Rights of Way

What is apparent may not always be as it seems

Franklin D. Snyder, Jr., P.S.
Sources that depict R/W widths

- Road Dedications
- Right of Way plans
- Subdivision Plats
- Deeds, Easements
- Surveys
- Tax Maps
- GIS Records
- Date Created
Representative Projects

- GEA-422-16.38 Bridge deck replacement
- TRU-45-18.13 Culvert replacement
- POR-303-8.09 Bridge replacement
Scope of Work – Level of Effort

• Defined Project Tasks

• Existing Right of Way

• Additional Right of Way required

• Information available

• Budget
GEA-422-16.38
Straight forward, fairly simple project

• Field survey for the replacement of an existing bridge deck
• Task 2.3.A.B. Monumentation recovery
  • Input limits of R/W from centerline, right of way, and/or property pins with record documents
• Task 2.3.A.F. Establish property lines, tax id, & ownerships on base map (if authorized)
• Initial research - information available
  • GEA-422-16.38 plans from Geauga County (1959)
  • GEA-422-18.98 plans from Geauga County (1931)
  • GEA-422-16.38 plans from ODOT (1959) (1938 S.H. 35 Sec. W plans)
Existing bridge carrying USR 422 over the Grand River
County GIS Mapping
1930 Plan

- Remove superstructure of existing girder bridge and build new coated timber superstructure on steel stringers as roadway.
- 40'-6" overall span.
1938 Plan
1960 Plan
1960 Plan
1980 Subdivision Plat
Centerline monuments
Not your typical pin cushion

Initial point found inside the box

A little deeper inside the box
Was additional R/W acquired?
Survey on the north
1930 R/W, 1938 SH, 1959 SH, 1980 Plat
Parcel 16
Volume 203, page 414
Easement for Highway Purposes

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, Charles F. March, and Florence J. March, the Grantor, herein.

for and in consideration of the sum of Three Hundred and Fifty Dollars paid by the

State of Ohio to the Grantor, the receipt whereof is hereby acknowledged, do, hereby grant, bargain, sell, convey and release to the said Grantee, its successors and assigns forever, a perpetual easement, and right of way for public highway and road purposes, in, upon and over the lands hereafter described.

Located in the Township of __________, Range __________, Section __________, County, Ohio.

Description:

PARCEL No. 1

Beginning at a point in the existing southerly right of way line of S.R. 622, 67 feet right of Station 422 + 63 in the centerline of S.R. 622; thence Easterly along said right of way line to a point in the grantor property line 40,40 feet right of Station 686 + 17 in said centerline; thence southerly along the grantor's Easterly property line to a point in the proposed southerly right of way line of S.R. 622, 73 feet right of Station 686 + 17 in said centerline; thence southerly along the proposed southerly right of way line, to a point 91 feet right of Station 673 + 00 in said centerline; thence continuing westerly to a point 50 feet right of Station 674 + 30 in said centerline; thence continuing westerly along the proposed southerly right of way line of S.R. 622 to the place of beginning and containing 0.24 acres of land, to the boundaries of the subject to all legal highways.
Right of way available for project
TRU-45-18.13

• Field survey for the replacement of a 15” conduit under SR 45
• Task 2.3.A.B. Monumentation recovery
• Task 2.3.A.F. Establish property lines, tax id, & ownerships on base map
  • Input limits of R/W from centerline, right of way, and/or property pins with record documents
• Initial research indicates decent information available
• Task 3.4 Right of Way Plans (if Authorized)
Replace the pipe under the roadway
GIS depicts the existing R/W = 80’
Proposed Plans include R/W & Slope Easements
Additional Right of Way acquired in 1957
Parcel 62, 25' to 40' off centerline
Vol. 691, page 44, rec. 8/12/1957

Parcel 62-SL, 40' to 50' off centerline
Vol. 691, page 45, sig. 4/30/1957

Easement for Highway Purposes

KNOW ALL MEN BY THESE PRESENTS:
That Roger L. Shipman and Daisy A. Shipman, N.Y.

