

COMMISSIONERS JOURNAL NO. 42 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 29, 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

- 10:30 AM Revised Bid Opening for FY99 Private Housing Rehabilitation
- 7:30 PM Continuation of Public Hearing for Annexation Petition for 69.24 Acres from Delaware Township to City of Delaware
- 7:45 PM Public Hearing for Widening, Reconstruction, and Purchase of Right of Way for Tussic Street Road
- 8:00 PM Public Hearing for Request to Vacate Windsor Way
- 8:15 PM Continuation of Public Hearing for Annexation Petition for 19.982 Acres from Berkshire Township To Village of Galena

PUBLIC COMMENT

RESOLUTION NO. 01-1241

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS NUMBERED 319875 THROUGH 320047:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to approve for payment warrants numbered 319875 through 320047 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>
1B02620	Various Vendors	Professional services	4710-2005	\$ 7,708.00
1P08698	Hill's Black Top Inc.	EMS Station Lot Repair	0020-4012	\$ 9,107.00
INCREASE				
1B42992	Various Vendors	Child Care services	4580-2080	\$ 200,000.00

Vouchers

1B08286	ACP	Drywall – Services Building	8612-4011	\$ 422,333.73
1B08263	Chemcote	Paving – Services Building	8612-4011	\$ 21,741.25
1B42992	Kindercare Neverland	Childcare Services	4580-2080	\$ 12,240.00

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

RESOLUTION NO. 01-1242

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

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

TRANSFER OF APPROPRIATION

<u>FROM:</u>	<u>TO:</u>	<u>AMOUNT:</u>
001-3310-015	001-3310-040	\$ 15,000.00
Gen Fund/Sheriff Dep- Mat & Sup	Gen Fund/Sheriff Dep - Equip	
001-3320-020	001-3320-015	\$ 40,000.00
Gen Fund/Jail - Srvs & Chrgs	Gen Fund/Jail - Mat & Sup	
035-3510-040	035-3510-020	\$ 75,000.00
San Eng – Equip	San Eng - Srvs & Chrgs	

TRANSFER OF FUNDS

<u>FROM:</u>	<u>TO:</u>	<u>AMOUNT:</u>
001-0120-047	002-1910-087	\$ 25,000.00
Gen Fund/Comm - Transfers	D&K - Transfer-in	

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

RESOLUTION NO. 01-1243

IN THE MATTER OF SETTING DATE AND TIME FOR HEARING OF ANNEXATION PETITION FILED FOR ANNEXATION OF LANDS 369.418, MORE OR LESS, ACRES FROM BERKSHIRE TOWNSHIP TO VILLAGE OF SUNBURY AND GIVING NOTICE OF SAME TO AGENT FOR PETITIONERS:

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It was moved by Mr. Wuertz, seconded by Mrs. Martin 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 Berkshire Township To Village of Sunbury, and

Whereas, Kenneth J. Molnar 21 Middle St. Galena, Ohio 43021 has been designated as agent for the petitioners.

Now Therefore Be It Resolved, that Monday, January 7, 2002, at 8:00 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. 01 -1244

IN THE MATTER OF SETTING DATES AND TIMES FOR THOROUGHFARE PLAN HEARINGS:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to set dates and times for thoroughfare plan:

Notice is hereby given that the Delaware County Commissioners will hold Thoroughfare Plan Hearings at JVS North on December 4, 2001 7:00 PM and on December 6, 2001 9:30 AM

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

RESOLUTION NO. 01-1245

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Department of Job and Family Services is requesting a mileage increase to Patricia Rayburn’s travel request for Required Core Training; cost \$35.70.

The Sanitary Engineer Department is requesting that Lyndon Johnson attend a Section Workshop in Columbus, Ohio on October 26, 2001, at the cost of \$15.00.

The Sanitary Engineer Department is requesting that Jeff Butterfield attend a Sewer Maintenance Workshop in Columbus, Ohio on October 26, 2001, at the cost of \$15.00.

The EMS Department is requesting that 8 paramedics attend a Basic Trauma Life Support Instructors Course at Grady Memorial Hospital on November 7, 2001, at the cost of \$800.00.

The Department of Job and Family Services is requesting that Deanna Slone, Julie Smith and Angie Rayburn attend Interactive Interview Training in Columbus, Ohio on December 4 - 5, 2001, at no cost.

Juvenile Court is requesting that Ed Uhlman attend a Legal Conference in Columbus, Ohio on November 30, 2001, at the cost of \$35.00.

The EMS Department is requesting that Bill Barks attend a Trauma Conference at Grady Memorial on November 15 and 16, 2001, at the cost of \$100.00.

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

RESOLUTION NO. 01-1246

IN THE MATTER OF APPROVING SUBDIVIDER’S AGREEMENT FOR DORNOCH ESTATES SECTION 4:

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

Dornoch Estates Section 4

SUBDIVIDER’S AGREEMENT

THIS AGREEMENT executed on this 29th day of October 2001, between **NEW GREEN HIGHLANDS DEVELOPMENT** as evidenced by the **DORNOCH ESTATES SECTION 4** Construction plans filed with the **Delaware County Engineer**, Delaware County, Ohio and the **BOARD OF COUNTY**

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COMMISSIONERS OF DELAWARE COUNTY, OHIO is governed by the following considerations, to wit:

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** shall, at the time of plat approval, execute bond, certified check, irrevocable letter of credit or other approved financial warranties equal to the cost of any remaining construction as shown in the Engineer's Estimate approved 9/25/01, 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 all improvements.

The **SUBDIVIDER** shall indemnify and save harmless the **County, Townships and/or Villages** 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 year from the date of the approval of said subdivision by the **COUNTY COMMISSIONERS**. But an 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 plans and specifications and shall have the 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.

If no bonding or performance surety has been filed, then no subdivision plat will be approved until a performance bond has been approved or until all public improvements have been made. In either case, the **SUBDIVIDER** further agrees that any violations 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.

If a subdivision plat has been approved with the necessary bonding, then the **COUNTY** shall have the right to act against the performance surety for the purpose of proper completion of the public improvements within this subdivision.

ROADWAY AND STORM DRAINAGE

It is further agreed that upon execution of the **AGREEMENT**, the **SUBDIVIDER** shall deposit **TWENTY-THREE THOUSAND NINE HUNDREDDOLLARS** estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer** and, if deemed necessary by the **Delaware County Engineer**, testing by an independent laboratory. 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 and acceptance of the construction, the remaining amount in the fund shall be returned to the **SUBDIVIDER**, with the exception of a nominal amount for the final inspection at the end of the maintenance period.

The **County** reserves the right during construction and thereafter to permit connection of adjoining properties within the original drainage basin to the storm sewer system.

Upon completion of construction, the **SUBDIVIDER** shall be responsible for the maintenance, repair or reconstruction of any and all defective materials or workmanship for a period of one year. Said **SUBDIVIDER'S** bond or certified check or irrevocable letter of credit may be reduced to an amount estimated by the **County Engineer** 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 to the **Ohio Department of Transportation Specifications**.

Acceptance of the roads and drainage structures in said subdivision into the public system shall be completed only after written notice to the **COUNTY COMMISSIONERS** from the **County Engineer** of his approval. The **SUBDIVIDER'S** maintenance responsibility as described above shall be completed upon formal acceptance by the **COUNTY COMMISSIONERS**.

Any snow and ice removal or other safety requirements deemed necessary by the **County Engineer** during the period of construction or maintenance shall be the responsibility of the **SUBDIVIDER**. All of the funds set forth in the **AGREEMENT** shall be made available to the **County Engineer** to ensure proper safety compliance.

CONSTRUCTION

The **SUBDIVIDER** shall, within thirty (30) days following the completion of construction and prior to final acceptance, furnish to **Delaware County**, 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 **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 material incident to said construction of improvements.

