

COMMISSIONERS JOURNAL NO. 47 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MAY 2, 2005

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

Present: Glenn A. Evans, Kristopher W. Jordan, James D. Ward

7:30 PM Public Hearing For Consideration Of Request To Vacate 215 Feet (0.148 Acre) Of River View Drive In Concord Township

PUBLIC COMMENT

Adult Parole Authority Comments and Concerns-Refer to the CD of the Official Minutes for Complete Record of Public Comment.

RESOLUTION NO. 05-502

7:30 PM PUBLIC HEARING FOR CONSIDERATION OF REQUEST TO VACATE 215 FEET (0.148 ACRE) OF RIVER VIEW DRIVE IN CONCORD TOWNSHIP:

It was moved by Mr. Ward, seconded by Mr. Evans to open the Hearing at 7:30PM.

Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 05-503

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF REQUEST TO VACATE 215 FEET (0.148 ACRE) OF RIVER VIEW DRIVE IN CONCORD TOWNSHIP:

It was moved by Mr. Ward, seconded by Mr. Evans to close the Hearing at 7:35PM.

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 05-504

IN THE MATTER OF GRANTING THE PETITION TO VACATE 215 FEET (0.148 ACRE) OF RIVER VIEW DRIVE IN CONCORD TOWNSHIP:

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

WHEREAS, a petition was filed by the Concord Township Trustees requesting to vacate 215 feet (0.148 ACRE) of River View Drive in Concord Township, Ohio. (Dr. and Mrs. Ronald Moomaw are the requesting parties to The Concord Township Trustees); and

Whereas, The Concord Township Trustees passed the vacation with Resolution No. 123004-1), and

Whereas, the request to vacate is described below:

Legal Description for vacation of a portion of River View Drive a 0.148 acre tract
Situating In The State Of Ohio, County Of Delaware, Township Of Concord, Located In Virginia Military Survey No. 2546, And Being Part Of Lucy Depp’s Park Place Addition Subdivision, As Recorded In Plat Book 4, Page 43, Delaware County Recorder’s Office, And Being More Particularly Described As Follows:

Beginning At A Point, Marking The Southeast Corner Of Lot 63 Of Said Subdivision, Currently Conveyed To Ronald C. And Patty A. Mooman (*Moomaw*), As Recorded In Official Record 615, Page 298, Delaware County Recorder’s Office:

Thence North 28°10’03” West 215.58 Feet Along The West Line Of River View Drive As Shown On Said Subdivision Plat And The East Line Of Lots 56 To 63 Inclusive, Of Said Subdivision, Currently Conveyed To Ronald C. And Patty A. Mooman (*Moomaw*), As Recorded In Official Record 615, Page 298, Official Record 561, Page 2205 And Official Record 157, Page 1005, Delaware County Recorder’s Office, To A Point Marking The Northeast Corner Lot 56 And In The South Line Of Harriot Drive As Shown On Said Subdivision Plat;

Thence North 83°45’00”East 32.34 Feet Across Said River View Drive, To A Point In The East Line Of Said River View Drive, Also Being The East Line Of Said Subdivision;

Thence South 28°10’03”East 215.58 Feet, Along The East Line Of Said River View Drive And Of Said Subdivision To A Point;

Thence South 83°45’00”West 32.34 Feet, Across Said River View Drive, To The Principle Place Of Beginning, Containing 0.148 Acres More Or Less.

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Basis Of Bearings From The Plat Of Lucy Depp’s Park Place Addition As Recorded In Plat Book 4, Page 43
Based On The North Line Of The Subdivision Being North 83°45’00” East.

All Referenced Deed Book And Pages Are On File At The Delaware County Recorder’s Office, Delaware, Ohio.

Whereas, the Board of County Commissioners viewed the location of the proposed vacation on the 25th day of April 2005 at 1:30 PM; and

Whereas, the Board of County Commissioners held a Public Hearing on the 2nd day of May 2005, at 7:30PM, and at that hearing the Board found the vacation would serve the public convenience and welfare.

Now therefore Be it Resolved, that 215 feet of River View Drive as described above shall be vacated. The vacated portion of this road shall pass in fee to the abutting landowners as provided by law. The Delaware County Engineer shall cause an accurate survey and map to be made and filed with this board.

Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 05-505

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM
REGULAR MEETING HELD APRIL 28, 2005 AS CONTAINED IN THE COUNTY’S OFFICIAL
ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Ward, seconded by Mr. Evans to approve the resolutions and records of the proceedings from regular meeting held April 28, 2005 as contained in the county’s official electronic recordings of the proceedings.

Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 05-506

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS
IN BATCH NUMBERS CMAPR0429:

It was moved by Mr. Evans, seconded by Mr. Ward to approve payment of warrants in batch numbers CMAPR0429 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO’s			
U.S. Postmaster	2nd Half Property Tax Mailings	10011105-5331	\$ 8,000.00
BBC & M Engineering Inc.	Geotechnical Services for Construction	65511918-5301	\$ 15,000.00
Vouchers			
JG Contracting Co.	Milestone Payment/Mar 05	41111421-5410	\$ 77,371.00
MKC Associates	Jail Renovation	40411414-5410	\$ 10,902.39
Ameritas Dental Group	May Premiums	75010903-5370	\$ 17,403.60
US Filter Davis	Bioxide for Pump Stations	65211919-5290	\$ 13,741.00

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 05 -507

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Department of Job and Family Services is requesting that Julie Apt attend a 2005 Ohio Association of Child and Youth Care Professionals Spring Conference in Dayton, