

COMMISSIONERS JOURNAL NO. 84 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 21, 2026

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

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

1
RESOLUTION NO. 26-688

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS
FROM REGULAR MEETING HELD SEPTEMBER 17, 2026:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the “Board”) met in regular session on September 17, 2026; 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

Mr. Harold Wolford promoted the September 25th Veterans Dinner starting at 6pm.

Mr. Andrew Mitchell is inquiring about accountability

3
RESOLUTION NO. 26-689

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES,
AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0918, MEMO TRANSFERS IN
BATCH NUMBERS MTAPR0819:

It was moved by Mr. Merrell, seconded by Mrs. Lewis, to approve Then and Now Certificates, payment of warrants in batch numbers CMAPR0918, memo transfers in batch numbers MTAPR0918, and Purchase Orders as listed below:

PR Number	Vendor Name	Line Desc	Line Account	Line Amount
R2604236	K2M Design Inc	Design Services - Ems 3 &	42011438-5410	\$768,890.00
	General Temperature	Sheriff South Substation		
R2604546	Control Inc	Jail Replacement Boiler	40111402-5410	\$87,000.00
		2025 Explorer Deer Hit 9-4-		
R2604547	Delaware Auto Sales LLC	26	60111901-5370	\$8,543.53

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

4
RESOLUTION NO. 26-690

APPROVING A RESOLUTION HONORING THE LITTLE BROWN JUG 2026 JOSEPH NEVILLE
MEMORIAL AWARD WINNER:

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

WHEREAS, the City of Delaware and Delaware County have the responsibility to recognize occasions of outstanding significance; and

WHEREAS, each year a panel of international and national harness racing enthusiasts selects a Joseph Neville Memorial Award honoree; and

WHEREAS, the 2026 honoree is former driver and trainer, James Kent “Chip” Hastings, who was a long-time employee of the United States Trotting Association (USTA) and member of the Little Brown Jug Society; and

COMMISSIONERS JOURNAL NO. 84 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 21, 2026

WHEREAS, Chip first joined the association in 1976, serving in the capacity of director of officials through 1984. He returned to the USTA in 1992 in the role of liaison officer, a post he held until his retirement in December 2017; and

WHEREAS, during his tenure at the USTA, Hastings spearheaded several transformative initiatives that reshaped the organization’s technological and regulatory landscape. He oversaw the creation and rollout of the first computer-based race office system (now known as eTrack), as well as the industry’s inaugural program for electronic eligibilities, modernizing how race information was processed and managed. He also guided the implementation of reciprocal memberships and licensing between the USTA and Standardbred Canada, strengthening cross-border cooperation within the sport; and

WHEREAS, in the realm of officiating, Hastings left an equally lasting mark. He founded the North American Judges and Stewards Association, established the curriculum for the harness racing accreditation program, and designed the sport’s first penalty point system to address violations and repeat offenders. His work provided a structured, consistent framework that elevated professionalism and accountability across North American harness racing; and

NOW, THEREFORE, I, Carolyn Kay Riggle, Mayor of the City of Delaware, and Delaware County Commissioners Jeff Benton, Barb Lewis, and Gary Merrell hereby jointly issue this proclamation to honor:

JAMES KENT “CHIP” HASTINGS

in the City of Delaware, Ohio, and in the County of Delaware, Ohio, and we join with our fellow citizens in recognizing the 2026 Neville Award honoree and his many accomplishments.

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

5
RESOLUTION NO. 26-691

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

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

WHEREAS, the Delaware County and the City of Delaware have the responsibility to recognize occasions of outstanding significance; and

WHEREAS, each year a panel of international and national harness racing enthusiasts selects a Little Brown Jug Wall of Fame honoree; and

WHEREAS, Governor Mike DeWine has been selected as the forty-first inductee for the Little Brown Jug Wall of Fame, an honor reserved for those who have made exceptional contributions to this historic pacing classic and to the Delaware County Fairgrounds; and

WHEREAS, DeWine came early to the agricultural industry, raised in Yellow Springs, Ohio, and working in his family’s seed company; and

WHEREAS, DeWine, now completing his term of office as Ohio’s 70th Governor, has also served the people of Ohio through an exemplary career that has included roles as an Ohio state senator, Ohio Attorney General, Ohio Lieutenant Governor, a U.S. Congressman, and a U.S. Senator; and

WHEREAS, under DeWine’s oversight, the state has provided critical capital improvement funds to upgrade and improve the Delaware County Fairground;

THEREFORE, BE IT RESOLVED, that with this proclamation, the Delaware County Board of Commissioners and the City of Delaware hereby recognize this year’s Little Brown Jug Wall of Fame honoree, the Honorable Mike DeWine.

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

6
ROB LEEDS, OSU EXTENSION
INTRODUCTION OF STAFF
EMMALEE FACEMEYER
KYNA DESROSIERS
EVE SCHMID
JOY NEWHOUSE
LARYSSA HOOK, OSU EXTENSION
JACCI SMITH, OSU EXTENSION; JR FAIR BOARD YOUTH
DELAWARE COUNTY JUNIOR FAIR SALE, PROJECTS, 4-H, AND LEADERSHIP

COMMISSIONERS JOURNAL NO. 84 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 21, 2026

DELAWARE COUNTY SOIL AND WATER CONSERVATION DISTRICT
PRESENTATION:

THE 2026 COOPERATOR OF THE YEAR AWARD
PRESENTED TO COMMISSIONER LEWIS

8
RESOLUTION NO. 26-692

IN THE MATTER OF APPROVING AN AMENDMENT TO THE FY25 URBAN COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM SUBRECEIPIENT AGREEMENT
BETWEEN THE BOARD OF COMMISSIONERS, DELAWARE, OHIO AND THE VILLAGE OF
OSTRANDER:

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

WHEREAS, Resolution 26-456 authorized the FY25 Urban County Community Development Block Grant Subrecipient Agreement between the Board of Commissioners of Delaware County and the Village of Ostrander;

WHEREAS, County Administration recommends the approval of an amendment to the subrecipient agreement to increase the not-to-exceed amount on the award to \$248,000 as well as extend the duration of the agreement through May 31, 2027;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby approves an amendment to the FY25 Urban County Community Development Block Grant Subrecipient Agreement between the Board of County Commissioners of Delaware County, Ohio and the Village of Ostrander:

AMENDMENT TO
COMMUNITY DEVELOPMENT BLOCK GRANT
FOR ENTITLEMENT COMMUNITIES (URBAN COUNTY)
SUBRECIPIENT AGREEMENT

This Amendment to the Community Development Block Grant for Entitlement Communities (Urban County) Subrecipient Agreement, dated June 29, 2026, by and between Delaware County, Ohio, acting through its Board of County Commissioners, with its address at 91 North Sandusky Street, Delaware, Ohio 43015 (the “County”), and the Village of Ostrander, Ohio, with its address at 19 S Main Street, Ostrander, OH 43061 (“Subrecipient”), is made on September 21, 2026.

Pursuant to Section 4 of the Agreement, the County and the Subrecipient mutually agree to amend the Agreement as follows:

- 1. The not-to-exceed amount within Section 7a is hereby increased to \$248,000.
- 2. For Section II: Time of Performance within the Scope of Services, the funds expended by date is hereby extended to May 31, 2027.
- 3. For Section II: Budget within the Scope of Services, the Other (Intersection Improvements) and Total categories are hereby increased to \$248,000.

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

IN WITNESS WHEREOF, the County and Subrecipient execute this Amendment through their respective duly-authorized representatives.

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

9
RESOLUTION NO. 26-693

IN THE MATTER OF ESTABLISHING A NEW ORGANIZATION KEY, SUPPLEMENTAL
APPROPRIATIONS AND A REVISED REVENUE ESTIMATE:

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

New Organization Keys		
23011718	Urban CDBG FY26	
Supplemental Appropriations		
23011718-5301	Urban CDBG FY26/Contracted Prof Services	86,963.00
23011717-5365	Urban CDBG FY26/Grant Related Services	347,848.00
Revised Revenue Estimate		
23011718-4509	Urban CDBG FY26/Federal Grants A	434,811.00

COMMISSIONERS JOURNAL NO. 84 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 21, 2026

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

10
RESOLUTION NO. 26-694

IN THE MATTER OF ESTABLISHING NEW ORGANIZATION KEYS AND SUPPLEMENTAL APPROPRIATIONS:

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

New Organization Keys		
40311514	Franklin North #2603	
40311515	Franklin South #2604	
40311516	Crabill #2607	
Supplemental Appropriations		
40311514-5328	Franklin North #2603/Maint & Repair Services	7,343.00
40311515-5328	Franklin South #2604/Maint & Repair Services	21,643.00
40311516-5328	Crabill #2607/Maint & Repair Services	20,000.00

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

11
RESOLUTION NO. 26-695

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS:

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

Supplemental Appropriation		
10011102-5401	Commissioners General/Land Purchase	\$390,000.00

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

12
RESOLUTION NO. 26-696

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

It was moved by Mrs. Lewis, seconded by Mr. Merrell, 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 Chancel Gate 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 Chancel Gate 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 10:00 am on Tuesday October 13, 2026, at which time they will be publicly received and read aloud, for the project known as:

**O.R.C. 6131 Drainage Improvement Project
Chancel Gate 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.

COMMISSIONERS JOURNAL NO. 84 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 21, 2026

THE ENGINEER’S CONSTRUCTION ESTIMATE FOR THE PROJECT IS \$86,898.58 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 July 9, 2027. The estimated commencement date of work is November 16, 2026.

