

COMMISSIONERS JOURNAL NO. 43- DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 18, 2002

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

Present: Donald Wuertz, Deborah Martin, James D. Ward (Absent)

- 9:30 AM Public Hearing To Amend The Petition For Establishment Of The Liberty Community Infrastructure Financing Authority As A New Community Authority
- 1:00 PM Bid Opening Date And Time For The Re-Bid Of Bid Package 6 (Plumbing) For Alterations To 109 North Sandusky Street Delaware County, Ohio

RESOLUTION NO. 02-1443

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT OF EMPLOYEES OR PUBLIC OFFICIALS:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to adjourn into Executive Session at 8:30AM.

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

RESOLUTION NO. 02-1444

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to adjourn out of Executive Session at 8:40AM.

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

PUBLIC COMMENT

RESOLUTION NO. 02-1145

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1115:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to approve payment of warrants in batch numbers CMAPR1115 and Purchase Orders and Vouchers as listed below:

| PO's | | | | |
|------|---------------------------------|-------------------------|-----------------------|-----------------|
| | <u>Vendor</u> | <u>Description</u> | <u>Account Number</u> | <u>Amount</u> |
| | Columbus State | WIA-TANF Contract | 22411603-5348 | \$ 40,000.00 |
| | Increases | | | |
| | DATA | Prof. Transportation | 22411601-535535501 | \$ 10,000.00 |
| | Inca Enterprises Inc. | Harlem EMS | 40211407-541041002 | \$ 24,583.73 |
| | Upper Valley Med. Center | Residential Treatment | 22511608-534234215 | \$ 13,500.00 |
| | Vouchers | | | |
| | Buckeye Boys Ranch | Cluster | 22511608-534234215 | \$ 7,750.00 |
| | Planet Ford | Replacement SRG Cruiser | 60111901-537037030 | \$ 20,040.77 |
| | Child Care Unlimited | Child Care | 22411606-5348 | \$ 5,442.00 |
| | Spring Electrical | Harlem Station 9 BP 4 | 40211407-541041002 | \$ 8,179.82 |
| | INCA Enterprises Inc. | Harlem Station 9 BP 1 | 40211407-541041002 | \$ 108,831.01 |
| | Symbiont | Cluster-rawlins | 22511608-534234215 | \$ 6,975.00 |
| | Huntington Bank | Bond Interest- | 50111117-5720 | \$ 118,878.75 |
| | | Principal- | 50111117-5725 | \$ 155,000.00 |
| | Delaware County Bank | Bond Interest- | 50111117-5720 | \$ 19,053.75 |
| | | Principal- | 50111117-5725 | \$ 85,000.00 |
| | Delaware County Bank | Bond Interest- | 50111117-5720 | \$ 467,582.50 |
| | | Principal- | 50111117-5725 | \$ 325,000.00 |
| | Fifth Third Bank- Wire Transfer | Bond Interest- | 50111117-5720 | \$ 1,223,336.88 |
| | | Principal- | 50111117-5725 | \$ 1,935,000.00 |
| | Fifth Third Bank- Wire Transfer | Bond Interest- | 50111117-5720 | \$ 391,162.50 |
| | | Principal- | 50111117-5725 | \$ 1,715,000.00 |

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

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RESOLUTION NO. 02 -1446

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Administrative Services Department is requesting that Robert Ferguson attend a Dog Fighting Training Seminar in Columbus, Ohio December 2, 2002, at no cost.

The Department of Job and Family Services is requesting that Elizabeth Tallent and Larry Hager attend a Fraud Control Meeting in Findley, Ohio December 12, 2002, at the cost of \$10.00.

The Auditor’s Office is requesting that Seiji Kille attend a Central Ohio AGA Professional Development Conference in Worthington, Ohio December 9 and 10, 2002, at the cost of \$240.00.

The Engineer’s Office is requesting that Michelle Strohl attend an Administrative Support Services Program in Columbus, Ohio at Columbus State Community College, at the cost of \$651.00.

The Environmental Services Department is requesting that Shawn Sellers attend a Centrifugal Pump Operation Maintenance and Troubleshooting Seminar in Mansfield, Ohio November 21, 2002, at the cost of \$35.00.

The Environmental Services Department is requesting that Jim Rutherford attend a Electrical Pumps System Training in Mansfield, Ohio November 18 and 19, 2002, at the cost of \$70.00.

