

A Raymond M. Weimer Ditch - 1959

SINGLE COUNTY DITCH PETITION

London, Ohio, April 10, 1959

Petitioned to Location, construction and tiling of a new ditch together with necessary structures.

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

The undersigned hereby petition your honorable body to Location, construction and tiling of a new ditch together with necessary structures. 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 an air well on the lands of David F. Ruff; thence with an 18" or 20" new tile ditch, following the course of an existing ditch, through the lands on said Ruff, R. M. Weimer, crossing the old Xenia Road, through the lands of Robert Duncan in an easterly direction in to the lands of Albert P. Parker to the Phifer Ditch near an old headwall and there terminating.

The following is the nature of the work petitioned for: construction of a new tile ditch to improve drainage area and relieve flood conditions.

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:

Raymond m. Weimer, R.D.2, Box 367, London, Ohio
 David F. Ruff, 7561 California Ave., Seattle 6, Washington
 Robert Duncan, 8 E. Broad Street, Suite 1406, Columbus, Ohio
 Albert P. Parker, c/o Stroup Agricultural Company, 1445 Wilmington Ave.,
 Dayton, Ohio. (9)

Service of notice of the filing of the Petition shall be obtained by mailing notices as provided in Sec. 6131.07 R. C.

Raymond M. Weimer)
 Robert P. Duncan) Petitioners.

B BOND

(To Be Filed with Ditch Petition)

KNOW ALL MEN BY THESE PRESENTS, That we, Raymond M. Weimer, as principal, and Robert P. Duncan and Edgar S. Boughn as sureties, are held and firmly bound unto the State of Ohio, in the sum of Two hundred 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 10th day of April, 1959.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That, Whereas, on the 10th day of April, 1959. the above bound Raymond M. Weimer

filed his petition with the Clerk of the County Commissioners of Madison County, Ohio, making application to the County Commissioners for construction of a new tile ditch to improve drainage area and relieve flood conditions.

petitioned for by et al, the following being the course and termini of said proposed improvement, to-wit:

Commencing at an air well on the lands of David F. Ruff; thence with an 18" or 20" new tile ditch, following the course of an existing ditch, through the lands of said Ruff, R.M. Weimer, crossing the old Xenia Road, through the lands of Robert Duncan in an easterly direction into the lands of Albert P. Parker to the Pfifer ditch near an old headwall and there terminating.

Now, if the said Raymond M. Weimer will pay the cost of notices, plus any other incidental expenses, except the cost made by the Engineer in making his survey, maps, plans, profiles and schedules, 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 13th
 day of April 1959.
Forrest R. Hanson

Raymond M. Weimer
 Robert P. Duncan
 Edgar S. Boughn

C RESOLUTION- ORDER FIXING TIME OF VIEW AND FIRST HEARING

In the matter of the County Ditch No.
 Petitioned for by Raymond Weimer et al.

Office of County Commissioners
 Madison County, Ohio, April 13, 1959.

The Board of County Commissioners of Madison County, Ohio, met in special session on the 13th day of April, 1959, at the office of Commissioners with the following members present:

Rodney Plymell
 Wm. S. Bell
 George W. Taylor

RAYMOND M. WEIMER DITCH

Mr. Taylor moved the adoption of the following Resolution:

Whereas, This 13th day of April, 1959, the Clerk of this board gave notice to the Board of County Commissioners and the County Engineer of Madison County, Ohio, on the filing with him a petition signed by Raymond M. Weimer, petitioner, to location, construction and tiling of a new ditch together with necessary structures ; and

Whereas, It appears to said Board that the proper bond has been filed with the Clerk approved, conditioned for the payment of costs of notices, plus any other incidental expenses, except the cost made by the Engineer in making his survey, maps, plans, profiles and schedules, 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 11th day of May 19 at 1:30 P.M. at the upper terminus of the improvement, be and the same is hereby fixed as the time and place for the view thereon; and be it further

Resolved, That the 1st day of June, 1959, at ten O'clock, 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. Bell seconded the resolution and the roll being called upon its adoption, the vote resulted as follows: Mr. Rodney Plymell, yes; Mr. William S. Bell, yes; Mr. George W. Taylor, Yes.

