

## WALTER B. GARDNER COUNTY DITCH

A-Petition

London, Ohio  
April 21, 1947

Petition for Location, construction and tiling.

To the Board of County Commissioners, Madison County, Ohio

The undersigned hereby petition your honorable body for the Location construction and tiling, examination, repair or construction of all necessary laterals 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 land of Walter Gardner south of the residence of said Gardner, thence following a tile ditch or as near thereto as practical in a general southerly direction through the land of said Gardner, land of John and Helen Pickeral et al. and land of Joseph H. Tway to the Fillmore Jackson County ditch and thence down said County ditch if necessary, through the land of Grace Neil far enough to secure a good and sufficient outlet.

Also for the location, examination, repair or construction of any necessary laterals.

The following is the nature of the work petitioned for: Location, construction and tiling of a ditch and the location, examination, repair or construction of any necessary laterals.

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

|                                   |              |
|-----------------------------------|--------------|
| Walter B. Gardner,                | London, Ohio |
| John Pickeral-John Harper, Agent  | London, Ohio |
| Helen Pickeral-John Harper, Agent | London, Ohio |
| Joseph H. Tway,                   | London, Ohio |
| Grace Neil, c/o Harry High, Agent | London, Ohio |

Service of notice of the filing of the Petition shall be obtained by Mailing Notices.

|                        |             |
|------------------------|-------------|
| Walter B. Gardner      |             |
| Joseph H. Tway         | Petitioners |
| John Harper, Agent for |             |
| John & Helen Pickeral  |             |

B-Bond

Know All Men By These Presents, That we, Walter Gardner, as principal, and others as surties, are held and firmly bound unto the State of Ohio, in the sum of Four hundred and No/100----- (400.00) Dollars, to the payment of which sum, well and truly to be made, we do hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us and dated at London, Ohio, this 21 day of April, 1947.

The Condition Of The Above Obligation Is Such, That, Whereas, on the 21 day of April, 1947 the above bound Walter Gardner filed his petition with the Auditor of Madison County, Ohio, making application to the County Commissioners for the Location, construction and tiling of a ditch and the examination, repair of all necessary laterals petitioned for by Walter Gardner and others, the following being the course and termini of said proposed improvement, to-wit:

Commencing on the land of Walter Gardner south of the residence of said Gardner, thence following a tile ditch or as near thereto as practical in a general southerly direction through the land of said Gardner, land of John and Helen Pickeral et al. and land of Joseph H. Tway to the Fillmore Jackson County ditch and thence down said County ditch if necessary through the land of Grace Neil far enough to secure a good and sufficient outlet.

Also for the location, esamination, repair or construction of any necessary laterals.

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

The above bond is approved this 21  
day of April, 1947

Walter B. Gardner  
Joseph H. Tway  
John Harper, Agt. for  
John & Helen Pickeral

Robert K. Dixon, County Auditor

C-Notice To Board of County Commissioners etc.

Office of Auditor of Madison Co., Ohio  
April 21, 1947

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

You Are Hereby Notified that a petition and bond for a Single County Ditch improvement was filed in my office on the 21 day of April, 1947, and I hereby certify that a true copy of said petition is set out below.

Robert K. Dixon  
County Auditor

## COPY OF COUNTY DITCH PETITION

Petition for Location, construction and tiling, examination, repair or construction of all necessary laterals.

Cont.

## WALTER B. GARDNER COUNTY DITCH

To the Board of County Commissioners, Madison County, Ohio

The undersigned hereby petition your honorable body for the Location, construction, and tiling, examination, repair or construction of all necessary laterals 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 land of Walter Gardner south of the residence of said Gardner, thence following a tile ditch or as near thereto as practical in a general southerly direction through land of said Gardner, land of John and Helen Pickerel et al and land of Joseph H. Tway to the Fillmore Jackson County Ditch and thence down said County ditch if necessary, through the land of Grace Neil far enough to secure a good and sufficient outlet.

Also for the location, examination, repair or construction of any necessary laterals.

The following is the nature of the work petitioned for: Location, construction and tiling of a ditch and the location, examination, repair or construction of any necessary laterals.

