

PUBLIC ROAD PETITION IMP. No. 788

Belmont County, Ohio, March 8, 1977

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

The undersigned 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 Township Road T-173 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 the centerline intersection of Belmont County Road No. 100 and Union Township Road No. 173, said beginning point situated in State of Ohio, County of Belmont, Township of Union, Section No. 31; thence southwesterly for a distance of 500 feet more or less to the west boundary of Union Township; thence into Section No. 2 Kirkwood Township for a distance of 600 feet more or less; thence continuing into Section No. 1 for a distance of 3,500 feet more or less; thence southerly for a distance of 2,500 feet more or less to the south boundary of Kirkwood Township; thence continuing southwesterly into Warren Township, Section No. 6 for a distance of 2,100 feet more or less; thence in a southerly direction along the west line of Section No. 6 for a distance of 1,200 feet more or less to the terminus of the road herein petitioned for vacation. Said terminus situated in State of Ohio, County of Belmont, Township of Warren and referenced as follows: From the southwest corner of Section No. 6 north along the west line of said section for a distance of 650 feet more or less to the terminus.

The distance in Union Township - 500 feet more or less; the distance in Kirkwood Township - 6,600 feet more or less; the distance in Warren Township - 3,300 feet more or less. The total distance petitioned for vacation being 10,400 feet more or less. (1.97 miles).

The petitioner herein states that it is owner of surface or right to mine coal underlying and adjacent to said road and that the traveling public will not be inconvenienced by said vacation.

Dated this 8th day of March, A. D. 1977

Table with 2 columns: PETITIONERS' NAMES and TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE. Includes names like George J. Mauersberger, John J. Spiga, Dan Merritt, Kenneth A. Eddy, Earl Stephens, Hagar H. Myers, Paul J. Anderson, and Marjorie S. Hunter.

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

IMP. No. 788

IN THE MATTER OF THE

Office of County Commissioners,

Vacation of T-173

Belmont County, Ohio

Public Road.

Petitioned for by Elmer Loper, Agent

Consolidation Coal

, and others.

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

on the 2nd day of May, 1977, at the office of the Commissioners

with the following members present:

A. J. Sargus

G. A. Linch

J. F. Giffen

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 T-173

a Public Road as described therein; therefore, be it

RESOLVED, That the 23rd day of May, 1977, at 2:30 o'clock P. M., be fixed as the date when we will view the proposed improvement, on which date we will meet at the site

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

RESOLVED, That the 1st day of June, 1977, at 10:30 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 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. Linch Yes

Mr. Giffen Yes

Adopted the 2nd day of May, 1977

Mrs. Karick Clerk

RESOLUTION—UPON VIEW OF PROPOSED IMPROVEMENT

ORDER TO COUNTY ENGINEER

IMP. No. 788

Gen'l. Code Sec. 6865

IN THE MATTER OF THE

Vacation of Tap. Road #173

Union & Warren 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 23rd day of May, 1977, at the office of The Commissioners

with the following members present:

A. J. Sargus

C. A. Linch

J. F. Giffen

Mr. Linch moved the adoption of the following Resolution:

WHEREAS, On the 23rd day of May, 1977, 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 1st day of June, 1977, 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. Giffen seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

Mr. Sargus Yes

Mr. Linch Yes

Mr. Giffen Yes

Adopted the 23rd day of May, 1977.

Mary Kapolka

REPORT OF COUNTY ENGINEER

IMP. No. 788

Rev. Code Sec. 5553.06

IN THE MATTER OF THE

Vacation of Township Road No. 173

Union Township

Public Road.

County Engineer's Office,

Belmont County, Ohio

May 23, 1977

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

The undersigned in obedience to your order dated May 23, 1977, proceeded on the 31st day of May, 1977, 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.

