

PUBLIC ROAD PETITION

St. Clairsville, Ohio, June 16, 1982

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 an alley in Montgomery Heights a Public Road on the line hereinafter described, and make application to you to institute and order proper proceedings in the premises, for vacation 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

Beginning at the southwest corner of Lot 43 on the Second Plat Montgomery Heights in Wheeling Township, Section 7, Township 8, and Range 4 and recorded in Plat Book 5, Page 9; thence east 136 feet to the southeast corner of Lot 43; thence south 16 feet to the northeast corner of Lot 46; thence west 150 feet to the northwest corner of Lot 44; thence north 516 feet to a stone on the quarter section line; thence east 14 feet to the northwest corner of Lot 34b; thence south 500 feet to the place of beginning.

Dated this day of, A. D. 19

Table with 2 columns: PETITIONERS' NAMES and TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE. Contains handwritten names and 'Wheeling Twp' entries.

300

IMP. NO. 867

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

IN THE MATTER OF THE

Vacation of Alley in
Montgomery Heights, Wheeling Township
Public Road.

Office of County Commissioners,
Belmont County, Ohio

Petitioned for by John Mick
....., and others.

The Board of County Commissioners of Belmont County, Ohio, met in Regular session
on the 26TH day of July, 1982, at the office of the Commissioners
with the following members present:

A.S. Sargus

R.E. Olexo

C.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 Alley in Montgomery Heights a Public Road as described therein; therefore, be it

RESOLVED, That the 18TH day of August, 1982, 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 23RD day of August, 1982, 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. Olexo seconded the Resolution and the roll being called upon its adoption, the vote

resulted as follows:

Mr. Linch, Yes

Mr. Olexo, Yes

Mr. Sargus, Yes

Adopted the 26TH day of July, 1982

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RESOLUTION—UPON VIEW OF PROPOSED IMPROVEMENT
ORDER TO COUNTY ENGINEER

IN THE MATTER OF THE
Vacation of an Alley in
Montgomery Heights, Wheeling 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 ~~21st~~ 18th day of August, 1982, at the office of The Commissioners
with the following members present:

A.S. Sargus
R.E. Olexo
C.A. Linch

Mr. Linch moved the adoption of the following Resolution:

WHEREAS, On the 18th day of August, 1982, 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 23rd
day of August, 1982, 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. Olexo seconded the Resolution and the roll being called upon its adoption, the vote
resulted as follows:

Mr. Linch Yes
Mr. Olexo Yes
Mr. Sargus Yes

Adopted the 18th day of August, 1982

Mary Kapolka

REPORT OF COUNTY ENGINEER

IN THE MATTER OF THE

Vacation of an alley in
Montgomery Heights, Wheeling Township
Public Road.

County Engineer's Office,

Belmont County, Ohio

August 23, 1982

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

The undersigned in obedience to your order dated August 18, 1982, proceeded on the 19th day of August, 1982, 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.

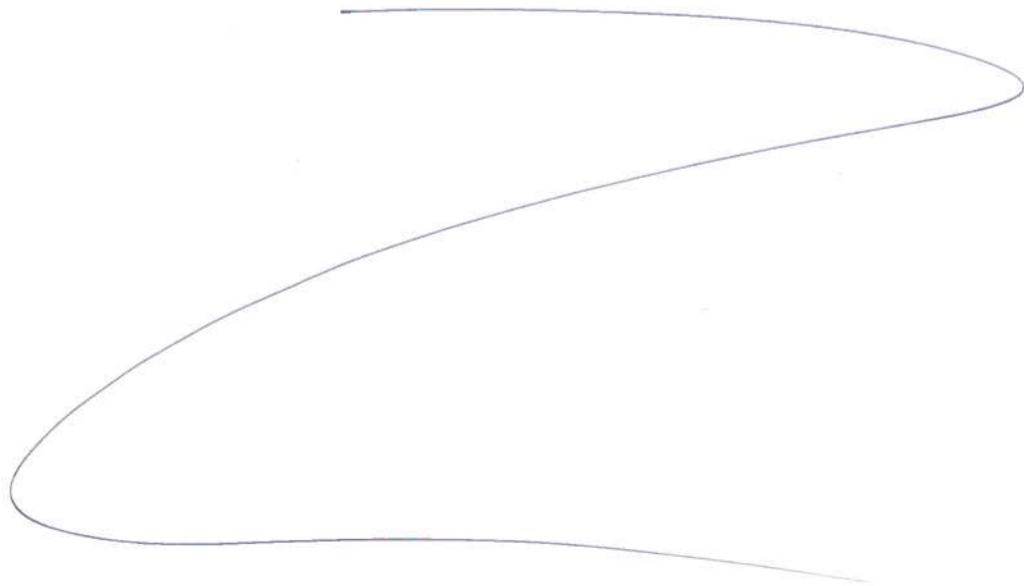
~~The width to which said improvement should be opened is _____ feet.~~

