

COMMISSIONERS JOURNAL NO. 75 - DELAWARE COUNTY
MINUTES FROM SPECIAL JOINT SESSION WITH THE BOARD OF COMMISSIONERS OF
LICKING COUNTY HELD JUNE 24, 2021

THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN A SPECIAL JOINT SESSION WITH THE BOARD OF COMMISSIONERS OF LICKING COUNTY ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:

Present:

Gary Merrell, Delaware County Commissioner
Barb Lewis, Delaware County Commissioner
Jeff Benton, Delaware County Commissioner

Rick Black, Licking County Commissioner
Timothy E. Bubb, Licking County Commissioner
Duane Flowers, Licking County Commissioner

3:00 P.M. Final Hearing For The Gorsuch Joint County #588 Watershed Drainage Improvement Petition Project

THE PROPOSED GORSUCH JOINT COUNTY #588 WATERSHED DRAINAGE IMPROVEMENT PROJECT HAS 4 POTENTIAL PARTS:

- “MAIN-SECTION 1”
- “MAIN-SECTION 2”
- “LATERAL #1”
- “LATERAL #2”

RESOLUTION NO. 21-01

3:00P.M. FINAL HEARING TO ADDRESS THE GORSUCH JOINT COUNTY #588 WATERSHED DRAINAGE IMPROVEMENT PETITION PROJECT:

It was moved by Mr. Benton, seconded by Mrs. Lewis to open the hearing at 3:03 P.M..

Vote on Motion:

Jeff Benton, Delaware County Commissioner Aye
Barb Lewis, Delaware County Commissioner Aye
Gary Merrell, Delaware County Commissioner Aye

Rick Black, Licking County Commissioner Aye
Timothy E. Bubb, Licking County Commissioner Aye
Duane Flowers, Licking County Commissioner Aye

RESOLUTION NO. 21-02

IN THE MATTER OF CLOSING THE PUBLIC HEARING TO ADDRESS THE GORSUCH JOINT COUNTY #588 WATERSHED DRAINAGE IMPROVEMENT PETITION PROJECT:

It was moved by Mrs. Lewis, seconded by Mr. Benton to close the hearing at 4:14P.M..

Vote on Motion:

Jeff Benton, Delaware County Commissioner Aye
Barb Lewis, Delaware County Commissioner Aye
Gary Merrell, Delaware County Commissioner Aye

Rick Black, Licking County Commissioner Aye
Timothy E. Bubb, Licking County Commissioner Aye
Duane Flowers, Licking County Commissioner Aye

“Main Section 1” Part

RESOLUTION NO. 21-03

IN THE MATTER OF FINDING IN FAVOR OF THE IMPROVEMENT AND AFFIRMING THE ORDER FOR THE MAIN SECTION 1 OF THE GORSUCH JOINT COUNTY #588 WATERSHED DRAINAGE IMPROVEMENT PETITION PROJECT:

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

WHEREAS, on August 21, 2018, a Drainage Improvement Petition to The Gorsuch Joint County #588 Watershed Drainage Improvement was filed with the clerk of the Board of Commissioners of Delaware County; and

WHEREAS, on September 24, 2018, the Delaware County Board of Commissioners and the Licking County Board of Commissioners met and established a Joint Board (“the Joint Board”); and

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WHEREAS, on November 5, 2018, the Joint Board conducted a view of the proposed improvements; and

WHEREAS, on February 4, 2019, the Joint Board adopted Resolution No. 19-04, finding in favor of the improvement and directing the Delaware County Engineer to proceed with preparation of plans, reports, and schedules for the Gorsuch Joint County #588 Watershed Drainage Improvement Petition Project; and

WHEREAS, on June 24, 2021, the Joint Board held a final public hearing to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for the GORSUCH JOINT COUNTY #588 Watershed Drainage Improvement Petition Project; and

