

PUBLIC ROAD PETITION

ST. CLAIRSVILLE, Ohio, FEBRUARY 6, 1984

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 ALLEY IN TEMPERANCEVILLE 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

Beginning at the southwest corner of lot 34 in Temperanceville as recorded in Volume 26, Page 366 of Belmont County Deed Records and Cabinet B, Slide 276 of Belmont County Plat Records, and located in Somerset Twp. Section 33, T.7, R.6; thence east 133 ft. to the southeast corner of lot 34; thence south 16.5ft to the northeast corner of lot 35; thence west 133ft. to the northwest corner of lot 35; thence north 16.5 ft. to the place of beginning.

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

PETITIONERS' NAMES	TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE
Donald Hayes	Somerset Twp 37
Matilda Hayes	Somerset Twp 37
Beth Hayes	Somerset Twp 37
Ertha Stephen	Somerset Twp 37
William J. Miller	Somerset Twp 37
Kathleen Miller	Somerset Twp 37
Hilda Robb	Somerset Twp 37
Belona Chappell	Somerset Twp 37
George E. Chappell	Somerset Twp 37
Don E. Carpenter	Somerset Twp 37
Justin McCort	Somerset Twp 37
Thomas J. Miller	Somerset Twp 37
Arthur Burkhardt	Somerset Twp 37
Charles E. Burkhardt	Somerset Twp 37
Patrick A. McCort	Somerset Twp 37
Joseph McCort	Somerset Twp 37
Carol Carpenter	Somerset Twp 37
Ruth Carpenter	Somerset Twp 37
Dennis J. Miller	Somerset Twp 37
Hazel M. Kieckhefer	Somerset Twp 37
Neva Husher	Somerset Twp 37
Robert G. Husher	Somerset Twp 37
Carroll A. Miller	
Henry H. Kiser	
Russell Kach	

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

IN THE MATTER OF THE  
VACATION OF ALLEY IN  
TEMPERANCEVILLE  
Public Road.  
Petitioned for by DEBORAH MILLER  
....., and others.

Office of County Commissioners,  
Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in..... REGULAR ..... session  
on the 7<sup>TH</sup> day of MARCH, 1984, 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, A Petition signed by at least twelve freeholders of the County residing in the vicinity of the proposed improvement has been pre-  
sented to this Board of County Commissioners requesting said Board to VACATE ALLEY IN TEMPERANCEVILLE  
..... a Public Road as described therein; therefore, be it

RESOLVED, That the 2<sup>ND</sup> day of APRIL, 1984, 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 4<sup>TH</sup> day of APRIL, 1984, 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 improve-  
ment.

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 7<sup>TH</sup> day of MARCH, 1984

RESOLUTION — UPON VIEW OF PROPOSED IMPROVEMENT  
ORDER TO COUNTY ENGINEER

IN THE MATTER OF THE  
VACATION OF ALLEY IN  
TEMPERANCEVILLE  
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 APRIL, 1984, 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 2ND day of APRIL, 1984, 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 4TH  
day of APRIL, 1984, 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. LINCH YES

Mr. OLEXO YES

Mr. SARGUS YES

Adopted the 2ND day of APRIL, 1984

PATRICIA BITTENGLE  
Clerk, Board of County Commissioners,

REPORT OF COUNTY ENGINEER

IN THE MATTER OF THE  
VACATION OF ALLEY IN  
TEMPERANCEVILLE  
Public Road

County Engineer's Office,  
Belmont County, Ohio  
APRIL 4, 1984

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

The undersigned in obedience to your order dated APRIL 2ND, 1984, proceeded on the 3RD day of APRIL, 1984, 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.

~~It is noted that said improvement should be approved in~~  
~~accordance with the provisions of the laws of the State of Ohio~~  
~~relating to the improvement of public roads, to-wit: Chapter 554~~  
~~of the Revised Code, which provides that such improvement~~  
~~shall be made only when the same is deemed to be in the~~  
~~public interest.~~

