

A--County Ditch Petition

London, Ohio, June 9, 1947

Petition for examination and repair, relocation, construction, deepening, widening, straightening and extension of a ditch.

To the Honorable Board of County Commissioners, Madison County, Ohio:

The undersigned hereby petition your honorable body for the examination and repair, relocation, construction, deepening, widening, straightening and extension of a ditch on the course hereinafter set forth.

The construction of the improvement is necessary and will be conducive to the public welfare,

The following is the course and termini of said proposed improvement, to-wit:

Commencing at or near the line between lands owned by Frank P. Cary and Katherine D. Myers being the original beginning point of the W.I. Ballinger ditch, thence following said ditch as now constructed, or as near thereto as practical in a general north easterly direction through the lands of said Myers, John W. Miller, Jonas Beachy, David Yutzy to the mouth of a 22" tile into the Eli Jones County ditch. Thence with said Eli Jones ditch, beginning in the same at a point about 100 rods above or west of the Wilson and Wingert pike, and following said ditch or as near thereto as practical (straightening the same where necessary) in a general easterly direction through the lands of David Yutzy, Vernon and Minerva Yutzy, Henry and William E. Francis, Grace R. Huber, Eva May and Madge Lucille Kilgore, Frank P. Carey, Chauncy Headings, Eli E. Yutzy, Julia Walker, Peter Strickland (heirs) Laura Ann Strickland, and Jonas Gingerich, crossing the East pike to Big Darby creek or far enough to obtain a good and sufficient outlet for lands draining into the above described ditch.

And the construction of a storm water ditch where necessary.

The following is the nature of the work petitioned for: The portion of the above described ditch known as the W.I. Ballinger ditch to be examined and repaired wherever necessary to place the same in good working order. The portion known as the Eli Jones ditch to be deepened, widened, and straightened where necessary, and to extend far enough to provide a good and sufficient outlet for lands draining thereinto.

Names and addresses, where known of all owners of the land which the petitioner claims will be benefited or damaged by the construction of the proposed improvement:

Alma W. Atkinson, Plain City, Ohio; Jonas Beachy, et al, Plain City, Ohio; O.W. Bridgman, London, Ohio; Frank P. Cary, Plain City, Ohio; Geraldine Crandall, Plain City, Ohio; W.J. Dyer, Plain City, Ohio; G.W. and C.E. Fee, Plain City, Ohio; Henry and W.E. Francis, Plain City, Ohio; David and Fannie Garver, Plain City, Ohio; Jonas Gingerich, Plain City, Ohio; John M. Hochstetler, Plain City, Ohio; Chauncey and Gertie Headings, Plain City, Ohio; William H. Haner, Worthington, Ohio; Grace R. Huber, Plain City, Ohio; Eva May & Madge Lucille Kilgore Plain City, Ohio; Moses M. Kauffman, Plain City, Ohio; Joseph J. Miller, Plain City, Ohio; William J. Miller, Plain City, Ohio; Katharine D. Myers, 1271 E. Broad St., Columbus, Ohio; Ben W. Miller, Plain City, Ohio; Levi & Fannie Miller, Plain City, Ohio; John W. Miller, Plain City, Ohio; W.B. Morgan, 821 E. Franklin St., Kenton, Ohio; Nellie Norris, 33 N. Roys Ave., Columbus, Ohio; John C. & Cora Plank, Plain City, Ohio; Charles L. Prugh, Plain City, Ohio; Grace Price, Plain City, Ohio; Perry Stutzman, et al, Plain City, Ohio; Peter Strickland, deceased, c/o Carl Crandall, Plain City, Ohio; Daniel Troyer, Plain City, Ohio; Mary E. Thomas, Plain City, Ohio; Christine D. Watson, c/o W.J. Dyer, Plain City, Ohio; Julia Walker et al, Plain City, Ohio; John P. Whitmer et al, Plain City, Ohio; Al B. & Mary Ann Yoder, Plain City, Ohio; Eli E. Yutzy, Plain City, Ohio; David Yutzy, Plain City, Ohio; Vernon E. & Minerva Yutzy, Plain City, Ohio; Abe & Anna Yoder, Plain City, Ohio; A.B. Yoder, Plain City, Ohio; Henry Dellinger, Plain City, Ohio; Marcus J. & Frederick T. Dellinger, Plain City, Ohio; William L. Debolt, Plain City, Ohio; William J. Davis, Plain City, Ohio; Walter T. Florence, c/o Mrs. Mary Taylor, London, Ohio; Alvin Kramer, Plain City, Ohio; Mrs. F.E. Lombard, Plain City, Ohio; Lulu Vaughn Mortimer/ c/o Dean M. Richmond, London, Ohio; Emerson & Paul Morgridge, Plain City, Ohio; Mrs. Jean Menger, London, Ohio; Mary M. F. Taylor, London, Ohio; Anna M. Temple, Plain City, Ohio; Jacob E. Yutzy, Plain City, Ohio.

Service of Notice of Filing the Petition shall be obtained by Mailing notices.

Joe J. Miller
Jonas E. Beachy
Frank Cary
Grace R. Huber
David E. Yutzy

Petitioners.

Bond

KNOW ALL MEN BY THESE PRESENTS, That, we Joe J. Miller, Jonas E. Beachy, Frank Cary, Eva Madge Kilgore, Grace R. Huber, David E. Yutzy, are held and firmly bound unto the State of Ohio, in the sum of One thousand Dollars, to the payment of which sum, well and truly to be made, we do hereby jointly and severally bind ourselves, our heirs, executors and administrators,

Signed by us and dated this 19th day of June, 1947.

