

**COMMISSIONERS JOURNAL NO. 81 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 9, 2024**

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**

8:30 A.M. Special Session

9:30 A.M. Regular Session

11:00 A.M. Special Joint County Session for Viewing James Joint County Watershed Drainage Petition with Joint Board with Marion County

**1
RESOLUTION NO. 24-720**

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 5, 2024:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on September 5, 2024; 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 Mr. Merrell Aye Mr. Benton Aye Mrs. Lewis Aye

**2
PUBLIC COMMENT**

**3
RESOLUTION NO. 24-721**

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR 0906, MEMO TRANSFERS IN BATCH NUMBERS MTAPR 0906:

It was moved by Mr. Benton, seconded by Mrs. Lewis, to approve Then and Now Certificates, payment of warrants in batch numbers CMAPR 0906, memo transfers in batch numbers MTAPR 0906 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Account</u>	<u>Amount</u>
R2404490	PERRY PROTECH INC	LARGE FORMAT PRINTER - BUILDING SAFETY	42311453 - 5450	\$ 4,607.58
R2404490	PERRY PROTECH INC	LARGE FORMAT PRINTER - REGIONAL SEWER	66211900 - 5450	\$ 4,607.58
R2404512	TYLER TECHNOLOGIES INC	RMS-CAS MAINTENANCE - 911	21711326 - 5320	\$ 87,204.56
R2404512	TYLER TECHNOLOGIES INC	RMS-CAS MAINTENANCE - SHERIFF	10031301 - 5320	\$ 69,301.55
R2404512	TYLER TECHNOLOGIES INC	RMS-CAS MAINTENANCE - OTHER AGENCIES	10011102 - 5320	\$ 39,169.76

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

**4
RESOLUTION NO. 24-722**

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IN THE MATTER OF ADOPTING A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR:

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

WHEREAS, the Board of County Commissioners has passed Resolution No. 07-543 to reduce the real property tax collection rate from 2.8 mills to 1.8 mills, beginning with tax year 2008 for collection in year 2009 and thereafter for a continuing period of time, pursuant to R.C. 5705.313(A); and WHEREAS, the Board of County Commissioners has passed Resolution No. 24-568 to reduce the real property tax collection rate from 1.8 mills to 1.3 mills, effective only for tax year 2024, collected in 2025, pursuant to R.C. 5705.313(A); and

WHEREAS, the Budget Commission of Delaware County, Ohio has certified to this Board its actions in accordance with R.C. 5705.31 and R.C. 5705.34, together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board, and what part thereof is without, and what part within, the ten mill tax limitation;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Delaware County, Ohio, that the amounts and rates as determined by the Budget Commission in its certification are hereby accepted; and

BE IT FURTHER RESOLVED that the following tax levies, within and without the ten mill limitation, are hereby authorized and levied on the tax duplicate of Delaware County at the rates specified herein:

SCHEDULE A				
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES				
DELAWARE COUNTY	Amount	Amount	County Auditor's	
TAX YEAR 2024	Approved by	to Be Derived	Estimate of Tax Rate	
	Budget Commission	from levies	to be Levied	
FUND	Inside 10 M.	Outside 10 M.	Inside 10 M.	Outside 10 M.
	Limitation	Limitation	Limit	Limit
General Fund	17,387,940		1.30	
Permanent Improvement Fund	1,337,534		0.10	
Developmental Disabilities Fund		19,922,518		2.40
9-1-1- Operations Fund		5,090,406		0.68
Senior Citizens		11,697,236		1.40
Debt Service		936,274		0.07
TOTAL	18,725,474	37,646,434	1.40	4.55

BE IT FURTHER RESOLVED that the Clerk of this Board is hereby directed to certify a copy of this Resolution to the Delaware County Auditor.

