

**COMMISSIONERS JOURNAL NO. 74 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD APRIL 5, 2021**

THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN REGULAR SESSION ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:

Present:
Gary Merrell, President
Barb Lewis, Vice President
Jeff Benton, Commissioner

10:00 A.M. Public Hearing To Consider Changing The Name Of Eagle’s Landing Drive, Only East Of Liberty Grand Boulevard, A Township Road In The Unincorporated Area Of Liberty Township, Delaware County, Ohio:

1
RESOLUTION NO. 21-267

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD APRIL 1, 2021:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following:

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the “Board”) met in regular session on April 1, 2021; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous meeting.

Vote on Motion Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Aye

2
RESOLUTION NO. 21-268

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0402 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0402:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0402, memo transfers in batch numbers MTAPR0402 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Description	Line Account	Amount
R2102703	OFFICE CITY EXPRESS INC	EMA FURNITURE CUBICLE	40111402 - 5201	\$11,777.17
R2102703	OFFICE CITY EXPRESS INC	EMA FURNITURE CUBICLE	40111402 - 5328	\$1,951.22
R2102704	SILVERBACK SAFETY & TRAINING SOLUTIONS INC	RESCUE TASK FORCE TRAINING	10011303 - 5305	\$50,000.00

Vote on Motion Mr. Merrell Aye Mrs. Lewis Aye Mr. Benton Aye

3
RESOLUTION NO. 21-269

IN THE MATTER OF APPROVING ADDENDUM #6 TO THE LEASE AGREEMENT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND THE OHIO DEPARTMENT OF PUBLIC SAFETY OHIO BUREAU OF MOTOR VEHICLES FOR THE FRANK B. WILLIS BUILDING DELAWARE LICENSE AGENCY:

It was moved by Mrs. Lewis, seconded by Mr. Benton to approve the following:

WHEREAS, the Director of Facilities recommends approving Addendum #6 to the lease agreement between the Delaware County Board of Commissioners and the Ohio Department of Public Safety Ohio Bureau of Motor Vehicles for the Frank B. Willis Building Delaware License Agency;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the following Addendum #6 to the lease agreement between the Delaware County Commissioners and the Ohio Department of Public Safety Ohio Bureau of Motor Vehicles for the Frank B. Willis Building Delaware

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License Agency:

ADDENDUM NO. 6 TO LEASE

It is hereby mutually agreed by and between
Delaware County Commissioners

as Lessor, and
Ohio Department of Public Safety

as Lessee, that effective July 1, 2021 a certain lease entered into as of August 1, 2008, covering 1,479 square feet of office space and described as:

Ohio Bureau of Motor Vehicles
Delaware License Agency
2081 U.S. Highway 23 North
Delaware, Ohio 43015

be amended as follows:

Article II:

Add: The lease will extend for an additional term beginning July 1, 2021 through June 30, 2023.

Add: The annual rental rate will increase to \$19,816.60 per year or \$1,651.55 a month, during the next renewal period.

All other terms and conditions of the lease will remain the same.

Vote on Motion Mrs. Lewis Aye Mr. Benton Aye Mr. Merrell Aye

4
RESOLUTION NO. 21-270

IN THE MATTER OF APPROVING ADDENDUM #7 TO THE LEASE AGREEMENT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND THE OHIO DEPARTMENT OF PUBLIC SAFETY OHIO BUREAU OF MOTOR VEHICLES FOR THE FRANK B. WILLIS BUILDING DELAWARE DRIVE EXAM STATION:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following:

WHEREAS, the Director of Facilities recommends approving Addendum #7 to the lease agreement between the Delaware County Board of Commissioners and the Ohio Department of Public Safety Ohio Bureau of Motor Vehicles for the Frank B. Willis Building Delaware Drive Exam Station;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the following Addendum #7 to the lease agreement between the Delaware County Commissioners and the Ohio Department of Public Safety Ohio Bureau of Motor Vehicles for the Frank B. Willis Building Delaware Drive Exam Station:

ADDENDUM NO. 7 TO LEASE

It is hereby mutually agreed by and between
Delaware County Commissioners

as Lessor, and
Ohio Department of Public Safety

as Lessee, that effective July 1, 2021 a certain lease entered into as of August 1, 2008, covering 1,387 square feet of office space and described as:

Ohio Bureau of Motor Vehicles
Delaware Drive Exam Station
Frank B. Willis Building/2081 U.S. Highway 23 North
Delaware, Ohio 43015

be amended as follows:

Article II:

Add: The lease will extend for an additional term beginning July 1, 2021 through June 30, 2023.

Add: The annual rental rate will increase at \$18,858.80, or rent \$4,714.70 per quarter, during the next renewal period.

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All other terms and conditions of the lease will remain the same.

Vote on Motion Mr. Benton Aye Mrs. Lewis Aye Mr. Merrell Aye

**5
RESOLUTION NO. 21-271**

IN THE MATTER OF RE-APPOINTING MEMBERS TO THE EVANS FARM NEW COMMUNITY AUTHORITY BOARD OF TRUSTEES:

It was moved by Mrs. Lewis, seconded by Mr. Benton to approve the following:

WHEREAS, on June 15, 2017, the Delaware County Board of Commissioners (the “Board of Commissioners”) adopted Resolution No. 17-623, establishing the Evans Farm New Community Authority, pursuant to Chapter 349 of the Revised Code; and

WHEREAS, as the organizational board of commissioners, the Board of Commissioners shall make appointments to the Evans Farm New Community Authority Board of Trustees, pursuant to Resolution No. 17-623 and section 349.04 of the Revised Code;

WHEREAS, the terms for two seats will expire June 14, 2021, and the two members occupying those seats wish to be re-appointed; and

WHEREAS, on June 20, 2013, the Board of Commissioners adopted Resolution No. 13-645, adopting a policy for the appointment of members to boards and commissions (the “Policy”), which requires posting of all available positions for at least fourteen (14) days and permits the Board of Commissioners to conduct interviews of any applicants; and

WHEREAS, the Board of Commissioners desires to approve an exception to the Policy in order to re-appoint current members of the board of trustees of the Evans Farm New Community Authority;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, State of Ohio:

Section 1. The Board hereby approves an exception to the Policy for the appointments made herein by choosing to waive the requirement for posting the position and to proceed directly to appointment.

Section 2. The Board of Commissioners hereby approves the re-appointments of the following members to the Evans Farm New Community Authority of Trustees for the terms specified herein:

Position	Appointee	Term Ends
Local Government Representative	Robert Riley	June 14, 2023
Citizen Member	John Kirksey	June 14, 2023

Section 3. The re-appointments approved in this Resolution shall take effect on June 15, 2021.

Section 4. The Clerk of the Board of Commissioners is hereby directed to certify a copy of this Resolution to Evans Farm Land Development Company, LLC, as the statutory developer for the Evans Farm New Community Authority.

Vote on Motion Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Aye

**6
RESOLUTION NO. 21-272**

IN THE MATTER OF APPROVING PRELIMINARY PARTICIPATORY LEGISLATION FOR COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS AT U.S. ROUTE 36/STATE ROUTE 37 AND GALENA ROAD:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following:

PRELIMINARY PARTICIPATORY LEGISLATION

Rev. 6/26/00
Resolution Number _____
PID Number 104502
DEL US36 18.79 (at Galena)

The following is a Resolution enacted by the Board of Commissioners, Delaware County, Ohio, hereinafter referred to as the “County”, a Local Public Agency in Ohio, in the matter of the stated described project.

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WHEREAS, the County Engineer and the Director of Transportation of the State of Ohio have identified the need to widen and install turn lanes and a traffic signal at the intersection of U.S. 36/S.R. 37 and North and South Galena Road (County Road 34) hereinafter referred to as the Project;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, Ohio that:

SECTION 1 – Consent Statement

Being in the public interest, the County gives consent to the Director of Transportation to complete the above described project.

SECTION 2 – Cooperation Statement

The County shall cooperate with the Director of Transportation in the above described project as follows:

The County hereby agrees to cooperate with the Director of Transportation of the State of Ohio in the planning, design and construction of the identified highway improvement Project and grants consent to the Ohio Department of Transportation (ODOT) for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director;

PRELIMINARY ENGINEERING:

ODOT shall assume and bear one hundred percent of the necessary costs of preliminary engineering for the highway improvement project.

RIGHT OF WAY ACQUISITION AND UTILITY RELOCATION:

ODOT shall assume and bear one hundred percent (100%) of the necessary costs of acquisition of necessary right of way and utility relocation for the widening and improvement of U.S. 36/S.R. 37.

The County agrees to pay for one hundred percent (100%) of the necessary costs associated with the acquisition of right of way and relocation of affected utilities for the widening and improvement of Galena Road, estimated to be **Six Hundred Fifty Thousand Dollars (\$650,000.00)**, which sum shall be deposited with the Ohio Department of Transportation within 30 days of approval of this Legislation.

CONSTRUCTION:

ODOT shall assume and bear one hundred percent (100%) of the necessary costs of constructing the portion of the Project which includes widening and improvement of U.S. 36/S.R. 37.

The County agrees to pay for one hundred percent (100%) of the necessary costs associated with the construction of the widening and improvement of Galena Road, estimated to be **One Million Dollars (\$1,000,000.00)**, which shall be deposited with ODOT within 30 days of being requested, but no sooner than January 1, 2022, subject to appropriation and availability of funds.

The County further agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the County which are not necessary for the improvement as determined by the State and Federal Highway Administration.

ODOT shall return any unused funds to the County as soon as practicable upon completion of the Project.

SECTION 3 – Utilities and Right-of-Way Statement

The County agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The County also understands that right-of-way costs include eligible utility costs.

The County agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 4 – Maintenance

Upon completion of the project, and unless otherwise agreed, the County shall, within its jurisdiction: (1) provide adequate maintenance for the project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial resources, as necessary, for the maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions, and (4) hold said right-of-way inviolate for public highway purposes

Vote on Motion Mr. Merrell Aye Mrs. Lewis Aye Mr. Benton Aye

7
RESOLUTION NO. 21-273

IN THE MATTER OF ALLOWING ACCESS TO LOT 3409 OF SELDOM SEEN ACRES:

It was moved by Mrs. Lewis, seconded by Mr. Benton to approve the following:

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WHEREAS, certain roadway infrastructure, including Sawmill Parkway south of Seldom Seen Road, was paid for and constructed by the developer of Seldom Seen Acres, as recorded on September 15, 1999 in Plat Cabinet 2, Slides 245, 245A and 245B (the "Plat"); and

WHEREAS, the Plat specifies locations along the lot frontage where vehicular access is prohibited; and

WHEREAS, a commercial development is being proposed for Lot 3409, which includes a right in/right out driveway access on Sawmill Parkway and a full driveway access on Seldom Seen Road; and

WHEREAS, the Delaware County Engineer's Office concurs with the proposed driveway accesses;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, State of Ohio, that:

Section 1. The Board hereby approves the proposed site access at the locations specified in the approved Private Site Improvement Plan for Seldom Seen - Sheetz, on file at the Office of the County Engineer, which includes an exception to the vehicular access prohibition on Sawmill Parkway as stated on the Plat.

Section 2. The Clerk of the Board is hereby directed to provide a copy of this Resolution to the Delaware County Engineer and the Delaware County Recorder, with a request that the County Recorder make a marginal notation on the Plat to reflect the approval in Section 1 hereof.

Vote on Motion Mr. Benton Aye Mr. Merrell Aye Mrs. Lewis Aye

8
RESOLUTION NO. 21-274

IN THE MATTER OF APPROVING AMENDMENT NO. 1 TO THE RIGHT OF WAY ACQUISITION SERVICES AGREEMENT WITH O.R. COLAN ASSOCIATES, LLC

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following Amendment No. 1 to the Right of Way Acquisition Services Agreement with O.R. Colan Associates, LLC approved under Resolution No. 21-154:

AMENDMENT NO. 1
RIGHT OF WAY ACQUISITION SERVICES AGREEMENT
E. POWELL ROAD AND LYRA DRIVE

This Amendment No. 1 to the Agreement dated March 1, 2021, is made and entered into this 5th day of April 2021, by and between the Delaware County Board of Commissioners, Delaware County, Ohio, 91 North Sandusky Street, Delaware, Ohio 43015 ("County"), and O. R. Colan Associates, LLC, 255 Taylor Station Road, Suite 100, Columbus, Ohio 43213 ("Consultant") (hereinafter collectively referred to as the "Parties").

ARTICLE 1 – AMENDMENT

Pursuant to Section 3.1 of the Prime Agreement, the Parties mutually agree to amend the Prime Agreement as follows:

- A. Section 4.3 of the Prime Agreement shall be modified to increase the maximum total compensation to Fifty Eight Thousand Eight Hundred Fifty dollars and Zero cents. (\$58,850.00).

ARTICLE 2 – REMAINING PROVISIONS

All other terms and conditions of the Prime Agreement not specifically amended herein shall remain in full force and effect.

Vote on Motion Mrs. Lewis Aye Mr. Benton Aye Mr. Merrell Aye

9
RESOLUTION NO. 21-275

IN THE MATTER OF AWARDING THE BIDS FOR ASPHALT MATERIALS TO BE USED BY THE COUNTY ENGINEER DURING 2021:

It was moved by Mrs. Lewis, seconded by Mr. Benton to approve the following:

Bid Award Recommendations; Bids Opened March 23, 2021:

WHEREAS, as the result of the referenced bid opening, the Engineer recommends that the Board of Commissioners award bids as set forth herein;

NOW, THEREFORE, BE IT RESOLVED that the following non-exclusive bid awards are hereby approved by the Board of Delaware County Commissioners:

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MC 30 as per ODOT Spec 702.02, FOB Plant:

The Engineer recommends that a non-exclusive bid award be made to Asphalt Materials, Inc. and Phillips Oil Company.

MC 30 as per ODOT Spec 702.02, FOB Jobsite:

The Engineer recommends that a non-exclusive bid award be made to Asphalt Materials, Inc. and Phillips Oil Company.

RS-2 as per ODOT Spec 702.04, FOB Plant:

The Engineer recommends that a non-exclusive bid award be made to Asphalt Materials, Inc. and Phillips Oil Company.

RS-2 as per ODOT Spec 702.04, FOB Jobsite:

The Engineer recommends that a non-exclusive bid award be made to Asphalt Materials, Inc. and Phillips Oil Company.

RS-2P, Per ODOT Spec 702.04, FOB Plant:

The Engineer recommends that a non-exclusive bid award be made to Asphalt Materials, Inc. and Phillips Oil Company.

RS-2P, Per ODOT Spec 702.04, FOB Jobsite:

The Engineer recommends that a non-exclusive bid award be made to Asphalt Materials, Inc. and Phillips Oil Company.

CRS-2 Per ODOT Spec 702.04, FOB Plant:

The Engineer recommends that a non-exclusive bid award be made to Asphalt Materials, Inc.

CRS-2 Per ODOT Spec 702.04, FOB Jobsite:

The Engineer recommends that a non-exclusive bid award be made to Asphalt Materials, Inc.

CRS-2P Per ODOT Spec 702.04, FOB Plant:

The Engineer recommends that a non-exclusive bid award be made to Asphalt Materials, Inc.

CRS-2P Per ODOT Spec 702.04, FOB Jobsite:

The Engineer recommends a non-exclusive bid award be made to Asphalt Materials, Inc.

SS-1 as per ODOT Spec 702.04, FOB Plant:

The Engineer recommends that a non-exclusive bid award be made to Phillips Oil Company.

SS-1 Per ODOT Spec 702.04, FOB Jobsite:

The Engineer recommends that a non-exclusive bid award be made to Phillips Oil Company.

SS-1H Per ODOT Spec 702.04, FOB Plant:

The Engineer recommends that a non-exclusive bid award be made to Asphalt Materials, Inc. and Phillips Oil Company.

SS-1H as per ODOT Spec 702.04, FOB Jobsite:

The Engineer recommends that a non-exclusive bid award be made to Asphalt Materials, Inc. and Phillips Oil Company.

Number 301 Asphalt Concrete Base Per ODOT Spec 301.02, FOB Plant:

The Engineer recommends that a non-exclusive bid award be made to Mid-Ohio Paving, Inc.; Decker Construction Company; Shelly and Sands, Inc.; and The Shelly Company.

Number 302 Asphalt Concrete Base Per ODOT Spec 302.02, FOB Plant:

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The Engineer recommends that a non-exclusive bid award be made to Mid-Ohio Paving, Inc.; Decker Construction Company; Shelly and Sands, Inc.; and The Shelly Company.

Surface, Type 1 (Item 441), FOB Plant:

The Engineer recommends that a non-exclusive bid award be made to Mid-Ohio Paving, Inc.; Decker Construction Company; Shelly and Sands, Inc.; and The Shelly Company.

Intermediate, Type 1 (Item 441) FOB Plant:

The Engineer recommends that a non-exclusive bid award be made to Mid-Ohio Paving, Inc.; Decker Construction Company; Shelly and Sands, Inc.; and The Shelly Company.