The Condition of the above Obligation is such, that, Whereas, on the 19th day of June, 1947, the above bound filed their petition with the County Auditor of Madison County, Ohio, making application to the County Commissioners, praying for the examination and repair, relocation, construction, deepening, widening and straightening of a ditch petitioned for by Joe J. Miller and others; the following is the course and termini of said proposed improvement, to-wit:

BALLENGER JONES COUNTY DITCH

Commencing at or near the line between lands owned by Frank P. Cary and Katherine D. Myers, being the original beginning point of the W.I. Ballinger ditch; thence following said ditch as now constructed, or as near thereto as practical in a general northeasterly direction through the lands of said Myers, John W. Miller, Jonas Beachy, David Yutzy to the mouth of a 22 inch tile into the Eli Jones County Ditch thence with said Eli Jones ditch, and beginning in the same at a point following said ditch as near thereto as practical (straightening the same where necessary) in a general easterly direction through the lands of David Yutzy, Vernon & Minerva Yutzy, Henry & William W. Francis, Grace R. Huber, Eva May and Madge Lucile Kilgore, Frank P. Cary, Chauncey Headings, Eli E. Yutzy, Julia Walker, Peter Strickland, deceased, Laura Ann Strickland and Jonas Gingerich, crossing the East pike to Big Darby creek, or far enough to obtain a good and sufficient outlet for lands draining into the above described ditch.

Now, if the said Joe Miller, et al will pay all costs, if the prayer of the petition is not granted or if said petition is for any cause dismissed, then this obligation to be void; otherwise to remain in full force and virtue in law.

The above bond is approved this
23 day of June, 1947.
Robert K. Dixon, County Auditor.

Joe J. Miller
Jonas E. Beachy
Frank Cary
Eva & Madge Kilgore
Grace R. Huber
David E. Yutzy

C--Resolution--Order Fixing Time of View and First Hearing

In the Matter of the Single
County Ditch Petitioned for
by Joe J. Miller and others.

Office of the Board of County Comm.
Madison County, Ohio
June 23, 1947.

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 23 day of June, 1947, at the office of the Commissioners with the following members present:

Rodney Plymell
R.W. Armstrong

Mr. Armstrong moved the adoption of the following Resolution:

Whereas, This 23 day of June, 1947, the County Auditor gave notice to the Board of County Commissioners of Madison County, Ohio, of the filing with him of a petition signed by Joe J. Miller, petitioner, for the improvement of the W.I. Ballenger & Eli Jones Ditches; and

Whereas, It appears to said Board that the proper bond has been filed with the Auditor and by him approved, conditioned for the payment of all costs, if the prayer of the petition is not granted, or if said petition is for any cause dismissed; therefore, be it

Resolved, By said Board of County Commissioners, that the 22 day of July, 1947, at ten o'clock A.M., at the upper terminus of the improvement, be and the same is hereby fixed as the time for the view thereon; and be it further

Resolved, That the 28 day of July, 1947, at ten o'clock A.M., at the office of the Board of County Commissioners of said County be and the same is hereby fixed as the time and place for the first hearing on the petition; and be it further

Resolved, That notice of said view and hearing be given, as required by law.

Mr. Plymell seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

Mr. Rodney Plymell,	Yes
Mr. R. W. Armstrong,	Yes

Robert K. Dixon, Clerk of the Board of
County Commissioners of Madison County, Ohio.

D--COMMISSIONERS' FINDING FOR THE IMPROVEMENT

In the Matter of the Single
County Ditch Petitioned for
by Joe J. Miller and others.

Office of the Board of County Comm.
Madison County, Ohio
July 28, 1947

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 28 day of July, 1947, at the office of the commissioners with the following members present:

Rodney Plymell
R.W. Armstrong

Mr. Armstrong moved the adoption of the following Resolution:

Whereas, This being the day fixed by said Board in its order dated the 23 day of June, 1947, for the hearing on the petition in the above named petition, the said Board met at its office, and conducted said hearing by causing the petition to be publicly read, together with all applications for and remonstrances against the improvement, and all application for change or extension of the improvement, previously filed in writing; and

Whereas, After proper examination, said Board finds that due and legal notice has been given in the manner and for the length of time required by law, to all owners of land affected by said improvement; and

Whereas, Said Board has made an actual view of said proposed improvement and has heard either in person or by counsel all evidence offered by any owner of land for or against the granting of the proposed improvement, or for or against the granting of any laterals, branches, or spurs, or change of route, course, termini, or manner of construction described in the petition, or in any application therefor; therefore, be it

Resolved, By the Board of County Commissioners that said Board hereby finds that the said proposed improvement petitioned for is necessary and will be conducive to the public welfare, and it is reasonably certain that the cost thereof will be less than the benefits, and the prayer of the petition is hereby granted; and it further finds that the following described route and termini of the proposed improvement and of the branches, spurs and laterals thereof, and the manner of constructing the same are the best and the same are hereby adopted and prescribed by said Board:

Commencing at or near the line between lands owned by Frank P. Carey and Katherine D. Myers being the original beginning point of the W.I. Ballenger ditch, thence following said ditch as now constructed, or as near thereto as practical in a general north easterly direction through the lands of said Myers, John W. Miller, Jonas Beachy, David Yutzy to the mouth of a 22" tile, into the Eli Jones County Ditch. Thence with said Eli Jones Ditch, beginning in the same at a point about 100 rods above or west of the Wilson and Wingert Pike, and following said ditch or as near thereto as practical) straightening the same where necessary) in a general easterly direction through the lands of David Yutzy, Vernon and Minerva Yutzy, Henry and William E. Francis, Grace R. Huber, Eva May and Madge Lucile Kilgore, Frank P. Cary, Chauncy Headings, Eli E. Yutzy, Julia Walker Peter Strickland (heirs) Laura Ann Strickland, and Jonas Gingerich, crossing the East pike to Big Darby Creek or far enough to obtain a good and sufficient outlet for lands draining into the above described ditch. And the construction of a storm water ditch where necessary.

