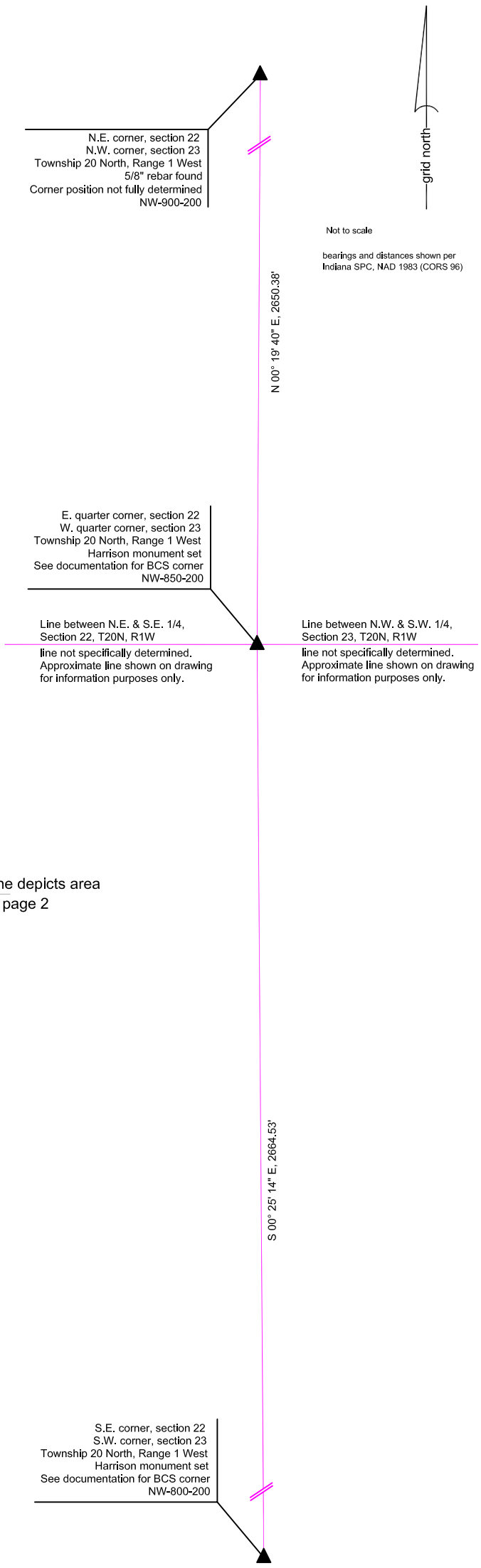
BOONE COUNTY SURVEYOR'S OFFICE

Determination of right-of-way of a portion of C.R. 200 West
Sections 22 & 23, Township 20 North, Range 1 West

Prepared for the Boone County Commissioners
in cooperation with the Boone County Highway Department

Dashed line depicts area
shown on page 2



BOONE COUNTY SURVEYOR'S OFFICE
116 W. Washington St., Lebanon IN 46052 765-483-4444

PROJECT: Determination of R/W of a portion of C.R. 200 West
LOCATION: Sections 22 & 23, Township 20 North, Range 1 West

DATE OF FIELD WORK: September 4, 2012 through October 15, 2012
DATE OF CERTIFICATION: November 2, 2012
DRAWING SCALE: Photographic reference page not to scale.

