

PUBLIC ROAD PETITION # 674

St. Clairsville, Ohio, December 13, 1965

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 vacation of a part of a Public Road on the line hereinafter described, and make application to you to institute and order proper proceedings in the premises, for vacation of 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 intersection of the Northwest corner of the property of Carl O. Balwanz and Bernice R. Balwanz and U.S. Highway No. 40, and running thence in a southerly direction to the North boundary line of U.S. Highway I-70, a distance of approximately 350 feet, being in Section 28, Township 6, Range 3, Richland Township, Belmont County, Ohio. The portion of the road herein petitioned to be vacated is on lands owned by petitioners, Carl O. Balwanz and Bernice R. Balwanz, and is a dead end portion of the old Banfield Road which was abandoned by the construction of U.S. I-70 and replaced by the construction of the new Banfield Road.

Dated this 13th day of December, A. D. 1966

Table with 2 columns: PETITIONERS' NAMES and TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE. Lists names of Carl O. Balwanz, Bernice R. Balwanz, Jerome A. Ebbert, Dorothy J. Ebbert, Mary J. Ebbert, Joseph H. Stewart, Anna C. Stewart, Thomas R. Stewart, Martha G. Stewart, Elva M. Lewis, David C. Lewis, Clyde F. Lewis, William Schaal, Winefred J. Rice, Harry Rice, Jr., William S. McLaughlin, and Glenna McLaughlin.

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

a part of

Public Road.

Petitioned for by Carl O. Balwanz

, and others.

Office of County Commissioners,

Belmont County, Ohio

Richland Twp.

Imp. # 674

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

on the 13th day of December, 1965, at the office of County Commissioners

with the following members present:

Louis Salvador

Wm. H. Dorsey

Arthur Blake

Mr. Blake 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 part of a Public Road as described therein; therefore, be it

RESOLVED, That the 19th day of January, 1966, at 2:00 o'clock P.M. (EST), be fixed as the date when we will view the proposed improvement, on which date we will meet at the commencing point of said proposed vacation

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

RESOLVED, That the 26th day of January, 1966, at 11 o'clock A.M. (EST), 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 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 St. Clairsville Gazette

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

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

Mr. Salvador Yes

Mr. Dorsey Yes

Mr. Blake Yes

Adopted the 13th day of December, 1965

Genova Beck

RESOLUTION—UPON VIEW OF PROPOSED IMPROVEMENT
ORDER TO COUNTY ENGINEER

IN THE MATTER OF THE

Vacation of
Carl O. Balwanz
Public Road.
Richland Twp.

Office of County Commissioners
Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in Regular session
on the 26 day of January, 1966, at the office of County Commissioners
with the following members present:

Commissioners Journal Vol. 42 Pg. 22
Jan 19, 1966 Dorsey, Salvador, Blake
Geneva Beck Clerk View Had

Wm. H. Dorsey
Arthur Blake

Mr. Dorsey moved the adoption of the following Resolution:

WHEREAS, On the 19th day of January, 1966, 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 February, 1966, 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. Blake seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

Mr. _____
Mr. Dorsey Yes
Mr. Blake Yes

Adopted the 26th day of January, 1966

Geneva Beck

REPORT OF COUNTY ENGINEER

IN THE MATTER OF THE

Vacation of Carl O.

Balwanz

Public Road.

Richland Twp.

County Engineer's Office,

Belmont County, Ohio.

Feb. 16, 1966

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

The undersigned in obedience to your order dated Jan. 26, 1966, proceeded on the 1st day of February, 1966, 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.

