

PUBLIC ROAD PETITION

St. Clairsville

Ohio,

Sept. 9th

1968

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

The undersign 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 vacating of a part of C. H. 10 and C. H. 64 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 a point in the centerline of Belmont C. H. 10 and Flushing Township Road No. 371. Said beginning point situated in State of Ohio, County of Belmont, Township of Flushing, section 27. T-9-N, R-5-W and referenced from the northwest corner of section no. 27 as follows: east along the north line of said section for a distance of 1900 feet more or less; thence at a right angle thereto south for a distance of 2200 feet more or less to the place of beginning. Thence following along the center line of Belmont C. H. 10 in a northwesterly direction for a distance of 2120 feet more or less to the boundary between Harrison and Belmont Counties. Thence continuing in Harrison County along the centerline of Harrison County Road No. 64 in a northwesterly direction about 1440 feet ±; thence in a westerly direction for a distance of 2600 feet ±; thence in a southwesterly direction for a distance of 2930 feet ± to west line of section no. 34. The boundary between Harrison County and Belmont County. Thence continuing in Belmont County in a southwesterly direction for a distance of 1100 feet ±; thence in a westerly direction for a distance of 700 feet ±; thence in a northwesterly direction for a distance of 600 feet ±; thence in a southwesterly direction for a distance of 700 feet ±; thence in a westerly direction for a distance of 1100 feet ± to a point in the centerline of Belmont County Road No. 10 at or near the northeast corner of a 0.50 ac. tract owned by Lucy D. Vincenzo. Said point being the terminus of the road herein petitioned for vacation. The herein described road being in Belmont and Harrison Counties, Ohio and constitutes a total length of 13,290 feet (2.52 mi); of the total distance, 6970 feet being in Harrison County and 6320 feet being in Belmont County.

Consolidation Coal Company, the petitioner, states that it is the owner of the surface and/or the right to mine coal in the vicinity and adjacent to said road.

Commissioners Journal Vol. 43 Pg. 287

Dated this 9th day of September, A. D. 1968.

PETITIONERS' NAMES	TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE
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Consolidation Coal Company
Elmer E. Loper Agent

Flushing Twp.

Note: Proceedings started on July 1, 1968 in Commissioners Journal Vol. 43 Pg. 220 & 221 by a request & a Resolution Adopted. Loy & Dorsey: Janet K. Loy, Clerk

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 County Highways 10 and 64
in Flushing Township,
Public Road.

Office of County Commissioners,
Belmont County, Ohio

Petitioned for by Consolidation Coal Co.

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

on the ninth day of September, 1968, at the office of the County Commissioners
with the following members present:

Earnest C. Loy

A. J. Sargus

William H. Dorsey

Mr. Dorsey 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

a Public Road as described therein; therefore, be it

RESOLVED, That the 25 day of September, 1968, at 7:00 o'clock P.M., be fixed as the date when we will view the proposed improvement, on which date we will meet at the commencing point

and go over the line of said proposed improvement; and be it further

RESOLVED, That the 30th day of September, 1968, at 10 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, Martins Ferry, Ohio

a newspaper published and having general circulation in the County, which said notice shall also state briefly the character of said proposed improvement.

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

resulted as follows:

Mr. Loy YES

Mr. Sargus YES

Mr. Dorsey YES

Adopted the 9th day of September, 1968

RESOLUTION—UPON VIEW OF PROPOSED IMPROVEMENT
ORDER TO COUNTY ENGINEER

IN THE MATTER OF THE

Vacation of County Highway 10,
in Flushing Township
Public Road.
petitioned for by Consolidation Coal
Co., Imp. # 685

Office of County Commissioners
Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in Regular session
on the 25th day of September, 1968, at the office of the County Commissioners

with the following members present:

Commissioners Journal Vol. 43 Pg. 306

Earnest C. Loy
A. J. Sargus
William H. Dorsey

Mr. Loy moved the adoption of the following Resolution:

WHEREAS, On the 25th day of September, 1968, 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 30th day of September, 1968, 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. Sargus seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

Mr. Loy YES
Mr. Sargus YES
Mr. Dorsey YES

Adopted the 25th day of September, 1968.

REPORT OF COUNTY ENGINEER

IN THE MATTER OF THE

Vacation of C.H. #10, Flushing Twp.
Pet. by Consolidation Coal
Public Road.
Imp. #685

County Engineer's Office,

Belmont County, Ohio.

Oct. 21, 1968

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

The undersigned in obedience to your order dated Sept. 25, 1968, proceeded on the 26th day of Sept., 1968, 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 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:

PA [Signature]

RESOLUTION

BELMONT C.H. 10 - HARRISON C.H. 64

WHEREAS, on the 9th day of September 1968, Consolidation Coal Company presented a petition requesting a vacation of a portion of Belmont County Highway No. 10 and Harrison County Highway No. 64. Said roads being more fully described in said petition dated September 9, 1968, and

WHEREAS, notice of viewing and hearing upon said petition was duly advertised in accordance with law, and

WHEREAS, viewing was made on September 25, 1968 at 7:00 P.M. and hearing held on September 30, 1968 at 10:00 A.M. for objections. There being no valid objections.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Belmont and Harrison Counties, Ohio, that prayer of said petition be granted and that those portions of roads be stricken from the records of the Public Roads System of Belmont County and Harrison County, Ohio.

Upon motion by Mr. DORSEY, seconded by Mr. SARGENT, the above Resolution adopted by the following vote:

Mr. <u>Loy</u>	<u>yes</u>
Mr. <u>William H. Moseley</u>	<u>yes</u>
Mr. <u>A. J. Hayes</u>	<u>yes</u>

Dated at Belmont County Commissioners Office this 28th day of October, 1968.

Janet K. Loy
Clerk of Board of Belmont County

Upon motion by Mr. Couch, seconded by Mr. Clark, the foregoing Resolution adopted by the following vote:

Mr. <u>Cole</u>	<u>yes</u>
Mr. <u>Couch</u>	<u>yes</u>
Mr. <u>Clark</u>	<u>yes</u>

Dated at Harrison County Commissioners Meeting Place this 30 day of Sept, 1968.

