

PUBLIC ROAD PETITION #701

Colerain Township, Ohio, November 12, 1969

To the Honorable Board of County Commissioners of Belmont County, Ohio:

The undersign petitioners, freeholders of said County residing in the vicinity of the proposed improvement hereinafter described, respectfully represent that the public convenience and welfare require the vacating of a Public Road on the line hereinafter described, and make application to you to institute and order proper proceedings in the premises, for vacating such road, the same not being a road on the State Highway System.

The following is the general route and termini of said road:

Beginning at station Number 3 of a survey of the relocation of a part of the Hunkey Hollow Road as recorded in the County Engineer's Road Record Volume 12, Page 461 under Petition Number 637-A, August 20, 1962; thence from this beginning point North 30-47' East, 86.81 feet to a station 1+20.79 the P.C. of a 15 degree curve to the left, having a radius of 381.97 feet; thence along said curve to the left an arc distance of 197.00 feet to station 3+17.79 which is the P.T. of said curve; thence North 25-46' W., 145.78 feet to station 4+63.57 the P.C. of a 40 degree curve to the left having a radius of 143.24 feet; thence along said curve to the left an arc distance of 68.75 feet to station 5+32.32 the P.T. of said curve and the end of the Vacation, said end of vacation is located S. 6-29' West, 1522.47 feet and South 67-02' East, 264.64 feet from the North West Corner of Section 26, Township 7, Range 3 of Colerain Township, (Bearing on North Section line being South 83-58' East). Length of vacation being 498.34 feet or 0.094 Mile.

Dated this 11th day of March, A. D. 1970

Table with 2 columns: PETITIONERS' NAMES and TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE. Lists names like Andy Timko, Alex Primovic, etc., and corresponding township names like Colerain Twp.

RESOLUTION—FIXING TIME AND PLACE OF VIEW AND OF FINAL HEARING AND NOTICE THEREOF ON PUBLIC ROAD PETITION

IN THE MATTER OF THE

Vacating Hunkey Hollow Road, Colerain Township

Public Road.

Office of County Commissioners,

Belmont County, Ohio

Petitioned for by *Andy Timko*
Imp. #701, and others.

The Board of County Commissioners of Belmont County, Ohio, met in *Regular* session

on the *11th* day of *March*, 19*70*, at the office of *the County Commissioners* with the following members present:

W. Dorsey

Earnest C. Loy

A. J. Sargus

Mr. *Loy* moved the adoption of the following Resolution:

WHEREAS, A Petition signed by at least twelve freeholders of the County residing in the vicinity of the proposed improvement has been presented to this Board of County Commissioners requesting said Board to *vacate*

a Public Road as described therein; therefore, be it

RESOLVED, That the *6th* day of *April*, 19*70*, at *9:00* o'clock *A.M.*, be fixed as the date when

we will view the proposed improvement, on which date we will meet at *the commencing point*

and go over the line of said proposed improvement; and be it further

RESOLVED, That the *20th* day of *April*, 19*70*, at *10:15* o'clock *A.M.*, be fixed as the date for

a final hearing thereof, which hearing will be at the office of the Board; and be it further *RESOLVED, That the clerk of the Board be and is hereby directed to notify the abutting property owners of the time and place of hearing in accordance with Sec. 553.05 of the Revised Code of Ohio; and be it further*

RESOLVED, That the Clerk of this Board be and *s*he is hereby directed to give notice of the time and place for both such view and hearing

by publication once a week for two consecutive weeks in the *Martins Ferry Times Leader*

a newspaper published and having general circulation in the County, which said notice shall also state briefly the character of said proposed improvement.

Mr. *Sargus* seconded the Resolution and the roll being called upon its adoption, the vote

resulted as follows:

Mr. *Dorsey* *Yes*

Mr. *Loy* *Yes*

Mr. *Sargus* *Yes*

Adopted the *11th* day of *March*, 19*70*

Janet K. Loy

Office of the
COMMISSIONERS

BELMONT COUNTY



WILLIAM H. DORSEY
President

EARNEST C. LOY
A. J. SARGUS

JANET K. LOY, *Clerk*

St. Clairsville, Ohio

March 11, 1970

In the Matter of Vacating Hunkey
Hollow Road, Colerain Township,
Petitioned for by Andy Timko et
al, Imp. #701.

