

PUBLIC ROAD PETITION

Belmont County, Ohio, Sept. 6, 1989

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 temporary closing of County Rd 10 (Black Oak Rd) a Public Road on the line hereinafter described, and make application to you to institute and order proper proceedings in the premises, for temporary closing 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 following is the general route and termini of said road:

Beginning at Approximately 1000' Southeast of the intersection of County Road #10 and Wheeling Township Road #375; thence in a Southeasterly direction 300 feet;

Location: Section 12, Township 8N, Range 5W, Union Township, Belmont County, Ohio.

Dated this day of A. D. 19

Table with 2 columns: PETITIONERS' NAMES and TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE. Rows include Lafferty Coal Mining Co. and Bannock Coal Co., both with Union Local School District as the taxing district.

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

IN THE MATTER OF THE

Office of County Commissioners, Belmont County, Ohio

Temporary closing of a part of Cty. Hwy. 10 (Black Oak Rd) Public Road.

Petitioned for by Lafferty Coal Mining Co., and others.

The Board of County Commissioners of Belmont County, Ohio, met in regular session on the 14th day of August, 1989, at the office of the commissioners with the following members present:

- Members present: P. E. Oreyo, J. J. Malik, and Jim Hepe

Mr. Hepe 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 Temporary closing of a part of Co Hwy. 10 (Black Oak Rd) a Public Road as described therein; therefore, be it

RESOLVED, That the 30th day of August, 1989, 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 6th day of Sept., 1989, 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 s/he 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. Malik seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

- Mr. Hepe, Yes
Mr. Malik, Yes
Mr. Oreyo, Yes

Adopted the 14th day of August, 1989.

RESOLUTION — UPON VIEW OF PROPOSED IMPROVEMENT  
ORDER TO COUNTY ENGINEER

IN THE MATTER OF THE  
Temporary closing of a part of Co.  
Rd. 10 (Black Oak Rd.)  
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 August, 1989, at the office of the Commissioners  
with the following members present:

RE Oeyo  
J. J. Masik Jr.  
Lin Hapa

Mr. Hapa moved the adoption of the following Resolution:

WHEREAS, On the 30th day of August, 1989, 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 6th  
day of September, 1989, 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. Masik seconded the Resolution and the roll being called upon its adoption, the vote  
resulted as follows:

Mr. Hapa, Yes  
Mr. Masik, Yes  
Mr. Oeyo, Yes

Adopted the 30th day of August, 1989.

Mary Kapoaka  
Clerk, Board of County Commissioners,

REPORT OF COUNTY ENGINEER

IN THE MATTER OF THE

County Engineer's Office,  
Belmont County, Ohio

Temporary closing of a part of Co.  
Hwy. # 10 (Black Oak Rd)  
Public Road

Sept. 6, 1989

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

The undersigned in obedience to your order dated August 30, 1989, proceeded on the 31st day of August, 1989, 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.