Francis B. Parrish
Clerk of Board - Harrison County

Commissioners Journal
Vol. 43 Pg. 334

EEL:bgs

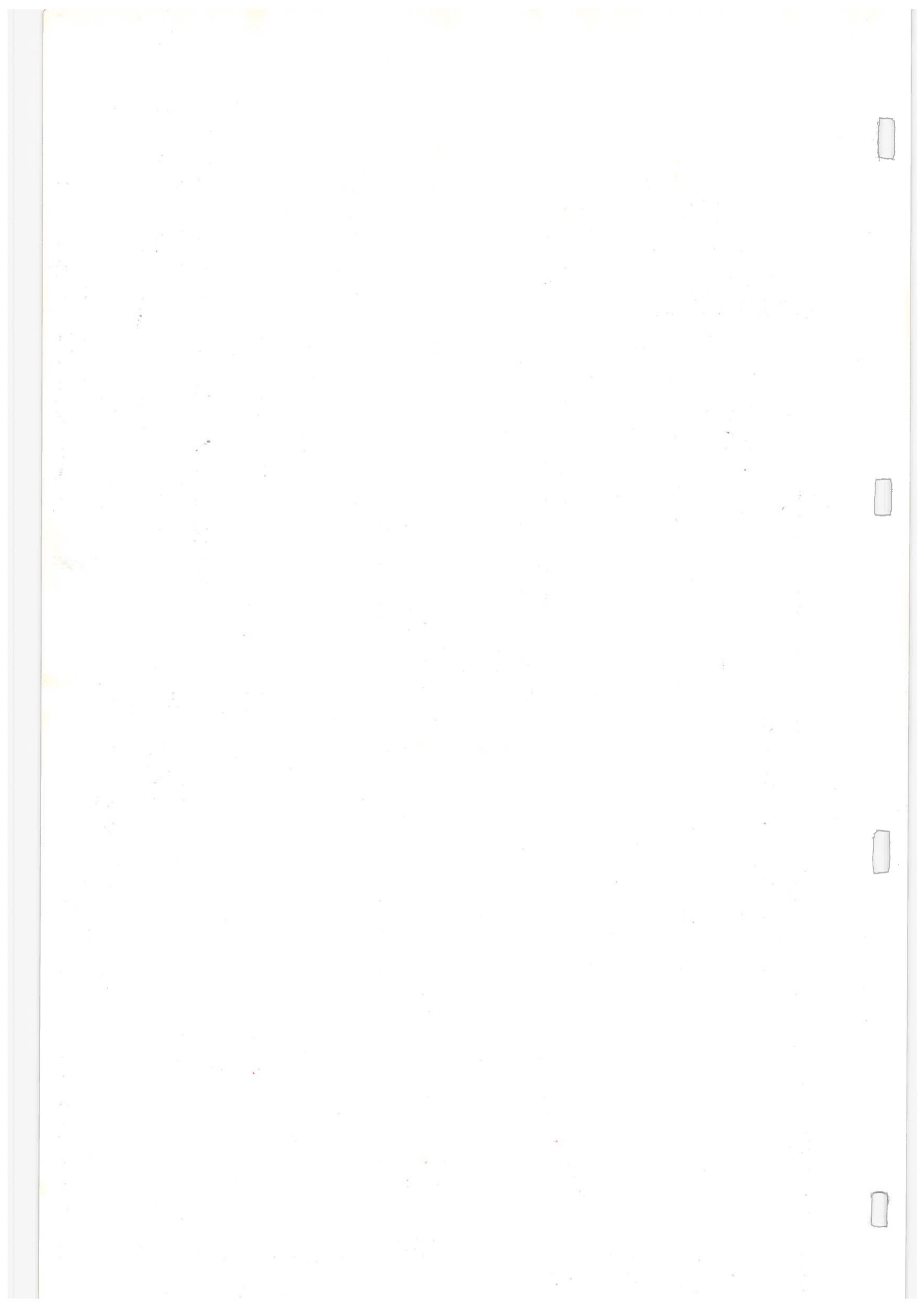


Photo 2983-6-185

HARRISON COUNTY
East 3960'±
BELMONT COUNTY
Flushing Township Section 3, T.10, R.6

CONSOLIDATION COAL CO.

C. H. No. 10

HARRISON CO.
BELMONT CO.
Flushing Twp.
Sec. 27, T.9, R.5

CONSOLIDATION COAL CO.

