

Madison County Ditch Improvement Record.

The Andrew Carey Ditch Construction

Ditch Petition

London, Ohio. A. D. 1907. Petition for deepening, widening, altering, straightening and construction of a county ditch.

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

The undersigned owners of lots and land which will be drained or benefited by the improvement herein prayed for, hereby make application to your Honorable Body, and now file with the Auditor of said County, this, their petition, and now and hereby pray for the deepening, widening, altering, straightening and construction of a county ditch on the route hereinafter set forth.

The necessity for the benefits of the improvements so prayed for is that it will drain and reclaim the lands along the line thereof and adjacent thereto, and will promote the public health, convenience and welfare.

The following is the beginning, route and termini of said proposed improvement, to-wit: Commencing east of the Lane road in Dabbs Township at the end of a tile ditch crossing said road between the residence of Frank Carey and the residence of W. Fitz Henry continuing down an established county ditch or as near thereto as practical through the lands of E. M. Fieliger to the P. C. & St. L. Railroad, crossing thereunder and through the lands of N. W. Crayton for example to secure a good and sufficient outlet for the lands draining therein.

The names of all persons and corporations, either public or private, who in the opinion of the petitioners are in any way affected or benefited thereby are as follows:

- |                      |                 |
|----------------------|-----------------|
| Andrew Carey         | Frank Carey     |
| E. M. Fieliger       | Frank P. Carey  |
| W. Fitz Henry        | Harry Bowman    |
| P. C. & St. L. R. R. | N. W. Crayton   |
| Elsworth Polay       | Madison Co.     |
| Lizzie Bakers        | J. L. Ballinger |
| Daniel Krivin        |                 |

Andrew Carey, E. M. Fieliger, E. P. Polay, H. Bowman, W. Fitz Henry } Petitioners.

Petitioners Bond

I now all men by these presents, That Andrew Carey as principal, and as sureties, are held and jointly bound unto the State of Ohio in the penal sum of Two Hundred Dollars good and lawful money, for which we bind ourselves, and our heirs, executors and administrators.

Signed and dated this day of A. D. 1907.

The condition of the above obligation is such, nevertheless, that, whereas, on the day of 1907, the above bondman Andrew Carey made application to the Commissioners of Madison County, and on said day filed with the Auditor of said County his petition for deepening, widening, altering, straightening and construction of a county ditch in pursuance of the statute in such case made and provided, on the following route and termini, to-wit: Commencing east of the Lane road in Dabbs Township at the end of a tile ditch, crossing said road between the residence of Frank Carey, and the residence of W. Fitz Henry, continuing

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down an established county ditch or as near thereto as practical through the lands of E. M. Friberger to the P. C. C. and St. L. Railroad, crossing thereunder and through the lands of N. W. Crayton far enough to secure a good and sufficient outlet for the lands draining thereinto.

And if the above bonded Andrew Carey shall pay all costs, if the prayer of said petition be not granted, or if for any other cause the same shall be dismissed, then this obligation shall be void.

The above bond and the cures thereon, are approved by me this 27<sup>th</sup> day of June, 1907.  
J. J. Shaffer,  
County Auditor.

E. M. Friberger  
Andrew Carey  
N. Bowman.

Notice to Commissioners  
(See page 171).

Auditor's Office, Madison County, Ohio.  
June 27<sup>th</sup> A. D. 1907.

Notice to Lot or  
Land Owners.

In the matter of }  
Ditch Imp. Petitioned }  
for by Andrew Carey et al. } Notice to Lot or Land Owners.

To the Lot or Land Owners and to the Corporations, either Public or Private, affected by said Improvement:

You, and each of you, are hereby notified that on the 27 day of June 1907, Andrew Carey and others, filed a petition with the Auditor of Madison County, the prayer of which is for the deepening, widening, altering and straightening and construction of a ditch on the following starting point, route and terminus, to-wit: commencing east of the James Road in Darby Township at the end of a tile ditch crossing said road between the residence of Frank Carey, and the residence of W. Fitz Henry, continuing down an established county ditch or as near thereto as practical through the lands of E. M. Friberger to the P. C. C. and St. L. Railroad, crossing thereunder and through the lands of N. W. Crayton far enough to secure a good and sufficient outlet for the lands draining thereinto.

You are also notified that the following time and place have been fixed when and where the Commissioners of said County will meet for the hearing of said petition, to-wit: Tuesday July 23<sup>rd</sup> 1907, at 10 o'clock A. M. at the beginning of said proposed ditch improvement for the purpose of hearing any and all proof offered by any of the parties affected by said ditch improvement, whether the said ditch will be conducive to the public health, convenience and welfare; and <sup>whether</sup> the route described is the best route; and any and all objections to said proposed ditch improvement.

Any application for compensation or damage, or for any change of route must be in writing and filed with the Commissioners on or before the day set for hearing.

No further notice of any proceedings in this matter will be given.  
J. J. Shaffer Auditor of Madison County.

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Proof of Personal Notice.

Auditor's Office, Madison County, Ohio.  
July 5<sup>th</sup> 1907.

The State of Ohio }  
Madison County, S. D. }

Proof of Personal Notice.

