

PUBLIC ROAD PETITION IMP. No. 761

St. Clairsville

Ohio,

June 2nd, 1975

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

with the right to mine

The undersign petitioner, freeholder of said County in the vicinity of the proposed improvement hereinafter described, respectfully represent that the public convenience and welfare require the vacation

of all of 138 A 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 Belmont County Road No. 64 and Wheeling Township Road No. 138 A, said beginning point situated in State of Ohio, County of Belmont, Township of Wheeling, Section No. 21, thence from place of beginning in a Northeasterly direction for a distance of 3,380 feet, more or less (0.64 Mi.) to the North boundary of Belmont County and the North Boundary of Wheeling Township, Section No. 21, the terminus of Wheeling Township Road, No. 138 A herein petitioned for vacation.

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

Dated this 2nd day of June, A. D. 1975

PETITIONERS' NAMES	TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE
Consolidation Coal Company Central Division BY: Elmer E. Loper AGENT: Stanley Pavlic Robert F. Bazzarri Louis Pramik Virginia Stachyra Dep. Clerk	Wheeling Township Wheeling Township Wheeling Township Wheeling Township Wheeling Township

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

IMP. No. 761

IN THE MATTER OF THE
Vacation of all of 138A

Public Road.

Petitioned for by E. Loper, Agent
....., and others.

Office of County Commissioners,
Belmont County, Ohio

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

on the 2nd day of June, 1975, at the office of the Commissioners

with the following members present:

C. A. Lynch

J. F. Giffen

Mr. Giffen 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 Vacation of All of 138A

..... a Public Road as described therein; therefore, be it

RESOLVED, That the 25th day of June, 1975, at 3:30 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 14th day of July, 1975, at 11 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. Lynch seconded the Resolution and the roll being called upon its adoption, the vote

resulted as follows:

Mr. Lynch YES

Mr. Giffen YES

Mr.

Adopted the 2nd day of June, 1975

Manu K. ...

RESOLUTION—UPON VIEW OF PROPOSED IMPROVEMENT

ORDER TO COUNTY ENGINEER

IMP. No. 761

IN THE MATTER OF THE
Vacation of all of 138 A
Public Road.

Office of County Commissioners
Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in Regular session
on the 30th day of June, 1975, at the office of The Commissioners
with the following members present:

A. J. Sargus

C. A. Lynch

J. F. Giffen

Mr. Lynch moved the adoption of the following Resolution:

WHEREAS, On the 25th day of June, 1975, 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 14th day of July, 1975, 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. Lynch YES

Adopted the 30th day of June, 1975

Mary Kapolka

REPORT OF COUNTY ENGINEER

IMP. No. 761

IN THE MATTER OF THE

Vacation of all of 138A

Wheeling Twp.

Public Road.

County Engineer's Office,

Belmont County, Ohio.

July 8, 19*75*

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

The undersigned in obedience to your order dated *June 30*, 19*75*, proceeded on the *3rd* day of *July*, 19*75*, 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.

