

Appendix C – Laws Governing R/W

ROAD RIGHT OF WAY

From 1792 to 1804 any width necessary, unless a width is stated

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 a specific width to be set forth in Commissioners order.

From 1824 to 1844 all county roads 60 feet wide

From 1844 to 1853 any width between 40 and 60 feet , the width to be recorded

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

From 1915 to present time any width over 30 feet

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 increasing or decreasing more than the limits allowed by law

GENERAL LAWS OF THE STATE OF OHIO RELATING TO THE WIDTH OF COUNTY ROADS

.....
○ **Vol. II, page 210**

It shall be the duty of said Commissioner to order the said road to be opened a necessary width, not exceeding sixty-six feet, and made in respects convenient for the passage of travelers and cause a record therefor to be made which thenceforth shall be deemed a public road.

February 17, 1804

○ **Vol. XIV, page 226**

They (the Commissioners) shall order such road to be opened a necessary which not exceeding sixty feet and made in other respects convenient for the passage of travelers and carriages and cause a record thereof to be made, which road thenceforth shall be deemed a public highway.

February 16, 1816

○ **Vol. XVII, page 197**

They (the Commissioners) shall order such roads to be opened a necessary width not exceeding sixty nor less than thirty feet and the Commissioners shall set forth in their order the width of said road according to the utility of the road.

February 26, 1820

○ **Vol. XXII, page 305**

All county roads shall be sixty feet wide.

February 26, 1824

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- **Swan And Critchfield**

- Vol. II, page 1290**

- 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 thirty nor more than sixty feet wide, and in all cases the width of such roads shall be determined by the viewers of the same as hereinafter provided

- February 27, 1853

- **Soc, 4637 Revised Statutes**

- All County roads hereafter laid out and established shall not be less than thirty and more than sixty feet wide to be determined by the viewer as herein provided

- April 15, 1892

- **Sec 6861, G.C.**

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

- September- 1915

- **Note--** From 1804 to 1824 width should be found in Commissioners' order to Township Trustees. 1824 to 1853, no mention of width will be found in any order or report. 1853 to 1915, width is to be fixed by viewers in their report.

- From 1915 to Present date, width is determined by County Surveyor, Subject to approval of County Commissioners.

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OHIO ROAD LAWS ESTABLISHED WIDTHS

Date 2-17-1804 Vol. Page 2-207

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

Date 1-22-1806 Vol. Page 4-13

(Repeal 2-207, 3-435 and all previous acts) ".....shall order said road to be opened not exceeding 50 feet in width

Date 2-20-1809 Vol. Page 7-126, 8-567

(Repeal 4-13) ".....shall order such roads to be opened a necessary width not exceeding 66 feet"

Date 2-16-1816 Vol. Page 14-223

(Repeal 7-125, 8-567) ".....shall order a road opened necessary width , not exceeding 60 feet."

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Date 2-26-1820 Vol. Page 18-193

(Repeal 14-223) “.....Commissioners shall set forth in their order the width of the road, not exceeding 60 feet nor less than 30 feet”

Date 2-25-1824 Vol. Page 22-303

“.....that whom the General Assembly shall by law authorize any state roads or roads to be laid out and established”“they shall be 66 feet in width”

Date 2-26-1824 Vol. Page 22-305

(Repeal 18-193) “.....that all roads and highways which have been or may hereafter be laid out and established agreeable by law, within this State, shall be opened and kept in repair or in manner hereinafter provided,..... “and all county roads and township roads shall hereafter be laid out and established agreeably to the provisions of this act” and all county roads shall be 60 feet wide.

Date 3-14-1831 Vol. Page 29-353

(Repeal 22-303)..... “and all state roads that shall be hereafter established agreeably to the provisions of this act shall be opened and considered public highways 60 feet wide.” Effective October 11, 1831

Date 3-14-1831 Vol. Page 29-358

(This act supercedes 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

Date 3-11-1831 vol. Page 29-365

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

Date 2-15-1844 Vol. Page 42-18

(Amendment to 29-359 and repeal that part of 29-358 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 forty 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, Pitnam, Williams, Henry, and Lucas counties.

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Date 1-27-1853 Vol. 51-303

(Repeal 29-356,42-18,29-365 provided that it shall not affect done according to proceeding acts) “.....That all county and township roads shall hereafter be laid out and establishednot less than 30 nor more than 60 feet, and in all cases shall be determined by the viewers. Effective March 1, 1853

Date 2-7-1853 Vol. Page 51-327

“That part of Act 51-303 which roads “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.

Date 3-11-1853 Vol.51-388

(Repeal 29-353) “.....That all state roads be hereafter laid out by petition to the County Commissioner”.....roads shall be opened and considered public highways 60 feet wide”

Date 4-7-1865 Vol. 62-98

(Repeal 51-303) “..... 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 viewer of the same.” Effective April 7, 1865

Date 3-27-1867 Vol. 64-68

“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 increasing more than the maximum or minimum limits fixed by law” Effective March 27, 1867

Date 1-1-1880 R.S. 4637

(Revised Statute 4637 supercedes 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 viewer 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 land to be taken in this state.

Date 4-27-1896 Vol. Page 92-748

“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.”

Date 5-17-1915 Vol. Page 106-574 (General Code 6851)

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.

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Establishment of Width When Records Have Been Lost

Section 12358 General Code relates to lost road records and roads as follows; “As to all county roads where records have been lost or destroyed as aforesaid (by fire, riot, or civil commotion) and are not reproducible 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 road shall be 60 feet.