Prepared at the request of the Boone County Commissioners
in cooperation with the Boone County Highway Department

BOONE COUNTY SURVEYOR'S OFFICE

Determination of right-of-way of a portion of C.R. 200 West
Sections 22 & 23, Township 20 North, Range 1 West

Prepared for the Boone County Commissioners
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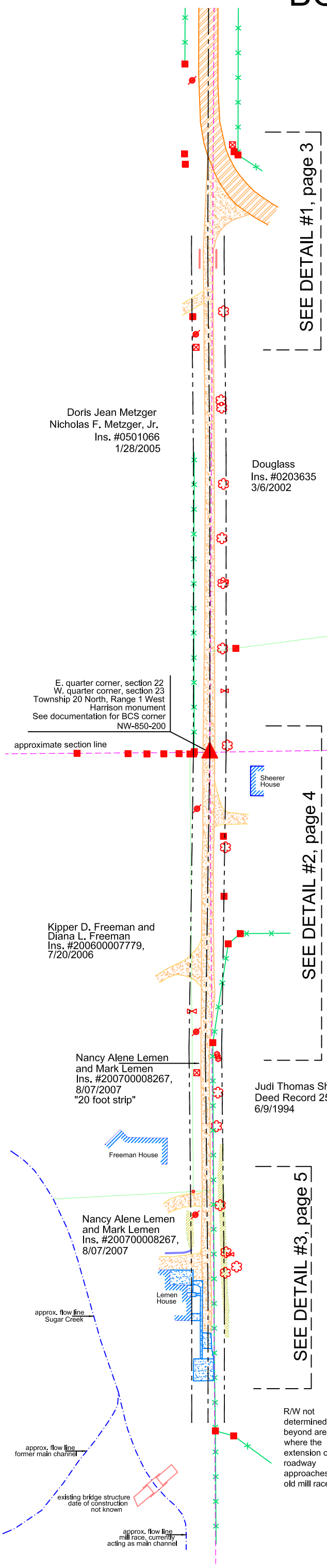

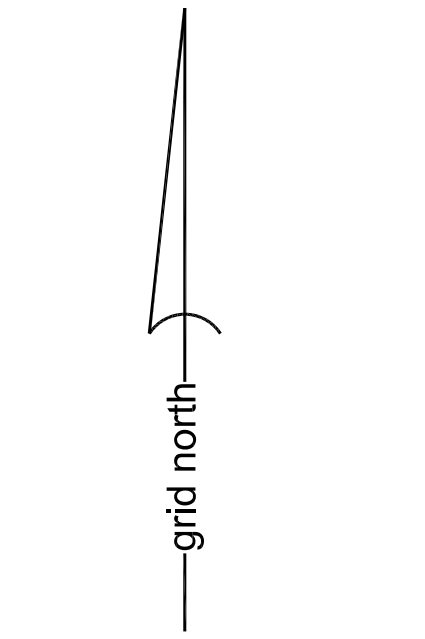

Drawing scale: 1" = 100'

Notes:
See page 1 for photographic reference of vicninty.
See page 1 for documentation of section lines.
See.page 6 for written documentation of records, procedures and findings.

LEGEND

- POWER POLE
- STEEL POST
- 3/8" REBAR FND.
- TREE
- UTILITY POLE
- TELEPHONE PEDESTAL
- EXISTING WIRE FENCE
- ROAD CENTER LINE
- ROAD RIGHT OF WAY (16.5' FROM C/L)
- SECTION LINE
- DEED LINE (OTHER THAN SECTION LINE OR CREEK)
- HATCH PATTERN DEPICTS ASPHALT SURFACE
- HATCH PATTERN DEPICTS GRAVEL SURFACE
- HATCH PATTERN DEPICTS CONCRETE SURFACE
- HATCH PATTERN DEPICTS AREA OF APPARENT "CUT"

BOONE COUNTY SURVEYOR'S OFFICE
116 W. Washington St., Lebanon IN 46052 765-483-4444

PROJECT: Determination of R/W of a portion of C.R. 200 West
LOCATION: Sections 22 & 23, Township 20 North, Range 1 West

DATE OF FIELD WORK: September 4, 2012 through October 15, 2012
DATE OF CERTIFICATION: November 2, 2012
DRAWING SCALE: 1" = 100' (page 2)

