

A--PETITION

London, Ohio  
March 22, 1948

Petition for location, examination, repair and construction of a ditch.

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

The undersigned hereby petition your honorable body for the location, examination, repair and construction 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 a point in a tile ditch on the east side of State Route #38 in Monroe Township, Madison County, Ohio; thence in a general easterly direction and following an old tile ditch, part way or as near thereto as practical through land owned by the heirs of Amanda J. Pratt heirs of Elta Pence and said Pratt heirs to the westerly line of land owned by Edwin H.C. Renner, far enough to secure a good and sufficient outlet.

The following is the nature of the work petitioned for: Examination and repair of a tile ditch, extension of the same so far as practical, construction of a suitable bulkhead and construction of an open ditch for outlet.

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

Paul Sanford, London, Ohio; Elta Pence, c/o Harvey Pence, West Jefferson, Ohio; Harvey Pence, West Jefferson, Ohio; Edwin H.C. Renner, #3, London, Ohio; Howard Westfall, Mechanicsburg, O.; Amanda J. Pratt, c/o Bruce D. Lewis, London, Ohio; Marjorie Richardson, c/o W.H. Pence, West Jefferson, Ohio; Lucile J. Miller, c/o W.H. Pence, West Jefferson, Ohio.

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

Harvey Pence, Petitioner.

B--BOND

KNOW ALL MEN BY THESE PRESENTS, That we, Harvey Pence, et al 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, exeuctors and administrators.

Signed by us and dated this 22 day of March, 1948.

The Condition of the Above Obligation is such, that, Whereas, on the 22 day of March, 1948, the above bound Harvey Pence filed his petition with the County Auditor of Madison County, Ohio making application to the County Commissioners, praying for the location, examination, repair and construction of a ditch petitioned for by Harvey pence and others; the following is the course and termini of said proposed improvement, to-wit:

Commencing at a point in a tile ditch on the east side of State Route #38 in Monroe Township; Madison County, Ohio; thence in a general easterly direction and following an old tile ditch; part way, or as near thereto as practical; through land owned by the heirs of Amanda J. Pratt heirs of Elta Pence and said Pratt heirs to the westerly line of land owned by Edwin H.C. Renner far enough to secure a good and sufficient outlet.

Now, if the said Harvey Pence 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 March, 1948.  
Robert K. Dixon, County Auditor.

Harvey Pence  
Wm. Strosnider  
R.I. Blauser

C--ORDER FIXING TIME OF VIEW AND FIRST HEARING

In the Matter of the Single  
County Ditch Petitioned for  
by Harvey Pence and others.

Office of the Board of Co. Comm.  
Madison County, Ohio  
March 22, 1948.

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 22 day of March, 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 22 day of March, 1948, 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 Harvey Pence, petitioner, for the location, examination, repair and construction of a ditch.

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

## PENCE COUNTY DITCH

Resolved, That said Board of County Commissioners, that the 14 day of April, 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 April, 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--COMMISSIONERS' FINDING FOR THE IMPROVEMENT

In the Matter of the Single County Ditch Petitioned for by Harvey Pence and others.	Office of the Board of County Comm. Madison County, Ohio May 10, 1948.
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The Board of County Commissioners of Madison County, Ohio, met in regular session on the 10 day of May, 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        day of       , 19        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 a point in a tile ditch on the east side of State Route No. 38 in Monroe Township, Madison County, Ohio; thence in a general easterly direction and following an old tile ditch part way or as near thereto as practical through land owned by the heirs of Amanda J. Pratt heirs of Elta Pence and said Pratt heirs to the westerly line of land owned by Edwin H.C. Renner, far enough to secure a good and sufficient outlet.

The following is the nature of the work petitioned for: Examination and repair of a tile ditch, extension of the same so far as practical, construction of an open ditch for outlet, 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 2 day of August, 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 Commissioners of Madison County, Ohio

PENCE COUNTY DITCH

County Auditor's Office,  
May 10, 1948

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--GRANTING EXTENSION OF TIME TO COMPLETE SURVEY,  
REPORTS AND SCHEDULES BY COUNTY SURVEYOR

In the Matter of the Single  
County Ditch Petitioned for  
by Harvey Pence and others.

Office of the Board of Co. Comm.  
Madison County, Ohio  
August 2, 1948.