Mr. Loy moved the adoption of the following resolution:

WHEREAS, A petition signed by at least twelve freeholders of the County residing in the vicinity of the proposed improvement has been presented to this Board of County Commissioners requesting said Board to vacate a public road as described therein; therefore be it

RESOLVED, That the 6th day of April, 1970, at 9:00 o'clock A.M. be fixed as the date when we will view the proposed improvement, on which date we will meet at the commencing point and go over the line of said proposed improvement; and be it further

RESOLVED, That the 20th day of April 1970, at 10:15 o'clock A.M. be fixed as the date for final hearing thereof, which hearing will be at the office of the Board; and be it further

RESOLVED, That the Clerk of the Board be and she is hereby directed to notify the abutting property owners of the time and place of hearing in accordance with Sec. 5553.05 of the Revised Code of Ohio; and be it further

RESOLVED, That the Clerk of this Board be and she is hereby directed to give notice of the time and place for both such view and hearing by publication once a week for two consecutive weeks in the Martins Ferry Times Leader, a newspaper published and having general circulation in the County.

Mr. Sargus seconded the motion and upon roll call the vote was as follows:

Mr. Dorsey	YES
Mr. Loy	YES
Mr. Sargus	YES



RESOLUTION—UPON VIEW OF PROPOSED IMPROVEMENT
ORDER TO COUNTY ENGINEER

IN THE MATTER OF THE
Vacating Hunkey Hollow Road, Colerain
Township, petitioned for by Andy Timko
Public Road.
et al Imp. #701

Office of County Commissioners
Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in *Regular* session
on the *6th* day of *April*, 19*70*, at the office of *the County Commissioners*
with the following members present:

W. Dorsey
Earnest C. Loy
A. J. Sargus

Mr. *Loy* moved the adoption of the following Resolution:

WHEREAS, On the *6th* day of *April*, 19*70*, the time heretofore fixed for view of the proposed improvement, we, the Board of County Commissioners having jurisdiction in said matter, went upon the line of said proposed improvement and made personal view of the proposed route and termini thereof, and after full investigation and due consideration of all the facts and conditions pertaining thereto; therefore, be it

RESOLVED, That we do find and consider said improvement of sufficient public importance to instruct the County Engineer to make an accurate survey and plat of the same, and furnish an accurate and detailed description of the proposed improvement describing the center line and right of way lines thereof.

Said County Engineer shall also furnish an accurate and detailed description of each tract of land which he believes will be necessary to be taken in the event the proposed improvement be made, together with the name of each owner.

Said County Engineer shall also, at the time of making such survey, set stakes at the termini of each right of way line and at all angles between such termini, and at sufficient other points on the right of way lines so that the bounds of the proposed improvement may be discernible to property owners and other interested persons; and be it further

RESOLVED, That the said County Engineer be and he is hereby directed to make a report in writing to this Board, on or before the *20th* day of *April*, 19*70*, the date fixed for the final hearing, setting forth his opinion either for or against said proposed improvement, and the width to which said improvement shall be opened, which shall not be less than thirty feet; said report shall be accompanied by said plat and detailed and accurate descriptions, and filed with the County Commissioners, and this cause is continued until said date.

Mr. *Sargus* seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

Mr. *Dorsey* *Yes*
Mr. *Loy* *Yes*
Mr. *Sargus* *Yes*

Adopted the *6th* day of *April*, 19*70*

Janet K. Loy
Clerk, Board of County Commissioners

REPORT OF COUNTY ENGINEER

IN THE MATTER OF THE

Vacating Hunkey Hollow Rda Colerain
Twp.

Public Road.

Imp. # 701

County Engineer's Office,

Belmont County, Ohio.

