

PUBLIC ROAD PETITION

IMP # 849

ST. CLAIRSVILLE

Ohio, JUNE 15TH, 1981

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 PART OF C. H. #3 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 MAP

NOTE THIS PORTION OF COUNTY ROAD 3 TO BE VACATED WAS A PART OF STATE ROUTE 149 & WHEREBY, A PORTION OF STATE ROUTE 149 (FORMERLY COUNTY HIGHWAY No. 3) WAS RELOCATED. CERTAIN PORTIONS OF STATE ROUTE 149 WERE NOT NEEDED FOR THE NEW RELOCATION AND BY ENTRY ON THE JOURNAL OF THE DIRECTOR OF TRANSPORTATION, Vol 64 PAGE 962, DATED SEPTEMBER 27, 1979, THE PORTIONS WERE TURNED OVER TO BELMONT COUNTY EFFECTIVE OCTOBER 5, 1979 AS COUNTY HIGHWAY No 3. (SEE ATTACHED MAP.) AREA TO BE VACATED IS IN RED

A PORTION OF COUNTY HIGHWAY No 3 IS ON ROSCOE KLEE'S PROPERTY IN PULTNEY TWP. SECTION 36 T 2 R 3. FROM STATION 105 ON CENTERLINE SURVEY OF S. R. # 149; N. 24° 30' EAST 210 FEET ± TO THE RIGHT-OF-WAY LINE OF STATE ROUTE # 149 AND TO PLACE OF BEGINNING FOR VACATION OF PART OF COUNTY HIGHWAY No 3; THENCE FROM PLACE OF BEGINNING N. 16° WEST 85' ± THENCE N. 57° WEST 60' ± THENCE S. 85°-30' WEST 80' ± THENCE S. 68°-30' WEST 470' ± TO END OF VACATION

Dated this 15TH day of JUNE, A. D. 1981

PETITIONERS' NAMES	TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE
Joseph Albright	✓ Frank Klee
Grant Woodard	✓ Roscoe L. Klee
Howard Sipton	✓ Frances L. Klee
Esther Sipton	Helde St John
Emiel F. Harsely	✓ Carl R. Heath Jr.
Grace Hartley	✓ Vernon L. Drigg
Delwin L. Fitch	✓ Rose Ann Unterzuber
Charles E. Jewell	✓ Douglas Unterzuber
Drene J. Jewell	✓ James J. Wallace
James E. Sook	✓ Mary Ellen Unterzuber
Grant M. Masch	✓ Richard C. Woodard

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

IMP # 849

IN THE MATTER OF THE
VACATION OF PART OF C.H. #3
PULTNEY TWP.
Public Road.
Petitioned for by FRANK KLEE (ETAL)
and others.

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 JUNE, 1981, 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, 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 PART OF C.H. #3
a Public Road as described therein; therefore, be it

RESOLVED, That the 20TH day of JULY, 1981, 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 22ND day of JULY, 1981, 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 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. SARGUS
- Mr. OLEXO
- Mr. LINCH

Adopted the 22ND day of JUNE, 1981.

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RESOLUTION—UPON VIEW OF PROPOSED IMPROVEMENT

ORDER TO COUNTY ENGINEER

IMP. # 849

IN THE MATTER OF THE
VACATION OF PART OF CH #3
PULTNEY TWP.
Public 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 JULY, 1981, 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, On the 20TH day of JULY, 1981, 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 22ND day of JULY, 1981, 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. OLEXO YES
- Mr. LINCH YES

Adopted the 20TH day of JULY, 1981.

MARY KAPOLKA
Clerk, Board of County Commissioners

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REPORT OF COUNTY ENGINEER

IMP # 849

IN THE MATTER OF THE
VACATING A PART OF Co. HWY. #3
Public Road.

County Engineer's Office,
Belmont County, Ohio

JULY 22, 1981

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

The undersigned in obedience to your order dated JULY 20, 1981, proceeded on the 21ST day of JULY, 1981, 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.

