



## THORNTON DITCH IMPROVEMENT

## COPY OF PETITIONERS BOND

Know all men by these presents, That F. H. Thornton, as principal and T.E. Connell and Thomas Monthomery as sureties, are held and firmly bound unto the State of Ohio in the penal sum of Two Hundred and Fifty Dollars (\$250.00), good and lawful money for which we bind ourselves, and our heirs, executors and administrators.

Signed by us and dated this 1st day of October A. D., 1923.

The condition of the above obligation is such, nevertheless, that, whereas, on the 1st day of October, 1923, the above bounden F. H. Thornton made application to the Commissioners of Madison County, and on said day filed with the Auditor of said County his petition for locating and constructing a County Ditch in pursuance of the statute in such case made and provided, on the following route and termini, to-wit:

Commencing at a stake on the lands of L. A. Thornton and in a line of a tile ditch; thence running in a south easterly direction following the line of said tile drain about 30 rods to the Public road No.59; thence crossing said road and following the line of an open ditch, straightening where necessary on the lands of James Dayo about 100 rods. We ask that this improvement be made thus far for using tile of sufficient capacity with a good inlet at said road and a good concrete header at the outlet of the tile; thence continuing with an open ditch, to the lands of Albert Williams, or sufficiently far to secure a good outlet for said tile drains, and there to terminate.

Now if the above bounden F. H. Thornton shall pay all costs, if the prayer of said petition be not granted, or if for any cause the same shall be dismissed, then this obligation shall be void.

F. H. Thornton,

T. E. Connell,

Thomas Montgomery.

The above bond and the sureties thereon, are approved by me this 1st day of October, 1923.

Lamar P. Wilson,

County Auditor.

THORNTON DITCH IMPROVEMENT

Office of the Board of County Commissioners, October 1, 1923.

In the Matter of the )  
 Single County Ditch Petitioned for by ) Order Fixing Time of View and First Hearing.  
 L. A. Thornton and Others )

Mr. Foster moved the adoption of the following  
 RESOLUTION

Whereas, This 1st day of October, 1923, the Board of County Commissioners of Madison County, being in regular session, members present, G. A. Street, Charles Foster and W.S. Robison, the County Auditor gave notice to us of the filing with him of a petition signed by L. A. Thornton and F. H. Thornton, petitioners for the locating, tiling, deepening and widening of a ditch as described in their petition; and

Whereas, It appears to us 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 31st day of October, 1923, 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 13th day of November, 1923, 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. Robison seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

Mr. Street, "Yes"; Mr. Foster, "Yes"; Mr. Robison, "Yes".

County Auditor's Office, Madison County, Ohio, October 1, 1923.

In the Matter of the )  
 Single County Ditch Petitioned for by ) Certificate of Mailing Notices of Time of View and First  
 L. A. Thornton and Others ) Hearing to the Owners of Land Affected by the Proposed  
 Improvement.

I hereby certify that on the 1st day of October, 1923, I prepared and mailed, in a five-day return addressed envelope, to Isaac Dennison, Mary Ann Dennison, James Deyo, Edward Napper Estate, L. A. Thornton, F. H. Thornton, John W. Smith, Albert Williams, J. M. Ogelsbee, Minnie Graham, Willaim Brown and Mrs. Lottie Fitzgerald, the following notice:

You, and each of you, are hereby notified that on the 1st day of October, 1923, the above named petitioners, L. A. Thornton and others, filed a petition for the location, tiling, deepening and widening of a ditch with the County Auditor 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 a stake in the lands of L. A. Thornton and in a line of s tile drain; thence running in a south easterly direction following the line of said tile drain about 30 rods, to the Public road No.59; thence crossing said road and following the line of an open ditch, straightening where necessary on the lands of James Deyo about 100 or more rods. We ask that this improvement be made thus far using tile of sufficient capacity with a good inlet at said road and a good concrete header at the outlet of the tile; thence continuing with an

THORNTON DITCH IMPROVEMENT

open ditch, to the lands of Albert Williams, or sufficiently far to secure a good outlet for said tile drains, and there to terminate.

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 have fixed the 31st day of October, 1923, at ten o'clock A. M., at the upper terminus of the improvement, as the time for the view thereon; and also the 13th day of November, 1923, at ten o'clock A. M., at the office of said Board, as the time and place for the first hearing on the petition.

Lamar P. Wilson,  
County Auditor.

# # # #

Office of the Board of County Commissioners, Madison County, Ohio,

November 13, 1925.

In the Matter of the )  
Single County Ditch Petitioned for by ) Commissioners' Finding for the Improvement.  
L. A. Thornton and Others )

Mr. Robison moved the adoption of the following

RESOLUTION

Whereas, This day the Board of County Commissioners being in special session, present Street, Foster and Robison and this being the day fixed by said Board in their order dated the 1st day of October, 1923, for the hearing on the petition in the above named improvement, the said Board met at their office, and conducted said hearing by causing the petition to be publicly read, together with all applications for and remonstrances against the improvement, and all applications for change or extension of the improvement, previously filed in writing; and

Whereas, Said Board 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; and

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

Resolved, By the Board of County Commissioners that we do hereby find that the said proposed improvement petitioned for is necessary and will be conducive to the public welfare; and we are reasonably certain that the cost thereof will be less than the benefits, and the prayer of the petition is hereby granted; and we do further find that the following described route and termini of the proposed improvement and of the branches, spurs and laterals thereof, and the manner of constructing the same are the best and the same are hereby adopted and prescribed by us:

Commencing at a stake on the lands of L. A. Thornton and in the line of a tile drain; thence running in a south easterly direction following the line of said tile drain about thirty rods to the public road No. 59; thence crossing said road and following the line of said open ditch straightening where necessary on the lands of said Deyo, about 100 rods; and that this improvement thus far be made using tile of sufficient capacity with a good inlet at said road, and a good concrete header at the outlet of the tile; thence continuing with an open ditch to the lands of Albert Williams, or sufficiently far to secure a good outlet for said tile drains, and there to terminate. We further grant the tile drains to the lands of said Williams and a short open ditch outler; and we grant the laterals and branches as requested by the interested parties on

THORNTON DITCH IMPROVEMENT

this improvement; and be it further

Resolved, That the County Surveyor be and he is hereby directed to make the necessary survey for the proposed improvement, upon the foregoing plan and line, and suitable maps showing the location of the land proposed to be assessed, and profiles showing the cuttings and gradient of the improvement, together with an estimate of the cost of the construction of said improvement; and set proper construction stakes, beginning at the upper terminus of the improvement, and perform such other duties as required by law (G.C.6454); and be it further

Resolved, That the 4th day of December, 1923, 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. Foster seconded the resolution and the roll being called on its adoption, the vote resulted as follows:

Mr. Street, "Yes"; Mr. Foster, "Yes"; Mr. Robison, "Yes".

County Auditor's Office, November 13, 1923.

To the County Surveyor:

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

Lamar P. Wilson,  
County Auditor.

# # # #

County Auditor's Office, Madison County, Ohio, December 4, 1923.

In the Matter of the )  
Single County Ditch Petitioned for by ) Notice to Commissioners.  
L. A. Thornton and Others )

To the Honorable Board of County Commissioners of Madison County:

Gentlemen: You are hereby notified that the County Surveyor filed in this office on the 4th day of December, 1923, the maps, profiles, schedules and reports in the above named improvement, in accordance with your order of the 13th day of November, 1923.

Lamar P. Wilson,  
County Auditor.

THORNTON DITCH IMPROVEMENT

County Surveyor's Office, Madison County, Ohio, December 4, 1923.

In the Matter of the )  
Single County Ditch Petitioned for by ) Report of County Surveyor.  
L. A. Thornton and Others )

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

The undersigned County Surveyor, in obedience to the order of your Honorable Body, made on the 13th day of November, 1923, proceeded in the above matter, and visited the proposed location of said improvement and made the necessary survey for the proposed improvement, as found by the Commissioners, and suitable maps showing the location of the land proposed to be assessed, and profiles showing the cuttings and gradient of the improvement, and an estimate of the cost of the construction of said improvement; and set proper construction stakes, beginning at the upper terminus of the improvement, and noted the intersection of the line of the improvement with the land boundaries of separate owners, township and county lines, natural land marks, road crossings, or other lines or marks; and took and noted necessary levels off the lines of the improvement for contour purposes, to determine the area of the land subject to drainage, and to determine the land that will be specially benefited by the construction of the improvement.

I also established, at intervals of not less than one in each mile, in the most practical, permanent forms, and in locations where destruction or disturbance is improbable, bench marks from which the original levels of the improvement can be established.

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, etc.

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

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

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

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

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

Cost of tile delivered on line of ditch	\$ 1117.36
" " labor	480.00
" " concrete work	112.40
" " sewer pipe wyes	12.00
" " inlets with grates	10.00
" " plowing in old open ditch	10.24
" " engineering and extras	<u>57.50</u>
Totals ---	\$ 1799.50

I estimate the cost of inspecting the work as it progresses to be \$ 40.00.

