

In the Matter of Finalization of  
Vacation Proceedings of County Highway  
On Completion of Construction of State  
Route 7, Pultney Township

Mr. Linch moved; Mr. Olexo seconded the adoption of  
the following resolution:

R E S O L U T I O N

WHEREAS in 1975 Commissioners Journal Volume 47 Page 564  
proceedings were had to Vacate a portion of County Highway  
necessitated for the construction of State Route 7 through Pultney  
Township, and

WHEREAS said vacation was to become effective on completion of  
State Route 7, and

WHEREAS, said S.R. 7 has been completed and opened to traffic on  
December 23, 1983.

County Highway Involved:

Portion of C.H. 46, Pult. Twp., Sec. 28, T.2, R.2

NOW THEREFORE BE IT RESOLVED this Board, today hereby declares said  
vacation is completed and finalized and direct the County Engineer to make  
the proper entries in the Road Records.

Upon Roll Call: Mr. Sargus Yes  
Mr. Linch Yes  
Mr. Olexo Yes

Passed this 18<sup>th</sup> day of January, 1984

I DO HEREBY CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT COPY OF  
JOURNAL ENTRY OF Jan. 18, 1984 AS RECORDED IN VOL 56 OF  
THE COUNTY COMMISSIONER'S JOURNAL. Page 8.

Mary Kapalko  
CLERK



PUBLIC ROAD PETITION

Belmont Co., Ohio, May 18, 1919

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 vacating of a portion of Bel. Co., Rd. 108 (T.R. 139) 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 Road No. 108. Said point situated in the State of Ohio, County of Belmont, Township of Kirkwood, Section 7 and referenced as follows: From the Northwest Corner of said Section 7 East with North line of said Section a distance of 390 feet more or less to the centerline of Road 108, thence South with centerline of Road 108 a distance of 600 feet to the place of beginning; thence Southerly with the centerline of said Road 108 a distance of 4100 feet more or less to the terminus of that portion of Belmont County Road 108 herein petitioned for vacation. Said terminus referenced as follows: From the Southwest corner of Section 7 North with West line a distance of 700 feet more or less to the terminus located North of the intersection of Kirkwood Township Road 712 and Belmont County Road 108.

Petitioner herein, Consolidation Coal Company states that it is the owner of surface rights across and adjacent to said Belmont County Road 108, and the vacation hereinbefore mentioned will not be an inconvenience to the travelling public.

\* See new description

Petitioner: Consolidation Coal Company
By: Charles M. Hedges, Agent

and the freeholders residing in the vicinity of said Belmont County Road 108 whose signatures hereinafter appear.

- 1 Raymond Grassi Kirkwood Township
2 Helen Eric Burkhead Kirkwood Township
3 Paul Frank Shields Kirkwood Township
4 Edith S. Burkhead Kirkwood Township
5 Pearl Van Seyoc Kirkwood Township
6 Jay Shuman Kirkwood Twp.
7 Wagar J. Maus Warren Twp
8 David Jones Warren Twp
9 Paul J. Johnson Warren Township
10 Lester J. Grier Warren Township
11 John B. Grier Warren Township
12 Walter B. Grier Warren Township

Reel 42
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RESOLUTION — FIXING TIME AND PLACE OF VIEW AND OF FINAL HEARING AND NOTICE THEREOF ON PUBLIC ROAD PETITION

IN THE MATTER OF THE

Office of County Commissioners,

Belmont County, Ohio

Vacating a portion of C.R. 108

Public Road.

Petitioned for by Consolidation Coal Co.

, and others.