The following is the nature of the work petitioned for: The portion of the above described ditch known the W.I. Ballenger ditch to be examined and repaired wherever necessary to place the same in good working order. The portion known as the Eli Jones ditch to be deepened, widened, and straightened where necessary, and to extend far enough to provide a good and sufficient outlet for lands draining thereinto, and be it further

Resolved, That the County Surveyor be and he is hereby directed to cause to be made the necessary survey for the proposed improvement, upon the foregoing plan and line, and suitable maps, showing the location of the land proposed to be assessed, and profiles showing the cuttings and gradient of the improvement, and make an estimate of the cost of the construction of said improvement; and set proper construction stakes, beginning at the upper terminus of the improvement, and perform such other duties as required by Section 6454 of the General Code of Ohio; and be it further

Resolved, That the 3 day of November, 1947, at 10 o'clock A.M., be and the same is hereby fixed as the time for filing with the County Auditor all of said maps, profiles, schedules and reports prepared by said Surveyor; and be it further

Resolved, That further hearing on said improvement be and the same is hereby adjourned to the date above fixed for the filing of the reports and schedules by the Surveyor.

Mr. Plymell seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

Mr. Rodney Plymell	Yes
Mr. R.W. Armstrong	Yes

Robert K. Dixon, Clerk of the Board of
County Commissioners of Madison County, Ohio.

County Auditor's Office,
July 28, 1947.

To the County Surveyor:

I hereby certify the foregoing to be a true and correct copy of the finding of the Board of County Commissioners in favor of the foregoing improvement.

Robert K. Dixon
County Auditor.

E--GRANTING OF EXTENSION OF TIME

In the Matter of the Single
County Ditch Petitioned for
by Joe J. Miller and others.

Office of the Board of County Comm.
Madison County, Ohio
November 3, 1947.

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 3 day of November, 1947, at the office of the Commissioners with the following members present:

Rodney Plymell
R.W. Armstrong
Gola Mink

Mr. Armstrong moved the adoption of the following Resolution:

Whereas, This 3 day of November, 1947, the County Surveyor filed his requests with us for an extension of time within which to complete his survey, reports and schedules in the above named improvement; therefore, be it

Resolved, That the County Surveyor be and he is hereby granted such extension of time to the 1 day of Mar. , 1948, at ten o'clock A.M., within which to file with the County Auditor his survey, reports and schedules in the said matter; and be it further

BALLENGER JONES COUNTY DITCH

Resolved, That the 1 day of March, 1948, at ten o'clock A.M., at the office of the Board of County Commissioners of Madison County be and the same is hereby fixed as the time and place for the further consideration of said matter.

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

Mr. Rodney Plymell,	yes
Mr. R. W. Armstrong,	yes
Mr. Gola Mink,	yes

Robert K. Dixon, Clerk of the Board of County Commissioners of Madison County, Ohio.

F--GRANTING EXTENSION OF TIME

In the Matter of the Single County Ditch Petitioned for by Joe J. Miller and others.

Office of the Board of Co. Comm.
Madison County, Ohio
March 1, 1948.

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 1 day of March, 1948, at the office of the Commissioners with the following members present:

Rodney Plymell
R.W. Armstrong
Gola Mink

Mr. Armstrong moved the adoption of the following Resolution:

Whereas, This 1 day of March, 1948, the County Surveyor filed his request with us for an extension of time within which to complete his survey, reports and schedules in the above named improvement; therefore, be it

Resolved, That said County Surveyor be and he is hereby granted such extension of time to the 7 day of Sept., 1948, at ten o'clock A.M., within which to file with the County Auditor his survey, reports, and schedules in the said matter; and be it further

Resolved, That the 7 day of Sept., 1948, at ten o'clock A.M., at the office of the Board of County Commissioners of Madison County be and the same is hereby fixed as the time and place for the further consideration of said matter.

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

Mr. Plymell	Yes
Mr. Armstrong	Yes
Mr. Mink	Yes

Robert K. Dixon, Clerk of the Board of County Commissioners of Madison County, Ohio

G--GRANTING EXTENSION OF TIME

In the Matter of the Single County Ditch Petitioned for by Joe J. Miller and others.

Office of the Board of County Comm.
Madison County, Ohio
September 7, 1948.

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 7 day of September, 1948 at the office of the Commissioners with the following members present:

Rodney Plymell
R.W. Armstrong
Gola Mink

Mr. Armstrong moved the adoption of the following Resolution:

Whereas, This 7 day of September, 1948, the County Surveyor filed his request with us for an extension of time within which to complete his survey, reports and schedules in the above named improvement; therefore, be it

Resolved, That said County Surveyor be and he is hereby granted such extension of time to the 8 day of November, 1948, at ten o'clock A.M., within which to file with the County Auditor his survey, reports and schedules in the said matter; and be it further

Resolved, That the 8 day of November, 1948, at ten o'clock, A.M., at the office of the Board of County Commissioners of Madison County be and the same is hereby fixed as the time and place for the further consideration of said matter.

