

IMP. No. 711
PUBLIC ROAD ~~XXXXXXXX~~

St. Clairsville, Ohio, Feb. 22, 1971

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 altering and widening of a part of a Public Road on the line hereinafter described, and make application to you to institute and order proper proceedings in the premises, for altering and widening such road, the same not being a road on the State Highway System. NOTE: This is now C.H. #104 (Known as Smith Road)

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

Beginning at a point in centerline of County Highway No. 102, said beginning point situated in State of Ohio, County of Belmont, Township of Kirkwood, Section No. 5, and referenced as follows: From the southeast corner of Section No. 35 in Union Township, North along the west line of said section for a distance of 130 feet more or less; thence at a right angle thereto west for a distance of 530 feet more or less, the place of beginning; thence following the centerline of Belmont County Highway No. 102 northeasterly for a distance of 6,300 feet more or less to the terminus of the portion of Belmont County Highway No. 102 herein petitioned for reconstruction improvement. Said terminus situated in State of Ohio, County of Belmont, Township of Union, Section No. 35, and referenced as follows: From the southeast corner of Section No. 35 north along the east line of said section for a distance of 2,920 feet more or less to the terminus of the portion of Belmont County Highway 102 herein petitioned for reconstruction. The total distance being 6,300 feet more or less (1.19 mile)

Proposed improvement would be substantially on the same alignment that now exists or an alignment suitable and satisfactory to County Engineer of Belmont County, Ohio and would consist of increased width, less grade, and superior construction.

In order to allow sufficient time to effect such reconstruction improvements due to mining operations, it is herein petitioned that the present existing road be temporarily closed for a period of three (3) years from date of disturbance thereof to complete mining operations.

Consolidation Coal Company to provide a detour for the travelling public, during mining operations and reconstruction improvement.

Petitioner, herein, Consolidation Coal Company, states that it is owner of surface and right to mine coal underlying and adjacent to said portion of road, and that Consolidation Coal Company will bear all costs and expenses connected therewith and construct such reconstruction improvements and furnish bond in a manner and amount satisfactory to County Engineer and Board of Commissioners of Belmont County, Ohio.

Dated this 22nd day of February, A. D. 1971

PETITIONERS' NAMES	TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE
<p>CONSOLIDATION COAL COMPANY BY: Elmer Loper, AGENT</p>	<p>Kirkwood & Union Twp.</p>

RESOLUTION—FIXING TIME AND PLACE OF VIEW AND OF FINAL HEARING AND NOTICE THEREOF ON PUBLIC ROAD [REDACTED] IMP. No. 711

IN THE MATTER OF THE

Altering & Widening of a part of Co. H. #102 known as Smith Road Public Road. NOTE: Now C.H. #104

Office of County Commissioners, Belmont County, Ohio

Petitioned for by Elmer Loper, Agent Consolidation Coal Company

The Board of County Commissioners of Belmont County, Ohio, met in Regular session on the 22nd day of February, 1971, at the office of Belmont County Commissioners with the following members present:

A. J. Sargus

J. F. Giffen

W. Dorsey

Mr. Dorsey moved the adoption of the following Resolution:

WHEREAS, A Petition signed by [REDACTED] the owner of the right to mine coal lying under or adjacent to the proposed improvement has been presented to this Board of County Commissioners requesting said Board to Alter and Widen a Public Road as described therein; therefore, be it

RESOLVED, That the 15th day of March, 1971, 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 beginning point and go over the line of said proposed improvement; and be it further

RESOLVED, That the 17th day of March, 1971, at 8:00 o'clock P.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 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 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. Giffen seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

Mr. A. J. Sargus YES
Mr. J. F. Giffen YES
Mr. W. Dorsey YES

Adopted the 22nd day of February, 1971.