On this 5<sup>th</sup> day of July 1907, personally came Andrew Bary who being sworn according to law, deposes and says that on the days hereinafter named, he served the annexed notice on the persons hereinafter named, by delivering to each person opposite whose name appears "D." a true copy of the annexed notice; and on those opposite whose name appears "R." by leaving the same at their usual place of residence.

Name of Person Served	How Served D or R.	When Served
E. M. Fubiger	D.	July 4 <sup>th</sup> 1907
Andrew Bary	D.	" " "
W. A. Crayton	D.	" " "
D. H. Kivern	D.	" " "
J. L. Ballinger	D.	" " "
W. Fitzpatrick	D.	" 5 "
Frank P. Bary	D.	" 5 "
Harry Bowman	D.	" " "
P. L. & St. L. Ry.	D.	" " "

and further this deponent saith not.

Andrew Bary.

Sworn to by Andrew Bary before me, and by him subscribed in my presence this 5<sup>th</sup> day of July, 1907.

H. Hall, J.P.

Notice of Publication.

The State of Ohio } S. D.  
Madison County. }

M. H. Wallace being duly sworn, says he is the Business Manager of the London Semi-Weekly Enterprise, a newspaper printed and in general circulation in said county, and that a notice of which the annexed is a copy, was published in said newspaper for at least two consecutive weeks prior to the 23<sup>rd</sup> day of July, 1907.

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M. N. Wallace.

Sworn to and subscribed by said M. N. Wallace, this 19<sup>th</sup> day of July, 1907.

Printer's fee. \$ 4.69

J. J. Shaffer, County Auditor.

Ditch Notice.

In the Matter of Ditch Improvement Petitioned for by Andrew Cary et al. Notice to Non-Resident Lot or Land Owners.

To the Lot or Land Owners and to the corporations, either Public or Private, affected by said Improvement:

You, and each of you, are hereby notified that on the 27<sup>th</sup> day of June 1907, Andrew Cary and others filed a petition with the Auditor of Madison County, the prayer of which is for the deepening, widening, altering, straightening and construction of a ditch on the following starting point, route and terminus, to-wit:

Commencing east of the Lane road in Darby Township at the end of a tile ditch crossing said road between the residence of Frank Cary and the residence of W. Fitz Henry, continuing down an established county ditch or as near thereto as practical through the lands of E. M. Fuetger to the C. C. & St. L. Railroad, crossing thereunder and through the lands of N. A. Crayton far enough to secure a good and sufficient outlet for the lands draining thereinto.

You are also notified that the following time and place have been fixed when and where the Commissioners of said County will meet for the hearing of said petition, to-wit: Tuesday, July 23<sup>rd</sup>, 1907, at 10 o'clock A. M. at the beginning of said proposed ditch improvement for the purpose of hearing any and all proof offered by any of the parties affected by said ditch improvement, whether the said ditch will be conducive to the public health, convenience and welfare; and whether the route described is the best route; and any and all objections to said proposed ditch improvement.

Any application for compensation or damage, or for any change of route must be in writing and filed with the Commissioners on or before the day set for hearing.

No further notice of any proceedings in this matter will be given.

J. J. Shaffer, Auditor of Madison County.

London, O., July 2.

Commissioner's Office, Madison County, London, Ohio, July 26, 1907.

Commissioner's Funding on Petition.

In the matter of Ditch Imp. Petitioned for by Andrew Cary et al } Commissioner's Funding on Petition.

This day the commissioners being in session, members present N. P. Chenneth, J. W. Bowers, Jno. E. Roberts, and a copy of a petition for the construction, straightening, deepening, widening and altering of a county ditch having been delivered to us by the County Auditor, and it appearing to us that the proper

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bond has been filed with the auditor and by him approved, conditioned for the payment of all costs if the prayer of the petition be not granted or be dismissed for any cause, we, therefore on the 23<sup>rd</sup> day of July, 1907, the day fixed by the Auditor for hearings, did meet at the place of beginning of said ditch as described in the petition, and heard all proofs offered by any of the parties affected by said improvement and other persons competent to testify; and we went over and along the line of said improvement and by actual view of the said ditch and the premises along and adjacent thereto and to be drained or benefited thereby, determined the necessity thereof. And we do hereby find that said improvement is necessary and will be conducive to the public health, convenience and welfare, and a benefit to the lots and lands along the line thereof by furnishing drainage thereto, and we further find that the route described is the best, viz:

Commencing east of the Lane Road in Darby Township at the end of a tile ditch, crossing said road between the residence of Frank Gary and the residence of W. Fitzherry, continuing down an established county ditch or as near thereto as practical through the lands of E. M. Freibiger to the P. C. C. & St. L. Railroad, crossing thereunder, and through the lands of N. A. Crayton far enough to secure a good and sufficient outlet for the lands draining therein.

It is therefore ordered that said improvement be granted and the same be known as the "Andrew Gary Ditch Improvement."

We also find that due and legal notice has been given to each person or corporation benefited or affected by said proposed improvement.

And we do hereby order the auditor to enter this our finding in writing on the commissioner's journal. And we do further authorize the auditor to enter upon said journal and order directing the county surveyor to go upon the line as described in the petition, and survey and level the same, and to perform such other duties, as are required in Sections 4454, 4455, 4456 P. S., as now in force and effect and to file his report with the county auditor on or before the time hereinafter fixed for hearing the same.

It is further ordered that the 13<sup>th</sup> day of August, 1907, at 10 o'clock A. M., at the commissioner's office, is hereby fixed for the hearing of applications for any appropriation of land taken for said improvement, and damages said parties affected by said improvement, or any of them may sustain thereby, and for the approval of the report of the surveyor, to which time and place the proceedings herein now stated adjourned.

On the question of the adoption of the foregoing orders and findings relating to said petition and ditch, the roll being being called, N. P. Lhenwath, J. W. Bowers, Jno. E. Roberts voted "Aye."

Auditor's Office, Madison County, Ohio.

July 26<sup>th</sup> A. D. 1907.

Finding on the Petition copy for Surveyor

In the matter of Ditch Imp. Petitioned for by Andrew Gary et al

This day the Commissioners of Madison County, being in special session, members present, N. P. Lhenwath, J. W. Bowers, Jno. E. Roberts, and a copy of a petition for the construction, straightening, deepening

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viewing and altering of a county ditch having been delivered to us by the County Auditor, and it appearing to us that the proper bond has been filed with the Auditor, and by him approved, conditioned for the payment of all costs if the former of the petition be not granted or be dismissed for any cause, we, therefore on the 23<sup>rd</sup> day of July, 1907, the day fixed by the Auditor for hearings, did meet at the place of beginning of said ditch, as described in the petition, and heard all proof offered by any of the parties affected by said improvement and other persons competent to testify; and we went over and along the line of said improvement, and by actual view of the said ditch and the premises along and adjacent thereto and to be drained or benefited thereby, determined the necessity thereof. And we do hereby find that said improvement is necessary, and will be conducive to the public health, convenience, and welfare, and a benefit to the lots and lands along the line thereof by furnishing drainage thereto.

And we further find that the route described is the best.

The following route was determined upon by us, viz: commencing east of the Cross road in Darby Township at the end of a tile ditch, crossing said road between the residence of Frank Gary and the residence of W. Fitz Henry, continuing down an established county ditch or as near thereto as practical through the lands of E. M. Fieliger to the P. C. & St. L. Railroad, crossing thereunder, and through the lands of W. A. Brayton far enough to secure a good and sufficient outlet for the lands draining thereto.

It is therefore ordered that said improvement be granted and the same be known as the "Andrew Gary Ditch Improvement".

We also find that due and legal notice has given to each person or corporation benefited or affected by said proposed improvement. And we do hereby order the Auditor to enter this, our finding, in writing, on the Commissioner's Journal. And we do further authorize the Auditor to enter upon said journal an order directing the County Surveyor to go upon the line as described in the petition, or as changed by us in accordance with Section 4489 P. S., as described above, and survey and level the same, and set a stake at every hundred feet running down stream, and to embody in said order direction to the said Surveyor to make and return a schedule of all lots or lands, and public or corporate roads or railroad, that will be benefited, and an apportionment of the estimated cost of locating and constructing said improvement, in money, according to the benefits which will result to each, and to perform such other duties as are required in sections 4454, 4455, and 4456 P. S., as now in force and effect, and to file his report with the County Auditor on or before the time hereinafter fixed for hearing the same.

It is further ordered that the 13<sup>th</sup> day of August 1907, at 10 o'clock A. M., at the County Auditor's office, is hereby fixed for the hearing of applications for any appropriations of land taken for said improvement and damages said parties affected by said improvement, or any of them may sustain thereby, and for the approval of the report of the Surveyor.

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J. J. Shaffer.  
Auditor.

H. P. Blewett.  
President of Board of Commissioners.

I certify the foregoing to be correctly copied from the records of the proceedings of the Board.

J. J. Shaffer, Auditor.

Auditor's Office, Madison County, Ohio.  
Aug. 13<sup>th</sup> A. D. 1907.

Report and  
Schedule of  
Engineer.

In the matter of }  
Ditch Imps. Petitioned } Report and Schedules of Engineer.  
for by Andrew Barry et al. }

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

The undersigned Engineer, in obedience to the direction of your Honorable Body, made on the 23<sup>rd</sup> day of July, 1907, has proceeded in the above matter, and has made a level and survey of the line of said proposed ditch improvement, and set a stake at every hundred feet numbering down stream; and I have made a note of the intersecting of lines and boundaries of lands, townships and county lines, land marks, parcel marks, and road and railroad crossings; and I herewith make report of the same, with profile, and plat and an estimate of the number of the cubic yards of earth or other substance to be removed, and the cost per cubic yard for each working section on said report indicated and of each section of one hundred feet.

I have also made, and return herewith, a schedule of all lots and lands, and public and corporate roads and railroads, together with the name of the owners of such railroad companies, and the names of the lessees operating the same, that will be benefited by said improvement; and an apportionment of the cost of location and construction, in money, to each lot and tract of land, road and railroad, according to the benefits which will result to each from the said improvement; and in apportioning the costs of such improvement the benefits to any lots or lands by deriving the same in whole or in part, have been by me considered with other benefits; and a specification of the manner in which the improvement shall be made and completed, the number of flood gates, water-ways, farm crossings and bridges, including sluice and dunnies in thereof; and such other matters as the undersigned deem important. The said survey, level reports and schedules are herewith attached and made a part hereof.

