

## WAMP SINGLE COUNTY DITCH

## A SINGLE COUNTY DITCH PETITION

Petition for Examination, repair and if necessary reconstruction of all or part of the Jose Wampditch in order to place said ditch in good working order.

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

The undersigned hereby petition your honorable body for the Examination and repair and if necessary reconstruction of all a part of the Joes Wamp ditch in order to place the same in good working order on the course hereinafter set forth.

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

The foollowing is the course and termini of said proposed improvement, to-wit: Commencing on the land of Walter T. Florence; thence in a general southerly direction following the line of the Jose Wamp ditch through land of said Florence Hotchkiss Morgridge, Jr., Clarence Bidwell, O. C. and Celesta Overturf, Mary Lombard, Jennie Finley and Lee Sidner et al to the Blanch Run ditch and there terminating or far enough to secure a good and sufficient outlet for lands draining into said ditch.

The following is the nature of the work petitioned for : Examination, repair and if necessary the reconstruction of all or part of the Jose Wamp 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:

Walter T. Florence	Box 62, Antlers, Oklahoma
Hotchkiss Morgridge	Longton, Kansas
W. J. Dyer, Agent	Plain City, Ohio
Richard M. Williams	Hilliards, Ohio
Paul W. Morgridge	Plain City, Ohio
Julius & Rachel Scheiderer	Plain City, Ohio
O. C. & Celesta Overturf	Plain City, Ohio #1
Jennie Finley	Plain City, Ohio
Mary Lombard	Plain City, Ohio #1
Lizzie Sidner	Plain City, Ohio #1
Clarence Bidwell	Irwin, Ohio

Service of notice of the filing of the Petition shall be obtained by --As founded in Section 6647.

Richard M. Williams      Petitioner.

## BOND (FILED WITH DITCH PETITION)

Know all men by these presents, That we, Richard M. Williams, Abe B. Yoder and Jacob E. Yutzy are held and firmly bound unto the State of Ohio, in the sum of Five hundred 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 27 day of August, 1947.

The Condition of the above obligation is such, that, Whereas, on the 27 day of August, 1947, the above bound Richard M. Williams filed his petition with the County Auditor of Madison County, Ohio, making application to the County Commissioners, praying for the examination, repair and if necessary reconstruction of all or a part of the Jose Wamp ditch petitioned for by Richard M. Williams and others; the following is the course and termini of said proposed improvement, to-wit:

Commencing on the land of Walter F. Florence: thence in a general southerly direction, following the line of the Jose Wamp ditch through the land of said Florence Hotchkiss Morgridge, Clarence Bidwell, O. C. & Celesta Overturf, Mary Lombard, Jennie Finley and Lee Sidner, to the Blanch Run ditch or far enough to secure a good and sufficient outlet for lands draining into said ditch

Now, if the said Richard M. Williams will pay all costs, if the prayer of the petiton is not granted or if said petiton is for any cause dismissed, then this obligation to be void; otherwise to remain in full force and viltue in law.

The above bond is approved this 2 day  
of September, 1947  
Robert K. Dixon, County Auditor

Richard M. Williams  
Abe B. Yoder  
Jacob E. Yutzy

## C RESOLUTION ORDER FIXING TIME OF VIEW AND FIRST HEARING

In the Matter of the Single  
County Ditch Petitioned for by  
Richard M. Williams and others.

Office of the Board of County Commissioners,  
Madison County, Ohio  
September 2, 1947.

The Board of County Commissioners of Madison County, Ohio met in regular session on the 2 day of Sept., 1947, at the office of the Commissioners with the following members present:

Rodney Plymell  
R. W. Armstrong

Mr. Armstrong moved the adoption of the following Resolution;

Whereas, This 2 day of September, 1947, the County Auditor gave notice to the Board of County Commissioners of Madison County, Ohio, of the filing with him of a petition signed by Richard M. Williams petitioner, for the repair of the Jose Wamp County Ditch: and

Whereas, It appears to said Board that the proper bond has been filed with the Auditor and by him approved, conditioned for the payment of allegcosts, 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 24 day of September, 1947, at ten o'clock A. M. at the upper terminus of the improvement, be and the same is hereby fixed as the time for the view thereon; and be it further

Resolved, That the 29 day of September, 1947, at ten o'clock A. M. at the office of the Board of County Commissioners of said County be and the same is hereby fixed as the time and place for the first hearing on the petition; and be it further

