

## OILER COUNTY DITCH

A-Petition

London, Ohio, Dec. 22, 1947

Petition for location, construction and tiling of a ditch.

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

The undersigned hereby petition your honorable body for the location, construction and tiling 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 at or near the cross roads in the Village of Resaca, Monroe Township, Madison County, Ohio; thence along the north westerly side of the County highway leading from said Village to Little Darby creek and along lands owned by Sarah B. Persinger, Everett Leach, Marion and Myrtle Oiler, O. C. Overturf, Mary S. Lombard and said Overturf to Little Darby creek or far enough to secure a good and sufficient outlet for lands draining into the ditch petitioned for.

The following is the nature of the work petitioned for: Location, construction and tiling of a 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:

Sarah R. Persinger	West Jefferson, Ohio, R.D.
John M. Morse	Plain City, Ohio, R. D. #1
Everett Leach & Laura V. Leach	London, Ohio, R. D. #3
Marion and Myrtle Oiler	London, Ohio, R. D. #3
Mary S. Lombard	Plain City, Ohio, R. D. #1
O. C. Overturf	Plain City, Ohio, R. D. #1
W. H. Hume	London, Ohio
Raymond Mabe	London, Ohio

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

Marion Oiler - Petitioner

B-Bond

Know All Men By These Presents, That we, Marion Oiler as principal and Hume & Mabe and Richard P. Slagle as sureties, are held and firmly bound unto the State of Ohio, in the sum of Two hundred and no/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 22 day of Dec., 1947.

The Condition of the above Obligation is such, that, Whereas, on the 22 day of Dec., 1947, the above bound Marion Oiler filed his petition with the County Auditor of Madison County, Ohio making application to the County Commissioners, praying for the location, construction and tiling of a ditch petitioned for by Marion Oiler and others; the following is the course and termini of said proposed improvement to-wit:

Commencing at or near the cross lands in the Village of Resaca, Monroe Township, Madison County, Ohio; thence along the north westerly side of the County highway leading from Resaca to Little Darby creek and along lands owned by Sarah B. Persinger, Everett Leach, Marion and Myrtle Oiler, O. C. Overturf, Mary S. Lombard and said Overturf to Little Darby creek, or far enough to secure a good and sufficient outlet for lands draining into the ditch petitioned for.

Now, if the said Marion Oiler 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 22 day of Dec., 1947

Marion Oiler  
Hume & Mabe by W. A. Hume  
Richard P. Slagle

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 Marion Oiler and others

Office of the Board of County Commissioners  
Madison County, Ohio.  
Dec. 22, 1947

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 22 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 22 day of Dec., 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 Marion Oiler for the location of the Marion Oiler County 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

Resolved, By said Board of County Commissioners, that the 15 day of January, 1948, 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 19 day of January, 1948, 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-Adjournment Of Hearing On Petition

In the Matter of the Single County Ditch Petitioned for by Marion Oiler and others

Office of the Board of County Comm. Madison County, Ohio  
Jan. 19, 1948

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 19 day of Jan., 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 its order dated the 22 day of Dec., 1947, for the hearing on the Petition in the above named improvement; and

Whereas, It is found that additional information is required, therefore, be it,

Resolved, That said hearing be and the same is hereby adjourned until the 16 day of February, 1948, at 10 o'clock A. M.

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.

CERTIFICATE OF MAILING NOTICES

I, Robert K. Dixon, hereby certify that on the 28th day of January, 1948 the attached notices was mailed in five day return envelopes to the person with respective addresses as listed, to-wit:

Sarah R. Persinger  
John M. Morse  
Everett & Laurel V. Leach  
Marion & Myrtle Oiler  
Marion S. Lombard  
O. C. Overturf  
W. H. Hume  
Raymond Mabe

West Jefferson, O., R. D.  
Plain City, O., #1  
London, O., #3  
London, O., #3  
Plain City, O., #1  
Plain City, O., #1  
London, O.  
London, O.

E-Request For Permission To File Application etc.

In the Matter of the Single County Ditch Petitioned for by Marion Oiler and others.

Proceedings for the location etc., of the Marion Oiler County Ditch

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

The undersigned respectfully requests your honorable body for permission to file an application for change in location of the Marion Oiler County Ditch.

Marion Oiler

F-Resolution-Request For Permission To File Application For Change etc.