The **SUBDIVIDER** shall, during 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 the improvements and for their continued operation. The **SUBDIVIDER** shall be responsible for all utility charges

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RESOLUTION NO. 01 -1250

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>
U-010173	Columbia Gas of Ohio	Glenmore Drive/Willow Valley Way	Install gas main
U-010180	Del-Co Water	Rosecrans Road	Install 50' bore
U-010181	Del-Co Water	Porter Central Road	Install 60' bore
U010182	Columbia Gas of Ohio	Scioto Reserve Section 3, Phases 3 & 4	Install gas main
U0110183	Suburban Natural Gas	Cross Creek 2A	Lay plastic pipe

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

RESOLUTION NO. 01- 1251

IN THE MATTER OF PLAN APPROVAL FOR ADDITION OF TURN LANE ON LIBERTY ROAD:

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

Liberty Road Turn Lane

County Road 9, Liberty Township, Delaware County, Ohio.

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

RESOLUTION NO. 01-1252

AUTHORIZING MODIFICATION OF AN ENTERPRISE ZONE AGREEMENT WITH SARCOM, INC., SARCOM PROPERTIES, INC., GLOBAL TECHNOLOGY FINANCE, LLC, AND INGRAM MICRO, INC.:

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

WHEREAS, the Delaware County Board of Commissioners, Orange Township, Sarcom, Inc., and Sarcom Properties, Inc. did enter into an Enterprise Zone Agreement dated August 30, 1993, in conjunction with a PROJECT to be undertaken to construct a 56,000 square foot office/distribution center and to invest in personal property at the PROJECT site in Orange Township located at 8337 Green Meadows Drive, Lewis Center, Ohio; and

WHEREAS, said Enterprise Zone Agreement was subsequently amended on October 25, 1993, January 19, 1999, and April 24, 2000 in order to add Sarcom Properties, Inc., Global Technology Finance, LLC, and Ingram Micro, Inc. respectively as additional PROJECT participants in the Enterprise Zone Agreement; and

WHEREAS, on March 21, 2001, the duly appointed Orange Township Tax Incentive Review Council (TIRC) met for the purpose of reviewing and monitoring each active Enterprise Zone Agreement within the Orange Township Enterprise Zone to determine the level of compliance achieved by participating enterprises regarding fulfillment of the obligations and commitments stated in each enterprise's Agreement; and

WHEREAS, it is now understood by all Parties to the original Enterprise Zone Agreement and as amended for the referenced PROJECT that the Orange Township TIRC determined that the level of personal property investment committed to by Sarcom, Inc., Global Technology Finance, LLC, and Ingram Micro, Inc. as stated in the original Enterprise Zone Agreement, and as amended, has not been achieved, and, as a result, the Orange Township TIRC has recommended that the original Enterprise Zone Agreement, and as amended, be referred back to the Orange Township Tax Incentive Negotiating Committee (TINC) for review and possible modification of said original Agreement; and

WHEREAS, the Orange Township TINC has reviewed the original agreement, and subsequent amendments, and has recommended that the terms of said agreement be modified as provided for in said Agreement and as amended.

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio, that the terms of the Enterprise Zone Agreement for the Sarcom PROJECT, originally dated August 30, 1993, and as subsequently amended, be modified as follows:

1. Effective as of the date of passage of this Resolution, all existing tax exemptions granted to Sarcom, Inc., Sarcom Properties, Inc., Global Technology Finance, LLC, and Ingram Micro, Inc. for investment in real property improvements and investments in personal property as established in the Enterprise Zone Agreement dated August 30, 1993, and as subsequently amended, for the PROJECT located at 8337 Green Meadows Drive, Lewis Center, Ohio shall be terminated.

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2. Sarcom, Inc., Sarcom Properties, Inc., Global Technology Finance, LLC, or Ingram Micro, Inc. are hereby required to repay \$45,000 of the personal property taxes that would have been payable had the property not been exempted from taxation under this Agreement, and as amended. This amount shall be payable no later than December 31, 2001.
3. The Delaware County Director of Economic Development is directed to formally notify the Delaware County Auditor, the Ohio Department of Development, the Ohio Department of Taxation, the Olentangy Local School District and the Delaware Joint Vocational School of this action.
4. That this Resolution shall take effect and be in force immediately after passage.