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

on the 11 day of July, 1979, at the office of the commissioners

with the following members present:

A. J. Sarcus

C. A. Linch

R. E. Olexo

Mr. Linch 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 portion of C.R. 108

a Public Road as described therein; therefore, be it

RESOLVED, That the 30 day of July, 1979, at 2:00 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 1 day of August, 1979, 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 s/he 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. Olexo seconded the Resolution and the roll being called upon its adoption, the vote

resulted as follows:

Mr. Sarcus, yes

Mr. Linch, yes

Mr. Olexo, yes

Adopted the 11 day of July, 1979

RESOLUTION — UPON VIEW OF PROPOSED IMPROVEMENT  
ORDER TO COUNTY ENGINEER

IN THE MATTER OF THE

Vacation of a portion of C.H. 108

Public Road

Office of County Commissioners,  
Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in regular session  
on the 30 day of July, 1979, at the office of the commissioners

with the following members present:

A. J. Sargus  
C. A. Lynch  
R. E. Olexo

Mr. Lynch moved the adoption of the following Resolution:

WHEREAS, On the 30 day of July, 1979, 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 1  
day of August, 1979, 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. Olexo seconded the Resolution and the roll being called upon its adoption, the vote  
resulted as follows:

Mr. Sargus yes  
Mr. Lynch yes  
Mr. Olexo yes

Adopted the 30 day of July, 1979

Mary Kapaska  
Clerk. Board of County Commissioners.

REPORT OF COUNTY ENGINEER

IN THE MATTER OF THE

Vacating a portion of C.H. 108

Public Road

County Engineer's Office,

Belmont County, Ohio

August 1, 1979

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

The undersigned in obedience to your order dated July 30, 1979, proceeded on the 31 day of July, 1979, 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:

SEC. 14, T. 9, R. 6  
SEC. 13, T. 9, R. 6

SEC. 8, T. 9, R. 6  
SEC. 7, T. 9, R. 6

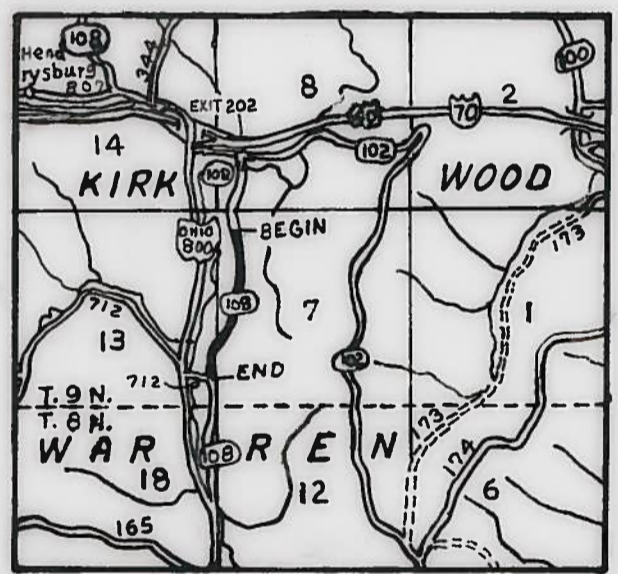


NOTE: COUNTY HIGHWAY 108 VACATED AS PER THE COURT OF COMMON PLEAS OF BELMONT COUNTY, OHIO, PROBATE DIVISION DECEMBER 8, 1981 - CASE NO. 8810Z

VACATION OF A PART OF COUNTY HWY. 108

BEGIN 0-1	S. 17°-30'E.	695'
1-2	S. 7°-00'E.	110'
2-3	S. 4°-30'W.	275'
3-4	S. 4°-30'W.	340'
4-5	S. 7°-00'W.	210'
5-6	S. 34°-30'W.	240'
6-7	S. 13°-30'W.	105'
7-8	S. 4°-00'W.	150'
8-9	S. 4°-30'W.	400'
9-10	S. 8°-30'W.	165'
10-11	S. 24°-30'W.	165'
11-12	S. 33°-30'W.	100'
12-13	S. 41°-30'W.	150'
13-14	S. 47°-00'W.	200'
14-15	S. 40°-00'W.	170'
15-16	S. 24°-00'W.	90'
16-17	S. 2°-30'E.	135'
17-18	S. 14°-30'E.	125'
18-19	S. 14°-30'E.	220'
END 19-20	S. 2°-30'E.	735'

