

PUBLIC ROAD PETITION No. 691

Colerain Township, Ohio, June 2, 1969

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 ... 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 which is located forty feet East of the Southeast corner of Lot Number 17 of Lakeview Drive (Negus Subdivision No. 9) Colerain Township, Ohio, thence South a distance of approximately 1457 feet to a point where said road intersects the paved portion of State Route No. 250.

Said roadway (Lakeview Drive) is a proposed 40 foot roadway a more exact description of which may be found in Volume 12, Page 181 of the Belmont County Engineer's Road Books. Petition number 593 was filed with the Board of County Commissioners praying for the establishment of said roadway. The said Board by order dated February 24, 1958, directed the opening of said roadway, said order being of record in Volume 37, Page 495 of the Journals of the Board of County Commissioners. (Said roadway has never been opened.)

Dated this 2nd day of June, A. D. 1969

Table with 2 columns: PETITIONERS' NAMES and TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE. Lists names like Richard Johnston, Ralph M. Finney, etc., and the district Colerain Twp. - Martins Ferry School District.

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 Lakeview Drive in Negus Subdivision

Public Road.

Office of County Commissioners, Belmont County, Ohio

Petitioned for by Richard Johnston et al Imp. #691

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

on the 16th day of June, 1969, at the office of the County Commissioners with the following members present:

A. J. Sargus

Earnest C. Loy

W. Dorsey

Mr. Loy 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 7th day of July, 1969, at 9:00 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

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

RESOLVED, That the 9th day of July, 1969, at 8 o'clock P.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. Dorsey seconded the Resolution and the roll being called upon its adoption, the vote

resulted as follows:

Mr. Sargus YES

Mr. Loy YES

Mr. Dorsey YES

Adopted the 16th day of June, 1969

Earnest C. Loy

**NOTICE OF TIME AND PLACE OF VIEW AND OF FINAL HEARING**

**PUBLIC ROAD**

(BY PUBLICATION)

Rev. Code, Sec. 5553.05

Notice is hereby given that there is before the Board of County Commissioners of **Belmont** County, Ohio, the matter of **vacating** a Public Road on the line hereinafter described, known as the ~~xxx~~ **Lakeview Drive** ~~xxxxx~~ Road, the general route and termini of which Road are as follows: Beginning at'

a point which is located forty feet East of the Southeast corner of Lot No. 17 of Lakeview Drive (Negus Subdivision No. 9) Colerain Township, Ohio, thence South a distance of approximately 1457 feet to a point where said road intersects the paved portion of State Route No. 250.

Said roadway (Lakeview Drive) is a proposed 40 foot roadway a more exact description of which may be found in Volume 12, Page 181 of the Belmont County Engineer's Road Books. Petition number 593 was filed with the Board of County Commissioners praying for the establishment of said roadway. The said Board by order dated February 24, 1958, directed the opening of said roadway, said order being of record in Volume 37, Page 495 of the Journals of the Board of County Commissioners. Roadway has never been opened.

Said Board of County Commissioners has fixed the **7th** day of **July** 19**69**, at **9:00** o'clock **A.** M., as the date when and **the commencing point** as the place where said Board will view the proposed improvement, and has also fixed the **9th** day of **July** 19**69**, at **8:00** o'clock **P.** M., at their office in the Court House of said County, in **St. Clairsville,** Ohio, as the time and place for the final hearing on said proposed improvement.

By Order of the Board of County Commissioners,  
County, Ohio.  
**Belmont**

**Janet K. Loy** Clerk.

1. "locating," "establishing," "altering," "widening," "straightening," "vacating," or "changing the direction of."  
2. Insert "a part of," if so.  
3. Here set forth the general route and termini of the Road, or part thereof, to be located, established or vacated, or the general manner in which such Road is to be altered, widened, straightened, or the direction thereof changed.



## Copy of Journal Entry of July 7, 1969

In the Matter of Vacating  
Lakeview Drive in Negus Subdivision,  
Petitioned for by Richard Johnston  
et al, Imp. #691.