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

D NOTICE OF TIME OF VIEW AND FIRST HEARING TO THE OWNERS OF LAND AFFECTED BY THE
PROPOSED IMPROVEMENT

In the Matter of the County Ditch No
Petitioned for by Raymond A. Weimer, et al.

Office of County Commissioners
Madison County, Ohio - April 13, 1959.

To the Owners of Land Affected by the Proposed Improvement:

You, and Each of You, are Hereby Notified, that on the 13th day of April, 1959, the above named petitioner et al, filed a petition to location, construction and tiling of a new ditch together with necessary structures.

with the Commissioners Clerk of said County, the substance and prayer of which said petition is, that the construction of the improvement is necessary and will be conducive to the public welfare, and prays for the making of such improvement on the following course and termini, to-wit-Commencing

at an air well on the lands of David E. Ruff; thence with an 18" or 20" new tile ditch, following the course of an existing ditch, through the lands of said Ruff, R. M. Weimer, crossing the old Xenia Road, through the lands of Robert Duncan in an easterly direction in to the lands of Albert P. Parker to the Phifer Ditch near an old Headwall and there terminating.

As it is claimed that the improvement will affect property owned by you, you are hereby notified that the Board of County Commissioners of said County has fixed the 11th day of May, 1959, at 1:30 O'clock at the upper terminus of the improvement, as the time for the view thereon and also the 1st day of June, 1959, at 10 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
Commissioners Clerk of Madison County, Ohio

E RESOLUTION - COMMISSIONERS FINDING FOR THE IMPROVEMENT

In the Matter of the Single County Ditch No
Petitioned for by Raymond M. Weimer, et al.

Office of the Board of County Commissioners
Madison County, Ohio June 1, 1959.

The Board of County Commissioners of Madison County, Ohio, met in special session on the 1st day of June 1959, at the office of Commissioners with the following members present:
Mr. Rodney Plymell, Mr. William S. Bell, Mr. George W. Taylor.

Mr. Taylor moved the adoption of the following Resolution:

Whereas, This being the day fixed by said Board in its order dated the 13th day of April, 1959, 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 an air well on the lands of David E. Ruff, thence with an 18" or 20" new tile ditch, following the course of an existing ditch through the lands of said Ruff, R. M. Weimer crossing the Xenia Road, through the lands of Robert Duncan in an easterly direction into the lands of Albert P. Parker to the Phifer Ditch near and old Headwall and there terminating.

Resolved, That the County Auditor be authorized to transfer from the general revenue funds of the county, not otherwise appropriated, to the general drainage improvement fund the sum of FIVE HUNDRED DOLLARS ; and be it further

Resolved, That the County Engineer be and he is hereby directed to cause to be made the necessary survey for the proposed improvement, plans of the structures, 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; which shall include actual construction cost of engineering and the cost of notices, publication and other incidental expenses; and set proper construction stakes, beginning at the upper terminus of the improvement, and perform such other duties as required by Section 6131.14 of the Revised Code of Ohio; and be it further

Resolved, That the 8th day of September 1959, at 10 o'clock A. M. be and the same is hereby fixed as the time for filing with the Clerk of the County Commissioners 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 above fixed for the filing of the reports and schedules by the County Engineer.

Mr. Bell seconded the resolution and the roll being called upon its adoption, the vote resulted as follows: Mr. Rodney Plymell, yes; Mr. William S. Bell, yes; Mr. George W. Taylor, yes.

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

Office of the Board of County Commissioners
June 1, 1959

To the County Engineer:

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.

Forrest R. Hanson
Clerk of the County Commissioners

F REPORT OF COUNTY ENGINEER

In the Matter of the single County Ditch
Petitioned for by Raymond M. Weimer et al.

County Engineer's Office
Madison County, Ohio ; September 2, 1959,

Proceedings to location, construction and
tiling of a new ditch, together with necessary
structures.

