

A--Application By Owner To Clean Out or Repair Ditch, Drain Or Watercourse.

In the Matter of the Cleaning Out of the John Gordon County Ditch.

Somerford Township, Madison County, Ohio. June 7, 1948.

To the Ditch Supervisor of said Township:

The undersigned, owner of land that will be affected by the cleaning, recleaning or repair of said ditch, hereby makes application that proper proceedings be had to clean out or repair said ditch as provided by law.

P.O. Address William Calaway Mechanicsburg, Ohio.

Applicants ask for an examination and repair of said ditch on the lands of William Calloway and if necessary on land of Margaret B. Persinger.

Parties Affected:

William Calloway	Mechanicsburg, Ohio R.F.D.
Margaret B. Persinger	" " " "
Jacob McPherson Fornoff	" " " "
Laura A. Pratt	" " " "
John McNary	" " " "
"Clara M. Ackley	" " " "
John T. Brown	" " " "

B--Petition of the Owners of Two-Thirds In Amount of The apportionment That the Work of Cleaning out Or Repair Be Done as A Unit.

In the Matter of the Cleaning Out Or Repair of John Gordon County Ditch.

Somerford Township, Madison County, Ohio June 7, 1948

To the Ditch Supervisor of said Township:

We, the undersigned, owners of two-thirds in amount of the apportionment of the work to clean out or repair the John Gordon County ditch, hereby petition that the work be done as a unit in accordance with Sections 6700 and 6701 of the General Code of Ohio.

Examination and repair of the portion of said ditch located on the lands of William Calloway and if necessary in lands of Margaret B. Persinger.

Parties Affected:

William Calloway	Mechanicsburg, Ohio R.D.
Margaret B. Persinger	" " " "
Jacob McPherson Fornoff	" " " "
Laura A. Pratt	" " " "
John McNary	" " " "
Clara M. Ackley	" " " "
John T. Brown	" " " "

William Calaway
Laura Pratt
James McNary

C--Apportionment of Estimated Cost of Ditch Repair or Clean out.

	Survey	Acres Owned	Proximate Acres Benefited	Estimated Cost
Calloway, William	7403	44.20	44.20	132.60
" "	7403	61.00	61.00	183.00
" "	12070 etc.	54.82	54.82	164.46
" ""	" "	50.00	39.00	117.00
" ""	11020 etc.	.98	.98	2.94
McNary, James	7403	161.80	30.00	90.00
Pratt, Laura A.	7403	131.39	35.00	105.00
Madison County				<u>53.80</u>
				848.80

D--Estimate of Ditch Supervisor of Cost And Apportionment of Estimated Cost of Ditch Repair or Clean Out.

In the Matter of the Cleaning Out or Repair of Gordon Ditch.

Somerford Township, Madison County, Ohio. September 27, 1948.

To the Board of County Commissioners of said County:

As required by law, I hereby submit my estimate of the cost of cleaning out or repair of Gordon Ditch to be as follows:

723 rods 15 inch tile ditch excavation, average depth 5 feet, including taking up old tile, re-laying same and filling trench at \$6.00 per rod	\$433.80
30 rods 15" tile, delivered on ditch at \$10.50	315.00
Engineering, etc.	<u>100.00</u>
Total Estimated Cost	\$848.80

JOHN GORDON COUNTY DITCH

The Schedule hereto attached shows my estimated cost of cleaning out or repair of said Gordon Ditch apportioned according to benefits to the several tracts of land benefited.

H.L. McCafferty
County Surveyor.

E--Notice to Commissioners of Filing Of Estimate of Ditch Supervisor of Cost and Apportionment of Estimated Cost of Ditch Repair or Clean Out.

In the Matter of the Cleaning Out Or Repair of John Gordon Ditch.

Office of the County Auditor,
Madison County, Ohio.
September 27, 1948.

To the Honorable Board of County Commissioners of said County:

Gentlemen: You Are hereby notified that the Ditch Supervisor has filed in this office on the 27 day of September, 1928, his estimate of the cost and apportionment of estimated cost in the matter of cleaning out and repair of the John Gordon Ditch where the work is to be done as a unit.

