

PUBLIC ROAD PETITION

IMP. 841

ST. CLAIRSVILLE

Ohio, NOVEMBER, 1980

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 AN ALLEY LYING EAST OF LOTS 33, 34, 35, 36 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 THE JUNCTION OF ALLEY TO BE VACATED & BARNESVILLE ST. ON THE PLAT OF JACOBSBURG, ALSO THE SOUTHEAST CORNER OF LOT No. 33 AS RECORDED ON THE PLAT OF JACOBSBURG, OHIO IN VOLUME J. PAGE 536 THENCE NORTH TO NORTHEAST CORNER OF LOT No. 36 ON THE SAME PLAT; THENCE EAST 20 FT. TO THE EAST LINE OF SAID ALLEY; THENCE SOUTH TO BARNESVILLE ST; THENCE WEST 20 FT, TO THE SOUTHEAST CORNER OF LOT No. 33 AND PLACE OF BEGINNING, CONTAINING 0.12 ACRES

Dated this.....day of....., A. D. 19.....

PETITIONERS' NAMES	TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE
KAREN S ARBENZ	R.D. 2. QUAKER CITY, OHIO
DEXTER R. & ROSALEE D. MARTIN	RT. 2 JACOBSBURG OHIO 43933
CARL & EULA L. NEFF	BOX 5 JACOBSBURG OHIO 43933
CHARLES & LYDIA WALLACE	BOX 54 JACOBSBURG OHIO 43933
EDWARD L. BECKETT	BOX 84 JACOBSBURG OHIO 43933
PAUL E. & NORMA E. CALDWELL	BOX 35 JACOBSBURG OHIO 43933
EARNEST & GERTRUDE MARTIN	JACOBSBURG OHIO 43933

284

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

IMP. 841

IN THE MATTER OF THE VACATION OF AN ALLEY LYING EAST OF LOTS 33, 34, 35, 36 Public Road.

Office of County Commissioners, Belmont County, Ohio

Petitioned for by KAREN ARBENZ, and others.

The Board of County Commissioners of Belmont County, Ohio, met in REGULAR session on the 5TH day of NOVEMBER, 1980, at the office of THE COMMISSIONERS with the following members present:

- R. E. OLEXO
C. A. LINCH
A. J. SARGUS

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 ALLEY LYING EAST OF LOTS 33, 34, 35, 36 a Public Road as described therein; therefore, be it

RESOLVED, That the 24TH day of NOVEMBER, 1980, 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 1ST day of DECEMBER, 1980, 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. OLEXO YES
Mr. LINCH YES
Mr. SARGUS YES

Adopted the 5TH day of NOVEMBER, 1980.

RESOLUTION—UPON VIEW OF PROPOSED IMPROVEMENT

ORDER TO COUNTY ENGINEER

IMP. 841

IN THE MATTER OF THE
VACATION OF ALLEY LYING EAST
OF LOTS 33, 34, 35, 36 IN JACOBSBURG
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 NOVEMBER, 1980, at the office of THE COMMISSIONERS
with the following members present:

R. E. OLEXO

C. A. LINCH

A. J. SARGUS

Mr. LINCH moved the adoption of the following Resolution:

WHEREAS, On the 24TH day of NOVEMBER, 1980, 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 DECEMBER, 1980, 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. OLEXO YES

Mr. LINCH YES

Mr. SARGUS YES

Adopted the 24TH day of NOVEMBER, 1980

MARY KAPOLKA

REPORT OF COUNTY ENGINEER

IMP. 841

IN THE MATTER OF THE

VACATION OF ALLEY LYING EAST OF LOTS
No 33 34 35 36 IN JACOBSBURG
Public Road.

