

A--Single County Ditch Petition

London, Ohio January 31, 1944

Petition for location, reconstruction, deepening and widening.

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

The undersigned hereby petition your honorable body for the location, reconstruction, deepening and widening on the course hereinafter set forth.

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

The following is the course and termini of said proposed improvement, to-wit: Commencing at or near the end of an 18 inch tile on the land of William Cawley; thence following the Fillmore-Jackson ditch, or as near thereto as practical, in a general easterly direction through the lands of said Cawley, Joseph H. Tway, crossing State Route #38 and into and through the Neil land far enough to afford and secure a good and sufficient outlet for all lands draining into said ditch.

The following is the nature of the work petitioned for: The reconstruction, deepening and widening of said ditch, making some of sufficient depth and capacity to afford drainage to the land supposed to be drained thereby.

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

L.M. Roudebush	London, Ohio #2
Orpha Cos	London, Ohio #2
U.S. Dept of Agriculture-Farm Security Adm.	Washington D.C.
United States of America	Washington D.C.
E. Z. Warner (Mrs.)	London, Ohio
Clara S. Orcutt	London, Ohio
Samuel Davis	London, Ohio #1
Louise Chenoweth	London, Ohio
Ward C. & Oletha Flax	Board Charleston, Ohio
William Cawley	London, Ohio
John & Helen Pickrel	London, Ohio
Joseph H. Tway	London, Ohio
Grace Neil	M.L. Rea, Agent, London, Ohio
The Pennsylvania Railroad (Real Estate Dept.)	Penn. Sta. Pittsburgh, Penn.
P.C.C. & St. L. R.R.	London, Ohio #1
Walter B. Gardner	

Service of Notice of Filing the Petition shall be obtained by Personal service, Publication or as provided in Section 6447 or mailing notices as provided in said section.

William Cawley Petitioner

B--Bond

KNOW ALL MEN BY THESE PRESENTS, That we William Cawley C. B. Anderson and J. E. Dennison are held and firmly bound unto the State of Ohio, in the sum of Three 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 31st day of January 1944.

The Condition of the above Obligation is such, that, Whereas, on the 31 day of January, 1944, the above bound William Cawley filed his petition with the County Auditor of Madison County, Ohio, making application to the County Commissioners, praying for the location, reconstruction, deepening and widening petitioned for by William Cawley and others; the following is the course and termini of said proposed improvement; to-wit: Commencing at or near the end of an 18 inch tile on the land of William Cawley; thence following the Fillmore Jackson Ditch, or as near thereto as practical, in a general easterly direction, through the lands of said Cawley, Joseph H. Tway, crossing State Route No. 38 and into and through the Neil land far enough to afford and secure a good and sufficient outlet for all lands draining into said ditch.

Now if the said William Cawley will pay all costs, if the prayer of the petition is not granted or if said petition is for any cause dismissed, then this obligation to be void; otherwise to remain in full force and virtue in law.

The above bond is approved this 1 day of February, 1944.  
Robert K. Dixon, County Auditor.

Wm. Cawley  
C.B. Anderson  
J.E. Denison

C--Order Fixing Time of View and First Hearing.

In the Matter of the Single  
County Ditch Petitioned for  
by Wm. Cawley and others.

Office of the Board of County Comm.  
London, Ohio  
January 31, 1944

Mr. Plymell moved the adoption of the following Resolution

Whereas, This 31 day of January, 1944, the Board of County Commissioners of Madison County, being in regular session, members present R.W. Armstrong, and Rodney Plymell, the County Auditor gave notice to us of the filing with him of a petition signed by William Cawley petitioner for the location, reconstruction, deepening and widening; and

Whereas, It appears to us that the proper bond has been filed with the Auditor and by him approved, conditioned for the payment of all costs if the prayer of the petition is not granted, or if said petition is for any cause dismissed; therefore, be it

Resolved, By said Board of County Commissioners, that the 28 day of February, 1944, 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 6 day of March, 1944, at ten o'clock A.M. at the office of the Board of County Commissioners of said County be and the same is hereby fixed as the time and place for the first hearing on the petition; and be it further

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

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

Mr. R. W. Armstrong, Yea/  
Mr. Rodney Plymell, Yea/

D--Journal Entry-Commissioners' order

In the Matter of the Single  
County Ditch Petitioned for  
by Wm. Cawley and others.

Office of the Board of Co. Comm.  
Madison County, Ohio,  
March 6, 1944.

