

PUBLIC ROAD PETITION WITHOUT PETITION

St. Clairsville, Ohio, November 17, 1982

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 & dedication of Union Twp. 261 a Public Road on the line hereinafter described, and make application to you to institute and order proper proceedings in the premises, for vacation & dedication 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 following is the general route and termini of said Road:

Begin vacation of T-261 at the intersection with County Highway No. 98 located in Section 25, Township 8, Range 5, in Union Township; thence in a northeast direction approximately 0.67 mile.

Begin dedication of T-261 at the intersection with County Highway No. 98 located in Section 25, Township 8, Range 5, in Union Township; thence in a northeast direction approximately 0.65 mile.

Dated this 17th day of November, A. D. 1982

PETITIONERS' NAMES	TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE

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

IN THE MATTER OF THE
Vacate & Dedicate Union Twp. 261

Office of County Commissioners,
Belmont County, Ohio

Public Road.

Petitioned for by _____,
_____, and others.

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

on the 17TH day of November, 19 82, at the office of the Commissioners

with the following members present:

- _____ A.J. Sargus
- _____ R.E. Olexo
- _____ Absent

Mr. Olexo 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 & dedicate Union Twp. 261

_____ a Public Road as described therein; therefore, be it

RESOLVED, That the 20TH day of December, 19 82, 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 27TH day of December, 19 82, 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. Sargus seconded the Resolution and the roll being called upon its adoption, the vote

resulted as follows:

- Mr. Olexo Yes
- Mr. Sargus Yes
- Mr. _____

Adopted the 17TH day of November, 19 82

D.L. R.H. 1

RESOLUTION—UPON VIEW OF PROPOSED IMPROVEMENT
ORDER TO COUNTY ENGINEER

IN THE MATTER OF THE
Vacate & Dedicate Union Twp. 261
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 December, 1982, at the office of the Commissioners

with the following members present:

- A.S. Sargus
- R.E. Olexo
- C.A. Lynch

Mr. Olexo moved the adoption of the following Resolution:

WHEREAS, On the 20th day of December, 1982, 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 27th day of December, 1982, 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. Lynch seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

- Mr. Olexo Yes
- Mr. Lynch Yes
- Mr. Sargus Yes

Adopted the 30th day of December, 1982

Mary Kapolka

REPORT OF COUNTY ENGINEER

IN THE MATTER OF THE

Vacate & Dedicate Union Twp. 261

Public Road.

County Engineer's Office,

Belmont County, Ohio

Dec. 27, 19 82

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

The undersigned in obedience to your order dated Dec. 20, 19 82, proceeded on the 21st day of December, 19 82, 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 sixty 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:



Paul J. Bennett

DEDICATION OF
TOWNSHIP ROAD NO. 261

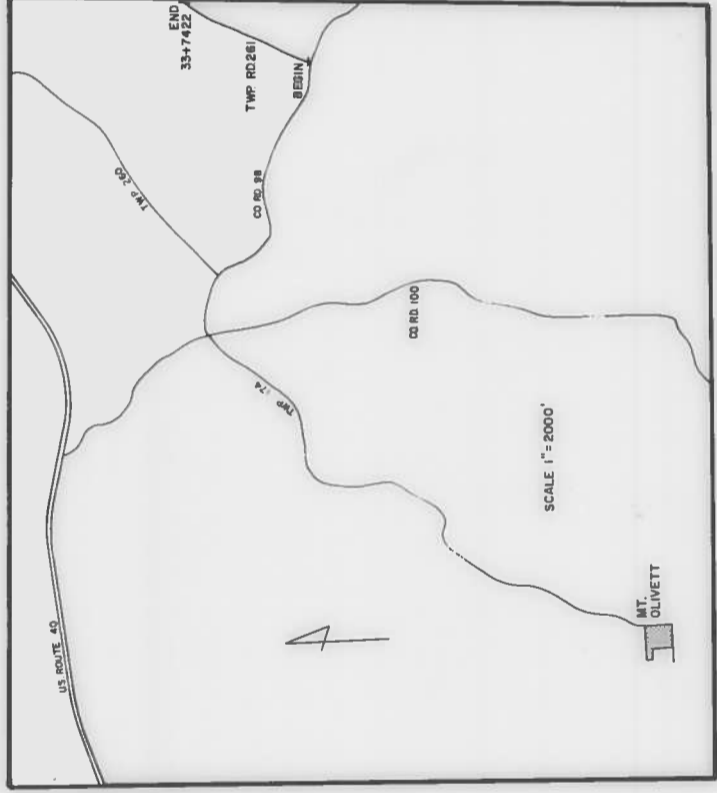
UNION TWP.
SECS. 25
T-8N R-5W

BELMONT COUNTY, OHIO
FRED BENNETT, COUNTY ENGINEER

SCALE 1" = 100'
60' RIGHT OF WAY

APPROVED BY
COUNTY ENGINEER. Fred F. Bennett, P.E.
COUNTY COMMISSIONER. A. J. Pranger
COUNTY COMMISSIONER. R. E. Davis
COUNTY COMMISSIONER. C. O. Smith

THIS 24th DAY OF JAN. 1983.



KNOW ALL MEN BY THESE PRESENTS, THAT CONSOLIDATION COAL COMPANY DOES GIVE, GRANT, BARGAIN AND FOREVER DEDICATE TO THE BELMONT COUNTY COMMISSIONERS AND THEIR SUCCESSORS IN OFFICE, THE HEREIN PLATTED TRACT OF LAND FOR ROAD PURPOSES ONLY. SECT. 555331 OF REVISED CODE.

WITNESSES James H. Johnson SIGNERS Richard DeLima Vice President
Charles M. Johnson

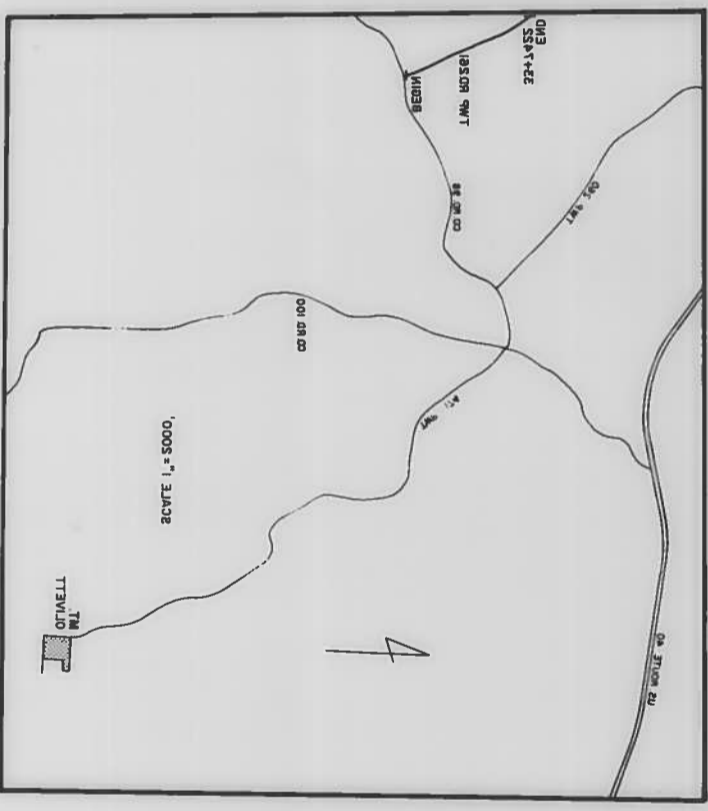
STATE OF OHIO
COUNTY OF BELMONT
BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED Richard DeLima AND James H. Johnson OF CONSOLIDATION COAL COMPANY THE CORPORATION ON WHICH DEDICATED SAID ROAD WHO ACKNOWLEDGE THAT THE SEAL AFFIXED TO SAID PLAT IS THE CORPORATE SEAL OF SAID CORPORATION; THAT THEY DID SIGN AND SEAL SAID PLAT AS SUCH Richard DeLima IN BEHALF OF SAID CORPORATION, AND THAT SAID PLAT IS THEIR FREE ACT AND DEED INDIVIDUALLY AND AS SUCH Richard DeLima AND James H. Johnson AND THE FREE AND CORPORATE ACT AND DEED OF SAID CONSOLIDATION COAL COMPANY. IN TESTIMONY WHEREOF I HAVE HERE UNTO SET MY HAND AND OFFICIAL SEAL THIS 24 DAY OF JAN 1983.

