

PUBLIC ROAD PETITION

Belmont Co., Ohio, Feb 24, 1994

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 changing direction of a part of C.R. 72 a Public Road on the line hereinafter described, and make application to you to institute and order proper proceedings in the premises, for changing direction of 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 a point in the centerline of existing County Road 72 at Station 0+00 where a stone (found) at the southwest corner of the northwest quarter of Section 8 bears South 50 degrees 48 minutes 16 seconds West 2487.09 feet. (bearing on the west line of said Section 8 being North 01 degrees 03 minutes 53 seconds East), thence from said place of beginning and following the centerline of proposed County Road 72, South 75 degrees 13 minutes 14 seconds East 143.04 feet to station 1+43.04 which is the beginning of a curve concave to the north having a radius of 359.00 feet, thence easterly 195.05 feet along said curve through a central angle of 31 degrees 07 minutes 50 seconds to station 3+38.09, thence North 73 degrees 38 minutes 56 seconds East 52.20 feet to a station 3+90.29 which is the beginning of a curve concave to the southeast having a radius of 352.62 feet, thence northeasterly 194.88 feet along said curve through a central angle of 31 degrees 39 minutes 57 seconds to station 5+85.17, thence South 74 degrees 41 minutes 07 seconds East 136.96 feet to station 7+22.13 which is the beginning of a curve concave to the southwest having a radius of 750.76 feet, thence southeasterly 198.83 feet along said curve through a central angle of 15 degrees 10 minutes 27 seconds to station 9+20.96, thence South 59 degrees 30 minutes 40 seconds East 172.51 feet to station 10+93.47 which is the beginning of a curve concave to the northeast having a radius of 550.40 feet, thence southeasterly 197.84 along said curve through a central angle of 20 degrees 35 minutes 42 seconds to station 12+91.31, thence South 80 degrees 06 minutes 22 seconds East 74.60 feet to the point of terminus in the centerline of existing County Road 72 at station 13+65.91. Upon completion of the above described alteration and acceptance by the Belmont County Engineer the following two existing portions of County Road 72 shall be vacated: Vacation of 0.02 miles: Beginning at a point 30.00 feet left of station 4+86.61 on the above described alterations

Dated this

PE

northern right-of-way and in the centerline of existing County Road 72, thence from said place of beginning and following the centerline of existing County Road 72 North 85 degrees 07 minutes 31 seconds East 45.36 feet, thence South 87 degrees 21 minutes 40 seconds East 64.25 feet, thence South 56 degrees 00 minutes 00 seconds East 46.55 feet to the point of terminus 30.00 feet left of station 6+28.96 on the aforementioned alterations northern right-of-way for County Road 72. Vacation of 0.06 miles: Beginning at a point 30.00 feet right of station 7+60.56 on the aforementioned alterations southern right-of-way and in the centerline of existing County Road 72, thence from said place of beginning and following the centerline of existing County Road 72, south 46 degrees 35 minutes 50 seconds East 86.50 feet, thence South 58 degrees 06 minutes 45 seconds East 46.17 feet, thence South 63 degrees 26 minutes 06 seconds East 80.50 feet, thence South 71 degrees 44 minutes 33 seconds East 102.14 feet, thence South 78 degrees 35 minutes 51 seconds East 30.15 feet to the point of terminus 30.00 feet right of station 11+06.53 on the aforementioned southern right-of-way for County Road 72.

TY IN WHICH ESTATE

PETITIONERS' NAME

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

Office of County Commissioners,
Belmont County, Ohio

Changing the direction of a part
of C.R. 72
Public Road.

Petitioned for by Crawford Coal
....., and others.

The Board of County Commissioners of Belmont County, Ohio, met in regular session
on the 2nd day of March, 1994, at the office of the Commissioners
with the following members present:

Michael C. Bianconi
Lawrence Passerik
Jim Hope

Mr. Hope 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 changing the direction of a part
of C.R. 72 a Public Road as described therein; therefore, be it

RESOLVED, That the 28 day of March, 1994, 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 30th day of March, 1994, at 9:30 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. Passerik seconded the Resolution and the roll being called upon its adoption, the vote

resulted as follows:

Mr. Hope, Yes
Mr. Passerik, Yes
Mr. Bianconi, Yes

Adopted the 2 day of March, 1994

**RESOLUTION — UPON VIEW OF PROPOSED IMPROVEMENT
ORDER TO COUNTY ENGINEER**

IN THE MATTER OF THE

*changing the direction of a
part of C.R. 72*
Public Road

Office of County Commissioners,
Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in *regular* session
on the *28* day of *March*, 19*94*, at the office of *the commissioners*
with the following members present:

Michael C. Bianconi
John Pascoe
Jim Hope

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

WHEREAS, On the *28* day of *March*, 19*94*, 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 *30*
day of *March*, 19*94*, 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. *Pascoe* seconded the Resolution and the roll being called upon its adoption, the vote
resulted as follows:

Mr. *Hope*, *yes*
Mr. *Pascoe*, *yes*
Mr. *Bianconi*, *yes*

Adopted the *28* day of *March*, 19*94*

Patricia Bittenger
Clerk, Board of County Commissioners,

REPORT OF COUNTY ENGINEER

IN THE MATTER OF THE

County Engineer's Office,

Belmont County, Ohio

County Hwy. # 72 in Fleming
Twp. (Belmont Ridge)
Public Road

March 30, 1994

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

The undersigned in obedience to your order dated March 28, 1994, proceeded on the 29th day of March, 1994, 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.

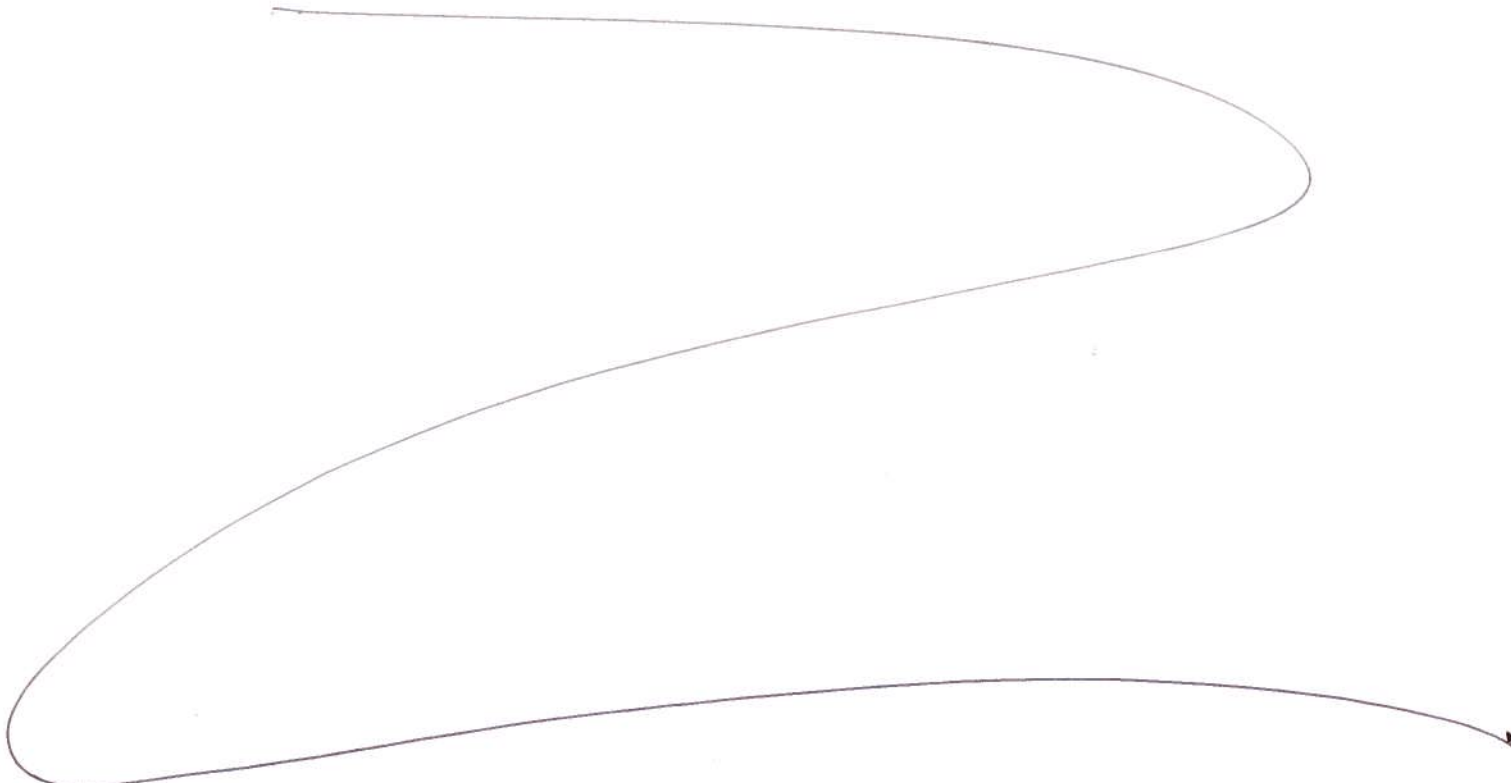
The width to which said improvement should be opened is 60 feet.

