

A Single County Ditch Petition

London, Ohio

January 28, 1952

Petition for constructing a new tile ditch and headwall

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

The undersigned hereby petition your honorable body for the construction of the C. E. & Corinne Pennington Ditch in Pleasant Township, 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 on the lands of Fred A. Lutz, Sr. et al., Anna Lorena Kious, Lorena Fisher et al., Alva Hill, C. E. & Corinne Pennington; thence easterly through the lands of E. R. Jones and Abram Alkire, terminating in an open ditch west of S. R. #56 excavating same necessary to give sufficient outlet.

The following is the nature of the work petitioned for: Constructing a new tile ditch and headwall.

A list of the 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:

C. E. & Corinne Pennington, Mt. Sterling, Ohio
 E. R. Jones, Mt. Sterling, Ohio
 Abram C. Alkire, Mt. Sterling, Ohio
 Alva & Mabel Hill, Harrisburg, Ohio
 Harry H. & Letitia Campbell, Mt. Sterling, Ohio
 Fred A. Lutz, Sr. Mt. Sterling, O.
 Anna Lorena Kious, Mt. Sterling, O.
 Lorena Fisher et al, 2415 Vanderwirt Ave., Rockford, Ill.
 Harley Tracey, Estate, c/o Nellie Tracey, Exec. #2 Mt. Sterling, O.
 Harry G. eale 2320 Kensington Rd., Columbus, O.
 State of Ohio, Dept. of Highways, Delaware, O.

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

C. E. & Corinne Pennington

F. A. Lutz

E. R. Jones Petitioners

Alva Hill

B

BOND

(To Be Filed with Ditch Petition)

Know All Men By These Presents, That we, C. E. & Corinne Pennington, as principal, and F. A. Lutz and E. R. Jones and Alva Hill as suret are held and firmly bound unto the State of Ohio, in the sum of Three hundred and fifty 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 at London, Ohio, This 4th day of February, 1952, the above bound C. E. & Corinne Pennington et al filed their petition with the Auditor of Madison County, Ohio, making application to the County Commissioners for the construction of a new tile ditch and headwall petitioned for by C. E. & Corinne Pennington and others, the following being the course and termini of said proposed improvement, to-wit:

Commencing on the lands of Fred A. Lutz, Sr. et al., Anna Lorena Kious, Lorena Fisher et al., Alva Hill, C. E. & Corinne Pennington, thence easterly through the lands of E. R. Jones and Abram Alkire, Terminating in an open ditch west of S. R. #56.

Now, if the said C. E. & Corinne Pennington 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 11th
 day of February, 1952
Forrest R. Hanson
 County Auditor

C. E. & Corinne Pennington
 F. A. Lutz
 E. R. Jones
 Alva Hill

PENNINGTON DITCH

on the lands of Fred A. Lutz, Sr. et al, Anna Lorena Kious, Lorena Fisher et al, Alva Hill C. E. & Corinne Pennington; thence easterly through the lands of E. R. Jones and Abram Alkire; terminating in an open ditch west of S. R. 56.

The following is the nature of the work petitioned for: constructing a new tile ditch and headwall.

As it is claimed that the improvement will affect property owned by you, you hereby notified that the Board of County has fixed the 5th day of March, 1952, at ten o'clock A. M. at the upper terminus of the improvement, as the time for the view thereon and also the 11th day of March, 1952 at ten o'clock A. M. at the office of said Board. as the time and place for the first hearing on the petition.

Forrest R. Hanson
Auditor of Madison County, Ohio

The persons thus notified are the following:

C. E. & Corinne Pennington	Mt. Sterling, Ohio
E. R. Jones	" "
Abram Alkire	" "
Alva & Mabel Hill	Harrisburg, Ohio
Harry H. & Letitia Campbell	Mt. Sterling, Ohio
Fred A. Lutz, Sr.	" "
Anna Lorena Kious	" "
Lorena Fisher, et al	2415 Vanderwirt Ave., Rockford, Ill.

Lewis R. Kious (Lorena Kious Fisher) 333 East Royal Forest, Columbus, Ohio.

None of the said mailed notices have been returned undelivered, except

None

For these persons and for those whose addresses are unknown, publication has been had as prescribed by law.

