



Brown Township, Franklin County

Vol. 1, No. 12

February 1999

THE REAL HEROES OF THE BIG DARBY

By Pam Sayre

"I thought environmentally this was the best use of the land. Obviously, the land is very popular and people would like to get their hands on it and develop it, but we don't see that's in the best interest of the scenic river and that area." - John Douth, Division of Water Administrator

In the Hilliard This Week newspaper, a front page article caught my eye on December 9th hailing the decision to sell land, acquired by eminent domain by the city of Columbus thirty years ago for the purpose of building a dam, to the Metro Parks system. Was this a good decision? It was probably the best under the circumstances. Should we commend the Columbus City Council? Yes, they are friends of the Darby as the current council stands. It is hard for us to trust the city of Columbus after many years of dirty deeds. But, perhaps, they are trying to mend fences.

Below is a timetable that was given to me, as well as others, in 1987 by Kay Boggs. Kay is by no means patting herself on the back, but merely preserving history. In a nutshell, this tells us who the real heroes were in the preservation of a national treasure, the Big Darby Creek.

6/5/67 - From the Columbus Dispatch: Columbus to appraise land for Upper Darby site, \$750,000 allocated to acquire. Will require 4000 acres to provide 30 million gallons per day. To have 10.5 billion gallon capacity. Completion date 1980.

4/27/70 - Brown Township Civic Association organized (board members and officers: Earl Smith, Jr., chair; Walter Parker, William Kuhlwein for the South District; Bill Lindimore, Vice-Chair; Harold Bidwell, Dr. Vernon Tharp for the Central District; Raymond Bradley, Treasurer; Jane Dever, Secretary; Wayne Becker for the North District.) Incorporation May 28, 1970.

11/9/71 - First official meeting of the Big Darby Creek Committee of the Central Ohio Sierra Club.

6/3/72 - Organizational meeting by Ohio Environmental Council to preserve rivers (later to be known as Rivers Unlimited). Second meeting June 23rd.

9/12/72 - Records of Big Darby Creek Committee transferred to Darby Creek Association. First meeting to elect officers and board members Sept. 15 at Brown Township Hall. (Board members: Dr. Jerry Bangham, President; Carol Stein, Vice-President; Rachel Richards, Secretary; Raymond Bradley, Treasurer; Barbara Huggett, Dr. David Stansbery, Alan Briggs, Herb Rumfield, Bobbi Horvath and Ellie Jerman)

11/17/72 - Public meeting at Frey Avenue School in West Jefferson

1/15/73 - Quote from Brown Township Civic Assn. Newsletter: An additional 16 mill tax would be required to present tax base if township has to provide its own fire and police departments.

10/17/73 - From the Columbus Dispatch: Quoting A.L. Converse Jr. _ Jeremiah Converse was the man who engineered the drainage ditches in Ohio's Madison County. Some of Darby Plains were converted from swamp areas to the good land it is now.

11/17/73 - Law on Scenic Designation under attack in federal court. The law was upheld by a three-judge panel in Federal District Court in Cleveland.

11/29/73 - Director Nye announced plans to appoint an advisory group representing 20 local, state and federal agencies to hold first meeting next month. It would pertain to land use along a 23-mile stretch of Big Darby Creek from Plain City to Harrisburg.

12/3/73 - First meeting of Corridor Study.

1/18/74 - News Release from ODNR (Ohio Dept. of Natural Resources): Public meeting Jan. 28th to discuss possible designation to state scenic river.

2/5/74 - Director Nye published notice of intent to declare Creek State Scenic River. Columbus has 60 days to show why it should not be.

2/8/74 - Re-organizational meeting of Darby Creek Association at Brown Township Hall. The president, Jerry Bangham, moved out of state

2/13/74 - Madison County Regional Planning Commission voted to support scenic designation.

3/31/74 - Dr. J.L. Lehr urges Columbus to drill wells south of Columbus. He said surface dams are wasteful compared to wells. Dr. Carol Stein stressed the need to save creek for future study.

4/7/74 - Citizen Alert sheet distributed (over 5000 printed) sponsored by: DCA, Columbus Audubon, Central Ohio Anglers & Hunters and other friends of the Darby. Petitions being passed and bumper stickers available.

