

COMMISSIONERS JOURNAL NO. 41 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 19, 2001

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

Present: James Ward, Deborah Martin, Donald Wuertz

10:00 AM – Bid Opening for Delaware County’s Road Improvement Program

7:30 PM – Public Hearing for Ditch Petition for Big Run (Skinner) at JVS North Campus

PUBLIC COMMENT

RESOLUTION NO. 01-274

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS NUMBERED 298655 THROUGH 299115:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to approve for payment warrants numbered 298655 through 299115, and Purchase Orders and Vouchers as listed below:

PO's

<u>PO Number</u>	<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
1P06680	Various	Senate Bill #239 Project Money	1010-4011	\$ 6,696.00

Vouchers

1B03934	Ben Bro Enterprises, Inc.	Land/Building Rental	0130-2700	\$ 12,011.44
1B07255	OSU Extension	Grant/OSU Agricultural Ext.	0120-3001	\$ 48,690.75
0P04572	Moducom	4 additional radio positions	4810-4105	\$ 111,220.00
0B01294	Roberts Construction	Demolition	8610-4011	\$ 52,592.00

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

RESOLUTION NO. 01-275

IN THE MATTER OF APPROVING THE TREASURER’S REPORT:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to approve the Treasurer’s Report.

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

RESOLUTION NO. 01-276

IN THE MATTER OF APPROVING TUITION ASSISTANCE REQUEST:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to approve the Tuition Assistance requests as follows:

Jason Alan Brockmeyer	Paramedic Classes	\$ 433.70
Jason Watts	3 Classes	\$1,065.00
Kenneth Bruen	3 Classes	\$ 709.51
Johannes Dickhof	EMS Class	\$ 176.85

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

RESOLUTION NO. 01-277

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

Child Support Enforcement Agency is requesting that four employees attend the Spring Ohio CSEA Association Conference at Columbus on March 20 through March 21, 2001, in the amount of \$964.00.

Child Support Enforcement Agency is requesting that Susan Hollenbach attend the Leave Seminar 2001 at Worthington on March 27, 2001, in the amount of \$169.00.

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Emergency Services is requesting that Kathy Coy attend the APCO Wireless 9-1-1 Symposium Series at Indianapolis on June 7 through June 8, 2001, in the amount of \$804.18.

Dog Warden is requesting that Terry Conant attend How to Handle People with Tact and Skill at Reynoldsburg on April 4, 2001, in the amount of \$174.00.

Juvenile Court is requesting that Vikki Hardwick attend the Don't Sweat the Small Stuff Seminar at Columbus on June 7, 2001, in the amount of \$89.00.

Veterans Service is requesting that Richard Bennett and Valerie Crane attend the National Association Conference of Veterans Officers at Charlotte, North Carolina on June 10 through June 16, 2001, in the amount of \$3,200.00.

Child Support Enforcement Agency is requesting that Marianne Hemmeter and Susan Hollenbach attend the SB 180/HB 535 Seminar/Class at Columbus on March 22, 2001, in the amount of \$196.00.

Juvenile Court is requesting that Jenny Mariotti and Kristin Camac attend the Managing Angry Youth Workshop at Columbus on March 26, 2001, in the amount of \$60.00.

County Engineer is requesting that Junior Yates and Mark Jones attend the Bridge Workers, Supervisors and Engineers Conference at Deer Creek State Park and Lodge on April 11 through April 12, 2001, in the amount of \$180.00.

Emergency Services is requesting that Larry Fisher and John Tracy attend the 9-1-1 NENA Conference at Orlando, Florida on June 24 through June 28, 2001, in the amount of \$2,904.00.

