

A-Petition

London, Ohio September 17, 1945

Petition for relocation, straightening, altering, construction, reconstruction, deepening and widening.

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

The undersigned hereby petition your honorable body for the relocation, straightening, altering, construction, reconstruction, deepening and widening on the course hereinafter set forth.

The construction of the improvement is necessary, and will be conducive to the public welfare.

The following is the course and termini of said proposed improvement, to-wit:

Commencing at or near the mouth of the tiled portion of the Sylvina J. Wilson County ditch on the land now in the name of George R. Hedges, Trustee, formerly Ella F. Dunham and near the south easterly line of the Pennsylvania Railroad; thence following the open ditch or as near thereto as practical, straightening and altering the line thereof wherever necessary in a general southeasterly direction through land of said Hedges, Everett and Elmer Sands, Byers L. Adair, Helen Christopher and Dorothy Downing, crossing the C.C.C. and St. Louis Railroad and thence through land of Missouri Culp, Roy Livingston, crossing County Highway No. 70 and through land of James Homer Eades to Glade Run and thence down said run to State Highway No. 665.

The following is the nature of the work petitioned for:

Relocation, straightening, altering, construction, reconstruction, deepening and widening of said ditch.

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:

- |   |   |
|---|---|
| Hazel H. Beach                            | London, O. R.D.                                     |
| T. J. Dwyer                               | London, Ohio  |
| George R. Hedges (Trustee)                | 145 N. High St., Columbus, Ohio                     |
| J. Elton Sidner                           | Grove City, Ohio                                    |
| Missouri K. Culp                          | West Jefferson, Ohio                                |
| Blanche Melvin                            | 1080-18th Avenue, Columbus, Ohio                    |
| Everett & Elmer Sands                     | London, Ohio, #4                                    |
| Byers Adair                               | London, Ohio  |
| Helen D. Christopher & Dorothy E. Downing | London, Ohio  |
| Roy Livingston                            | London, Ohio, #4                                    |
| Homer & Estella Eades                     | West Jefferson, O., #1                              |
| Ulrich Bauerle 1/2; Mary E. 1/2           | London, Ohio  |
| Paul B. Holway                            | West Jefferson, Ohio                                |
| Howard McDonald                           | London, O., #3                                      |
| Cleta B. Headley                          | London, O., #3                                      |
| Mason & Leah W. Dailey                    | London, O., #3                                      |
| H. S. Floyd                               | London, O., #3                                      |
| Jay M. Foster                             | London, Ohio, #3                                    |
| Paul S., Ethel M. & Jesse E. Chance       | London, Ohio  |
| Penna. Railroad                           | Real Estate Dept., Penna Station, Pittsburg 22, Pa. |
| C.C.C. & St. Louis Railroad               | c/o N.Y.C. Railroad-B. & L. E. Bldg., Cleveland, O. |

B-Bond

Know All Men By These Presents, That we, Everett Sands and Byers L. Adair, as principal, and James Homer Eades and Byers L. Adair as sureties, 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, executors and administrators.

Signed by us and dated at London, Ohio, this 17 day of Sept., 1945.

The Condition of the Above Obligation is Such, That, Whereas, on the 17 day of Sept., 1945, the above bound Everett Sands and Byers L. Adair filed their petition with the Auditor of Madison County, Ohio, making application to the County Commissioners for the relocation, straightening, altering, construction, reconstruction, deepening and widening petitioned for by Everett Sands and others, the following being the course and termini of said proposed improvement, to-wit:

Commencing at or near the mouth of the tiled portion of the Sylvina J. Wilson County Ditch on the land now in the name of George R. Hedges, Trustee, formerly Ella F. Dunham and near the south-easterly line of the Pennsylvania Railroad; thence following the open ditch or as near thereto as practical, straightening and altering the line thereof wherever necessary, in a general south-easterly direction through land of said Hedges, Everett and Elmer Sands, Byers L. Adair, Helen Christopher and Dorothy Downing, crossing the C.C.C. & St. Louis Railroad and thence through land of Missouri Culp, Roy Livingston, crossing County Highway No. 70 and through land of James Homer Eades to Glade Run and thence down said run to State Highway No. 665.

