

A Single County Ditch Petition

London, Ohio, June 12, 1957

Petition for --Remove old tile and construct new open ditch from about six rods up stream from old headwell; remove old and construct new headwall. Remove old flume in rear of Kauffman residence and replace with approximately 150 ft. of  $4\frac{1}{2}$  ft. or 5 ft. concrete pipe. Reconstruct old open ditch from end of new concrete pipe far enough to secure good and sufficient outlet. Clearing and grubbing where deemed necessary. \*See note below

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

The undersigned hereby petition your honorable body for the --Remove old tile and construct new open ditch from about 6 rods up stream from old headwall; remove and construct new headwall. Remove old flume in rear of Kauffman residence and replace with approximately 150 ft of  $4\frac{1}{2}$  or 5 ft. concrete pipe, Reconstruct old open ditch from end of new concrete pipe far enough to secure good and sufficient outlet. Clearing and grubbing where deemed necessary. \*See note below.

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

The following is the course and termini of said proposed improvement, to-wit:  
Commencing on the lands of Henry B. Yoder et al, through said Yoder and the lands of M. H. Kauffman, Levi J. Gingerich, Eli F. Hostetler et al, crossing the Price Hilliard Road into and through Grace Price, Mary Price Rickards again crossing said road into and through John W. Price to U. S. Rte. 42 or far enough to secure good and sufficient outlet.

\*Extend one lateral with 15" tile approximately 33 rods to new headwall. Cost of same to be equally divided between Vernon Yutzy and Henry Yoder.

The following is the nature of the work petitioned for: removal of old structures and tile, construction new structures and open ditch, clearing out old open ditch, clearing and grubbing.

A list of the names and addresses, where known, of all the owners of the land which the petitioner claims will be benefitted or damaged by the construction of the proposed improvement is as follows:

O. W. Bridgman 106 $\frac{1}{2}$  S. Main St., London, Ohio  
John W. Byerly, Jr. & Myrtle, Rt. 3, London, O.  
Levi J. Gingerich et al, Rt. 2, Plain City, O.  
Eli F. Hostetler et al, Plain City, O.  
M. H. Kauffman, Rt. 2, Plain City, O.  
Robert M. & Ida N. Kauffman, Rt. 2, Plain City, O.  
Benjamin et al, Plain City, O.  
Grace Price, Plain City, O.  
James W. Price, Plain City, O.  
John W. Price, 2114 Ellington Rd. Cols., O.  
Mary Price Rickard, Plain City, O.  
Jonas M. Troyer, Plain City, O.  
Henry B. & Ester Yoder, Plain City, O.  
David E. & Mary Ann Yutzy, Plain City, O.  
Andrew Yutzy, Plain City, O.  
Vernon E. Yutzy, Plain City, O.  
Daniel Stutzman et al, Rt. 2, Plain City, O.

Service of notice of the filing of the Petition shall be obtained by personal service and publication as provided in Sec. 6447.

M. H. Kauffman  
Vernon E. Yutzy  
Levi J. Gingerich Petitioners  
Benj. J. Miller

B

BOND

(To Be Filed with Ditch Petition)

Know All Men By These Presents, That We, Vernon E. Yutzy as principal, and M. H. Kauffman and Benj. J. Miller as sureties are held and firmly bound unto the State of Ohio, in the sum of Two hundred fifty and no/100 Dollars, to the payment of which sum, well and truly to be made, we do hereby jointly and severally bind our heirs, executors and administrators.

Signed by us and dated at London, Ohio, this 12 day of June, 1957.