Length 4780 Ft. or 0.91 Mile  
Aerial Photo 2983-5-166



LOCATION MAP  
Scale in Miles  
0 1/2 1 2

*Proposed & Rejected*

APPROVED BY

Co. Engineer \_\_\_\_\_

Co. Comm. \_\_\_\_\_

Co. Comm. \_\_\_\_\_

Co. Comm. \_\_\_\_\_

This \_\_\_\_ day of \_\_\_\_ 1979

KIRKWOOD TWP.  
SEC. 13, T. 9, R. 6  
SEC. 18, T. 8, R. 6  
WARREN TWP.

KIRKWOOD TWP.  
SEC. 7, T. 9, R. 6  
SEC. 12, T. 8, R. 6  
WARREN TWP.

IMP. NO. 819

VACATION OHIO REVISED CODE 5553

# VACATION OF A PART OF COUNTY HIGHWAY NO. 108

(Petitioned for by The Consolidation Coal Co. by Charles M. Hedges Agent)  
KIRKWOOD TOWNSHIP SECTIONS 7 & 13, T. 9, R. 6  
BELMONT COUNTY, OHIO

# VACATION OF A PART OF COUNTY HIGHWAY NO. 108

(petitioned for by The Consolidation Coal Co. by Charles M. Hedges Agent)  
 KIRKWOOD TOWNSHIP SECTIONS 7, 13, 19, R. 6  
 WARREN TWP IMPR NO. 819