Now, if the said Everett Sands and Byers L. Adair 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 17 day of Sept., 1945.  
Robert K. Dixon  
County Auditor

Everett Sands  
Byers L. Adair  
James Homer Eades

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

In the Matter of the Single  
County Ditch Petitioned for  
by Everett Sands and others

Office of the Board of County Comm.  
Madison County, Ohio  
Sept. 17, 1945

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 17 day of Sept., 1945, at the office of the Commissioners with the following members present:

Gola Mink  
Rodney Plymell  
R. W. Armstrong

Mr. Plymell moved the adoption of the following Resolution;

Whereas, This 17 day of Sept., 1945, the County Auditor gave notice to the Board of County Commissioners of Madison County, Ohio, of the filing with him of a petition signed by Everett Sands and Byers L. Adair for the relocation, straightening, altering, construction, reconstruction, deepening and widening of a ditch and

Whereas, It appears to said Board that the proper bond has been filed with the Auditor and by him approved, conditioned for the payment of all costs, if the prayer of the petition is not granted, or if said petition is for any cause dismissed; therefore, be it

Resolved, By said Board of County Commissioners, that the 11 day of October, 1945, 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 22 day of October, 1945, 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. Armstrong seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

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

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

D-Resolution-Postponing Hearing on Petition

In the Matter of the Single  
County Ditch Petitioned for  
by Everett Sands and others

Office of the Board of County Comm.  
Madison County, Ohio  
October 22, 1945

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 22 day of October, 1945, at the office of the Commissioners with the following members present:

Gola Mink  
Rodney Plymell  
R. W. Armstrong

Mr. Armstrong moved the adoption of the following Resolution:

Whereas, This being the day fixed by said Board for a hearing on the Petition in the above named improvement; and

Whereas, On good cause shown therefor, to-wit:

Persons likely to be assessed for the improvement were not duly notified of the View and First Hearing; therefore, be it

Resolved, That said hearing be and the same is hereby postponed until the 5th day of November, 1945, at 10 o'clock A.M.

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

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

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

## SYLVINA J. WILSON, COUNTY DITCH

E-Certificate of Mailing Notices

I, Robert K. Dixon, Auditor of Madison County, do hereby certify that on the 23 day of October, 1945, I prepared and mailed in five day return envelopes, copies of the Hearing Postponement Resolution of Oct. 22, 1945, to the following persons, to-wit:

Hazel H. Beach	London, Ohio R#
T. J. Dwyer	London, Ohio
George R. Hedges, Trustee	145 N. High St., Columbus, O.
J. Elton Sidner	Grove City, Ohio
Missouri K. Culp	West Jefferson, Ohio
Blanche Melvin	1080-18th Ave., Columbus, O.
Everett & Elmer Sands	London, Ohio., #4
Byers Adair	London, Ohio
Helen D. Christopher & Dorothy E. Downing c/o B. D. Lewis, Agt.,	London, Ohio
Roy Livingston	London, Ohio, #4
Homer & Estella Eades	West Jefferson, O., #1
Ulrich Bauerle 1/2; Mary E. 1/2	-London, Ohio
Paul B. Holway	West Jefferson, Ohio
Howard McDonald	London, Ohio, #3
Cleta B. Headley	London, O., #3
Mason & Leah W. Dailey	London, Ohio., #3
H. S. Floyd	London, Ohio, #3
Jay M. Foster	London, Ohio, #3
Paul S., Ethel M. & Jesse E. Chance	London, Ohio
Penna. Railroad--Real Estate Dept--Penna Station	Pittsburg 22, Pa.
C.C.C. & St. Louis Railroad--c/o N.Y.C. Railraod	B.& L.E. Bldg., Cleveland, O.

None of the said mailed notices have been returned undelivered.