Intermediate, Type 2 (Item 441), FOB Plant:

The Engineer recommends that a non-exclusive bid award be made to Mid-Ohio Paving, Inc.; Decker Construction Company; Shelly and Sands, Inc.; and The Shelly Company.

Vote on Motion Mr. Benton Aye Mrs. Lewis Aye Mr. Merrell Aye

10

RESOLUTION NO. 21-276

IN THE MATTER OF APPROVING RIGHT-OF-WAY WORK PERMIT SUMMARY SHEET:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following work permits:

WHEREAS, the below requests to perform work within the right-of-way have been reviewed and approved by the Delaware County Engineer;

NOW, THEREFORE, BE IT RESOLVED that the following permits are hereby approved by the Board of Delaware County Commissioners:

Permit #	Applicant	Location	Type of Work
UT21-0068	Columbia Gas	Worthington Road	Install gas main
UT21-0076	Sigma Technologies/AEP	Coover Road	Replace poles
UT21-0077	Del-Co Water	County Line Road	Install waterline
UT21-0078	Del-Co Water	Mink Street Road	Road Bore & Install waterline
UT21-0079	Del-Co Water	River Road	Road Bore & Install waterline
UT21-0080	Spectrum	Trenton Road	Place cable in ROW
UT21-0081	Team Fishel	E. Orange Road	Road Bore
UT21-0082	AEP	Coover Road	Install new pole
UT21-0083	MCI/Team Fishel	Meadow Park Ave.	Install conduit & fiber

Vote on Motion Mr. Merrell Aye Mr. Benton Aye Mrs. Lewis Aye

11

RESOLUTION NO. 21-277

IN THE MATER OF APPROVING AN OWNER’S AGREEMENT FOR EVANS FARM SECTION 3:

It was moved by Mrs. Lewis, seconded by Mr. Benton to approve the following:

WHEREAS, the Engineer recommends approving the Owner’s Agreement for Evans Farm Section 3;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Owner’s Agreements for Evans Farm Section 3 as follows:

**OWNER’S AGREEMENT
PROJECT NUMBER: 21035**

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THIS AGREEMENT, executed on this 5th day of April 2021 between **RESERVE AT EVANS FARM**, hereinafter called ‘**OWNER**’ and the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY OHIO (COUNTY COMMISSIONERS)**, for the project described as **Evans Farm Section 3**, further identified as Project Number 21035 is governed by the following considerations to wit:

Said **OWNER** is to construct, install or otherwise make all public improvements shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications, all of which are a part of this **AGREEMENT**.

OPTIONS:

1. Should **OWNER** elect to record the plat prior to beginning construction, **OWNER** shall execute bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction as shown in **Exhibit “A”** attached hereto.
2. Should **OWNER** elect to proceed to construction prior to recording the plat, no approved financial warranties are necessary until such time as **OWNER** elects to record the plat. Such plat cannot be recorded until the County Engineer has determined the construction of the project is at least 80% complete.

OWNER hereby elects to use Option 2 for this project.

The financial warranties are to insure faithful performance of this **AGREEMENT** and the completion of all improvements in accordance with the **Delaware County Design, Construction and Surveying Standards and any supplements thereto**. The **OWNER** shall pay the entire cost and expense of said improvements, unless otherwise specifically noted herein.

The **OWNER** shall indemnify and save harmless **Delaware County and all Townships and/or Villages** within Delaware County and all of their officials, employees or agents from all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any actions or omissions of any contractor or subcontractor or from any material, including explosives, or any method used in said work or by or on account of any accident caused by negligence or any other act or omission of any contractor or his agents or employees.

All public improvement construction shall be performed within one (1) year from the date on which this **AGREEMENT** is executed by the **COUNTY COMMISSIONERS**.

The **OWNER** further agrees that any violations of or noncompliance with any of the provisions and stipulations of this **AGREEMENT** shall constitute a breach of contract, and the **COUNTY** shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the public improvements within this subdivision.

It is further agreed that upon execution of the **AGREEMENT**, the **OWNER** shall deposit **THIRTY THOUSAND DOLLARS (\$30,000)** estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer**. When the fund has been depleted to **ten percent (10%)** of the original amount deposited, the **OWNER** shall replenish the account upon notice by the **Delaware County Engineer**. Upon completion of the maintenance period and acceptance of the improvements by the **Delaware County Commissioners**, the remaining amount in the fund shall be returned to the **OWNER**.