In the Matter of the Single County Ditch Petitioned for by Marion Oiler and others

Office of the Board of County Comm. Madison County, Ohio.  
Feb. 16, 1948

## OILER COUNTY DITCH

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 16 day of Feb., 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, Marion Oiler having filed a request to be permitted to file an application for change of location; therefore, be it

Resolved, That the said request for permission to file said application be and the same is hereby granted; and be it further

Resolved, That the 10 day of March, 1948, at 10 o'clock A. M., be and the same is hereby fixed for a view of the new location and be it further

Resolved that March 15th, 1948 at 10 o'clock A. M. is the time for the Hearing on the Application, and be it, further

Resolved, That notice of said hearing on said application 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. Armsrong,	yes
Mr. Gola Mink,	yes

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

G-Application For Change Or Extension Of the Improvement      London, Ohio  
Feb. 16, 1948

In the Matter of the Single  
County Ditch Petitioned for  
by Marion Oiler and others

Proceedings for location, construction and  
tiling of a ditch.

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

The undersigned hereby makes application to your honorable body for a change in location as follows, Commencing at or near the cross roads in the village of Resaca, Ohio; thence along the north westerly side of the County highway, as originally petitioned for to a point about 200 feet west of the Marion Oiler residence, thence with an angle to the right through the lands of Marion Oiler and O. C. Overturf (passing north of lands of Mary Lombard) to Little Darby or far enough to secure a sufficient outlet for lands draining into the ditch petitioned for.

Respectfully submitted,  
Marion Oiler

H-Change in Location-View and Hearing

To all Persons Affected:

This is to advise you that at the hearing held Februaruy 16, 1948 it developed that a change in location from that designated in the original petition would be more practical, therefore the petitioner was granted permission to file an application for change which reads as follows, to-wit:

A change in location as follows, commencing at or near the cross roads in the Village of Resaca, Ohio. Thence along the north westerly side of the County highway, as originally petitioned for to a point about 200 feet west of the Marion Oiler residence, thence with an angle to the right through the lands of Marion Oiler and O. C. Overturf (passing north of lands of Mary Lombard) to Little Darby or far enough to secure a sufficient outlet for lands draining into the ditch petitioned for.

And on February 16, 1948 the County Commissioners fixed a date for the view of the contemplated ditch to meet at the upper terminus thereof at:

10 o'clock A. M. March 10, 1948,

and the Commissioners fixed the date for the hearing on the contemplated ditch at,

10 o'clock A. M., March 15, 1948, and,

You are urged to be present at the view and at the hearing as aforementioned.

Yours very truly,

Robert K. Dixon  
Auditor & Board Clerk

## OILER COUNTY DITCH

## CERTIFICATE OF MAILING NOTICES

London, Ohio  
February 26, 1948

I, Robert K. Dixon, hereby certify that on the 26th day of February, 1948 I mailed in five-day return envelopes a copy of the foregoing notices of view and hearing to the persons with addresses as listed, to-wit:

Sarah R. Persinger  
John M. Morse  
Everett & Laurel V. Leach  
Marion & Myrtle Oiler  
Mary S. Lombard  
O. C. Overturf  
W. H. Hume  
Raymond Mabe

R. D., W. Jefferson, Ohio  
Route #1, Plain City, Ohio  
Route #3, London, Ohio  
Route #3, London, Ohio  
Route #1, Plain City, Ohio  
Route #1, Plain City, Ohio  
London, Ohio  
London, Ohio

Robert K. Dixon  
Auditor, Madison County

I-Resolution-Commissioners' Finding For The Improvement

In the Matter of the Single  
County Ditch Petitioned for  
by Marion Oiler and others.

Office of the Board of County Comm.  
Madison County, Ohio.  
Mar. 15, 1948

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 15 day of March., 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 its order dated the 16 day of Feb., 1948, 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 at or near the cross roads in the Village of Resaca, Ohio. Thence along the north westerly side of the County highway, as originally petitioned for to a point about 200 feet west of the Marion Oiler residence, thence with an angle to the right through lands of Marion Oiler and O. C. Overturf (passing north of lands of Mary Lombard) to Little Darby or far enough to secure a sufficient outlet for lands draining into the ditch petitioned for., 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 7 day of June, 1948, 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 Comm. of Madison County, O.

County Auditor's Office  
March 15, 1948

To the County Surveyor:

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

Robert K. Dixon  
County Auditor

OILER COUNTY DITCH

J-Commissioners of Madison County, Ohio.