Teanna P Harris

Commissioners Journal Vol. 44 Pg. 442
Hearing continued to March 25, 1921
Sargus, Gissen, Dorsey
March 17, 1921

Commissioners Journal Vol. 44 Pg. 420
Resolution Contract for Temporary Closing C.H. # 105
New C.H. # 104 Sargus, Gissen, Dorsey
March 25, 1921

Commissioners Journal Vol. 46 Pg. 268
Letter from Edward Shurway as to Rental
Fee on C.H. # 104
July 17, 1924

~~Commissioners Journal Vol. 47 Pg. 112~~

Commissioners Journal Vol. 44 Pg. 445 March 17, 1971
Hearing continued to March 22, 1971
Sargus, Giffen, Dorsey

Commissioners Journal Vol. 44 Pg. 450 March 22, 1971
Resolution Contract for Temporary Closing C. H. #102
Now C. H. #104 Sargus, Giffen, Dorsey

Commissioners Journal Vol. 46 Pg. 568 July 17, 1974
Letter from Edward Shutway as to Rental
Fee on C. H. #104

~~Commissioners Journal Vol. 47 Pg. 112~~

RESOLUTION—UPON VIEW OF PROPOSED IMPROVEMENT No. 711
ORDER TO COUNTY ENGINEER

IN THE MATTER OF THE

Altering a Part of County Highway
#104 (Smith Road) Formerly C.H. #102
Public Road.

Office of County Commissioners
Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in special session
on the 4th day of September, 1974, at the office of the County Commissioners
with the following members present:

C. A. Linch

J. F. Giffen

A. J. Sargus

Mr. Sargus moved the adoption of the following Resolution:

WHEREAS, On the 28th day of August, 1974, 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 30th
day of September, 1974, 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. Giffen seconded the Resolution and the roll being called upon its adoption, the vote
resulted as follows:

Mr. Charles A. Linch YES
Mr. James F. Giffen YES
Mr. A. J. Sargus YES

Adopted the 4th day of September, 1974

Jeanne P. Harris

REPORT OF COUNTY ENGINEER IMP. # 711

IN THE MATTER OF THE

County Engineer's Office,

Altering a Part of County Highway
104 (Formerly C.H. #102)
Public Road.
Smith Road

Belmont County, Ohio.

Sept. 27, 1974

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

The undersigned in obedience to your order dated September 4, 1974, proceeded on the 5th day of Sept., 1974, 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 60 feet.