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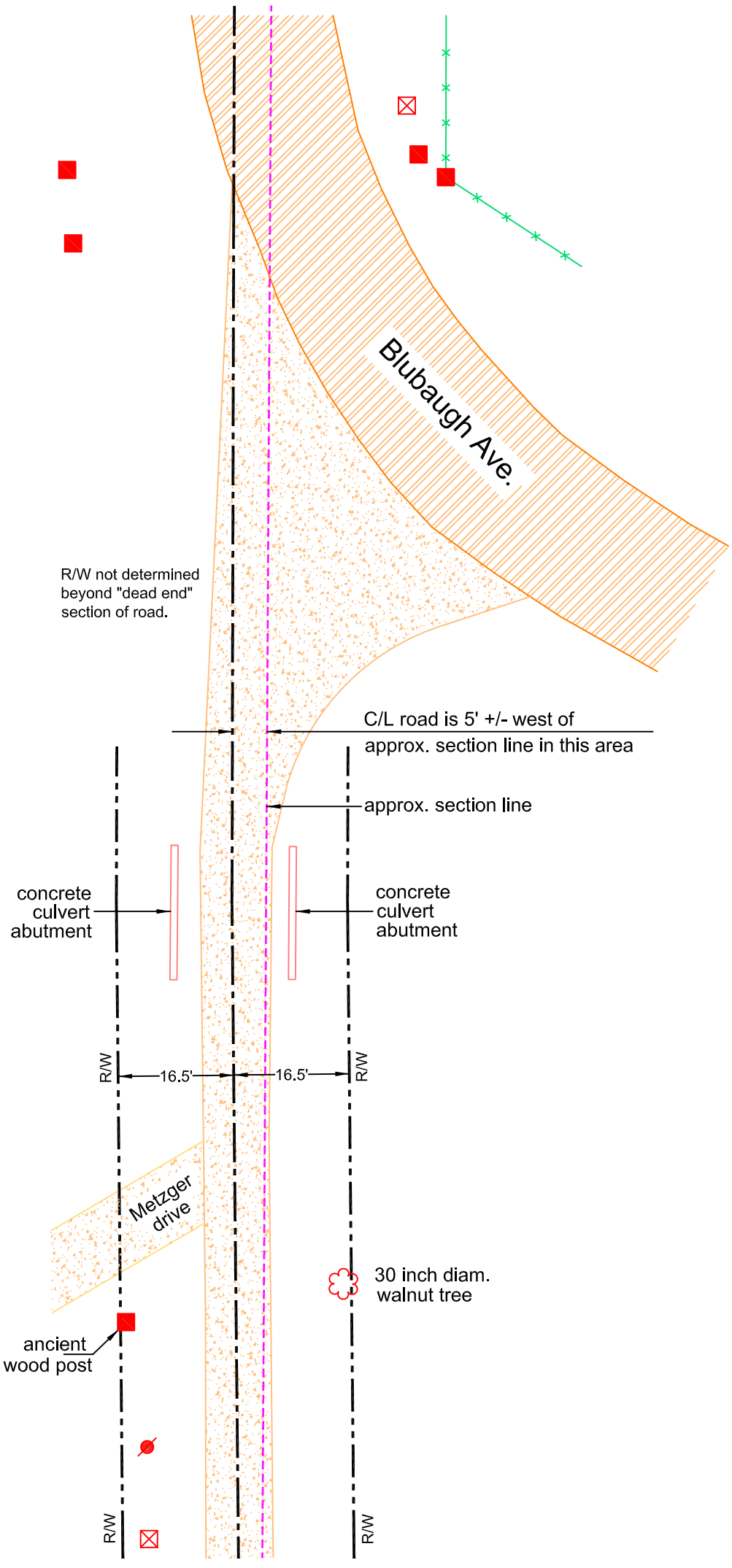

See page 2 for legend

DETAIL #1: 1" = 20'

BOONE COUNTY SURVEYOR'S OFFICE
116 W. Washington St., Lebanon IN 46052 765-483-4444

