

PUBLIC ROAD PETITION

Belmont Co, Ohio, November 1, 2001

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 location of melvin Rutter Rd a Public Road on the line hereinafter described, and make application to you to institute and order proper proceedings in the premises, for locating 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 which is N 87° 58' 50" W 2667.61 feet from the SE corner Of the NE Quarter of Pultney Twp. Section 32 T-3 R-2 thence with the following 28 courses:

- 1. N 22° 10' 59" W 113.29'
2. N 01° 57' 26" W 90.29'
3. N 11° 51' 33" E 194.66'
4. N 00° 32' 17" E 179.84'
5. N 01° 55' 12" E 141.50'
6. N 00° 15' 24" E 231.51'
7. N 20° 47' 38" W 120.34'
8. N 50° 21' 21" W 158.12'
9. N 52° 16' 01" W 315.97'
10. N 38° 14' 59" W 355.82'
11. N 11° 49' 18" W 186.75'
12. N 05° 08' 41" W 270.97'
13. N 03° 58' 22" E 136.13'
14. S 74° 20' 04" W 31.85'
15. S 03° 58' 22" W 127.82'
16. S 05° 08' 41" E 275.11'
17. S 11° 49' 18" E 195.55'
18. S 38° 14' 59" E 366.56'
19. S 52° 16' 01" E 319.15'
20. S 50° 21' 21" E 149.70'
21. S 20° 47' 38" E 106.85'
22. S 00° 15' 24" W 225.51'
23. S 01° 55' 12" W 141.43'
24. S 00° 32' 17" W 177.23'
25. S 11° 51' 33" W 195.32'
26. S 01° 57' 26" E 99.27'
27. S 22° 10' 59" E 105.14'
28. S 87° 57' 53" E 32.90'

To the point of beginning.

Dated this day of, A. D. 19

Table with 2 columns: PETITIONERS' NAMES and TAXING DISTRICT OF COUNTY IN WHICH PETITIONER OWNS REAL ESTATE. Row 1: court case NO 99-CV-364, Keefer vs Cervelli

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,

Location of melvin Rutter Road
Pultney 32-3-2
Public Road.

Belmont County, Ohio

Petitioned for by court case - 99 CV - 364
and others.

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

on the 7 day of November, 2001, at the office of the commissioners

with the following members present:

- Mr. Oeyo
Mr. Probst
Mr. Thomas

Mr. Oeyo 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 create melvin Rutter Rd.

Pultney 32-3-2 a Public Road as described therein; therefore, be it

RESOLVED, That the 5 day of December, 2001, at 11:30 o'clock A.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 12 day of December, 2001, 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. Thomas seconded the Resolution and the roll being called upon its adoption, the vote

resulted as follows:

- Mr. Oeyo Yes
Mr. Thomas Yes
Mr. Probst Yes

Adopted the 7 day of November, 2001

RESOLUTION — UPON VIEW OF PROPOSED IMPROVEMENT
ORDER TO COUNTY ENGINEER

IN THE MATTER OF THE

Location of the Melvin Rutter Rd
Pultney 32-3-2
Public Road

Office of County Commissioners,
Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in regular session on the 5 day of December, 19 2001, at the office of the commissioners with the following members present:

- Mr. Thomas
- Mr. Seayo
- Mr. Probst

Mr. Seayo moved the adoption of the following Resolution:

WHEREAS, On the 5 day of December, 19 2001, 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 12 day of December, 19 2001, 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. Thomas seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

- Mr. Seayo Yes
- Mr. Thomas Yes
- Mr. Probst Yes

Adopted the 5 day of December, 19 2001

Darlene Pampak
Clerk, Board of County Commissioners,

REPORT OF COUNTY ENGINEER

IN THE MATTER OF THE

Location of median Putter

Rd. Putter 32-3-2
Public Road

County Engineer's Office,

Belmont County, Ohio

December 12, 19 2001

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

The undersigned in obedience to your order dated December 5, 19 2001, proceeded on the 6 day of December, 19 2001, 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 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:

Fred F. Bennett

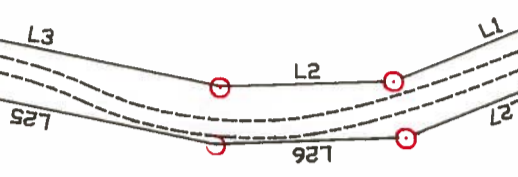
SHEET 4 OF 4

ROBERT F. & REBECCA A. KEEFER
V. 673, P. 653

WILLIAM SCHAEFER
V. 722, P. 310

AJ SMITH SE CORNER
PIN FD. NE QUARTER
SECTION 32
L28 P.O.B. N 87°58'50" W
2667.61'

DAVID CERVELLI & RICHARD CERVELLI
V. 677, P. 944



BEARINGS BASED ON BEARINGS CALLED FOR ON
THE INTERSTATE ROUTE 470 - BEL-470-0.00
AND ARE FOR ANGLE PURPOSE ONLY.

