

PUBLIC ROAD PETITION IMP. No. 735

St. Clairsville, Ohio, March 13, 1974

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 Medley Road T-398 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 the centerline intersection of Union Township Road No. 401 and Union Township Road No. 398. Said beginning point situated in State of Ohio, County of Belmont, Township of Union and on the west boundary of Section No. 21; thence from place of beginning northerly for a distance of 3400 feet more or less; thence northwesterly for a distance of 1050 feet more or less to the west line of Section No. 21; thence westerly for a distance of 3700 feet more or less to the intersection of Union Township Road No. 398 and Union Township Road No. 399, the terminus of the road here in petitioned for vacation. Said terminus situated in State of Ohio, County of Belmont, Township of Union, Section No. 28. Total distance being 8,150 feet more or less. (1.54 miles).

Consolidation Coal Company, Central Division, the petitioner herein states that it is the owner of surface or right to mine coal underlying and adjacent to said road and that the travelling public will not be inconvenienced by said vacation.

Dated this 6th day of March, A. D. 1974.

PETITIONERS' NAMES	TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE
Consolidation Coal Co., Central Div. By Elmer E. Loper, Agent	3/1/74
George J. Mauersbeger	3/1/74
John J. Spiga	3/1/74
Gerald A. Gossett	3/1/74

RESOLUTION—FIXING TIME AND PLACE OF VIEW AND OF FINAL HEARING AND NOTICE THEREOF ON PUBLIC ROAD PETITION IMP. No. 735

IN THE MATTER OF THE

Vacation of Medley Road T-398

Union Township

Public Road.

Petitioned for by Consolidation Coal Co. Elmer Loper, Agent, and others.

Office of County Commissioners, Belmont County, Ohio

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

on the 13th day of March, 1974, at the office of The County Commissioners

with the following members present:

C. A. Linch

A. J. Sargus

J. F. Giffen

Mr. Sargus 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 Union Township

Road # T-398 a Public Road as described therein; therefore, be it

RESOLVED, That the 3rd day of April, 1974, 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 the site

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

RESOLVED, That the 6th day of May, 1974, at 10:30 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 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 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. Linch Yes

Mr. Sargus Yes

Mr. Giffen Yes

Adopted the 13th day of March, 1974

Jeanne P Harris

RESOLUTION—UPON VIEW OF PROPOSED IMPROVEMENT No. 735  
ORDER TO COUNTY ENGINEER

IN THE MATTER OF THE  
Vacation of Medley Road T-735  
Union Township  
Public Road.  
Consolidation Coal Co.  
Elmer Loper, Agent

Office of County Commissioners  
Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in Special session  
on the 3rd day of April, 1974, at the office of Belmont County Commissioners

with the following members present:

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

Mr. Giffen moved the adoption of the following Resolution:

WHEREAS, On the 3rd day of April, 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 6th day of May, 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. Sargus seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

Mr. C. A. Linch Yes  
Mr. A. J. Sargus Yes  
Mr. J. F. Giffen Yes

Adopted the 3rd day of April, 1974.

Jeanne P. Harris

REPORT OF COUNTY ENGINEER

IMP. # 735

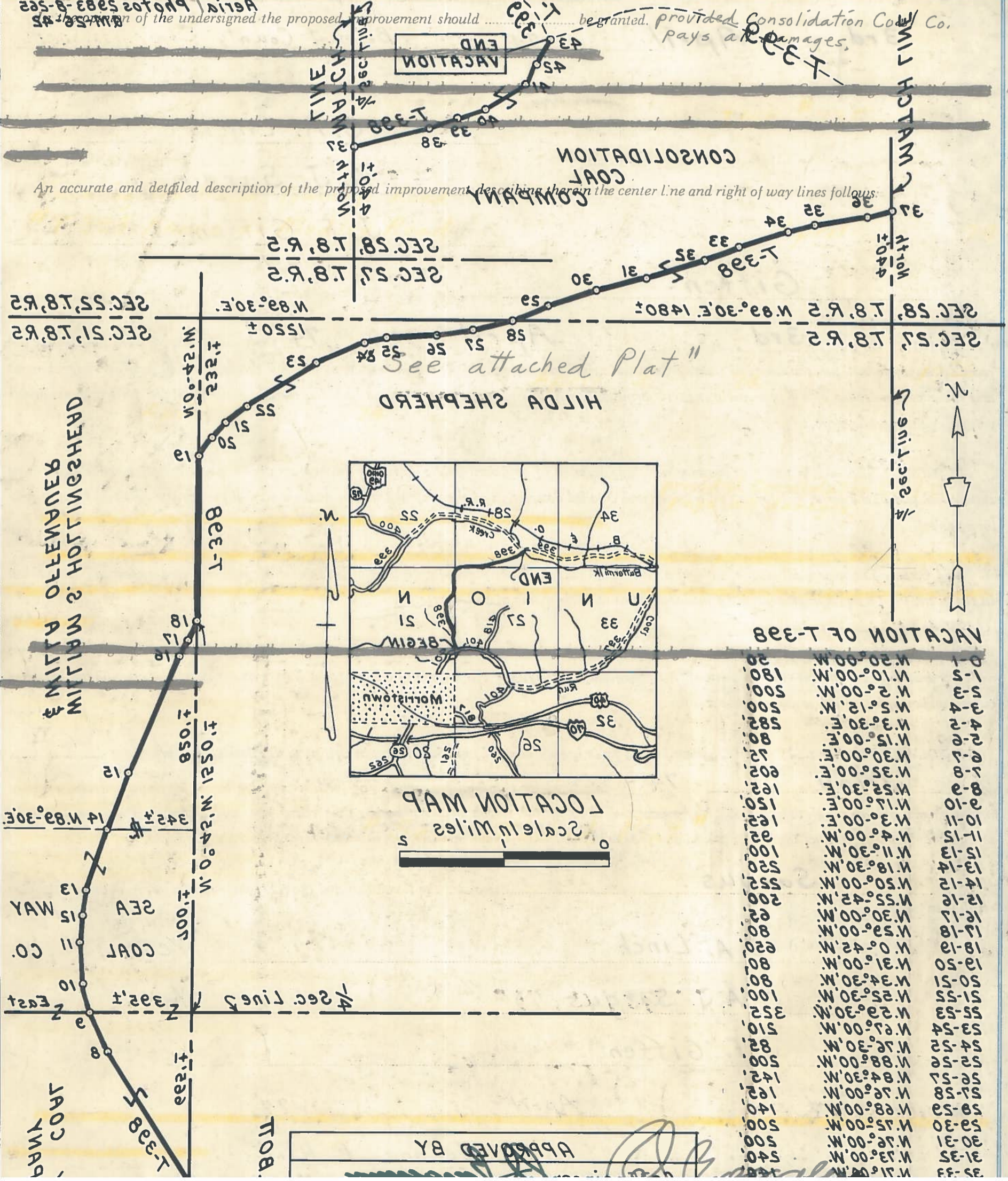
IN THE MATTER OF THE  
 Vacating the Union Township Road  
 # T-398 known as Medley Road  
 Public Road.

County Engineer's Office,  
 Belmont County, Ohio.  
 April, 1974

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

The undersigned in obedience to your order dated April 3, 1974, proceeded on the 17th day of April, 1974, to make an accurate survey and plat of the Public Road proposed to be improved, and

respectfully submits the following report:



RESOLUTION

Union Township Road No. 398

WHEREAS, on the 6th day of March, 1974 Consolidation Coal Company, Central Division filed its petition with Board of Commissioners of Belmont County, Ohio requesting that Union Township Road No. 398 be vacated, and

WHEREAS, Union Township Road No. 398 being described as follows: Beginning at the centerline intersection of Union Township Road No. 398 and Union Township Road No. 401; said beginning point situated in State of Ohio, County of Belmont, Township of Union, and on the west boundary of Section No. 21; thence from place of beginning northerly for a distance of 3,400 feet more or less; thence northwesterly for a distance of 1,050 feet more or less to the west boundary of Section No. 21; thence westerly for a distance of 3,700 feet more or less to the intersection of Union Township Road No. 398 and Union Township Road No. 399, the terminus of the road petitioned for vacation. Said terminus situated in State of Ohio, County of Belmont, Township of Union, Section No. 28; total distance being 8,150 feet more or less (1.54 miles), and

WHEREAS, Central Division states that it is owner of surface or right to mine coal underlying and adjacent to said road, and

WHEREAS, viewing and hearing dates upon said petition were duly advertised in accordance with the law, and

WHEREAS, in accordance with said advertisement viewing was made and hearing held, and

WHEREAS, there being no valid objections in reference to said vacation, and

Now, therefore, be it resolved by Board of Commissioners of Belmont County, Ohio that prayer of petition be granted and that Union Township Road No. 398 be vacated and stricken from the records of public roads of Belmont County, Union Township, Ohio.

Upon motion by Mr. Sargus,

seconded by Mr. Giffen.

The foregoing resolution adopted by the following vote:

Mr. Linch YES

Mr. Sargus YES

Mr. Giffen YES

Dated at Belmont County Court House, St. Clairsville, Ohio this 6th

day of May, 1974.

EEL:cms

Jeanne P. Harris  
CLERK OF BOARD

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RESOLUTION—GRANTING PROPOSED IMPROVEMENT No. 735  
ORDERING RECORD, ETC.

IN THE MATTER OF THE  
Vacating the Union Township Road  
# T-398 known as Medley Road  
Public Road.

Office of County Commissioners,  
Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in Regular session  
on the 6<sup>th</sup> day of May, 1974, at the office of Belmont County Commissioners  
with the following members present:

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

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, 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 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,  
~~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,~~

~~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,~~

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  
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 and be it further~~

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~~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 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:

~~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:~~

~~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:~~

~~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:~~

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

Mr. Linch Yes  
Mr. Sargus Yes  
Mr. Giffen Yes

Adopted the 6<sup>th</sup> day of May, 1974

**RESOLUTION**

IMP. #734

IN THE MATTER OF THE

Office of County Commissioners,

Vacating the Union Township Road  
#T-398 Known as Medley Road  
Public Road.

Belmont County, Ohio.

Consolidation Coal Co.  
Elmer Loper, Agent

The Board of County Commissioners of Belmont County, Ohio, met in Regular session  
on the 22nd day of May, 1974, at the office of Belmont County Commissioners  
with the following members present:

- Mr. Linch
- Mr. Giffen
- Mr. Sargus Absent

Mr. Giffen moved the adoption of the following Resolution:

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WHEREAS, ten days or more have elapsed since our order vacating a Union Township Road, known as T-398 and it appears that no appeals have been submitted from our order in the matter of said vacation;

THEREFORE BE IT RESOLVED, That the Clerk of this Board be and she is hereby ordered to forward to the Belmont County Engineer a copy of this journal entry and a copy of the plat of said vacation.

and be it further

RESOLVED, ~~\_\_\_\_\_~~  
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I do hereby certify that the foregoing is a true and correct copy of Journal Entry of May 22, 1974, as recorded in Vol. 46 of the County Commissioner's Journal, Page 499.

be and the same is hereby established vacated

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

resulted as follows:

- Mr. Linch
- Mr. Giffen
- Mr. Sargus

Adopted the 22nd day of May, 1974.  
Teanne P. Harris