for and in consideration of the sum of One thousand, one hundred dollars ($1010.00) and for other good and valuable considerations to them paid by the State of Ohio, the Grantee, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, convey and release to the said Grantee, its successors and assigns forever, a perpetual easement and right of way for public highway and road purposes, in, upon and over the lands hereinafter described, situated in Trumbull County, Ohio, Bristol Township, Section Orig. Lot 21, Town 6-N, Range 4-W, and bounded and described as follows:

PARCEL No. 61

Being a parcel of land lying on the left side of the centerline of a survey made by the Department of Highways and recorded in Book 4, Page 340, of the records of Trumbull County and being located within the following described points in the boundary therefrom:

Beginning at a point 25 feet left of Sta. 260+21.69 in the centerline of survey above referred to, said point being in the existing westerly right of way line of State Route No. 45 at the point of intersection of said line with the southerly property line of these grantors; thence westerly with said line to a point 40 feet left of Sta. 263+05.11; thence northerly parallel with the centerline of survey to a point 40 feet left of Station 274+01.8, said point being in the northerly property line of these grantors; thence easterly with said line to a point 25 feet left of Sta. 274+35.85, said point being in the aforementioned right of way line; thence southerly with said right of way line to the point of beginning.

Easement for Highway Purposes

KNOW ALL MEN BY THESE PRESENTS:
That Roger L. Shipman and Daisy A. Shipman, N.Y.

for and in consideration of the sum of One thousand dollars ($1000.00) and for other good and valuable considerations to them paid by the State of Ohio, the Grantee, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, convey and release to the said Grantee, its successors and assigns, an easement for the construction and maintenance of slopes in, upon and over the lands hereinbefore described, until such time as the owner desires...to remove said slopes or build therein, provided, however, in the removal of said slopes the proper preservation of the highway be not impaired, to-wit: situated in Trumbull County, Ohio, Bristol Township, Section Orig. Lot 21, Town 6-N, Range 4-W, and bounded and described as follows:

PARCEL No. 61-SL

Being a parcel of land lying on the left side of the centerline of a survey made by the Department of Highways and recorded in Book 2, Page 321, of the records of Trumbull County and being located within the following described points in the boundary therefrom:

Beginning at a point 40 feet left of Sta. 274+20 in the centerline of survey above referred to, said point being in the westerly line of an easement herebefore granted to the State of Ohio for highway purposes by these grantors; thence westerly to a point 50 feet left of Sta. 274+20; thence northerly parallel with the centerline of survey to a point 50 feet left of Sta. 274+65, said point being in the northerly property line of these grantors; thence easterly with said line to a point 40 feet left of Sta. 274+01.8, said point being in the aforementioned easement line; thence southerly with said easement line to the point of beginning.
Additional Right of Way re-acquired in 1958?

Parcel 62, 25’ to 40’ off centerline

Vol. 707, page 570 (569), rec. 4/19/1958

Parcel 62-SL, 40’ to 50’ off centerline

Vol. 707, page 571, sig. 2/19/1958
Existing deed cites 80’R/W and the excludes the area within the Right of Way
Existing R/W by 1957 plan
Trumbull County Court of Common Pleas

IN THE MATTER OF THE APPROPRIATION BY THE STATE OF OHIO OF EASEMENTS FOR HIGHWAY PURPOSES OVER THE PROPERTY OF WAYNE R. COOPER, ET AL., ON STATE ROUTE NO. 45, SECTION 15.88, TRUMBULL COUNTY, OHIO

WHEREAS, I have been unable to purchase certain hereinafter described property, needed in the construction and improvement of State Route No. 45, Section 15.88, Trumbull County, Ohio.