To the Board of County Commissioners:

Madison County, Ohio:

The undersigned county Engineer, in obedience to the order of your Board, made on the 1st day of June 1959, 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, plans for structures, 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 actual cost of the construction together with the cost of engineering and the cost of notices, publication and other incidental expenses, 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 apparent land boundaries of separate owners, township and county lines, natural land marks, road crossings, or other lines of marks; and took and noted necessary levels off the lines of the improvement for contour purposes, to determine the area, of the land subject to drainage, and to determine the extent of benefits to the land affected 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 the geological survey of the United States, in the County, is as follows:

No U. S. C. & G. S. elevation 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 above or below the base elevation used, the nature of the excavation, and the location of quick-sand 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, and included an easement of sufficient width for permanent maintenance, 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.

RAYMOND M. WEIMER DITCH

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

I hereby recommend the maintenance district in which this improvement shall be placed, and I have included \$200.00 in the construction costs for the maintenance of said district for one year.

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

Labor	\$1858.35	
Materials	<u>4855.42</u>	\$6713.77
Engineering	\$450.00	
Inspection	200.00	
Contingencies	200.00	
1st year's maintenance	<u>200.00</u>	
		<u>1050.00</u>
	Total	7763.77

Respectfully submitted,

Helgah Ekedahl, County Engineer

By gideon T. Clark, Deputy

G RESOLUTION - ORDER FIXING TIME OF FINAL HEARING ON ENGINEER'S REPORTS. ON ESTIMATED ASSESSMENTS, ON THE PROCEEDINGS FOR THE IMPROVEMENT AND ON CLAIMS FOR COMPENSATION AND DAMAGES.

In the Matter of the Single County Ditch no. Office of the Board of County Commissioners
Petitioned for by Raymond M. Weimer, et al. Madison County, Ohio, September 21, 1959.

The Board of County Commissioners of Madison County, Ohio, met in special session on the 21st day of September, 1959, at the office of Commissioners with the following members present: Mr. Rodney Plymell, Mr. William S. Bell, Mr. George W. Taylor.

Mr. Taylor moved the adoption of the following Resolution:

Whereas, This 21st day of September, 1959, the Clerk of the Board of County Commissioners has given notice to said Board of the filing with him by the County Engineer of the maps, profiles, schedules, and reports in the above named improvement, in accordance with its order of the 1st day of June 1959, therefore, be it

Resolved, That the 26th day of October, 1959, at 10 O'clock A. Am., 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 Clerk of the Board of County Commissioners on or before said date; and be it further

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

Mr. Bell seconded the resolution and the roll being called upon its adoption, the vote resulted as follows: Mr. Rodney Plymell, Yes; Mr. William S. Bell, yes; Mr. George W. Taylor, yes.

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

H RESOLUTION - COMMISSIONERS' FINDING AFFIRMING FORMER ORDER, CONFIRMING THE ASSESSMENTS, AND ORDERING THE LETTING OF THE CONTRACTS

In the Matter of the single County Ditch No. Office of the Board of County Commissioners
Petitioned for by Raymond M. Weimer et al. County, Ohio, October 26, 1959.

The Board of County Commissioners of Madison County, Ohio met in special session on the 26th day of October, 19 , at the office of Commissioners with the following members present: Mr. Rodney Plymell; Mr. Wm. S. Bell; Mr. George W. Taylor.

Mr. Taylor moved the adoption of the following Resolution:

WHEREAS, This being the day fixed by said Board, in its order dated the 21st day of September 1959, for the final hearing on the Reports and Schedules of the County Engineer, 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 County Engineer; therefore, be it

Resolved, That said Board review and reconsider its former order made and dated the 21st day of September, 1959, in favor of said improvement, and be it further

Resolved, That said Board hereby approve the maps, profiles, plans, schedules and reports prepared by the County Engineer, as amended in its order dated the 21st day of September 1959; 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 21st day of September, 1959, be and the same is hereby affirmed; and

Whereas, Objections to the proposed assessment having been filed by
Note: Change from shale tile to clay tile,

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 County Engineer and any competent evidence on the question of benefits, and from an actual view of the premises; therefore, be it

Resolved, That the assessments be and the same are hereby amended and corrected as follows: to-wit

None

and be it further

Resolved, That said County Engineer's assessments as so amended and corrected be and the same are hereby approved and confirmed; and be it further

Resolved, That and the same is hereby assessed for benefits to the general public by reason of the improvement being conducive to the public welfare and shall be paid by the public and assessed against the County, and \$50.00 found to benefit State or County Roads or Highways be and the same is hereby assessed against the County, and the following sums found to benefit the following political subdivisions of the State be and the same are hereby assessed against such political sub-divisions, respectively:

Paint Township	50.00
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and be it further

Resolved, that five years shall be the period of time, in semi-annual installments, as taxes are paid, given notes of land benefited, to pay the assessments that may be made for the improvement; and that ~~the~~ Notes of said County shall be issued and sold in anticipation of the collection of said assessments bearing the rate of four per centum per annum, payable semi-annually; and be it further

Resolved, That interest shall be added to said installments of assessments at the same rate as is drawn by the bonds 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 30th day of November, 1959, at 11:00 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 Engineer be and he is hereby directed to let the contracts for the construction of the proposed improvement; and be it further

Resolved, That the 30th day of November, 1959, at 11:00 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 Engineer 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 Engineer 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 by 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 County Engineer 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 Clerk of the County Commissioners; and be it further

Resolved, That, whereas the estimated cost of the construction and material required in said improvement exceeds one thousand dollars, the notice of said letting be given by posting at the front door of the County Court House, and advertisement shall also be made in two successive weekly issues of a newspaper printed and in general circulation in said county.

Resolved, That said County Engineer be and he is hereby directed to attend at said time and place so advertised by him and receive bids filed with the Clerk of the Board of County Commissioners; and be it further

Resolved, That said County Engineer be and he is hereby directed to attend at said time and place so advertised by him and receive bids filed with the Clerk of the Board of County Commissioners; and be it further

Resolved, That authority be and the same is hereby given to said County Engineer 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 6331.39 of the Revised Code of Ohio.

Mr. Bell seconded the resolution and the roll being called upon its adoption, the vote resulted as follows: Mr. Rodney Plymell, yes; Mr. William S. Bell, yes; Mr. George W. Taylor, yes.

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

RAYMOND M. WEIMER COUNTY DITCH

I Engineer's report on bids received

In the Matter of the single County Ditch No. County Engineer's Office
petitioned for by Raymond M. Weimer et al. Madison County, Ohio. Dec. 14, 1959.

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 for furnishing materials for the above named improvement were received by me as follows:

Table with 5 columns: BIDDER, LABOR & MATERIAL, AMOUNT OF BID, QUARANTY KIND, AMOUNT. Rows include C. R. Worley & Son, Madison Tile Co., and Peters & Dewbre Excavation Co.

I recommednd the following bids as the best: Madison Tile Company (tile only) and Peters and Dewbre Excavation Company (labor and material less tile)

Helgeh Ekedahl
County Engineer

J DITCH CONTRACT

In the Matter of the Single County Ditch petitioned Work and Labor and Materials
for by Raymond M. Weimer et al

THIS AGREEMENT, made and entered into on the 14th day of December 1959, by and between the County Commissioners of Madison County, Ohio, and hereinafter designated as "First Party" and Madison Tile Company of hereinafter designated as "Second Party".

WITNESSETH, THAT SAID "SECOND PARTY", for and in consideration of the sum of Thirty eight hundred eighty eight and 64/100 ---Dollars, to be paid as hereinafter specified, hereby agrees to furnish unto said "First Party" all the necessary tile required to construct the Weimer ditch improvement petitioned for by Raymond M. Weimer, et al, in accordance with plans, drawings and specifications for the same hereto attached;

which plans, drawings and specifications for the same hereto attached;
which plans, drawings and specifications are hereby declared to be a part of this contract.

Said "Second Party" further agrees to furnish said materials in a good substantial and workmanship manner, under the direction of the County Engineer in charge, without hindrance or delay to any other branch or class of work on said ditch, and to work in harmony with and to render such assistance to other branches of work as their connection therewith with and to render such assistance to other branches of work as their connection therewith and the progress of the ditch may require. The whole to be completed to the satisfaction and acceptance of said "First Party" on or before the 1st day of October 1960.

AND SAID "FIRST PARTY", for and in consideration of the true and faithful performance of said work and labor and furnishings of said materials as aforesaid, hereby agrees to pay unto the said "Second Party" said sum of Thirty eight hundred eighty eight and 64/100 (\$3888.64) Dollars, in installments from time to time, upon the certificate of acceptance of the County Engineer 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 Sec. 6131.48 of the Revised Code of Ohio.