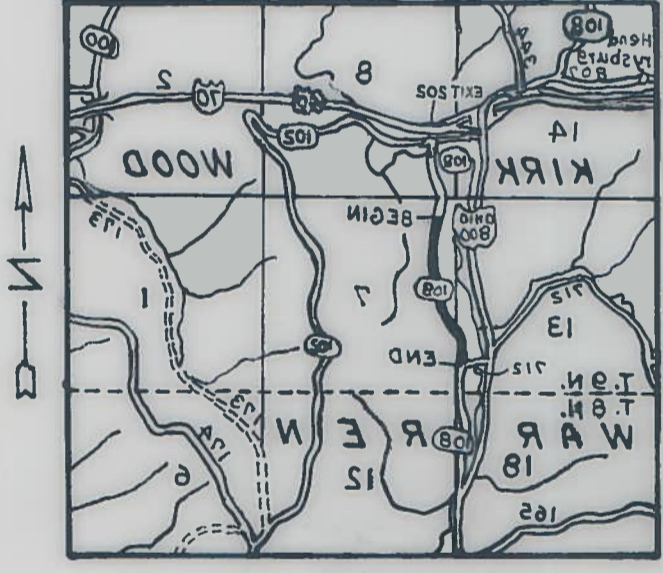
VACATION OHIO REVISED CODE 5523

APPROVED BY

_____	Co. Engineer
_____	Co. Comm.
_____	Co. Comm.
_____	Co. Comm.

This \_\_\_\_\_ day of \_\_\_\_\_ 1979

*Proposed & Rejected*



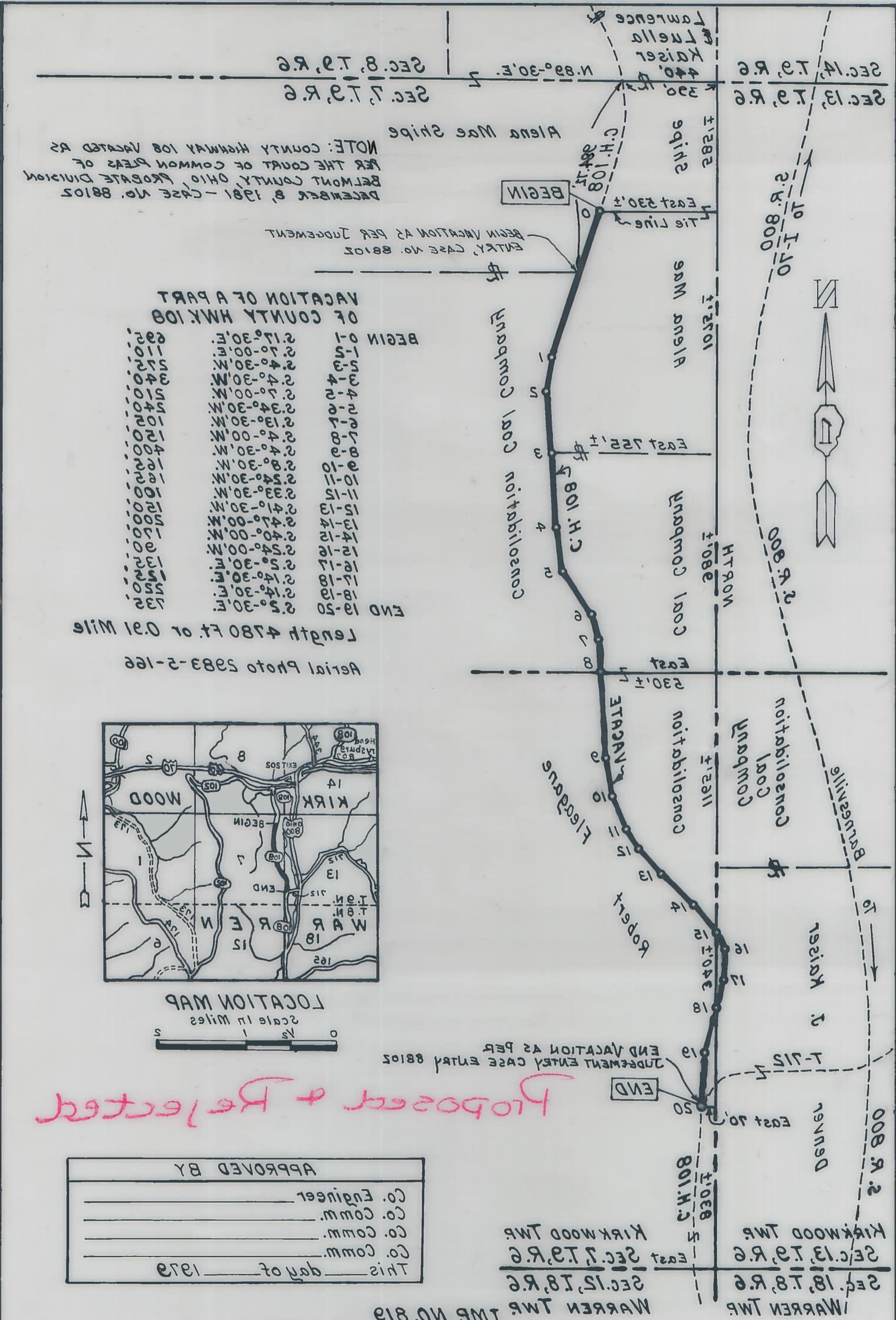
Aerial Photo 583-2-166  
 Length 4780 Ft. or 0.91 Mile