Mr. Mink moved the adoption of the following Resolution

Whereas, This day the Board of County Commissioners being in regular session, present R.W. Armstrong, Gola Mink and Rodney Plymell; and

Whereas, affected persons have heretofore verbally made application to amend Ditch Petition as follows:

Petition as filed:

Commencing at or near the end of an 18 inch tile on the land of William Cawley; thence following the Fillmore-Jackson Ditch, or as near thereto as practical, in a general easterly direction through the lands of said Cawley, Joseph H. Tway, crossing State Route #38 and into and through the Neil land far enough to afford and secure a good and sufficient outlet for all lands draining into said ditch.

The following is the nature of the work petitioned for: The reconstruction, deepening and widening of said ditch, making same of sufficient depth and capacity to afford drainage to the lands supposed to be drained thereby; therefore be it

Resolved, That said application to amend said Ditch Petition be amended as follows:

Petition:

Commencing at or near the end of an 18 inch tile on the land of William Cawley; thence following the Fillmore-Jackson ditch, or as near thereto as practical, in a general easterly direction through the lands of said Cawley, Joseph H. Tway, crossing State Route #38 and into and through the Neil land far enough to afford and secure a good and sufficient outlet for all lands draining into said ditch.

The following is the nature of the work petitioned for: The reconstruction, deepening and widening of said ditch, making same of sufficient depth and capacity to afford drainage to the lands supposed to be drained thereby.

Amendment:

The entire tiled portion of ditches draining into the ditch petitioned for and known as the Fillmore Jackson Ditch to be examined and wherever necessary repaired as may be needed.

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

Mr. Armstrong, Yea; Mr. Mink, Yea; Mr. Plymell, Yea.

E--Commissioners' Finding for the Improvement.

In the Matter of the Single  
County Ditch Petitioned for  
by Willaim Calwey.

Office of the Board of County Comm.  
Madison County, Ohio.  
March 6, 1944,

Mr. Mink moved the adoption of the following Resolution

Whereas, This day the Board of County Commissioners being in regular session, present R.W. Armstrong, Gola Mink and Rodney Plymell and this being the day fixed by said Board in their order dated the 31 day of January, 1944, for the hearing on the petition in the above named improvement, the said Board met at their office, and conducted said hearing by causing the petition to be publicly read, together with all applications for and remonstrances against the improvement, and all applications for change or extension of the improvement, previously filed in writing; and

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

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

Resolved, By the Board of County Commissioners that we do hereby find that the said proposed improvement petitioned for is necessary and will be conducive to the public welfare; and we are reasonably certain that the cost thereof will be less than the benefits, and the prayer of the petition is hereby granted; and we do further find that the following described route and termini of the proposed improvement and of the branches, spurs and laterals thereof, and the manner of constructing the same are the best and the same are hereby adopted and prescribed by us: Commencing at or near the end of an 18 inch tile on the land of William Cawley; thence following the Fillmore Jackson Ditch, or as near thereto as practical, in a general easterly direction through the lands of said Cawley, Joseph H. Tway, crossing State Route No. 38 and into and through the Neil land far enough to afford and secure a good and sufficient outlet for all lands draining into said ditch.

The following is the nature of the work petitioned for: The reconstruction, deepening, and widening of said ditch, making some of sufficient depth and capacity to afford drainage to the lands supposed to be drained thereby.

Amendment:

The entire tiled portion of ditches draining into the ditch petitioned for and known as the Fillmore Jackson ditch to be examined and wherever necessary repaired as may be needed, and be it further

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

Resolved, That the 15 day of May, 1944, 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, 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 on its adoption, the vote resulted as follows:

Mr. Armstrong, Yea; Mr. Mink, Yea; Mr. Plymell, Yea/

County Auditor's Office,  
March 5, 1944.

To the County Surveyor:

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

Robert K. Dixon,  
County Auditor.

FILLMORE-JACKSON COUNTY DITCH

F--Schedule of Land Owners

NAME	SURVEY	TWP.	EST. COST REPAIRS	ACRES OWNED	ACRES BENEFITED	ESTIMATED TOTAL ASSESSMENT
L. M. Roudebush	4513	Union	92.00	300.31	250.00	292.00
Orpha Cox	4513	"	2.00	37.37	5.00	6.50
U.S. Dept. of Agriculture	4513	"	16.00	42.50	40.00	52.00
E. Z. Warner	4513	"	18.40	46.50	36.00	59.80
Clara S. Orcutt	4513	"	14.00	65.49	35.00	45.50
Sameul Davis	4513	"	37.20	93.88	93.00	120.90
"	4513	London S.D.	3.40	5.97	5.97	8.80
Louise Chenoweth	4513	Union	22.00	145.00	30.00	49.00
William Cawley	4513	"	37.00	94.00	94.00	121.60
"	8742	London S.D.	32.00	156.00	50.00	94.40
Nelson Ingersol	4513 8742	"	20.00	142.00	15.00	33.50
Joseph H. Tway	8742	London S.D.		4.35)	35.00	20.00
Pennsylvania R. R. Co.			3.00	45.65)	10.0	13.00
Madison County			3.00			13.00

G--Specifications of the Manner of Construction

In the Matter of the Single County Ditch Petitioned for by William Cawley

Surveyor's Office, Madison County, O. Proceedings for location, reconstruction, deepening and widening.

This ditch shall be constructed as an open ditch 3 feet wide in the bottom and all slopes shall be 1 1/2 to 1. The ditch to be cut fully down to the grade line at all points and to conform to the gradients shown on profile and this report. All excavated material to be evenly spread beyond tops of ditch banks to the satisfaction of the owner of land upon which the ditch is located.

At station 63 \* 75 the present bulkhead is not adequate and is to be extended and repaired as shown by the plan on profile shut in this report.

It is not possible to make an examination of the condition of the tile ditch above ~~xxxxxx~~ station 63 \*75 and cannot be done until the open ditch is constructed, thereby giving an outlet to said tile ditch and letting the water down so that such and examination is made.

An estimate is made of the probable cost of said examination and of anticipated repairs and the cost assessed upon various lands. If this estimated cost is found to be more than actual then surplus will be deducted from the assessments pro rata or if its found to be not sufficient then said assessments will be increased pro rata, but is is the opinion of the Engineer that said estimate will be found more than sufficient

The grubbing estimated on the land of Joseph H. Tway consists of the removal of all small bushes and trees under 6 inches diameter and material removed shall be destroyed or moved away from the premises.

The ditch banks where this grubbing is to be done shall be evenly sloped.

When the excavation is done all loose material shall be removed from the bottom or slopes of the open ditch.

The Engineer will set angle stakes for the construction of the open ditch and the same shall be made straight from angle to angle except that easy curves are to be made at the angles.

Said work is to be fully completed in regard to the oprn ditch within 90 days from the award of contract.

H-- Estimate of Working Sections

No. of Working Section	Section	Station Numbers	Amount
1	87 To 63 - 75	800 cu. yds	40 per yd. \$320.00
2	Grubbing		50.00
3	Bulkhead & Repair		210.00
4	Repairs Tile Ditch		300.00 Estimated.

Engineering not included on this sheet.

## FILLMORE JACKSON COUNTY DITCH

I--Order Fixing Time of Final Hearing on Surveyor's Reports.

In the Matter of the Single  
County Ditch Petitioned for  
by William Cawley.

Office of the Board of County Commissioners,  
Madison County, Ohio.  
July 3, 1944.

Mr. Mink moved the adoption of the following Resolution

Whereas, This day of July 1944, the Board of County Commissioners of Madison County, being in regular session, members present, Armstrong and Mink, the County Auditor has given notice to us of the filing with him by the County Surveyor of the maps, profiles, schedules, and reports in the above named improvement, in accordance with our order of the 6 day of March, 1944, therefore, be it

Resolved, That the 24 day of July, 1944, at 10 o'clock A.M., C.W.T. and/or 11 A.M. E.W.T. be and the same is hereby fixed as the time for the final hearing on said reports and schedules, on estimated assessments, on the proceedings for the improvement, and on claims for compensation or damages which claims must be filed with the County Auditor on or before said date; and be it further

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

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

Mr. R.W. Armstrong, Yea; Mr. Gola Mink, Yea.

Attest; Robert K. Dixon, Clerk of the Board

J--Commissioners' Finding Affirming Former Order, etc.

In the Matter of the Single  
County Ditch Petitioned for  
by William Cawley

Office of the Board of County Commissioners,  
Madison County, Ohio.  
July 24, 1944

Mr. Mink moved the adoption of the following Resolution

Whereas, This day the Board of County Commissioners being in regular session, present Armstrong, Mink, and Plymell, and this being the day fixed by said Board, in their order dated the 3rd day of July, 1944, 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 extent of the work proposed to be done; and

Whereas, We find 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 the former order made by us dated the 6 day of March 1944, in favor of said improvement; and be it further

Resolved, That we do hereby approve the maps, profiles, schedules and reports prepared by the County Surveyor, 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 the former order finding in favor of said improvement made by us at the first hearing on the 6 day of March, 1944, be and the same is hereby affirmed; therefore, be it,

