

**COMMISSIONERS JOURNAL NO. 82 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 15, 2025**

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

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

8:30 A.M. Special Session
9:30 A.M. Regular Session

**1
RESOLUTION NO. 25-730**

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 11, 2025:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the “Board”) met in regular session on September 11, 2025; 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
PUBLIC COMMENT**

Don Howard, Delaware County Fair Board President – shared information on the Fair activities

Harold Wolford, Vietnam Veterans of America Member – shared information regarding Veterans activities planned for the Fair

**3
RESOLUTION NO. 25-731**

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR 0912 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR 0912:

It was moved by Mr. Merrell, seconded by Mr. Benton, to approve Then and Now Certificates, payment of warrants in batch numbers CMAPR 0912, memo transfers in batch numbers MTAPR 0912 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
(P2501070) Treasurer Del. Co.	URF Operations & Maintenance Projects	66611900-5410	\$53,366.68
(P2502395) Craftmaster	Land & Buildings	10011105-5201	\$1,000.00
(P2502395) Craftmaster	Land & Buildings	10011105-5228	\$4,500.00
(P2501185) Beems BP	SRF Operations & Maintenance	66211900-5228	\$7,483.43
(P2503921) HACH	SRF Operations & Maintenance	66211900-5450	\$639.86
(P2501880) Prime Const Mang	URF Operations & Maintenance Projects	66611900-5410	\$35,539.15
(P2501026) PNC Bank	Emergency Medical Services	10011303-5300	\$25,000.00
(P2503402) Buckeye Ranch	Childrens Services	22511607-5350	\$12,750.00
(P2503704) Hope 4 2Morrow	Childrens Services	22511607-5350	\$2,400.00
(P2501432) PNC Bank	Regional Sewer Pro. Cards	66211900-5300	\$15,000.00
(P2501041) Interflex	HR contract Ser.	60211925-5370	\$116,000.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Account</u>	<u>Amount</u>
R2504141	PUBLIC CONSULTING GROUP LLC	EMS BILL SVCS 07 01 25-06 30 26	10011303 - 5301	\$ 50,000.00
R2504170	OHIOHEALTH CORPORATION	DIETITIAN SVCS 07 01 25-06 30 26	10011303 - 5301	\$ 9,000.00

**COMMISSIONERS JOURNAL NO. 82 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 15, 2025**

R2504170	OHIOHEALTH CORPORATION	NEW HIRE TESTING	10011303 - 5301	\$ 5,000.00
R2504334	SUPERION LLC	ANNUAL RENEWAL - ENGINEER	29214001 - 5321	\$ 8,067.20
R2504334	SUPERION LLC	ANNUAL RENEWAL - ENGINEER	69340407 - 5321	\$ 8,067.20
R2504334	SUPERION LLC	ANNUAL RENEWAL - BUILDING SAFETY	10011301 - 5321	\$ 25,097.98
R2504334	SUPERION LLC	ANNUAL RENEWAL - REGIONAL SEWER	66211900 - 5321	\$ 14,341.70
R2504334	SUPERION LLC	ANNUAL RENEWAL - SOIL & WATER	72190901 - 5321	\$ 5,378.14
R2504334	SUPERION LLC	ANNUAL RENEWAL - REGIONAL PLANNING	72070701 - 5321	\$ 3,585.43

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

**4
RESOLUTION NO. 25-732**

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, DAVID W. FISHER, ESQ., REQUESTING ANNEXATION OF 109.01 ACRES OF LAND IN BERLIN TOWNSHIP TO THE CITY OF DELAWARE:

It was moved by Mr. Benton, seconded by Mr. Merrell, to acknowledge that on September 5, 2025, the Clerk to the Board of Commissioners received a petition requesting annexation of 109.01 acres of land from Berlin Township to the City of Delaware.