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

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

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

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

D RESOLUTION COMMISSIONERS FINDING FOR THE IMPROVEMENT

In the Matter of the Single Office of the Board of County Commissioners,  
County Ditch Petitioned for by Madison County, Ohio  
Richard M. Williams and others. September 29, 1947

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 29 day of September, 1947, at the office of the Commissioners with the following members present:

Rodney Plymell  
R. W. Armstrong

Mr. Armstrong moved the adoption of the following Resolution:

Whereas, This being the day fixed by said Board in its order dated the 2 day of Sept., 1947, 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 filed in writing; and

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

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

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

Commencing on the lands of Walter T. Florence; thence in a general southerly direction following the line of the Jose Wamp ditch through land of said Florence, Hotchkiss Morgridge Jr., Clarence Bidwell, O. C. & Celesta Overturf, Mary Lombard, Jennie Finley and Lee Sidner et al to the Blanch Run Ditch and there terminating or far enough to secure a good and sufficient outlet for lands draining into said ditch. The following is the nature of the work petitioned for: Examination, repair and if necessary the reconstruction of all or part of the Jose Wamp ditch, and be it further

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

Resolved, That the 3 day of May, 1948, at 10 o'clock A. M. be and the same is hereby fixed as the time for filing with the County Auditor all of said maps and profiles, schedules and reports prepared by said surveyor; and be it further

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

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

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

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

WAMP SINGLE COUNTY DITCH

County Auditor's Office  
Sept. 29, 1947

To the County Surveyor:

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

Robert K. Dixon  
County Auditor.

E SCHEDULE OF LAND OWNERS

Owners Names	Lot Survey No.	Description	Acres Owned	Acres Benefited	Amended Per Court Order
Bidwell, Clarence	2884	Pike Twp.	25.25	25.25	25.00
Bidwell, Clarence	2884	" "	13.25	13.25	11.00
Butler, Lewis W.	3153	" "	50.00	50.00	125.00
Butler, Lewis W.	3153	" "	1.80	1.80	2.00
Finley, Jennie	2884	Darby Twp.	40.00	30.00	30.00
Florence, Walter J. et al	3153	Pike Twp.	150.00	100.00	199.34
" "	3153	" "	33.50	33.00	99.00
" "	7391	Darby Twp.	48.00	25.00	75.00
" "	8564	" "	76.46	76.00	216.00
" "	15799	" "	3.86	3.86	13.00
" "	2153	" "	16.13	16.00	48.00
" "	2884	" "	10.50	10.00	30.00
Mengert, Jean Rowland	2884	" "	140.00	35.00	52.00
Morgridge, Hotchkiss Jr. et al	2884	Pike Twp.	9.09	9.00	62.33
" "	2884	Darby Twp.	162.58	162.00	628.00
" "	15799	" "	22.08	22.00	22.00
" "	2884	" "	58.52	40.00	60.00
" "	3153	Pike Twp.	129.95	40.00	None
" "	4820	" "			
" "	4945	" "	3.70	3.70	"
" "	5800	" "			
" "	4820	" "			
" "	4945	Darby Twp.	32.00	32.00	"
" "	5200	" "			
" "	8564	Pike Twp.	.60	.60	"
" "	7391	Darby Twp.	8.43	8.43	"
" "	8564	" "	25.33	25.33	"
Nicol, Harold J. & Harriet	3153	Pike Twp.	88.65	20.00	20.00
Overturf, O. C. & Celesta	2884	" "	34.00	15.00	None
" "	2884	Darby Twp.	41.00	41.00	None
Walter T. Florence	3153	Pike Twp.	140.00	30.00	30.00
Sidner, Lee	2884	" "	25.25	10.00	15.00
Thiergartner, Walter	3153	" "	88.65	20.00	20.00
Williams, Richard M.	7391	Darby Twp.	91.58	91.58	242.33
Yutzy, David E. et al Trustee	2884	Pike Twp.	123.73	50.00	100.00
Madison County Roads				1069.83	90.00
					<u>2215.00</u>

F ADJOURNMENT OF HEARING ON ESTIMATED ASSESSMENTS

London, Ohio  
February 13, 1950

Whereas, in accordance with the order of this Board dated January 16, 1950, the hearing was called to order by Chairman Rodney Plymell for the purpose of hearing discussion on the reports and estimated schedule of assessments filed by the County Engineer in the matter of the proposed improvement of the Wamp County Ditch, and

Whereas, in the course of the discussion certain objections were placed by affected persons in connection with the "Application for change in nature, etc.," and the "Claim for Damages" filed by O. C. Overturf, and

Whereas, for the reason that the original petition was filed August 27, 1947 at which time there were two other members of the Board of County Commissioners who viewed the proposed improvement, consequently present members Glenn R. Daugherty and George W. Taylor indicated that they were not fully informed about the proposed improvement and would like the opportunity of viewing the same in their own behalf before exercising authority in making final decision pertaining to the proposed improvement, and

Whereas, it seemed evident with all present and concerned that further time and thought should be given the matter and the final hearing should be adjourned to another date, therefore, be it

Resolved, That the final hearing in the matter of the proposed improvement of the Wamp County Ditch be and hereby is adjourned to

March 13, 1950 at 2 o'clock P. M.

at which time the hearing will be continued and all interested persons are urged to be present and, be it,

Further Resolved, that a copy of this resolution shall be mailed in five day return envelopes to all affected persons who should take notice of the time and date when the hearing will be continued.

Glenn R. Daugherty moved the adoption of the foregoing resolution and upon the second of George W. Taylor, the result of the vote was;

Rodney Plymell	Yes
Glenn R. Daugherty	Yes
George W. Taylor	Yes

Attest: Robert K. Dixon  
Auditor & Board Clerk

G SECOND ADJOURNMENT OF HEARING ON ESTIMATED ASSESSMENTS

London, Ohio  
March 13, 1950

Whereas, In accordance with the order of this Board of February 13, 1950 the meeting was called to order on this date to continue the hearing on the estimated assessments with Commissioners Plymell and Taylor and Engineer Graham present as well as the following interested persons and Attorneys representing some of them, to-wit: Lloyd Coburn, O. C. Overturf with S. E. Robison, Attorney, Clarence Bidwell, Richard Williams and Gerald Baynes Attorney for Paul Morgridge and Jean Rowland Mengert, and

Whereas, County Engineer Graham requested that the hearing be continued again in order that his department might secure additional information, therefore, be it

Resolved, That the hearing on the estimated assessments for the Wamp Ditch be and hereby is adjourned to

April 3, 1950 at 2 o'clock P. M.

at which time the hearing will be continued, and all interested persons are hereby respectfully urged to observe the above date and be sure to be present at that time at the Commissioners' Office in London, Ohio, and

Be it further resolved, that a copy of this resolution shall be transmitted to all of the affected persons along with the lawyers who are representing some of them.

George W. Taylor moved the adoption of the foregoing Resolution and upon the second of Rodney Plymell, the result of the vote was:

Rodney Plymell	Yes
George W. Taylor	Yes

Attest: Robert K. Dixon  
Auditor & Board Clerk

H THIRD ADJOURNMENT OF HEARING ON ESTIMATED ASSESSMENTS

London, Ohio  
April 3, 1950

Whereas, the second hearing scheduled for this date of April 3, 1950 was called off at the request of County Engineer R. H. Graham who suggested that it be adjourned to May 1, 1950 therefore, be it

Resolved, that the hearing on the estimated assessments for the improvement of the Wamp County Ditch be and hereby is adjourned to May 1, 1950 at 2 P. M. at which time further consideration will be given to the assessments, complaints, and claims for damages, and be it

Futher Resolved, that the Clerk of the Board shall send notices to the affected persons of the date and time to which the hearing has been adjourned.

George W. Taylor moved the adoption of the foregoing resolution and upon the second of Rodney Plymell, the result of the vote was; Rodney Plymell, yes; George W. Taylor, Yes

Attest: Robert K. Dixon  
Auditor & Clerk

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

In the Matter of the Single  
County Ditch Petitioned for by  
Richard M. Williams and others.

