

COMMISSIONERS JOURNAL NO. 43 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 26, 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

RESOLUTION NO. 02-1232

8:30AM ADJOURNING INTO EXECUTIVE SESSION FOR LABOR NEGOTIATIONS WITH THE SHERIFF’S OFFICE:

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

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

RESOLUTION NO. 02-1233

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 9:25AM.

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

PUBLIC COMMENT

RESOLUTION NO. 02-1234

IN THE MATTER OF APPROVING RESOLUTIONS AND MINUTES FROM REGULAR MEETINGS HELD AUGUST 19, 2002:

It was moved by Mrs. Martin, seconded by Mr. Ward to dispense with the reading of the minutes and resolutions of the regular meetings held August 19, 2002 and to approve resolutions and minutes as submitted.

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

RESOLUTION NO. 02-1235

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0923, CMAPR0924 AND CMAPR0925:

It was moved by Mr. Ward, seconded by Mrs. Martin to approve payment of warrants in Batch numbers CMAPR0923, CMAPR0924 and CMAPR0925 and Purchase Orders and Vouchers as listed below:

PO’s

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
Geotechnical Consultants Inc.	Wetlands Telineation/Perry Taggart	65511918-5301	\$ 8,000.00
Delaware County Fair	Fair Security	10011102-5601	\$ 5,000.00
Schooley Caldwell Assoc Inc.	Architect for Hayes Bldg	40411412-5410	\$ 14,001.73
INCREASES			
Scott Wolf		10011202-5301	\$ 20,000.00
VOUCHER			
M A N Mapping Services, Inc.		65511918-5410	\$ 7,800.00
U.S. Filter	Bioxide for Pump Stations	65211905-5290	\$ 5,605.25
Today's Learning Child	Child Care	22411606-5348	\$ 9,642.00
Child Care Unlimited	Child Care	22411606-5348	\$ 8,011.00
Roadmaster Driver's School of OH	Continued Education	22411603-5350	\$ 7,998.00
Family Connections	Residential Treatment	22511607-534234215	\$ 7,075.00
Schooley Caldwell	Architect for Hayes Bldg	40411412-541041004	\$ 10,000.00
Petroleum Traders Copr.	Diesel Fuel	10011106-522822801	\$ 9,064.98
Toddler Inn	Child Care	22411606-5348	\$ 13,722.80
Delaware County Fair	Fair Security	10011102-5601	\$ 5,000.00

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

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**RESOLUTION NO. 02 -1236**

**IN THE MATTER OF AUTHORIZING AN AMENDMENT OF AN ENTERPRISE ZONE  
AGREEMENT WITH OPTIMUM PLASTICS, INC. AND MCBRIDE FAMILY LLC:**

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

WHEREAS, the City of Delaware ("City") and Delaware County ("County") have encouraged the development of real estate and investment in personal property within a certain area of the City of Delaware via the establishment of an Enterprise Zone Area; and

WHEREAS, the Delaware County Board of Commissioners, the City of Delaware, Optimum Plastics, Inc., and South Houk Partners did enter into an Enterprise Zone Agreement (Agreement #1) dated July 10, 1996, in conjunction with a PROJECT to construct a 52,500 square foot manufacturing facility, of which Optimum Plastics was to initially occupy approximately 22,000 square feet, to be located on a 14-acre site in the Delaware Industrial Park, at 1201 South Houk Road, Delaware, Ohio, known as the existing PROJECT site; and

WHEREAS, Agreement #1 was subsequently amended on September 24, 1999 to recognize The McBride Family LLC as the new owner of the PROJECT real estate, and Optimum Plastics, Inc. as a tenant in the facility constructed on the PROJECT site, and that the real property exemption called for under Agreement #1 for the referenced existing PROJECT was to be provided by Delaware County and the City of Delaware in recognition of the ownership of the existing PROJECT site; and

WHEREAS, pursuant to said Enterprise Zone Agreement #1, and as amended, Optimum Plastics, Inc. was to receive certain tax incentives as the investor in personal property consisting of new machinery and equipment, furniture and fixtures, and new inventory, and as the creator of new full-time job opportunities and new payroll at the existing PROJECT site, and The McBride Family LLC was to receive certain tax incentives as owner of the real property improvements at the existing PROJECT site as stated in Agreement #1; and