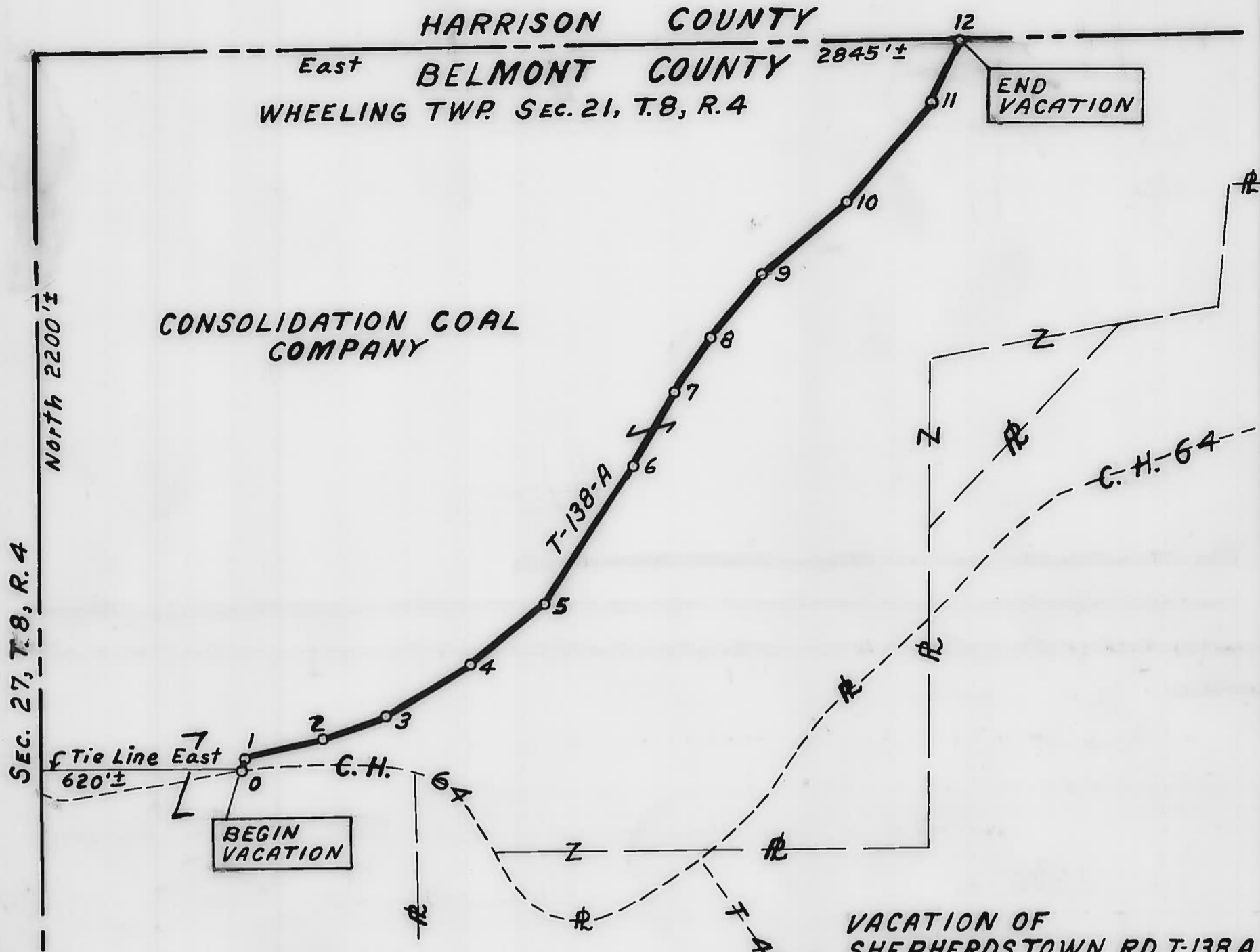
~~_____~~
~~_____~~
~~_____~~
~~_____~~

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

" See Plat "

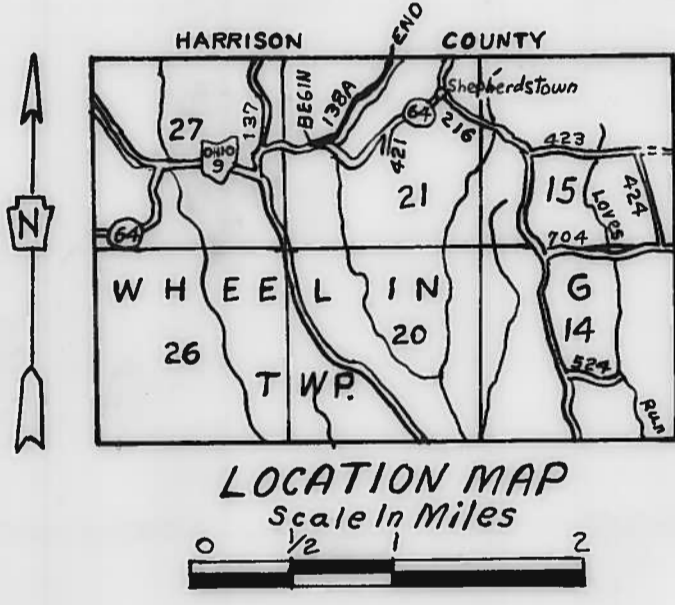
~~_____~~
~~_____~~

[Signature]



