

COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 13, 2003

RESOLUTION NO. 03-204

IN THE MATTER OF GRANTING THE REQUEST TO MAKE CURRENT PRIVATE ROADS WITHIN RIVER BEND SECTION 2 PHASE-A PUBLIC STREETS AND TO ACCEPT THE ROADWAYS, WHICH WERE ORIGINALLY BUILT TO PUBLIC STANDARDS, INTO THE COUNTY'S PUBLIC SYSTEM:

It was moved by Mr. Jordan, seconded by Mrs. Martin, to accept roads within the following:

River Bend Section 2 Phase-A

Whereas Riverbend Avenue and Highmeadows Village Drive with the River Bend Subdivision, Section 2 were constructed under the Delaware County Engineer's Office standards, and

Whereas Riverbend Avenue and Highmeadows Village Drive within the River Bend Subdivision, Section 2 were platted as private streets, and

Whereas, as request has been made to accept Riverbend Avenue and Highmeadows Village Drive within the River Bend Subdivision, Section 2 as public roads under Orange Township maintenance, and

Whereas, the County Engineer has inspected Riverbend Avenue and Highmeadows Village Drive within the River Bend Subdivision, Section 2 and deemed them suitable as public roadways, and

Whereas, at their December 12, 2002 meeting, the Delaware County Commissioners voted to accept Riverbend Avenue and Highmeadows Village Drive within the River Bend Subdivision, Section 2 onto the public roadway system contingent on the transfer of right of way to Delaware County and the review of recorded documents in the Delaware County Recorder's Office showing the homeowners' vote to be affirmative at 75% or higher, and

Whereas, both of these conditions to acceptance have been shown to be true,

Now be it resolved that Riverbend Avenue and Highmeadows Village Drive within the River Bend Subdivision, Section 2, now currently private roads, be accepted onto the public roadway system as Township roads. Highmeadows Village Drive to be an extension of existing Township Road Number 400 and Riverbend Avenue to be known as Township Road Number 1334.

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

RESOLUTION NO. 03-205

IN THE MATTER OF ACCEPTING ROADS AND APPROVING RECOMMENDED SPEED LIMITS FOR WILLOW BEND SECTION 1, PHASE 1:

It was moved by Mr. Jordan, seconded by Mrs. Martin to release bonds and letters of credit and accept roads within the following:

Willow Bend Section 1, Phase 1

The roadways to be accepted are as follows:

- An addition of 0.05 mile to **Township Road Number 1252, Royal County Down**
- **Willow Bend Lane**, to be known as **Township Road Number 1331**
- **Salem Drive**, to be known as **Township Road Number 1332**
- **Amanda Ridge Court**, to be known as **Township Road Number 1333**

The Engineer recommends that 25 mile per hour speed limits be established throughout the project.

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

RESOLUTION NO. 03-206

IN THE MATTER OF ESTABLISHING STOP CONDITIONS FOR WILLOW BEND SECTION 1, PHASE 1 AND RIVER BEND SECTION 2:

It was moved by Mr. Jordan, seconded by Mrs. Martin to establish stop conditions for the following:

Stop Conditions –Willow Bend Section 1, Phase 1

- On Township Road Number 1252, Royal County Down, at its intersection with Township Road Number 1331, Willow Bend Lane
- On Township Road Number 1331, Willow Bend Lane, at its intersection with Township Road Number 109,

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Big Walnut Road

- On Township Road Number 1332, Salem Drive, at its intersection with Township Road Number 1331, Willow Bend Lane
- On Township Road Number 1333, Amanda Ridge Court, at its intersection with Township Road Number 1331, Willow Bend Lane

Stop Conditions – River Bend Section 2

- On Township Road Number 400, Highmeadows Village Drive, at its intersection with Township Road Number 1334, Riverbend Avenue
- On Township Road Number 1334, Riverbend Avenue, at its intersection with Township Road Number 596, Owenfield Drive

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

RESOLUTION NO. 03-207

IN THE MATTER OF ACCEPTING PERFORMANCE CONSTRUCTION BONDS SHEFFIELD PARK SECTION 1, PHASE A:

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

Sheffield Park 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 **\$630,351** and a Letter of Credit in that amount is available to cover the bonding of this project.

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

RESOLUTION NO. 03 -208

IN THE MATTER OF APPROVING RIGHT OF WAY WORK PERMIT SUMMARY SHEET:

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

Permit #	Applicant	Location	Type of Work
U03017	Del-Co Water	Liberty Road	Install bore
U03018	Columbia Gas	Oxbow Drive	Install gas main

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

RESOLUTION NO. 03-209

IN THE MATTER OF APPROVAL OF VACATION OF DRAINAGE EASEMENTS FOR HIGHLAND HILLS AT THE LAKES SECTION 3:

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

Easement Vacation-Highland Hills at the Lakes Section 3

The Engineer’s Office has received a request from Evans, Mechwart, Hambleton & Tilton, the design engineer for the developer of the referenced subdivision, requesting reduction in the drainage easements as shown on the following exhibits. This request is being made to create more buildable space on the lots associated with these easements as the lots are somewhat tight with the easements as they currently exist. In reviewing their request, The Engineer finds the reduced easements to be acceptable.