Robert K. Dixon  
County, Auditor

F-Resolution-Commissioners' Finding for the Improvement

In the Matter of the Single  
County Ditch Petitioned for  
by Everett Sands and others

Office of the Board of County Comm.  
Madison County, Ohio  
November 5, 1945

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 5 day of Nov., 1945, at the office of the Commissioners with the following members present:

Gola Mink  
Rodney Plymell  
R. W. Armstrong

Mr. Armstrong moved the adoption of the following Resolution:

Whereas, This being the day fixed by said Board in its order dated the 22 day of Oct., 1945, for the hearing on the petition in the above named improvement, the said Board met at its office, and conducted said hearing by causing the petition to be publicly read, together with all applications for and remonstrances against the improvement, and all applications for change or extension of the improvement, previously filed in writing; and

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

Whereas, Said Board has made an actual view of said proposed improvement and has heard either in person or by counsel all evidence offered by any 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:

MODIFIED AND AMENDED TO READ AS FOLLOWS:

Commencing at or near the mouth of the tiled portion of the Sylvina J. Wilson County Ditch on the land now in the name of George R. Hedges, Trustee, formerly Ella F. Dunham and near the south-easterly line of the Pennsylvania Railroad, thence following the open ditch, or as near thereto as practical, straightening and altering the line thereof wherever necessary, in a general southeasterly direction through land of said Hedges, Everett and Elmer Sands, Byers L. Adair, Helen Christopher and Dorothy Downing, crossing the C.C.C. and St. Louis Railroad and thence through land of Missouri Culp, Roy Livingston, crossing County Highway No. 70 and through land of James Homer Eades to Glade Run and thence down said Run to said Highway No. 665.

The following is the nature of the work petitioned for; relocation, straightening, altering, construction, reconstruction, deepening and widening of said ditch.

AMENDMENT:

The description of the route to be amended to include the Sylvina J. Wilson Ditch which is to be found in the report of said ditch in Ditch Record 13 page 167 etc., the amended portion to be examined and any necessary repairs made and also that any necessary laterals be located and constructed, to said Sylvina J. Wilson Ditch. 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 4 day of Feb., 1945 at 10 o'clock A.M., be and the same is hereby fixed as the time for filing with the County Auditor all of said maps, profiles, schedules and reports prepared by said Surveyor; and be it further

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

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

Mr. Gola Mihk	yes
Mr. Rodney Plymell	yes
Mr. R. W. Armstrong	yes

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

County Auditor's Office,  
Nov. 5, 1945

To the County Surveyor:

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

Robert K. Dixon  
County Auditor

G-Schedule of Land Owners

NAME	COUNTY	SURVEY	ACRES OWNED	ACRES BENEFITED	ESTIMATED ASSESSMENT
<u>Deercreek Tp.</u>					
Adair, Byers	Madison	5195	332.00	20.00	40.00
<u>Union Tp.</u>					
Adair, Byers	"	553	27.00	27.00	261.80
Bauerle, Ulrich $\frac{1}{8}$ & Mary $\frac{1}{8}$	"	6029-6302	142.09	20.00	35.00
" "	"	" 6030	86.20	20.00	80.00
<u>Deercreek Tp.</u>					
Beach, Hazel H.	"	6781	146.00	60.00	30.00
Chance, Paul S., Ethel M., & Jessie E.	"	12052-12154	153.11	25.00	25.00
Crabbe, H. H. & Ina T.	"	553	82.34	15.00	25.00
<u>Union Tp.</u>					
Christopher, Helen D. & Dorothy Downing	"	553	53.00	53.00	350.00
Culp, Missouri	"	6029	103.51	103.51	515.00
Culp, Missouri	"	6049	8.00	8.00	50.00
Culp, Missouri	"	"	42.50	42.50	290.00
<u>Deercreek Tp.</u>					
Dailey, Mason et al	"	10454	77.00	22.00	11.00
Dailey, Mason et al	"	5195	27.00	8.00	4.00
<u>Union Tp.</u>					
Eades, Homer & Estella	"	5046	( 104.22) ( 58.64)	35.00	240.00
<u>Deercreek Tp.</u>					
Floyd, H. S. & Flavia A.	"	12142 12153 10454	146.25	35.00	18.00
Foster, Jay M.	"	12142-12153	92.80	33.00	16.50
Foster, Jay M.	"	" "	68.00	68.00	34.00
Foster, Jay M.	"	6781	18.00	18.00	9.00
Headley, Cleta B.	"	12142-12153	11.00	11.00	5.50
Headley, Cleta B.	"	6781	79.00	70.00	45.00
Headley, Cleta B.	"	"	50.00	50.00	25.00
Headley, Cleta B.	"	"	21.00	21.00	10.50
Headley Cleta B. $\frac{1}{2}$ , Emerson $\frac{1}{2}$	"	"	23.75	23.00	11.50