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

RESOLUTION NO. 01-278

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

It was moved Mrs. Martin, seconded by Mr. Wuertz to approve as follows:

SUPPLEMENTAL APPROPRIATIONS

FUND NUMBER:	FUND NAME:	AMOUNT:
001-0120-047	Gen Fund/Comm - Transfers	\$ 53,482.00
001-2620-020	Gen Fund/Detention Center - Srvs & Chrgs	\$ 187,558.00
079-7910-020	Tartan Fields - Srvs & Chrgs	\$ 16,000.00
080-4070-040	Issue II - Equipment	\$ 250,000.00
101-1010-040	EMA - Equipment	\$ 53,482.00

TRANSFER OF APPROPRIATION

FROM:	TO:	AMOUNT:
001-2710-020 Gen Fund/Probate Ct - Srvs & Chrgs	001-2710-010 Gen Fund/Probate Ct - Salaries	\$ 2,286.55
001-2710-020 Gen Fund/Probate Ct - Srvs & Chrgs	001-2710-012 Gen Fund/Probate Ct - PERS	\$ 309.83
001-2710-020 Gen Fund/Probate Ct - Srvs & Chrgs	001-2710-013 Gen Fund/Probate Ct - Medicare	\$ 33.15
079-7910-040 Tartan Fields - Equipment	079-7910-047 Tartan Fields - Transfers	\$ 184,277.00

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080-4070-020	080-4070-040	\$	15,000.00
Issue II - Srvs & Chrgs	Issue II - Equipment		

TRANSFER OF FUNDS

FROM:	TO:	AMOUNT:
001-0120-047	101-1010-087	\$ 53,482.00
Gen Fund/Comm – Transfers	EMA - Transfers-in	
079-7910-047	055-5510-087	\$ 70,330.31
Tartan Fields – Transfers	Bond Retirement - Transfer-in	

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

RESOLUTION NO. 01-279

IN THE MATTER OF APPROVING PLAT FOR OLDE STATE FARMS, SECTION 1:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to approve the plat for Olde State Farms, Section 1:

Olde State Farms, Section 1

Situated in the State of Ohio, County of Delaware, Township of Orange and in Farm Lot 13, Quarter Township 1, Township 3, Range 18, United States Military Lands, containing 35.337 acres of land, more or less, said 35.337 acres being part of that tract of land conveyed to OLDE STATE FARMS LTD. by deed of record in Deed Book 598, Page 581, Recorder’s Office, Delaware County, Ohio. Lot fee in the amount of \$165.00.

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

RESOLUTION NO. 01-280

IN THE MATTER OF ACCEPTING MAINTENANCE BOND FOR OLDE STATE FARMS, SECTION 1:

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

The construction of the above referenced project was started without bonding, thereby not allowing the developer to file the plat. They are now at a point where they would like to file the plat. The County Engineer has estimated the remaining construction costs to be **\$375,000** and a bond in that amount is in place to cover the bonding of this project.

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

RESOLUTION NO. 01-281

IN THE MATTER OF APPROVING THE SUBDIVIDER’S AGREEMENT FOR CALUMET FARMS/BARTHOLOMEW LAKES ESTATES ENTRANCE IMPROVEMENTS, PHASES 1 AND 2:

It was move by Mr. Wuertz, seconded by Mrs. Martin to approve the subdivider’s agreements:

Calumet Farms/Bartholomew Lakes Estates Entrance Improvements, Phases 1 & 2

THIS AGREEMENT made and entered into this 19th day of March 2001, by and between the **COUNTY OF DELAWARE** (acting by and through its **BOARD OF COUNTY COMMISSIONERS**), hereinafter called the **COUNTY**, and **BARTHOLOMEW LAKES ASSOCIATION AND CALUMET FARMS ASSOCIATION**, hereinafter called the **SUBDIVIDER**, as evidenced by the Engineering and Construction Plan entitled “**CALUMET FARMS/BARTHOLOMEW LAKES NEIGHBORHOOD ENTRANCE IMPROVEMENTS PHASES 1 & 2**” which was approved by the County Engineer, hereinafter called the **PLAN**, is governed by the following considerations, to wit:

- 1) The **SUBDIVIDER** is to construct, install or otherwise make all of the improvements as shown and set forth to be performed and completed on the **PLAN**, which is a part of this **AGREEMENT**.
- 2) The **SUBDIVIDER** shall pay the entire cost and expenses of said improvements.
- 3) The **SUBDIVIDER** shall deposit **TWO THOUSAND NINETY DOLLARS (58% FROM BARTHOLOMEW LAKES ASSOCIATION, OR \$1,212,20, AND 42% FROM CALUMET FARMS ASSOCIATION, OR \$877.80)** estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer**. When the fund has been depleted to **thirty percent (30%)** of the original amount deposited, the **SUBDIVIDER** shall replenish the account, upon notice by the **Delaware County Engineer**. Upon completion

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and acceptance of the construction, the remaining amount in the fund shall be returned to the **SUBDIVIDER**.

- 4) The **SUBDIVIDER** is to complete all construction to the satisfaction of the **COUNTY** as evidenced by an approval letter from the **Delaware County Engineer**.
- 5) The **SUBDIVIDER** shall hold the **COUNTY** free and harmless from any and all claims for damages of every nature arising or growing out of the construction of the said improvements.
- 6) The **SUBDIVIDER** shall perform and complete all said improvements prior to **SEPTEMBER 30, 2001**.
- 7) The **SUBDIVIDER** will at all times during the construction of said improvements maintain through traffic on the public roadway and keep the same free of unreasonable hazards to the public. Said roadway shall not be closed to traffic except as approved by the **Delaware County Engineer**. Construction signs, barricades and lights shall be placed as needed on the job site in accordance with the **Ohio Department of Transportation "Uniform Traffic Control Devices"** and **"Traffic Control for Construction and Maintenance /**
- 8) The **SUBDIVIDER** further agrees that any violation of or noncompliance with any of the provisions and stipulations of this **AGREEMENT** shall constitute a breach of contract, and the **Delaware County Engineer** shall have the right to stop work forthwith and use the surety for the completion of the improvement.
- 9) If the **SUBDIVIDER** should 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**.
- 10) Upon approval and acceptance of the improvements, the original copy of the **PLAN** shall become the property of the **COUNTY** and shall be filed in the office of the **Delaware County Engineer**.
- 11) In consideration whereof, the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants to the **SUBDIVIDER** or his agent the right and privilege to make the said improvements stipulated herein.

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

RESOLUTION NO. 01-282

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

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

<i>Permit #</i>	<i>Applicant</i>	<i>Location</i>	<i>Type of Work</i>
U010033	Verizon	Thomas Road	Place telephone cable
U010034	Del-Co Water	Mohican Drive	Install water line
	Columbia Gas	Blanket Permit – Various Roads	Provide single customer service

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

RESOLUTION NO. 01-283

IN THE MATTER OF ACCEPTING AND AWARDING THE BIDS FOR ASPHALT, HOT MIX AND COLD MIX MATERIALS AND TWO MEN AND A PAVER:

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

Whereas, Delaware County went out to bid and bids were taken on March 12, 200, and

Whereas, after carefully reviewing the bids received, the bids submitted by the following have been determined to be the lowest and best bids;

Now Therefore Be It Resolved, by the Board of Commissioners, Delaware County, State of Ohio, approve and accept the bids submitted as follows:

MC 30 per ODOT Spec 702:

The County Engineer recommends that an exclusive bid award be made to Marathon Ashland Petroleum, the low bidder for this material

RS-2 as per ODOT Spec 702:

The County Engineer recommends that an exclusive bid award be made to Koch Materials Company, the low bidder for this material

SS-1 or SS-1H per ODOT Spec 702:

The County Engineer recommends that an exclusive bid award be made to Koch Materials Company, the low bidder for this material FOB jobsite and a non-exclusive award be made to Koch Materials Company, Marathon Ashland Petroleum and Asphalt Materials, Inc. FOB plant as all three companies bid the same pricing.

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Number 301, Number 402 and Number 404 Materials:

The County Engineer recommends that a non-exclusive bid award be made to Mar-Zane, Inc., Kokosing Materials, Inc., The Apple-Smith Corporation, Stoneco and Shelly Materials for these materials.

HPM Materials:

The County Engineer recommends that a non-exclusive bid award be made to Kokosing Materials, Inc., The Apple-Smith Corporation and Shelly Materials.

Two Men & A Paver:

The County Engineer recommends that a non-exclusive bid award be made to Mar-Zane, Inc., Kokosing Materials, Inc. and Shelly Materials.

