

PUBLIC ROAD PETITION

Belmont County, Ohio, November 3, 2004

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 portions of Bird Street, Back of Commons, Turkey Alley & unnamed road in Somerton 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

Being the portion of Bird Street located between lots 60 and 61, the portion of Back Commons located to the west of Bird Street, lots 61 through 64 and Turkey Alley, the portion of Turkey Alley located between lots 64 and 65, and an unnamed road (no recorded plat) that separates lots 61 through 64. Above rights-of-way are located in Somerton in Somerset Township Section 3 T-7 R-6 and recorded in Volume E Page 270 of the Belmont County Records Office.

A. D. 19

Table with 2 columns: Petitioners' Name (PRINT NAME) and Address of Petitioner (PLEASE PRINT). Lists names and addresses of petitioners such as T+L Transfer Inc., Thomas R Zeyer, and others.

Table with 2 columns: Petitioners' Name (PRINT NAME) and Address of Petitioner (PLEASE PRINT). Lists names and addresses of petitioners such as Roy E. Handman, Tammy S. Clary, and others.

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

vacation of various R/W in Somerton  
Somerset Sec 3 T-7 R-6  
Public Road.

Petitioned for by Tom Zaayer  
....., and others.

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

on the 10 day of November, 10 2004, at the office of commissioners

with the following members present:

- Mr. Olexo
- Mr. Thomas
- Mr. Probst

Mr. Olexo 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 portions of R/W in Somerton  
Somerset Twp Sec 3 T-7 R-6 a Public Road as described therein; therefore, be it

RESOLVED, That the 8 day of December, 10 2004, at 4:00 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 15 day of December, 10 2004, 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. Thomas seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

- Mr. Olexo yes
- Mr. Thomas yes
- Mr. Probst yes

Adopted the 10 day of November, 10 2004



RESOLUTION — UPON VIEW OF PROPOSED IMPROVEMENT  
ORDER TO COUNTY ENGINEER

IN THE MATTER OF THE  
vacation of various R/W in Somerton  
Somerset Sec. 3 T-7 R-6  
Public Road

Office of County Commissioners,  
Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in regular session  
on the 8 day of December, 1/2004, at the office of commissioners

with the following members present:

- Mr. Probst
- Mr. Thomas
- Mr. Olexo

Mr. Probst moved the adoption of the following Resolution:

WHEREAS, On the 8 day of December, 1/2004, 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 15 day of December, 1/2004, 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. Thomas seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

- Mr. Probst, Yes
- Mr. Thomas, Yes
- Mr. Olexo, Yes

Adopted the 8 day of December, 1/2004

Dorena Perpek

REPORT OF COUNTY ENGINEER

IN THE MATTER OF THE

Vacation of a portion of R/W in  
Somerset Somerset Sec 3 T-7 R-6  
Public Road

County Engineer's Office,

Belmont County, Ohio

December 15, 2004

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

The undersigned in obedience to your order dated December 8, 2004, proceeded on the 9 day of December, 2004 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:



RESOLUTION — GRANTING PROPOSED IMPROVEMENT ORDERING RECORD, ETC.

IN THE MATTER OF THE

Office of County Commissioners,

vacation of portions of R/W in  
Somerton Somerset Sec. 3 T-7 R-6  
Public Road

Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in regular session on the 2 day of February, 19 2005, at the office of commissioners with the following members present:

Mr. Thomas

Mr. Probst

Mr. Thomas 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 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 if 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 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 163.29 inclusive, of the Revised Code.~~

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

Mr. Thomas Yes

Mr. Probst Yes

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

Adopted the 2 day of February, 19 2005

Darlene Pampuk Clerk. Board of County Commissioners.

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

IN THE MATTER OF THE

Office of County Commissioners,  
Belmont County, Ohio

vacation of portions of R/W in Somerton  
Somerset Sec. 3 T-7 R-6  
Public Road

The Board of County Commissioners of Belmont County, Ohio, met  
in regular session on the 16 day of February, 2005  
(Regular or Special)

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

- Mr. Probst
- Mr. Thomas
- Mr. Longshaw

Mr. Thomas 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 February 2, 2005

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

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

- Mr. Thomas Yes
- Mr. Probst Yes
- Mr. Longshaw Yes

Adopted the 16 day of February, 2005

Darlene Pampak  
Clerk, Board of County Commissioners.

Belmont County, Ohio



IMP # 1088

VACATION OF A PORTION OF BIRD ST, BACK COMMONS,  
TURKEY ALLEY AND UNNAMED ROAD IN SOMERTON

VOL. E PG. 270  
SOMERSET TWP SEC 3 T-7 R-6  
BELMONT CO OHIO

FRED F BENNETT BEL CO ENGINEER

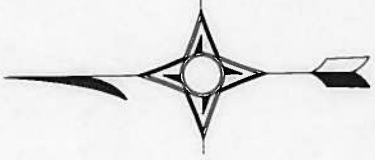
APPROVED BY:

CO. ENGINEER Fred F. Bennett, P.E., P.S.  
CO. COMMISSIONER George W. Longshore  
CO. COMMISSIONER Mark A. Thoma  
CO. COMMISSIONER Charles R. Finkley, J

