

COMMISSIONERS= JOURNAL NO. 39 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 7, 1999

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

James Ward , Deborah Martin, Donald Wuertz

10:00 AM – Bid Opening for the OECC Sludge Storage Tank Covers

Bids were opened as follows:

ILC Dover Inc.	\$153,000.00
G.O. Membrane Technologies	\$102,740.00

1:00 PM – Viewing of Possible Interchange at I-71 and Big Walnut Road

Mr. Wuertz, Mrs. Martin, Mr. Ward, Mr. Cannon, Mr. Bauserman, Letha George, and Jessie Carter viewed the site.

2:30 PM – Viewing of Home Road Bridge Over O-Shaughnessy Reservoir

Mr. Wuertz, Mrs. Martin, Mr. Ward, Mr. Cannon, Mr. Bauserman, Letha George, Butch Sidle, and Jessie Carter viewed the site.

7:00 PM – Regular Session

RESOLUTION NO. 99-468

IN THE MATTER OF APPROVING RESOLUTIONS AND MINUTES FROM REGULAR MEETINGS HELD JUNE 1, 1999:

It was moved by Mrs. Martin, seconded by Mr. Ward to approve resolutions and minutes from regular meeting held, June 1, 1999.

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

PUBLIC COMMENT

RESOLUTION NO. 99-469

IN THE MATTER OF APPROVING FOR PAYMENT WARRANTS NUMBERED 244091 THROUGH 244499:

It was moved by Mr. Ward seconded by Mrs. Martin to approve for payment warrants 244091 through 244499 on file in the office of the Delaware County Commissioners.

Vote on Motion: Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

RESOLUTION NO. 99-470

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

It was moved by Mrs. Martin seconded by Mr. Ward to approve the following travel expense requests.

Clerk of Courts is requesting that Betty Porter attend the IACREOT Annual Conference at Scottsdale, Arizona on July 10 through July 15, 1999 in the amount of \$1,255.00.

Maintenance Department is requesting that Scott Gaines attend a Boiler Operations Maintenance class at Columbus on June 15, 1999, in the amount of \$195.00.

Vote on Motion: Mr. Wuertz Aye Mr. Ward Aye Mrs. Martin Aye

RESOLUTION NO. 99-471

IN THE MATTER OF APPROVING OF TRANSFER OF FUNDS, APPROPRIATIONS, AND SUPPLEMENTAL APPROPRIATIONS

It was moved by Mr. Ward seconded by Mrs. Martin to approve the following Transfers:

SUPPLEMENTAL APPROPRIATIONS

FUND NUMBER:	FUND NAME:	AMOUNT:
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001-2510-020 Common Pleas Court - Srvs & Chrgs \$ 2,464.00

TRANSFER OF APPROPRIATIONS

FROM:	TO:	AMOUNT:
127-1270-020 Community Based Corrections-Srvs & Chrgs	127-1270-040 Community Based Corrections - Equipment	\$ 2,045.00
075-0920-020 Data Center - Srvs & Chrgs	075-0920-040 Data Center - Equipment	\$ 10,000.00

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 99-472

IN THE MATTER OF SETTING DATE AND TIME FOR HEARING OF ANNEXATION PETITION FILED FOR ANNEXATION OF LANDS 20.153, MORE OR LESS, ACRES FROM CONCORD TOWNSHIP TO VILLAGE OF SHAWNEE HILLS AND GIVING NOTICE OF SAME TO AGENT FOR PETITIONERS:

It was moved by Mrs. Martin , seconded by Mr. Ward to adopt the following:

Whereas, the Clerk of the Board of County Commissioners has given notice of the filing of a petition for annexation of certain real estate in Concord Township to Village of Shawnee Hills, and

Whereas, Roger Yeoman, 10750 Edgewood Drive, Dublin, Ohio 43017 has been designated as agent for the petitioners.

Now Therefore Be It Resolved, that Monday, **August 30, 1999, at 7:30 PM** in the hearing room of the Board of County Commissioners of Delaware County, 101 Sandusky Street, Delaware, Ohio be set as date, time and place for hearing on same pursuant to Section 709.031 of the Ohio Revised Code; Further Be It Resolved, that the Clerk of the Board of Commissioners shall give notice to the Agent for the Petitioners of this action and file copies of said petition and maps with the County Auditor and with the County Engineer so he may verify accuracy of said maps.