Continued

## SYLVINA J. WILSON, COUNTY DITCH

NAME	COUNTY	SURVEY	ACRES OWNED	ACRES BENEFITED	ESTIMATED ASSESSMENT
<u>Union Tp.</u>					
Hedges, George R. (Trustee)	Madison	553	69.00	50.00	150.00
<u>Deercreek Tp.</u>					
Hedges, George R. (Trustee)	"	553	175.43	150.00	450.00
Hedges, George R. (Trustee)	"	6781	202.30	202.30	350.00
Hedges, George R. (Trustee)	"	5195	388.52	25.00	75.00
<u>Union Tp.</u>					
Holway, Paul B. ✓	"	3844	51.20	15.00	80.00
<u>Deercreek Tp.</u>					
Long, Robert E. & Euda	"	6781	0.97	0.97	1.00
<u>Union Tp.</u>					
Livingston, Roy	"	6029-6302	52.70	52.70	250.00
Lindig, William R. & Anna Mae	"	6029-6203	0.75	0.75	2.00
<u>Deercreek Tp.</u>					
McDonald, Howard	"	6781	208.00	198.00	104.00
<u>Union Tp.</u>					
Melvin, Blanche	"	3844	50.63	50.63	151.00
Melvin, Blanche	"	"	50.77	30.00	110.00
Oberlin, Ralphe E. & Leona L.	"	6029-6302	5.49	5.49	11.00
Sands, Everett & Elmer	"	553	140.40	120.00	304.00
Sands, Everett & Elmer	"	"	0.50	0.50	2.00
C.C.C. & St. L.R.R.	"	553- 6029-6302	R/W	9.00	50.00
<u>Deercreek Tp.</u>					
Penna R.R.	"	6781	R/W	8.00	50.00
Madison County					183.00

H-Specifications of the Manner of Construction

In the Matter of the Single  
County Ditch Petitioned for  
by Everett Sands and others.

County Engineer's Office  
Madison County, Ohio  
Proceedings for Relocation, Straightening, altering,  
reconstruction, deepening and widening of the  
Sylvania J. Wilson Ditch.

The open ditch shall begin at Station 79 plus 84 on Right of Way of P. R. R. and continue to Glade Run, Station 216, on land of Homer Eades.

The open ditch shall be cut to the grade line and gradients as shown in Schedule A of this report and shall have a bottom width and slopes as shown on the cross sections. Where there is a soft silty material outside the cross sections this material shall be removed to solid ground. All excavated material shall be evenly spread well beyond the top of the ditch banks to the satisfaction of the land owners.

Signed statements of the land owners signifying their approval of the same must be submitted to the County Engineer before final estimate will be issued but in case any land owner shall fail or refuse so to certify his approval, then the County Engineer shall be the judge of when this work is properly done.

All trees, roots, brush and etc. that will interfere with the free flow of the water in the ditch shall be removed and disposed of.

Any clearing outside of the excavated channel shall be sufficient to allow the contractor to operate excavating machinery and to spread the excavated earth. All brush and trees so cut off shall be burned.

It shall be the duty of the land owners to remove and replace all fences and water gaps, crossing or along the ditch that will interfere with the contractor in the progress of the work, thereby relieving the contractor of any obligation in this matter.

But the contractor shall use due care so as not to cause unnecessary damage to any bridges, water gaps or fences, and in case of damages of this kind caused by the contractor, he shall be held liable for the same.

In depositing and placing excavated material, care shall be taken that no draw or place where surface water flows into the ditch shall be obstructed so as to prevent the free flow of water into the ditch.

A clear right of way of 50 feet on each side of the ditch is reserved for construction. This width shall be measured from the top of the ditch banks.

Cross sections are on file in the office of the County Engineer.

Tile Ditches.

The trench shall be cut to a uniform grade as shown on the profile and tile laid with joints open  $\frac{1}{4}$  inch. Care shall be taken that open joints on curves shall be covered with tile. All excavated material shall be filled in over the ditch. Tile shall not be covered until inspected by the County Engineer.

I-Resolution-Order Fixing Time of Final Hearing Etc.

