

J.R. BRIDENSTINE DITCH

SINGLE COUNTY DITCH PETITION

London, Ohio, Feb. 26, 1935

Petition for The location deepening and widening of an existing open ditch that is the outlet for the Lester Bidwell, H.C. Wilson, Huddle, and Stephen Smith County Ditches.

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

The undersigned hereby petition your honorable body for the location Construction by deepening and widening of an existing open ditch that is the outlet for the Lester Bidwell, H.C. Wilson, Huddle and Stephen Smith County Ditches 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 the mouth of the tiled portion of the Lester Bidwell County Ditch on the lands of Robert Wilson thence across his lands, passing the mouth of the H.C. Wilson County Ditch to the Morgan Road, thence crossing said road onto the lands of Roy And Edith Bridenstine across their lands in a general southeasterly directiin to the lands of the Stuckey Heirs, thence continuing across their lands, passing the mouth of the Huddle County Ditch, to the lands owned by the Penn Mutual Life Insurance Co. passing the mouth of the Stephen Smith County Ditch and as far beyond the mouth of said Smith County Ditch as may be found necessary to give good and sufficient outlet.

The following is the nature of the work petitioned for: Deepening and widening the existing open ditch to give good and sufficient outlet.

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

- J.R. BRIDENSTINE WEST JEFFERSON, OHIO
- JOHN MURRAY WEST JEFFERSON, OHIO
- ADDIE BRAITHWAITE WEST JEFFERSON, OHIO
- JOHN E. HAN CEL WEST JEFFERSON, OHIO
- SMITH OLNEY WEST JEFFERSON, OHIO
- OLEH BRAITHWAITE WEST JEFFERSON, OHIO
- HOMER BYERLY WEST JEFFERSON, OHIO
- PERRY YOUNG WEST JEFFERSON, OHIO
- OLIVER BYERLY WEST JEFFERSON, OHIO
- ED. QUINN WEST JEFFERSON, OHIO
- HENRY BETTS WEST JEFFERSON, OHIO
- MRS. HENRY BETTS. WEST JEFFERSON, OHIO
- ROBERT A. WILSON WEST JEFFERSON, OHIO

Service of Notice of Filing the Petition shall be obtained by J.R. BRIDENSTINE--Petitioner

J.R. BRIDENSTINE DITCH.

BOND

KNOW ALL MEN BY THESE PRESENT, That we J.R. Birdenstine, John Murray and Oleh Braithwaite are held and firmly bound unto the State of Ohio, in the sum of Two hundred and fifty (\$250.00)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 26 day of Feb. 1938.

The Condition of the above Obligation is such, that, Whereas, on the 26 day of Feb., 1938, the above bound J.R. Bridenstine et al filed his petition with the County Auditor of Madison County, Ohio, making application to the County Commissioners, praying for the Location and construction by deepening and widening of an existing open ditch petitioned for by the following is the course and termini of said proposed improvement, to-wit: Commencing beginning at the mouth of the tiled portion of the Lester Bidwell County Ditch on the lands of Robert Wilson; thence across his lands, passing the mouth of the H.C. Wilson County Ditch, to the Morgan Road; thence crossing said road into the lands owned by Roy and Eidth Bridenstine and across their lands in a general southeasterly direction to the lands of the Stuckey Heirs; thence across their lands, passing the mouth of the Huddle County Ditch, to the lands owned by the Penn Mutual Life Insurance Co., passing the mouth of the Stephen Smith County Ditch and as far beyond the mouth of said Smith Ditch as may be found necessary to give good and sufficient outlet.

Not, if the said J.R. Bridenstine 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 virtue in law.

J.R. BRIDENSTINE

JOHN MURRAY

OLEH BRAITHWAITE

The above bond is approved this 26
day of Feb., 1938

ROBERT K. DIXON

County Auditor

J.R. BRIDENSTINE DITCH.

ENGINEER'S CERTIFICATION OF AFFECTED PARTIES

London, Ohio

February, 28, 1938

Subject: Affected persons in the matter of the Ditch
 Petitioned for by J.R. Birdenstine et al.

I hereby certify that the following is a list of all persons
 affected in the contemplated improvement of the ditch petitioned for
 to-wit:

J.R. Bridenstine, West Jefferson, Ohio
 Lawrence Stanton, West Jefferson, Ohio
 Emery Stanton, West Jefferson, Ohio
 R.C. Stuckey Heirs c/o Burt McLaughlin, 220-223 Peoples Bldg. Galesbury, Ill.
 Edward McCoy, London, Ohio
 Perry & kitty Young, West Jefferson, Ohio
 Columbus Huddle c/o Carl Watts, West Jefferson, Ohio & also c/o
 J.H. Deem, 381-17th Ave., Columbus, Ohio
 Robert & Edna N. Wilson, West Jefferson, Ohio
 Henry Betts, West Jefferson, Ohio
 Maude Betts, West Jefferson, Ohio
 Ed. & Mary Quinn, West Jefferson, Ohio
 John Murray, West Jefferson, Ohio
 addie Braithwaite, West Jefferson, Ohio
 Oleh Braithwaite, West Jefferson, Ohio
 Smith & Celesta Olney, West Jefferson, Ohio
 Marie Starkey Hancel, West Jefferson, Ohio
 Dr. J. Quinn Dorgan, 111 Cleveland Ave., Columbus, Ohio
 Mabel Hoe et al (Fellows Heirs) c/o W.A. Beedle, W. Jefferson, O. and
 also c/o H.W. Brinker, 428 Atlas Bldg., Columbus, Ohio
 C.E. & Nellie F. Rogers, Hilliards, Ohio # 1
 Jesse & Dora Ramey, West Jefferson, Ohio
 Penn Mutual Life Ins. Company c/o Farm Management, Irwin, Ohio and
 also c/o Kenneth & Mary Ogilvie, W. Jefferson, O. # 1
 Charles Frey, London, Ohio # 2
 Oliver Byerly, West Jefferson, Ohio
 Minerva Harbage, c/o Arnett Harbage, West Jefferson, Ohio
 Homer Byerly, West Jefferson, Ohio

Signed: HOWARD G. BROWN

County Engineer

Northwestern Mutual Life Ins. c/o 270 Wisconsin Ave., Milwaukee, Wis.
 Asil Bidwell, West Jefferson, Ohio
 Mary S. Johnson et al c/o Alex S. Dombey 800 Huntington Bank Bldg.
 Columbus, Ohio

J.R. BRIDENSTINE DITCH

ORDER FIXING TIME OF VIEW AND FIRST HEARING.

