

COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD AUGUST 28, 2003

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

Present: Kristopher W. Jordan, Deborah B. Martin, James D. Ward

3:00 PM Re-Bid Opening Date And Time For FY'02 ADA To Radnor Historical Building

PUBLIC COMMENT

RESOLUTION NO. 03-1108

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD AUGUST 25, 2003 AS CONTAINED IN THE COUNTY'S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Jordan, seconded by Mrs. Martin to approve the resolutions and records of the proceedings from regular meeting held August 25, 2003 as contained in the county's official electronic recordings of the proceedings.

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

RESOLUTION NO. 03-1109

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0827:

It was moved by Mrs. Martin, seconded by Mr. Jordan to approve payment of warrants in Batch numbers CMAPR0827 and Purchase Orders and Vouchers as listed below:

PO's

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
JWC Environmental	Equipment Repair Alum Creek	65211919-5270	\$ 6,500.00
Increases			
US Filter	Bioxide Chemical	65211919-5290	\$ 10,000.00
Columbia Gas	Emergency Utilities	22411602-5350	\$ 3,000.00
State of OH Treasurer	Audit	10011102-5301	\$ 5,000.00
Ashland University	Client Tuition	22411603-5350	\$ 2,025.00
Roadmaster Drivers School	Client Tuition	22411603-5350	\$ 3,500.00
Terry Shellhouse	Homebased	22511607-5348	\$ 5,000.00
Rick Reeder	Public Defender	10011202-5301	\$ 8,000.00
Terry Clinger	Public Defender	10011202-5301	\$ 8,000.00
Vouchers			
McCarthy Systems Co.	Professional Lawn Care Services	10011105-5301	\$ 8,861.00
Noah's Ark Learning Center	Child Care	22411606-5348	\$ 5,260.00
Del JVS South Campus	CL Training	22411603-5348	\$ 39,060.00
Presbyterian Child Welfare Agency	Residential Treatment	22511607-5342	\$ 21,040.00
Boys Village Inc.	Residential Treatment	22511607-5342	\$ 11,446.96
Liberty Community Center	Child Care	22411606-5348	\$ 17,037.00
US Filter	Bioxide Chemical	65211919-5290	\$ 5,605.25
Delaware County Fair	Building Project	10011102-5601	\$ 20,000.00
US Postal Service	Postal Service	10011105-5331	\$ 20,000.00

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

RESOLUTION NO. 03-1110

IN THE MATTER OF CANCELING THE SEPTEMBER 11, 2003 COMMISSIONERS' SESSION:

It was moved by Mr. Jordan, seconded by Mrs. Martin to cancel the September 11, 2003 Commissioners' Session .

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

RESOLUTION NO. 03-1111

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE TREASURER'S

COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD AUGUST 28, 2003

OFFICE:

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

SUPPLEMENTAL APPROPRIATIONS

FUND NUMBER:	FUND NAME:	AMOUNT:
10014101-5001	Del Tax/Treasurer - Regular Comp	\$ 1,209.60
10014101-5120	Del Tax/Treasurer - PERS	\$ 163.90
10014101-5131	Del Tax/Treasurer - Medicare	\$ 17.54
24414102-5001	Del Tax/Treasurer - Regular Comp	\$ 417.60
24414102-5120	Del Tax/Treasurer - PERS	\$ 56.58
24414102-5131	Del Tax/Treasurer - Medicare	\$ 6.06
Vote on Motion	Mrs. Martin Nay Mr. Jordan Nay Mr. Ward Nay	

RESOLUTION NO. 03-1112

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Lauri Murnane-Spring is resigning her position as the Tele-Communications Officer III in the 911 Center effective August 17, 2003.

Julie Mays is resigning her position as the Account Clerk III with the Sanitary Engineer's Department effective September 2, 2003.

