

A COUNTY DITCH PETITION

London, Ohio, January, 1950

Petition for straightening, deepening, widening and tiling of a part of the Bonner Joint Ditch in Union and Paint Townships, Madison County.

To the Board of County Commissioners, Madison and Clark County, Ohio:

The undersigned hereby petition your honorable body for the straightening, deepening, widening and tiling of a part of the Bonner Joint Ditch in Madison County 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 Bonner Road line between Donna P. Bonner and Clyde L. Thomas, and running in a southerly direction through the lands of Donna P. Bonner, Francis F. Field, crossing the London South Charleston Pike, through the lands of Walter Tuttle Florence, or far enough to afford a sufficient outlet. Also included is the tiling of lateral No. 1 of the said Bonner Ditch on the lands of Francis F. Field.

The following is the nature of the work petitioned for : Straightening, deepening and widening the present open ditch from Bonner Road to the Pennsylvania Railroad or far enough to secure a sufficient outlet; also tiling of lateral No.1 from the end of the present 22" tile on lands of Francis F. Field to the junction of the main Bonner Ditch.

A list of the names and addresses, where known, of all the owners of the land which the petitioner claims will be benefited or damaged by the construction of the proposed improvement is as follows:

Agricultural Lands Inc., Box 190, London, Ohio
 Donna P. Bonner, London, Ohio c/o Orville Dillion #2 London, O.
 Bush, Gus, Franklin & Ethel, Rt. #1, London, Ohio
 Dillard, Desloyes W. Ruby & Rassic M. (Notify Desloyes W. Dillard, South Vienna, Ohio Rt. 1
 Dwyer, Wilfred . London, Ohio
 Field, Dr. Francis F., Marion, Ohio 461 Hane Ave.
 Florence, Walter Tuttle, Antlers, Okla. Box 62
 Frey, Anthony & Jessie, London, Ohio. Rt. 1
 Levens, Wm. London, Ohio. Rt. #1
 Powers, Harry c. & Christine, London, Ohio. Rt. #1
 Ruff, Silas G. 313 King Ave. , Columbus, Ohio
 Sifrit, Emma G. et al. London, Ohio.
 Thomas, Clyde L. London, Ohio
 Bauman, Ruth S., London, Ohio
 E. M. Ruder, Trustee. (Notify Opekasit Center, South Charleston, Ohio
 Att. R. W. Dillingham)
 L. A. Utrecht, South Charleston, Ohio
 Moore, Richard, London, O. #1
 Wilson, James W. London, Ohio. Rt. #1
 Wilson, Mary Elizabeth Life Estate (Notify Robert H. Petre, 17 So. Center St. Spgfld. O.)
 Keye, Florence & H. C. London, Ohio

Service of notice of the filing of the Petition shall be obtained by mailing notices as provided in Sec. 6447.

Clyde L. Thomas
 Ruth S. Bauman
 Donna P. Bonner Petitioners

B BOND (TO BE FILED WITH DITCH PETITION)

Know All Men By These Presents, That we, Clyde L. Thomas, as principal, and Ruth S. Bauman and Donna P. Bonner as sureties are held and firmly bound unto the State of Ohio in the sum of Three hundred and no/100 --- (\$300.00) 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 at London, Ohio, this 26th day of January, 1950.

The Condition Of The Above Obligation Is Such, That, Whereas, on the 26th day of January 1950, the above bound Clyde L. Thomas filed his petition with the Auditor of Madison County, Ohio, making application to the County Commissioners for the straightening, deepening, widening and tiling of a part of the Bonner Joint Ditch in Union and Paint Townships in Madison County, petitioned for by, the following being the course and termini of said proposed improvement, to-wit:

Commencing at the Bonner line between Donna P. Bonner and Clyde L. Thomas, and running in a southerly direction through the lands of Donna P. Bonner, Francis F. Field, Crossing the London South Charleston Pike, through lands of Walter Tuttle Florence, or far enough to afford a sufficient outlet. Also included is the tiling of lateral No.1 of the said Bonner Ditch on lands of Francis F. Field.

Now, if the said Clyde Thomas 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 shall be void; otherwise it shall be and remain in full force and virtue in law.

The above bond is approved this 30th day of January, 1950.

Robert K. Dixon, Co. Aud.

Clyde L. Thomas
 Ruth S. Bauman
 Donna P. Bonner

BONNER JOINT COUNTY DITCH

C ORGANIZATION OF JOINT BOARD OF COUNTY COMMISSIONERS

In The Matter of the Joint
County Ditch Petitioned for by
Clyde L. Thomas and others.

