

Rev. Code Sec. 5553.042

## PUBLIC ROAD PETITION #702

Barton

Ohio,

March 2, 1970

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 Vacation of a part of Front St. on the plat of Barton 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~~ Being that portion of Front Street lying immediately South of Lots 24, 25, 26, 27, and 28 on the plat of Barton as recorded in Plat Volume 5 Page 68 of the plat records of Belmont County, said portion of Front Street extends from the south east corner of Lot 28 to the southwest corner of Lot 24 and is 30 Feet wide.

The petitioner further states that the Barton Volunteer Fire Department is the owner of the aforementioned lots and also hereby requests that Commissioners proceed under Section 5553.042 Ohio Revised Code in that said portion of street herein requested to be vacated has not been open or used during the preceeding twenty-one years.

Dated this 11<sup>th</sup> day of March, A. D. 1970

PETITIONERS' NAMES	TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE
Barton Vol. Fire Dept.	Bridgeport School District
Gerald Sloan Pres.	" " "
John J. Wodarczyk Treasure	" " "
James A. Timko Vice Pres.	" " "
Andy Krob	" " "
Andy Timko	" " "

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

IN THE MATTER OF THE

*Vacating a part of Front Street  
in Barton*

Public Road.

Petitioned for by *the Barton Vol. Fire*

*Dept.*

, and others.  
*Imp. #702*

Office of County Commissioners,

Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in

*Regular*

session

on the *11<sup>th</sup>* day of *March*, 19 *70*, at the office of *the commissioners office*

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  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 *the commencing point*

a Public Road as described therein; therefore, be it

RESOLVED, That the *20<sup>th</sup>* day of *April*, 19 *70*, at *8:45* 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 *20<sup>th</sup>* day of *April*, 19 *70*, at *10:00* 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 she is hereby directed to notify the abutting property owners of the time and place of hearing in accordance with Sec. 3553.05 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, 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 *11<sup>th</sup>* day of *March*, 19 *70*

*Tanot K Lau*



Office of the  
COMMISSIONERS



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 a part  
of Front Street in the Hamlet of  
Barton, petitioned for by the  
Barton Volunteer Fire Dept, et al,  
Imp. #702.

Mr. Loy moved the adoption of the following resolution:

WHEREAS, A petition signed by 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 part of Front Street as described therein; therefore be it

RESOLVED, That the 6th day of April 1970, at 8:45 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 10:00 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 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 a part of Front Street in the*  
*Hamlet of Barton, petitioned for by*  
*Barton Volunteer Fire Dept. et al,*  
*Imp. 702*

Public Road.

Office of County Commissioners

Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in *Special* session  
 on the *6<sup>th</sup>* 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. *Sargus* moved the adoption of the following Resolution:

WHEREAS, On the *6<sup>th</sup>* 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 *20<sup>th</sup>* 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. *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 *6<sup>th</sup>* day of *April*, 19 *70*.

*Janet K. Loy*



## REPORT OF COUNTY ENGINEER

IN THE MATTER OF THE

Vacating a part of Front

St. in Barton

Public Road.

Imp. # 702

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<sup>th</sup>, 1970, proceeded on the 6<sup>th</sup> 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 be made, together with the name of each owner, accompany this report and are made~~

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

See attached 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. Galloway

PETITION No. 702  
Ohio Revised Code Section 5553.04

# VACATION OF A PART OF FRONT STREET IN BARTON, OHIO

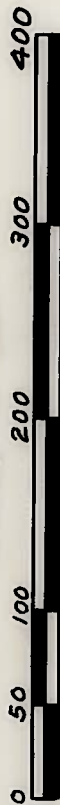
AS RECORDED IN BELMONT COUNTY RECORD OF PLATS Vol. 5, Pg. 68  
COLERAIN TWP. SEC. 24, T. 6, R. 3

Belmont County, Ohio

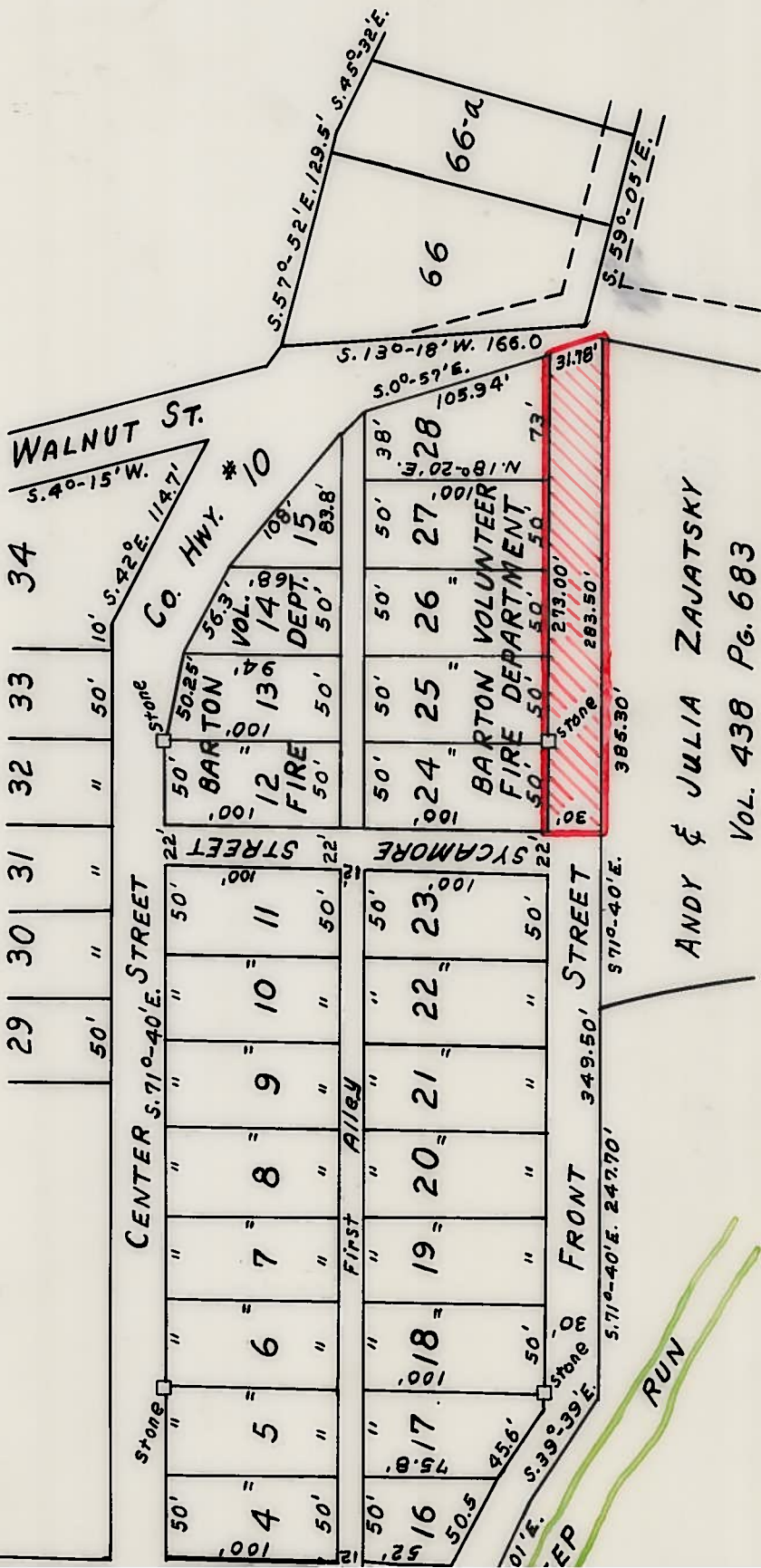
RICHARD J. BOCCABELLA COUNTY ENGINEER

March 1970

SCALE IN FEET



Beginning for the Vacation of a part of Front Street, at the Southwest corner of Lot 24, thence along the South lines Lots 24, 25, 26, 27 & 28, S. 71°-40'E., 273.00 Ft. to County Hwy. No. 10; thence along County Hwy. No. 10, S. 0°-59'E., 31.78 Ft. to the Northeast corner of Andy & Julia Zajatsky property; thence along Zajatsky's North line N. 71°-40'W., 283.50 Ft. to a point in said North line; thence N. 18°-20'E., 30.00 Ft. to the place of beginning. Containing 8,347.99 Sq. Ft. or 0.192 Acres more or less.



ANDY & JULIA ZAJATSKY

Vol. 438 Pg. 683

APPROVED BY

Co. Engineer

Co. Comm.

Co. Comm.

Co. Comm.

This 20th day of April 1970

VACATED



ТЭЭРТЭ ТУНГА 70 ТРАА А 70 МОИТАСАА  
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AS RECORDED IN BELMONT COUNTY RECORD OF PLATS NOV. 2, 1928  
 COLEMAN TWP SEC. 5, T. 4, R. 3