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

RESOLUTION NO. 03-1113

IN THE MATTER OF ADOPTING RESOLUTION DECLARING THE INTENT OF AND NECESSITY FOR THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO APPROPRIATE PROPERTY OF EMERALD FARMS, LTD. FOR EXPANDING THE PERRY-TAGGART SANITARY SEWER PROJECT, LIBERTY TOWNSHIP, DELAWARE, COUNTY, OHIO:

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

WHEREAS, the Board of Commissioners deems it necessary to construct an extension of the county sanitary sewer in Liberty Township, County of Delaware, and

WHEREAS, the Board of Commissioners have determined the necessity for such expansion, and

WHEREAS, it is necessary that additional land is needed for expansion of the sanitary sewer,

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

SECTION 1: THAT IT IS DEEMED NECESSARY AND IT IS HEREBY DECLARED TO BE THE INTENTION OF THE BOARD TO APPROPRIATE A PERPETUAL EASEMENT AND RIGHT OF WAY FOR SANITARY SEWER PURPOSES ACROSS AND/OR UNDER CERTAIN REAL PROPERTY OWNED BY EMERALD FARMS, LTD., AND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND INCORPORATED HEREIN FOR THE PURPOSE OF SUCH EXPANSION IN LIBERTY TOWNSHIP;

SECTION 2: That a legal description of said perpetual easement is attached hereto as Exhibit "B" and incorporated herein;

SECTION 3: That the County Administrator be and is hereby authorized to cause written notice of the passage of this Resolution to be given to the owner and any other persons having an interest of record in the above described property or to their authorized agents. Such notices shall be served and return made in the manner provided for the service and return of summons in civil actions. If such owner, persons or agents cannot be found, notice shall be given by publication once each week for three consecutive weeks in the Delaware Gazette;

COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD AUGUST 28, 2003

SECTION 4: That this Resolution shall take force and be in effect immediately upon passage.

EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That **Emerald Farms Ltd.** hereinafter called GRANTOR, for consideration paid by the COUNTY OF DELAWARE, OHIO, the GRANTEE herein, receipt of which is hereby acknowledged, hereby-grants with general warranty covenants to GRANTEE, its successors and assigns forever, a **Permanent Easement** in, through, over and under the following described real estate, which is a part of Grantor’s land described in the instrument filed for record in Vol. 597, page 848 in the Recorder’s Office, Delaware County, Ohio for the purpose of constructing, operating, installing, maintaining, removing or replacing sanitary sewer lines and tributary connections and appurtenant work in any part of said Easement: **SEE EXHIBITS A, B, AND C.** The rights granted herein shall not be construed to interfere with or restrict the use of the premises with respect to the construction and maintenance of property. Improvements along and over the premises herein described so long as the same are so constructed as not to impair the strength or interfere with the use and maintenance of said utility, or ingress and egress to or over the Easement area. This Easement shall also give to the GRANTEE any right of ingress and egress to the Permanent Easement by GRANTOR.

TEMPORARY CONSTRUCTION EASEMENT

GRANTOR also grants to GRANTEE a **Temporary Construction Easement**, being a strip of land as described “TEMPORARY CONSTRUCTION EASEMENT” in **EXHIBITS A, B, AND C.**

GRANTOR, his heirs and assigns hereby release the County of Delaware, Ohio from any further claims for compensation or claims for damages resulting from this grant or the construction of said project, except that contractors for the County of Delaware, Ohio shall not be released from liability for damage caused by their negligence.

The County of Delaware, Ohio, as soon as practicable after construction of said utility and all subsequent alterations and repairs thereto, shall cause all affected property of Grantor to be restored to the proper level.

Prior Instrument Reference: DB 597, PG 848

(EXHIBITS A, B, AND C are available in the Delaware County Commissioners Office until no longer of administrative value).