In the Matter of the Single  
County Ditch Petitioned for  
by Everett Sands and others

Office of the Board of County Comm.  
Madison County, Ohio  
August 19, 1946

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 19 day of August, 1946, at the office of the Commissioners with the following members present:

Rodney Plymell  
R. W. Armstrong  
Gola Mink

Mr. Armstrong moved the adoption of the following Resolution:

Whereas, This 19 day of August, 1946, the County Auditor has given notice to said Board of the filing with him by the County Surveyor of the maps, profiles, schedules, and reports in the above named improvement, in accordance with its order of the 12 day of August, 1946; therefore, be it

Resolved, That the 16 day of September, 1946, at 2 o'clock P.M., be and the same is hereby fixed as the time for the final hearing on said reports and schedules, on estimated assessments, on the proceedings for the improvement, and on claims for compensation or damages, which claims must be filed with the County Auditor on or before said date; and be it further

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

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

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

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

J-Resolution-Commissioners' Finding Affirming Former Order etc.

In the Matter of the Single  
County Ditch Petitioned for  
by Everett Sands and others

Office of the Board of County Comm.  
Madison County, Ohio  
Sept. 16, 1946

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 16 day of Sept., 1946, at the office of the Commissioners with the following members present:

Rodney Plymell  
R. W. Armstrong  
Gola Mink

Mr. Armstrong moved the adoption of the following Resolution:

Whereas, This being the day fixed by said Board, in its order dated the 19 day of August, 1946, for the final hearing on the Reports and Schedules of the County Surveyor, on the estimated assessments, on claims for compensation or damages and on the proceedings for the improvement, and on application filed for change of route or change in the nature, kind and extent of the work proposed to be done; and

Whereas, Said Board finds that due and legal notice of this final hearing has been given as required by law; and

Whereas, Said Board has heard all the evidence offered in the proceedings and received and considered all the schedules and reports filed by the Surveyor; therefore, be it

Resolved, That said Board review and reconsider its former order made and dated the 5 day of November, 1945, in favor of said improvement; and be it further

Resolved, That said Board hereby approve the maps, profiles, schedules and reports prepared by the County Surveyor, as amended in this order dated the 16 day of September, 1946 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 5 day of November, 1945, be and the same is hereby affirmed; and

Whereas, Objections to the proposed assessment having been filed by various persons and firms, 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

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

SYLVINA J. WILSON, COUNTY DITCH

Quinto & Rigina Albertini	Drop Assmt. of	5.00
Paul B. Holway	Raise Assmt. from 60.00 to	80.00
Roy Livingston	Lower Assmt. from 300.00 to	250.00
Howard McDonald	Lower Assmt. from 179.00 to	104.00
Howard A. Street	Drop Assmt. of	24.00
Howard A. Street	Drop Assmt. of	24.00
C.C.C. & St. L. Ry. Co.	Lower Assmt. from 100.00 to	50.00
Penna. R. R. Co.	Lower Assmt. from 100.00 to	50.00
Madison County	Raise Assmt. from 75.00 to	183.00

and be it further

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

Resolved, That \$183.00 found to benefit State or County Roads or Highways be and the same is hereby assessed against the County, and be it further

Resolved, That 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 assessments that may be made for the improvement; and that notes of said County shall be issued and sold in anticipation of the collection of said assessments bearing the rate of four per centum per annum, payable semi-annually; and be it further

Resolved That interest shall be added to said installments of assessments at the same rate as is drawn by the notes issued to pay for said improvement; provided any owner may pay the assessment on his land in cash within thirty days after the contracts are approved and such assessments are levied, without paying any interest thereon; and be it further

Resolved, That the 14 day of October, 1946, at 10 o'clock A. M., be and the same is hereby fixed as the time for letting the contract for the construction of the proposed improvement, and that the County Surveyor be and he is hereby directed to let the contracts for the construction of the proposed improvement; and be it further,

Resolved, That the County Surveyor be and he is hereby directed to give at least two weeks' public notice as required by law of the time when and the place where bids will be received for furnishing any material for the improvement, or for the construction of the improvement, or any part thereof, and in case manufactured material is required for the construction of the improvement, the Surveyor is hereby directed to send copies of the notice by mail to dealers and manufacturers and all bids shall be received at the office of the County Auditor; and be it further

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

Resolved, That said County Surveyor be and he is hereby directed to attend at said time and place so advertised by him and receive all bids submitted; and be it further

Resolved, That authority be and the same is hereby given to said County Surveyor to receive bids by public outcry, instead of sealed bids, such bids being taken separately for work and for material, and in accordance with the requirements of Section 6481 of the General Code of Ohio.