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

RESOLUTION NO. 01-284

IN THE MATTER OF ACCEPTING GENERAL WARRANTY DEED FOR A 0.977 ACRE TRACT OF LAND, LOCATED SOUTH OF BIG WALNUT ROAD, EAST OF WORTHINGTON ROAD AND A DEED OF EASEMENT OF A 5.00 FEET-WIDE STRIP OF LAND, LOCATED SOUTH OF BIG WALNUT ROAD, EAST OF WORTHINGTON ROAD N GENOA TOWNSHIP:

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

General Warranty Deed

M/I SCHOTTENSTEIN HOMES, INC., an Ohio corporation (the "Grantor"), for valuable consideration paid, grants, with general warranty covenants, to DELAWARE COUNTY OHIO BOARD OF COMMISSIONERS, whose tax-mailing address is 101 North Sandusky Street the real property described in Exhibit A attached hereto and incorporated herein,

Property Address: 0.977 acres located on big Walnut Road
Split out of parcel Number: 317-230-03-003.00

Subject to easements, conditions, covenants, restrictions, and reservations of record, zoning ordinances and legal highways, and further subject to taxes and assessments, if any, now a lien, not yet due and payable.

Prior Instrument References: Volume 38, page 248, Recorder's Office Delaware County, Ohio.

In Witness Whereof, the Grantor has caused this instrument to be executed by its duly authorized this officer this 8th day of March 2001.

Exhibit A

**DESCRIPTION OF A 0.977 ACRE TRACT OF LAND,
LOCATED SOUTH OF BIG WALNUT ROAD,
EAST OF WORTHINGTON ROAD,
IN GENOA TOWNSHIP, DELAWARE COUNTY, OHIO**

Situated in the State of Ohio, County of Delaware, Township of Genoa, and lying in Farm Lot 13, Section 2, Township 3 North, Range 17 West, United States Military Lands, and being a 0.977 acre tract of land out of a 178.908 acre tract conveyed to M/I Schottenstein Homes, Inc. by a deed of record in Official Record Volume 38, Page 248, all records herein of the Recorder's Office, Delaware County, Ohio, and said 0.977 acre tract being bounded and more particularly described as follows:

Begin, for reference, at a railroad spike found marking the intersection of the centerlines of Worthington Road, County Road 13, and Big Walnut Road, County Road 109;

Thence North 84° 25' 50" East, a distance of 833.91 feet, along the centerline of said Big Walnut Road, said line also being the northerly line of a 20.99 acre tract conveyed to Harold B. and Joan C. Derstine by a deed of record in Deed Volume 496, Page 644, to a railroad spike found marking an angle point in the centerline of said Big Walnut Road;

Thence South 70° 15' 28" East, a distance of 2.08 feet, continuing along the centerline of said Big Walnut Road, to a railroad spike found marking a common corner of said 178.908 and 20.99 acre tracts, said spike also marking the **Point of True Beginning** of the 0.977 acre tract described herein;

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Thence South 70° 15' 28" East, a distance of 692.90 feet, continuing along the centerline of said Big Walnut Road, said line also being the north line of said 178.908 acre tract, to a railroad spike found marking an angle point in the centerline of said Big Walnut Road;

Thence South 69° 55' 32" East, a distance of 146.35 feet, continuing along the centerline of said Big Walnut Road, said line also being the north line of said 178.908 acre tract, to a railroad spike found marking the common corner of said 178.908 acre tract and a 5.00 acre tract conveyed to Christy L. Viers by a deed of record in Deed Book 598, Page 515;

Thence South 03° 13' 38" West, a distance of 52.24 feet, along the line common to said 178.908 and 5.00 acre tracts, to an iron pin set;

Thence along the following three (3) courses and distances over and across said 178.908 acre tract:

1. North 69° 55' 32" West, a distance of 161.35 feet, along a line parallel to and 50.00 southerly of, as measured at right angles, the centerline of said Big Walnut Road, to an iron pin set;
2. North 70° 15' 28" West, a distance of 547.76 feet, along a line parallel to and 50.00 southerly of, as measured at right angles, the centerline of said Big Walnut Road, to an iron pin set;
3. along the arc of a curve to the right having a central angle of 12° 03' 23", a radius of 605.00 feet, an arc length of 127.31 feet, and a chord that bears North 76° 17' 10" West, a chord distance of 127.07 feet, to an iron pin set in the line common to said 178.908 and 20.99 acre tracts;

Thence North 03° 21' 06" East, a distance of 66.03 feet, along the line common to said 178.908 and 20.99 acre tracts, to the **Point of True Beginning**, containing 0.977 acres, more or less.