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

**5
RESOLUTION NO. 24-723**

IN THE MATTER OF CONFIRMING THE REVISED ASSESSMENTS FOR THE SANITARY SEWER IMPROVEMENTS FOR THE RIVERBY ESTATES SUBDIVISION AND CONDOS AT RIVERBY AND CERTIFYING THE ASSESSMENTS TO THE COUNTY AUDITOR:

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

WHEREAS, pursuant to section 6117.06(A) of the Revised Code, the Delaware County Board of Commissioners (the "Board") may declare that sanitary sewer improvements are necessary for the preservation and promotion of the public health and welfare and determine whether special assessments are to be levied and collected to pay any part of the cost of the improvement; and

WHEREAS, on March 22, 2019, the Board received a Petition to Improve and Connect to Public Sanitary

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Facility and Apportion Costs for the Improvements, filed by Anne Brandyberry and others for the Riverby Estates Subdivision and Condos at Riverby (the "Petition"); and

WHEREAS, on June 27, 2019, the Board adopted Resolution No. 19-619, denying the Petition because it failed to meet the requirements of section 6117.28 of the Revised Code; and

WHEREAS, on July 18, 2019, the Board conducted a public hearing on determining the necessity of the improvements requested in the Petition; and

WHEREAS, on July 29, 2019, the Board adopted Resolution No. 19-723, determining that the proposed sanitary sewer improvements for the Riverby Estates Subdivision and Condos at Riverby (the "Improvements") are necessary and directing the Sanitary Engineer, in consultation with the City of Delaware, to prepare, or cause preparation of, plans, specifications, estimates of cost, tentative assessments, and financing plans for the Improvements; and

WHEREAS, the Sanitary Engineer submitted the prepared plans, specifications, estimated project construction and connection cost of \$1,179,270, and tentative assessments to the Board for consideration; and

WHEREAS, on August 17, 2020, the Board conducted a public hearing on the Improvements, pursuant to section 6117.06 of the Revised Code, to receive objections to or endorsements of the Improvements, their character and termini, the boundaries of the assessment district, or the tentative assessments; and

WHEREAS, no objections were filed within the five day period during which written objections may be filed, and on October 22, 2020, the Board adopted Resolution No. 20-942, ratifying the plans, specifications, estimated construction and connection costs, boundaries of the assessment district, and tentative assessments for the Improvements and determining to proceed with the Improvements; and

WHEREAS, the Improvements have been completed and the final overall project construction and connection cost certified in the amount of \$933,436.74, which is less than the estimated cost; and

WHEREAS, pursuant to section 6117.32 of the Revised Code, the final revised assessments for the Improvements have been prepared and presented for the Board's approval, based on the tentative assessments previously ratified and modified in substantially the same proportion as the actual cost of the Improvements, plus interest on securities issued, or to be issued, and all other costs of the project, bears to the estimated cost on which the tentative assessments were based; and

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

Section 1. Pursuant to section 6117.32 of the Revised Code, the Board hereby confirms the final revised assessments for the Improvements as set forth in the schedule of assessments attached hereto and, by this reference, incorporated herein. The final revised assessments are based on the final project analysis, dated September 6, 2024, which is also attached hereto and, by this reference, incorporated herein.

Section 2. Pursuant to section 6117.33 of the Revised Code, the Board hereby directs the Clerk of the Board to certify a copy of this Resolution, with the schedule of assessments and project analysis, to the Delaware County Auditor. Twenty years shall be the period of time, in semi-annual installments as taxes are paid, given the owners of real property served or capable of being served by the Improvements to pay the assessments.

Section 3. This Board finds and determines that all formal actions of the Board 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 of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. This Resolution shall be in full force and effect immediately upon its adoption.

(Copy of the schedule of assessments and project analysis shall be retained in accordance with the Commissioners' Office records retention schedule.)

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

**6
ANTHONY (TONI) TUROWSKI, P.E., DISTRICT DEPUTY DIRECTOR ODOT DISTRICT SIX
PRESENTATION PROJECT UPDATES IN DELAWARE COUNTY**

**7
RESOLUTION NO. 24-724**

**PROCLAMATION DESIGNATING SEPTEMBER 9th - 13th, 2024 AS DISABILITY VOTING
RIGHTS WEEK IN DELAWARE COUNTY:**

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

WHEREAS, the Delaware County Commissioners are committed to fostering a positive environment/community where all residents have equal access to resources, services and opportunities; and

WHEREAS, individuals with disabilities face unique challenges in exercising their right to vote, and it is essential to raise awareness and provide support to ensure their voices are heard; and

WHEREAS, the Delaware County District Library, the Delaware County Board of Developmental Disabilities, Disability Rights Ohio and the League of Women Voters have formed a valuable partnership to promote the rights of individuals with disabilities and provide accessible resources for voter education; and

WHEREAS, Disability Voting Rights Week, taking place September 9-13, 2024, is an important initiative to promote the voting rights of individuals with disabilities and encourage their active participation in our democracy.

