

IN THE COURT OF COMMON PLEAS OF DEFIANCE COUNTY, OHIO

In re Proposed Ayersville  
Water and Sewer District  
FILED  
IN COURT OF COMMON PLEAS  
DEFIANCE COUNTY, OHIO  
3:30 P.M.  
APR 11 1966

Case No. 19714  
PETITION

Your petitioner, *John Kernmont* CLERK, the Township of Highland in Defiance County, Ohio, having been authorized by its legislative authority to file this petition, respectfully represents to the court that the proposed name of a water and sewer district desired to be organized is "Ayersville Water and Sewer District," the principal office of which is to be located at Ayersville, RFD 6, Defiance, Ohio, and that the necessity for the proposed district is to provide a dependable source of good water for the people in the vicinity of Ayersville and to provide adequate storm and sanitary drainage facilities; that it will be conducive to the public health, safety, convenience or welfare to organize such district, the purposes of which are as follows:

To construct a water distribution system of pipes and to secure a supply of water, either by purchasing the same from the City of Defiance, the drilling of wells, or by some other means, and to construct an adequate storm and sanitary drainage system.

That the following territory is proposed to be included in such district:

All of the lands in the vicinity of Ayersville which have been plotted for residential purposes and all the lands along the Defiance-Ayersville Road as far west as Shindler Road, all as will more accurately appear on the map which is attached to this petition and made a part hereof.

That the governing board, or board of trustees, of such district shall consist of five members, whose terms shall be four years on a totating or staggered basis and who shall serve without compensation until the final plan for the operation of the district has been approved, at which time the terms of compensation shall be fixed, and who shall be appointed by the board of trustees of Highland Township.

The plan for financing the cost of the operations of the district until it is in receipt of revenue is as follows:

The district will accept donations from the public and will also make application to the Board of County Commissioners for an advancement of funds as permitted by Revised Code Section 6119.04.

WHEREFORE, your petitioner prays for the organization of such regional water and sewer district by the name stated above after the preliminary hearing.

Board of Trustees of Highland Township

By Albert Schell President

And Kenneth B. J. Tangas Clerk

STATE OF OHIO     )  
                          ) SS:  
DEFIANCE COUNTY )

Albert Schall, being duly sworn, says that he is the duly authorized chairman of the Board of Trustees of Highland Township, that the facts alleged in the foregoing petition are within his personal knowledge, that affiant has read the foregoing petition and the averments therein contained are true as he verily believes.