The bearings used in this description are based on the grid bearing of North 84° 25' 50" East, for the centerline of Big Walnut Road in the Ohio State Plane Coordinate System, North Zone, as determined by a series of GPS observations on September 14, 1999.

All iron pins set are ¾" iron pipes, 30 inches in length, with a yellow ca

Deed of Easement

KNOW ALL MEN BY THESE PRESENTS, That M/I SCHOTTENSTEIN HOMES, INC. an Ohio corporation (the "Grantor"), for and in consideration of One Dollar (\$1.00) and other valuable consideration to it paid by the DELAWARE COUNTY OHIO BOARD OF COMMISSIONERS (the "Grantee"), receipt of which is hereby acknowledged, does hereby GRANT AND RELEASE, to the Grantee, its successors and assigns forever, a perpetual nonexclusive easement in, through, over and under the following described real estate, for the purpose of road way right of way and appurtenances thereto, together with the right of access to said easement area for said purpose.

Being the real property described in Exhibit A attached hereto and made a part hereof.

The granting of this easement does not preclude the use of said easement area by storm sewer, water line, gas, telephone, electric or television cable facilities.

This Deed of Easement is executed, granted and delivered by Grantor, for itself and its successors and assigns, and accepted by Grantee, for itself and its successors and assigns, upon the following condition to-wit:

The rights granted herein shall not be construed to interfere with or restrict the use of the premises with respect to the construction and maintenance of property improvements along and over the premises herein described so long as the same are constructed so as not to impair the strength of or interfere with the use and maintenance of the facility herein provided for except that no building shall be constructed within said easement area.

TO HAVE AND TO HOLD said premises unto said Grantee, its successors and assigns forever, for the uses and purposes hereinabove described.

IN WITNESS THEREOF, M/I Schottenstein Homes, Inc. has caused the execution of this instrument this 8th day of March 2001.

**DESCRIPTION OF A 5.00 FEET-WIDE STRIP OF LAND,
LOCATED SOUTH OF BIG WALNUT ROAD,
EAST OF WORTHINGTON ROAD,
IN GENOA TOWNSHIP, DELAWARE COUNTY, OHIO**

Situated in the State of Ohio, County of Delaware, Township of Genoa, and lying in Farm Lot 13, Section 2,

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Township 3 North, Range 17 West, United States Military Lands, and being a 5.00 feet-wide strip of land on, over and across a 37.521 acre tract conveyed to _____ by a deed of record in Official Record Volume _____, Page _____, all records herein of the Recorder's Office, Delaware County, Ohio, and said 5.00 feet-wide strip of land being bounded and more particularly described as follows:

Begin, for reference, at a railroad spike found marking the intersection of the centerlines of Worthington Road, County Road 13, and Big Walnut Road, County Road 109;

Thence North $84^{\circ} 25' 30''$ East, a distance of 833.91 feet, along the centerline of said Big Walnut Road, said line also being the northerly line of a 20.99 acre tract conveyed to Harold B. and Joan C. Derstine by a deed of record in Deed Volume 496, Page 644, to a railroad spike found marking an angle point in the centerline of said Big Walnut Road;

Thence South $70^{\circ} 15' 28''$ East, a distance of 2.08 feet, continuing along the centerline of said Big Walnut Road, to a railroad spike found marking a common corner of said 20.99 acre tract and a 0.977 acre tract conveyed to _____ by a deed of record in Official Record Volume _____, Page _____;

Thence South $03^{\circ} 21' 06''$ West, a distance of 66.03 feet, along the line common to said 20.99 and 0.977 acre tracts, to an iron pin found marking a common corner of said 37.521 and 0.977 acre tracts;

Thence the following three(3) courses and distances along the lines common to said 37.521 and 0.977 acre tracts:

1. along the arc of a curve to the right having a central angle of $12^{\circ} 03' 23''$, a radius of 605.00 feet, an arc length of 127.31 feet, and a chord that bears South $76^{\circ} 17' 10''$ East, a chord distance of 127.07 feet, to an iron pin found marking a common corner of said 37.521 and 0.977 acre tracts at a point of tangency;
2. South $70^{\circ} 15' 28''$ East, a distance of 547.76 feet, along a line parallel to and 50.00 southerly of, as measured at right angles, the centerline of said Big Walnut Road, to an iron pin found marking a common corner of said 37.521 and 0.977 acre tracts;
3. South $69^{\circ} 55' 32''$ East, a distance of 33.89 feet, along a line parallel to and 50.00 southerly of, as measured at right angles, the centerline of said Big Walnut Road, to an iron pin found at point of curvature marking a common corner of said 37.521 acre tract and the remainder of an original 178.908 acre tract conveyed to M/I Schottenstein Homes, Inc. by a deed of record in Official Record Volume 38, Page 248;

Thence the following ten (10) courses and distances along the lines common to said 37.521 acre tract and the remainder of said original 178.908 acre tract:

1. along the arc of a curve to the right having a central angle of $88^{\circ} 19' 39''$, a radius of 30.00 feet, an arc length of 46.25 feet, and a chord that bears South $25^{\circ} 45' 42''$ East, a chord distance of 41.80 feet, to an iron pin found at a point of reverse curvature;
2. along the arc of a curve to the left having a central angle of $20^{\circ} 49' 22''$, a radius of 830.00 feet, an arc length of 301.65 feet, and a chord that bears South $07^{\circ} 59' 27''$ West, a chord distance of 299.99 feet, to an iron pin found at a point of tangency;
3. South $02^{\circ} 25' 14''$ East, a distance of 242.63 feet, to an iron pin found;
4. South $33^{\circ} 32' 12''$ West, a distance of 53.64 feet, to an iron pin found;
5. South $18^{\circ} 31' 06''$ West, a distance of 218.08 feet, to an iron pin found;
6. South $36^{\circ} 49' 28''$ West, a distance of 305.09 feet, to an iron pin found;
7. South $46^{\circ} 44' 05''$ West, a distance of 168.90 feet, to an iron pin found;
8. South $11^{\circ} 21' 49''$ East, a distance of 38.99 feet, to an iron pin found;
9. South $44^{\circ} 13' 48''$ West, a distance of 89.08 feet, to an iron pin found;
10. South $28^{\circ} 27' 26''$ West, a distance of 26.90 feet, to the **Point of True Beginning** of the 20.00 feet-wide strip of land described herein;

Thence the following five (5) courses and distances continuing along the lines common to said 37.521 acre tract and the remainder of said original 178.908 acre tract:

1. South $28^{\circ} 27' 26''$ West, a distance of 5.50 feet, to iron pin found on a curve marking a southeasterly corner of said 37.512 acre tract;

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- 2. along the arc of a curve to the left having a central angle of 00° 16' 29", a radius of 1025.00 feet, an arc length of 4.92 feet, and a chord that bears North 86° 18' 10" West, a chord distance of 4.92 feet, to an iron pin found marking a point of tangency;
- 3. North 86° 26' 25" West, a distance of 1383.73 feet, to an iron pin found marking a point of curvature;
- 4. along the arc of a curve to the left having a central angle of 08° 53' 19", a radius of 575.00 feet, an arc length of 89.20 feet, and a chord that bears South 89° 06' 56" West, a chord distance of 89.11 feet, to an iron pin found marking a southwesterly corner of said 37.512 acre tract;
- 5. North 02° 50' 08" East, a distance of 5.05 feet, along the westerly line of said 37.512 acre tract, to a point;

Thence the following three (3) courses and distances, parallel to, and 5.00 feet northerly of, as measured at right angles, the southerly line, over and across said 37.521 acre tract:

- 1. along the arc of a curve to the left having a central angle of 08° 49' 04", a radius of 580.00 feet, an arc length of 89.26 feet, and a chord that bears North 89° 09' 03" East, a chord distance of 89.17 feet, to a point;
- 2. South 86° 26' 25" East, a distance of 1383.73 feet, to a point of curvature;
- 3. along the arc of a curve to the left having a central angle of 00° 24' 08", a radius of 1030.00 feet, an arc length of 7.23 feet, and a chord that bears South 86° 14' 21" East, a chord distance of 7.23 feet, to the **Point of True Beginning**, containing, 7395 square feet, or 0.170 acres, more or less.