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

|                                    |              |
|------------------------------------|--------------|
| Walter B. Gardner                  | London, Ohio |
| John Pickerel, John Harper, Agent  | London, Ohio |
| Helen Pickerel, John Harper, Agent | London, Ohio |
| Joseph H. Tway                     | London, Ohio |
| Grace Neil, c/o Harry High, Agent  | London, Ohio |

Service of notice of the filing of the Petition shall be obtained by Mailing Notices

Walter B. Gardner  
Joseph H. Tway  
John Harper, Agent for Petitioners  
John & Helen Pickerel

D-Resolution-Order Fixing Time Of View And First Hearing

In the Matter of the Single  
County Ditch Petitioned for  
by Walter B. Gardner and others

Office of the Board of County Comm.  
Madison County, Ohio  
April 21, 1947

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 21 day of April, 1947, at the office of the Commissioners with the following members present:

Rodney Plymell  
R. W. Armstrong  
Gola Mink

Mr. Armstrong moved the adoption of the following Resolution;

Whereas, This 21 day of April, 1947, the County Auditor gave notice to the Board of County Commissioners of Madison County, Ohio, of the filing with him of a petition signed by Walter B. Gardner, petitioner, for the location, construction and tiling of a ditch and the examination repair of all necessary laterals and

Whereas, It appears to said Board that the proper bond has been filed with the Auditor and by him approved, conditioned for the payment of 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 19 day of May, 1947, at ten o'clock A. M., at the upper terminus of the improvement, be and the same is hereby fixed as the time for the view thereon; and be it further

Resolved, That the 26 day of May, 1947, at ten o'clock A. M., at the office of the Board of County Commissioners of said County be and the same is hereby fixed as the time and place for the first hearing on the petition; and be it further

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

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

|                     |     |
|---------------------|-----|
| Mr. Rodney Plymell, | yes |
| R. R. W. Armstrong, | yes |
| Mr. Gola Mink,-     | yes |

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

E-Resolution-Commissioners' Finding For the Improvement

In the Matter of the Single  
County Ditch Petitioned for  
by Walter B. Gardner and others

Office of the Board of County Comm.  
Madison County, Ohio  
May 26, 1947

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 26 day of May, 1947, at the office of the Commissioners with the following members present:

Rodney Plymell  
R. W. Armstrong  
Gola Mink

Mr. Mink moved the adoption of the following Resolution:

Whereas, This being the day fixed by said Board in its order dared the 21 day of April, 1947, for the hearing on the petition in the above named improvement, the said Board met at its office, and conducted said hearing by causing the petition to be publicly read, together with all applications for and remonstrances against the improvement, and all applications for change or extension of the improvement, previously filed in writing; and

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

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

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

Commencing on the land of Walter Gardner south of the residence of said Gardner, thence following a tile ditch or as near thereto as practical in a general southerly direction through the land of said Gardner, land of John & Helen Pickerel et al and land of Joseph H. Tway to the Fillmore Jackson County ditch and thence down said County ditch if necessary, through the land of Grace Neil far enough to secure a good and sufficient outlet. Also for the location, examination, repair or construction of any necessary laterals.

The following is the nature of the work petitioned for: Location, construction and tiling of a ditch and the location, examination, repair or construction of any necessary laterals, and be it further

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

Resolved, That the 28 day of July, 1947, 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. Armstrong seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

|                      |     |
|----------------------|-----|
| Mr. Rodney Plymell,  | yes |
| Mr. R. W. Armstrong, | yes |
| Mr. Gola Mink,       | yes |

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

County Auditor's Office,  
May 26, 1947

To the County Surveyor:

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

Robert K. Dixon  
County Auditor

## WALTER B. GARDNER COUNTY DITCH

F-Schedule of Land Owners

| <u>Owner</u>                                       | <u>County</u> | <u>Survey</u> | <u>Description</u> | <u>Acres Owned</u> | <u>Acres Benefited</u> | <u>Estimated Assessment</u> |
|----------------------------------------------------|---------------|---------------|--------------------|--------------------|------------------------|-----------------------------|
| Gardner, Walter B.                                 | Madison       | 8742          | Union Tp.          | 42.82              | 42.00                  | 295.00                      |
|                                                    | "             | "             | " "                | 55.57              | 55.00                  | 377.90                      |
| Pickerel, John $\frac{1}{2}$ & Helen $\frac{1}{2}$ | L. "          | "             | " "                | 50.00              | 36.00                  | 250.00                      |
| Tway, Joseph H.                                    | "             | 6742          | " "                | 50.00              | 10.00                  | 70.00                       |
|                                                    |               |               |                    |                    |                        | <u>992.90</u>               |

G-Specifications Of The Manner Of Construction

In the Matter of the Single  
County Ditch Petitioned for  
by Walter B. Gardner and others

Surveyor's Office  
Madison County, Ohio

Proceedings for location, construction and tiling  
of a ditch and the location, examination, repair  
or construction of any necessary laterals.

The main ditch beginning at station 0 plus 00 and extending to station 11 plus 24 shall be constructed with 8" tile, from station 11 plus 24 to station 14 plus 99 shall be constructed with 12" tile, from Station 14 plus 99 to station 15 plus 15 shall be constructed with 12" corrugated pipe and existing ditch shall have tile removed and replaced with 16 feet of 10" corrugated pipe,

The trench for the tile ditch shall be cut to a uniform grade as shown on Schedule A of this report. Tile shall be laid with  $\frac{1}{4}$ " open joints, care shall be taken that open joints on all curves shall be covered with broken tile. All tile ditches crossed or intersecting the new tile construction shall be connected with suitable Y's.

Tile shall be carefully primed by hand to avoid displacing the tile.

All excavated material shall be backfilled over the ditch.

Tile shall be sound first class and shall be inspected by the engineer before being laid in the ditch.

The corrugated pipe used at the end of the tile ditch shall be 16 gague galvanized.

The open ditch shall be 3 feet wide at the grade line and the side slopes  $1\frac{1}{2}$  to 1 and cut to the grade shown on the profile which is attached and made a part of the contract. Dirt excavated shall be spread well back from the ditch.

Lateral No. 1 Station 0 to Sta. 7 plus 00 work consists of excavating and patching 25 holes in the existing 8" tile, any tile that are cracked or broken shall be replaced with new tile and the contractor will be paid for the actual amount of tile used. Wide joints and small holes in the tile shall be covered with tile of larger size so that dirt cannot leak into the ditch.

A right of way 50 feet wide along the line of the ditch and the right to cross the adjoining land for the delivery of material and equipment is reserved for the use of the contractor.

H-Resolution-Order Fixing Time Of Final Hearing

In the Matter of the Single  
County Ditch Petitioned for  
by Walter B. Gardner and others

Office of the Board of County Comm.  
Madison County, Ohio  
July 21, 1947

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 21 day of July, 1947, at the office of the Commissioners with the following members present:

Rodney Plymell  
R. W. Armstrong

Mr. Armstrong moved the adoption of the following Resolution:

Whereas, This 21 day of July, 1947, the County Auditor has given notice to said Board of the filing with him by the County Surveyor of the maps, profiles, schedules, and reports in the above named improvement, in accordance with its order of the 26 day of May, 1947; therefore, be it

Resolved, That the 11 day of Aug., 1947, at 2 o'clock P. M., be and the same is hereby fixed as the time for the final hearing on said reports and schedules, on estimated assessments, on the proceedings for the improvement, and on claims for compensation or damages, which claims must be filed with the County Auditor 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. R. W. Armstrong,     yes

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

I-Resolution-Commissioners' Finding Affirming Former Order

In the Matter of the Single  
County Ditch Petitioned for  
by Walter B. Gardner and others

Office of the Board of County Comm.  
Madison County, Ohio  
August 11, 1947

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 11 day of August, 1947, at the office of the Commissioners with the following members present:

Rodney Plymell  
R. W. Armstrong

Mr. Armstrong moved the adoption of the following Resolution:

Whereas, This being the day fixed by said Board, in its order dated the 21 day of July, 1947, 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, Said Board finds that due and legal notice of this final hearing has been given as required by law; and