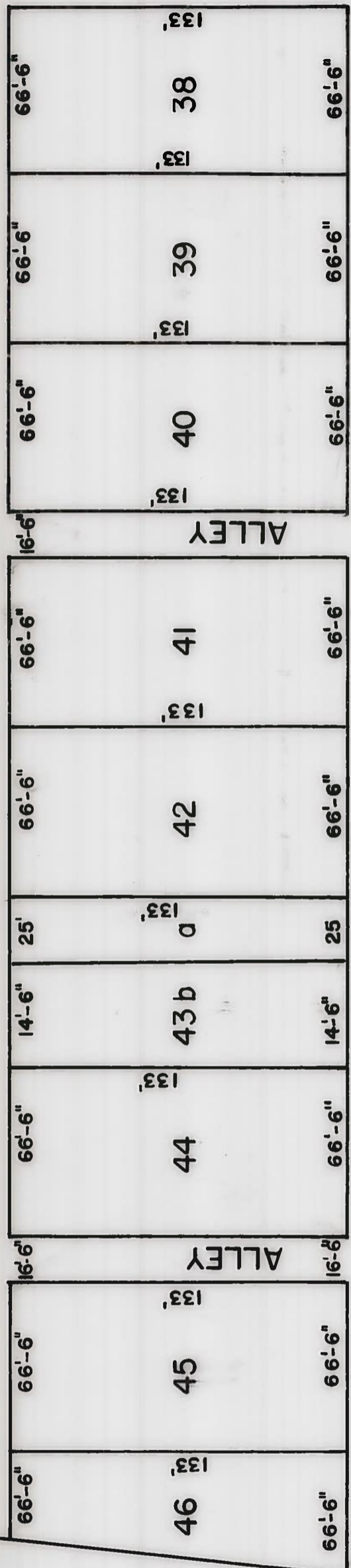
An accurate and detailed description of the proposed improvement describing therein the center line and right of way lines follows:

SEE ATTACHED PLAT

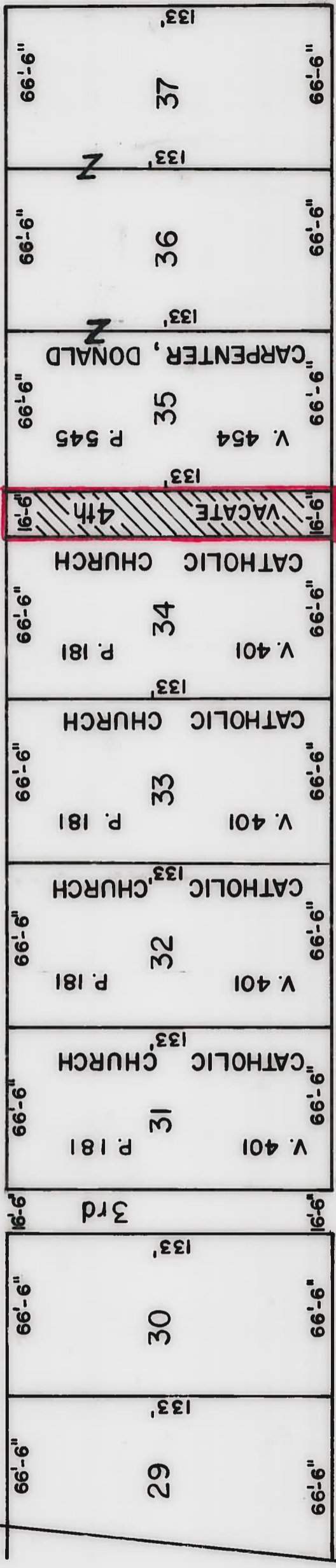
The undersigned recommends the following changes in the proposed improvement which in his judgment should be made in the event the proposed improvement be granted, to-wit:

~~\_\_\_\_\_~~ Paul F. Bennett

VACATION OF AN ALLEY BETWEEN  
 NO. 34 & 35 ON PLAT OF  
 TEMPERANCEVILLE AS RECORDED IN  
 VOL. 26, PAGE 366 OF BELMONT  
 COUNTY RECORD OF DEEDS.



**MARIETTA STREET**

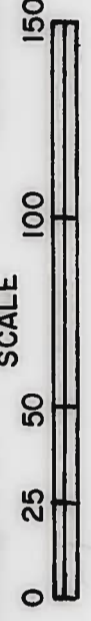


IMP. NO. 888

**VACATION OF AN ALLEY IN TEMPERANCEVILLE**

RECORDED IN VOL. 26, PAGE 366  
 SOMERSET TOWNSHIP SECTION 33, T7, R6

**BELMONT COUNTY, OHIO**  
**FRED F. BENNETT COUNTY ENGINEER**



VACATION

APPROVED BY

ENGINEER Fred F. Bennett

DATE APR 11 1984

TIME 10:30 AM

PLACE Belmont County

BY [Signature]