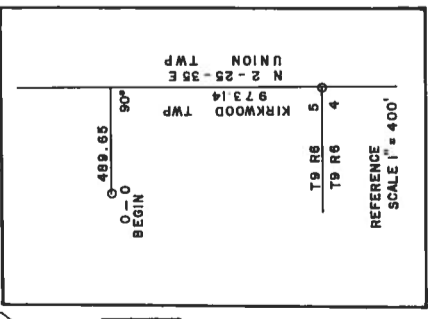
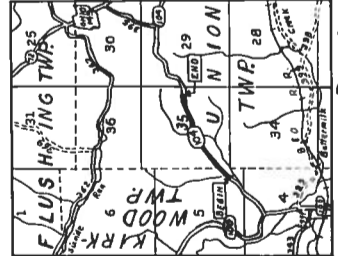
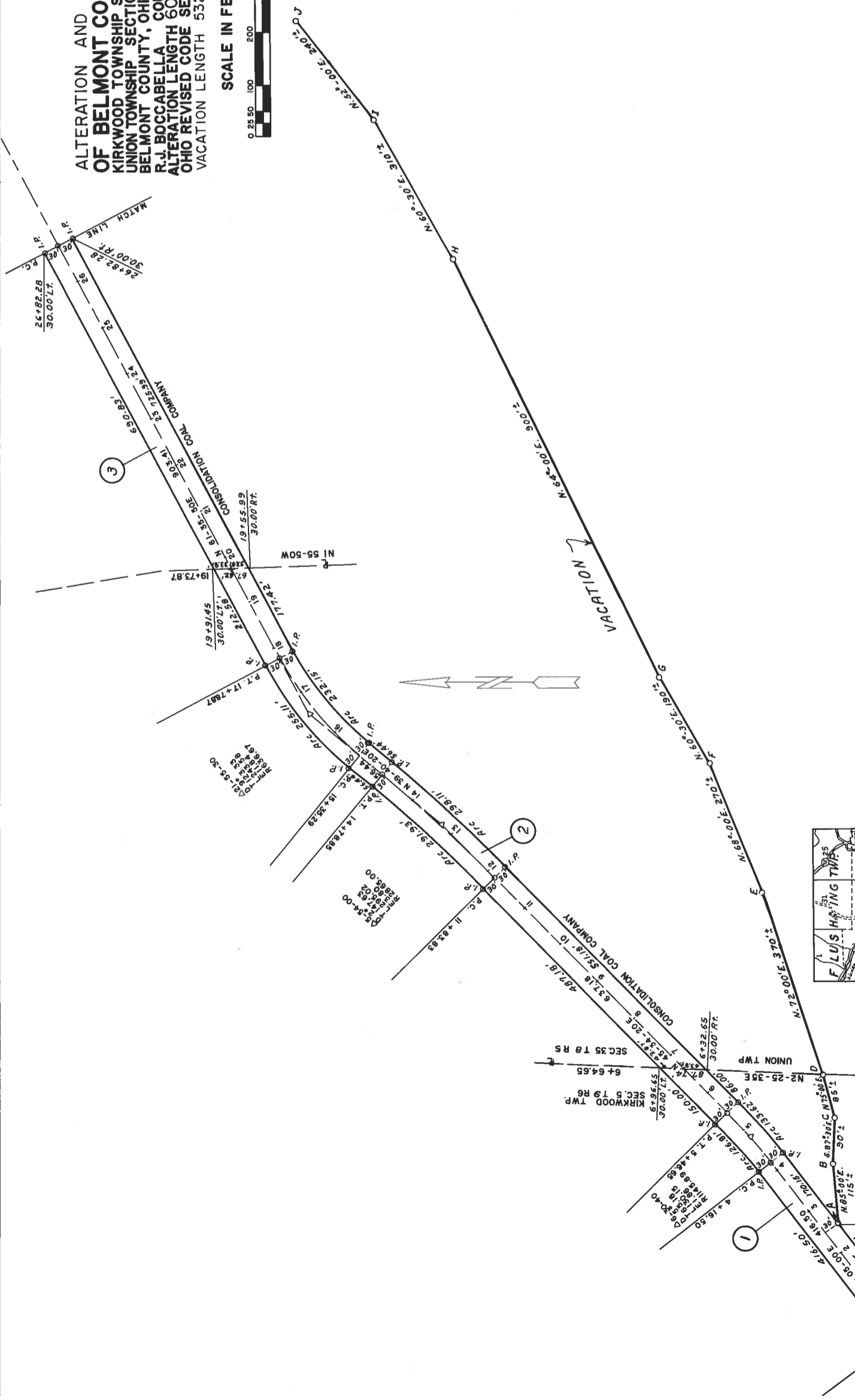
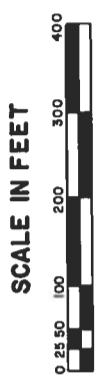
An accurate survey and plat, and an accurate and detailed description of each tract of land which the undersigned County Engineer believes will be necessary to be taken in the event the proposed improvement be made, together with the name of each owner, accompany this report and are made a part hereof.

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

See Plat

[Handwritten Signature]

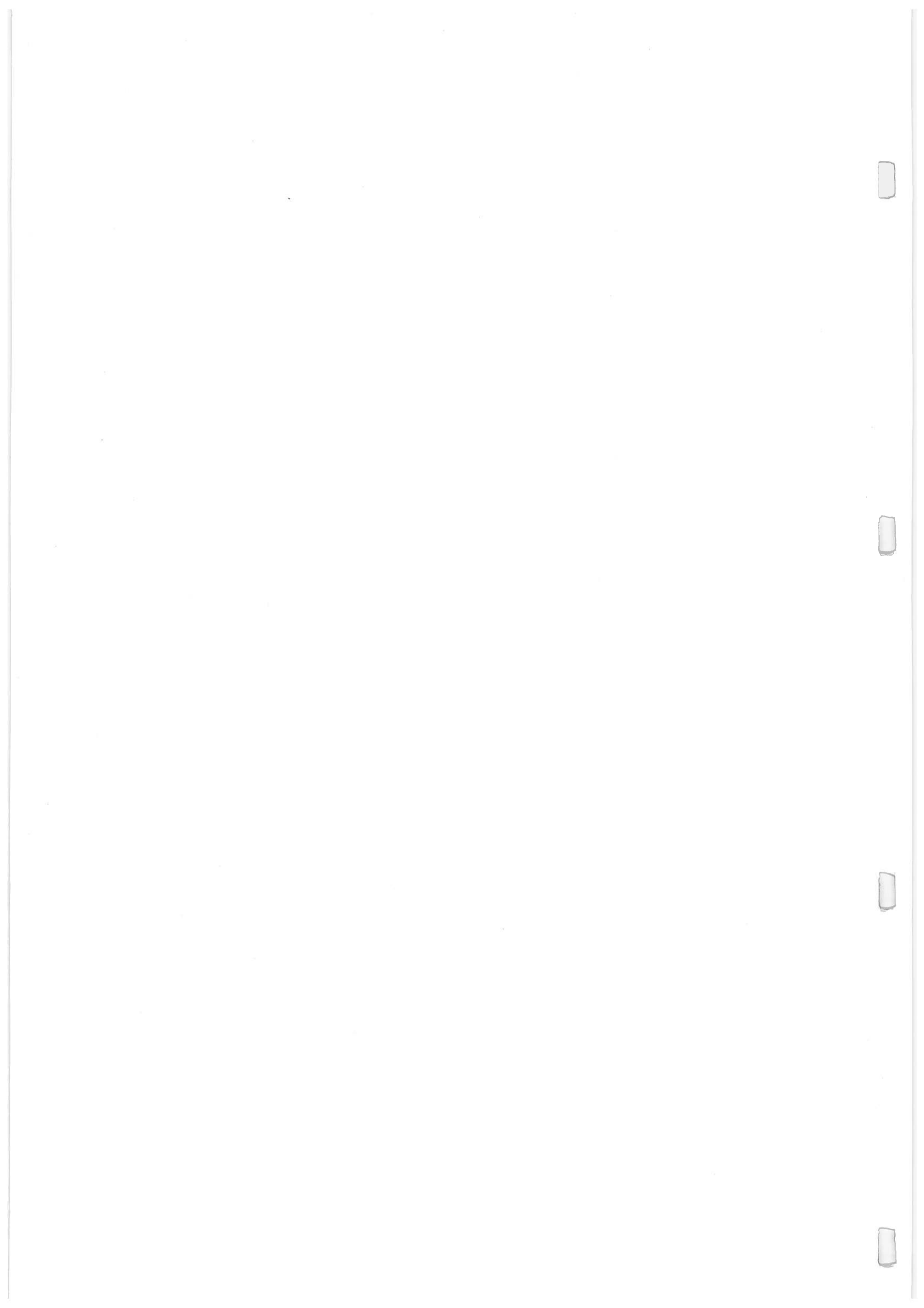
IMP. No. 711
 ALTERATION AND VACATION OF A PART (FORMERLY C. H. No. 102)
OF BELMONT COUNTY ROAD NO. 104 (SMITH ROAD)
 KIRKWOOD TOWNSHIP SECTION 5, T. 9. R. 6.
 UNION TOWNSHIP SECTION 35, T. 8. R. 5.
 BELMONT COUNTY, OHIO
 R. J. BOCCABELLA COUNTY ENGINEER
 ALTERATION LENGTH 6015.19 FT. OR 1.14 MILE 60 FT. RIGHT-OF-WAY
 OHIO REVISED CODE SECTION 5553.02
 VACATION LENGTH 5327 FT. OR 1 MILE ±



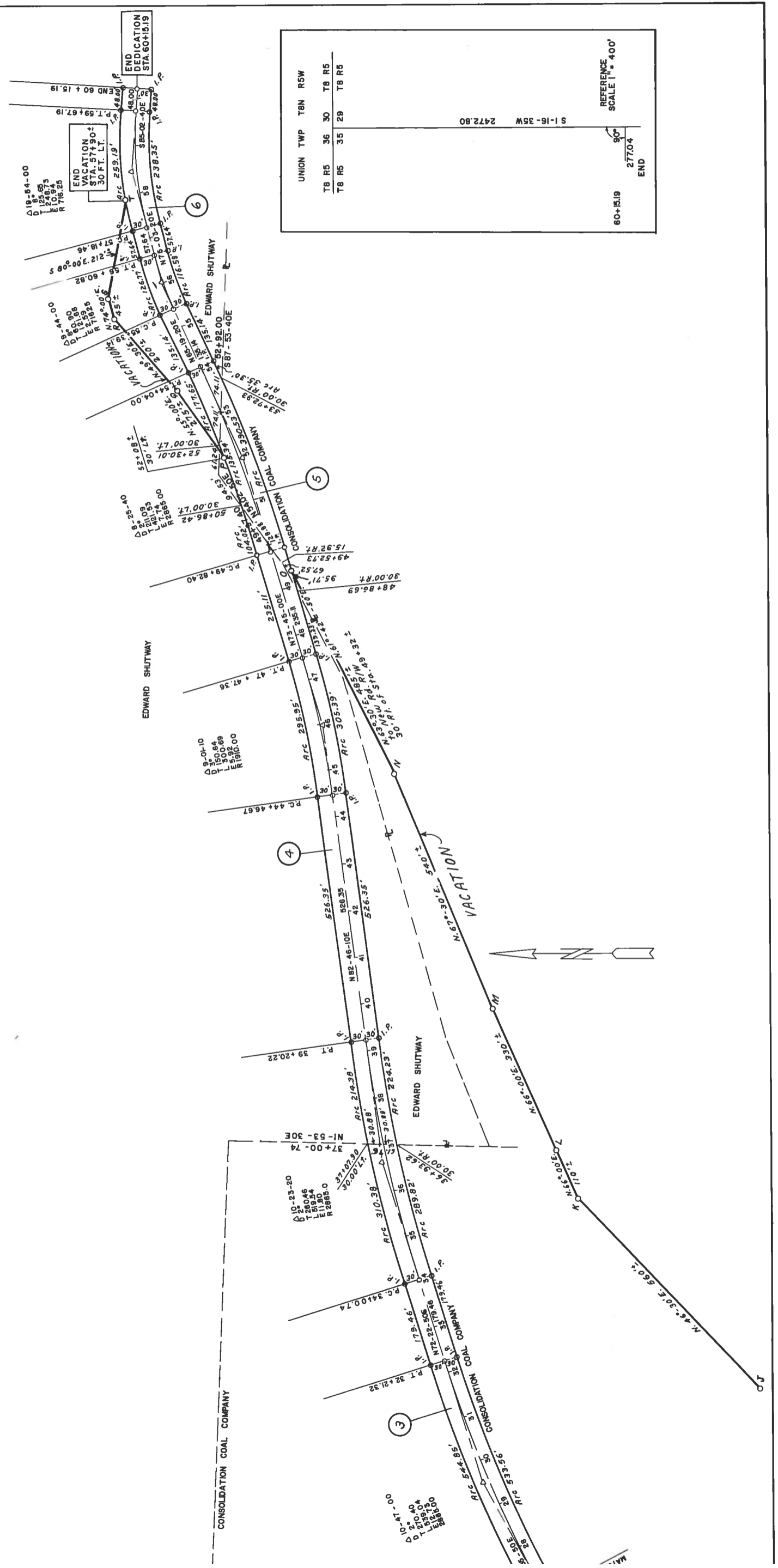
APPROVED BY
 CO. ENGINEER _____
 CO. COMM. _____
 CO. COMM. _____
 CO. COMM. _____
 THIS 4TH DAY OF Dec. 1974.

