

PUBLIC ROAD PETITION IMP. NO. 821

St. Clairsville, Ohio, August 21, 1979

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 2-Alleys a Public Road on the line hereinafter described, and make application to you to institute and order proper proceedings in the premises, for vacation 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

SEE ATTACHED DESCRIPTION

Edison L. Dudley
Engineer and Surveyor
4855 Jefferson Street
Bellaire Ohio, 43906
August 11, 1979

40 FT STREET

Edison L. Dudley
Engineer and Surveyor
4855 Jefferson Street
Bellaire, Ohio 43906
August 11, 1979

14' ALLEY

Situated in the State of Ohio, County of Belmont, Township of Cole-rain, Section 31, Township 7, Range 3, being a part of Fathermac, recorded in Cabinet "B", Slide 291 of the Belmont County Records of Plats, also being a part of a 5.86 acre tract conveyed to Andy Garczyk and Helen Garczyk by John Kovach and recorded in Vol. 397 at page 446 of the Belmont County Record of Deeds on May 26, 1951, the tract being described is a 14. foot alley on the north end of the above Fathermac tract and more fully described as follows;

Beginning at a point on the right of way line of the Norfolk and West-ern R.R., said beginning point bears the following three courses from the northeast corner of Lot No. 66 of the said Fathermac; N. 1° 30' W. 14.00 feet; N. 8° 15' W. 300.00 feet; S. 64° 00' W. 112.60 feet;

The bearing on the east line of said lot No. 66 being N. 1° 30' W.

Thence from said beginning point and with said right of way line N. 8° 15' W. 14.61 feet; thence leaving said line and with the north line of said 14. foot alley N. 64° 00' E. 1363.90 feet to a stone; thence leaving said line and with the east line of a 10. foot alley S. 21° 45' W. 20.82 feet; Thence leaving said line and with the south line of said 14. foot alley S. 64° 00' W. 1352.98 feet to the place of beginning contain- ing 0.437 acres. Prior references Vol. 397 at page 446 and Cabinet "B" Slide 291. This description was prepared by Edison L. Dudley P.E. 19142 and P.S. 4024 and surveyed on July 17, 1979.

CH

Edison L. Dudley

1979.

Richard Shrieve
Frank Fiutem
Helen Fiutem
Rose Chuckery
Tom Cullen

Edison L. Dudley
Edison L. Dudley

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

IMP. NO. 821
Rev. Code, Sec. 5553.05

Office of County Commissioners,
Belmont County, Ohio

IN THE MATTER OF THE

Vacation of an Alley and Street,
Fathermac, Colerain Twp.
Public Road.

Petitioned for by Andrew J. Garczyk
and others.

The Board of County Commissioners of Belmont County, Ohio, met in Regular session
on the 22nd day of August, 1979, at the office of the Commissioners
with the following members present:

A. J. Sargus

C. A. Linch

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 an Alley and Street in Fathermac a Public Road as described therein; therefore, be it

RESOLVED, That the 24th day of September, 1979, at 1:30 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 October, 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 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. Sargus seconded the Resolution and the roll being called upon its adoption, the vote

resulted as follows:

Mr. Sargus Yes

Mr. Linch Yes

Mr. _____

Adopted the 22nd day of August, 1979

M K...

RESOLUTION—UPON VIEW OF PROPOSED IMPROVEMENT

ORDER TO COUNTY ENGINEER
Gen'l Code Sec. 6865
IMP. NO. 821

IN THE MATTER OF THE
Vacation of an Alley and Street,
Known as Fathermac
Public Road.

Office of County Commissioners,
Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in Regular session
on the 24th day of September, 1979, at the office of The Commissioners

with the following members present:

A. J. Sargus

R. E. Olexo

Mr. Olexo moved the adoption of the following Resolution:

WHEREAS, On the 28th day of September, 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 1st day of October, 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. Sargus seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

Mr. Sargus Yes

Mr. Olexo Yes

Mr. _____

Adopted the 24th day of September, 1979

Mary Kapolka

REPORT OF COUNTY ENGINEER

IMP. NO. 820

Rev. Code, Sec. 5553.06

IN THE MATTER OF THE

Vacation of an Alley an Street, Known
as Fathermac, Colerain Township
Public Road.