The Environmental Services Department is requesting that Alan Lusk attend a Electrical Pumps System Training in Mansfield, Ohio November 18 and 19, 2002, at the cost of \$70.00.

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

RESOLUTION NO. 02-1447

IN THE MATTER OF SETTING DATE AND TIME FOR THOROUGHFARE PLAN HEARING:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to set date and time for thoroughfare plan hearing.

Notice is hereby given that the Delaware County Commissioners will hold a Thoroughfare Plan Hearing at 7:00 pm December 18th, 2002 at the Rutherford B. Hayes Services Building (Room G35) 140 North Sandusky Street Delaware, Ohio 43015.

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

RESOLUTION NO. 02-1448

IN THE MATTER OF APPROVING PLATS FOR GLEN OAK SECTION 1; ESTATES OF GLEN OAK SECTION 1 PHASE A; ESTATES OF GLEN OAK SECTION 1 PHASE B AND DITCH MAINTENANCE PETITIONS FOR GLEN OAK SECTION 1; ESTATES OF GLEN OAK SECTION 1 PHASE A; ESTATES OF GLEN OAK SECTION B AND GENOA FARMS SECTION 3, PHASES A & B:

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

Glen Oak Section 1

Situated In The State Of Ohio, County Of Delaware, Township Of Orange, Lying In Farm Lot 23, Quarter Township 2, Township 3 North, Range 18 West, United States Military District, Containing 32.136 Acres, More Or Less, Including 6.293 Acres Of Right-Of-Way Area, Said 32.136 Acres Being Out Of The 101.627 Acre Tract Conveyed To Dominion Homes, Inc., An Ohio Corporation, By Deed Of Record In Deed Volume 214, Page 2355, Records Of The Recorder’s Office, Delaware County, Ohio Cost \$147.00

Estates Of Glen Oak Section 1 Phase A

Situated In The State Of Ohio, County Of Delaware, Township Of Orange, Lying In Farm Lot 21, Quarter Township 2, Township 3, Range 18, United States Military District, Containing 13.056 Acres Of Land, More Or Less, Said 13.056 Acres Being A Part Of That Tract Of Land Conveyed To Dominion Homes, Inc., An Ohio Corporation, By Deed Of Record In Official Record 217, Page 2225, Records Of The Recorder’s Office, Delaware County, Ohio Cost \$39.00.

Estates Of Glen Oak Section 1 Phase B

Situated In The State Of Ohio, County Of Delaware, Township Of Orange, Lying In Farm Lot 21, Quarter

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Township 2, Township 3, Range 18, United States Military District, Containing 8.111 Acres Of Land, More Or Less, Said 8.111 Acres Being A Part Of That Tract Of Land Conveyed To Dominion Homes, Inc., An Ohio Corporation, By Deed Of Record In Official Record 217, Page 2225, Records Of The Recorder's Office, Delaware County, Ohio Cost \$57.00

Ditch Maintenance Petition- Glen Oak Section 1

We the undersigned owners of 32.136 acres in Orange Township, Delaware County, Ohio propose to create a subdivision known as **Glen Oak Section 1** as evidenced by the attached subdivision plat (Exhibit "A" which is available at the County Engineer's Office). This plat has been approved and signed by the Delaware County Regional Planning Commission and the Delaware County Engineer. Drainage improvements related to this subdivision have been constructed (or are bonded and will be constructed within a period of one year as evidenced by the Subdivider's agreement Exhibit "B" available at the County Engineer's Office). In accordance with Section 6137 of the Ohio Revised Code, we (I) hereby request that the improvements delineated on Exhibit "C" (available at the County Engineer's Office), be accepted as part of the County Ditch Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for each lot in the subject subdivision to cover the cost of current and future maintenance of the improvements.

We (I) represent 100% of the property owners to be assessed for maintenance related to this drainage improvement.

We (I) hereby waive our rights to a public viewing and hearing and ask that your board approve this action in conjunction with the approval of the **Glen Oak Section 1** Subdivision.

The cost of the drainage improvements is \$ 206,866.76 and a detailed cost estimate is available at the County Engineer's office in Exhibit "D". The drainage improvements are being constructed for the benefit of the lots being created in this subdivision. Forty-nine (49) lots are created in this plat and each lot receives an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore, \$3,130.05 per lot. An annual maintenance fee equal to 2% of this basis \$ 62.60 will be collected for each lot. I understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year's assessment for all of the lots in the amount of \$3,067.64 has been paid to Delaware County.