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

Mr. Plymell	Yes
Mr. Armstrong	Yes
Mr. Mink	Yes

Robert K. Dixon, Clerk of the Board of County Commissioners of Madison County, Ohio

H--SCHEDULE OF LAND OWNERS

Owner	Survey	Township	Acres Owned	Acres Benefited	Estimated Assessment	
<u>Eli Jones Ditch</u>						
Atkinson, Cephas	10081 etc.	Canaan	77.14	77.14	77.14	
	10081 etc.	"	78.00	39.00 ✓	39.00	
	7386	"	9.00	9.00 ✓	9.00	
	10682	"	126.00	80.00 ✓	80.00	
	6508	"	32.00	32.00 ✓	32.00	
Cary, Frank	6508	"	30.25 ✓	25.00 ✓	241.07	
	7398 etc.	"	93.99	60.00 ✓	578.57	
	7067	"	67.00	55.00 ✓	530.36	
	7832	"	40.00	20.00 ✓	20.00	
	7752	"	238.50	238.50 ✓	680.04	
Francis, Henry ½; William E. ½	9530	"	7.00	7.00 ✓	20.00	
	12880	"	163.25	60.00 ✓	60.00	
Haner, Wm. H.	7398	"	27.56	25.00 ✓	75.00	
	7832	"	29.40	25.00 ✓	75.00	
Headings, Chauncey & Gertie	7752	:	41.50	41.50 ✓	145.92	
	10682	"	10.00	10.00 ✓	35.16	
	12880	"	10.00	10.00 ✓	35.16	
	6508	"	10.00	10.00 ✓	35.16	
	7386	"	30.00	30.00 ✓	105.48	
	6508 etc.	"	116.83	116.83 ✓	410.78	
	6508	"	66.08	66.08 ✓	232.30	
Huber, Grace R.	6508	"	138.75	138.75 ✓	1450.00	
	6508	"	44.20	20.00 ✓	20.00	
Kilgore, Eva May & Madge Lucille	7752	:	1.00	1.00	1.00	
	7394	"	37.89	37.89	37.89	
	10470-10982	"	55.91	55.91	55.91	
	10470	"	12.00	12.00	12.00	
	10470	Darby	13.25	13.25	13.25	
	10470	"	4.50	4.50	4.50	
	10470	Canaan	14.00	14.00	14.00	
Miller, Levi & Fannie	7240	"	1.50	1.50	1.50	
	8508	"	32.00	16.00 ✓	16.00	
	5097	!	157.50	40.00 ✓	40.00	
	6508	!	42.23	10.00	10.00	
	12271	"	104.00	40.00	40.00	
Morgan, Etta	13020	"	75.50	75.50	75.50	
	10470	"	1.50	1.50	1.50	
Norris, Nellie	10081 etc.	"	3.00	3.00	3.00	
	7075	:	.60	.60	.60	
Thomas, Mary E.	10081	"	48.15	48.15	48.15	
	10081	"	33.14	33.14	33.14	
Troyer, Daniel	3138 etc.	"	82.96	50.00	50.00	
	12271	"	104.00	50.00	50.00	
Yoder, A.B.	7394	"	10.75	10.75	10.75	
	7394	"	17.02	17.02	100.00	
Yoder, Abe	7394	"	4.72	4.72	4.72	
	7394	"	42.17	42.17	100.00	
Yoder, Abe & Anna						
Yoder, Al B. & Mary Ann						
Yutzy, David						
Yutzy, Vernon & Minerva						
<u>Madison County</u>						
<u>Ballager Ditch</u>						
Beachy, Jonas E. ½ & Amanda ¼	10982	Canaan	79.66	79.66	79.66	Repairs 55.76
	11008	"	5.00	5.00	5.00	3.50
Kramer Beachy	7791	"	339.245	40.00	28.00	28.00
	7791	"	58.60	58.60	58.60	41.02
Bridgman, Orlando W.	12275	"	13.47	3.00	2.10	2.10
	11108	"	61.00	61.00	42.70	42.70
Cary, Frank P.	10982	"	18.30	18.30	12.81	12.81
	11009	"	3.75	3.75	-----	-----
Dyer, W.J.	10982	"	9.70	9.70	-----	-----
	12275	"	168.42	30.00	-----	-----
Kauffman, Robt. M. & Ada N.	7791	"	70.00	30.00	21.00	21.00
	10982	"	101.36	75.00	75.00	52.50
Miller, Ben W.	10982	"	84.66	84.66	59.26	59.26
	10470 etc.	"	55.66	55.66	38.96	38.96
Miller, John W. & Anna	10470 etc.	Darby	30.15	30.15	21.10	21.10
	10982	Canaan	98.70	98.70	69.09	69.09
Miller, Joseph J.	11008	"	36.00	36.00	36.00	25.20
	10982	"	54.80	54.80	54.80	38.36
Miller, Wm. J.	10982	Darby	23.80	23.80	23.80	16.66
	10470 etc.	Canaan	55.82	55.82	39.08	39.08
Myers, Katharine D.	14070	"	7.60	7.60	5.32	5.32
	7791	"	75.25	15.25	10.68	10.68
Plank, John C. & Clara	7791	"	283.04	120.00	84.75	84.75
	7791	"	99.00	59.00	41.30	41.30
Price, Grace S.	7394	"	62.25	62.25	43.57	43.57
	10982	"	45.35	45.35	45.35	31.75
Price, James W.	10982	"	34.20	34.20	-----	-----
	7401	Darby	23.10	23.10	-----	-----
Prugh, Chas. L.	10982	Canaan	89.24	89.24	89.24	62.47
	7791	"	56.50	36.50	25.55	25.55
Stutzman, Perry J.	10470 etc.	"	55.73	55.73	75.22	-----
	10470	"	2.60	2.60	3.64	-----
Watson, Christine D.	10982 etc.	Darby	25.00	25.00	35.00	-----
Madison County					127.63	

BALLENGER JONES COUNTY DITCH

I--ORDER FIXING TIME OF FINAL HEARING ON SURVEYOR'S REPORTS,
ON ESTIMATED ASSESSMENTS, ON THE PROCEEDINGS FOR THE IM-
PROVEMENT AND ON CLAIMS FOR COMPENSATION AND DAMAGES.

In the Matter of the Single
County Ditch Petitioned for
by Jos. J. Miller and others.

