

VOID

PUBLIC ROAD PETITION

1 MP. 838

ST. CLAIRSVILLE

Ohio,

JULY 23

1980

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

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 VACATION of STEWART DRIVE a Public Road on the line hereinafter described, and make application to you to institute and order proper proceedings in the premises, for VACATION OF 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

SITUATE IN THE TOWNSHIP OF RICHLAND, COUNTY OF BELMONT STATE OF OHIO, SECTION 28, TOWNSHIP 6 RANGE 3

BEGINNING AT THE NORTHWEST CORNER OF LOT #6 OF GRANDVIEW HEIGHTS AS SHOWN ON THE PLAT OF SAME RECORDED AT VOL. 11 PAGE 41, BELMONT COUNTY RECORD OF PLATS, THENCE GENERALLY SOUTH TO THE SOUTHWEST CORNER OF LOT #11 OF SAID SUBDIVISION WITH SAID STEWART DRIVE; THENCE WEST ACROSS STEWART DRIVE TO A POINT ON THE WEST BOUNDARY OF SAID STEWART DRIVE, OPPOSITE THE SOUTH BOUNDARY LINE OF SAID LOT #11; THENCE NORTH WITH THE WEST SIDE OF STEWART DRIVE TO A POINT OPPOSITE THE NORTH BOUNDARY OF SAID LOT #6; THENCE EAST ACROSS STEWART DRIVE TO THE PLACE OF BEGINNING.

Dated this 23rd day of JULY, A. D. 1980

PETITIONERS' NAMES	TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE
THOMAS R. STEWART	RICHLAND TWP.
EMANUEL MEHALLIS	RICHLAND TWP. ST. CLAIRSVILLE, OHIO
EVA. B. MEHALLIS	RICHLAND TWP. ST. CLAIRSVILLE, OHIO
HELEN KNIGHT	FLUSHING, OHIO
GOLDIE BETHEL	FLUSHING, OHIO
BETTY COPPER	RICHLAND TWP.
NICK KUSIE	ST. CLAIRSVILLE, OHIO
CHESTER CLINE	RICHLAND TWP.
HOWARD BRISTER	MORRISTOWN, UNION TWP.
LYNDA WRIGHT	ST. CLAIRSVILLE, OHIO
GEORGE J. HOLLER JR.	ST. CLAIRSVILLE, OHIO
MEHALLIS	ST. CLAIRSVILLE, OHIO
ROBERT YOBLIANSKI	RICHLAND TWP.
WILLIAM A. MCGILTON	ST. CLAIRSVILLE, OHIO
ROBERT F. BIZZAIARÉ	PULTNEY TWP.
ROBERT M. FURHA	FAIRPOINT, OHIO WHEELING TWP.
EUGENE THATCHER	ST. CLAIRSVILLE, OHIO
PHILIP DIAB	RT. #1 BELMONT, OHIO

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

IMP. 838

IN THE MATTER OF THE

VACATION OF STEWART DRIVE

Office of County Commissioners,

Belmont County, Ohio

Public Road.

Petitioned for by HOME PRO ENTERPRISES INC

, and others.

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

on the 4TH day of AUGUST, 1980, at the office of THE COMMISSIONERS

with the following members present:

R. E. OLE XO

G. A. 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 presented to this Board of County Commissioners requesting said Board to VACATE

STEWART DRIVE a Public Road as described therein; therefore, be it

RESOLVED, That the 27TH day of AUGUST, 1980, at 1:30 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 3RD day of SEPTEMBER, 1980, at 10:00 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. OLE XO seconded the Resolution and the roll being called upon its adoption, the vote

resulted as follows:

Mr. OLE XO, YES

Mr. LINCH, YES

Mr. _____

Adopted the 4TH day of AUGUST, 1980.