THERFORE, I find it is necessary for the public convenience and welfare that action be taken under Section 3519.01 and related sections of the Revised Code of Ohio, to appropriate the property hereinafter described, which I do deem needed, in accordance with the plans and specifications on file in the Department of Highways, Columbus, Ohio, from the following named owners:

NAME
Wayne R. Cooper
Anne Cooper
Treasurer of Trumbull County, Ohio

PLACE OF RESIDENCE
R.D. #1, Bristolville, Ohio
R.D. #1, Bristolville, Ohio
Court House, Warren, Ohio

The aforementioned property to be appropriated is located in Lots 21 and 22, Town 6-N, Range 4-W, Bristol Township, Trumbull County, Ohio, lying on the left side of the centerline of a survey made by the Department of Highways, and recorded in Volume 22, Page 31, of the records of Trumbull County, Ohio, being more fully described as follows:

PARCEL NO. 69 (HIGHWAY)
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES

Beginning at a point 25 feet left of Station 224 plus 58.3 in the centerline of survey above referred to, said point being in the existing westerly right of way line of State Route No. 45 at the
Appropriation of right of way 1958

69-SH & 69-SL
The owners do not agree with the amount of compensation.
Allow a jury to decide on the amount of compensation.
Verdict

The jury reached a decision on the compensation for the easements.

BUT, look at the slope easement 69-SL.
What happened to the proposed taking?

The original slope easement 69-SL

The result of the jury trial, now 69-A

PARCEL NO. 69-SL (SLOPE)
THE TEMPORARY RIGHT TO CONSTRUCT A SLOPE IN ACCORDANCE WITH THE PLANS AND
FOR NO OTHER PURPOSE

Beginning at a point 10 feet left of Station 274 plus 61.8 in the centerline of survey for State Route No. 45 above referred to, said point being in the westerly line of an easement herewith appropriated by the State of Ohio for highway purposes by these owners at the southerly property line of these owners; thence westerly with said line of these owners to a point 50 feet left of Station 274 plus 65; thence northerly parallel with centerline of survey to a point 50 feet left of Station 278 plus 00; thence easterly to a point 40 feet left of Station 278 plus 00, said point being in the hereinbefore mentioned easement line; thence southerly with said line to the point of beginning; containing 0.08 of an acre, more or less.

They further say they are the owners of the above described lands.

WITNESSETH, they ask that the amount of compensation due them by reason of said appropriation be determined in the appropriate manner under

PARCEL NO. 69-A (HIGHWAY)
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES

Beginning at a point 40 feet left of Station 274 plus 61.8 in the centerline of survey for State Route No. 45 above referred to, said point being in the westerly line of an easement herewith appropriated by the State of Ohio for highway purposes by these owners at the southerly property line of these owners; thence westerly with said line of these owners to a point 50 feet left of Station 274 plus 65; thence northerly parallel with centerline of survey to a point 50 feet left of Station 278 plus 00; thence easterly to a point 40 feet left of Station 278 plus 00, said point being in the hereinbefore mentioned easement line; thence southerly with said line to the point of beginning, containing 0.08 of an acre, more or less.

be and the same hereby are duly vested in the State of Ohio, free and clear of all claims of the owners of said lands and persons having interest therein, to-wit: Wayne R. Cooper, Anne Cooper, and the Treasurer of Trumbull County, Ohio.

It is further ordered that the Director of Highways of the State of Ohio, pay all court costs herein accrued and that a record be made of these proceedings according to law.
What are easements worth?

Offer for 69-SH & 69-SL

Final compensation increased

Resolution and Findings, Trumbull County, Ohio,
Wayne R. Cooper, et al.,
Parcels Nos 69 and 69SL

at the southerly property line of these owners; thence westerly with
said line of these owners to a point 50 feet left of Station 274 plus 65; thence
westerly parallel with centerline of survey to a point 50 feet left of Station 278 plus 00; thence easterly to a point 40 feet
left of Station 278 plus 00; said point being in the hereinbefore
mentioned easement line; thence southerly with said line to the point
of beginning, containing 0.08 of an acre, more or less.