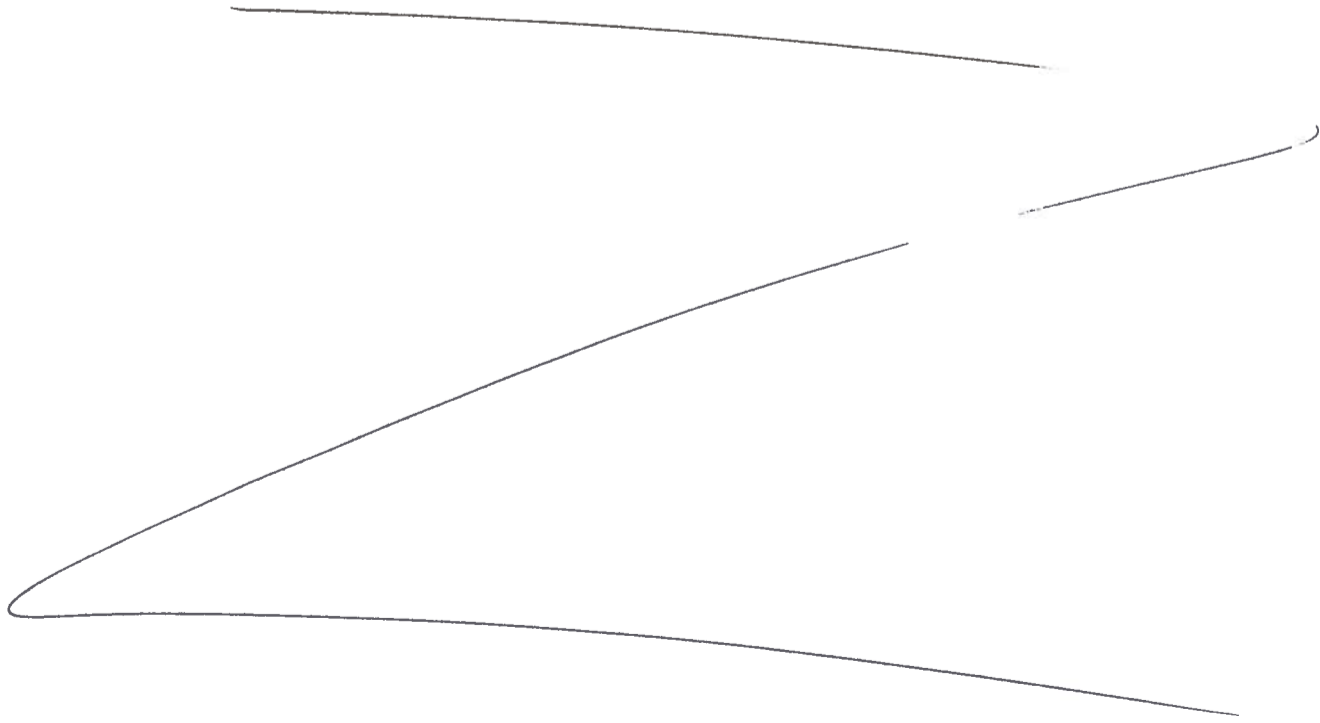
The width to which said improvement should be opened is feet.

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:

"No attached plat required"

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:



RESOLUTION — GRANTING PROPOSED IMPROVEMENT ORDERING RECORD, ETC.

Office of County Commissioners, Belmont County, Ohio

IN THE MATTER OF THE Temporary closing of a part of Co. Rd. 10 (Black Oak Rd.) Public Road

The Board of County Commissioners of Belmont County, Ohio, met in regular session on the 6th day of September, 1989, at the office of the Commissioners with the following members present:

J. J. Masik, W. Jim Depo

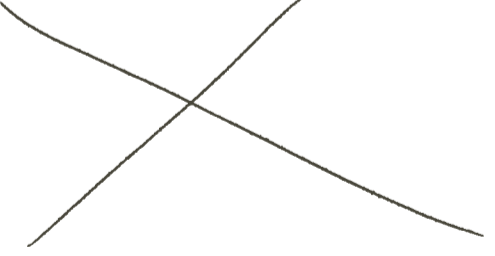
Mr. Depo moved the adoption of the following Resolution: WHEREAS, This day this matter came on to be heard on the report, survey, plat and detailed and accurate description as filed by the County Engineer, and said report having been read in open session, the Board proceeded with the hearing of testimony 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; 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. On failure of such benefited landowners to pay such compensation and damages as may be adjudged against them by the day of September 19, 1989, 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 September 19, 1989, 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 Temporarily closed 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. Masik seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Mr. Depo Yes
Mr. Masik Yes
Mr. Yes

Adopted the 6th day of September, 1989.

Mary Kapocka Clerk, Board of County Commissioners,

Imp. 942

**RESOLUTION — ORDER TO \_\_\_\_\_ ROAD**  
Sec. 5563.01 R.C. (Open or Close)

IN THE MATTER OF THE

Office of County Commissioners,  
Belmont County, Ohio

Public Road

The Board of County Commissioners of \_\_\_\_\_ County, Ohio, met  
in \_\_\_\_\_ session on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
(Regular or Special)  
at the office of \_\_\_\_\_ with the following members present:

Mr. \_\_\_\_\_ 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 \_\_\_\_\_  
\_\_\_\_\_, as order heretofore, made on our journal of the date of \_\_\_\_\_, 19\_\_\_\_,

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

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

- Mr. \_\_\_\_\_
- Mr. \_\_\_\_\_
- Mr. \_\_\_\_\_

Adopted the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Clerk, Board of County Commissioners.

\_\_\_\_\_  
County, Ohio