RESOLUTION—UPON VIEW OF PROPOSED IMPROVEMENT

ORDER TO COUNTY ENGINEER

IMP. 838

IN THE MATTER OF THE

VACATION OF STEWART DRIVE

RIGHLAND TOWNSHIP

Public Road.

Office of County Commissioners,

Belmont County, Ohio

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

on the 27TH day of AUGUST, 1980, at the office of THE COMMISSIONERS

with the following members present:

R. E. OLEXO

C. A. LINCH

A. J. SARGUS

Mr. SARGUS moved the adoption of the following Resolution:

WHEREAS, On the 27TH day of AUGUST, 1980, 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 3RD day of SEPTEMBER, 1980, 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. LINCH seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

Mr. OLEXO YES

Mr. LINCH YES

Mr. SARGUS YES

Adopted the 27TH day of AUGUST, 1980

MARY KAPOLKA, CLERK

274

VOID

REPORT OF COUNTY ENGINEER

IMP. 838

IN THE MATTER OF THE

VACATION OF STEWART DRIVE

RICHLAND TOWNSHIP

Public Road.

County Engineer's Office,

Belmont County, Ohio

SEPT. 3

1980

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

The undersigned in obedience to your order dated AUGUST 27, 1980, proceeded on the 28TH day of AUGUST, 1980, 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.

[REDACTED]

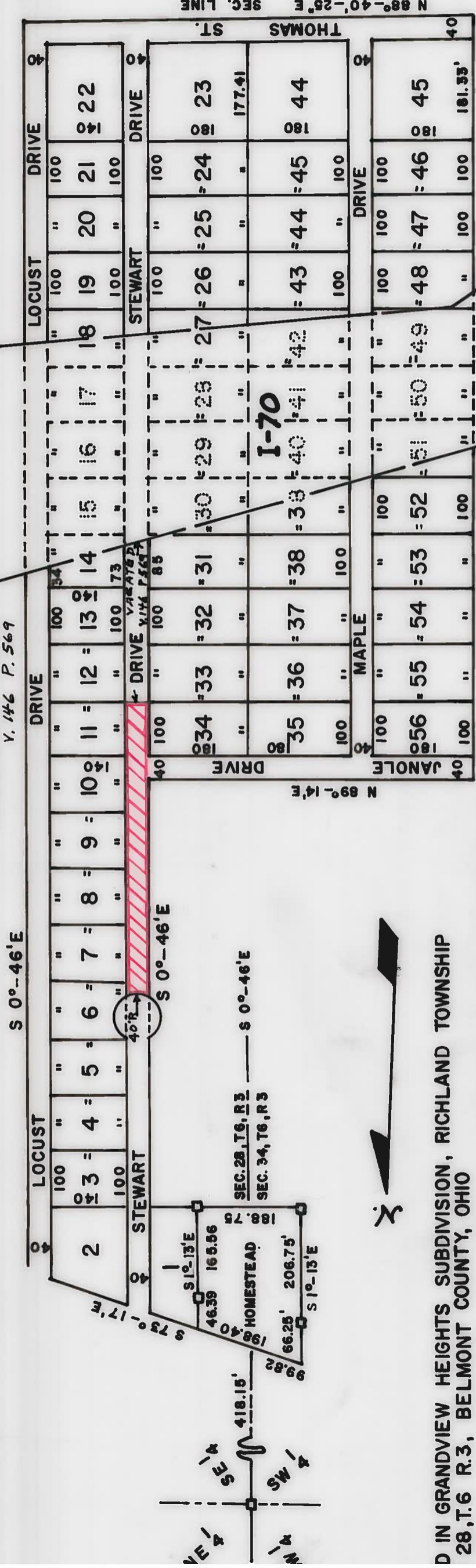
An accurate and detailed description of the proposed improvement describing therein the center line and right of way lines follows:

"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:

THE BEGINNING OF SAID VACATION SHALL BEGIN 80 FEET SOUTH OF THE NORTHWEST CORNER OF LOT No. SIX (6) OF GRANDVIEW HEIGHTS, THENCE PROCEED SOUTHERLY TO THE SOUTHWEST CORNER OF LOT No 11. ALSO AN ADDITIONAL 40' FT OF RIGHT-OF-WAY EASEMENT SHALL BE PROVIDED FOR THE CONSTRUCTION OF A CUL-DE-SAC IN THIS 80 FOOT AREA.