Easements to provide for the maintenance of the improvements have been provided on the plat.

Ditch Maintenance Petition- Estates Of Glen Oak Section 1 Phase A

We the undersigned owners of 13.056 acres in Orange Township, Delaware County, Ohio propose to create a subdivision known as **Estates Of Glen Oak Section 1 Phase A** as evidenced by the attached subdivision plat (Exhibit "A" which is available at the County Engineer's Office). This plat has been approved and signed by the Delaware County Regional Planning Commission and the Delaware County Engineer. Drainage improvements related to this subdivision have been constructed (or are bonded and will be constructed within a period of one year as evidenced by the Subdivider's agreement Exhibit "B" available at the County Engineer's Office). In accordance with Section 6137 of the Ohio Revised Code, we (I) hereby request that the improvements delineated on Exhibit "C" (available at the County Engineer's Office), be accepted as part of the County Ditch Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for each lot in the subject subdivision to cover the cost of current and future maintenance of the improvements.

We (I) represent 100% of the property owners to be assessed for maintenance related to this drainage improvement.

We (I) hereby waive our rights to a public viewing and hearing and ask that your board approve this action in conjunction with the approval of the **Estates Of Glen Oak Section 1 Phase A** Subdivision.

The cost of the drainage improvements is \$ 87,520.00 and a detailed cost estimate is available at the County Engineer's office in Exhibit "D". The drainage improvements are being constructed for the benefit of the lots being created in this subdivision. Thirteen (13) lots are created in this plat and each lot receives an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore, \$6,732.31 + 393.70 pond = 7,126.01 per lot. An annual maintenance fee equal to 2% of this basis \$ 142.52 will be collected for each lot. I understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year's assessment for all of the lots in the amount of \$1,852.76 has been paid to Delaware County.

Easements to provide for the maintenance of the improvements have been provided on the plat.

Ditch Maintenance Petition- Estates Of Glen Oak Section 1 Phase B

We the undersigned owners of 8.11 acres in Orange Township, Delaware County, Ohio propose to create a subdivision known as **Estates Of Glen Oak Section 1 Phase B** as evidenced by the attached subdivision plat (Exhibit "A" which is available at the County Engineer's Office). This plat has been approved and signed by the Delaware County Regional Planning Commission and the Delaware County Engineer. Drainage improvements

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related to this subdivision have been constructed (or are bonded and will be constructed within a period of one year as evidenced by the Subdivider’s agreement Exhibit “B” available at the County Engineer’s Office). In accordance with Section 6137 of the Ohio Revised Code, we (I) hereby request that the improvements delineated on Exhibit “C” (available at the County Engineer’s Office), be accepted as part of the County Ditch Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for each lot in the subject subdivision to cover the cost of current and future maintenance of the improvements.

We (I) represent 100% of the property owners to be assessed for maintenance related to this drainage improvement.

We (I) hereby waive our rights to a public viewing and hearing and ask that your board approve this action in conjunction with the approval of the **Estates Of Glen Oak Section 1 Phase B** Subdivision.

The cost of the drainage improvements is \$ 84,750.00 and a detailed cost estimate is available at the County Engineer’s office in Exhibit “D”. The drainage improvements are being constructed for the benefit of the lots being created in this subdivision. Nineteen (19) lots are created in this plat and each lot receives an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore, \$ 4,460.53 + 393.70 pond = 4,854.23 per lot. An annual maintenance fee equal to 2% of this basis \$ 97.08 will be collected for each lot. I understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year’s assessment for all of the lots in the amount of \$1,844.52 has been paid to Delaware County.

Easements to provide for the maintenance of the improvements have been provided on the plat.

Ditch Maintenance Petition-Genoa Farms Section 3 Phases A & B

We the undersigned owners of 34.55 acres in Genoa Township, Delaware County, Ohio propose to create a subdivision known as **Genoa Farms Section 3 Phases A & B** as evidenced by the attached subdivision plat (Exhibit “A” which is available at the County Engineer’s Office). This plat has been approved and signed by the Delaware County Regional Planning Commission and the Delaware County Engineer. Drainage improvements related to this subdivision have been constructed (or are bonded and will be constructed within a period of one year as evidenced by the Subdivider’s agreement Exhibit “B” available at the County Engineer’s Office). In accordance with Section 6137 of the Ohio Revised Code, we (I) hereby request that the improvements delineated on Exhibit “C” (available at the County Engineer’s Office), be accepted as part of the County Ditch Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for each lot in the subject subdivision to cover the cost of current and future maintenance of the improvements.

