

Single

Single or Joint

# COUNTY DITCH PETITION

Revised Code, Secs. 6131.04; 6133.02, .03

Benton and Carroll Townships

, Ohio,

, 2012

*Petition to* <sup>1</sup> clean or reconstruct all drainage structures or waterways necessary to alleviate flooding for areas draining into both the Dehring Ditch and Benton-Carroll Road Ditch in various sections of Benton and Carroll Townships.

To the Board of County Commissioners, \_\_\_\_\_, Ottawa \_\_\_\_\_, County, Ohio:

*The undersigned hereby petition* \_\_\_\_\_ *your honorable body to* <sup>1</sup> *initiate the process of cleaning or reconstructing all drainage structures or waterways necessary to alleviate flooding for areas draining into both the Dehring Ditch and Benton-Carroll Road Ditch in various sections of Benton and Carroll Townships.*

*On the course hereinafter set forth.*

*The construction of the improvement is necessary, will benefit the petitioner(s), and will be conducive to the public welfare.*

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

*Commencing* at a point located near the division line of the SW and NW ¼ Post of Section 25, T7N-R14E of Benton Township, thence proceeding in a northeasterly direction along the existing centerline of the Dehring Ditch before proceeding north along Benton-Carroll Road (CR#23) to the point of intersection with the Toussaint Creek located in Section 13, T7N-R14E of Benton Township, or to an adequate outlet.

This petition shall also address drainage issues in the Benton-Carroll Roadside Ditch commencing at the intersection of the Norfolk Southern Pennsylvania Lines Railroad and the Benton-Carroll Roadside Ditch, located in Section 36, T7N-R14E of Benton Township, thence proceeding northerly along the existing centerline of the Benton-Carroll Roadside Ditch until termination at the intersection with the Dehring Ditch in Section 24, T7N-R14E of Benton Township, or to an adequate outlet. Petition shall also provide consideration of all contributing channels, structures, and/or waterways that may need some form of construction/reconstruction necessary to properly drain the watershed areas being described.

*All costs of engineering, construction, and future maintenance will be assessed to the benefiting parcels of land, except under Section 6131.31 of the Revised Code.*

*The following is the nature of the work petitioned for:* Petitioners request to have whatever work done that is necessary to provide positive drainage for the above described areas. Said work shall include, but not be limited to, cleaning existing waterways, creating new waterways, cleaning or fixing existing storm sewers and cross-over pipes, or installing new storm and cross-over pipes.

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

See attached list.

*Service of notice of the filing of the Petition shall be obtained by <sup>2</sup>*

Mailing notices and publications as provided in Section 6131.07 R.C.

\* *James R. Johnson*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ } *Petitioners.*  
\_\_\_\_\_  
\_\_\_\_\_

1. Locate, clean, remove obstructions from, construct, straighten, deepen, widen, alter, box, tile, fill, etc., Sec. 6131.04, R.C.
2. Here insert "Mailing notices and publication as provided in Sec. 6131.07, R.C."

No. ....  
..... County, Ohio.

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*In the matter of the*

COUNTY DITCH No. \_\_\_\_\_  
Single or Joint

PETITIONED FOR BY

\_\_\_\_\_ *and others*

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PROCEEDINGS TO.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Single or Joint

COUNTY DITCH PETITION

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Filed ....., 20.....,  
.....  
*Clerk, of the County Commissioners*

**BOND**  
**(TO BE FILED WITH DITCH PETITION)**

Revised Code, Sec. 6131.06

KNOW ALL MEN BY THESE PRESENTS, That we,

Mr. Frederick E. Kohlman, as principal, and  
and \_\_\_\_\_

as surety \_\_\_\_\_, are held and firmly bound unto Ottawa County, Ohio, in the  
sum of Five Hundred Dollars,  
to the payment of which sum, well and truly to be made, we do hereby jointly and severally bind  
ourselves, our heirs, executors and administrators.

Signed by us and dated at Oak Harbor, Ohio, this  
22nd day of March, 2012.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That, Whereas, on the

22nd day of March, 2012, the above bound Mr. Frederick E. Kohlman

filed a petition with the Clerk of the County Commissioners of Ottawa County, Ohio, making application to the County Commissioners to <sup>2</sup> clean, remove obstructions from, reconstruct, deepen, widen, box or tile any and all drainage structures or waterways necessary to alleviate flooding for areas draining into both the Dehring Ditch and the Benton-Carroll Roadside Ditch located in various sections of Benton and Carroll Townships.

Petitioned for by Mr. Frederick E. Kohlman and others,  
The following being the course and termini of said proposed improvement, to-wit:

Commencing at a point located near the division line of the SW and NW ¼ Post of Section 25, T7N-R14E of Benton Township, thence proceeding in a northeasterly direction along the existing centerline of the Dehring Ditch before proceeding north along Benton-Carroll Road (CR#23) to the point of intersection with the Toussaint Creek located in Section 13, T7N-R14E of Benton Township, or to an adequate outlet. This petition shall also address drainage issues in the Benton-Carroll Roadside Ditch commencing at the intersection of the Norfolk Southern Pennsylvania Lines Railroad and the Benton-Carroll Roadside Ditch, located in Section 36, T7N-R14E of Benton Township, thence proceeding northerly along the existing centerline of the Benton-Carroll Roadside Ditch until termination at the intersection with the Dehring Ditch in Section 24, T7N-R14E of Benton Township, or to an adequate outlet. Petition shall also provide consideration of all contributing channels, structures, and/or waterways that may need some form of construction/reconstruction necessary to properly drain the watershed areas being described.

Now, if the said Mr. Frederick E. Kohlman will pay the cost of notices, plus any other incidental expenses, except the costs incurred by the Engineer in making his preliminary reports, if the prayer of the petition is not granted or if the petition is for any cause dismissed, unless the Board of County Commissioners decides to pay the Engineer's costs from this Bond in accordance with Section 6131.09 of the Revised Code, then this obligation shall be void, otherwise it shall be and remain in full force and virtue in law.

*Frederick E. Kohlman*

The above bond is approved this \_\_\_\_\_

22nd day of March, 2012

1. Five hundred dollars, plus the sum of two dollars for each parcel of land in excess of two hundred parcels averred in the petition to be benefited.  
2. Locate, clean, remove obstructions from, construct, reconstruct, straighten, deepen, wide, alter, box, tile, fill, etc., for proper phraseology see Sec. 6331.04 R.C.

No. ....

..... County, Ohio.

*In the matter of the*

COUNTY DITCH No. \_\_\_\_\_

Single or Joint

PETITIONED FOR BY

*and others*

PROCEEDINGS TO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**BOND**  
**(To Be Filled with Petition)**

Filed ..... 20.....

.....  
*Clerk, of the County Commissioners*