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. Benton aye Mr. Merrell aye Mrs. Lewis aye

13
RESOLUTION NO. 26-697

IN THE MATTER OF APPROVING THE DRAINAGE MAINTENANCE PETITION AND DITCH MAINTENANCE ASSESSMENT FOR PARKSIDE AT EVANS FARM SECTION 2:

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

WHEREAS, on September 21, 2026, a Ditch Maintenance Petition for Parkside at Evans Farm Section 2 (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 Parkside at Evans Farms Section 2, 35.99 acres in Berlin 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 have further requested that the improvements be combined into the Delaware County Subdivision Drainage Maintenance District; 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 and Delaware County Subdivision Drainage Maintenance District;

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 has 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 establishes the base value of the improvements as \$757, 273.78.

Section 3. The Board hereby approves combining the improvements with the Delaware County Subdivision Drainage Maintenance District.

Section 4. The Board hereby approves the maintenance assessments to be collected, in accordance with the Petition, as apportioned according to tax value at a uniform rate of 0.3 mill.

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

14
RESOLUTION NO. 26-698

IN THE MATTER OF APPROVING A DEVELOPER’S AGREEMENT FOR CLARKSHAW CROSSING:

COMMISSIONERS JOURNAL NO. 84 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 21, 2026

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

WHEREAS, the Engineer recommends approving the Developer’s Agreement for Clarkshaw Crossing; and

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Developer’s Agreement for Clarkshaw Crossing as follows:

DEVELOPER’S AGREEMENT
PROJECT NUMBER: 23063

THIS AGREEMENT made and entered into this September 21, 2026, 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**, is governed by the following considerations, to wit:

- 1) The **OWNER** is constructing a development known as Clarkshaw Crossing (the “Development”), which will include a new roadway access to Hyatts Road and contribute to the need for improvements to Hyatts Road/Liberty Road Roundabout or other roadways in the vicinity of the Development which shall be constructed by the **COUNTY** (the “Improvements”).
- 2) On or before June 1, 2028, the **OWNER** shall pay to the **COUNTY** Seventy-Five Thousand Dollars and No Cents (\$75,000.00), mutually agreed to be the **OWNER’S** proportional share of, and contribution toward, the cost and expense of the Improvements. **OWNER** further agrees that such contribution may be used as determined by the **COUNTY** for improvements to Hyatts Road, or any other public roadway in the vicinity thereof, benefitting the Development.
- 3) The **OWNER** may provide a bond, irrevocable letter of credit, or other approved financial warranty in the amount of Seventy-Five Thousand Dollars and No Cents (\$75,000.00), payable to the **BOARD OF COUNTY COMMISSIONERS**, to insure the faithful performance of this **AGREEMENT**. Said financial warranty will be released and returned to the **OWNER** within thirty (30) days of the receipt of payment as required in Section 2 hereof.
- 4) To the extent the **OWNER**, either directly or through its agents or contractors, performs any work within the **COUNTY’S** right-of-way, 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 work.
- 5) 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 suspend or terminate any permit for access to or work within the **COUNTY** right-of-way.
- 6) 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**.
- 7) 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 access the Improvements stipulated herein, subject to the issuance of a right-of-way work permit.

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

15
RESOLUTION NO. 26-699

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

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

WHEREAS, the following 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:

COMMISSIONERS JOURNAL NO. 84 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 21, 2026

Permit	Applicant	Location	Type of Work
UT2026-0246	SPECTRUM	PEEL RD	FIBER OPTIC CABLE
UT2026-0247	SPECTRUM	THOMAS RD	FIBER OPTIC CABLE
UT2026-0248	SPECTRUM	NORTON RD	FIBER OPTIC CABLE
UT2026-0249	SPECTRUM	CURREN RD	FIBER OPTIC CABLE
UT2026-0250	SPECTRUM	N SECTION LINE RD	FIBER OPTIC CABLE
UT2026-0251	SUBURBAN NATURAL GAS	ARROWHEAD ESTATES SEC 1	GAS LINE
UT2026-0252	PEARCE/FRONTIER	MULTIPLE ROADS	FIBER OPTIC CABLE
UT2026-0253	COLUMBIA GAS OF OHIO	3 BS & K RD	GAS PIPELINE
UT2026-0254	SPECTRUM	ROBERTS RD	FIBER OPTIC CABLE
UT2026-0255	AEP	OLENTANGY FALLS BLVD	FIBER OPTIC CABLE
UT2026-0256	PEARCE / FRONTIER	MULTIPLE ROADS	FIBER OPTIC CABLE
UT2026-0257	CINCINNATI BELL	VARIES	BURIED
UT2026-0258	SPD PERMITTING	HOME RD AND SCIOTO PKWY	CABLE/CONDUIT
UT2026-0259	CINCINNATI BELL	VARIES	FIBER OPTIC CABLE
UT2026-0260	CINCINNATI BELL	VARIES	FIBER OPTIC CABLE

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

16
RESOLUTION NO. 26-700

**IN THE MATTER OF RE-APPOINTING MEMBERS TO THE MILLSTONE COMMUNITY
AUTHORITY BOARD OF TRUSTEES:**

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

WHEREAS, on December 8, 2005, the Delaware County Board of Commissioners (the “Board of Commissioners”) adopted Resolution No. 05-1627, establishing the Millstone Community Authority, pursuant to Chapter 349 of the Revised Code; and

WHEREAS, as the organizational board of commissioners, the Board of Commissioners shall make appointments to the Community Authority Board of Trustees, pursuant to Resolution No. 05-1627 and section 349.04 of the Revised Code; and

WHEREAS, the terms of Seiji Kille and Kari Dennis will expire on December 7, 2026, and both members desire to be re-appointed; and

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

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

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

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

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

Position	Appointee	Term Ends
Local Government Representative	Seiji Kille	December 7, 2028
Citizen Member	Kari Dennis	December 7, 2028

Section 3. The appointments approved herein shall take effect December 8, 2026.

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

17
RESOLUTION NO. 26-701

**IN THE MATTER OF APPROVING THE OWNER’S AGREEMENT FOR CLARKSHAW
CROSSING SECTION 5:**

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

WHEREAS, the Engineer recommends approving the Owner’s Agreement for Clarkshaw Crossing Section 5;

**COMMISSIONERS JOURNAL NO. 84 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 21, 2026**

and

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Owner's Agreement for Clarkshaw Crossing Section 5 as follows:

**OWNER'S AGREEMENT
PROJECT NUMBER: 26046**

THIS AGREEMENT, executed on this 21st day of September 2026, between M/I HOMES OF CENTRAL OHIO, LLC, hereinafter called "OWNER" and the BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY OHIO (COUNTY COMMISSIONERS), for the project described as Clarkshaw Crossing Sec 5 further identified as Project Number 26046 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 Forty Thousand Eight Hundred Dollars and No Cents (\$40,800.00) 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 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.

COMMISSIONERS JOURNAL NO. 84 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 21, 2026

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.

EXHIBIT "A"

CONSTRUCTION COST ESTIMATE	\$510,000.00
CONSTRUCTION BOND AMOUNT	\$510,000.00
MAINTENANCE BOND AMOUNT	\$51,000.00
INSPECTION FEE DEPOSIT	\$40,800.00

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

18

ADMINISTRATOR REPORTS

- CA Davies – No reports
- Deputy Administrator and Counsel Hochstettler – No reports
- Deputy Administrator Huston – No reports

19

COMMISSIONERS’ COMMITTEES REPORTS

- Commissioner Lewis
 - Exciting week
 - Thank you to all that made it possible to hold meeting at the Delaware County Fair
- Commissioner Merrell
 - CORSA meeting last Friday
 - Jr. Fair Livestock Sales this Tuesday and Wednesday
 - Chamber State of the Schools last week
- Commissioner Benton
 - DCRPC last Thursday
 - Transit Agency Open house
 - Last Friday was a Zoo Fundraiser for the new aquarium
 - Zoo is a huge asset to the community
 - The lantern festival is very nice to see
 - Jr. Fair Livestock Sales
 - Veterans Dinner
 - Little Brown Jug Thursday

There being no further business, the meeting adjourned.

Jeff Benton

Barb Lewis

Gary Merrell

Jennifer Walraven, Clerk to the Commissioners