

PUBLIC ROAD PETITION

..... Belmont Co., Ohio, March 17, 1993.

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..... vacating & rededicating of a portion of Union T.R. 333 a Public Road on the line hereinafter described, and make application to you to institute and order proper proceedings in the premises, for vacating & rededicating 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 See attached plat map entitled "Vacation and Rededication - Township Road 333". This road alteration is located in Union Township, Section 4, T-8, R-5.

Dated this 17th day of March, A. D. 1993

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

| PETITIONERS' NAME | TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE |
|-------------------------------|--|
| <u>Thos. Galt</u> | |
| <u>U.P. One River Collins</u> | |
| | |
| | |

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

IN THE MATTER OF THE

Office of County Commissioners,

Belmont County, Ohio

Vacating & Rededication of a portion of Union T.R. 333 Public Road.

Petitioned for by Ohio River Coaleries, and others.

The Board of County Commissioners of Belmont County, Ohio, met in regular session on the 25th day of January, 1993, at the office of the commissioners with the following members present:

- Mr. Depe
Mr. Bianconi
Mr. Passock

Mr. Bianconi 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 & rededicate a portion of Union T.R. 333 a Public Road as described therein; therefore, be it

RESOLVED, That the 17th day of February, 1993, 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 March, 1993, at 9:45 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. Passock seconded the Resolution and the roll being called upon its adoption, the vote

resulted as follows:

- Mr. Bianconi
Mr. Passock
Mr. Depe

Adopted the 25th day of January, 1993

RESOLUTION — UPON VIEW OF PROPOSED IMPROVEMENT
ORDER TO COUNTY ENGINEER

IN THE MATTER OF THE

*Vacating & Rededicating a portion
of Union T.R. 333*
Public Road

Office of County Commissioners,
Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in *regular* session
on the *17th* day of *February*, 19*93*, at the office of *the commissioners*

with the following members present:

- Jim Hope*
- Michael C. Bianconi*
- Law Passock*

Mr. *Passock* moved the adoption of the following Resolution:

WHEREAS, On the *17th* day of *February*, 19*93*, 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 *March*, 19*93*, 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. *Bianconi* seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

- Mr. *Bianconi* *yes*
- Mr. *Passock* *yes*
- Mr. *Hope* *yes*

Adopted the *17th* day of *February*, 19*93*.

Patricia Bittenger
Clerk, Board of County Commissioners

REPORT OF COUNTY ENGINEER

IN THE MATTER OF THE

Vacating & Rededicating a portion
of Union T.R. 333
Public Road

County Engineer's Office,
Belmont County, Ohio

March 1, 1993

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

The undersigned in obedience to your order dated February 17, 1993, proceeded on the 1st day of March, 1993, 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.

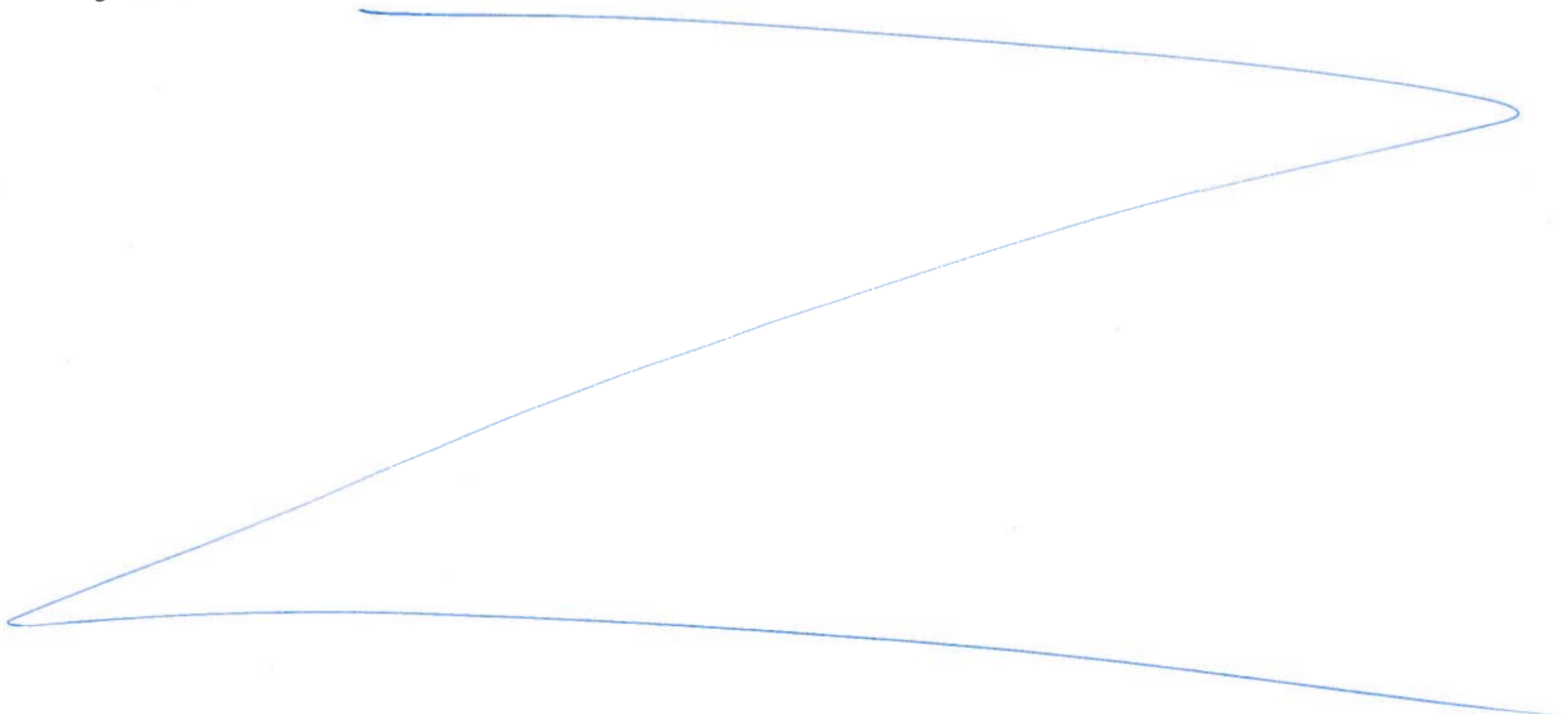
The width to which said improvement should be opened is 60' feet.