County Engineer's Office,

Belmont County, Ohio

DECEMBER 1, 1980

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

The undersigned in obedience to your order dated Nov. 24, 1980, proceeded on the 25th day of NOVEMBER, 1980, to make an accurate survey and plat of the Public Road proposed to be improved, and respectfully submits the following report:

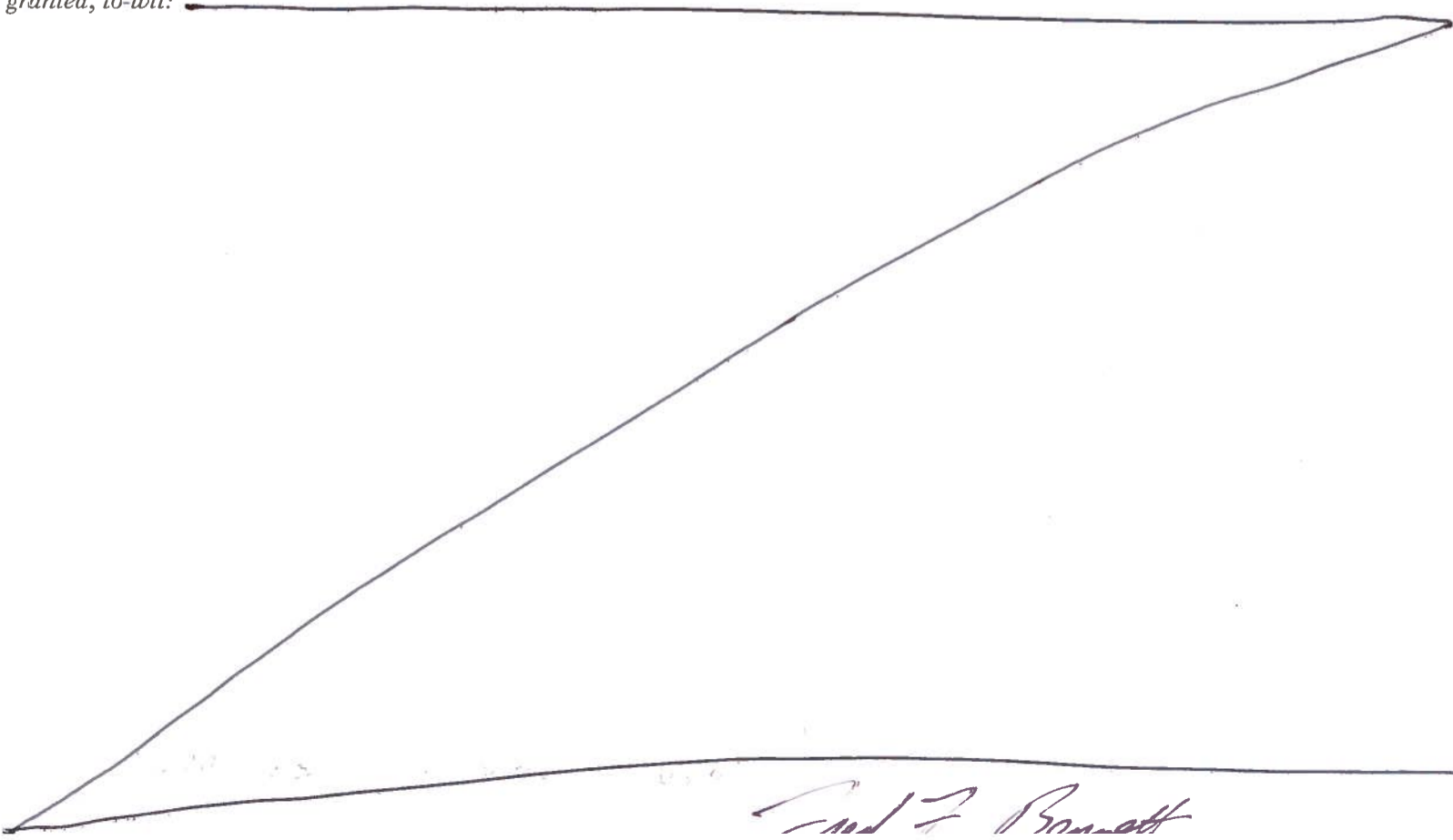
In the opinion of the undersigned the proposed improvement should be granted.

[REDACTED]

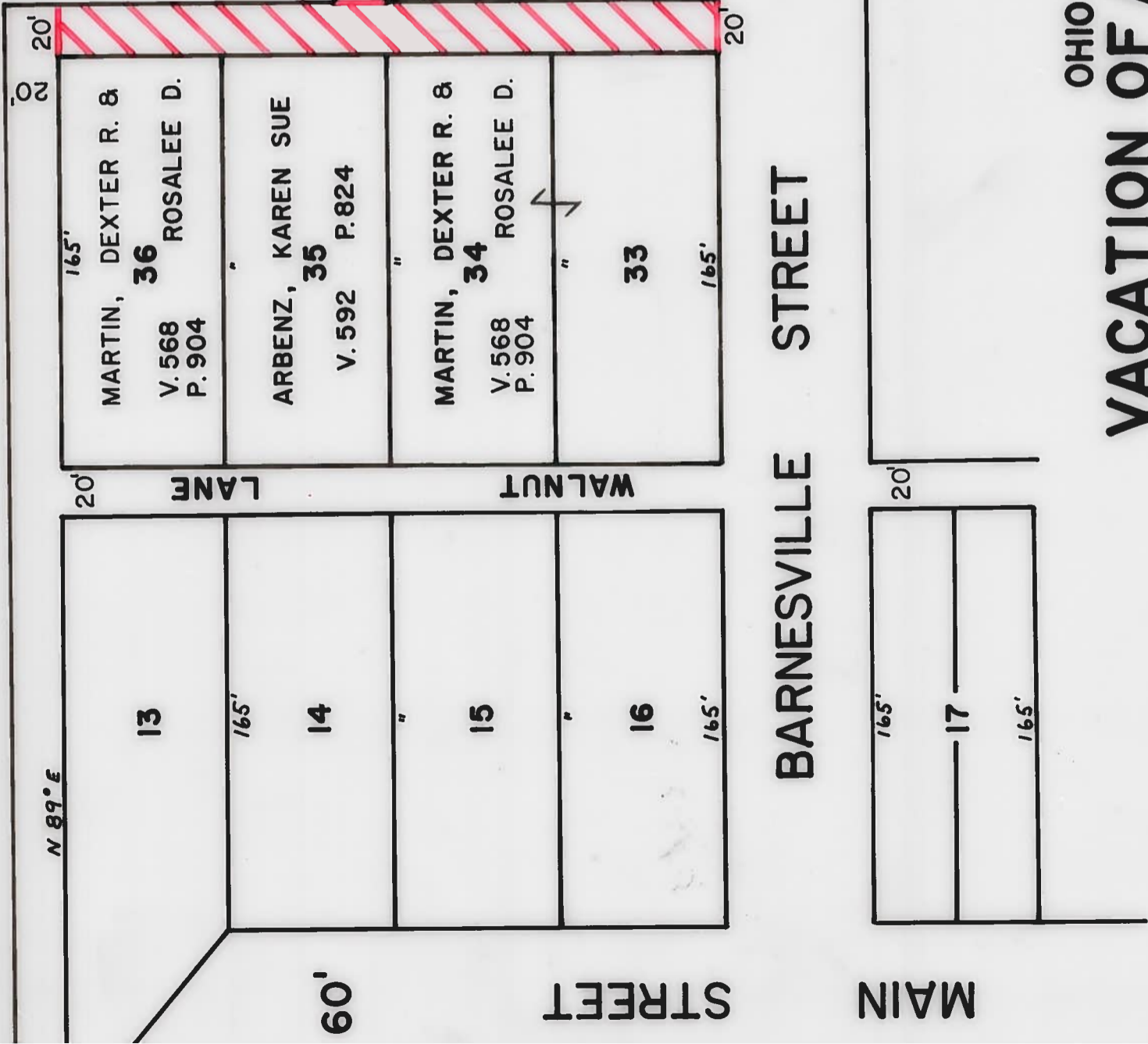
An accurate and detailed description of the proposed improvement describing therein the center line and right of way lines follows:

"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:



Carl F. Bennett



BOVENIZER, BERTHA
V.507 P.521

BOVENIZER, BERTHA
V.507 P.521

WALLACE,
CHARLES
& LYDIA
V.524 P.633

VACATION



APPROVED BY

Co. Engineer	<i>Fred F. Bennett</i>
Co. Comm.	<i>OO P. 10/10</i>
Co. Comm.	<i>OO P. 10/10</i>
Co. Comm.	<i>OO P. 10/10</i>

This 22TH day DEC. 1980

BARNESVILLE STREET

30

IMP. No. 841

OHIO REVISED CODE SECTION 5553.06
VACATION OF AN ALLEY IN JACOBSBURG, OHIO

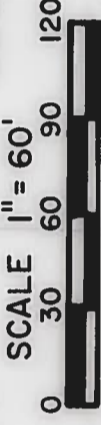
RECORDED Plat book F Pg. 499 & Bk. J Pg. 536

(Petitioned by Karen Arbenz)

SMITH TOWNSHIP SECTION 2, T.6, R.4

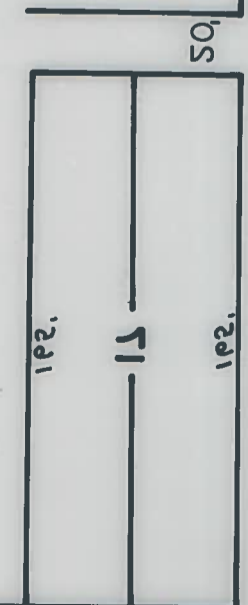
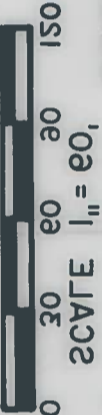
BELMONT COUNTY, OHIO

FRED F. BENNETT COUNTY ENGINEER



OHIO REVISOR'S CODE SECTION 2223.08

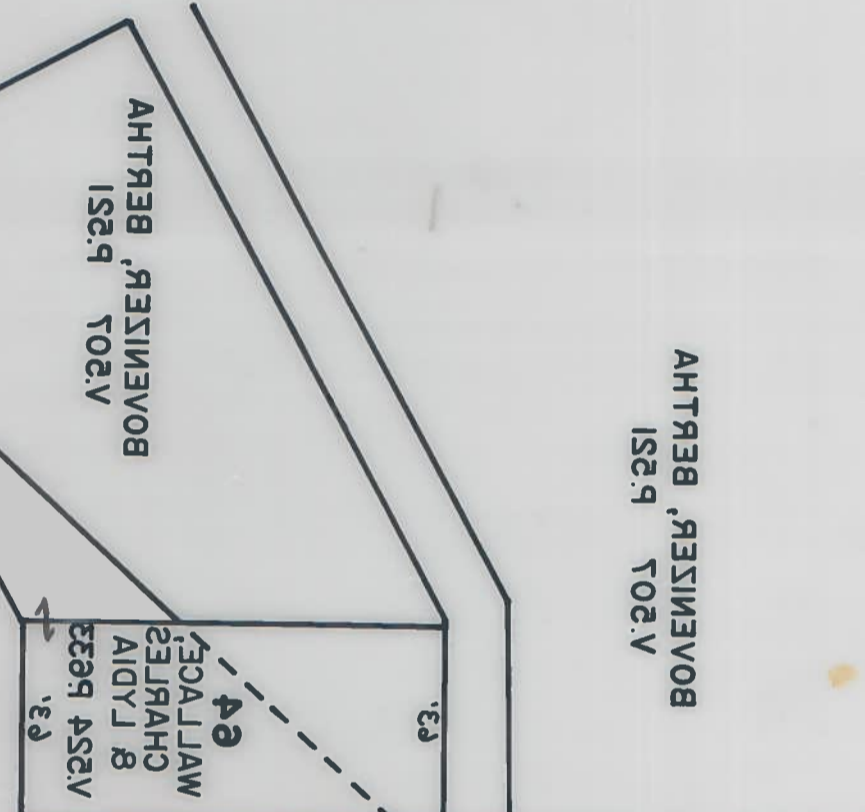
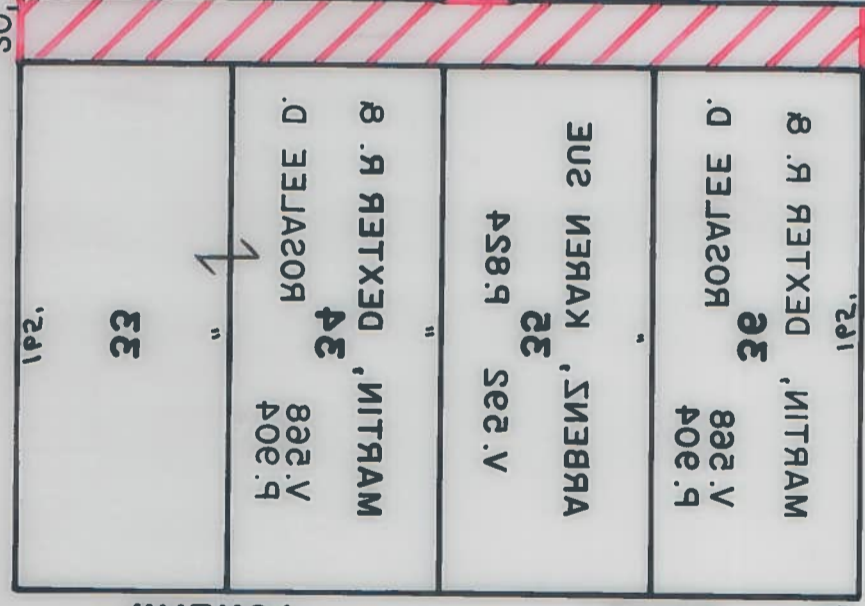
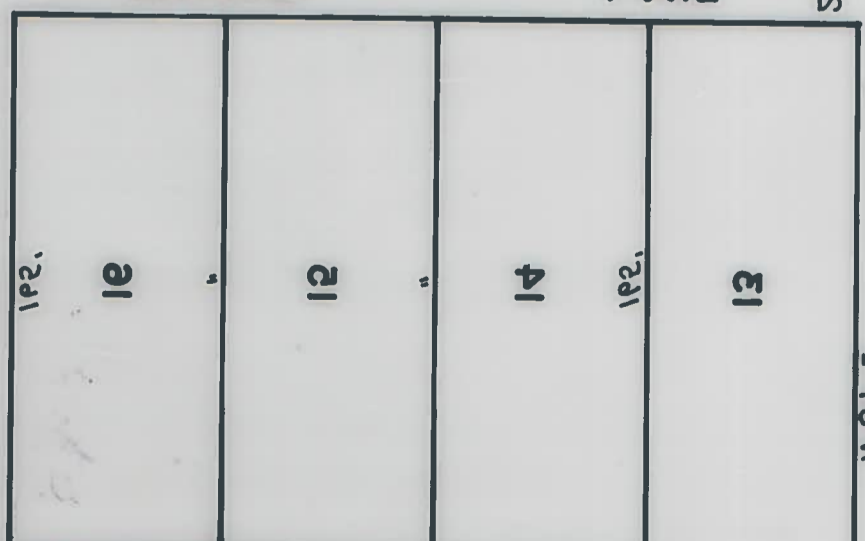
RECORDED BY BOOK 7 PAGE 119 (Petition by Karen Alrens)
 SECTION 5, ART. 5, P. 4
 COUNTY ENGINEER
 BEGONIT TИОМЛЕВ
 PINSHIP HTIMS
 ФРЕД Ф. ВЕИМЕТТ