An accurate survey and plat, and an accurate and detailed description of each tract of land which the undersigned County Engineer believes will be necessary to be taken in the event the proposed improvement be made, together with the name of each owner, accompany this report and are made a part hereof.

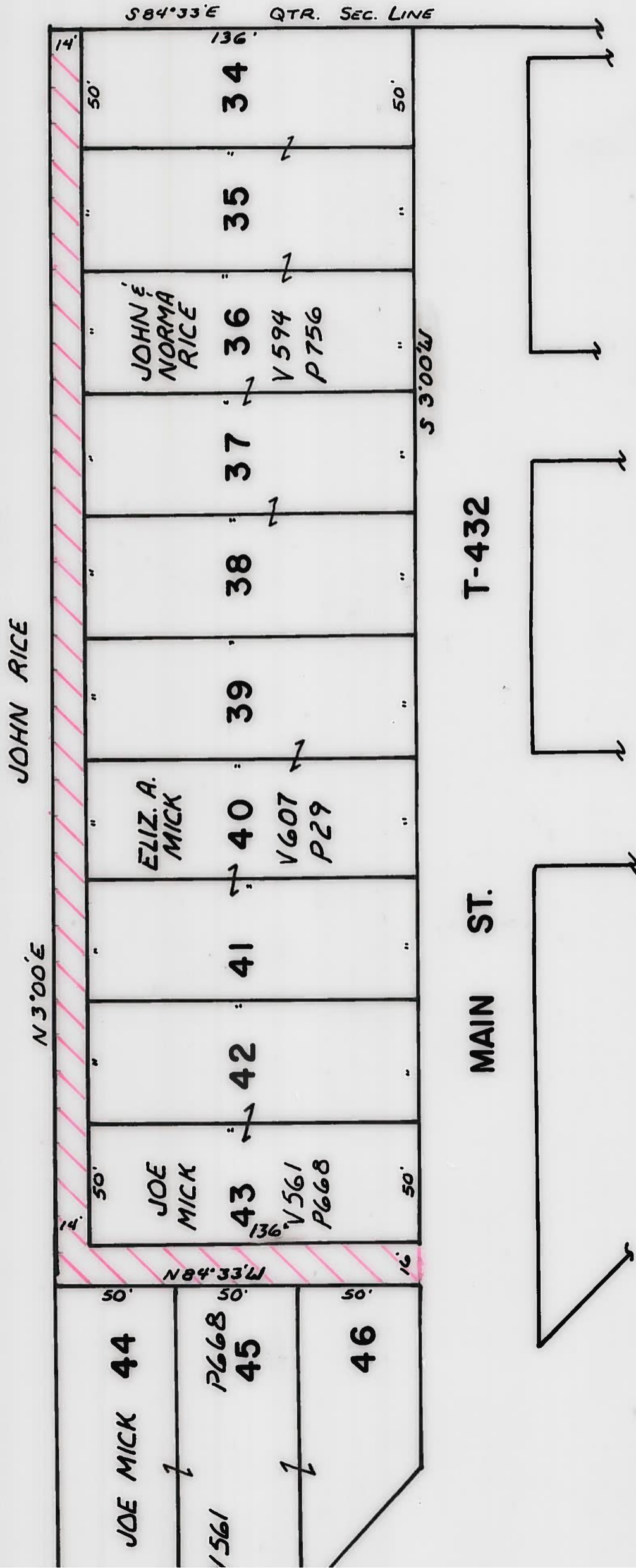
An accurate and detailed description of the proposed improvement describing therein the center line and right of way lines follows:

" 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:



Paul J. ...