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

**5
RESOLUTION NO. 25-733**

SETTING DATE, TIME, AND PLACE FOR THE DELAWARE COUNTY BOARD OF COMMISSIONERS’ PUBLIC HEARING TO CONSIDER THE APPROVAL AND ADOPTION OF AMENDMENTS TO THE SUBDIVISION REGULATIONS OF DELAWARE COUNTY:

It was moved by Mr. Merrell, seconded by Mr. Benton, to set **Thursday November 6, 2025 at 9:45A.M.** at the Office of the Board of County Commissioners, 91 North Sandusky Street Delaware, Ohio as the date, time and place for the Delaware County Board of Commissioners’ Public Hearing to consider the approval and adoption of the following Amendments to the Subdivision Regulations of Delaware County, Ohio:

- Amendment #1 Amendments to approval periods and Extensions
- Amendment #2 Section 102.03 Expirations or Extension of Subdivision
- Amendment #3 Section 204.04 Commission Action and Expiration
- Amendment #4 Section 205.06 Minor Amendments to a Recorded Subdivision Plat
- Amendment #5 Section 206.02 Final Plat Contents and Format

(the “Amendments”), pursuant to the Ohio Revised Code Sections 711.10, 711.132, and 711.133 [Subdivision Regulations of Delaware County, Ohio are available for review in the Delaware County Regional Planning Office and on the web at <https://regionalplanning.co.delaware.oh.us/wp-content/uploads/sites/17/2025/07/2025-Sub-Regs-Amendments.pdf>];

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS, DELAWARE COUNTY, OHIO, THAT:

1. A public hearing on the Amendments shall be held on **Thursday November 6, 2025 at 9:45A.M.** at the offices of the Board, 91 North Sandusky Street, Delaware, Ohio.
2. The Clerk of this Board is directed to give notice of the public hearing on the Amendments by publication once in The Delaware Gazette, not less than 30 days prior to the hearing.
3. This Resolution shall be in full force and effect immediately upon its adoption.

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

**6
RESOLUTION NO. 25-734**

APPROVING A RESOLUTION HONORING THE LITTLE BROWN JUG 2025 JOSEPH NEVILLE MEMORIAL AWARD WINNER:

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

WHEREAS, each year the Little Brown Jug and the Delaware County Fair honor an individual with the Joseph Neville Memorial Award; and

WHEREAS, Robert “Bob” McIntosh, a Hall of Fame trainer and three-time winner of the Jugette, has been

**COMMISSIONERS JOURNAL NO. 82 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 15, 2025**

posthumously awarded the 2025 Neville Award by an international panel of harness racing enthusiasts; and

WHEREAS, McIntosh, who was born in Wheatley, Ontario, began his harness racing journey by helping his father run the family stable and later worked for his older brother before establishing his own stable; and

WHEREAS, with more than 4,600 races won and more than \$92 million in earnings, his stable would become the leading money-winner among Canadian trainers and the fourth all-time in North America; and

WHEREAS, McIntosh is credited with 20 training wins in Delaware from 1992 through 2023, including three Jugette titles, three straight Senior Jug crowns, two Buckettes, two Standardbreds and a Winbak Pace; and

WHEREAS, during his remarkable career, McIntosh was named the O'Brien Award winner as Canada's Trainer of the Year seven times, the U.S. Trainer of the Year twice, and campaigned three horses that were voted Horse of the Year; and

WHEREAS, McIntosh was inducted into the U.S. Harness Racing Hall of Fame in Goshen, New York, in 2003 and the Canadian Horse Racing Hall of Fame in 2010;

NOW, THEREFORE, BE IT RESOLVED that, with this proclamation, the Delaware County Board of Commissioners and Delaware City hereby recognize and celebrate the career of Robert "Bob" McIntosh, the recipient of the 2025 Joseph Neville Memorial Award.

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

7

RESOLUTION NO. 25-735

APPROVING A RESOLUTION HONORING THE LITTLE BROWN JUG WALL OF FAME RECIPIENT:

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

WHEREAS, each year the Delaware County Fair selects a Little Brown Jug Wall of Fame honoree; and

WHEREAS, David McDuffee, a prominent figure in harness racing and a two-time Little Brown Jug-winning owner, has been selected as the 40th Little Brown Jug Wall of Fame honoree; and

WHEREAS, inspired in his youth by his father's standardbreds and a backyard half-mile track at their family home in Massachusetts, McDuffee entered horse ownership in the 1980s alongside his longtime partner Tom Walsh and has since built an extraordinary career in the sport; and

WHEREAS, his ownership resume is distinguished by an impressive list of accomplishments, including Little Brown Jug victories in 1994 and 1996, as well as nine Breeders Crown titles, two Hambletonian Oaks, and three Kentucky Filly Futurities; and

WHEREAS, McDuffee was previously honored as the United States Harness Writers Association's "Owner of the Year" in 2021 and has served as a trustee of the Harness Racing Museum and Hall of Fame since 2014; and

WHEREAS, in 2024, he achieved the sport's highest honor when he was elected to the Harness Racing Hall of Fame in Goshen, New York;

NOW, THEREFORE, BE IT RESOLVED that, with this proclamation, the Delaware County Board of Commissioners and Delaware City hereby recognize and celebrate David McDuffee, the 40th Little Brown Jug Wall of Fame honoree, for his contributions to the sport of harness racing.