The following is an itemized cost bill, made by me, in the proper discharge of my duty, under your order.

J. W. Ashler,	Deputy Engineer, 9 days, at \$5.00 per day,	\$ 45 00
Jerse Price	Burnham & Rodin, 2 " " 2.00 " "	4 00
W. Deon Clark	Burnham, 1 " " 2.00 " "	2 00
Geo. Holden	Asman 1 " " 2.00 " "	2 00
Other Expenses:		
	Burnham & Rodin	
	Pratt & Lund - 1 day	4 25
	" " Horse & Bigg 1 "	1 50
Thos. Adams -	75-18 inch stakes - \$ 1.13	
	75-12 " " - .94	2 07
		\$60 82

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The foregoing cost Bill allowed by us 1907.  
H. D. McLaugherty, Engineer.  
By J. H. Asher, Deputy.

N. P. Blunwith }  
J. W. Brown } County Commissioners.  
Jno. E. Roberts }

Report of Engineer  
Schedule "A"

Report of Engineer.

Slope 2 to 1.

Schedule "A."

Station 100 feet marked down stream	Surface Elevation	Grade Elevation	Total fall from station 0.	Outlet Depth	Cost	Width on Bottom	Width on top	Length of quads	Estimated height	Size of pile	Course and Distance	Intersections of lines and boundaries, land marks, fence marks, road crossings, Nails in large corner fence Post S.W. L of home farm Bequis on the east side of the James Pike - fence corner Pike - 46 feet to west line of road and E.M. Fiebrger Distance on Fiebrger = 3123' 31+69 Line between Fiebrger lands & the P. C. C. & St. L. Ry's land Distance on Ry. = 100 Nails in fence Post P. 32+69 = Line between Ry. & U. A. Brightons lands. Distance on Brighton 1931'
B.	99.59											
0	88.09	93.74		4.35	1.00	2'	19.40					
1	88.75	93.54		5.21	1.75	2'	23.00	120				
2	99.22	93.34		5.88	1.85	2'	27.00	180				
+57	99.46	93.23		6.23	1.75	2'					0 to 2+57 S. 53° W. - 257'	
3	99.41	93.14		6.27	1.75	2'	27.00	200				
+39	99.05	93.06		5.99							2+57 to 3+39	
4	99.19	92.94		6.25	2.05	2'	27.00	200			S. 63 3/4 W. = 82'	
+19	98.99	92.90		6.09							3+39 to 4+19	
5	98.65	92.74		5.91	2.05	2'	25.04	198			S. 79 1/2 W - 80'	
6	98.69	92.54		6.15	1.75	2'	26.60	182				
7	98.99	92.34		6.65	2.25	2'	28.60	200				
+16	98.89	92.31		6.58							4+19 to 7+16	
8	98.64	92.14		6.50	2.30	2'	28.00	220			N. 67° W. = 297'	
9	98.77	91.94		6.83	2.10	2'	29.00	209				
B.	99.71											
+39	98.98	91.86		7.12							7+16 to 9+39	
10	98.47	91.74		6.73	1.90	2'	29.00	203			N. 85° W. 223'	
11	97.73	91.54		6.19	2.40	2'	27.00	195				
12	98.67	91.34		7.33	1.70	2'	31.00	216				
13	98.99	91.14		7.85	2.40	2'	33.00	273				
14	99.09	90.94		8.15	2.30	2'	34.60	310				
15	98.14	90.74	3.00	7.40	2.25	2'	31.60	280				
16	97.82	90.59		7.23	2.60	2'	31.00	252				
17	97.69	90.44		7.25	2.85	2'	31.00	254				
18	97.59	90.29		7.30	2.90	2'	31.00	270				
19	97.59	90.14		7.45	2.85	2'	35.40	304				
20	97.54	89.99		7.55	2.90	2'	32.00	314				
21	97.35	89.84		7.51	2.94	2'	32.00	285				
22	97.46	89.69		7.77	2.64	2'	33.00	280				
23	97.64	89.54		8.10	3.04	2'	34.40	307				
B.	98.43											
24	97.43	89.39		8.04	2.89	2'	34.00	334				
25	97.33	89.24		8.09	2.64	2'	34.36	335				
26	96.78	89.09		7.69	2.89	2'	32.76	325				
27	96.48	88.94		7.54	2.84	2'	32.00	309				Walnut about 150 left.

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Report of Engineer. Slope 2 to 1. Schedule "A".