~~to which said improvement should be applied~~

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:

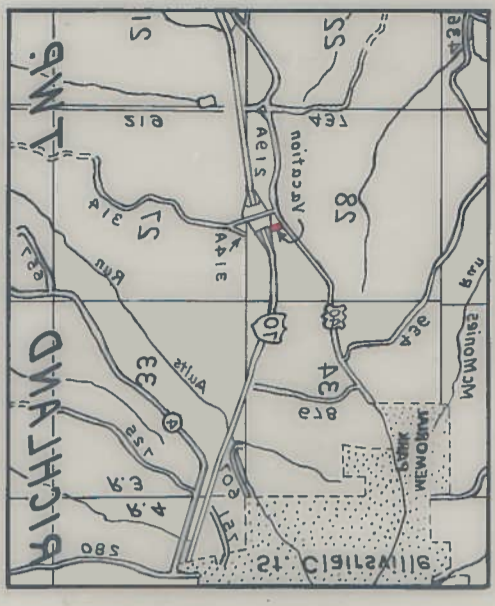
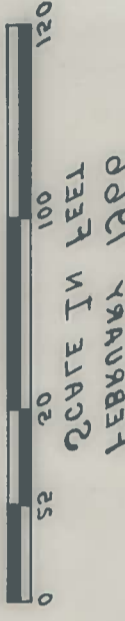
"See attached plat"

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:

[Handwritten signature]

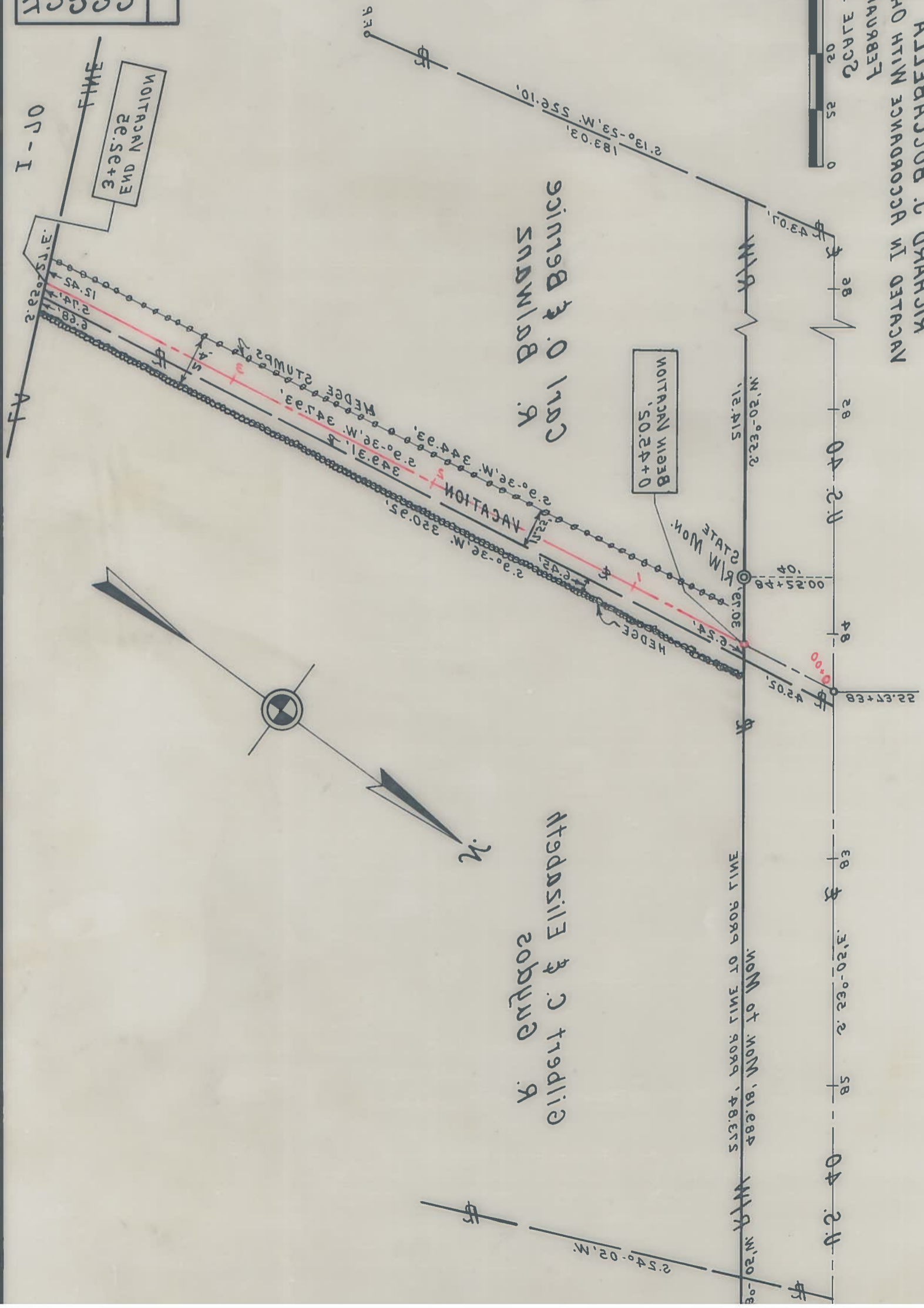
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 SECTION 58, 85 MOITC3E2
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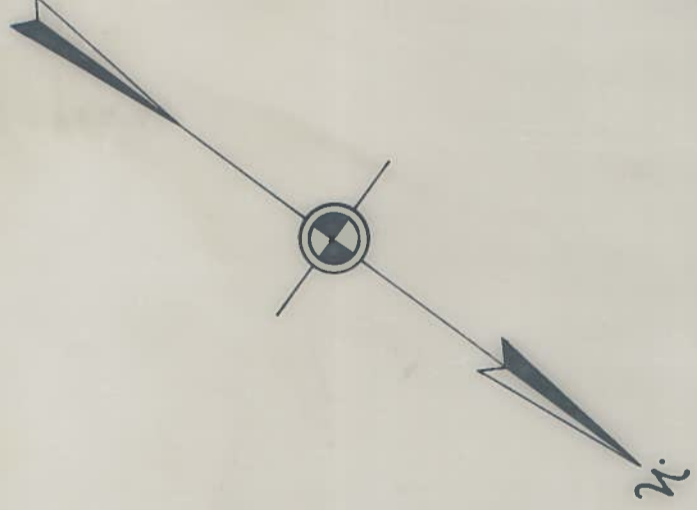
SCALE IN FEET
 1" = 40'