THORNTON DITCH IMPROVEMENT

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

L. B. Harvey, Deputy,	5 days, at \$6.00 per day,	\$30.00
Wayne Tyler, Assistant,	2 " " 3.00 " "	6.00
Other expenses		<u>2.00</u>
Total -----		\$38.00

Respectfully submitted,

E. B. Harvey,  
County Surveyor.

-----LOCATION-----

Main Ditch--

0.00	S.31 deg.W. on lands of J. W. Smith
0.20	on McKendree Road No.55
0.60	on lands of L. A. Thornton
3.30	S.63 deg.30' W.
5.00	S.22 deg.45' W.
7.00	S.36 deg.45' E.
10.28	S.37 deg.00' E. on Anderson and Antioch Road No.59
10.68	on lands of James Deyo
12.50	S.52 deg. E.
13.00	W.50 deg. E.
23.50	S.51 deg.30' E.
30.10	
30.50 End	on lands of Albert Williams.

Lateral No.1--

0.00	S.51 deg. 30' W. on lands of Wm. Brown.
0.20	on Anderson and Antioch Road No.59.
0.60	on lands of J. W. Smith.
1.20	on McKendree Road No.55
1.60	on lands of L. A. Thornton.
2.35	S.68 deg.45' W.
5.00	S.77 deg.15' W.
6.28	S.80 deg. W.
7.28	End at Sta. 3.30 Main Ditch.

Lateral No.2--

0.00	S.37 deg.30' E. on lands of James Deyo.
1.00	S.22 deg. E.
2.63	End at Sta. 19.45 Main Ditch.

Branch No.1 to Lateral No.1--

0.00	N.72 deg. W. on lands of J. W. Smith
0.08	on lands of James Deyo.
0.40	on McKendree Road No.55
0.75	on lands of L. A. Thornton.

## THORNTON DITCH IMPROVEMENT

## --- SPECIFICATIONS ---

For the Thornton Ditch Located in Pleasant Township.

Said ditch and laterals shall be constructed along the line as located by the stakes and the center shall be two feet to the left thereof, except at the angles which shall be made in easy rounding curves.

The trench shall be excavated to the depth at each stake as shown by the profile; and the bottom must be true and smooth and have a regular grade.

The tile shall be of first class and of full capacity, and laid in the bottom of the ditch in a workman like manner to make close joints. Any joints large enough to let the dirt through must be covered with broken pieces of tile.

The tile shall be examined and approved by the engineer before being laid. And after being laid and fastened they shall be left until the laying and grade is examined and approved by the Surveyor; after which the excavated earth shall be replaced over the tile.

At the Road Gutters where directed by the Surveyor there shall be inlets constructed, placing tile perpendicular over an opening of the tile in the ditch and capping at the surface of the ground with a cast iron grate.

Any timber near the ditch shall be deadened if so directed by the Surveyor, and brush and bushes shall be cut off or grubbed as directed.

The tile shall be of the following sizes:

Main Ditch-	0.00 to sta.	3.00,	300 ft.	8"
	3.00 "	"	6.50 350 "	10"
	6.50 "	"	10.00 350 "	12"
	10.00 "	"	19.00 900 "	15"
	19.00 "	"	30.50 1150 "	16"
Lat.No.1-Sta.	0.00 "	"	2.00 200 "	6"
	" 2.00 "	"	7.28 528 "	8"
Lat.No.2-	" 0.00 "	"	2.63 263 "	8"
Branch No.1-	0.00 "	"	1.21 121 "	6"

The Surveyor and Commissioners reserve the right to place material and laborers on the line of said work whenever the work is not properly progressing. And their decisions and directions on all matters pertaining to the ditch shall be final.

They further reserve the right to make any changes in labor or material and a corresponding change will be made in the amount paid for the same at the rate of the purchase bid.