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:



OWNER'S CONSENT AND DEDICATION

WE THE UNDERSIGNED, BEING THE OWNERS OF THE LAND HEREIN PLATTED, DO HEREBY VOLUNTARILY GIVE, GRANT, BARGAIN AND FOREVER DEDICATE TO THE BELMONT COUNTY COMMISSIONERS AND THEIR SUCCESSORS IN OFFICE, BELMONT COUNTY, OHIO, THE HEREIN TRACTS OF LAND FOR ROAD PURPOSES. (SECTION 5553.31 OF THE OHIO REVISED CODE.)

OWNER

Raymond S. ...
Gene F. Maydan

BEGIN DEDICATION
 STATION 0+00

STATE OF OHIO
 COUNTY OF BELMONT

BEFORE ME A NOTARY PUBLIC PERSONALLY APPEARED THE ABOVE PERSON *Gene F. Maydan* WHO ACKNOWLEDGE THAT THEY DID SIGN THE FOREGOING, AND THAT THE SAME IS THEIR FREE ACT AND DEED. IN TESTIMONY WHEREOF,

I HEREUNTO SET MY HAND AND OFFICIAL SEAL THIS 12th DAY OF January 1993

STATE PLANE COORDINATE TABLE

| NORTHING | EASTING | DESCRIPTION |
|------------|-------------|----------------|
| 765548.241 | 2417871.880 | BEGIN ADJACENT |
| 765769.496 | 2417853.176 | BEGIN VACATION |
| 765548.241 | 2417857.157 | END CALL |
| 765021.240 | 2419231.871 | END VACATION |
| 765021.240 | 2419231.871 | SW CORNER |

BEARING ON SOUTH LINE SECTION 4, T-8 R-5

THIS 22 DAY OF March 1993

GRAPHIC SCALE - FEET

VACATION AND REDEDICATION ON THE COORDINATE SYSTEM OF THE U.S.G.S. TRIANGULATION STATION MORRIS.

SECTION 4 T-8 R-5

LAFFERTY COAL MINING CO.

