

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

IN THE MATTER OF THE

VACATING AND DEDICATING A PORTION OF COUNTY HIGHWAY #100 Public Road.

Office of County Commissioners, Belmont County, Ohio

Petitioned for by J.C. FERNS, and others.

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

on the 11TH day of OCTOBER, 1989, at the office of THE COMMISSIONERS with the following members present:

R.E. OLEXO

J.J. MALIK, JR.

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 VACATE AND DEDICATE A PORTION OF CO. HWY. #100 a Public Road as described therein; therefore, be it

RESOLVED, That the 23RD day of OCTOBER, 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 25TH day of OCTOBER, 1989, 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 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. OLEXO YES

Adopted the 11TH day of OCTOBER, 1989

M. A. 11

RESOLUTION — UPON VIEW OF PROPOSED IMPROVEMENT
ORDER TO COUNTY ENGINEER

IN THE MATTER OF THE
VACATING AND DEDICATING PORTION
OF CO. HWY #100
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 OCTOBER, 1989, at the office of THE COMMISSIONERS

with the following members present:

- R.E. OLEXO
- J.J. MALIK, JR.
- JIM HEPE

Mr. HEPE moved the adoption of the following Resolution:

WHEREAS, On the 23RD day of OCTOBER, 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 25TH day of OCTOBER, 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. MALIK seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

- Mr. HEPE YES
- Mr. MALIK YES
- Mr. OLEXO YES

Adopted the 23RD day of OCTOBER, 1989

Mary Kapalka
Clerk, Board of County Commissioners,

REPORT OF COUNTY ENGINEER

IN THE MATTER OF THE
VACATING AND DEDICATING PORTION
OF CO. HWY #100
Public Road

County Engineer's Office,
Belmont County, Ohio

OCTOBER 25, 1989

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

The undersigned in obedience to your order dated OCTOBER 23, 1989, proceeded on the 24TH day of OCTOBER, 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.

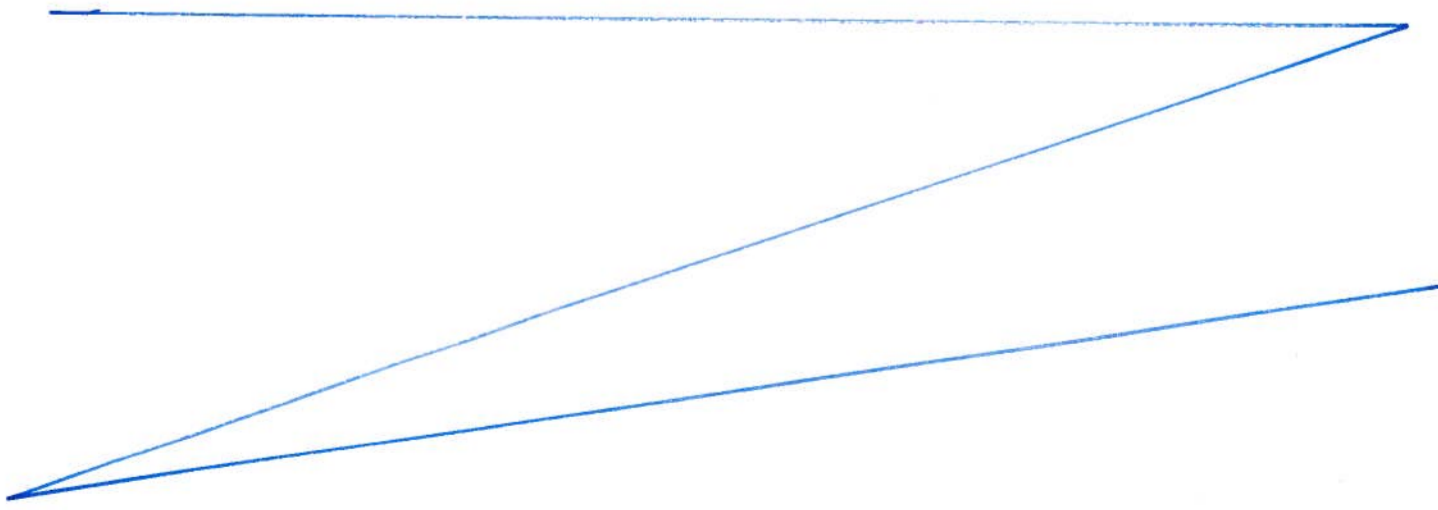
The width to which said improvement should be opened is SIXTY feet.

