

COMMISSIONERS JOURNAL NO. 43 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 3, 2002

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

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

PUBLIC COMMENT

RESOLUTION NO. 02-1264

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR102:

It was moved by Mr. Ward, seconded by Mrs. Martin to approve payment of warrants in Batch numbers CMAPR102 and Purchase Orders and Vouchers as listed below:

Po's	Vendor	Description	Account Number	Amount
Increases				
	Buckeye Ranch	Residential Treatment	22511607-534234215	\$ 8,000.00
Vouchers				
	Gannette Fleming Engineers	Construction Mngmt/Alum Creek	67111915-5410	\$ 52,429.94
	Presbyterian Child Welfare Agency	Residential Treatment	22511607-534234820	\$ 8,680.00
	U.S. Filter	Bioxide for Pump Stations	65211905-5290	\$ 6,996.50
Vote on Motion	Mrs. Martin	Aye	Mr. Wuertz	Absent
			Mr. Ward	Aye

RESOLUTION NO. 02-1265

IN THE MATTER OF APPROVING THE SUPPLEMENTAL APPROPRIATIONS AND CHANGE ORDER 2 FOR INCA ENTERPRISES, INC., FOR MEDIC STATION 9 (HARLEM):

It was moved by Mr. Ward, seconded by Mrs. Martin to approve change order:

WHEREAS, code requirements of the Ohio Environmental Protection Agency and the Delaware County Engineer's Office changed site work requirements on the septic and storm water drainage systems at Medic Station 9, and

WHEREAS, these changes are necessary before final inspection approval can be acquired, and

WHEREAS, these changes represent a 4.5% increase over the estimated project cost,

Original Contract	\$409,600.00
Previous Changes	\$ 0.00
Change Order 2	\$ 18,941.24
Revised Contract Amount	\$428,541.24

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners of Delaware County approves this change order.

BE IT FURTHER RESOLVED: That the Board of County Commissioners of Delaware County approves a supplemental appropriation for fund 40211407-540 in the amount of \$18,941.24.

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	Aye	Mr. Wuertz	Absent	Mrs. Martin	Aye
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RESOLUTION NO. 02-1266

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Rebecca Petee has accepted the Custodian position with the Maintenance Department; effective date October 7, 2002.

Vote on Motion	Mrs. Martin	Aye	Mr. Wuertz	Absent	Mr. Ward	Aye
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RESOLUTION NO. 02-1267

IN THE MATTER OF DECLARING A NECESSITY TO ACQUIRE RIGHT-OF-WAY FOR
CONSTRUCTION OF THE EXTENSION OF SAWMILL PARKWAY:

It was moved by Mr. Ward, second by Mrs. Martin to declare a necessity to acquire a right of way for the construction of the extension of Sawmill Parkway, as follows:

Whereas, the Delaware County Commissioners have a duty to provide for the development of adequate roads in the county, and

Whereas, the Delaware County Commissioners have decided that it is necessary to extend Sawmill Parkway to insure adequate roads for the county, and

Whereas, the Board of County Commissioners of Delaware County, Ohio, by and through consultation with the Delaware County Engineer and deliberations have selected the site for the extension of Sawmill Parkway that will best serve the needs and ends of the citizens of the county, and

Whereas, the County has been unsuccessful in its efforts to purchase certain parcels within for the required right of way for the construction of the extension of Sawmill Parkway, and

Whereas, the Delaware County Engineer has entered into agreement with the property owners regarding the alignment of Sawmill Parkway across their land. Described below.

Now Therefore Be It Resolved, that the Commissioners of Delaware, Ohio do hereby rescind resolution 02-504 passed April 15, 2002 as it concerns the same property as this Resolution.

Now Therefore Be It Resolved, that the Commissioners of Delaware, Ohio do hereby request that the Prosecuting Attorney of Delaware County, Ohio proceed with actions of appropriation pursuant to Chapter 163 of the Ohio Revised Code a 120 foot right-of-way on the tracts of land belonging to;

1. Dirt LLC, described as follows:

Situating in the Township of Liberty, in the State of Ohio, and in the County of Delaware, and being bounded and described as follows:

Tract 1 (see below)
2. Vista Land Company LLC, described as follows:

Situating in the Township of Liberty, in the State of Ohio, and in the County of Delaware, and being bounded and described as follows:

Tract 1 (see below)
3. Meridian Homes, LLC, described as follows:

Situating in the Township of Liberty, in the State of Ohio, and in the County of Delaware, and being bounded and described as follows:

Tract 2 (see below)

Legal Descriptions For Public Right-Of-Way For The Sawmill Parkway Extension Through Liberty Township, Delaware County, Ohio.

PARCEL(S) ()-WLV
DELAWARE #()
(COUNTY/ROUTE/SECTION)

ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE, INCLUDING LIMITATION OF ACCESS, IN THE NAME, AND FOR THE USE, OF THE DELAWARE COUNTY BOARD OF COMMISSIONERS, IN THE FOLLOWING DESCRIBED PROPERTY

Tract I:

Situating In The Township Of Liberty, County Of Delaware, State Of Ohio, Being Part Of Farm Lots 21 And 28 In Quarter-Township 3, Township 4, Range 19 Of The United States Military Lands, And Being More Particularly Described As Follows:

Commencing at an iron pipe found at the northeast corner of said farm lot 27;

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Thence Along The West Line Of Said Farm Lot 21 Also Being The West Line Of 6.896 Acre Tract Now Or Formerly Owned By Dirt LLC, As Described In Official Record 142, Page 353 North 4°-06'-22" East 141.79 Feet To A Point, Being The True Point Of Beginning Of The Following Described Tract;

Thence Continuing Along The West Line Of Farm Lot 21 And 6.896 Acre Tract, North 4°-06'-22" East 302.24 Feet To A Point;

Thence Across Said 6.896 Acre Tract And A 7.776 Acre Tract Now Or Formerly Owned By Vista Land Company LLC, As Described In Official Record 142, Page 345 On A Curve To The Right Having A Radius Of 2960.00 Feet, A Central Angle Of 25°-39'-54", And A Chord Bearing And Distance Of South 9°-10'-02" East 1314.84 Feet To A Point Of Tangency In The East Line Of Said 6.896 Acre Tract;

Thence Along The East Line Of Said 6.896 Acre Tract South 3°-39'-52" West 499.82 Feet To A Railroad Spike Found, Being On The South Line Of Said Farm Lot 28, Also Being The In Centerline Of Township Road 139 (Clark-Shaw Road) (Passing An Iron Pipe Found 0.17 Feet West Of Line At 470.06 Feet);

Thence Along The Said South Line Of Farm Lot 28, Also Being The Said Centerline Of Township Road 139 North 86°-30'-41" West 120.00 Feet To A Point (Passing Over A MAG Nail Found At 60.00 Feet At The Line Between Said 6.896 Acre Tract And Said 7.776 Acre Tract);

Thence Across Said 7.776 Acre Tract North 3°-39'-52" East 500.18 Feet To A Point Of Curvature;

Thence Continuing Across Said 7.776 Acre Tract And Across Said 6.896 Acre Tract On A Curve To The Left Having A Radius Of 2840 Feet, A Central Angle Of 20°-10'-52", And A Chord Bearing And Distance Of North 6°-25'-34" West 995.16 Feet To The Point Of Beginning;

Containing 4.596 Acres, Being 2.213 Acres Out Of Said 6.896 Acre Tract And 2.383 Acres Out Of Said 7.776 Acre Tract, And There Also Being Approximately 0.876 Acres Out Of Farm Lot 21 And 3.720 Acres Out Of Farm Lot 28, Including 0.083 Acres In The Present Right Of Way Township Road 139.

This Description Was Prepared From Existing Records And Under The Direction And Supervision Of Christian E. Bauserman, Registered Surveyor Number 7332, On September 26, 2002.

The Basis Of Bearings In This Description Is The Plat Of Survey For Vista Land Company, LLC By Scioto Land Surveying Services Dated September 14, 2001.

Grantor Claims Title By Instrument(S) Of Record In Official Record 142, Page 344 And Official Record 142, Page 349, Delaware County Recorder's Office.

Tract II

Situated In The Township Of Liberty, County Of Delaware, State Of Ohio, Being Part Of Farm Lots 29 In Quarter-Township 3, Township 4, Range 19 Of The United States Military Lands, And Being More Particularly Described As Follows:

Commencing at an iron pipe found at the northeast corner of said farm lot 27;

Thence Along The North Line Of Farm Lot 27 North 86°-26'-19" West 350.07 Feet To An Iron Pipe Found;

Thence South 3°-40'-02" West 1,1339.15 Feet To A Railroad Spike Found, Being In The Centerline Of Township Road 139 (Clark-Shaw Road);

Thence Along The Centerline Of Said Township Road 139 South 86°-30'-41" East 525.58 Feet To A Point, Being The True Point Of Beginning Of The Following Described Tract (Passing Over A MAG Nail Found At 488.53 Feet At The Northwest Corner Of A 1.705 Acre Tract Now Or Formerly Owned By Meridian Homes, LLC, As Described In Official Record 243, Page 1980);

Thence Continuing Along The Centerline Of Said Township Road 139, South 86°-30'-41" East 120.00 Feet To A Railroad Spike Found At The Northeast Corner Of Said 1.705 Acre Tract;

Thence Along The East Line Of Said 1.705 Acre Tract South 3°-39'-23" West 475.00 Feet To An Iron Bar Found At The South East Corner Of Said 1.705 Acre Tract;

Thence Along The South Line Of Said 1.705 Acre Tract North 86°-30'-41" West 120.00 Feet To A Point;

Thence Across Said 1.705 Acre Tract, North 3°-39'-23" East 475.00 Feet To A Point Being In The Centerline Of Township Road 139, And The Point Of Beginning;

Containing 1.309 Acres, Including 0.083 Acres In The Present Right Of Way Of Township Road 139.

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This Description Was Prepared From Existing Records And Under The Direction And Supervision Of Christian E. Bauserman, Registered Surveyor Number 7332, On September 26, 2002.

The Basis Of Bearings In This Description Is The Plat Of Survey For Zippity, LLC By Scioto Land Surveying Services Dated November 7, 2001.

Grantor Claims Title By Instrument(S) Of Record In Official Record 243, Page 1977, Delaware County Recorder’s Office.

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

RESOLUTION NO. 02-1268

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

It was moved by Mr. Ward, seconded by Mrs. Martin to adjourn into Executive Session at 9:50AM.

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

RESOLUTION NO. 02-1269

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Ward, seconded by Mrs. Martin to adjourn out of Executive Session at 9:55AM.

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

There being no further business the meeting adjourned.

Deborah B. Martin

James D. Ward

Absent
Donald E. Wuertz

Letha George, Clerk to the Commissioners