Ref. East 1560'±

Aerial Photo 2983-8-257

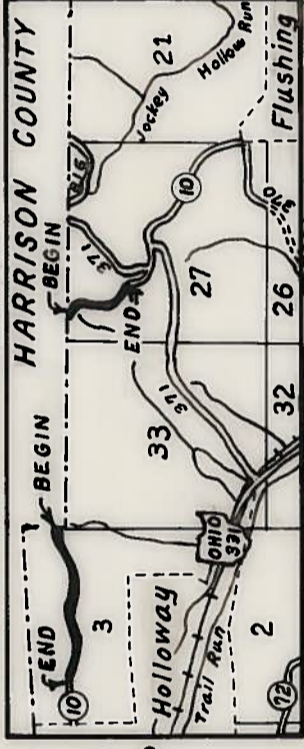
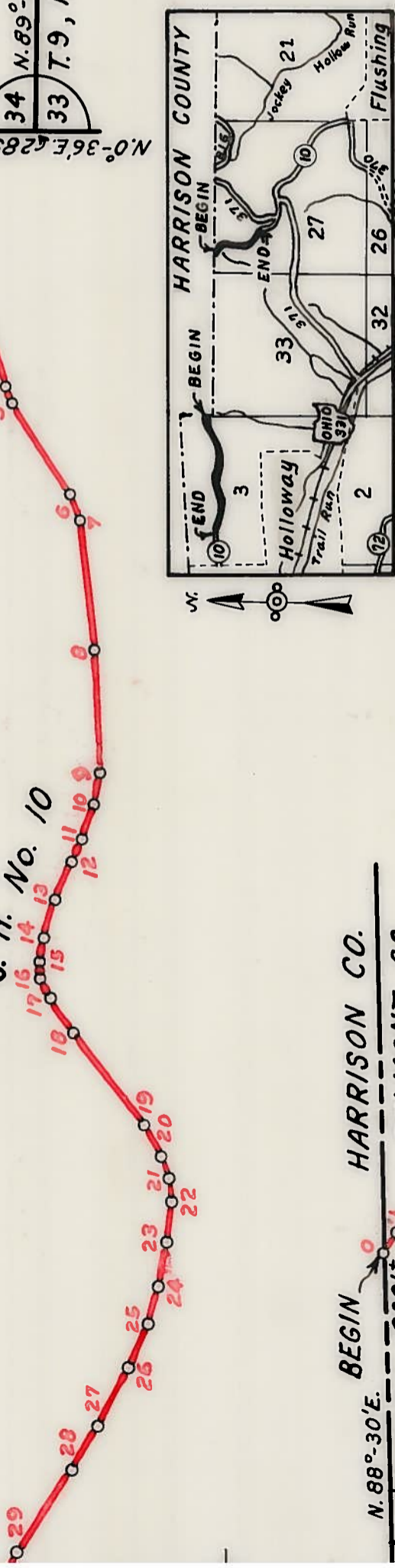
R.5 W. 3
R.6 W. 3

BEGIN

HARRISON COUNTY

BEGIN

34 N. 89°-15' E.
33 T. 9, R. 5



LOCATION PLAN

SCALE IN MILES
0 1/2 1 1/2

C. H. No. 10

- 1-2 S. 77°-30' W. 90'
- 2-3 S. 71°-15' W. 290'
- 3-4 S. 73°-30' W. 345'
- 4-5 S. 72°-30' W. 50'
- 5-6 S. 58°-00' W. 290'
- 6-7 S. 70°-00' W. 80'
- 7-8 S. 84°-00' W. 360'
- 8-9 S. 88°-00' W. 335'
- 9-10 N. 80°-00' W. 90'
- 10-11 N. 71°-00' W. 100'
- 11-12 N. 66°-30' W. 70'
- 12-13 N. 65°-00' W. 120'
- 13-14 N. 73°-30' W. 110'
- 14-15 N. 81°-00' W. 75'
- 15-16 S. 87°-30' W. 40'
- 16-17 S. 68°-00' W. 65'
- 17-18 S. 54°-00' W. 110'
- 18-19 S. 52°-30' W. 315'
- 19-20 S. 60°-00' W. 100'
- 20-21 S. 70°-00' W. 65'
- 21-22 S. 86°-00' W. 65'
- 22-23 N. 83°-30' W. 115'
- 23-24 N. 79°-00' W. 125'
- 24-25 N. 75°-15' W. 100'
- 25-26 N. 66°-30' W. 135'
- 26-27 N. 62°-00' W. 180'
- 27-28 N. 60°-00' W. 140'
- 28-29 N. 57°-00' W. 270'
- 29-30 N. 65°-00' W. 75'
- 30-31 N. 76°-00' W. 35'