Albert Schall  
Albert Schall

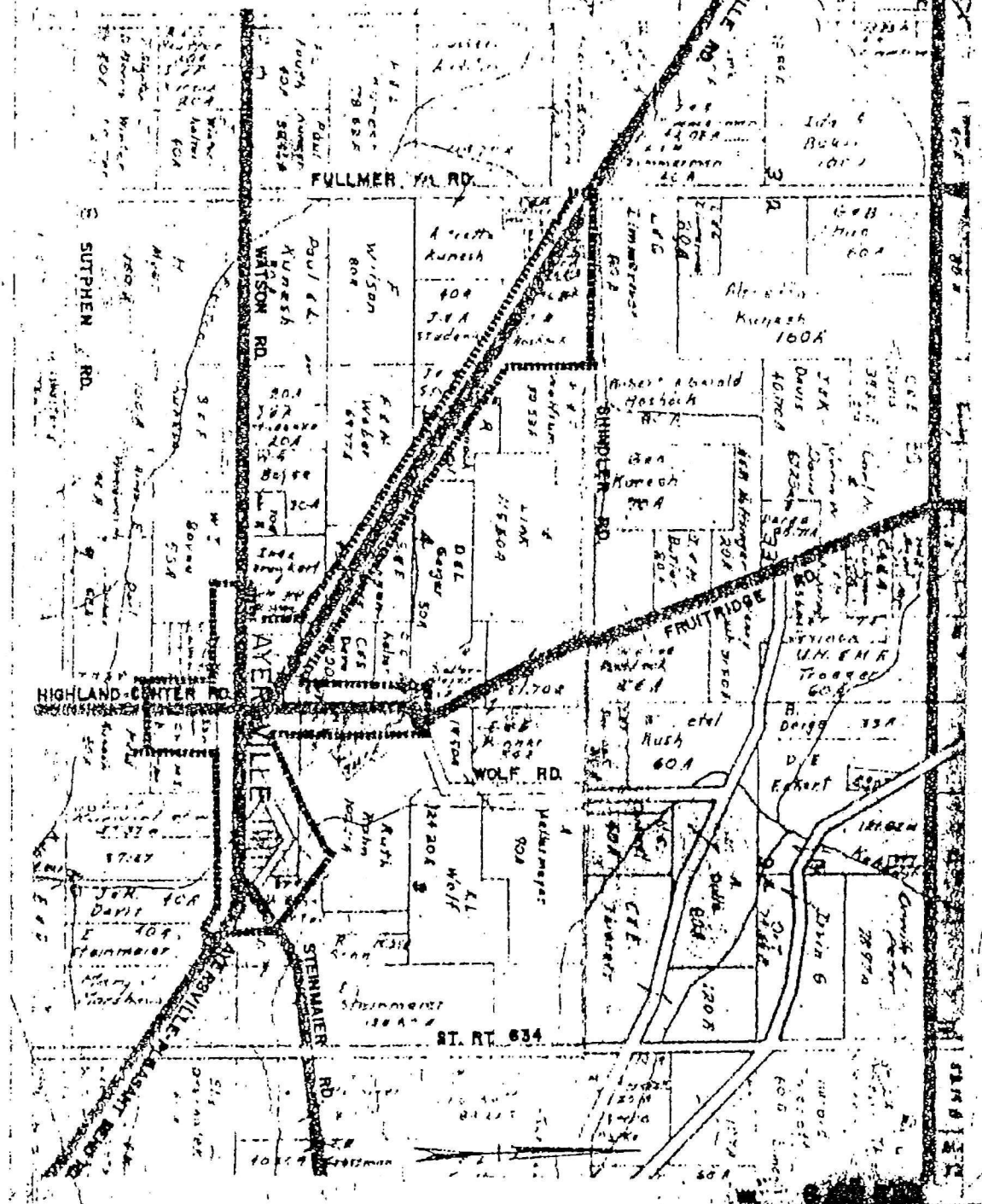
Sworn to before me and subscribed in my presence this  
24<sup>th</sup> day of March, 1966.