MIAMI STREET

ВАРИЕВИГЛЕ СТРЕЕТ

STREET



APPROVED BY

THIS IS THE DEC. 1981

CO. COMM. [Signature]

CO. COMM. [Signature]

CO. COMM. [Signature]

CO. ENGINEER [Signature]

ПОИТАСАВ



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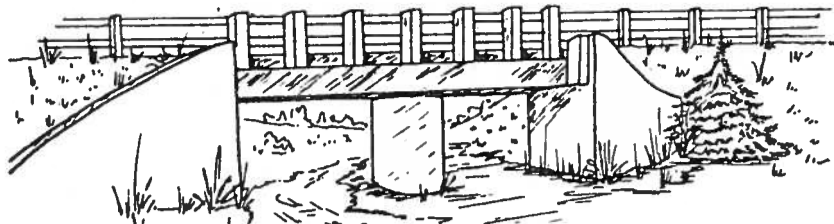
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FRED F. BENNETT, P.E.
Belmont County Engineer

287



February 12, 1981

Mr. Stanley Simonsic
Belmont County Recorder
Court House
St. Clairsville, OH 43950

Dear Mr. Simonsic:

On December 22, 1980, the Belmont County Commissioners approved the vacation of an alley in Jacobsburg by petition. This vacation became effective on February 2, 1981 and is known as Improvement No. 841 and recorded in Volume 52, page 412 of the Belmont County Commissioners Journal.

The alley vacated borders the east side of Lots No 33, 34, 35 and 36 of the Plat of Jacobsburg recorded in Book J, page 536 of the Belmont County Record of Deeds.

It should be noted on said plat the alley borders only Lots 35 & 36. Subsequent to the recording of this plat, maps in the Engineer's Department show the alley also bordering lots 33 & 34.

It is my opinion that the petitioners of this vacation felt that the total alley should be vacated since it does appear on certain maps and there is always the possibility the alley being there by prescriptive rights.

Since the petition has been approved by the Commissioners and is a matter of record, and since it conflicts with the original plat record, I suggest the following:

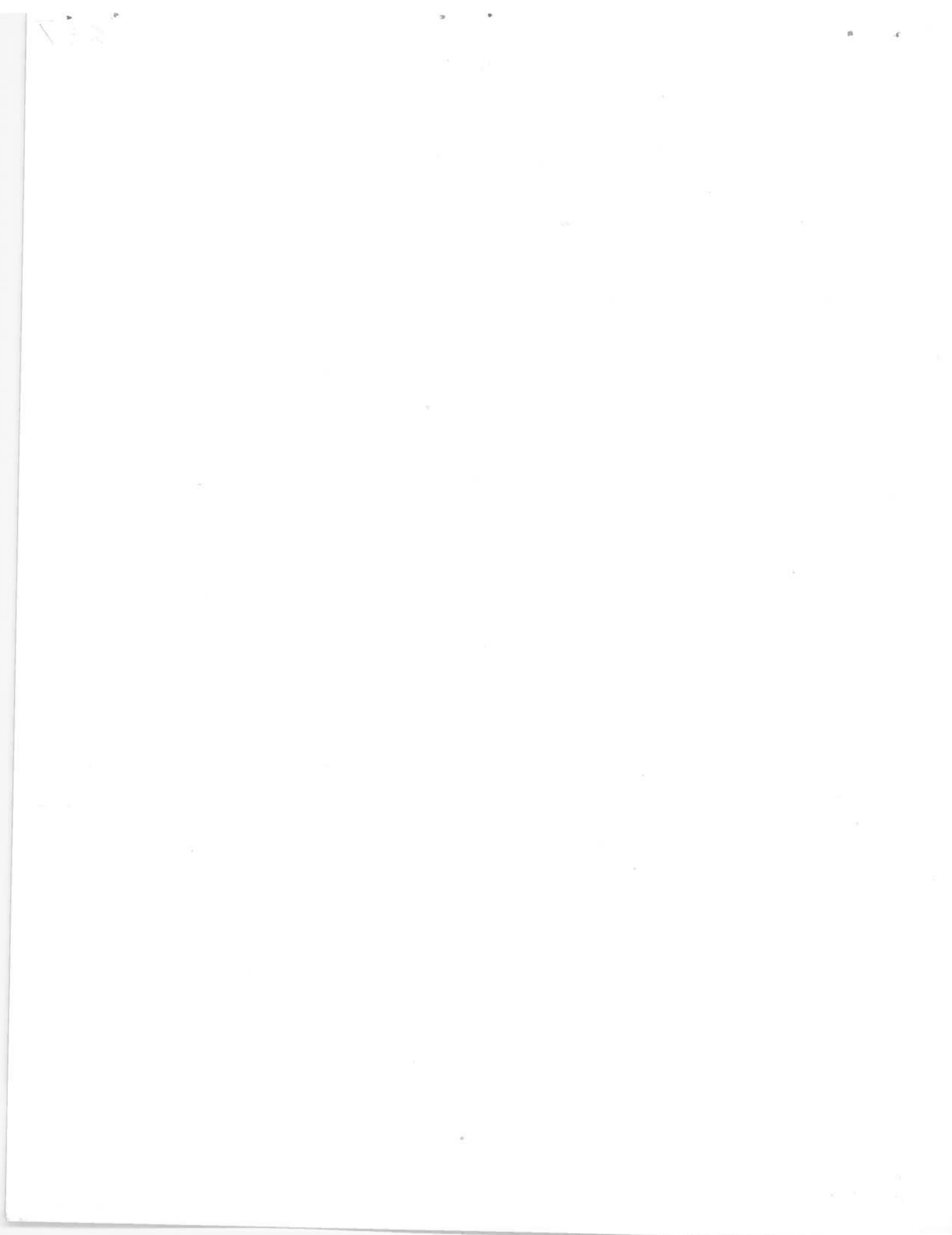
- (1) Show on your original plat the portion adjoining the east side of lots 35 & 36 as being vacated.
- (2) Make a notation to see Engineer's Road Book No. 14, page 283 for said vacation.

If I can be of further help, please let me know.

Very truly yours,

Fred F. Bennett, P. E.
BELMONT COUNTY ENGINEER

FFB/mmb
Court House St. Clairsville, OH 43950 Dial 614-695-2121



RESOLUTION—GRANTING PROPOSED IMPROVEMENT ORDERING RECORD, ETC.

IMP. 841

IN THE MATTER OF THE

VACATION OF ALLEY LYING EAST OF LOTS 33, 34, 35, 36, IN JACOBURG Public Road.

Office of County Commissioners, Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in REGULAR session on the 22ND day of DECEMBER, 1980, at the office of THE COMMISSIONERS with the following members present:

MR. LINCH

MR. SARGUS

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 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,

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; and be it further

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

Mr. OLEXO ABSENT

Mr. LINCH YES

Mr. SARGUS YES

Adopted the 22ND day of DECEMBER, 1980

MARY KAPOLKA

288

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

IMP. 841

IN THE MATTER OF THE

VACATION OF ALLEY LYING EAST OF
LOTS 33, 34, 35, 36 IN JACOBSBURG
Public Road.

Office of County Commissioners,
Belmont County, Ohio

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

in REGULAR session on the 2ND day of FEBRUARY, 1981,
(Regular or Special)

at the office of THE COMMISSIONERS with the following members present:

A. J. SARGUS

R. E. OLEXO

C. A. LINCH

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 FEBRUARY 2, 1981,

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

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

resulted as follows:

Mr. SARGUS, YES

Mr. OLEXO, YES

Mr. LINCH, YES

Adopted the 2ND day of FEBRUARY, 1981.

MARY KAPOLKA
Clerk, Board of County Commissioners.

BELMONT County, Ohio