Resolved, That said Surveyor's estimate be and the same are hereby approved and confirmed; and be it further

Resolved, That \$13.00 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 5 years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay the assessments that may be made for the improvement; and that bonds 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 (G.C. 6460) and be it further

Resolved, That the Interest shall be added to said installments of assessments at the same rate as is drawn by the bonds issued to pay for said improvement; provided any owner may pay the assessment on his land in cash 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 21 day of August, 1944, at 10 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' 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 does not exceed one thousand dollars, the notice of said letting be given by posting at the front door of the county court house,----- and be it further,

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

Mr. R.W. Armstrong, Yea; Mr. Gola Mink, Yea; Mr. Rodney Plymell, Yea/

Attest; Robert K. Dixon, Auditor and Board Clerk

K--Surveyor's Report on Bids Received.

In the Matter of the Single  
County Ditch Petitioned For  
by William Cawley

County Surveyor's Office,  
Madison County, Ohio.  
August 21, 1944

To the Board of County Commissioners:

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

Bidder	For What Work or Materials	Amount of Bid	Guaranty
O.E. Liller	800 cu. yds. open ditch grubbing and cleaning	320.00) 50.00)	Ck.11.10

I recommend the following bids as the best: O.E. Liller

H.L. McCafferty  
County Surveyor

L--Commissioners' Order Awarding Contracts

In the Matter of the Single  
County Ditch Petitioned for  
by William Cawley

Office of the Board of County Commissioners,  
Madison County, Ohio.  
August 21, 1944

Mr. Mink moved the adoption of the following Resolution

Whereas, This day the Board of County Commissioners being in regular session, present, Amrstrong, Mink and Plymell and the County Surveyor 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 William Cawley, and

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

Bidder	For What Work or Materials	Amount of Bid	Surveyor's Estimate
O.E. Liller	800 cu. yds. open ditch grubbing & clearing	320.00 50.00 <u>370.00</u>	320.00 50.00 <u>370.00</u>

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 Surveyor 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 January, 1945, 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. Plymell seconded the resolution and the roll being called on its adoption, the vote resulted as follows:

Mr. R. W. Armstrong, Yes; Mr. Gola Mink, Yea; Mr. Rodney Plymell, Yea.

FILLMORE-JACKSON COUNTY DITCH

M--Commissioners' Order Approving Contracts and Bonds and Levying Assessments.

In the Matter of the Single  
County Ditch Petitioned for  
William Cawley.

Office of the Board of County Commissioners,  
Madison County, Ohio.  
September 11, 1944.

Mr. Mink moved the adoption of the following Resolution

Whereas, This day the Board of County Commissioners being in regular session, present, Armstrong, Mink and Plymell, and the County Surveyor filed with this Board the contract--- and bond---for the work of construction and furnishing material in the above named improvement petitioned for by William Cawley; therefore be it

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

Resolved, That the County Auditor 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 contract price; and be it further

Resolved, That the assessments so reduced, but with the cost of the location included therein be and the same are hereby levied upon each parcel of land 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 24 day of July, 1944.

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

Mr. Armstrong, Yes; Mr. Mink, Yes; Mr. Plymell, Yes.

Attest; Robert K. Dixon, Clerk

N--Certificate of County Surveyor as to Work Completed .

In the Matter of the Single  
County Ditch Petitioned for  
by William Cawley and others.

Fillmore Jackson County Ditch.  
Office of County Surveyor, Madison County  
November 25, 1946

To O.E. Liller Contractor:

This is to certify that the undersigned County Surveyor has accepted 100 per cent of the work and labor furnished and completed by said contractor under his contract for the construction of the above needed improvement petitioned for by William Cawley and other, and I, therefore, approve said work and labor for payment in the sum of Three hundred seventy dollars (\$370.00) Dollars, the same being the contract price for said percentage of work and labor completed and accepted.

H.L. McCafferty  
County Engineer

Total cost as per contract	\$370.00
Engineering and Inspection	50.00
County Commissioners	<u>60.00</u>
Total	\$480.00

This amount to be taken from the \$300.00 assessed for repairs,

Examination and Repair

4 Labor	162.40
5 Engineering and inspection	25.00
6 Truck	48.00
7 Drain Tile	40.00
Total for repairs	\$275.40
Grand Total	\$755.40

Items 2-4-5-6 and 7 Furnished by Madison County

## FILLMORE-JACKSON COUNTY DITCH

O--Itemized List of Improvement Costs.

