

## DAVID SELSOR GRAHAM DITCH

David Selsor Graham Ditch 1959

## SINGLE COUNTY DITCH PETITION

London, Ohio  
June 22, 1959

A

Petition to repairs and reconstruction of storm ditch over tile ditch from North side of Selsor-Moon Road to existing headwall on Della Selsor. Necessary structures at bridge for bank protection and new headwall. Cleanout Paint Creek far enough to secure good and sufficient outlet.

To the Board of County Commissioners Madison County, Ohio:

The undersigned hereby petition your honorable body to repairs and reconstruction of stormditch over tile ditch from North side of Selsor Moon road to existing headwall on Della Selsor. Necessary structures at bridge for bank protection and new headwall. Clean out Paint Creek far enough to secure good and sufficient outlet. on the course hereinafter set forth.

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

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

Commencing on the lands of David Selsor Graham, crossing Selsor-Moon Road into and through Della Selsor, into Weir Goodman to Paint Creek and along Paint Creek to point determined by Engineer.

The following is the nature of the work petitioned for: Reconstruct open ditch, new headwall and necessary structures, clean out outlet.

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:

Margaret Shively, S. Charleston, Ohio, Box 184  
David Selsor Graham, South Solon, Ohio  
Della Selsor, South Solon, Ohio  
Weir Goodman, C/O Opekasit, 1070 Weller Ave., Hamilton, Ohio

Service of notice of the filing of the Petition shall be obtained by mailing notices and publication as provided in Sec. 6131.07 R. C.

David Selsor Graham  
Della Selsor  
Margaret Shively ) Petitioners  
Kenneth Dorn

B BOND

(To be Filed with Ditch Petition)

KNOW ALL MEN BY THESE PRESENTS, That we, David Selsor Graham, as principal, and David Selsor and Keith K. Rowand as sureties, are held and firmly bound unto the State of Ohio, in the sum of Two 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 at London, Ohio, this 6 day of July, 1959.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That, Whereas, on the 22 day of June, 1959, the above bound David Selsor Graham filed his petition with the Clerk of the County Commissioners of Madison County, Ohio, making application to the County Commissioner to repair and construct storm ditch over tile ditch, necessary structure, etc. petitioned for by David Selsor Graham and others, the following being the course and termini of said proposed improvement, to wit:

Commencing on the lands of David Selsor Graham, crossing Selsor-Moon Road into and through Della Selsor, into Weir Goodman to Paint Creek and along Paint Creek to point determined by Engineer.

Now, if the said David Selsor Graham will pay the cost of notices, plus any other incidental expenses, except the cost made by the Engineer in making his survey, maps, plans, profiles and schedules, if the prayer of the petition is not granted or if said petition is for any cause dismissed, then this obligation shall be void; otherwise it shall be and remain in full force and virtue in law.

The above bond is approved this 6 day of  
July, 1959,  
Forrest R. Hanson  
Madison County Auditor

David Selsor Graham  
Della Selsor  
Keith K. Rowand

C RESOLUTION - ORDER FIXING TIME OF VIEW AND FIRST HEARING

In the Matter of the County Ditch No Office of County Commissioners,  
Petitioned for by David Selsor Graham, et al. Madison County, Ohio, July 13, 1959.

The Board of County Commissioners of Madison County, Ohio, met in Special session on the 13th. day of July, 1959, the Clerk of this board gave notice to the Board of County Commissioners and the County Engineer of County, Ohio, on the filing with him of a petition signed by David Selsor Graham et al, petitioner, to Madison County Commissioners and;

Whereas, It appears to said Board that the proper bond has been filed with the Clerk, approved, conditioned for the payment of costs of notices, plus any other incidental expenses, except the cost made by the Engineer in making his survey, maps, plans, profiles and schedules, 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 10 day of August, 1959, at ten O'clock A. M., at the upper terminus of the improvement, be and the same is hereby fixed as the time

and place for the view thereon; and be it further

Resolved, That the 5th day of October, 1959, 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. Bell seconded the resolution and the roll being called upon its adoption, the vote resulted as follows: Mr. Rodney Plymell, yes; Mr. William S. Bell, yes; Mr. George W. Taylor, yes.