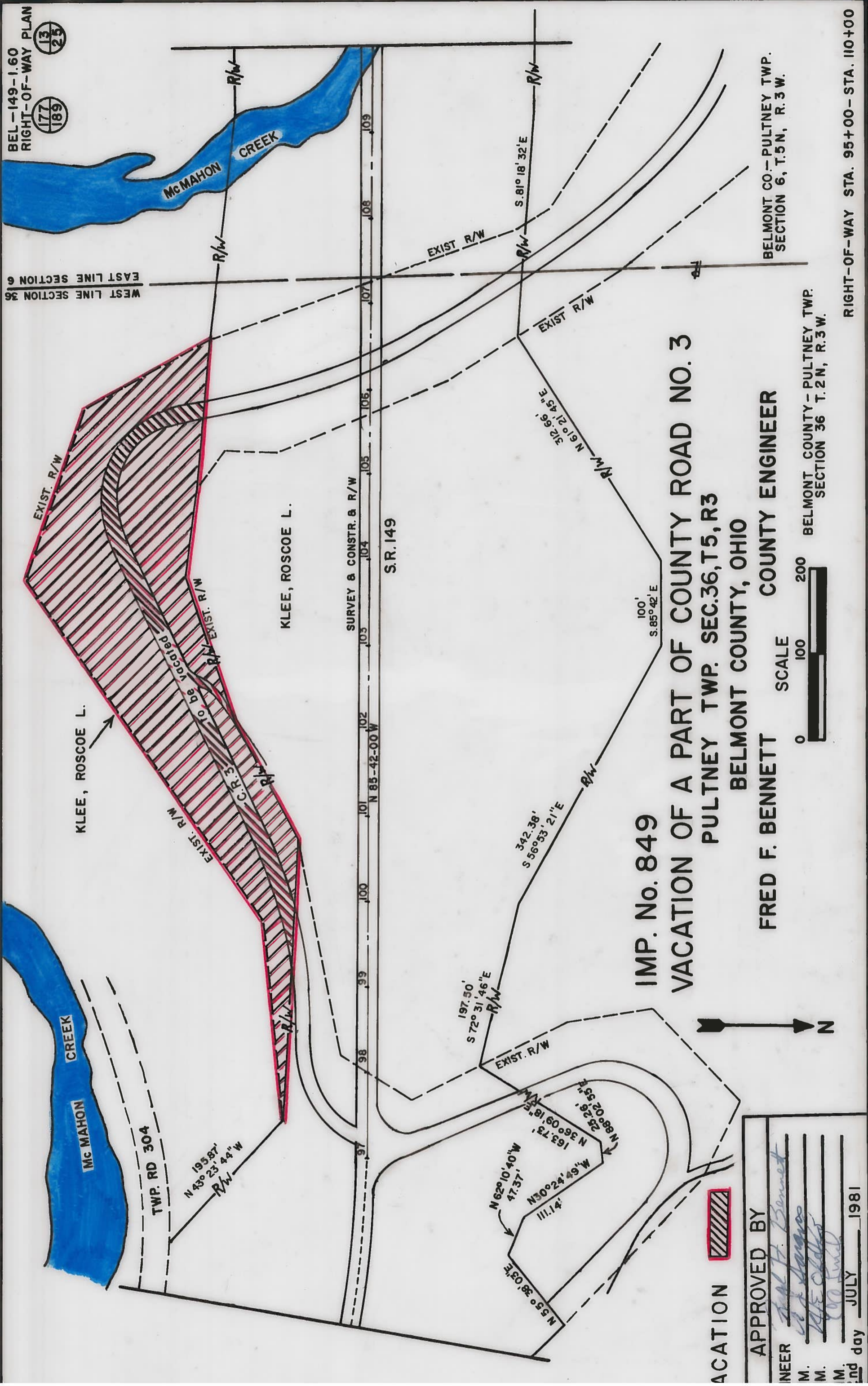
[REDACTED]

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:

Fred F Bennett



BEL-149-1.60
RIGHT-OF-WAY PLAN
177
189
13
25

WEST LINE SECTION 36
EAST LINE SECTION 6

BELMONT CO. - PULTNEY TWP.
SECTION 6, T.5N, R.3W.

BELMONT COUNTY - PULTNEY TWP.
SECTION 36 T.2N, R.3W.

RIGHT-OF-WAY STA. 95+00 - STA. 110+00

IMP. No. 849
VACATION OF A PART OF COUNTY ROAD NO. 3
PULTNEY TWP. SEC.36,T5,R3
BELMONT COUNTY, OHIO

FRED F. BENNETT
COUNTY ENGINEER



VACATION

APPROVED BY

ENGINEER *Fred F. Bennett*

M. *[Signature]*

M. *[Signature]*

M. *[Signature]*

and day JULY 1981

RESOLUTION—GRANTING PROPOSED IMPROVEMENT ORDERING RECORD, ETC.

IMP # 849

IN THE MATTER OF THE VACATION OF PART OF C. H. #3

Office of County Commissioners, Belmont County, Ohio

Public Road.

The Board of County Commissioners of Belmont County, Ohio, met in REGULAR session on the 22ND day of JULY, 1981, at the office of with the following members present:

A. J. SARGUS

R. E. OLEXO

C. A. LINCH

Mr. LINCH 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 ~~that the Board may deem reasonable and just to be paid by the landowners owning lands within the vicinity who will be benefited by the improvement~~

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, ~~it shall be paid out of the County Treasury, it being the opinion of the Board of County Commissioners that the improvement is one of public convenience to cause all compensation and damages to be paid from the County Treasury. On failure of such benefited landowners to pay~~

~~the compensation and damages to be paid by the landowners owning lands within the vicinity who will be benefited by the improvement, it shall be paid out of the County Treasury, it being the opinion of the Board of County Commissioners that the improvement is one of public convenience to cause all compensation and damages to be paid from the County Treasury. On failure of such benefited landowners to pay~~

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

~~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, it shall be paid out of the County Treasury, it being the opinion of the Board of County Commissioners that the improvement is one of public convenience to cause all compensation and damages to be paid from the County Treasury. On failure of such benefited landowners to pay~~

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 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. 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 22ND day of JULY, 1981

MARY KAPOLKA
Clark, Board of County Commissioners

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IMP # 849

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

IN THE MATTER OF THE

Vacation of Part of C.H. 3

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 August, 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 July 22, 1981,

and a copy of this resolution be forwarded to the Pultney 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 10th day of August, 1981.

Mary Kapolka

Clerk, Board of County Commissioners.

Belmont

County, Ohio