V.558 P.690

UNION TOWNSHIP, SECTION 4, T-8 R-5

BELMONT COUNTY, OHIO

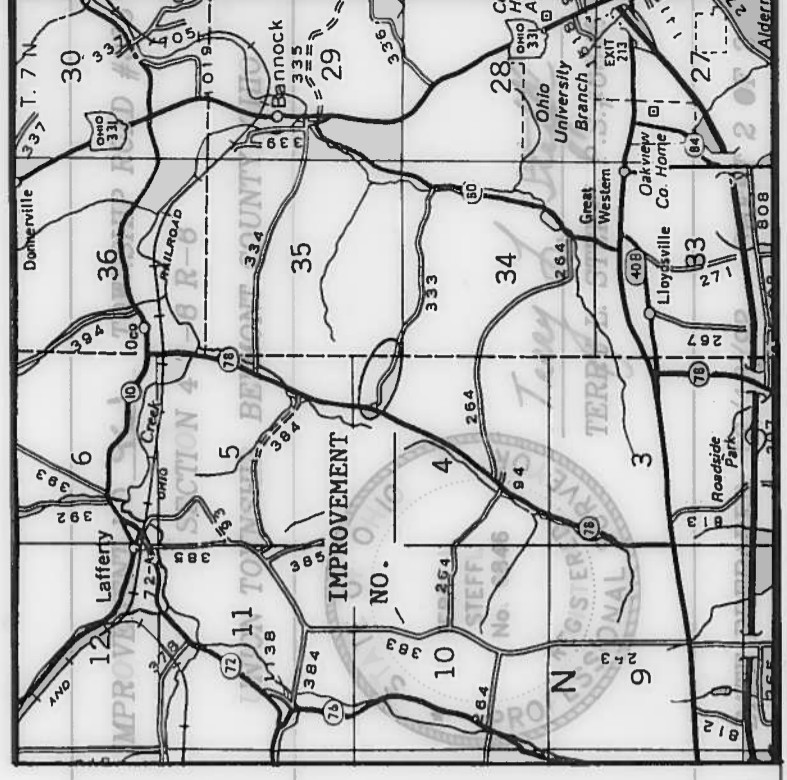
60' RIGHT-OF-WAY

0.29 MILE

NOTES:

FRED BENNETT, COUNTY ENGINEER

2. ALL PROPERTY LINES SHOWN HEREON WERE DERIVED FROM BELMONT COUNTY TAX MAPS.



CALL TABLE
 RELOCATED TOWNSHIP ROAD #333
 BEARING DISTANCE

| COURSE | BEARING | DISTANCE |
|--------|--------------|----------|
| A | S 72°19'50"E | 578.87' |
| B | S 48°46'18"E | 264.80' |
| C | N 80°55'50"E | 98.93' |

CURVE TABLE

| RADIUS | DELTA | CHORD | CH. BEARING |
|---------|-----------|---------|--------------|
| 743.17' | 23°33'40" | 303.46' | S 60°33'08"E |
| 308.84' | 50°17'52" | 262.50' | S 73°55'14"E |

GRAPHIC SCALE - FEET



SECTION 0 100 200 300 400 500 600

BEYING ON SOUTH TIE SECTION #1: 2 88.10.43"E

- 480221'888 S412821'881 2M CORNER SECTION #4
- 482051'340 S412831'841 END AVIGATION
- 482212'480 S418023'238 BEGIA CVIT #5
- 482248'348 S4112821'124 END CVIT #1
- 482288'408 S4112823'148 BEGIA AVIGATION
- 484881'824 S412838'848 END DEDICATION
- 482248'341 S4112821'880 BEGIA DEDICATION