SURVEYED: JULY, 2001

----- EXISTING GRAVEL ROAD



SCALE: 1" = 100'

LINE#	BEARING	DISTANCE
L1	N 22°10'59" W	113.29'
L2	N 01°57'26" W	90.29'
L3	N 11°51'33" E	194.66'
L25	S 11°51'33" W	195.32'
L26	S 01°57'26" E	99.27'
L27	S 22°10'59" E	105.14'
L28	S 87°57'53" E	32.90'

DATE: 10/10/00

BY: [Signature]

10/10/00

10/10/00

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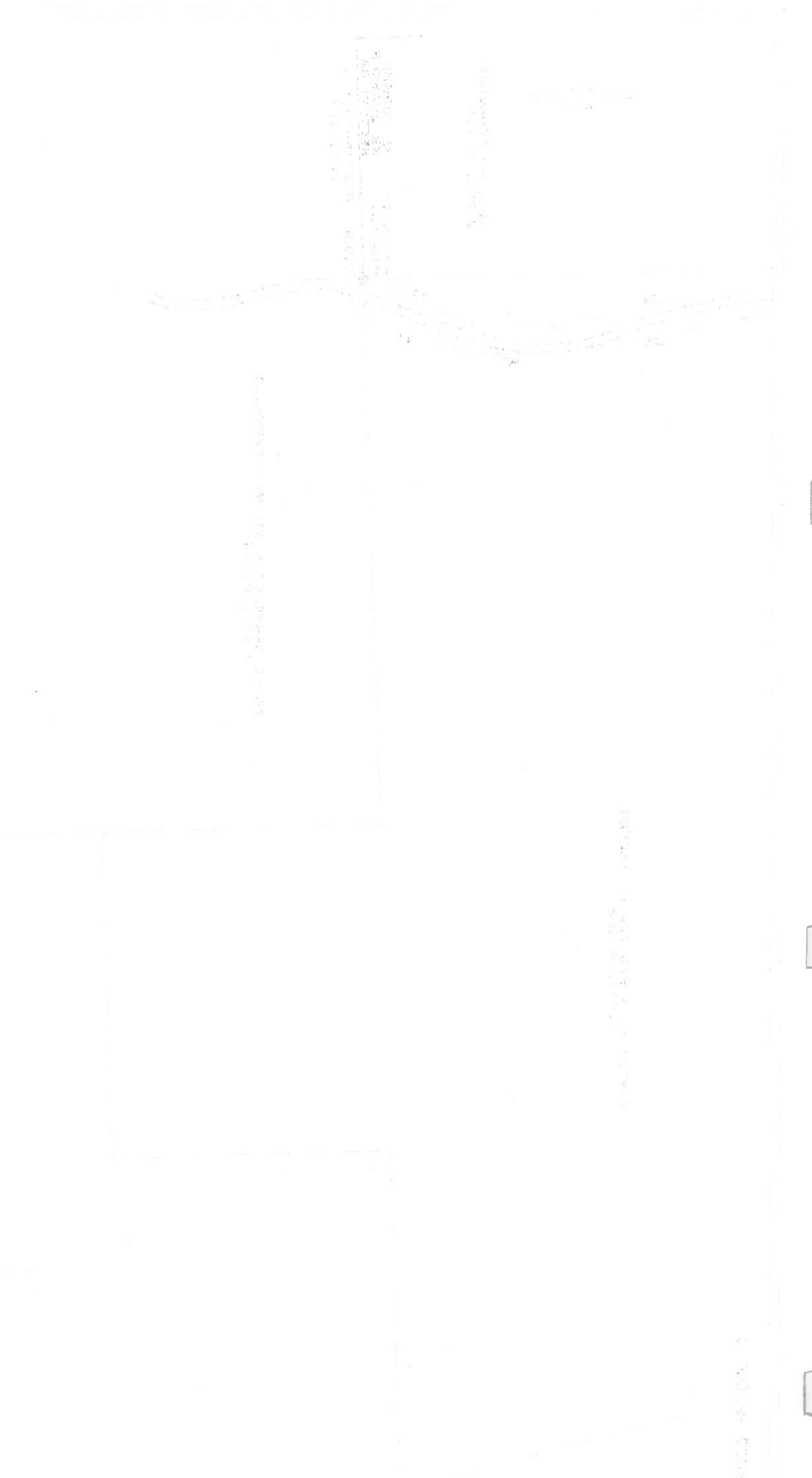
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10/10/00



