

PUBLIC ROAD PETITION No. 679

St. Clairsville

Ohio,

August 21, 1967

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 Vacate and Establishing 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 Vacate and Establishing 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 Vacate: Beginning at the eastern boundary of County Road No. 5 where it intersects Township Road No. 675 and following the present centerline for two tenths of a mile to the northwest ending north of the culvert across Township Road No. 675.

ESTABLISHING: Beginning approx. two hundred feet below the intersection of County Road No. 5 with Township Road No. 675 and following the new location two tenths of a mile to where it intersects the old location of Township Road No. 675 North of the culvert, the new location being on the south side of Fall run.

Dated this 21 day of August, A. D. 1967

PETITIONERS' NAMES

TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE

Oliver Coal M.S. Worth Pres.

Belmont-Col. & M.F. S. D.

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

IN THE MATTER OF THE

Vacation and Re-establishment of Township Rd. #675

Public Road.

Petitioned for by Oliver Coal Company, and others.

Office of County Commissioners, Belmont County, Ohio

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

on the 21st day of August, 1967, at the office of the Belmont County Commissioners with the following members present:

Mr. Arthur Blake

Mr. Ernest C. Loy

Mr. 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 and re-establish a Public Road as described therein; therefore, be it

RESOLVED, That the 6th day of September, 1967, at 11:30 o'clock A.M., 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 11th day of September, 1967, 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 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 Martins Ferry 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. Loy seconded the Resolution and the roll being called upon its adoption, the vote

resulted as follows:

Mr. Blake Yes

Mr. Loy Yes

Mr. Dorsey Yes

Adopted the 11th day of August, 1967

T. J. K. L.

RESOLUTION—UPON VIEW OF PROPOSED IMPROVEMENT
ORDER TO COUNTY ENGINEER

IN THE MATTER OF THE

Vacation and Establishment of
Township Road No. 675
Public Road.
Colerain Township

Office of County Commissioners
Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in Regular session
on the 18th day of September, 1967, at the office of the County Commissioners

with the following members present:

Time of hearing originally set for
Sept. 11, 1967; continued to Sept. 18, 1967
Commissioners Jr. 42 Pg. 544
View Had Sept. 6, 1967 Comm. Jr. 42 Pg. 540

Mr. Arthur Blake

Mr. Earnest C. Loy

Mr. William H. Dorsey

Mr. Blake moved the adoption of the following Resolution:

WHEREAS, On the 6th day of September, 1967, 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 September, 1967, 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. Dorsey seconded the Resolution and the roll being called upon its adoption, the vote
resulted as follows:

Mr. Blake	Yes
Mr. Loy	Yes
Mr. Dorsey	Yes

Adopted the 18th day of September, 1967.

Janet K. Loy

REPORT OF COUNTY ENGINEER

IN THE MATTER OF THE

Vacation and Establishment of

Township Road No. 675

Public Road.

Colerain Township

County Engineer's Office,

Belmont County, Ohio.

September 25, 1967

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

The undersigned in obedience to your order dated September 18, 1967, proceeded on the 20th day of September, 1967, 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 60 feet.