NOTHING FVLLING DESCRIPTION

COMBINED FACLOS: 0.888882

STATE TIVIE COORDIVALE TVBIE

308'84" 20.11.25" 88'20" 2 23.22.14"E
 243'11" 53.33.40" 303'48" 2 80.33.08"E

BOUNDING DELTA CHOED CH BEVING

BEVINGED LOMISHIP BOVD #333

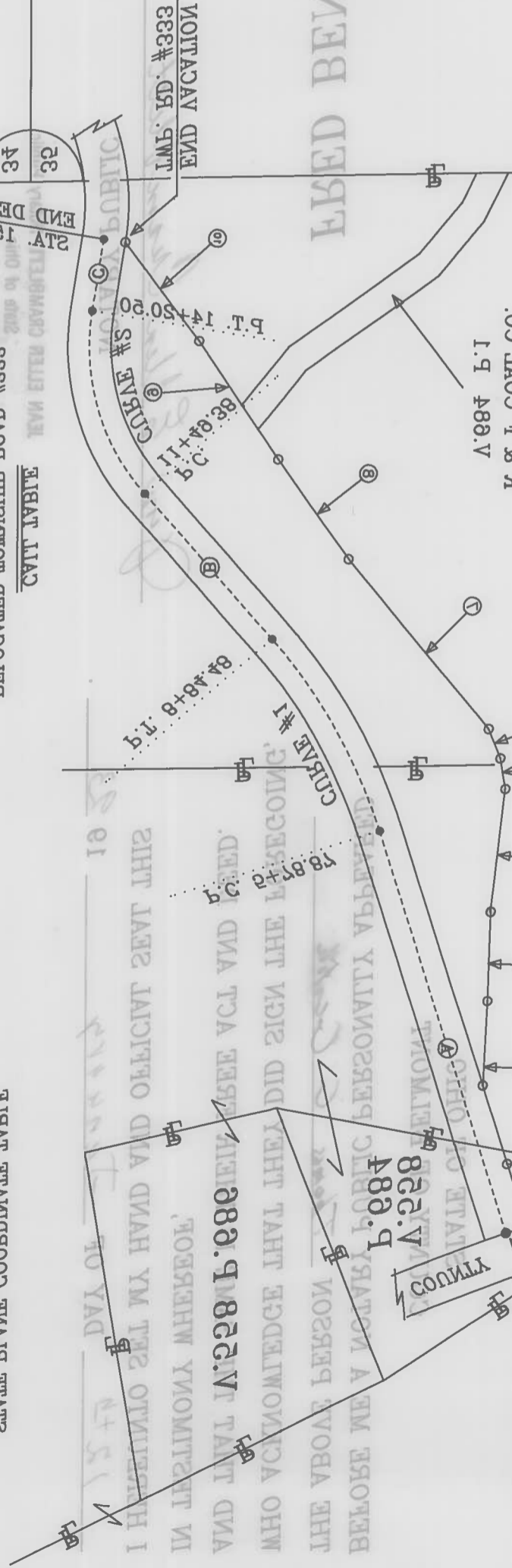
SCALE TVBIE

- C 11 80.22.20"E 88'83"
- B 2 48.48.18"E 88'80"
- A 2 48.18.20"E 248'81"

COURSE BEVING DISTANCE

BEVINGED LOMISHIP BOVD #333

CVIT TVBIE



UNION TOWNSHIP T-8 R-2
 BIRCHLAND TOWNSHIP T-1 R-4

1.228 P.880
 GAREBELY COVT MINING CO.

SECTION 4 T-8 R-2
 SECTION 2 T-8 R-2

DATE BEVINGED: 15/16/85 SHEET 5 OF 5



TERRY G. ZELLEL P.E. #8848

UNION TOWNSHIP, BEYINGED COUNTY, OHIO

SECTION 4 T-8 R-2

IMPROVEMENT NO. 121 LOMISHIP BOVD #333

DEBIAED FROM BEYINGED COUNTY TAX MAPS
 S. VIT BROBEREY TVBES ZHOMI HEBEON WEBE
 SIDE OF THE VBOLE DESCRIBED CEALTEVIE.
 LOMISHIP BOVD #333 IS 80' BEING 30' ON EACH
 T. THE JOVIT BIGHT OF MAX WIDTH FOR

NOTE:

0.88 WIFE

| | | |
|----|---------------|---------|
| 10 | 2 23.04.38"E | 188'85" |
| 9 | 2 28.12.53"E | 184'11" |
| 8 | 2 24.32.08"E | 188'15" |
| 7 | 2 20.18.31"E | 305'82" |
| 6 | 2 81.28.04"E | 45'88" |
| 5 | 2 80.58.34"E | 45'34" |
| 4 | 11 83.58.58"E | 110'84" |
| 3 | 11 88.10.53"E | 155'21" |
| 2 | 11 81.05.42"E | 111'51" |
| 1 | 2 03.50.01"E | 540'44" |

BEVINGED LOMISHIP BOVD #333

CVIT TVBIE

IMPROVEMENT NO. 121

U.S.G.'S. TRIVINGATION STATION WORRIS.
 OHIO COORDIVALE SYSTEM (SOUTH ZONE) AS DEBIAED FROM
 BEVINGED ON THIS MAP BEBES TO THE GRID MERIDIAN OF THE

RESOLUTION — GRANTING PROPOSED IMPROVEMENT ORDERING RECORD, ETC.

IN THE MATTER OF THE

Office of County Commissioners,

Belmont County, Ohio

Vacating & Rededicating a portion of T.R. 333 to United Twp. Public Road

The Board of County Commissioners of Belmont County, Ohio, met in regular session on the 15th day of March, 1993, at the office of the commissioners with the following members present:

Michael C. Bianconi, David Porelock

Mr. Porelock 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. On failure of such benefited landowners to pay such compensation and damages as may be adjudged against them by the day of 1993, 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 1993, 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 & Rededicated 60 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 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,



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 103.01 to 103.32 inclusive, of the Revised Code.

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

Mr. Porelock Yes
Mr. Bianconi Yes
Mr. Yes

Adopted the 15th day of March, 1993.

Patricia Bistangle Clerk, Board of County Commissioners,

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

IN THE MATTER OF THE

Office of County Commissioners,

Belmont County, Ohio

1 Vacating & Re-dedication of a
portion of Union Twp. 333
Public Road

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

in regular session on the 17th day of March, 1993,
(Regular or Special)

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

- Mr. Bianconi
- Mr. Porelock

Mr. Porelock 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 &

re-dedicated, as order heretofore, made on our journal of the date of March 1, 1993,

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

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

resulted as follows:

- Mr. Porelock Yes
- Mr. Bianconi Yes
- Mr. _____

Adopted the 17th day of March, 1993.

Patricia Bittange
Clerk, Board of County Commissioners.

Belmont County, Ohio