VACATION OF A PART OF COUNTY HWY 108

132	2.50-30.00	END 13-20
135	2.14-30.00	18-13
138	2.14-30.00	18-13
140	2.14-30.00	18-13
142	2.14-30.00	18-13
144	2.14-30.00	18-13
146	2.14-30.00	18-13
148	2.14-30.00	18-13
150	2.14-30.00	18-13
152	2.14-30.00	18-13
154	2.14-30.00	18-13
156	2.14-30.00	18-13
158	2.14-30.00	18-13
160	2.14-30.00	18-13
162	2.14-30.00	18-13
164	2.14-30.00	18-13
166	2.14-30.00	18-13
168	2.14-30.00	18-13
170	2.14-30.00	18-13
172	2.14-30.00	18-13
174	2.14-30.00	18-13
176	2.14-30.00	18-13
178	2.14-30.00	18-13
180	2.14-30.00	18-13
182	2.14-30.00	18-13
184	2.14-30.00	18-13
186	2.14-30.00	18-13
188	2.14-30.00	18-13
190	2.14-30.00	18-13
192	2.14-30.00	18-13
194	2.14-30.00	18-13
196	2.14-30.00	18-13
198	2.14-30.00	18-13
200	2.14-30.00	18-13
202	2.14-30.00	18-13
204	2.14-30.00	18-13
206	2.14-30.00	18-13
208	2.14-30.00	18-13
210	2.14-30.00	18-13
212	2.14-30.00	18-13
214	2.14-30.00	18-13
216	2.14-30.00	18-13
218	2.14-30.00	18-13
220	2.14-30.00	18-13
222	2.14-30.00	18-13
224	2.14-30.00	18-13
226	2.14-30.00	18-13
228	2.14-30.00	18-13
230	2.14-30.00	18-13
232	2.14-30.00	18-13
234	2.14-30.00	18-13
236	2.14-30.00	18-13
238	2.14-30.00	18-13
240	2.14-30.00	18-13
242	2.14-30.00	18-13
244	2.14-30.00	18-13
246	2.14-30.00	18-13
248	2.14-30.00	18-13
250	2.14-30.00	18-13
252	2.14-30.00	18-13
254	2.14-30.00	18-13
256	2.14-30.00	18-13
258	2.14-30.00	18-13
260	2.14-30.00	18-13
262	2.14-30.00	18-13
264	2.14-30.00	18-13
266	2.14-30.00	18-13
268	2.14-30.00	18-13
270	2.14-30.00	18-13
272	2.14-30.00	18-13
274	2.14-30.00	18-13
276	2.14-30.00	18-13
278	2.14-30.00	18-13
280	2.14-30.00	18-13
282	2.14-30.00	18-13
284	2.14-30.00	18-13
286	2.14-30.00	18-13
288	2.14-30.00	18-13
290	2.14-30.00	18-13
292	2.14-30.00	18-13
294	2.14-30.00	18-13
296	2.14-30.00	18-13
298	2.14-30.00	18-13
300	2.14-30.00	18-13
302	2.14-30.00	18-13
304	2.14-30.00	18-13
306	2.14-30.00	18-13
308	2.14-30.00	18-13
310	2.14-30.00	18-13
312	2.14-30.00	18-13
314	2.14-30.00	18-13
316	2.14-30.00	18-13
318	2.14-30.00	18-13
320	2.14-30.00	18-13
322	2.14-30.00	18-13
324	2.14-30.00	18-13
326	2.14-30.00	18-13
328	2.14-30.00	18-13
330	2.14-30.00	18-13
332	2.14-30.00	18-13
334	2.14-30.00	18-13
336	2.14-30.00	18-13
338	2.14-30.00	18-13
340	2.14-30.00	18-13
342	2.14-30.00	18-13
344	2.14-30.00	18-13
346	2.14-30.00	18-13
348	2.14-30.00	18-13
350	2.14-30.00	18-13
352	2.14-30.00	18-13
354	2.14-30.00	18-13
356	2.14-30.00	18-13
358	2.14-30.00	18-13
360	2.14-30.00	18-13
362	2.14-30.00	18-13
364	2.14-30.00	18-13
366	2.14-30.00	18-13
368	2.14-30.00	18-13
370	2.14-30.00	18-13
372	2.14-30.00	18-13
374	2.14-30.00	18-13
376	2.14-30.00	18-13
378	2.14-30.00	18-13
380	2.14-30.00	18-13
382	2.14-30.00	18-13
384	2.14-30.00	18-13
386	2.14-30.00	18-13
388	2.14-30.00	18-13
390	2.14-30.00	18-13
392	2.14-30.00	18-13
394	2.14-30.00	18-13
396	2.14-30.00	18-13
398	2.14-30.00	18-13
400	2.14-30.00	18-13