Office of the Board of County Commissioners
Madison County, Ohio
February 2, 1950

Mr. Allen W. Craig moved the adoption of the following Resolution:

Whereas, The County Auditor of Madison County, Ohio, has heretofore notified the Boards of County Commissioners of Madison County, and Clark County, of the filing of a petition for a Joint County Ditch improvement and notice has also been given to said Boards of County Commissioners of the date fixed for the hearing thereon; and

Whereas, This 2nd day of Feb., 1950, being the day so fixed and members of said Boards of County Commissioners being present from said Counties interested in said Joint County Ditch improvement, as follows:

Madison County,
Rodney Plymell
Glenn R. Daugherty
George W. Taylor

Clark County
Allen W. Craig
Bernard L. Tavenner

therefore, be it

Resolved, That Mr. Rodney Plymell, County Commissioner from Madison County, be and he is hereby elected to act as President of this Joint Board of County Commissioners; and be it further

Resolved, That Mr. Robert K. Dixon, Auditor of Madison County, in which the petition is filed, be and he is hereby elected to act as clerk of said joint Board.

Mr. Bernard L. Tavenner, seconded the resolution and the roll being called on its adoption, the vote resulted as follows;

Madison County
Mr. Rodney Plymell, yes
Mr. Glenn R. Daugherty, yes
Mr. George W. Taylor Yes.

Clark County
Mr. Allen W. Craig, Yes
Mr. Bernard L. Tavenner Yes

Attest: Robert K. Dixon, Auditor, Madison County.

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D----- REORGANIZATION OF JOINT BOARD OF COUNTY COMMISSIONERS

In the matter of the
Joint County ditch No _____
Petitioned for by _____

Office of the Board of County Commissioners
Madison County Ohio
May, 14, 1951.

Clyde L. Thomas, and others

Mr. Baker, moved the adoption of the following resolution,

Whereas the county auditor of Madison County, Ohio, has heretofore notified the Board of County Commissioners, of Madison and Clark counties, of the filing of a petition for a Joint Ditch, improvement and notice has also been given to said board of County commissioners of the date fixed for the hearing thereon; and

Whereas, this 14th day of May, 1951 being the day so fixed and members of said boards of county commissioners being present from said counties interested in said joint County ditch improvement, as follows:

Madison County
George W. Taylor
Rodger B. Baker,
Glenn R. Daugherty

Clark County
Allen Craig,
L.M. Ervin,

therefore be it,

Resolved, That Mr. George W. Taylor, County commissioner from Madison County, be and he is hereby elected to act as president of this joint board of county commissioners; and be it further:

Resolved, that Mr. Forrest R. Hanson, Auditor of Madison County, in which the petition is filed, be and he is hereby elected to act as clerk of said joint Board.

Mr. Glenn R. Daugherty, seconded the resolution and the roll being called on its adoption, the vote resulted as follows:

Signed Madison County
Mr. George W. Taylor
Mr. Rodger B. Baker
Mr. Glenn R. Daugherty

signed Clark County
Mr. Allen Craig
Mr. L.M. Ervin,

Attest; Forrest R. Hanson, Auditor, Madison County

BONNER JOINT DITCH ORGANIZATION

E--RESOLUTION-ORDER FIXING TIME OF VIEW AND FIRST HEARING.

In the matter of the
Joint County Ditch
petitioned for by,
Clyde L. Thomas, and others,

Office of the Board of County Commissioners
Madison County, Ohio
Feb, 2, 1950

Mr. Allen W. Craig, moved the adoption of the following resolution;
Whereas, this 2nd day of Feb, 1950, the joint board of county commissioners of
Madison and Clark Counties, being in session, members present,

From Madison County, Plymell, Daugherty and Taylor
From Clark County, Craig and Tavenner,

and due and legal notice has been given to us of the filing of a petition signed
by Clyde L. Thomas and others, petitioners for the improvement of the Bonner Joint
Ditch, and.

Whereas, it appears to us that the proper bond has been filed with the Auditor
of Madison County, 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 Joint Board of County Commissioners, that the 24th day of
February, 1950 at ten o'clock A.M., at the upper terminus of the improvement, be
and the same is hereby fixed as the time for view thereon, and be it further,

Resolvedm That the 1st day of March, 1950 at eleven 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 first hearing on the petition;
and be it further

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

Mr. Bernard L. Tavenner seconded the resolution and the roll being called on
its adoption, the vote resulted as follows;

| | | | |
|------------------------|-----|-------------------------|-----|
| Madison County | | Clark County | |
| Mr. Rodney Plymell | Yes | Mr. Allen W. Craig, | Yes |
| Mr. Glenn R. Daugherty | Yes | Mr. Bernard L. Tavenner | Yes |
| Mr. George W. Taylor | Yes | | |

Attest: Robert K. Dixon, Auditor, Madison County.

F-- RESOLUTION-COMMISSIONERS FINDING FOR THE IMPROVEMENT

In the matter of the
Joint County Ditch
petitioned for by
Clyde L. Thomas, and others

Office of the board of county commissioners
Madison County, Ohio
March, 1, 1950

Mr. Daugherty moved the adoption of the following resolution;

Whereas, this day the joint Board of County Commissioners being in session,
present from Madison County, Plymell, Daugherty and Taylor,
from Clark County, Tavenner and Ervin,

and this being the day fixed by said board in its order dated the 2nd day of
February, 1950 for the hearing on the petition in the above named improvement, 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 applications for change or extension of the improvement,
previously fixed in writing; and

Whereas, After proper examination, said Board finds that due and legal notice
has been given in the matter 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 terminal of
manner of construction described in the petition, or in any application therefor;
therefore be it,

Resolved, By the Joint 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 const-
Board: Commencing * at the Bonner Road line between Donna P. Bonner and Clyde L. Thomas,
and running in a southerly direction through the lands of Donna P. Bonner, Francis F.
Field, crossing the London-South Charleston pike, through lands of Walter Tuttle
Florence, or far enough to afford a sufficient outlet. Also included is the tiling of
lateral No-1 of said Bonner ditch on lands of Francis F. Field.