Office of the Board of County Comm.
Madison County, Ohio
November 8, 1948

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 8 day of November, 1948, at the office of the commissioners with the following members present:

Rodney Plymell
R.W. Armstrong
Gola Mink

Mr. Armstrong moved the adoption of the following Resolution:

Whereas, This 8 day of November, 1948, the County Auditor has given notice to said Board of the filing with him by the County Surveyor of the maps, profiles, schedules, and reports in the above named improvement, in accordance with its order of the 7 day of September, 1948, therefore, be it

Resolved, That the 29 day of November, 1948, at 2 o'clock P.M., be and the same is hereby fixed as the time for the final hearing on said reports and schedules, on estimated assessments, on the proceedings for the improvement, and on claims for compensation or damages, which claims must be filed with the County Auditor on or before said date; and be it further

Resolved, That notice of said hearing be given as required by law.

Mr. Mink seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

Mr. Rodney Plymell, Yes
Mr. R.W. Armstrong, Yes
Mr. Gola Mink, Yes

Robert K. Dixon, Clerk of the Board of
County Commissioners of Madison County, Ohio.

J--COMMISSIONERS' FINDING AFFIRMING FORMER ORDER, CONFIRMING
THE ASSESSMENTS, AND ORDERING THE LETTING OF THE CONTRACTS.

In the Matter of the Single
County Ditch Petitioned for by
Jos. J. Miller and others.

Office of the Board of Co. Comm.
Madison County, Ohio
November 29, 1948

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 29 day of November, 1948, at the office of the Commissioners with the following members present:

Rodney Plymell
R.W. Armstrong
Gola Mink

Mr. Armstrong moved the adoption of the following Resolution:

Whereas, This being the day fixed by said Board, in its order dated the 8 day of November, 1948 for the final hearing on the Reports and Schedules of the County Surveyor, on the estimated assessments, on claims for compensation or damages and on the proceedings for the improvement, and on application filed for change of route or change in the nature, kind and extent of the work proposed to be done; and

Whereas, Said Board finds that due and legal notice of this final hearing has been given as required by law; and

Whereas, Said Board has heard all the evidence offered in the proceedings and received and considered all the schedules and reports filed by the Surveyor; therefore, be it

Resolved, That said Board review and reconsider its former order made and dated the 28 day of July, 1947, in favor of said improvement; and be it further

Resolved, That said Board hereby approve the maps, profiles, schedules and reports prepared by the County Surveyor, as amended in this order dated the 29 day of November, 1948; and

Whereas, This Board has considered the cost of location and construction, the compensation for land taken, the damages to land along or in the vicinity of the route of the improvement, the damages to land below the lower terminus of the improvement which may be caused by constructing the improvement, the sufficiency of the outlet, the benefits to the public welfare, and the special benefits to land needing the improvement, etc.; therefore, be it

Resolved, That said former order finding in favor of said improvement made at the first hearing on the 28 day of July, 1947, be and the same is hereby affirmed; and

Whereas, Objections to the proposed assessment having been presented by, W.J. Dyer for himself and for Christine D. Watson and By Vernon E. Yutzy who desires an adjustment and the Board having heard said objections and all evidence offered for or against the assessment proposed to be levied against any owner or on any land, as shown by the schedule of assessments filed by the Surveyor and any competent evidence on the question of benefits, and from an actual view of the premises; therefore, be it

Resolved, That the assessments be and the same are hereby amended and corrected as follows, to-wit:

W.J. Dyer	Cancel all assessments on all three entries			
Christine D. Watson	Cancel all assessments on all three entries			
Vernon E. Yutzy	Adjustment -- for--	Eli Jones	Repairs	
		Outlet	Ballinger	
	55.73 acres	75.22	none	
	2.60 acres	3.64	none	
	25.00 acres	35.00	none	

and be it further

Resolved, That said Surveyor's assessments as so amended and corrected be and the same are hereby approved and confirmed; and be it further

Resolved, That \$127.63 found to benefit State or County Roads or Highways be and the same is hereby assessed against the County, and be it further

Resolved, That five years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay the assessments that may be made for the improvement; and that notes of said County shall be issued and sold in anticipation of the collection of said assessments bearing the rate of four per centum per annum, payable semi-annually; and be it further

Resolved, That interest shall be added to said installments of assessments at the same rate as is drawn by the notes issued to pay for the said improvement; provided any owner may pay the assessment on his land in cash within thirty days after the contracts are approved and such assessments are levied, without paying any interest thereon; and be it further

Resolved, That the 27 day of December, 1948, at 11 O'clock A.M., be and the same is hereby fixed as the time for letting the contract for the construction of the proposed improvement, and that the County Surveyor be and he is hereby directed to let the contracts for the construction of the proposed improvement; and be it further

Resolved, That the County Surveyor be and he is hereby directed to give at least two weeks' public notice as required by law of the time when and the place where bids will be received for furnishing any material for the improvement, or for the construction of the improvement, or any part thereof, and in case manufactured material is required for the construction of the improvement, the Surveyor is hereby directed to send copies of the notice by mail to dealers and manufacturers, and all bids shall be received at the office of the County Auditor; and be it further

Resolved, That, whereas the estimated cost of the construction and material required in said improvement exceeds one thousand dollars, the notice of said letting be given by posting at the front door of the County Court House, and advertising according to law, and be it further

Resolved, That said County Surveyor be and he is hereby directed to attend at said time and place so advertised, by him and receive all bids submitted; and be it further

Resolved, That authority be and the same is hereby given to said County Surveyor to receive bids by public outcry, instead of sealed bids, such bids being taken separately for work and for material, and in accordance with the requirements of Section 6481 of the General Code of Ohio.