PROJECT: Determination of R/W of a portion of C.R. 200 West
LOCATION: Sections 22 & 23, Township 20 North, Range 1 West

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DRAWING SCALE: 1" = 20' (page 2, detail #1)

Prepared at the request of the Boone County Commissioners
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BOONE COUNTY SURVEYOR'S OFFICE

Determination of right-of-way of a portion of C.R. 200 West
Sections 22 & 23, Township 20 North, Range 1 West

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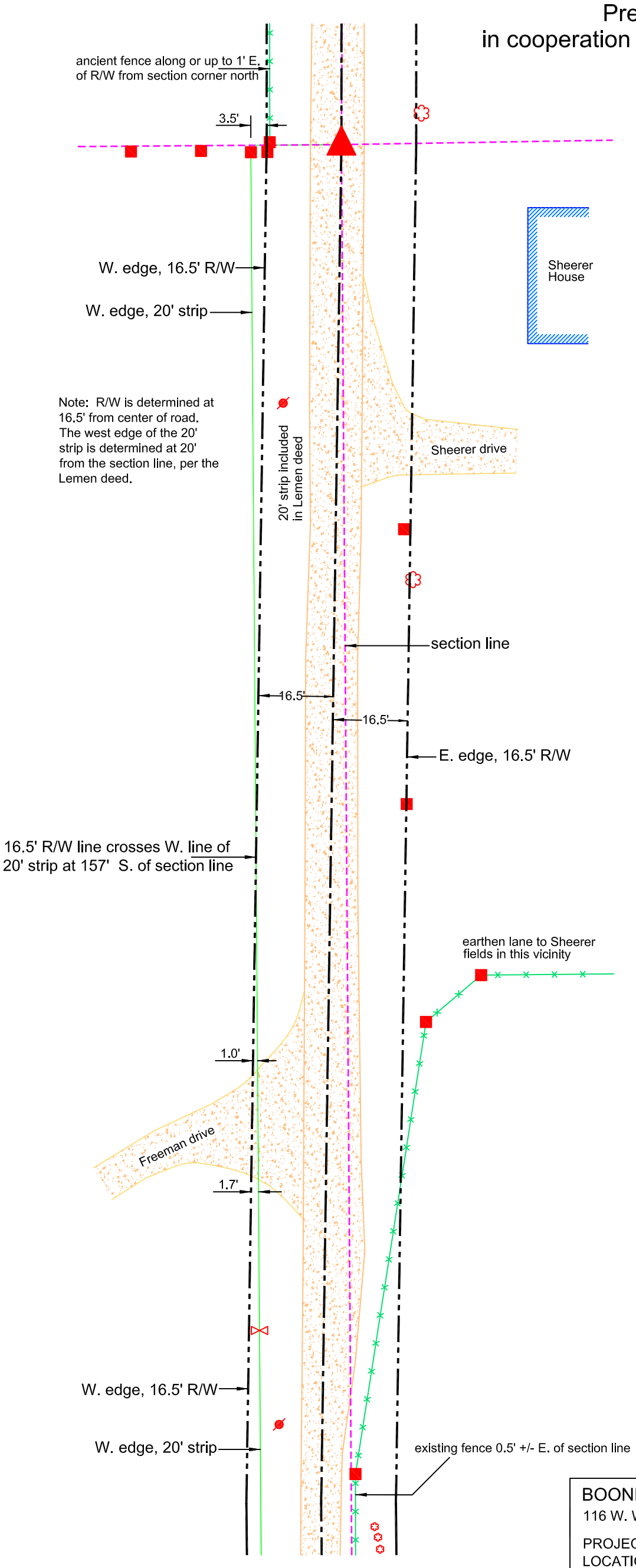

See page 2 for legend

DETAIL #2: 1" = 25'

BOONE COUNTY SURVEYOR'S OFFICE
116 W. Washington St., Lebanon IN 46052 765-483-4444