Acting in compliance with your order of March 15th, 1948, I have made an examination and survey of the County ditch petitioned for by Marion Oiler, and being located in Monroe Township, Madison County, Ohio.

I find that said ditch is not practical for the following reasons:

First, that the cost of construction would be far in excess of benefits that would accrue to the lands assessed.

Second, that the acreage benefitted will not warrant the expenditure of approximately \$2300; a large part of this cost being due to the excessive depth necessary to obtain adequate drainage of premises that would be assessed, no matter whether the ditch be constructed on the route described in the original petition or on the route as amended.

I therefore request that before any farther expense is incurred that the interested parties be notified of my conclusions, and that they be given an opportunity to discuss the same as to whether they desire us to proceed with the work or wish the petition to be dismissed.

Yours very truly,

H. L. McCafferty  
County Engineer

Approximate acreage drained 40.

K-Subject: Special Hearing Called MINUTES  
(Extract)

London, Ohio  
May 10, 1948

Whereas, under date of May 3, 1948, County Engineer H. L. McCafferty filed a report in connection with his investigation pertaining to the subject improvement as follows, to-wit:

May 3, 1948

Commissioners of Madison County, Ohio

Acting in compliance with your order of March 15th, 1948, I have made an examination and survey of the County ditch petitioned for by Marion Oiler, and being located in Monroe Township, Madison County, Ohio.

I find that said ditch is not practical for the following reasons:

First, that the cost of construction would be far in excess of benefits that would accrue to the land assessed.

Second, that the acreage benefitted will not warrant the expenditure of approximately \$2300; a large part of this cost being due to the excessive depth necessary to obtain adequate drainage of premises that would be assessed, no matter whether the ditch be constructed on the route described in the original petition or on the route as amended.

I therefore request that before any further expense is incurred that the interested parties be notified of my conclusions, and that they be given an opportunity to discuss the same as to whether they desire us to proceed with the work or wish the petition to be dismissed.

Yours very truly,

/s/H. L. McCafferty  
County Engineer

Approximate acreage drained 40.

Therefore, be it

Resolved, that it is deemed advisable that a special hearing be held so that interested persons may thoroughly discuss the problems involved and this Board hereby fixes the date and time of the hearing as follows:

10:30 o'clock A. M., Monday, May 24, 1948,

and it is requested that all affected persons to be present at this hearing, and be it,

Further Resolved, that a copy of this resolution shall be sent to all affected persons.

Upon motion by Mr. Armstrong, seconded by Mr. Mink, the result of the vote was:

MADISON	<u>Rodney Plymell</u>
COUNTY	<u>R. W. Armstrong</u>
COMMISSIONERS	<u>Gola Mink</u>

Attest; Robert K. Dixon  
Auditor & Board Clerk

CERTIFICATE OF MAILING NOTICES

I, hereby certify that on the 10th day of May, 1948, I mailed in five day return envelopes a copy of the above resolution to the following persons, to-wit:

Sarah R. Persinger  
 John M. Morse  
 Everett & Laurel V. Leach  
 Marion & Myrtle Oiler  
 Mary S. Lombard  
 O. C. Overturf  
 W. H. Hume  
 Raymond Mabe

R. F. D., West Jefferson, Ohio  
 Route #1, Plain City, Ohio  
 Route #3, London, Ohio  
 Route #3, London, Ohio  
 Route #1, Plain City, Ohio  
 Route #1, Plain City, Ohio  
 London, Ohio  
 London, Ohio

Robert K. Dixon  
 Auditor, Madison County

L-Resolution-

London, Ohio  
 May 24, 1948

Subject: Oiler Ditch, Approval of Project of

Whereas, this special hearing was called for the purpose of explaining the possibility of the high cost of the contemplated improvement and those present were;

John M. Morse  
 Marion Oiler  
 Aubra Persinger

and,

Whereas, after discussion relative to the matter those affected seemed to want to proceed with the improvement, therefore, be it,

Resolved, that this Board hereby approves the project and does hereby direct that the County Engineer, shall proceed with the survey and file the required reports.