April 18, 1970

To the Board of County Commissioners of Belmont County, Ohio:

The undersigned in obedience to your order dated April 6, 1970, proceeded on the 8th day of April, 1970, to make an accurate survey and plat of the Public Road proposed to be improved, and respectfully submits the following report:

In the opinion of the undersigned the proposed improvement should be granted.

~~The width to which said improvement should be opened is _____ feet.~~

~~An accurate survey and plat, and an accurate and detailed description of each tract of land which the undersigned County Engineer believes will be necessary to be taken in the event the proposed improvement is made, together with the names of such owners, accompanied this report and report thereon.~~

An accurate and detailed description of the proposed improvement describing therein the center line and right of way lines follows:

See Plat

The undersigned recommends the following changes in the proposed improvement which in his judgment should be made in the event the proposed improvement be granted, to-wit:

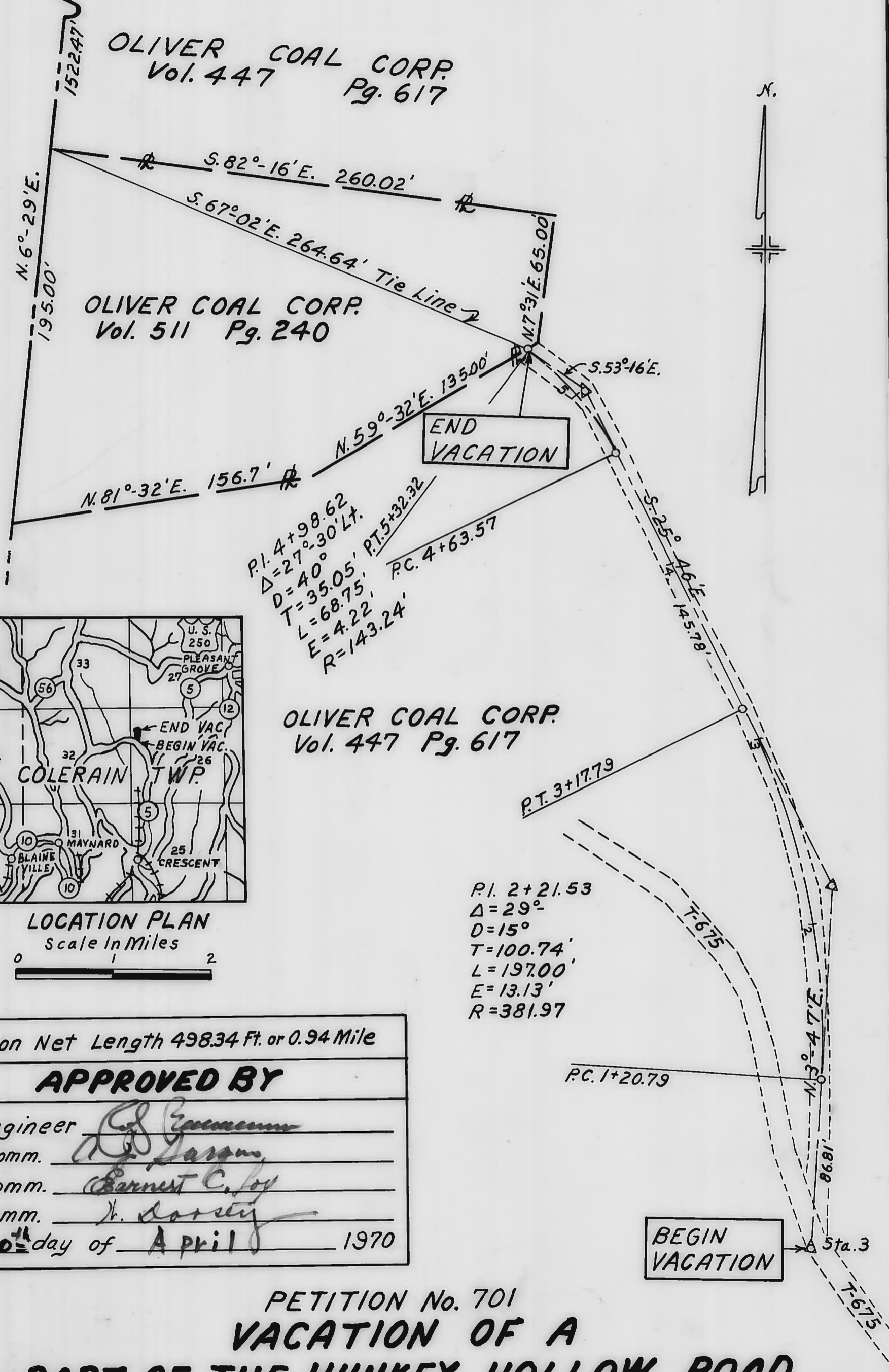
Paul R. ...