~~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.~~

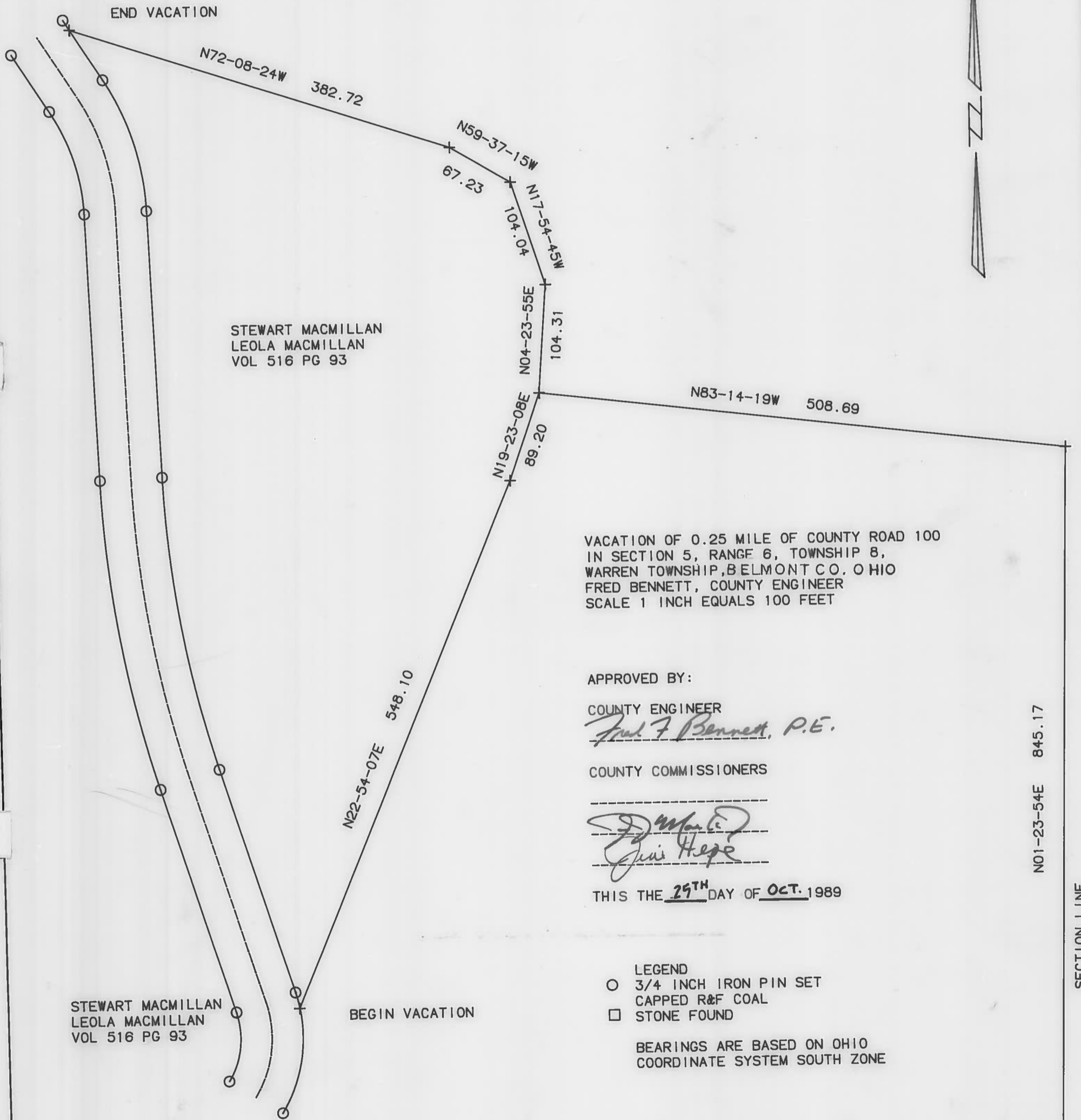
An accurate and detailed description of the proposed improvement describing therein the center line and right of way lines follows:

"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:



Fred F Bennett



STEWART MACMILLAN
LEOLA MACMILLAN
VOL 516 PG 93

STEWART MACMILLAN
LEOLA MACMILLAN
VOL 516 PG 93

VACATION OF 0.25 MILE OF COUNTY ROAD 100
IN SECTION 5, RANGE 6, TOWNSHIP 8,
WARREN TOWNSHIP, BELMONT CO. OHIO
FRED BENNETT, COUNTY ENGINEER
SCALE 1 INCH EQUALS 100 FEET

APPROVED BY:

COUNTY ENGINEER

Fred F. Bennett, P.E.

COUNTY COMMISSIONERS

James Hepe

THIS THE 25TH DAY OF OCT. 1989

- LEGEND
- 3/4 INCH IRON PIN SET
 - CAPPED R&F COAL
 - STONE FOUND

BEARINGS ARE BASED ON OHIO
COORDINATE SYSTEM SOUTH ZONE

845.17

N01-23-54E

SECTION LINE

STONE FOUND
S.E. COR. SEC. 5



END VACATION

N15-08-S4W 385.75

N89-27-12W 87.53

N17-24-42W 104.04

S22-35-40N 104.21

N83-14-18W 208.88

S80-35-22E 88.50

STEWART MACMILLAN
LEOLA MACMILLAN
VOL 218 PG 93

VACATION OF 0.25 MILE OF COUNTY ROAD 100
IN SECTION 2, RANGE 8, TOWNSHIP 8,
WARREN TOWNSHIP, BELMONT CO., OHIO
FRED BENNETT, COUNTY ENGINEER
SCALE 1 INCH EQUALS 100 FEET

APPROVED BY:

COUNTY ENGINEER

Fred Bennett, P.E.

COUNTY COMMISSIONERS

James H. ...

THIS THE 24TH DAY OF OCT. 1888

S48-10

N55-24-01E

BEGIN VACATION

STEWART MACMILLAN
LEOLA MACMILLAN
VOL 218 PG 93

COORDINATE SYSTEM SOUTH ZONE
BEARINGS ARE BASED ON OHIO
STONE FOUND □
CAPPED R&F COAL ○
3/4 INCH IRON PIN SET ○

LEGEND

SECTION LINE

8+2.11

3+2-2+2

101-S2-2+10N

2.E. COR. SEC. 2
STONE FOUND

DEDICATION OF COUNTY ROAD 100, 60 FEET WIDE, 0.20 MILE LONG,
CONTAINING 1.4589 ACRES MORE OR LESS IN WARREN TOWNSHIP,
SECTION 5, TOWNSHIP 8 RANGE 6, BELMONT C O. OHIO
FRED BENNETT COUNTY ENGINEER
SCALE 1 INCH EQUALS 100 FEET

STATEMENT:
WE THE UNDERSIGNED, BEING THE OWNERS OF THE TRACT OF LAND AS PRESENTED
BY THIS PLAT DO HEREBY DEDICATE SAID TRACT TO PUBLIC USE.

WITNESSES
James C. Somers OWNER
Stewart L. Macmillan STEWART L. MACMILLAN
Leola Macmillan LEOLA MACMILLAN

STATE OF OHIO
COUNTY OF BELMONT
BE IT REMEMBERED THAT ON THIS DAY THE 31 OF Oct 1989, BEFORE
ME THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY, WITH FREE ACT,
SIGNED AND SEALED THE FORGOING PLAT.
NOTARY PUBLIC
James C. Somers

APPROVED BY: *Fred F. Bennett, P.E.*
COUNTY ENGINEER

COUNTY COMMISSIONERS:
John H. [Signature]

THIS THE 29TH DAY OF Oct. 1989

T1
I, HEREBY CERTIFY THAT THIS IS A PLAT OF A TRUE AND CORRECT
SURVEY MADE BY ME ON OR ABOUT SEPTEMBER 1989.
THOMAS W. TAYLOR SURVEYOR NO. 7053
Thomas W. Taylor

STEWART L. MACMILLAN
LEOLA MACMILLAN
VOL 516 PG 93

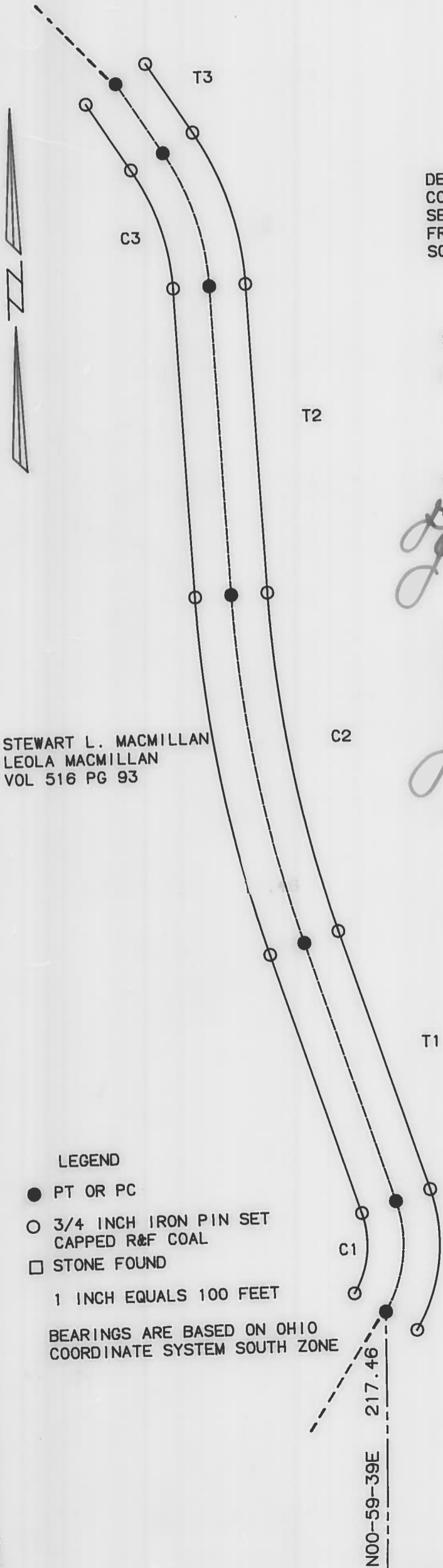
T1	N17-37-08W	226.48
T2	N02-15-27W	255.98
T3	N32-57-54W	68.89

NO.	BEARING	CHORD	DELTA	RADIUS	LENGTH	TAN
C1	N07-07-05E	92.06	49-28-26	110.00	94.98	50.68
C2	N09-56-17W	294.04	15-21-41	1100.00	294.92	148.35
C3	N17-36-41W	116.50	30-42-27	220.00	117.91	60.41

STONE FOUND
S.E. COR. SEC. 5

N89-00-21W 775.29

SECTION LINE



STEWART L. MACMILLAN
LEOLA MACMILLAN
VOL 516 PG 93

LEGEND
● PT OR PC
○ 3/4 INCH IRON PIN SET
CAPPED R&F COAL
□ STONE FOUND
1 INCH EQUALS 100 FEET

BEARINGS ARE BASED ON OHIO
COORDINATE SYSTEM SOUTH ZONE

SCALE 1 INCH EQUALS 100 FEET
 FRED BENNETT COUNTY ENGINEER
 SECTION 5, TOWNSHIP 8 RANGE 6, BELMONT CO., OHIO
 CONTAINING 1.4589 ACRES MORE OR LESS IN WARREN TOWNSHIP,
 DEDICATION OF COUNTY ROAD 100, 60 FEET WIDE, 0.20 MILE LONG.

STATEMENT:
 WE THE UNDERSIGNED, BEING THE OWNERS OF THE TRACT OF LAND AS PRESENTED
 BY THIS PLAT DO HEREBY DEDICATE SAID TRACT TO PUBLIC USE.

