

A3162

Bliss Johnson
Rain

FILED

JUL 27 1940

with mail

Chasley E. Baldock
Clerk Hamilton Circuit Court

STATE OF INDIANA)
(SS:
HAMILTON COUNTY)

OCTOBER TERM OF THE
HAMILTON CIRCUIT COURT 1939

IN THE MATTER OF THE PETITION)
OF BLISS JOHNSON, ETAL, FOR ()
A DRAIN.)

NO. A3162

The report of the viewers was favorable and was filed.

Report of R. D. Horney, County Surveyor who was appointed to supervise the construction of the above drain, would respectfully report that he has made a survey of the above drain and did proceed and definitely determine the best and cheapest method of drainage, the termini and route, Location, character of the proposed work, and fix the same by metes and bounces, courses and distance and description, including grades and bench marks, including all necessary ~~anns~~, estimated the cost thereof, divide the drain or ditch into sections of not more than one hundred feet in length, and computed and set out the number of cubic yards of excavation in each section, assessed the benefits or damages, as the case may be, to each separate tract of land in the water shed to be affected thereby, and to easements held by railway or other corporations, as well as to cities, towns, or other public or private corporations, including any land rights, easements, or water power, injuriously or beneficially affected, and do make report to court, under oath.

HISTORY.

Said Ditch was Constructed about 50 years ago by agreement The tile portion was stopped at or near the S.W. corner of the S.W. $\frac{1}{4}$ of Section 27 Township 19 North Range 4 East, Thence an open ditch along the South line of said S.W. $\frac{1}{4}$ of Section, to the S.E. corner of the W. $\frac{1}{2}$ of said $\frac{1}{4}$, Thence Southeasterly through the N.W. $\frac{1}{4}$ of Section 34 Township 19 North Range 4 East.

October, 1939. By agreement the open portion along the S. line of the W. $\frac{1}{2}$ of the S.W. $\frac{1}{4}$ of Section 27 Township 19 North Range 4 East was tiled and a head wall was constructed, also a new tile under road was constructed, Later, it was found the tile portion of the original tile ditch needed Reconstruction.

RECOMMENDATIONS OF VIEWERS AND ENGINEER.

Accept the original tile ditch as now in place, accepting tile as indicated by parties owning the land.

Begin main ditch, 266 feet west $16\frac{1}{2}$ feet North of the South East Corner of the North West $\frac{1}{4}$ of Section 28 Township 19 North Range 4 East, Thence North 477 feet, Thence East and South Easterly 1639 feet to a point 92 feet West of the South East corner of the W. $\frac{1}{2}$ of the North East $\frac{1}{4}$ of Section 28 Township 19 North Range 4 East. Thence South Easterly 3293 feet to a point 115 feet North of the South East corner of the South East $\frac{1}{4}$ of Section 28 Township 19 North Range 4 East Thence South Easterly 400 feet to the South line of the S.W. $\frac{1}{4}$ of Section 27 Township 19 North Range 4 East. Thence East along the South line 933 feet to a head wall now in place Thence South Easterly 250 feet terminating in an open Branch 50 feet South and 1000 feet West of the North East corner of the N.W. $\frac{1}{4}$ of Section 34 Township 19 North Range 4 East.

ARM #1.

Begin 665 feet West and 681 feet North of the S.E. corner of the N.W. $\frac{1}{4}$ of Section 28 Township 19 North Range 4 East. Run North Easterly to South Easterly 760 feet terminating in Main Ditch at Station 4+77.

INFORMATION AS TO SIZES OF TILE:

| | | | | |
|---------|-------|------------|-------|--------------|
| Station | 0 | To Station | 4+77 | 6 inch tile |
| Station | 4+77 | To Station | 10+45 | 8 inch tile |
| Station | 10+45 | To Station | 18+15 | 10 inch tile |
| Station | 18+15 | To Station | 42+40 | 12 inch tile |
| Station | 42+40 | To Station | 67+42 | 14 inch tile |

HEAD WALL

From Station 67+42 to 70+00 open ditch 3 feet Bottom, slopes $1\frac{1}{2}$ to 1.

ARM #1. 760 feet of 6 inch tile.

From Station 44+55 lay a new tile ditch in a new channel and higher ground to approximately station 53+93.

At or near Station 34 take up and change course of tile to approximately Station 37+50 in to higher ground on account the erosion has almost uncovered the tile.