H ADDITION BY COMMISSIONERS

The engineer is to submit an alternate plan for lateral No-1 known as the
Thomas Joint County ditch. Alternate to provide for an open ditch through the lands
of Francis F. Field in lieu of the tile ditch which is petitioned for. And be it further,

Resolved, That the county engineer of Madison County be and he is hereby directed
to cause to be made the necessary survey for the proposed improvement, upon the fore-
going plans 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 3rd day of July, 1950 at ten o'clock A.M., be and the same is
hereby fixed as the time for filing with the County Auditor of Madison County all of
said maps, profiles, schedules and reports prepared by said County Engineer; and be
it further

BONNER JOINT DITCH

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

Mr. Tavenner seconded the resolution and the roll being called on its adoption, the vote resulted as follows;

| | | | |
|------------------------|-----|-------------------|-----|
| Madison County | | Clark County | |
| Mr. Rodney Plymell | Yes | Mr. L.M. Ervin, | Yes |
| Mr. Glenn R. Daugherty | Yes | Mr. B.L. Tavenner | Yes |
| Mr. George W. Taylor | Yes | | |

County Auditor's Office, Madison County, Ohio
March, 1, 1950

To the County Engineer of Madison County,
I hereby certify the foregoing to be a true and correct copy of the findings of the Joint Board of County Commissioners in favor of the foregoing improvement.

Signed, Robert K. Dixon,
County Auditor

I-- BONNER JOINT COUNTY DITCH

March, 1, 1950

DESIGNATION OF ENGINEER

The Joint Board of County Commissioners of Madison County and Clark County composed of Rodney Plymell, Glenn R. Daugherty, and George W. Taylor of Madison County and B.L. Tavenner, and Leon M. Ervin of Clark County, met in regular session and it was moved by B.L. Tavenner, and seconded by George W. Taylor that R.H. Graham, Engineer of Madison County, serve as the Engineer in the matter of the proposed improvement of the Bonner Joint County Ditch.

The result of the vote was;

| | | | |
|---------------|---------|--------------------|-----|
| JOINT BOARD | SIGNED, | Rodney Plymell, | Yes |
| | | Glenn R. Daugherty | Yes |
| OF COUNTY | | George W. Taylor | Yes |
| | | B.L. Tavenner | Yes |
| COMMISSIONERS | | L.M. Ervin, | Yes |

J-- RESOLUTION GRANTING EXTENSION OF TIME TO COMPLETE SURVEY, REPORTS AND SCHEDULES BY COUNTY ENGINEER

| | |
|--------------------------------|--|
| In the Matter of the Joint | Office of the Board of County Commissioners, |
| County Ditch Petitioned for by | Madison County, Ohio |
| Clyde L. Thomas and others. | July 3, 1950 |

Mr. Daugherty moved the adoption of the following Resolution:

Whereas, This 3rd day of July, 1950, the Joint Board of County Commissioners being in session, members present from Madison County, Plymell, Daugherty, and Taylor; from Clark County, Craig, Tavenner and Ervin, by phone; and the County Engineer 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 Engineer be and he is hereby granted such extension of the time to the 13th day of Nov., 1950, at ten o'clock A. M. within which to file with the County Auditor of Madison County his survey, reports and schedules in the said matter; and be it further

Resolved, That the 13th day of Nov., 1950, at 10 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. Taylor seconded the resolution and the roll being called on its adoption, the vote resulted as follows:

| | | | |
|------------------------|-----|--------------------------------|-----|
| Madison County | | Clark County | |
| Mr. Rodney Plymell | Yes | Mr. Allen W. Craig | Yes |
| Mr. Glenn R. Daugherty | Yes | Mr. Bernard L. Tavenner | Yes |
| Mr. George W. Taylor | Yes | Mr. Leon M. Ervin | Yes |
| | | (By phone from Auditor 7-7-50) | |