NOTE: This Survey taken from Road Book 12 Page 461

33, T.7, R.3
 32, T.7, R.3
 Sec. 27, T.7, R.3 S.83°-58'E.
 Sec. 26, T.7, R.3

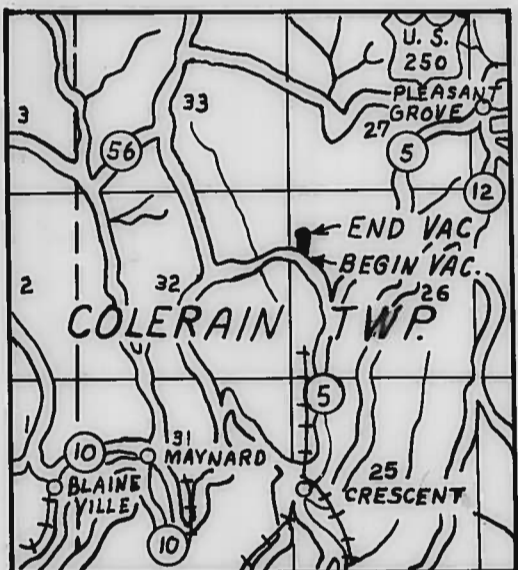
OLIVER COAL CORP.
 Vol. 447 Pg. 617

OLIVER COAL CORP.
 Vol. 511 Pg. 240



P.I. 4+98.62
 $\Delta = 27^\circ - 30' Lt.$
 $D = 40^\circ$
 $T = 35.05'$
 $L = 68.75'$
 $E = 4.22'$
 $R = 143.24'$
 P.T. 5+32.32
 P.C. 4+63.57

OLIVER COAL CORP.
 Vol. 447 Pg. 617



LOCATION PLAN
 Scale In Miles

P.I. 2+21.53
 $\Delta = 29^\circ$
 $D = 15^\circ$
 $T = 100.74'$
 $L = 197.00'$
 $E = 13.13'$
 $R = 381.97'$