4/18/74 - City of Columbus filed suit in Franklin County Common Pleas Court to prohibit Director Nye from giving the Darby scenic designation

5/2/74 - Judge Rader signed order restricting Nye from designating creek scenic waterway until entire lawsuit had been decided.

5/15/74 - ODNR requested lawsuit be moved from Common Pleas to Federal District Court.

5/31/74 - ODNR Director Nye explained impact of Scenic Rivers Act: A guarantee in writing to landowners that their rights will not be changed. It was the first legislation of its kind in the nation. It was passed in 1968.

6/2/74 - On Channel 6 (WTVN) TV, Dr. Jay Lehr is interviewed. Subject: Big Darby Creek

8/74 - The Corridor Study is released.

8/19/74 - Judge Robert Duncan ordered the case in U.S. District Court remanded to Franklin County.

9/11/74 - Nine organizations filed a motion to intervene in the case in behalf of ODNR.

10/22/74 - Bicentennial Commission of Madison County passed a resolution requesting ODNR to include Little Darby in the scenic rivers program.

11/18/74 - Case heard in Franklin County Common Pleas Court.

7/31/75 - Engineering study of Burgess & Niple and environmental impact and ecological assessment by Battelle Memorial Institute complete. Plans call for 2310 acres to be inundated and 2575 additional

acres to be purchased as a park.

4/19/76 - Eva Mae Huggett and Kay Boggs attended American Rivers conference in Washington, DC. We gained information on how to fight projects involving dams and reservoirs.

5/2/76 - Common Pleas Court Judge Rader ruled blocking ODNR's efforts to prevent Columbus from building a dam and reservoir on Big Darby.

5/12/76 - Quote from Herb Rumfield: How can a Franklin county judge give away Madison County land?

5/19/76 - ODNR Director Robert Teater said he will ask the Attorney General William Brown to appeal the decision by Judge Rader to the Franklin County Court of Appeals.

5/26/76 - Bicentennial Commission of Madison County and the Northwest Historical Society passed resolutions asking Director Teater to do all possible to make the Darby a scenic river. Other organizations and clubs were urged to do the same.

6/76 - Quote: ODNR lawyer Bruce Cryder said the decision was expected in 4-6 months from the Court of Appeals.

7/12-16/76 - Free Speech on Channel 10: Donna Hammond read poem "Dig a Well"

3/17/77 - Scenic law ruled unconstitutional by Franklin County Court of Appeals. It was a 2 to 1 decision. Judge Alba Whiteside and Judge Dean Stansbaugh in majority with Judge Robert Holmes dissenting.

3/22/76 - Director Teater said the department will appeal decision to the Ohio Supreme Court.

4/20/76 - Director Teater recommended the Lower Darby dam and reservoir be deauthorized.

6/20/76 - Marlin Nicol, from Madison County, reported on the Farm Bureau Report: Darby Dam would hurt drainage. The ASCS report cites three major soil types in the area, which would surround the dam.

1/24/78 - Arguments heard before the Ohio Supreme Court by Asst. Atty. General Dennis Muchnicki and Earl J. Silbeiman for the city of Columbus.

3/9/78 - Columbus proposed annexation of 3.98 square mile tract in Hamilton Township to Columbus for the purpose of drilling 4 wells. Said wells are to be 20 feet in diameter and 110 feet deep. Hearing to be April 19. The tract was formerly part of the Hartman Farms.

3/21/78 - Franklin County Rural Zoning approved a conditional use permit to drill 3 wells.

3/29/78 - Ohio Supreme Court, in a unanimous decision, held that the Ohio Scenic Law is constitutional. Those organization filing briefs were: Rivers Unlimited, Little Miami Inc., Upper Cuyahoga Association, League of Women Voters, Sierra Club, Ohio Environmental Council, Stillwater River Association, Darby Creek Association, Isaac Walton League and the Audubon Society.

7/18/78 - West Jefferson Council urged by David Pickens and Herb Rumfield, to take active part in fight to preserve the Darby Creeks as scenic rivers.

7/29/78 - Letters to Director Teater and Governor Rhodes got very little encouragement. Reaction: Further studies being made and need money to administer, etc.

