

Imp. 981

PUBLIC ROAD PETITION

Belmont Co, Ohio, April 18, 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 alteration (vac & redev) of a portion of Smith Twp. Rd 254 a Public Road on the line hereinafter described, and make application to you to institute and order proper proceedings in the premises, for altering 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

Description for the vacation of 0.12 mile of Smith Township Road #254.

Commencing at a stone marking the southwest corner of Section 6, Township 6, Range 4, Smith Township, Belmont County, Ohio; thence with the west line of Section 6, N 01°50'36" E 413.90 feet to a point in State Route 149; thence N 63°20'59" E 299.99 feet to a point in the center of State Route 149; thence N 20°15'02" W 13.32 to beginning point of vacation station 0+00; thence N 20°15'02" W 230.54 feet to a point; thence N 00°22'35" E 62.29 feet to a point; thence N 33°08'03" E 61.25 feet to a point; thence N 46°18'20" E 52.24 feet to a point; thence N 54°52'36" E 70.13 feet to a point; thence N 62°52'47" E 154.77 feet to the end of vacation at Station 6+31.22 on the west right-of-way line of rededicated Township Road 254.

Rededication of 0.07 mile Township Road 254 to be 60 feet wide. Commencing at Station 6+31.22 of the vacation; thence N 62°52'47" E 31.14 feet to the center line of rededicated Township Road 254 and beginning point (station 0+00); thence S 11°37'03" E 351.51 feet to the north side of State Route 149 (station 3+51.51) and the end of rededication.

This description was prepared by Thomas W. Taylor, Registered Surveyor 7053 April 18, 1994.

Handwritten notes: View TP 10-11-26 rd, View 10-16-11:30 pm, 11-17-94

Table with 2 columns: PETITIONERS' NAME, TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE. Row 1: Douglas D. Park, PRESIDENT, R.F. COAL CO.

Imp. 981

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

Alteration of a portion of

Smith Twp. Rd. 254

Public Road.

Petitioned for by R & F Coal

, and others.

The Board of County Commissioners of Belmont County, Ohio, met in regular session

on the 27th day of April, 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, 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 alter a portion of Smith

Twp Rd 254 a Public Road as described therein; therefore, be it

RESOLVED, That the 16 day of May, 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 18 day of May, 1994, 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 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. 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 27 day of April, 1994

RESOLUTION — UPON VIEW OF PROPOSED IMPROVEMENT
ORDER TO COUNTY ENGINEER

IN THE MATTER OF THE
alteration of a portion of Smith
Twsp. Rd. 254
Public Road

Office of County Commissioners,
Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in regular session
on the 16 day of may, 1994, at the office of the commissioners
with the following members present:

- Mr. Bianconi
- Mr. Hepe
- Mr. Pollock

Mr. Hepe moved the adoption of the following Resolution:

WHEREAS, On the 16 day of may, 1994, 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 18 day of may, 1994, 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. 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 16 day of may, 1994.

Dorlene Pampak
Clerk, Board of County Commissioners.

Imp. 981

REPORT OF COUNTY ENGINEER

IN THE MATTER OF THE

County Engineer's Office,

Alteration of a portion of
Smith Twp. Rd. 254
Public Road

Belmont County, Ohio

May 18, 1994

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

The undersigned in obedience to your order dated May 16, 1994, proceeded on the 17 day of May, 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 OF
 0.07 MILE OF SMITH TOWNSHIP
 ROAD #254 (60 FOOT RIGHT-OF-WAY)
 IMPROVEMENT NO. 981