PROJECT: Determination of R/W of a portion of C.R. 200 West
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DATE OF FIELD WORK: September 4, 2012 through October 15, 2012
DATE OF CERTIFICATION: November 2, 2012
DRAWING SCALE: 1" = 25' (page 4, detail #2)

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in cooperation with the Boone County Highway Department

BOONE COUNTY SURVEYOR'S OFFICE

Determination of right-of-way of a portion of C.R. 200 West
Sections 22 & 23, Township 20 North, Range 1 West

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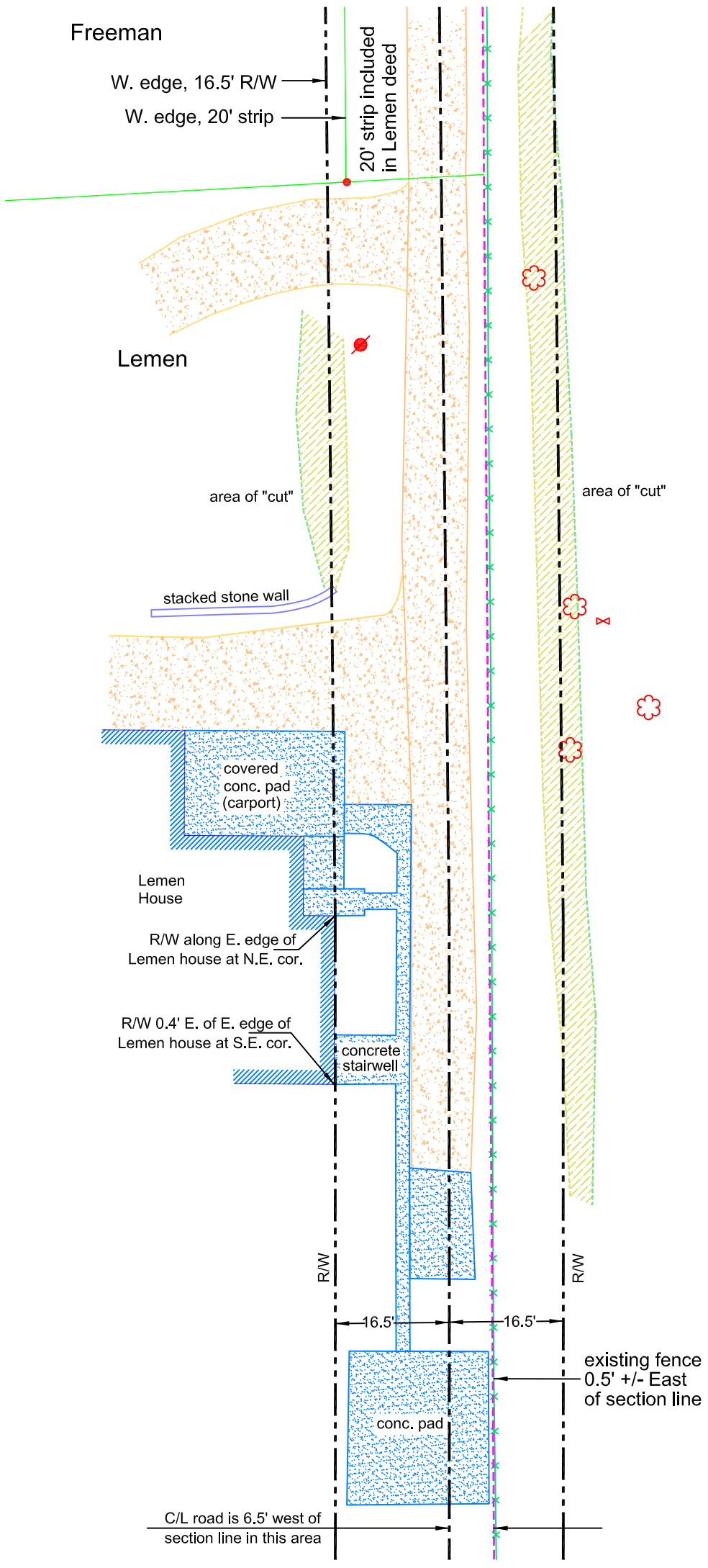