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

RESOLUTION - COMMISSIONERS' FINDING FOR THE IMPROVEMENT

In the Matter of the Single County Ditch No. Petitioned for by David Selsor Graham et al. Office of the Board of County Commissioners, Madison County, Ohio,  
October 5, 1959.

The Board of County Commissioners of Madison County, Ohio, met in special session on the 5th day of October, 1959, at the office of Commissioners with the following members present: Mr. Rodney Plymell, Mr. Wm. S. Bell and Mr. George W. Taylor.

Mr. Bell moved the adoption of the following Resolution:

Whereas, This being the day fixed by said Board in its order dated the 13th day of July, 1959, 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, 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 David Selsor Graham, crossing Selsor-Moor Road into and through Della Selsor, into Weir Goodman to Paint Creek and along Paint Creek to point determined by Engineer and be it further

Resolved, That the County Auditor be authorized to transfer from the general revenue funds of the county, not otherwise appropriated, to the general drainage improvement fund the sum of Two hundred seventy six 25/100-----; and be it further

Resolved, That the County Engineer be and he is hereby directed to cause to be made the necessary survey for the proposed improvement, plans for the structures, 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; which shall include actual construction cost of engineering and the cost of notices; publication and other incidental expenses; and set proper construction stakes, beginning at the upper terminus of the improvement, and perform such other duties as required by Section 6131.14 of the Revised Code of Ohio; and be it further

Resolved, That the 28th day of December, 1959, at 10:00 O'clock A. M., be and the same is hereby fixed as the time for filing with the Clerk of the County Commissioners all of said maps, profiles, schedules and reports prepared by said County Engineer; 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 County Engineer.

Mr. Taylor seconded the resolution and the roll being called upon its adoption, the vote resulted as follows: Mr. Rodney Plymell, yes; Mr. William S. Bell, yes; Mr. George W. Taylor, yes.

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

Office of the Board of County Commissioners,

To the County Engineer:

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.

Forrest R. Hanson  
Clerk of the County Commissioners.

DAVID SELSOR GRAHAM DITCH

D REPORT OF COUNTY ENGINEER

In the matter of the single County Ditch  
Petitioned for by David Selsor Graham et al.

County Engineer's Office, Madison County, Ohio  
Dec. 22, 1959.  
Proceedings to repair and reconstruct storm  
ditch over tile ditch from North side of Selsor  
Moon Road to existing headwall on Della Selsor.  
Necessary structures at bridge, etc.

To the Board of County Commissioners Madison County, Ohio:

The undersigned County Engineer, in obedience to the order of your Board, made on the 5th. day of October, 1959, proceeded in the above matter, and visited the proposed location of said improvement and made the necessary survey for the proposed improvement, as found by the Commissioners, plans for structures, maps showing the location of the land proposed to be assessed, and profiles showing the cutting and gradient of the improvement, and made an estimate of the actual cost of the construction together with the cost of engineering and the cost of notices, publication, and other incidental expenses, of said improvement; and set proper construction stakes, beginning at the upper terminus of the improvement, and noted the intersection of the line of the improvement with the apparent land boundaries of separate owners, township and county lines, natural land marks, road crossings, or other lines or marks; and took and noted necessary levels off the lines of the improvement for contour purposes, to determine the area, of the land subject to drainage, and to determine the extent of benefits to the land affected by the construction of the improvement.