WHEREAS, after hearing testimony from property owners; considering the schedules, plans, and reports filed by the County Engineer; and considering the cost of location and construction, the compensation for land taken, the effect on land along or in the vicinity of the route of the improvement, the effect on land below the lower terminus of the improvement that may be caused by constructing the improvement, the sufficiency of the outlet, the benefits to the public welfare, and the special benefits to land needing the improvement, the Joint Board is prepared to issue its findings on the proposed improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE JOINT BOARD OF COMMISSIONERS OF DELAWARE COUNTY AND LICKING COUNTY, OHIO AS FOLLOWS:

Section 1. The Joint Board hereby finds that the proposed improvement is necessary and that it will be conducive to the public welfare. The Joint Board also finds that it is reasonably certain that the cost of the proposed improvement will be less than the benefits. Accordingly, the Joint Board hereby affirms its order granting the prayer of the petition and approves the maps, profiles, plans, schedules and reports prepared by the Delaware County Engineer.

Section 2. This Joint Board finds and determines that all formal actions taken by this Joint Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Joint Board and that all deliberations of this Joint Board that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

Vote on Motion:

Jeff Benton, Delaware County Commissioner	Aye
Barb Lewis, Delaware County Commissioner	Aye
Gary Merrell, Delaware County Commissioner	Aye
Rick Black, Licking County Commissioner	Aye
Timothy E. Bubb, Licking County Commissioner	Aye
Duane Flowers, Licking County Commissioner	Aye

**“Main Section 1” Part
RESOLUTION NO. 21-04**

IN THE MATTER OF THE DELAWARE COUNTY AND THE LICKING COUNTY JOINT BOARD OF COMMISSIONERS CONFIRMING THE ASSESSMENTS, APPROVING THE PAYMENT SCHEDULE, AND ORDERING THE LETTING OF THE CONTRACTS FOR THE MAIN SECTION 1 OF THE GORSUCH JOINT COUNTY #588 WATERSHED DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, on June 24 2021, the Joint Board of the Delaware County Board of Commissioners and the Licking County Board of Commissioners (the “Joint Board”) held a final public hearing and with Resolution No. 21-03 affirmed its order for the Main Section 1 of the GORSUCH JOINT COUNTY #588 Watershed Drainage Improvement Petition Project; and

WHEREAS, after hearing testimony from property owners on the assessments for the improvement, the Joint Board is prepared to issue its findings on the assessments;

NOW, THEREFORE, BE IT RESOLVED BY THE JOINT BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO AND LICKING COUNTY, OHIO AS FOLLOWS:

Section 1. The Joint Board hereby approves the Main Section 1 of the GORSUCH JOINT COUNTY #588 Watershed Drainage Improvement Petition Project assessments prepared by the Delaware County Engineer.

Section 2. Once the watershed is confirmed, the Delaware County Engineer’s estimated assessments are hereby approved and confirmed, and the Engineer is ordered to receive bids for the construction of the improvement.

Section 3. The County Engineer is hereby directed to prepare the necessary bid documents and legal advertisements.

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Section 4. The County Engineer 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.

Section 5. The county shall borrow funds to pay for the improvement. Eight 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 interest shall be charged on the installments at the same rate charged to the Commissioners for the borrowing of the money. If, after the deadline for the landowners to pay their assessments upfront passes, the total remaining construction cost to be borrowed is less than \$10,000.00, then the County will front the remaining cost of the construction, and the Commissioners will no longer borrow the money.

Vote on Motion:

Jeff Benton, Delaware County Commissioner	Aye
Barb Lewis, Delaware County Commissioner	Aye
Gary Merrell, Delaware County Commissioner	Aye
Rick Black, Licking County Commissioner	Aye
Timothy E. Bubb, Licking County Commissioner	Aye
Duane Flowers, Licking County Commissioner	Aye

**“MAIN-SECTION 2” Part
RESOLUTION NO. 21-05**

IN THE MATTER OF FINDING IN FAVOR OF THE IMPROVEMENT AND AFFIRMING THE ORDER FOR THE MAIN-SECTION 2 OF THE GORSUCH JOINT COUNTY #588 WATERSHED DRAINAGE IMPROVEMENT PETITION PROJECT:

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

WHEREAS, on August 21, 2018, a Drainage Improvement Petition to The Gorsuch Joint County #588 Watershed Drainage Improvement was filed with the clerk of the Board of Commissioners of Delaware County; and

WHEREAS, on September 24, 2018, the Delaware County Board of Commissioners and the Licking County Board of Commissioners met and established a Joint Board (“the Joint Board”); and

WHEREAS, on November 5, 2018, the Joint Board conducted a view of the proposed improvements; and

WHEREAS, on February 4, 2019, the Joint Board adopted Resolution No. 19-04, finding in favor of the improvement and directing the Delaware County Engineer to proceed with preparation of plans, reports, and schedules for the Gorsuch Joint County #588 Watersheds Drainage Improvement Petition Project; and

WHEREAS, on June 24, 2021, the Joint Board held a final public hearing to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for the GORSUCH JOINT COUNTY #588 Watershed Drainage Improvement Petition Project; and

WHEREAS, after hearing testimony from property owners; considering the schedules, plans, and reports filed by the County Engineer; and considering the cost of location and construction, the compensation for land taken, the effect on land along or in the vicinity of the route of the improvement, the effect on land below the lower terminus of the improvement that may be caused by constructing the improvement, the sufficiency of the outlet, the benefits to the public welfare, and the special benefits to land needing the improvement, the Joint Board is prepared to issue its findings on the proposed improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE JOINT BOARD OF COMMISSIONERS OF DELAWARE COUNTY AND LICKING COUNTY, OHIO AS FOLLOWS:

Section 1. The Joint Board hereby finds that the proposed improvement is necessary and that it will be conducive to the public welfare. The Joint Board also finds that it is reasonably certain that the cost of the proposed improvement will be less than the benefits. Accordingly, the Joint Board hereby affirms its order granting the prayer of the petition and approves the maps, profiles, plans, schedules and reports prepared by the Delaware County Engineer.

Section 2. This Joint Board finds and determines that all formal actions taken by this Joint Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Joint Board and that all deliberations of this Joint Board that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

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Vote on Motion:

Jeff Benton, Delaware County Commissioner	Aye
Barb Lewis, Delaware County Commissioner	Aye
Gary Merrell, Delaware County Commissioner	Aye

Rick Black, Licking County Commissioner	Aye
Timothy E. Bubb, Licking County Commissioner	Aye
Duane Flowers, Licking County Commissioner	Aye

**“MAIN-SECTION 2” Part
RESOLUTION NO. 21-06**

IN THE MATTER OF THE DELAWARE COUNTY AND THE LICKING COUNTY JOINT BOARD OF COMMISSIONERS CONFIRMING THE ASSESSMENTS, APPROVING THE PAYMENT SCHEDULE, AND ORDERING THE LETTING OF THE CONTRACTS FOR THE MAIN-SECTION 2 OF THE GORSUCH JOINT COUNTY #588 WATERSHED DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, on June 24, 2021, the Joint Board of the Delaware County Board of Commissioners and the Licking County Board of Commissioners (the “Joint Board”) held a final public hearing and with Resolution No. 21-05 affirmed its order for the Main Section 2 of the GORSUCH JOINT COUNTY #588 Watershed Drainage Improvement Petition Project; and

WHEREAS, after hearing testimony from property owners on the assessments for the improvement, the Joint Board is prepared to issue its findings on the assessments;

NOW, THEREFORE, BE IT RESOLVED BY THE JOINT BOARD OF COMMISSIONERS OF DELAWARE COUNTY AND LICKING COUNTY, OHIO AS FOLLOWS:

Section 1. The Joint Board hereby approves the Main Section 2 of the GORSUCH JOINT COUNTY #588 Watershed Drainage Improvement Petition Project assessments prepared by the Delaware County Engineer.