County Engineer's Office,

Belmont County, Ohio

October 1, 19 79

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

The undersigned in obedience to your order dated Sept 24, 19 79, proceeded on the 25th day of Sept., 19 79, 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: The portion of the alley within the present forty (40) foot right-of-way of Colerain Township Road No. 454 should not be vacated.

F. J. R. H. D. E.

This 1st day of Oct. 1929
 Co. Comm. W. E. ...
 Co. Comm. ...
 Co. Engineer ...
 APPROVED BY

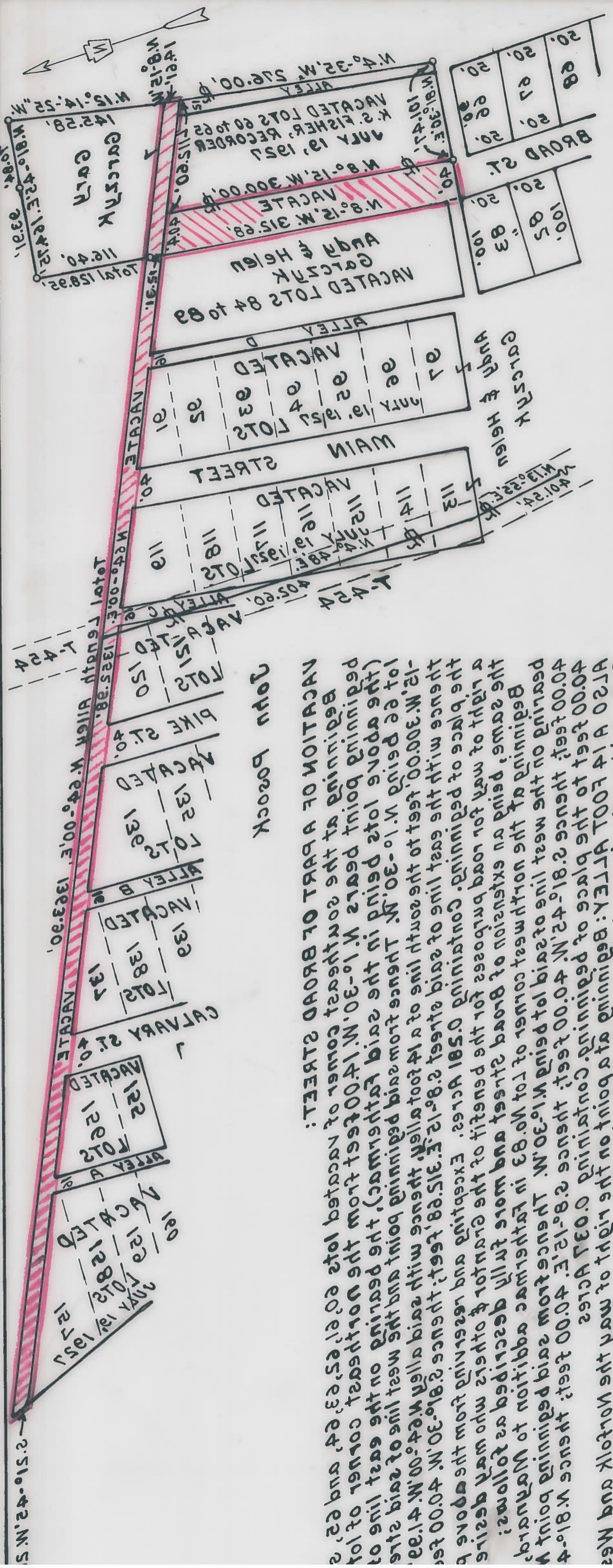


FRED F. BENNETT
 BETWONT COUNTY, OHIO
 COUNTY ENGINEER
 COTERRAIN TOWNSHIP
 SECTION 31, T. 13, R. 3
 (Petitioned for by Andy N. Garszyn et al)