Total 4340'± or 0.82 Mile±

C. H. No. 10

- 0-1 S. 56°-30' E. 75'
- 1-2 S. 50°-00' E. 80'
- 2-3 S. 38°-00' E. 80'
- 3-4 S. 29°-15' E. 100'
- 4-5 S. 16°-30' E. 100'
- 5-6 S. 9°-00' E. 80'
- 6-7 S. 3°-30' W. 80'
- 7-8 S. 14°-00' W. 110'
- 8-9 S. 19°-00' W. 90'
- 9-10 S. 26°-30' W. 80'
- 10-11 S. 17°-30' W. 90'
- 11-12 S. 11°-00' W. 75'
- 12-13 South 80'
- 13-14 S. 15°-00' E. 85'
- 14-15 S. 21°-30' E. 100'
- 15-16 S. 31°-45' E. 110'
- 16-17 S. 31°-45' E. 100'
- 17-18 S. 35°-30' E. 140'
- 18-19 S. 40°-15' E. 70'
- 19-20 S. 45°-00' E. 70'
- 20-21 S. 50°-45' E. 95'
- 21-22 S. 59°-45' E. 100'
- 22-23 S. 63°-15' E. 105'
- 23-24 S. 77°-00' E. 90'

Total 2185'± or 0.41 Mile±

APPROVED BY

Co. Engineer *R. J. Boccabella*

Co. Comm. *William C. Lay*

Co. Comm. *W. J. Langston*

Co. Comm. *William H. Kline*

This 28th day of October, 1968

PETITION No. 685

Ohio Revised Code No. 5553.04

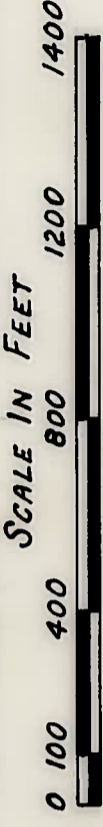
VACATION OF A PART OF COUNTY HIGHWAY No. 10
(Petitioned for by Consolidation Coal Co.-Elmer E. Loper Agent)

FLUSHING TOWNSHIP

BELMONT COUNTY, OHIO

1968

R. J. BOCCABELLA COUNTY ENGINEER



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

IN THE MATTER OF THE

Office of County Commissioners,

Belmont County, Ohio

Public Road.

The Board of County Commissioners of Belmont County, Ohio, met in _____ session
on the _____ day of _____, 19_____, at the office of _____
with the following members present:

Mr. _____ 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 descriptions 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, it being the opinion of this Board of County Commissioners that the improvement is of sufficient importance to the public to cause the compensation and damages on account thereof to be paid to the persons entitled thereto out of the County Treasury, and such method of payment of compensation and damages is hereby ordered; 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 _____ day of _____, 19_____, at _____ o'clock _____ M., at the office of this Board, be and the same are hereby fixed as the time and place for hearing of such claims for compensation and damages as may be filed in writing with the Clerk of this Board on or before said date; and be it further

RESOLVED, That notice of the time and place of such hearing be given by the County Engineer or his Deputy or Assistant, and the Clerk of this Board, as required by law; and be it further

RESOLVED, That this cause be and the same is hereby continued to said date above fixed.

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_____.

RESOLUTION—AWARDING COMPENSATION AND DAMAGES

IN THE MATTER OF THE

Office of County Commissioners,
Belmont County, Ohio.

Public Road.

The Board of County Commissioners of Belmont County, Ohio, met in session
on the day of, 19....., at the office of
with the following members present:

.....
.....
.....

Mr. moved the adoption of the following Resolution:

WHEREAS, This day the matter of award of compensation and damages to landowners through or upon whose lands said improvement is located, came on to be heard, and the Board finds that notice of the time and place of this hearing has been given to all such owners as provided by law and our former order and the Board has heard all applications for compensation and damages filed herein, and considered all claims of minors and those under legal disabilities; therefore, be it

RESOLVED, That we do find and allow compensation and damages, in amounts as held to be just and equitable to the following landowners, to-wit:

and be it further

RESOLVED, That, when the amount of compensation and damages is paid to the owners, as herein ordered, or the amount thereof as allowed by this Board is deposited with the Probate Court, upon an appeal being perfected, for the use of the appellants, said improvement described as follows:

be and the same is hereby established.

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.....