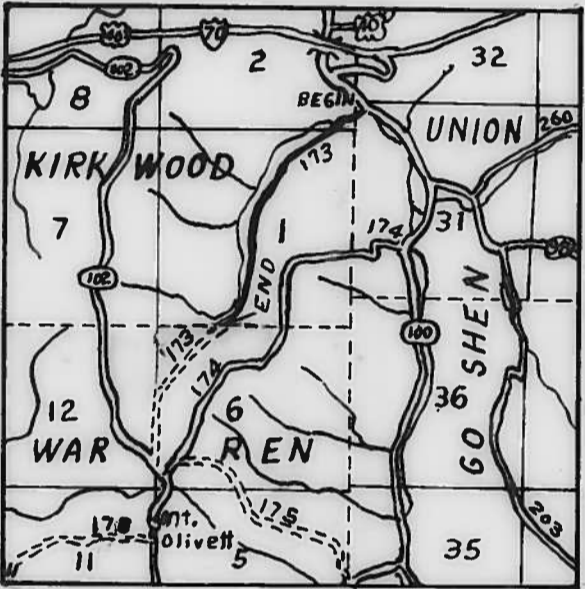
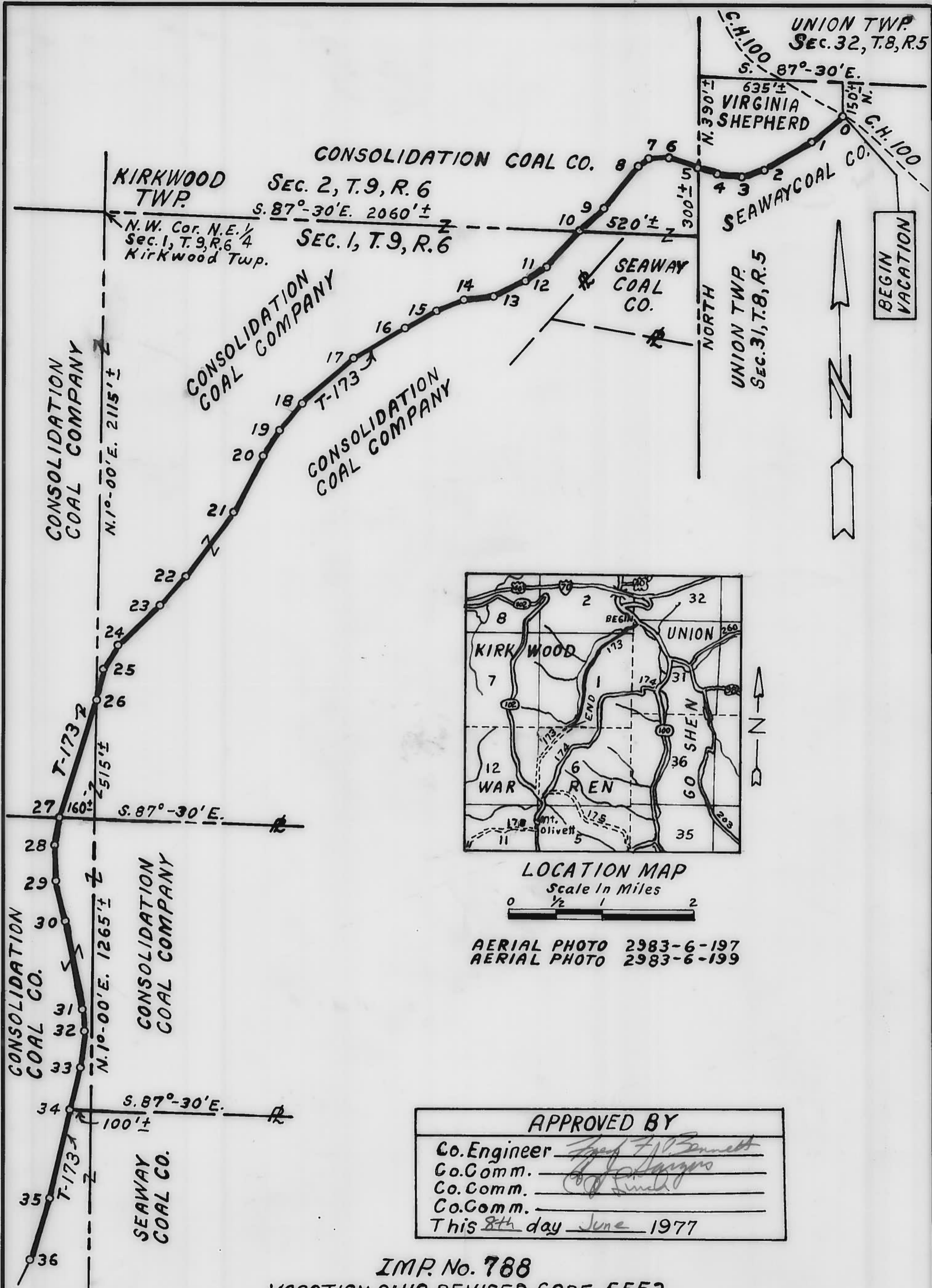
[Redacted text block]

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

"See 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:

The portion in Warren Township should not be vacated.



AERIAL PHOTO 2983-6-197
 AERIAL PHOTO 2983-6-199

APPROVED BY
 Co. Engineer *[Signature]*
 Co. Comm. *[Signature]*
 Co. Comm. *[Signature]*
 Co. Comm. _____
 This 8th day June 1977

IMP. No. 788
 VACATION OHIO REVISED CODE 5553
PARTIAL-VACATION OF TOWNSHIP ROAD T-173
KNOWN AS OLIVET RD., MAJORS RD. & HEANEY RD.
 (Petitioned for by Central Division; Consolidation Coal Co. By: Elmer E. Loper: Agent)
 UNION TWP. SEC. 31, T.8, R.5
 KIRKWOOD TWP. SECS. 1 & 2, T.9, R.6
 BELMONT COUNTY, OHIO

BELMONT COUNTY, OHIO
KIRKWOOD TWP SECS. 1 & 2, T.8, R.6
UNION TWP SEC. 31, T.8, R.6
 (Petitioned for by Central Division; Consolidation Coal Co. By: Elmer E. Loper: Agent)

KNOWN AS OLIVET RD, MAJORS RD, & HEANEY RD.
PARTIAL-VACATION OF TOWNSHIP ROAD T-173

VACATION OHIO REVISED CODE 2523

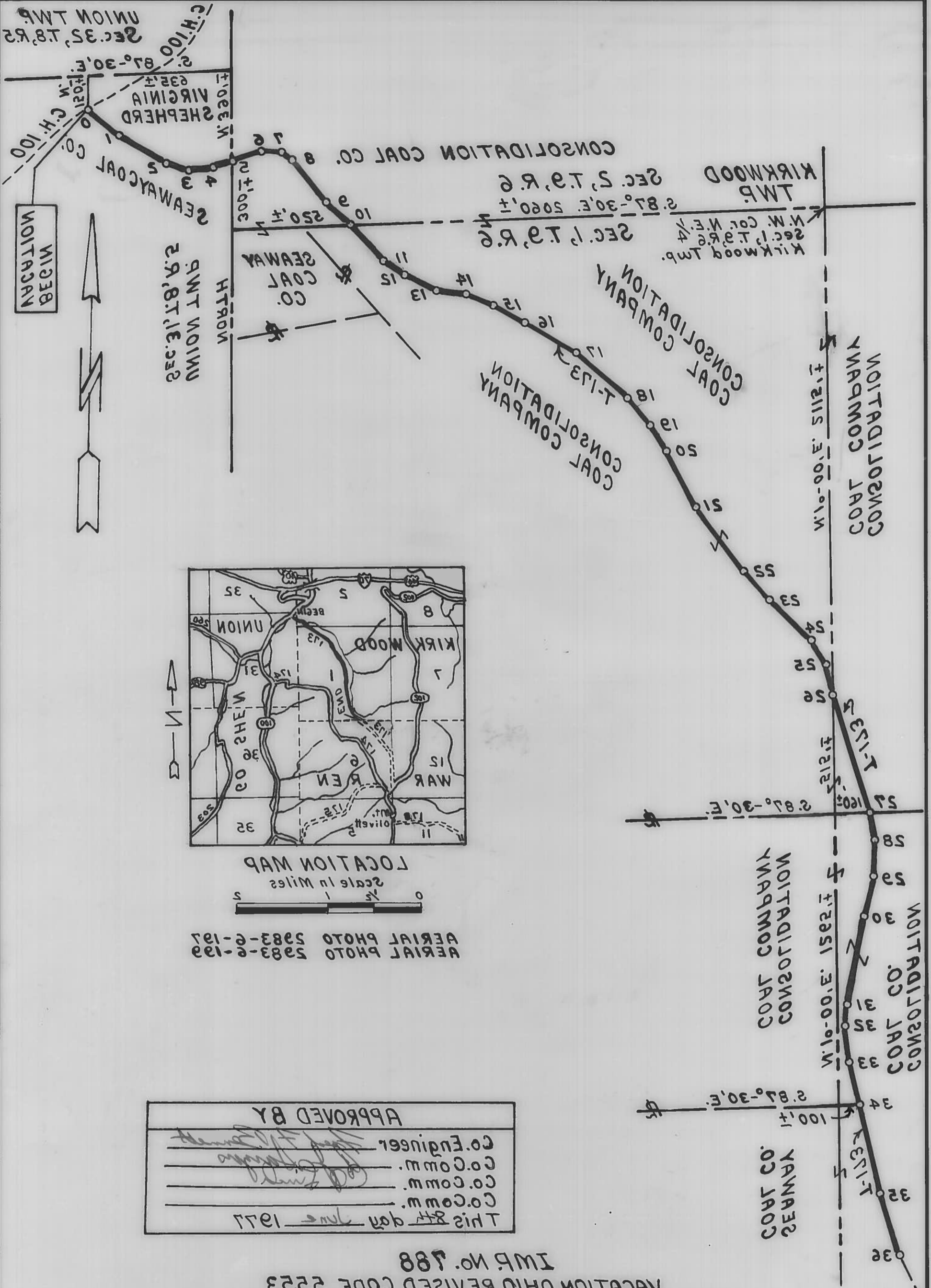
IMR No. 788

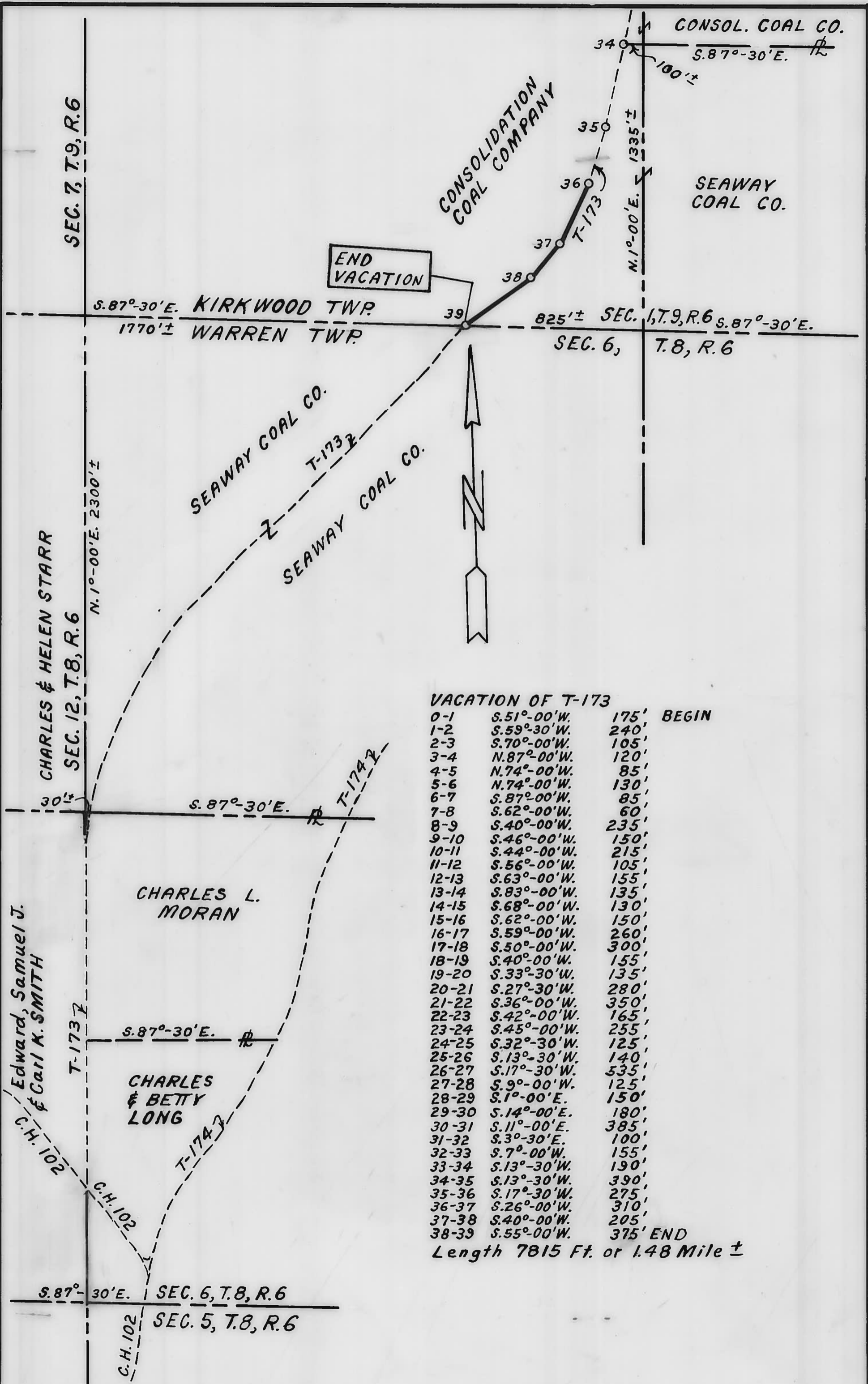
APPROVED BY
 This 8th day June 1977
 Co. Comm. _____
 Co. Comm. _____
 Co. Comm. _____
 Co. Engineer _____