[Signature]
NOTARY PUBLIC.

THIS IS THE 183

COMMISSIONER
COMMISSIONER
COMMISSIONER
COMMISSIONER
COMMISSIONER

BY DEPOSIT

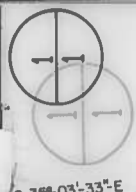


FRANK BEINERT, CIVIL ENGINEER
OHIO, UTILITIES ENGINEER
BEING UTILITIES ENGINEER
SCALE = 1" = 100 FEET
YAW FOR THE

NOTARY PUBLIC
HERE I HAVE SET MY HAND AND OFFICIAL SEAL THIS DAY FOR AND FOR SAID COUNTY AND STATE PERSONALLY
AND DEED SAID COMMISSIONER SAID COMPANY IN TESTIMONY WHEREOF I HAVE SET MY HAND AND OFFICIAL SEAL
AND DEED SAID COMMISSIONER SAID COMPANY IN TESTIMONY WHEREOF I HAVE SET MY HAND AND OFFICIAL SEAL
AND DEED SAID COMMISSIONER SAID COMPANY IN TESTIMONY WHEREOF I HAVE SET MY HAND AND OFFICIAL SEAL

WITNESSES
SIGNED
STATE OF OHIO
COUNTY OF BELMONT
BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY
AND DEED SAID COMMISSIONER SAID COMPANY IN TESTIMONY WHEREOF I HAVE SET MY HAND AND OFFICIAL SEAL
AND DEED SAID COMMISSIONER SAID COMPANY IN TESTIMONY WHEREOF I HAVE SET MY HAND AND OFFICIAL SEAL