## Construction:

Liller Contract	370.00	
Labor (County)	162.40	
Truck Service (County)	48.00	
Drain Tile	<u>40.00</u>	
Total		\$620.40

## Engineer's Services:

Engineering & Inspection (Main)	50.00	
Engineering & Inspection (Repair)	<u>25.00</u>	
Total		75.00

## Commissioners Fees:

Three Commissioners Fees	<u>60.00</u>	
Total		60.00

## Transcript, Mailing Notices and Advertising:

Transcript	4.50	
2-3-44 Mailing (15)	.45	
7-11-44 Mailing (16)	.48	
Mailing Statements (11)	<u>.33</u>	
Total		<u>5.76</u>

Grand Total \$761.16

P--Final Assessment Schedule

OWNER	ACRES OWNED	ACRES BENEFITED	CONSTR. SCHEDULE ESTIMATE	RATE	FINAL ASSESSMENT---INCL. EXPENSES
Roudebush, L.M.	300.31	250.00	292.00	.31398	238.98
Lambert, Robert W. et al	37.37	5.00	6.50	.00699	5.32
Johnson, Samuel E. & Carrie W.	139.90	40.00	52.00	.05591	42.56
Warner, E.Z.	46.50	36.00	59.80	.06430	48.94
Cox, Florence O.	65.49	35.00	45.50	.04892	37.24
Davis, Samuel	93.88	93.00	120.90	.13000	98.95
	5.97	5.97	8.80	.00946	7.20
Chenoweth, Louise	145.00	30.00	49.00	.05269	40.11
Cawley, William	94.00	94.00	121.60	.13075	99.52
	156.00	50.00	94.40	.10151	772.7
Ingersol, Nelson	142.07	15.00	33.50	.03602	27.42
Tway, Joseph H.	4.35	35.00	20.00	.02151	16.37
	45.65				
Pennsylvania R.R. Co.		10.00	13.00	.01398	10.64
Madison County		10.00	<u>13.00</u>	<u>.01398</u>	<u>10.64</u>
Total			930.00	1.00000	761.16

## Q--UNPAID ASSESSMENTS

London, Ohio  
Sept 15, 1947Madison County Commissioners  
London, Ohio

Gentlemen:

This is to advise that statements were mailed to all persons assessed for the improvement of the subject Ditch and I am listing herewith those remaining unpaid, to be collected as taxes with interest added thereon, for which a note should be issued, to-wit:

Name	Acreage	Amount
Johnson, Samuel E. & Carrie W.	139.90	42.56
Total Amount		\$42.56

Respectfully,

Robert K. Dixon  
Auditor, Madison County

## FILLMORE-JACKSON COUNTY DITCH

## R--RESOLUTION TO ISSUE NOTES IN ANTICIPATION OF THE LEVY OF SPECIAL ASSESSMENTS OR OF THE ISSUANCE OF BONDS.

In the Matter of the Single  
County Ditch Petitioned for  
by William Cawley.

Office of the Board of County Comm.  
Madison County, Ohio.  
September 15, 1947.

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 15 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, Said Board has heretofore, by Resolution duly passed on the 24 day of July, 1944, affirmed their former order finding in favor of the improvement of the County Ditch, petitioned for by William Cawley and others; and

Whereas, It is now deemed necessary to issue and sell \$42.56 of notes under authority of Section 2293-24 of the General Code of Ohio for the purpose of providing funds in anticipation of the levy of special assessments or of the issuance of bonds, for the 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 24 day of July, 1944, 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 special assessments or of the issuance of bonds to issue and sell the notes of said County under and by virtue of the authority of Section 2293-24 of the General Code of Ohio in the aggregate sum of Forty Two and 56/100 Dollars (\$42.56) 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 note shall be dated the 1 day of October, 1947, and shall be in the denomination of Forty Two and 56/100 Dollars (\$42.56) and shall be numbered four.

Said note 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 1 day of April and the 1 day of October, 1948, 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 note shall be redeemable at any interest period.

Said notes shall be due and payable as follows: No. 4 Date, April 1, 1948, Amount \$42.56.

Said notes shall specify on their face the purpose for which they are issued, and they they are issued in pursuance of this resolution and under authority of the General Laws of the State of Ohio, particularly Section 2293-24 of the General Code, and shall be full general obligations of said Madison County, and for the full amount thereof, and the full faith, credit and revenue of said County are hereby pledged for the payment of the principal and interest thereof at maturity.

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

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

Resolved, That there shall be 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 officer, 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 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.

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

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

Dated this 15 day of September, 1947

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

Attest:--

*Robert K. Dixon*  
CLERK MADISON COUNTY, OHIO