[Signature]



IN GRANDVIEW HEIGHTS SUBDIVISION, RICHLAND TOWNSHIP
28, T.6 R.3, BELMONT COUNTY, OHIO

DRIVE: BEGINNING AT THE NORTHWEST CORNER OF LOT 6 OF GRANDVIEW
AS SHOWN IN PLAT BOOK 11 PG. 41 CAB. C SLIDE 42 BELMONT COUNTY
OF PLATS. THENCE GENERALLY SOUTH TO THE SOUTHWEST CORNER OF
11 OF SAID SUBDIVISION WITH SAID STEWART DRIVE; THENCE WEST ACROSS
R DRIVE TO A POINT ON THE WEST BOUNDARY OF SAID STEWART DRIVE
E THE SOUTH BOUNDARY LINE OF SAID LOT NO. 11 THENCE NORTH WITH
ST SIDE OF STEWART DRIVE TO A POINT OPPOSITE THE NORTH BOUNDARY
LOT NO. 6 THENCE EAST ACROSS STEWART DRIVE TO THE PLACE OF
ING. CONTAINING 0.477 AC.

S 0°-46'E

NOTE

THE BEGINNING OF SAID VACATION SHALL BEGIN
80 FT. SOUTH OF THE NORTHWEST CORNER OF LOT
NO. SIX (6) OF GRANDVIEW HEIGHTS, THENCE PROCEED
SOUTHERLY TO THE SOUTHWEST CORNER OF LOT NO. 11

ALSO AN ADDITIONAL FOURTY (40') FT. OF RIGHT-OF WAY
EASEMENT SHALL BE PROVIDED FOR THE CONSTRUCTION
OF A CUL-DE-SAC IN THIS 80 FT. AREA



DEDICATION OF A 80' ft. TURNAROUND

8

PETITION NO. 838
(VACATED IN ACCORDANCE WITH OHIO REVISED CODE SECTION 5553.042)

**VACATION OF A PART OF STEWART DRIVE
GRANDVIEW HEIGHTS SUBDIVISION**

AS RECORDED IN BELMONT COUNTY RECORD OF PLATS CAB. C SLIDE 42
PETITIONED BY HOME PRO ENTERPRISE INC.

RICHLAND TWP. SEC. 28, T.6, R.3
BELMONT COUNTY, OHIO

COUNTY ENGINEER

FRED F. BENNETT

OCTOBER

1980

VACATED



APPROVED BY

Engineer _____
Comm. _____
Comm. _____
Comm. _____
day of October 1980

1010

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF PHYSICS

MEMORANDUM FOR THE RECORD

Subject: [Illegible text]
Reference is made to the report of [Illegible text] dated [Illegible text].
The results of the experiment are summarized in the following table:
[Illegible table data]
The above results are in good agreement with the theoretical predictions of [Illegible text].
It is concluded that [Illegible text].

Very truly yours,
[Illegible Signature]
[Illegible Title]

RECEIVED
[Illegible Date]

The following information is being furnished to you for your information:
[Illegible text]

Very truly yours,
[Illegible Signature]

Imp. 838

In the matter of voiding vacation proceedings on Stewart Drive, Richland Township, Township Road No. 1328 Section 28, Township 6, Range 3.

