

A SINGLE COUNTY DITCH PETITION

London, Ohio, Dec. 10, 1958

Petition to extend old ditch west with new 15 2 tile to a point about 1600 feet west of S. R. 38, where two tile ditches meet.

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

The undersigned hereby petition your honorable body to extend old ditch west with new 12." tile to a point about 1600 feet west of S. R. 38, where two tile ditches meet. 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 Sta. 0+ 40 of original Ben Straley Jr. Ditch on lands of said Straley; thence under S. R. 38 and into lands of said Straley westerly to a point where two tile ditches meet, one from the north and one from the south. These two ditches to join proposed new ditch.

The following is the nature of the work petitioned for: construct new 12" tile ditch and necessary structures.

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:

Carrie M. Sanford, c/o C. N. McAllister, London, O.
Paul Sanford, Rt. 3, London, O.
Leo Wilcox & Eva Prugh, Plain City, O.
Ben Straley, Jr. Rt. 3, London, O.

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

Benj. Straley, Jr., Petitioner

B BOND

To Be Filed with Ditch Petition

Know All Men By These Presents, That we Benj. Straley, Jr. as principal, and Bess Straley and Charles O'Donnell as sureties, are held and firmly bound unto the State of Ohio, in the sum of Two hundred 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 December, 1958 the above bound Benj. Straley, Jr. filed his petition with the Clerk of the County Commissioners of Madison County, Ohio making application to the County Commissioners to extend old ditch west with new 15" tile to a point about 1600 ft. west of S. R. 38 where two tile ditches meet., petitioned for by Benj. Straley, Jr. et al, the following being the course and termini of said proposed improvement, to-wit:

Commencing at Sta. 0 + 40 of original Ben Straley, Jr. Ditch on lands of said Straley; thence under S. R. 38 and into lands of said Straley westerly to point where two tile ditches meet, one from the North and one from the South. These two ditches to join proposed new ditch.

Now, if the said Benj. Straley, Jr. 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.

Benj. Straley, Jr.
Bess Straley
Charles O'Donnell

The above bond is approved this
day of December, 1958
Rodney Plymell
George W. Taylor

C RESOLUTION FIXING TIME OF VIEW AND FIRST HEARING

In the Matter of the Single County Office of County Commissioners,
Ditch Petitioned for by Ben Straley Jr, and others. Madison County, Ohio
Dec. 22, 1958

To Board of County Commissioners of Madison County, Ohio, met in special session on the 22nd day of December, 1958, at the office of the Commissioners with the following members present:

George W. Taylor
Rodger B. Baker
Rodney Plymell

Mr. Baker moved the adoption of the following Resolution:

Whereas, This 22nd day of December, 1958, 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 of a petition signed by Ben Straley Jr. petitioner, to extend old ditch west with new 15" tile to a point about 1600 feet west of S. R. 38, where two tile ditches meet; 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 19th day of January, 1959, at ten o'clock A. 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 16th day of February, 1959 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. Plymell seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

Mr. George W. Taylor,	Yes
Mr. Rodney Plymell,	Yes

Forrest R. Hanson, Cl. of the Bd. of Co. Comm's.
Madison County, Ohio

D CERTIFICATE OF MAILING NOTICES OF TIME OF VIEW AND FIRST HEARING TO THE OWNERS OF LAND AFFECTED BY THE PROPOSED IMPROVEMENT

In the Matter of the Single County Ditch
Petitioned for by Ben Straley Jr. and others.

Office of County Commissioners,
Madison County, Ohio
January 8, 1959

I hereby certify that on the 8th day of January, 1959 I prepared and mailed, in a five day return envelope addressed to Affected Persons the following notice:

In the Matter of the Single County Ditch
Petitioned for by Ben Straley Jr. and others.