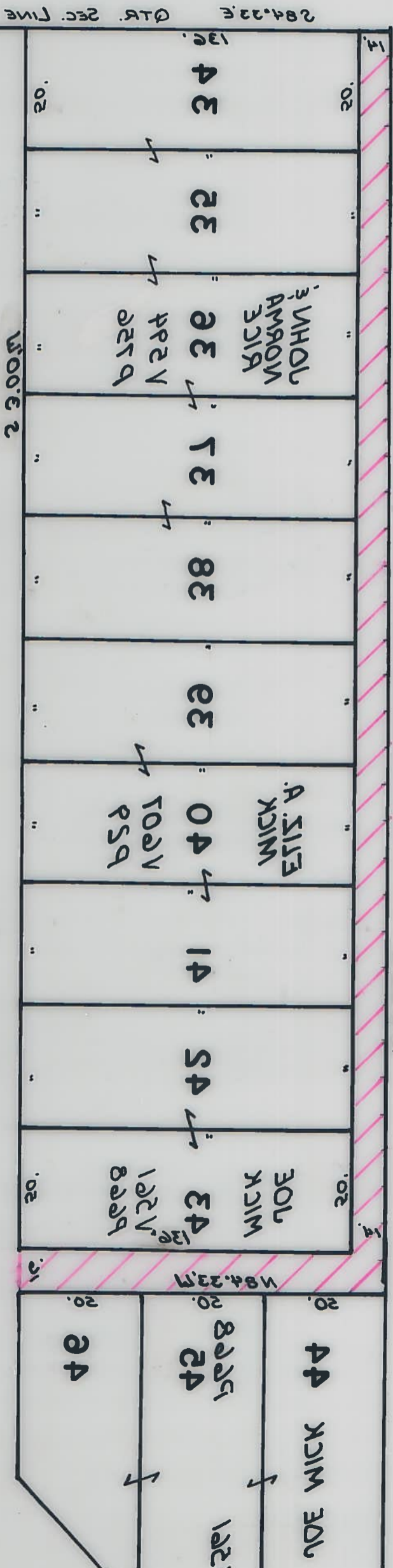
IMP. NO. 867
 OHIO REVISED CODE NO. 5553
**VACATION OF AN ALLEY IN
 MONTGOMERY HEIGHTS IN
 WHEELING TOWNSHIP**
 RECORDED IN CAB. B SLIDE 182 337
 WHG. TWP. SEC. 7, T8, R4
 BELMONT COUNTY, OHIO

FRED F. BENNETT COUNTY ENGINEER
 SCALE 0 50 100 150

DESCRIPTION:
 BEGINNING AT THE SOUTHWEST CORNER OF LOT 43 ON THE 2ND MONTGOMERY HEIGHTS IN WHEELING TWP., SECTION 7, TWP. 8, RANGE 4 AND RECORDED IN CAB. B SLIDE 182 337, THENCE EAST 136' TO THE SOUTHEAST CORNER OF LOT 43; THENCE SOUTH 16' TO THE NORTHEAST CORNER OF LOT 46; THENCE WEST 150' TO THE NORTHWEST CORNER OF LOT 44; THENCE NORTH 516' TO THE ONE ON THE QTR. SEC. LINE; THENCE EAST 14' TO THE NORTHWEST CORNER OF LOT 34-B; THENCE SOUTH 500' TO THE PLACE OF BEGINNING.