At Station 21+00, put in a Breather or Inlet with 8" Bee Hive Inlet Casting, incased in Cement.

At Station Approximately 53+93 or West side of Road put in a Breather or Inlet with 10" Bee Hive inlet, encased in Cement.

The Ditching Contractor is now in the Vicinity and has agreed to do this work at a bery reasonable price, and we would recommend to save expenses and time to allow him to proceed with the work.

The work done in 1939 on the agreement portion was all paid except a few parties and we would recommend that the portions not paid originally be made a part of this report and placed on the records for collections, Same as regular Court assessment.

Bliss Johnson Etal. Drain

| NAMES | DESCRIPTION OF LANDS | Section | Township | Range | Acres Assessed | | Acres Benefited | | Amount Of Benefits | | Amount of Assessment | | Total Assessment | |
|-------------------------------------|------------------------|---------|----------|-------|----------------|-----|-----------------|----------------------------|--------------------|------|----------------------|------|------------------|----------------|
| | | | | | A | Hun | A | Hun | \$ | Cts. | \$ | Cts. | \$ | Cts. |
| Thomas & Gene Gifford | W. 1/2 S.E. N.W. | 28 | 19 | 4 | 20 | | | <i>TOTAL ASSEMT CREDIT</i> | | | | | | <i>BALANCE</i> |
| Do | Pt. S.W. N.W. | 28 | 19 | 4 | 11 | | | 100.13 | 51.20 | | | | | 48.93 |
| Oliver C. Perry | Pt. E. 1/2 S.E. N.W. | 28 | 19 | 4 | 13 | | | | | | | | | |
| Do | Pt. W. 1/2 W. 1/2 N.E. | 28 | 19 | 4 | 8 | | | 67.83 | 42.50 | | | | | 25.33 |
| Clara R. Johnson | Pt. W. 1/2 N.E. | 28 | 19 | 4 | 35 | | | 113.05 | 59.76 | | | | | 53.29 |
| Royl D. Horney | Pt. W. 1/2 E. 1/2 N.E. | 28 | 19 | 4 | 18 | | | 58.14 | 30.60 | | | | | 27.54 |
| Arthur C. Hershey | Pt. N. 1/2 E. 1/2 S.W. | 28 | 19 | 4 | 4 | | | 12.92 | 8.30 | | | | | 4.62 |
| Earl Booth & Wife | Pt. N.E. S.W. | 28 | 19 | 4 | 30 | | | 96.90 | 59.50 | | | | | 37.40 |
| Bliss Johnson | N.W. S.E. | 28 | 19 | 4 | 40 | | | | | | | | | |
| Do | Pt. W. N.E. S.E. | 28 | 19 | 4 | 13 | | | 171.19 | 89.84 | | | | | 81.35 |
| Grace Combs | Pt. N.E. S.E. | 28 | 19 | 4 | 25 | | | | | | | | | |
| Do | Pt. N. 1/2 S. 1/2 S.E. | 28 | 19 | 4 | 25 | | | 161.50 | 85.00 | | | | | 76.50 |
| <i>WIFE</i> Chas. G. Quinn | Pt. S. 1/2 S.E. | 28 | 19 | 4 | 31 1/2 | | | 127.59 | | | | | | |
| Do | Pt. N.E. N.E. | 33 | 19 | 4 | 7 1/2 | | | 24.22 | | | | | | 151.81 |
| | | | | | 10 | | | 103.80 | | | | | | 193.80 |
| John Owen | Pt. S.W. | 27 | 19 | 4 | 52 | | | 167.96 | 88.30 | | | | | 79.66 |
| John P. George | Pt. N. 1/2 N. 1/2 N.W. | 34 | 19 | 4 | 7 | | | 22.61 | | | | | | 22.61 |
| Hamilton Co. Benefit to Hwys. Thru. | | 28 | 19 | 4 | | | | | | | | | | |
| Do | | 35 | 19 | 4 | | | | 30.00 | | | | | | 30.00 |
| | Total Assessment | | | | | | | 1157.04 | | | | | | 639.04 |
| | | | | | | | | \$1196.03 | \$515.00 | | | | | \$681.03 |

ESTIMATE COST OF CONSTRUCTION INCLUDING?

Material, Labor, Hauling, etc., Necessary for completion of the work in accordance with the plans and Specifications.