Paul C. Hutchinson  
Notary Public



DEFENDANT'S  
EXHIBIT  
7

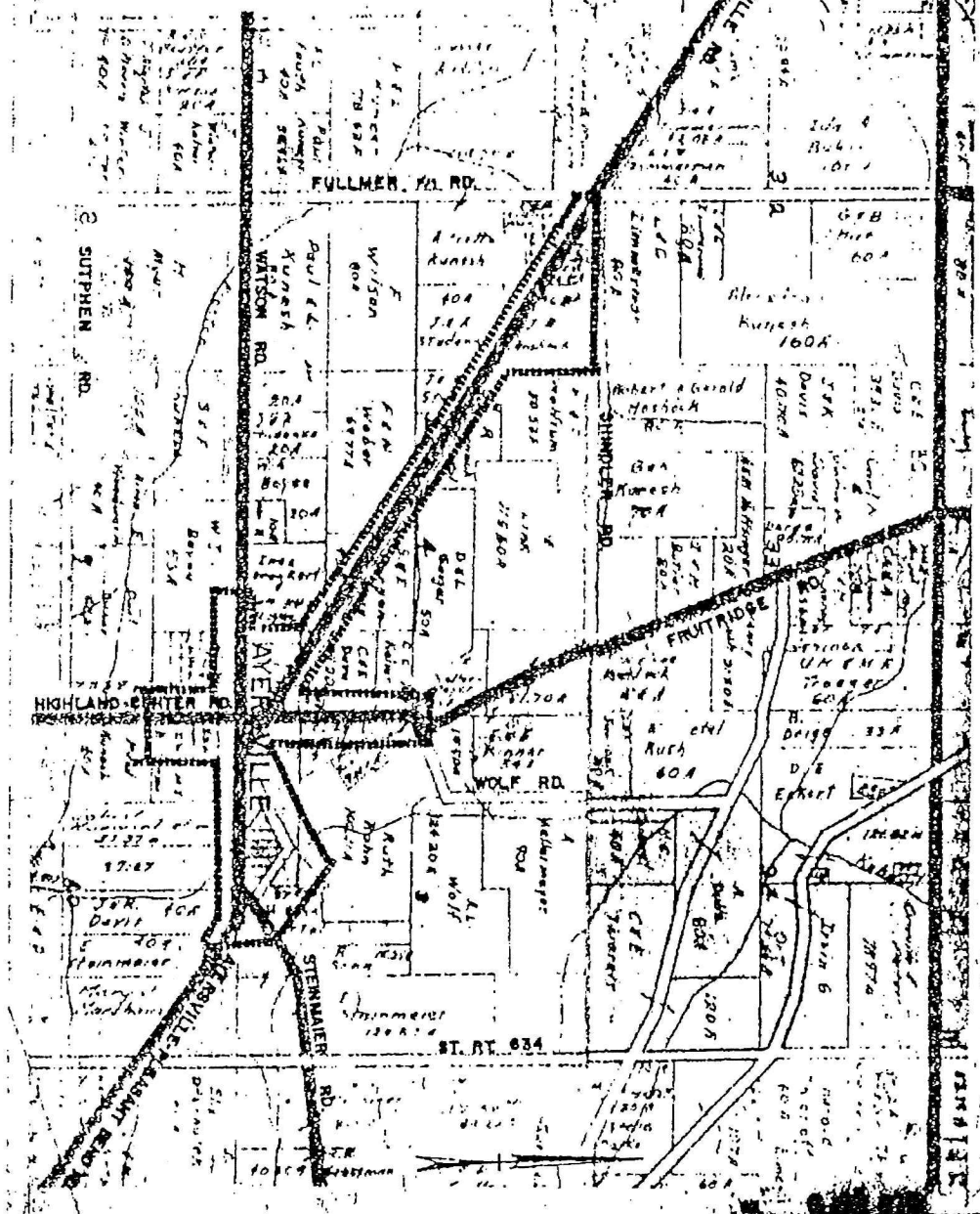
District Boundary =====



PROPOSED  
AYERSVILLE  
WATER & SEWER DISTRICT

DEFENDANT'S  
EXHIBIT

District Boundary



IN THE COURT OF COMMON PLEAS OF DEFIANCE COUNTY, OHIO

In re Proposed Ayersville  
Water and Sewer District

FILED  
COURT OF COMMON PLEAS  
DEFIANCE COUNTY, OHIO  
APR 11 1966

Case No. 19714

JOURNAL ENTRY  
- JUNE 62 205

This cause came on to be heard on the petition filed herein and on the oral motion of the plaintiff for an examination of the petition as required by Revised Code Section 6119.02, and the court having examined the petition, does determine that such petition complies with the requirements of Revised Code Section 6119.02 as to form and content and that the petition has been properly filed and the proceedings are substantially regular and according to law.

The FIRST day of JUNE, 1966, at 10:00 A.M.  
is fixed by the court for a preliminary hearing thereon.

Dan Batt  
Judge

Approved:

Reeder C. Hutchinson  
of WEANER, HUTCHINSON & ZIMMERMAN  
Attorney for Petitioners

Reeder C. Hutchinson

LEGAL NOTICE

A petition has been filed by the Board of Trustees of Highland Township in Defiance County, Ohio, in the Court of Common Pleas of Defiance County, Ohio, praying for the organization of a water and sewer district to be known as the Ayersville Water and Sewer District.

This petition will be for hearing before the court on the FIRST day of JUNE, 1966, at 10:00 o'clock A.M.

Any person or any political subdivision residing or lying within an area affected by the organization of the district on or before the date set for the cause to be heard may file its objection to the granting of the requests made in the prayer of the petition.

Joan Warnimont, Clerk of Courts  
of Common Pleas of Defiance  
County, Ohio

Weaner, Hutchinson & Zimmerman  
Attorneys for Petitioner

FILED  
IN COURT OF COMMON PLEAS  
DEFIANCE COUNTY, OHIO

APR 11 1966

Joan Warnimont  
CLERK

IN THE COURT OF COMMON PLEAS OF DEFIANCE COUNTY, OHIO

In re Proposed Ayersville

Water and Sewer District

Case No.

19714

PRAECIPE

FILED  
IN COURT OF COMMON PLEAS  
DEFIANCE COUNTY, OHIO

APR 11 1966

*Jan K. Kinnmont*  
CLERK

TO THE CLERK:

Please publish a notice of the hearing on the petition  
as fixed by the court for four consecutive weeks in a  
newspaper of general circulation in Defiance County.