R. W. Armstrong moved the adoption of the foregoing resolution and upon the second of Rodney Plymell, the result of the vote was;

Madison Rodney Plymell, yes

County R. W. Armstrong, yes

Commissioners

Attest: Robert K. Dixon  
 Auditor and Board Clerk

M-Schedule of Land Owners

<u>Owner</u>	<u>Survey</u>	<u>Description</u>	<u>Acres Owned</u>	<u>Acres Benefited</u>	<u>Est. Ass'mt</u>
Lombard, Mary S.	2689	Monroe Tp.	1.37	1.37	40.00
Hume & Mabe	2883	" "	48.75	10.00	100.00
	2884	" "	33.73	15.00	150.00
Morse, John M.	2884	" "	1.00	1.00	100.00
	"	" "	0.17	0.17	25.00
	"	" "	0.50	0.50	25.00
Oiler, Marion & Myrtle	"	" "	10.00	4.00	200.00
	"	" "	4.00	4.00	200.00
	"	" "	6.58	4.00	213.16
Overturf, O. C. & Celestal	"	" "	35.00	10.00	300.00
Persinger, Sarah R.	"	" "	3.16	3.06	250.00
Resaca Farmers Tel. Co. (Ohio Associated Tel. Co.)	"	" "	1.02	1.02	100.00
Leach, Laurel V.	2882	" "	1.11	1.11	100.00
Madison County					125.00
					<u>\$1928.16</u>

## OILER COUNTY DITCH

N-Specifications Of The Manner Of Construction

In the Matter of the County  
Ditch Petitioned for by Marion  
Oiler and others

Surveyor's Office, Madison County, Ohio  
Proceedings for Location, construction and  
Tiling

The improvement herein shall be made a tile ditch from Station Oplus 00 to Station 28 plus 00 using the following sized tile: From Station 0 plus 00 to Station 12 plus 00 using an 8 inch tile and from station 12 plus 00 to station 28 plus 00 using a 10 inch tile.

The trench for cutting the tiled ditch shall be cut fully down to the grade line at all points and must conform to the gradients shown on the profile and shown also in schedule "A" of this report.

All laterals must be connected with said ditch by means of vitrified ells furnished. For that purpose, the land owners in interest must furnish any correcting tile that may be needed.

After the trench has been completed, the tile laid therein and jointed not more than  $\frac{1}{4}$  of an inch apart, shall have all excavated material carefully in and over said trenches.

Two crossings under Road No. 126 shall be put in at points designated by the Engineer using 8 inch concrete pipe and excavated material carefully filled and tamped over said pipe.

All drain tile to be cylindrical and well burned.

Seventy five per cent estimate will be issued when desired and the remaining 25 per cent will be paid when work is accepted as completed.

An open ditch is to be completed between Station 28 plus 00 and 29 plus 00, 2 feet wide in bottom and bank  $1\frac{1}{2}$  foot to 1 foot; all excavated material to be evenly spread beyond the open channel.

A concrete bulkhead is to be built at Station 28 plus 00 and is to be approximately 20 feet long and 5 feet high,  $1\frac{1}{2}$  feet thick in bottom and 1 foot thick at top.

A 1:2:4 concrete mix to be used and the work to be finished in a workmanlike manner.

O-Resolution-Order Fixing Time Of Final Hearing

In the Matter of the Single  
County Ditch Petitioned for  
by Marion Oiler and others.

Office of the Board of County Comm.  
Madison County, Ohio.  
Sept. 7, 1948

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 7 day of Sept., 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, This 7 day of Sept., 1948, 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 24 day of May, 1948; therefore, be it

Resolved, That the 27 day of Sept., 1948, 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
R. R. W. Armstrong,	yes
Mr. Gola Mink,	yes

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

P-Objection To Assessment

In the Matter of the Single  
County Ditch Petitioned for  
by Marion Oiler and others.

Madison County, Ohio  
Sept. 1948

In the matter of the construction of the above named improvement petitioned for by Marion Oiler and others, the undersigned hereby objects to the proposed assessment of Three Hundred and 00/100 (\$300.00) Dollars on the following lands owned by me:

35 Acres in Survey No. 2884 in the Township of Monroe, County of Madison, State of Ohio. on the following grounds, to-wit:

1. That the amount of the assessment far exceeds the benefits to complainant's lands
2. That there are no benefits to complainant.
3. That the amount of damages which will be caused complainant exceed any possible benefits.

Ohmer & Celesta Overturf  
By O. C. Overturf

Q-Claim For Damages

In the Matter of the Single  
County Ditch Petitioned for  
by Marion Oiler and others

Madison County, Ohio  
Sept., 1948

To the Board of County Commissioners of Madison County:

The undersigned, the owners of the following described lands, 35 Acres in Survey No. 2884 in the Township of Monroe, County of Madison, State of Ohio. affected by the above named improvement petitioned for by Marion Oiler and represent that, if said improvement be established upon the route decided upon by your Board, they will sustain damage to the lands owned by them in the sum of Three Hundred & 00/100 Dollars (\$300.00) for the following reasons: That said ditch is going to be 7 feet deep and the dirt therefrom together with the travel thru complainant's land to string tile along ditch will cause extensive damage.