E. E. Harvey,  
County Surveyor.

THORNTON DITCH IMPROVEMENT

No. Station,	Surface,	Grade,	Cut	Cubic Yd.	Remarks
1	100.00	97.10	2.90		Main Ditch
1	100.20	96.95	3.25	20	
2	100.02	96.80	3.22	14	
3	99.55	96.65	2.90	14	
4	99.75	96.50	3.25	16	
5	99.75	96.35	3.40	18	
6	99.20	96.20	3.00	18	
7	99.05	95.70	3.35	20	
8	99.65	95.20	4.45	24	
9	98.55	94.70	3.85	25	
10	97.32	94.20	3.12	24	
11	98.13	93.70	4.43	25	
12	97.45	93.60	3.85	24	
13	98.65	93.50	5.15	20	
14	97.15	93.40	3.75	40	
15	98.55	93.30	5.25	40	
16	98.15	93.20	4.95	40	
17	97.10	93.10	4.00	40	
18	96.40	93.00	3.40	38	
19	95.40	91.20	4.20	35	
20	93.40	90.80	2.60	30	
21	94.94	90.40	4.55	35	
22	94.75	90.00	4.75	35	
23	93.35	89.60	3.75	30	
24	93.15	89.20	3.95	30	
25	93.75	89.00	4.75	35	
26	93.25	88.80	4.45	35	
27	92.90	88.60	4.30	35	
28	92.90	88.40	3.80	30	
29	90.90	88.20	2.70	20	
30	90.95	88.00	2.95	20	
30+50	90.35	87.80	2.55	10	
0	102.30	99.80	2.50		Lateral No.1
1	102.10	99.10	3.00	15	
2	101.15	88.40	2.75	12	
3	100.68	88.20	2.48	12	
4	100.70	88.00	2.70	12	
5	100.50	87.80	2.70	12	
6	99.90	87.50	2.40	12	
7	99.85	87.20	2.65	12	
7+28	99.80	86.90	2.80	8	
0	101.40	99.40	2.00		Branch No.1
0+50	101.30	99.15	2.15		
0+70	101.45	98.90	2.55	20	
0	96.05	92.00	4.05		Lateral No.2
1	95.30	91.90	3.40	10	
2	94.75	91.80	2.95	10	
2+63	94.60	91.70	2.90	10	

## THORNTON DITCH IMPROVEMENT

## --- DIVISION INTO WORKING SECTIONS \*\*\*

## Section No.1 --

Consisting of delivering on the line of the ditch

321 ft. of 6" tile	@ 6.00	19.26
1091 " " 8" "	12.00	130.92
350 " "10" "	18.00	63.00
350 " "12" "	25.00	87.50
900 " "15" "	35.00	315.00
1150 " "16" "	40.00	460.00
One 8x12 Y; one 10x15 Y; one 8x18 Y @ 3.00		<u>9.00</u>
Totals-----		\$ 1084.68

## Section No.2 --

From Station 10.30 to 30.50 M. D.

122.42 rods, 650 cu.yd. excavating laying 15" &amp; 16" tile \$325.00

## Section No.3 --

From Station 0.00 to Station 10.30

62.41 rods, 190 cu.yds. excavating, laying 8" &amp; 10" tile \$ 76.00

Two grate inlets 4.00

Total ----- \$ 80.00

## Section No.4, Laterals --

Sta. 0.00 to Sta. 7.28 Lat. No.1

" 0.00 " " 2.63 Lat. No.2

" 0.00 " " 1.21 Lat. No.3

67.38 rods, 145 cu.yds. excavating, laying 6" &amp; 8" tile, etc. \$ 58.00

Two grate inlets 4.00

Total ----- \$ 62.00

## Section No.5 --

Concrete Header at outlet, 1' x 4.5' x 12"

and apron 6" x 4' x 4' 40.00

One concrete inlet at Sta. 10.30

2½'x2½' on inside and 5' deep --- grate lid hinged 70.00

Total ----- \$ 110.00

## THORNTON DITCH IMPROVEMENT

## --- APPORTIONMENT OF ESTIMATED COST ---

To the Commissioners of Madison County:

I, the undersigned, County Surveyor, in obedience to your order of November 13, 1923, do hereby return a schedule made of all lots and lands and public or corporate roads or railroads that will be benefited, with an apportionment of the location and construction of the improvement in money according to benefits which will result to each.

E. E. Harvey,  
County Surveyor.

Owners Name,	Township,	Survey,	A.in Tract,	A.Drained,	Est.Cost each Tract,	Apportionment
Brown William ✓	Pleasant,	8824	48.66 ✓	2.50	4.00	\$ 15.00
Dayo James	"	8800	54.45 ✓	45.00	1165.00	510.00
" "	"	"	20.34 ✓	10.00		40.00
Oglesbee John M.	"	6782	7.41 ✓	0.50		2.00
Smith J. W.	"	8800	58.33 ✓	1.00	1.00	7.00
" " "	"	"	9.25 ✓	5.00	2.00	30.00
" Jno. W.	"	6782	15.00 ✓	4.00		16.00
Thornton F. H.	"	8800	.75 ✓	.75		4.50
" " "	"	"	57.18 ✓	28.00		140.00
" " "	"	"	57.18 ✓	18.00		108.00
" " "	"	"	5.00 ✓	5.00		30.00
# " "	"	"	6.50 ✓	6.00		36.00
Thornton L. A.	"	"	56.68 ✓	56.68	371.00	452.00
Williams Albert	"	"	12.75 ✓	0.20	65.00	5.00
Zeller Jacob I.	"	"	89.50 ✓	45.00		270.00
Madison County					134.00	134.00
Engineering and extras					57.50	
Totals -----					\$1799.50	\$1799.50

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THORNTON DITCH IMPROVEMENT

Office of the Board of County Commissioners, Madison County, Ohio, December 4, 1923.