Office of the Board of County Commissioner  
Madison County, Ohio  
May 1, 1950

The Board of County County Commissioners of Madison County, Ohio, met in regular session on the 1st day of May, 1950, at the office of the Commissioners with the following members present:

Rodney Plymell  
Glenn R. Daugherty  
George W. Taylor

Mr. Taylor moved the adoption of the following Resolution:

Whereas, This being the day fixed by said Board, in its order dated the 3 day of April, 1950, for the final hearing on the reports and schedules of the County Surveyor, on the estimated assessments, on claims for compensation or damages and on the proceedings for the improvement, and on application filed for change of route or change in the nature, kind and exyent of work proposed to be done; and

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

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

## WAMP SINGLE COUNTY DITCH

Resolved, That said Board review and reconsider its former order made and dated the 29 day of September, 1947, in favor of said improvement; and be it further

Resolved, That said Board hereby approve the maps, profiles, schedules and reports prepared by the County Surveyor, as amended in its order dated the 1 day of May, 1950; 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 29 day of September, 1947, be and the same is hereby affirmed; and

Whereas, Objections to the proposed assessment having been filed by  
 O. C. Overturf, Application for change, etc. -----Rejected  
 O. C. Overturf Claim for damages -----Disallowed

and the Board having heard said objections and all evidence offered for or against the assessment proposed to be levied against any owner or on any land, as shown by the schedule of assessments filed by the Surveyor and any competent evidence on the question of benefits, and from an actual view of the premises; therefore, be it

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

The two assessments against property of O. C. and Celesta Overturf are hereby cancelled in consideration of grubbing and cleaning out of the Ditch recently O. V. Overturf, reducing the cost of the proposed improvement. The two assessments total \$75.00 and the Engineers estimate shall be reduced accordingly when contracts are let. Otherwise the schedule of assessments shall remain the same: and be it further

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

Resolved, That \$90.00 found to benefit State or County Roads or Highways be and the same is hereby assessed against the County, and be it further

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

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

Resolved, That the 12 day of June, 1950, at 11 o'clock A. M. be and the same is hereby fixed as the time for letting the contract for the construction of the proposed improvement, and that the County Surveyor be and he is hereby directed to let the contracts for the construction of the proposed improvement, and be it further

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

Resolved, That, whereas the estimated cost of the construction and material required in said improvement exceeds one thousand dollars, the notice of said letting be given by posting at the front door of the County Court House, an advertisement pursuant to Section 6466 G. C., and be it further

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

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

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

Mr. Rodney Plymell	Yes
Mr. Glenn R. Daugherty	Yes
Mr. George W. Taylor	Yes

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

## J APPEAL FROM ORDER OF THE BOARD OF COUNTY COMMISSIONERS TO COURT OF COMMON PLEAS

In the Matter of the Single  
County Ditch Petitioned for by  
Richard M. Williams and others.

Madison County, Ohio  
May 8, 1950

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

Notice is hereby given that the undersigned, interested in the matter of the above named improvement petitioned for by Richard M. Williams and others, appeals to the Court of Common Pleas of said County from the order of the Board of County Commissioners, made in the proceeding and entered upon its Journal on the 1st day of May, 1950, on the following question; Are the assessments levied according to the benefits, particularly as to appellant herein, who denies any benefit accruing to his lands whatsoever.

Paul W. Morgridge  
Appellant

## K DITCH APPEAL BOND

Know all men by these presents, That we Paul W. Morgridge, Emerson R. Morgridge, and Fanny F. Baynes are held and firmly bound unto the State of Ohio, in the penal sum of One hundred and no/100 Dollars, to the payment of which, 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 6th day of May, 1950

The condition of the above obligation is such, that, Whereas, in the matter of the improvement petitioned for by Richard W. Williams and others, before the County Commissioners of said County, the said Paul W. Morgridge has taken an appeal to the Court of Common Pleas of said County from the final order or judgment of said County Commissioners in said proceeding, and entered upon their Journal on the 1st day of May, 1950, on the following question: Are the assessments levied according to benefits?

Now, if the said Paul W. Morgridge pay all costs on appeal, if the decision or order appealed from be sustained on the hearing or trial thereof, then this obligation shall be void; otherwise it shall be and remain in full force and virtue in law.

Executed in Presence of  
Gerald A. Baynes

Paul W. Morgridge  
Emerson Morgridge  
Fanny F. Baynes

I approve the above bond with the sureties thereto, this 8 day of May, 1950.

Robert K. Dixon  
County Auditor.

## L RESOLUTION COMMISSIONERS FINDING AFFIRMING FORMER ORDER, CONFIRMING THE ASSESSMENTS, AND ORDERING THE LETTING OF THE CONTRACTS

In the Matter of the Single  
County Ditch Petitioned for by  
Richard M. Williams and others.

Office of the Board of County Commissioners  
Madison County, Ohio  
May 1, 1950

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 1st day of May, 1950, at the office of the Commissioners with the following members present:

Rodney Plymell  
Glenn R. Daugherty  
George W. Taylor

Mr. Taylor moved the adoption of the following Resolution:

Whereas, This being the day fixed by said Board, in its order dated the 3rd day of April, 1950, for the final hearing on the Reports and Schedules of the County Surveyor, on the estimated assessments, on claims for compensation for claims or damages and on the proceedings for the improvement, and on application filed for change of route or change in the nature, kind and extent of the work proposed to be done; and

Whereas, Said Board finds that due and legal notice of this final hearing has been given as required by law; and  
Whereas, Said Board has heard all the evidence offered in the proceedings and received and considered all the schedules and reports filed by the Surveyor; therefore, be it

Resolved, That said Board review and reconsider its former order made and dated the 29th day of September, 1947, in favor of said improvement; and be it further

Resolved, That said Board hereby approve the maps, profiles, schedules and reports prepared by the County Surveyor, as amended in its order dated the 1st day of May, 1950; 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 improvement, 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 29 day of September, 1947, be and the same is hereby affirmed; and

Whereas, Objections to the proposed assessment having been filed by  
O. C. Overturf, Application for change----Rejected  
O. C. Overturf, Claim for damages -----Disallowed

## WAMP SINGLE COUNTY DITCH

and the Board having heard said objections and all evidence offered for or against the assessment proposed to be levied against any owner or on any land, as shown by the schedule of assessments filed by the Surveyor and any competent evidence on the question of benefits, and from an actual view of the premises; therefore, be it

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

The two assessments against property of O. C. and Celesta Overturf are hereby cancelled in consideration of grubbing and cleaning out of the Ditch recently by O. C. Overturf reducing the cost of the proposed improvement. The two assessments total \$75.00 and the Engineers estimate shall be reduced accordingly when contracts are let. Other wise the schedule of assessments shall remain the same; hereby approved and confirmed; and be it further

Resolved, That \$90.00 found to benefit State or County Roads or Highways be and the same is hereby assessed against the County, and be it further

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

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

Resolved, That the 12th day of June, 1950, at 11 o'clock A. M., be and the same is hereby fixed as the time for letting the contract for the construction of the proposed improvement, and that the County Surveyor be and he is hereby directed to let the contracts for the construction of the proposed improvement; and be it further

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

Resolved, That, whereas the estimated cost of the construction and material required in said improvement exceeds one thousand dollars, the notice of said letting be given by posting at the front door of the County Court House, an advertisement pursuant to Section 6466 G. C. and be it further

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

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

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

Mr. Rodney Plymell	Yes
Mr. Glenn R. Daugherty	Yes
Mr. George W. Taylor	Yes

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

## M APPEAL FROM ORDER OF THE BOARD OF COUNTY COMMISSIONERS TO COURT OF COMMON PLEAS

In the Matter of the Single Madison County, Ohio  
County Ditch Petitioned for by May 8, 1950  
Richard M. Williams and others.

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

Notice is hereby given that the undersigned, interested in the matter of the above named improvement petitioned for by Richard M. Williams and others, appeals to the Court of Common Pleas of said County from the order of the Board of County Commissioners made in the proceeding and entered upon its Journal on the 1st day of May, 1950, on the following question; Are the assessments levied according to the benefits, particularly as to appellant herein, who denies any benefit accruing to his lands whatsoever.

Paul W. Morgridge  
Appellant

## N DITCH APPEAL BOND

Know all men by these presents, That we, Paul W. Morgridge, Emerson R. Morgridge, and Fanny F. Baynes are held and firmly bound unto the State of Ohio, in the penal sum of One hundred and no/100 Dollars, to the payment of which, 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 6th day of May, 1950.

The condition of the above obligation is such that, Whereas, in the matter of the improvement petitioned for by Richard M. Williams and others, before the County Commissioners of said County, the said Paul W. Morgridge has taken an appeal to the Court of Common Pleas of said County from the final order or judgment of said County Commissioners in said proceeding, and entered upon their Journal on the 1st day of May, 1950, on the following question: Are the assessments levied according to benefits?

Now, if the said Paul W. Morgridge pay all costs on appeal, if the decision or order appealed from be sustained on the hearing or trial thereof, then this obligation shall be void; otherwise it shall be and remain in full force and virtue in law.