NOW, THEREFORE, we, the Delaware County Commissioners, do hereby recognize the week of September 9-13, 2024, as Disability Voting Rights Week in Delaware County and commend the Delaware County District Library, the Delaware County Board of Developmental Disabilities, Disability Rights Ohio and the League of Women Voters for their collaborative efforts to ensure that all residents have equal access to voting resources and opportunities.

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

**8
RESOLUTION NO. 24-725**

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS:

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

Supplemental Appropriations		
21911401-5328	Ditch Maintenance/Maintenance & Repair Services	35,000.00

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

**9
RESOLUTION NO. 24-726**

IN THE MATTER OF ACCEPTING THE RECOMMENDATIONS OF THE DELAWARE COUNTY TAX INCENTIVE REVIEW COUNCILS (TIRC) FOR TAX YEAR 2023:

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

WHEREAS, the various Delaware County tax incentive review councils (“TIRC”) met on Thursday, August 22, 2024, and reviewed agreements and exemptions for compliance, in accordance with section 5709.85 of the Revised Code; and

WHEREAS, the Liberty Township TIRC reviewed the exemptions and agreements within its jurisdiction, determined that all active exemptions are in compliance with requirements, and recommended continuing the exemptions; and

WHEREAS, the Orange Township TIRC reviewed the exemptions and agreements within its jurisdiction, determined that all active exemptions are in compliance with requirements, and recommended continuing the exemptions; and

WHEREAS, the Board of Commissioners is required by the Ohio Revised Code to submit an annual report on the status of each exemption and agreement and the recommendations of the TIRC to the Director of the Ohio Department of Development;

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

Section 1. The Board hereby accepts the recommendations of each TIRC as set forth above.

Section 2. The Board directs the Economic Development Department to file all information required by the State of Ohio with the Director of the Ohio Department of Development.

Section 3. The Board hereby thanks the members of each TIRC for their service.

Section 4. This Resolution shall take effect and be in force immediately after its passage.

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

10
RESOLUTION NO. 24-727

IN THE MATTER OF RANKING PROFESSIONAL DESIGN FIRMS FOR THE DELAWARE COUNTY NEW SOCIAL SERVICES ADMINISTRATION FACILITY:

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

WHEREAS, the Delaware County Board of Commissioners received a total of seven statements of qualifications from professional design firms for the Delaware County new Social Services Administration Facility; and

WHEREAS, a review committee has reviewed the qualifications, conducted interviews with short listed firms, and has ranked the top three firms it found to be the most qualified firms; and

WHEREAS, section 153.69(A) of the Revised Code requires the public authority to select and rank no fewer than three firms which it considers to be the most qualified to provide the required professional design services, except when the public authority determines in writing that fewer than three qualified firms are available in which case the public authority shall select and rank those firms; and

WHEREAS, the review committee recommends the firms be ranked as 1 – MSA Design; 2 – DesignGroup; and 3 – The Collaborative;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Delaware County, State of Ohio, hereby ranks the following professional design firms for the Delaware County new Social Services Administration Facility and, per section 153.69(B) of the Revised Code, enters into contract negotiations with the firm ranked most qualified to perform the required services: 1 – MSA Design; 2 – DesignGroup; and 3 – The Collaborative.

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

11
RESOLUTION NO. 24-728

IN THE MATTER OF APPROVING A PIPELINE RELOCATION AND REIMBURSEMENT AGREEMENT WITH COLUMBIA GAS OF OHIO FOR DEL-CR13-5.02 WORTHINGTON ROAD AND LEWIS CENTER ROAD INTERSECTION:

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

Job Order Nos. 23-0083804-00 & 23-0083806-00
PIPELINE RELOCATION AND REIMBURSEMENT AGREEMENT

THIS PIPELINE RELOCATION AND REIMBURSEMENT AGREEMENT (this “Agreement”) is made this 9th day of September, 2024, by and between Columbia Gas of Ohio, Inc., an Ohio corporation (“Company”), and Delaware County Board of Commissioners (the “Owner”) for DEL-CR13-5.02 (Worthington Road & Lewis Center Road intersection).

