

PUBLIC ROAD PETITION No. 708

St. Clairsville, Ohio, Nov. 9<sup>th</sup>, 1970

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 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 County Highway No. 104, said beginning point situated in State of Ohio, County of Belmont, Township of Union, Section No. 36 and referenced as follows from the southeast corner of said section, west along the south line of Section No. 36 for a distance of 2,470 feet more or less; thence at a right angle thereto north for a distance of 770 feet more or less to the place of beginning; thence in a general westerly direction for a distance 4,400 feet more or less; thence in a northwesterly direction for a distance of 3,100 feet more or less; thence in a westerly direction for a distance of 4,000 feet more or less to the intersection of Belmont County, Ohio Highway No. 104 and Kirkwood Township Road No. 363. Thence continuing along the centerline of Belmont County Road No. 104 in a southerly direction for a distance of 4,700 feet more or less to the intersection of Belmont County Road No. 104 and Belmont County Road No. 100 the terminus of the portion of road herein petitioned for reconstruction improvement. (vacation).

Said terminus point situated in State of Ohio, County of Belmont, Township of Kirkwood, Section No. 11. The overall distance of said portion of road petitioned for vacation being 16,200 feet more or less (3.07 Mile).

Consolidation Coal Company, the petitioner, states that it is the owner of surface or the right to mine coal underlying and adjacent to said portion of road, and that no inconvenience will be caused the travelling public by said vacation.

Dated this 9<sup>th</sup> day of November, A. D. 1970

| PETITIONERS' NAMES                                      | TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE |
|---|--|
| BY: CONSOLIDATION COAL COMPANY<br>Elmer E. Loper, AGENT |  |

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

IN THE MATTER OF THE

Vacating a Part of County Highway No. 104 (Murphy Ridge Road) Public Road.

Office of County Commissioners, Belmont County, Ohio

Imp. #708

Petitioned for by Consolidation Coal Co., and others.

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

on the 9th day of November, 1970, at the office of the County Commissioners

with the following members present:

RESOLVED, That the Clerk of the Board be and she is hereby directed to notify the abutting property owners of the time and place of hearing in accordance with Sec. 5553.05 of the Revised Code of Ohio; and be it further

W. H. Dorsey

Earnest C. Loy

A. J. Sargus

Mr. Sargus moved the adoption of the following Resolution:

WHEREAS, A Petition 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 7th day of December, 1970, 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 14th day of December, 1970, 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 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. Dorsey yes

Mr. Loy yes

Mr. Sargus yes

Adopted the 9th day of November, 1970.

Earnest C. Loy



RESOLUTION—UPON VIEW OF PROPOSED IMPROVEMENT  
ORDER TO COUNTY ENGINEER

IN THE MATTER OF THE  
*Vacating a Part of County Highway No. 104*  
*(Murphy Ridge Road)*  
Public Road.

Office of County Commissioners  
Belmont County, Ohio  
Imp. #708

The Board of County Commissioners of Belmont County, Ohio, met in *Regular* session  
on the *9th* day of *November*, 19 *70*, at the office of *the County Commissioners*  
with the following members present:

*Wm. H. Dorsey*  
*Earnest C. Loy*  
*A. J. Sargus*

Mr. *Sargus* moved the adoption of the following Resolution:

WHEREAS, On the *7th* day of *December*, 19 *70*, 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 *14th*  
day of *December*, 19 *70*, 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. *Loy* seconded the Resolution and the roll being called upon its adoption, the vote  
resulted as follows:

Mr. *Dorsey* *Yes*  
Mr. *Loy* *Yes*  
Mr. *Sargus* *Yes*

Adopted the *7th* day of *December*, 19 *70*.

*Jeanne P. Harris*

REPORT OF COUNTY ENGINEER

IN THE MATTER OF THE

Vacating a part of C. H. # 104

(Murphy Ridge Road)

Public Road.

Imp. # 708

County Engineer's Office,

Belmont County, Ohio.

Dec. 11, 1970

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

The undersigned in obedience to your order dated Dec. 9, 1970, proceeded on the 10th day of December, 1970, 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.

[Redacted text]

An accurate and detailed description of the proposed improvement describing therein the center line and right of way lines follows:

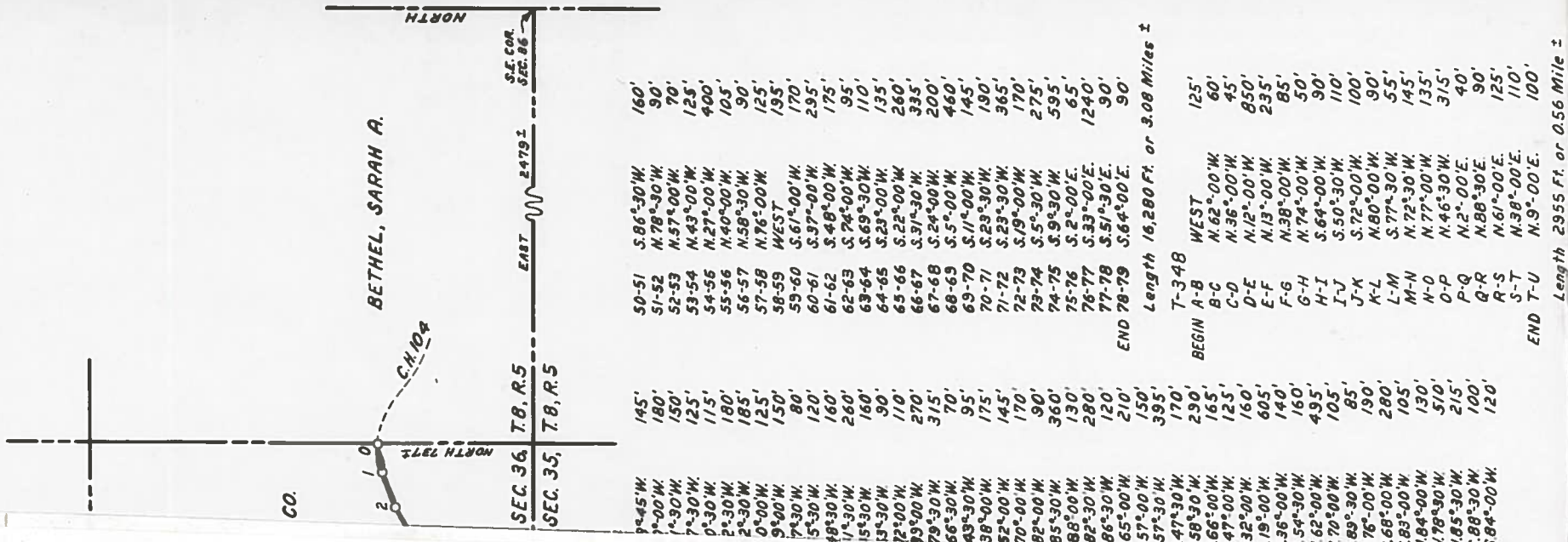
"See attached plat"

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:

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[Handwritten signature]





228-A

"Copy of Journal Entry of December 14, 1970"

In the Matter of Permanently Vacating a part of Co. Highway No. 104, known as Murphy's Ridge Road. Imp. No. 708.

"Hearing Continued"

Motion was made by Mr. Sargus, seconded by Mr. Loy, that the hearing for vacating a part of Co. Highway No. 104, known as Murphy's Ridge Road, be continued until December 28, 1970 at 10:00 A.M. (EST).

Upon roll call the vote was as follows:

|            |     |
|------------|-----|
| Mr. Dorsey | YES |
| Mr. Loy    | YES |
| Mr. Sargus | YES |

Commissioners Journal  
Vol. 44 Pg. 361

"Copy of Journal Entry of December 28, 1970"

In the Matter of Permanently Vacating a part of Co. Highway No. 104, known as Murphy's Ridge Road. Imp. #708.

"Hearing Continued"

Motion was made by Mr. Sargus, seconded by Mr. Loy, that the hearing for vacating a part of Co. Highway #104, known as Murphy's Ridge Road, be continued until December 30, 1970, at 8:00 P.M. (EST).

Upon roll call the vote was as follows:

|            |     |
|------------|-----|
| Mr. Dorsey | YES |
| Mr. Sargus | YES |
| Mr. Loy    | YES |

Commissioners Journal  
Vol. 44 Pg. 369

"Copy of Journal Entry of December 30, 1970"

In the Matter of Permanently Vacating a part of Co. Highway No. 104, known as Murphy's Ridge Road. Imp. \$708

"Permanent Vacation"

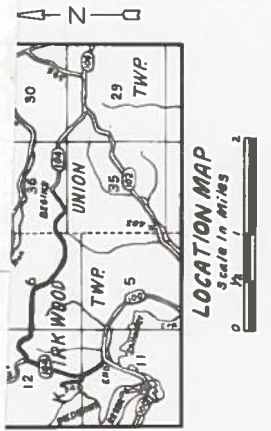
Motion was made by Mr. Sargus, seconded by Mr. Loy, that the part of Co. Highway, No. 104, know as Murphys's Ridge Road, be vacated as described in Imp. #708.

Upon roll call the vote was as follows:

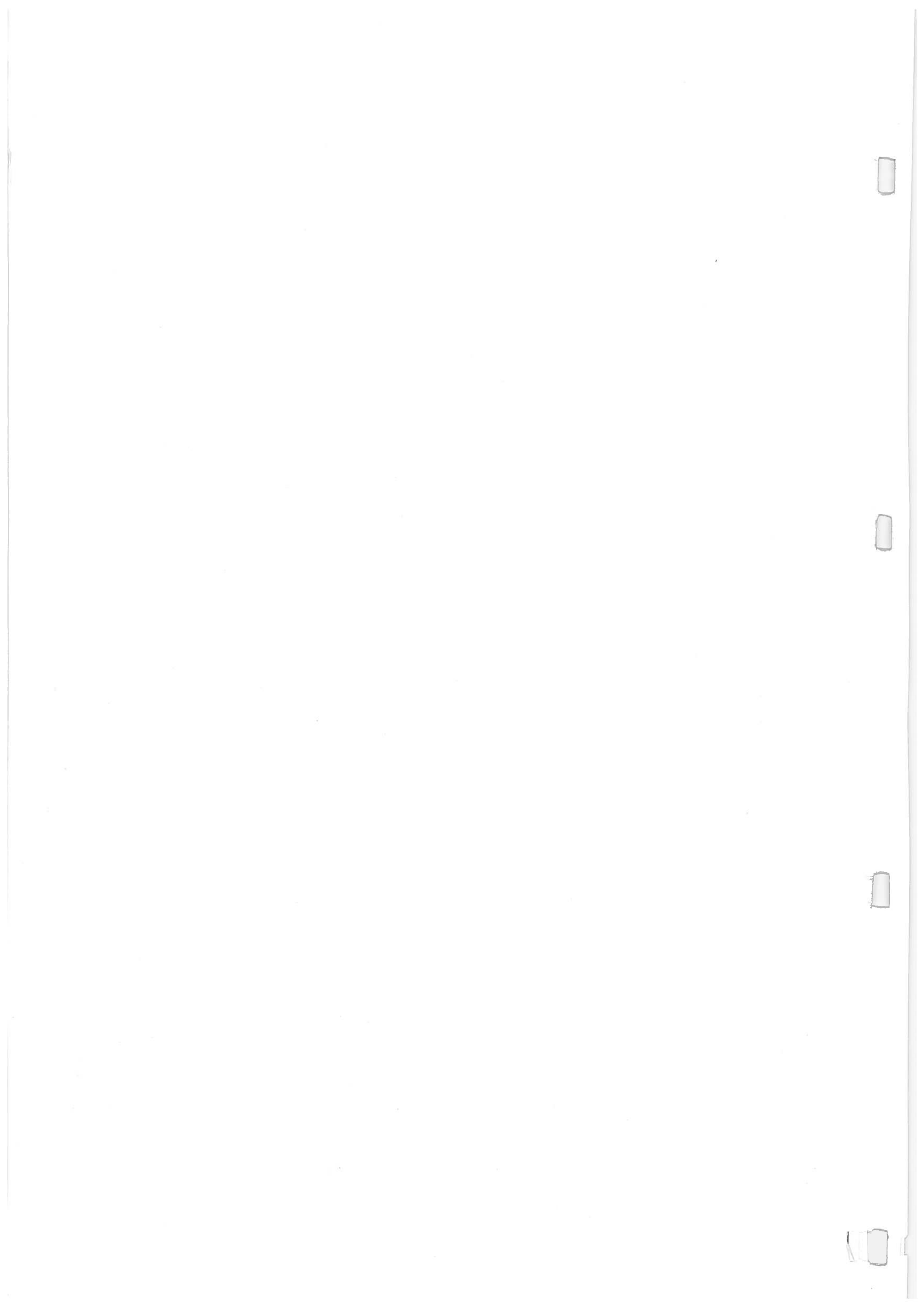
|            |     |
|------------|-----|
| Mr. Dorsey | YES |
| Mr. Loy    | YES |
| Mr. Sargus | YES |

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PETITION No. 708  
 VACATION OF A PORTION OF CH. 104 MURPHY-RIDGE ROAD & T-348  
 KIRKWOOD TOWNSHIP SECTIONS 6, 11, & 12, T. 9, R. 6 & UNION TOWNSHIP SECTION 36, T. 8, R. 5  
 BELMONT COUNTY, OHIO  
 (PETITIONED BY CONSOLIDATION COAL CO.-ELMER E. LOPER AGENT)  
 1970  
 SECTION 5553.04 OHIO REVISED CODE COUNTY ENGINEER  
 RICHARD J. BOCCABELLA



Length 2955 Ft. or 0.56 Mile ±  
 END T-U N.9°-00'E. 100'  
 R-S N.61°-00'E. 125'  
 Q-R N.88°-30'E. 90'  
 P-Q N.2°-00'E. 40'  
 O-P N.46°-30'W. 315'  
 N-O N.77°-00'W. 135'  
 M-N N.72°-30'W. 145'  
 L-M S.77°-30'W. 55'  
 K-L N.80°-00'W. 90'  
 J-K S.72°-00'W. 100'  
 I-J S.50°-30'W. 110'  
 H-I S.64°-00'W. 90'  
 G-H N.74°-00'W. 50'  
 F-G N.38°-00'W. 85'  
 E-F N.13°-00'W. 235'  
 D-E N.12°-00'W. 850'  
 C-D N.36°-00'W. 45'  
 B-C N.62°-00'W. 125'  
 WEST  
 T-348  
 Length 16,280 Ft. or 3.08 Miles ±  
 END 78-79 S.64°-00'E. 90'  
 77-78 S.51°-30'E. 90'  
 76-77 S.33°-00'E. 1240'  
 75-76 S.2°-00'E. 65'  
 74-75 S.5°-30'W. 595'  
 73-74 S.5°-30'W. 275'  
 72-73 S.19°-00'W. 170'  
 71-72 S.23°-30'W. 365'  
 70-71 S.23°-30'W. 190'  
 69-70 S.11°-00'W. 145'  
 68-69 S.5°-00'W. 460'  
 67-68 S.24°-00'W. 200'  
 66-67 S.31°-30'W. 335'  
 65-66 S.22°-00'W. 260'  
 64-65 S.23°-00'W. 260'  
 63-64 S.29°-30'W. 110'  
 62-63 S.76°-00'W. 95'  
 61-62 S.48°-00'W. 175'  
 60-61 S.37°-00'W. 295'  
 59-60 S.61°-00'W. 170'  
 58-59 WEST  
 57-58 N.76°-00'W. 125'  
 56-57 N.58°-30'W. 90'  
 55-56 N.40°-00'W. 105'  
 54-55 N.27°-00'W. 400'  
 53-54 N.43°-00'W. 125'  
 52-53 N.57°-00'W. 70'  
 51-52 N.78°-30'W. 160'  
 50-51 S.86°-30'W. 160'





RESOLUTION—GRANTING PROPOSED IMPROVEMENT ORDERING RECORD, ETC.

IN THE MATTER OF THE Permanently Vacating a part of Co. Highway #104-Murphy's Ridge Road Public Road.

Office of County Commissioners, Belmont County, Ohio Imp. #708

The Board of County Commissioners of Belmont County, Ohio, met in Special session on the 30th day of December, 1970, at the office of Belmont County Commissioners with the following members present:

- Mr. Dorsey Mr. Sargus Mr. Loy

Mr. Sargus 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 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,

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, 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;

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

Table with 2 columns: Name (Mr. Dorsey, Mr. Sargus, Mr. Loy) and Vote (YES, YES, YES)

Adopted the 30th day of December, 1970



**RESOLUTION ~~AWARDING COMPENSATION AND DAMAGES~~**

IN THE MATTER OF THE

Vacating P. Co. Hwy #104 & T-348 an  
Impassable Rd. (Murphy Ridge Rd. (C.H. 164)  
Public Road.  
Imp. 708

Office of County Commissioners,  
Belmont County, Ohio.

The Board of County Commissioners of Belmont County, Ohio, met in Regular session  
on the 1st day of February, 1971, at the office of County Commissioners  
with the following members present:

Sargus  
Giffin  
Dorsey

Mr. Dorsey 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:

Order to trustees  
10 day or more elapsed  
Commissioners Journal Vol. 44 Pg. 408

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

Mr. Sargus  
Mr. Giffin  
Mr. Dorsey

Adopted the 1st day of February, 1971  
Teanne P. Harris