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

Resolved, That said Board review and reconsider its former order made and dated the 26 day of May, 1947, in favor of said improvement; and be it further

Resolved, That said Board hereby approve the maps, profiles, schedules and reports prepared by the County Surveyor 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 26 day of May, 1947, be and the same is hereby affirmed; and

Whereas, Objections to the proposed assessment have not been filed

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

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

Resolved, That interest shall be added to said installments of assessments at the same rate as is drawn by the 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 8 day of Sept., 1947 at 10 o'clock the proposed improvement, and that the County Surveyor be and he is hereby directed to let the contracts for the construction of the proposed improvement; and be it further

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

Resolved, That whereas the estimated cost of the construction and material required in said improvement exceeds one thousand dollars, the notice of said letting be given by posting at the front door of the County Cour House, and advertisement pursuant to law and be it further

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

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

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

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

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

WALTER B. GARDNER COUNTY DITCH

J-Surveyor's Report On Bids Received

In the Matter of the Single County Ditch Petitioned for Walter B. Gardner and others

County Surveyor's Office Madison County, Ohio September 8, 1947

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 for furnishing materials for the above named improvement were received by me as follows:

| Bidder               | For What Work or Materials | Amount of Bid | Guaranty |        |
|----------------------|----------------------------|---------------|----------|--------|
|                      |                            |               | Kind     | Amount |
| The Madison Tile Co. | Material                   | 421.40        | Cash     | 30.00  |
| " " " "              | Labor                      | 521.00        |          |        |
|                      | Total                      | 942.40        |          |        |

I recommend the following bids as the best:

The Madison Tile Co. \$942.40

H. L. McCafferty County Surveyor

K-Resolution-Commissioners' Order Awarding Contracts

In the Matter of the Single County Ditch Petitioned for by Walter B. Gardner and others

Office of the Board of County Comm. Madison County, Ohio Sept. 8, 1947

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 8 day of Sept., 1947, at the office of the Commissioners with the following members present:

Rodney Plymell R. W. Armstrong

Mr. Armstrong moved the adoption of the following Resolution:

Whereas, the County Surveyor has filed with this Board his report on bids received for the work of construction and for furnishing materials in the above named improvement petitioned for by Walter B. Gardner and others; and

Whereas, It appears to said Board 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 |
|--------|----------------------------|---------------|---------------------|
|        |                            |               |                     |
|        | Labor                      | 521.00        |                     |
|        |                            | 942.40        |                     |

therefore, be it

Resolved, That contracts be and the same are hereby awarded to said The Madison Tile Co. at the amounts bid by them 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 5 day of Jan., 1948, 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 upon its adoption, the vote resulted as follows:

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

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

L-Ditch Contract

In the Matter of the Single County Ditch Petitioned for by Walter B. Gardner and others

Work And Labor And Materials

This Contract made and entered into on this 15th day of September 1947, by and between the Board of County Commissioners of Madison County, Ohio, Party of the First Part, hereinafter designated as "First Party," and The Madison Tile Co. of London, Ohio Party of the Second Part, hereinafter designated as "Second Party."

Cont.

Witnesseth, That said Party, for and in consideration of the sum of Nine hundred forty two and 40/100 (942.40) Dollars, to be paid as hereinafter specified, hereby agrees to furnish unto said First Party all the necessary materials, and do all the work and labor required to construct the The Walter B. Gardner Ditch improvement petitioned for by Walter B. Gardner and others, in accordance with plans, drawings and specifications for the same hereto attached: which plans, drawings, and specifications are hereby declared to be a part of this contract.

Said Second Party further agrees to furnish said materials and to do the said work and labor promptly, in a good substantial and workmanlike manner, under the direction of the County Engineer in charge, without hindrance or delay to any other branch or class of work on said ditch, and to work in harmony with and to render such assistance to other branches of work as connection therewith and the progress of the Work may require. The whole shall be completed to the satisfaction and acceptance of said First Party on or before the 5 day of January, 1948.