WITNESSES
 LEOLA MACMILLAN
 STEWART L. MACMILLAN
 OWNER

NOTARY PUBLIC
 SIGNED AND SEALED THE FOREGOING PLAT.
 BE IT REMEMBERED THAT ON THIS DAY THE 21ST OF OCTOBER 1989, BEFORE
 ME THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY, WITH FREE ACT,
 COUNTY OF BELMONT
 STATE OF OHIO

APPROVED BY:
 COUNTY ENGINEER

COUNTY COMMISSIONERS:

THIS THE 21ST DAY OF OCT. 1989

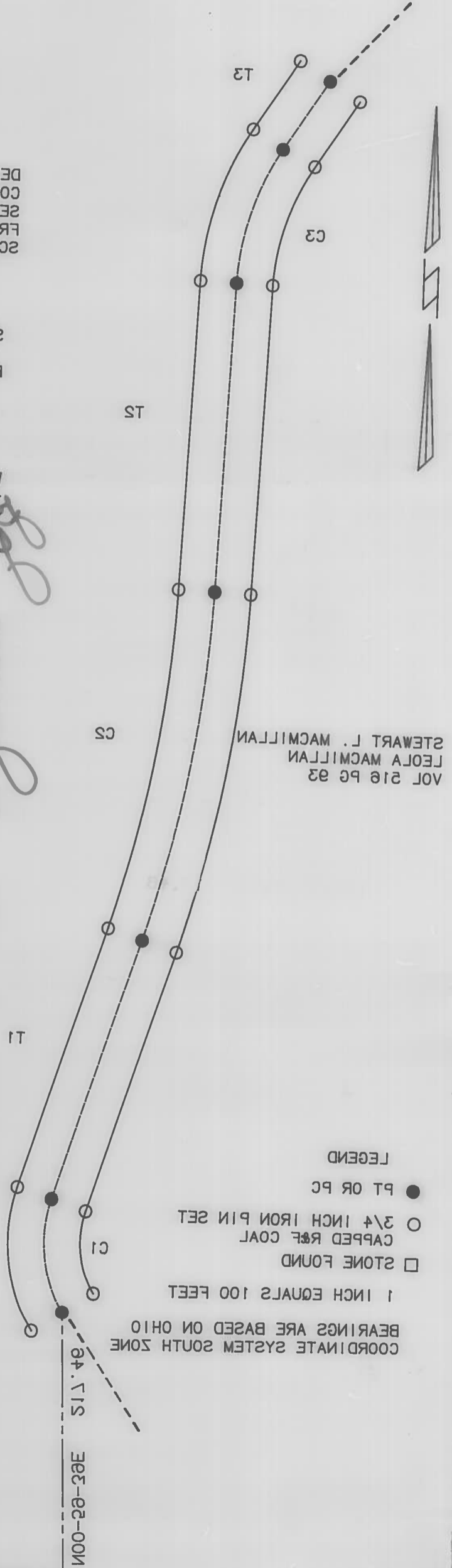
THOMAS W. TAYLOR SURVEYOR NO. 7053
 I HEREBY CERTIFY THAT THIS IS A PLAT OF A TRUE AND CORRECT
 SURVEY MADE BY ME ON OR ABOUT SEPTEMBER 1989.

STEWART L. MACMILLAN
 LEOLA MACMILLAN
 VOL 216 PG 93

T1	N17-37-08W	258.48
T2	N05-15-27W	252.98
T3	N32-27-24W	68.89

NO.	BEARING	CHORD	DELTA	RADIUS	LENGTH	TAN
C1	N07-07-02E	92.08	49-58-56	110.00	94.98	50.68
C2	N09-58-17W	294.04	15-51-41	1100.00	294.92	148.32
C3	N17-36-41W	116.20	30-45-27	250.00	117.91	60.41

SECTION LINE
 100-28-38E
 100-28-38E
 775.29
 N89-00-21W
 2.E. COR. SEC. 5
 STONE FOUND



STEWART L. MACMILLAN
 LEOLA MACMILLAN
 VOL 216 PG 93

RESOLUTION — GRANTING PROPOSED IMPROVEMENT ORDERING RECORD, ETC.

Office of County Commissioners, Belmont County, Ohio

IN THE MATTER OF THE VACATING AND DEDICATING PORTION OF CO. HWY #100 Public Road

The Board of County Commissioners of Belmont County, Ohio, met in REGULAR session on the 24TH day of OCTOBER, 1989, at the office of THE COMMISSIONERS with the following members present:

R.E. OLEXO J.J. MALIK, JR. JIM HEPE

Mr. HEPE 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 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 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 VACATED & DEDICATED SIXTY 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. MALIK seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Mr. HEPE YES Mr. MALIK YES Mr. OLEXO YES

Adopted the 25TH day of OCTOBER, 1989

Clerk, Board of County Commissioners,

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