Upon completion of construction, the **OWNER** shall be responsible for the maintenance, repair or construction of any and all defective materials or workmanship for a period of **one year**. Said **OWNER’S** bond, certified check, irrevocable letter of credit or other approved financial warranties may be reduced to 10% of the originally approved construction estimate as shown in **Exhibit “A”** for said maintenance. The reduction may be approved only after the **County Engineer** has been provided evidence that all work has been accomplished according to the approved plan and/or to the **County Engineer’s** satisfaction. All work is to be done in accordance with the **Delaware County Design, Construction and Surveying Standards, and any supplements thereto**.

Acceptance of the project into the public system shall be completed only after written notice to the **COUNTY COMMISSIONERS** from the **County Engineer** of his approval. The **OWNER’S** maintenance responsibility as described above shall be completed upon formal acceptance by the **COUNTY COMMISSIONERS**.

Any snow or ice removal, erosion and sediment control maintenance, or other safety requirements deemed necessary by the County Engineer during the period of construction or maintenance shall be the responsibility of the **OWNER**. All of the funds set forth in the **AGREEMENT** shall be made available to the **County Engineer** to ensure proper safety compliance.

The **OWNER** shall, within thirty (30) days of completion of construction and prior to final acceptance, to the **COUNTY COMMISSIONERS**, as required, “as-built” drawings of the improvements, which plans shall become the property of the **COUNTY** and remain in the office of the **Delaware County Engineer**.

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The **OWNER** shall, within thirty (30) days of completion of construction, furnish to the **COUNTY COMMISSIONERS** an itemized statement showing the cost of improvements and an affidavit that all material and labor costs have been paid. The **OWNER** shall indemnify and hold harmless **Delaware County and all Townships and/or Villages** within Delaware County and all their officials, employees or agents from expenses or claims for labor or material incident to said construction of improvements.

The **OWNER** shall obtain all other necessary utility services incident to the construction of the improvements and for their continued operation. The **OWNER** shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the **OWNER** and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the **County**.

Should the OWNER become unable to carry out the provisions of this AGREEMENT, the **OWNER’S** heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions and requirements of this **AGREEMENT**.

In consideration whereof, the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants the **OWNER** or his agent, the right and privilege to make the improvements stipulated herein.

EXHIBIT “A”

CONSTRUCTION COST ESTIMATE	\$780,300
CONSTRUCTION BOND AMOUNT	\$ N/A
MAINTENANCE BOND AMOUNT	\$ 78,100
INSPECTION FEE DEPOSIT	\$ 30,000

Vote on Motion Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Aye

**12
RESOLUTION NO. 21-278**

IN THE MATTER OF ACCEPTING IMPROVEMENTS WITHIN THE PROJECT KNOWN AS HAWKS NEST AT HIGHLAND LAKES – WORTHINGTON ROAD IMPROVEMENTS:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following:

WHEREAS, on July 1, 2019, the Board of County Commissioners (the “Board”) entered into an Owner’s Agreement with Bob Webb Hawks Nest LLC (the “Owner”) for the project known as Hawks Nest at Highland Lakes – Worthington Road Improvements (the “Improvement”); and

WHEREAS, the County Engineer has inspected the Improvement and finds it to be constructed in accordance with the approved plans; and

WHEREAS, the County Engineer recommends the Board accept the Improvement in accordance with the Owner’s Agreement and release the bond being held as construction surety to the Owner;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, Ohio hereby accepts the Improvement in accordance with the Owner’s Agreement and releases the bond being held as construction surety to the Owner.

Vote on Motion Mr. Merrell Aye Mrs. Lewis Aye Mr. Benton Aye

**14
ADMINISTRATOR REPORTS**

Mike Frommer, County Administrator
-No reports.

**15
COMMISSIONERS’ COMMITTEES REPORTS**

Commissioner Benton
-Attended the MORPC virtual executive committee meeting Thursday.
-The Masters Tournament starts Thursday morning.

Commissioner Lewis
-No reports.

Commissioner Merrell
-Today is Bob Lamb’s birthday. Happy Birthday.
-We are working on a resolution to that was mentioned last week.
-There was an article in the Columbus Dispatch about Stratford Ecological last week.
-Commented on President Biden’s infrastructure bill.