In the Ma tter of Office of the Board of Co. Commissioners,
The Single County Ditch Petitioned for by Madison County, Ohio.
J.R. Bridenstine February 28, 1938

Mr. Mink moved the adoption of the following
RESOLUTION

Whereas, This 28th day of February, 1938, the Board of County Commissioners of Madison County, Being in regular session, members present John Funk, R.W. Armstrong and Gola Mink, the County Auditor gave notice to us of the filing with him of a petition signed by J.R. Bridenstine, et al petitioners for the location deepening and widening of an existing open ditch that is the outlet for the Lester Bidwell, H. Wilson, Huddle and Stephen Smith County Ditches; and

Whereas, It appears to us 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 30th day of March, 1938, 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 4 day of April, 1938 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. Armstrong seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

- Mr. John Funk, Yes
- Mr. R.W. Armstrong, Yes
- Mr. Gola Mink, Yes

London, Ohio
March 30, 1938

Subject: Bridenstine Ditch

It is hereby certified that the Board of County Commissioners of Madison County, did, on this 30th day of March, 1938, meet at the upper terminus of the Bridenstine Ditch and viewed the contemplated project and adjourned the meeting to April 4, 1938, the date fixed for the first hearing on the petition.

JOHN FUNK
R.W. ARMSTRONG
GOLA MINK

J.R. BRIDENSTINE DITCH

London, Ohio

April, 4, 1938

Subject: J.R. Birdenstine Ditch (Hearing on Petition)

A. Interested persons present.

The meeting was called to order at 10:10 A.M., with the following persons present, to-wit: J.R. Bridenstine, Edw. McCoy, Oleh Braithwaite, Smith Olney, Arnett Harbage and Ed Quinn. Mr. Harbage was of the opinion that the improvement would not benefit him and all others present favored the improvement.

Attest: ROBERT K. DIXON
Auditor & Clerk

COMMISSIONERS' FINDING FOR THE IMPROVEMENT.

In the Matter of Office of the Board of Co. Commissioners
The Single County Ditch Petitioned for by Madison County, Ohio
J.R. Bridenstine April 4, 1938

Mr. Mink moved the adoption of the following

RESOLUTION

Whereas, This day the Board of County Commissioners being in regular session, present John Funk, R.W. Armstrong and Gola Mink and this being the day fixed by said Board in their order dated the 28th day of February, 1938 for the hearing on the petition in the above named improvement, the said Board met at their 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 applications for change or extension of the improvement, previously filed in writing; and

Whereas, After proper examination, said Board do find 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 we do hereby find that the said proposed improvement petitioned for is necessary and will be conducive to the public welfare; and we are reasonably certain that the cost thereof will be less than the benefits, and the prayer of the petition is hereby granted; and we do further find that the following described route and termini of the proposed

J.R. BRIDENSTINE DITCH.

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 us: Commencing at the mouth of the tiled portion of the Lester Bidwell County Ditch on the lands of Robert Wilson thence across his lands, passing the mouth of the H.C. Wilson County Ditch to the Morgan Road, thence crossing said road onto the lands of Roy and Edith Bridenstine across their lands in a general southeasterly direction to the lands of the Stuckey Heirs, thence continuing across their lands, passing the mouth of the Huddle County Ditch, to the lands owned by the Penn Mutual Life Ins. Co., passing the mouth of the Stephen Smith County Ditch and as far beyond the mouth of said Smith County Ditch as may be found necessary to give good and sufficient outlet. and be it further

Resolved, That the County Surveyor be and he is hereby directed to make 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, together with 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 law (G.D. 6454); and be it further

Resolved, That the 9th day of May, 1938, at 11 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. Armstrong seconded the resolution and the roll being on its adoption, the vote resulted as follows:

Mr. Funk, yes; Mr. Armstrong, Yes; Mr. Mink, yes

County Auditor's Office

April 4, 1938

To the County Surveyor:

I hereby certify the foregoing to be a true and correct copy of the record of the proceedings of the Board of County Commissioners.

ROBERT K. DIXON

County Auditor

J.R. BRIDENSTINE DITCH.

My estimate of the construction of said improvement is as follows:

3397.1 Cu. Yds. Excavating Levering @ \$0.20	\$679.42
Grubbing	<u>18.00</u>
	697.42

The following fences, flood gates, culverts and bridges will be removed in constructing said improvement:

Bridge at Sta. 30+73
 " " " 40+00

Fence at Sta. 38+39

The following culverts and bridges must be raised or the channel thereof enlarged to construct the improvement: None

I estimate the cost of inspecting the work as it progresses to be \$35.00.

The following is an itemized bill of the costs and expenses incurred in the discharge of the aforesaid duties:

Guy W. Correll	Deputy	5 days at \$5.00 per day	\$25.00
Taylor Creamer	Axman	2 days at \$3.00 " "	6.00
Wm. Slaughter	Axman	2 days at \$3.00 " "	6.00
Other expenses Stakes Blue Prints & Tracing Paper			<u>2.00</u>
			\$39.00
Inspection			<u>35.00</u>
			\$74.00

Respectfully submitted

HOWARD G. BROWN
 County Surveyor.

By Guy W. Correll
 Deputy

SURVEY

Const. stake No. from Upper Term.	Surface Elevation	Grade Elevation	Cut	Cu. Yds. per Sta.	Course & Distance	Note
0	96.04	95.50	0.54		S.33° 45' E. 422 Ft.	R.A. Wilson et al
1	95.9	95.20	0.70	33.5		0+00 B.M. Elev. 100.00 Figure of tile line.
2	95.7	94.90	0.80	32.4		8 on top of concrete head-wall-rt.
3	95.6	94.60	1.00	40.7		
4	95.1	94.30	0.80	32.4		
4+22					S.16° 33' E. 176 Feet	
5	94.6	94.00	0.60	23.7		
5+98					S.41° 6' E. 151 Feet	
6	94.0	93.70	0.30	21.9		
7	93.6	93.40	0.20	22.8		
7+49					S.51° 34' E. 306 Ft.	
8	94.2	93.10	1.10	27.4		
9	93.3	92.80	0.50	25.0		
10	93.0	92.50	0.50	17.6		
10+55					S.52° 24' E. 626 Ft.	
11	92.9	92.20	0.70	23.1		
12	92.8	91.90	0.90	23.1		