Motion was made by Mr. Dorsey, seconded by Mr. Loy, that view for the vacating of Lakeview Drive in Negus Subdivision, Colerain Township, petitioned for by Richard Johnston et al, be continued until July 14, 1969, at 9:00 A. M. (DST).

Upon roll call the vote was as follows:

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

In the Matter of Vacating Lakeview  
Drive in Negus Subdivision, Petitioned  
for by Richard Johnston et al, Imp. #691.

Motion was made by Mr. Dorsey, seconded by Mr. Loy, that hearing for the vacating of Lakeview Drive in Negus Subdivision, Colerain Township, petitioned for by Richard Johnston et al, be continued until July 16, 1969, at 8:00 P. M. (DST).

Upon roll call the vote was as follows:

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

Commissioners Journal Vol. 43 Pg. 544  
" " " " 43 Pg. 546 July 9, 1969  
Hearing Continued to July 16, 1969 8:00 P. M. (DST)



Wm. Lillianthal & Sons, Cambridge, O. - 69968

In the Matter of Fixing Sewer Rates and Charges for Trailer Parks in Belmont Sanitary Sewer District #1.

Mr. Loy moved the passage of the following resolution:

WHEREAS, by resolution adopted on the 25th day of March, 1964, February 17, 1965, and the 1st day of January, 1968, rates and charges were established for the users of the sanitary sewer system of Sanitary Sewer District No. 1, Belmont County, Ohio, and,

WHEREAS, said rates and charges did not provide for House Trailer Parks, and it is the desire of this Board of County Commissioners to make such provision.

NOW THEREFORE, Be it Resolved by the Board of County Commissioners of Belmont County, Ohio:

Section 1. A "House Trailer Park" shall be defined as any, site, lot, field, or tract of land upon which three or more house trailers used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and the individual lots are leased or otherwise contracted for shall constitute a house trailer park if three or more trailers are parked thereon.

Section 2. That the sewer rate and charge for House Trailer Parks in Sanitary Sewer District No.1, Belmont County, Ohio, shall be Four Dollars (\$4.00) per unit of house trailers located in said Park. Said rates shall be effective as of August 5, 1969.

Section 3. That said rate as established in Section 2 above shall be in full force and effect for a period of at least five (5) years unless a general increase is necessary to pay the operating and monthly expenses and the debt and other reserve and security charges of the sewer system revenue bonds.

Section 4. That all provisions and regulations as set forth in the resolution of March 20, 1964, February 17, 1965, and January 1, 1968, that are not in conflict with this resolution are binding therein as if fully written herein.

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

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

In the Matter of Vacating Lakeview Drive in Negus Subdivision, Petitioned for by Richard Johnston et al, Imp. #691.

Commissioners Journal Vol. 43 Pg. 551

Mr. Loy moved the adoption of the following Resolution:

WHEREAS, ON the 14th day of July, 1969, 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 a part of Lakeview Drive being Colerain Township Road 771, located in Section 21, T7, R3, has remained unopened for seven years after the order establishing it was made or authority granted for its opening, and whereas, as provided in Section 5553.10 and after allowing adequate provision for a turnaround area, 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, 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