See page 2 for legend

DETAIL #3: 1" = 20'

BOONE COUNTY SURVEYOR'S OFFICE
116 W. Washington St., Lebanon IN 46052 765-483-4444

PROJECT: Determination of R/W of a portion of C.R. 200 West
LOCATION: Sections 22 & 23, Township 20 North, Range 1 West

DATE OF FIELD WORK: September 4, 2012 through October 15, 2012
DATE OF CERTIFICATION: November 2, 2012
DRAWING SCALE: 1" = 20' (page 5, detail #3)

Prepared at the request of the Boone County Commissioners
in cooperation with the Boone County Highway Department

BOONE COUNTY SURVEYOR'S OFFICE

Determination of the right-of-way of a portion of C.R. 200 West
Sections 22 & 23, Township 20 North, Range 1 West

Prepared for the Boone County Commissioners
in cooperation with the Boone County Highway Department

The purpose of this investigation is to determine the location and extent of the right-of-way of a portion of County Road 200 West in Washington, Township, Boone County, Indiana. The portion of road in question represents the section of road which extends south towards Sugar Creek from a short, paved, north-south section of County Road 200 West which is coincident with Blubaugh Avenue.

Written records pertaining to the original establishment of the public right-of-way of this section of road have not been found. It is believed that these records were destroyed in the fire of October 12, 1856 along with other records of the Boone County Recorder. The road is referenced as the terminal point of another road in the subset of the Boone County Commissioners' Record which pertains to roads, called the Road Record. On Volume 1, pages 40-41 of that record, June, 1859 session of the Boone County Commissioners, is a "Petition for a Township Road in Washington Township to the Honorable the Board of Commissioners of Boone County." The petition describes a proposed road which represents the portion of County Road 200 West which extends north from the short, paved, north-south section coincident with Blubaugh Avenue, a short east-west section of County Road 900 North and the north-south section of County Road 175 West terminating on the north county line. By the description in the Road Record, this proposed road intersected an existing road. The description of the south end of the proposed road states "….until it intersects a road running to Sosbe's Mill." A subsequent record, being Road Record, Volume 1, pages 56-57, September Session of the Boone County Commissioners, specifically dated Augst 12, 1859, is the "Report of Viewer's of County Road in Washington Township.." This report describes the proposed road in more specific detail and concludes the description with the words "…to where it intersects a road running to Sosbe's Mill."

As noted, the road established in 1859 does not represent the portion of road in question, but the record does establish that a public road already existed at that time "running to Sosbe's Mill." It is widely acknowledged that a mill existed near the point where the north-south section of County Road 200 West approaches the bank of Sugar Creek. Testimony of landowners in the area state that remnants of the mill were visible in recent times and have been seen on the north bank of Sugar Creek. A small north-south channel of the creek is visible in all aerial photos of this vicinity, including the 1939 aerial photos on file in the Boone County Surveyor's Office. This channel is acknowledged to have represented the mill race. The 1876 map of Boone County shows County Road 200 West extending south to and across Sugar Creek and shows a Mill as existing at the point where the road crosses the creek.

The above information is presented as evidence that the portion of County Road 200 West in question existed as a public road prior to June, 1859 and that it extended south to where the road approaches the creek. The question of how far the road extended beyond the creek, or whether it connected to another portion of north-south road to the west and south, is beyond the scope of this investigation.