The Condition of the Above Obligation is Such, That, Whereas, on the 12 day of June, 1957, the above bound Vernon E. Yutzy et al filed their petition with the Auditor of Madison County, Ohio making application to the County Commissioners for the removal old tile and construct new open ditch from about 33 rods up stream from old headwall; remove old and construct new headwall. Remove old flume in rear of Kauffman residence and replace with approximately 150' of  $4\frac{1}{2}$  or 5' concrete pipe. Reconstruct old open ditch from end of new concrete pipe far enough to secure good and sufficient outlet. Clearing and grubbing where deemed necessary petitioned for by Vernon E. Yutzy et al

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

Commencing on the lands of Henry B. Yoder et al, through said Yoder and the lands of M. H. Kauffman, Levi J. Gingerich, Eli F. Hostetler et al, crossing the Price Hilliard Road into and through Grace Price, Mary Price Rickards, Again crossing said road into and through John W. Price to U. S. Rt. 42 or far enough to secure good and sufficient outlet.

Now, if the said Vernon E. Yutzy will pay the cost, 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 12 day of June, 1957  
Forrest R. Hanson, Co. Auditor.

Vernon E. Yutzy  
M. H. Kauffman  
Benj. J. Miller

## C JOURNAL ENTRY ORDER FIXING TIME OF VIEW AND FIRST HEARING

In the Matter of  
The Single County Ditch Petitioned for by  
Vernon E. Yutzy et al

Office of the Board of Co. Comm's.  
Madison County, Ohio  
June 17, 1957

Mr. Baker moved the adoption of the following

## RESOLUTION

Whereas, This 17th day of June 1957, the Board of County Commissioners of Madison County, being in special session, the members present-----, the County Auditor gave notice to us of the filing with him of a petition signed by M. H. Kauffman, Vernon E. Yutzy, Levi J. Gingerich and Benj. J. Miller, petitioners.

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 the 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 8 day of July 1957, 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. Geo. W. Taylor	Yes
Mr. Rodger B. Baker	Yes
Mr. Rodney Plymell	Yes

## D JOURNAL ENTRY POSTPONEMENT OF HEARING ON PETITION

In the Matter of  
The Single County Ditch Petitioned for by  
Vernon E. Yutzy and others

Office of the Board of County Commissioners  
Madison County, Ohio  
July 1, 1957

Mr. Baker moved the adoption of the following

## RESOLUTION

Whereas, This day the Board of County Commissioners being in Special session, present Taylor, Baker and Plymell and 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:

Members of Board unable to be present.

;therefore be it

Resolved, That said hearing be and the same is hereby postponed until the 22nd day of July, 1957, at 10:00 o'clock A. M..

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

Mr. Taylor, Yes; Mr. Baker, Yes; Mr. Plymell, Yes.

## E JOURNAL ENTRY COMMISSIONERS FINDING FOR THE IMPROVEMENT

In the Matter of  
The Single County Ditch Petitioned for by  
Vernon E. Yutzy et al

Office of the Board of County Commissioners  
Madison County, Ohio  
July 22, 1957

Mr. Baker moved the adoption of the following

## RESOLUTION

Whereas, This day the Board of County Commissioners being in special session, present Taylor, Baker and Plymell and this being the day fixed by said Board in their order dated the 17th day of June, 1957 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, After proper examination, said Board do find that due and legal notice has been given in the manner and for the length of time required by law, to all owners of land affected by said improvement; and

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; therefor be it

Resolved, By the Board of County Commissioners that we do hereby find that the said proposed improvement petitioned for is necessary and will be conducive to the public welfare; and we are reasonably certain that the cost thereof will be less than the benefits, and the prayer of the petition is hereby granted; and we do further find that the following described route and termini of the proposed improvement and of the branches, spurs and laterals thereof, and the manner of constructing the same are the best and the same are hereby adopted and prescribed by us:  
Commencing on the lands of Henry B. Yoder et al through said Yoder and the lands of M. H. Kauffman, Levi J. Gingerich, Eli F. Hostetler et al, crossing the price Hilliards Road into and through Grace Price, Mary Price Rickards, again crossing said road into and through John W. Price to

## YUTZY SINGLE COUNTY DITCH

U. S. Rte. 42 or far enough to secure good and sufficient outlet. and be it further

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

Resolved, That the 14th day of October, 1957, at 10:00 o'clock A. M., be and the same is hereby fixed as the time for filing with the County Auditor all of said maps, profiles, schedules and reports prepared by said County Engineer; and be it further

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

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

Mr. Taylor, Yes; Mr. Baker, Yes; Mr. Plymell, Yes.