EASEMENT FOR HIGHWAY PURPOSES
 Consolidation Coal Company
 Parcels No. 1, 2, 3, & 5
 Recorded in Vol. 553 Pg. 48 Belmont County Record of Deeds

EASEMENT FOR HIGHWAY PURPOSES
 Edward S. Shutway
 Parcels No. 4 & 6
 Recorded in Vol. 553 Pg. 16 Belmont County Record of Deeds

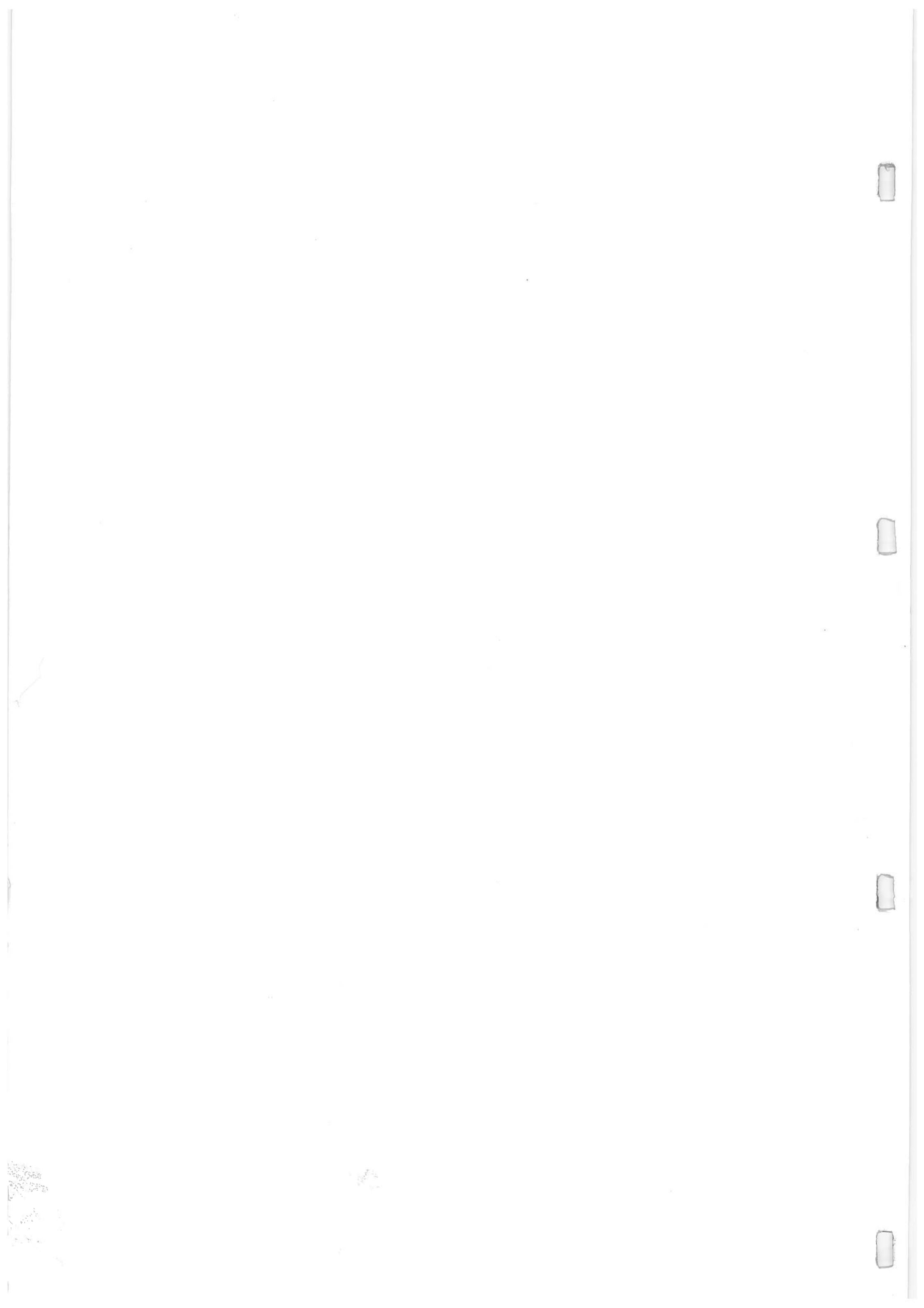


ALTERATION AND VACATION OF A PART OF C.H. No. 104
(FORMERLY C.H. No. 102)



UNION TWP	T8N	R5W
T8 R5	36	30
T8 R5	35	29
T8 R5	35	29
T8 R5	35	29

60+15.19
277.04
90°
REFERENCE SCALE 1" = 400'
S 1-16-35W 2472.80
END



RESOLUTION—GRANTING PROPOSED IMPROVEMENT No. 711
ORDERING RECORD, ETC.

IN THE MATTER OF THE

Office of County Commissioners,

Altering

Belmont County, Ohio

of a part of a

Public Road.

Known as the Smith Road

C.H. #102 now Known as C.H. #104

The Board of County Commissioners of Belmont County, Ohio, met in Special session
on the 4th day of December, 1974, at the office of The Belmont Co. Comm.
with the following members present:

Mr. Linch

Mr. Giffen

Mr. Sargus

Mr. Giffen 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

[REDACTED]

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,

[REDACTED]

[REDACTED]

[REDACTED]

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 altered and the right-of-way shall be 60

feet in width; and be it further

[REDACTED]

[REDACTED]

[REDACTED]

RESOLVED, That those parts of the road that is unnecessary by this alteration is hereby ordered vacated; 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.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