Vote on Motion: Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

RESOLUTION NO. 99-473

IN THE MATTER OF APPROVING PLAT FOR DAKHTEH TWO; WHITETAILED MEADOWS AND WOODLANDS AT LOCH LOMOND SUBDIVISION:

It was moved by Mr. Ward, seconded by Mrs. Martin to approve the following:

Dakhteh Two

Situated in the Township OF Concord, County Of Delaware, State of Ohio and being a part of Farm Lot 33 and Farm Lot 40, Section 3, Township 4, Range 19, United States military Lands, and being part of same tract as conveyed to Dakhteh Developments, Inc. as recorded in Deed Book 512 at Page 454, County Recorder’s Office, Delaware, Ohio. Lot fee it the amount of \$9.00.

Whitetail Meadows Plan

Street, Storm and Water Improvements

Woodlands at Loch Lomond Plat

Situated in the State of Ohio, County of Delaware, Township of Liberty, and being a part of farm lot 20 in section 4, Township 3, Range 19, United States military lands and containing 9.142 acres of land and being all of the remaining portion of a 27.069 acre tract conveyed to Woodlands, Ltd. By deed of record in deed volume , page of the Recorder’s Office, Delaware County, Ohio (Except 109.78 feet of road right-of-way for future Loch Lomond Drive). Lot fee in the amount of \$36.00.

Vote on Motion: Mr. Wuertz Aye

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Mr. Ward Aye Mrs. Martin Aye

RESOLUTION NO. 99-474

IN THE MATTER OF ACCEPTING MAINTENANCE BOND FOR SHERBROOK , PHASE 3:

It was moved by Mrs. Martin, seconded by Mr. Ward to approve the following.

Sherbrook Phase 3

The roadway construction has been completed for the referenced subdivision, and as a result of the engineering field review, it has been determined that minor remedial work will be required during the year 2000 construction season.

In accordance with the Subdivider’s Agreement, it is recommended that the maintenance bond be set at \$43,000 for the duration of the one year maintenance period. Letter of Credit for that amount is provided.

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 99-475

IN THE MATTER OF ACCEPTING ROADS IN CRYSTAL VALLEY, PLAT 2, PHASE 2 AND HIGHLAND LAKES EAST, SECTION 10, PHASE 2 :

It was moved by Mr. Ward, seconded by Mrs. Martin to release bonds and letters of credit and accept roads within the following:

Crystal Valley Plat 2, Phase 2 –Orange Township

- ◆ An extension of 0.34 mile to **Township Road Number 715, Crystal Valley Drive**

Return the Letter of Credit being held as maintenance surety to the developer, The Leppert Companies.

Highland Lakes East, Section 10, Phase 2 – Genoa Township

- ◆ An extension of 0.10 mile to **Township Road Number 763, Waterwood Drive**
- ◆ **Grasslands Court**, to be known as **Township Road Number 842**

Return the Letter of Credit being held as maintenance surety to the developer, Planned Communities.

Vote on Motion: Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

RESOLUTION NO. 99-476

IN THE MATTER OF AUTHORIZING STOP CONDITIONS IN CRYSTAL VALLEY PLAT 2, PHASE 2 AND HIGHLAND LAKES EAST, SECTION 10, PHASE 2:

It was moved by Mrs. Martin, seconded by Mr. Ward to authorize stop conditions at the following locations:

Crystal Valley Plat 2, Phase 2

- On Township Road Number 715, Crystal Valley Drive, at its intersection with County Road Number 106, Lewis Center Road

Highland Lakes East, Section 10, Part 2

- On Township Road Number 842, Grasslands Court, at its intersection with Township Road Number 763, Waterwood Drive

Vote on Motion: Mr. Wuertz Aye Mr. Ward Aye Mrs. Martin Aye

RESOLUTION NO. 99-477

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

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It was moved by Mr. Ward, seconded by Mrs. Martin to approve the following right-of-way work permit summary sheet:

<i>Permit #</i>	<i>Applicant</i>	<i>Location</i>	<i>Type of Work</i>
2202	Columbia Gas	Wild Mint Court	Install gas main
2208	Columbia Gas	Big Bear Farms 8	Install gas main

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 99-478

IN THE MATTER OF APPROVING THE ESTIMATE FOR LOCUST ROAD BRIDGE:

It was moved by Mrs. Martin, seconded by Mr. Ward to approve the estimate for the Locust Road Bridge Replacement.