County Auditor's Office,  
July 22, 1957

To the County Engineer:

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

Forrest R. Hanson, Co. Auditor.

F

## REPORT OF COUNTY ENGINEER

In the Matter of the  
Single County Ditch Petitioned for by  
Vernon E. Yutzy

County Engineer's Office,  
Madison County, Ohio  
October 10, 1957

Proceedings for Remove old tile and construct new open ditch from about 6 rods up stream from old headwall; remove old and construct new headwall. Remove old flume in rear of Kauffm an residence and replace with approximately 150' of 4½ or 5' concrete pipe ; Reconstruct old open ditch from end of new concrete pipe far enough to secure good and sufficient outlet. Clearing and grubbing where deemed necessary. Extend one lateral with 15" tile approximately 33 rods to new headwall. Cost of same to be equally divided between Vernon Yutzy and Henry Yoder.

To the Board of County Commissioners Madison County, Ohio:

The undersigned County Engineer, in obedience to the order of your Board, made on the 22 day of July, 1957, proceeded in the above matter, and visited the proposed location of said improvement and made the necessary survey for the proposed improvement, as found by the Commissioners and suitable maps showing the location of the land proposed to be assessed, and profiles showing the cutting and gradient of the improvement, and 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 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 mile, in the most practical, permanent form, and in locations where destruction or disturbance is improbable, bench marks from which the original levels of the improvement can be established. The relation of the assumed elevation used by me in my work upon this improvement, to the established elevation of ----- of the geological survey of the United States, in the County, is as follows: No U. S. C. & G. S. data 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, 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 necessary.

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:

Labor	\$3926.68	
Materials	2679.52	\$6606.20
Engineering		582.00
Inspection		200.00
Contingencies		92.28
		<u>7480.48</u>

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

Charles P. England	Deputy	12	days,	at \$13.00 per day,	\$156.00
Gideon T. Clark	"	18	" "	12.00 "	216.00
Charles Cutlip	Rodman	10	" "	11.00 "	110.00
Raymond Waples	Chainman	10	" "	10.00 "	<u>100.00</u>
					582.00

Approved Oct. 11, 1957  
Helgeh Ekedahl, Co. Eng.

G SCHEDULE OF LAND OWNERS						
Name	Survey No.	Twp.	Acres Owned	Acres Benefited	Est. Am't Assessed	
Bridgman, O. W.	7791	Canaan	148.93	60.00	102.00	
" "	"	"	189.03	163.71	425.65	
Byerly, John W. Jr, & Myrtle	"	"	49.50	49.50	84.15	
" "	"	"	9.00	9.00	15.30	
" "	"	"	29.90	19.00	32.30	
" "	"	"	45.80	10.00	17.00	
Gingerich, Levi J. & Sarah	"	"	60.00	30.00	78.00	
" "	"	"	40.00	20.00	52.00	
Hostetler, Eli F.	8540	"	60.76	60.76	157.95	
" "	7791	"	6.50	3.50	9.10	
" "	"	"	20.00	10.00	26.00	
" "	12038	"	53.50	27.50	71.50	
Kaufman, Robert M.	7791	"	35.50	6.00	10.20	
" " & Ada M.	"	"	70.00	40.00	104.00	
Kauffman, M. H.	"	"	60.00	35.00	2037.80	
" "	"	"	60.00	35.00	91.00	
" "	"	"	41.92	26.92	69.99	
Miller, Benjamin J. et al	"	"	95.04	95.04	247.10	
Price, Grace S.	"	"	75.25	60.00	156.00	
" "	12038	"	119.97	119.97	311.92	
Price, James W.	7791	"	283.04	227.04	564.30	
Price, John W.	12038	"	42.79	42.79	72.74	
" "	"	"	43.58	43.58	74.09	
" "	7075	"	3.60	3.60	6.12	
" "	"	"	148.75	138.75	235.88	
Rickard, Mary Price	12038 etc.	"	60.28	60.28	157.63	
" "	"	"	44.74	44.74	76.06	
" "	4573	"	140.00	140.00	364.00	
" "	8428	"	4.08	4.08	10.61	
" "	7075	"	1.65	1.65	2.81	
Roby, Charles G.	8540 etc.	"	204.60	124.60	323.96	
Stutzman, Daniel J. et al	7791	"	88.75	52.75	137.15	
Troyer, Jonas M. et al	12038	"	82.92	42.92	111.59	
" " "	"	"	10.08	10.08	26.21	
Yoder, Henry B. & Ester	7791	"	129.47	129.47	587.36	
" " "	"	"	10.70	10.70	27.82	
" " "	"	"	199.83	50.00	130.00	
Yutzy, Andrew et al	"	"	1.29	1.29	3.35	
Yutzy, David E.	"	"	56.50	20.00	52.00	
Yutzy, Vernon E.	"	"	99.00	40.00	318.74	
Madisob County		County Roads			100.00	
			Totals	2100.64	7480.48	