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13	92.3	91.60	0.70	25.6	
14	92.5	91.30	0.80	21.9	
15	91.6	91.00	0.60	16.7	
16	91.5	90.70	0.80	19.4	
16+81					S.15° 1' E. 107 Ft.
17	92.8	90.40	2.40	46.3	
17+88					S.33° 1' E. 50 Ft.
18	91.0	90.10	0.90	44.4	
18+25					Center line of Morgan Road, Property line between R.A. Wilson et al & J.R. Bridenstine et al
18+38					Sta. 18+30 B.M. Elev. 97.54 End of the S.86° 17' E. 129 Ft. S.E. Wing
19	91.6	89.67	0.93	39.8	
19+67					S.81° 5' E. 91 ft
20	90.00	89.24	0.76	55.6	
20+58					S.70° 14' E. 227 Ft.
21	89.8	88.81	0.99	50.9	
22	89.7	88.38	1.32	69.4	
22+85					S.58° 41' E. 780 Ft.
23	89.1	87.95	1.15	77.8	
24	89.5	87.52	1.98	82.4	
25	87.8	87.09	0.71	76.9	
26	88.5	86.66	1.84	55.6	
27	87.3	86.23	1.07	62.0	
28	87.0	85.80	1.20	73.1	
29	87.2	85.37	1.83	83.3	
30	86.8	84.94	1.86	77.8	
30+65					S 51° 6' E. 100 Ft.
31	86.0	84.51	1.49	56.5	
31+65					S.80° 13' E. 100 Ft.
32	85.9	84.08	1.82	58.3	
32+65					N.88° 29' E. 370 Ft.
33	85.1	83.65	1.45	83.3	
34	85.1	83.22	1.88	87.0	
35	84.5	82.79	1.71	89.8	
36	84.1	82.36	1.74	95.4	
36+35					S.85° 15' E. 103 ft.
37	83.6	81.93	1.67	106.5	
37+38					S.75° 55' E. 141 ft
38	83.1	81.50	1.60	129.6	
38+39					Property line between j.R. Bridenstine and Mary Stuckey et al
38+79					S.58° 10' E. 103 ft.
39	84.0	81.07	2.93	120.4	
39+82					S.75° 48' E. 218 ft.
40	81.6	80.64	0.96	80.6	
41	81.0	80.21	0.79	56.5	
42	80.9	79.78	1.12	76.9	Sta. 42 B.M. Elev. 84.92 Top N.86° 16' E. 244 Ft.) headwall over center tile
43	80.7	79.35	1.35	100.0	
44	82.2	78.92	3.28	131.4	
44+44					S.57° 35' E. 176 Ft.

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45	81.0	78.49	2.51	121.3
46	79.0	78.06	0.94	115.7
46+20				S.69° 53' E.465 ft.
47	79.4	77.63	1.77	93.3
48	79.8	77.20	2.60	133.6
49	79.0	76.77	2.23	59.6
50	78.6	76.34	2.26	94.3
50+85				S.52° 58' E. 372 Ft.
51	76.7	75.91	0.79	111.8
52	75.2	75.48		43.5
53	75.1	75.05		29.6
54	74.4	74.62		24.1
54+57	74.1	74.37	5.6	End of ditch

Opp. Sta. 57+00 25" Elm 50' Lt. Railroad spike in root B.M. Elev. 77.48.

Working Section	OWNERS' NAMES	SURVEY	TOWNSHIP	ACRES OWNED	ACRES BENEFITED	EST. ASSESS' MT.
1	J. quinn Dorgan	12275	Jefferson	44.00	4.00	1.43
		7216		72.75	60.00	21.42
1	Marie S. Hanscel	12275		147.50	60.00	21.42
1	Charles Frey	12273		278.97	75.00	26.78
1	John Murray	12145		120.80	50.00	17.85
		4885		50.65	50.65	18.08
1	Carl E. & Nellie Rogers	7216		135.04	135.04	12.50
1	Oliver Byerly	7216		111.75	111.75	39.48
		3167		16.07	16.07	4.13
		3167		14.00	14.00	5.00
1	Maud Betts	6643		46.40	46.40	16.56
		6643		1.81	1.81	1.25
		6643		.50	.50	.18
		4885		49.88	49.88	17.81
1	Edward & Mary Quinn	6643		100.00	10.00	3.57
		6643		111.90	10.00	3.57
1	R.A. & Edna Wilson	4904		19.79	19.79	5.60
		6643		180.55	105.21	46.51
1	Addie Brathwaite	2985		90.07	18.00	6.51
		2985		71.67	25.00	11.87
1	Asil Bidwell	12275		28.10	3.00	1.08
1	Henry Betts	6643		48.19	48.19	12.77
		4885-		51.75	51.75	13.71
1	Mabel Hoe & A. Byron Ashman	3157		50.00	50.00	13.25
		4904		2.00	2.00	.53
		4885		123.00	123.00	32.59
1	Homer Byerly	2985		105.00	105.00	27.82
		4885		20.00	20.00	5.30
1	Smith & Celesta Olney	2985		50.00	50.00	23.31
		2985		50.00	10.00	3.80
1	Oleh Braithwaite	2985		71.42	5.00	1.33

J.R. BRIDENSTINE DITCH

1 James & Edith Bridenstine	4904 Jefferson	30.00	30.00	31.50
	2682	59.92	59.92	53.20
	7484	54.00	17.25	15.30
1 Columbus Hunnle	4904	90.25	72.25	34.30
1 Minerva Harbage	3157	3.00	3.00	1.42
1 Emery Stanton & Malinda	16026	15.25	7.25	3.44
	8461	36.40	18.00	8.54
	2682	60.00	4.00	1.90
1 Ruth Stuckey Johnson et al	2680	269.50	60.00	<u>118.00</u>
				697.42

SPECIFICATIONS OF THE MANNER OF CONSTRUCTION

In the Matter of Surveyor's Office, Madison, Co., Ohio
 The Single County Ditch Petitioned for by Proceedings for Location and
 Roy Bridenstine et al construction of open ditch

Beginning at Sta. 0 at the bulkhead of the Lester Bidwell County Ditch thence following the open ditch to Sta. 18+00 the Morgan Road, having passed the mouth of the H.C. Wilson County Ditch at Sta. 10+50, the open ditch to have a four (4) foot bottom and one and a half to one slopes cut to the grade line shown on the profile, From Sta. 18 to Sta. 42 which last station is the mouth of the Huddle County Ditch, the open ditch to be constructed is to have a five (5) foot bottom with one and a half to one slopes. From Sta. 42 to Sta. 54+57 the open ditch to be constructed is to have a six (6) foot bottom and one and a half to one slopes, Sta. 54+57 being the mouth of the J.C. County ditch.