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:



VACATION AND REDEDICATION
 COUNTY ROAD 72
 IMPROVEMENT NO. 978
 FLUSHING TOWNSHIP, SECTION 8, T-10 R-6
 60' RIGHT-OF-WAY
 BELMONT COUNTY, OHIO
 FRED BENNETT COUNTY ENGINEER
0.26 MILES

KNOW ALL MEN BY THESE PRESENTS, THAT I, THE UNDERSIGNED AND PROPERTY OWNER PERSONS DO HEREBY DEDICATE TO THE COUNTY OF BELMONT, OHIO, THE HEREIN PLATTED TRACT OF LAND FOR ROAD PURPOSES. SECTION 5563.31 OF THE OHIO REVISED CODE.

WITNESS
Tony J. Smith
Christina M. Johnson
Christina M. Johnson

STATE OF OHIO
 COUNTY OF BELMONT

BEFORE ME A NOTARY PUBLIC PERSONALLY APPEARED THE ABOVE PERSONS TONY J. SMITH AND CHRISTINA M. JOHNSON WHO ACKNOWLEDGE THAT THEY DID SIGN THE FOREGOING, AND THAT THE SAME IS THEIR FREE ACT AND DEED. IN TESTIMONY WHEREOF, I HEREBY SET MY HAND AND MY OFFICIAL SEAL, THIS 22 DAY OF January 1994.
 MY COMMISSION EXPIRES Oct. 12, 1995 *Jack A. Hamilton*
 NOTARY PUBLIC



APPROVED BY:
 COUNTY ENGINEER *Fred Bennett, P.E.*
 COUNTY COMMISSIONER *Richard C. Quinn*
 COUNTY COMMISSIONER *John P. Clark*
 COUNTY COMMISSIONER *Tom Ayer*
 THIS ___ DAY OF ___ 1994



ЛНЗ ДУА ОЕ **4965 101-1**
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 СОПЛА СОПЦИОИЕБ
 СОПЛА СОПЦИОИЕБ
 СОПЛА ЕИСИЕБ
 УЪКОЛЕД ВК: *101-1*