Vacation Net Length 498.34 Ft. or 0.94 Mile

APPROVED BY

Co. Engineer *[Signature]*

Co. Comm. *[Signature]*

Co. Comm. *[Signature]*

Co. Comm. *[Signature]*

This 20th day of April 1970

PETITION No. 701
**VACATION OF A
 PART OF THE HUNKEY HOLLOW ROAD**

COLERAINE TWP SEC. 26, T.7, R.3

RICHARD J. BOCCABELLA

COUNTY ENGINEER

PART OF THE HUNKEY HOLLOW ROAD VACATION OF A PETITION No. 701

This 20th day of April 1920

Co. Comm. W. Sawyer

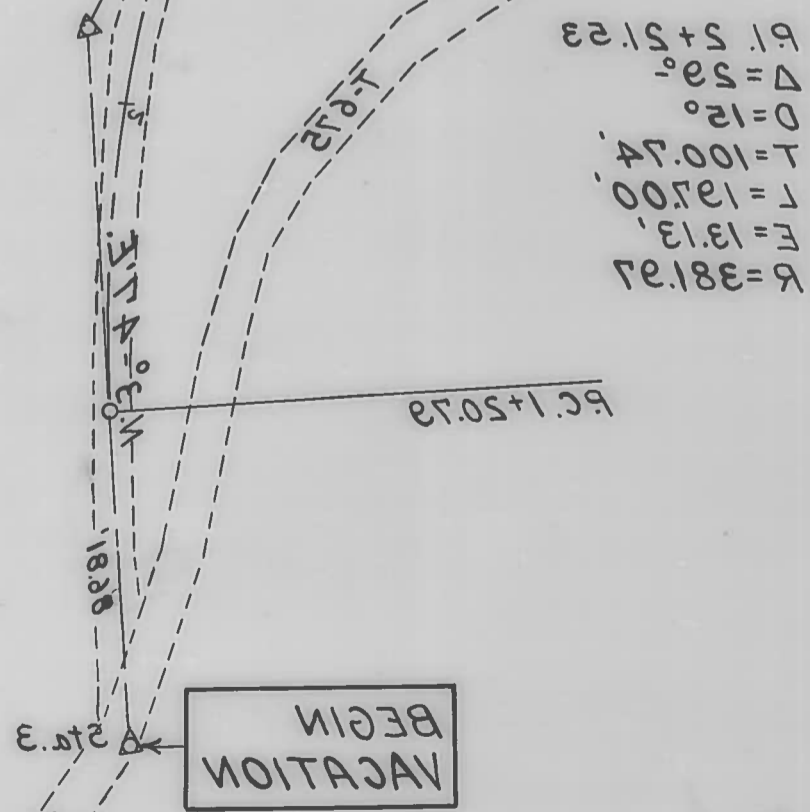
Co. Comm. Samuel C. ...

Co. Comm. ...

Co. Engineer ...