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

8

DELAWARE COUNTY JUNIOR FAIR SALE, PROJECTS, 4-H, AND LEADERSHIP

ROB LEEDS, OSU EXTENSION; LARYSSA HOOK, OSU EXTENSION; JACCI SMITH, OSU EXTENSION; JR FAIRBOARD YOUTH

9

RESOLUTION NO. 25-736

DELAWARE COUNTY COMMISSIONERS RECOGNIZING DONNA MEYER FOR HER YEARS OF SERVICE IN FURTHERANCE OF THE PRESERVATION OF DELAWARE COUNTY'S HISTORY:

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

**COMMISSIONERS JOURNAL NO. 82 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 15, 2025**

WHEREAS, the Delaware County Historical Society hired Donna Meyer to be its executive director in January of 2016, and Meyer has faithfully served in this role for nearly 10 years; and

WHEREAS, through her efforts, and in conjunction with many volunteers, DCHS successfully took possession of the Meeker Homestead on Stratford Road in Delaware; opened the Meeker Homestead Museum; started operation of the Barn at Stratford, an event venue business; acquired the Millworkers' Cottage on Stratford Road; acquired the old Delaware County Jail and Sheriff's Residence; and moved its headquarters from the DCHS Cryder History Center on East William Street to the Meeker Homestead; and

WHEREAS, Meyer successfully lobbied the Ohio General Assembly for capital project funds and oversaw a multimillion dollar project to rehabilitate the 19th Century stone-end Garth Oberlander Barn, a critical part of the Meeker Homestead and the home of the Barn at Stratford, a project that occurred over the course of several years in several phases and resulted in the preservation of the barn so that it can be used for many years to come; and

WHEREAS, Meyer has worked to raise the status of DCHS in the Delaware County, Ohio, community and has supported the efforts of its volunteers to create educational programs that have been recognized by the Ohio History Connection and the Ohio Local History Alliance as outstanding programs; and

WHEREAS, Meyer has worked tirelessly to preserve Delaware County's rich history and to foster the understanding that a strong knowledge of the past is necessary to have a good understanding of the future.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Commissioners hereby recognize Donna Meyer for her years of service in furtherance of the preservation of Delaware County's history and wish her well in retirement and all endeavors that follow.

Vote on Motion

Mrs. Lewis Aye

Mr. Merrell Aye

Mr. Benton Aye

10

RESOLUTION NO. 25-737

IN THE MATTER OF APPROVING THE DRAINAGE MAINTENANCE PETITION AND DITCH MAINTENANCE ASSESSMENT FOR PORSHI:

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

WHEREAS, on September 15, 2025, a Ditch Maintenance Petition for Porshi (the "Petition") was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, the Petition sets forth the drainage improvements that have been or will be constructed within Porshi, 9.68 acres in Orange Township; and

WHEREAS, the petitioners have requested that the drainage improvements be accepted into the Delaware County Drainage Maintenance Program and that an annual maintenance assessment be collected with the real estate taxes for the improvements in the subject lot to cover the cost of current and future maintenance of the improvements; and

WHEREAS, the petitioners represent 100% of the property owners to be assessed for maintenance related to this drainage improvement and have waived their rights to a public viewing and hearing; and

WHEREAS, based on a review of the Petition and all accompanying documents, the Board has determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program;

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

Section 1. The Board hereby grants the Petition, the Board having found and determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

Section 2. The Board hereby approves the maintenance assessments, in accordance with the Petition, as follows:

The cost of the drainage improvements is \$120,599.82 and a detailed cost estimate is attached. The drainage improvements are being constructed for the benefit of the condominium units being created in this development. The developed condominium area of 19 units will receive benefits (cost) of the project on a per acre basis. The basis for calculating the assessment for each condominium unit is therefore, \$6,347.36 per unit. An annual maintenance fee equal to 2% of this basis (\$126.95) will be collected for each developed condominium unit. We (I) understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year's assessment for all of the lots in the amount of \$2,412.05 has been paid to Delaware County.

**COMMISSIONERS JOURNAL NO. 82 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 15, 2025**

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

**11
RESOLUTION NO. 25-738**

IN THE MATTER OF AWARDING A BID AND APPROVING A CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND G&G ENTERPRISES COMPLETE EXCAVATING SERVICE, LLC FOR THE FRANKLIN WATERSHED DRAINAGE IMPROVEMENT PROJECT:

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

Franklin Watershed Drainage Improvement Project Bid Opening of August 19, 2025

WHEREAS, as the result of the above referenced bid opening, the County Engineer recommends that a bid award be made to G&G Enterprises Complete Excavating Service, LLC, the low bidder for the project; and

WHEREAS, the County Engineer recommends approval of the contract between the Delaware County Commissioners and G&G Enterprises Complete Excavating Service, LLC;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners awards the bid to and approves the following contract with G&G Enterprises Complete Excavating Service, LLC, for the Franklin Watershed Drainage Improvement Project:

CONTRACT

THIS AGREEMENT is made this 15th day of September, 2025, by and between G&G Enterprises Complete Excavating Service, LLC, 5907 Renie Road, Bellville, Ohio 44818, hereinafter called the “Contractor,” and the Delaware County Board of Commissioners, hereinafter called the “Owner.”

The Contractor and the Owner, for the consideration stated herein, mutually agree as follows:

ARTICLE 1. Statement of Work

The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and services, including utility and transportation services, and perform and complete all work required for the construction of the improvements embraced in the project named “Franklin Watershed Drainage Improvement Project” and required supplemental work for the project all in strict accordance with the Contract Documents.

ARTICLE 2. The Contract Price

The Owner will pay the Contractor for the total quantities or work performed at the unit prices stipulated in the Bid for the respective items or work completed for the sum not to exceed ONE-HUNDRED EIGHTY-FIVE THOUSAND NINE HUNDRED SEVENTY-FOUR DOLLARS AND TWENTY-FIVE CENTS (\$185,974.25), subject to additions and deductions as provided in the Contract Documents.

ARTICLE 3. Contract

The executed Contract Documents shall consist of the following:

- a. This Agreement
- b. Addenda
- c. Invitation to Bid
- d. Instructions to Bidders
- e. Signed copy of bid
- f. Work Specifications (including all plans, drawings, etc.)
- g. Specifications - General Provisions
- h. Federal and State Requirements

This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern except as otherwise specifically stated.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed in three original copies on the day and year first above written.

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

**12
RESOLUTION NO. 25-739**

IN THE MATTER OF AWARDING A BID AND APPROVING A CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND G&G ENTERPRISES COMPLETE EXCAVATING SERVICE, LLC FOR THE RIBOV #620 WATERSHED DRAINAGE

COMMISSIONERS JOURNAL NO. 82 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 15, 2025

IMPROVEMENT PROJECT:

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

Ribov #620 Watershed Drainage Improvement Project Bid Opening of August 19, 2025

WHEREAS, as the result of the above referenced bid opening, the County Engineer recommends that a bid award be made to G&G Enterprises Complete Excavating Service, LLC, the low bidder for the project; and

WHEREAS, the County Engineer recommends approval of the contract between the Delaware County Commissioners and G&G Enterprises Complete Excavating Service, LLC;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners awards the bid to and approves the following contract with G&G Enterprises Complete Excavating Service, LLC, for the Ribov #620 Watershed Drainage Improvement Project:

CONTRACT

THIS AGREEMENT is made this 15th day of September, 2025, by and between G&G Enterprises Complete Excavating Service, LLC, 5907 Renie Road, Bellville, Ohio 44818, hereinafter called the "Contractor," and the Delaware County Board of Commissioners, hereinafter called the "Owner."

The Contractor and the Owner, for the consideration stated herein, mutually agree as follows:

ARTICLE 1. Statement of Work

The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and services, including utility and transportation services, and perform and complete all work required for the construction of the improvements embraced in the project named "Ribov #620 Watershed Drainage Improvement Project" and required supplemental work for the project all in strict accordance with the Contract Documents.

ARTICLE 2. The Contract Price

The Owner will pay the Contractor for the total quantities or work performed at the unit prices stipulated in the Bid for the respective items or work completed for the sum not to exceed ONE HUNDRED FORTY-NINE THOUSAND FOUR HUNDRED NINETY-FIVE DOLLARS AND FORTY-FIVE CENTS (\$149,495.45), subject to additions and deductions as provided in the Contract Documents.

ARTICLE 3. Contract

The executed Contract Documents shall consist of the following:

- a. This Agreement
- b. Addenda
- c. Invitation to Bid
- d. Instructions to Bidders
- e. Signed copy of bid
- f. Work Specifications (including all plans, drawings, etc.)
- g. Specifications - General Provisions
- h. Federal and State Requirements

This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern except as otherwise specifically stated.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed in three original copies on the day and year first above written.

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

**13
RESOLUTION NO. 25-740**

IN THE MATTER OF ESTABLISHING A NEW ORGANIZATIONAL KEY FOR THE HYATTS RD & S. SECTION LINE OPWC PROJECT:

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

NEW ORGANIZATION KEY
40940470 Hyatts Rd S. Section Line OPWC

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

**COMMISSIONERS JOURNAL NO. 82 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 15, 2025**

14

RESOLUTION NO. 25-741**IN THE MATTER OF APPROVING OWNER'S AGREEMENT FOR HONEY GROVE:**

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

WHEREAS, the Engineer recommends approving the Owner's Agreement for Honey Grove;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Owner's Agreement for Honey Grove as follows:

OWNER'S AGREEMENT
PROJECT NUMBER: 25036

THIS AGREEMENT, executed on this 15th day of September, 2025, between Pulte Homes of Ohio LLC, hereinafter called "OWNER" and the BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY OHIO (COUNTY COMMISSIONERS), for the project described as Honey Grove (NorthStar Wilson Rd) further identified as Project Number 25036 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 1 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 Seventy Thousand Dollars and No Cents (\$70,000.00) 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 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

**COMMISSIONERS JOURNAL NO. 82 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 15, 2025**

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.

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 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	\$2,301,400.00
CONSTRUCTION BOND AMOUNT	\$2,301,400.00
MAINTENANCE BOND AMOUNT	\$230,200.00
INSPECTION FEE DEPOSIT	\$70,000.00

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

**15
RESOLUTION NO. 25-742**

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

It was moved by Mr. Merrell, seconded by Mr. Benton, 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:

PERMITS	APPLICANT	LOCATION	TYPE OF WORK
UT2025-0245 UT2025-0246	FRONTIER ZAYO GROUP	VARIOUS CO. LINE RD & SR37	PLACE FIBER OPTICS ROAD BORE

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

COMMISSIONERS JOURNAL NO. 82 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 15, 2025

RESOLUTION NO. 25-743

IN THE MATTER OF APPROVING SPEED LIMIT REDUCTION ON HOME ROAD (CR#124):

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

WHEREAS, a request has been made by the Delaware County Engineer (the “Engineer”) that the statutory vehicular speed established by section 4511.21 of the Revised Code is greater than that considered to be safe and reasonable on Home Road (CR#124) between State Route 315 and US Route 23 in Delaware County, Ohio; and

WHEREAS, the Engineer has caused to be made engineering and traffic investigations upon the sections of roads described above; and

WHEREAS, it is the belief of the Engineer that such investigation confirms that, due to several factors identified within such investigation (minimal shoulder, roadway characteristics and road width and development), the allegation that the statutory speed limit of 55 MPH is unrealistic upon the sections of roads; and

WHEREAS, the Engineer has brought such findings to the Delaware County Board of Commissioners of Delaware County, Ohio to request that the Board, by virtue of section 4511.21 of the Revised Code, request that the Director of the Ohio Department of Transportation review the engineering and traffic investigations and determine and declare a reasonable and safe prima facie speed limit of 50 miles per hour on Home Road (CR #124) between State Route 315 and US Route 23, in Delaware County, Ohio;

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

Section 1. The Board hereby requests that the Director of the Ohio Department of Transportation determine and declare a reasonable and safe speed limit on the sections of roads described above.

Section 2. Upon being advised that the Director of Transportation has determined and declared a revision of the speed limits on the sections of roads described above, the Engineer shall promptly erect standard signs properly posted and giving notice thereof.

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

17

RESOLUTION NO. 25-744

IN THE MATTER OF APPROVING SPEED LIMIT REDUCTION ON SUNBURY ROAD (CR#30):

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

WHEREAS, a request has been made by the Delaware County Engineer (the “Engineer”) that the statutory vehicular speed established by section 4511.21 of the Revised Code is greater than that considered to be safe and reasonable on Sunbury Road (CR#30) between Harlem Road and Galena Corporation limit (0.135 miles west of Vans Valley Road), in Delaware County, Ohio; and

WHEREAS, the Engineer has caused to be made engineering and traffic investigations upon the sections of roads described above; and

WHEREAS, it is the belief of the Engineer that such investigation confirms that, due to several factors identified within such investigation (minimal shoulder, roadway characteristics and road width and development), the allegation that the statutory speed limit of 55 MPH is unrealistic upon the sections of roads; and

WHEREAS, the Engineer has brought such findings to the Delaware County Board of Commissioners of Delaware County, Ohio to request that the Board, by virtue of section 4511.21 of the Revised Code, request that the Director of the Ohio Department of Transportation review the engineering and traffic investigations and determine and declare a reasonable and safe prima facie speed limit of 50 miles per hour on Sunbury Road (CR #30) between Harlem Road and Galena Corporation limit (0.135 miles west of Vans Valley Road), in Delaware County, Ohio;

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

Section 1. The Board hereby requests that the Director of the Ohio Department of Transportation determine and declare a reasonable and safe speed limit on the sections of roads described above.

Section 2. Upon being advised that the Director of Transportation has determined and declared a revision of the speed limits on the sections of roads described above, the Engineer shall promptly erect standard signs properly posted and giving notice thereof.

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

COMMISSIONERS JOURNAL NO. 82 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 15, 2025

18

RESOLUTION NO. 25-745

IN THE MATTER OF ACCEPTING THE ROADS, APPROVING RECOMMENDED SPEED LIMIT, ESTABLISHING STOP CONDITIONS, AND RELEASING THE BOND FOR CLARKSHAW RESERVE:

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

WHEREAS, the Engineer has reviewed the roadway construction of the roads in Clark Shaw Reserve (the "Subdivision"), finds it to be constructed in accordance with the approved plans, and recommends that the following roadways within the Subdivision be accepted into the public system:

Clark Shaw Reserve:

- An addition of 0.099 mile to Township Road number 1922 Roland Way
- An addition of 0.359 mile to Township Road number 1923 Tender Avenue
- An addition of 0.079 mile to Township Road number 1924 Peavey Street

WHEREAS, the Engineer recommends that the following stop conditions be established through the Subdivision:

- Establish a stop condition for Township Road 1922, Roland Way, at its intersection with Township Road Number 125, Steitz Road
- Establish a stop condition for Township Road 1922 Roland Way, at its intersection with Township Road 1923, Tender Avenue
- Establish a stop condition for Township Road 1924, Peavey Street at its intersection with Township Road 1923, Tender Avenue

WHEREAS, the Engineer recommends that a 25-mile-per-hour speed limit be established throughout the Subdivision; and

WHEREAS, the Engineer also requests approval to return the maintenance bond to the owner, Pulte Homes of Ohio, LLC;

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, approves the speed limit, establishes stop conditions and releases the bond in accordance with the Engineer's recommendations stated herein.

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

19

ADMINISTRATOR REPORTS

No Administrator Reports.

20

COMMISSIONERS' COMMITTEES REPORTS

Commissioner Merrell – attended the CORSA Annual Meeting. He will be attending the Junior Fair Live Stock Auction. He also attended the Asian American Commerce Awards Ceremony.

Commissioner Benton – gave reminder about the Live Stock sale on Tuesday and Wednesday at the Fair. He will be attending the Wall of Fame and Neville Award Ceremonies on Tuesday.

Commissioner Lewis – Thanks to Fair Board and the Sheriff's Department for Fair Operation Safe and Secure.

There being no further business, the meeting adjourned.

Jeff Benton

Barb Lewis

Gary Merrell