The open ditch is to be cut on the line established by the County Engineer and to the grade as shown on the profile, with the width of bottom set up as above. All earth removed from the channel cut must be placed on the banks at least three feet back of the top of slope, and shall be leveled to the satisfaction of the County Engineer. Payment shall be made for this work from the quantities estimated on the plans on file in the County Engineer's Office.

Due precaution shall be taken during the construction of this work so that no existing ditches draining into the present open ditch shall be covered or in any way caused to be damaged.

No. of Wrk'g Sec.	ESTIMATE OF WORKING SECTIONS		No. Lineal Ft.	No. Cu. Yds.	Pr. per Yd.	Amount
	Sta. Numbers From	To				
1	0	54+57	5457	3397.1	\$0.20	679.42
						18.00

NOTE: The price quoted above includes excavation and leveling of spoil banks.
 18.00 NOTE: This additional cost is for cleaning out brush if not done by property owners.

J.R. BRIDENSTINE DITCH

NOTICE TO COMMISSIONERS

Upon the Filing with the Auditor of the Reports and Schedules of the Surveyor.

In the Matter of	County Auditor's Office,
The Single County Ditch Petitioned	Madison County, Ohio.
for by	May 9, 1938
J.R. Bridenstine	

To the Honorable Board of County Commissioners of Madison County:

Gentlemen: You are hereby notified that the County Surveyor filed in this office on the 9th day of May, 1938, the maps, profiles, schedules and reports in the above named improvement, in accordance with your order of the 4th day of April, 1938

ROBERT K. DIXON
County Auditor.

ORDER FIXING TIME OF FINAL HEARING ON SURVEYOR'S REPORTS

On Estimated Assessments, on the Proceedings for the Improvement and On
Claims for Compensation and Damages

In the Matter of	Office of the Board of County Commissioners,
The Single County Ditch	Madison County, Ohio
Petitioned for by	May 9, 1938
J.R. Bridenstine	

Mr. Mink moved the adoption of the following

RESOLUTION

Whereas, This 9th day of May, 1938, the Board of County Commissioners of Madison County, being in regular session, members present, John Funk, R.W. Armstrong and Gola Mink, the County Auditor has given notice to us of the filing with him by the County Surveyor of the maps profiles, schedules, and reports in the above named improvement, in accordance with our order of the 4th day of April, 1938; therefore, be it

Resolved, that the 6th day of June, 1938 at 2:00 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. Armstrong seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

Mr. Funk, Yes; Mr. Armstrong, Yes; Mr. Mink, Yes.

May 9, 1938

J.R. BRIDENSTINE DITCH

May 13th, 1938

Robert K. Dixon
Auditor
Court House
London, Ohio

Dear Sir:

Inasmuch as the attached notice regarding the Bridenstine Ditch is we believe in connection with the Millikin Farm formerly owned by the Penn Mutual we are returning it to you herewith in order that you may have it forwarded to the new owner:

Mr. Kenneth W. Ogilvie
Route # 1
West Jefferson, Ohio

Very truly yours,
FARM MANAGEMENT? INC.
G.G. MCILROY, President

West Jefferson o 6 4 38

Hon board of Commissioners Dear Sirs In the matter of the improvement of the ditch petitioned for by Roy Bridenstine and others I feel that my assessment is too high By no stretch of imagination can this improvement benefit me As you recall the morning you viewed the ditch though it was very wet yet half of the tile was not under water And I could take a shovel and in an hour clean the ditch so that there would be a drop of several inches The law requires that each of us be assessed according to benefits received Yet my assessment per acre is one of the highest without any benefit at all I trust your honorable board will carefully consider and give me at least partial relief

Reapt Arnett Harbage
ARNETT HARBAGE

CERTIFICATE OF FISCAL OFFICER AS TO ESTIMATED LIFE OF PROPOSED
PERMANENT IMPROVEMENT AND THE MAXIMUM MATURITY OF BONDS PROPOSED
TO BE ISSUED

Gen'l Code, Sec. 2293-2,-9,-10

London, Ohio

June 6, 1938

To the Board of County Commissioners, Madison County, Ohio

The undersigned, the fiscal officer of Madison County, Ohio, as defined by section 2293-1 of the General Code, hereby certifies that the estimated life of the Bridenstine ditch, situated in Jefferson Township, Madison County, Ohio, referred to in previous proceedings of your Board, is not less than five (5) years.

Respectfully submitted,
ROBERT K. DIXON
Auditor, Madison County, Ohio

J.R. BRIDENSTINE DITCH

of the collection of said assessments bearing the rate of 4 per centum per annum, payable semi-annually, and be it further that the rate RESOLVED, Interest shall be added to said installments of assessments at the same rate as is drawn by the bonds issued to pay for said improvement; provided any owner may pay the assessment on his land in cash within thirth days after the contracts are approved; and such assessments are levied, without paying any interest thereon; and be it further

RESOLVED, That the 13 day of June, 1938, at 2;00 o'clock P.M., be and the same is hereby fixed as the time for letting the contract for 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 assign the work to C.C.C.

RESOLVED, That, whereas the estimated cost of the construction and material required in said imrpovement does not exceed one thousand dollares, the notice of said letting be given by posting at the front door of the county court house, 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 being taken separately for work and for material, and in accordance with the requirements of Sec. 6481, kG.C.
Mr. Armstrong seconded the resolution and the roll being called on its adoption the vote resulted as follows; Mr. Funk, Yes, Mr. Armstrong, Yes Mr. Mink, Yes.

London, Ohio
October 30, 1939

Madison County Commissioners;
London, Ohio.

Gentlemen:

This is to advise you that on account of the Civilian Conservation Corps having done some of the work on the subject Ditch the costs have been reduced to the miscellaneous accounts already on record and the work has been completed to my satisfaction and the transcript may be closed and assessments levied.

The \$35.00 item estimated by me as the fee for inspecting the work while in progress may be omitted as the work was done by Engineers of the C.C.C. organization.

Yours very truly
HOWARD G. BROWN
Madison County Engineer.