Contract for extension of tile by agreement

| | | |
|------------------------------|----------------------------------|---------------------|
| Station _____ | to Station _____ | \$ 600.00 |
| New Reconstruction | 938 feet 14" tile | |
| Station _____ | to Station _____ | \$ 281.40 |
| | 350 feet 12" tile | |
| Station _____ | to Station _____ | \$ 70.00 |
| | Labor | |
| Station _____ | to Station _____ | \$ 95.00 |
| | | 73 01 |
| Station _____ | to Station _____ | \$ _____ |
| 1400-Cu.-Yd.-Excavation----- | 2-Bee-Hive-Intakes-Complete----- | \$ 20.00 |
| 2-Junction-Boxes----- | | \$ _____ |
| 1-Head-Well-&-Backfill----- | | \$ _____ |

Total-----\$ ~~1066.40~~
1044.41

Estimate expenses including:

| | |
|-------------------------------------|------------------------------|
| Attorneys Fees----- | \$ 25.00 |
| Recording & Releasing----- | \$ 5.00 |
| Legal Printing----- | \$ 5.00 |
| Superintendent of Construction----- | \$ 24.00 |
| Court Expenses etc.,----- | \$ 5.63 |
| Contingency Fund----- | \$ 20.00 |
| Total----- | \$ 84.63 64.63 |

We claim for services, expenses, and mileage to date for:

| | |
|---|----------|
| <u>Clay</u> Drainage Commissioner----- | \$ _____ |
| <u>Clay Kinsey</u> Viewer----- | \$ 10.00 |
| <u>Go Simpson</u> Viewer----- | \$ 10.00 |
| <u>Ed Henry</u> Engineer & Helpers----- | \$ 25.00 |
| Total----- | \$ 45.00 |

Non 7 award Contract to Camden Council Tile Co-472
Grand Total-----\$ ~~1196.03~~
1154.04

STATE OF INDIANA)
 (SS:
HAMILTON COUNTY)

We the undersigned Viewers and Engineer to whom was referred the above entitled petition for report, after being duly sworn upon oath say that we have personally examined the whole line of said proposed ditch, that the assessments herein made and report are correct, just and equitable to all parties herein as interested, that no other lands will be benefitted or injured by said proposed drain, and that the above and foregoing report is true in substance and in fact as we verily believe.

Clay Kinsey
Padman
Viewers

R D Horney
Engineer

Subscribed and sworn to before me this 27 day of July 1940

Charles J. Balloch
Clerk of Hamilton County

Authority Section 9 - Page 1174-1175
Acts of Indiana, General assembly 1933.

Date Set for Aug - 28 - 1940

71st Judicial Day, April Term, 1940.

June 21, 1940

PG 106 ✓

OB 92

ARTHUR MYERS

VS

No. A-3059

SIMPSON P. MYERS, ET AL

Comes now the defendant and files affidavit for change of venue from the county, which said affidavit is in the following words and figures, to-wit: (H.I.).

ARTHUR C. POTTER

VS

No. A-3229

ELIZABETH HEYNE

Comes now the defendant and files motion for new trial and makes request for oral argument, which said motion is in the following words and figures, to-wit: (H.I.).

IN THE MATTER OF THE PETITION
OF BLISS JOHNSON, ET AL
FOR A DRAIN

No. A-3162

Come now the petitioners and file proof of service of notice and petitioners also file waiver of notice, which said proof and waiver are in the following words and figures, to-wit (H.I.).

It now appearing to the satisfaction of the court that the County of Hamilton and Char G. Quinn and wife, Maida D. Quinn, have been duly served with notice for more than ten days; and Clara R. Johnson, John P. George and D. R. Dodd having waived notice, said petition is now examined and approved and no objection or remonstrance having been filed, the Court now orders said drain constructed as provided by Law.

The court now appoints P. O. Duncan and Clay Kinsey as viewers and said viewers are now ordered to meet at the office of the Clerk of this county and qualify on June 22nd, 1940, and proceed to view said drain and report to this court on or before July 15th, 1940, and time is given.

Roy D. Horney, County Surveyor, being an interested party, the Court appoints Harve Williams as engineer.

HELEN LOUISE PLATT, by
John Platt, her next friend

VS

No. A-3048

QUENTIN D. POWELL

Come now the parties and this cause is submitted to the Court on the plea of abatement. And the Court, having heard the evidence and being fully advised in the premises, finds for

the plaintiff and against the defendant on the plea of abatement.