In the Matter of the )  
Single County Ditch Petitioned for by ) Order Fixing Time of Final Hearing on Surveyor's Reports.  
L. A. Thornton and Others )

Mr. Foster moved the adoption of the following

RESOLUTION

Whereas, This 4th day of December, 1923, the Board of County Commissioners of Madison County, being in special session, members present, G. A. Street, Charles Foster and W.S. Robison, the County Auditor has given notice to us of the filing with him by the County Surveyor of the maps, profiles, schedules, and reports in the above named improvement, in accordance with our order of the 13th day of November, 1923; therefore, be it

Resolved, That the 28th day of December, 1923, at 10 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 County Auditor on or before said date; and be it further

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

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

Mr. Street, "Yes"; Mr. Foster, "Yes"; Mr. Robison, "Yes".

# # # #

County Auditor's Office, Madison County, Ohio, December 4, 1923.

In the Matter of the )  
Single County Ditch Petitioned for by ) Certificate of Mailing Notices to Owners of Land Affected  
L. A. Thornton and Others ) by the Proposed Improvement.

I hereby certify that on the 4th day of December, 1923, I prepared and mailed, in a stamped five-day return envelope, to all the owners whose names appear in the Surveyor'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 Surveyor in his Schedule of Assessments, a copy of the following notice properly filled in:

.....

You are hereby notified that the County Surveyor filed in this office on the 4th day of December, 1923, the maps, profiles, schedules and reports in the above named improvement, and that the assessment on each tract of land owned by you, as estimated and described in said schedule, is as follows:

(See "Apportionment of Estimated Cost")

and you are further notified that the Board of County Commissioners of said County have fixed the 28th day of December, 1923, 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 Surveyor, and on the proceedings for the improvement, and that all claims for compensation or damages must be filed with the Auditor before that date.

Lamar P. Wilson, Auditor of Madison County.

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The persons thus notified are as follows:

William Brown, James Dayo, John M. Oglesbee, J. W. Smith, F. H. Thornton, L. A. Thornton, Albert Williams and Jacob I. Zeller.

Lamar P. Wilson,  
County Auditor.

THORNTON DITCH IMPROVEMENT

-----OBJECTIONS TO ASSESSMENTS-----

In the Matter of the )  
 Single County Ditch Petitioned for by ) Claim of James Deyo for Compensation and Damages.  
 L. A. Thornton and Others )

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

James Deyo hereby makes application for compensation for land taken by said proposed  
 improvement in the sum of ----- \$ 100.00  
 and for damages in the construction of the said improvement and shutting off  
 his water supply, the sum of ----- 100.00  
 Total ----- \$ 200.00

Claimant protests that his assessment for the construction of said proposed improve-  
ment is entirely too high.

Respectfully submitted,

James Deyo.

.....

In the Matter of the )  
 Single County Ditch Petitioned for by ) Objection of J. I. Zeller.  
 L. A. Thornton and Others )

Miami Florida, 1468 S.W. 3rd St.

Auditor, Madison County, London, Ohio.

Dear Sir: As to the statement you sent me to Canal Winchester, Ohio, in regards to  
 the New County Ditch you located and running not very close to our farm known as the Napper  
 Farm, I object to that ditch, as you have me listed at 45 acres. You can cut that down to  
 24 acres as there is no way you can get any more acres in that ditch. Either cut it to 24  
 acres, or not any. I will stand for 24 acres as you have it listed per acre.

J. I. Zeller,

Canal Winchester, Ohio.

## THORNTON DITCH IMPROVEMENT

Commissioners Office, Madison County, London, Ohio, December 28, 1923.

In the Matter of the )  
 Single County Ditch Petitioned for by )  
 L. A. Thornton and Others )  
 Commissioners' Finding Affirming Former Order, Confirming  
 the Assessments, and Ordering the Letting of the Contracts.

Mr. Foster moved the adoption of the following

## RESOLUTION

Whereas, This day the Board of County Commissioners being in special session, present Street, Foster and Robison, and this being the day fixed by said Board, in their order dated the 4th day of December, 1923, 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, We find 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 we do hereby approve the maps, profiles, schedules and reports prepared by the County Surveyor, as amended in our order dated the 28th day of December 1923; 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 the former order finding in favor of said improvement made by us at the first hearing on the 13th day of November, 1923, be and the same is hereby affirmed; and

Whereas, Objections to the proposed assessment having been filed by James Deyo, who hereby makes application for compensation for land taken by said proposed improvement in the sum of \$100.00, and for damages in the construction of the said improvement and shutting off his water supply in the sum of \$100.00, total \$200.00. He also protests that his assessment for the construction of said proposed improvement is entirely too high.

