

**PUBLIC ROAD PETITION** #715  
Rev. Code Sec. 5553.042

Belmont County, St. Clairsville, Ohio, January 18, 1972

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 (Old Bannock Rd.) 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 Old National Road and the Old Lloydsville-Bannock Road, thence along Lloydsville-Bannock Road N. 16 deg. 45 min. E. 280.00 ft. to a point, thence N. 16 deg. 15 min. E. 170.00 ft., thence North 28 deg. 45 min E. 159.00 ft. in the New Exist State Rt. 40.

Above description is referred to in Deed recorded in Volume 382 Page 219 of Belmont County Record of Deeds.

(Sec. 5553.042)

We are the only persons living on this road and we own all the property on all sides of this road. The road has not been used at all for over 32 years.

John J. Jakubic  
Janet R. Jakubic

Dated this 13<sup>th</sup> day of March, A. D. 1972

PETITIONERS' NAMES	TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE
John J. Jakubic Janet R. Jakubic	Richland "

RESOLUTION—FIXING TIME AND PLACE OF VIEW AND OF FINAL HEARING AND NOTICE THEREOF ON PUBLIC ROAD PETITION #715

IN THE MATTER OF THE

Vacation of a part of  
"Old Bannock Road"  
Public Road.

Office of County Commissioners,  
Belmont County, Ohio

Petitioned for by \_\_\_\_\_  
\_\_\_\_\_, and others.

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

on the 13<sup>th</sup> day of March, 19 72, at the office of Belmont County Commissioners  
with the following members present:

Mr. Sargus

Mr. Giffen

Mr. Linch

Mr. Giffen 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 Old Bannock Road  
\_\_\_\_\_ a Public Road as described therein; therefore, be it

RESOLVED, That the 3<sup>rd</sup> day of April, 19 72, 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 Said Vacation  
and go over the line of said proposed improvement; and be it further

RESOLVED, That the 10<sup>th</sup> day of April, 19 72, 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. Linch seconded the Resolution and the roll being called upon its adoption, the vote  
resulted as follows:

Mr. Sargus YES

Mr. Giffen YES

Mr. Linch YES

Adopted the 13<sup>th</sup> day of April, 19 72



RESOLUTION—UPON VIEW OF PROPOSED IMPROVEMENT #715  
ORDER TO COUNTY ENGINEER

IN THE MATTER OF THE  
Vacation of a part of  
Old Bannock Road  
Public Road.

Office of County Commissioners  
Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in Regular session  
on the 3rd day of April, 1972, at the office of Belmont County Commissioners

with the following members present:

- Mr. Sargus
- Mr. Giffen
- Mr. Linch

Mr. Giffen moved the adoption of the following Resolution:

WHEREAS, On the 3rd day of April, 1972, 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 10th day of April, 1972, 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. Linch seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

- Mr. Sargus YES
- Mr. Giffen YES
- Mr. Linch YES

Adopted the 3rd day of April, 1972

Jeanne P. Harris  
Clerk Board of County Commissioners

252  
~~254~~

REPORT OF COUNTY ENGINEER

IN THE MATTER OF THE  
Vacation of a part of  
Old Bannock Road  
Public Road.  
Imp. No. 715

County Engineer's Office,  
Belmont County, Ohio.

, 19.....

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

The undersigned in obedience to your order dated April 3, 1972, proceeded on the 4<sup>th</sup> day of April, 1972, 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.~~