NOTE: COUNTY HIGHWAY 108 VACATED AS PER THE COURT OF COMMON PLEAS OF BELMONT COUNTY, OHIO, PROBATE DIVISION, DECEMBER 8, 1981 - CASE NO. 88105

BEGIN VACATION AS PER JUDGMENT ENTRY, CASE NO. 88105





IMP 819

Imp. 219

IN THE COURT OF COMMON PLEAS OF BELMONT COUNTY, OHIO

PROBATE DIVISION

FILED  
BELMONT COUNTY, OHIO

DEC - 8 1981

C. KENNETH HENRY  
PROBATE JUDGE

ROBERT FLEAGANE	:	
	:	
Plaintiff-Appellant	:	Case No. 88102
	:	
vs.	:	
	:	
BOARD OF COUNTY	:	JUDGMENT ENTRY
COMMISSIONERS, et al	:	
	:	
Defendants-Appellees	:	

This cause came on for hearing upon Plaintiff-Appellant's motion for approval of a settlement agreement set forth hereinafter and for dismissal of this cause pursuant to the herein settlement, the Court having been fully advised that the Plaintiff-Appellant, Robert Fleagane, and the Defendant-Appellee, Consolidation Coal Company, a Delaware corporation, have entered into an agreement of exchange, a copy of which is attached hereto marked "Exhibit A" for reference. Additionally, the Court has been advised that the Plaintiff-Appellant, Robert Fleagane, the Board of County Commissioners, Defendant-Appellee, and Consolidation Coal Company, a Delaware corporation, Defendant-Appellee, have entered into an additional agreement amending and modifying the action of vacation as established by the Board of County Commissioners of Belmont County, Ohio on the 26th day of September, 1979; said agreement providing that County Highway #108, a public road, situated in Section 7, Township 9, Range 6, Kirkwood Township, Belmont County, Ohio, shall be vacated according to the following description route in termini of said road:

Beginning at a point in the centerline of Belmont County Road or Highway #108, said point situated in the State of Ohio, County of Belmont, Township of Kirkland, Section 7 as referenced as follows: From the northwest corner of said Section 7 East with the North line of said Section a distance of 390 feet more or less to the centerline of Road or Highway #108, thence South with the centerline of Road or Highway #108 a distance of 984.72 feet to the place of beginning, said place of beginning being on the North line of a 124.66 acre tract of real property owned by the Pittsburgh Consolidation Coal Company,

LAW OFFICES  
MALIK, MALIK,  
KNAPP & KIGERL  
3321 BELMONT STREET  
BELLAIRE, OHIO



**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 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; 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. 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 if 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 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 County Engineer proceed to acquire the necessary right-of-way in accordance with Sections 163.01 to 163.32 inclusive, of the Revised Code.

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.....

Clerk, Board of County Commissioners,

RESOLUTION—ORDER TO \_\_\_\_\_ ROAD  
Sec. 5563.01 R.C. (Open or Close)

IN THE MATTER OF THE

Office of County Commissioners,

Belmont County, Ohio

Public Road

The Board of County Commissioners of \_\_\_\_\_ County, Ohio, met

in \_\_\_\_\_ session on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
(Regular or Special)

at the office of \_\_\_\_\_ with the following members present:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mr. \_\_\_\_\_ 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 ' \_\_\_\_\_

\_\_\_\_\_, as order heretofore, made on our journal of the date of \_\_\_\_\_, 19\_\_\_\_,

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

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\_\_\_\_

\_\_\_\_\_  
Clerk, Board of County Commissioners.

\_\_\_\_\_  
County, Ohio