RECITALS

- A. Company owns and operates a twelve-inch (12”), six-inch (6”), and four-inch (4”) gas pipelines located in Delaware County, Ohio, that were laid and are existing in accordance with the provisions of a valid right of way; and
- B. Owner wishes to retire 753’ of 12” steel HP main, replaced with 410’ of 12” steel HP main, of Company’s pipeline and any related pipeline facilities relocated in order to permit certain construction or other activity in the vicinity of said pipeline, and Columbia is willing to relocate a portion of the pipeline subject to the conditions set forth below;
- C. Owner also wishes to retire 441’ of 6” plastic MP main and 85’ of 4” plastic MP main, replaced with 681’ of 6” plastic MP main and 14’ of 4” MP main of Company’s pipeline and any related pipeline facilities relocated in order to permit certain construction or other activity in the vicinity of said pipeline, and Columbia is willing to relocate a portion of the pipeline subject to the conditions set forth below;
- D. Company is willing to relocate or remove from service the pipeline and related facilities subject to the conditions set forth below.

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AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and promises in this Agreement, the parties hereto, intending to be legally bound, hereby promise and agree as follows:

1. The work contemplated by this Agreement (the "Work") consists of retiring 753' of 12" steel HP main, 441' of 6" plastic MP main, and 85' of 4" plastic MP main, replaced with 420' of 12" steel HP main, 681' of 6" plastic MP main, and 14' of 4" plastic MP main. Company may utilize contractors to perform all or any part of the Work.
2. Owner agrees to pay one hundred percent (100%) of the actual cost of the steel Work and eighteen percent (18%) of the actual cost of the plastic Work, including Company's internal costs and overheads. The cost of the steel Work is estimated to be Five Hundred and Fifty-Two Thousand, Seven Hundred and Twenty-Nine, and 00/100 U.S. Dollars (\$552,729). The cost of the plastic Work is to be estimated to be Twenty Thousand, Two Hundred and Thirteen and 00/100 US. Dollars (\$20,213).
3. Owner agrees to make an advance payment in the amount of Five Hundred and Seventy-Two Thousand, Nine Hundred and Forty-Two and 00/100 U.S. Dollars (\$572,942.00) to Company (the "Advance Payment"). The Advance Payment is the estimated total cost of the Work to accommodate Owner's construction and/or excavation activities in the vicinity of said pipeline. If Owner decides to cancel or postpone indefinitely the contemplated project, Owner agrees to reimburse Company for all costs expended by Company or for which Company remains obligated at the time of the cancellation or indefinite postponement, plus any incremental costs incurred by Company resulting from early termination of the Work. Such amounts shall be deducted from the Advance Payment and any remaining balance shall be returned to Owner. Notwithstanding the foregoing, any costs in excess of the Advance Payment shall be paid by Owner upon receipt of Company's invoice therefor.
4. If Company determines that new rights of way or easements and damage receipts are required, Owner agrees to grant to Company or assist Company in obtaining same on Company's standard right of way agreement and damage receipt forms, free and clear of all liens and encumbrances. All costs incurred by Company in examining title, preparing legal documents, and acquiring and recording said rights of way or easements shall be included in the project costs. If the necessary rights of way or easements, free and clear of all liens and encumbrances, cannot be acquired, then Company may cancel the project and return the unused portion of the Advance Payment.
5. Upon execution of this Agreement and receipt of the Advance Payment from Owner, Company agrees to commence the Work. Upon receipt of all necessary property rights and required permits and regulatory clearances (including, but not limited to, FERC, EPA, SHPO, DOE, etc.), Company will physically perform the Work. If the necessary permits or regulatory clearances cannot be obtained, Company may cancel the project and return the unused portion of the Advance Payment.
6. Upon completion of the Work and accumulation of all actual costs and overheads through Company's normal accounting procedures, Company shall submit to Owner a statement showing the actual costs incurred. If the actual aggregate costs of the Work exceed the amount of the Advance Payment, Owner, within 30 days of the receipt of Company's invoice, shall submit payment of such excess. If the actual aggregate costs of the Work are less than the amount of the Advance Payment, Company shall submit with the statement of charges a refund for the amount of the difference.
7. This project will not be commenced until such time as the physical alteration of the pipeline will not impair Company's service of gas to its customers.
8. Owner agrees that no permanent and/or temporary structures shall be erected over or within twenty-five (25) feet of either side of said pipeline. Further, Owner shall not place or permit to be placed any permanent or temporary structure within a temporary construction easement twenty-five (25) feet in width and adjoining the south side of the permanent right of way area for the relocated pipeline.
9. Owner represents and warrants that it has all corporate and other authority to enter into this agreement and that the individual executing this Agreement on behalf of Owner is the duly authorized representative of Owner with full authority to bind the Owner.
10. This writing contains the entire agreement of the parties, and all agreements entered into prior to or contemporaneously with the execution of this Agreement are excluded whether oral or written, and this Agreement cannot be changed without the written consent of the parties.
11. All notices, demands and other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to be made or given when personally delivered or three (3) business days after being mailed by registered or certified United States mail, postage prepaid,