AERIAL PHOTO 583-E-139
 AERIAL PHOTO 583-E-137

Scale in Miles
 0 1/2 1 2

LOCATION MAP

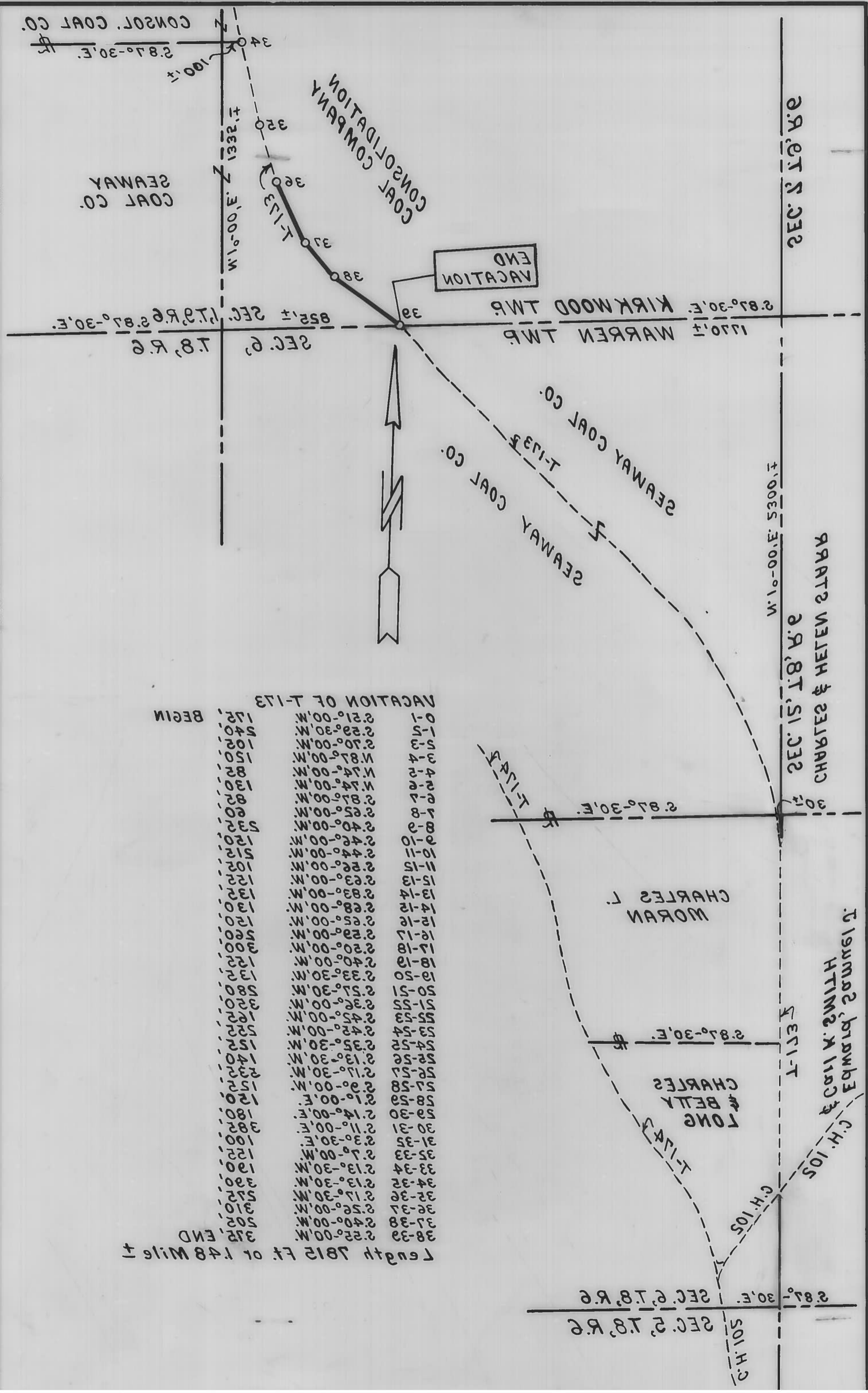




VACATION OF T-173

0-1	S.51°-00'W.	175'	BEGIN
1-2	S.59°-30'W.	240'	
2-3	S.70°-00'W.	105'	
3-4	N.87°-00'W.	120'	
4-5	N.74°-00'W.	85'	
5-6	N.74°-00'W.	130'	
6-7	S.87°-00'W.	85'	
7-8	S.62°-00'W.	60'	
8-9	S.40°-00'W.	235'	
9-10	S.46°-00'W.	150'	
10-11	S.44°-00'W.	215'	
11-12	S.56°-00'W.	105'	
12-13	S.63°-00'W.	155'	
13-14	S.83°-00'W.	135'	
14-15	S.68°-00'W.	130'	
15-16	S.62°-00'W.	150'	
16-17	S.59°-00'W.	260'	
17-18	S.50°-00'W.	300'	
18-19	S.40°-00'W.	155'	
19-20	S.33°-30'W.	135'	
20-21	S.27°-30'W.	280'	
21-22	S.36°-00'W.	350'	
22-23	S.42°-00'W.	165'	
23-24	S.45°-00'W.	255'	
24-25	S.32°-30'W.	125'	
25-26	S.13°-30'W.	140'	
26-27	S.17°-30'W.	535'	
27-28	S.9°-00'W.	125'	
28-29	S.1°-00'E.	150'	
29-30	S.14°-00'E.	180'	
30-31	S.11°-00'E.	385'	
31-32	S.3°-30'E.	100'	
32-33	S.7°-00'W.	155'	
33-34	S.13°-30'W.	190'	
34-35	S.13°-30'W.	390'	
35-36	S.17°-30'W.	275'	
36-37	S.26°-00'W.	310'	
37-38	S.40°-00'W.	205'	