VACATION OF A PART OF BROAD ST. & A 14 FOOT ALLEY IN FATHERMAN

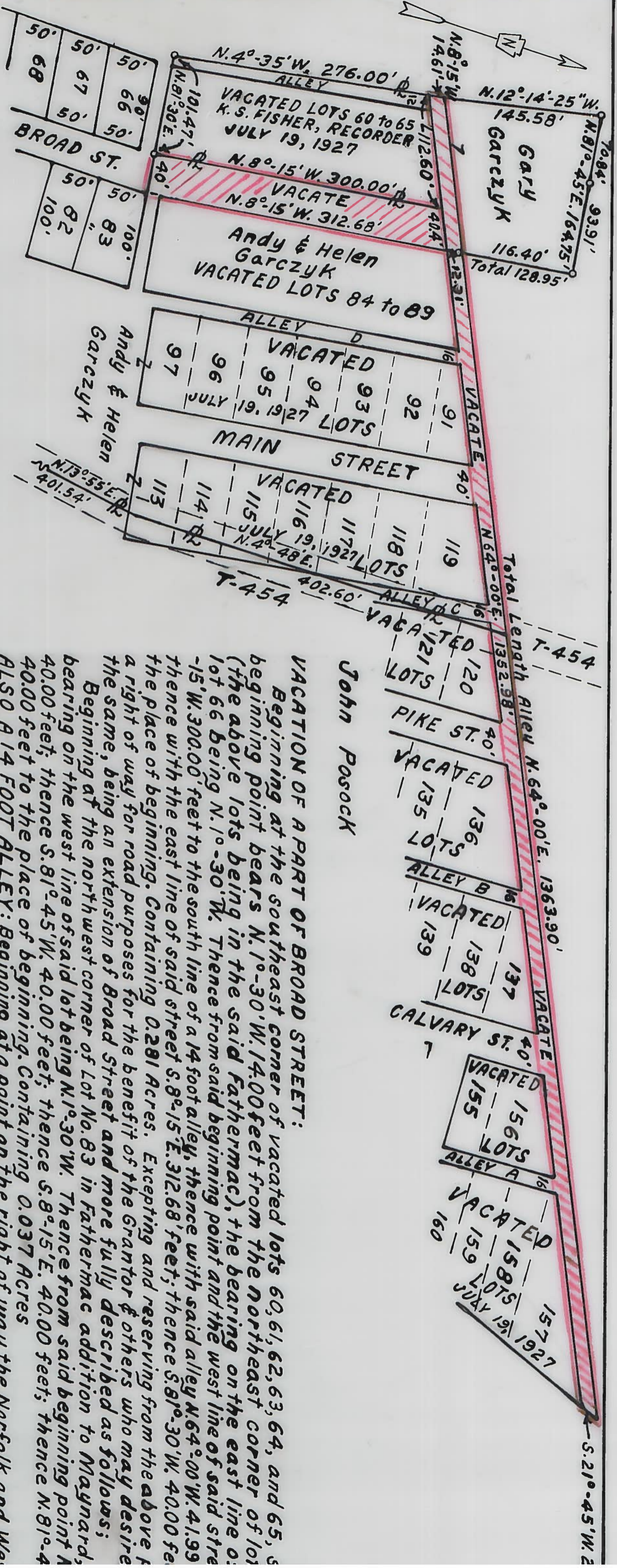
VACATION

NOTE: See County Engineer's Report:
 40 Foot kept open an Alley for T-424



VACATION OF A PART OF BROAD STREET:
 JOHN BOROCK

The above plat being in the said fatherman, the bearing on the east line of lot 60 being N. 10-30. W. 14.00 feet from the northeast corner of lot 60, and the bearing on the southeast corner of vacated lots 60, 61, 62, 63, 64, and 65, 2