J.R. BRIDENSTINE, DITCH

AUDITOR'S CERTIFICATION OF ASSESSMENTS PAID AND UNPAID

London, Ohio

December 4, 1939

To the Board of County Commissioners
London, Ohio

Gentlemen:

In the matter of the improvement of the J.R. Bridenstine Ditch,
I hereby certify that the following schedule reveals a true record
of assessments paid and unpaid in the improvement of the said ditch,
to-wit:

	Paid	Unpaid
J. Quinn Dorgan	\$ 1.14	
" " "		\$17.09
Marie S. Hanscell		17.09
Charles Frey	21.36	
John Murray	14.23	
" "	14.42	
Carl & Nellie Rogers		9.97
Oliver Byerly		31.49
" "		3.29
" "		3.99
Maud Betts		13.22
" "		1.00
" "		.14
" "		14.20
Edward & Mary Quinn (Pr-J. Murray)	2.84	
" " " " " "	2.84	
Robert A. & Edna Wilson		5.26
" " " "		29.12
Addie Braithwaite	4.39	
" "	9.47	
Asil Bidwell	.86	
Henry Betts		10.19
" "		10.93
Mabel Hoe & A.B. Ashman		10.57
" " " "		.42
" " " "		25.99
Homer Byerly		22.19
" "		4.23
Smith & Celesta Olney	18.59	
" " "	3.03	
Oleh Braithwaite	1.06	
James & Edith Bridenstine		21.13
" " "		42.43
" " "		12.20

J.R. BRIDENSTINE

Columbus Huddle		27.35
Minerva Harbage	10.22	
" "	1.13	
Emery & Malinda Stanton		2.74
" " "		6.82
" " "		1.52
Mary Stuckey Johnson et al		91.72
Totals	\$105.58	\$436.29

Signed: ROBERT K. DIXON
AUDITOR & CLERK

CERTIFICATE OF FISCAL OFFICER AS TO ESTIMATED LIFE OF PROPOSED
PERMANENT IMPROVEMENT AND THE MAXIMUM MATURITY OF BONDS PROPOSED
TO BE ISSUED

Gen'l. Code, Sec. 2293-2-9-10-

London, Ohio

December 4, 1939

To the Board of County Commissioners:
Madison County, Ohio

The undersigned, the fiscal officer of Madison County, Ohio, as defined by Section 2293-1 of the General Code, hereby certifies that the estimated life or usefulness of the improvement of the J.R. Birdenstine Ditch, situated in Jefferson Township, Madison County, Ohio, referred to in previous proceedings of your board is not less than five years (5 yrs.)

Respectfully submitted,
ROBERT K. DIXON
Auditor, Madison County

J.R. BRIDENSTINE DITCH

London, Ohio

October 30, 1939

To all Persons Assessed.

The following is pro-rated schedule of assessments for the improvement of the forementioned ditch, to-wit:

OWNER	Acres Owned	Acres Benefited	Construction Schedule	Rate	Final Assessment
J. Quinn Dorgan	44.00	4.00	1.43	.00210	1.14
	72.75	60.00	21.42	.03154	17.09
Maries S. Hanscel	147.25	60.00	21.42	.03154	17.09
Charles Frey	278.97	75.00	26.78	.03942	21.36
John Murray	120.80	50.00	17.85	.02627	14.23
	50.65	50.00	18.08	.02661	14.42
Carl & Nellie Rogers	35.04	35.04	12.50	.01840	9.97
Oliver Byerly	111.75	111.75	39.48	.15811	31.49
	16.07	16.07	4.13	.00608	3.29
	14.00	14.00	5.00	.00736	3.99
Maud Betts	46.40	46.40	16.56	.02437	13.22
	1.81	1.81	1.25	.00184	1.00
	.50	.50	.18	.00026	.14
	49.88	49.88	17.81	.02621	14.20
	100.00				
Edward & Mary Quinn (Tr. John Murray)		10.00	3.57	.00525	2.84
"	111.90	10.00	3.57	.00525	2.84
Robert A. & Edna Wilson	19.79	19.79	6.60	.00971	5.26
	180.55	105.21	36.51 x	.05374	29.12
Addie Braithwaite	90.07	18.00	5.51	.00811	4.39
	71.67	25.00	11.87	.01747	9.47
Asil Bidwell	28.10	3.00	1.08	.00159	.86
Henry Betts	48.19	48.19	12.77	.01880	10.19
	51.75	51.75	13.71	.02018	10.93
Mabel Hoe & A.H. Ashman	50.00	50.00	13.25	.01950	10.57
	2.00	2.00	.53	.00078	.42
	123.00	123.00	32.59	.04797	25.99
Oliver Byersly	105.00	105.00	27.82	.004095	22.19
	20.00	20.00	5.30	.00780	4.23
Edith & Celesta Olney	50.00	50.00	23.31	.03431	18.59
	50.00	10.00	3.80	.00559	3.03
Oleh Braithwaite	71.42	5.00	1.33	.00196	1.06
James & Edith Bridenstine	30.00	30.00	26.50 x	.03900	21.13
	59.92	59.92	53.20	.07830	42.43
	54.00	17.25	15.30	.02252	12.20
Columbus Huddle	90.25	72.25	34.30	.05048	27.35
Minerva Harbage	45.61	27.00	12.81	.01885	10.22
	3.00	3.00	1.42	.00209	1.13
Emery & Malinda Stanton	15.25	7.25	3.44	.00506	2.74
	36.40	18.00	8.54	.01257	6.82
	60.00	4.00	1.90	.00280	1.52
Ruth Stuckey Johnson et al	269.50	60.00	115.00 X	.16926	91.72
			679.42	1.00000	541.87

J.R. BRIDENSTINE DITCH

Items marked thus "x" indicate deductions made for grubbing.

The Commissioners approved all proceedings and ordered assessments levied and your assessment appears in the extreme right-hand column, opposite your name.

Assessments under \$5.00 are payable in cash and those amounting to \$5.00 or more may be paid as other taxes are paid, with proper interest added.

In order that tax books may be arranged for the December collection, cash payments should be made on or before November 19, 1939. Eligible persons desiring to pay as taxes, with interest added, should file the tax form on or before the specified date.