The total estimate for the project is \$44,543.31.

Vote on Motion: Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

RESOLUTION NO. 99-479

IN THE MATTER OF APPROVING BID SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR A PASSENGER MINI VAN AS A SURVEY VEHICLE:

It was moved by Mrs. Martin, seconded by Mr. Ward to approve specifications and set bid opening date and time for **Monday, June 28, 1999, at 10:15 AM**

Vote on Motion: Mr. Wuertz Aye Mr. Ward Aye Mrs. Martin Aye

RESOLUTION NO. 99-480

IN THE MATTER OF APPROVING EMERGENCY REPAIRS OF PANHANDLE ROAD BRIDGE AND CONTRACT WITH THE RIGHTER COMPANY FOR REPAIR WORK:

It was moved by Mr. Ward, seconded by Mrs. Martin to approve the emergency repairs of the Panhandle Road Bridge and approving the contract with The Righter Company for repair work.

Agreement, made and entered into this 7th day of June , 1999 by and between the *Delaware County Commissioners*, Delaware, Ohio and hereinafter designated as the *County*, and the *righter co., inc.*, hereinafter designated as the *Contractor*.

Witnesseth, that said *Contractor*, for consideration of the lump sum amount of **FORTY-NINE THOUSAND SIX HUNDRED EIGHT DOLLARS**, based on a scope of services dated May 13, 1999 and a proposal dated May 25, 1999 incorporated herein by reference, hereby agrees to furnish unto the *County*, professional construction services to make necessary repairs for the project known as the *Panhandle Road Bridge Repair*.

Said Contractor further agrees to perform the said work promptly, in a skillful and competent manner in accordance with the normally accepted standards, under the direction of the *Delaware County Engineer*. Work is to be completed on or before *August 15, 1999*.

The Contractor hereby agrees to hold the *County* harmless from loss, damage, injury, or liability arising directly from the negligent acts or omissions of the *Contractor*, its employees, agents, subcontractors and their employees and agents' subcontractors and their employees agents but only to the extent that the same is actually covered and paid under the foregoing policies of insurance.

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 99-481

IN THE MATTER OF AUTHORIZING TEMPORARY SPEED LIMIT REDUCTIONS IN HEAVY CONSTRUCTION AREAS OF THE COUNTY:

It was moved by Mr. Ward, seconded by Mrs. Martin to authorize temporary speed limit reductions to 25 MPH on Delaware County Roads in heavy construction areas as follows.

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- ◆ On County Road 124, Home Road, from its intersection with County Road 5, South Section Line Road, to its intersection with County Road 125, Steitz Road
- ◆ On County Road 13, Worthington Road, starting ½ mile south of County Road 21, Africa Road, and ending at the intersection with Township Road 453, Highland Lakes Avenue
- ◆ On County Road 21, Africa Road, starting at the intersection with Township Road 355, Parkmoor Drive, and ending ½ mile north of County Road 13, Worthington Road

Vote on Motion: Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

RESOLUTION NO. 99-482

IN THE MATTER OF APPROVING SANITARY SEWER PLANS FOR SHERBROOK, PHASE 5 AND WALKER WOOD, SECTION 10, PHASES 1 & 2 :

It was moved by Mrs. Martin seconded by Mr. Ward to approve sanitary sewer plans for Sherbrook, Phase 5 and Walker Wood, Section 10, Phases 1 & 2.

Vote on Motion: Mr. Wuertz Aye Mr. Ward Aye Mrs. Martin

RESOLUTION NO. 99-483

IN THE MATTER OF APPROVING SANITARY SEWER AGREEMENTS WITH HARVEST WINDS, PHASE 4:

It was moved by Mr. Ward, seconded by Mrs. Martin to approve the following subdivider’s agreement.

Harvest Wind, Phase 4

This agreement executed on this 7th day of June, 1999, by and between ROMANELLI & HUGHES BUILDING COMPANY, as evidenced by the HARVEST WIND PHASE 4 SUBDDIVISION PLAT filed with the DELAWARE COUNTY RECORDER, DELAWARE COUNTY, OHIO AND THE BOARD OF COUNTY COMMISSIONERS of Delaware County, Ohio is governed by the following considerations and conditions, to wit:

The SUBDIVIDER shall upon executing this AGREEMENT pay to the DELAWARE COUNTY SANITARY ENGINEER \$128,060.00, representing the payment of fifty percent (50%) of the capacity charges then in effect, plus a Surcharge of \$420.00 for each single family residential connection, for 38 equivalent single family residential connections. The remaining capacity charge shall be fifty percent (50%) of the rate currently in effect at the time connection is made and shall be paid for each single family residential connection upon application to the DELAWARE COUNTY SANITARY ENGINEER for a tap permit to connect the single family residence to the sanitary sewer. Ownership of more than one (1) lot will not cause aggregation of the payments.

Said SUBDIVIDER 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; said SUBDIVIDER is to execute Bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction (\$65,800.00) which is acceptable to the COUNTY COMMISSIONERS to insure faithful performance of this AGREEMENT and the completion of all improvements in accordance with the Subdivision Regulations of Delaware County, Ohio. The SUBDIVIDER shall pay the entire cost and expense of said improvements.

The SUBDIVIDER shall indemnify and save harmless the County, Townships and/or Villages and all of their officials, employees and agents for mall 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 action, or omissions of any contractor or sub-contractor or from any material, method or explosive 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 of the approval of said SUBDIVIDER by THE COUNTY COMMISSIONERS but extension of time may be granted if approved by the COUNTY COMMISSIONERS.

The SUBDIVIDER shall have a competent representative who is familiar with the project on site during construction. The representative shall be capable of reading the plans and specifications and shall have authority to execute the plans and specifications and alterations required by the COUNTY. The representative shall be replaced by the Subdivider, when in the opinion of the COUNTY, his performance is deemed inadequate.

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The SUBDIVIDER 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.

SANITARY SEWER CONSTRUCTION

It is further agreed that upon execution of this agreement the SUBDIVIDER shall deposit, with the DELAWARE COUNTY SANITARY ENGINEER the sum of \$3,900.00 estimated to be necessary to pay the cost of inspection

by the DELAWARE COUNTY SANITARY ENGINEER. The DELAWARE COUNTY SANITARY ENGINEER shall in his sole discretion inspect, as necessary, the IMPROVEMENTS being installed or constructed by the SUBDIVIDER and shall keep accurate records of the time spent by his employees and agents in such inspections for which the SANITARY ENGINEER shall be reimbursed from charges against said deposit. At such time as said fund, as result of charges against the same at the rate of :

INSPECTOR \$40.00
CAMERA TRUCK \$150.00

per hour for time spent by said SANITARY ENGINEER or his staff has been depleted to a level of less than \$1,00.00, the SUBDIVIDER shall make an additional deposit of \$1,00.00 to said fund. On completion of all IMPROVEMENTS provided herein and acceptance of same by the COUNTY, any unused portions of the inspection fund shall be repaid to the SUBDIVIDER less an amount equal to \$0.25 per foot of sewer which will be deducted to cover the one year re-inspection.

The SUBDIVIDER for a period of five (5) year after acceptance of the IMPROVEMENTS by the COUNTY, shall be responsible for defective materials and or workmanship. All warranties for equipment installed as part of the IMPROVEMENTS shall be the same as new equipment warranties and shall be assigned to the COUNTY upon acceptance of the IMPROVEMENTS.

The subdivider shall provide to the COUNTY all necessary easements or right of ways required to complete the IMPROVEMENTS all of which shall be obtained at the expense of the SUBDIVIDER.

The COUNTY shall upon certification in writing from the DELAWARE COUNTY SANITARY ENGINEER that all construction is complete according to the plans and specifications by Resolution accept the IMPROVEMENTS described herein and accept and assume operations and maintenance of the same.

ALL CONSTRUCTION UNDER COUNTY JURISDICTION

The SUBDIVIDER shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to DELAWARE COUNTY as required, As built drawings on the IMPROVEMENTS which plans shall become the property of the COUNTY and shall remain in the office of the DELAWARE COUNTY SANITARY ENGINEER and DELAWARE COUNTY ENGINEER. The drawings shall be on reproducible Mylar and 3.5" or 5.25" Diskettes in either Autocad DWG files or DXF files.