Attest. Robert K. Dixon
Auditor, Madison County & Clerk of the Joint Board

K

BONNER JOINT COUNTY DITCH

K SCHEDULE OF LAND OWNERS

| Report of Surveyor | Bonner Joint Ditch--Main | Schedule "B" | | | |
|-----------------------------|--------------------------|-----------------------------|-------------|-----------------|-------------------|
| Owners Names | Survey | Twp. | Acres Owned | Acres Benefited | Estimated Assm't. |
| Bonner, Donna P. | 98.21 | Union | 60. | 40. | 172.80 |
| " " " | 98.21 | Paint | 105.96 | 77.96 | 336.79 |
| Dillard, Desloyes et al | 72.77 | " | 60.77 | 47.77 | 206.37 |
| Dwyer, Wilfred T. | 98.21 | " | 91.10 | 28.00 | 120.96 |
| " " " | 98.21 | " | 3.63 | 3.63 | 15.68 |
| Field, Francis F. | 72.77 | " | 124.62 | 109.62 | 473.56 |
| " " " | 71.76 | " | 49.00 | 42.00 | 181.44 |
| " " " | 98.21 | " | 91.37 | 91.37 | 884.72 |
| Levens, William | 71.76 | " | 59.50 | 7.00 | 21.00 |
| Moore, Richard | 98.21 | " | | | |
| " " " | 72.77 | " | 36.14 | 13.14 | 56.76 |
| Sessler, W.A. & K.B. | 71.76 | " | 110.00 | 10.00 | 30.00 |
| Thomas, Clyde | 98.21 | Union | 9.75 | 9.75 | 29.25 |
| " " " | 82.23 | " | 15.25 | 5.25 | 15.75 |
| " " " | 98.21 | " | 132.63 | 102.63 | 308.84 |
| Madison Co. Roads | | Clark County Lands | | | 50.00 |
| Bonner, Donna P. | 9821 | Harmony | 69.95 | 19.95 | 86.18 |
| Dillard, Russi M. et al | 72.77 | " | 29.54 | 18.54 | 80.09 |
| " " " | 72.77 | Madison | 1.87 | 1.87 | 8.12 |
| Thomas, Clyde L. | 98.21 | Harmony | 35.70 | 17.70 | 53.10 |
| " " " | 98.21 | " | 118.05 | 21.05 | 63.15 |
| " " " | 82.23 | " | 4.23 | 4.23 | 12.69 |
| Clark Co. Roads | | " | | | 40.00 |
| | | Totals | | 671.46 | 3247.25 |
| | | Madison County Lands (Tile) | | | |
| Dillard, Desloyes et al | 7277 | Paint | 60.77 | 13.00 | 23.01 |
| Fields, Francis F. | 7277 | " | 124.62 | 15.00 | 4438.73 |
| Moore, Richard | 9821 | " | | | |
| " " " | 7277 | " | 36.14 | 23.00 | 40.71 |
| | | Clark Co. Lands | | | |
| Bonner, Donna P. | 9821 | Harmony | 69.95 | 50.00 | 88.50 |
| Bowman, Ruth S. | 6384 | " | 102.10 | 20.00 | 35.40 |
| " " " | 8223 | " | 96.76 | 40.76 | 72.15 |
| Dillard, Russi M. 1/2 et al | 7277 | " | 29.54 | 11.00 | 19.47 |
| Moore, Richard | 9821 | " | 54.68 | 54.68 | 96.78 |
| " " " | 8805-13162 | " | 120.00 | 18.18 | 32.18 |
| Thomas, Clyde | 9821 | " | 35.70 | 18.00 | 31.86 |
| " " " | " | " | 118.05 | 97.00 | 171.79 |
| Ruder, E. M. Trustee | " | " | 532.00 | 40.00 | 70.80 |
| Utrecht, Florence B. | 10907 | " | 225.00 | 89.14 | 157.78 |
| Ottis O. Benson | 9821 | " | 70.86 | 70.86 | 125.42 |
| Wilson, Addison | 8223 | " | 151.90 | 28.00 | 49.56 |
| | | Total | | 588.62 | 5454.13 |
| | | Clark County Lands | | | |
| Dillard, Desloyes et al | 7277 | Paint | 60.77 | 13.00 | 23.01 |
| Francis F. Fields | " etc. | " | 124.62 | 15.00 | 26.55 |
| Moore, Richard | 9821-7277 | " | 36.14 | 23.00 | 40.71 |
| | | Clark County Lands | | | |
| Bonner, Donna P. | 9821 | Harmony | 69.95 | 50.00 | 88.50 |
| Bowman, Ruth S. | 6384 | " | 102.10 | 20.00 | 35.40 |
| " " " | 8223 | " | 96.76 | 40.76 | 72.15 |
| Dillard, Russi M. 1/2 et al | 7277 | " | 29.54 | 11.00 | 19.47 |
| Moore, Richard | 9821 | " | 54.68 | 54.68 | 96.78 |
| " " " | 8805-13162 | " | 120.00 | 18.18 | 32.18 |
| Thomas, Clyde | 9821 | " | 35.70 | 18.00 | 31.86 |
| " " " | " | " | 118.05 | 97.00 | 171.79 |
| Ruder E. M. Trustees | " | " | 532.00 | 40.00 | 70.80 |
| Utrecht, Florence B. & | 10907 | " | 225.00 | 89.14 | 157.78 |
| Ottis O. Benson | " | " | 70.86 | 70.86 | 125.42 |
| Wilson, Addison | 8223 | " | 151.90 | 28.00 | 49.56 |
| | | Totals | | 588.62 | 1041.96 |

L ORDER FIXING TIME OF FINAL HEARING ON SURVEYORS REPORTS, ON ESTIMATED ASSESSMENTS ON THE PROCEEDINGS FOR THE IMPROVEMENT AND ON CLAIMS FOR COMPENSATION AND DAMAGES

In the Matter of the Single
County Ditch Petitioned for
by Clyde Thomas and others.