Executed in Presence of  
Gerald A. Baynes

Paul W. Morgridge  
Emerson Morgridge  
Fanny F. Baynes

I approve the above bond with the sureties thereto, this 8 day of May, 1950.

Robert K. Dixon  
County Auditor

## O JOURNAL ENTRY: COMMISSIONERS' ORDER AWARDING CONTRACTS

In the Matter of the Single Office of the Board of County Commissioners  
County Ditch Petitioned for by Madison County, Ohio  
Richard M. Williams and others. September 22, 1952

Mr. Baker moved the adoption of the following Resolution

Whereas, This day the Board of County Commissioners being in regular session, present Geo. W. Taylor, Rodger B. Baker and the County Engineer has filed with this Board his report on bids received for the work of construction and furnishing materials in the above named improvement petitioned for by Richard M. Williams and others; and

Whereas, It appears to us that the bids of the following are the lowest and best bids and within the County Engineers estimate, to-wit:

Bidder	For What Work or Material	Amt. Bid	Co. Eng. Est.
O. E. Liller	Clearing & Grubbing, Open Ditch	1800.00	1839.00
C. O. Dewbre	" " " "	2364.00	1839.00

therefore be it

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

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

Resolved, That the County 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 March, 1953, 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. Taylor seconded the resolution and the roll being called on its adoption, the vote resulted as follows:

Mr. Taylor Yes  
Mr. Baker Yes

## P DITCH CONTRACT

In the Matter of the Single  
County Ditch Petitioned for by Work and Labor and Materials  
Richard E. Williams and others.

This Contract made and entered into on this 29 day of September 1952, 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 "Second Party."

Witnesseth, That said Second Party, for and in consideration of the sum of Eighteen hundred and no/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 Wamp ditch improvement petitioned for by Richard E. Williams 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.

## WAMP SINGLE COUNTY DITCH

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 1 day of December, 1952.

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 Eighteen hundred and no/100 Dollars (\$1800.00) 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  
F. R. Hanson  
Glads M. Griffith

George W. Taylor  
Rodger B. Baker

Board of County  
Commissioners  
Madison County, Ohio  
First Party

O. E. Liller

Contractor, Second Party

## Q BOND OF DITCH CONTRACTOR

In the Matter of the Single  
County Ditch Petitioned for by  
Richard E. Williams and others.

On Contract for Work and Labor  
and Materials

Know all men by these presents, That we, O. E. Liller, as Principal, The Ohio Casualty Insurance Company, 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 Eighteen hundred thirty nine and no/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 15th day of October, 1952.

The Condition of the Above Obligation is Such That, Whereas, the above bound O. E. 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 Wamp ditch improvement petitioned for by Richard E. Williams and others specified in said Contract, to the satisfaction and acceptance of the County Engineer, on or before the 1 day of December, 1952, for the compensation of Eighteen hundred and no/100 (\$1800.00);

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.

Executed in Presence of  
Patricia J. Waust

O. E. Liller  
The Ohio Casualty Ins. Co.  
W. R. Hedgecock, Atty. in Fact

The above bond being good and sufficient is approved this 27th day of October, 1952  
George W. Taylor Board of County Commissioners  
Rodger B. Baker Madison County, Ohio

## R CERTIFICATE OF COUNTY ENGINEER AS TO WORK COMPLETED

In the Matter of the Single  
County Ditch Petitioned for by  
Richard M. Williams and others.

Office of County Engineer,  
Madison County, Ohio  
March 16, 1953

To O. E. Liller, Contractor:

This is to certify that the undersigned County Engineer has accepted 100 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 Richard M. Williams and others, and I, therefore, approve said work and labor for payment in the sum of Eighteen hundred dollars (\$1800.00) Dollars, the same being the contract price for said percentage of work and labor completed and accepted.