The SUBDIVIDER shall within thirty (30) days of completion of construction, furnish to the COUNTY an itemized

statement showing the cost of IMPROVEMENTS and an affidavit that all material and labor costs have been paid. The SUBDIVIDER shall indemnify and hold harmless the COUNTY from expenses or claims for labor or materials incident to said construction of the IMPROVEMENTS.

The SUBDIVIDER shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to the DELAWARE COUNTY SANITARY ENGINEER a five (5) year maintenance bond or other approved financial warranties, equal to ten percent (10%) of the construction cost.

The SUBDIVIDER shall during the construction and maintenance periods, comply with all rules and regulations and conform to all procedures established by the COUNTY regarding submission of shop drawings, construction schedules, operation of facilities and other matters incident hereto.

The SUBDIVIDER shall obtain all other necessary utility services incident to the construction of said IMPROVEMENTS AND FOR THEIR CONTINUED OPERATION. The subdivider shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the SUBDIVIDER and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the COUNTY.

Should the SUBDIVIDER become unable to carry out the provisions of this AGREEMENT, the SUBDIVIDER'S heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions, and requirements of this AGREEMENT.

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IN CONSIDERATION WHEREOF, the DELAWARE COUNTY BOARD OF COMMISSIONERS hereby grants the SUBDIVIDER or his agent the right and privilege to make the IMPROVEMENTS stipulated herein and as shown on the approved plans.

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 99-484

IN THE MATTER OF CERTIFYING TO THE COUNTY AUDITOR SANITARY SEWER CAPACITY CHARGES :

It was moved by Mrs. Martin, seconded by Mr. Ward to certify the Sanitary Sewer Capacity charges as follows:

100 South 3 B's & K Road, Galena

In the amount of \$5,900 with \$2,215.91 finance charge (pro-rated over a 10 year period) making total of \$8,115.91 for placement on tax duplicate. Bi-annual payment being \$405.80.

Vote on Motion: Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

RESOLUTION NO. 99-485

IN THE MATTER OF ACCEPTING AND AWARDING THE BID SUBMITTED BY GUDENKAUF FOR FIBER OPTICS-WIDE AREA NETWORK:

It was moved by Mr. Ward, seconded by Mrs. Martin to approve the following resolution:

Whereas, Delaware County went out to bid and bids were taken on May 24, 1999, and

Whereas, after carefully reviewing the bids received, the bid submitted by Gudenkauf has been determined to be the lowest and best bid;

Now Therefore Be It Resolved, by the Board of Commissioners, Delaware County, State of Ohio, approve and accept the bids submitted by Gudenkauf in the amount of \$ 233,743.00 for the Fiber Optics-Wide Area Network

Vote on Motion: Mr. Wuertz Aye Mr. Ward Aye Mrs. Martin Aye

RESOLUTION NO. 99-486

IN THE MATTER OF APPROVAL TO SUBMIT FISCAL YEAR 2000 APPLICATION FOR THE CONTINUATION OF THE COMMUNITY CORRECTIONS ACT SUBSIDY GRANT:

It was moved by Mrs. Martin, seconded by Mr. Ward to approve the submittal of the Fiscal Year 2000 Application for the Community Corrections Act Subsidy Grant.

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 99-487

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

It was moved by Mr. Ward, seconded by Mrs. Martin to approve the following:

Brian S. O'Connors has presented his letter of resignation; effective date of termination is June 10, 1999.

Vote on Motion: Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

RESOLUTION NO. 99-488

7:30 PM – PUBLIC HEARING

IN THE MATTER OF ANNEXATION HEARING FOR 50.8 ACRES, MORE OR LESS, OF LAND LOCATED IN ORANGE TOWNSHIP TO THE CITY OF WESTERVILLE:

Mr. Wuertz opening the Public Hearing at 7:30 PM

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Mr. Wuertz expressed concern that this annexation does not include the roadway of Hanawalt and Worthington Roads. He has concerns that emergency services would be effected by the confusion that might arise. He still wants to address this annexation at the same time as the 3.0 acres (Hanawalt and Worthington Road).

