

PUBLIC ROAD PETITION IMP. No. 738

St. Clairsville, Ohio, April 8, 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 vacating of St. Clairsville Street and also 16.5 Feet wide alley 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 St. Clairsville Street 60 feet wide as shown on the Plat of Shepherdstown as recorded in Deed Book F at Page 273 of the Plat Records of Belmont County, Ohio; said Street is located between Lot No's 7 and 8 and 9 on said Plat, and also a 16.5 foot wide alley between Lot 11 and Lot No. 12 as shown on said Plat of Shepherdstown.

Vacation of said St. Clairsville Street and also alley 16.5 feet wide being requested according to Section 5553.042 of the Ohio Revised Code.

Dated this 8th day of April, A. D. 1974

PETITIONERS' NAMES	TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE
Harry Jesalosky	Wheeling-Richland School District
George Weir	Wheeling-Richland School District

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

IMP. #738

Office of County Commissioners,
Belmont County, Ohio

IN THE MATTER OF THE

Vacating St. Clairsville Street
and also an alley - Shepherdstown
Public Road.

Petitioned for by Harry Jesalosky
and others.

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

on the 8th day of April, 1974, at the office of Belmont County Commissioners
with the following members present:

Mr. Linch

Mr. Sargus

Mr. 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 St. Clairsville Street and an alley a Public Road as described therein; therefore, be it

RESOLVED, That the 1st day of May, 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 29th day of May, 1974, at 11:00 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 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. Linch Yes

Mr. Sargus Yes

Mr. Giffen Yes

Adopted the 8th day of April, 1974

RESOLUTION—UPON VIEW OF PROPOSED IMPROVEMENT

ORDER TO COUNTY ENGINEER

IMP. # 738

IN THE MATTER OF THE
Vacating St. Clairsville Street
and also an alley—Shepherdstown
Public Road.

Office of County Commissioners
Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in Special session
on the 1st day of May, 1974, at the office of the 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, On the 1st day of May, 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 29th
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. Giffen seconded the Resolution and the roll being called upon its adoption, the vote
resulted as follows:

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

Adopted the 1st day of May, 1974.

Jeanne P. Harris

REPORT OF COUNTY ENGINEER

IMP. # 738

County Engineer's Office,

Belmont County, Ohio.

May 27, 1974

IN THE MATTER OF THE

Vacating St. Clairsville Street
and also an alley - Shepherdstown
Public Road.

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

The undersigned in obedience to your order dated May 1, 1974, proceeded on the 6th day of May, 1974, to make an accurate survey and plat of the Public Road proposed to be improved, and respectfully submits the following report:

~~The opinion of the undersigned the proposed improvement should be granted.~~
~~The width to which said improvement should be opened is _____ feet.~~
~~An accurate and detailed description of each tract of land which the undersigned County Engineer is authorized to be taken in the street the proposed improvement to be made together with the names of said owners, accompanied by a report and an accurate and detailed description of the proposed improvement describing therein the center line and right of way lines follows:~~

In the opinion of the undersigned the proposed vacation of that portion of St. Clairsville Street between lot numbers 7, 8 & 9 should be granted.

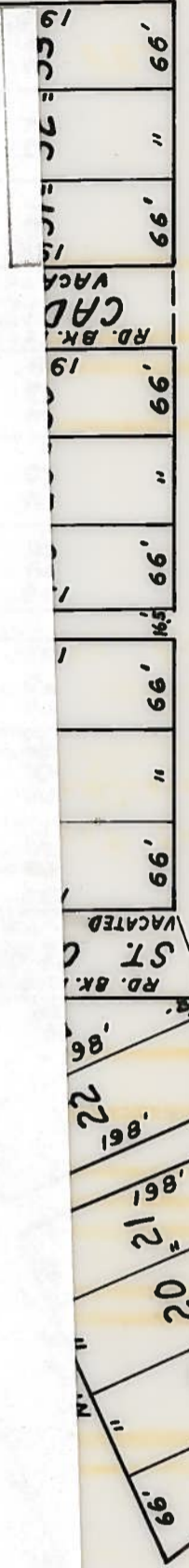
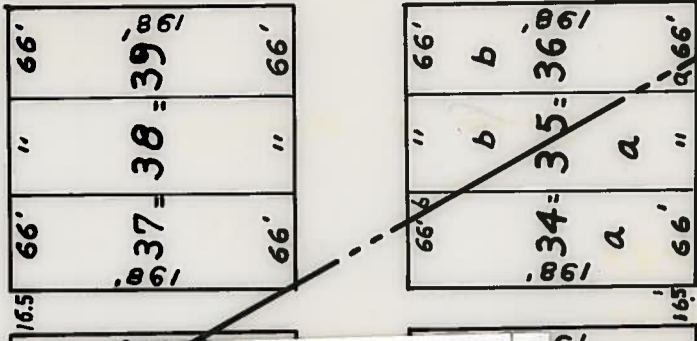
Also, in the opinion of the undersigned the proposed vacation of that portion of a 16 1/2 foot alley between lot numbers 11 & 12 should not be granted because this alley is the only place to dispose of storm water along the west side of High Street.

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

" See attached plat "

[Handwritten Signature]

ERDSTOWN



VACATION

RESOLUTION

Union Township Road No. T349

WHEREAS, on the 15th day of April, 1974, Consolidation Coal Company, Central Division, filed its petition with the Board of Commissioners of Belmont County, Ohio, requesting that Union Township Road No. T349 be vacated, and;

WHEREAS, the centerline description is as follows: Beginning at a point in the centerline of Union Township Road No. T349, said point situated in the State of Ohio, County of Belmont, Township of Union, Section 36 and referenced as follows: From the Southeast corner of Section 36 West along the South line of said section for a distance of 2,470 feet, more or less; thence at a right angle thereto North for a distance of 770 feet, more or less, to the place of beginning; thence South-easterly for a distance of 700 feet, more or less; thence Easterly for a distance of 1,850 feet, more or less; thence Southeasterly for a distance of 2,100 feet, more or less; thence Easterly for a distance of 350 feet, more or less, to the terminus of the road herein petitioned for vacation; said terminus situated in the State of Ohio, County of Belmont, Township of Union, Section 29 and referenced as follows: From the Northwest corner of said Section 29 South along the West line for a distance of 1,050 feet, more or less; thence at a right angle thereto East for a distance of 1,890 feet, more or less, to the terminus at the centerline intersection of Belmont County Highway No. 104 and Union Township Road No. T349, total distance overall being 5,000 feet (0.95 mile), more or less, and;

WHEREAS, viewing and hearing dates were advertised in accordance with law, and;

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

WHEREAS, there being no valid objections nor claims of damages, and;

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

NOW THEREFORE, be it resolved by the Board of Commissioners of Belmont County, Ohio, that prayer of petition be granted and that Union Township Road No. T349 be vacated and stricken from the records of public roads of Belmont County, Ohio.

Upon motion by Mr. Sargus, seconded by Mr. Giffen,

the foregoing resolution is adopted and requests granted by the following vote:

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

Dated this 17th day of July, 1974, at Belmont County Courthouse, St. Clairsville, Ohio.

Jeanne P. Harris
CLERK OF BOARD

Commissioners Journal Vol. 46 Pg. 568

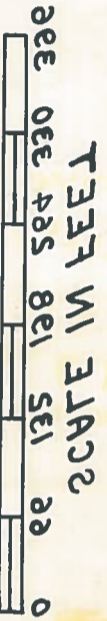
Engineer [Signature]
Comm. [Signature]
Comm. [Signature]
Comm. [Signature]
17th day of June 1974

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APPROVED BY
 ENGINEER
 COM. COM. COM.
 COM. COM. COM.

RESOLUTION—GRANTING PROPOSED IMPROVEMENT ORDERING RECORD, ETC.

IMP. #738

IN THE MATTER OF THE
Vacating St. Clairsville Street and
also an alley - Shepherdstown
Public Road.

Office of County Commissioners,
Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in
Regular session
on the 17th day of June, 1974, at the office of the Belmont Co. Commissioners
with the following members present:

- Mr. Linch
Mr. Sargus
Mr. Giffen

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 SECTION]

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]

RESOLVED and determined to proceed with said improvement and the same is hereby granted in part and said road is ordered vacated 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;

That the vacation of that part of St. Clairsville Street adjacent to Lot Nos. 7, 8 and 9 is hereby granted. The vacation of an alley adjacent to Lots Nos. 11 & 12 is hereby rejected.

(Plat of Shepherdstown as recorded in Deed Book F, Page 273, Belmont County Record of Deeds.

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 SECTION]

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

Table with 2 columns: Name and Vote. Mr. Linch YES, Mr. Sargus YES, Mr. Giffen YES

Adopted the 17th day of June, 1974

RESOLUTION - ~~AWARDING COMPENSATION AND DAMAGES~~

IMP #738

IN THE MATTER OF THE

Vacating a part of St. Clairsville Street in Shepherdstown, Public Road.

Office of County Commissioners, Belmont County, Ohio.

The Board of County Commissioners of Belmont County, Ohio, met in Regular session on the 5th day of August, 1974, at the office of Belmont County Commissioners with the following members present:

Linch
Sargus
Giffen (Vacation)

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

WHEREAS, ten days or more have elapsed since our order vacating a part of St. Clairsville Street in Shepherdstown, Wheeling Township, 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, 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:

I do hereby certify the foregoing to be a true and correct copy of Journal Entry of August 5, 1974, as recorded in Vol. 46, Page 584 of the County Commissioners' Journal.

be and the same is hereby vacated

Mr. Linch 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 5th day of August, 1974.

Jeanne P. Harris

Office of the
COMMISSIONERS

BELMONT COUNTY



CHARLES A. LINCH
President
A. J. SARGUS
JAMES F. GIFFEN
MS. JEANNE P. HARRIS
Clerk

St. Clairsville, Ohio

August 5, 1974

In the Matter of Vacating
a part of St. Clairsville
Street in Shepherdstown.

IMP. #738

"Order to County Engineer"

Mr. Sargus moved the adoption of the following resolution:

WHEREAS, ten days or more have elapsed since our order vacating a part of St. Clairsville Street in Shepherdstown, Wheeling Township, 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.

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

Mr. Linch	YES
Mr. Sargus	YES
Mr. Giffen	YES

I do hereby certify the foregoing to be a true and correct copy of Journal Entry of August 5, 1974, as recorded in Vol. 46, Page 584 of the County Commissioners' Journal.

Jeanne P. Harris
Jeanne P. Harris, Clerk

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