

LAFF COUNTY DITCH

A--Petition

London, Ohio August 3, 1945

Petition for relocation, reconstruction and deepening and widening of a portion of the Allan Laff County Ditch.

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

The undersigned hereby petition your honorable body for the relocation, reconstruction, deepening and widening of a portion of the Allan Laff County 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 bulkhead on the Allen Laff County ditch on the land of Delia Holland in Monroe Township; thence following the open ditch through land of said Holland and Elizabeth Harbage to Little Darby creek or far enough to secure a good and sufficient outlet for lands draining into said ditch.

The following is the nature of the work petitioned for: the relocation, reconstruction, deepening and widening of said ditch and the construction of a new bulkhead at or near the present end of the tile.

A list of 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:

Rosella Byerly	London, Ohio
John Byerly	London, Ohio
Imer Byerly	London, Ohio #3
Delia Holland	London, Ohio #3
Ora Byerly	London, Ohio #3
Owen Harbage (Elizabeth Dower)	c/o Middle Sidner, W. Jefferson, Ohio
Henry Troyer	Plain City, Ohio
Robt. J. Thomas Estate	c/o Fern B. Thomas, Excr., W. Jefferson, O.
Flora Blaughter Estate,	c/o Rodney Plymell, London, Ohio
D.J. Littler, Estate	c/o John R. Tanner, Exr., London, Ohio
Crist & Christina Bontrager	Plain City, Ohio

Service of notice of the filing of the petition shall be obtained by mailing notices and publication as provided in Sec. 6447.

Imer Byerly, Petitioner.

B--Bond

Know All Men by These Presents, That we Imer Byerly, as principal, and Rosella Byerly, John Byerly and Crist Bontrager, as sureties, are held and firmly bound unto the State of Ohio, in the sum of Three hundred Dollars, to the payment of which sum, well and truly to be made, we do hereby jointly and severally bind ourselves, heirs, executors and administrators.

Signed by us and dated at London, Ohio, this 3rd day of August, 1945.

The Condition of the Above Obligation is Such, That, Whereas, on the 3 day of August, 1945, the above bound Imer Byerly filed his petition with the Auditor of Madison County, Ohio, making application to the County Commissioners for the relocation, reconstruction, deepening and widening of a portion of the Allen Laff County Ditch petitioned for by Imer Byerly and others, the following being the course and termini of said proposed improvement, to-wit: Commencing at or near the bulkhead on the Allen Laff County ditch on the land of Delia Holland in Monroe Township thence following the open ditch through land of said Holland and Elizabeth Harbage to Little Darby creek or far enough to secure a good and sufficient outlet for lands draining into said ditch.

Now, if the said Imer Byerly 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 6 day of August, 1945
Robert K. Dixon, County Auditor.

Imer Byerly.
Rosella Byerly,
John Byerly
Crist Bontrager

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

In the Matter of the Single
County Ditch Petitioned for
by Imer Byerly and others.

Office of the Board of County Commissioners,
Madison County, Ohio
August 6, 1945

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 6th day of August, 1945, at the office of the Commissioners with the following members present:

Rodney Plymell
Gola Mink
R.W. Armstrong

Mr. Plymell moved the adoption of the following Resolution;

Whereas, This 6th day of August, 1945, 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 Imer Byerly, petitioner, for the relocation, reconstruction, deepening and widening of a portion of the Allen Laff 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 28th day of August, 1945, at ten o'clock A.M., C.W.T., 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 4th day of September, 1945, at ten o'clock A.M., C.W.T. at the office of the Board of County Commissioners of said County be and the same is hereby fixed as the time and place for the first hearing on the petition: and be it further

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

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

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

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

D--Commissioners' Finding For the Improvement

In the Matter of the Single County Ditch Petitioned for by Imer Byerly.