And I find the following amount to be the value of the
property to be appropriated and damages to the residue:

<table>
<thead>
<tr>
<th>VALUE OF LAND</th>
<th>DAMAGES TO THE RESIDUE</th>
<th>TOTAL DEPOSIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>$838.50</td>
<td>$760.00</td>
<td>$1598.50</td>
</tr>
</tbody>
</table>

WITNESS my hand and seal this 28th day of April, 1958.

WE, the Jury, being duly impaneled and sworn in
this case, do assess the compensation and damages to be
paid by reason of the appropriation of easements for highway
purposes through the property described in the Resolution
for the uses and purposes as set forth in said Resolution,
as follows:

To WAYNE R. COOPER, and ANNE COOPER, owners
as compensation:

Value of lands taken.................$1660.00
Damage to residue...................$1866.00
Total Compensation.................$3526.00
Additional right of way for current project
Field survey for the replacement of small bridge along SR 303

Task 2.3.A.B. Monumentation recovery

Task 2.3.A.F. Establish property lines, tax id, & ownerships on base map
  - Input limits of R/W from centerline, right of way, and/or property pins with record documents

Initial research indicates decent information available

Task 3.4 Right of Way Plans (if Authorized)
Does not reflect additional R/W 50' offset centerline in POR-303-0.11 (SH646) plan, 1946.
Parcel 2, 0.089 acres from Ralph L. Gates.
Tax Map for Lots 55 & 56
Richfield-Hudson-Braceville Road
(Hudson-Windham Road)

<table>
<thead>
<tr>
<th>#</th>
<th>Description</th>
<th>Date</th>
<th>Mileage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Beginning at S.H. #12 and Co. Rd. #195</td>
<td>Apr. 6</td>
<td>1936</td>
</tr>
<tr>
<td></td>
<td>thence E. on 195 through Streetsboro, Shalersville, Freedom &amp; Windham Twps.</td>
<td></td>
<td>21 199</td>
</tr>
<tr>
<td></td>
<td>to the Portage-Trumbull Co. Line.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Notice of hearing - proposed addition to S.H. System. (18.99 miles)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>County Commissioners guarantee 60' right of way.</td>
<td>June 2</td>
<td>1936</td>
</tr>
<tr>
<td></td>
<td>Established as extension to S.H. #648</td>
<td>Dec. 14</td>
<td>1936</td>
</tr>
</tbody>
</table>

Road Record Index lists 66’
Proposed takes for Parcels 1-X, 1-T, 2
Plat Of Survey
FOR RUBY L. GAGE (SUCCESSOR TRUSTEE)
FILE #201010876 - PARCEL #1
BEING PART OF LOT #56 IN THE TOWNSHIP OF SHALERSVILLE,
COUNTY OF PORTAGE, STATE OF OHIO
OCTOBER 2011

LEGEND
Three property corners will
be found in the drawing.
- 2.5' frem pipe found
- 3.5' frem B.W found

REFERENCES
DEEDS AS VARY
C.A. WOLDE SURVEY - JULY 2000
J.P. DAMEL SURVEY - JULY 2000
C.P. COLLIER SURVEY - NOV. 1999
L.F. CONVERSE SURVEY - MAY 1997

STATE ROUTE 588 (S.H. 648) 647' R/W
7,945.90 ACRES
2,467 ACRES - ROAD L.R.
7,478.90 ACRES - 40.4875

THE PLANS OF BEARING OF S IMPORTED
FOR STATE ROUTE 333 WAS TAKEN FROM
THE L.F. CONVERSE SURVEY DATED MAY 1997
0' 200' 400'
SCALE 1" = 200'

P. O. C.
ZUBER

SURVEYORS CERTIFICATE
I HEREBY CERTIFY THIS DRAWING TO BE
A CORRECT DESCRIPTION OF AN ACTUAL
SURVEY TO THE BEST OF MY KNOWLEDGE
AND BELIEF, THIS SURVEY WAS PERFORMED
AND DATED ON OCTOBER 1998.