VACATION OF SHEPHERDSTOWN RD. T-138 A

0-1	N.15°-00'E.	35'
1-2	N.77°-30'E.	250'
2-3	N.71°-00'E.	200'
3-4	N.59°-30'E.	300'
4-5	N.50°-30'E.	300'
5-6	N.33°-30'E.	500'
6-7	N.30°-30'E.	250'
7-8	N.35°-00'E.	200'
8-9	N.39°-30'E.	250'
9-10	N.50°-00'E.	350'
10-11	N.41°-00'E.	400'
11-12	N.27°-00'E.	210'
Length 3345 Ft. or 0.63 Mile ±		



Aerial Photo 2983-15-549

APPROVED BY

Co. Engineer _____

Co. Comm. _____

Co. Comm. _____

Co. Comm. _____

This 14th day July 1975

IMR No. 761

VACATION OHIO REVISED CODE 5553

VACATION OF SHEPHERDSTOWN ROAD T-138 A

(Petitioned by Consolidation Coal Co.-Elmer Loper Agent)

WHEELING TWP SECTION 21, T.8, R.4

BELMONT COUNTY, OHIO

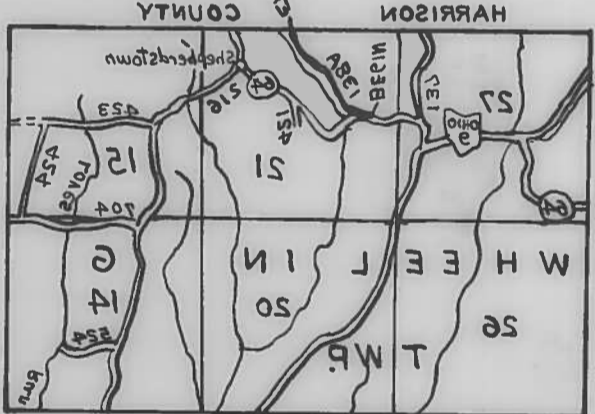
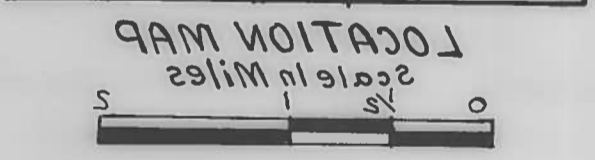
VACATION OF SHEPHERDSTOWN ROAD T-138A

VACATION OHIO REVISED CODE 2523

IMR No. 761

(Petitioned by Consolidation Coal Co.-Elmer Loper Agent)
 WHEELING TWP SECTION 21, T.8, R.4
 BELMONT COUNTY OHIO