Robert K. Dixon
County Auditor.

F--Resolution--Order Fixing Time of Hearing On Estimate Of Ditch Supervisor of Cost And Apportionment of Estimated Cost of Ditch Repair or Clean out.

In the Matter of the Cleaning Out or Repair of John Gordon Ditch.

Office of the Board of County Comm.
Madison County, Ohio,
September 27, 1948.

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 27 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, The County Auditor has given notice to use of the filings with him by the Ditch Supervisor of his estimate of the cost and apportionment of estimated cost in the above named improvement; therefore, be it

Resolved, That the 11th day of October, 1948, at 3 o'clock P.M., be and the same is hereby fixed as the time for the hearing on said apportionment; and, be it further

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

Mr. Mink seconded the resolution and thr rill being called on its adoption, the vote resulted as follows:

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

Attest: Robert K. Dixon, Clerk.

G--Notice To Owner of Land Affected By the Proposed Clean Out or Repair of Assessment and Date of Hearing.

In the Matter of the Cleaning Out Or Repair Of John Gordon Ditch.

County Auditor's Office,
Madison County, Ohio,
September 27, 1948.

To All Persons Affected:

You Are hereby notified that the Ditch Supervisor filed in this office on the 27 day of September, 1948, his estimate of the cost and apportionment of the estimated cost in the matter of the cleaning out or repair of the John Gordon Ditch, and that the assessment on each tract of land owned by you, as estimated and described in said apportionment, is as follows:

<u>Owner</u>	<u>Survey</u>	<u>Township</u>	<u>Acres Owned</u>	<u>Acres Benefited</u>	<u>Apportionment Est. Cost.</u>
Calloway, William	7403	Som.-McBurg	44.20	44.20	132.60
	7403	"	61.00	61.00	183.00
	12070etc.	"	54.82	54.82	164.46
	12070etc.	"	50.00	39.00	117.00
McNary, James	11020etc.	"	.98	.98	2.94
	7403	"	161.80	30.00	90.00
Pratt, Laura A.	7403	"	131.39	35.00	105.00
Madison County					53.80
					848.80

and you are further notified that the Board of County Commissioners of said County have fixed the 11th day of October, 1948, at 3 o'clock P.M., at the office of said Board, as the time and place of the hearing by the Commissioners on the apportionment of said Ditch Supervisor.

Robert K. Dixon
Auditor of Madison County, Ohio.

H--Resolution--Commissioners' Order on
Confirming the Apportionment.

In the Matter of the Cleaning
Out Or Repair of John Gordon
County Ditch.

Office of the Board of County Comm.
Madison County, Ohio.
October 11, 1948.

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 11 day of October, 1948, 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 their order dated the 27 day of September, 1948, for the hearing on the Ditch Supervisor's apportionment in the above named matter, the said Board met at their office, and conducted said hearing by causing the apportionment as made by said Ditch Supervisor to be publicly read; and,

Whereas, Protests and the grounds thereof to their apportionments were filed in writing by none; 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 interested parties; and,

Whereas, Said Board has examined and considered the apportionment of said Ditch as made by said Ditch Supervisor, and heard either in person or by counsel all those protesting and their protests to said apportionment, and all proff therefor; therefore, be it

Resolved, That, said Ditch Supervisor's apportionment be and the same is hereby confirmed; and, be it further

Resolved, That said Ditch Supervisor let the contract for the cleaning out or repair of said Ditch according to Sections 6700 and 6701 of the General Code; and, be it further

Resolved, That said Ditch Supervisor, upon the completion of said work, certify the cost thereof to this Board,

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

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

Attest: Robert K. Dixon
Auditor and Board Clerk

I--Resolution--Commissioners' Order Awarding Contracts

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

Office of the Board of County Comm.
November 8, 1948.
Madison County, Ohio

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 8th day of November, 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, 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 William Callaway 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:

<u>Bidder</u>	<u>For What Work or Materials</u>	<u>Amount of bid</u>	<u>Surveyor's Estimate</u>
William Callaway	Materials	307.50	315.00
	Labor	426.57	433.80

therefore, be it

Resolved, That contracts be and the same are hereby awarded to said William Callaway 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 3 day of January, 1949, 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. Mink seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

JOHN GORDON COUNTY DITCH

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.

J--Contract for Cleaning Out Or
Repair of Ditch, Drain or Watercourse,

This Agreement, Made and entered into on this 8th day of November, 1948, by and between the County Engineer of Madison County, Ohio, and hereinafter designated as "First Party" and William Calloway of hereinafter designated as "Second Party,"

Witnesseth: That said Second Party, for and in consideration of the sum of Seven Hundred, thirty four and 7/100 Dollars to be paid as hereinafter specified, hereby agrees to perform all the work required for the cleaning out or repair of Working Section of the John Gordon Ditch in said Township to its full depth and capacity as originally constructed.

Said Second Party further agrees to perform said work promptly, in a workmanlike manner, without hindrance or delay. Said work shall be completed to the satisfaction of said First Party on or before the 3rd day of January, 1949,

And said First Party, for and in consideration of the true and faithful performance of said work as aforesaid, hereby agrees to pay to said Second Party said sum of \$734.07 upon the completion and acceptance of said work.

It is mutually agreed that no extra work shall be charged for unless ordered in writing by said First Party.

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

H.L. McCafferty
County Surveyor.
Wm. Calaway, Contractor

The above contract is approved this 22 day of November, 1948.

Rodney Plymell Board of
R.W. Armstrong County
Gola Mink Commissioners,
 Madison
 County, Ohio

K--Bond of Contractor to Complete Work of
Cleaning Out or Repair of Ditch, Drain or
Watercourse.

Know All Men By These Presents, That we, William Calloway, are held and firmly bound, unto the County Engineer of Madison County, Ohio, in the sum of seven hundred forty eight and 80/100, Dollars, to the payment of which sum, well and truly to be made, we do hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated this 8th day of November, 1948.

The Condition of the Above Obligation is such, That, Whereas the above bound William Calloway has taken of said Ditch Supervisor the work of cleaning out or repair of Working Section of the John Gordon Ditch in said County, to the full depth and capacity as originally constructed; and agree faithfully to complete the said work, to the acceptance of said County Engineer on or before the 3rd day of January, 1949, for the compensation of Seven Hundred, thirty four and 7/100 Dollars.

Now, if the said William Calloway shall faithfully complete such work within the time and as above specified, then this obligation shall be void; otherwise it shall be and remain in full force and virtue in law.

Wm. Calaway
W.T. Booth
Delbert Pratt

The above bond is accepted and the surety approved, this 22 day of November, 1948.

H.L. McCafferty
County Engineer.

The above bond being good and sufficient is approved this 22 day of November, 1948.

Rodney Plymell Board of
R.W. Armstrong' County Commissioners,
Gola Mink Madison County, Ohio.

Nov. 22, 1948, Deposit check for \$25.00 returned by mail.

Attest Robert K. Dixon.

L-- Certificate of Amount Due Contractor

In the Matter of the Cleaning
Out Or Repair Of John Gordon
Ditch.

Somerford Township,
Madison County, Ohio.
February 21, 1950.

To the County Auditor of said County:

I hereby certify that William Calloway has completed the work of cleaning out or the repair of Working Section of said ditch apportioned to William Calloway in accordance with his Contract, and to my satisfaction.

There is due him for the work done the amount of Nine Hundred sixty eight Dollars and 54/100 Cents.

R.H. Graham
County Surveyor.

On Contract November 8, 1948	\$734.07
Extra work -22-7/8 rods of 15" tile, at bid price of \$10.25 per rod	234.47
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Total due--	\$968.54

Approved for payment this 6 day of March, 1950.

Rodney Plymell	Board of
Glenn R. Daugherty	County Comm.
George W. Taylor	Madison County

M--Resolution--Commissioners' Order on Confirming Assessments

In the Matter of the
Cleaning Out Or Repair
of John Gordon County Ditch.

Office of the Board of County Comm.
Madison County, Ohio
April 24, 1950.