Mr. 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

K-Surveyor's Report on Bids Received

In the Matter of the Single County Ditch Petitioned for by Everett Sands and others

County Surveyor's Office,  
Madison County, Ohio  
Oct. 14, 1946

To the Board of County Commissioners:

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

Bidder	For What Work or Materials	Amount of Bid	Guaranty Kind	Guaranty Amount
O. E. Liller		\$4109.60	Check	\$125.00
Ernest Mossberger		\$4198.60	Check	\$126.00
Estimate		\$4198.60		

I recommend the following as the best:

O. E. Liller                      \$4109.60

H. L. McCafferty  
County Engineer

L-Resolution-Commissioners' Order Awarding Contracts

In the Matter of the Single  
County Ditch Petitioned for  
by Everett Sands

Office of the Board of County Comm.  
Madison County, Ohio  
October 14, 1946

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 14 day of October, 1946, at the office of the Commissioners with the following members present:

Rodney Plymell  
R. W. Armstrong

Mr. Armstrong moved the adoption of the following Resolution:

Whereas, 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 Everett Sands 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:

Bidder	For What Work or Materials	Amount of Bid	Surveyor's Estimate
O. E. Liller		\$4109.60	\$4198.60

therefore, be it

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

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

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

Resolved, That the whole of such work shall be completed and all material furnished on or before the 1 day of February, 1947, provided that the time of furnishing such material and and completing such labor shall correspond with the time provided for its use in the progress of the work.

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

Mr. Rodney Plymell,           yes  
Mr. R. W. Armstrong,        yes

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

M-Ditch Contract

In the Matter of the Single  
County Ditch Petitioned for  
by Everett Sands

Work and Labor and Materials

This Contract made and entered into on this 14 day of October 1946, by and between the Board of County Commissioners of Madison County, Ohio, Party of the First Part, hereinafter designated as "First Party," and O. E. Liller of London, Ohio. Part of the Second Part, hereinafter designated as "Second Party."

Witnesseth, That said Second Party, for and in consideration of the sum of Four thousand one hundred and nine and 60/100 Dollars, to be paid as hereinafter specified, hereby agrees to furnish unto said First Party all the necessary materials, and do all the work and labor required to construct the Sylvina J. Wilson Ditch improvement petitioned for by Everett Sands 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 furnish said 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 work and to work in harmony with and to render such assistance to other branches of work as he is connection therewith and the progress of the work may require. The whole shall be completed to the satisfaction and acceptance of said First Party on or before the 31st day of December, 1946.

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 Four thousand one hundred and nine and 60/100 Dollars (\$4109.60), 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

Regina Kaveney

Helen F. Dixon

Bid deposit check #4279, dated Oct. 14, 1946, on the Central Nat'l  
Bank, in the sum of \$125.00 was returned this 28th day of Oct. 1946.

Rodney Plymell  
R. W. Armstrong

Commissioners  
of  
Madison  
County, Ohio,  
First Party.

O. E. Liller

Contractors  
Second Party

Attest:

Robert K. Dixon  
County Auditor

N-Bond of Ditch Contractor

In the Matter of the Single  
County Ditch Petitioned for  
by Everett Sands and others

On Contract for Work and Labor  
and Materials

KNOW ALL MEN BY THESE PRESENTS, That we, O. E. Liller, as Principal The Ohio Casualty Insurance Company and 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 Four thousand one hundred and ninety eight and 60/100 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 18th day of October, 1946

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT, Whereas, the above bound O. E. Liller 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 Sylvina J. Wilson Ditch improvement petitioned for by Everett Sands and others specified in said Contract, to the satisfaction and acceptance of the County Surveyor, on or before the 31st day of December, 1946, for the compensation of Four thousand one hundred and nine and 60/100 (\$4109.60) 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 O. E. Liller shall 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

O. E. Liller

THE OHIO CASUALTY INSURANCE COMPANY

E. Earle Johnson, Attorney-in-Fact

The above bond being good and sufficient is approved this 28 day of October, 1946.