Jacob I. Zeller filed a complaint asking a reduction in his assessment, stating that only 24 acres was benefited. The engineer having filed his report that 45 acres, belonging to Jacob I. Zeller is benefited, 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:

THORNTON DITCH IMPROVEMENT

Owner,	Twp.,	Survey,	A.in Tract,	A.Benefited	Est.cost thru Tr.	Apportionment
Brown Willaim	Pleasant,	8824	48.66	2.50	4.00	\$ 17.25
Deyo James	"	8800	54.45	45.00	1165.00	350.00
" "	"	"	20.34	10.00		40.00
Oglesbee John W.	"	6782	7.41	.50		2.31
Smith J. W.	"	8800	58.33	1.00	1.00	8.05
" " "	"	"	9.25	5.00	2.00	34.46
" Jno. W.	"	6782	15.00	4.00		18.39
Thornton F. H.	"	8800	.75	.75		5.17
" " "	"	"	57.18	28.00		160.78
" " "	"	"	57.18	18.00		124.05
" " "	"	"	5.00	5.00		34.46
" " "	"	"	6.50	6.00		41.35
Thornton L. A.	"	"	56.68	56.68	371.00	519.13
Zeller Jacob I.	"	"	89.50	45.00		310.10
Madison County					134.00	134.00
Engineering and extras					57.50	
						\$1799.50
Advertising						7.50
Commissioners						30.00
Preparing and mailing notices, Auditor						7.00
Engineer						78.00

and be it further

Resolved, That \$134.00 be and the same is hereby assessed by benefits to the general public by reason of the improvement being conducive to the public welfare, against the County, and \$134.00 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 subdivisions, respectively; Madison County, Ohio, \$134.00; 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 bonds of said County shall be issued and sold in anticipation of the collection of said assessments bearing the rate of six per centum per annum, payable semi-annually (G.C.6460); \$1895.28 of said bonds shall be sold by popular subscription; and be it further

Resolved, 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 21st day of January 1924, 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

THORNTON DITCH IMPROVEMENT

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 court house, and advertisement shall also be made; and be it further

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 Sec. 6481 G. C.

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

Mr. Street, "Yes"; Mr. Foster, "Yes"; Mr. Robison, "Yes".

# # # #

Resolution to issue bonds in the sum of \$1895.28 recorded on Commissioners' journal volume 16, page 144, under date of December 28, 1923.

# # # #

County Surveyor's Office, Madison County, Ohio, January 21, 1924.

In the Matter of the )  
Single County Ditch Petitioned for by ) Surveyor's Report on Bids Received.  
L. A. Thornton and Others )

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

Bidder	For What Work or Materials	Amount Bid	Guaranty
Charles Heise	Excavating	325.00	358.00
Charles Heise	Excavating	80.00	80.00
Charles Heise	Excavating	62.00	62.00
J. E. Gill	Concrete work	70.00	110.00
Madison Tile Co.	Tile work	1075.00	1100.00

I recommend the above bids as the best.

E. E. Harvey,  
County Surveyor.

THORNTON DITCH IMPROVEMENT

Office of the Board of County Commissioners, Madison County, Ohio, January 28, 1924.

In the Matter of the )  
 Single County Ditch Petitioned for by ) Commissioners' Order Awarding Contracts.  
 L. A. Thornton and Others )

Mr. Foster moved the adoption of the following

RESOLUTION

Whereas, This day the Board of County Commissioners being in regular session, present Mr. Street, Mr. Foster and Mr. Robison, and the County Surveyor has filed with this Board his report on bids received for the work of construction and furnishing materials in the above named improvement petitioned for by L. A. Thornton and others; and

Whereas, It appears to us 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 Bid,	Surveyor's Est.
Madison Tile Co.	Furnishing Tile	\$ 1075.00	1094.68
Charles Heise	Excavating	325.00	325.00
Charles Heise	Excavating	80.00	80.00
Charles Heise	Excavating	62.00	62.00
J. E. Gill	Concrete Work	70.00	110.00

therefore be it

Resolved, That contracts be and the same are hereby awarded to said Madison County Tile Co., Charles Heise and J. E. Gill at the amounts bid by them, 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 1st day of August, 1924, 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. Street seconded the resolution and the roll being called on its adoption, the vote resulted as follows:

Mr. Street, "Yes"; Mr. Foster, "Yes"; Mr. Robison, "No";

# # # #

## THORNTON DITCH IMPROVEMENT

In the Matter of the )  
 Single County Ditch Petitioned for by ) Contract and Bond Of The Madison Tile Co. for Tile Work.  
 L. A. Thornton and Others )

## CONTRACT

This agreement, made and entered into on this 21st day of January, 1924, by and between the County Commissioners of Madison County, Ohio, and hereinafter designated as "First Party", and The Madison Tile Company of London, Ohio, hereinafter designated as "Second Party."