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

RESOLUTION NO. 03-1114

IN THE MATTER OF ADOPTING RESOLUTION DECLARING THE INTENT OF AND NECESSITY FOR THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO APPROPRIATE PROPERTY OF FREA LLC. FOR EXPANDING THE PERRY-TAGGART SANITARY SEWER PROJECT, LIBERTY TOWNSHIP, DELAWARE, COUNTY, OHIO:

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

WHEREAS, the Board of Commissioners deems it necessary to construct an extension of the county sanitary sewer in Liberty Township, County of Delaware, and

WHEREAS, the Board of Commissioners have determined the necessity for such expansion, and

WHEREAS, it is necessary that additional land is needed for expansion of the sanitary sewer,

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

SECTION 1: THAT IT IS DEEMED NECESSARY AND IT IS HEREBY DECLARED TO BE THE INTENTION OF THE BOARD TO APPROPRIATE A PERPETUAL EASEMENT AND RIGHT OF WAY FOR SANITARY SEWER PURPOSES ACROSS AND/OR UNDER CERTAIN REAL PROPERTY OWNED BY FREA LLC., AND DESCRIBED IN EXHIBIT “A” ATTACHED HERETO, AND INCORPORATED HEREIN FOR THE PURPOSE OF SUCH EXPANSION IN LIBERTY TOWNSHIP;

SECTION 2: That a legal description of said perpetual easement is attached hereto as Exhibit “B” and incorporated herein;

SECTION 3: That the County Administrator be and is hereby authorized to cause written notice of the passage of this Resolution to be given to the owner and any other persons having an interest of record in the above described property or to their authorized agents. Such notices shall be served and return made in the manner provided for the service and return of summons in civil actions. If such owner, persons or agents

COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD AUGUST 28, 2003

cannot be found, notice shall be given by publication once each week for three consecutive weeks in the Delaware Gazette;

SECTION 4: That this Resolution shall take force and be in effect immediately upon passage.

EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That **Frea LLC** hereinafter called GRANTOR, for consideration paid by the COUNTY OF DELAWARE, OHIO, the GRANTEE herein, receipt of which is hereby acknowledged, hereby-grants with general warranty covenants to GRANTEE, its successors and assigns forever, a **Permanent Easement** in, through, over and under the following described real estate, which is a part of Grantor’s land described in the instrument filed for record in Vol. 22, page 2118 in the Recorder’s Office, Delaware County, Ohio for the purpose of constructing, operating, installing, maintaining, removing or replacing sanitary sewer lines and tributary connections and appurtenant work in any part of said Easement: **SEE EXHIBIT 'A.'** The rights granted herein shall not be construed to interfere with or restrict the use of the premises with respect to the construction and maintenance of property. Improvements along and over the premises herein described so long as the same are so constructed as not to impair the strength or interfere with the use and maintenance of said utility, or ingress and egress to or over the Easement area. This Easement shall also give to the GRANTEE any right of ingress and egress to the Permanent Easement by GRANTOR.

TEMPORARY CONSTRUCTION EASEMENT

GRANTOR also grants to GRANTEE a **Temporary Construction Easement**, being a strip of land as described “TEMPORARY CONSTRUCTION EASEMENT” in **EXHIBIT 'A'**.

GRANTOR, his heirs and assigns hereby release the County of Delaware, Ohio from any further claims for compensation or claims for damages resulting from this grant or the construction of said project, except that contractors for the County of Delaware, Ohio shall not be released from liability for damage caused by their negligence.

The County of Delaware, Ohio, as soon as practicable after construction of said utility and all subsequent alterations and repairs thereto, shall cause all affected property of Grantor to be restored to the proper level.

Prior Instrument Reference: DB 22, PG 2118

(EXHIBITS A, B, AND C are available in the Delaware County Commissioners Office until no longer of administrative value).