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

RESOLUTION NO. 01-1253

AUTHORIZING MODIFICATION OF AN ENTERPRISE ZONE AGREEMENT WITH SARCOM, INC., SARCOM PROPERTIES, INC., GLOBAL TECHNOLOGY FINANCE, LLC, AND INGRAM MICRO, INC.:

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

WHEREAS, the Delaware County Board of Commissioners, Orange Township, Sarcom, Inc., and Sarcom Properties, Inc. did enter into an Enterprise Zone Agreement dated May 19, 1997, in conjunction with a PROJECT to be undertaken to construct a 85,000 square foot addition to its existing office/distribution center and to invest in personal property at the PROJECT site in Orange Township located at 8337 Green Meadows Drive, Lewis Center, Ohio; and

WHEREAS, said Enterprise Zone Agreement was subsequently amended on January 19, 1999, and April 24, 2000 in order to add Global Technology Finance, LLC, and Ingram Micro, Inc. respectively as additional PROJECT participants in the Enterprise Zone Agreement; and

WHEREAS, on March 21, 2001, the duly appointed Orange Township Tax Incentive Review Council (TIRC) met for the purpose of reviewing and monitoring each active Enterprise Zone Agreement within the Orange Township Enterprise Zone to determine the level of compliance achieved by participating enterprises regarding fulfillment of the obligations and commitments stated in each enterprise's Agreement; and

WHEREAS, it is now understood by all Parties to the original Enterprise Zone Agreement and as amended for the referenced PROJECT that the Orange Township TIRC determined that the level of personal property investment committed to by Sarcom, Inc., Global Technology Finance, LLC, and Ingram Micro, Inc. as stated in the original Enterprise Zone Agreement, and as amended, has not been achieved, and, as a result, the Orange Township TIRC has recommended that the original Enterprise Zone Agreement, and as amended, be referred back to the Orange Township Tax Incentive Negotiating Committee (TINC) for review and possible modification of said original Agreement; and

WHEREAS, the Orange Township TINC has reviewed the original agreement, and subsequent amendments, and has recommended that the terms of said agreement be modified as provided for in said Agreement and as amended.

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio, that the terms of the Enterprise Zone Agreement for the Sarcom PROJECT, originally dated May 19, 1997, and as subsequently amended, be modified as follows:

1. Ingram Micro, Inc. shall be removed as a PROJECT participant. All existing tax exemptions granted to Ingram Micro, Inc. shall be terminated.
2. The tax exemption percentage granted in the Enterprise Zone Agreement dated May 19, 1997, and as subsequently amended, for the level of investment in personal property stated in said Agreement, shall be immediately reduced from 56% to 28%, and shall remain at this level for the remaining term of said Agreement.
3. If Sarcom, Inc., Sarcom Properties, Inc., or Global Technology Finance, LLC materially fail to fulfill their obligations under this Agreement, or if Delaware County and Orange Township determine that the certification as to delinquent taxes required by the original Enterprise Zone Agreement, and as amended, is fraudulent, Delaware County and Orange Township may terminate or modify the exemptions from taxation granted under the Enterprise Zone Agreement, and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this Agreement.
4. Sarcom, Inc, Sarcom Properties, Inc., and/or Global Technology Finance, LLC shall own or lease \$10,077,865 in personal property equipment and/or furniture and fixtures to be moved to and/or located at the PROJECT site. This amount shall be reached or exceeded by December 31, 2001 and shall be maintained at the PROJECT site for the remaining term of this Agreement. This amount of

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personal property shall receive a 0% tax exemption and is in excess of the \$1,750,000 in personal property equipment and furniture and fixtures currently receiving an exemption under said Agreement.

5. Delaware County shall continue to grant real and personal property tax exemptions called for under the Agreement for the referenced PROJECT in recognition of this amendment and the terms and conditions established therein.
6. The Delaware County Director of Economic Development is directed to formally notify the Delaware County Auditor, the Ohio Department of Development, the Ohio Department of Taxation, the Olentangy Local School District and the Delaware Joint Vocational School of this action.
7. That this Resolution shall take effect and be in force immediately after passage.