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return receipt requested, or one (1) business day after being sent by Federal Express or other recognized courier guaranteeing overnight delivery, postage prepaid, to the parties at the following respective addresses, or at such other address as a respective party may designate from time to time pursuant to a notice duly given hereunder to the other party:

If to Company:

Columbia Gas of Ohio
3550 Johnny Appleseed Court
Columbus, OH 43231
Attention: Daniel Touzinsky

If to Owner:

Delaware County Engineer
c/o Delaware County Board of Commissioners
1610 State Route 521, PO Box 8006
Delaware, OH 43015
Attention: Joe Warner

12. This Agreement may not be assigned by Owner without the prior written consent of Company, which may be withheld in Company’s sole discretion.

13. This Agreement shall be governed by and construed in accordance with the laws of the United States of America and the laws of the state in which the Company’s facilities are located, without regard to any choice of law or conflicts of law rules that would direct the laws of another jurisdiction.

14. The provisions of Sections 2, 4, 6, and 8 through 14 shall survive any termination or expiration of this Agreement.

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

12

RESOLUTION NO. 24-729

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
UT2024-0172	COLUMBIA GAS	SUNSET COURT	GAS LINE
UT2024-0173	COLUMBIA GAS	HORSESHOE RD	VALVE REPLACEMENT
UT2024-0174	AEP	CLARK SHAW RD	INSTALL NEW POLES
UT2024-0175	COLUMBIA GAS	WOODTOWN RD	GAS PIPELINE
UT2024-0176	AEP	CHESHIRE RD	INSTALL POLES
UT2024-0177	AEP	LEWIS CENTER RD	INSTALL NEW POLES
UT2024-0178	COLUMBIA GAS	SUNBURY RD	INSTALL GAS LINE
UT2024-0179	COLUMBIA GAS	S SECTION LINE RD	INSTALL GAS MAIN
UT2024-0180	AEP	SUNBURY RD	ROAD BORE
UT2024-0181	COLUMBIA GAS	CONCORD RD	INSTALL GAS MAIN
UT2024-0182	AEP	STEITZ RD	ROAD BORE

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

13

RESOLUTION NO. 24-730

IN THE MATTER OF APPROVING OWNER’S AGREEMENT FOR SUNBURY ROAD WIDENING FOR MILLER FARMS:

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

WHEREAS, the Engineer recommends approving the Owner’s Agreement for Sunbury Road Widening for Miller Farms; and

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the

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Owner’s Agreement for Sunbury Road Widening for Miller Farms, as follows:

Sunbury Road Widening for Miller Farms:

**OWNER’S
AGREEMENT**

PROJECT NUMBER: 21087

THIS AGREEMENT made and entered into this 9TH day of September, 2024, by and between the COUNTY OF DELAWARE (acting through its BOARD OF COUNTY COMMISSIONERS), hereinafter called the COUNTY, and M/I HOMES OF CENTRAL OHIO, LLC hereinafter called the OWNER, as evidenced by the Engineering and Construction Plan entitled Sunbury Road Widening for Miller Farms which was approved by the County Engineer, hereinafter called the Plan, is governed by the following considerations to wit:

- 1) The OWNER is to construct, install or otherwise make all of the improvements as shown and set forth to be performed and completed on the PLAN, which is part of this AGREEMENT.
- 2) The OWNER shall pay the entire cost and expense of said improvements.
- 3) The OWNER is to provide an irrevocable letter of credit or other approved financial warranties in the amount of \$450,000.00 payable to the BOARD OF COUNTY COMMISSIONERS to insure the faithful performance of this AGREEMENT and the completion of all of the said improvements in accordance with the current “Delaware County Engineering and Surveying Standards for Subdivision Development” and current “Subdivision Regulations of Delaware County, Ohio”. Said financial warranty will be released and returned to the OWNER within thirty (30) days of the acceptance of the improvements by the COUNTY
- 4) It is further agreed that upon execution of the AGREEMENT, the OWNER shall deposit inspection fees in the amount of \$25,500.00 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 Engineer. Upon completion of the project and acceptance of the improvements by the DELAWARE COUNTY COMMISSIONERS, the remaining amount in the fund shall be returned to the OWNER.
- 5) The OWNER is to complete all construction to the satisfaction of the COUNTY no later than December 1, 2025 and will receive an approval letter from the Delaware County Engineer as evidence of the OWNER’S release from responsibility to said project.
- 6) The OWNER shall indemnify and hold the COUNTY free and harmless from any and all claims for damages of every nature arising or growing out of the construction of said improvements.
- 7) The OWNER will at all times during the construction of said improvements maintain thru traffic on the public roadway and keep the same free of unreasonable hazards to the public. Said roadway shall not be closed to traffic except as approved by the Delaware County Engineer. Construction signs, barricades and lights shall be placed as needed on the job site as in accordance with the Ohio Department of Transportation “Uniform Traffic Control Devices” and “Traffic Control for Construction and Maintenance”.
- 8) The OWNER further agrees that any violation of or noncompliance with any of the provisions as stipulations of this AGREEMENT shall constitute a breach of contract, and the Delaware County Engineer shall have the right to stop work forthwith and use the surety for the completion of the improvements.
- 9) If the OWNER should 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.
- 10) Upon approval and acceptance of the improvements, the original copy of the PLAN shall become the property of the COUNTY and shall be filed in the office of the Engineer.
- 11) In consideration whereof, the BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO hereby grants to the OWNER or his agent the right and privilege to make the said improvements stipulated herein.

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

**14
RESOLUTION NO. 24-731**

IN THE MATTER OF APPROVING PLANS, SPECIFICATIONS, ESTIMATE AND SETTING THE

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**Public Notice
Advertisement for Bids**

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, October 1, 2024, at which time they will be publicly received and read aloud, for the project known as:

**O.R.C. 6131 Drainage Improvement Project
Ribov #620 Drainage Improvement Project**

All proposals shall be submitted electronically through the web service www.bidexpress.com. The bid shall be accompanied by a Bid Security in the form of a bid bond in the amount of one hundred percent (100%) of the bid or a certified check in the amount of ten percent (10%) of the bid. In addition to the Bid Security, a Performance Bond is required for this project in the amount of one hundred percent (100%) of the total project cost.

**THE ENGINEER'S CONSTRUCTION ESTIMATE FOR THE PROJECT IS \$149,504.00.
PER O.R.C. 6131.40
NO BIDS SHALL BE ACCEPTED THAT EXCEED THE ENGINEER'S CONSTRUCTION
ESTIMATE.**

**MANDATORY PRE-BID MEETING
Tuesday September 24, 2024, at 10:00
Vicinity of 9032 Todd Street Sunbury Ohio 43074**

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from www.bidexpress.com. All bidders must register and be a member of the web service to bid on the project.

This notice is posted on the Delaware County website at www.co.delaware.oh.us and may be accessed by selecting "Public Notices and Bids."

The Owner requires that all work associated with the project be completed before May 31, 2025. The estimated commencement of work date is October 21, 2024. Furthermore, due to tree clearing restrictions imposed upon this project, **ALL** tree clearing activities must occur on or before March 31, 2024.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Award of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of Delaware County. The Board reserves the right to reject any or all bids.

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

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RESOLUTION NO. 24-733**

**IN THE MATTER OF APPROVING PLANS, SPECIFICATIONS, ESTIMATE, AND SETTING THE
BID DATE FOR THE PROJECT KNOWN AS THE WEBSTER ARNOLD WATERSHED
DRAINAGE IMPROVEMENT PROJECT:**

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

WHEREAS, the County Engineer has prepared, and recommends approval of, the Plans, Estimate, Bid Specifications, and Bid Opening Date and Time for the Webster Arnold Watershed Drainage Improvement Project;

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

Section 1. The Board hereby approves the plans, specifications, and estimate for the project known as the Webster Arnold Watershed Drainage Improvement Project.

Section 2. The Board hereby authorizes the County Engineer to advertise for and receive bids on behalf of the Board in accordance with the following Advertisement for Bids:

**Public Notice
Advertisement for Bids**

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:15 am on Tuesday, October 1, 2024, at which time they will be publicly received and read aloud, for the project known as:

**O.R.C 6131 Drainage Improvement Project
Webster Arnold Drainage Improvement Project**

All proposals shall be submitted electronically through the web service www.bidexpress.com. The bid shall be accompanied by a Bid Security in the form of a bid bond in the amount of one hundred percent (100%) of the bid or a certified check in the amount of ten percent (10%) of the bid. In addition to the Bid Security, a

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Performance Bond is required for this project in the amount of one hundred percent (100%) of the total project cost.