Office of the Board of County Comm. Madison County, Ohio. September 4, 1945

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 4 day of September, 1945, 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 6 day of August, 1945, 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 owners of land for or against the granting of the proposed improvement, or for or against the granting of any laterals, branches, spurs, or change of route, course, termin, or manner of construction described in the petition, or in any application therefore; 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 bulkhead on the Allen Laff County Ditch on the land of Delia Holland in Monroe Township, thence following the open ditch through land of said Holland, and Elizabeth Harbage to Little Darby creek or far enough to secure a good and sufficient outlet for lands draining into said ditch.

The following is the nature of the work petitioned for: the relocation, reconstruction, deepening and widening of said ditch and the construction of a new bulkhead at or near the present end of the tile 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 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 10 day of Dec. 1945, 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.

LAFF COUNTY DITCH

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
September 4, 1945

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.

E--Specifications of the Manner of Construction:

In the Matter of the Single
County Ditch Petitioned for
by Imer Byerly and others.

Surveyor's Office, Madison County, Ohio.
Proceedings for relocation, deepening and
widening of a portion of the Allan Laff
Ditch.

The main ditch from Station 38 to Station 46--shall be an open ditch and shall be cut to the grade line and gradients as shown in Schedule A of this report, and shall have a bottom width and banks sloped as shown on the cross sections.

All excavated material shall 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 must be obtained by the contractor and submitted to the County Engineer before final estimate will be issued.

It shall be the duty of the land owners to remove and replace all fences that will interfere with the construction of the ditch, thereby relieving the contractor of any responsibility in this matter.

The contractor shall exercise due care so as to not cause unnecessary damage to fences and other property. In case of damages 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 the construction, this width shall be measured from the top of the ditch banks.

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

A riprap bulkhead shall be constructed at the outlet of the tile and shall be built as shown on attached plan marked exhibit B.

Tile shall be laid to the grade shown on the profile with 1/4" joints between tile.

F--Schedule of Land Owners

NAME	SURVEY	TOWNSHIP	ACRES OWNED	ACRES BENEFITED	ESTIMATED ASSESSMENT
Blaugher, Flora	2882	Monroe	49.00	25.00	40.00
Bontrager, Crist & Christina	2882	"	11.50	10.50	10.50
Byerly, Imer	7791	"	6.00	6.00	3.00
" "	7791	Canaan	96.10	25.00	12.50
Byerly, John W. Jr. & Myrtle	7791	"	114.00	50.00	25.00
Byerly, John Jr.	7791	Monroe	11.00	11.00	5.50
Byerly, Ora	2882	"	15.00	15.00	15.00
" "	2882	"	29.24	29.24	29.25
Byerly, Rosella	2882	"	23.00	23.00	35.00
Holland, Delia	2882	"	99.75	50.00	100.00
Littler David J. (Estate)	2881	"	64.27	20.00	15.00
Thomas, Robert (Estate)	2882	"	78.75	40.00	40.00
Troyer, Henry D. & Ada	7791	"	19.49	9.49	4.70
Troyer, Henry D. & Ada	7791	"	30.66	15.00	7.50
" " "	2881	"	70.00	55.00	17.50
Madison County Roads					10.00
				Total	\$370.45

G--Order Fixing Time of Final Hearing on Surveyor's Reports, etc.

In the Matter of the Single
County Ditch Petitioned for
by Imer Byerly and others.

Office of the Board of County Comm.
Madison County, Ohio.
March 11, 1946

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 11 day of March, 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 11 day of March, 1946, 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 10 day of December, 1945; therefore, be it

Resolved, That the 8 day of April, 1946, 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 that 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

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

In the Matter of the Single
County Ditch Petitioned for
by Imer Byerly and others.

Office of the Board of County Comm.
Madison County, Ohio.
April 8, 1946.

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 8 day of April, 1946, 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 11 day of March, 1946, 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 4 day of September, 1945, 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 4 day of September, 1945, be and the same is hereby affirmed, and be it

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

Resolved, That \$10.00 found to benefit State or County Roads or Highways be and the same is hereby assessed against the County, and be it further

Resolved, That three 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

LAFK COUNTY DITCH

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 15 day of July, 1946, 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. Plymell, yes
Mr. Armstrong, yes
Mr. 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 Imer Byerly and others.