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

Signed in duplicate in presence of
Forrest R. Hanson
Genevieve K. Speasmaker

Rodney Plymell
William S. Bell
George W. Taylor
Commissioners of Madison County, Ohio
" First Party"
Madison Tile Co.
by Charles F. Van Cleve
Contractors
"Second Party"

K RESOLUTION - COMMISSIONERS' ORDER AWARDING CONTRACTS

In the Matter of the Single County Ditch No. Office of the Board of County Commissioners
petitioned for by Raymond M. Weimer, et al. County, Ohio
December 14, 1959.

The Board of County Commissioners of Madison County, Ohio, met in special session on the 14th day of October, 1959, at the office of Commissioners with the following members present: Mr. Rodney Plymell; Mr. Wm. S. Bell; Mr. George W. Taylor.

Mr. Taylor moved the adoption of the following Resolution:

Whereas, The County Engineer 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 by Raymond M. Weimer et al; and

Whereas, It appears to said Board that the bids of the following are the lowest and best bids, and within the County Engineer's estimate, to-wit:

RAYMOND M. WEIMER COUNTY DITCH

BIDDER	FOR WHAT WORK OR MATERIALS	AMT. OF BID	COUNTY ENGINEER'S ESTIMATE
Madison Tile Company	(Tile only)	3888.64	
Peters & Dewbre	(Labor & Material less tile)	2680.00	

therefore, be it

Resolved, That contracts be and the same are hereby awarded to said

Madison Tile Company (tile only)
Peters & Dewbre Excavating Co. (Labor & material less tile) at the amounts bid by them, respectively; and be it further

Resolved, That the Clerk of the Board of County Commissioners 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 6131.41 and 6131.42 of the Revised Code; and be it further

Resolved, That the County Engineer 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 1st day of October, 1960, 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. Taylor seconded the resolution and the roll being called upon its adoption, the vote resulted as follows: Mr. Rodney Plymell, yes; Mr. William S. Bell, yes; Mr. George W. Taylor, yes.

L DITCH CONTRACT

In the Matter of the Single County Ditch petitioned for by
Raymond M. Weimer, et al.

WORK AND LABOR

THIS AGREEMENT, made and entered into on this 14th day of Dec. 1959, by and between the County Commissioners of Madison County, Ohio, and hereinafter designated as "First Party", and Peters and Dewbre Excavation Company of London, Ohio hereinafter designated as "Second Party".

WITNESSETH, THAT SAID "SECOND PARTY", for and in consideration of the sum of Twenty six hundred eighty and no/100 Dollars, to be paid as hereinafter specified, hereby agrees to furnish unto said "First Party" and do all work and labor required to construct the Weimer Ditch improvement petitioned for by Raymond M. Weimer and others, in accordance with plans, drawings and specifications for the same hereto attached;

which plans, drawings and specifications are hereby declared to be a part of this contract.

Said "Second Party" further agrees to do the said work and labor promptly, in a good substantial and workmanship manner, under the direction of the County Engineer in charge, without hindrance or delay to any other branch or class of work on said ditch, and to 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 to be completed to the satisfaction and acceptance of said "First Party" on or before the 1st day of October 1960.

AND SAID "FIRST PARTY"; for and in consideration of the true and faithful performance of said work and labor as aforesaid, hereby agrees to pay unto the said "Second Party" said sum of Twenty six hundred eighty and no/100 (\$2680.00) Dollars, in installments from time to time, upon the certificate of acceptance of the County Engineer 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 Sec. 6131.48 of the Revised Code of Ohio.

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

Signed in duplicate in
presence of
Forrest R. Hanson
Robert L. Chaney

Rodney Plymell
William S. Bell
George W. Taylor
Peters & Dewbre Exc. Co.
by C. O. Dewbre

Commissioners of
Madison County, Ohio
"First Party"

Contractors
"Second Party"

M

BOND OF DITCH CONTRACTOR

In the Matter of the Single County Ditch No.
single Petitioned for by Raymond M. Weimer, et al.