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 2 day of August, 1948 at the office of the Commissioners with the following members present:

Rodney Plymell  
R.W. Armstrong  
Gola Mink

Mr. Arsmtrong moved the adoption of the following Resolution:

Whereas, This 2nd day of August, 1948, the County Surveyor filed his request with us for an extension of time within which to complete his survey, reports and schedules in the above named improvement; therefore, be it

Resolved, That said County Surveyor be and he is hereby granted such extension of time to the 18 day of October, 1948, at ten o'clock A.M., within which to file with the County Auditor his survey, reports and schedules in the said matter; and be it further

Resolved, That the 18 day of October, 1948, at ten o'clock A.M., at the office of the Board of County Commissioners of Madison County be and the same is hereby fixed as the time and place for the further consideration of said matter.

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

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

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

F--FINAL EXTENSION OF TIME OF COMPLETE SURVEY,  
REPORTS AND SCHEDULES OF COUNTY ENGINEER.

In the Matter of the Single  
County Ditch Petitioned for  
by Harvey Pence and others.

Office of the Board of Co. Comm.  
Madison County, Ohio  
October 31, 1949

Mr. Daugherty moved the adoption of the following Resolution

Whereas, This 31 day of October, 1949, the Board of County Commissioners of Madison County, being in regular session, members present, Plymell, Daugherty and Taylor and the County Engineer filed his request with us for an extension of time within which to complete his survey, reports and schedules in the above named improvement; therefore be it

Resolved, That said County Engineer be and he is hereby granted such extension of time to the 16 day of January, 1950 at 10 o'clock A.M., within to file with the County Auditor his survey, reports and schedules in the said matter; and be it further.

Resolved, That the 16 day of January, 1950, at 10 o'clock A.M., at the office of the Board of County Commissioners of Madison County be and the same is hereby fixed as the time and place for the further consideration of said matter.

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

Mr. Plymell, yes; Mr. Daugherty, yes; Mr. Taylor, yes.

Attest: Robert K. Dixon, Clerk.

G--ORIGINAL SCHEDULE OF LAND OWNERS

	<u>Survey</u>	<u>acres owned</u>	<u>Acres Benefited</u>	<u>Estimated Amount</u>
O'Donnell, Edwin et al	10700 et al	190.11	115.00	430.00
Pence, W.H. (1/3 et al 2/3)	10700 et al	94.97	50.00	184.00
Yutzy, Jonas, J. Gideon J. & Jacob E.	5606	121.00	5.00	25.00
Sullivan, Francis E. & Marguerite G.	10700 et al	172.04	8.00	19.00
Yoder, Henry B. & Ester	9492	185.00	10.00	50.00
	10700 et al	11.10	11.00	55.00
Madison County Roads				41.52
	Approved 2/6/50		Total	804.52

## PENCE COUNTY DITCH

H--ORDER FIXING TIME OF FINAL HEARING ON SURVEYOR'S REPORTS,  
ON ESTIMATED ASSESSMENTS, ON THE PROCEEDINGS FOR THE IM-  
PROVEMENT AND ON CLAIMS FOR COMPENSATION AND DAMAGES.

In the Matter of the Single  
County Ditch Petitioned for  
by Harvey Pence and others.

Office of the Board of Co. Comm.  
Madison County, Ohio  
January 16, 1950

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 16 day of January, 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, This 16 day of January, 1950, 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 31 day of October, 1949; therefore, be it

Resolved, that the 6 day of February, 1950, 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. 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 of the Board of  
County Commissioners of Madison County, O.

I--COMMISSIONERS' FINDING AFFIRMING ORDER, CONFIRMING THE  
ASSESSMENTS, AND ORDERING THE LETTING OF THE CONTRACTS

In the Matter of the Single  
County Ditch Petitioned for  
by Harvey Pence and others.

Office of the Board of Co. Comm.  
Madison County, Ohio  
February 6, 1950.

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 6 day of February, 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, This being the day fixed by said Board, in its order dated the 16 day of January, 1950, 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 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 10 day of May, 1948, 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 10 day of May, 1948, be and the same is hereby affirmed; and

Whereas, Objections to the proposed assessment having been filed by Frank and Jack O'Donnell by Harold Sparling and by Harvey Pence for the reason that lands now owned by them were erroneously assessed on the Paul Sanford Ditch while the land is benefited by this Pence Ditch only creating a double assessment for drainage, to a certain degree, 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



## PENCE COUNTY DITCH

K--DITCH BIDDING BLANK

To the County Surveyor

Madison County, Ohio  
March 13, 1950.

The undersigned herewith submits a bid of Six hundred forty four and 48/100 (\$644.48) Dollars, for the labor involved in the construction of Pence Ditch petitioned for by Harvey Pence and others, in accordance with plans and specifications adopted for the improvement; and Eighty seven and 08/100 Dollars (\$87.08) for furnishing the following materials:

<u>Quantity</u>	<u>Materials</u>	<u>Amount Bid for Materials</u>	<u>Amount Bid for Labor</u>
1 ROD	clay tile 15"	11.00	
2 rods	tile (laying) 15"		8.00
4.98 c.y.	concrete	59.76	129.48
136#	reinforcing steel	16.32	
16 c.y.	excavation		32.00
650 c.y.	open ditch excavation		455.00
	Repairs to tile above Sta. 11/ 34		20.00

Total Amount Bid for Materials	87.08
Total Amount Bid for Labor	644.48

Grand Total Labor and Materials \$731.56

This bid is accompanied by cash in the sum of \$25.00 being three per cent. of the total amount of said bid, as a guaranty that if the bid is accepted, a contract will signed by the bidder for the performance of the work, and for furnishing the material bid upon, and that a bond will be furnished to the County for the performance of the contract signed as required by law.

C.O. Dewbre  
Springfield, OhioL--COMMISSIONERS' ORDER AWARDING CONTRACTSIn the Matter of the Single  
County Ditch Petitioned for  
by Harvey Pence and others.Office of the Board of Co. Comm.  
Madison County, Ohio  
March 13, 1950.

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 13 day of March, 1950, at the office of the Commissioners, with the following members present:

Rodney Plymell  
George W. Taylor

Mr. Taylor 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 Harvey Pence 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>Amount of Bid</u>	<u>Surveyor's Estimate</u>
C.O. Dewbre	Labor and Material	731.56	754.52
O.E. Liller	Labor and Material	754.52	754.52

therefore, be it

Resolved, That contracts be and the same are hereby awarded to said C.O. Dewbre 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 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 31 day of May, 1950, provided that the time of furnishing such material and completing such labor shall correspond with the time provided for its use and in the progress of the work.

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

Rodney Plymell	yes
George W. Taylor	yes

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

## PENCE COUNTY DITCH

M--DITCH CONTRACT

In the Matter of the Single  
County Ditch Petitioned for  
by Harvey Pence and others.

## WORK AND LABOR AND MATERIALS

This contract made and entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 1950, by and between the Board of County Commissioners of Madison County, Ohio, Party of the First Part, hereinafter designated as "First Party," and C.O. Dewbre and Theo A. Parker of Cedarville, Ohio and Springfield, Ohio, Party of the Second Part, hereinafter designated as "Second Party."

Witnesseth, That said Second Party, for and in consideration of the sum of Seven hundred thirty one dollars and 56/100 (\$731.56) Dollars, to be paid as hereinafter specified, here by agrees to furnish unto said First Party all the necessary materials, and do all the work and labor required to construct the Pence Ditch improvement petitioned for by Harvey Pence and others, in accordance with plans, drawing and specifications are hereby declared to be a part of this contract.

Said Second Party further agrees to furnish such materials and to do the said work and labor promptly, in a good substantial and workmanlike manner, under the direction of the County Surveyor in charge, without hindrance or delay to any other branch or class of work on said ditch, and work in harmony with and to render such assistance to other branches of work as his connection therewith and the progress of the ditch may require. The whole shall be completed to the satisfaction and acceptance of said First Party on or before the 31 day of May, 1950.

And said First Party, for and in consideration of the true and faithful performance of said work and labor and furnishing of said materials as aforesaid, hereby agrees to pay unto said Second Party said sum of Seven hundred thirty one and 56/100 Dollars (\$741.56) in installments from time to time, upon the certificate of acceptance of the County Surveyor and as provided by law.

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

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

Signed in duplicate in presence of  
P.J. McCorkell

Rodney Plymell  
George W. Taylor  
Commissioners of  
Madison County,  
Ohio, First Party.

C.O. Dewbre  
Theo. A. Parker  
Contractors,  
Second Party.

N--BOND OF DITCH CONTRACTOR

In the Matter of the Single  
County Ditch Petitioned for  
by Harvey Pence and others.

ON CONTRACT FOR WORK AND LABOR  
AND MATERIALS

KNOW ALL MEN BY THESE PRESENTS, That we, C.O. Dewbre & Theo A. Parker, as Principal and The Ohio Casualty Insurance Company, Hamilton, Ohio, as sureties, are held and firmly bound unto the State of Ohio for the benefit of Madison County, Ohio, and for the benefit of any owner having a right of action thereon as is provided by law, in the penal sum of Seven hundred fifty four and 52/100 (\$754.52) 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 24th day of March, 1950.

The Condition of the Above Obligation Is Such That, Whereas, the above bound C.O. Dewbre and Theo A. Parker has entered into a Contract with said Board of County Commissioners, First, to furnish the materials and perform the work and labor for the construction of the Pence Ditch improvement petitioned for by Harvey Pence and others specified in said Contract, to the satisfaction and acceptance of the county Surveyor, on or before the 31 day of May, 1950, for the compensation of Seven hundred thirty one and 56/100 (\$731.56) Dollars;

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

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

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

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

Executed in Presence of  
P.J. McCorkell  
Joyce Pippert

C.O. DEWBRE AND THEO. A. PARKER  
C.O. Dewbre  
Theo A. Parker  
THE OHIO CASUALTY INSURANCE COMPANY  
E. Earle Johnson, Attorney-in-Fact

The above bond being good and sufficient is approved this 27 day of March, 1950.

Rodney Plymell  
George W. Taylor  
Board of County  
Commissioners,  
Madison County, Ohio

## PENCE COUNTY DITCH

## O--ITEMIZED LIST OF IMPROVEMENT COSTS

Construction:	C.O. Dewbre, Contract	\$ 731.56	
		Total	731.56
Engineers Services:	Engineering & Inspection	50.00	
		Total	50.00
<u>Transcript, Mailing Notices &amp; Advertising:</u>			
	Transcript	4.50	
	3-30-48 Mailing Notices (8)	.24	
	4-16-48 Mailing Notices (32)	.96	
	5-11-48 Press Printing Slip Notices	1.50	
	1-26-50 Mailing Notices (11)	.33	
	Mailing Statements (5)	.15	
		Total	7.68
		Grand Total	\$789.24

## P--FINAL ASSESSMENT SCHEDULE

<u>Owner</u>	<u>District</u>	<u>Acres Owned</u>	<u>Acres Benefited</u>	<u>Constr. Schedule Estimate</u>	<u>Rate</u>	<u>Final Assmt. Incl. Expenses</u>
O'Donnell, Edwin et al	Monroe	190.11	115.00	430.00	.53448	421.83
Pence, W.H. 1/3; et al 2/3	"	94.97	50.00	184.00	.22871	180.51
Sullivan, Francis E. et al	"	172.04	8.00	19.00	.02362	18.64
Yoder, Henry B. & Ester	"	185.00	10.00	50.00	.06215	49.05
	"	11.10	11.00	55.00	.06836	53.95
Yutzy, Jonas J. et al	"	121.00	5.00	25.00	.03107	24.52
Madison Co. Rds.				41.52	.05161	40.74
				804.52	1.00000	789.24

## Q--CERTIFICATE OF UNPAID ASSESSMENTS

October 23, 1950  
London, Ohio

Madison County Commissioners  
London, Ohio

Gentlemen:

This is to certify in the matter of the improvement of the Pence County Ditch, the following assessments remain unpaid,

O'Donnell, Edwin et al	421.83
Sullivan, Francis E. & Margaret G.	18.64
Yoder, Henry B. & Ester	49.05
	53.95
Total	\$543.47

Yours very truly,

Forrest R. Hanson  
Auditor, Madison County

## R--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 Harvey Pence and others.

Office of the Board of Co. Comm.  
Madison County, Ohio  
October 23, 1950

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 23 day of October, 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 6 day of February, 1950, affirmed its former order finding in favor of the improvement of the County Ditch, petitioned for by Harvey Pence and others; and

Whereas, It is now deemed necessary is issue and sell \$543.47 of notes under authority of Section 229324 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

## PENCE COUNTY DITCH

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

Whereas, This Board has heretofore, by Resolution duly passed on the 6 day of February, 1950, determined that five years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited to pay the assessment that may be made for the improvement; now, therefore, be it

Resolved, By the Board of County Commissioners of Madison County, Ohio, that in the judgment of said Board of County Commissioners, it is now necessary in anticipation of the levy of assessments according to benefits or of the issuance of bonds to issue and sell the notes of said County under and by virtue of the authority of Section 2293-24 of the General Code of Ohio and "The Uniform Bond Act" in the aggregate sum of Five hundred forty three and 47/100 Dollars (\$543.47), 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 November, 1950, and shall be in the denomination of Five Hundred Forty three and 47/100 Dollars (\$543.47) and shall be numbered 22.

Said note shall bear interest at the rate of four per centum per annum until paid, the interest on said note shall be payable on the 1 day of April and the 1 day of October, 1951, and until the principal sum of said note 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 note 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. 22      November 1, 1950      \$543.47

Said note 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 printed or lithographed thereon; and be it further

Resolved, That said note 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 note 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 issued of such notes.

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

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

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

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

Dated this 23rd day of October, 1950.

Forrest R. Hanson, Clerk, Board of County  
Commissioners of Madison County, Ohio