

PUBLIC ROAD PETITION IMP. No. 766

St. Clairsville, Ohio, Sept. 10, 1975

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

with right to mine coal

The undersigned 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 all of T-171 (Kirkwood Twp.) 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 Kirkwood Township Road No. 712 and Kirkwood Township Road No. 171, said beginning point situated in State of Ohio, County of Belmont, Township of Kirkwood, Section No. 13; thence from place of beginning Northerly for a distance of 700 feet, more or less; thence Easterly for a distance of 400 feet, more or less; thence in a Northerly direction for a distance of 1,300 feet more or less; thence in a North westerly direction for a distance of 2,400 feet, more or less, to the terminus of the Road herein petitioned for vacation. Said terminus situated in State of Ohio, County of Belmont, Township of Kirkwood, Section No. 14 and referenced as follows: from the Southwest corner of Section No. 14, North along the West boundary of said Section for a distance of 1,920 feet, more or less; thence at a right angle there to Easterly for a distance of 1,625 feet, more or less, to the terminus, total distance being 4,800 feet (0.91 miles), more or less.

Petitioner herein, Consolidation Coal Company, Central Division, state 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 10th day of September, A. D. 1975

PETITIONERS' NAMES	TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE
Consolidation Coal Co.- Central Division By Elmer E. Loper Agent David Merritt Kenneth A. Eddy Earl Stephens	Kirkwood Township Kirkwood Township Kirkwood Township Kirkwood Township

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

IMP. No. 766

IN THE MATTER OF THE

Vacating of all of T-171 in

Kirkwood Township

Public Road.

Petitioned for by Elmer E. 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 10th day of September, 1975, at the office of The Commissioners

with the following members present:

C. A. Linch

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 Vacate all of T-171 in

Kirkwood Township a Public Road as described therein; therefore, be it

RESOLVED, That the 8th day of October, 1975, 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 20th day of October, 1975, 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 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. Linch seconded the Resolution and the roll being called upon its adoption, the vote

resulted as follows:

Mr. Linch _____, YES

Mr. Giffen _____, YES

Mr. _____, _____

Adopted the 10th day of September, 1975

Maru Kanaka

RESOLUTION—UPON VIEW OF PROPOSED IMPROVEMENT

ORDER TO COUNTY ENGINEER

IMP. No. 766

IN THE MATTER OF THE

Vacating of all of T-171 in
Kirkwood Township
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 October, 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:

WHEREAS, On the 8th day of October, 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 20th day of October, 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. Linch

YES

Adopted the 15th day of October, 1975

Marg Kapolka

REPORT OF COUNTY ENGINEER

IMP. No. 766

IN THE MATTER OF THE

County Engineer's Office,

Belmont County, Ohio

Vacating of all of T-171

Public Road.

In Kirkwood Township

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

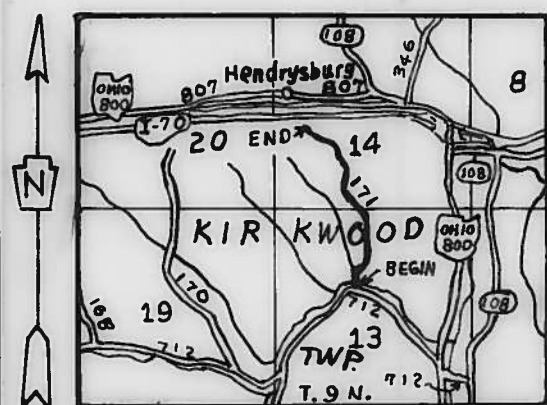
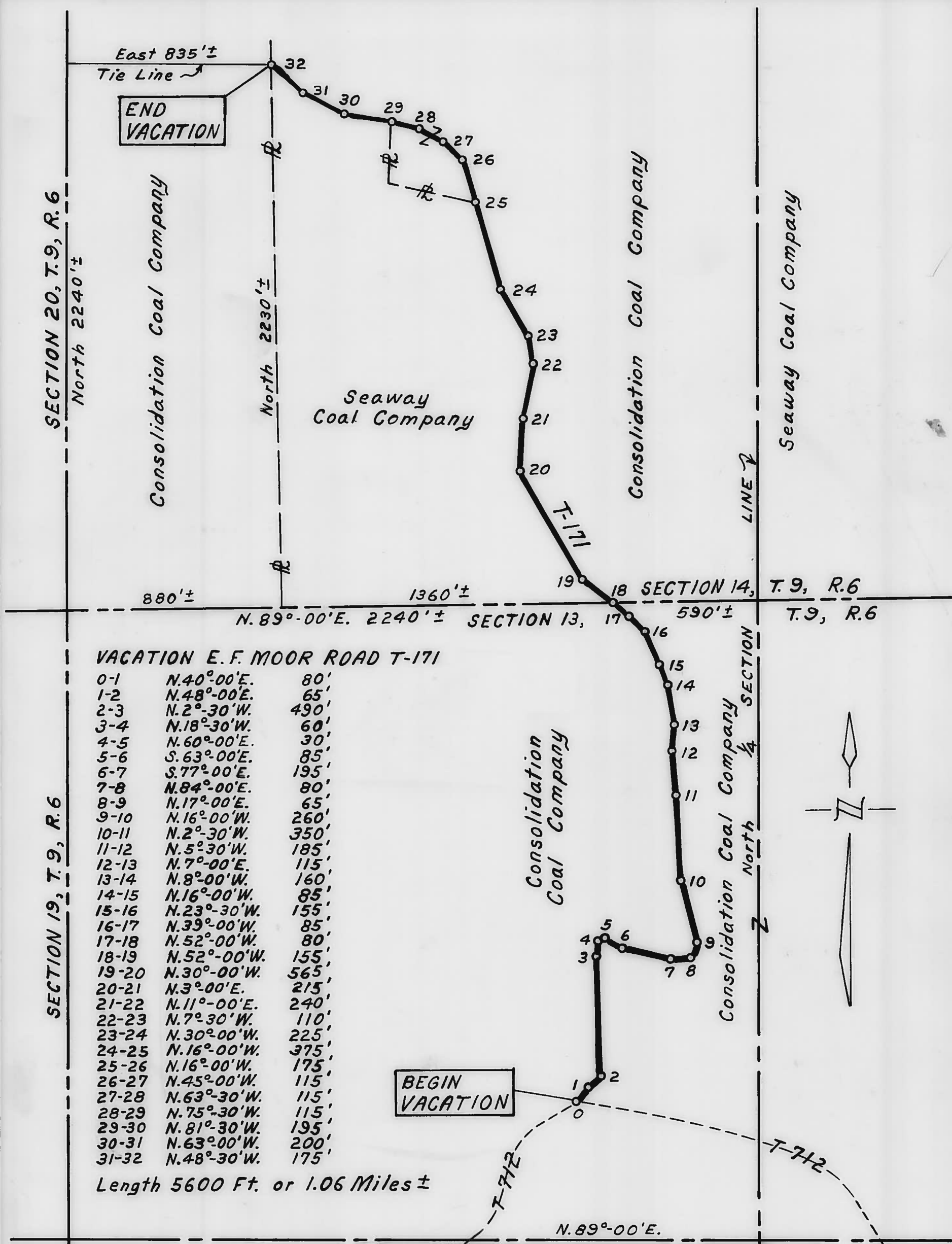
The undersigned in obedience to your order dated October 15, 1975, proceeded on the 16th day of October, 1975, to make an accurate survey and plat of the Public Road proposed to be improved, and respectfully submits the following report:

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 attached Plat

[Signature]



LOCATION MAP
Scale in Miles

APPROVED BY

Co. Engineer [Signature]

Co. Comm. [Signature]

Co. Comm. [Signature]

Co. Comm. [Signature]

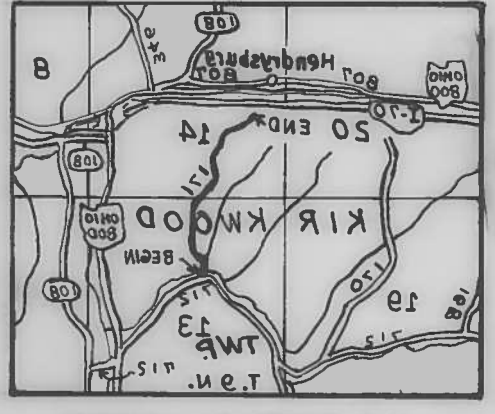
This 20th day Oct. 1975

Aerial Photo 2983-4-122

IMP. No. 766
VACATION OHIO REVISED CODE 5553
VACATION OF THE E. F. MOOR ROAD T-171
(Petitioned by Consolidation Coal Co. - Elmer F. Loper Agent)

VACATION OF THE E. F. MOOR ROAD T-171

VACATION OHIO REVISED CODE 2523
IMR No. 266



Aerial Photo 583-4-155
This Survey 1972
Co. Comm. _____
Co. Comm. _____
Co. Comm. _____
Co. Engineer _____
APPROVED BY _____

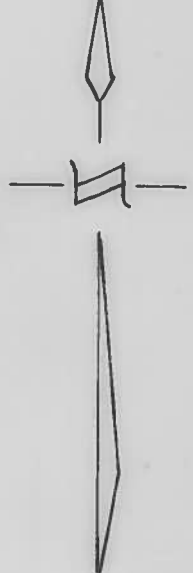
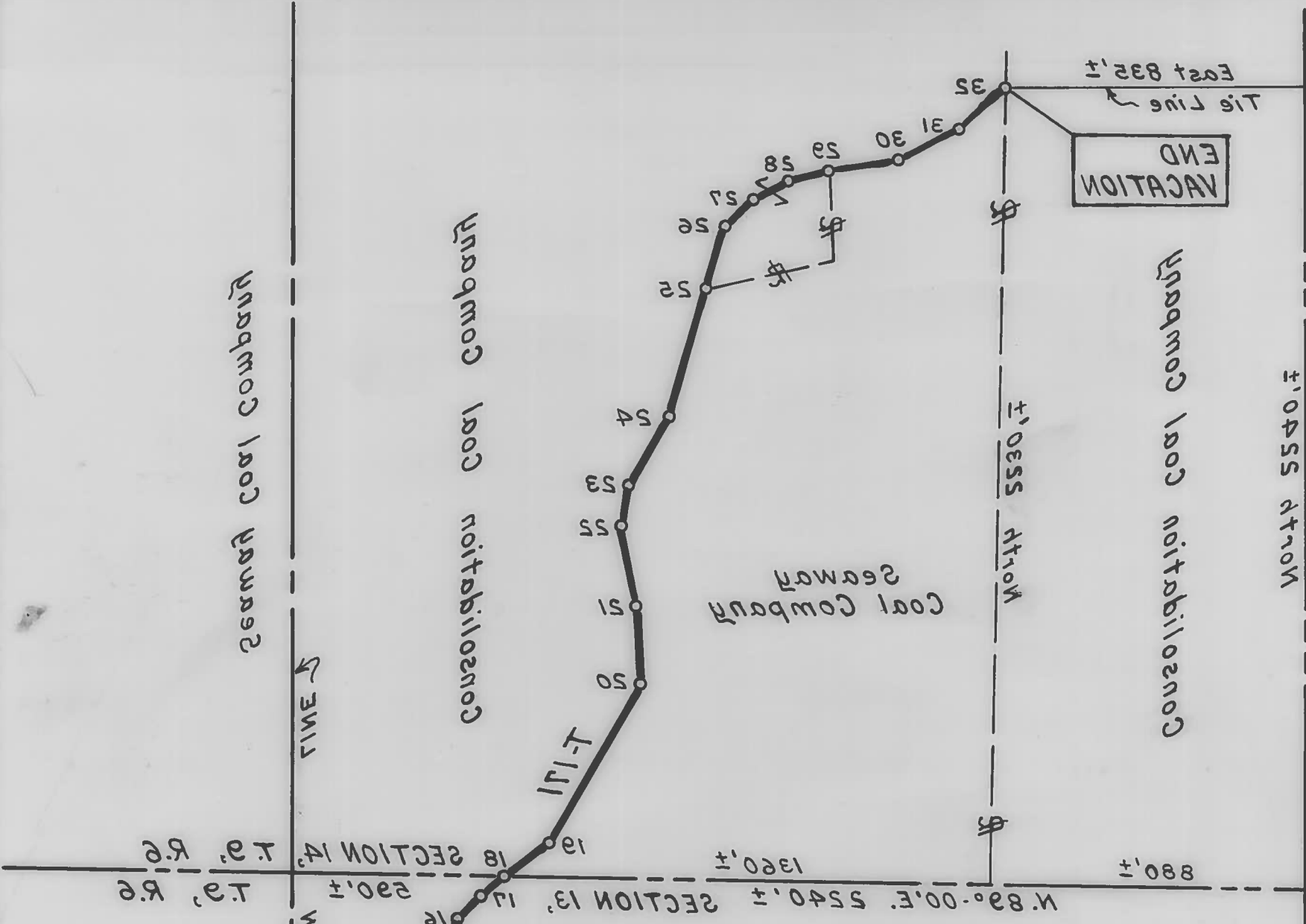
VACATION
BEGIN

Length 2500 Ft. or 1.06 Miles ±

31-35	N. 48°-30' M.	125
30-31	N. 63°-00' M.	500
29-30	N. 81°-30' M.	192
28-29	N. 75°-30' M.	112
27-28	N. 63°-30' M.	112
26-27	N. 42°-00' M.	112
25-26	N. 16°-00' M.	125
24-25	N. 16°-00' M.	325
23-24	N. 30°-00' M.	552
22-23	N. 20°-30' M.	110
21-22	N. 11°-00' E.	540
20-21	N. 3°-00' E.	262
19-20	N. 30°-00' M.	152
18-19	N. 25°-00' M.	80
17-18	N. 25°-00' M.	82
16-17	N. 33°-00' M.	125
15-16	N. 23°-30' M.	125
14-15	N. 16°-00' M.	160
13-14	N. 8°-00' M.	112
12-13	N. 2°-00' E.	112
11-12	N. 2°-30' M.	182
10-11	N. 5°-30' M.	320
9-10	N. 16°-00' M.	560
8-9	N. 12°-00' E.	92
7-8	N. 84°-00' E.	80
6-7	N. 22°-00' E.	132
5-6	N. 23°-00' E.	82
4-5	N. 60°-00' E.	30
3-4	N. 18°-30' M.	90
2-3	N. 5°-30' M.	430
1-2	N. 48°-00' E.	92
0-1	N. 40°-00' E.	80

SECTION 20

SECTION 21



**RESOLUTION—GRANTING PROPOSED IMPROVEMENT
ORDERING RECORD, ETC.
IMP. No. 766**

IN THE MATTER OF THE

Vacating of All of T-171

Public Road.

in Kirkwood Township

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

A. J. Sargus

J. F. Giffen

C. A. Linch

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 description 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 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]

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

[REDACTED]

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. Linch 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 20th day of October, 1975

Mary Kapolka
Clerk Board of County Commissioners

RESOLUTION—ORDER TO Close ROAD

Sec. 5563.01 R.C.

(Open or Close)

IMP. No. 766

IN THE MATTER OF THE

Vacating of all of T-171

Public Road.

Kirkwood Township

Office of County Commissioners,

Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, metin Special session on the 12th day of November, 1975,
(Regular or Special)at the office of the Commissioners with the following members present:A. J. SargusC. A. LinchJ. F. GiffenMr. 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 matter 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 Vacatedas order heretofore, made on our journal of the date of November 12, 1975,and a copy of this resolution be forwarded to the Kirkwood Township Trustees.Mr. Giffen seconded the Resolution and the roll being called upon its adoption the vote

resulted as follows:

Mr. Sargus YESMr. Giffen YESMr. Linch YESAdopted the 12th day of November, 1975Marg Kapolka

Clerk, Board of County Commissioners.

Belmont

County, Ohio