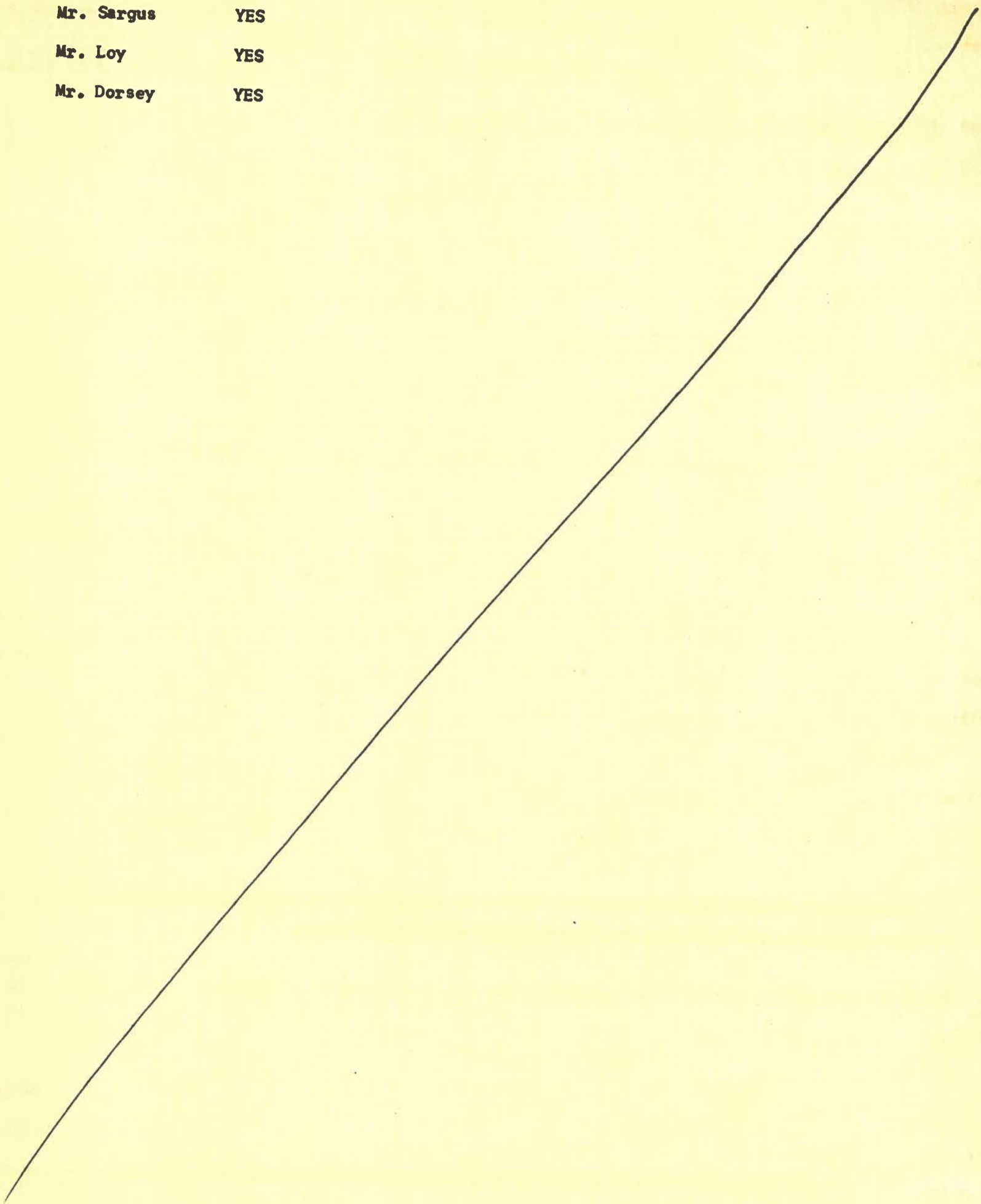
RESOLVED, That the said County Engineer be and he is hereby directed to make a report in writing to this

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. Sargus	YES
Mr. Loy	YES
Mr. Dorsey	YES



Board adjourned.

Read, approved, and signed this 14th day of July A. D. 1969.

A. J. Sargus  
Janet K. Loy COUNTY COMMISSIONERS  
M. Dorsey

We, A. J. Sargus and Janet K. Loy, President and Clerk respectively of the Board of Commissioners of Belmont County, Ohio, do hereby certify the foregoing minutes of the proceedings of said Board have been duly read, approved, and signed as provided for by Section 305.11 of the Revised Code of Ohio.