And said First Party, for and in consideration of the true and faithful performance of said work and labor and furnishing of said materials as aforesaid, hereby agrees to pay unto said Second Party said sum of Nine hundred forty two and 40/100 (942.40) Dollars (942.40), in installments from time to time, upon the certificate of acceptance of the County Engineer and as provided by law.

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

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

Signed in duplicate in  
presence of

Gladys M. Jones  
Helen F. Dixon

Rodney Plymell  
R. W. Armstrong

Board of County  
Commissioners  
of  
Madison County, Ohio  
First Party.

The Madison Tile Co.  
by C. F. Van Cleve, Sec-Treas.

Contractors,  
Second Party,

M-Bond of Ditch Contractor

In the Matter of the Single  
County Ditch Petitioned for  
by Walter B. Gardner and others

On Contract For Work and Labor and Materials

Know All Men By These Presents, That we, The Madison Tile Co., as Principal and as sureties, are held and firmly bound unto the State of Ohio for the benefit of Madison County, Ohio, and for the benefit of any owner having a right of action thereon as is provided by law, in the penal sum of Nine hundred forty two and 40/100 (942.40) 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 15 day of September, 1947.

The Condition of the Above Obligation Is Such That, Whereas, the above bound The Madison Tile Co. has entered into a Contract with said Board of County Commissioners, First, to furnish the materials and perform the work and labor for the construction of the The Walter B. Gardner ditch improvement petitioned for by Walter B. Gardner and others specified in said Contract, to the satisfaction and acceptance of the County Surveyor, on or before the 5 day of January, 1948, for the compensation of Nine hundred forty two and 40/100 (\$942.40) Dollars;

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

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

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

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

Executed in Presence of

Gladys M. Jones  
Helen F. Dixon

The Madison Tile Co.  
by S. S. Van Cleve, Pres.  
S. S. Van Cleve  
Charles F. Van Cleve

The above bond being good and sufficient is approved this 22 day of Sept., 1947.

Rodney Plymell  
R. W. Armstrong

Board of County  
Commissioners

Madison County, Ohio

This 22nd day of Sept. 1947 I received refund of bid cash deposit in the sum of \$30.00

Signed, C. F. Van Cleve

WALTER B. GARDNER COUNTY DITCH

N-Certificate of County Surveyor As To Work Completed

In the Matter of the Single  
County Ditch Petitioned for  
by Walter B. Gardner and others

Office of County Surveyor,  
Madison County, Ohio  
December 9, 1947

To The Madison Tile Co., Contractor:

This is to certify that the undersigned County Surveyor has accepted 100 per cent of the work and labor furnished and completed by you under your contract for the construction of the above named improvement petitioned for by Walter B. Gardner and others, and I, therefore, approve said work and labor for payment in the sum of Nine hundred forty two and 40/100 (\$942.40) Dollars, the same being the contract price for said percentage of work and labor completed and accepted.

H. L. McCafferty  
County Surveyor

O-Itemized List of Improvement Costs

Construction:

|                  |          |              |          |
|------------------|----------|--------------|----------|
| Madison Tile Co. | Material | \$421.40     |          |
| Madison Tile Co. | Labor    | 521.00       |          |
|                  |          | <u>Total</u> | \$942.40 |

Engineer's Services:

|                          |              |       |
|--------------------------|--------------|-------|
| Engineering & Inspection | 50.60        |       |
|                          | <u>Total</u> | 50.60 |

Transcript, Mailing Notices & Advertising

|                             |              |                 |
|-----------------------------|--------------|-----------------|
| Transcript                  | 4.50         |                 |
| 4-23-47 Mailing Notices (4) | .12          |                 |
| 7-26-47 Mailing Notices (3) | .09          |                 |
| Mailing Statements (3)      | .09          |                 |
|                             | <u>Total</u> | 5.80            |
|                             | Grand Total  | <u>\$998.80</u> |