We (I) represent 100% of the property owners to be assessed for maintenance related to this drainage improvement.

We (I) hereby waive our rights to a public viewing and hearing and ask that your board approve this action in conjunction with the approval of the **Genoa Farms Section 3 Phases A & B** Subdivision.

The cost of the drainage improvements is \$ 122,836.52 and a detailed cost estimate is available at the County Engineer’s office in Exhibit “D”. The drainage improvements are being constructed for the benefit of the lots being created in this subdivision. Sixty-eight (68) lots are created in this plat and each lot receives an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore, \$1,806.42 per lot. An annual maintenance fee equal to 2% of this basis \$ 36.13 will be collected for each lot. I understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year’s assessment for all of the lots in the amount of \$ 2,456.73 has been paid to Delaware County.

Easements to provide for the maintenance of the improvements have been provided on the plat.

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

RESOLUTION NO. 02-1449

IN THE MATTER OF APPROVING SUBDIVIDER’S AGREEMENTS FOR HIGHMEADOWS VILLAGE DRIVE RECONSTRUCTION AND WEDGEWOOD SECTION 11:

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

Highmeadows Village Drive Reconstruction

SUBDIVIDER’S AGREEMENT

THIS AGREEMENT made and entered into this 18th day of November 2002, by and between the **COUNTY OF DELAWARE** (acting by and through its **BOARD OF COUNTY COMMISSIONERS**), hereinafter called the **COUNTY**, and **PLANNED COMMUNITIES, INC.**, hereinafter called the **SUBDIVIDER**, as evidenced by the plan for “**HIGHMEADOWS VILLAGE DRIVE RECONSTRUCTION**” which was approved by the

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County Engineer, 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 **ONE THOUSAND THREE HUNDRED DOLLARS** 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 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 **MAY 31, 2003**.
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**.

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.

Wedgewood Section 11

SUBDIVIDER'S AGREEMENT

THIS AGREEMENT executed on this 18th day of November 2002, between **VIRGINIA HOMES, LTD.**, as evidenced by the **WEDGEWOOD SECTION 11** Construction plans filed with the **Delaware County Engineer**, Delaware County, Ohio and the **BOARD OF COUNTY 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 11/5/02, 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 non-compliance 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.

| | | | | | | |
|----------------|-------------|-----|------------|-----|----------|--------|
| Vote on Motion | Mrs. Martin | Aye | Mr. Wuertz | Aye | Mr. Ward | Absent |
|----------------|-------------|-----|------------|-----|----------|--------|

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RESOLUTION NO. 02-1451

IN THE MATTER OF ESTABLISHING STOP CONDITIONS FOR HARBOR POINTE SECTION 2,
PHASE 1:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to establish stop conditions:

Stop Conditions – Harbor Pointe Section 2, Phase 1

It is hereby requested that a stop condition be established at the following roads within the above referenced subdivision:

- On Township Road Number 1318, Port Haven Court, at its intersection with Township Road Number 1233, Port Haven Drive

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

RESOLUTION NO. 02-1452

IN THE MATTER OF ACCEPTING PERFORMANCE CONSTRUCTION BONDS FOR ESTATES
OF GLEN OAK SECTION 1, PHASE A; ESTATES OF GLEN OAK SECTION 1, PHASE B AND
GLEN OAK SECTION 1:

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

Estates of Glen Oak Section 1, Phase A

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 Engineer has, therefore, estimated the remaining construction costs to be **\$345,903.75** and a bonds in that amount is attached to cover the bonding of this project.

Estates of Glen Oak Section 1, Phase B

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 Engineer has, therefore, estimated the remaining construction costs to be **\$203,896.50** and a bond in that amount is attached to cover the bonding of this project.

Glen Oak Section 1

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 Engineer has, therefore, estimated the remaining construction costs to be **\$306,358.00** and a bond in that amount is attached to cover the bonding of this project.