A. J. Sargus PRESIDENT  
Janet K. Loy CLERK



RESOLUTION—UPON VIEW OF PROPOSED IMPROVEMENT

ORDER TO COUNTY ENGINEER

Commissioners Journal  
Vol. 43 Pg. 554

IN THE MATTER OF THE

Vacation of Lakeview Drive in  
Negus Subdivision, petitioned for by  
Public Road.  
Richard Johnston et al, Imp. #691

Office of County Commissioners

Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in Regular session  
on the 16<sup>th</sup> day of July, 19 69, at the office of the County Commissioners

with the following members present:

A. J. Sargus

Ernest C. Loy

W. Dorsey

Mr. Loy moved the adoption of the following Resolution:

WHEREAS, On the 14<sup>th</sup> day of July, 19 69, 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, 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 16<sup>th</sup>  
day of July, 19 69, the date fixed for the final hearing, setting forth his opinion either for or against said proposed  
improvement, 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. Sargus YES  
Mr. Loy YES  
Mr. Dorsey YES

Adopted the 14<sup>th</sup> day of July, 19 69

\* That we do find a part of Lakeview Drive being  
Colerain Twp. Rd. 771, located in Sec. 21, T-7, R-3

Janet K. Loy  
Clerk Board of County Commissioners

REPORT OF COUNTY ENGINEER

IN THE MATTER OF THE

Vacation of Lakeriew Drive in  
Negus Subdivision. Being a Part  
Public Road.  
of T-771 which was not  
opened

County Engineer's Office,

Belmont County, Ohio.

July 16, 1969

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

The undersigned in obedience to your order dated July 14, 1969, proceeded on the 15<sup>th</sup> day of July, 1969, 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, due to not being opened as required in Section 5553.10, Ohio Revised Code.

[Redacted text]

An accurate and detailed description of the proposed vacation describing therein the centerline of the 40 foot right-of-way of that portion of T-771 to be vacated is as follows:

Beginning at a point which is located North 218.97 feet and East 20 feet from the Southeast corner of Lot No. 15, Negus Subdivision 10, Colerain Township, Section 21, Township 7, Range 3; thence in a southerly direction 1412.72 feet to where it intersects the North right-of-way line of U. S. No. 250.

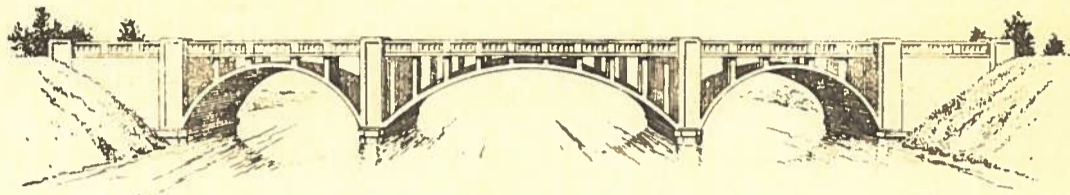
Provision has been made to allow for a turnaround area at the end of portion not being vacated.

[Redacted text]

Respectfully submitted

R. J. [Signature]

OFFICE OF

*R. J. Boccabella*DIAL 614 • 695-2121  
Extension 48*Belmont County Engineer*

ST. CLAIRSVILLE, OHIO 43950

July 16, 1969

Honorable Board of County Commissioners  
Belmont County  
Courthouse  
St. Clairsville, Ohio 43950

Re: Vacation of Lakeview Drive in  
Negus Subdivision. Being a  
Part of T-771 which was not  
opened.

Gentlemen:

The undersigned in obedience to your order dated July 14, 1969, proceeded on the 15th day of July, 1969, to make an accurate plat of the Public Road proposed to be vacated, and respectfully submits the following report:

In the opinion of the undersigned the proposed vacation should be granted due to not being opened as required in Section 5553.10, Ohio Revised Code.

A description of the proposed vacation describing therein the center line of the 40 foot right-of-way of that portion of T-771 to be vacated is as follows:

Beginning at a point which is located North 218.97 feet and East 20 feet from the Southeast corner of Lot No. 15, Negus Subdivision 10, Colerain Township, Section 21, Township 7, Range 3; thence in a southerly direction 1412.72 feet to where it intersects the North right-of-way line of U. S. No. 250.