Rodney Plymell  
R. W. Armstrong

Board of County  
Commissioners

Madison County, Ohio

O-Resolution-Commissioners' Order Approving Contracts and Bonds etc.

In the Matter of the Single  
County Ditch Petitioned for  
by Everett Sands and others

Office of the Board of County Comm.  
Madison County, Ohio  
Oct. 28, 1946

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 28 day of Oct., 1946 at the office of the Commissioners with the following members present:

Rodney Plymell  
R. W. Armstrong

Mr. Armstrong moved the adoption of the following Resolution:

Whereas, The County Surveyor has filed with this Board the contract and bond for the work of construction and furnishing material in the above named improvement petitioned for by Everett Sands and others; therefore, be it

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

Resolved, That the County Auditor be and he is hereby directed to 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 contract price; and be it further

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

Resolved, That the County Auditor be and he is hereby directed to place said assessments so levied upon the Duplicates of the County, making and furnishing the Treasurer of said County a special Duplicate with the assessments arranged thereon in semi-annual installments, as provided in our former order adopted the 16 day of Sept., 1946.

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

Mr. Rodney Plymell,        yes  
Mr. R. W. Armstrong,       yes

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

P-Itemized List of Improvement Costs

Construction:

E. E. Liller Contract \$4109.60  
Total \$4109.60

Engineering Services:

Engineering & Inspection 256.20  
Total 256.20

Commissioners Fees:

One Commissioners Fee 20.00  
Total 20.00

Transcript, Mailing Notices & Advertising:

Transcript 4.50  
 9-24-45 Mailing Notices (19) .57  
 8-23-46 Mailing Notices (28) .84  
 10-18-46 Advertising for Bids 9.90  
 Mailing Statements (26) .78  
Total 16.59

Grand Total \$4402.39

Q-Final Assessment Schedule

<u>Owner</u>	<u>Acres Owned</u>	<u>Acres Benefited</u>	<u>Constr. Schedule Estimate</u>	<u>Rate</u>	<u>Final Assessment--Incl. Expenses.</u>
Adair, Byers	333.00 27.00	20.00 27.00	40.00 261.80	.00998 .05977	39.53 258.73
Bauerle, U $\frac{1}{2}$ ; M $\frac{1}{2}$	142.09 86.20	20.00 20.00	35.00 80.00	.00786 .01796	34.60 79.07
Beach, Hazel H.	146.00	60.00	30.00	.00673	29.63
Chance, P. S; E. M; & Jessie E.	153.11	49.00	25.00	.00561	24.70
Crabbe, H. H. & Ina T.	82.34	15.00	25.00	.00561	24.70
Christopher, H. D. & D. Downing	53.00	53.00	350.00	.07857	345.90
Culp, Missouri K.	103.51 8.00 42.50	103.51 8.00 42.50	515.00 50.00 290.00	.11561 .01123 .06510	508.96 49.44 286.60
Dailey, Mason et al	77.00 27.00	22.00 8.00	11.00 4.00	.00247 .00090	10.87 3.96
Eades, Homer & Estella	(104.22) ( 59.64)	35.00	240.00	.05387	237.16
Floyd, H. S. & Flavia A.-	146.25	35.00	18.00	.00404	17.78
Foster, Jay M.	92.80 68.00 18.00	33.00 68.00 18.00	16.50 34.00 9.00	.00370 .00763 .00202	16.29 33.59 8.89
Headley, Cleta B.	11.00 79.00 50.00 21.00	11.00 70.00 50.00 21.00	5.50 45.00 25.00 10.50	.00123 .01010 .00561 .00236	5.41 44.46 24.70 10.39
Headley, C. B. $\frac{1}{2}$ ; E. $\frac{1}{2}$	23.75	23.00	11.50	.00258	11.36
Hedges, George R. (Trustee)	69.00 175.43 202.30 388.52	50.00 150.00 202.30 25.00	150.00 450.00 350.00 75.00	.03367 .10101 .07856 .01683	148.23 444.69 345.85 74.09
Holway, Paul B.	51.20	15.00	80.00	.01786	79.06
Long, Robert E. & Euda	0.97	0.97	1.00	.00022	.97
Livingston, Roy	52.70	52.70	250.00	.05612	247.06
Lindig, Wm. R. & Anna Mae	0.75	0.75	2.00	.00045	1.98
McDonald, Howard	208.00	198.00	104.00	.02335	108.80
Melvin, Blanche	50.63 50.77	50.63 30.00	151.00 110.00	.03390 .02469	149.24 108.70
Oberlin, R. E. & Leona L.	5.49	5.49	11.00	.00247	10.87
Sands, Everett & Elmer	140.40 0.50	120.00 0.50	304.00 2.00	.06824 .00045	300.42 1.98
C.C.C. & St. L. R.R.	R/W	9.00	50.00	.01123	49.44
Madison County			183.00	.4108	180.85
			<u>4454.80</u>	<u>1.00000</u>	<u>4402.39</u>

