

A-Petition

London, Ohio, August 28, 1946

Petition for Location, examination, construction, reconstruction and repair of a ditch.

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

The undersigned hereby petition your honorable body for the Location examination, construction, reconstruction and repair of a ditch 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 in a tile ditch at or near the line between lands of Sarah Elliott and Daisy Alford thence following said tile ditch in a general northerly direction through lands of said Alford, Carrie J. Holway, Clarence E. Goodyear, James and Wanda Moore and J. F. and Laura Bell Burrell to and intersecting the Miller County Ditch No. 2; thence following said County ditch in a general westerly direction through land of said Burrell and Frank J. Murray to Little Darby Creek or far enough to secure a good, practical and sufficient outlet for lands draining into said ditch.

The following is the nature of the work petitioned for: Petitioner ask that said ditch from the beginning point to said Miller Ditch No. 2 may be made a County ditch that an examination be made of the same and that it may be placed in good working condition; that said County ditch may be reconstructed in manner so as to provide a good, practical and sufficient outlet for lands draining into said ditch.

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

Daisy Alford	West Jefferson, Ohio
Henry Alford	West Jefferson, Ohio
William H. Alford	West Jefferson, Ohio
James and Wanda Moore	Galloway, Ohio, R. R. #1
Carrie J. Holway	West Jefferson, Ohio
Sarah Elliott	West Jefferson, Ohio
Frank J. Murray	London, Ohio
J. F. and Laura Bell Burrell	Galloway, Ohio, R. R. #1
Martha M. Bidwell	West Jefferson, Ohio
Clarence E. Goodyear	3005 Tremont Road, Columbus, Ohio

Service of Notice of Filing the Petition shall be obtained by Mailing notices and publication as provided in Sec. 6447.

Sarah Elliott -Petitioner

B-Bond

Know all Men by These Presents, That we, Sarah Elliott, Donald Elliott and Bruce D. Lewis are held and firmly bound unto the State of Ohio, in the sum of Five 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 28th day of August 1946.

The Condition of the above Obligation is such, that, Whereas, on the 28th day of August 1946, the above bound Sarah Elliott filed her petition with the County Auditor of Madison County, Ohio, making application to the County Commissioners, praying for the location, examination, construction, reconstruction and repair of a ditch.

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

Commencing in a tile ditch at or near the line between lands of Sarah Elliott and Daisy Alford; thence following said tile ditch in a general northerly direction through lands of said Alford, Carrie J. Holway, Clarence E. Goodyear, James and Wanda Moore, and J. F. and Laura Bell Burrell to and intersecting the Miller County ditch No. 2; thence following said County ditch, in a general westerly direction, through land of said Burrell and Frank J. Murray to Little Darby creek, or far enough to secure a good, practical and sufficient outlet for lands draining into said ditch.

Now, if the said Sarah Elliott 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 28 day of August, 1946.

Sarah Elliott
Donald Elliott
Bruce D. Lewis

Robert K. Dixon, County Auditor

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

In the Matter of the Single County Ditch Petitioned for by Sarah Elliott and others

Office of the Board of County Commissioners, Madison County, Ohio
Sept. 3, 1946

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 3 day of Sept., 1946, 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 3 day of Sept., 1946, 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 Sarah Elliott, petitioner, for the improvement and extension of the J. Miller Ditch 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 further

Resolved, That the 30 day of Sept., 1946, 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
Mr. R. W. Armstrong,	yes
Mr. Gola Mink,	yes

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

D-Resolution-Commissioners' Finding For The Improvement

In the Matter of the Single County
Ditch Petitioned for by Sarah
Elliott and others

Office of the Board of County Comm.
Madison County, Ohio
Sept. 30, 1946

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 30 day of Sept., 1946, 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 3 day of Sept., 1946 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 in a tile ditch at or near the line between lands of Sarah Elliott and Daisy Alford thence following said tile ditch in a general northerly direction through lands of said Alford, Carrie J. Holway Clarence E. Goodyear, James and Wanda Moore and J. F. and Laura Bell Burrell to and intersecting the Miller County Ditch No. 2; thence following said Burrell and Frank J. Murray to Little Darby Creek or far enough to secure a good, practical and sufficient outlet for lands draining into said ditch.