Mr. Mink seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

Mr. Rodney Plymell	Yes
Mr. R.W. Armstrong	Yes
Mr. Gola Mink	Yes

Robert K. Dixon, Clerk of the Board of
County Commissioners of Madison County, Ohio.

K--DITCH BIDDING BLANK

To the County Engineer of said County:

Madison County, Ohio
December 27, 1948

The undersigned herewith submits a bid of David R. Jones \$5400.00 Dollars for the labor involved in the construction of Eli Jones County Ditch petitioned for by Joe J. Miller and others, in accordance with plans and specifications adopted for the improvement:

18156 cubic yards of excavation	18156	\$5400.00	\$5400.00
Grand Total Labor		\$5400.00	

This bid is accompanied by Fifty Dollars in the sum of \$50.00, being three per cent of the total amount of said bid, as a guaranty that if the bid is accepted, a contract will be signed by the bidder for the performance of the work, and for furnishing the material bid upon, and that a bond will be furnished to the County for the performance of the contract signed as required by law.

David R. Jones
1034 Beacon St
Springfield, Ohio

Received Deposit Check of \$50.00 12-27-48

Signed, David R. Jones

BALLENGER JONES COUNTY DITCH

L--DITCH BIDDING BLANK

Madison County, Ohio
December 27, 1948.

To the County Engineer of said County:

The undersigned herewith submits a bid of Five thousand two hundred sixty five dollars twenty four cents Dollars, (\$5265.24) for the labor involved in the construction of Eli Jones County Ditch petitioned for by Joe J. Miller and others, in accordance with plans, and specifications adopted for the improvement;

18156 Cubic yards of excavation	18156 @.29	\$5265.24
Total Amount Bid for Labor		\$5265.24

This bid is accompanied by certified check in the sum of \$50.00 being three per cent of the total amount of said bid, as a guaranty that if the bid is accepted, a contract will be signed by the bidder for the performance of the work, and for furnishing the material bid upon, and that a bond will be furnished to the County for the performance of the contract signed as required by law.

O.E. Liller

M--COMMISSIONERS' ORDER AWARDING CONTRACTS

In the Matter of the Single
County Ditch Petitioned for
by Joe J. Miller and others.

Office of the Board of Co. Comm.
Madison County, Ohio
December 27, 1948

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 27 day of December, 1948, at the office of the Commissioners with the following members present:

Rodney Plymell
R.W. Armstrong
Gola Mink

Mr. Armstrong moved the adoption of the following Resolution:

Whereas, The County Surveyor has filed with this Board his report on bids received for the work of construction and for furnishing materials in the above named improvement petitioned for by Joe J. Miller and others; and

Whereas, It appears to said Board that the bids of the following are the lowest and best bids, and within the Surveyor's estimate, to-wit:

Bidder	For What Work or Materials	Amount of Bid	Surveyor's Estimate
O.E. Liller	Construction	\$5265.24	\$6154.60

therefore, be it

Resolved, That contracts be and the same are hereby awarded to said O.E. Liller at the amounts bid by him, respectively; and be it further

Resolved, That the County Auditor be and he is hereby directed to notify each of said successful bidders of the acceptance of his bid, and that he is required to enter into contract and bond as provided by Sections 6483 and 6488 of the General Code; and be it further

Resolved, That the County Surveyor be and he is hereby directed to prepare said contracts and bonds and, having secured the signatures of said bidders and their sureties, present the same to this Board for approval; and be it further

Resolved, That the whole of such work shall be completed and all material furnished on or before the 1st day of May, 1949, provided that the time for furnishing such material and completing such labor shall correspond with the time provided for its use in the progress of the work.

Mr. Mink seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

Mr. Rodney Plymell	Yes
Mr. R.W. Armstrong	Yes
Mr. Gola Mink	Yes

Robert K. Dixon, Clerk of the Board of
County Commissioners of Madison County, Ohio

N--CONTRACT

For construction of the Eli Jones County Ditch.

This Agreement, made and entered into on this 27 day of December, 1948, by and between the County Commissioners of Madison County, Ohio, and hereinafter designated as "First Party," and O.E. Liller of London, Ohio hereinafter designated as "Second Party.:

Witnesseth, That Said "Second Party," for and in consideration of the sum of Five thousand, two hundred, sixty five and 24/100 Dollars, to be paid as hereinafter specified, hereby agrees to furnish unto said "First Party" all the necessary labor required to construct the Eli Jones County Ditch in accordance with copies of the surveys, plans, profiles, cross sections, estimates and specifications are hereby declared to be a part of this contract.

BALLENGER JONES COUNTY DITCH

Q--ITEMIZED LIST OF IMPROVEMENT COSTS

Construction:			
	O.E. Liller-Contract	5265.24	
	Material--Tile	<u>5.70</u>	
	Total		5270.94
Damages:			
	Mrs. Grace Huber	<u>72.00</u>	
	Total		72.00
Engineers Services:			
	Engineering & Inspection	600.00	
	Extra Labor	128.00	
	Exam.	<u>41.00</u>	
	Total		769.00
Transcripts, Mailing Notices & Advertising:			
	Transcript	4.50	
	6-23-47 Mailing Notices (54)	1.62	
	11-8-48 Mailing Notices (57)	1.71	
	12-6-48 Press-Printing Slip Notices	7.50	
	9-28-50 Mailing Statements (40)	<u>1.20</u>	
	Total		<u>16.53</u>
	Grand Total		\$6128.47