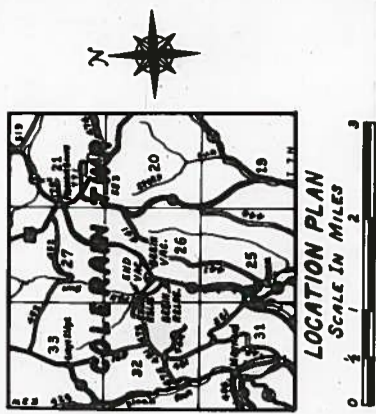
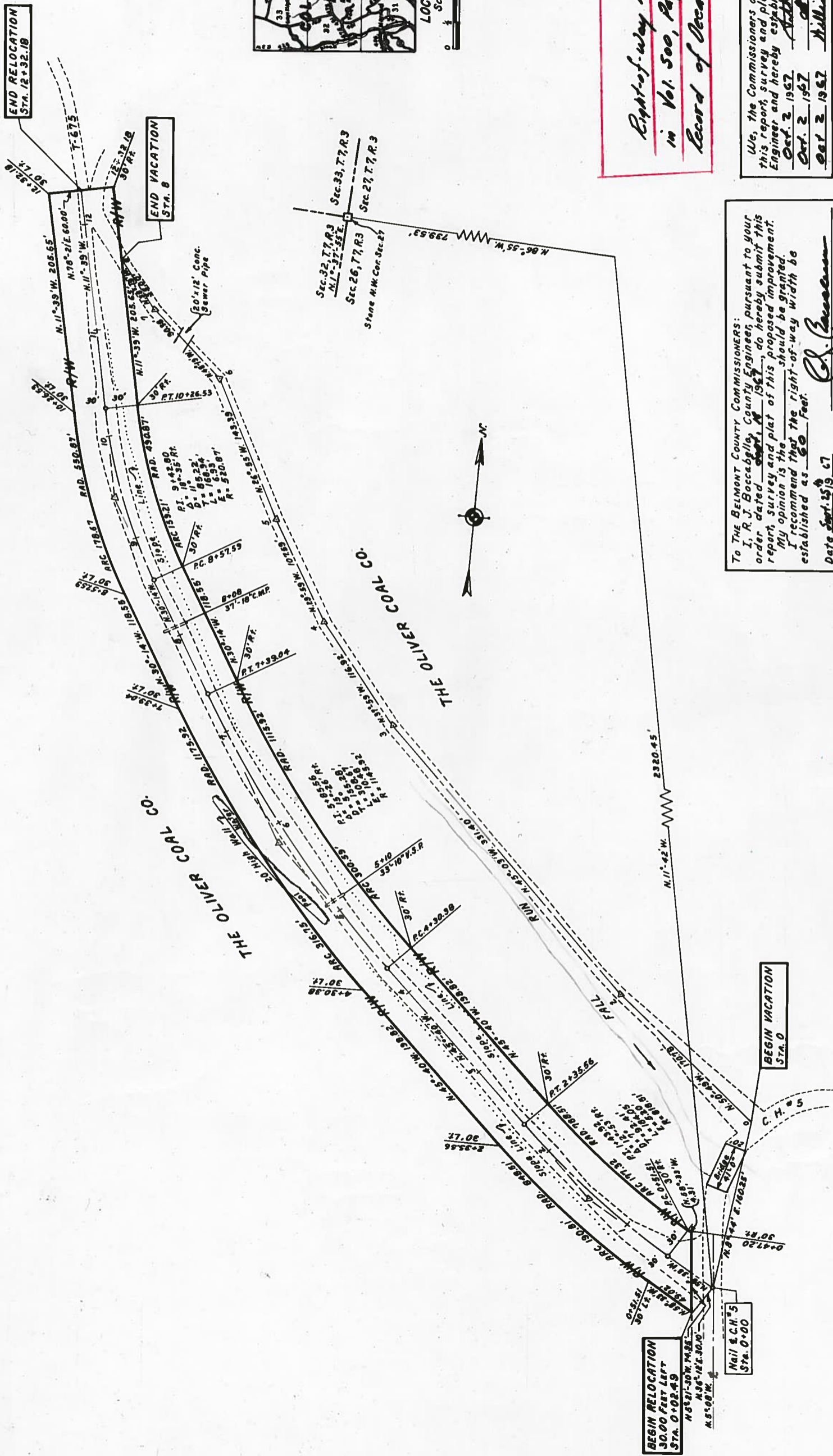
An accurate survey and plat, and an accurate and detailed description of each tract of land which the undersigned County Engineer believes will be necessary to be taken in the event the proposed improvement be made, together with the name of each owner, accompany this report and are made a part hereof.

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:

[Handwritten Signature]