THE FOLLOWING IS THE NATURE OF THE WORK PETITIONED FOR: Petitioner asks that said ditch from the beginning point to said Miller Ditch No. 2 may be made a County Ditch, that an examination be made of the same and that it may be placed in good working condition; that said county ditch may be reconstructed in manner so as to provide a good, practical and sufficient outlet for lands draining into said ditch 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 General Code of Ohio; and be it further

Resolved, That the 25 day of Nov., 1946, 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 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.

County Auditor's Office,
Sept. 30, 1946

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

D-Specifications of the Manner of Construction

In the Matter of the Single County Ditch Petitioned for by Sarah Elliott and others

Surveyor's Office, Madison County, Ohio
Proceedings for Location examination, reconstruction and repair of a ditch.

The Elliott lateral (Lateral No. 1) shall be opened at the following stations 0.50 1.00 4.10 5.05 7.25 all broken tile shall be replaced with sound new tile, sound tile to be cleaned and relaid to existing grade, and properly backfilled. Estimated 3 rods of 15" tile necessary to replace broken tile. The tile will be paid for the amount used at the bid price per rod.

The open ditch beginning at the bulkhead (sta. 12.72 and extending to Sta. 21.00) shall be cut to the grade and gradient shown on schedule A of this report and shall have a bottom width of 4 feet with side slopes of one and one half to one as shown on the cross sections a copy of which is attached.

All excavated material shall be evenly spread well beyond the top of the ditch banks and this must be done to the satisfaction of the land owners. Signed statements from the land owners signifying their approval of the same shall be obtained by the contractor and submitted to the County Engineer before final estimate will be issued. In case any land owner shall fail or refuse to so certify his approval the County Engineer shall decide whether or not the work meets the required specifications.

In depositing excavated material care shall be taken that no draw or place where surface water enters the ditch shall in any manner be interfered with.

It shall be the duty of the land owners to look after and remove all fences crossing or along said ditch, to take out, remove and replace water gates that will interfere with the construction of the ditch, thereby releasing the contractor of any obligation in this matter.

The contractor shall exercise due care to cause no unnecessary damage to fences, water gates or bridges, in case of damage of this kind being caused by the contractor he shall be held liable for the same. A clear right of way of 50 feet on each side of the ditch is reserved for construction purposes, also the right of ingress across adjoining lands for the purpose of delivery of machinery and materials necessary to the construction of the ditch.

At station 12.72 a concrete bulkhead shall be constructed in accordance with the plan which is attached and made a part of this report. Concrete shall be made with an approved cement and aggregate shall be clean sharp sand and broken stone or washed gravel. The mix shall be 1-2-4.

In the open ditch construction all trees brush and roots that is within the limits of the slopes shall be removed and disposed of.

E-Schedule of Land Owners

NAME	COUNTY	SURVEY	ACRES OWNED	ACRES BENEFITED	Amended ESTIMATED ASSESSMENT
Alford, Daisy	Madison	2678	46.14	35.00	45.00
" "	"	2677	51.78	35.00	70.00
" "	"	2677	90.47	50.00	100.00
Alford, Henry	"	2678	7.75	7.75	15.00
Alford, William H.	"	2678-2836-2677	1.54	1.54	5.00
Bidwell, Martha M.	"	2678	1.00	1.00	5.00
Elliott, Sarah Irene	"	2677	147.70	115.00	239.80
Gingerich, Leroy C. & Alice/	"	2678-2836-2677	16.99	8.00	25.00
Goodyear, Clarence E.	"	2678-2679	1.64	1.64	7.00
Holway, Carrie J.	"	2677-2679	0.77	0.77	3.00
Holway, Carrie J.	"	2677	14.96	14.96	40.00
Moore, James M. & Wanda	"	2678-2677-2836	5.45	2.00	3.00
" " " "	"	"	1.00	1.00	3.00
" " " "	"	"	0.28	0.28	1.00
Murray, Frank J. et al	"	2445	71.53	8.00	10.00
Madison County				25.00	25.00
				<u>827.80</u>	<u>617.80</u>