Belmont County Ohio

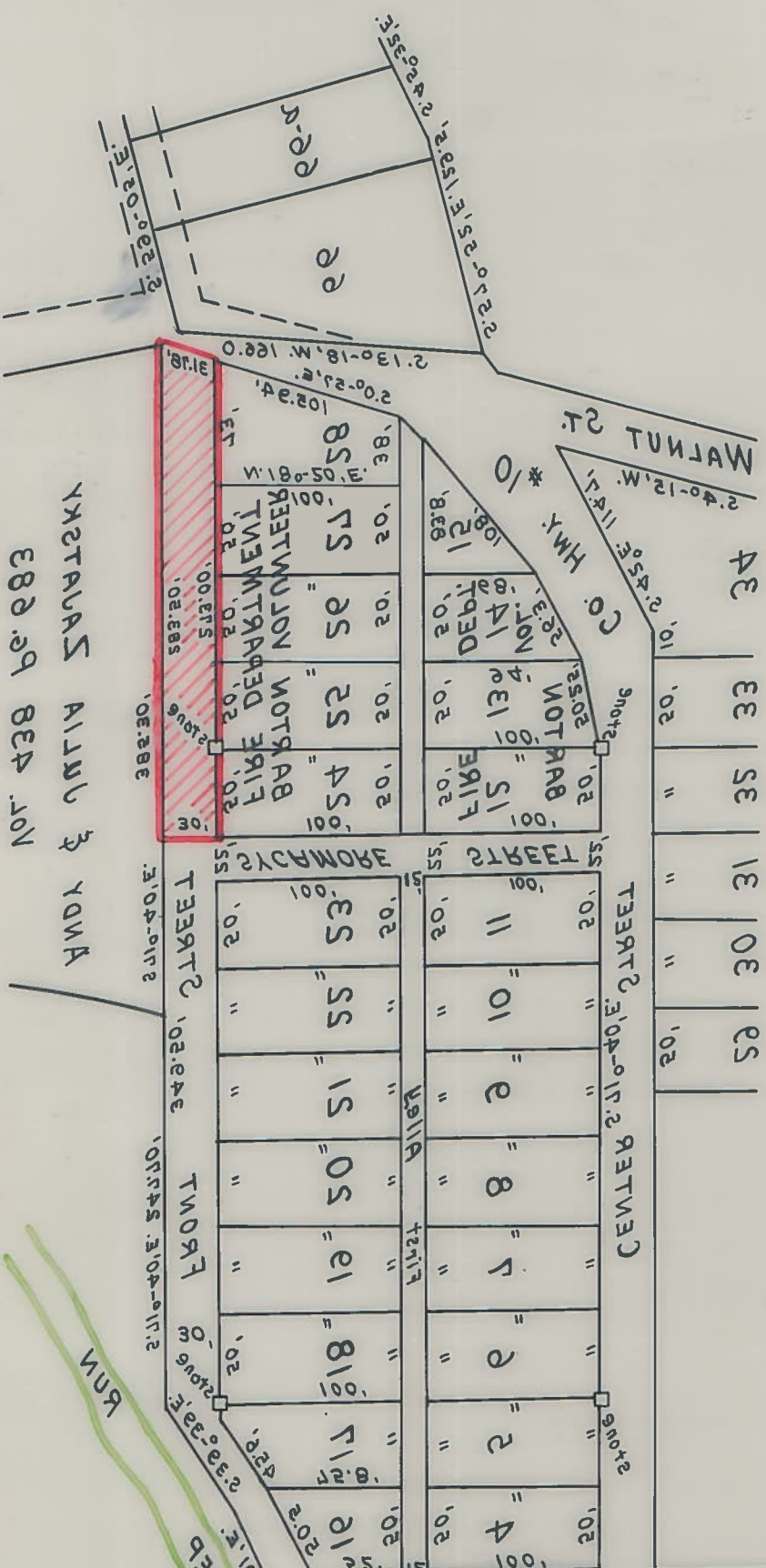
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CO. ENGINE

Co. Comm.

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DETACH



# RESOLUTION—GRANTING PROPOSED IMPROVEMENT ORDERING RECORD, ETC.

IN THE MATTER OF THE

Vacating a part of Front Street  
in the Hamlet of Barton, petitioned  
Public Road.

for by Barton Vol. Fire Dept. et al,  
Imp. #702

Office of County Commissioners,

Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in Regular session  
on the 20<sup>th</sup> 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 on account 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 ~~19~~  
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  
feet in width; and be it further

~~RESOLVED and determined to proceed with said improvement and the same is hereby granted and said road is ordered~~  
~~feet 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 ~~19~~ at ~~o'clock~~ ~~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 20<sup>th</sup> day of April, 1970



## RESOLUTION—AWARDING COMPENSATION AND DAMAGES

IN THE MATTER OF THE

Vacating a part of Front St. in the  
Hamlet of Barton  
Public Road.

Petitioned by Vol. Fire Dept. of Barton  
Imp. #702

Office of County Commissioners,

Belmont County, Ohio.

The Board of County Commissioners of Belmont County, Ohio, met in Regular session  
on the 29<sup>th</sup> day of April, 19 70, at the office of the County Commissioners  
with the following members present:

Dorsey

Loy

Sargus

Mr. Sargus 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:

10

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

be and the same is hereby established.

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

Mr. <u>Dorsey</u>	<u>Yes</u>
Mr. <u>Loy</u>	<u>Yes</u>
Mr. <u>Sargus</u>	<u>Yes</u>

Adopted the 29<sup>th</sup> day of April, 19 70

Janet K. Loy