ON THIS 16 DAY OF February 2005

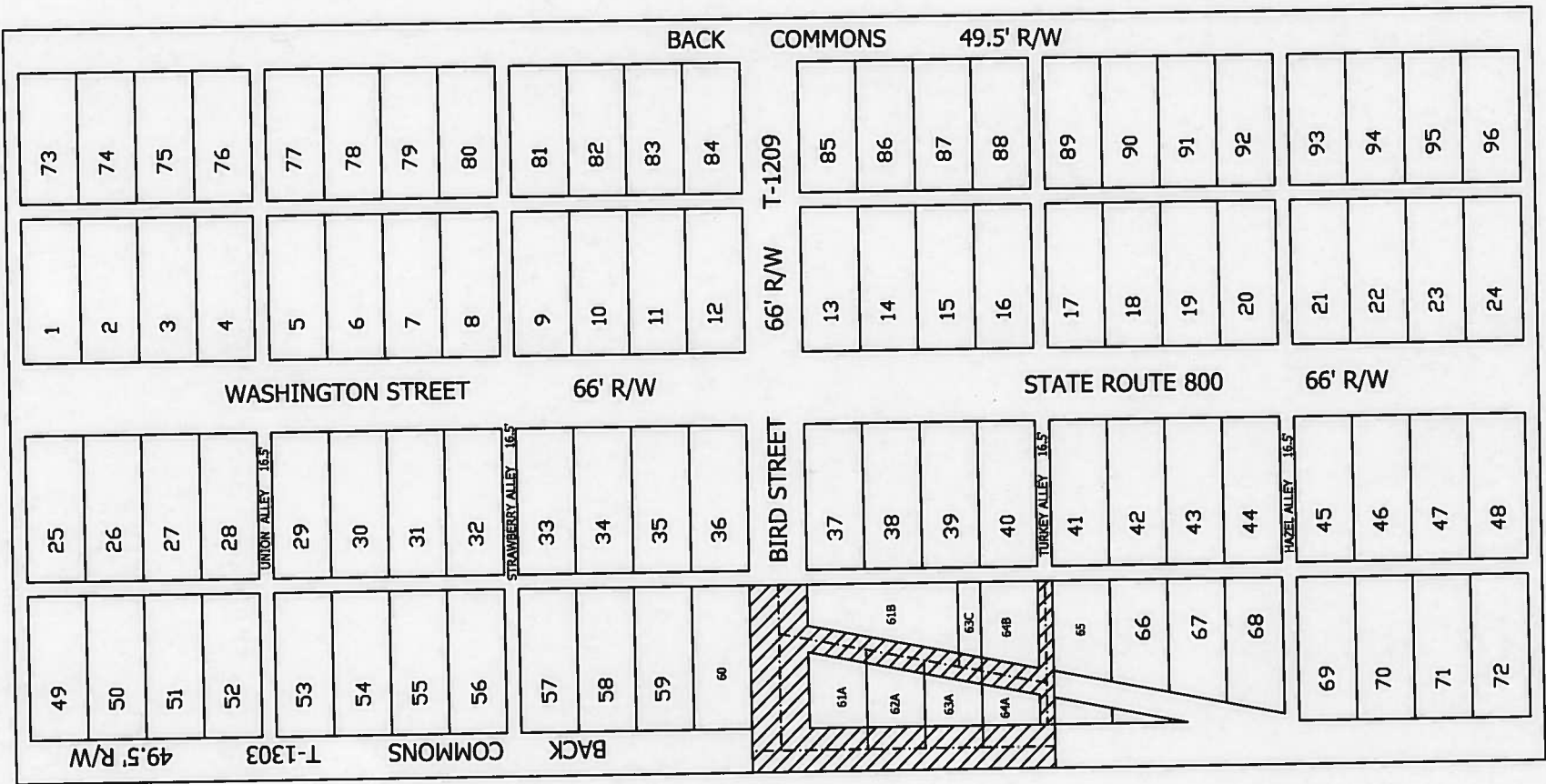
NOTES: ALL LOTS 66'X165'  
ALLEYS ARE 16.5' WIDE.  
R/W SEPARATING LOTS 61-64 IS UNRECORDED; 30' WIDTH ASSUMED.

SEE VOL. 805 PG. 696  
BEL CO RECORDER



SCALE: 1"=200'

LOTS 63C, 64B & 65 OWNED BY KATHY BURKHART BY 736/442  
LOT 61B OWNED BY THOMAS R ZAAYER BY 739/650  
LOTS 60, 61A, 62A, 63A & 64A OWNED BY T&L TRANSFER BY 777/6



LANG, RONALD &  
JUDITH  
802/786

AREA OF VACATION

THE BOARD OF THE COLLEGE OF THE CITY OF NEW YORK  
DO HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE AND CORRECT  
COPY OF THE RECORDS OF THE BOARD AS KEPT IN THE OFFICE OF THE  
SECRETARY OF THE BOARD.

Respectfully,  
Secretary

*George W. Smith*

OFFICE OF THE SECRETARY

*George W. Smith*  
*Secretary*

THE COLLEGE OF THE CITY OF NEW YORK  
DO HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE AND CORRECT  
COPY OF THE RECORDS OF THE BOARD AS KEPT IN THE OFFICE OF THE  
SECRETARY OF THE BOARD.