F.
Resolution-Order Fixing Time of Final Hearing etc.

In the Matter of the Single
County Ditch Petitioned for
by Sarah Elliott

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

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 8 day of Dec., 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 8 day of Dec., 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 25 day of Aug., 1947; therefore be it

Resolved, That the 29 day of Dec., 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. 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

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

G-Schedule of Land Owners

NAME	COUNTY	SURVEY	ACRES OWNED	ACRES BENEFITED	ESTIMATED ASSESSMENT
Alford, Daisy	Madison	2678	46.14	35.00	45.00
" "	"	2677	51.78	35.00	70.00
" "	"	2677	90.47	50.00	100.00
Alferd, Henry	"	2678	7.75	7.75	15.00
Alfred, William H.	"	"	1.54	1.54	5.00
Bidwell, Martha J.	"	"	1.00	1.00	5.00
Elliott, Sarah	"	2678	147.70	115.00	239.80
Gingrich, Leroy C.	"	"	16.99	8.00	25.00
Goodyear, Clarence E.	"	2677	1.64	1.64	7.00
" "	"	"	0.77	0.77	3.00
Holway, Carrie J.	"	2677-8461	14.96	14.96	40.00
Holway, Paul B.	"	2678	5.30	2.00	3.00
Moore, James M. & Wanda	"	"	5.45	5.45	21.00
" "	"	"	1.00	1.00	3.00
Murray, Frank J. et al	"	2636	0.28	0.28	1.00
Madison County					25.00
					<u>617.80</u>

H-Resolution-Commissioners' Finding Affirming Former Order etc.

In the Matter of the Single
County Ditch Petitioned for
by Sarah Elliott and others

Office of the Board of County Comm.
Madison County, Ohio
Dec. 29, 1947

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 29 day day of Dec., 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 dated the 8th day of Dec., 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 30th day of September, 1946, in favor of said improvement; and be it further

J. MILLER, COUNTY DITCH #2

Resolved, That said Board hereby approve the maps, profiles, schedules and reports prepared by the County Surveyor, as amended 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 30th day of September, 1946, be and the same is hereby affirmed; and

Whereas, Objections to the proposed assessment having been filed by Leroy C. and Alice I. Gingerich and the Board having heard said objections and all evidence offered for or against the assessment proposed to be levied against any owner or on any land, as shown by the schedule of assessments filed by the Surveyor and any competent evidence on the question of benefits, and from an actual view of the premises; therefore, be it

Resolved, That the assessments be and the same are hereby amended and corrected as follows, to wit: Daisy Alford on 90.47 acres reduced to \$100.00 and Leroy C. and Alice I. Gingerich reduced to \$25.00, and, be it,

Further resolved, that the terminus of said Ditch will be at station 14 plus 50 on Lands of Leroy C. and Alice I. Gingerich, according to PLAN NO. " PAPERS FILED DEC. 29, 1947, and be it further

Resolved that said Surveyor's assessments as so amended and corrected be and the same are hereby approved and confirmed; and be it further

Resolved, That \$25.00 found to benefit State or County Roads or Highways be and the same is hereby against the County, 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 notes 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 26 day of January, 1948, 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' 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 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

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

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

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

I-County Engineer's Report on Bids Received

In the Matter of the Single County
Ditch Petitioned for by Sarah Elliott
and others

County Engineer's Office
Madison County, Ohio
January 26, 1948

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:

Continued