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

RESOLUTION 01-1254

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH COUNTRYSIDE CONSTRUCTION COMPANY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FY99 WATER & SEWER PROGRAM RESIDENTIAL SERVICE CONNECTION PROJECT FOR LOW AND MODERATE INCOME FAMILIES IN THE VILLAGE OF SHAWNEE HILLS:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to concur in the execution of an agreement:

WHEREAS, the Ohio Department of Development provides financial assistance to local governments under the Community Development Block Grant (CDBG) Water & Sewer and Formula Programs; and

WHEREAS, the House Service Connection Project is an eligible activity to be funded under the CDBG Formula and Water & Sewer Program; and

WHEREAS, funding, in the amount of One Hundred Thousand Dollars (\$100,000) has been provided to Delaware County through the FY99 CDBG Water & Sewer Program, and funding in the amount of Twenty Five Thousand Dollars (\$25,000) is to be provided from Delaware County's Revolving Loan Fund for the Village of Shawnee Hills Residential Sanitary Service Connections Project, which consists of the installation of tap-ins and the connection fees for eligible LMI households; and

WHEREAS, Countryside Construction Company located at 119 Henderson Ct., Delaware, Ohio has submitted the lowest and best bid for the Village of Shawnee Hills Sanitary House Service Connections Project, in the amount of \$55,705.00.

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio as follows:

Section 1. That the Delaware County Commissioners determine that on the basis of price and experience, that Countryside Construction Company, is the best entity to provide construction services for the Village of Shawnee Hills Residential Sanitary Connections Project.

Section 2. That the Board of Commissioners authorizes the President of the Board to execute an Agreement concurring in the awarding of a contract for connection services with Countryside Construction Company, for the FY99 CDBG Water & Sewer not to exceed Fifty-five Thousand Seven Hundred and Five Dollars.

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

RESOLUTION NO. 01-1255

IN THE MATTER OF APPROVING THE RESOLUTION OF NECESSITY FOR PURCHASE OF AUTOMOBILE FOR THE USE OF THE COUNTY COMMISSIONERS; ANY COUNTY DEPARTMENT, BOARD, COMMISSION, OFFICE OR AGENCY; OR ANY ELECTED COUNTY OFFICIAL OR HIS OR HER EMPLOYEES:

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

WHEREAS; the Board of County Commissioners of Delaware County, Ohio are required by Ohio Revised Code §307.41, to find, by resolution of necessity, that it is necessary to expend county monies for the purchase or lease of a new automobile to be used by the County Commissioners, by any county department, board, commission, office or agency, or by any elected county official or his or her employees, and

WHEREAS; the Board of County Commissioners of Delaware, County, Ohio has before it a request from Emergency Services, Emergency Management Agency, to expend county monies for the purchase of one new 4-

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door, 4-wheel drive mid-sized Utility Vehicle; and

WHEREAS; the Board of County Commissioners have legally appropriated monies from the proper fund for the acquisition of vehicles

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

- Section 1. That the Board of County Commissioners of Delaware County, Ohio, does hereby declare that a necessity exists to purchase one 4-door, 4-wheel drive mid-sized Utility Vehicle for use by the Emergency Management Agency
- Section 2. That the Board of County Commissioners of Delaware County, Ohio, does hereby declare that the number of motor vehicles required is one for replacement of a current vehicle.
- Section 3. That the Board of County Commissioners of Delaware County, Ohio, does hereby declare that the estimated cost of said purchase or lease will be a total of \$25,000.
- Section 4. That the Board of County Commissioners of Delaware County, Ohio, does hereby declare that the purchase or lease of said vehicle will be in conformity with the public bidding requirements of Ohio Revised Code 307.86 through 307.92.

DELAWARE COUNTY BOARD OF COMMISSIONERS, DELAWARE COUNTY, OHIO.
Adopted this 29th Day of October 2001.