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

RESOLUTION NO. 03-1115

IN THE MATTER OF ADOPTING RESOLUTION DECLARING THE INTENT OF AND NECESSITY FOR THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO APPROPRIATE PROPERTY OF SUSAN DOHERTY FOR EXPANDING THE PERRY-TAGGART SANITARY SEWER PROJECT, LIBERTY TOWNSHIP, DELAWARE, COUNTY, OHIO:

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

WHEREAS, the Board of Commissioners deems it necessary to construct an extension of the county sanitary sewer in Liberty Township, County of Delaware, and

WHEREAS, the Board of Commissioners have determined the necessity for such expansion, and

WHEREAS, it is necessary that additional land is needed for expansion of the sanitary sewer,

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

SECTION 1: THAT IT IS DEEMED NECESSARY AND IT IS HEREBY DECLARED TO BE THE INTENTION OF THE BOARD TO APPROPRIATE A PERPETUAL EASEMENT AND RIGHT OF WAY FOR SANITARY SEWER PURPOSES ACROSS AND/OR UNDER CERTAIN REAL PROPERTY OWNED BY SUSAN DOHERTY, AND DESCRIBED IN EXHIBIT “A” ATTACHED HERETO, AND INCORPORATED HEREIN FOR THE PURPOSE OF SUCH EXPANSION IN LIBERTY TOWNSHIP;

SECTION 2: That a legal description of said perpetual easement is attached hereto as Exhibit “B” and incorporated herein;

SECTION 3: That the County Administrator be and is hereby authorized to cause written notice of the passage of this Resolution to be given to the owner and any other persons having an interest of record in the

**COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD AUGUST 28, 2003**

above described property or to their authorized agents. Such notices shall be served and return made in the manner provided for the service and return of summons in civil actions. If such owner, persons or agents cannot be found, notice shall be given by publication once each week for three consecutive weeks in the Delaware Gazette;

SECTION 4: That this Resolution shall take force and be in effect immediately upon passage.

EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That **Susan Doherty** hereinafter called GRANTOR, for consideration paid by the COUNTY OF DELAWARE, OHIO, the GRANTEE herein, receipt of which is hereby acknowledged, hereby-grants with general warranty covenants to GRANTEE, its successors and assigns forever, a **Permanent Easement** in, through, over and under the following described real estate, which is a part of Grantor's land described in the instrument filed for record in Vol. 463, page 68 in the Recorder's Office, Delaware County, Ohio for the purpose of constructing, operating, installing, maintaining, removing or replacing sanitary sewer lines and tributary connections and appurtenant work in any part of said Easement: **SEE EXHIBIT 'A.'** The rights granted herein shall not be construed to interfere with or restrict the use of the premises with respect to the construction and maintenance of property. Improvements along and over the premises herein described so long as the same are so constructed as not to impair the strength or interfere with the use and maintenance of said utility, or ingress and egress to or over the Easement area. This Easement shall also give to the GRANTEE any right of ingress and egress to the Permanent Easement by GRANTOR.

TEMPORARY CONSTRUCTION EASEMENT

GRANTOR also grants to GRANTEE a **Temporary Construction Easement**, being a strip of land as described "TEMPORARY CONSTRUCTION EASEMENT" in **EXHIBIT 'A'**.

GRANTOR, his heirs and assigns hereby release the County of Delaware, Ohio from any further claims for compensation or claims for damages resulting from this grant or the construction of said project, except that contractors for the County of Delaware, Ohio shall not be released from liability for damage caused by their negligence.

The County of Delaware, Ohio, as soon as practicable after construction of said utility and all subsequent alterations and repairs thereto, shall cause all affected property of Grantor to be restored to the proper level.

Prior Instrument Reference: DB 463, PG 68

(EXHIBITS A, B, AND C are available in the Delaware County Commissioners Office until no longer of administrative value).

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

RESOLUTION NO. 03-1116

IN THE MATTER OF ADOPTING RESOLUTION DECLARING THE INTENT OF AND NECESSITY OF THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO APPROPRIATE PROPERTY OF DAVE TANNER FOR EXPANDING THE PERRY-TAGGART SANITARY SEWER PROJECT, LIBERTY TOWNSHIP, DELAWARE, COUNTY, OHIO:

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

WHEREAS, the Board of Commissioners deems it necessary to construct an extension of the county sanitary sewer in Liberty Township, County of Delaware, and

WHEREAS, the Board of Commissioners have determined the necessity for such expansion, and

WHEREAS, it is necessary that additional land is needed for expansion of the sanitary sewer,