**THE ENGINEER’S CONSTRUCTION ESTIMATE FOR THE PROJECT IS \$114,888.45
PER O.R.C. 6131.40
NO BIDS SHALL BE ACCEPTED THAT EXCEED THE ENGINEER’S CONSTRUCTION
ESTIMATE.**

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from www.bidexpress.com. All bidders must register and be a member of the web service to bid on the project.

This notice is posted on the Delaware County website at www.co.delaware.oh.us and may be accessed by selecting “Public Notices and Bids.”

The Owner requires that all work associated with the project be completed before May 31, 2025. The estimated commencement of work date is October 21, 2024.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of Delaware County. The Board reserves the right to reject any or all bids.

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

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RESOLUTION NO. 24-734

**IN THE MATTER OF ACCEPTING THE ROADS, ESTABLISHING STOP CONDITIONS AND
RELEASING THE MAINTENANCE BONDS FOR HOWARD FARMS SECTION 2, HOWARD
FARMS SECTION 3, PIATT PRESERVE EXTENSION SECTION 1 AND PIATT PRESERVE
EXTENSION SECTION 2:**

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

WHEREAS, the Engineer has reviewed the roads constructed within Howard Farms Section 2, Howard Farms Section 3, Piatt Preserve Extension Section 1, and Piatt Preserve Extension Section 2 (the “Subdivisions”), finds them to be constructed in accordance with the approved plans, and recommends that the following roads within the Subdivisions be accepted into the public system:

Howard Farms Section 2:

- An addition of 0.137 mile to Township Road Number 1771, Willet Way
- An addition of 0.170 mile to Township Road Number 1772, Basil Drive

Howard Farms Section 3:

- An addition of 0.206 mile to Township Road Number 1772, Basil Drive
- An addition of 0.124 mile to Township Road Number 1886, Pendleton Court
- An addition of 0.060 mile to Township Road Number 1885, McKenna Drive
- An addition of 0.204 mile to Township Road Number 1770, Emory Street

Piatt Preserve Extension Section 1:

- An addition of 0.253 mile to Township Road Number 1887, Carrowmore Drive
- An addition of 0.025 mile to Township Road Number 1888, Carrowmore Drive
- An addition of 0.307 mile to Township Road Number 1870, Bellgrove Place

Piatt Preserve Extension Section 2:

- An addition of 0.141 mile to Township Road Number 1869, Cranbrooke Lane
- An addition of 0.205 mile to Township Road Number 1889, Piatt Crest Drive; and

WHEREAS, the Engineer recommends that the following stop conditions be established within the Subdivisions:

- On Township Road Number 1771, Willet Way, at its intersection with Township Road Number 1772, Basil Drive; and
- On Township Road Number 1886, Pendleton Court, at its intersection with Township Road Number 1770, Emory Street; and
- On Township Road Number 1885, McKenna Drive, at its intersection with Township Road Number 1770, Emory Street and Township Road Number 1772, Basil Drive
- On Township Road Number 1887, Carrowmore Drive at its intersection with County Road Number 96, Gregory Road
- On Township Road Number 1888, Carrowmore Court at its intersection with Township Road Number 1887, Carrowmore Drive

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- On Township Road Number 1870, Bellgrove Place at its intersection with Township Road Number 1887, Carrowmore Drive
- On Township Road Number 1869, Cranbrooke Lane at its intersection with Township Road Number 1889, Piatt Crest Drive; and

WHEREAS, the Engineer also requests approval to return the maintenance bonds to the owners, Homewood Cooperation and D.R. Horton;

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby accepts the Engineer's recommendations stated herein and accepts the roads, establishes stop conditions, and releases maintenance bonds in accordance with the Engineer's recommendations stated herein.