The bearings used in this description are based on the grid bearing of North 84° 25' 50" East, for the centerline of Big Walnut Road in the Ohio State Plane Coordinate System, North Zone, as determined by a series of GPS observations on September 14, 1999.

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

RESOLUTION NO. 01-285

IN THE MATTER OF APPROVING THE CONTRACT ADDENDUM BETWEEN DELAWARE COUNTY COMMISSIONERS AND ACS ENTERPRISE SOLUTIONS, FORMERLY BUSINESS RECORDS CORPORATION:

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

This Contract Addendum is entered into between ACS Enterprise Solution, Inc.,(formerly Business Records Corporation, BRC), with an office at 7030 Fly Road, East Syracuse, NY 13057, and the County of Delaware, Ohio. This Addendum is made and entered into this 19th day of March 2001, and amends the existing computer services contract.

All other terms of the Agreement between the parties shall remain in full force and effect unless specifically modified herein

SERVICE

Contractor agrees to install one (1) Public Inquiry Workstation

PRICE

Pricing is as follows for all services as outlined in this Contract Addendum. Contractor will review Pricing yearly on the anniversary of the Contract, in the event of an increase; the increase will not exceed 5% of the amount set out below for that year.

Cost: \$2.99 per document
\$2.39 per UCC

Entire Addendum: This Addendum and any attachments referenced herein constitute the entire addendum of the parties relative to those consulting services specifically contemplated herein (and in any attachments), and supercedes all prior representations, proposals, discussions, and communications, whether oral or in writing (unless otherwise specifically incorporated into a particular attachment.). This Addendum may be modified only in writing and in accordance with State Laws and shall be enforceable in accordance with its terms when signed by both parties hereto.

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

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

RESOLUTION NO. 01-292

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION AT 9:51 AM:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to adjourn out of Executive Session:

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

RESOLUTION NO. 01-293

IN THE MATTER OF APPROVING ADMINISTRATIVE LEAVE FOR AN EMS EMPLOYEE:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to approve the administrative leave for David Stevens for one day, March 18, 2001.

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

10:00 AM – Bid Opening for Delaware County’s Road Improvement Program

Shelly & Sands	\$3,538,209.08
SE Johnson	\$4,015,124.30
Northwood Stone & Asphalt	\$3,597,696.65
KoKosing	\$3,521,817.10

7:30 PM – Public Hearing for Ditch Petition for Big Run (Skinner) at JVS North Campus

Hearing Opened at 7:30 PM.

Mr. Ward closed the hearing at 8:49 PM.

RESOLUTION NO. 01-294

IN THE MATTER OF CONSIDERING A DITCH PETITION FILED BY GARY SKINNER AND OTHERS; AMENDMENT 1 FILED BY LAWRENCE COLFLESH AND AMENDMENT 2 FILED BY TED COLFLESH

It was moved by Mr. Wuertz, seconded by Mrs. Martin to approve the resolution as follows: .

Whereas, on November 6, 2000, a Ditch Petition to regain, improve and maintain drainage of the watershed by cleaning the Big Run/Primmer open ditch was filed with the Delaware County Commissioners, and on January 12, 2001, two amendments were filed for additional area to be included in the ditch construction and maintenance, and

Whereas the Board of Commissioners of Delaware County on March 19, 2001, held a public hearing to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for the purposed improvements to the Big Run/Primmer Ditch, and

Whereas, after hearing testimony from property owners and the preliminary report of County Engineer, Chris Bauserman, the Board of Commissioners find the action is necessary, conducive to the public welfare, and the benefits exceed the estimated cost.

Therefore, Be It Resolved, The Delaware County Commissioners directs the Delaware County Engineer to proceed with the preparation of plans, reports and schedules for the purposed Big Run/Primmer Ditch Improvements. Said information to be presented to the Commissioners at the end of this process.

Further be it Resolved, upon receipt of this information a public hearing date will be set and proper notification given to property owners in the affected watershed.

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

There being no further business, the meeting adjourned.

COMMISSIONERS JOURNAL NO. 41 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 19, 2001

Deborah Martin

James D. Ward

Donald Wuertz

Letha George, Clerk to the Commissioners