On Contract for Work and Labor

KNOW ALL MEN BY THESE PRESENTS, That we, Peters and Dewbre Excavation Company, as Principal, and The Ohio Casualty Insurance Company, 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 is provided by law, in the penal sum of Twenty six hundred eighty 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 30th day of December, 1959

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT, Whereas, the above bound Peters & Dewbre Excavation Company have entered into a Contract with said Board of County Commissioners, First to perform the work and labor for the construction of the improvement petitioned for by Raymond M. Weimer and others specified in said Contract, to the satisfaction and acceptance of the County Engineer, on or before the 1st day of October, 1960, for the compensation of Twenty six hundred eighty and no/100--(\$2680.00) Dollars;

RAYMOND M. WEIMER COUNTY DITCH

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

Third, for the payment of claims 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 Peters and Dewbre Excavation company shall faithfully perform and complete such work and labor 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

Robert L. Chaney
Berta L. Gabbard

Peters & Dewbre Exc. Co.
By C. O. Dewbre
The Ohio Casualty Insurance Company
Lloyd D. Ittel
Lloyd D. Ittel, Attorney in fact

The above bond being good and sufficient is approved this 4th day of January 1/4/ 1960.

Rodney Plymell Board of County
William S. Bell Commissioners, Madison Co, Ohio

N BOND OF DITCH CONTRACTOR

In the Matter of the Single County Ditch On Contract and Materials
Petitioned for by Raymond M. Weimer, ET AL

KNOW ALL MEN BY THESE PRESENTS, That we, Madison Tile Company, as Principal, and 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 Fortyfour hundred fifty seven and 98/100 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 day of 19

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT, Whereas, the above bound Madison Tile Company have 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 improvement petitioned for by Raymond M. Weimer and others specified in said Contract, to the satisfaction and acceptance of the County Engineer, on or before the 1st day of October, 1960, for the compensation of Thirty eight hundred eighty eight and 64/100 (\$3888.64) Dollars;

Second, to save the County from any loss caused by delay in 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 Madison Tile Company shall faithfully perform and complete 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
Forrest R. Hanson
Genevieve K. Speasmaker

Madison Tile Co
By Charles F. Van Cleve
Charles F. Van Cleve

The above bond being good and sufficient is approved this 4th day of January 1/4/ 1960.

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

O RESOLUTION - COMMISSIONERS' ORDER APPROVING CONTRACTS AND BONDS AND LEVYING ASSESSMENTS

In the Matter of the Single County Ditch No. Office of the Board of County Commissioners
Petitioned for by Raymond M. Weimer et al. Madison County, Ohio - December 14, 1959.

The Board of County Commissioners of Madison County, Ohio, met in special session on the 14th day of December, 1959, at the office of The Commissioners with the following members present: Mr. Rodney Plymell; Mr. Wm. S. Bell, Mr. George W. Taylor.

Mr. Taylor moved the adoption of the following Resolution:

Whereas, The County Engineer 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 Raymond M. Weimer 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 Clerk of this board be and - he is hereby directed to record said contract and bond- in the Commissioners Journal; 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 final cost upon completion of such contracts as provided in section 6131.41 of the Revised Code; and be it further

Resolved, That the assessments so reduced, but with the cost of location, engineering, compensation, damages, contingency and the assesment for maintenance of one year included therein, be and the same are hereby levied upon each parcel of land, each public corporation and each department, office, or institution of the State of Ohio, 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 26th day of October 1959.

Mr. Bell seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows: Rodney Plymell, yes; William S. Bell, yes; George W. Taylor, yes;

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

P 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 No. Office of the Board of County Commissioners
Petitioned for by Raymond M. Weimer, et al. Madison County, Ohio-December 14, 1959.

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 14th. day of December, 1959, at the office of Commissioners with the following members present: Mr. Rodney Plymell, Mr. Wm. S. Bell, Mr. George W. Taylor.