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

RESOLUTION 01-1256

IN THE MATTER OF APPROVING A BID OPENING DATE FOR ACCEPTANCE OF BIDS ON THE PURCHASE OF A 4-WHEEL DRIVE UTILITY VEHICLE TO REPLACE A CURRENT VEHICLE FOR THE DELAWARE COUNTY EMERGENCY MANAGEMENT AGENCY:

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

WHEREAS, the Delaware County Board of Commissioners has approved a resolution of Necessity of Need for a replacement vehicle for the Emergency Management Agency, and

WHEREAS, the best vehicle for this replacement has been identified as a mid-sized 4-door, 4-wheel drive utility vehicle, and

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners approve a time and date of 10:00 a.m., 15 November 2001, for the opening of bid proposals for the purchase of the vehicle at an estimated cost not to exceed \$25,000.00.

BE IT FURTHER RESOLVED: That the Clerk of the Board of Commissioners shall cause this Resolution to be spread upon the Board's Official Journal.

Vote on motion Mr. Ward Nay Mr. Wuertz Aye Mrs. Martin Aye

RESOLUTION NO. 01-1257

IN THE MATTER OF AUTHORIZING OFFICE CITY EXPRESS TO PERFORM THE FURNITURE INVENTORY, DESIGN AND LAYOUT, AND PROJECT MANAGEMENT FOR THE FURNITURE TO BE USED IN THE NEW DELAWARE COUNTY SERVICES BUILDING:

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

WHEREAS, Delaware County received proposals for Office Furniture Consulting Services & Supplier of Furniture off of State Purchasing for the office furniture to be used in the New County Services Building for Delaware County on September 24, 2001 and;

WHEREAS, after carefully reviewing the proposals received and information gathered, the proposal submitted by Office City Express has been determined to be the best proposal for Office Furniture Consulting Services & Supplier of Furniture off of State Purchasing;

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Delaware County, State of Ohio, authorize Office City Express to perform furniture inventory, design, layout and selection recommendations of furniture, and project management for the furniture to be used in the new Delaware County Services Building.

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

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RESOLUTION NO. 01-1258

IN THE MATTER OF ACCEPTING AND AWARDED THE BID FOR BID PACKAGE TWENTY-SEVEN (INTERIOR CARPET AND FLOORING) FOR DELAWARE COUNTY SERVICES BUILDING:

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

Whereas, Delaware County went out to bid and bids were taken on September 14, 2001, and

Whereas, after carefully reviewing Bovis Lend Lease recommends the bid submitted by the company listed below 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 bid submitted by the following company.

Bid Package No./Description	Company Recommended	Bid Package Amount	Alternates Not Recommended
Bid Package Twenty-Seven (Interior Carpet and Flooring)	Re:Source Ohio f.k.a. Architectural Floors	\$254,500	None

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

RESOLUTION NO. 01-1259

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF APPLICATIONS FOR DOMESTIC VIOLENCE FUNDS FOR 2002 AND 2003 ESTIMATING AMOUNT OF FUNDS ANTICIPATED AND ALLOCATING SAME TO QUALIFIED APPLICATIONS. THIS ACTION PURSUANT TO CHAPTER 3113 OHIO REVISED CODE:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to acknowledge receipt of qualified applications for 2002/2003 domestic violence funds from "Turning Point" Shelter, Marion, Ohio and "Choices" Shelter, Columbus, Ohio and to estimate the total sum to be collected in said fund in 2002/2003 at \$ 34,000.00. Further that said funds to be allocated as follows:

- 80% of funds actually received to Turning Point, Marion, Ohio
- 20% of funds actually received to Choices, Columbus, Ohio

Said allocation based on percentage of services provided to Delaware County residents by the respective shelters in 2002/2003. Further, the Clerk shall cause notice of this action to be sent to each of the Shelter Applicants.