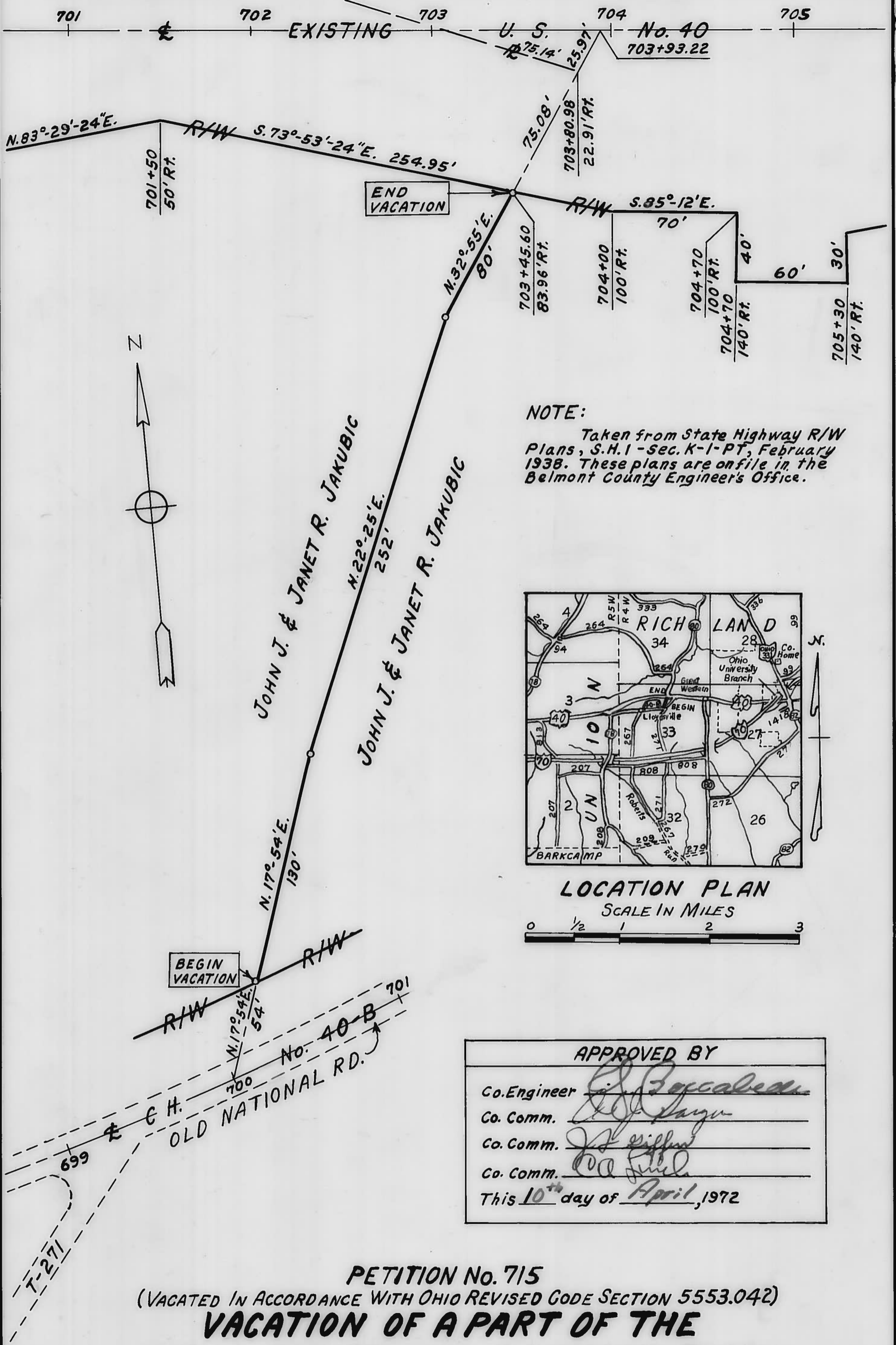
~~An accurate survey and plat, and an accurate and detailed description of each tract of land which the undersigned County Engineer believes will be necessary to be taken in the event the proposed improvement be made, together with the name of each owner, accompany this report and are made a part hereof.~~

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

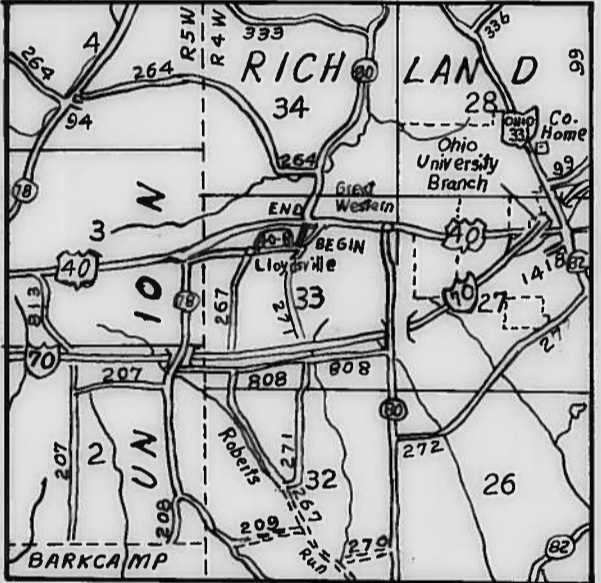
"See attached Plat"

~~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]*



**NOTE:**  
 Taken from State Highway R/W Plans, S.H.1 - Sec. K-1-PT, February 1938. These plans are on file in the Belmont County Engineer's Office.



**LOCATION PLAN**  
 SCALE IN MILES

**APPROVED BY**

Co. Engineer *J. Baccabau*

Co. Comm. *J. Payne*

Co. Comm. *J. Siffert*

Co. Comm. *W. F. Smith*

This 10<sup>th</sup> day of April, 1972

**PETITION No. 715**  
 (VACATED IN ACCORDANCE WITH OHIO REVISED CODE SECTION 5553.042)  
**VACATION OF A PART OF THE**  
**OLD LLOYDSVILLE-BANNOCK ROAD**  
 RICHLAND TOWNSHIP SECTION 33, T.7, R.4  
 BELMONT COUNTY, OHIO  
 (PETITIONED FOR BY JOHN J. JAKUBIC)





RESOLUTION—GRANTING PROPOSED IMPROVEMENT #715 ORDERING RECORD, ETC.

IN THE MATTER OF THE

Vacation of a part of Old Bannock Road

Public Road.

Imp #715

Office of County Commissioners,

Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in Regular session on the 10th day of April, 1972, at the office of Belmont County Commissioners with the following members present:

Mr. Sargus

Mr. Giffen

Mr. Linch

Giffen

Mr. Giffen 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

each compensation and damages as may be adjudged against them by the day of 1972, 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 such 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

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 1972, 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.

Linch

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

Mr. Sargus YES
Mr. Giffen YES
Mr. Linch YES

Adopted the 10th day of April, 1972



**RESOLUTION—AWARDING COMPENSATION AND DAMAGES**

IMP. #715

IN THE MATTER OF THE

Vacation of a Part of Old Bannock Road, Richland Township  
Public Road.

Office of County Commissioners,

Belmont County, Ohio.

The Board of County Commissioners of Belmont County, Ohio, met in Regular session on the 26<sup>th</sup> day of April, 1972, at the office of Belmont County Commissioners with the following members present:

Sargus  
Giffen  
Linch

Mr. Giffen 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~~

~~ten days or more have elapsed since our order vacating a part of Old Bannock Road, petitioned by John J. Jakubic & Janet R. Jakubic, and it appears that no appeal has been submitted from our order in the matter of said vacation; therefore be it~~

RESOLVED, That said Bannock Road be vacated as set forth in Journal Entry of April 10, 1972;

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:~~

That the Clerk of this Board be and she is hereby ordered to forward to the Trustees of Richland Township a copy of this journal entry and a copy of the plat of said vacation.

be and the same is hereby established.

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

Mr. Sargus YES  
Mr. Giffen YES  
Mr. Linch YES

Adopted the 26<sup>th</sup> day of April, 1972

Teanne P. Harris