Station No. or distance from beginning	Surface Elevation	Grade Elevation	Total fall from station	Entire Depth	Depth	width on Bottom	width on Top	Length of grade	Volume of earth excavated	Course & Distance	Intersections of lines and boundaries of lands, town- ships & county lines, land marks
28	96.71	88.79		7.42	3.19	2	31.68	306		9+39 to 28	
29	96.76	88.64		7.62	3.44	2	32.48	330		S. 56° W. 186'	
30	95.98	88.49		7.49	3.39	2	32.00	326		28 to 30+50.	
+50	95.80	88.41	5.33	7.39						S. 36 1/4 W. 250'	
31	95.75	88.34	5.40	7.41	3.74	2	31.60	311			
32	95.48	88.19		7.29	3.69	"	31.00	322			
B	97.43					"					N. E. L of R. R. Bridge abutment.
33	95.53	88.04		7.49	3.64	"	32.00	335		30+50 to 33+32	
+32	95.08	88.00		7.08		"				S. 23 1/2 W. 282'	
34	95.18	87.89		7.29	3.09	"	31.00	320			
35	96.54	87.74		8.80	3.76	"	37.20	360			
36	96.40	87.59		8.81	4.01	"	37.24	4.40			
37	96.97	87.44		9.53	3.96	"	40.00	4.84			
38	97.15	87.29		9.86	3.71	"	41.84	5.24			
39	96.70	87.14		9.56	3.76	"	40.00	5.27			
B	96.75										Beach tree right.
40	96.23	86.99		9.24	3.71	"	39.00	5.06			
41	95.18	86.84		8.24	3.76	"	35.00	4.49		33+32 to 41+35	
+35	95.16	86.80		8.30		"				S. 38 1/4 W. 803'	
42	94.45	86.69		7.76	3.66	"	33.00	3.61		41+35 to 42+27	
+27	93.73	86.65		7.58		"				S. 27° W - 92'	
43	92.43	86.54		5.89	3.11	"	25.56	2.81			
44	91.31	86.39		4.92	2.56	"	21.68	2.04		42+27 to 44+34	
+34	91.38	86.35		5.03		"				S. 64 1/2 W = 207'	
45	90.78	86.24		4.54	2.21	"	20.00	1.94			
46	90.68	86.09		4.59	2.16	"	20.00	1.22		44+34 to 46+20.	
+20	90.47	86.06		4.41		"				S. 89 3/4 W = 186'	
47	89.98	85.94		4.04	2.21	"	16.00	.90			
48	89.46	85.79		3.67	1.40	"	16.68	.90		46+20 to 48.	
49	89.25	85.64		3.61	.85	"	16.40	.62		S. 73° W. = 180'	
+30	88.48	85.60		2.88		"				48 to 49+30	
50	88.29	85.49		2.80	.40	"	13.20	.43		S. 51 W = 130'	
+55	87.71	85.41		2.30		"				49+30 to 50+55	
B	89.63					"				N. 78 3/4 W. = 125'	Walnut Right
51	87.96	85.34		2.62	.15	"	12.48	.30		50+55 to 52	
52	87.12	85.19	8.55	1.93		"				S. 87 1/2 W. = 145'	

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*For Andrew Bary Ditch Construction.*

Report of Engineer. Schedule "B"	Owner's Name as Found on Duplicate	Survey	Description												
	Ellsworth Polz	1 45 0		98.80	75.80	95	61	4	25	99	86				
	"	"	105.10	39.28	15.00	18	83		85	19	68				
	"	"		6.52											
	Lizzie Leary	1 47 9	102.51	98.00	50.00	78	10	4	41	102	51				
	P. L. L. & St. L. P. R. Co.		46.05			20	14		91	21	05				
	Andrew Bary	3 46 0		160.00	80.00	304	50	13	75	318	25				
	"	"		20.00	20.00	76	12	3	45	79	57				
	"	12 05 0		50.00											
	"	14 40 0	901.85	57.47	57.47	214	08	9	80	223	88				
	"	3 46 0		30.46	30.46	115	85	5	25	121	10				
	"	"		86.73	40.00	152	25	6	80	159	05				
	Marvin Ballinger	3 46 4	73.90	17.60	17.60	22	89		105	23	94				
	E. M. Freiberg	14 7 9	109.39	83.75	83.75	104	64	4	75	109	39				
	W. Fitzhury	1 47 9	102.20	75.00	55.00	58	86	2	70	61	56				
	Harry Bournail	1 47 9		91.11	21.00	20	60		95	21	55				
	"	"	66.80	13.65	9.00	8	83		40	9	23				
	"	"		64.44	10.00	9	81		45	10	26				
	Madison County		46.03			22	89		105	23	94				

The within report approved as amended  
this 13<sup>th</sup> day of August 1907.

N. P. Chenneth  
 J. W. Bowers  
 Geo. E. Roberts

} Commissioners  
 of  
 Madison County, Ohio.

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Report of Eng.  
Schedule "A."

Report of Engineer. Schedule "A."  
Statement of Working Sections of the Andrew Barry Ditch.

No. of Working Section	No. of Stakes		No. of Linear Feet	No. of cubic Yards	Price Per Yard	Amount		Remarks.
	From.	To.				\$.	¢.	
I.	52	25	2700	3853	15¢	577	95	
II.	25	0	2500	5107	15¢	766	05	

Specifications.  
Schedule "B."

Report of Engineer. Schedule "B."  
In the matter of } Auditor's Office, Madison County, O.,  
Improvement No. - } August 13<sup>th</sup> A. D. 1907.  
Petitioned for by Andrew Barry et al. Specifications of the Manner of Construction.  
This improvement shall be made an open ditch from station 0 to station 52, its entire length. Side slopes to be made 1 1/2 to 1. The grade must be made to conform to that shown on the profile filed herewith and as indicated in schedule "A" of this report. All dirt must be removed at least 15 feet from the tops of bank slopes and must be well scattered beyond the 15 foot line. From station 9+39 to station 28 and from the west line of the P. C. C. & St. L. Ry. Div. Right of way to about station 40 the dirt line must all be taken out on the sixth east side of ditch.  
A clear right of way of 35 feet on each side of ditch is reserved for constructing ditch.