APPROVED BY
 CO. COMM.
 CO. COMM.
 CO. COMM.
 CO. COMM.
 CO. COMM.



R. BALKANS
 Carl O. & Belvise

R. BALKANS
 Carl O. & Belvise



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RESOLUTION—GRANTING PROPOSED IMPROVEMENT ORDERING RECORD, ETC.

IN THE MATTER OF THE

Vacation: of Carl O. Balwanz

Office of County Commissioners,

Belmont County, Ohio

Public Road.

Imp. #674

Richland Township

The Board of County Commissioners of Belmont County, Ohio, met in Regular session on the 23rd day of February, 1966, at the office of County Commissioners with the following members present:

Wm. H. Dorsey

Arthur Blake

Mr. Dorsey 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; 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, it being the opinion of this Board of County Commissioners that the improve- ment 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 vacated 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 23rd day of March, 1966, at 11 o'clock A.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 (EST)

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

Mr. Dorsey Yes

Mr. Blake Yes

Mr.

Adopted the 23rd day of February, 1966

No
RESOLUTION—AWARDING COMPENSATION AND DAMAGES

IN THE MATTER OF THE

Vacation of
Carl O. Balwanz
Public Road.
Imp. # 674

Office of County Commissioners,

Belmont County, Ohio.
Richland Township

The Board of County Commissioners of Belmont County, Ohio, met in regular session
on the 23rd day of March, 19 66, at the office of County Commissioners
with the following members present:

Wm. H. Dorsey
Louis Salvador
Arthur Blake

Mr. Salvador 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 ^{NO} compensation ^{and damages} ~~and damages~~

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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 applicants, said improvement~~

be and the same is hereby established.

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

resulted as follows:

Mr. Dorsey Yes
Mr. Salvador Yes
Mr. Blake Yes

Adopted the 23rd day of March, 19 66.

Geneva Beck