МА СОПЦИОИ ЕКЪИЕБ *101-1*
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СОПЛА ОЕ БЕТМОИЛ
 СТАВЕ ОЕ ОНО

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 АЛЛИЕБ

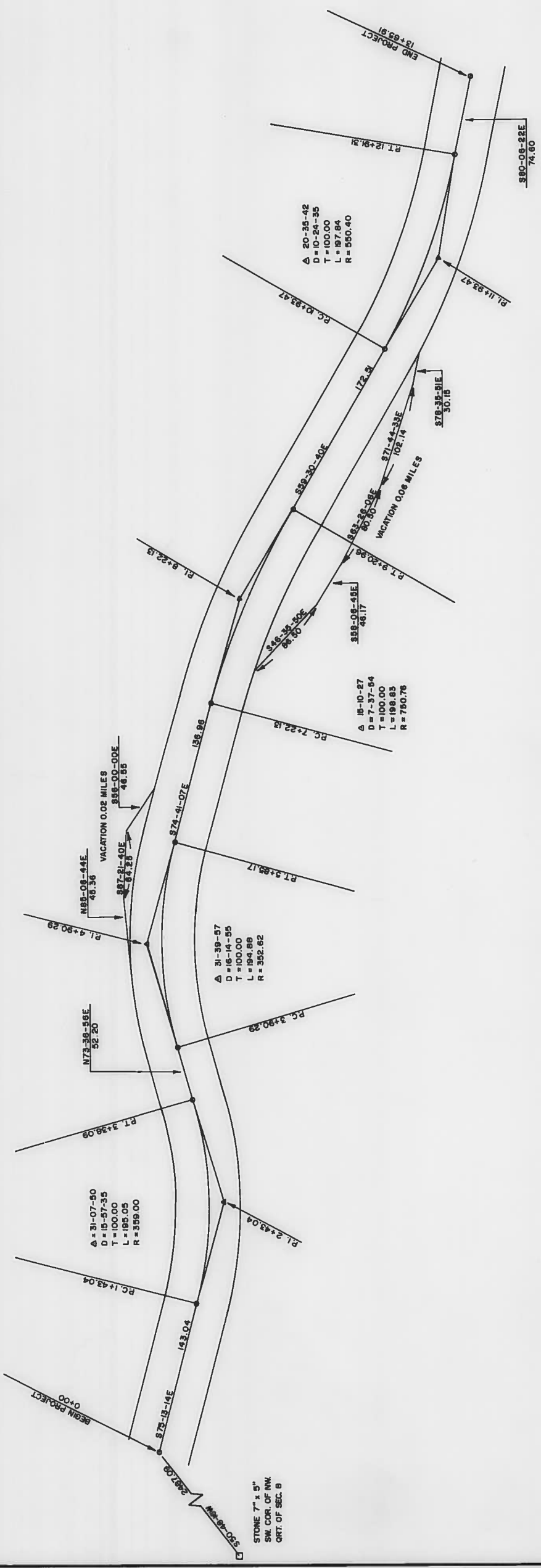
БОНОСЕС. СЕСОИ СЕССЗИ ОЕ ЛНЗ ОНО СЕАРЕД СОДЕ
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 ОМАК НЕСОИ ДО СИА СЪИТИ ВУНУИ ИИ КОСЕАК ДЕСУСЛЕ ЛНЗ
 ЛНЗ СОБЕВАЛИОИ СЪИТИ ИИ ОИДРЕКЕИД УИД БЕЗОИТА
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ЕО, БИГН-ОЕ-МАУ
ИМЪКОЛЕМЕНЛ ИО. 878
СОПЛА УТРОД 55
АСАТИО ИИД БЕДЕДИСАТИОИ

БЛУСНИС ЛОМИСНИБ, СЕСОИ 8, Т-10 В-8

BASIS OF BEARINGS

BEARINGS ON THIS MAP REFER TO THE GRID MERIDIAN OF THE OHIO COORDINATE SYSTEM (SOUTH ZONE) AS DETERMINED BY SOLAR OBSERVATION.



STONE 7" x 5"
SW. COR. OF NW
QRT. OF SEC. 8

IMPROVEMENT NO. -----
 COUNTY ROAD 72
 FLUSHING TOWNSHIP, SECTION 8, T-10 R-6
 BELMONT COUNTY, OHIO.

SCALE 1" = 50'

Robert A. Dullin
 ROBERT L. GRIFFIN P.S. # 72 COMM.# 10-5

STATE PLANE COORDINATE TABLE
COMBINED FACTOR 0.99997

STATION	NORTHING	EASTING
SW COR. NW QRT. SECTION 8	785,499.232	2,376,937.568
0+00	787,071.000	2,378,665.000
13+65.81	786,772.000	2,380,160.000

RESOLUTION — GRANTING PROPOSED IMPROVEMENT ORDERING RECORD, ETC.

IN THE MATTER OF THE Changing the direction of a part of C.R. 72, Flushing Twp. Public Road Belmont Ridge

Office of County Commissioners, Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in regular session on the 30 day of March, 1994, at the office of the commissioners with the following members present:

Michael C. Bianconi John Pollock Jim Hepe

Mr. Hepe 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 1994, 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 if 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 1994, 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 changed direction and is 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 163.01 to 163.32 inclusive, of the Revised Code.

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

Mr. Hepe yes Mr. Pollock yes Mr. Bianconi yes

Adopted the 30 day of March, 1994.

Patricia Bixenbecker Clerk, Board of County Commissioners,

Imp # 978

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. extension of C.R. 72
Fleming Twp
Public Road

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

in regular session on the 11th day of April, 1994,
(Regular or Special)

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

Michael C. Bianconi
Tom Paerck
Jim Hape

Mr. Hape 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 restored

with 60' ROW, as order heretofore, made on our journal of the date of March 30, 1994,

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

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

resulted as follows:

Mr. Hape, yes
Mr. Paerck, yes
Mr. Bianconi, yes

Adopted the 11 day of April, 1994

Patricia Bittenger
Clerk, Board of County Commissioners

Belmont County, Ohio