38-39	S.55°-00'W.	375'	END

Length 7815 Ft. or 1.48 Mile ±



Length 2815 Ft. or 1.48 Mile ±

38-39	S. 25°-00' W.	315	END
37-38	S. 40°-00' W.	502	
36-37	S. 26°-00' W.	310	
35-36	S. 17°-30' W.	512	
34-35	S. 13°-30' W.	330	
33-34	S. 13°-30' W.	190	
32-33	S. 7°-00' W.	152	
31-32	S. 3°-30' E.	100	
30-31	S. 11°-00' E.	382	
29-30	S. 14°-00' E.	180	
28-29	S. 1°-00' E.	120	
27-28	S. 9°-00' W.	152	
26-27	S. 17°-30' W.	232	
25-26	S. 13°-30' W.	140	
24-25	S. 35°-30' W.	152	
23-24	S. 42°-00' W.	192	
22-23	S. 36°-00' W.	320	
21-22	S. 27°-30' W.	580	
20-21	S. 33°-30' W.	132	
19-20	S. 40°-00' W.	122	
18-19	S. 20°-00' W.	200	
17-18	S. 29°-00' W.	560	
16-17	S. 29°-00' W.	120	
15-16	S. 25°-00' W.	130	
14-15	S. 28°-00' W.	130	
13-14	S. 23°-00' W.	122	
12-13	S. 23°-00' W.	102	
11-12	S. 26°-00' W.	102	
10-11	S. 24°-00' W.	512	
9-10	S. 26°-00' W.	120	
8-9	S. 40°-00' W.	532	
7-8	S. 25°-00' W.	60	
6-7	S. 27°-00' W.	82	
5-6	N. 74°-00' W.	130	
4-5	N. 74°-00' W.	82	
3-4	N. 87°-00' W.	150	
2-3	S. 20°-00' W.	102	
1-2	S. 29°-30' W.	540	
0-1	S. 21°-00' W.	122	BEGIN