County Engineer's Office,
Madison County, Ohio.
July 15, 1946

To the Board of County Commissioners:

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

BIDDER	FOR WHAT WORK OR MATERIALS	AMOUNT	GUARANTY
Ernest Mossbarger	Laff County Ditch	322.85	\$10.00
O.E. Liller	Laff County Ditch	290.70	\$10.00

I recommend the following bids as the best.

O.E. Liller, amount of bid, Two hundred ninety dollars and seventy cents. (\$290.70)

H.L. McCafferty
County Engineer.

J--Commissioners' order Awarding Contracts:

In the Matter of the Single
County Ditch Petitioned for
by Imer Byerly and others.

Office of the Board of County Commissioners,
Madison County, Ohio.
July 15, 1946,

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 15 day of July, 1946, at the office of the Commissioners with the following members present:

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 Imer Byerly 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:

O.E. Liller	290.70	Surveyor's Est. 398.05
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therefore, be it

Resolved, that contracts be and the same are hereby awarded to said O.E. Liller at the amounts bid by him, respectively; and be it further

Resolved, That the County Auditor be and he is hereby directed to notify each of said successful bidders of the acceptance of his bid, and that he is required to enter into contract and bond as provided by Sections 6483 and 6488 of the General Code; and be it further

Resolved, That the County Surveyor be and he is hereby directed to prepare said contracts and bonds and, having secured the signatures of said bidders and their sureties, present the same to this Board for approval; and be it further

Resolved, That the whole of such work shall be completed and all material furnished on or before the 30 day of September, 1946, 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:

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

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

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

In the Matter of the Single
County Ditch Petitioned for
by Imer Byerly and others.

Office of the Board of County Comm.
Madison County, Ohio.
July 29, 1946

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 29th day of July, 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, The County Surveyor has filed with this Board the contract and bond for the work of construction and furnishing material in the above named improvement petitioned for by Imer Byerly and others; therefore, be it

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

Resolved, That the County Auditor be and he is hereby directed to reduce pro rata the assessments previously confirmed by this Board, by the difference between the estimated cost of the construction and the contract price; and be it further

Resolved, That the County Auditor be and he is hereby directed to record said contract and bond in the Commissioners' Journal, and be it further

Resolved, That the assessments so reduced, but with the cost of location included therein, be and the same are hereby levied upon each parcel of land stated in the schedules as of the date of this order; and be it further

Resolved that The County Auditor be and he is hereby directed to place said assessments so levied upon the Duplicates of the County, making and furnishing the Treasurer of said County a special Duplicate with the assessments arranged thereon in semi-annual installments as provided in our former order adopted the 8 day of April, 1946.

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.

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

In the Matter of the Single
County Ditch Petitioned for
by Imer Byerly and others.

Office of County Surveyor
Madison County, Ohio
November 20, 1946

To O.E. Liller, Contractor:

This is to certify that the undersigned County Surveyor has accepted 100 per cent of the work and labor furnished and completed by you under your contract for the construction of the above named improvement petitioned for by Imer Byerly and others, and I, therefore, approve said work and labor for payment in the sum of Two hundred ninety dollars and seventy cents (\$290.70) Dollars, the same being the contract price for said percentage of work and labor completed and accepted.

Estimate No. 1 and Final	
Total cost as per contract	\$290.70
Engineering and inspection	47.60
Total	\$338.30

H.L. McCafferty
County Engineer

LAFB COUNTY DITCH

M--Itemized List of Improvement Costs

Construction;

Liller Contract	<u>290.70</u>	
Total		290.70

Engineer's Services:

Engineering & Inspection	<u>47.60</u>	
Total		47.60

Commissioners Fees:

One Commissioner Fee	<u>20.00</u>	
Total		20.00

Transcript, Mailing Notices & Advertising:

Transcript	4.50	
Mailing 8/9/45 (11)	.33	
Mailing 3/15/46 (11)	.33	
Mailing Statements (11)	<u>.33</u>	
Total		<u>5.49</u>

Grand Total		<u>\$363.79</u>
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N--Final Assessment Schedule

<u>OWNER</u>	<u>ACRES OWNED</u>	<u>ACRES BENEFITED</u>	<u>CONSTR. SCHEDULE ESTIMATE</u>	<u>RATE</u>	<u>FINAL ASSESSMENT----INCL. EXPENSES</u>
Plymell, R. F.	49.00	25.00	40.00	.10798	39.28
Bontrager, Crist & Christina	11.50	10.50	10.50	.02834	10.31
Byerly, Imer	6.00	6.00	3.00	.00810	2.95
	96.10	25.00	12.50	.03374	12.27
Byerly, John W. Jr. & Myrtle	114.00	50.00	25.00	.06748	24.55
Byerly, John Jr.	11.00	11.00	5.50	.01485	5.40
Byerly, Ora	15.00	15.00	15.00	.04049	14.73
	29.24	29.24	29.25	.07896	28.72
Byerly, Rosella	23.00	23.00	35.00	.09448	34.37
Holland, Delia	99.75	50.00	100.00	.26994	98.20
Byerly, John	64.27	20.00	15.00	.04049	14.73
Thomas, Louis R.	78.75	40.00	40.00	.10798	39.28
Troyer, Henry D. & Ada	19.49	9.49	4.70	.01269	4.62
	30.66	15.00	7.50	.02025	7.37
	70.00	35.00	17.50	.04724	17.19
Madison County			10.00	.02699	9.82
		Total	370.45	1.00000	363.79

O--Unpaid Assessments.

London, Ohio
Sept. 15, 1947

Madison County Commissioners
London, Ohio

Gentlemen:

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

<u>NAME</u>	<u>ACREAGE</u>	<u>AMOUNT</u>
Byerly, Rozella	23.00	34.37
Holland, Delia	99.75	<u>98.20</u>
Total Amount		\$132.57

Respectfully,

Robert K. Dixon,
Auditor, Madison County

P--Resolution To Issue Notes In Anticipation of the Levy of Assessments, etc.

In the Matter of the Single
County Ditch Petitioned for
by Imer Byerly and others.

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

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 15 day of September, 1947, at the office of the Commissioners with the following members present

Rodney Plymell
R.W. Armstrong

Mr. Armstrong moved the adoption of the following Resolution:

Whereas, Said Board has heretofore, by Resolution duly passed on the 8 day of April, 1946, affirmed its former order finding in favor of the improvement of the County Ditch, petitioned for by Imer Byerly and others; and

Whereas, It is now deemed necessary to issue and sell \$132.57 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 three 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 8 day of April, 1946, determined that three 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 One Hundred Thirty Two and 57/100 Dollars (\$132.57), not exceeding in amount that portion of the estimated cost of the improvement for which the assessment is levied, to provide a fund for the payment of the cost and expense of the improvement of said County Ditch according to the terms of said Resolution above referred to; and be it further

Resolved, That said note shall be dated the 1 day of October, 1947, and shall be in the denomination of One Hundred Thirty Two and 57/100 Dollars (\$132.57) and shall be numbered five.

Said note shall bear interest at the rate of four per centum per annum until paid, and the interest on said notes shall be payable on the 1 day of April and the 1 day of October, 1948, and until the principal sum of said notes is paid and as evidenced by interest coupons attached thereto. Said note shall not be issued for a longer period of time than two years from date thereof and shall be payable at the office of the Treasurer of said County at London, Ohio, upon presentation and surrender of said notes and interest coupons as they respectively mature. Said note shall be redeemable at any interest period.

Said note shall be due and payable as follows: No. 5 Date April 1, 1948 Amt. \$132.57

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 note 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 and 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 note.

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.

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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. 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.

Dated this 15 day of September, 1947.

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

Attest:


ROBERT K. DIXON
CLERK OF MADISON COUNTY, OHIO