I also established, at intervals of not less than one in each mile, in the most practical, permanent form, and in locations where destruction or disturbance is improbable, bench marks from which the original levels of the improvement can be established. The relation of the assumed elevation used by me in my work upon this improvement, to the established elevation of No U. S. C. & G. S. BM available of the geological survey of the United States, in the County, is as follows:

I also made a schedule of the work proposed to be done, showing the fall, the depth, the excavating to be done, the location of the permanent bench marks and their actual elevation above or below the base elevation used, the nature of the excavation, and the location of quick-sand or rock, or other special features

I also prepared a schedule containing the name of each owner of land, with a description of the land which I believe to be benefited by the proposed improvement, taken from the tax duplicates of the County, and have entered in said schedule the proximate number of acres benefited by the proposed improvement, and the amount that said land, in my opinion, ought to be assessed, according to benefits.

I also prepared proper working specifications for the construction of the improvement, including catch basins, retaining walls, size and kind of tile, and included an easement of sufficient width for permanent maintenance, etc.

I made estimates of the cost of excavating and of the cost of material and divided the construction of said improvement into such working sections as were deemed expedient.

The said survey, maps, profiles, plans, schedules, and reports are hereto attached and made a part hereof.

I hereby recommend the Paint Creek maintenance district in which this improvement shall be placed, and I have included \$100.00 in the construction costs for the maintenance of said district for one year.

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

Labor	\$2050.40	
Materials	1644.38	\$3694.78
Engineering	\$300.00	
Inspection	100.00	
Contingencies	100.00	
1st. year's maintenance	100.00	600.00
		<hr/>
	Total	\$ 4294.78
	Respectfully submitted,	
	<u>Helgeh Ekedahl</u>	County Engineer
	By <u>Gideon T. Clark</u>	Deputy

E RESOLUTION - ORDER FIXING TIME OF FINAL HEARING ON ENGINEERS' REPORTS, ON ESTIMATED ASSESSMENTS. ON THE PROCEEDINGS FOR THE IMPROVEMENT AND ON CLAIMS FOR COMPENSATION AND DAMAGES

In the Matter of the single County Ditch  
Petitioned for by David Selsor Graham et al

Office of the Board of County Commissioners  
Madison County, Ohio, Dec. 28, 1959.

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 28th day of December, 1959, at the office of the County Commissioners with the following members present: Mr. Rodney Plymell, Mr. William S. Bell.

Mr. Bell moved the adoption of the following Resolution:

Whereas, This 28th day of December, 1959, the Clerk of the Board of County Commissioners has given notice to said Board of the filing with him by the County Engineer of the maps, profiles, schedules, and reports in the above named improvement, in accordance with its order of the 5th day of October, 1959, therefore, be it

Resolved, That the 25th day of January, 1960, at 10:00 O'clock A. M., be and the same is hereby fixed as the time for the final hearing on said reports and schedules, on estimated assessments, on the proceedings for the improvement, and on claims for compensation or damages, which claims must be filed with the Clerk of the Board of County Commissioners on or before said date; and be it further

Resolved, That notice of said 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. William S. Bell, yes;

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

F 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  
David Selsor Graham et al.

Office of the Board of County Commissioners  
Madison County, Ohio January 25, 1960

The Board of County Commissioners of Madison County, Ohio met in special session on the 25th day of January, 1960, at the office of Commissioners with the following members present: Mr. Rodney Plymell, Mr. Wm. S. Bell.

Mr. Bell moved the adoption of the following Resolution:

Whereas, This being the day fixed by said Board, in its order dated the 28th day of December, 1959, for the final hearing on the Reports and Schedules of the County Engineer, on the estimated assessments, on claims for compensation or damages and on the proceedings for the improvement, and on application filed for change of route or change in the nature, kind and extent of the work proposed to be done; and

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

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

Resolved, That said Board review and reconsider its former order made and dated the 28th day of December, 1959, in favor of said improvement; and be it further

Resolved, That said Board hereby approve the maps, profiles, plans, schedules and reports prepared by the County Engineer, as amended in its order dated the 5th day of October, 1959; 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 5th day of October, 1959, be and the same is hereby affirmed; and