Office of the Board of County Commissioners.
Madison County, Ohio
April 23, 1951

The Board of County Commissioners of Madison, County, Ohio, met in regular session on the 23rd day of April, 1951, at the office of Commissioners with the following members present:

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

Mr. Baker moved the adoption of the following Resolution:

Whereas, This 23rd day of April, 1951; 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 23rd day of April, 1951, therefore, be it Resolved, That the 14th day of May, 1951, at 10 o'clock A. 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

BONNER JOINT COUNTY DITCH

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

Mr. Daugherty 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 |

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

M ORDER FIXING TIME OF FINAL HEARING ON COUNTY ENGINEERS REPORTS ON ESTIMATED ASSESSMENTS, ON THE PROCEEDINGS FOR THE IMPROVEMENT AND ON THE CLAIMS FOR COMPENSATION AND DAMAGES.

| | |
|--------------------------------|--|
| In the Matter of the Joint | Office of the Board of County Commissioners. |
| County Ditch Petitioned for by | Madison County, Ohio. |
| Clyde L. Thomas and others | April 23, 1951 |

Mr. Rodger B. Baker moved the adoption of the following Resolution:

Whereas, This 23rd day of April, 1951, the Joint Board of County Commissioners being in session, members present, from Madison County, George W. Taylor, Rodger B. Baker, and Glenn R. Daugherty and from Clark County, B.L. Tavenner, Allen W. Craig and Leon M. Ervin; and the County Auditor of Madison County has given notice to said Board of the filing with him by the County Engineer of the maps, profiles, schedules, and reports in the above named improvement, in accordance with its order of the 1st day of March, 1950; therefore, be it

Resolved, That the 14th day of May, 1951, 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 of Madison County on or before said date; and be it further

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

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

| | | |
|------------------------|-----|--------------------|
| Madison County | | Clark County |
| Mr. George W. Taylor | Yes | Mr. B. L. Tavenner |
| Mr. Rodger B. Baker | Yes | Mr. L. M. Ervin |
| Mr. Glenn R. Daugherty | Yes | Mr. Allen Craig |

Attest: Forrest R. Hanson, Clerk

N COMMISSIONERS FINDING AFFIRMING FORMER ORDER, CONFIRMING THE ASSESSMENTS, AND ORDERING THE LETTING OF THE CONTRACTS

| | |
|--------------------------------|--|
| In the Matter of the Joint | Office of the Board of County Commissioners, |
| County Ditch Petitioned for by | Madison County, Ohio |
| Clyde L. Thomas and others. | May 14, 1951 |

Mr. Rodger Baker moved the adoption of the following Resolution:

Whereas, This day the Joint Board of County Commissioners being in session, present from Madison County, Taylor, Baker, and Daugherty, from Clark County, Craig and Ervin and this being the day fixed by said Board, in its order dated the 23rd day of April 1951, for the final hearing on the reports and schedules of the County Engineer, on 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 County Engineer; therefore, be it

Resolved, That said Board review and reconsider its former order made and dated the 23rd day of April, 1951, 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 Engineer, as amended in its order dated the 14th of May, 1951; 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 23rd day of April, 1951, be and the same is hereby affirmed; and

Whereas, Objections to the proposed assessment having been filed by
Desloyes Dillard---Assessment on 30.00/ acres too high
Charles O'Brien & Francis F. Field damage to crops and fences etc.
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 County Engineer and any competent evidence on the

BONNER JOINT COUNTY DITCH

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:

Resolved by Mr. Daugherty that joint county boards accept \$129.60 of the assessment against Desloyes Dillard et al to be shared by Madison and Clark County evenly divided, Seconded by Mr. Baker and the vote was unanimous. 30.00 Acres @ 4.32 A/

Mr. Daugherty moved that the claims for damages from Francis F. Field and Charles O'Brien be dismissed. Seconded by Mr. Baker. Roll call unanimous, and, be it further

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

Resolved, That \$4289.21 be and the same is hereby assessed for benefits to the general public by reason of the improvement being conducive to the public welfare, of which sum \$3015.79 be and the same is hereby assessed against Madison County, \$1273.42 against Clark County, and \$219.60 found to benefit State or County Roads or Highways be and the same is hereby assessed against the Counties, as follows:

Madison County ----- \$114.80
Clark County-----\$104.80

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 the Counties shall be issued and sold in anticipation of the collection of said assessments nearing the rate of four per centum per annum, payable semi-annually; and, be it further

Resolved the 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 in thirty days after the contracts are approved and such assessments are levied, without paying any interest thereon; and, be it further

Resolved, That the 18th day of June, 1951, at 10 o'clock A. M. be and the same is hereby fixed as the time for letting the contracts for the construction of the proposed improvement, and that the County Engineer 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 Engineer 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, the County Engineer 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 of Madison, Ohio; and be it further

Resolved, That, whereas the estimated cost of 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, and, be it further

Resolved, That said County Engineer 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 Engineer 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. Craig seconded the resolution and the roll being called on its adoption, the vote resulted as follows:

| | |
|--------------------|--------------|
| Madison County | Clark County |
| George W. Taylor | Allen Craig |
| Rodger B. Baker | L. M. Ervin |
| Glenn R. Daugherty | |

O COUNTY ENGINEERS REPORT ON BIDS RECEIVED

| | |
|-----------------------------------|--------------------------|
| In the Matter of the Joint County | County Engineers Office, |
| Ditch Petitioned for by | Madison County, Ohio |
| Clyde L. Thomas and others. | June 18, 1951 |

To the Board of County Commissioners:

In obedience to your direction and also in pursuance of the notice duly given as provided by law, bids for the work of construction and furnishing materials for the above named improvement were received by me as follows:

| Bidder | Work & Material | Amt. of Bids | Kind | Amt. |
|-----------------------|--------------------|--------------|------------|----------|
| Green Twp. Gravel Co. | Labor and Material | 3487.92 | Cert. Chk. | \$104.64 |
| O. E. Liller | " " " | 2908.80 | Cash | \$350.00 |

I recommend the following bids as the best.
O. E. Liller, London, Ohio

Helge Ekedahl
County Engineer.

P COMMISSIONERS ORDER AWARDING CONTRACTS

| | |
|-----------------------------------|--|
| In the Matter Of the Joint County | Office of the Board of County Commissioners, |
| Ditch Petitioned for by | Madison County, Ohio |
| Clyde L. Thomas and others. | June 25, 1951 |

Mr. Baker moved the adoption of the following Resolution:

Whereas, This day the Joint Board of County Commissioners being in session, present from

BONNER JOINT COUNTY DITCH

Madison County, Rodger B. Baker, George W. Taylor, Glenn R. Daugherty; and the County Engineer 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 Clyde L. Thomas and others; and

Whereas, It appeared to said Board that the bids of the following are the lowest and best bids and within the County Engineer's estimate, to-wit:
O. E. Liller, Labor & Material Amt. Bid--2908.80 Co. Engineer's Est. 3247.25

therefore, be it

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

Resolved, That the County Engineer 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 December, 1951, provided that the time of furnishing such material and completing such labor shall correspond with the time provided for its use in the progress of the work.

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

| | | |
|------------------------|-----|--------------------|
| Madison County | | Clark County |
| Mr. George W. Taylor | Yes | Mr. B. L. Tavenner |
| Mr. Rodger B. Baker | Yes | Mr. L. M. Ervin |
| Mr. Glenn R. Daugherty | Yes | Mr. Allen Craig |

Q DITCH CONTRACT

In the Matter of the Joint County Ditch Petitioned for by Clyde L. Thomas and others. Work and Labor and Materials

This Contract made and entered into on this 18 day of June, 1951, by and between the Board of County Commissioners of Madison County, Ohio, Party of the First Part, hereinafter designated as "First Party", and O. E. Liller of London, Ohio, Party of the Second Part, hereinafter designated as the "Second Party".

Witnesseth, That said Second Party, for and in consideration of the sum of Twenty nine hundred eight and 80/100---Dollars, to be paid as hereinafter specified, hereby agrees to furnish unto said First Party all the necessary materials, and do all the work and labor required to construct the Ditch improvement petitioned for by Clyde L. Thomas and others, in accordance with plans, drawings and specifications for the same hereto attached: which plans, drawings, and specifications are hereby declared to be a part of this contract.

Said Second Party further agrees to furnish said materials and to do the said work and labor promptly, in a good substantial and workmanlike manner, under the direction of the County Engineer in charge, without hindrance or delay to any other branch or class of work on said ditch, and to work in harmony with and to render such assistance to other branches of work as his connection therewith and the progress of the ditch may require. The whole shall be completed to the satisfaction and acceptance of said First Party on or before the 1st day of December, 1951

And said First Party, for and in consideration of the true and faithful performance of said work and labor and furnishing of said materials as aforesaid, hereby agrees to pay unto said Second Party said sum of Twenty nine hundred eight and 08/100 Dollars (\$2908.80), in installments from time to time, upon the certificate of acceptance of the County Engineer and as provided by law.

It is mutually agreed that no extra work or materials shall be charged for except in accordance with the provisions of Section 6490 of the General Code of Ohio.