VACATION

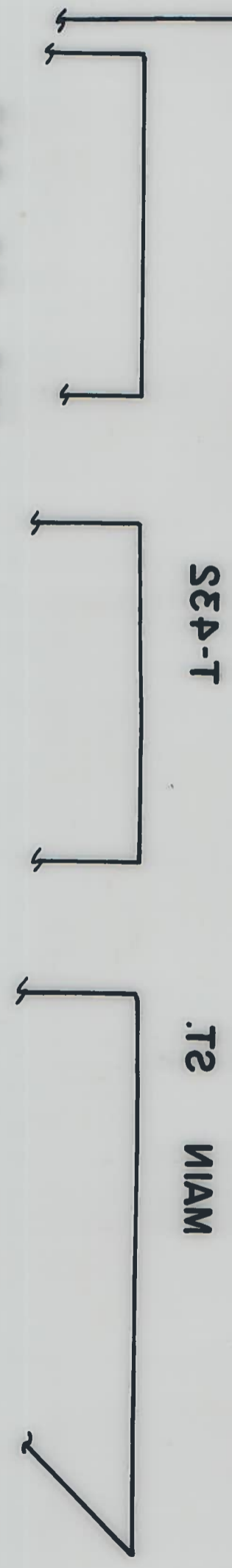
APPROVED BY
 NEER
 M.
 M.
 M.
 day August 1982



284.22.E
284.23.E

200' E.V.

200' E.V.



788 . 01 . 9M1

OHIO REVISED CODE NO 2222

RECORDED IN CAV. B. SLIDE
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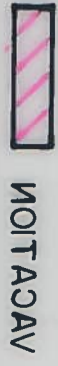


SCALE

FRED F. VEINIELE

CONTRA ENGINEER

APPROVED BY



NOTARIAL

BEING THE FIRST CORNER OF THE SOUTHWEST CORNER OF LOT 23 ON THE SD...
 BEING THE FIRST CORNER OF THE NORTHWEST CORNER OF LOT 23 ON THE SD...
 BEING THE FIRST CORNER OF THE NORTHWEST CORNER OF LOT 23 ON THE SD...
 BEING THE FIRST CORNER OF THE NORTHWEST CORNER OF LOT 23 ON THE SD...

APPROVED BY: _____
 DATE: _____
 NOTARIAL: _____
 284.22.E
 284.23.E

**RESOLUTION—GRANTING PROPOSED IMPROVEMENT
ORDERING RECORD, ETC.**

IN THE MATTER OF THE
*Vacation of an Alley in
Montgomery Heights, Wheeling 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 *23RD* day of *August*, 19*82*, at the office of *the Commissioners*
with the following members present:

A.J. Sargus
R.E. Olexo
C.A. Linch

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 ~~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. On failure of such benefited landowners to pay such compensation and damages as may be adjudged against them by the day of 19 it is hereby determined that said proposed improvement be abandoned. It is further ordered that there be included in this order and made a part hereof the accompanying schedule setting forth the names of such benefited landowners, a pertinent description of such land and a statement of the amount of such compensation and damages to be paid by the owner, or owners, of each parcel of such land; 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, and the balance, if any, be paid out of the County Treasury, it being the opinion of this Board of County Commissioners that the improvement is not of sufficient importance to cause all compensation and damages to be paid from the County Treasury. On failure of such benefited landowners to pay such compensation and damages as may be adjudged against them by the day of 19 it is hereby determined that said proposed improvement be abandoned. It is further ordered that there be included in this order and made a part hereof the accompanying schedule setting forth the names of such benefited landowners, a pertinent description of such land and a statement of the amount of such compensation and damages to be paid by the owner, or owners, of each parcel of such land; 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*
~~feet in width, and be it further~~

~~RESOLVED and determined to proceed with said improvement and the same is hereby granted and said road is ordered feet in width, 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;~~

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; ~~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. ~~Ollexo~~ *Olexo* seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Mr. *Linch*
Mr. *Olexo*
Mr. *Sargus*

Adopted the *23RD* day of *August*, 19*82*
Mary Kapolka
Clerk Board of County Commissioners

RESOLUTION—ORDER TO CLOSE ROAD
Sec. 5563.01 R.C. (Open or Close)

IN THE MATTER OF THE
VACATION OF AN ALLEY IN
MONTGOMERY HEIGHTS
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 September, 19 82,
(Regular or Special)

at the office of the Commissioners with the following members present:

- A. J. Sargus
- R. E. Olexo
- 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 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 August 23TH, 19 82,

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

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

resulted as follows:

- Mr. Linch, Yes
- Mr. Olexo, Yes
- Mr. Sargus, Yes

Adopted the 8TH day of September, 19 82

Mary Kapolka
Clerk, Board of County Commissioners.

Belmont County, Ohio