Provision has been made to allow for a turnaround area at the end of portion not being vacated.

Respectfully submitted,

R. J. Boccabella, P. E.  
Belmont County Engineer

JTN:mr

By

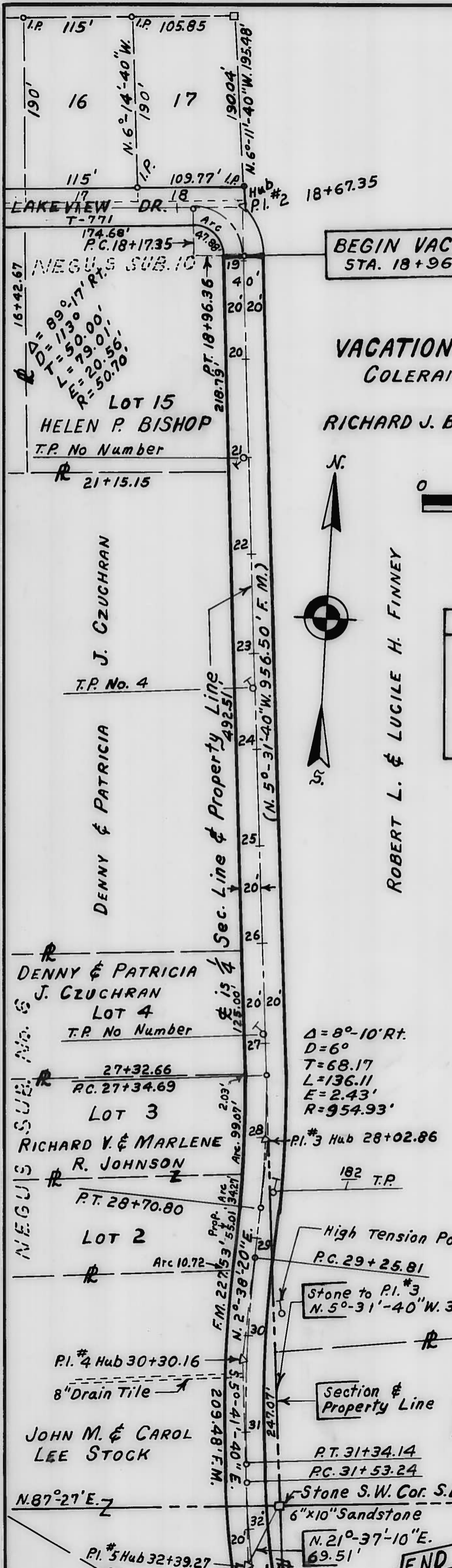
*James T. Newlin*  
James T. Newlin  
Adm. Assistant



NOTE:

- F.M. -- Field Measurement
- R.N. -- Roofing Nail
- T.P. -- Telephone Pole

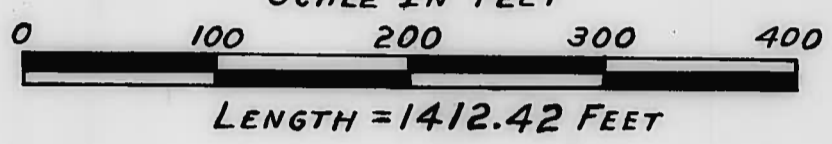
This description is taken from original survey made in 1957 in Road Book 12 Page 181 to establish said Lakeview Drive as a Public Road



**BEGIN VACATION**  
STA. 18+96.35

PETITION No. 691  
**VACATION OF A PART OF LAKEVIEW DRIVE T-771**  
 COLERAIN TOWNSHIP SECTIONS 20 & 21, T.7, R.3  
 BELMONT COUNTY, OHIO  
 RICHARD J. BOCCABELLA COUNTY ENGINEER

