

Ottawa County Engineer's Office
David A. Brunkhorst, P.E., R.S.
Ottawa County Engineer

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January 21, 2009

RECEIVED
OHIO DEPT. OF TRANSPORTATION
DISTRICT 2
JAN 23 2009
PRODUCTION
DEPARTMENT

Attn: Ryan G. Nuhfer, P.S.
Ohio Department of Transportation
District 2
317 East Poe Road
Bowling Green, OH 43402

RE: State Route #19
Salem Township, Ottawa County

Ryan,

First, I would like to apologize for the delay in acting upon your request dated February 25, 2008. Myself and David A. Brunkhorst, P.E., R.S., Ottawa County Engineer, have reviewed the information provided, and respond with the following:

The only glaring issue found is that the Delos Nissen note on the tie sheets dated 3-5-1963, that the PI points were ok and c/l of right-of-way, appears to be written by the same individual who wrote tie sheets. It does not appear to be Delos Nissen's writing. This leads one to believe that ODOT personnel asked for a review of the ties, and that they were reviewed by Delos, and then assumed at some point that they were the PI points for the centerline control for State Route #19. This notation seems to be what has caused the confusion thus far, and should be disregarded as far as "P.I. are C/L R/W", as it was not written by Delos Nissen.

Since the parcel deeds in this area do describe ownership to the section lines, question of ownership or parcel size is not an issue.

As far as location of right-of-way for useable lot area, we concur that the most reasonable conclusion is that it should be measured from the section lines and not the PI points of 3-5-1963. Review of the 1924 ICH 280-Sec A-2 plans from ODOT shows a line running from PI to PI. Looking at the r/w lines vs. the PI to PI line, it appears that the PI to PI line does not run parallel to the r/w lines, which would support his theory that the line was used as a baseline for data collection, and not the necessarily the centerline of right-of-way, however, this could also simply be a drafting issue.

For the existing parcels and surveys in this area, Salem Township Zoning should be made aware of this issue for future construction on these parcels. Existing structures would probably be "grandfathered" due to their existence and confusion of the right-of-way location at the time. The front yard setback for buildings in Salem Township is 50.00 feet measured from the right-of-way line.

Forming a conclusion at this point and making notations on the existing State Route #19 plans and the tie sheets dated 3-5-1963, located in both the Ottawa County Engineer's Office and ODOT office, can carry uniformity into the future.

As this office is currently working towards locating and providing permanent surface monumentation for section corners located in Ottawa County, this office is requesting ODOT to work towards relocating the section corner stones and installing permanent monuments on the surface. Should ODOT decide to work towards this, this office would be more than willing to assist. In doing this, issues like this will not arise in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "M. J. Wittman", with a long horizontal flourish extending to the right.

Michael J. Wittman, P.S.
Chief Surveyor
Ottawa County Engineer's Office

cc: File



OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 2, 317 EAST POE ROAD, BOWLING GREEN, OH 43402, 419-353-8131

February 25, 2008

Attn: David Brunkhurst, P.E., P.S.

Ottawa County Engineer

315 Madison Street

Port Clinton, Ohio 43452

Mr. Brunkhurst,

Concerning a request from our Highway Department to determine the right of way on Oak-Harbor Rd., SR. #19 from the Ottawa County Line north to the south side of Oak Harbor, I have found some discrepancies with some of the old records that I have researched.

Basically, I am trying to determine whether to set the right of way (30 feet east and west) from the Section Lines or use the PI's that were established per the ICH 280-Sec A-2 (1924) Plan on file at ODOT. The 1924 Plan does not state whether the PI's were set on the Section Corners or not. It does appear that the centerline PI's were established possibly for a baseline for the Cross Sections.

The Original Road Record (as near as I can tell), was found in Road Record Volume 3, Page 94, (1842) at the Sandusky County Engineer's Office. It shows the road to be a straight section of road in this area, even though some of the locations of the road have changed since then making it difficult to follow the description.

An additional Road Record which I found in the Sandusky County Commissioner's Journal Volume 4 Page 1 (1860) states that the centerline of the road is to go from Section Corner to Section Corner, except for the area over the Little Portage Creek (just after the 11 mile stake) has a slight deflection in it.

The Ottawa County Commissioner's Journal Volume 12 Page 101 (1924), is the final resolution for improving ICH 280-Sec A-2, and states that this section of highway is to be along the Section Lines.

The plans for the bridge at Ott-19-1.10 over Little Portage Creek (1983) calls out the Section Line to be the same as the Centerline of S.R. #19 through this area, although it appears they used the PI at the Section Corner at Hetrick Rd. at the South, and a PI at Station 66+81.06 to the North and Not the assumed Section Corner at Elmore Eastern Rd.(East).

In your office I found ties from March 5, 1963 for SR. #19 with a note written on them that stated "All P.I.'s was OK by Delos J. Nissen, County Engineer, 3-13-63, P.I.'s are Centerline Right of Way", which goes against the Road Records I found.

I reviewed the Private Surveys in these Sections, and it appears that the majority of them used the centerline P.I.'s to set the right of way off of, and used the apparent Section Corners to establish the Property Line.

I reviewed the Deeds in the Recorder's Office on this section of road, and only found additional right of way acquired by the State of Ohio around Little Portage Creek area on said Plan Ott-19-1.10 in 1983. Deed Volume 298 Pages 794, and 856.

On 2-14-08, I spoke with John Papcun, P.E., P.S., retired Ottawa County Engineer asking for his insight in the matter and he said "although he remembers the note from Delos Nissen, he had no recollection of why the statement was made".

On 2-15-08, I spoke with Robert Steinmiller, P.E., P.S., retired Ottawa County Engineer, asking him if he had any recollection of this matter, He said, "he remembered Delos Nissen's note, but had no additional information to add as to why the statement was made.