Mr. Taylor moved the adoption of the following Resolution:

Whereas, Said Board has heretofore, by Resolution duly passed on the 26th day of October, 1959, affirmed its former order finding in favor of the improvement of the County Ditch No. , petitioned for by Raymond M. Weimer and others; and

Whereas, It is now deemed necessary to issue and sell \$7763.71 of notes under authority of Section 133.31 of the Revised Code of Ohio, and "The Uniform 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 five years, which maximum maturity does not exceed the estimated life or usefulness of the improvement fixed by Section 133.20 of the Revised Code of Ohio; and

Whereas, This Board has heretofore, by Resolution duly passed on the 26th day of October, 1959, 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 judgement 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 133.31 of the Revised Code of Ohio and "The Uniform Bond Act" in the aggregate sum of Seventy Seven hundred sixty three and 71/100 Dollars (\$7763.71), 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 notes shall be dated the 14th day of December 1959, and shall be in the denomination of Seventy seven hundred sixty three 71/100 Dollars (\$7763.71) and shall be numbered 26.

Said notes 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 1st day of April and the 1st day of October, 1960, and until the principal sum of said notes is paid and as evidenced by interest coupons attached thereto. Said notes 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 notes shall be redeemable at any interest period.

Said notes shall be due and payable as follows:

No. 26	December 14, 1959	\$7763.71
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RAYMOND M. WEIMER COUNTY DITCH

Said notes shall specify on their face the purpose for which they are issued, and that 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 133.31 of the Revised 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 notes 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 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 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 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 taxation of said County, and that the amount of this note issue does not exceed any limitations of taxation of said County, and that the amount of this note 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 at the First National Bank.

Mr. Bell seconded the resolution and the roll being called upon its adoption, the vote resulted as follows: Mr. Rodney Plymell, yes; Mr. William S. Bell, yes; Mr. George W. Taylor, yes.

Dated this 14th day of December, 1959.

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

RAYMOND WEIMER DITCH

PETITIONER RAYMOND WEIMER et al

Contractor	\$6648.61
Abstract	12.50
Engineering	450.00
Publication	16.65
Mailing Charges	1.00
First Years Upkeep	200.00
3% Maintenance charge	232.91
Interest Expense	404.57

Total assessment including Expenses 7966.24

Owner	Survey	Twp.	Acres Owned	Acres Benefit	Constr. Schedule Estimate	Rate	Final Assmt' Including Expense
Duncan, Robert	8121	Paint	33.68	23.00	554.30	.07139	568.71
			404.48	153.00	3687.21	.47493	3783.41
Parker, Albert Phifer	"	"	137.00	176.00	3144.60	.01863	3148.41
Ruff, David F.	"	"	148.50	93.00	2241.30	.28869	2299.77
Weimer, Raymond M.	"	"	79.82	38.84	2936.04	.12057	2960.49
	"	"	74.159	4.16	100.26	.01291	102.85
Paint Township	"	"			50.00	.00644	51.30
Madison County	"	"			50.00	.00644	51.30
					7763.71	1.00000	7966.24

The amount of your final assessment on the Raymond M. Weimer Ditch is set forth above . If you intend to pay cash, settlement should be made at the County Auditor's Office in London, on or before January 30, 1961. If you wish the amount of your assessment to be collected as taxes sign the enclosed form and return. All assessments according to Section 6131.23 that are less than \$5.00 must be paid incash. All assessments that are collected as taxes are assessed twice each year for a period of five years with 4% interest included thereon.

Forrest R. Hanson
Auditor, Madison County

Q CERTIFICATE OF COUNTY ENGINEER AS TO WORK COMPLETED

In the Matter of The single County Ditch Petitioned for by
Raymond M. Weimer et al.

Office of County Engineer
Madison County, Ohio
November 25, 1950.

To Peters & Dewbre (Labor & Material only) Contractor:
Madison Tile Co. (Tile only)

This is to certify that the undersigned County Engineer has accepted 100 per cent, of the work and labor furnished and completed by said contractor under his contract for the construction of the above needed improvement petitioned for by Raymond M. Weimer, et al, and I, therefore approve said work and labor for payment in the sum of (Peters ' Dewbre Ex. Company)- Two thousand six hundred and eighty and no/100 --(\$2680.00) Madison Tile Company --(Three thousand eight hundred and 88 dollars and 61/100) the same being the contract price for said percentage of work and labor completed and accepted (3888.61).

Helgah Ekedahl
County Engineer

3rd. and final est. Peters & Dewbre, Ex. Co.

2nd & final est. \$1680.00
Work not called for in contract \$80.00 Total \$1760.00.