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 24 day of April, 1950, at the office of the Commissioners with the following members presnet:

Rodney Plymell
George W. Taylor
Glenn R. Daugherty

Mr. Daugherty moved the adoption of the following Resolution:

Whereas, The Ditch Supervisor, upon the completion of the work of cleaning out or repair of John Gordon County Ditch, has certified the cost thereof as apportioned to the respective land owners; and

Whereas, Said Board has examined and considered the division into Working Sections and the apportionment of the cost of cleaning out or repair of said Ditch as certified by said Ditch Supervisor; therefore, be it

Resolved, By the Board of County Commissioners that we do hereby find that justice required certain modifications in said assessments, and it is hereby ordered that said modifications be made as follows, to-wit:

The original schedule increased \$234.47 to accomodate necessary extra work as certified by the County Engineer; and, be it further

Resolved, As so modified, that said Ditch Supervisor's assessments be and the same are hereby confirmed; and, be it further

Resolved, That the County Auditor be and he is hereby directed to place the correct amount upon the duplicates to be collected as other taxes and assessments,, and issue a note unless the assessments are paid in cash.(5 year note)

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

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

N--ITEMIZED List of Improvement Costs

Construction:

Wm. Calloway, Contract	734.07	
Wm. Calloway, For Extra Work 22 7/8 rods of 15" tile, at bid price of \$10.25 per rod-----	234.47	
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Total		968.54

Engineers Services:

Engineering	100.00	100.00
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Transcript, Mailing Notices & Advertising:

Transcript (Clean Out)	4.00	
9-28-48 Mailing Notices (7)	.21	
12-16-48 Ditch Bid Ads & Slips	5.00	
Mailing Statements (3)	.09	
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		\$ 9.30
		1077.84

JOHN GORDON COUNTY DITCH

O--Final Assessment Schedule

<u>Owner</u>	<u>Acres Owned</u>	<u>Acres Benefited</u>	<u>Construction Schedule Estimate</u>	<u>Rate</u>	<u>Final Assmt. Incl. Expenses</u>
Calloway, William	44.20	44.20	132.60	.15622	168.38
	61.00	61.00	183.00	.21560	232.38
	54.82	54.82	164.46	.19376	208.84
	50.00	39.00	117.00	.13784	148.57
	.98	.98	2.94	.00346	3.73
McNary, James	161.80	30.00	90.00	.10603	114.28
Pratt, Laura A.	131.39	35.00	105.00	.12371	133.34
Madison County			53.80	.06338	68.32
			848.80	1.00000	1077.84

Robert K. Dixon
Auditor of Madison County

P--CERTIFICATE OF UNPAID ASSESSMENTS

London, Ohio
September 5, 1950

Madison County Commissioners
London, Ohio.

Gentlemen:

The County advanced the payments for the contract in the matter of the Gordon Ditch improvement and the following assessment remains unpaid, to-wit:

Pratt, Laura A.--Somerset-McBurg District \$133.34

Yours very truly,

Robert K. Dixon
Auditor, Madison County

I hereby certify that the estimated life of the improvement of the John Gordon County Ditch is in excess of Five years.

Robert K. Dixon
Auditor, Madison County

Q--Resolution To Issue Notes in Anticipation of the Levy of Assessments According to Benefits or of the Issuance of Bonds.

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

Office of the Board of County Comm.
Madison County, Ohio.
September 5, 1950

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 5 day of September, 1950, at the office of the Commissioners with the following members present:

Rodney Plymell
Glenn R. Daugherty
George W. Taylor

Mr. Daugherty moved the adoption of the following Resolution:

Whereas, Said Board has heretofore, by Resolution duly passed on the 11 day of October, 1948, the improvement of the County Ditch, petitioned for by William Calloway and others; and

Whereas, It is now deemed necessary to issue and sell \$133.34 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 hereby determines that five years shall be the period of time, in semi-annual installments, as other 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 One Hundred Thirty Three and 34/100 Dollars (\$133.34), 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 this Resolution and be it further

Resolved, That said notes shall be dated the 1 day of October, 1950, and shall be in the denomination of One hundred Thirty Three and 34/100 Dollars (\$133.34) each, and shall be numbered 20.

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, 1951, 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 five 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. 20, April 1, 1951, Amount \$133.34.

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 levied 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 at private sale.

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

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

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