Application to pay in full.

London, Ohio, August 13, 1907.  
To the Auditor Madison County, Ohio.  
We the undersigned hereby make application to pay our assessment in cash in the matter of the Andrew Barry Ditch Improvement.  
Andrew Barry  
E. P. Pugh

Madison County Ditch Improvement Record.

The Andrew Cary Ditch Construction.

Commissioners  
Finding on  
Report of Eng.

Commissioner's Office, Madison County,  
London, Ohio, August 13<sup>th</sup> 1907.

In the matter of  
Ditch Imp. Petitioned  
for by Andrew Cary.

This day the Board of Commissioners being in session, present, N.P. Lehenwath, J.W. Bowers, Jno. E. Roberts, and this being the day to which the Board adjourned for the hearing of the report and apportionment of the Engineer of the above styled matter, the Board, after proper examination, do find that due notice has been given for the length of time required by law, to all lot and land owners and to the authorities of all municipal and private corporations affected by said improvement, notifying them of the pendency, substance and prayer of the petition for said improvement.

After having examined the report of the engineer with the apportionment by him made do find that said report and apportionment are not in all respects fair and just according to the benefits to be derived from said improvement by the owner of each lot and tract of land.

It is therefore ordered that said report and apportionment be and the same are changed in the following manner, to-wit:

Deduct \$14.44 from assessment of Elsworth Potts making his assessment	\$105.10
" 100.00 " " Andrew Cary " " "	801.85
Add 25.76 to " " Harry Bowers " " "	66.88
" 25.00 " " " P. C. & St. L. P. Co. " their "	46.05
" 41.14 " " " W. Fitzhugh " his "	102.70
" 22.54 " " " Madison County " " "	46.43

Moved by J.W. Bowers, seconded by Jno. E. Roberts that said report as amended be approved and adopted.

Motion carried N.P. Lehenwath, J.W. Bowers, Jno. E. Roberts voting "Aye."

And it appearing to the Board that no appeal has been taken here taken from the order confirming said assessments, it is now said therefore ordered that Monday, Aug. 26<sup>th</sup> 1907, at 10 o'clock, A.M. of said day, be fixed as the time for commencing the sale of the work of constructing said improvement and that the same be sold at public outcry, the place of said sale is fixed at the county surveyor's office, London, Ohio.

It is ordered and directed that N.E. Mc Cafferty, County Surveyor attend at time and place of sale and conduct the same, It is also ordered that the county auditor give notice of said sale by circulating hand bills.

And it is further ordered and directed that the county Auditor make and furnish to the treasurer of the county in special duplicate with the assessment arranged thereon as required by law.

On the question of the adoption of the foregoing order and findings relating to said ditch improvement, the roll being called, N.P. Lehenwath, J.W. Bowers, Jno. E. Roberts voted "Aye."

Order to Sell  
the Labor of  
Construction.

Auditor's Office, Madison County, Ohio.  
August 23<sup>rd</sup>, A.D. 1907.

Madison County Ditch Improvement Record.  
The Andrew Bary Ditch Construction

In the matter of }  
Ditch Impf. Petitioned }  
for by Andrew Bary et al. } Order to Sell the Labor of Construction.

This day, this matter came before the Board of Commissioners in special session, present N.P. Chenoweth, J.W. Bowers, Jrd. E. Roberts and it appearing to the Board that no appeal has been taken.

It is now and therefore ordered that the 26<sup>th</sup> day of August 1907 at 10 o'clock A.M. of said day, be fixed as the time for commencing the sale of the work of constructing said improvement, and that the same be sold at public outcry. The place of said sale is fixed at the County Surveyor's Office, London, Ohio, and said sale to commence with the working section constituting the mouth of said improvement, at the hour above named, and from that point to continue to the starting point; each section shall be offered at public outcry until all the sections are offered; said work shall be sold in sections of not less than one hundred nor more than twenty five hundred feet. And it is also ordered that the Auditor of said County give notice of said sale by circulating hand bills.

And it is also ordered and directed that the County Surveyor attend at the time and place of said sale and conduct the same and receive all bids for the construction of said work; and that he make contracts with the lowest responsible bidder and take good and sufficient bonds for the labor of said improvement conditioned for the faithful performance of said contract so to be made, and for the completion of the work within the time fixed by the contract, and for all damage which may occur by reason of failure to complete the same within the time stipulated in said contract, in no case not less than double the estimated value of the work and labor of constructing the portion bid off by said contracting party.

J.J. Shaffer,  
County Auditor.

N.P. Chenoweth  
President of Board of Commissioners.

Ditch Sale.

Ditch Sale!

Notice to Contractors.