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

RESOLUTION NO. 01-1260

IN THE MATTER OF ACCEPTANCE OF THE SANITARY SEWERS IN CROSS CREEK PHASE 2A; HIGHLAND HILLS AT THE LAKES SECTION 3, PHASE 1 & 2; POWELL CROSSING AND WILSHIRE ESTATES SECTION 5:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to accept the sanitary sewers for ownership, operation, and maintenance by Delaware County as follows:

Cross Creek Phase 2A	924 feet of 8 inch sewer	7manholes
Highland Hills At The Lakes Section 3, Phase 1 & 2	2,765feet of 8inch sewer & 500 feet of 10 inch sewer	18 manholes
Powell Crossing	1,341feet of 8inch sewer & 391 feet of 10 inch sewer	10 manholes
Wilshire Estates Section 5	3,830 feet of 8 inch sewer	18 manholes

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

RESOLUTION NO. 01-1261

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IN THE MATTER OF APPROVING THE SANITARY SUBDIVIDER'S AGREEMENT FOR CROSS CREEK SECTION 2 PHASE B:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to accept the following Sanitary Subdivider's Agreement:

SUBDIVIDER'S AGREEMENT

DELAWARE COUNTY SANITARY ENGINEER

THIS AGREEMENT executed on this 29th day of October 2001, by and between HOMEWOOD CORPORATION, as evidenced by the CROSS CREEK SECTION 2 PHASE B Subdivision 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 \$67,850.00, representing the payment of fifty percent (50%) of the capacity charges then in effect for each single family residential connection, for 23 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 (\$20,861.00) 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 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 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.

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 \$1500.00, 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 a result of charges against the same at the rate of:

INSPECTOR \$60.00
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 \$1,000.00, the SUBDIVIDER shall make an additional deposit of \$1,000.00 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 \$0.50 per foot of sewer which will be deducted to cover a re-inspection.

The SUBDIVIDER, for a period of five (5) years after acceptance of the IMPROVEMENTS by the COUNTY, shall be responsible for defective materials and/or workmanship. All warranties for equipment installed as a 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 rights-of-way 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

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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.

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 Mrs. Martin Aye Mr. Ward Aye Mr. Wuertz Aye

RESOLUTION NO. 01-1262

7:30 PM CONTINUING THE PUBLIC HEARING FOR ANNEXATION PETITION OF 69.24 ACRES FROM DELAWARE TOWNSHIP TO CITY OF DELAWARE:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to reconvene the Hearing at 7:30PM.

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

RESOLUTION NO. 01- 1263

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR ANNEXATION OF 69.24 ACRES FROM DELAWARE TOWNSHIP TO CITY OF DELAWARE:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to close the Hearing at 7:35PM.

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

RESOLUTION NO. 01- 1264

ORDER OF COMMISSIONERS FOR ANNEXATION OF 69.24 ACRES FROM DELAWARE TOWNSHIP TO CITY OF DELAWARE:

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

The Commissioners of Delaware County, Ohio having on the 29th day of October 2001, 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 Delaware, and having in open meeting 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 Delaware 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

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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 Delaware, Ohio.

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

RESOLUTION NO. 01-1265

IN THE MATTER OF CONTINUING THE PUBLIC HEARING FOR WIDENING, RECONSTRUCTION, AND PURCHASE OF RIGHT OF WAY FOR TUSSIC STREET ROAD TO 8:05PM:

It was moved by Mr. Ward, seconded by Mr. Wuertz to continue the Hearing at 8:05PM.

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

RESOLUTION NO. 01-1266

8:00 PM PUBLIC HEARING FOR REQUEST TO VACATE WINDSOR WAY:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to open the Hearing at 8:00PM.

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

RESOLUTION NO. 01- 1267

IN THE MATTER OF CLOSING THE PUBLIC HEARING TO VACATE WINDSOR WAY:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to close the Hearing at 8:12PM.

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

RESOLUTION NO. 01-1268

IN THE MATTER OF DENYING THE REQUEST TO VACATE WINDSOR WAY:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to deny the request.

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

RESOLUTION NO. 01-1269

PUBLIC HEARING FOR WIDENING, RECONSTRUCTION, AND PURCHASE OF RIGHT OF WAY FOR TUSSIC STREET ROAD:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to open the Hearing at 8:15PM.