WHEREAS, it is understood by all Parties of the original Enterprise Zone Agreement, and as amended, for the referenced existing PROJECT that Optimum Plastics, Inc. is desirous of constructing a new 65,000 square foot facility, known as the new PROJECT site, located within the Delaware County/City of Delaware Enterprise Zone, and is desirous of ceasing operations at the existing PROJECT site and relocating personal property consisting of machinery and equipment, furniture and fixtures, and inventory from the existing PROJECT site to the new PROJECT site, and commencing operations at the new PROJECT site; and

WHEREAS, the City of Delaware Tax Incentive Negotiating Committee did meet on June 21, 2002, and subsequently recommended that the tax exemptions granted on personal property at the existing PROJECT site as defined in Agreement #1 be retained and transferred to the new PROJECT site, and that the tax exemptions on real property improvements associated with said Agreement #1 at the existing PROJECT site be retained at the existing PROJECT site conditioned on the timing of construction of the new facility at the new PROJECT site and the timing of the subleasing of said approximately 22,000 square feet of space at the existing PROJECT site to an eligible tenant.

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

1. The tax exemptions granted to Optimum Plastics, Inc. for investment in personal property consisting of new machinery and equipment, furniture and fixtures, and new inventory, as established in the Enterprise Zone Agreement dated July 10, 1996, and as amended on September 24, 1999, for the existing PROJECT site located at 1201 S. Houk Road in the City of Delaware, Ohio, shall be transferred to the new PROJECT site to be located at Parcel # 41922001017000, effective the date of occupancy at the new PROJECT site as evidenced by an Occupancy Permit issued by the City of Delaware, Ohio. Said exemptions shall remain in place at the new PROJECT site for the duration of the existing term and at the same level of exemption as established in Agreement #1, approved as a maximum 10 year exemption, not to extend beyond December 31, 2009 for equipment and furniture and fixtures, and not to extend beyond December 31, 2005 for new inventory, both at an exemption level of 50%.
2. The real property exemptions granted The McBride Family LLC at the existing PROJECT site shall remain in place at the existing PROJECT site for a period not to exceed an established Grace Period and two (2) subsequent years, based on certain conditions, unless an extension is recommended by the Delaware County/City of Delaware Tax Incentive Negotiating Committee (TINC), and approved by the Delaware City Council and the Delaware County Board of Commissioners.
3. The Grace Period shall begin with the commencement of occupancy (as evidenced by the issuance of an occupancy permit) of the facility at the new PROJECT site and continuing for six (6) months. During this Grace Period, the real property exemptions granted for the existing PROJECT site shall remain in place at the existing PROJECT site, without penalty, regardless of whether or not Optimum Plastics, Inc. or McBride Family LLC has subleased or leased a minimum of 22,000 square feet of space at the existing PROJECT site to a tenant of similar quality as Optimum Plastics, Inc.