Witness our hands, the day and year first above written.

| | | |
|------------------------------------|--------------------|---|
| Signed in duplicate in presence of | Rodger B. Baker | Board of County Commissioners of Madison County |
| | Glenn R. Daugherty | |
| | George W. Taylor | |
| | O.E. Liller | Contractors Second Party |

R BOND OF DITCH CONTRACTOR

In the Matter of the Joint County Ditch Petitioned for by Clyde L. Thomas and others. On Contract For Work and Labor and Materials

KNOW ALL MEN BY THESE PRESENTS, That we, O. E. Liller, London, Ohio, as Principal, The Ohio Casualty Insurance Company, Hamilton, Ohio, as sureties, are held and firmly bound unto the State of Ohio for the benefit of Madison County, Ohio, and for the benefit of any owner having a right of action thereon as is provided by law, in the penal sum of Thirty five hundred thirty four and 20/100 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 28th day of June, 1951

The Condition of the Above Obligation is Such That, Whereas, the above bound O. E.

BONNER JOINT COUNTY DITCH

Liller has entered into a contract with said Board of County Commissioners, First, to furnish the materials and perform the work and labor for the construction of the ditch improvement petitioned for by Clyde L. Thomas and others specified in said Contract, to the satisfaction and acceptance of the County Engineer, on or before the 1st day of December, 1951, for the compensation of Twenty nine hundred eight and 08/100---(\$2908.80) Dollars;

Second, to save the County from any loss caused by delay in completing the work or furnishing the material within the time and in the manner expressed in the contract, bid and specifications;

Third, for the payment of claims of any person, arising out of the unlawful acts or negligence of the contractor in the performance of his contract;

And Fourth, to perform the contract in the time stated in the contract, to furnish and use in the improvement all materials of the grade, kind and quality as stated in the contract and specifications; and to construct the improvement in the manner stated in the contract and specifications.

Now if the said O. E. Liller shall faithfully perform and complete such work and labor and furnish such materials within the time and as above specified and conditioned, according to the tenor of said Contract, and in accordance with the plans, descriptions and specifications required and made a part of said contract, then this obligation shall be void; otherwise it shall be and remain in full force and virtue in law.

O. E. Liller
The Ohio Casualty Insurance Co.
E. Earle Johnson,
Atty.-in-Fact

The above bond being good and sufficient is approved this ----day of -- 19---

| | |
|--------------------|----------------------|
| George W. Taylor | Board of County |
| Rodger B. Baker | Commissioners |
| Glenn R. daugherty | Madison County, Ohio |
| | |
| B.L. Tavenner | Board of County |
| L. M. Ervin | Commissioners, |
| Allen Craig | Clark County, Ohio |

S CERTIFICATE OF COUNTY ENGINEER AS TO WORK COMPLETED

In the Matter of the Joint
County Ditch Petitioned for by
Clyde L. Thomas and others.

Office of County Engineer,
Madison County, Ohio
Oct. 20, 1952

To O. E. Liller, Contractor:

This is to certify that the undersigned County Engineer has accepted ---per cent of the work and labor furnished and completed by you under your contract for the construction of the above named improvement petitioned for by Clyde L. Thomas and otherd, and I, therefore, approve said work and labor for payment in the sum of Twenty nine hundred eight and no/100 (\$2908.00) Dollars, the same being the contract price for said per centage of work and labor completed and accepted.

Helge Ekedahl
County Engineer

Amt. of Est. \$2908.80
Paid 2-26-52 \$2000.00
Balance due 908.80

T ITEMIZED LIST OF IMPROVEMENT COSTS

| | | | |
|-----------------------------------|------------|--|----------------|
| Construction: | | | |
| O. E. Liller | 2908.80 | | |
| Materials | 103.80 | | |
| | | | 3012.60 |
| Engineers Services: | | | |
| Engineering Services and Inspect. | 555.00 | | |
| Pipe Furnished by County | 52.32 | | |
| | | | 607.32 |
| Transcript: | | | |
| Publishing notices | 4.50 | | |
| 2/11/50 | 20.50 | | |
| 4/23/51 | .63 | | |
| | <u>.63</u> | | |
| | 3646.18 | | 26.26 |
| | | | <u>3646.18</u> |