JULY 1969  
 SCALE IN FEET

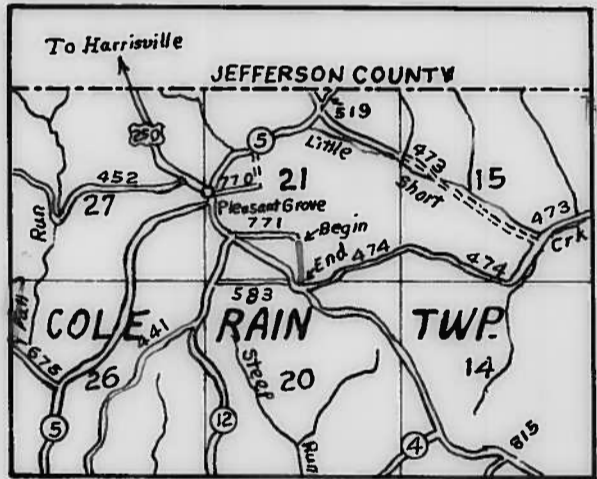


Ohio Revised Code Sec. 5553.10

**APPROVED BY**

Co. Engineer	<i>[Signature]</i>
Co. Comm.	<i>[Signature]</i>
Co. Comm.	<i>[Signature]</i>
Co. Comm.	<i>[Signature]</i>

This 16<sup>th</sup> day of July 1969



**LOCATION PLAN**  
SCALE IN MILES

$\Delta = 8^{\circ}-10' Rt.$   
 $D = 6^{\circ}$   
 $T = 68.17$   
 $L = 136.11$   
 $E = 2.43'$   
 $R = 954.93'$

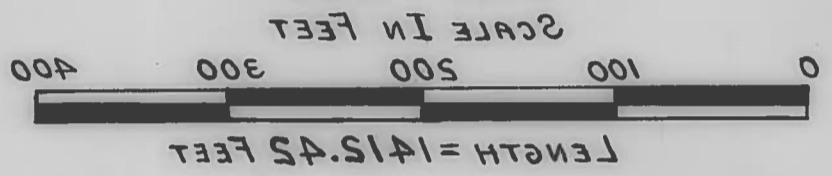
$\Delta = 8^{\circ}-20' Lt.$   
 $D = 40$   
 $T = 104.35'$   
 $L = 208.33'$   
 $E = 3.80'$   
 $R = 1432.29'$

**END VACATION**

$\Delta = 12^{\circ}-00' Lt.$   
 $D = 7^{\circ}$

NOTE:  
 F.M. -- Field Measurement  
 R.N. -- Roofing Nail  
 T.P. -- Telephone Pole  
 This description is taken from original  
 survey made in 1927 in Road Book 15  
 Page 181 to establish said Lakeview Drive  
 as a Public Road

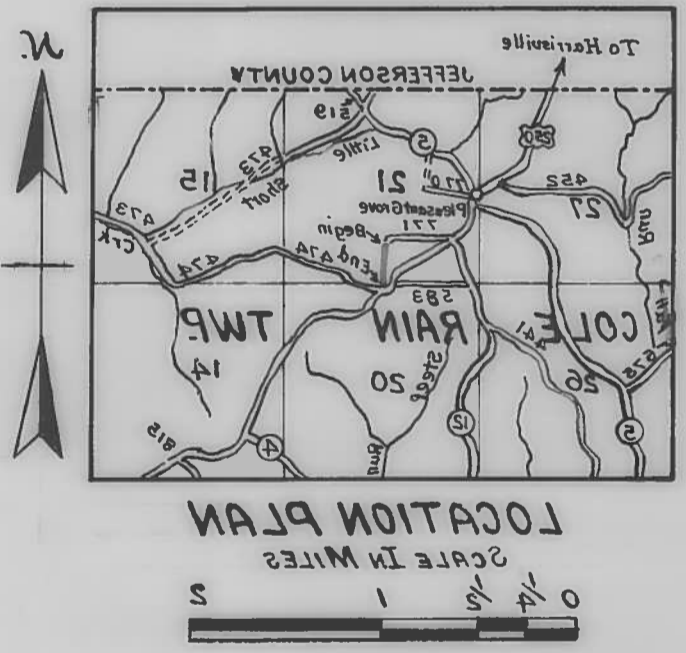
**VACATION OF A PART OF LAKEVIEW DRIVE T-771**  
 COLERAIN TOWNSHIP SECTIONS 50 & 51, T.7, R.3  
 BELMONT COUNTY, OHIO  
 RICHARD J. BOCCABELLA  
 COUNTY ENGINEER  
 JULY 1969  
 PETITION NO. 691