Office of the County Commissioners
Madison County, Ohio
Jan. 8, 1959

To the Owners of Land affected by the Proposed Improvement:

You, and each of you, are hereby notified, that on the 17th day of December, 1958 the above named petitioner Ben Straley, Jr. and others filed a petition to extend old ditch west with new 15" tile to a point about 1600 feet west of S. R. 38, where two tile ditches meet with the Clerk of the County Commissioners 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 Sta. 0 + 40 or original Ben Straley Jr. Ditch on lands of said Straley: thence under S. R. 38 and into lands of said Straley westerly to a point where two tile ditches meet; one from the north and one from the south. These two ditches to join proposed new ditch.

The following is the nature of the work petitioned for: construct new 15inch tile ditch and necessary structures.

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 19th day of January, 1959, at 10 o'clock A. M. at the upper terminus of the improvement, as the time for the view thereon and also the 16th day of February, 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, Cl. of the Bd. of Co. Comm's.
Madison County, Ohio

The persons thus notified are the following:

Carrie M. Sanford	c/o C. N. McAllister, London, O.
Paul Sanford	Rt. 3, London, O.
Leo Wilcox	Plain City, O.
Ben Straley, Jr.	Rt. 3, London, O.

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

Forrest R. Hanson, Cl. of the Co. Comm's.

E RESOLUTION POSTPONING HEARING ON PETITION

In the Matter of the Single County Ditch
Petitioned for by Ben Straley Jr. and others.

Office of the Board of County Commissioners,
Madison County, Ohio
February 2, 1959

The Board of County Commissioners of Madison County, Ohio, met in special session on the 2nd day of February, 1959, at the office of Commissioners with the following members present:

Mr. Rodney Plymell
Mr. William Bell
Mr. George W. Taylor

Mr. Bell 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:

Not sufficient time in which to prepare preliminary plans due to inclement weather; therefore, be it

Resolved, That said hearing be and the same is hereby postponed until the 16th day of March 1959, at ten o'clock A. M.

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.

Forrest R. Hanson, Cl. of the Bd. of Co. Comm's.

BENJAMIN STRALEY JR. SINGLE COUNTY DITCH

F PRELIMINARY REPORT OF COUNTY ENGINEER

In the Matter of the Single County Ditch
Petitioned for by Ben Straley Jr. and others.

County Engineer's Office,
Madison County, Ohio
March 16, 1959

Proceedings to construct new 12" tile ditch and 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 22nd day of December, 1958, proceeded in the above matter, and visited the proposed location of said improvement and in my opinion based on actual view and under requirements of Section 6131.09 of the Revised code, I estimate the cost of construction of said improvement with my further findings as follows:

1585 Lin. Ft. 12 in. Shale Tile		\$1073.05
Catch Basin 3' by 3'		100.00
		<u>1173.05</u>
Engineer		
1173.05 by 8 $\frac{1}{2}$ % equal	99.71	299.71
1st Yrs. Maint.	200.00	
With 12" Shale Tile	<u> </u>	<u>1472.76</u>

Respectfully submitted,
Helgeh Ekedahl, Co. Engineer
By. Gideon T. Clark

G RESOLUTION COMMISSIONERS' FINDING FOR THE IMPROVEMENT

In the Matter of the Single County
Ditch Petitioned for by Ben Straley and others.

Office of the Board of County Commissioners
Madison County, Ohio
March 16, 1959

The Board of County Commissioners of Madison County, Ohio, met in special session on the 16th day of March, 1959 at the office of the Commissioners with the following members present:

Mr. Rodney Plymell
Mr. William S. Bell

Mr. Bell moved the adoption of the following Resolution:

Whereas, This being the day fixed by said Board in its order dated the 22nd day of Dec., 1958, 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 best and the same are hereby adopted and prescribed by said Board:

Commencing at Sta. 0 plus 40 or original Ben Straley Jr. Ditch on lands of said Straley; thence under S. R. 38 and into lands of said Straley; westerly to a point where two tile ditches meet, one from the north and one from the south. These two ditches to join proposed new ditch, and be it further

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 Ninety nine and 71/100. 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 for 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 June, 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. Plymell 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

To the County Engineer:

I hereby certify the foregoing to be 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.

