

PUBLIC ROAD PETITION No. 712

St. Clairsville

, Ohio,

Aug. 16th

, 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 Vacating of a part of T-341, T-342, T-343, T-346, T-347 & T-363 a Public Road on the line hereinafter described, and make application to you to institute and order proper proceedings in the premises, for 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

See attached Front Sheets for Description

Dated this 16th day of ~~September~~ August, A. D. 19 71

PETITIONERS' NAMES

Consolidation Coal Company
Elmer E. Loper AgentTAXING DISTRICT OF COUNTY IN WHICH
PETITIONER OWNS REAL ESTATE

Kirkwood Township.

**RESOLUTION—FIXING TIME AND PLACE OF VIEW AND OF FINAL HEARING AND
NOTICE THEREOF ON PUBLIC ROAD PETITION No. 712**

IN THE MATTER OF THE

Vacation of Various Roads in
Kirkwood Township, namely T-341
T-342, T-343, T-346 and T-363, T-347
Public Road.

Office of County Commissioners,

Belmont County, Ohio

Petitioned for by Consolidation Coal
Company, and others.

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

on the 13th day of September, 19 71, at the office of Belmont County Commissioners
with the following members present:

Mr. Sargus

Mr. Giffen

Mr. Linch

Mr. Linch 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 pre-
sented to this Board of County Commissioners requesting said Board to Vacate various roads in
Kirkwood Township a Public Road as described therein; therefore, be it

RESOLVED, That the 13th day of September, 19 71, at 2:00 o'clock P.M., be fixed as the date when
we will view the proposed improvement, on which date we will meet at Belmont County Court House
and go over the line of said proposed improvement; and be it further

RESOLVED, That the 15th day of September, 19 71, 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 improve-
ment.

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

Mr. Sargus YES

Mr. Giffen YES

Mr. Linch YES

Adopted the 16th day of August, 19 71

Thomas P. Harris

RESOLUTION—UPON VIEW OF PROPOSED IMPROVEMENT #712
ORDER TO COUNTY ENGINEER

IN THE MATTER OF THE

*Vacation of Various Roads in
 Kirkwood Township, Namely T-341,
 T-342, T-343, T-346, and T-363, T-347
 Public Road.*

Office of County Commissioners

Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in Regular session
 on the 13th day of September, 1971, at the office of Belmont County Commissioners

with the following members present:

Mr. Sargus

Mr. Giffen

Mr. Linch

Mr. Linch moved the adoption of the following Resolution:

WHEREAS, On the 13th day of September, 1971, 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 15th day of September, 1971, 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. Sargus YES

Mr. Giffen YES

Mr. Linch YES

Adopted the 13th day of September, 1971.

Jeanne P. Harris

REPORT OF COUNTY ENGINEER

IN THE MATTER OF THE

Vacation of T-341, T-342, T-343

T-346, T-347 & T-363

Public Road,

Kirkwood Twp.

Imp. # 712

County Engineer's Office,

Belmont County, Ohio.

Sept. 14, 1971

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

The undersigned in obedience to your order dated Sept. 13, 1971, proceeded on the 14th day of Sept., 1971, 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 a part hereof.~~

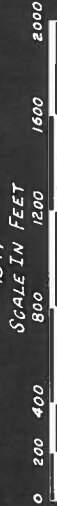
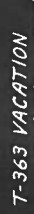
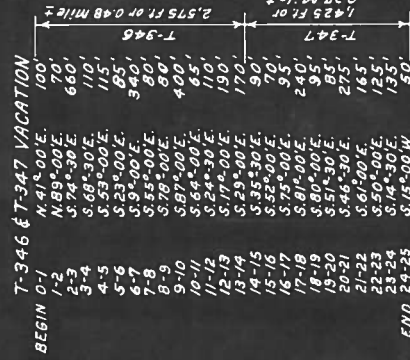
An accurate and detailed description of the proposed improvement describing therein the center line and right of way lines follows:

"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:~~

Commissioners Journal V.45 P.26

[Signature]



(VACATED IN ACCORDANCE WITH OHIO REVISED CODE SECTION 5553.04)

VACATION OF VARIOUS ROADS IN KIRKWOOD TOWNSHIP

(PETITIONED FOR BY CONSOLIDATION COAL COMPANY-ELMER E. LOPER AGENT)

BELMONT COUNTY, OHIO

RICHARD J. BOCCABELLA, COUNTY ENGINEER

1971

APPROVED BY

Co. Engineer—

CO. COMM. W. J. Langus

Co. Comm. Farley

Co. Comm. Co. 2nd

This 15 day of Sept. 1971

T-341 VACATION

F-342 VACATION

\pm

**RESOLUTION—GRANTING PROPOSED IMPROVEMENT # 712
ORDERING RECORD, ETC.**

IN THE MATTER OF THE

*Vacation of Various Roads in Kirkwood
Tounship, namely T-341, T-342, T-343,
T-346, T-347 and T-363*
Public Road.

Office of County Commissioners,
Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in *Special* session
on the *15th* day of *September*, 19 *71*, at the office of *Belmont County Commissioners*
with the following members present:

Mr. Sargus
Mr. Giffen
Mr. Linch

Mr. *Linch* 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; there fore, 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 improve- ment is of sufficient importance to the public to cause the compensation and damages on account thereof to be paid to the persons entitled thereto ~~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 ^{are} hereby ordered *Vacated*

~~RESOLVED and determined to proceed with said improvement and the same is hereby granted and said road is ordered~~

~~to be 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 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 notice of the time and place of such hearing be given by the County Engineer or his Deputy, not less than ten days before the date of the 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. *Giffen* seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Mr. <i>Sargus</i>	<i>Yes</i>
Mr. <i>Giffen</i>	<i>Yes</i>
Mr. <i>Linch</i>	<i>Yes</i>

Adopted the *15th* day of *September*, 19 *71*

RESOLUTION—AWARDING COMPENSATION AND DAMAGESImp. #712

IN THE MATTER OF THE

Vacating Parts of Township Roads T-341,
T-342, T-343, T-346, T-347 & T-363,
Kirkwood Township,
Public Road.

Petitioned for By Consolidation Coal Co.
Elmer E. Loper, Agent

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 December, 1971, at the office of Belmont County Commissioners
 with the following members present:

order to Trustees

SargusGiffenLinch

Mr. Giffen 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-~~
ten days have elapsed since our order vacating parts of various roads in
your Township, petitioned for by Elmer E. Loper, Agent for Consolidation
Coal Company, and it appears that no appeal has been submitted from
our order in the matter of said vacation therefore be it

RESOLVED, That said roads be vacated as set forth in Journal Entry of
September 15, 1971; and be it so

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:~~

That the Clerk of this Board be and she is ordered to forward to
the Trustees of Kirkwood Township a copy of this Journal Entry and
a copy of the plat of said vacation.

~~And the same be hereby established.~~

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

resulted as follows:

Mr. <u>Sargus</u>	<u>YES</u>
Mr. <u>Giffen</u>	<u>YES</u>
Mr. <u>Linch</u>	<u>YES</u>

Adopted the 20th day of December, 1971.

Jeanne P. Harris