R--FINAL ASSESSMENT SCHEDULE

<u>Eli Jones Ditch</u>	<u>District</u>	<u>Acres Owned</u>	<u>Acres Benefited</u>	<u>Constr. Estimate</u>	<u>Rate</u>	<u>Final Assmt. Incl. Expense</u>
Atkinson, Cephas	Canaan	77.14	77.14	77.14	.00972	59.57
	"	78.00	39.00	39.00	.00491	30.09
	"	9.00	9.00	9.00	.00113	6.93
	"	126.00	80.00	80.00	.01008	61.77
	"	32.00	32.00	32.00	.00403	24.70
Cary, Frank	"	30.25	25.00	241.07	.03037	186.12
	"	93.33	60.00	578.57	.07289	446.70
	"	67.00	55.00	530.36	.06682	409.50
	"	40.00	20.00	20.00	.00252	15.44
Francis, Henry $\frac{1}{2}$ & William $\frac{1}{2}$	"	238.50	238.50	680.04	.08568	525.09
	"	7.00	7.00	20.00	.00252	15.44
Haner, Wm. H.	"	163.25	60.00	60.00	.00756	46.33
Headings, Chauncey & Gertie	"	27.56	25.00	75.00	.00945	57.91
	"	29.40	25.00	75.00	.00945	57.91
Huber, Grace R.	"	41.50	41.50	145.92	.01838	112.64
	"	10.00	10.00	35.16	.00443	27.15
	"	10.00	10.00	35.16	.00443	27.15
	"	10.00	10.00	35.16	.00443	27.15
	"	30.00	30.00	105.48	.01329	81.45
	"	116.83	116.83	410.78	.05175	317.15
	"	66.08	66.08	232.30	.02927	179.38
Kilgore, Eva May & Madge Lucille	"	138.75	138.75	1450.00	.18268	1119.55
	"	44.20	20.00	20.00	.00252	15.44
Miller, Levi & Fannie	"	1.00	1.00	1.00	.00013	.80
	"	37.89	37.89	37.89	.00477	29.23
	"	55.91	55.91	55.91	.00704	43.14
	"	12.00	12.00	12.00	.00151	9.25
	Darby	13.25	13.25	13.25	.00167	10.23
	"	4.50	4.50	4.50	.00057	3.49
	Canaan	14.00	14.00	14.00	.00176	10.79
	"	1.50	1.50	1.50	.00019	1.16
Morgan, Etta	"	32.00	16.00	16.00	.00202	12.38
	"	157.50	40.00	40.00	.00504	30.89
Norris, Nellie	"	42.23	10.00	10.00	.00126	7.72
Thomas, Mary E.	"	104.00	40.00	40.00	.00504	30.89
Troyer, Daniel	"	75.50	75.50	75.50	.00952	58.34
	"	1.50	1.50	1.50	.00019	1.16
	"	3.00	3.00	3.00	.00038	2.33
	"	.60	.60	.60	.00008	.49
Yoder, A.B.	"	48.15	48.15	48.15	.00607	37.20
Yoder, Abe	"	33.14	33.14	33.14	.00418	25.62
Yoder, Abe & Anna	"	82.96	50.00	50.00	.00630	38.61
Yoder, Al B. & Mary Ann	"	104.00	50.00	50.00	.00630	38.61
Yutzy, David	"	10.75	10.75	10.75	.00135	8.27
	"	17.02	17.02	100.00	.01260	77.22
Yutzy, Vernon & Minerva	"	4.72	4.72	4.72	.00059	3.62
	"	42.17	42.17	100.00	.01260	77.22
Madison County				100.00	.01260	77.22

BALLENGER JONES COUNTY DITCH

Ballenger Ditch

	<u>District</u>	<u>Acres Owned</u>	<u>Acres Benefited</u>	<u>Constr. Schedule Estimate</u>	<u>Rate</u>	<u>Final Assessment Incl. Exp.</u>
Beachy, Jonas & Amanda	Canaan	79.66	79.66	135.42	.01706	104.55
Kramer Beachy	"	5.00	5.00	8.50	.00107	6.56
Bridgman, Orlando W.	"	339.245	40.00	56.00	.00706	43.27
Cary, Frank P.	"	58.60	58.60	99.62	.01255	76.91
	"	13.47	3.00	4.20	.00053	3.25
	"	61.00	61.00	85.40	.01076	65.94
	"	18.30	18.30	25.62	.00323	19.80
Dyer, W.J.	"	3.75	3.75	-----	-----	-----
	"	9.70	9.70	-----	-----	-----
	"	168.42	30.00	-----	-----	-----
Kauffman, Robt. M. & Ada N.	"	70.00	30.00	42.00	.00529	32.42
Miller, Ben W.	"	101.30	75.00	127.50	.01606	98.42
Miller, John W. & Ann	"	84.66	84.66	118.52	.01493	91.50
Miller, Joseph J.	"	55.66	55.66	77.92	.00982	60.18
	Darby	30.15	30.15	42.20	.00532	32.60
Miller, Wm. J.	Canaan	98.70	98.70	138.18	.01741	106.70
Myers, Katharine D.	"	36.00	36.00	61.20	.00771	47.25
	"	54.80	54.80	93.16	.01174	71.95
	Darby	23.80	23.80	40.46	.00510	31.26
Plank, John C. & Clara	Canaan	55.82	55.82	78.16	.00985	60.37
	"	7.60	7.60	10.64	.00134	8.21
Price, Grace S.	"	75.25	15.25	21.36	.00269	16.49
Price, James W.	"	283.04	120.00	169.50	.02136	130.90
Prugh, Chas. L.	"	99.00	59.00	82.60	.01041	63.80
Stutzman, Perry J.	"	62.25	62.25	87.14	.01098	67.29
	"	45.35	45.35	77.10	.00971	59.51
Watson, Christine D.	"	34.20	34.20	-----	-----	-----
	Darby	23.10	23.10	-----	-----	-----
Yutzy, David	Canaan	89.24	89.24	151.71	.01911	117.12
Yutzy, David E. & Marg Ann	"	56.50	36.50	51.10	.00644	39.47
Yutzy, Vernon E.	"	55.73	55.73	75.22	.00947	58.04
	"	2.60	2.60	3.64	.00046	2.82
	Darby	25.00	25.00	35.00	.00440	26.97
Madison County				127.63	.01607	98.48