SMITH TOWNSHIP, SECTION 6,
 TOWNSHIP 6, RANGE 4,
 BELMONT COUNTY, OHIO

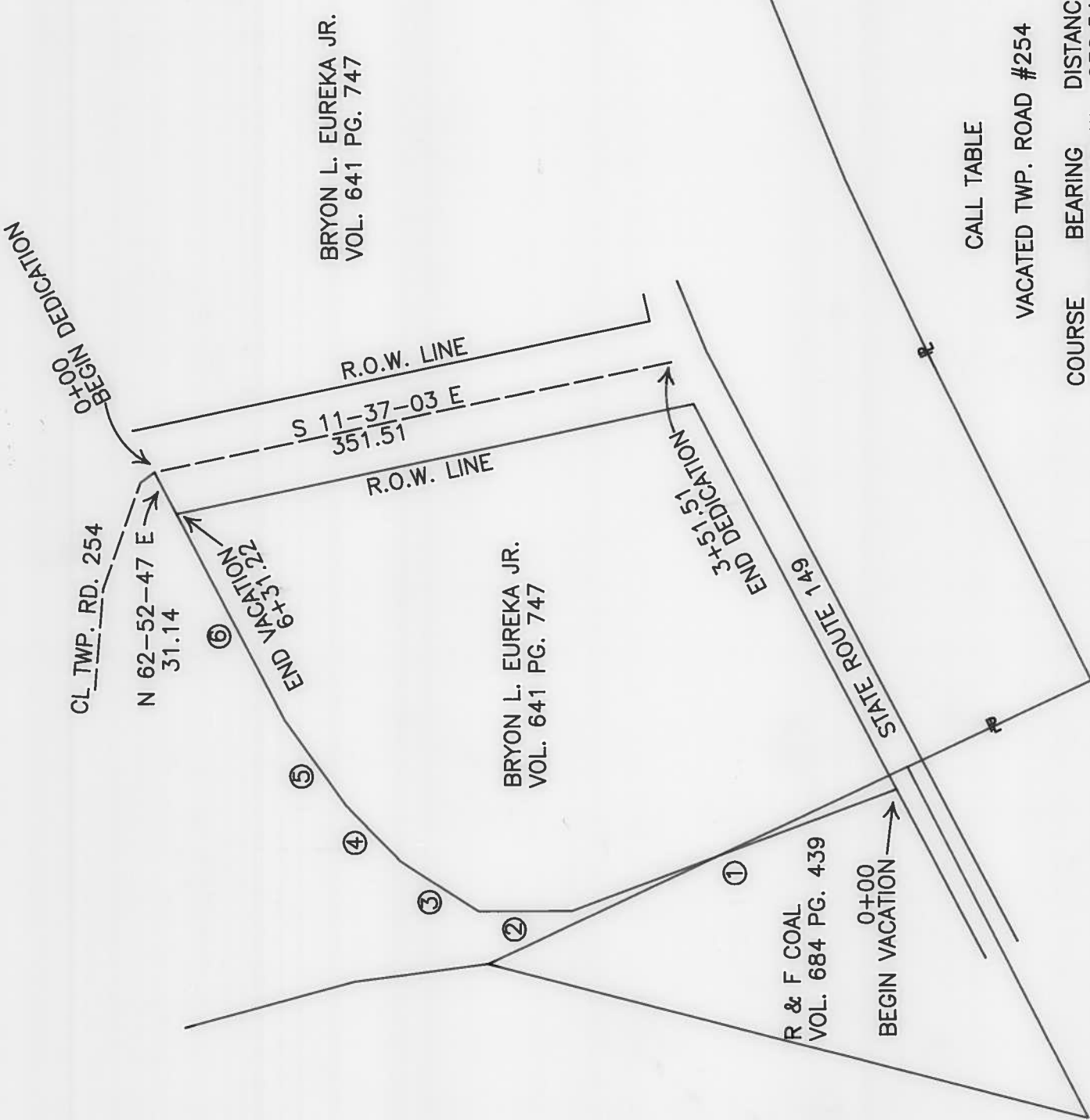
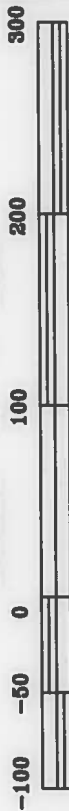
FRED BENNETT - COUNTY ENGINEER
 APPROVED THIS 13 DAY OF May, 1994
Fred F. Bennett, P.E.
 COUNTY ENGINEER