**VACATION OF DRAINAGE EASEMENT
0.017 ACRE**

Situated in the State of Ohio, County of Delaware, Townships of Genoa and Orange, being part of Lot 6011 of the subdivision entitled “Highland Hills at the Lakes Section 3,” of record in Plat Cabinet 2, Slides 501-501D (all references refer to the records of the Recorder’s Office, Delaware County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the southeasterly corner of said Lot 6011, in the northerly right-of-way line of Tralee Lane;

thence South 52° 35’ 50” West, with said northerly right-of-way line, a distance of 5.30 feet to a point;

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thence crossing said Lot 6011 the following courses and distances:

North 40° 48' 04" West, a distance of 25.04 feet to the True Point of Beginning for this description;

South 52° 35' 50" West, a distance of 5.01 feet to a point;

North 40° 48' 04" West, a distance of 147.72 feet to a point;

North 36° 40' 07" East, a distance of 5.12 feet to a point; and

South 40° 48' 04" East, a distance of 149.12 feet to the True Point of Beginning, containing 0.017 acre of land, more or less.

VACATION OF DRAINAGE EASEMENT
 0.020 ACRE

Situated in the State of Ohio, County of Delaware, Townships of Genoa and Orange, being part of Lot 6010 of the subdivision entitled "Highland Hills at the Lakes Section 3," of record in Plat Cabinet 2, Slides 501-501D (all references refer to the records of the Recorder's Office, Delaware County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the southwesterly corner of said Lot 6010, in the northerly right-of-way line of Tralee Lane;

thence North 52° 35' 50" East, with said northerly right-of-way line, a distance of 14.74 feet to a point;

thence North 40° 48' 04" West, crossing said Lot 6010, a distance of 25.04 feet to the True Point of Beginning for this description;

thence North 40° 48' 04" West, crossing said Lot 6010, a distance of 170.12 feet to a point in the northerly line of said Lot 6010;

thence North 36° 40' 07" East, with said northerly line, a distance of 5.12 feet to a point;

thence South 40° 48' 04" East, crossing said Lot 6010, a distance of 171.53 feet to a point;

thence South 52° 35' 50" West, crossing said Lot 6010, a distance of 5.01 feet to the True Point of Beginning, containing 0.020 acre of land, more or less.

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

RESOLUTION NO. 03 -210

IN THE MATTER OF APPROVING A MODIFICATION AGREEMENT WITH THE RIGHTER COMPANY FOR THE BELLPOINT TRUSS REMOVAL PROJECT:

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

MODIFICATION AGREEMENT

MODIFICATION AGREEMENT made and entered into this 13th day of February, 2003, by and between the DELAWARE COUNTY COMMISSIONERS, Delaware County, Ohio, and hereinafter designated as FIRST PARTY, and THE RIGHTER COMPANY, hereinafter designated as SECOND PARTY.

THIS MODIFICATION AGREEMENT herein after modifies the original agreement dated December 2, 2002, by and between the DELAWARE COUNTY COMMISSIONERS and THE RIGHTER COMPANY.

That said FIRST AND SECOND PARTY, hereby agree to increase the original Contract amount of \$998,365.99 by \$114,972.00 for the Bellpoint Truss Removal Project as specified in the original bid documents by the Delaware County Engineer. That said addition is hereby incorporated by reference into the original plans, specifications and agreement. The revised contract amount is, therefore, increased to **ONE MILLION ONE HUNDRED THIRTEEN THREE HUNDRED THIRTY SEVEN DOLLARS AND NINETY NINE CENTS (\$1,113,337.99)**, to be paid as specified in the terms of the original agreement.

SAID SECOND PARTY further agrees to furnish said materials and to do the said work and labor promptly, in a good, substantial and workmanship manner, under the direction of the **Delaware County Engineer**. Work is to be completed on or before **October 31, 2003**.

THE SECOND PARTY hereby agrees to hold the **County** free and harmless from any and all claims for

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damages, costs, expenses, judgments or decrees, resulting from any operations of said **SECOND PARTY**, his sub-contractors, agents or employees.

SECOND PARTY further agrees to pay the **Prevailing Wage Rate** in accordance with **Section 4115 of the Ohio Revised Code** and to furnish the **Delaware County Engineer** a certified copy of the Contractor's payroll. Contractor is also responsible providing any changes in the Prevailing Wage rates as furnished by the Delaware County Engineer during the course of this project to any and all Subcontractors employed by the Contractor.

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

RESOLUTION NO. 03-211

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Andrew Lunn is being promoted from a part-time intermediate position to a full-time intermediate position with the EMS Department; effective date February 13, 2003.

Donna Bukovec's current position within the Department of Job and Family Services will be changing to an Adoption Worker position; effective date February 18, 2003.

Marlene Laslo has resigned her position as Custodian with the Maintenance Department; effective date February 6, 2003.

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

RESOLUTION NO. 03-212

IN THE MATTER OF APPROVING THE CONTRACT WITH AMERICAN UNITED LIFE INSURANCE COMPANY FOR GROUP BENEFITS:

It was moved by Mr. Jordan, seconded by Mrs. Martin to approve the contract with American United Life Insurance Company.

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

RESOLUTION NO. 03-213

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 9:42AM.

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

RESOLUTION NO. 03-214

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Jordan, seconded by Mrs. Martin to adjourn out of Executive Session at 10:35AM.

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

There being no further business the meeting adjourned.

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Kristopher W. Jordan

Deborah B. Martin

James D. Ward

Letha George, Clerk to the Commissioners