They, therefore, ask that they be allowed said sum of \$300.00 as damages that will accrue to them from the construction of said improvement.

Ohmer & Celesta Overturf  
by O. C. Overturf

R-Objection To Assessment

In the Matter of the Madison  
County Ditch Petitioned for  
by Marion Oiler and others

London, Ohio.  
Sept 23, 1948

In the matter of the construction of the above named improvement petitioned for by Marion Oiler and others, the undersigned hereby objects to the proposed assessment of Two Hundred Fifty and no/100 (\$250.00) Dollars on the following lands owned by me: 3.16 acres of land in Survey No. 2884 in Monroe Township, Madison County, Ohio., on the following grounds, to-wit:

- 1-The Amount of assessment is far in excess of the benefit to complainant's land.
- 2-That there is no benefit to complainant.
- 3-That complainant will sustain substantial damage, which damage will far exceed any possible benefit.
- 4-The cost of this improvement (\$2300.00) far exceeds any possible benefit to be derived therefrom in that only approximately 40 acres of land will be drained thereby and the cost no matter how apportioned will be excessive.

Sarah R. Persinger

S-Claim For Damages

In the Matter of the Madison  
County Ditch Petitioned for  
by Marion Oiler and others

Madison County, Ohio  
September 23, 1948

To the Board of County Commissioners of Madison County:

The undersigned, the owner of the following described lands, 3.16 acres in Survey No. 2884 in the Township of Monroe, Madison County, Ohio. affected by the above named improvement petitioned for by Marion Oiler represents that, if said improvement be established upon the route decided upon by your Board, she will sustain damage to the lands owned by her in the sum of Three Hundred and no/100 Dollars (\$300.)0 for the following reasons: At the present time the premises of the undersigned are satisfactorily ditched and all the laterals are connected to a ditch now in use on the premises. The new ditch petitioned for will carry the water in the opposite direction from the flow of the water in the present ditch, therefore the new ditch will be higher than the laterals at the upper end and lower than the laterals at the lower end of the premises above mentioned and that it will be necessary for complainant to reset her lateral ditches to the level of the new proposed ditch before the same can be of any benefit to her, and by reason of said changes required to be made in lateral ditches complainant will be damaged to the extent of \$300.00

She, therefore, asks that she be allowed said sum of \$300.00 as damages that will accrue to her from the construction of said improvement.

Sarah R. Persinger

T-Resolution-Commissioners' Finding Setting Aside Former Order

In the Matter of the Single  
County Ditch Petitioned for  
by Marion Oiler and others.

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

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 27 day of Sept., 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:

OILER COUNTY DITCH

Whereas, This being the day fixed by said Board in its order dated the 7 day of Sept., 1948, 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 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 on and dated the 24 day of May, 1948, in favor of said improvement; and greater than the benefit which will be derived therefrom, if constructed, that the improvement is not necessary that the improvement will not be conducive to the public welfare; therefore, be it

Resolved, That said former order finding in favor of said improvement made at the first hearing on the 15 day of May, 1948, be and the same is hereby set aside; and be it further

Resolved, That said petition be and the same is hereby dismissed; and be it further

Resolved, That all the costs in said proceedings, save and except the costs made by the Surveyor in making his surveys, reports, and schedules, be and the same are hereby ordered to be paid by the petitioner.

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, O.

U-Itemized List of Costs Pertaining To Ditch

October 1, 1948

Marion Oiler  
Route #3  
London, Ohio

Dear Mr. Oiler:

We are listing below the itemized list of the costs pertaining to the ditch that you petitioned for and check should be mailed to the writer made payable to the County Treasurer and your check will be your receipt unless formal receipt is requested.

1--Transcript charge	\$4.50
2--12-29-47 Mailing Notices (8)	.24
3--2-26-48 Mailing Notices (8)	.24
4--5-10-48 Mailing Notices (8)	.24
5-9-8-48 Mailing Notices (9)	.27
Total	<u>\$5.49</u>

Yours very truly,

Auditor, Madison

RKD:gj

Paid 10/8/48-Pay-in Order #N-735