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

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RESOLUTION NO. 24-735

IN THE MATTER OF LEVYING THE SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OF IMPROVEMENTS TO HOME ROAD AND GREEN MEADOWS DRIVE, BOTH LOCATED EAST OF U.S. ROUTE 23 IN ORANGE TOWNSHIP, DELAWARE COUNTY, OHIO:

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

WHEREAS, on October 26, 2021, Kerbler Builders; Kerbler Farms, LLC; and JAK Investments II, LLC, jointly filed a petition with the Delaware County Board of Commissioners (the "Board") requesting the construction of improvements to Home Road and Green Meadows Drive, both located east of U.S. Route 23 in Orange Township, Delaware County, Ohio (the "Improvements"); and

WHEREAS, the petitioners also requested the Board levy an assessment to pay for a specified amount of the cost of the Improvements, and the petitioners represent at least fifty-one percent of the owners of lands to be assessed; and

WHEREAS, the Board viewed the proposed Improvements on November 22, 2021; and

WHEREAS, on November 9, 2023, Pulte Homes of Ohio, LLC, filed with the Board a request to join the petition for the Improvements; and

WHEREAS, the petitioners represent one hundred percent of the property owners to be assessed for the Improvements, have consented to the assessments, and have waived any further rights related to the proceedings for the Improvements; and

WHEREAS, on December 21, 2023, the Board adopted Resolution No. 23-1129, proceeding with the construction of the Improvements and assessing the cost thereof in the amount of \$3,468,960, to be paid over a period of twenty years; and

WHEREAS, the County Engineer has certified that the Improvements have a total cost in excess of \$3,468,960 and recommends that the Board confirm, levy, and certify the special assessments for the construction of the Improvements;

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

Section 1. The Board hereby levies the special assessments for the cost and expense of the Improvements, in accordance with Resolution No. 23-1129 and the special benefits to the real estate to be assessed, consisting of the parcels of real property bearing the following parcel numbers: 31823021001002, 31823021001003, 31823021001004, 31823021001005, 31823021006004, 31823021006003, and 31823021006002. The special assessments shall be in the total amount of \$3,468,960, to be apportioned in the amount of \$15,840 upon each of the 219 building lots or condominium units to be created through subdivision or development of the parcels of real property listed herein.

Section 2. The assessments described and levied in Section 1 shall be levied and collected over a period of twenty (20) years, for an annual assessment of \$792 per platted lot or condominium unit. The special assessments shall be placed upon the tax duplicate no later than the second Monday of September next following the date on which a certificate of occupancy is granted for the structure, to be collected as taxes are collected, commencing in the next succeeding calendar year and continuing for the stated period of twenty (20) years. Notwithstanding the foregoing sentence, placement upon the tax duplicate against the parcels of real property listed herein shall not occur later than August 1, 2027, with collection commencing in 2028.

Section 3. The Clerk of the Board is hereby directed to certify a copy of this Resolution to the Delaware County Auditor on or before September 9, 2024. Upon certification, the special assessments levied herein shall be lien upon the parcels of real property listed herein, subject to deferred collection as set forth in Section 2 of this Resolution.

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Section 4. The Clerk of the Board is hereby directed to deliver a copy of this Resolution by certified mail to the petitioners.

Section 5. This Resolution shall take effect immediately upon adoption.

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

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BOARD OF COMMISSIONERS

ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, MICHAEL R. SHADE, ATTORNEY-AT-LAW, REQUESTING ANNEXATION OF 239.167 ACRES OF LAND IN DELAWARE TOWNSHIP (135.728 ACRES) AND CONCORD TOWNSHIP (103.439 ACRES) TO THE CITY OF DELAWARE

Pursuant to section 709.023(E) of the Revised Code, if an objection to an expedited type-2 annexation petition is timely filed with the Board of County Commissioners, the Board shall review the petition to determine if each of the following conditions has been met.

SPEAKING IN FAVOR OF ANNEXATION: PAUL BRAKE – DELAWARE CITY MANAGER, MICHAEL SHADE - ATTORNEY AT LAW ON BEHALF OF PETITIONER

SPEAKING AGAINST ANNEXATION: CHRIS RINEHART – ATTORNEY FOR CONCORD TOWNSHIP, JOE GARRETT – CONCORD TOWNSHIP TRUSTEE

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ADMINISTRATOR REPORTS

CA Davies – Reminder of TID meeting and DCFA meeting on Wednesday

DCA Huston – Nothing to report.

Attorney Hochstettler – Nothing to report.

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COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Lewis – will be attending a DKMM meeting on Tuesday.

Commissioner Benton – Congrats to OSU football on a win.

Commissioner Merrell – gave reminder of “The Wall that Heals” starting this week.

There being no further business, the meeting adjourned.

Jeff Benton

Barb Lewis

Gary Merrell

Jennifer Walraven, Clerk to the Commissioners