NOTE: See County Engineer's Report.
40 Foot Kept open an Alley for T-454

VACATION

VACATION OF A PART OF BROAD ST. & A 14 FOOT ALLEY IN FATHERMAC

AS RECORDED IN PLAT BOOK 5 PG. 74 & CABINET "B" SLIDE 219 BELMONT COUNTY PLAT RECORDS

APPROVED BY _____
 Co. Engineer _____
 Co. Comm. _____
 Co. Comm. _____
 This 1st day of Oct. 1979

John Posock

VACATION OF A PART OF BROAD STREET:

Beginning at the southeast corner of vacated lots 60, 61, 62, 63, 64, and 65, beginning point bears N. 1°-30' W. 14.00 feet from the northeast corner of lot 66 being N. 1°-30' W. Thence from said beginning point and the west line of said street -15' W. 300.00 feet to the south line of a 14 foot alley, thence with said alley N. 64°-00' W. 41.99 thence with the east line of said street S. 8°-15' E. 312.68 feet; thence S. 81°-30' W. 40.00 feet to the place of beginning. Containing 0.281 Acres. Excepting and reserving from the above a right of way for road purposes for the benefit of the Grantor & others who may desire the same, being an extension of Broad Street and more fully described as follows:

Beginning at the northwest corner of Lot No. 83 in Fathermac addition to Maynard, bearing on the west line of said lot being N. 1°-30' W. Thence from said beginning point N. 40.00 feet; thence S. 81°-45' W. 40.00 feet; thence S. 8°-15' E. 40.00 feet; thence N. 81°-40.00 feet to the place of beginning. Containing 0.037 Acres

ALSO A 14 FOOT ALLEY: Beginning at a point on the right of way the Norfolk and Western R.R., said beginning point bears the following three courses from the northeast corner No. 66 of the said Fathermac: N. 1°-30' W. 14.00 feet; N. 8°-15' W. 300.00 feet; S. 64°-00' W. 112.60 feet; bearing on the east line of lot 66 being N. 1°-30' W. Thence from beginning with said right of way line N. 8°-14.61 ft; thence leave said line & with north line of 14 ft. alley N. 64°-00' E. 1363.90 ft. to stone; thence line & with east line of 10 ft. alley S. 21°-45' W. 20.82 ft.; thence leave line & with south line of IMP. NO. 821 14 ft. alley S. 64°-00' W. 1352.98 ft. to beginning. Containing 0.437 Acres

(Petitioned For By Andy J. Garczyk et al)
 COLERAIN TOWNSHIP
 BELMONT COUNTY, OHIO
 SECTION 31, T.7, R.3
 FRED F. BENNETT
 COUNTY ENGINEER

SCALE IN FEET
 0 50 100 200 300 400

RESOLUTION—GRANTING PROPOSED IMPROVEMENT
ORDERING RECORD, ETC.
IMP. NO. 821

IN THE MATTER OF THE
Vacating of an Alley an Street,
Known as Fathermac
Public Road.
Colerain Township Road

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 October, 1979, at the office of the Commissioners
with the following members present:

- A. J. Sargus
- C. A. Linch
- R. E. Olexo

Mr. Olexo 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,
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

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

- | | |
|------------|-----|
| Mr. Sargus | Yes |
| Mr. Linch | Yes |
| Mr. Olexo | Yes |

Adopted the 1st day of October, 1979
Mary Kapolka

RESOLUTION—ORDER TO Close ROAD

Sec. 5563.01 R.C. (~~Close~~)

IMP. No. 821

IN THE MATTER OF THE

Vacation of a part of Broad st.
& a 14 ft. alley in Fathermac
Public Road.

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 October, 1979,
(Regular ~~session~~)

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

A. J. Sargus

C. A. Linch

R. E. Olexo

Mr. Linch 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 October 1, 1979,

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

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

resulted as follows:

Mr. Sargus, Yes

Mr. Linch, Yes

Mr. Olexo, Yes

Adopted the 10th day of October, 1979

Mary Kapolka

Clerk, Board of County Commissioners.

Belmont

County, Ohio