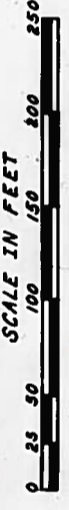


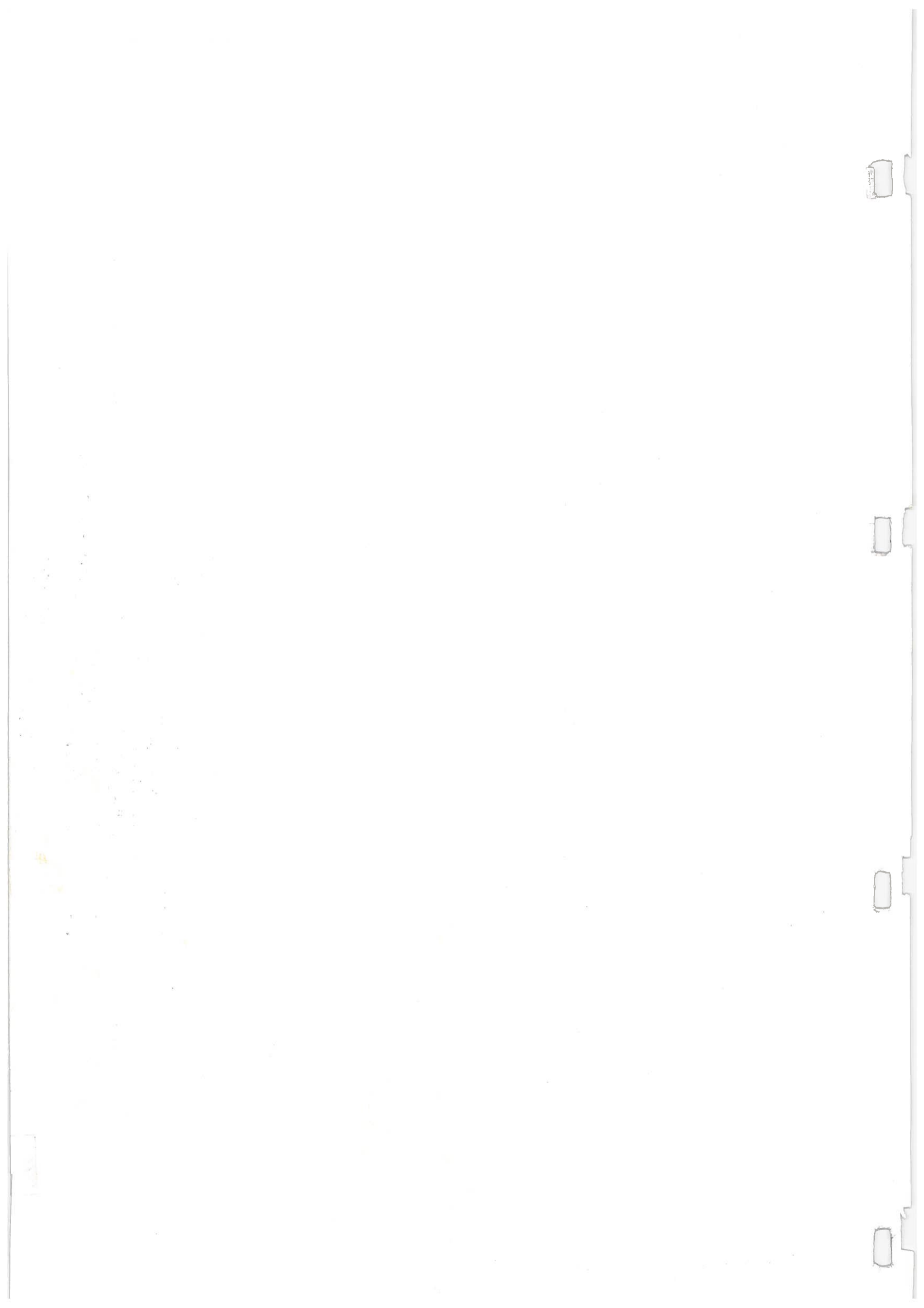
*Right-of-Way Agreement Recorded
in Vol. 500, Page 141, Belmont
Record of Deeds.*

We, the Commissioners of Belmont County, approve this report survey and plat made by the Belmont County Engineer and hereby establish the right-of-way as 60 Feet.
 Oct. 2 1957 *Arthur P. Fisher*
 Oct. 2 1957 *Edmund C. Ly*
 Oct. 2 1957 *William A. Conway*

To THE BELMONT COUNTY COMMISSIONERS:
 I, R. J. Boccabella, County Engineer, pursuant to your order dated Sept. 19 1967, do hereby submit this report survey and plat of this proposed improvement. My opinion is that the right-of-way should be granted. I recommend that the right-of-way width be established as 60 feet.
 Date Sept. 19 67
R. J. Boccabella
 R. J. Boccabella, County Engineer