P-Final Assessment Schedule

| <u>Owner</u>                                   | <u>Acres Owned</u> | <u>Acres Benefited</u> | <u>Constr. Schedule Est.</u> | <u>Rate</u>    | <u>Final Ass'mt Incl. Expense</u> |
|------------------------------------------------|--------------------|------------------------|------------------------------|----------------|-----------------------------------|
| Gardner, Walter B.                             | 42.82              | 42.00                  | 295.00                       | .029711        | 296.75                            |
| Pickeral, J. $\frac{1}{2}$ H. L. $\frac{1}{2}$ | 55.57              | 55.00                  | 377.90                       | .38060         | 380.14                            |
| Tway, Joseph H.                                | 50.00              | 10.00                  | 70.00                        | .07050         | 70.42                             |
|                                                |                    |                        | <u>992.90</u>                | <u>1.00000</u> | <u>998.80</u>                     |

Q-Unpaid Assessments

London, Ohio  
Sept. 20, 1948

Madison County Commissioners  
London, Ohio

Gentlemen:

I hereby certify that statements for the assessments for the improvement of the subject ditch were mailed to all persons benefitted and those listed at the lower part of this form represent those remaining unpaid.

Yours very truly,

Robert K. Dixon  
Auditor, Madison County

|                    |                 |
|--------------------|-----------------|
| Gardner, Walter B. | 296.75          |
|                    | 380.14          |
| Total              | <u>\$676.89</u> |

R-Resolution-To Issue Notes etc.

In the Matter of the Single  
County Ditch Petitioned for  
by Walter B. Gardner and others

Office of the Board of County Commissioners  
Madison County, Ohio  
September 20, 1948

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 20 day of September, 1948, at the office of the Commissioners with the following members present:

Rodney Plymell  
R. W. Armstrong  
Gola Mink

Mr. Armstrong moved the adoption of the following Resolution:

Whereas, Said Board has heretofore, by Resolution duly passed on the 11 day of August, 1947, affirmed its former order finding in favor of the improvement of the County Ditch, petitioned for by Walter B. Gardner and others; and

Whereas, It is now deemed necessary to issue and sell \$676.89 of notes under authority of Section 2293-24 of the General Code of Ohio, and "The Uniform Bond Act" for the purpose of providing funds in anticipation of the levy of assessments according to benefits or of the issuance of bonds for the improvement of said County Ditch; and

Whereas, The County Auditor has certified the maximum maturity, of said notes to be five years, which maximum maturity does not exceed the estimated life or usefulness of the improvement fixed by Section 2293-9 of the General Code of Ohio; and

Whereas, This Board has heretofore, by Resolution duly passed on the 11 day of August, 1947, determined that five years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited to pay the assessment that may be made for the improvement; now, therefore, be it

Resolved, By the Board of County Commissioners of Madison County, Ohio, that in the judgment of said Board of County Commissioners, it is now necessary in anticipation of the levy of assessments according to benefits or of the issuance of bonds to issue and sell the notes of said County under and by virtue of the authority of Section 2293-24 of the General Code of Ohio and "The Uniform Bond Act" in the aggregate sum of Six Hundred Seventy Six and 89/100 Dollars (676.89), 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 improvement of said County Ditch according to the terms of said Resolution above referred to: and be it further

Resolved, That said notes shall be dated the 1 day of October 1948, and shall be in the denomination of Six Hundred Seventy Six and 89/100 Dollars (\$676.89) and shall be numbered 13

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 1 day of April and the 1 day of October, 1949, 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. | Date          | Amount   |
|-----|---------------|----------|
| 13  | April 1, 1949 | \$676.89 |

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 2293-24 of the General Code of Ohio and "The Uniform Bond Act", and shall be full general obligations of said Madison County, and for the full amount thereof, and the full faith, credit and revenue of said County are hereby pledged for the payment of the principal and interest thereof at maturity.

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

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

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

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

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

The Clerk of this Board is hereby authorized and directed to offer this issue of notes at par and accrued interest first to the Board of Trustees of the Sinking Fund of said County and if refused, then the Clerk is directed to offer the same for sale.

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

|                      |     |
|----------------------|-----|
| Mr. Rodney Plymell,  | yes |
| Mr. R. W. Armstrong, | yes |
| Mr. Gola Mink,       | yes |

Dated this 20 day of September, 1948.

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