SYLVINA J. WILSON, COUNTY DITCH

R-Madison County Commissioners  
London, Ohio

London, Ohio  
Sept. 20, 1948

Gentlemen:

I hereby certify that statements for the assessments for the improvement of the subject ditch were mailed to all persons benefitted and those listed at the lower part of this form represent those remaining unpaid.

Yours very truly,

Robert K. Dixon  
Auditor, Madison County

Christopher, H. D. & D. Downing	\$345.90
Hedges, George R. (Tr.)	148.23
	444.69
	345.85
McDonald, Howard	<u>102.80</u>
Total	\$1387.47

S-Resolution-To Issue Notes in Anticipation of the Levy of Assessments etc.

In the Matter of the Single  
County Ditch Petitioned for  
by Everett Sands and others

Office of the Board of County Comm.  
Madison County, Ohio  
September 20, 1948

The Board of County Commissioners of Madison County, Ohio, met in regular session on the 20 day of September, 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, Said Board has heretofore, by Resolution duly passed on the 16th day of September, 1946, affirmed its former order finding in favor of the improvement of the County Ditch, petitioned for by Everett Sands and others; and

Whereas, It is now deemed necessary to issue and sell \$1387.47 of notes under authority of Section 2293-24 of the General Code of Ohio, and "The Uniform Bond Act" for the purpose of providing funds in anticipation of the levy of assessments according to benefits or of the issuance of bonds for the improvement of said County Ditch; and

Whereas, The County Auditor has certified the maximum maturity of said notes to be 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 16th day of September, 1946, determined that five years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefitted to pay the assessment that may be made for the improvement; now, therefore, be it

Resolved, By the Board of County Commissioners of Madison County, Ohio, that in the judgment of said Board of County Commissioners, it is now necessary in anticipation of the levy of assessments according to benefits or of the issuance of bonds to issue and sell the notes of said County under and by virtue of the authority of Section 2293-24 of the General Code of Ohio and "The Uniform Bond Act" in the aggregate sum of One Thousand Three Hundred Eighty Seven and 47/100 Dollars (\$1387.47), 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 notes shall be dated the 1st day of October 1948, and shall be in the denomination of Thirteen Hundred Eighty Seven and 47/100 Dollars (\$1387.47) and shall be numbered 9,

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 1 day of October, 1949, 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.	Date	Amount
9	April 1, 1949	1387.47

Said notes shall specify on their face the purpose for which they are issued, and that they are issued in pursuance of this resolution and under authority of the General Laws of the State of Ohio, particularly Section 2293-24 of the General Code of Ohio and "The Uniform Bond Act", and shall be full general obligations of said Madison County, and for the full amount thereof, and the full faith, credit and revenue of said County are hereby pledged for the payment of the principal and interest thereof at maturity.

Said 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 and is hereby levied on all the taxable property in Madison County, Ohio, in addition to all other taxes a direct tax annually during the years while such notes run, not less than that which would have been levied if bonds had been issued without the prior issue of such 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 limitation of indebtedness as fixed by law.

The Clerk of this Board is hereby authorized and directed to offer this issue of notes at par and accrued interest first to the Board of Trustees of the Sinking Fund of said County and if refused, then the Clerk is directed to offer the same for sale at private sale.

Mr. 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

Dated this 20th day of September, 1948

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

*Robert K. Dixon*  
CLERK MADISON COUNTY, OHIO