VACATION OF T-113

AMENDED
RESOLUTION

Township Road T173 in Union, Kirkwood, and Warren Townships

WHEREAS, on the 2nd day of May, 1977, Consolidation Coal Company filed its petition with the Board of Commissioners of Belmont County, Ohio, for the vacating of all of Township Road No. T173 situated in Section 31 of Union Township, Sections 2 and 1 of Kirkwood Township, and Section 6 of Warren Township, Belmont County, Ohio; and

WHEREAS, viewing and hearing dates upon said petition were duly advertised in accordance with law; and

WHEREAS, in accordance with said advertisement, viewing was made and hearing held; and

WHEREAS, the only objections presented with respect to said petition involved the closure of that portion of T173 in Warren Township; and

WHEREAS, the vacating of Township Road No. T173 will cause no inconvenience to the traveling public.

NOW THEREFORE, be it resolved by the Board of Commissioners of Belmont County, Ohio, that the prayer of petition be granted, excepting therefrom that portion of T173 in Warren Township, declaring Township Road No. T173 in Union and Kirkwood Townships vacated and stricken from the records of public roads of Belmont County, Ohio.

Upon motion by *D. W. Lusch*, seconded by *M. ...*, the foregoing Resolution adopted by the following vote:

<u><i>M. ...</i></u>	<u><i>Yes</i></u>
<u><i>D. W. Lusch</i></u>	<u><i>Yes</i></u>

Adopted and dated this the 8th day of June, 1977 at St. Clairsville, Ohio.

Mary Kaprielian
Clerk of Board of Commissioners

RESOLUTION—GRANTING PROPOSED IMPROVEMENT
ORDERING RECORD, ETC.
IMP. No. 788

IN THE MATTER OF THE
Vacation of Township
Road No. 173
Public Road.
Union Township

Office of County Commissioners,
Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in Regular session
on the 8th day of June, 1977, at the office of The Commissioners
with the following members present:

A. J. Sargus
C. A. Lynch

Mr. Lynch 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 description 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 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.

[REDACTED]

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

[REDACTED]

[REDACTED]

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 [REDACTED]

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

Mr. Sargus Yes
Mr. Lynch Yes
Mr. _____

Adopted the 8th day of June, 1977.

Mary Kapolka
Clerk Board of County Commissioners

RESOLUTION—ORDER TO Close ROAD

Sec. 5563.01 R.C.

(~~Close~~ Close)

IMP. No. 788

IN THE MATTER OF THE

partial-Vacation of Twp. Rd. T-173

Known as Olivet & Majors Rd.

Public Road.

& Heaney Road

Office of County Commissioners,

Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met

in Regular session on the 20th day of June, 1977,
(Regular ~~session~~)

at the office of the Commissioners with the following members present:

A. J. Sargus

C. A. Linch

J. F. Giffen

Mr. Giffen moved the adoption of the following Resolution:

WHEREAS, At least ten days have elapsed since the final order of the board in the matter of this improvement, and

WHEREAS, No person, firm or corporation interested, has effected an appeal from our orders in the matter of the above named improvement, therefore, be it

RESOLVED, That it is hereby ordered that the proceedings be recorded as provided by law, and that said road be Vacated

as order heretofore, made on our journal of the date of June 8, 1977,

and a copy of this resolution be forwarded to the Kirkwood Township Trustees.

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

resulted as follows:

Mr. Sargus Yes

Mr. Linch Yes

Mr. Giffen Yes

Adopted the 20th day of June, 1977.

Mary Kapolka

Clerk, Board of County Commissioners.

Belmont County, Ohio