Yours very truly,

ROBERT K. DIXON

Auditor, Madison County

ITEMIZED LIST OF IMPROVEMENT COSTS

Construction

Material	\$ 9.38	
Labor	137.44	
Miscellaneous	<u>287.50</u>	
Total		\$434.32

Engineer's Services

Location, etc.	39.00	
Inspecting work	(assumed by CCC)	
Total		39.00

Commissioners' Fees

2-28-38 Fixing Time for View & Hear.	15.00	
3-30-38 Viewing Ditch	15.00	
4-4-38 Finding for Improvement	15.00	
6-6-38 Final Hearing	<u>15.00</u>	
Total		60.00

Transcript & Mailing

Transcript Fee	6.00	
Mailing 3-5-38 (29)	.85	
Mailing 5-10-38- (29)	.85	
Mailing Statement (29)	<u>.85</u>	
Total		8.55

GRAND TOTAL

\$541.87

Attest: ROBERT K. DIXON
Auditor & Clerk

J.R. BRIDENSTINE DITCH

RESOLUTION TO ISSUE NOTES IN ANTICIPATION OF THE LEVY OF SPECIAL ASSESSMENTS OF THE ISSUANCE OF BONDS.

In the Matter of Office of the Board of Co. Commissioners,
The Single County Ditch Madison County, Ohio
Petitioned for by December 4, 1939.
J.R. Bridenstine

The Board of County Commissioners of Madison County, Ohio, met regular session on the 4th day of December, 1939, at the office of the Commissioners with the following members present:

- R.W. Armstrong
Gola Mink
Rodney Plymell

Mr. Mink moved the adoption of the following Resolution:

Whereas, Said Board has heretofore, by Resolution duly passed on the 4th day of December, 1939, affirmed thier former order finding in favor of the location, deepening & widening of the County Ditch petitioned for by J.R. Bridenstine and others; and

Whereas, It is now deemed necessary to issue and sell \$419.20 of notes under authority of Section 2293-24 of the General Code of Ohio for the purpose of providing funds in anticipation of the levy of special assessments or of the issuance of bonds, for the location, etc of said County Ditch; and

Whereas, The County Auditor has certified the maximum maturity of said notes to be 5 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 4th day of December, 1939, determined that 5 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 special assessments or of the issuance of bonds to issue and sell the notes of said county under and by virtue of the authority of Section 2293-24 of the General Code of Ohio in the aggregate sum of four hundred nineteen and 20/100 Dollars (\$419.20), 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 location, deepening & widening of said County Ditch according to the terms of said Resolution above referred to: and be it further

Resolved, That said notes shall be dated the 21st day of December 1939, and shall be in the denomination of four hundred nineteen and 20/100 Dollars(\$419.20) each and shall be numbered 35

J.R. BRIDENSTINE DITCH

Said notes shall bear interest at the rate of 4 per centum per annum until paid, and the interest on said notes shall be payable on the 21 day of June and 21 day of December, 1940, and until the principal sum of said notes is paid and as evidenced by interest coupons attached thereto. Said notes 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 notes and interest coupons as they respectively mature. Said notes shall be redeemable at any interest period.

Said notes shall be due and payable as follows:

No.	Date	Amount
35	June 21, 1940	\$419.20

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

RESOLVED, That said notes 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 notes 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 levy, however, may be reduced from year to year by the amount of special assessments that are paid and received for the retirement of said notes and interest.

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

J.R. BRIDENSTINE DITCH

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 in order to make the same legal, valid and binding obligations of said County have been done, have happened and 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.

The Clerk of this Board is hereby authorized and directed to offer this issue of bonds at par and accrued interest first to the Board of Trustees of the Sinking Fund of said County and if refused, then the Clerk is directed to offer the same for sale at private sale.

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

Mr. R.W. ARMSTRONG,	YEA	/
Mr. GOLA MINK,	YEA	
Mr. RODNEY PLYMELL,	YEA	

Dated this 4th day of December, 1939

ROBERT K. DIXON

Clerk, Board of County Commissioners of
Madison County, Ohio.

AUDITOR'S CERTIFICATION OF ASSESSMENTS COLLECTED

Subject: J.R. Bridenstine

The Board of County Commissioners of Madison County, Ohio, be and hereby are advised that since last action of the Board pertaining to a note issue, and additional assessment was paid, namely that of J. Quinn Dorgan, amounting to \$17.09, therefore, this item should be removed from the list for which a note issue is to be executed and listed among the other assessment that were paid in cash.

Attest: ROBERT K. DIXON

Auditor

AMENDED FINAL ASSESSMENTS

J.R. BRIDENSTINE DITCH

DECEMBER 11, 1939

Whereas, the County Auditor has certified to this Board the FINAL ASSESSMENTS in the matter of the J.R. Bridenstine Ditch have either been collected or proper application has been made to collect the same as taxes, therefore, be it

RESOLVED, THAT THE FOLLOWING AMENDED SCHEDULE submitted by the County Auditor be, and the same is hereby approved, and the assessments, including the interest, ordered charged against the property involved in the County Ditch Duplicate, to-wit:

	ACRES OWNED	ACRES BENEFITED	CHG. SURVEY	CHG. ACRES	TOTAL ASSMT.	PAID CASH	COLLECT AS TAXES	RATE	SHARE OF INT.	ASSESSMENT PLUS INTEREST
Bidwell, Asil	28.10	3.00	12275	28.10	.86	.86				
Braithwaite, Addie	50.15	18.00	2985	50.15	9.47	9.47				
" "	71.67	25.00	2985	71.67	4.39	4.39				
Braithwaite, Oleh	71.42	5.00	2985	71.42	1.06	1.06				
Dorgan, J. Quinn	44.00	4.00	12275	44.00	1.14	1.14				
" "	72.75	60.00	7216	72.75	17.09	17.09				
Frey, Charles	278.97	75.00	12273	278.97	21.36	21.36				
Harbage, Minerva	45.61	27.00	3157	32.11	10.22	10.22				
" "	3.00	3.00	3157	3.00	1.13	1.13				
Murray, John	120.80	50.00	12145	120.80	14.23	14.23				
" "	50.65	50.65	4885	50.65	14.42	14.42				
Olney, Smith & Celesta	50.00	50.00	2985	50.00	18.59	18.59				
" "	50.00	10.00	2985	50.00	3.03	3.03				
Quinn, Ed & Mary tr. to J. Murray	100.00	10.00	6643	100.00	2.84	2.84				
" "	111.90	10.00	6643	111.90	2.84	2.84				
Betts, Henry	48.19	48.19	6643	48.19	10.19		10.19	.02431	1.12	11.31
" "	51.75	51.75	4885	51.75	10.93		10.93	.02607	1.20	12.13
Betts, Maud	46.40	46.40	6643	46.40	13.22		113.22	.03154	1.45	14.67
" "	1.81	1.81	6643	1.81	1.00		1.00	.00239	.11	1.11
" "	.50	.50	6643	.50	.14		.14	.00033	.02	.16
" "	49.88	49.88	4885	49.88	14.20		14.20	.03387	1.56	15.76
Bridenstine, James 1/2 & Edith 1/2	30.00	30.00	4904	30.00	21.13		21.13	.05041	2.32	23.45
" "	59.92	59.92	2682	59.92	42.43		42.43	.10121	4.67	47.10
" "	54.00	54.00	7484	54.00	12.20		12.20	.02910	1.34	13.54
Byerly, Homer	105.00	105.00	2985	105.00	22.19		22.19	.05293	2.44	24.64
" "	20.00	20.00	4885	20.00	4.23		4.23	.01010	.47	4.70
Byerly, Oliver	111.75	111.75	7216	111.75	31.49		31.49	.07512	3.46	34.95
" "	16.07	16.07	3167	16.07	3.29		3.29	.00785	.36	3.65
" "	14.00	14.00	3167	14.00	3.99		3.99	.00952	.44	4.43
Hanscel, Marie Starkey	147.50	60.00	12275	147.50	17.09		17.09	.04077	1.88	18.97
Hoe, Mabel & A. Byron Ashman	50.00	50.00	3157	50.00	10.57		10.57	.02521	1.16	11.73
" "	2.00	2.00	4904	2.00	.42		.42	.00100	.05	.47
" "	123.00	123.00	4885	123.00	25.99		25.99	.06200	2.86	28.85
Huddle, Columbus	90.25	72.25	4904	90.25	27.35		27.35	.06524	3.01	30.36
Johnson, Mary Stuckey et al	269.50	60.00	2680	269.50	91.72		91.72	.21880	10.09	101.81
Rogers, Carl E. & Nellie F.	35.04	35.04	7216	35.04	9.97		9.97	.02378	1.10	11.07
Stanton, Emery & Malinda	15.25	7.25	16026	15.25	2.74		2.74	.00654	.30	3.04
" "	36.40	18.00	8461	36.40	6.82		6.82	.01627	.75	7.57
" "	60.00	4.00	2682	60.00	1.52		1.52	.00363	.17	1.69
Wilson, Robert, A. & Edna	19.79	19.79	4904	19.79	5.26		5.26	.01255	.58	5.84
" "	180.55	105.21	6643	180.55	29.12		29.12	.06946	3.21	32.33
					122.67		419.20	1.00000	46.12	465.32

Mr. Mink moved the adoption of the foregoing result on and upon the second of Mr. Plymell, the motion carried by unanimous vote.

Attest: ROBERT K. DIXON, Auditor Madison County.

J.R. BRIDENSTINE DITCH

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January 18th, 1940

Mr. Robert K. Dixon
County Auditor,
London, Ohio.

Dear Mr. Dixon:

I am enclosing herewith an affidavit and an objection to assessment in the matter of the J.R. Bridenstine ditch improvement. It is my understanding that this matter can come on for hearing before the County Commissioners at ten A.M., Monday, January 22nd, 1940.

Trusting you will refer this matter to that Body for their consideration, I am

Very truly yours,

STEPHEN MAVIS

Trustee, Estate of Richard
C. Stukey, deceased.

AFFIDAVIT

State of Ohio
Franklin County, S.S

Now comes Stephen Mavis and says that he is the duly authorized and acting Trustee of the Estate of Richard C. Stukey, deceased, by virtue of appointment of the Probate Court of Madison County, appointment of the Probate Court of Madison County, Ohio, on the 28th day of July, 1933; said estate consisting of approximately 431 acres, located in Jefferson Township, Madison County, Ohio.

Affiant further says that at no time had he ever received any notice, either actual or constructive, from either the County Commissioners the County Auditor or any other authority of Madison County, relative to the assessment of the J.R. Bridenstine ditch until the latter part of December, 1939, at which time he received a notice of an assessment of \$91.72 that had been levied against the aforesaid estate as a result of the improvement of the J.R. Bridenstine ditch.

Further affiant saith not.

STEPHEN MAVIS TRUSTEE ESTATE RICHARD C. STUCKEY, Deceased.

SWORN to before me and subscribed in my presence by said affiant
this 18th day of January, 1940

MYRON B. GESSAMAN

Notary Public, Franklin

County, Ohio

My commission expires May 7, 1940

J.R. BRIDENSTINE DITCH

OBJECTION TO ASSESSMENT

In the Matter of
The single County Ditch
Petitioned for by
J.R. Bridenstine

London, Ohio.
January 22nd, 1940.

In the matter of the construction of the above named improvement petitioned for by J.R. Bridenstine, and others the undersigned hereby objects to the proposed assessment of Ninety-one and 72/100 (\$91.72) Dollars on the following lands comprising a portion of the estate of Richard C. Stukey, Sr., deceased, under the control and supervision of Stephen Mavis, Trustee, by order of the Probate Court of Madison County, Ohio consisting of 269.50 acres, of which acreage sixty acres are benefited by said improvement. on the following grounds, to-wit:

1. That no notice, either actual or constructive, was ever given to the petitioner who is and has been for several years the duly authorized and acting trustee of the said estate.

2. That the assessments have not been levied according to the benefits derived and are clearly inequitable in comparison with the assessments levied on the adjoining property owners who are parties to the above mentioned project.

Estate of Richard Stukey, Sr., Deceased
STEPHEN MAVIS., Trustee

January 24, 1940

Mr. D.H. Jackman
Prosecuting Attorney
London, Ohio

Dear Mr. Jackman:

Mr. Stephen Mavis, Trustee of the estate of Richard Stuckey has filed an objection to the assessment made for the improvement of the J.R. Bridenstine Ditch.

For your information, when notices were mailed of hearings on schedules for the improvement sometime ago, a notice was mailed to Mr. Bert McLaughlin, 220-223 Peoples Bldg., Galesbury, Illinois, which is the name certified to this department by County Engineer Howard G. Brown, and a notice was also mailed to Alex S. Dombey, 800 Huntington Bank Bldg., Columbus, Ohio, which in the name we secured at the office of the County Recorder, and neither of these notices were returned and all of them were mailed in five day return envelopes.

No publication was had under Section 6447, for the reason that no notices were returned undelivered.

The improvement of the J.R. Bridenstine Ditch was completed sometime ago and all transcript proceedings were brought to a close, a note issued for the unpaid assessments, and said unpaid assessments, plus proper interest have been carried to the tax duplicate and charged

J.R. BRIDENSTINE DITCH

as other taxes in the manner prescribed by law.