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

SECTION 1: THAT IT IS DEEMED NECESSARY AND IT IS HEREBY DECLARED TO BE THE INTENTION OF THE BOARD TO APPROPRIATE A PERPETUAL EASEMENT AND RIGHT OF WAY FOR SANITARY SEWER PURPOSES ACROSS AND/OR UNDER CERTAIN REAL PROPERTY OWNED BY DAVE TANNER., AND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND INCORPORATED HEREIN FOR THE PURPOSE OF SUCH EXPANSION IN LIBERTY TOWNSHIP;

SECTION 2: That a legal description of said perpetual easement is attached hereto as Exhibit "B" and incorporated herein;

SECTION 3: That the County Administrator be and is hereby authorized to cause written notice of the

COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD AUGUST 28, 2003

passage of this Resolution to be given to the owner and any other persons having an interest of record in the above described property or to their authorized agents. Such notices shall be served and return made in the manner provided for the service and return of summons in civil actions. If such owner, persons or agents cannot be found, notice shall be given by publication once each week for three consecutive weeks in the Delaware Gazette;

SECTION 4: That this Resolution shall take force and be in effect immediately upon passage.

EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That **David A. & Molly P. Tanner** hereinafter called GRANTOR, for consideration paid by the COUNTY OF DELAWARE, OHIO, the GRANTEE herein, receipt of which is hereby acknowledged, hereby-grants with general warranty covenants to GRANTEE, its successors and assigns forever, a **Permanent Easement** in, through, over and under the following described real estate, which is a part of Grantor’s land described in the instrument filed for record in Vol. 226, page 1970 in the Recorder’s Office, Delaware County, Ohio for the purpose of constructing, operating, installing, maintaining, removing or replacing sanitary sewer lines and tributary connections and appurtenant work in any part of said Easement: **SEE EXHIBIT 'A' & 'B'**. The rights granted herein shall not be construed to interfere with or restrict the use of the premises with respect to the construction and maintenance of property. Improvements along and over the premises herein described so long as the same are so constructed as not to impair the strength or interfere with the use and maintenance of said utility, or ingress and egress to or over the Easement area. This Easement shall also give to the GRANTEE any right of ingress and egress to the Permanent Easement by GRANTOR.

TEMPORARY CONSTRUCTION EASEMENT

GRANTOR also grants to GRANTEE a **Temporary Construction Easement**, being a strip of land as described “TEMPORARY CONSTRUCTION EASEMENT” in **EXHIBIT 'A' & 'B'**.

GRANTOR, his heirs and assigns hereby release the County of Delaware, Ohio from any further claims for compensation or claims for damages resulting from this grant or the construction of said project, except that contractors for the County of Delaware, Ohio shall not be released from liability for damage caused by their negligence.

The County of Delaware, Ohio, as soon as practicable after construction of said utility and all subsequent alterations and repairs thereto, shall cause all affected property of Grantor to be restored to the proper level.

Prior Instrument Reference: DB 226, PG 1970

(EXHIBITS A, B, AND C are available in the Delaware County Commissioners Office until no longer of administrative value).

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

RESOLUTION NO. 03-1117

IN THE MATTER OF ADOPTING RESOLUTION DECLARING THE INTENT OF AND NECESSITY FOR THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO APPROPRIATE PROPERTY OF THORNWOOD TAGGART ROAD LLC., FOR EXPANDING THE PERRY-TAGGART SANITARY SEWER PROJECT, LIBERTY TOWNSHIP, DELAWARE, COUNTY, OHIO:

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

WHEREAS, the Board of Commissioners deems it necessary to construct an extension of the county sanitary sewer in Liberty Township, County of Delaware, and

WHEREAS, the Board of Commissioners have determined the necessity for such expansion, and

WHEREAS, it is necessary that additional land is needed for expansion of the sanitary sewer,

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

SECTION 1: THAT IT IS DEEMED NECESSARY AND IT IS HEREBY DECLARED TO BE THE INTENTION OF THE BOARD TO APPROPRIATE A PERPETUAL EASEMENT AND RIGHT OF WAY FOR SANITARY SEWER PURPOSES ACROSS AND/OR UNDER CERTAIN REAL PROPERTY OWNED BY THORNWOOD TAGGART ROAD LLC., AND DESCRIBED IN EXHIBIT “A” ATTACHED HERETO, AND INCORPORATED HEREIN FOR THE PURPOSE OF SUCH EXPANSION IN LIBERTY TOWNSHIP;

SECTION 2: That a legal description of said perpetual easement is attached hereto as Exhibit “B” and incorporated herein;

COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD AUGUST 28, 2003

SECTION 3: That the County Administrator be and is hereby authorized to cause written notice of the passage of this Resolution to be given to the owner and any other persons having an interest of record in the above described property or to their authorized agents. Such notices shall be served and return made in the manner provided for the service and return of summons in civil actions. If such owner, persons or agents cannot be found, notice shall be given by publication once each week for three consecutive weeks in the Delaware Gazette;

SECTION 4: That this Resolution shall take force and be in effect immediately upon passage.

EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That **Thornwood Taggart Road LLC.**, hereinafter called GRANTOR, for consideration paid by the COUNTY OF DELAWARE, OHIO, the GRANTEE herein, receipt of which is hereby acknowledged, hereby-grants with general warranty covenants to GRANTEE, its successors and assigns forever, a **Permanent Easement** in, through, over and under the following described real estate, which is a part of Grantor’s land described in the instrument filed for record in Vol. 638, page 447 in the Recorder’s Office, Delaware County, Ohio for the purpose of constructing, operating, installing, maintaining, removing or replacing sanitary sewer lines and tributary connections and appurtenant work in any part of said Easement: **SEE EXHIBIT 'A.'** The rights granted herein shall not be construed to interfere with or restrict the use of the premises with respect to the construction and maintenance of property. Improvements along and over the premises herein described so long as the same are so constructed as not to impair the strength or interfere with the use and maintenance of said utility, or ingress and egress to or over the Easement area. This Easement shall also give to the GRANTEE any right of ingress and egress to the Permanent Easement by GRANTOR.

TEMPORARY CONSTRUCTION EASEMENT

GRANTOR also grants to GRANTEE a **Temporary Construction Easement**, being a strip of land as described “TEMPORARY CONSTRUCTION EASEMENT” in **EXHIBIT 'A'**.

GRANTOR, his heirs and assigns hereby release the County of Delaware, Ohio from any further claims for compensation or claims for damages resulting from this grant or the construction of said project, except that contractors for the County of Delaware, Ohio shall not be released from liability for damage caused by their negligence.

The County of Delaware, Ohio, as soon as practicable after construction of said utility and all subsequent alterations and repairs thereto, shall cause all affected property of Grantor to be restored to the proper level.

Prior Instrument Reference: DB 638, PG 447

(EXHIBITS A, B, AND C are available in the Delaware County Commissioners Office until no longer of administrative value).

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

RESOLUTION NO. 03-1118

IN THE MATTER OF ADOPTING RESOLUTION DECLARING THE INTENT OF AND NECESSITY FOR THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO APPROPRIATE PROPERTY OF THORNWOOD DEVELOPMENT COMPANY, LLC., FOR EXPANDING THE PERRY-TAGGART SANITARY SEWER PROJECT, LIBERTY TOWNSHIP, DELAWARE, COUNTY, OHIO:

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

WHEREAS, the Board of Commissioners deems it necessary to construct an extension of the county sanitary sewer in Liberty Township, County of Delaware, and

WHEREAS, the Board of Commissioners have determined the necessity for such expansion, and

WHEREAS, it is necessary that additional land is needed for expansion of the sanitary sewer,

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

SECTION 1: THAT IT IS DEEMED NECESSARY AND IT IS HEREBY DECLARED TO BE THE INTENTION OF THE BOARD TO APPROPRIATE A PERPETUALEASEMENT AND RIGHT OF WAY FOR SANITARY SEWER PURPOSES ACROSS AND/OR UNDER CERTAIN REAL PROPERTY OWNED BY THORNWOOD DEVELOPMENT COMPANY LLC., AND DESCRIBED IN EXHIBIT “A” ATTACHED HERETO, AND INCORPORATED HEREIN FOR THE PURPOSE OF SUCH EXPANSION IN LIBERTY TOWNSHIP;

SECTION 2: That a legal description of said perpetual easement is attached hereto as Exhibit “B” and

COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD AUGUST 28, 2003

incorporated herein;

SECTION 3: That the County Administrator be and is hereby authorized to cause written notice of the passage of this Resolution to be given to the owner and any other persons having an interest of record in the above described property or to their authorized agents. Such notices shall be served and return made in the manner provided for the service and return of summons in civil actions. If such owner, persons or agents cannot be found, notice shall be given by publication once each week for three consecutive weeks in the Delaware Gazette;

SECTION 4: That this Resolution shall take force and be in effect immediately upon passage.

EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That **Thornwood Development Co. LLC** hereinafter called GRANTOR, for consideration paid by the COUNTY OF DELAWARE, OHIO, the GRANTEE herein, receipt of which is hereby acknowledged, hereby-grants with general warranty covenants to GRANTEE, its successors and assigns forever, a **Permanent Easement** in, through, over and under the following described real estate, which is a part of Grantor’s land described in the instrument filed for record in Vol. 141, page 1052 in the Recorder’s Office, Delaware County, Ohio for the purpose of constructing, operating, installing, maintaining, removing or replacing sanitary sewer lines and tributary connections and appurtenant work in any part of said Easement: **SEE EXHIBIT 'A.'** The rights granted herein shall not be construed to interfere with or restrict the use of the premises with respect to the construction and maintenance of property. Improvements along and over the premises herein described so long as the same are so constructed as not to impair the strength or interfere with the use and maintenance of said utility, or ingress and egress to or over the Easement area. This Easement shall also give to the GRANTEE any right of ingress and egress to the Permanent Easement by GRANTOR.

TEMPORARY CONSTRUCTION EASEMENT

GRANTOR also grants to GRANTEE a **Temporary Construction Easement**, being a strip of land as described “TEMPORARY CONSTRUCTION EASEMENT” in **EXHIBIT 'A'**.

GRANTOR, his heirs and assigns hereby release the County of Delaware, Ohio from any further claims for compensation or claims for damages resulting from this grant or the construction of said project, except that contractors for the County of Delaware, Ohio shall not be released from liability for damage caused by their negligence.

The County of Delaware, Ohio, as soon as practicable after construction of said utility and all subsequent alterations and repairs thereto, shall cause all affected property of Grantor to be restored to the proper level.

Prior Instrument Reference: DB 141, PG 1052

(EXHIBITS A, B, AND C are available in the Delaware County Commissioners Office until no longer of administrative value).

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

RESOLUTION NO. 03-1119

IN THE MATTER OF ADOPTING RESOLUTION DECLARING THE INTENT OF AND NECESSITY FOR THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO APPROPRIATE PROPERTY OF THORNWOOD DEVELOPMENT COMPANY, LLC., FOR EXPANDING THE PERRY-TAGGART SANITARY SEWER PROJECT, LIBERTY TOWNSHIP, DELAWARE, COUNTY, OHIO:

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

WHEREAS, the Board of Commissioners deems it necessary to construct an extension of the county sanitary sewer in Liberty Township, County of Delaware, and

WHEREAS, the Board of Commissioners have determined the necessity for such expansion, and

WHEREAS, it is necessary that additional land is needed for expansion of the sanitary sewer,

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

SECTION 1: THAT IT IS DEEMED NECESSARY AND IT IS HEREBY DECLARED TO BE THE INTENTION OF THE BOARD TO APPROPRIATE A PERPETUAL EASEMENT AND RIGHT OF WAY FOR SANITARY SEWER PURPOSES ACROSS AND/OR UNDER CERTAIN REAL PROPERTY OWNED BY THORNWOOD DEVELOPMENT COMPANY LLC., AND DESCRIBED IN EXHIBIT “A” ATTACHED HERETO, AND INCORPORATED HEREIN FOR THE PURPOSE OF SUCH EXPANSION IN LIBERTY TOWNSHIP;

COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD AUGUST 28, 2003

SECTION 2: That a legal description of said perpetual easement is attached hereto as Exhibit "B" and incorporated herein;

SECTION 3: That the County Administrator be and is hereby authorized to cause written notice of the passage of this Resolution to be given to the owner and any other persons having an interest of record in the above described property or to their authorized agents. Such notices shall be served and return made in the manner provided for the service and return of summons in civil actions. If such owner, persons or agents cannot be found, notice shall be given by publication once each week for three consecutive weeks in the Delaware Gazette;

SECTION 4: That this Resolution shall take force and be in effect immediately upon passage.

EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That **Thornwood Development Co. LLC** hereinafter called GRANTOR, for consideration paid by the COUNTY OF DELAWARE, OHIO, the GRANTEE herein, receipt of which is hereby acknowledged, hereby-grants with general warranty covenants to GRANTEE, its successors and assigns forever, a **Permanent Easement** in, through, over and under the following described real estate, which is a part of Grantor's land described in the instrument filed for record in Vol. 74, page 726 in the Recorder's Office, Delaware County, Ohio for the purpose of constructing, operating, installing, maintaining, removing or replacing sanitary sewer lines and tributary connections and appurtenant work in any part of said Easement: **SEE EXHIBITS 'A', 'B', 'C', and 'D'**. The rights granted herein shall not be construed to interfere with or restrict the use of the premises with respect to the construction and maintenance of property. Improvements along and over the premises herein described so long as the same are so constructed as not to impair the strength or interfere with the use and maintenance of said utility, or ingress and egress to or over the Easement area. This Easement shall also give to the GRANTEE any right of ingress and egress to the Permanent Easement by GRANTOR.

TEMPORARY CONSTRUCTION EASEMENT

GRANTOR also grants to GRANTEE a **Temporary Construction Easement**, being a strip of land as described "TEMPORARY CONSTRUCTION EASEMENT" in **EXHIBITS 'A', 'B', 'C', and 'D'**.

GRANTOR, his heirs and assigns hereby release the County of Delaware, Ohio from any further claims for compensation or claims for damages resulting from this grant or the construction of said project, except that contractors for the County of Delaware, Ohio shall not be released from liability for damage caused by their negligence.

The County of Delaware, Ohio, as soon as practicable after construction of said utility and all subsequent alterations and repairs thereto, shall cause all affected property of Grantor to be restored to the proper level.

Prior Instrument Reference: DB 74, PG 726

(EXHIBITS A, B, AND C are available in the Delaware County Commissioners Office until no longer of administrative value).

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

Jail Discussion

- Gary Rutledge-Bovis Lend Lease
- Mike Shade-20/20
- Tony Hirsch-CorMod
- Sheriff Al Myers
- Bob Reeds-20/20 Committee
- George Justice-20/20 Committee

Investment Banker Discussion

RESOLUTION NO. 03-1120

IN THE MATTER OF APPROVING THAT DELAWARE COUNTY CONTINUE WORKING WITH FIFTH/THIRD FOR BONDING ISSUES:

It was moved by Mrs. Martin, seconded by Mr. Jordan to approve that Delaware County continue working with Fifth/Third for bonding issues.

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

COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD AUGUST 28, 2003

RESOLUTION NO. 03-1121

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION OR COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:

It was moved by Mr. Jordan, seconded by Mrs. Martin to adjourn into Executive Session at 10:50AM.

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

RESOLUTION NO. 03-1122

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mrs. Martin, seconded by Mr. Jordan to adjourn out of Executive Session at 11:05AM.

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

There being no further business the meeting adjourned.

Kristopher W. Jordan

Deborah B. Martin

James D. Ward

Letha George, Clerk to the Commissioners