

**COMMISSIONERS JOURNAL NO. 82 - DELAWARE COUNTY
MINUTES FROM SPECIAL JOINT SESSION WITH THE BOARD OF COMMISSIONERS OF
MARION COUNTY HELD OCTOBER 6, 2025**

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

Present:

**Gary Merrell, Delaware County Commissioner and President of the Joint Board
Barb Lewis, Delaware County Commissioner
Jeff Benton, Delaware County Commissioner**

**Andy Appelfeller, Marion County Commissioner
Mark Davis, Marion County Commissioner - Absent
Kevin Davidson, Marion County Commissioner**

1:30P.M.- FINAL PUBLIC HEARING FOR CONSIDERATION OF THE JOINT COUNTY DRAINAGE PETITION, FILED BY JOSEPH ISLER FOR THE JAMES JOINT COUNTY WATERSHED:

The Board of Commissioners opened the hearing at 1:30 P.M.

The Board of Commissioners closed the hearing at 1:39 P.M.

RESOLUTION NO. 25-05

IN THE MATTER OF THE JOINT BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO AND MARION COUNTY, OHIO ACKNOWLEDGING RECEIPT OF THE WRITTEN OBJECTION AND EXCEPTION TO THE ASSESSMENT, FILED BY STREAM AND WETLANDS FOUNDATION IN THE PROCEEDINGS FOR THE JAMES JOINT COUNTY WATERSHED DRAINAGE IMPROVEMENT PROJECT, AND DENYING THE EXCEPTION:

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

WHEREAS, on June 7, 2024, a Drainage Improvement petition for the James Joint County Watershed Drainage Improvement was filed with the Board of Commissioners of Delaware County; and

WHEREAS on August 6, 2024 the Delaware County Board of Commissioners and the Marion County Board of Commissioners met and established a Joint Board (the “Joint Board”) to address the drainage petition; and

WHEREAS, on November 25, 2024, the Joint Board adopted Resolution No. 24-03, finding in favor of the improvement and directing the Delaware County Engineer to proceed with preparation of plans, reports, and schedules for the James Joint County Watershed Drainage Improvement Petition Project; and

WHEREAS, on May 12, 2025 the Joint Board was scheduled to conduct the final public hearing on the drainage petition, but such hearing was continued for lack of a quorum of the Joint Board being present; and

WHEREAS, the Joint Board scheduled a final hearing on the James Joint County Watershed Drainage Improvement for October 6, 2025; and

WHEREAS, per section 6131.17 of the Revised Code, an exception to the assessments or a claim for compensation or damages must be filed with the Clerk of the Joint Board not less than five (5) days before the date fixed for the final hearing; and

WHEREAS, on September 26, 2025, more than five (5) days before the start of the October 6, 2025 final hearing, Stream And Wetlands Foundation submitted a written exception to the assessment for the James Joint County Watershed Drainage Improvement Project;

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

Section 1. The Joint Board hereby acknowledges the receipt of the written objection filed by Stream and Wetlands Foundation, which shall be accepted as the owner’s comments on the petition, submitted in accordance with section 6131.08 of the Revised Code.

Section 2. The Joint Board hereby acknowledges the timely receipt of the exception to the assessment filed by Stream and Wetlands Foundation, to the extent it is submitted as an exception to the county engineer’s schedules of assessments and claim for compensation or damages, pursuant to section 6131.17 of the Revised Code.

Section 3. The Joint Board hereby denies the exception to the assessment filed by Stream and Wetlands Foundation because real property owned by Stream and Wetlands Foundation is a part of the James Joint County Watershed and the owner has not submitted evidence demonstrating that the owner does not benefit from the proposed improvement or that the assessment exceeds the benefit to the owner.

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Vote on Motion 25-05

Jeff Benton, Delaware County Commissioner	Aye
Barb Lewis, Delaware County Commissioner	Aye
Gary Merrell, Delaware County Commissioner	Aye
Andy Appelfeller, Marion County Commissioner	Aye
Mark Davis, Marion County Commissioner	Absent
Kevin Davidson, Marion County Commissioner	Aye

RESOLUTION NO. 25-06

IN THE MATTER OF FINDING IN FAVOR OF THE IMPROVEMENT, AFFIRMING THE ORDER, CONFIRMING THE MAINTENANCE ASSESSMENTS, AND APPROVING THE PAYMENT SCHEDULE FOR THE JAMES JOINT COUNTY WATERSHED DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, on June 7, 2024, a Drainage Improvement petition for the James Joint County Watershed Drainage Improvement was filed with the Board of Commissioners of Delaware County; and

WHEREAS on August 6, 2024 the Delaware County Board of Commissioners and the Marion County Board of Commissioners met and established a Joint Board (the “Joint Board”) to address the drainage petition; and

WHEREAS, on November 25, 2024, the Joint Board adopted Resolution No. 24-03, finding in favor of the improvement and directing the Delaware County Engineer to proceed with preparation of plans, reports, and schedules for the James Joint County Watershed Drainage Improvement Petition Project; and

WHEREAS, on May 12, 2025 the Joint Board was scheduled to conduct the final public hearing on the drainage petition, but such hearing was continued for lack of a quorum of the Joint Board being present; and,

WHEREAS, on October 6, 2025, 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 James Joint County Watershed Drainage Improvement Project; and

WHEREAS, after hearing all the evidence offered in the proceedings and after receiving and considering all the schedules, plans, and reports filed by the County Engineer, the cost of location and construction, the compensation for land and other property to be 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 or insufficiency of the outlet, the benefits to the public welfare, the benefits to land, public corporations, and the state needing the improvement, and other proper matters that may assist the board in finding for or against the improvement, the Joint Board is prepared to issue its findings on the proposed improvements (maintenance assessment);

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

Section 1. The Joint Board hereby finds that the proposed improvement (maintenance assessment) 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 (maintenance assessment) 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; and

Section 2. This Joint Board hereby accepts the James Joint County subsurface drain into the Delaware County Drainage Maintenance Program per the associated engineering plan.

Section 3. The Joint Board approves and confirms the schedule of maintenance base as submitted by the Delaware County Engineer.

Section 4. The maintenance fund shall be maintained, as needed, by an assessment levied not more often than once annually upon the benefited owners, as defined in [section 6131.01](#) of the Revised Code, apportioned on the basis of the estimated benefits for construction of the improvement. An assessment shall represent such a percentage of the estimated benefits as is estimated by the engineer and found adequate by the board or joint board to effect the purpose of [section 6137.02](#) of the Revised Code, except that at no time shall a maintenance fund have an unencumbered balance greater than twenty per cent (20%) of all construction costs of the improvement. The minimum assessment shall be two dollars. Any cost incurred from the petition project process will be paid from the annual Drainage Improvement maintenance assessments; and,

Section 5. The Joint Board approves a 5% collection rate be certified by the Clerk to the Delaware County and Marion County Auditors for special assessments for the James Joint County project to begin January 2026/

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January 2027; and,

Section 6. The Joint Board approves the Maintenance Easements for the James Joint County Watershed Drainage Improvement Project attached hereto as “Exhibit A to Joint Board (Delaware and Marion) Res. 25-05” and by this reference said exhibit is incorporated herein. The Engineer shall record this Easement in the Records Offices of both Delaware and Marion Counties.

Section 7. 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 25-06

Jeff Benton, Delaware County Commissioner	Aye
Barb Lewis, Delaware County Commissioner	Aye
Gary Merrell, Delaware County Commissioner	Aye
Andy Appelfeller, Marion County Commissioner	Aye
Mark Davis, Marion County Commissioner	Absent
Kevin Davidson, Marion 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

Andy Appelfeller, Marion County Commissioner

Mark Davis, Marion County Commissioner

Kevin Davidson, Marion County Commissioner

Jennifer Walraven, Clerk to the Commissioners