Now, at this late date, approximately two to four months after proceedings have been brought to a close, comes Stephen Mavis and files the objection, and in case his objection is honored in any way, then to that extent the County Road Fund or General Fund would be obliged to assume the cost of whatever adjustment was made.

I enclose all instruments filed by Mr. Stephen Mavis and the Board of Commissioners would like your advice in the matter and if you desire to review the contents of the transcript, I will be glad to bring it to your office.

With our reply, please return the papers filed by Mr. Mavis.

Yours very truly,

ROBERT K. DIXON

Auditor, Madison County

January 27, 1940

Mr. Robert K. Dixon
Madison County Auditor
London, Ohio.

Dear Sir:

I have examined the papers submitted by Mr. Stephen Mavis, as trustee, in connection with the Bridenstine ditch improvement, and have also investigated General Code Section 6456, which provides for the notice to be given by the county Auditor in cases of this kind. This notice is limited to the owners whose names appear in the surveyor's schedule of assessments. Later in the section it says that such notices shall notify the owners of the assessment on each tract of land owned by said owner, etc.

No place in this section is a trustee, an administrator, executor, manager, or agent in charge, designated as a person to receive the notice. Under Ohio law, we may have trustees, administrators, executors, attorneys in fact, agents in charge, guardians, and other fiduciaries, in the control or operation of land, who are not the owners.

If your notice was served upon the owner of the fee of the land involved in the assessment, it is my opinion that it complies with this statute and that the contention of Mr. Mavis is not well taken.

Your letter does not state who the actual owner of this property is, but I assume that the engineer in preparing his schedules, was careful to determine the ownership of the land, and that the notice sent to Alex Dombay was probably sent to the owner's attorney or someone who had been designated as his attorney in this state, and that the notice sent to Chicago, Illinois, was actually sent to the owner of the fee. If these facts are true, in my opinion, the notice is sufficient, and Mr. Mavis has no grounds for complaint.

J.R. BRIDENSTINE DITCH

However, if in fact, the assessments were improper or unfair, it would probably be advisable to listen to Mr. Mavis's complaint and determine this question.

Apparently, sixty acres of land is effected and the assessment was only \$91.72, which is approximately \$1.50 per acre. It seems to me that if the land is benefited at all by the improvement, it certainly is benefited to the extent of \$1.50 per acre.

Very truly yours,

D.H. JACKMAN

January 25, 1940

Mr. Burt E. McLaughlin
220-223 Peoples Bldg.
Galesburg, Illinois

Dear Sir:

In connection with the recent improvement of the J.R. Bridenstine Ditch, situated in Jefferson Township, Madison County, our records indicate that we mailed you certain notices regarding the proceedings and in connection with the R.C. Stuckey estate.

One Stephen Mavis of Columbus, Ohio, has indicated that he was the person that should have been notified and I am wondering if by any chance you sent those notices you received on to Mr. Mavis.

Thanking you kindly for your prompt reply, I am,

Yours very truly,

ROBERT K. DIXON

Auditor, Madison County

January 26, 1940

Mr. Robert K. Dixon
Auditor Madison County
London, Ohio

In Re: R.C. Stuckey, Estate

Dear Mr. Dixon:

This will acknowledge receipt of your letter of January 15, with reference to the above matter.

You mention that your records indicate that you mailed notices to me in regard to the proceedings and in connection with the R.C. Stuckey, estate, relative to the J.R. Bridenstine ditch. This is to advise that I have never received any notices whatever, from you in regard to this matter.

I am acting as attorney for the owners of this property and Steven Mavis, Columbus, Ohio is acting as trustee to collect rents. It seems to me that notices should be sent both to Mr. Mavis and myself relative to any improvements to be made.

Very truly yours,

BERT. E. MCLAUGHLIN

J.R. BRIDENSTINE DITCH

January 25, 1940

Mr. Alex S. Dombey
800 Huntington Bank Bldg.
Columbus, Ohio

Dear Sir:

In connection with the recent improvement of the J.R. Bridenstine Ditch, situated in Jefferson Township, Madison County, Ohio, our records indicate that we mailed you certain notices regarding the proceedings and they were in connection with the R.C. Stuckey estate.

One Stephen Mavis of Columbus, Ohio, has indicated that he was the person that should have been notified notices and I am wondering if by any chance you sent those notices you received on to Mr. Mavis.

Yours very truly,
ROBERT K. DIXON
Auditor, Madison County

Feb. 10, 1940

Mr. Alex S. Dombey
800 Huntington Bank Bldg.
Columbus, Ohio

Dear Sir:

It would be greatly appreciated if you will give my letter of January 25th attention, advising what disposition you made of the notices pertaining to the improvement of the J.R. Bridenstine Ditch, which were mailed to you sometime ago.

Thanking you for your cooperation, I am,

Yours very truly,
ROBERT K. DIXON
Auditor, Madison County

February 26, 1940

Mr. Stephen O. Mavis
Attorney-at-Law
Atlas Building
Columbus, Ohio

Dear Mr. Mavis:

In reply to your communication fo January 16, 1940 to which you attached an objection to the assessments against the estate of Richard Stuckey, Sr., for the improvement of the J.R. Bridenstine Ditch, we wish to advise that notes for the payment of construction costs have been issued and sold on the market and assessments therefore, have been ordered levied against the property benefited by the said improvement.

Therefore, at this late date, it would be impossible for this Board to consider an objection to the assment for the reason that the transcript of proceedings in the matter of the improf ment are complete

J.R. BRIDENSTINE DITCH

in every respect and indicate that all notices were mailed at proper times and lgal hearings held, although the estate you represent was not represented at any of the said hearings.

In the event consideration was given your objection, and it was the desire of this Board to make adjustments, you will readily realize there would be no provision for the retimrement of the notes now existing, therefore, it you desire further consideration of the matter for the court to decide, and you would have authoirty to appeal the case to the proper court.

Yours very truly,

R.W. APMSTRONG

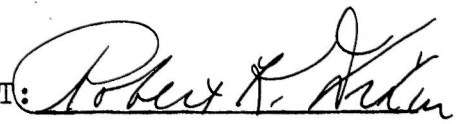
GOLA MINK

RODNEY PLYMELL

COMMISSIONERS

OF

MADISON COUNTY

ATTEST: 
Auditor, & Clerk
Madison County, Ohio

DATE: JULY 17, 1940