The undersigned County Surveyor will sell at public outcry to the lowest and best bidder on Monday, August 26, 1907, at 10 o'clock A.M., at the County Surveyor's office in London, Ohio, the work of furnishing all necessary tools and labor for constructing The Andrew Bary Ditch Improvement, located in Darby township, Madison County, Ohio, and beginning in the Sams pike, near the residence of W. FitzHenry. Said work will be sold in sections as follows:

Section I. From Station 52 to Station 25	
38.53 cubic yards, at 15 c per yard	\$577 95
Section II. From Station 25 to Station 6.	
51.07 cubic yards, at 15 c per yard	766 05
	\$ 1,344 00

Twenty-five dollars cash - no checks - must be deposited by each bidder before any bid will be received.

Contract and bond must be given within five days from date of sale. Specifications are now on file in the County Auditor's Office, London, Ohio. The right to reject any and all bids is reserved.



Madison County Ditch Improvement Record.

The Andrew Gary Ditch Construction.

Ditch Sale.

Ditch Sale!

Notice to Contractors.

The undersigned County Surveyor will sell at public outcry to the lowest and best bidder on Tuesday, September 10, 1907, at 10 o'clock A.M., at the County Surveyor's office in London, Ohio, the work of furnishing all necessary tools and labor for constructing The Andrew Gary Ditch Improvement, located in Darby township, Madison County, Ohio, and beginning in the same place, near the residence of W. Fitz Harty. Said work will be sold in sections as follows:

Section I. From Station 52 to Station 25.

38.53 cubic yards, at 15c per yard,

\$ 577 95

Section II. From Station 25 to Station 0.

51.07 cubic yards, at 15c per yard,

\$ 766 05

\$ 1,344 00

Twenty-five dollars cash-no checks, must be deposited by each bidder before any bid will be received.

Contract and bond must be given within five days from date of sale.

Specifications are now in file in the County Auditor's office, London, Ohio. The right to reject any or all bids is reserved.

By order of County Commissioners of Madison County, Ohio.

H. L. McCallerty,

County Surveyor.

J. J. Shaffer, Auditor.

Notice to Commissioners of Madison County, Ohio, July A. D. 1907. To the Honorable Board of Commissioners of said County: Petition Filed and Time for Hearing (see page 158).

Office of Auditor of Madison County, O., July A. D. 1907.

To the Honorable Board of Commissioners of said County:

Gentlemen: You are hereby notified that a petition and bond for a ditch improvement has been filed in this office on the 27th day of June 1907, a copy of which petition is attached below; and as required by law I have filed the 13th day of Aug. 1907, at 10 o'clock A.M., at the beginning of said proposed ditch described in said petition, for your hearing of said matter.

J. J. Shaffer, Auditor.

Copy of Ditch Petition.

London Ohio, June 27 A. D. 1907, Petition for deepening, widening, altering, straightening and construction of a Ditch.

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

The undersigned owners of lots and land which will be drained or benefited by the improvement herein prayed for, hereby make application to your honorable body, and now file with the Auditor of said county, this, their petition, and now and hereby pray for the deepening, widening, altering, straightening and construction of a ditch on the route hereinafter set forth.

The necessity for and the benefits of the improvement so prayed for is that it will drain and reclaim the lands along the line thereof and adjacent thereto, and will promote the public health, convenience and welfare.

The following is the beginning, route and termini of said proposed improvement, to-wit: Commencing east of the James road in Darby township to the end of a tile ditch, crossing said road between the residence of W. Fitz Harty, continuing down an established county ditch or as near thereto as practical, through the lands of E. M. Freibiger to the

## Madison County Ditch Improvement Record.

See Andrew Carey Ditch Construction.

P. O. C. and St. L. Railroad, crossing thereunder, and through the lands of N. W. Crayton for enough to secure a good and sufficient outlet for the lands draining thereinto.

The names of all Persons and Corporations, either public or private, who in the opinion of the petitioners are in any way affected or benefited thereby are as follows:

Andrew Carey  
 E. M. Fiebiger  
 W. Fitz Skury  
 Harry Bowman  
 N. W. Crayton  
 Madison Co.  
 J. L. Ballinger

Daniel Kirwin  
 Frank Carey  
 Frank P. Carey  
 P. O. C. & St. L. R. R.  
 Ellsworth Poby  
 Leggie Baller

Andrew Carey, E. M. Fiebiger, E. P. Poby, } Petitioners.  
 H. Bowman, W. Fitz Skury. }

I hereby certify the foregoing to be a true copy of a Ditch Petition filed in my office on the 27<sup>th</sup> day of June, A. D. 1907.

J. J. Shaffer, County Auditor.

## Madison County Ditch Improvement Record.

The Andrew Gary Ditch Construction.

Ditch Sale.

Ditch Sale!

Notice to Contractors

The undersigned County Surveyor will sell at public outcry to the lowest and best bidder on Tuesday, Oct. 15<sup>th</sup>, 1907, at 10 o'clock A. M., at the beginning of said ditch, the work of furnishing all necessary tools and labor for constructing The Andrew Gary Ditch Improvement, located in Darby Township, Madison County, Ohio, and beginning in the James Pike, near the residence of W. Fitz Henry. Said work will be sold in sections as follows:

Section I. From Station 52 to Station 25.  
38.53 cubic yards.

Section II. From Station 25 to Station 0.  
51.07 cubic yards.

\$ 25.00 cash - no checks - must be deposited by each bidder before any bid will be received.

Contract and bond must be given within five days from date of sale.

Specifications on sale in County Auditor's office, Andover, Ohio.