*Reeder C. Hutchinson*  
Reeder C. Hutchinson  
of WEANER, HUTCHINSON & ZIMMERMAN  
Attorney for Petitioners



**LEGAL NOTICE**  
 A petition has been filed by the Board of Trustees of Highland Township in Defiance County, Ohio, in the Court of Common Pleas of Defiance County, Ohio, praying for the organization of a water and sewer district to be known as the Ayersville Water and Sewer District. This petition will be for hearing before the court on the first day of June, 1966, at 10:00 o'clock A.M.  
 Any person or any political subdivision residing or lying within an area affected by the organization of the district on or before the date set for the cause to be heard may file its objection to the granting of the request made in the prayer of the petition.  
 Warner, Hutchinson & Zimmerman  
 Attorneys for Petitioner  
 Joan Warnimont,  
 Clerk of Court of  
 Common Pleas of  
 Defiance County, Ohio  
 245-4 P.O.

THE STATE OF OHIO, }  
 DEFIANCE COUNTY, }

----- Pauline W. Warner makes oath that she is one of the Printers and Publishers of the DEFIANCE CRESCENT-NEWS, a newspaper printed in said county and of general circulation therein; that the notice of which the annexed is a true copy, was published in said newspaper on -----

----- April 15, 22, 29, May 6, 1966 -----  
 ----- Pauline W. Warner -----

Sworn to before me and subscribed in my presence,  
 this 11 day of May, 1966 A. D., 1966

----- Virginia P. Ort -----  
 Notary Public

VIRGINIA P. ORT, Notary Public  
 Defiance County, Ohio

My Commission Expires November 23, 1970

Total Legal Publication Charge \$ 13.75



FILED  
 IN COURT OF COMMON PLEAS  
 DEFIANCE COUNTY, OHIO

MAY 16 1966

Joan Warnimont  
 CLERK

EVOL 6 PAGE 874

AS1536

IN THE COURT OF COMMON PLEAS OF DEFIANCE COUNTY, OHIO

In re Proposed Ayersville  
Water and Sewer District, Case No. 19714  
JOURNAL ENTRY ORGANIZING  
AYERSVILLE WATER AND  
SEWER DISTRICT  
JUN 7 1966  
JOAN WARNIMON  
CLERK OF COURTS

This cause came on to be heard on the petition of the Township Trustees of Highland Township, Defiance County, Ohio, to establish a water and sewer district known as the Ayersville Water and Sewer District, the proof of publication of the notice of such hearing and the evidence. No objections have been filed with the court and no objectors appeared at the time fixed for hearing.

Upon due consideration of the evidence, the court finds that the establishment of such district will be conducive to the public health, safety, convenience and welfare and that its establishment is a necessity to provide a dependable source of good water for the people in the vicinity of Ayersville and to provide adequate storm and sanitary drainage facilities and that the district should be established and that the territory of the district shall be that designated on the map attached to the petition.

The court further approves the plan of organization as described in the petition.

It is therefore Ordered, Adjudged, Decreed and Declared  
that the district prayed for is organized and shall be known  
as the Ayersville Water and Sewer District.

Dan Batt  
Judge

Approved:

Randy C. Hutchinson  
Attorney for Petitioners

C E R T I F I C A T E

I, Robert Hoshock, Secretary of the Board of Trustees of the Ayersville Water and Sewer District, do certify that the following resolution was adopted at a regular meeting of the Board held on December 7, 1967:

WHEREAS, certain errors were made in the preparation of the original map of the District and that these errors do not conform with the understanding of the Board and all parties as to the property to be included in the District, and

WHEREAS, it is the desire of the Board to correct such map.

NOW, THEREFORE, be it resolved that the map of the District be corrected as follows: Eliminate from the District that part of the land of J. B. Hoshock lying in the Northeast Quarter of the Northeast Quarter of Section 5, Highland Township, lying more than 300 feet northeasterly of the centerline of the Ayersville Road.

Eliminate from the District the North half of the 30-acre tract owned by Andrew Zimmerman and others located in the Northeast Quarter of the Northwest Quarter of Section 5, Highland Township.

After discussion and upon vote being taken, the motion carried.

Robert S. Hoshock  
Secretary

FILED  
IN COURT OF COMMON PLEAS  
DEFIANCE COUNTY, OHIO  
DEC 13 1967  
James Wainwright  
CLERK