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

RESOLUTION NO. 01- 1270

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR WIDENING, RECONSTRUCTION, AND PURCHASE OF RIGHT OF WAY FOR TUSSIC STREET ROAD:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to close the Hearing at 8:20PM.

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

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RESOLUTION NO. 01-1271

IN THE MATTER OF ESTABLISHING THE NEED TO AND DECLARING NECESSARY BY AN UNANIMOUS VOTE OF THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO THE WIDENING, RECONSTRUCTION, AND PURCHASE OF RIGHT OF WAY FOR TUSSIC STREET ROAD:

WHEREAS, Section 5553.04 of the Ohio Revised Code, provides that when the Board of County Commissioners is of the opinion that it will be necessary for the public convenience and welfare to locate, establish, alter, widen, straighten, vacate or change the direction of a public road, it shall so declare by Resolution; now, therefore, upon motion of Mr. Wuertz, seconded by Mrs. Martin.

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

- Section 1) That the Clerk of the Board of County Commissioners of Delaware County, Ohio, did cause legal publication on October 12 and on October 19, 2001, in accordance with the law.
- Section 2) That on October 23, at 1:00 PM the above project, was viewed by the Delaware County Commissioners on the line of said proposed improvements The public hearing on this matter was held on October 29, 2001, at 7:45 PM.
- Section 3) That it is necessary for the public convenience and welfare that proceedings be initiated to proceed with the above projects.

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

RESOLUTION NO. 01-1272

IN THE MATTER OF INSTRUCTING THE ENGINEER TO PREPARE SURVEYS, PLANS ESTIMATES, SPECIFICATIONS AND PLATS FOR THE WIDENING, RECONSTRUCTION, AND PURCHASE OF RIGHT OF WAY FOR TUSSIC STREET ROAD AS VIEWED ON OCTOBER 23, AT 1:00 PM:

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

WHEREAS, on August 20, 2001, by Resolution No. 01-1056, the Board of County Commissioners did fix the public viewing for October 23, at 1:00 PM and the final public hearing, for October 29, 2001, at 7:45 PM.

WHEREAS, legal notice was published in a newspaper of general circulation in said County; and

WHEREAS, on October 29, 2001, the Board of County Commissioners of Delaware County, Ohio, adopted a Resolution declaring it necessary for the above projects.

WHEREAS, the Board of County Commissioners of Delaware County, Ohio, did on the October 23, 2001, viewing of said proposed improvement of the above projects, met on the line thereof as described in said Resolution of Necessity to go over and along the line of said proposed improvements and the premises adjacent thereto, which are affected thereby and does find the proposed improvements are 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 Mrs. Martin, seconded by Mr. Wuertz.

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 all necessary, plans, estimates, specifications, surveys, and plats of the proposed improvements to the projects, an accurate and detailed description of each tract of land which will be necessary to be taken, together with the names of each owner, to 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 improvement may be discernible in the property owners' property.

The Engineer's plans, estimates, specifications, surveys and plats of the proposed improvements 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.

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

RESOLUTION NO. 01-1273

8:15PM CONTINUING THE PUBLIC HEARING FOR ANNEXATION PETITION OF 19.982 ACRES FROM BERKSHIRE TOWNSHIP TO VILLAGE OF GALENA:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to reconvene the Hearing at 8:22PM.

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

RESOLUTION NO. 01-1274

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR ANNEXATION OF 19.982 ACRES FROM BERKSHIRE TOWNSHIP TO VILLAGE OF GALENA:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to close the Hearing at 8:26PM.

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

RESOLUTION NO. 01- 1275

ORDER OF COMMISSIONERS FOR ANNEXATION OF 19.982 ACRES FROM BERKSHIRE TOWNSHIP TO VILLAGE OF GALENA:

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

The Commissioners of Delaware County, Ohio having on the 29th day of October 2001, heard the petition of the majority of landowners in the area described to obtain Annexation of territory described in the petition to the Village Of Galena, and having in open meeting 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 Village Of Galena 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 Village Of Galena, Ohio.

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

There being no further business the meeting adjourned.

Deborah B. Martin

James D. Ward

Donald E. Wuertz