U FINAL ASSESSMENT SCHEDULE MADISON AND CLARK COUNTIES

BONNER JOINT COUNTY DITCH

| Owner | Acres Owned | Acres Benefited | Constr. Schedule Est. | Rate | Final Assmt. Incl. Ex. |
|---------------------------------|-------------|-----------------|-----------------------|---------|------------------------|
| Main-Mad. Co. Lands | 60.00 | 40.00 | 172.80 | .01036 | 147.16 |
| Bonner, Donna P. | 60.00 | 40.00 | 172.80 | .04036 | 147.16 |
| " " " | 105.96 | 77.96 | 336.79 | .07867 | 286.84 |
| Dillard, Desloyes et al | 60.77 | 17.77 | 76.77 | .01793 | 65.38 |
| Dwyer, Wilfred T. | 91.10 | 28.00 | 120.96 | .02825 | 103.00 |
| " " " | 3.63 | 3.63 | 15.68 | .00366 | 13.35 |
| Field, Francis F. | 124.62 | 109.62 | 473.56 | .11062 | 403.34 |
| " " " | 49.00 | 42.00 | 181.44 | .04238 | 154.52 |
| " " " | 91.37 | 91.37 | 884.72 | .20666 | 753.52 |
| Levems, William | 59.50 | 7.00 | 21.00 | .00490 | 17.87 |
| Moore, Richard | 36.14 | 13.14 | 56.76 | .01326 | 48.35 |
| Sessler, Word &Kittie | 110.00 | 10.00 | 30.00 | .00701 | 25.56 |
| Thomas, Clyde | 9.75 | 9.75 | 29.25 | .00683 | 24.90 |
| " " " | 15.25 | 5.25 | 15.75 | .00368 | 13.42 |
| " " " | 132.63 | 102.63 | 308.84 | .07214 | 263.04 |
| Madison County Roads | | | 114.80 | .02682 | 97.79 |
| Main- Clark Co. Lands | | | | | |
| Bonner, Donna P. | 69.96 | 19.95 | 86.18 | .02013 | 73.40 |
| Dillard, Russi M. | 29.54 | 18.54 | 80.09 | .01871 | 68.22 |
| Thomas, Clyde L. | 35.70 | 17.70 | 53.10 | .01240 | 45.21 |
| " " " | 118.05 | 21.05 | 63.15 | .01475 | 53.78 |
| " " " | 4.23 | 4.23 | 12.69 | .00296 | 10.79 |
| Clark County Roads | | | 104.80 | .02448 | 89.26 |
| Open Ditch Alternate Lateral #1 | | | | | |
| Madison County Lands | | | | | |
| Dillard, Desloyes et al | 160.00 | 13.00 | 23.01 | .00537 | 19.58 |
| Fields, Francis F. | 124.62 | 15.00 | 26.55 | .00620 | 22.61 |
| Moore, Richard | 36.14 | 23.00 | 40.71 | .00951 | 34.68 |
| Clark County Lands | | | | | |
| Bonner, Donna P. | 69.95 | 50.00 | 88.50 | .02067 | 75.37 |
| Bowman, Ruth | 102.10 | 20.00 | 35.40 | .00877 | 30.15 |
| " " " | 96.76 | 40.76 | 72.15 | .01685 | 61.44 |
| Dillard, Russi M. | 29.54 | 11.00 | 19.47 | .00455 | 16.59 |
| Moore, Richard | 54.68 | 54.68 | 96.78 | .02261 | 82.44 |
| " " " | 120.00 | 18.18 | 32.18 | .00752 | 27.42 |
| Thomas, Clyde | 35.70 | 18.00 | 31.86 | .00744 | 27.13 |
| " " " | 118.05 | 97.00 | 171.79 | .04013 | 146.32 |
| Ruder, E. M. Trustee | 532.00 | 40.00 | 70.80 | .01654 | 60.31 |
| Utrecht, Florence B. | 225.00 | 89.14 | 157.78 | .03686 | 134.39 |
| Ottis, O. Benson | 70.86 | 70.86 | 125.42 | .02930 | 106.83 |
| Wilson, Addison | 151.90 | 28.00 | 49.56 | .01158 | 42.22 |
| | | | 4281.09 | 1.00000 | 3646.18 |

V CERTIFICATE OF UNPAID ASSESSMENTS

April 1, 1953
London, Ohio

Madison County Commissioners
London, Ohio

Gentlemen:

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

Fields, Francis F. \$1333.99

Yours very truly,
Forrest R. Hanson
Auditor, Madison County

W 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 Joint
County Ditch Petitioned for by
Clyde L. Thomas and others.

Office of the Board of County Commissioners,
Madison County, Ohio
March 30, 1953

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 30th day of March, 1953, at the office of the Commissioners with the following members present:

George W. Taylor
Rodger B. Baker
Rodney Plymell

Mr. Taylor moved the adoption of the following Resolution:

Whereas, Said Board has heretofore, by Resolution duly passed on the 14th day of May, 1951, affirmed its former order finding in favor of the improvement of the County Ditch, petitioned for by Clyde L. Thomas and others; and

Whereas, It is now deemed necessary to issue and sell \$1333.99 of notes under authority of Section 2293-24 of the General Code of Ohio, and "The Uniform Act" for the purpose of 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 14th day of May, 1951, 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 of the authority of Section 2293-24 of the General Code of Ohio, and "The Uniform Bond Act" in the aggregate sum of Thirteen hundred thirty three and 99/100--Dollars (\$1333.99), 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 notes shall be dated the 1st day of April, 1953 and shall be in the denomination of Thirteen hundred thirty three and 99/100 Dollars (\$1333.99), and shall be numbered 33.

Said notes shall bear interest at the rate of four per centum per annum until paid, and the interest on said notes shall be payable on the 1st day of October and the 1st day of April, 1954, 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 note 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:
#33--April 1-----\$1333.99

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 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 notes 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 notes shall be paid from the proceeds of bonds hereinafter 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 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 in 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.

The Clerk of this Board is hereby authorized and directed to offer this issue of notes 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. Rodger B. Baker | Yes |
| Mr. George W. Taylor | Yes |
| Mr. Rodney Plymell | Yes |

Dated this 30th day of March, 1953

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