Section 2. Once the watershed is confirmed, the Delaware County Engineer’s estimated assessments are hereby approved and confirmed, and the Engineer is ordered to receive bids for the construction of the improvement.

Section 3. The County Engineer is hereby directed to prepare the necessary bid documents and legal advertisements.

Section 4. The County Engineer 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.

Section 5. The county shall borrow funds to pay for the improvement. Eight 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 interest shall be charged on the installments at the same rate charged to the Commissioners for the borrowing of the money. If, after the deadline for the landowners to pay their assessments upfront passes, the total remaining construction cost to be borrowed is less than \$10,000.00, then the County will front the remaining cost of the construction, and the Commissioners will no longer borrow the money.

Vote on Motion:

Jeff Benton, Delaware County Commissioner	Aye
Barb Lewis, Delaware County Commissioner	Aye
Gary Merrell, Delaware County Commissioner	Aye

Rick Black, Licking County Commissioner	Aye
Timothy E. Bubb, Licking County Commissioner	Aye
Duane Flowers, Licking County Commissioner	Aye

**“Lateral #1” Part
RESOLUTION NO. 21-07**

IN THE MATTER OF THE DELAWARE COUNTY AND THE LICKING COUNTY JOINT BOARD OF COMMISSIONERS SETTING ASIDE THE ORDER FOR AND DISMISSING THE LATERAL #1 OF THE GORSUCH JOINT COUNTY #588 WATERSHED DRAINAGE IMPROVEMENT

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PETITION PROJECT DUE TO ONE OR MORE OF THE FOLLOWING REASONS: THE COST EXCEEDS THE BENEFITS OF THE PROJECT:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve setting aside the order for and dismissing the Lateral #1 of the GORSUCH JOINT COUNTY #588 Watershed Drainage Improvement Petition Project due to one or more of the following reasons: the cost is equal to or exceeds the benefits of the project.

Vote on Motion:

Jeff Benton, Delaware County Commissioner Aye
Barb Lewis, Delaware County Commissioner Aye
Gary Merrell, Delaware County Commissioner Aye

Rick Black, Licking County Commissioner Aye
Timothy E. Bubb, Licking County Commissioner Aye
Duane Flowers, Licking County Commissioner Aye

**“Lateral #2” Part
RESOLUTION NO. 21-08**

IN THE MATTER OF THE DELAWARE COUNTY AND THE LICKING COUNTY JOINT BOARD OF COMMISSIONERS SETTING ASIDE THE ORDER FOR AND DISMISSING THE LATERAL #2 OF THE GORSUCH JOINT COUNTY #588 WATERSHED DRAINAGE IMPROVEMENT PETITION PROJECT DUE TO ONE OR MORE OF THE FOLLOWING REASONS: THE COST EXCEEDS THE BENEFITS OF THE PROJECT; THE PROJECT IS NOT NECESSARY OR THE PROJECT IS NOT CONDUCTIVE TO THE PUBLIC WELFARE:

It was moved by Mr. Lewis, seconded by Mr. Benton to approve setting aside the order for and dismissing the Lateral #2 of the GORSUCH JOINT COUNTY #588 Watershed Drainage Improvement Petition Project due to one or more of the following reasons: the cost is equal to or exceeds the benefits of the project; the project is not necessary or the project is not conducive to the public welfare.

Vote on Motion:

Jeff Benton, Delaware County Commissioner Aye
Barb Lewis, Delaware County Commissioner Aye
Gary Merrell, Delaware County Commissioner Aye

Rick Black, Licking County Commissioner Aye
Timothy E. Bubb, Licking County Commissioner Aye
Duane Flowers, Licking County Commissioner Aye

There being no further business, the meeting adjourned.

Jeff Benton, Delaware County Commissioner

Barb Lewis, Delaware County Commissioner

Gary Merrell, Delaware County Commissioner

Duane Flowers, Licking County Commissioner

Rick Black, Licking County Commissioner

Timothy E. Bubb, Licking County Commissioner

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Jennifer Walraven, Clerk to the Commissioners