Forrest R. Hanson
County Auditor

Notify also:

Harley Tracy Estate, R. R. #2, Mt. Sterling, O. Nellie Tracey, Exec.
Harry G. Beale, 2320 Kensington Rd., Columbus, O.
State of Ohio-Dept. of Highways, Delaware, Ohio

F CERTIFICATE OF MAILING NOTICES TO OWNERS OF LAND AFFECTED BY THE PROPOSED IMPROVEMENT OF ASSESSMENT, OF DATE OF FINAL HEARING AND OF FILING CLAIMS FOR COMPENSATION OR DAMAGES

In the Matter of	County Auditor's Office
The Single County Ditch Petitioned for by	Madison County, Ohio
C. E. & Corinne Pennington and others	

I hereby certify that on the 2nd day of March, 1953, I prepared and mailed, in a stamped five-day return envelope, to all the owners whose names appear in the County Engineers Schedules of Assessments, to each address as given in the petition, or to such address as I learned to be the correct address, including land owners other than those mentioned in the petition whose names have been filed by the County Engineer in his Schedule of Assessments, a copy of the following notice properly filled in:

You are hereby notified that the County Engineer filed in this office on the 16th day of February, 1953, the maps, profiles, schedules and reports in the above named improvement, and that the assessment on each tract of land owned by you, as estimated and described in said schedule is

per list attached

and you are further notified that the Board of County Commissioners of said County have fixed the 16th day of March, 1953, at 10 o'clock A. M. at the office of said Board, as the time and place of the final hearing by the Commissioners on the report of the County Engineer, and on the proceedings for the improvement, and that all claims for compensation and damages must be filed with the Auditor before that date; and that you must give notice within ten days after said final hearing of your intention to pay in cash, if bonds are to be issued for said improvement.

Forrest R. Hanson
Auditor of Madison County, O.
by Gladys M. Griffith
Deputy

The persons thus notified are as follows:

Abram C. Alkire	Mt. Sterling, O.
A. R. Alkire (Trustee)	" "
Harry H. & Letitia Campbell	" "
Alva & Mable Hill	Harrisburg, Ohio
E. R. Jones	Mt. Sterling, O.
Lewis R. & Leila N. Kious	333 E. Royal Forest Blvd., Cols. O.
Fred A. Lutz, Sr. (Life Est.)	Mt. Sterling, O.
Ohio Fuel Gas Co.	99 N. Front St., Cols. O.
C. E. & Corinne Pennington	Mt. Sterling, O.
Nellie F. Tracy	#2, Mt. Sterling, O.
Dept. of Highways, State of Ohio, Delaware, O.	

For these persons and for those whose addresses are unknown, publication has been had as prescribed by law.

Forrest R. Hanson
County Auditor

PENNINGTON DITCH

G SCHEDULE OF LAND OWNERS

Owners Names	Sec.	Description	Acres Owned	Acres Benefited	Estimated Amt. Land Assess.
Alkire, Abram C.	9497	Pleas. Twp.	32.89	24.00	98.88
" "	9440	" "	7.50	4.00	16.48
" "	464	" "	53.77	9.00	37.08
Alkire, A. R. (Trustee)	9440 9497	" "	34.25	14.00	113.68
" "	8037	" "	56.59	34.00	276.08
Campbell, Harry & Letitia	6482	" "	103.00	27.00	543.24
Hill, Alva & Mable	6482	" "	115.00	35.00	938.00
" "	12119	" "	67.34	31.32	900.19
Jones, E. R.	9440 9476	" "	18.31	6.00	24.72
" "	" "	" "	5.10	4.00	16.48
" "	" "	" "	16.50	6.00	24.72
" "	" "	" "	8.50	3.00	12.36
Kious, Lewis R. & Leila N.	8037	" "	55.39	39.00	1044.70
" "	12119	" "	52.99	26.00	696.80
Lutz, Fred A., Sr. (Life Est.)	8037	" "	46.57	5.00	40.60
Ohio Fuel Gas Co.	12119	" "	2.68	2.68	53.92
Pennington, C. E. & Corinne	12119	" "	50.00	12.00	861.38
Tracy, Nellie F.	8489	" "	20.00	11.00	89.32
" "	3405 8489	" "	59.73	32.00	259.84
" "	12110	" "	4.60	4.60	37.35
Dept. of Highways State of Ohio Madison County					470.00 50.00
				<u>329.60</u>	<u>6605.82</u>

H APPLICATION TO AMEND

Madison County, Ohio

April 28, 1952

In the Matter of the
Single County Ditch Petitioned for by
C. E. Pennington et al

Proceedings for Constructing a new
tile ditch and headwall.

Application to amend petition

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

The undersigned hereby makes application to your honorable body to amend petition as follows:

Adding to original petition "excavating same if found necessary to give sufficient outlet"

Respectfully submitted,
Alva Hill

I ADJOURNMENT OF HEARING ON PETITION

In the Matter of the
Single County Ditch Petitioned for by
C. E. Pennington et al

Office of the Board of County Commissioners
Madison County, Ohio
April 14, 1952

Mr. Baker moved the adoption of the following Resolution

Whereas, This day the Board of County Commissioners being in regular session, present Taylor, Baker and Daugherty and this being the day fixed by said Board in their order dated the 15th day of February, 1952, for the hearing on the Petition in the above named improvement; and

Whereas, It is found additional information is needed from the State Highway Department. therefore, be it

Resolved, That said hearing be and the same is hereby adjourned until the 28th day of April, 1952, at 2:00 o'clock P. M.