S--CERTIFICATE OF UNPAID ASSESSMENTS

April 2, 1951
London, Ohio

Madison County Commissioners
London, Ohio

Gentlemen:

This is to certify that in the matter of the improvement of the Ballenger-Jones County Ditch, the following assessments remain unpaid, to-wit:

Atkinson, Cephas	183.06
Francis, Henry $\frac{1}{2}$; Wm. E. $\frac{1}{2}$	540.53
Headings, Chauncey & Gertie	115.82
Norris, Nellie	7.72
Myers, Katharine D.	150.46
Stutzman, Perry J.	126.80

Total \$1124.39

Yours very truly,

Forrest R. Hanson
Auditor, Madison County

T--RESOLUTION TO ISSUE NOTES IN ANTICIPATION OF THE LEVY OF ASSESSMENTS ACCORDING TO BENEFITS OR OF THE ISSUANCE OF BONDS

In the Matter of the Single
County Ditch Petitioned for
by Joe J. Miller and others.

Office of the Board of Co. Comm.
Madison County, Ohio
April 2, 1951.

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 2nd day of April, 1951, at the office of the Commissioners with the following members present:

George W. Taylor
Rodger B. Baker
Glenn R. Daugherty

Mr. Daugherty moved the adoption of the following Resolution:

Whereas, Said Board has heretofore, by Resolution duly passed on the 2 day of April, 1951, affirmed its former order finding in favor of the improvement of the County Ditch, petitioned for by Joe J. Miller and others; and

BALLENGER JONES COUNTY DITCH

Whereas, It is now deemed necessary to issue and sell \$1124.39 of notes under authority of Section 2293-24 of the General Code of Ohio, and "The Uniform Bond Act" for the purpose providing funds in anticipation of the levy of assessments according to benefits or of the issuance of bonds for the improvement of said County Ditch; and

Whereas, The County Auditor has certified the maximum maturity of said notes to be five years, which maximum maturity does not exceed the estimated life or usefulness of the improvement fixed by Section 2293-9 of the General Code of Ohio; and

Whereas, This Board has heretofore, by Resolution duly passed on the 29 day of November, 1948 determined that five years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited to pay the assessment that may be made for the improvement; now, therefore, be it

Resolved, By the Board of County Commissioners of Madison County, Ohio, that in the judgment of said Board of County Commissioners, it is now necessary in anticipation of the levy of assessments according to benefits or of the issuance of bonds to issue and sell the notes of said County under and by virtue or of the authority of Section 2293-24 of the General Code of Ohio and "The Uniform Bond Act" in the aggregate sum of One thousand one hundred twenty four and 39/100 Dollars (\$1124.39), not exceeding in amount that portion of the estimated cost of the improvement for which the assessment is levied, to provide a fund for the payment of the cost and expense of the improvement of said County Ditch according to the terms of said Resolution above referred to: and be it further

Resolved, that said note shall be dated the 2nd day of April, 1951, and shall be in the denomination of Eleven hundred twenty four and 39/100 Dollars (\$1124.39) and shall be numbered 25.

Said note shall bear interest at the rate of four per centum per annum until paid, and the interest on said note shall be payable on the 1 day of October and the 1 day of April, 1952, and until the principal sum of said note is paid and as evidenced by interest coupons attached thereto. Said note shall not be issued for a longer period of time than two years from date thereof and shall be payable at the office of the Treasurer of said County at London, Ohio upon presentation and surrender of said note and interest coupons as they respectively mature. Said note shall be redeemable at any interest period.

Said note shall be due and payable as follows: No. 25 Date--April 1, 1951--Amount--\$1124.39

Said note shall specify on their face the purpose for which they are issued, and that they are issued in pursuance of this resolution and under authority of the General Laws of the State of Ohio, particularly Section 2293-24 of the General Code of Ohio and "The Uniform Bond Act," and shall be full general obligations of said Madison County, and for the full amount thereof, and the full faith, credit and revenue of said County are hereby pledged for the payment of the principal and interest thereof at maturity.

Said note shall be signed by the members of the Board of County Commissioners of said County, and the County Auditor and bear his seal, and the interest coupons shall have the facsimile signature of said County Auditor printed or lithographed thereon; and be it further

Resolved, That said note shall be paid from the proceeds of bonds hereafter issued in anticipation of the collection of assessments and all of the assessments collected for the improvement shall be applied to the payment of the note and interest thereon until both are fully paid; and be it further

Resolved, That there shall be and is hereby levied on all the taxable property in Madison County, Ohio, in addition to all other taxes a direct tax annually during the years while such notes run, not less than that which would have been levied if bonds had been issued without the prior issue of such notes.

Said tax shall be, and is hereby ordered computed, certified levied and extended upon the tax duplicate, and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, levied, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which, together with all interest collected on the same, shall be irrevocably pledged for the payment of the interest and principal of said notes, when and as the same fall due.

It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuance of said notes order to make the same legal, valid, and binding obligations of said County have been done, have happened and have been performed in regular and due form as required by law and that the tax for the payment of the principal and interest as the same falls due and is payable does not exceed any limitations of taxation of said County, and that the amount of this note issue does not exceed any limitation of indebtedness as fixed by law.

Mr. Baker seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

Mr. George W. Taylor	Yes
Mr. Rodger B. Baker	Yes
Mr. Glenn R. Daugherty	Yes

Dated this 2nd day of April, 1951.

Forrest R. Hanson, Clerk, Board of County
Commissioners of Madison County, Ohio