## H SPECIFICATIONS OF THE MANNER OF CONSTRUCTION

Report of Surveyor

Schedule "C"

In the Matter of the  
Single County Ditch  
Petitioned for by  
Vernon E. Yutzy

Surveyor's Office, Madison County, Ohio

Proceedings for remove old tile and construct new open ditch from about 6 rods up stream from old headwall; remove old and construct new headwall. Remove old flume in rear of Kauffman residence and replace with approximately 150 ft. of 4½ or 5' concrete pipe. Reconstruct old open ditch from end of new concrete pipe far enough to secure good and sufficient outlet. Clearing and grubbing where deemed necessary. Extend one lateral with 15" tile approximately 33 rods to new headwall. Cost of same to be equally divided between Vernon Yutzy and Henry Yoder.

1. 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.

2. The ditch and structures shall be constructed in accordance with the plat, plans, profiles and cross sections. True line and grade shall be maintained at all points and any changes shall be approved by the Engineer. A tolerance of six inches below grade will be allowed on open ditch construction; on tile, metal or concrete pipe a tolerance of one half inch above or below grade will be allowed.

3. The open ditch shall be constructed with bottom widths and side slopes as shown on the cross section. A right of way of one hundred feet on each side of the ditch shall be reserved for construction purposes and for the disposal of excavated material. The area where the excavated material is to be placed and the area within the limits of the new ditch shall be cleaned and grubbed. All trees and brush so grubbed shall be piled and burned. Excavated material shall be piled and when dry, spread not more than 18 " in depth and none shall be left nearer than 10 ft. to the edge of the ditch bank except on orders from the Engineer. Where directed by the Engineer the excavated material shall be wasted in the old ditch channel. Proper care shall be used to provide opening through the spread material to permit proper surface drainage. Any broken tile shall be removed from the ditch area by the contractor unless otherwise directed by the Engineer.

At Sta. 10 - 45 a new concrete headwall shall be constructed. Forms shall be built in a workmanlike manner to dimensions shown on plans. Concrete shall be 1-2-4 mix, carefully placed and spaded and all exposed surfaces shall be well rubbed to insure a neat finish. Steel shall be clean, free from rust and shall be well wired and braced to prevent movement. Forms and steel shall be inspected and approved by the Engineer before concrete shall be placed. The sodded area shown on plans shall be covered with good sod carefully laid and held in place with chicken wire and well pegged.

5. From Sta. 4 - 85 to 10 - 29 new 15 inch tile shall be placed. It shall be laid true to grade and line with one quarter inch joints. The ditch shall be backfilled by hand until the tile is well keyed to preserve alignment and with enough cover to protect tile from breakage. Tile shall be inspected before they are covered.

6. From Sta. 31 - 60 to 32 - 84 new 54 inch tongue and groove concrete pipe shall be placed. Correct line and grade shall be maintained and joints properly made.

7. All fences, flood gates or bridges which may interfere with the construction of the ditch shall be removed and replaced by the property owner at his own expense.

8. Any changes in location or construction of the ditch or structures, 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.

9. 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

I

JOURNAL ENTRY ORDER FIXING TIME OF FINAL HEARING ON COUNTY

ENGINEER'S REPORTS, On Estimated Assessments, On the Proceedings for the Improvements and on the Claims for Compensation and Damages.

In the Matter of the  
Single County Ditch Petitioned for by  
Vernon E. Yutzy

Office of the Board of County Commissioners  
Madison County, Ohio  
October 14, 1957

Mr. Baker Moved the adoption of the following

RESOLUTION

Whereas, This 14th day of October 14, 1957, the Board of County Commissioners of Madison County, being in special session, members present Taylor, Baker and Plymell, the County Auditor has given notice to us of the filing with him by the County Engineer of the maps, profiles, schedules, and reports in the above named improvement; in accordance with our order of the 22nd day of July, 1957; therefore, be it

Resolved, That the 4 day of Nov., 1957, at 10 o'clock A. M., be and the same is hereby fixed as the time for the final hearing on said report and schedules, on estimated assessments, on the proceedings for the improvement, and on 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. Plymell seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

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

## YUTZY SINGLE COUNTY DITCH

J FINAL ASSESSMENT SCHEDULE						
Name	Survey	Acres Owned	Acres Benefit	Estimated Assessment	Rate	Final Ass't Incl Expense
Bridgman, O. W.	7791	148.93	60.00	102.00	.01382	101.92
" "	"	189.03	163.71	425.65	.05767	425.32
Byerly, John W. Jr. et al	"	49.50	49.50	84.15	.01140	84.08
" " "	"	9.00	9.00	15.30	.00207	15.27
" " "	"	29.90	19.00	12.30	.00437	32.23
" " "	"	145.80	10.00	17.00	.00230	16.97
Gingerich, Levi J. & Sarah	"	60.00	30.00	78.00	.01056	77.88
" " "	"	40.00	20.00	52.00	.00704	51.92
Hostetler, Eli F.	8540	60.76	60.76	157.95	.02140	157.83
" "	7791	6.50	3.50	9.10	.00123	9.08
" "	"	20.00	10.00	26.00	.00352	25.96
" "	12038	53.50	27.50	71.50	.00968	71.39
Kaufman, Robert M. & Ada	7791	35.50	6.00	10.20	.00138	10.18
" " "	"	70.00	40.00	104.00	.01409	103.92
Kaufman, M. H.	"	60.00	35.00	2037.80	.27610	2036.24
" "	"	60.00	35.00	91.00	.01233	90.93
" "	"	41.92	26.92	69.99	.00948	69.91
Miller, Benjamin J. et al	"	95.04	95.04	247.10	.03348	246.91
Price, Grace S.	12038	75.25	60.00	156.00	.02113	155.83
" "	"	119.97	119.97	311.92	.04226	311.67
Price, James W.	7791	283.04	217.04	564.30	.07645	563.82
Price, John W.	12038	42.79	42.79	72.74	.00985	72.64
" "	"	43.58	43.58	74.09	.01004	74.04
" "	7075	3.60	3.60	6.12	.00083	6.12
" "	"	148.75	138.75	235.88	.03196	235.70
Rickard, Mary Price	12038 etc.	60.28	60.28	157.63	.02136	157.53
" "	"	44.74	44.74	76.06	.01030	75.96
" "	4573	140.00	140.00	364.00	.04932	363.73
" "	8428	4.08	4.08	10.61	.00143	10.54
" "	7075	1.65	1.65	2.81	.00038	2.80
Roby, Charles G.	8540 etc.	204.60	124.60	323.96	.04389	323.69
Stutzman, Daniel J. et al	7791	88.75	52.75	137.15	.01858	137.03
Troyer, Jonas M. et al	12038	82.92	42.92	111.59	.01512	111.51
" " "	"	10.08	10.08	26.21	.00355	26.18
Yoder, Henry B. & Ester	7791	129.47	129.47	587.36	.07958	586.90
" " "	"	10.70	10.70	27.82	.00377	27.80
" " "	"	199.83	50.00	130.00	.01761	129.87
Yutzy, Andrew et al	"	1.29	1.29	3.35	.00045	3.32
Yutzy, David E.	"	56.50	20.00	52.00	.00704	51.92
Yutzy, Vernon e.	"	99.00	40.00	318.74	.04318	318.45
Madison County	County Roads			100.00		100.00
				7480.48	1.00000	7474.99