AFFIDAVIT OF COUNTY ENGINEER

Whereas in July, 1980 there was filed with the Board of County Commissioners a petition for vacation of a portion of Stewart Drive in Grandview Heights Subdivision in Richland Township, Section 28 and 34, Township 6, Range 3, which was designated as Improvement Number 838 and the view was had on August 27, 1980 and the hearing held on September 3, and

Whereas, in said proceedings a condition was placed upon said vacation stipulating as follows:

"that this vacation shall be consummated upon the dedication and construction of aforementioned cul-de-sac, the construction to be to the satisfaction of the County Engineer and to be completed within 90 days of the date hereof October 20, 1980."

Now therefore, I Fredrick F. Bennett, Belmont County Engineer do hereby state that the conditions stipulated for the vacation to be consummated were not complied with and said vacation is null and void.

Further I sayeth not.

Feb. 8, 1982

Fredrick F. Bennett
FREDRICK F. BENNETT, P. E.
BELMONT COUNTY ENGINEER

STATE OF OHIO)
BELMONT COUNTY) SS

Before me a Notary Public on this 8th day of February, 1982 appeared Fred F. Bennett, the Belmont County Engineer and swore before me that his affidavit is true to the best of his knowledge and belief.

Andie K. [Signature]
NOTARY PUBLIC

My Commission Expires 8-20-86

RESOLUTION—GRANTING PROPOSED IMPROVEMENT ORDERING RECORD, ETC.

IMP. 838

IN THE MATTER OF THE VACATION OF STEWART DRIVE RICHLAND TWP. Public Road.

Office of County Commissioners, Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in REGULAR session on the 8TH day of OCTOBER, 1980, at the office of THE COMMISSIONERS with the following members present:

R. E. OLEXO

C. A. LINCH

A. J. SARGUS

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 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

[REDACTED SECTION]

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 be it further

RESOLVED and determined to proceed with said improvement and the same is hereby granted 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;

THE BEGINNING OF SAID VACATION SHALL BEGIN 80 FEET SOUTH OF THE NORTHWEST CORNER OF LOT NO. SIX OF GRANDVIEW HEIGHTS, THENCE PROCEED SOUTHERLY TO THE SOUTHWEST CORNER OF LOT NO 11. ALSO AN ADDITIONAL FOURTY (40) FEET OF RIGHT-OF-WAY EASEMENT SHALL BE PROVIDED FOR THE CONSTRUCTION OF A CUL-DE-SAC IN THIS 80' FOOT AREA

RESOLVED: THAT THIS VACATION SHALL BE CONSUMATED UPON THE DEDICATION & CONSTRUCTION OF A FOREMENTIONED CUL-DE-SAC, THE CONSTRUCTION TO BE TO THE SATISFACTION OF THE COUNTY ENGINEER & TO BE COMPLETED WITHIN 90 DAYS OF THE DATE HERE OF,

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 proceed to acquire the necessary right-of-way in accordance with Sections 163.01 to 163.32 inclusive, of the Revised Code.

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

Mr. OLEXO YES

Mr. LINCH YES

Mr. SARGUS YES

Adopted the 8TH day of OCTOBER, 1980

MARY KAPOLKA, CLERK

RESOLUTION—ORDER TO ~~CLOSE~~ ^{CLOSE} ROAD
Sec. 5563.01 R.C.

1 MP. 838

IN THE MATTER OF THE

VACATION OF STEWART DRIVE
RICHLAND TWP
Public Road.

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, 1980,
(Regular ~~Special~~)

at the office of THE COMMISSIONERS with the following members present:

R. E. OLEXO

C. A. LINCH

A. J. SARGUS

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 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 VACATED

as order heretofore, made on our journal of the date of OCTOBER 20TH, 1980,

and a copy of this resolution be forwarded to the RICHLAND Township Trustees.

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

resulted as follows:

Mr. OLEXO, YES

Mr. LINCH, YES

Mr. SARGUS, YES

Adopted the 20TH day of OCTOBER, 1980

ASSIST CLERK
PATRICA BITTENGLE
~~Signature~~
Clerk, Board of County Commissioners.

BELMONT County, Ohio