8/2/78 - U.S. Corps of Engineers to halt plans to build lower Darby Dam at Georgesville.

2/81 - Kay receives a copy of the Nation Wide Rivers Inventory in which Darby was included as eligible for scenic designation.

6/22/84 - Big & Little Darby Creeks declared scenic by Director Shoemaker under Governor Celeste. Ceremony held at Battelle Darby Creek Park. (see photo.)

11/15/84 - First meeting of the Darby Creek Advisory Council at the Big Darby Baptist Church. Those of us on council are appointed for 3-year terms and meet every other month.

Note: It would take another 10 years of perseverance and dedication before the Big & Little Darbys became National Scenic Rivers. During this time, Olen would be required to ask for zoning to mine on city of Columbus owned property in Brown Township. In 1987, the city was receiving over \$250,000 a year in mining royalties. How much have they received since that time?

Other noteworthy information:

- The City sold approximately 400 acres to Metro Parks for \$3.2 million. The land was appraised in 1968 for around \$700. an acre. That was the offer to the people who lived on the land and did not want to sell. If Metro Parks ever sells the land, the City wants 50% of the proceeds.
- Two property owners took excavated gravel from their properties into the courtroom to show the court the land was worth more than the City's offer. They were awarded nothing more. Olen has excavated those two properties for twelve years.
- The owners of properties taken along Amity Road north of Carter Road thought they had a clause in their lease for a right to purchase at the taken price if the city did not use the land for the purpose intended. The clause has been deleted.
- The total acreage taken from the Sayre farm located just north of Roberts and Amity on both sides of Amity Road was 305 acres. When the city offered the Sayres \$700. per acre for the farm, the City knew I-70 would need approximately 18-20 acres off the back of the farm at the Madison County line. So, after taking the land by eminent domain, they sold the back acreage to the federal government.
-

FRANKLIN COUNTY SHERIFF'S REPORT

Brown Township

<u>Month.....</u>	<u>Offenses...</u>	<u>Stolen Property Value...</u>	<u>Damaged Property Value</u>
September.....	6.....	\$ 1,115.00.....	\$ 2,500.00
October.....	11.....	\$ 1,250.00.....	\$ 750.00
December.....	18.....	\$12,062.00.....	\$ 3,276.00
Totals.....	35.....	\$14,427.00.....	\$ 6,526.00

Note: No sheriff's report for November.

NORWICH TOWNSHIP FIRE DEPARTMENT

1998 Overview of Runs by location

Norwich Township.....302
City of Hilliard...2,537
Brown Township.....189
Mutual Aid.....542
Total.....3,570
Average runs per day 9.78

BROWN TOWNSHIP COMPREHENSIVE PLAN UPDATE

The final version of the 1998 update to the Brown Township Comprehensive Plan was presented to the trustees at their December 14th meeting. It was unanimously approved at the end of the year meeting on December 30th. The steering committee, along with Allan Neimayer from MORPC, is to be commended for their tireless efforts in the update process. A copy of the update will be on file at the clerk's office, one will also be in the reference section of the Hilliard Library, and one will be available at Kinko's on Frantz Road for copying purposes. Some of the key points of the plan include:

- The history and significance of the Environmental Conservation District
- The recommendation of OSCAR lots
- The issue of bicycling in the township
- Recommendations for reclamation of the quarrying site
- Establishing an Agricultural Preservation Plan
- Managing stormwater and surface drainage
-

Once again, hats off to Joe Martin, Donna Carrel, Harold Jerman, Glen Siemer, and Jeff Smith!

THE BRADLEY STATION

The Homestead Park Historical Path

Bradley Station is a replica of a train station, which was once located in Brown Township along the railway. The abandoned railway has been converted into the Heritage Rail Trail. Brown Township has constructed this building as a historical monument. History of Brown Township and the railroad will be displayed in the building.

Your name or that of a loved one, can appear on a brick in the Historical Path at Bradley Station for a \$50 contribution. Through your donation the heritage of this community will continue to be preserved.

Complete the information below and return it with payment to: Washington Township Parks and Recreation, 4675 Cosgray Road, Amlin, OH 43002.

For more information, call 876-9554.