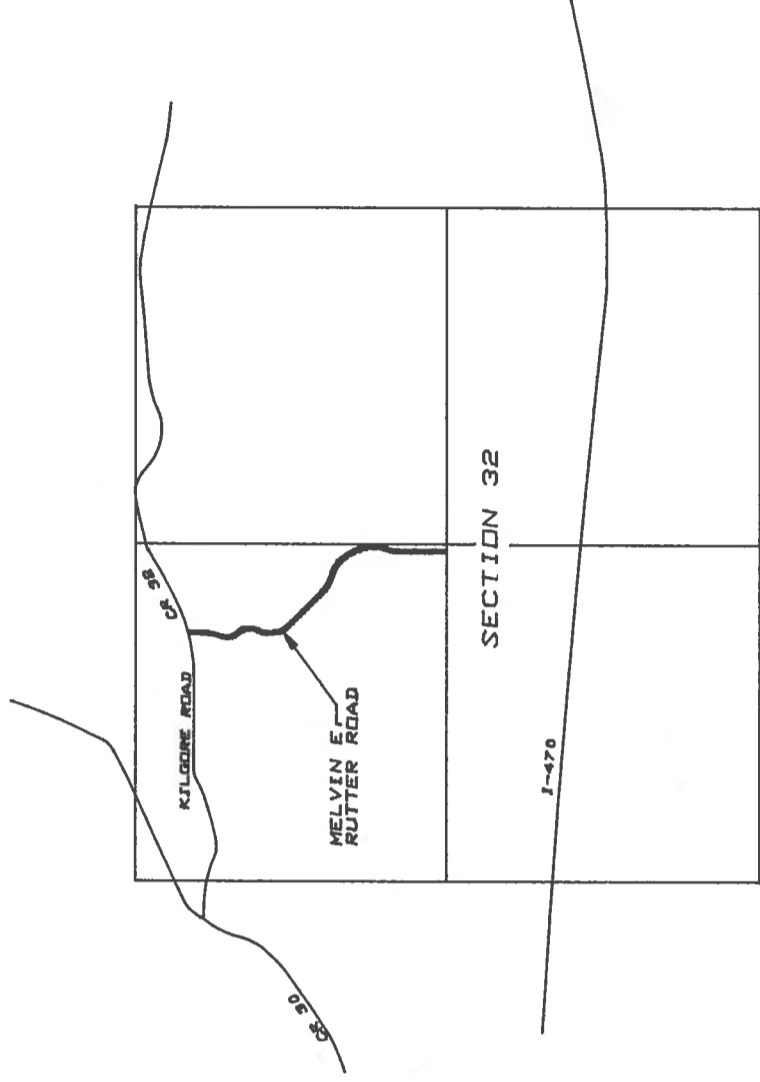
SHEET 1 OF 4

IMP # 1060

MELVIN E. RUTTER ROAD SURVEY AND REDEDICATION OF RUTTER ROAD

COUNTY OF BELMONT, TOWNSHIP OF PULTNEY
NORTHWEST QUARTER - SECTION 32, T.3, R.2

OHIO



LOCATION MAP



KNOW ALL MEN BY THESE PRESENTS, THAT WE, THE UNDERSIGNED
HEREON DO GIVE, GRANT, BARGAIN AND FOREVER DEDICATE TO THE
BELMONT COUNTY COMMISSIONERS AND THEIR SUCCESSORS IN OFFICE,
BELMONT COUNTY, OHIO, THE HEREIN PLATTED TRACT OF LAND FOR
ROAD PURPOSES, SECTION 5553.21 OF THE OHIO REVISED CODE.