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4. For Years 1 and 2, with Year 1 commencing immediately after the conclusion of The Grace Period, and Year 2 commencing immediately after the conclusion of Year 1, the real property exemptions granted for the existing PROJECT site shall remain in place at the existing PROJECT site. However, during this time and for each year noted above, if Optimum Plastics, Inc. or McBride Family LLC is unsuccessful in subleasing or leasing a minimum of 22,000 square feet of space within the existing PROJECT site, to a tenant of similar quality as Optimum Plastics, Inc., then Optimum Plastics, Inc. shall be responsible for and hereby agrees to pay an amount, as determined by the Delaware County Auditor’s Office, equal to approximately 42% (22,000 s.f./52,500 s.f.) of the real property taxes foregone on 22,000 square feet of space in the existing PROJECT site that would otherwise have been payable if not for the real property tax exemptions granted in Agreement #1. This amount shall be paid to the Delaware County Auditor’s Office, for each of those years or for any portion of those years in which at least 22,000 square feet of the facility at the existing PROJECT site is not leased or subleased to a tenant of similar quality as Optimum Plastics, Inc.
5. In order for the real property exemption as stated in Agreement #1 to continue during the time period consisting of the Grace Period and Years 1 and 2, there must be at least two full-time employees continuously employed during said time period, at the 52,500 square foot facility owned by the McBride Family LLC known as the existing PROJECT site.
6. If a minimum of 22,000 square feet of space at the existing PROJECT site is not subleased or leased to a tenant of similar quality as Optimum Plastics, Inc. by the end of Year 2, then the exemptions granted for real property improvements as stated in Agreement #1 shall be terminated.
7. If a minimum of 22,000 square feet of space at the existing PROJECT site is subleased or leased to a tenant of similar quality as Optimum Plastics, Inc., then, with the recommendation of the Delaware County/City of Delaware Tax Incentive Negotiating Committee (TINC), and the approval of the Delaware City Council and the Delaware County Board of Commissioners, the real property exemptions granted in Agreement #1, and as amended, may be continued for the remaining term of these exemptions as stated in Agreement #1, for a period not to extend beyond December 31, 2007.
8. A “tenant of similar quality as Optimum Plastics, Inc.” is defined as a tenant committing to create a minimum of 17 new full-time job opportunities and create annual new payroll of at least \$650,000 and make investment in personal property at a level similar to that committed to by Optimum Plastics, Inc. in Agreement #1 of \$800,000 in new inventory and \$2,930,000 in furniture & fixtures and equipment, and/or as determined by the TINC, and subsequently approved by the Delaware City Council and Delaware County Board of Commissioners.
9. If Optimum Plastics, Inc. does not sublease the 22,000 square feet where they are currently operating at the existing PROJECT site, but instead maintains operations in said 22,000 square feet and maintains at least the minimum level of personal property investment and levels of job and payroll creation committed to in Agreement #1, then the real property exemptions granted in Agreement #1 shall be continued for the remaining term of said Agreement, for a period not to extend beyond December 31, 2007.
10. Optimum Plastics, Inc. and The McBride Family LLC shall remain responsible for all duties, obligations, and commitments as stated in Agreement #1.
11. 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 Delaware City School District and the Delaware Joint Vocational School of this action.

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

**RESOLUTION NO. 02-1237**  
**IN THE MATTER OF AMENDING AN ENTERPRISE ZONE AGREEMENT WITH OPTIMUM PLASTICS, INC.:**

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

WHEREAS, the City of Delaware (“City”) and Delaware County (“County”) have encouraged the development of real estate and investment in personal property within a certain area of the City of Delaware via the establishment of an Enterprise Zone Area; and

WHEREAS, the Delaware County Board of Commissioners, the City of Delaware, Optimum Plastics, Inc., and South Houk Partners did enter into an Enterprise Zone Agreement (Agreement #2) dated April 25, 2000, in conjunction with a PROJECT to purchase new machinery and equipment to be installed at Optimum Plastic’s manufacturing facility, located on a 14-acre site in the Delaware Industrial Park, at 1201 South Houk Road, Delaware, Ohio, known as the existing PROJECT site; and

WHEREAS, pursuant to said Enterprise Zone Agreement #2, Optimum Plastics, Inc. was to receive certain tax incentives as the investor in personal property consisting of new machinery and equipment and new inventory, and as

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the creator of new full-time job opportunities and new payroll at the existing PROJECT site; and

WHEREAS, it is understood by all Parties of the original Enterprise Zone Agreement, for the referenced existing PROJECT that Optimum Plastics, Inc. is desirous of constructing a new 65,000 square foot facility, known as the new PROJECT site, located within the Delaware County/City of Delaware Enterprise Zone, and is desirous of ceasing operations at the existing PROJECT site and relocating personal property consisting of machinery and equipment and inventory from the existing PROJECT site to the new PROJECT site, and commencing operations at the new PROJECT site; and

WHEREAS, the City of Delaware Tax Incentive Negotiating Committee did meet on June 21, 2002, and subsequently recommended that the tax exemptions granted on personal property at the existing PROJECT site as defined in Agreement #2 be retained and transferred to the new PROJECT site.

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

1. The tax exemptions granted to Optimum Plastics, Inc. for investment in personal property consisting of new machinery and equipment and new inventory, as established in the Enterprise Zone Agreement dated April 25, 2000, for the existing PROJECT site located at 1201 S. Houk Road in the City of Delaware, Ohio, shall be transferred to the new PROJECT site to be located at Parcel # 41922001017000, effective the date of occupancy at the new PROJECT site as evidenced by an Occupancy Permit issued by the City of Delaware, Ohio. Said exemptions shall remain in place at the new PROJECT site for the duration of the existing term and at the same level of exemption as established in Agreement #2, approved as a maximum 5 year exemption, not to extend beyond December 31, 2012, at an exemption level of 30%.
2. Optimum Plastics, Inc. shall remain responsible for all duties, obligations, and commitments as stated in Agreement #2.
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 Delaware City School District and the Delaware Joint Vocational School of this action.

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

**RESOLUTION NO. 02-1238**

**IN THE MATTER OF AUTHORIZING EXECUTION OF AN ENTERPRISE ZONE AGREEMENT  
WITH OPTIMUM PLASTICS, INC.:**

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

WHEREAS, the Delaware County Board of Commissioners, via Resolution Number 91-693, designated an area in the City of Delaware as an Enterprise Zone and has encouraged the acquisition of and investment in real and personal property therein; and

WHEREAS, the Director of Development of the State of Ohio has re-certified said area in the City of Delaware, as a Delaware County Enterprise Zone, effective the 29<sup>th</sup> day of August, 2001; and

WHEREAS, Optimum Plastics, Inc. has applied for incentives for a proposed expansion project in said zone under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, the duly appointed Enterprise Zone Tax Incentive Negotiating Committee for the Delaware County/City of Delaware Enterprise Zone has met with representatives of Optimum Plastics, Inc. to negotiate an Enterprise Zone Agreement, and has reviewed and recommends approval of a proposed Enterprise Zone Application submitted by Optimum Plastics, Inc., an enterprise which desires to expand within said Enterprise Zone, and has determined that the enterprise meets the Enterprise Zone Guidelines adopted by the Delaware County Board of Commissioners by Resolution Number 91-693 on September 16, 1991, and by Enterprise Zone Guidelines adopted by the City of Delaware by Resolution Number 91-35 on September 30, 1991; and

WHEREAS, the Council of the City of Delaware has agreed to review such applications, to approve applications which meet the guidelines, and to forward all approved proposals to the Delaware County Board of Commissioners for final approval.

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

1. The Board of Commissioners of Delaware County recognizes that the Negotiating Committee of the Delaware County/City of Delaware Enterprise Zone has investigated the application submitted by Optimum Plastics Inc. and has determined that Optimum Plastics, Inc. is qualified to create job opportunities in said Zone.

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2. The Board of Commissioners of Delaware County hereby authorizes the execution of an Enterprise Zone Agreement, having determined that the Enterprise Zone Application submitted by Optimum Plastics, Inc. meets all of the guidelines established by the Board of Commissioners of Delaware County, and by the City of Delaware, and the same is hereby approved.
3. The Delaware County Economic Development Director is directed to formally notify the Delaware City School District and Delaware Joint Vocational School District of this action, and to submit copies of the Agreement after it is executed to the Ohio Departments of Development and Taxation.
- Vote on Motion                Mrs. Martin                Aye                Mr. Wuertz                Aye                Mr. Ward                Aye

RESOLUTION NO. 02-1239

IN THE MATTER OF AUTHORIZING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA/ENTERPRISE ZONE SCHOOL COMPENSATION AGREEMENT WITH THE DELAWARE CITY SCHOOL DISTRICT AND OPTIMUM PLASTICS, INC.:

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

Whereas, the Ohio Community Reinvestment Area (CRA) Program, pursuant to ORC Section 3735.67 authorizes cities and counties to grant real property tax exemptions on eligible new investments; and

Whereas, the Ohio Enterprise Zone Program, pursuant to ORC Sections 5709.61 through 5709.69 authorizes cities and counties to grant real and/or personal property tax exemptions on eligible new investments; and

Whereas, the City Council of the City of Delaware, Ohio, by Resolution Number 01-52 adopted on July 23, 2001, designated an area in the City of Delaware as a CRA; and

Whereas, the City Council of Delaware, Ohio, by Resolution Number 01-53, adopted on July 23, 2001, and Resolution Number 01-805, adopted by the Board of County Commissioners for Delaware County on July 30, 2001, expanded and re-certified the Enterprise Zone pursuant to Chapter 5709 of the ORC; and

Whereas, effective September 4, 2001, the Director of the Ohio Department of Development determined that the aforementioned area designated in said Resolution Number 01-52 contains the characteristics set forth in ORC 3735 and thereby certified the area as Delaware City CRA #141-1135-01; and

Whereas, effective August 29, 2001, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Resolution Number 01-805 contains the characteristics set forth in Section 5709.61 (A) (3) and 5709.632 (A) (2) of the ORC and re-certified said area an Enterprise Zone #215 under said Chapter 5709; and

Whereas, the City of Delaware and Delaware County jointly provided the Boards of Education of the Delaware City School District and the Delaware Joint Vocational School District notice of the project prior to formal approval as required within ORC 5709.62(D) and 5709.83; and

Whereas, the City of Delaware within Ordinance Number 02-131 adopted on September 23, 2002, has acted pursuant to ORC 5709.62 to grant a tax exemption to OPTIMUM PLASTICS, INC. and entered into a formal CRA Agreement on September 23, 2002; and

Whereas, the City of Delaware within Resolution Number 02-89 adopted on September 23, 2002 and Delaware County within Resolution Number 02-1238 adopted on September 26, 2002 have acted pursuant to ORC Section 5709.62 to grant a tax exemption to OPTIMUM PLASTICS, INC. and entered into a formal Enterprise Zone Agreement on September 26, 2002;

Whereas, Item 5(B) of the CRA Agreement and Item 6 of the Enterprise Zone Agreement relating to the aforementioned project requires compensation to the Delaware City School District for the sole benefit of educational initiatives.

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

Section 1. OPTIMUM PLASTICS, INC. shall make payments according to the following schedule to the Community Foundation of Delaware County in accordance with the terms and conditions set forth in Item 5(B) of the CRA Agreement and Item 6 of the EZ Agreement for the referenced project. This payment shall be made upon receipt of an invoice from the City of Delaware.

<u>School Compensation Payment #</u>	<u>Payment Due Date</u>	<u>Amount</u>
Payment #1	9/30/03	\$17,200
Payment #2	9/30/04	\$17,200

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Payment #3	9/30/05	\$17,200
Payment #4	9/30/06	\$17,200
Payment #5	9/30/07	\$17,200
Payment #6	9/30/08	\$17,200
Payment #7	9/30/09	\$17,200
Payment #8	9/30/10	\$17,200
Payment #9	9/30/11	\$17,200
Payment #10	9/30/12	\$17,200

Section 2. The cash payment made by OPTIMUM PLASTICS, INC. to the Community Foundation of Delaware County shall be used for educational initiatives for the sole benefit of the Delaware City School District.

Section 3. The Community Foundation of Delaware County agrees to administer all moneys paid by OPTIMUM PLASTICS, INC.

Section 4. This Agreement is enforceable only with active Enterprise Zone or Community Reinvestment Area Agreements and may be amended or modified by the parties, only in writing, signed by all parties to the agreement or by applicable law changes.

Section 5. This Agreement sets forth the entire agreement and understanding between the parties as to the subject matter contained herein and merges and supersedes all prior discussions, agreements, and undertakings of every kind between the parties with respect to the subject matter of this agreement.

Section 6. All payments, certificates, reports, and notices which are required to or may be given pursuant to the provisions of this Agreement shall be sent by regular mail, postage prepaid, and shall be deemed to have been given or delivered when so mailed to the following addresses:

R. Thomas Homan  
City Manager  
City of Delaware  
1 South Sandusky Street  
Delaware, Ohio 43015

John Thomas, Superintendent  
Delaware City School District  
248 North Washington Street  
Delaware, Ohio 43015

Robert Clemons, President  
Optimum Plastics, Inc.  
1201 South Houk Road  
Delaware, Ohio 43015

Any party may change its contact or mailing address for receiving notices and reports by giving written notice of such change to the other parties.

Section 7. The invalidity of any provision of this Agreement shall not affect the other provisions of this Agreement, and this Agreement shall be construed in all respects as if any invalid portions were omitted.

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

RESOLUTION NO. 02-1240

IN THE MATTER OF APPROVING THE CONTRACT FOR THE SALE OF REAL ESTATE  
PROPERTY SITUATED AT 106 STOVER DRIVE IN THE CITY OF DELAWARE, DELAWARE  
COUNTY, OHIO:

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

CONTRACT FOR THE SALE OF REAL ESTATE

The Alpha Group of Delaware, Inc., (hereinafter referred to as “Sellers”), grant to the Delaware County Commissioners, 101 N. Sandusky St., Delaware, Ohio, 43015, (hereinafter called “Purchaser”), the sole and exclusive right to purchase certain real property situated at 106 Stover Drive in the City of Delaware, Delaware County, Ohio and more particularly shown and/or described on the attached Exhibit “A” and made a part hereof. Said real estate hereinafter referred to as “the Premises.”

Sellers and Purchaser hereby agree as follows:

- 1. The Sellers agree to sell and the Purchaser agrees to purchase the Premises.
- 2. The purchase price shall be Seven Hundred Fifty Thousand Dollars (\$750,000.00).

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1. The Duration of this Offer shall be Thirty (30) days and shall extend until 5:00 o'clock p.m. on October 26, 2002.
1. The date for delivery of the Deed and the Closing of this transaction ("Closing") shall be set within twenty-one (21) days of the date of this contract, or as otherwise agreed upon by the parties.
2. At closing and upon tender of the purchase price the Sellers shall do the following:
  - (a) Convey the marketable title to the premises to the Purchasers by General Warranty Deed, in fee simple, free and clear and unencumbered except for easements, conditions and restrictions of record as of the date this Contract is executed. All rights of dower shall be released.
  - (b) Pay all real estate taxes and special assessments presently due.
  - (c) Pro-rate real estate taxes not yet due based upon the latest available Auditor's Duplicate.
  - (d) Pay all closing costs, except for title insurance, which the Purchaser shall pay.
3. Sellers shall deliver possession and occupancy of the Premises to the Purchaser upon closing
4. Risk of loss to the Premises from fire or other casualty shall be borne by the Sellers until the Closing.
5. Time is expressly declared to be of the essence in this Contract, unless the parties otherwise agree in writing.
6. All notices, elections or other communications authorized, required or permitted hereunder shall be made in writing, and shall be deemed given when personally delivered or when deposited, U.S. certified mail, postage prepaid, return receipt requested and addressed as follows:

To the Purchaser: Delaware County Commissioners  
101 N. Sandusky Street  
Delaware, Ohio 43015

To the Sellers: Alpha Group of Delaware, Inc.  
1000 Alpha Drive  
Delaware, Ohio 43015

7. Parties herein warrant to each other that they have full capacity, power, and authority to enter into and perform this Contract according to its terms.
8. Parties agree that this Contract shall survive the delivery of the Deed.

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

RESOLUTION NO. 02-1241

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Alan Lusk has accepted the Maintenance Mechanic I Position with the Olentangy Environmental Control Center; Effective date September 29, 2002.

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

RESOLUTION NO. 02-1242

IN THE MATTER OF APPROVING THE CONSOLIDATION OF 9-1-1 EMERGENCY TELEPHONE FUNCTIONS INTO A SINGLE PUBLIC SAFETY ANSWERING POINT:

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

WHEREAS, the Delaware County Board of Commissioners and a majority of political sub-divisions, including the City of Delaware, approved an amended 9-1-1 Plan in accordance with Ohio Revised Code Section 4931.45 on 17 September 2001, and

WHEREAS, the amended 9-1-1 Plan states that all parties shall work toward the establishment of a single 9-1-1 Public Safety Answering Point (PSAP) at the County by 1 January 2003, and

WHEREAS, the City of Delaware and County are working toward this consolidation, but have not yet reached an agreeable solution on all the technical and procedural issues involved;

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners approves the recommendation to extend the time for consolidation to 1 April 2003, at which time all 9-1-1 functions will be moved into a single PSAP located at the County Center.

FURTHER, BE IT RESOLVED: That all revenue from the .31 mill 9-1-1 levy, beginning in January 2003, will be maintained by the County for consolidated operations that will include maintenance of all 9-1-1 emergency telephone system equipment currently located at the City of Delaware.

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

RESOLUTION NO. 02-1243

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

It was moved by Mrs. Martin, seconded by Mr. Ward to adjourn into executive Session at 10:40AM.

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

RESOLUTION NO. 02-1244

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mrs. Martin, seconded by Mr. Ward to adjourn out of Executive Session at 10:43AM.

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

EMS Station Architect

There being no further business the meeting adjourned.

\_\_\_\_\_  
Deborah B. Martin

\_\_\_\_\_  
James D. Ward

\_\_\_\_\_  
Donald E. Wuertz

\_\_\_\_\_  
Letha George, Clerk to the Commissioners