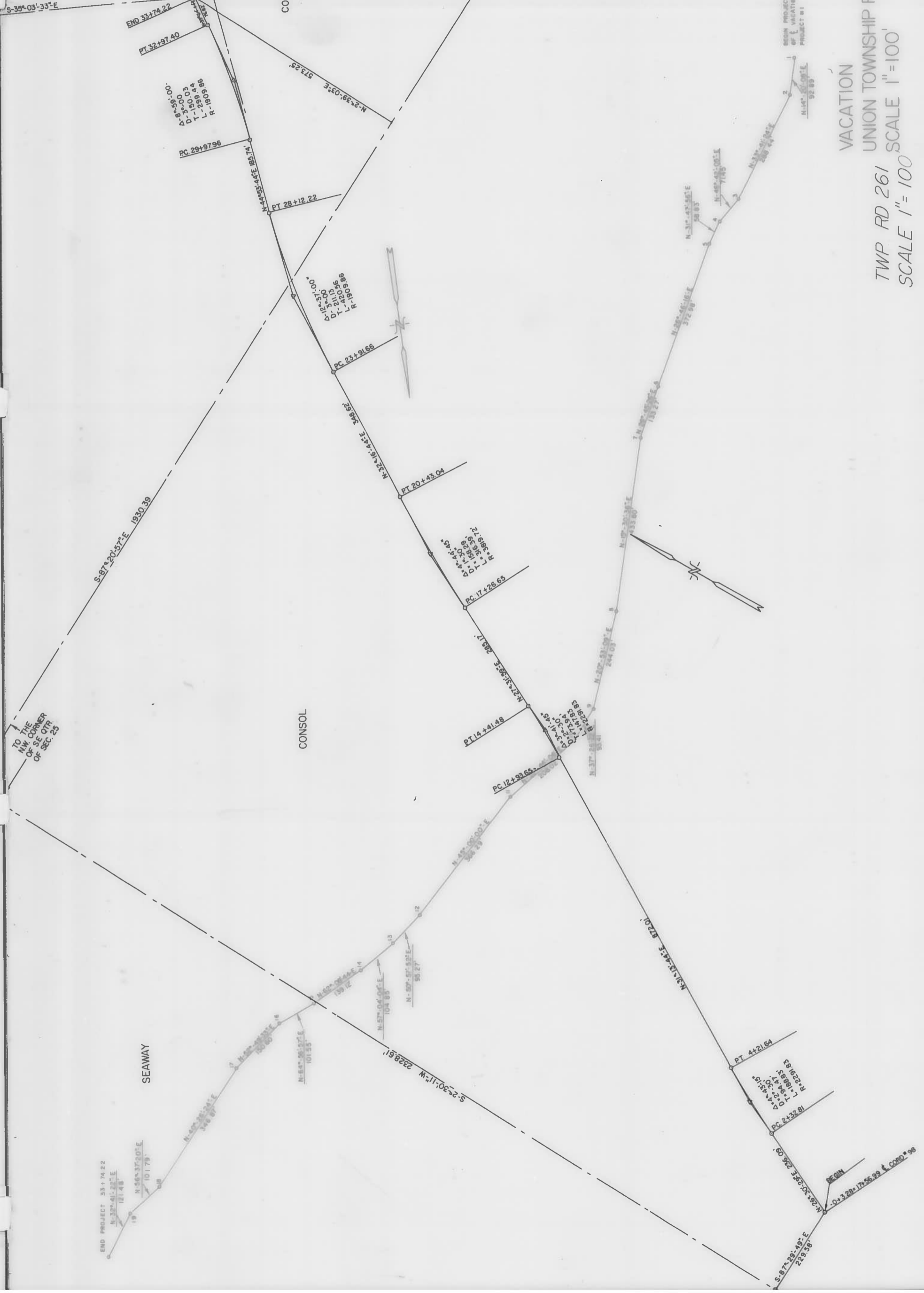
FOR DEED
DEED
DEED
DEED
DEED



DAVIDSON

CONSOL

VACATION
UNION TOWNSHIP RD #261
SCALE 1" = 100'
SCALE 1" = 100'



END PROJECT 33+74.22
N-33°45'20\"/>

SEAWAY

PC 29+97.96

PT 28+12.22

PC 23+91.66

PT 20+43.04

PC 17+26.65

PT 14+41.68

PC 12+88.66

PT 4+21.64

R-168.83
L-168.47
D-4°43'15\"/>

PC 0+00

N-28°30'27\"/>

S-87°29'49\"/>

BEGIN PROJECT AT POINT #12
OF E. VACATION OF CO. RD #261
PROJECT #1

N-14°50'05\"/>

92.89'

N-31°43'16\"/>

N-45°43'00\"/>

N-22°14'41\"/>

N-38°46'16\"/>

N-22°45'21\"/>

N-08°38'31\"/>

N-08°38'31\"/>

N-27°31'39\"/>

N-32°18'44\"/>

N-32°18'44\"/>

N-32°18'44\"/>

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N-32°18'44\"/>

RESOLUTION—GRANTING PROPOSED IMPROVEMENT ORDERING RECORD, ETC.

IN THE MATTER OF THE Vacate & Dedicate Union Twp. 261 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 January, 1983, at the office of the Commissioners with the following members present:

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

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. 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 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 vacated & dedicated 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 to be opened 60 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;

[Large handwritten signature]

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. Linch 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 January, 1983. Patricia Bittengele

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