Mr. Linch Yes

Mr. Giffen Yes

Mr. Sargus Yes

Adopted the 4th day of December, 1974

ORDER TO OPEN ROAD
RESOLUTION - [REDACTED] IMP. No. 711
Sec. 5563.01 R.C.

Office of County Commissioners,
Belmont County, Ohio.

IN THE MATTER OF THE
Altering & Widening of a part of
C. H. # 102 Known as Smith Road
NOTE: Now C. H. # 104 Public Road.

The Board of County Commissioners of Belmont County, Ohio, met in Regular session
on the 5th day of May, 1975, at the office of the Commissioners

with the following members present:

- A. J. Sargus
- C. A. Linch
- J. F. Giffen

Mr. Linch moved the adoption of the following Resolution:

[REDACTED]

WHEREAS, At least ten days have elapsed since the final order of the board in the matter of this improvement, and
WHEREAS, No person firm or Corporation interested, has effected an appeal from our orders in the matter of the above named improvement, therefore, be it

further
RESOLVED, [REDACTED]

That it is hereby ordered that the proceedings be recorded as provided by law, and that said road be altering and widening, as order heretofore, made on our journal of the date of December 4, 1974.

be and the same is hereby established.

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

resulted as follows:

- Mr. Sargus YES
- Mr. J. F. Giffen YES
- Mr. C. A. Linch YES

Adopted the 5th day of May, 1975

Jeanne P Harris