Whereas, Objections to the proposed assessment having been filed by none and the Board Having heard said objections and all evidence offered for or against the assessment proposed to be levied against any owner or on any land, as shown by the schedule of assessments filed by the County Engineer and any competent evidence on the 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-

none

and be it further

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

Resolved, that \$2294.78 be and the same is hereby assessed for benefits to the general public by reason of the improvement being conducive to the public welfare and shall be paid by the public and assessed against the County, and \$2294.78 found to benefit State or County Roads or Highways be and the same is hereby assessed against the County, and the following sums found to benefit the following political subdivisions of the State be and the same are hereby assessed against such political subdivisions, respectively:

Road and Bridge of Madison County      2294.78

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 bonds of said County shall ~~xxxxxx~~ 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



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 133.31 of the Revised Code of Ohio and "The Uniform Bond Act" in the aggregate sum of Two thousand eighty five dollars and 89/100 (\$2,85.89), 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 reconstruction of said County Ditch according to the terms of said Resolution above referred to: and be it further

Resolved, That said notes shall be dated the 1st day of April 1961, and shall be in the denomination of Two thousand eight five 89/100 Dollars (\$2,085.89) each.

Said notes shall bear interest at the rate of four per centum per annum until paid, and the interest on said notes shall be payable on the 1st day of October and the 1st day of April 1962, and until the principal sum of said notes is paid and as evidenced by interest coupons attached thereto. Said notes shall not be issued for a longer period of time than two years from date thereof and shall be payable at the office of the Treasurer of said County at London, Ohio, upon presentation and surrender of said notes and interest coupons as they respectively mature. Said notes shall be redeemable at any interest period.

Said notes shall be due and payable as follows:

No.34 Date - October 1st and April 1st of each year Amount - 2,085.89

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 133.31 of the Revised 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

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

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

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

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

First National Bank, London, Ohio at private sale.

Mr. Andrix seconded the resolution and the roll being called upon its adoption, the vote resulted as follows: Mr. Rodger B. Baker, yes; Mr. William S. Bell, yes; Mr. Paul E. Andrix, yes.

Dated this 27th day of March, 1961.

Forrest R. Hanson

G G

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

I RESOLUTION - COMMISSIONERS' ORDER APPROVING CONTRACTS AND BONDS AND  
LEVYING ASSESSMENTS

In the Matter of the Single County Ditch No  
Petitioned for by David Selsor Graham et al.

Office of the Board of County Commissioners  
Madison County, Ohio - March 27, 1961.

The Board of County Commissioners of Madison County, Ohio, met in special session on the 27th day of March, 1961, at the office of Commissioners with the following members present:  
Mr. Rodger B. Baker; Mr. Wm. S. Bell; Mr. Paul E. Andrix.

## DAVID SELSOR GRAHAM DITCH

Mr. Bell moved the adoption of the following Resolution:

Whereas, The County Engineer has filed with this Board the contract-and bond-for the work of construction and furnishing material in the above named improvement petitioned for by David Selsor Graham et al; therefore, be it

Resolved, That said contract - and bond- be and the same are hereby approved; and be it further

Resolved, That the clerk of this board be and - he is hereby directed to record said contract - and bond - in the Commissioners' Journal; and be it further

Resolved, That the County Auditor be and - he is hereby directed to reduce pro rata the assessments previously confirmed by this Board, by the difference between the estimated cost of the construction and the final cost upon completion of such contracts as provided in section 6131.41 of the Revised Code; and be it further

Resolved, That the assessments so reduced, but with the cost of location, engineering, compensation, damages, contingency and the assessment for maintenance for one year included therein, be and the same are hereby levied upon each parcel of land, each public corporation and each department, office, or institution of the State of Ohio, stated in the schedules as of the date of this order, and be it further

Resolved, That the County Auditor be and he is hereby directed to place said assessments so levied upon the Duplicates of the County, making and furnishing the Treasurer of said County a special Duplicate with the assessments arranged thereon in semi-annual installments as provided in our former order adopted the 25th day of January, 1960.

Mr. Andrix seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows: Mr. Rodger B. Baker, Yes; Mr. William S. Bell, yes; Paul E. Andrix, yes.

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