**PETITION NO. 679
60 FOOT RIGHT-OF-WAY
VACATION AND RELOCATION OF A PART OF CRESCENT-HOLLOW RD. T-675
COLERAIN TWP SEC. 26, T. 7, R. 3
(PETITIONED FOR BY THE OLIVER COAL CO.)
RICHARD J. BOCCABELLA COUNTY ENGINEER
NOTE BOOKS: 309 RELOCATION - 310 VACATION
SEPTEMBER, 1967**





AGREEMENT FOR PARTIAL VACATION
AND RELOCATION OF PART OF
TOWNSHIP ROAD T-675 OTHERWISE
KNOWN AS CRESCENT HOLLOW EXTEN-
SION, Imp #679.

This Agreement made this 25th day of September, 1967,
by the Oliver Coal Co., hereinafter called Company, WITNESS:

1. That the company did, on the 21st day of August, 1967, file its petition with the Commissioners of Belmont County, Ohio, praying for the vacation of a part of Township Road T-675, said petition having been filed according to law, the adjacent owner being the company, having been properly advised and notified, and a copy of the proposed vacation is attached hereto, marked Exhibit A, and made a part hereof.

2. That the company, after being notified and fully advised, and having considered the petition and the effect of this vacation upon itself as adjacent landowner, does acknowledge that the proposed vacation, per Exhibit A, will have no adverse effect upon the company and its land, and that said vacation will cause it no damage.

3. That the company who is also the adjacent owner, agrees, that the road should be vacated and be relocated as set forth in Exhibit B, attached hereto and made a part hereof, and shall have a right of way of sixty feet which the company agrees to give by way of easement, and that the company will post bond in the amount of \$ NONE with the appropriate agency of Belmont County to insure the proper relocation as set forth above if required, and further, will maintain the relocated road for a period of one year.

4. That the Company has fully agreed on the vacation and relocation, that the same causes it no damage and that it does further waive all further requirements of Revised Code Section 163.01 to 163.22.



5. That Company specifically agrees, if the above vacation and relocation is approved, to relocate said road as set forth in Exhibit B in accordance with specifications proposed by the County Engineer of Belmont County, Ohio; also, to give bond as may be required by the Commissioners of this County or the Trustees of Colerain Township, and further to maintain said relocated road for a period of one year thereafter, the standard for maintenance to be set by the County Engineer or the Township Trustees.

6. THEREFORE, the parties hereto request the County Commissioners of Belmont County, Ohio, to approve this Agreement in lieu of further proceedings under REvised Code Section 163.01 et. seq. and to make this Agreement a part of their journal record.

THE OLIVER COAL CO.

BY: M. L. Worth President

BY: _____

APPROVED:

BELMONT COUNTY COMMISSIONERS

BY: Arthur Baker

BY: Darnest C. Lee

William H. Slawley

BELMONT COUNTY ENGINEER

BY: [Signature]

BY: _____

COLERAIN TOWNSHIP TRUSTEES

BY: Alvin Cronin

BY: Audrey Keel

BY: Audrey Linko

EASEMENT FOR HIGHWAY PURPOSES

KNOW ALL MEN BY THESE PRESENTS, THAT The Oliver Coal Co., the Grantor, for and in consideration of the sum of Ten and no/100 Dollars, (\$10.00) and for other good and valuable considerations to it paid by the County of Belmont, the Grantee, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, convey and release to the said Grantee, its successors and assigns forever, a perpetual easement and right-of-way for public highway and road purposes, clear of all obstructions which interfere with the construction, improvement, maintenance and/or repair of the highway, in, upon and over the lands herein-after described, situated in Colerain Township, Belmont County, Ohio, Section 26, Township 7, Range 3 and bounded and described as follows:

Beginning for the same at a point 20.00 feet left of the centerline of County Highway No. 5, (The Crescent-Mt. Pleasant Road) and which point bears the following three (3) courses and distances from a stone planted at the Northwest corner of Section 26; (1) S. 86° 55' E, 739.53 feet; (2) S. 11° 42' E., 2320.45 feet; (3) S. 36° 12' W, 30.10 feet; said point is also 30.00 feet left of Sta. 0 + 02.49; thence from said beginning N. 58° 33' W, 59.02 feet to a point 30.00 feet left of Sta. 0 + 51.51, which is the P.C. of a curve to the right; thence along the arc of said curve to the right, having a radius of 848.51 feet, for a distance of 190.81 feet, to a point 30.00 feet left of Sta. 2 + 35.56, which is the P.T. of aforementioned curve; thence N. 45° 40' W., 198.82 feet to a point 30.00 feet left of Sta. 4 + 30.38 which is the P.C. of a curve to the right; thence along the arc of said curve to the right, having a radius of 1175.92 feet, for a distance of 316.75 feet, to a point 30.00 feet left of Sta. 7 + 39.94, which is the P.T. of aforementioned curve; thence N. 30° 14' W., 118.55 feet. to a point 30.00 feet to the left of Sta. 8 + 57.59, which is the P.C. of a curve to the right; thence along the arc of said curve to the right, having a radius of 550.87 feet, for a distance of 178.67 feet, to a point 30.00 feet left of Sta. 10 + 26.53, which is the P.T. of aforementioned curve; thence N. 11° 39' W., 205.65 feet to a point 30.00 feet left of Sta. 12 + 32.18; thence N. 78° 21' E., 60.00 feet to a point 30.00 feet to the right of Sta. 12 + 32.18; thence S. 11° 39' E, 205.65 feet to a point 30.00 feet to the right of Sta. 10 + 26.53, which is the P.T. of a curve to the left; thence along the arc of said curve to the left, having a radius of 490.87 feet, for a distance of 159.21 feet, to a point 30.00 feet right of Sta.

8 + 57.59, which is the P.C. of aforementioned curve; thence S. 30° 14' E., 118.55 feet to a point 30.00 feet to the right of Sta. 7 + 39.04; which is the P.T. of a curve to the left, thence along the arc of said curve to the left, having a radius of 1115.92 feet, for a distance of 300.59 feet, to a point 30.00 feet right of Sta. 4 + 30.38, which is the P.C. of aforementioned curve; thence S. 45° 40' E., 198.82 feet to a point 30.00 feet right of Sta. 2 + 35.56, which is the P.T. of a curve to the left; thence along the arc of said curve to the left, having a radius of 788.51 feet, for a distance of 177.32 feet, to a point 30.00 feet right of Sta. 0 + 51.51 which is the P.C. of aforementioned curve; thence S. 58° 33' E. 4.31 feet to a point 30.00 feet right of Sta. 0 + 47.20; thence S. 5° 21' 30" W., 74.95 feet to the place of beginning. Containing 72,679.29 Sq. feet or 1.668 acres more or less.

All the relocation is on the lands of the Oliver Coal Corp., recorded in Vol. 446, Page 458, Belmont County Record of Deeds.

This conveyance is also subject to an agreement executed by the Oliver Coal Co., on even date herewith which agreement was made a part of the Journal of the County Commissioners of this County on or about this date.

TO HAVE AND TO HOLD said easement and right of way unto the Grantee, its successors and assigns forever.

And the said Grantor, for its successors and assigns does hereby covenants with the said Grantee, its successors and assigns, that it is the true and lawful owner of said premises, and it is lawfully seized of the same in fee simple and has good right and full power, to grant, bargain, sell, convey and release the same in manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, and that it will warrant and defend the same against all claims of all person whomsoever.

The said Grantor, does hereby for itself, its successors and assigns, waive and release all claims, demands, notices, actions and causes of action for any compensation and/or damages to adjacent real estate, that may arise by reason of the construction, improvement, maintenance and/or repair of said road.

IN WITNESS WHEREOF, The Oliver Coal Co., by its duly authorized officers, has hereunto set its hand this _____ day

of September in the year of Our Lord onethousand nine hundred and sixty seven (1967).

Signed and sealed

in presence of:

THE OLIVER COAL CO.

BY: _____

BY: _____

STATE OF OHIO, BELMONT COUNTY, SS:

Before me, a Notary Public in and for said County and State, personally appeared the above named _____ President and _____, Secretary, being the duly authorized officers of the Oliver Coal Co., who acknowledged that they did sign the foregoing instrument and that the same is the corporations free act and deed.

IN TESTIMONY WHEREOF I have hereunto set my hand and official seal at _____, this _____ day of September, A.D., 1967.

NOTARY PUBLIC



**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; 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 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.....