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

Mr. George W. Taylor, Yes; Mr. Rodger B. Baker, Yes; Mr. Glenn Daugherty, Yes.

J JOURNAL ENTRY COMMISSIONERS FINDING FOR THE IMPROVEMENT

In the Matter of the
Single County Ditch Petitioned for by
C. E. Pennington et al

Office of the Board of County Comm's.
Madison County, Ohio
April 28, 1952

Mr. Baker moved the adoption of the following resolution

Whereas, This day the Board of County Commissioners being in regular session, present Mr. Taylor, Mr. Baker and Mr. Daugherty and this being the day fixed by said Board in their order dated the 14th day of April, 1952, for the hearing on the petition in the above named improvement, the said Board met at their office, and conducted said hearing by causing the petition to be publicly read, together with all applications for change or extension of the improvement, previously filed in writing; and

Whereas, After proper examination, said Board do find that due and legal notice has been given in the manner and for the length of time required by law, to all owners of land affected by said improvement; and

PENNINGTON DITCH

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 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 we do hereby find that the said proposed improvement petitioned for is necessary and will be conducive to the public welfare; and we are reasonably certain that the cost thereof will be less than the benefits, and the prayer of the petition is hereby granted; and we do further find 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 us: Commencing on the lands of Fred A. Lutz, Sr. et al, Anna Lorena Kious, Lorena Fisher et al, Alva Hill, C. E. & Corinne Pennington; thence easterly through the lands of E. R. Jones and Abram Alkire terminating in an open ditch west of S. R. 56 excavating same if found necessary to give sufficient outlet.

Resolved, That the County Engineer be and he is hereby directed to make 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, together with 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 law (G.C. 6454); and be it further

Resolved, That the 28th day of July, 1952, 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 County Engineer; and be it further

Resolved, That further hearing on said improvement be and the same is hereby adjourned to the date set above for the filing of the reports and schedules by the County Engineer.

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

Mr. Rodger B. Baker, Yes; Mr. Glenn Daugherty, Yes.
April 28, 1952

To the County Engineer:

I hereby certify the foregoing to be true and correct copy of the record of the proceedings of the Board of County Commissioners.

Forrest R. Hanson
Co. Auditor

K JOURNAL ENTRY GRANTING EXTENSION OF TIME TO COMPLETE SURVEY, REPORTS
AND SCHEDULES OF COUNTY ENGINEER

In the Matter of the Single County
Ditch Petitioned for by
C. E. & Corinne Pennington and others.

Office of the County Commissioners
Madison County, Ohio
December 22, 1952

Mr. Baker moved the adoption of the following Resolution

Whereas, This 22nd day of December, 1952, the Board of County Commissioners of Madison County being in regular session, members present, George W. Taylor and Rodger B. Baker, 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 16th day of February, 1953, at 10 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 16th day of February, 1953, 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. George W. Taylor, Yes; Mr. Rodger B. Baker.

L REPORT OF COUNTY ENGINEER

In the Matter of the Single County Ditch
Petitioned for by
C. E. & Corinne Pennington

County Engineer's Office,
Madison County, Ohio
February 6, 1953
Proceedings for construction new tile ditch

To the Board of County Commissioners Madison County, Ohio:

The undersigned County Engineer, in obedience to the order of your Board, made on the 28th day of April, 1952, proceeded in the above matter, and visited the proposed location of said improvement and made the necessary survey for the proposed improvement, as found by the Commissioners, and suitable maps showing the location of the land proposed to be assessed, and profiles showing the cutting and gradient of the improvement, and made 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 noted the intersection of the line of the improvement with the land boundaries of separate owners, township and county lines, natural land marks, road crossings, or other lines or marks; and took and noted necessary levels off the lines of the improvement for contour

PENNINGTON DITCH

purposes, to determine the area, of the land subject to drainage, and to determine the land the land that will be specially benefited by the construction of the improvement.

I also established, at intervals of not less than one in each mile, in the most practical, permanent form, and in locations where destruction or disturbance is improbable, bench marks from which the original levels of the improvement can be established. The relation of the assumed elevation used by me in my work upon this improvement, to the established elevation of-----of the geological survey of the United States, in the County, is as follows:

No U. S. C. & G. B.M. available

I also made a schedule of the work proposed to be done, showing the fall, the depth, the excavating to be done, the location of the permanent bench marks and their actual elevation used, the nature of the excavation, and the location of quicksand or rock, or other special features.

I also prepared a schedule containing the name of each owner of land, with a description of the land which I believe to be benefited by the proposed improvement, taken from the tax duplicates of the County, and have entered in said schedule the proximate number of acres benefited by the proposed improvement, and the amount that said land, in my opinion, ought to be assessed, according to benefits.

I also prepared proper working specifications for the construction of the improvement, including catch basins, retaining walls, size and kind of tile, etc.

I made estimates of the cost of excavating and of the cost of material and divided the construction of said improvement into such working sections as were deemed expedient.

The said survey, maps, profiles, schedules, and reports are hereto attached and made a part hereof.

My estimate of the cost of the construction of said improvement is as follows:

Materials	\$3038.02	
Labor	2970.80	\$6008.82
Engineering		347.00
Inspection		150.00
Contingencies		100.00
		<u>\$6605.82</u>

The following fences, flood gates, culverts, and bridges will be removed in constructing said improvement:

None

The following culverts and bridges must be raised or the channel thereof enlarged to construct the improvement:

None

I estimate the cost of inspecting the work as it progresses to be \$150.00.

The following is an itemized bill of the costs and expenses incurred in the discharge of the aforesaid duties:

C. P. England	Deputy	8 days	at \$13.00 per day,	\$104.00
G. T. Clark	"	9 days	at \$11.00 per day	\$ 99.00
Irwin Baker	Rodman	8 days	at \$ 9.00 per day	\$ 72.00
Charles Cutlip	Chainman	8 days	at \$ 9.00 per day	\$ 72.00
				<u>\$347.00</u>

Approved Feb. 16, 1953
Helge Ekedahl
 County Engineer

Respectfully submitted,

By Gideon T. Clark
 Deputy

M JOURNAL ENTRY ORDER FIXING TIME OF FINAL HEARING ON COUNTY ENGINEER'S REPORTS, ON ESTIMATED ASSESSMENTS, ON THE PROCEEDINGS FOR THE IMPROVEMENT AND ON THE CLAIM FOR COMPENSATION AND DAMAGES

In the Matter of the Single County Ditch
 Petitioned for by
 C. E. & Corinne Pennington and others.

Office of the Board of County Comm's.
 Madison County, Ohio
 February 16, 1953

Mr. _____ moved the adoption of the following
 RESOLUTION

Whereas, This 16th day of February 1953, the Board of County Commissioners of Madison County, being in regular session, members present, Rodger B. Baker, George W. Taylor and Rodney Plymell, the County Auditor has given notice to us of the filing with him by the County Engineer of the maps, profiles, schedules, and reports in the above named improvement, in accordance with our order of the 28th day of April, 1952; therefore be it

Resolved, That the 16th day of March, 1953, at 10 o'clock A. M. be and the same is hereby fixed as the time for the final hearing on said report and schedules, on estimated assessments, on the proceedings for the improvement, and on the 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.-----seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

Mr. Rodger B. Baker, Yes; Mr. George W. Taylor, Yes; Mr. Rodney Plymell, Yes.

N RESOLUTION

Pennington Single County Ditch
 Petitioned for by C. E. Pennington et al

Mr. Taylor moved the adoption of the following resolution: That the Schedule of Assessments on the Pennington Single County Ditch be adjourned until December 27, 1954.

Mr. Plymell seconded this motion and the result of the roll call was:

<u>George W. Taylor</u>	<u>Yes</u>
<u>Rodney Plymell</u>	<u>Yes</u>

O SUBJECT: PENNINGTON COUNTY DITCH

Pursuant to a request filed by Ed Pennington on March 14, 1955 with the Commissioners of Madison County, you are hereby notified that there will be a hearing scheduled in the office of County Commissioners at the Courthouse in London at 10:00 O'clock, Monday, April 4, 1955.

Madison County Commissioners
 Per Forrest R. Hanson, Clerk

P RESOLUTION

Pennington Single County Ditch
 Petitioned for by C. E. Pennington et al

Present at hearing; E. R. Jones, Abram C. Alkire, Mable Hill, Harley Tracey, Harry G. Beale, D. L. Walters of Ohio Fuel Gas, C. E. Pennington and Clyde G. Porterfield, Supt. State Highway Dept. Div. 6.

Resolution---Mr. Baker moved the adoption of the following resolution: That in view of testimonies given by the County Engineer, and members present that the petition be dismissed. Mr. Plymell seconded the motion and the result of the roll call was Mr. Taylor, yes; Mr. Baker, Yes; and Mr. Plymell, Yes.

Q Costs March 5, 1957

Costs of Pennington Ditch dismissed by resolution April 4, 1955:

T. C. E. Pennington, Petitioner

Abstract Costs	6.00	
Postage Charges in mailing notices	<u>1.65</u>	
Total Charges Due		7.65