Witnesseth, that said "Second Party," for and in consideration of the sum of One Thousand and Seventy-five (1075.00) 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 Thornton Ditch improvement petitioned for by L. A. Thornton and Others, in accordance with plans, drawings and specifications for the same hereto attached; being for Section No.1, which plans, drawings, and specifications are hereby declared to be a part of this contract.

Said "Seceond 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 hinderance or delay to any other branch or class of work on said Thornton Ditch, and to work in harmony 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 April, 1924.

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 One Thousand Seventy-five (\$1075.00) Dollars, 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 Sec. 6490 G. C.

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

Signed in duplicate in presence of L. B. Harvey.	G. A. Street )	Commissioners of
	Charles Foster )	Madison County, Ohio.
	W. S. Robison )	"First Party".
	The Madison Tile Co.)	Contractors, "Second Party".
per Harry VanCleve )		

## BOND

Know all men by these presents, That we, The Madison Tile Co, Harry Van Cleve, and S. S. Van Cleve 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 Eleven Hundred Dollars, to the payment of which sum, will and truly to be made, we do hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated this 21st day of January, 1924.

The condition of the above obligation is such, that, Whereas, the above bound The Madison Tile Co. 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 Thornton Ditch improvement petitioned for by L. A. Thornton and others specified in said Contract, th

THORNTON DITCH IMPROVEMENT

the satisfaction and acceptance of the County Surveyor, on or before the 1st day of April, 1924, for the compensation of One Thousand Seventy-five (\$1075.00) Dollars;

Second, to save the county or counties interested, harmless 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 The Madison Tile Co. 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 to be void; otherwise to remain in full force and virtue in law.

The Madison Tile Co., per H.V.C.

Executed in Presence of  
L. B. Harvey.

Harry Van Cleve  
S. S. Van Cleve

The above bond being good and sufficient is approved this 28th day of January, 1924.

G. A. Street ) Board of County Commissioners  
Charles Foster ) of  
W. S. Robison ) Madison County, Ohio.

# # # #

In the Matter of the )  
Single County Ditch Petitioned for by ) Contract and Bond of Charles Heise for Excavating.  
L. A. Thornton and Others )

CONTRACT

This agreement, made and entered into on this 21st day of January, 1924, by and between the County Commissioners of Madison County, Ohio, and hereinafter designated as "First Party", and Charles Heise of Madison County, Ohio hereinafter designated as "Second Party".

Witnesseth, That said "Second Party," for and in consideration of the sum of Four Hundred Sixty-seven (\$467.00) 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 Thornton Ditch improvement petitioned for by L. A. Thornton and others, in accordance with plans, drawings and specifications for the same hereto attached; Section 2, \$325.00; Section 3, \$80.00; Section 4, \$62.00; 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 hinderance 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 May, 1924.

And said "First Party", for and in consideration of the true and faithful performance of

## THORNTON DITCH IMPROVEMENT

said work and labor and furnishing of said materials as aforesaid, hereby agrees to pay unto said "Second Party" said sum of Four Hundred Sixty-seven Dollars, (\$467.00) 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 Sec.6490 G.C.

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

	G. A. Street )	Commissioners of Madison County, Ohio.
Signed in duplicate in	Charles Foster )	
presence of	W. S. Robison )	"First Party".
L. B. Harvey.	Charles Heise )	Contractor, "Second Party".

## BOND

Know all men by these presents, That we, Charles Heise, August Heise and A. D. Hume, 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 ~~Five Hundred Sixty-seven~~ (\$500.00) 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 21st day of January, 1924.

The condition of the above obligation is such, that, Whereas, the above bound Charles Heise 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 Thornton Ditch improvement petitioned for by L. A. Thornton and others specified in said Contract, to the satisfaction and acceptance of the County Surveyor, on or before the 1st day of May, 1924, for the compensation of Four Hundred Sixty-seven (\$467.00) Dollars;

Second, to save the county or counties interest, harmless 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 Charles Heise 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 to be void; otherwise to remain in full force and virtue in law.

	Charles Heise
Executed in Presence of	August Heise
L. B. Harvey.	A. D. Hume

The above bond being good and sufficient is approved this 28th day of January, 1924.

G. A. Street )	Board of County Commissioners
Charles Foster )	of
W. S. Robison )	Madison County, Ohio.

THORNTON DITCH IMPROVEMENT

In the Matter of the )  
 Single County Ditch Petitioned for by ) Contract and Bond of J. E. Gill for Concrete Work.  
 L. A. Thornton and Others )

CONTRACT

This agreement, made and entered into on this 21st day of January, 1924, by and between the County Commissioners of Madison County, Ohio, and hereinafter designated as "First Party", and J. E. Gill of Mt. Sterling hereinafter designated as "Second Party".

Witnesseth, that said "Second Party", for and in consideration of the sum of Seventy Dollars, to be paid as hereinafter specified, hereby agrees to furnish unto said "First Party" all the necessary materials, and od all the work and labor required to construct the Thornton Ditch improvement petitioned for by L. A. Thornton and others, in accordance with 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 hinderance or delay to any other branch or class of work on said Thornton 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 July, 1924.

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 Seventy Dollars, (\$70.00), 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 Sec. 6490 G. C.

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

	G. A. Street )	Commissioners of
Signed in duplicate in	Charles Foster, )	Madison County, Ohio.
presence of	W. S. Robison )	"First Party"
L. B. Harvey	J. E. Gill	Contractor, "Second Party".

BOND

Know all men by these presents, That we, J. E. Gill, F. H. Thornton and C. L. Akkire 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 One Hundred Ten 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 21st day of January, 1924.

The condition of the above obligation is such, that, Whereas, the above bound J.E.Gill 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 Thornton Ditch improvement petitioned for by L. A. Thornton and others specified in said Contract, to the satisfaction and acceptance of the County Surveyor, on or before the 1st day of July, 1924, for the compensation of Seventy (\$70.00) Dollars;

Second, to save the county or counties interested, harmless from any loss caused by delay in completing the work or furnishing the material within the time and in the manner ex-

## THORNTON DITCH IMPROVEMENT

pressed 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 J. E. Gillo 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 to be void; otherwise to remain in full force and virtue in law.

Executed in Presence of

L. B. Harvey

J. E. Gill

F. H. Thornton

C. R. Alkire

The above bond being good and sufficient is approved this 28th day of January, 1924.

G. A. Street ) Board of County  
Charles Foster ) Commissioners of  
W. S. Robison ) Madison County, Ohio.

# # # #

Office of the Board of County Commissioners, Madison County, Ohio, January 28, 1924.

In the Matter of the )  
Single County Ditch Petitioned for by ) Commissioners' Order Approving Contracts and Bonds and  
L. A. Thornton and Others ) Levying Assessments.

Mr. Foster moved the adoption of the following

RESOLUTION

Whereas, This day the Board of County Commissioners being in regular session, present, Street, Foster and Robison, and the County Surveyor has filed with this Board the contracts and bonds for the work of construction and furnishing material in the above named improvement petitioned for by L. A. Thornton and others; therefore be it

Resolved, That said contracts and bonds 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 contracts and bonds in the Commissioners' Journal; and be it further

Resolved, That the County Auditor be and he is hereby directed to reduce pro rate 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 the 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 28th day of December, 1923.

THORNTON DITCH IMPROVEMENT

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

Mr. Street, "Yes"; Mr. Foster, "Yes"; Mr. Robison, "Yes";

# # # #

Resolution to issue bonds in the sum of \$900.00 and former resolution of December 28, 1923, rescinded, recorded in Commissioners' journal volume 16, page 215, under date of March 31, 1924.

# # # #

Bonds in the sum of \$900.00 sold to L. A. Thornton. Entry on Commissioners' journal volume 16, page 218, under date of March 31, 1924.

# # # #

TOTAL COST AND TAX DUPLICATE AMOUNTS

Section No.1	\$ 1075.00
Section Nos.2,3 & 4	467.00
Section No.5	70.00
Engineering, advertising, etc.	55.35
Total Cost -----	\$ 1667.35
Cash paid by Thorntons	854.86
	\$ 812.49

Face of Bonds	\$900.00 Annual
Interest on bonds	162.00
Total -----	\$1062.00

To be raised on all lands excepting the Thornton lands.

Total assessments on said lands ----- \$ 914.46

Per cent to raise each tract to make \$1062.00 -- 1.165 %

<u>NAME OF LAND OWNER</u>	<u>ACRES IN TRACT</u>	<u>DUPLICATE AMOUNT</u>
Brown William, Pleasant Twp.	48.66	\$ 20.10
Deyo James	" "	540.45 407.75
" "	" "	20.84 46.60
Oglesbee John W.	" "	7.41 2.69
Smith John W.	" "	58.33 9.38
Smith J. W.	" "	9.25 40.15
Smith John W.	" "	15.00 21.42
Zeller Jaacob J.	89.50	361.15
Madison County		156.11
Total -----		\$ 1065.35