DATE APR 11 1984

TIME 10:30 AM

PLACE Belmont County

BY [Signature]

4881  
 APPROVED BY  
 [Signature]  
 [Signature]

APPROVED BY

ПОИТАСА



FRED F. VEINERTT  
 CIVIL ENGINEER

BEAUMONT CIVIL, OHIO

COMERSET TOWNSHIP SECTION 33, T. 17, R. 6E

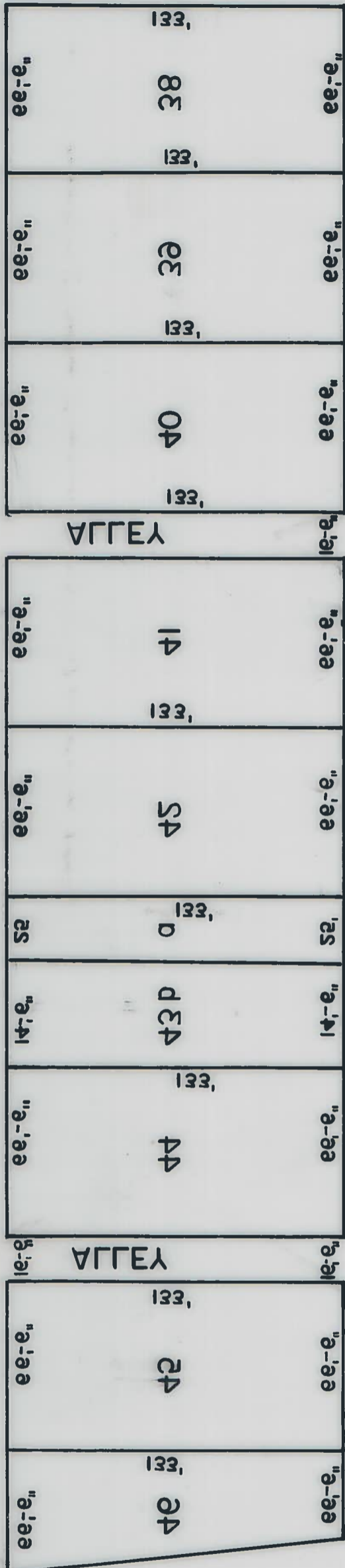
RECORDED IN VOL. 38, PAGE 388

ПОИТАСА ИЛИ АГЛЕУ ИЛИ УГЛЕУ ИЛИ ДИВЕРАСИВЕЛИГЛЕ

IMB NO 888



МАРИАМ СТРЕТС



BY RECORD OF DEEDS.  
 se, PAGE 388 OF BEAUMONT  
 РАИСЕЛИГЛЕ АС РЕКОРДЕД ИИ  
 NO. 34 & 38 ON PAGE OF  
 LION OF ИЛИ АГЛЕУ БЕТВЕЕН

RESOLUTION — GRANTING PROPOSED IMPROVEMENT ORDERING RECORD, ETC.

IN THE MATTER OF THE VACATION OF ALLEY IN TEMPERANCEVILLE Public Road

Office of County Commissioners, Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in REGULAR session on the 4TH day of APRIL, 1984, 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 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 importance 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 court on the day of [redacted], 19 [redacted] 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 importance 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 court on the day of [redacted], 19 [redacted] 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; 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 importance 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 court on the day of [redacted], 19 [redacted] 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

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 143.01 to 143.03 inclusive of the Revised Code.

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

Mr. LINCH YES Mr. OLEXO YES Mr. SARGUS YES

Adopted the 4TH day of APRIL, 1984

PATRICIA BITTENGLE ASSISTANT Clerk, Board of County Commissioners,

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

IN THE MATTER OF THE  
VACATION OF ALLEY IN  
TEMPERANCEVILLE  
Public Road

Office of County Commissioners,  
Belmont County, Ohio

The Board of County Commissioners of BELMONT County, Ohio, met  
in REGULAR session on the 25<sup>TH</sup> day of APRIL, 1984,  
(Regular ~~session~~)  
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 APRIL 4, 1984,

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

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

- Mr. LINCH , YES
- Mr. OLEXO , YES
- Mr. SARGUS , YES

Adopted the 25<sup>TH</sup> day of APRIL, 1984

MARY KAPOLKA  
Clerk, Board of County Commissioners.

BELMONT County, Ohio