APPROVED THIS 13 DAY OF June, 1994
John P. Leach
 COUNTY COMMISSIONER

APPROVED THIS 13 DAY OF June, 1994
Michael C. Beamer
 COUNTY COMMISSIONER

APPROVED THIS 13 DAY OF June, 1994
Spencer Hill
 COUNTY COMMISSIONER

Scale 1" = 100'



CALL TABLE

VACATED TWP. ROAD #254

COURSE	BEARING	DISTANCE
1	N 20-15-02 W	230.54
2	N 00-22-35 E	62.29
3	N 33-08-03 E	61.25
4	N 46-18-20 E	52.24
5	N 54-52-36 E	70.13
6	N 62-52-47 E	154.77

BEARINGS ARE BASED ON GRID NORTH OF
 THE OHIO COORDINATE SYSTEM SOUTH ZONE

IMPROVEMENT NO. 981 TOWNSHIP ROAD #254

SECTION 6 TWP. 6 RANGE 4

SMITH TOWNSHIP, BELMONT COUNTY, OHIO

Thomas W. Taylor
 THOMAS W. TAYLOR P.S.#7053

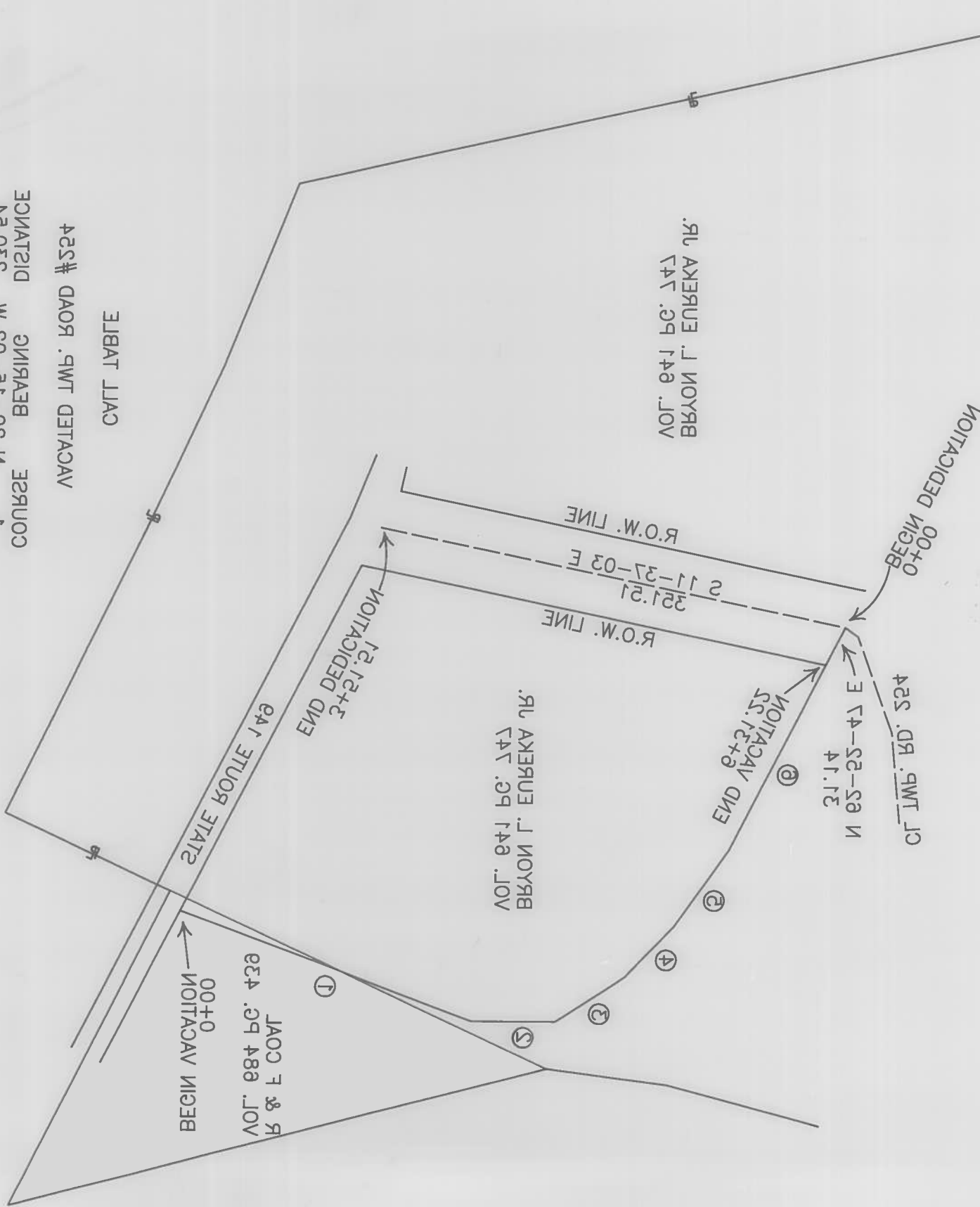
DATE PREPARED: 04/18/94 SHEET 1 OF 1

THE OHIO COORDINATE SYSTEM SOUTH SOME BEARINGS ARE BASED ON GRID NORTH OF

COURSE	BEARING	DISTANCE
1	N 50-12-03 W	530.24
2	N 00-55-32 E	65.58
3	N 33-08-03 E	61.52
4	N 46-18-50 E	25.54
5	N 24-25-38 E	70.12
6	N 65-25-44 E	124.27

VACATED TWP. ROAD #524

CVLT TABLE



BEGIN VACATION 0+00
 VOL. 884 BC. 430
 R & E COVT

VOL. 841 BC. 147
 BRONN G. EUBANK JR.

VOL. 841 BC. 147
 BRONN G. EUBANK JR.

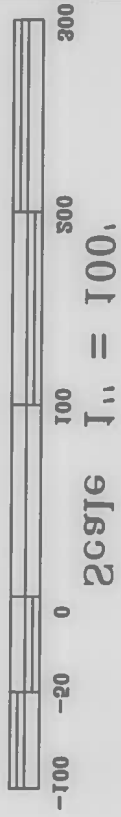
DATE PREPARED: 04/18/84 SHEET 1 OF 1

PROJECT # 2.9 PROGLYAT .W DAMONT
Richard L. W. Damont

ZWITLH TOWNSHIP, BERGMOINT COUNTY, OHIO

SECTION 6 TWP. 6 RANGE 4

IMPROVEMENT NO. 18P TOWNSHIP ROAD #524



COUNTY COMMISSIONER

APPROVED THIS 13 DAY OF 1984

COUNTY COMMISSIONER

APPROVED THIS 13 DAY OF 1984

COUNTY COMMISSIONER

APPROVED THIS 13 DAY OF 1984

COUNTY ENGINEER

APPROVED THIS DAY OF 1984

FERD BEHNELT - COUNTY ENGINEER

BERGMOINT COUNTY, OHIO

TOWNSHIP 6, RANGE 4,

ZWITLH TOWNSHIP, SECTION 6,

IMPROVEMENT NO. 18P

ROAD #524 (60 FOOT RIGHT-OF-WAY)

TO THE RIGHT OF THE CENTERLINE

OF THE ROAD AND DEDICATION OF

RESOLUTION — GRANTING PROPOSED IMPROVEMENT ORDERING RECORD, ETC.

IN THE MATTER OF THE

Alteration of a portion of Smith Top Rd. 254 Public Road

Office of County Commissioners, Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in regular session on the 18 day of May, 1994, at the office of the commissioners with the following members present:

Michael C. Bianconi, John Pollock, Jim Hepe

Mr. 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 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 and 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.

X X X X

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 18 day of May, 1994.

Patricia Bittenger 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

Establishing a portion of Smith
Twp. Rd. 254
Public Road

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

in regular session on the 13 day of June, 1994,
(Regular or Special)

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

- Mr. Hape
- Mr. Poreck
- Mr. Biancani

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 established

as order heretofore, made on our journal of the date of May 18, 1994,

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

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

- Mr. Hape Yes
- Mr. Poreck Yes
- Mr. Biancani Yes

Adopted the 13 day of June, 1994

Darlene Pampak
Clerk, Board of County Commissioners.

Belmont County, Ohio