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

RESOLUTION NO. 02 -1453

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:

| Permit # | Applicant | Location | Type of Work |
|----------|-------------------------|-----------------|-----------------------------------|
| U02187 | Columbus Southern Power | Big Walnut Road | Bore Under Road and Place Conduit |

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

RESOLUTION NO. 02-1454

IN THE MATTER OF APPROVING BID SPECIFICATIONS AND SETTING BID OPENING DATE
AND TIME FOR CORRUGATED METAL PIPE MATERIALS; CORRUGATED POLYETHYLENE
TUBING & PIPE MATERIALS (INCLUDING SMOOTH LINED PIPE); 606 GUARDRAIL ITEMS;
CRUSHED LIMESTONE MATERIAL ITEMS AND SS921 COLD MIX; VARIOUS SIZES, LENGTHS
AND SHAPES OF REINFORCING STEEL FOR CONCRETE REINFORCEMENT; REINFORCED
CONCRETE PIPE MATERIALS; VARIOUS ROLLED STEEL SHAPES; VARIOUS SIZES AND
LENGTHS OF TREATED WOOD FOR BRIDGE FLOORING AND READY MIX CONCRETE:

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It was moved by Mrs. Martin, seconded by Mr. Wuertz to approve specifications and set bid opening date and time for **Monday, December 9, 2002, at 10:00 AM (50 Channing Street, Delaware, Ohio 43015).**

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

RESOLUTION NO. 02-1455

IN THE MATTER OF APPROVING BID SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR HAULING TO VARIOUS JOBSITES FROM ESTABLISHED SOURCES FOR THE YEAR 2003:

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

Sealed proposals will be received by the **Delaware County Engineer at 50 Channing Street, Delaware, Ohio 43015 until 10:00 a.m. local time on Monday, December 9, 2002** for hauling to various jobsites from established sources for the year 2003, and at said time and place, publicly opened and read aloud. Contract Documents, Bid Sheets and Specifications can be obtained at the **Office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015.**

Each **Proposal** must contain the full name of the party or parties submitting the **Proposal** and all persons interested therein as well as submit evidence of Bidder’s experiences on projects of a similar nature.

The Delaware County Commissioners reserve the right to waive irregularities and to reject and or all bids.

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

RESOLUTION NO. 02-1456

IN THE MATTER OF APPROVING BID SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR SEEDING AND MULCHING:

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

Sealed bids will be received by the **Delaware County Engineer’s Office, 50 Channing Street, Delaware, Ohio 43015 for Seeding and Mulching.** Said bid shall be based upon unit price attached sheet. The County reserves the right to make non-exclusive bid awards. Bids will be received at **10:00 a.m. on Monday, December 9, 2002,** at which time said bids shall be opened for review. Bids shall be awarded at the discretion of the Delaware County Commissioners, and all bidders shall be notified accordingly.

All work and materials shall meet the Specifications which may be obtained at the Delaware County Engineer’s Office, 50 Channing Street, Delaware, Ohio 43015.

Bids shall be submitted in a sealed envelope and marked **SEALED BID FOR SEEDING AND MULCHING.**

This **Invitation to Bid** is hereby a part of the specifications. The Delaware County Commissioners reserve the right to reject any and/or all bids.

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

RESOLUTION NO. 02-1457

IN THE MATTER OF APPROVING THE SANITARY SUBDIVIDER’S AGREEMENT FOR GENOA FARMS, SECTION 3, PHASE A:

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

Genoa Farms, Section 3, Phase A

**SUBDIVIDER'S AGREEMENT
DELAWARE COUNTY SANITARY ENGINEER**

THIS AGREEMENT executed on this 18th day of November 2002, by and between DOMINION HOMES SUBDIVIDER, as evidenced by the Genoa Farms, Section 3, Phase A Subdivision Plat filed with the Delaware County Recorder 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 \$43,810.00, 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 13 equivalent single family residential connections. The remaining capacity charge shall be fifty percent (50) of the rate currently in

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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 (\$45,983.00) 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 \$3,223.01, 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 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

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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. Wuertz Aye Mr. Ward Absent

RESOLUTION NO. 02-1458

IN THE MATTER OF EXECUTING AN APPLICATION FOR GROUP VISIONCARE PLAN WITH
COMPBENEFITS INSURANCE COMPANY:

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

Whereas, the Board of Commissioners has provided a voluntary vision benefit for County employees since 1992, and;

Whereas, the Board of Commissioners desires to continue to provide a voluntary vision benefit in 2003;

Therefore be it resolved by the Board of Commissioners of Delaware County, State of Ohio, that the Application for Group Visioncare Plan with Compbenefits Insurance Company be executed by the Board of Commissioners and signed by the President of the Board of Commissioners.

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

RESOLUTION NO. 02-1459

IN THE MATTER OF EXECUTING A PRELIMINARY APPLICATION FOR GROUP DENTAL
INSURANCE WITH AMERITAS LIFE INSURANCE CORP.:

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

Whereas, the Board of Commissioners desires to provide a voluntary group dental benefit, and;

Therefore be it resolved by the Board of Commissioners of Delaware County, State of Ohio, that the preliminary application for group dental insurance with Ameritas Life Insurance Corp. be executed by the Board of Commissioners and signed by the President of the Board of Commissioners.

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

RESOLUTION NO. 02-1460

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE CHILD
SUPPORT ENFORCEMENT AGENCY:

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

TRANSFER OF APPROPRIATION

| FROM: | TO: | AMOUNT: |
|-------------------------------------|----------------------------------|--------------------------|
| 23712601-530 CSEA - Srvs & Chrgs | 23712601-520 CSEA - Mat & Sup | \$ 5,000.00 |

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

RESOLUTION NO. 02- 1461

PUBLIC HEARING FOR DETERMINING SUFFICIENCY OF THE APPLICATION TO ADD
PROPERTY TO THE LIBERTY COMMUNITY INFRASTRUCTURE FINANCING DISTRICT AND
TO AMEND THE PETITION FOR ESTABLISHMENT OF THE LIBERTY COMMUNITY
INFRASTRUCTURE FINANCING AUTHORITY AS A NEW COMMUNITY AUTHORITY:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to open the Hearing at 9:30AM.

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

RESOLUTION NO. 02- 1462

CLOSING THE PUBLIC HEARING FOR DETERMINING SUFFICIENCY OF THE APPLICATION TO ADD PROPERTY TO THE LIBERTY COMMUNITY INFRASTRUCTURE FINANCING DISTRICT AND TO AMEND THE PETITION FOR ESTABLISHMENT OF THE LIBERTY COMMUNITY INFRASTRUCTURE FINANCING AUTHORITY AS A NEW COMMUNITY AUTHORITY:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to closing the Hearing at 9:38AM.

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

RESOLUTION NO. 02- 1463

APPROVING THE APPLICATION TO ADD PROPERTY TO THE LIBERTY COMMUNITY INFRASTRUCTURE FINANCING DISTRICT AND TO AMEND THE PETITION FOR ESTABLISHMENT OF THE LIBERTY COMMUNITY INFRASTRUCTURE FINANCING AUTHORITY AS A NEW COMMUNITY AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE:

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

WHEREAS, pursuant to Chapter 349 of the Ohio Revised Code, the developer of the Liberty Community Infrastructure Financing Authority (the “Authority”) filed an application (the “Application”) on October 2nd , 2002 with the Board of County Commissioners of Delaware County, Ohio (the “Board”) to add certain territory to the area comprising the Authority (the “District”) and to amend the petition (the "Petition") as originally filed with the Board for the establishment of the Authority; and

WHEREAS, the Application was accepted by this Board by adoption of Resolution No. 02-1379 on October 28th , 2002; and

WHEREAS, this Board is the "organizational board of commissioners," as that term is defined in Section 349.01(F) of the Ohio Revised Code, for the Authority; and

WHEREAS, on November 18, 2002 and pursuant to Section 349.03(A) of the Revised Code, the Board held a public hearing on the Application after public notice was duly published in accordance with Section 349.03;

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

- 1. The Board finds and determines that the addition of property to the District will be conducive to the public health, safety, convenience and welfare, and is intended to result in the continued development of a new community as defined in Section 349.01(A) of the Revised Code.
- 2. The Application is hereby accepted and shall be recorded, along with this Resolution, in the journal of the Board of County Commissioners of Delaware County, Ohio, as the organizational board of commissioners.
- 3. The boundary of the District shall be amended to include the territory set forth in Exhibit "A" (**Copy available in the Commissioners Office**).
- 4. This Board finds and determines that all formal actions of the Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

This Resolution shall be in full force and effect immediately upon its adoption.

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

There being no further business the meeting adjourned.

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Deborah B. Martin

James D. Ward

Donald E. Wuertz

Letha George, Clerk to the Commissioners