Mr. Goldman, Agent for the Petitioner, spoke assuring the Commissioners the 3.0 acre annexation of Hanawalt and Worthington Road that is scheduled for hearing on July 6, 1999, will not be withdrawn. An arrangement has been implemented with Westerville for all maintenance of this roadway immediately upon the completion of this annexation of 50.8 acres. Timing is of the utmost importance to complete this project and moving forward with this annexation is essential.

Mrs. Martin felt the agreement with Westerville would be sufficient for the interim time until the other annexation can be finalized.

Mr. Ward feels the agreement is sufficient for the interim period and the annexation should move forward

Mr. Wuertz stated he is not against the annexation, his concern is insuring services are provided properly.

Mrs. Martin moved to close the hearing, Mr. Ward seconded.

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

Mr. Wuertz closed the hearing at 7:53 PM.

RESOLUTION NO. 99-489

It was moved by Mrs. Martin, seconded by Mr. Ward to accept the following;

ORDER OF COMMISSIONERS FOR ANNEXATION OF 50.8 ACRES OF LAND FROM ORANGE TOWNSHIP TO THE CITY OF WESTERVILLE:

The Commissioners of Delaware County, Ohio having on the 5th day of April and the 7th day of June heard the petition of the majority of landowners in the area described to obtain Annexation of territory described in the petition to the City of Westerville, and having in open meetings heard all the persons desiring to be heard for or against the granting of said petition had having considered any affidavits presented with reference thereto and being fully advised in the premises do find that:

1. The petition contains all matters required by Sections 709.02 of the Ohio Revised Code;
2. Notice has been published as required by the Ohio Revised Code Section 709.03 and 709.031 and Ordinance has been adopted by and submitted by the City of Columbus as required by Section 709.031(B) of the Revised Code;
3. The persons whose names are subscribed to the petition are the real owners of real estate in the territory described in the petition and as of the time the petition was filed with this Board of County Commissioners the number of valid signatures on the petition constitute a majority of the owners of real estate in the territory proposed to be annexed.
4. The territory included in the annexation petition is not unreasonably large;
5. The plat of the territory to be annexed is accurate, and
6. The general good of the territory sought to be annexed will be served if the annexation petition is granted, and

It is hereby ordered that the prayer of said petition be granted and that the territory described in said petition be annexed, signed by a majority in accordance with law, and that a certified transcript, signed by a majority of this Board, of all orders and proceedings of said Board relative to said petition and the hearing thereon, together with said petition and the maps attached hereto, and all papers on file relating to said matter, be delivered to the Clerk of the City of Westerville, Ohio.

Dated this 7th day of June, 1999.

Vote on Motion: Mr. Wuertz Nay Mr. Ward Aye Mrs. Martin Aye

RESOLUTUION NO. 99- 490

8:00 PM – Public Hearing

IN THE MATTER OF PUBLIC HEARING FOR RENEWAL OF REAL PROPERTY TRANSFER TAX FOR A PERIOD OF TEN YEARS:

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Mr. Wuertz opening the hearing at 8:00 PM.

Mrs. Lorraine McLain, local real estate agent spoke against the renewal of the real property transfer tax.

In response to Ms. McLain’s concerns, Mrs. Martin explained this charge can be paid by the buyer which in essence makes this fee an impact fee. This allows the people who are increasing the need for services to contribute to the cost of the services by this fee.

Mr. Ward spoke against renewing this tax. He feels the service it provides is necessary but could be provided from other funds. He does not want to renew the tax without giving the public the opportunity to vote on the issue.

Mr. Wuertz closed the hearing at 8:22 PM.

RESOLUTION NO, 99-491

RESOLUTION LEVYING AN ADDITIONAL REAL PROPERTY TRANSFER TAX PURSUANT TO SECTION 322.02 OHIO REVISED CODE:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to approve the following:

Whereas, additional moneys are needed for operations of the sheriff’s office, and

Whereas, the Board of County Commissioners inacted an additional Real Property Tax in December 1994 for additional deputies which expires January 31, 1996 and

Whereas, the Board of County Commissioners and the County Sheriff wish to continue to employee the additional deputies hired in 1995, and

Whereas, the Board of County Commissioners may, pursuant to Section 322.02 Ohio Revised Code, levy and collect an additional tax known as Real Property Transfer Tax; and

Whereas, additional tax shall be at the rate of ten cents (\$.10) per hundred dollars for each one hundred dollars or fraction thereof value of real property or interest in real property located within the boundaries of the County granted, assigned, transferred or otherwise conveyed by such deed; and