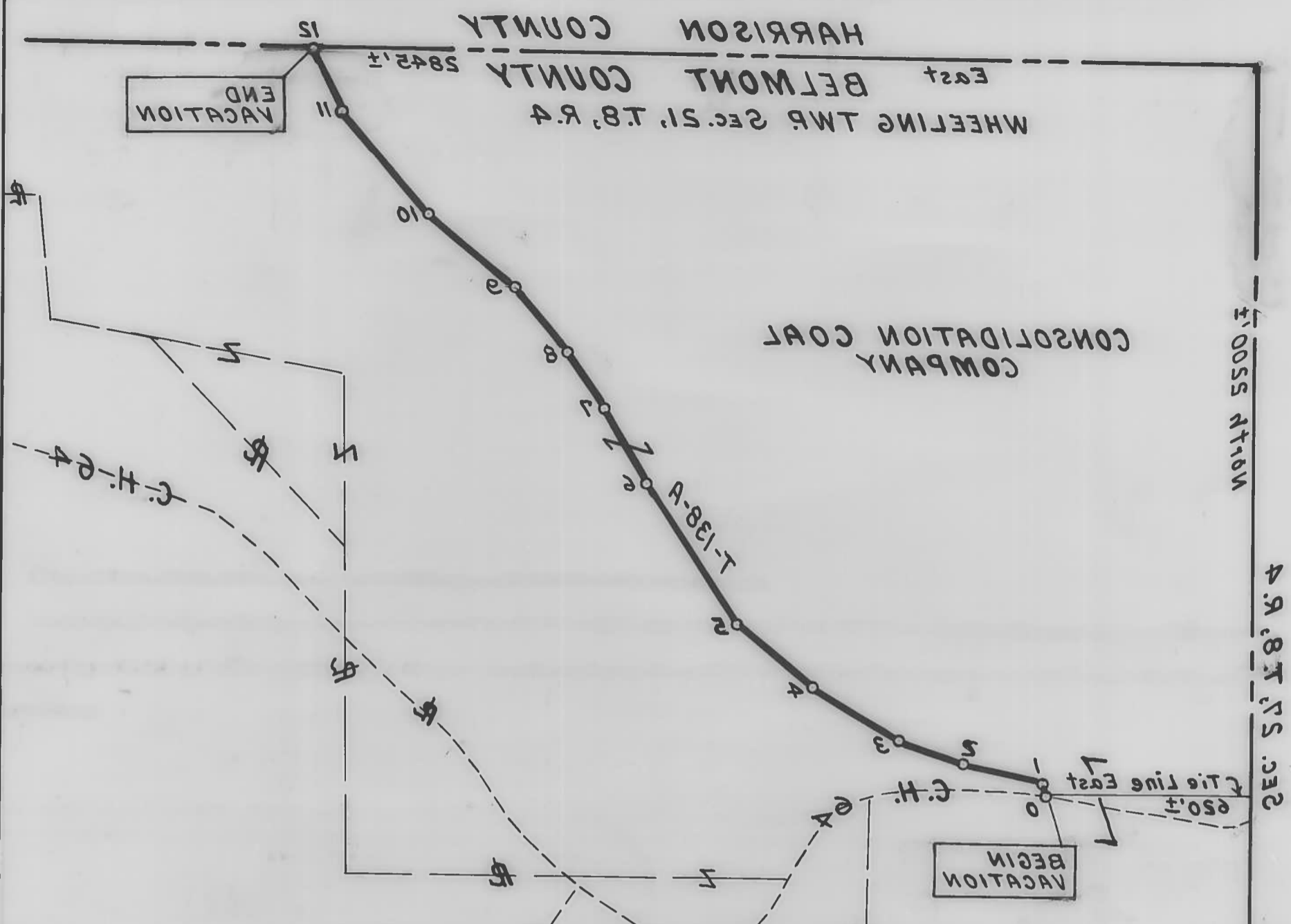
This day July 1975
 Co. Comm. _____
 Co. Comm. _____
 Co. Comm. _____
 Co. Engineer _____
 APPROVED BY _____
 Aerial Photo 583-R-249



VACATION OF SHEPHERDSTOWN RD. T-138A

Length 3342 Ft. or 0.63 Mile ±

11-15	N. 52° 00' E.	510
10-11	N. 41° 00' E.	400
9-10	N. 20° 00' E.	350
8-9	N. 39° 30' E.	350
7-8	N. 35° 00' E.	500
6-7	N. 30° 30' E.	520
5-6	N. 33° 30' E.	200
4-5	N. 50° 30' E.	300
3-4	N. 29° 30' E.	300
2-3	N. 71° 00' E.	500
1-5	N. 25° 30' E.	520
0-1	N. 15° 00' E.	32



RESOLUTION—GRANTING PROPOSED IMPROVEMENT
ORDERING RECORD, ETC.
IMP. No. 761

IN THE MATTER OF THE
Vacation of all of 138 A

Office of County Commissioners,
Belmont County, Ohio

Public Road.
Wheeling Township

The Board of County Commissioners of Belmont County, Ohio, met in Regular session
on the 14th day of July, 1975, at the office of the Commissioners
with the following members present:

A. J. Sargus
J. F. 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

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

Mr. Sargus YES
Mr. Giffen YES
Mr. _____

Adopted the 14th day of July, 1975

ORDER TO CLOSE

RESOLUTION

SEC. 5563.01 R.C.
IMP. No. 761

IN THE MATTER OF THE

Vacation of all of 138A

Public Road.

Wheeling Township

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 September, 1975, at the office of the Commissioners
with the following members present:

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

Mr. Linch moved the adoption of the following Resolution:

~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
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 matters of the above named improvement, therefore,
be it

~~_____~~
~~_____~~
RESOLVED, That it is hereby ordered that the proceedings be recorded as provided by law, and that said road be Vacated, as order heretofore, made on our journal of the date September 3, 1975, and a copy of this resolution be forwarded to the Wheeling Township Trustees.

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 3rd day of September, 1975

Mary Kanalka