Ohio Revised Code Sec. 5523.10

APPROVED BY	Co. Engineer
	Co. Comm.
	Co. Comm.
	Co. Comm.
	Co. Comm.

This is the day of July 1969

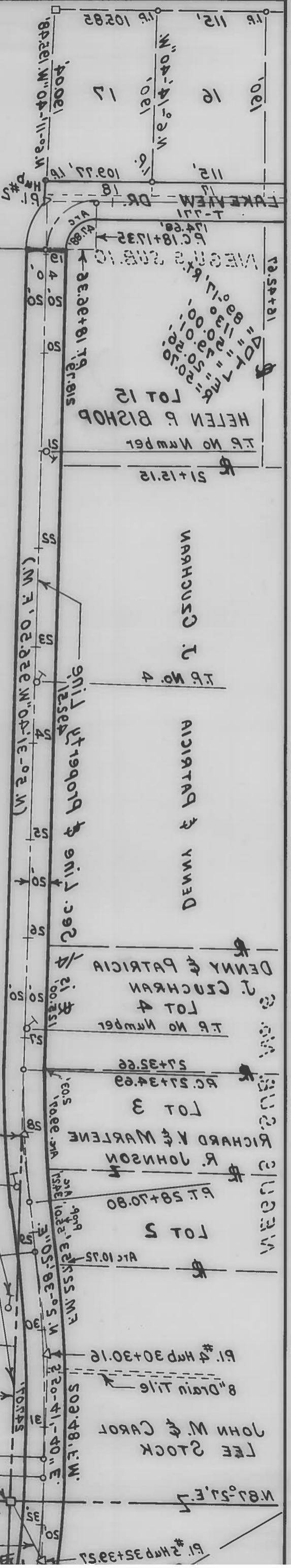


ROBERT J. BOCCABELLA COUNTY ENGINEER



**END VACATION**  
 STA. 18+26.36

**BEGIN VACATION**  
 STA. 18+26.36



RESOLUTION—GRANTING PROPOSED IMPROVEMENT ORDERING RECORD, ETC.

IN THE MATTER OF THE

Vacation of Lakeview Drive in Negus Subdivision, petitioned for by Richard Johnston et al, Imp. #691

Office of County Commissioners, Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in Regular session on the 16th day of July, 1969, at the office of the County Commissioners with the following members present:

A. J. Sargus Earnest C. Loy W. Dorsey

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

~~RESOLVED and determined to proceed with said improvement and the same is hereby granted and said road is hereby ordered vacated~~

~~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;~~

\* part of T-771

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;

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

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

Adopted the 16th day of July, 1969

**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\_\_\_\_.



C  
O  
P  
Y

August 8, 1969

Colerain Township Trustees  
James Klier, Clerk  
Barton, Ohio 43905

Dear Mr. Klier:

Enclosed please find a copy of journal entry of July 16, 1969,  
in the matter of the vacating of Lakeview Drive in Negus Subdivision,  
petitioned for by Richard Johnston et al, and a copy of the plat per-  
taining to said vacation.

Sincerely yours,  
BELMONT COUNTY COMMISSIONERS

\_\_\_\_\_  
Clerk

enc.

*Not in Commissioners Journal Vol. 43  
10 day elapsed period*