The width of the right-of-way of this section of road per the Boone County Highway Department is 33 feet. This width is also stated on the Indiana Department of Transportation, Division of Program Development, 1999 Road Inventory Listing. This width, being 16.5 feet, or 1 rod, on each side of the center of the road, is a common width for old public roads. Physical evidence found along the roadway conforms with the 33 foot width. An ancient fence which is located along the west side of the road from the quarter section corner north for approximately 300 feet is located at or very near this distance from the center of the road. An ancient post found on the south side of the Metzger driveway is also located at this distance. The fence and post are accepted as the best available evidence of the ancient accepted right-of-way. A series of large, old Walnut and Maple trees on the east side of the road are situated slightly within the right-of-way. The right-of-way generally follows the backs of the trees. Several old steel posts and wood posts along the east side of the road also fit with the right-of-way as determined at 1 rod (16.5 feet) from each side of the center.

The quarter section corner representing the east quarter corner of section 22 and the west quarter corner of section 23 is located in the center of the road, approximately 600 feet south of the aforementioned short, paved, north-south section of C.R. 200 West (Blubaugh Avenue). The physical roadway diverges from the quarter section lines as it bears both north and south from this point. In both directions, the physical roadway follows a course which places it west of the quarter section line. Please refer to documentation in the Boone County Surveyor's Office pertaining to the relevant section corners. The right-of-way lines on the east and west sides of the road were established at 16.5 feet from the center of the road and were not centered on the section lines. The center of the road was established in part by the physical location of the gravel roadway and in part by other evidence as described below. Towards the north end of the subject portion of the road, the location of the physical roadway was found to be precisely centered relative to concrete abutments for an old culvert. At the point where the abutments exist on each side of the road, the center of the road is approximately 5 feet west of the quarter section line. Towards the south end of the road the physical roadway becomes less distinct, petering into what looks more like a driveway than a road, eventually running into the concrete pads and structures associated with the southernmost house along the road and evidently disappearing before it reaches the creek. However, sufficient evidence does exist to determine a centerline of the roadway within an uncertainty of approximately 1 foot in each direction. From the quarter section corner south, the roadway is generally straight, diverging from the section line towards the west. At a point approximately 300 feet south of the quarter section corner the road bends slightly and begins to run generally parallel with the quarter section line, approximately 6.5 feet west of the section line. Notably, it is at this point approximately 300 feet south of the quarter section corner that the physical characteristics of the road change from looking like a road to looking more like a driveway. Mr. Rick Carney, Superintendent of the Boone County Highway Department, states that this is due to the fact that the County Highway Department maintenance program has not extended beyond this point recently. Hence, grading and plowing have not been conducted beyond this point recently and the appearance of the surface of the road reflects the lack of maintenance. However, substantial evidence of the old roadway still exists both in the form of the remaining physical gravel roadway and in the form of earthwork on both sides of the road. From this point (300 feet south of the quarter section corner) south for approximately 100 feet, evidence of the road bed being built up above the existing grade is apparent up to the north-south fence on the east side of the road. The area between the gravel and the north-south fence appears to be built up and is approximately 2 feet higher than the adjacent ground to the east. It is apparent that the old road bed was well established and entirely west of the quarter section line. Beyond the 100 foot section with "fill," an area of "cut" is visible on the east side of the road for approximately another 200 feet south. On the east side of the road, from east to west, the land transitions from being higher than the road, down a slope which appears to have been constructed by humans, through a small swale which may be considered a "side ditch" and back up to the road. Approximately in the middle of this 200 foot north-south section of apparent earthwork is a matching section of "cut" on the west side of the roadway which is roughly 40 feet north-south. The physical roadway is centered between these two areas of earthwork and the 16.5 foot right-of-way line established from each side of the center of the roadway runs along the cut slopes on each side of the road, as demonstrated on the attached drawings. This earthwork is accepted as substantial evidence of the historical location of the roadway and conforms with the establishment of the center of the roadway as generally along the center of the gravel, even beyond the point where the county currently maintains the surface of the road.