APPROVED BY

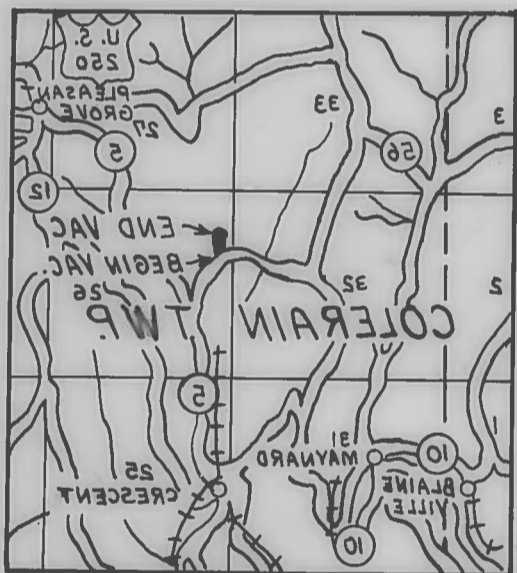
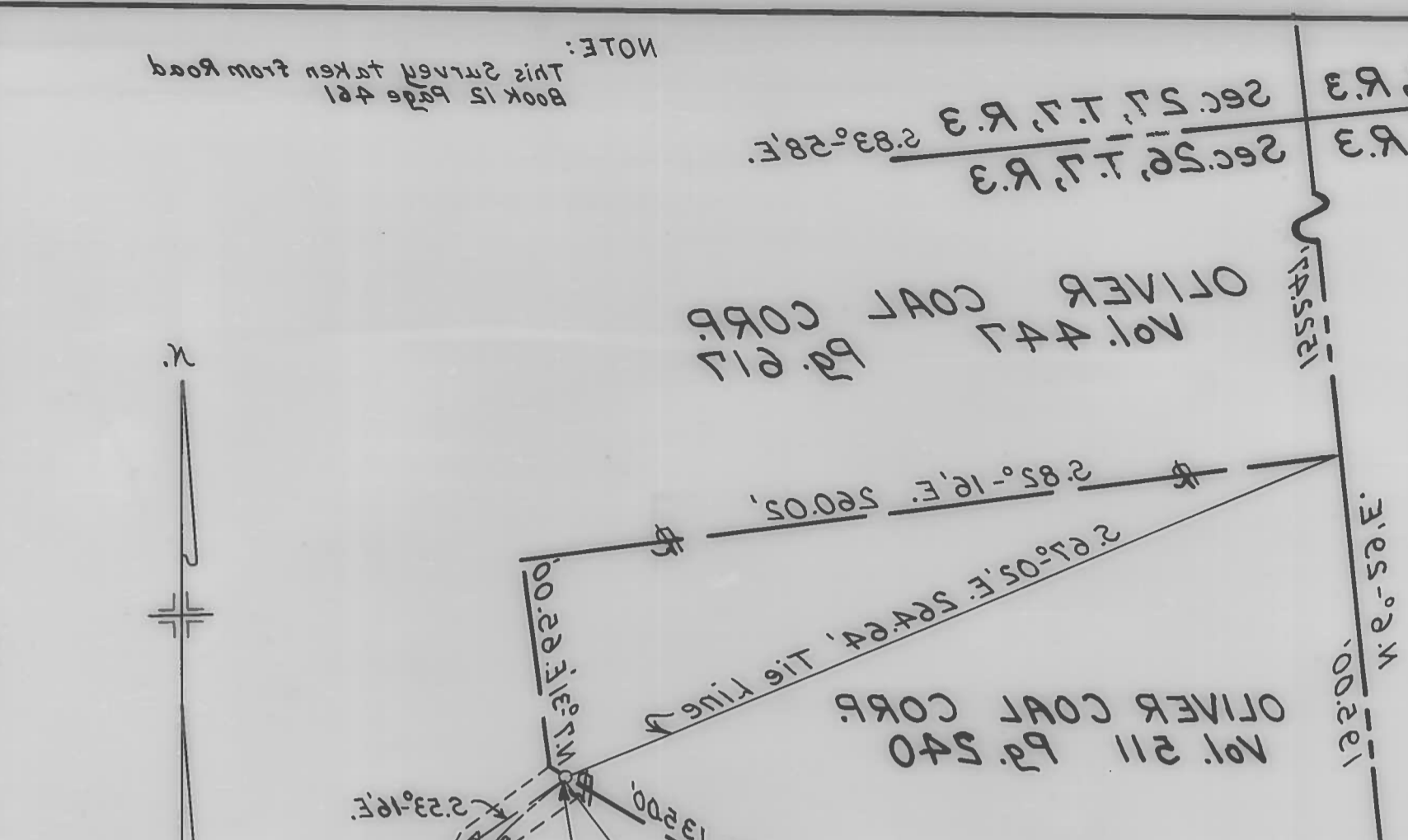
Vacation Net Length 483.4 Ft. or 0.94 Mile



R = 381.97
E = 13.13
L = 197.00
T = 100.74
D = 15°
Δ = 59°
P.L. 5+51.23



R = 143.54
T = 4.55
L = 8.72
D = 32.02
P.L. 2+35.35
P.C. 4+63.24
P.T. 2+35.35
P.L. 4+38.62
P.T. 4+38.62



LOCATION PLAN
Scale in Miles

NOTE: This Survey taken from Road
Book 15 Page 461

Sec. 26, T. 7, R. 3
Sec. 27, T. 7, R. 3
283°-28'E.

RESOLUTION—GRANTING PROPOSED IMPROVEMENT ORDERING RECORD, ETC.

IN THE MATTER OF THE Vacating Hunkey Hollow Road, Colerain Township, petitioned for by Public Road. Andy Timko, et al, Imp. #701

Office of County Commissioners, Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in Regular session on the 20th day of April, 1970, at the office of the County Commissioners with the following members present:

W. Dorsey
Earnest C. Loy
A. J. Sargus

Mr. Sargus moved the adoption of the following Resolution:

WHEREAS, This day this matter came on to be heard on the report, survey, plat and detailed and accurate descriptions as filed by the County Engineer, and said report having been read in open session, the Board proceeded with the hearing of testimony bearing upon the necessity of the said improvement for the public convenience or welfare and offered either for or against going forward with the proposed improvement by interested persons; and

WHEREAS, Said Board has considered said report and all the testimony offered, and all the facts and conditions pertaining to said matter; therefore, be it