Beth A. Pearson 10/28/98

Pearson
Surveying
2400 Highline Road, Ravenna, OH 44266
Office (330) 206-5685 Cell (330) 638-6978

2011 Survey
Survey to the west
The image contains a document titled "AGREEMENT FOR CHANNEL CHANGE". It describes an agreement between Richard R. Poole and the Department of Highways in relation to an existing right-of-way (R/W) 33' off centerline. The text outlines the terms of the agreement, including the description of the parcel and the necessary actions to be taken for the channel change. The agreement is dated and signed by both parties, with the location specified as "Parcels 1-X". The document is of legal nature and includes specific details about the property and the changes to be made. The text is clear and legible, and there are no signs of hallucination or deviation from the natural reading.
Appropriation for Parcel 2

Located in Grant Lot 56, Town 4 North, Range 6 West, Shaker Valley Township, Portage County, Ohio and as more fully described as follows, to wit:

PARCEL NO. 4 (NORTH)

Being a parcel of land lying on the right side of the centerline of a survey made by the Department of Highways for State Route No. 503, Section 8.11, and not more than 33 feet wide, and being located within the fully described points in the boundary thereof:

Beginning at a point 33 ft. right of station 250 plus 50 in the centerline of a survey made by the Ohio Department of Highways for this improvement, said point being in the existing existing right-of-way line of State Route No. 503, thence southerly, along the right-of-way line, to a point 33 ft. right of station 290 plus 00; thence southerly, parallel with the centerline of survey, to a point 50 ft. right of station 290 plus 00; thence southerly 90 degrees, to the point.

R/W 33’ from centerline
Journal Entry

It appears to the Court that the owner of the property, upon which an
estate was appropriated in this action, has agreed with the Director of Highways
of the State of Ohio, upon the amount of compensation and damages due said owner
by reason of said appropriation, and has agreed to accept and pay into the amount
of Three Hundred Fifty Dollars ($350.00) in full payment thereof, and has re-
leased all claim for further compensation and damages resulting from the construction
of said highway improvements or from any appropriation of said easement.

In conformity with the said agreement, it is hereby ordered, adjudged
and decreed that the said Director of Highways shall deposit in this Court the
sum of Three Hundred Fifty Dollars ($350.00) which sum shall be paid by the Clerk
to the Landowner herein.

It is further ordered, adjudged and decreed that an easement for highway
purposes in, over and upon the said premises, ascribed in the resolution and finding
as Parcel No. 2, be and the same hereby and fully vested in the State of Ohio,
free and clear of all claims of the owner of the said premises to wit: Ralph L.
Gates.
Existing Right of Way
Right of Way Boundary
Right of Way Topo
Existing & Proposed Right of Way
Clear Statement

NOTE: THE EXISTING CENTERLINE, AND PROPERTY LINES WERE ESTABLISHED USING:
* PORTAGE COUNTY DEEDS: VOL. 45, PG. 348;
  FILE# 200320685; FILE# 200328123;
  FILE# 201122468; FILE# 200628857;
  FILE# 200711464.
* PORTAGE COUNTY SURVEYS: P-6313; P-9900;
  P-16060; P-16349; P-16350; P-16999.

THE 66’ R/W WIDTH IS BASED UPON:
* STATE OF OHIO RIGHT OF WAY PLAN,
  POR-303-8.11 (1948).
  - DEED VOL. 451, PG. 350, PARCEL 1-X.
  - PORTAGE COUNTY COMMON PLEAS COURT CASE 20858, PARCEL 2-SH.
Summary

• What is readily available may not be the whole picture
• Information is often duplicated
• Check to ensure acquisition occurred as shown
• Build from the foundation forward
• Proper research is the most critical component
• Trust your instinct
Questions?

Franklin D. Snyder, Jr., P.S.

330-799-1501

fsnyder@fokeng.com