The location of road and right-of-way in front of the southern most house on this section of the road, currently owned by Nancy and Mark Lemen, and towards the creek, is more difficult to identify as the physical road is replaced with concrete structures associated with the house and grass yard approaching the creek. Extending the centerline from the north yields a position for the westerly 16.5 foot right-of-way which is very near the front of the Lemen house. A pure interpretation of the best available physical evidence of the road and associated earthworks may place the westerly right-of-way as slightly inside the Lemen house. However, as noted above, uncertainities of approximately 1 foot in each direction are associated this evidence. Accepting these uncertainties while being limited by their magnitude, the center of the road and associated right-of-way lines were established such that the Lemen house is not shown to be located within the right-of-way. Rather, the westerly right-of-way was established such that it is no further west than the east edge of the Lemen house. Interpretations of the center of the road and associated right-of-way lines as further east yet are not supported by the evidence. Various concrete structures associated with the Lemen house, including stairwells, sidewalks and concrete pads are located within the right-of-way, as demonstrated on the attached drawings.

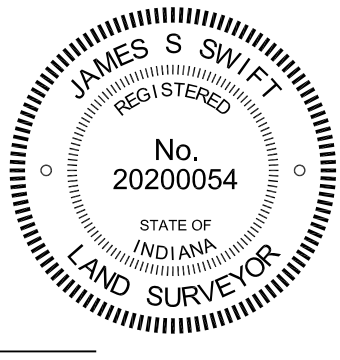
A north-south fence which serves to contain livestock on the Sheerer property east of the road was found to be slightly east of the quarter section line, but well within the road right-of-way, as demonstrated on the attached drawings.

It is noted that although the surface of the physical roadway changes character at a point approximately 300 feet south of the quarter section corner and that the Boone County Highway Department has not maintained the road beyond this point in recent years, it is considered that the public right-of-way continues beyond the point of current maintenance. The "Road to Sosbe's Mill" extended to the creek in the 1800s and no record of vacation has been found which indicates that the public right-of-way was ever terminated further north. Hence, while a slight uncertainty exists with respect to the specific location of the right-of-way in front of the Lemen house (said uncertainty being resolved favorably towards the Lemens), no uncertainty is acknowledged with respect to the existence of the public right-of-way in this area. The discovery of documentation which indicates that the public right-of-way has been vacated in this area would change this interpretation.

The location of a small concrete bridge which crosses the old mill race, immediately before its confluence with the old main channel of Sugar Creek is shown on the attached maps for information purposes. It is rational to consider that this bridge was part of the old road and part of the flow channeling structure associated with the mill. However, the bridge appears to be of sufficiently modern construction that it was not likely to have been present, in its current form, in the mid to late 1800s. The location of the bridge generally fits with the location of the road as it may have borne west and south beyond the mill race. The existence and location of the bridge neither confirms nor disputes the findings of this investigation. It is noted that while field work was being performed the channel of primary flow for Sugar Creek appeared to be through the old mill race, rather than the main channel to the west. Investigation of old aerial photographs indicates that this has not been occurring for a long time. The old aerial photos clearly show the main channel of the creek to the west and a smaller, generally north-south channel to the east.

Please refer to the attached drawings for detailed representations of the relative locations of the physical evidence and established centerline, rights-of-way and quarter section lines. Approximate deed lines are also shown on the attached drawings for information purposes.

This report is presented to the Board of Commissioners of Boone County, Indiana for their review. The determination of the right-of-way of the subject portion of road is the decision said Board and dependent upon its action.



(see hard copy for signature)

James S. Swift, LS 20200054 November 2, 2012

BOONE COUNTY SURVEYOR'S OFFICE
116 W. Washington St., Lebanon IN 46052 765-483-4444

PROJECT: Determination of R/W of a portion of C.R. 200 West
LOCATION: Sections 22 & 23, Township 20 North, Range 1 West

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DRAWING SCALE: N/A

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in cooperation with the Boone County Highway Department