RESOLVED, That said Board of County Commissioners do find said improvement will serve the public convenience and welfare; and be it further RESOLVED and determined to proceed with said improvement, it being the opinion of this Board of County Commissioners that the improvement is of sufficient importance to the public to cause the compensation and damages or such part thereof to be paid to the persons entitled thereto out of the County Treasury, and such method of payment of compensation and damages is hereby ordered, and be it further

RESOLVED and determined to proceed with said improvement only upon the condition that the compensation and damages or such part thereof as this Board may deem reasonable and just be paid by the landowners owning lands within the vicinity who will be benefited by the improvement, and the balance, if any, be paid out of the County Treasury, it being the opinion of this Board of County Commissioners that the improvement is not of sufficient importance to cause all compensation and damages to be paid from the County Treasury. On failure of such benefited landowners to pay

such compensation and damages as may be adjudged against them by the day of 1970, it is hereby determined that said proposed improvement be abandoned. It is further ordered that there be included in this order and made a part hereof the accompanying schedule setting forth the names of such benefited landowners, a pertinent description of such land and a statement of the amount of such compensation and damages to be paid by the owner, or owners, of each parcel of such land, and be it further

RESOLVED, That said improvement as set forth and defined in said report, survey, plat and detailed and accurate descriptions as filed by the County Engineer be and the same is hereby granted and said road is hereby ordered vacated

RESOLVED and determined to proceed with said improvement and the same is hereby granted and said road is ordered set in width, with the following modifications and changes in the route and termini which in our judgment the public convenience and welfare require and it is hereby ordered that an accurate and detailed description of such modifications and changes be entered on our Journal;

and be it further

RESOLVED, That the County Engineer be and he is hereby directed to cause a record of the proceedings, including the survey and plat and accurate and detailed description of said proposed improvement, to be forthwith entered in the proper road records of said County; and be it further

RESOLVED, That the day of 1970, at o'clock M., at the office of this Board, be and the same are hereby fixed as the time and place for hearing of such claims for compensation and damages as may be filed in writing with the Clerk of this Board on or before said date; and be it further

RESOLVED, That notice of the time and place of such hearing be given by the County Engineer or his Deputy or Assistant, and the Clerk of this Board, as required by law; and be it further

RESOLVED, That this cause be and the same is hereby continued to said date above fixed.

Mr. Loy seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Mr. Dorsey Yes
Mr. Loy Yes
Mr. Sargus Yes

Adopted the 20th day of April, 1970

RESOLUTION—AWARDING COMPENSATION AND DAMAGES

IN THE MATTER OF THE

Vacating Hunkey Hollow Rd. Colerain

Twp.

Public Road.

Imp. #701

Office of County Commissioners,

Belmont County, Ohio.

The Board of County Commissioners of Belmont County, Ohio, met in Regular session on the 29th day of April, 1970, at the office of The County Commissioners with the following members present:

Dorsey

Loy

Sargus

Mr. Loy moved the adoption of the following Resolution:

WHEREAS, This day the matter of award of compensation and damages to landowners through or upon whose lands said improvement is located, came on to be heard, and the Board finds that notice of the time and place of this hearing has been given to all such owners as provided by law and our former order and the Board has heard all applications for compensation and damages filed herein, and considered all claims of minors and those under legal disabilities; therefore, be it

RESOLVED, That we do find and allow compensation and damages, in amounts as held to be just and equitable to the following landowners, to-wit:

and be it further

RESOLVED, That, when the amount of compensation and damages is paid to the owners, as herein ordered, or the amount thereof as allowed by this Board is deposited with the Probate Court, upon an appeal being perfected, for the use of the appellants, said improvement described as follows:

10 day elapsed Order to Trustees

Commissioners Journal Vol. 44 Pg. 179

be and the same is hereby established.

Mr. Sargus seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

Mr. Dorsey Yes
Mr. Loy Yes
Mr. Sargus Yes

Adopted the 29th day of April, 1970

Janet K. Loy