The right to reject any or all bids is reserved.

By order of County Commissioners.

H. L. McLaugherty,  
County Surveyor.

J. J. Shaffer, Auditor

## Madison County Ditch Improvement Record.

The Andrew Carey Ditch Construction.

Ditch Sale.  
(Re-advertised)

Ditch Sale.

Notice to Contractors.

The undersigned County Surveyor will sell at public outcry to the lowest and best bidder on Tuesday, Sept. 24<sup>th</sup>, 1907, at 10 o'clock A.M., at the County Surveyor's Office in London, Ohio, the work of furnishing all necessary tools and labor for constructing The Andrew Carey Ditch Improvement, located in Darby Township, Madison County, Ohio, and beginning in the Dams pitted near the residence of W. Fitz Henry. Said work will be sold in sections as follows:

Section I. From Station 52 to Station 25.

38.53 cubic yards, at 15c per yard

\$577 95

Section II. From Station 25 to Station 0.

51.07 cubic yards, at 15c per yard

\$766 05

\$1344 00

Security - five dollars cash - no checks - must be deposited by each bidder before any bid will be received.

Contract and bond must be given within five days from date of sale.

Specifications are now on file in the County Auditor's office, London, Ohio.

The right to reject any or all bids is reserved.

By order of the County Commissioners of Madison County, Ohio.

J. J. Shaffer, Auditor.

H. B. Mc Cafferty,  
County Surveyor.

Madison County Ditch Improvement Record.  
*The Andrew Barry Ditch Construction.*

Contract for  
Labor &  
Construction.  
(P. Mooney).

Auditor's Office, Madison County, Ohio.  
October 15<sup>th</sup> A. D. 1907.

In the matter of Ditch Improvement Petitioned for by Andrew Barry. } Contract for Labor of Construction.

Whereas, The above styled improvement has been duly ordered, and advertised for sale according to law, and the construction of Working Section No. 1 and 2, of 5200.00 8960 cubic yards at 18¢ per cubic yard was sold by the County Surveyor, on the 15<sup>th</sup> day of October, 1907, to the undersigned, for sixteen hundred and twelve and 80/100 Dollars, pursuant to said order and notice. Now, in consideration of the premises, it is agreed by me, to and whomsoever may be interested therein, that I will do and perform all the labor of constructing said improvement in accordance with the specifications for constructing the same, as shown in the record of the proceedings thereof, the same to be completed on or before the 15<sup>th</sup> day of February, 1908; Provided, however, this contract shall be of no force and effect until approved by the Board of Commissioners of Madison County, Ohio.

N. D. McLaugherty,  
County Surveyor.

J. P. Mooney  
Contractor.

Contractor's Bond.

Auditor's Office, Madison County, Ohio.  
October 15<sup>th</sup>, 1907.

In the matter of Ditch Improvement Petitioned for by Andrew Barry. } Contractor's Bond.

I now all know by these Presents, That Poor Mooney as principal, and Walter Mooney, W. C. Dutton and Ephraim Atherton as sureties, are firmly held and bound unto the State of Ohio, in the penal sum of Thirty two hundred and seventy five and 00/100 Dollars, good and lawful money.

Signed and dated this 15<sup>th</sup> day of October 1907.

The condition of the above obligation is such however, that whereas, the above bonded principal contractor has bid of the labor of constructing Working Sections No. 1<sup>st</sup> and 2, has duly entered into the annexed account, subject to the condition that the same shall be approved by the Commissioners of said Madison County, and has agreed to fully do and perform all labor of constructing said improvement, in accordance with the plans and specifications of said improvement, as shown on the record of said proceedings, on or before the 15<sup>th</sup> day of February, 1908.

Now if the said Poor Mooney shall well and truly perform all the obligations of his said contract and complete the same within the time fixed by said contract and pay all damages which may accrue by reason of a failure to complete the same within the time agreed upon in said contract, and pay all labor and material and for all debts incurred in the performance of this contract, then this obligation shall be void, otherwise to be in full force and effect in law.

Madison County Ditch Improvement Record.

*See Andrew Barry Ditch Construction.*

Stephen A. Hinson.

Poor Mooney

Walter F. Mooney

W. F. Dutton

This contract and Bond, and sureties on said Bond approved this 21<sup>st</sup> day of Oct. 1907.

N. L. McLaugherty  
County Surveyor.

J. W. Bowers  
President of Board of Comrs.

Commissioner's Office Madison County,  
London, Ohio, Oct. 21<sup>st</sup>, 1907.

Approval of  
contract and  
bond of Poor  
Mooney.

Commissioners met in regular session.  
Present: J. W. Bowers, Jno. E. Roberts, N. P. Chinneth.  
Minutes of previous meeting read and approved.

In the matter of } Approval of contract and bond of  
Ditch Imp. Petitioned } Poor Mooney.  
for by Andrew Barry }  
N. L. McLaugherty, the county Surveyor.

having made his report of the sale of the work of constructing  
said improvement and having within the time required  
by law filed the contract entered into with Poor Mooney for  
constructing working sections 1 and 2, and the bond of said  
contractor, which contract and bond have been examined  
and approved by this board and they are ordered filed  
according to law.

Recorded Jan. 18<sup>th</sup>, 1908.

County Auditor.