Helgeh Ekedahl  
County Engineer

WAMP SINGLE COUNTY DITCH

S ITEMIZED LIST OF CONSTRUCTION COSTS

Construction Costs:	
O. E. Liller	1800.00
Engineering	100.00
Advertising	6.30
Abstract	4.50
Mailing Charges 18 by 18¢	<u>3.24</u>
	1914.04

T FINAL ASSESSMENT SCHEDULE

Owner	District	Acres Owned	Acres Benefited	Const. Schedule Est.	Rate	Final Asst. Inc. Expenses
Bidwell, Clarence	Pike Twp.	25.25	25.25	25.00	.011765	21.46
" "	" "	13.25	13.25	11.00	.005177	9.44
Butler, Lewis W.	" "	50.00	50.00	125.00	.058824	107.30
" "	" "	1.80	1.80	2.00	.000941	1.72
Finley, Jennie	Darby Twp.	40.00	30.00	30.00	.014118	25.75
Florence, Walter T. J. et al	Pike Twp.	150.00	100.00	199.34	.093807	171.11
" " " "	" " "	33.50	33.00	99.00	.046588	84.98
" " " "	Darby Twp.	48.00	25.00	75.00	.035294	64.38
" " " "	" " "	76.46	76.00	216.00	.101647	185.41
" " " "	" " "	3.86	3.86	13.00	.006117	11.16
" " " "	" " "	16.13	16.00	48.00	.022588	41.20
" " " "	" " "	10.50	10.00	30.00	.014118	25.75
Mengert, Jean Rowland	" "	140.00	35.00	52.00	.024470	44.64
Morgridge, Hotchkiss Jr. et al	Pike	9.09	9.00	62.33	.029332	53.50
" " " "	Darby	162.58	162.00	628.00	.295529	539.06
" " " "	" "	22.08	22.00	22.00	.010353	18.88
" " " "	" "	58.52	40.00	60.00	.028235	51.50
Morgridge, Paul W.	Pike Twp.	129.95	40.00	None		
" " " "	" "	3.70	3.70	None		
" " " "	Darby	32.00	32.00	None		
" " " "	Pike	.60	.60	None		
" " " "	Darby	8.43	8.43	None		
" " " "	" "	25.33	25.33	None		
Nicol, Harold J. Harriet J.	Pike	88.65	20.00	20.00	.009412	17.16
Overturf, O. C. Celesta	" "	34.00	15.00	None		
" " " "	Darby	41.00	41.00	None		
Florence, Walter T.	Pike	140.00	30.00	30.00	.014118	25.75
Sidner, Lee	" "	25.25	10.00	15.00	.007059	12.87
Thiergartner, Walter	" "	88.65	20.00	20.00	.009412	17.17
Williams, Richard M.	Darby	91.58	91.58	242.33	.114037	208.01
Yutzy, David E. et al	Trustee Pike	123.73	50.00	100.00	.047059	85.84
Madison County Roads			1069.83	90.00		

U CERTIFICATE OF UNPAID ASSESSMENTS

September 28, 1953  
London, Ohio

Madison County Commissioners  
London, Ohio

Gentlemen:

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

Butler, Lewis	\$109.02
Morgridge, Hotchkiss Jr. et al	662.94
Thiergartner, Walter	17.17
<hr/>	
Total	\$789.13

Yours very truly,

Forrest R. Hanson  
Auditor, Madison County

## WAMP SINGLE COUNTY DITCH

## V RESOLUTION TO ISSUE NOTES IN ANTICIPATION OF THE LEVY OF ASSESSMENTS ACCORDING TO BENEFITS OR OF THE ISSUANCE OF BONDS

In the Matter of the Single  
County Ditch Petitioned for by  
Richard M. Williams and others.

Office of the Board of County Commissioners,  
Madison County, Ohio  
September 28, 1953

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 28th day of September, 1953, at the office of the Commissioners with the following members present:

Rodger B. Baker  
Rodney Plymell

Mr. Plymell moved the adoption of the following Resolution:

Whereas, Said Board has heretofore, by Resolution duly passed on the 1st day of May, 1950, affirmed its former order finding in favor of the improvement of the County Ditch No. ---, petitioned for by Richard M. Williams and others; and

Whereas, It is now deemed necessary to issue and sell \$789.13 of notes under authority of Section 2293-24 of the General Code of Ohio, and "The Uniform Bond 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 1st day of May 1950, 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 Seven hundred eighty nine and 13/100 Dollars (\$789.13) 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 October, 1953 and shall be in the denomination of Seven hundred eighty nine and 13/100 Dollars (\$789.13) and shall be numbered 3.

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 April and the 1st day of October, 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 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:

# 3      October 1, 1953      \$789.13

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 hereafter issued in anticipation of the collection of 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 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 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. Baker seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

Mr. Rodger B. Baker	Yes
Mr. Rodney Plymell	Yes

Dated this 28th day of September, 1953.

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