The amount of your final assessment on the Yutzy Single County Ditch is set forth above. If you intend to pay in cash, settlement should be made at the County Auditor's Office in London, on or before September 30, 1959. If you wish the amount of your assessment to be collected as taxes, sign the enclosed form and return. All assessments according to Section 6131.23 that are less than \$5.00 must be paid in cash. All assessments that are collected as taxes are assessed twice each year for a period of five years with 4% interest included thereon.

Forrest R. Hanson  
Auditor, Madison County

## YUTZY SINGLE COUNTY DITCH

K Journal Entry Commissioners' Finding Affirming Former Order, Confirming the Assessments, and Ordering the Letting of the Contracts.

In the Matter of the  
Single County Ditch Petitioned  
For By Vernon E. Yutzy et al

Office of the Board of County Commissioners  
Madison County, Ohio  
Nov. 4, 1957

Mr. Baker moved the adoption of the following

## RESOLUTION

Whereas, This day the Board of County Commissioners being in special session, present Taylor, Baker and Plymell and this being the day fixed by the Board, in their order dated the 14 day of October, 1957, 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, 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 by the County Engineer; therefore be it

Resolved, That said Board review and reconsider the former order made by us dated the 14th day of October 1957, in favor of said improvement; and be it further

Resolved, That we do hereby approve the maps, profiles, schedules and reports prepared by the County Engineer, as amended in our order dated the 14th day of October 1957;

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 the 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 14th day of October 1957, be and the same is hereby affirmed; and

Whereas, Objections to the proposed assessment having been filed by  
Exception Agreement with Noah J. Hostetler that estimated assessment of \$107.72 on 61.43 acre tract under survey 8540 be removed and assigned to the Powell Ditch.

and the Board having heard said objections and all evidence offered for or against the assessment proposed to be levied against any owner or on any land, as shown by the schedule of assessments filed by the County Engineer and by 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:  
Exception-Agreement with Noah J. Hostetler that estimated assessment of \$107.72 on 61.43 acre tract under Survey 8540 be removed and assigned to the Powell Ditch.  
and be it further

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

Resolved, That \$7480.38 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 \$100.00 found to benefit 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:  
----- 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 four per centum per annum, payable semi annually (G.C. 6460) \$7480.38 of said bonds shall be sold-----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 2nd day of December 1957, at 10:00 o'clock A.M. be and the same is hereby fixed as the time for letting the contract for the construction of the proposed improvement and that the County Engineer be and the is hereby directed to let the contracts for the construction of the proposed improvement; and be it further

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

Resolved, That. whereas the estimated cost of the construction and the material required in said improvement does exceed one thousand dollars, the notice of said letting be given by posting at the front door of the county court house --and advertisement shall also be made in two successive weekly issues of a newspaper printed and in general circulation, and be it further

Resolved, That said County Engineer be and 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 Engineer to receive bids by public outcry, instead of sealed bids, such bids being taken separately for work and for material, and in accordance with the requirements of Sec. 6481 G. C.

Mr. Plymell seconded the resolution and the roll being called on its adoption, the vote resulted as follows: Mr. George W. Taylor, Yes; Mr. Rodger B. Baker, Yes; Mr. Rodney Plymell, Yes.

L JOURNAL ENTRY COMMISSIONERS ORDER AWARDING CONTRACTS

In the Matter of  
The Single County Ditch Petitioned for by  
Vernon B. Yutzy

Office of the Board of County Commissioners,  
Madison County, Ohio  
December 2, 1957

Mr. Plymell moved the adoption of the following

RESOLUTION

Whereas, This day the Board of County Commissioners being in regular session, Present Taylor, Baker and Plymell and the County Engineer 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 Vernon B. Yutzy and others; and

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

Bidder		Am't Bid	Co. Eng's. Est.
Peters & Dewbre	Material & Labor	\$6426.11	\$6606.20
E. L. Mossbarger	" "	6830.20	6606.20

therefore be it

Resolved, That contracts be and the same are hereby awarded to said Peters & Dewbre 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 Engineer be and he is hereby directed to prepare said contracts and bonds and having secured the signatures of said bidders and their sureties, present the same to this Board for approval; and be it further

Resolved, That the whole of such work shall be completed and all material furnished on or before the 1st day of December 1958, 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. Baker seconded the resolution and the roll being called on its adoption, the vote resulted as follows:

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

M BOND OF DITCH CONTRACTOR

In the Matter of the  
Single County Ditch Petitioned for by  
Vernon E. Yutzy

On Contract for Work and Labor and Materials

Know All Men By These Presents, That we Peters & Dewbre Excavating Co., as Principal, as sureties, are held and firmly bound unto the State of Ohio for the benefit of Madison County, Ohio, and for the benefit of any owner having a right of action thereon as is provided by law, in the penal sum of Sixty six hundred six and 20/100 (\$6606.20) Dollars to the payment of which sum, well and truly to be made, we do hereby do hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us, and dated this 16th day of December, 1957

The Condition of the Above Obligation is Such That, Whereas, the above bound Peters & Dewbre Excavating 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 ditch improvement petitioned for by Vernon B. Yutzy and others specified in said Contract to the satisfaction and acceptance of the County Engineer, on or before the 1st of December, 1958 for the compensation of Sixty four hundred twenty-six and 11/100 (\$6426.11) 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 Peters & Dewbre Excavating 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 shall be void; otherwise it shall be and remain in full force and virtue in law.

The Western Surety Company  
by Robert L. Chaney

Attorney-in-fact  
Peters & Dewbre Excavating Co.  
by C. O. Dewbre

The above bond being good and sufficient is approved this 16th day of December, 1957.  
George W. Taylor, Rodger B. Baker, Rodney Plymell, Board of County Commissioners, Madison County.

## YUTZY SINGLE COUNTY DITCH

N JOURNAL ENTRY COMMISSIONERS' ORDER APPROVING CONTRACTS AND BONDS AND  
LEVYING ASSESSMENTS

In the Matter of the  
Single County Ditch Petitioned for by  
Vernon E. Yutzy et al

Office of the Board of County Commissioners,  
Madison County, Ohio  
December 15, 1958

Mr. Plymell moved the adoption of the following

## RESOLUTION

Whereas, This day the Board of County Commissioners being in regular session, present George R. Taylor, Rodger B. Baker, and Rodney Plymell, and the County Engineer has filed with this Board the contract and bond-- for the work of construction and furnishing material in the above named improvement petitioned for by Vernon E. Yutzy 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 the 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 4th day of November, 1957.

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

Mr. Taylor, Yes; Mr. Baker, Yes; Mr. Plymell, Yes.

O CERTIFICATE OF COUNTY ENGINEER AS TO WORK COMPLETED

In the Matter of the  
Single County Ditch Petitioned for by  
Vernon E. Yutzy et al.

Office of County Engineer  
Madison County, Ohio  
April 15, 1959

To Peters & Dewbre, Contractor:

This is to certify that the undersigned County Engineer has accepted---per cent of the work and labor furnished and completed by you under your contract for the construction of the above named improvement petitioned for by Vernon E. Yutzy and others, and I, therefore, approve said work and labor for payment in the sum of Sixty four hundred twenty six and 11/100 (\$6426.11) Dollars, the same being the contract price for said percentage of work and labor completed and accepted.

Helgeh Ekedahl, Co. Engineer

Fifth and final est. submitted 4-13-59