H REPORT OF COUNTY ENGINEER

In the Matter of the Single County Ditch
Petitioned for by Ben Straley and others.

County Engineer's Office,
Madison County, Ohio
June 8, 1959

Proceedings to extend old ditch west with new 15" tile to a point about 1600 ft. west of S. R. 38 where two tile ditches meet.

To the Board of County Commissioners Madison County, Ohio:

The undersigned County Engineer, in obedience to the order of your Board, made on the 16 day of February, 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 or 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. B. M. available

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

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

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

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 the \$100.00 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	\$307.04		
Materials	<u>827.54</u>	1134.58	
Construction to State of Ohio		<u>200.00</u>	\$1334.58
Engineering	100.00		
Inspection	50.00		
Contingencies	75.00		
1st years maintenance	<u>100.00</u>		325.00
			<u>1659.58</u>

Respectfully submitted
Helgeh Ekedahl, Co. Engineer
by Gideon Clark, Deputy

I SPECIFICATIONS OF THE MANNER OF CONSTRUCTION
Report of Engineer

Schedule "E"

In the Matter of the Single County
Ditch Petitioned for by Ben Straley Jr. et al.

Engineer's Office, Madison County, Ohio

Proceedings to extend old ditch west with new 15" tile to a point about 1600 feet west of S. R. 38 where two tile ditches meet.

The term "Engineer" as used in these specifications shall be taken to mean the County Engineer of Madison County, Ohio, or his duly appointed Deputy. The term "Contractor" shall be taken to mean the individual or firm awarded the contract for performance of work herein specified.

The ditch shall be constructed in accordance with the plat, plans and profile. True line and grade shall be maintained at all points and any changes shall be approved by the Engineer before being

BEN STRALEY JR. SINGLE COUNTY DITCH

made. On tile ditch construction a variation of more than one half inch above or below grade will not be allowed.

The joints shall be not greater than 1/4 inch nor less than 1/8 inch. When tile is placed in the trench they shall be keyed in place with sufficient dirt to maintain alignment, then checked for grade. Back-fill shall be carefully made to insure against breakage. Any excess dirt shall be neatly mounded over the tile line.

The line of the ditch shall be approximately 25 feet north of the Straley-Wilcox property line.

All work necessary within the limits of State Route 38 shall be done by the State of Ohio in accordance with their standard specifications.

All fences which may interfere with the construction of the ditch shall be removed and replaced by the property owner at his own expense. A right-of-way of 100 feet on either side of the ditch shall be reserved for construction purposes.

Any changes in location or construction of the ditch made at the request of a property owner shall be approved by the Engineer and any additional cost shall be paid by the interested property owner.

Partial and final payments will be made in accordance with the laws governing such payments. Before final payment is made the Engineer shall make final inspection of the project and his decision on the quality of the work shall be final.

J SCHEDULE OF LAND OWNERS

			Acres Owned	Acres Benefited	Est. Assessment
Sanford, Carrie M.	10700 etc.	Monroe Twp.	158.69	18.00	63.00
Sanford, Paul	7529	"	161.67	17.00	59.50
Straley, Ben Jr. et al	10700 etc.	"	99.50	94.50	1029.08
Wilcox, Leo E.	"	"	172.04	88.00	308.00
State of Ohio		Improvements S. R. 38			200.00
		Total		217.50	1659.58

K NOTICE TO COMMISSIONERS OF THE FILING WITH THE CLERK OF THE REPORTS AND SCHEDULES OF THE COUNTY ENGINEER

In the Matter of the Single County Ditch
Petitioned for by Ben Straley Jr. and others. Office of the Board of Commissioners,
Madison County, Ohio
June 8, 1959

Ben Straley Jr. and others.
To the Board of County Commissioners of Madison County:

You are Hereby Notified that the County Engineer filed in this office on the 8th day of June, 1959, the maps, profiles, schedules and reports in the above named improvement, in accordance with your order of the 22nd day of Dec., 1958.

Forrest R. Hanson, Cl. of the Co. Comm's.

L 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
Petitioned for by Ben Straley Jr. et al. Office of the Board of County Commissioners,
Madison County, Ohio
June 8, 1959

To the Board of County Commissioners of Madison County, Ohio, met in Special session on the 8th day of June, 1959, at the office of County Commissioners with the following members present:

- Mr. Rodney Plymell
- Mr. William Bell
- Mr. George W. Taylor

Mr. Taylor moved the adoption of the following Resolution:

Whereas, This 8th day of June, 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 22 day of Dec., 1958; therefore, be it

Resolved, That the 13th day of July, 1959, at 10:00 o'clock A. 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 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, Cl of the Bd. of Co. Comm's.
Madison County, Ohio

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

In the Matter of the Single County Ditch
Petitioned for by Ben Straley Jr. and others.

Office of County Commissioners,
Madison County, Ohio
June 26, 1959

I hereby certify that on the 26th day of June, 1959, I prepared and mailed, in a stamped five-day return envelope, to all the owners whose names appear in the County Engineer's Schedules of Assessments, to each address as given in the petition, or to such address as I learned to be the correct address, including land owners other than those mentioned in the petition whose names have been filed by the County Engineer in his Schedule of Assessments, a copy of the following notice filled in:

You are hereby notified that the County Engineer filed in this office on the 8th day of June, 1959, the maps, profiles, plans, schedules and reports in the above named improvement, and that the assessment on each tract of land owned by you, as estimated and described in said schedule, is as follows:

Per Attached List

and you are further notified that the Board of County Commissioners of said County have fixed the 13th day of July, 1959, at 10 o'clock A. M. at the office of said Board, as the time and place of the final hearing by the Commissioners on the report of the County Engineer, and on the proceedings for the improvement, and that all claims for compensation or damages must be filed with the Clerk of the Board of County Commissioners before that date; and that if bonds are to be issued for said improvement, you must give notice within ten days after said final hearing of your intention to pay cash and if you do not give such notice of your intention to pay cash within ten days the installments will be payable with interest added at the same rate that the bonds bear interest.

Forrest R. Hanson, Cl. of the Co. Comm's.
Madison County, Ohio

The persons thus notified are as follows:

Carrie M. Sanford c/o C. N. McAllister, London, O.
Paul Sanford Rt. 3, London, O.
Leo Wilcox & Eva Prugh Wilcox Plain City, O.
Ben Straley, Jr. Rt. 3, London, O.

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

Forrest R. Hanson, Cl. of the Co. Comm's.
Madison County, Ohio

N RESOLUTION COMMISSIONERS' FINDING SETTING ASIDE FORMER ORDER AND DISMISSING PETITION

In the Matter of the Single County Ditch
Petitioned for by Ben Straley Jr. and others.

Office of the Board of County Commissioners,
Madison County, Ohio
July 13, 1959

The Board of County Commissioners of Madison County, Ohio met in special session on the 13th day of July, 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, This being the day fixed by said Board in its order dated the 8th day of June, 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 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 on and dated the 16th day of March, 1959, in favor of said improvement; and

Whereas, Said Board finds that the cost of improvement will be equal to or greater than the benefits which will be derived therefrom, if constructed, therefore, be it

Resolved, That said former order finding in favor of said improvement made at the first hearing on the 16th day of March, 1959, be and the same is hereby set aside; and be it further

Resolved, That said petition be and the same is hereby dismissed; and be it further

Resolved, That all the costs in said proceedings, save and except the costs made by the County Engineer in making his surveys, reports, and schedules, be and the same are hereby ordered to be paid by the petitioner.

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

Mr. Rodney Plymell Yes
Mr. Willaim S. Bell Yes
Mr. George W. Taylor Yes

Forrest R. Hanson, Cl. of the Bd. Comm's.
Madison County, Ohio