for which he has been appointed, as aforesaid, then this obligation shall be void, otherwise the same shall be and remain in full force and virtue.

Arch Walker,

D. D. Dominy

J. M. Beach.

This Bond is approved  
this 30<sup>th</sup> day of August, 1897.

H. Lilly } Commissioners

James Withrow } of  
Madison County, Ohio.

Prosecuting Attorney's Certificate.

I have inspected the within Bond and do hereby certify that the same is sufficient.

Cary Jones, Prosecuting Attorney of Madison, Co.

Approval.

The within Bond is approved by me as to the amount

The Kile and Warner Joint Road Improvement.  
One Mile Assessment.

and sureties thereof, this 30<sup>th</sup> day of August, 1897.

H. D. Wilson,

Auditor of Madison County,

Per Geo. W. Clark, Deputy.

Oath.

The State of Ohio, Madison County SS:  
Before me, Deputy Clerk of the Probate Court, within and for the County aforesaid, personally appeared Arch Walker, and made a solemn oath that he would support the Constitution of the United States and the Constitution of the State of Ohio, and that he will faithfully discharge the duties of his office as Road Commissioner of The Kile and Warner Gravel Road.

Signed, Arch Walker,

Sworn to and subscribed before me this 30<sup>th</sup> day of August, A. D. 1897.

Ida March, Deputy Clerk, Probate Court.

Commissioner's Office, Madison County,  
London, Ohio, August 30<sup>th</sup> 1897.

Cours. Journal  
Vol. 6  
Page 14.

Board of County Commissioners met today in special session.  
Members present, H. Lilly, James Withrow and S. S. Robbins.

In the matter of  
the approval of Road  
Commissioner's Bond.

The Bond of Arch Walker, with D. D. Domingy <sup>J. W. Beach.</sup> as sureties, the Bond of Henry Wright with William Atkinson and D. B. Sherwood as sureties, the Bond of L. W. Kent, with R. Mooney and W. C. Bryan as sureties, each of said bonds being in the sum of Three Hundred (\$300.00) Dollars, conditioned according to law, being the Bonds of said principals as Road Commissioners in the Kile and Warner Joint Road matter, under the One Mile Assessment Pike Law of Ohio, were presented to the Board of Commissioners and were examined and accepted by the Board and filed with the County Auditor.

Certificates of the oath of office of said Road Commissioners, showing that they had been duly sworn according to law, were also filed with said Bonds.

Upon motion for the approval of the above Bonds, the roll being called, each member voted "Aye". Carried.

H. Lilly, } Commissioner  
S. S. Robbins, } of  
James Withrow } Madison County

Recorded December, 1900.

B. A. Taylor, County Auditor.

The Kile and Warner Joint Road Improvement.  
One Mile Assessment.

Cours. Journal  
Vol. 6.  
Page 389.

Commissioner's Office, Madison County,  
London, Ohio, December, 12<sup>th</sup> 1898.

Board met today in Regular Session.  
Members present, James Withrow, Jas. B. Anderson<sup>rd</sup> & L. S. Markley.  
In the matter of the  
Annual Report of Road  
Comrs. Kile & Warner Joint Road.

The Road Commissioners heretofore appointed  
in the above matter, on this day filed a statement of their  
receipts and expenditures as follows, to wit:

Receipts,	
Received from sale of Bonds,	\$1688.00
Expenditures,	\$1605.67
Balance on hand, December, 5 <sup>th</sup> 1898,	\$82.33