WITNESS

Rayne Long

SIGNERS

Richard A. Cervelli
David H. Cervelli
Cynthia L. Cervelli
Robert F. Keefer
Robert F. Keefer

STATE OF OHIO
COUNTY OF BELMONT
BEFORE ME A NOTARY PUBLIC PERSONALLY APPEARED THE PERSONS SHOWN
AS SIGNERS HEREON 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 19 DAY OF
SEPTEMBER 2001.

MY COMMISSION EXPIRES SEPT 19

2002 Jayne Long

APPROVED BY
COUNTY ENGINEER

Paul J. Bunn, Jr., P.E., P.S.

COUNTY COMMISSIONER

Rayan E. Olyan

COUNTY COMMISSIONER

Charles R. Rohlf, Jr.

COUNTY COMMISSIONER

Mark O. Thomas

THIS 12 DAY OF December, 2001

Handwritten notes:
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1/10/1914

THE STATE OF OHIO, DEPARTMENT OF REVENUE

County of Hamilton
State of Ohio
1/10/1914
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OHIO

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SHEET 2 OF 4

SURVEY REQUESTED BY: MR. DAN FRIZZI, ATTORNEY

[Signature]

SURVEYED BY: STEVEN HILL
 OHIO P.S. 6728
 185 W. MAIN STREET
 ST. CLAIRSVILLE, OH 43950
 740-695-5524

W. & B. KEEFER
 V.461, P.727

ROBERT F. & REBECCA A. KEEFER
 V.673, P.653

(CR 32)

KILGORE ROAD



EXISTING
 CULVERT

L14 76.25'
 L15 62.27'
 L13 59.88'

L12

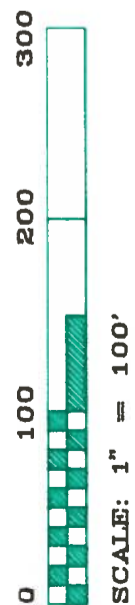
L11

L17

L10

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LINE#	BEARING	DISTANCE
L10	N 38°14'59" W	355.82'
L11	N 11°49'18" W	186.75'
L12	N 05°08'41" W	270.97'
L13	N 03°58'22" E	136.13'
L14	S 74°20'04" W	31.85'
L15	S 03°58'22" W	127.82'
L16	S 05°08'41" E	275.11'
L17	S 11°49'18" E	195.55'
L18	S 38°14'59" E	366.56'

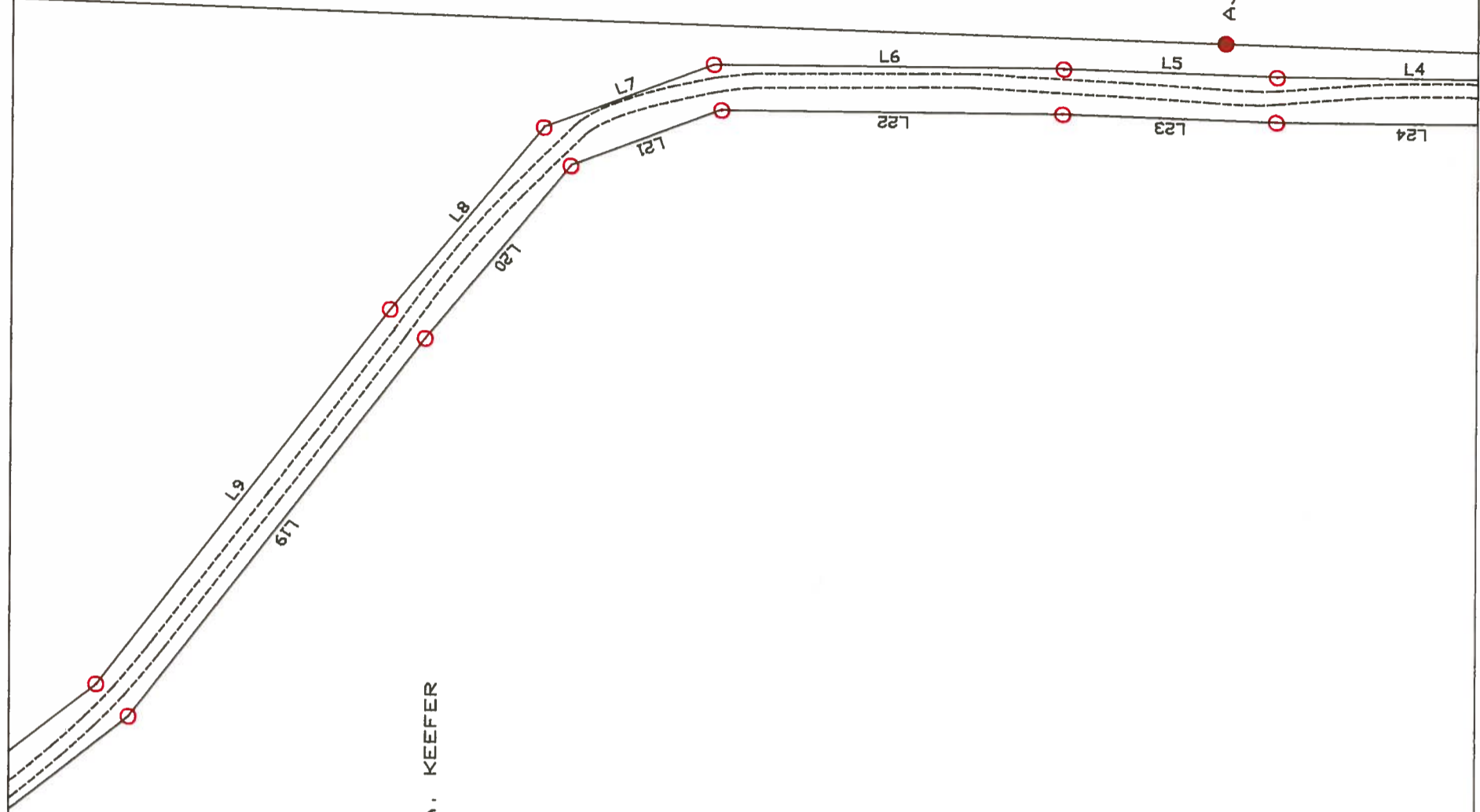


SHEET 3 OF 4

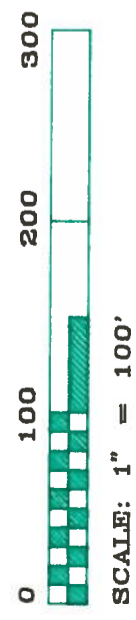
THOMAS D. & JANET K. SCHAEFFER
V. 627, P. 284

ROBERT F. & REBECCA A. KEEFER
V. 673, P. 653

WILLIAM SCHAEFFER
V. 722, P. 310



LINE#	BEARING	DISTANCE
L4	N 00°32'17" E	179.84'
L5	N 01°55'12" E	141.50'
L6	N 00°15'24" E	231.51'
L7	N 20°47'38" W	120.34'
L8	N 50°21'21" W	158.12'
L9	N 52°16'01" W	315.97'
L19	S 52°16'01" E	319.15'
L20	S 50°21'21" E	149.70'
L21	S 20°47'38" E	106.85'
L22	S 00°15'24" W	225.51'
L23	S 01°55'12" W	141.43'
L24	S 00°32'17" W	177.23'



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FBI - BIRMINGHAM



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RESOLUTION — GRANTING PROPOSED IMPROVEMENT ORDERING RECORD, ETC.

IN THE MATTER OF THE

Location of Melvin Rutter Road

Pultney Twp 32-3-2 Public Road

Office of County Commissioners, Belmont County, Ohio

The Board of County Commissioners of Belmont County, Ohio, met in regular session on the 12 day of December, 19 2001, at the office of the commissioners with the following members present:

- Mr. Geyo
Mr. Probst
Mr. Thomas

Mr. Geyo 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 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 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 30 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. Probst seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

- Mr. Geyo Yes
Mr. Probst Yes
Mr. Thomas Yes

Adopted the 12 day of December, 19 2001

Darlene Pemppek Clerk. Board of County Commissioners.

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

IN THE MATTER OF THE

Office of County Commissioners,

Belmont County, Ohio

Location of the melvin Rutter Rd
Pultney 32-3-2
Public Road

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

in regular session on the 28 day of December, 1st 2001
(Regular or Special)

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

Mr. Oeyo

Mr. Probst

Mr. Oeyo 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 located

as order heretofore, made on our journal of the date of December 12, 1st 2001

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

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

resulted as follows:

Mr. Oeyo, Yes

Mr. Probst, Yes

Mr. _____, _____

Adopted the 28 day of December, 1st 2001

Doreen Pempak
Clerk, Board of County Commissioners.

County, Ohio