Whereas, the first hearing pursuant to law was held on June 1, 1999, at 8:00 PM and the second hearing therefore was held on June 7, 1999 at 8:00 PM, both hearings being held at the Commissioners Office, pursuant to Legal Notice in the local newspaper;

Now, Therefore, upon the motion of Commissioner Martin seconded by Commissioner Wuertz:

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

1. The Board of County Commissioners, pursuant to Section 322.02 of the Ohio Revised hereby determines that it is necessary to levy an additional county Real Property Transfer Tax;
2. That an additional Real Property Transfer Tax is in addition to any tax levied pursuant to Section 322.02 of the Ohio Revised Code; the additional Real Property Transfer Tax shall be at the rate of Ten Cents (\$.10) per hundred dollars for each one hundred dollars or fraction thereof value of real property or interest in real property located within the boundaries of the County granted, assigned, transferred or otherwise conveyed by such deed. The total amount of Real Property Transfer Tax shall be at the rate of Thirty Cents (\$.30) per hundred dollars for each one hundred dollars or fraction thereof value of real property or interest in real property located within the boundaries of the County granted, assigned, transferred or otherwise conveyed by such deed.
3. The Clerk of this Board of County Commissioners is directed to certify a copy of this Resolution to the Delaware County Auditor and shall go into effect January 1, 2000, for a period of ten years.

Vote on Motion: Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Nay

RESOLUTION NO. 99- 492

8:30 PM – Public Hearing

IN THE MATTER OF DECLARING AND ESTABLISHING THE NEED FOR A FUTURE INTERCHANGE AT I-71 AND BIG WALNUT ROAD TOWNSHIP ROAD NUMBER 119 IN

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ORANGE TOWNSHIP, DELAWARE COUNTY, OHIO DECLARED NECESSARY BY A UNANIMOUS VOTE OF THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO AS VIEWED ON JUNE 7, 1999, AT 1:00 PM AT THE LINE OF SAID IMPROVEMENT:

Mr. Wuertz opened the hearing at 8:30 PM.

Mr. Bauserman explained this action will authorize the Engineer to proceed with necessary steps to provide information regarding the cost to proceed.

Mr. Dan Bolder of Jay Cox Road expressed his desire to keep the area as it is presently.

Mr. George Speese spoke in support of this project and noting the need for east-west connectors in the County.

Mr. Wuertz closed the hearing at 8:50 PM.

RESOLUTION NO. 99-493

THE COUNTY ENGINEER SHALL FILE ALL NECESSARY SURVEYS, PLANS, ESTIMATES, SPECIFICATIONS AND PLATS AT THE EARLIEST DATE POSSIBLE.

WHEREAS, on June 7, 1999, the Board of County Commissioners of Delaware County, Ohio, adopted a Resolution declaring it necessary to establish the need for a future interchange at I-71 and Big Walnut Road, Township Road 119 in Orange Township, Delaware County, Ohio, and

WHEREAS, on May 17, 1999, said Board of County Commissioners did fix the public viewing and final hearing, on the line of said proposed improvement at the time and place for the viewing thereof; and

WHEREAS, legal notice was publicized in a newspaper of general circulation in said County was given of the time and place for the viewing of said establishing, altering and widening, and of the final hearing thereof; and

WHEREAS, the Board of County Commissioners of Delaware County, Ohio, did on June 7, 1999, the day fixed for the viewing of said proposed establishing, altering and widening of Big Walnut Road, meet on the line thereof as described in said Resolution 99-415 and heard all the proof offered by parties interested in or affected thereby and other persons competent to testify, and did go over and along the line of said proposed improvement and the premises adjacent thereto, which are to be affected thereby and does find that the establishing, altering and widening of Big Walnut Road is of sufficient importance to require that the Engineer of Delaware County, Ohio be instructed and directed to make all necessary surveys, plans, estimates, specifications, and plats; now, therefore, upon motion of Commissioner Ward seconded by Commissioner Martin:

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF

DELAWARE COUNTY, OHIO:

Section 1) That the Engineer of Delaware County, Ohio, be and hereby is authorized and instructed to make a survey and plat of the proposed future Interchange of I-71 and Big Walnut Road, Township Road 119 in Orange Township, an accurate and detailed description of each tract of land which will be necessary to be taken, together with the names of each owner, shall set stakes at the termini of each right-of-way line and at all angles between such termini and at sufficient other points in the right-of-way lines so that the bounds of the proposed herein described road establishing, altering and widening may be discernible in the property owners'.

The Engineer's survey, plans, estimates, and plat of the proposed improvement shall be submitted to the County Commissioners at the earliest date possible.

Section 2) That the Delaware County Engineer, by his request, is hereby authorized and directed to investigate and recommend to this Board a consulting engineer to be employed to assist him in the preparation of plans and all other related documents for the above mentioned improvement.

Vote on Motion: Mr. Wuertz Aye Mr. Ward Aye Mrs. Martin Aye

RESOLUTION NO. 99- 494

8:45 PM – Public Hearing

Mr. Wuertz opened the hearing at 8:52 PM

Mr. Bauserman explained the City of Columbus will provide two-thirds of the cost of this bridge replacement. It is the hope of his department that in the Spring or Summer of 2001 this replacement will be in the construction stage.

COMMISSIONERS= JOURNAL NO. 39 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 7, 1999

Mr. Wuertz closed the hearing at 8:54 PM.

RESOLUTION NO. 99-495

IN THE MATTER OF REPLACEMENT OF THE HOME ROAD BRIDGE OVER THE O'SHAUGHNESSY RESERVOIR ON HOME ROAD, COUNT ROAD NUMBER 124 IN CONCORD TOWNSHIP, DELAWARE COUNTY, OHIO AS VIEWED ON JUNE 7, 1999, AT THE SITE OF SUCH BRIDGE:

THE COUNTY ENGINEER SHALL FILE ALL NECESSARY SURVEYS, PLANS, ESTIMATES, SPECIFICATIONS AND PLATS AT THE EARLIEST DATE POSSIBLE.

WHEREAS, on June 7, 1999, the Board of County Commissioners of Delaware County, Ohio, adopted a Resolution declaring it necessary to replace as appropriate the Home Road Bridge over the O'Shaughnessy Reservoir on Home Road, County Road Number 124, in Concord Township, Delaware County, Ohio.

WHEREAS, on May 17, 1999, said Board of County Commissioners did fix the public viewing and final hearing, on the line of said proposed improvement at the time and place for the viewing thereof; and

WHEREAS, legal notice was publicized in a newspaper of general circulation in said County was given of the time and place for the viewing of said establishing, altering and widening, and of the final hearing thereof; and

WHEREAS, the Board of County Commissioners of Delaware County, Ohio, did on June 7, 1999, , the day fixed for the viewing of said proposed replacement of the Home Road bridge over O'Shaughnessy Reservoir on Home Road County Road number 124, meet on the line thereof as described in said Resolution of state purpose, date and resolution number, and heard all the proof offered by parties interested in or affected thereby and other persons competent to testify, and did go over and along the line of said proposed improvement and the premises adjacent thereto, which are to be affected thereby and does find that the establishing, replacement of the Home Road bridge over O'Shaughnessy Reservoir is of sufficient importance to require that the Engineer of Delaware County, Ohio be instructed and directed to make all necessary surveys. plans, estimates, specifications, and plats; now, therefore, upon motion of Commissioner Martin, seconded by Commissioner Ward:

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

Section 1) That the Engineer of Delaware County, Ohio, be and hereby is authorized and instructed to make a survey and plat of the proposed replacement of the Home Road bridge over O'Shaughnessy Reservoir an accurate and detailed description of each tract of land which will be necessary to be taken, together with the names of each owner, shall set stakes at the termini of each right-of-way line and at all angles between such termini and at sufficient other points in the right of way lines so that the bounds of the proposed herein described road establishing, altering and widening may be discernible in the property owners'.

The Engineer's survey, plans, estimates, and plat of the proposed improvement shall be submitted to the County Commissioners at the earliest date possible.

Section 2) That the Delaware County Engineer, by his request, is hereby authorized and directed to investigate and recommend to this Board a consulting engineer to be employed to assist him in the preparation of plans and all other related documents for the above mentioned improvement.

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

There being no further business, the meeting adjourned.

Deborah Martin

James D. Ward

Donald Wuertz

Letha George, Clerk to the Commissioners