Recess at 9:53 AM/Reconvened at 10:01 AM

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13

RESOLUTION NO. 21-279

10:00A.M. PUBLIC HEARING TO CONSIDER CHANGING THE NAME OF EAGLE’S LANDING DRIVE, ONLY EAST OF LIBERTY GRAND BOULEVARD, A TOWNSHIP ROAD IN THE UNINCORPORATED AREA OF LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO:

It was moved by Mrs. Lewis, seconded by Mr. Benton to open the hearing at 10:01A.M..

Vote on Motion Mr. Benton Aye Mr. Merrell Aye Mrs. Lewis Aye

13 continued

RESOLUTION NO. 21-280

IN THE MATTER OF APPROVING, FOR A SPECIFIC OCCURRENCE, A SUSPENSION OF RULE 3-SPEAKER REGISTRATION; RULE 4-LIMITATIONS AND RULE 7-PUBLIC COMMENT PROCEDURE FROM THE RULES GOVERNING PUBLIC COMMENT BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve, for a specific occurrence, a suspension of Rule 3-Speaker Registration; Rule 4-Limitations; Rule 7-Public Comment Procedure from the Rules Governing Public Comment Before The Board Of County Commissioners Of Delaware County, Ohio

Vote on Motion Mrs. Lewis Aye Mr. Benton Aye Mr. Merrell Aye

13 continued

RESOLUTION NO. 21-281

IN THE MATTER OF CLOSING THE PUBLIC HEARING TO CONSIDER CHANGING THE NAME OF EAGLE’S LANDING DRIVE, ONLY EAST OF LIBERTY GRAND BOULEVARD, A TOWNSHIP ROAD IN THE UNINCORPORATED AREA OF LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO:

It was moved by Mr. Benton, seconded by Mrs. Lewis to close the hearing at 10:07A.M..

Vote on Motion Mr. Benton Aye Mrs. Lewis Aye Mr. Merrell Aye

13 continued

RESOLUTION NO. 21-282

IN THE MATTER OF CHANGING THE NAME OF EAGLE’S LANDING DRIVE, ONLY EAST OF LIBERTY GRAND BOULEVARD, A TOWNSHIP ROAD IN THE UNINCORPORATED AREA OF LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO:

It was moved by Mrs. Lewis, seconded by Mr. Benton to adopt the following:

WHEREAS, pursuant to section 5541.04 of the Revised Code, the board of county commissioners of any county, on its own motion or on petition by a person owning a lot in the unincorporated area of said county praying that the name of a county or township road in the immediate vicinity of such lot be changed, upon hearing, and upon being satisfied that there is good cause for such a change of name, that it will not be detrimental to the general interest, and that it should be made, may, by resolution declare the change of the name of such road; and

WHEREAS, on February 16, 2021, the Delaware County Board of Commissioners (the “Board”) received a petition from Liberty Grand LLC, landowner, requesting the change of name of Eagle’s Landing Drive, only East of Liberty Grand Boulevard, to Community Way; and

WHEREAS, after providing notice to all affected parties, on April 5, 2021, the Board held a public hearing to consider changing the name of Eagle’s Landing Drive, only East of Liberty Grand Boulevard, to Community Way;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, State of Ohio:

Section 1. The Board hereby finds and determines that there is good cause to change the name of Eagle’s Landing Drive, only East of Liberty Grand Boulevard, a township road in the unincorporated area of Liberty Township, Delaware County, Ohio, to Community Way, that the change will not be detrimental to the general interest, and that the change in name should be made.

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Section 2. The Board hereby declares that the name of Eagle’s Landing Drive, only East of Liberty Grand Boulevard, shall be changed to Community Way, effective as of July 1, 2021.

Section 3. The Clerk of the Board is hereby directed to certify a copy of this Resolution to the county engineer, the county recorder, and the county auditor, who shall change their records accordingly but still retain in some manner the old name of the road, in accordance with section 5541.04 of the Revised Code. The Clerk of the Board is further directed to mail courtesy copies of this Resolution via regular U.S. Mail to all owners of lots abutting the road renamed herein, and the Liberty Township Board of Trustees.

Section 4. The Board finds and determines that all formal actions of this Board and any of its committees concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including section 121.22 of the Revised Code.

Vote on Motion Mr. Merrell Aye Mr. Benton Aye Mrs. Lewis Aye

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners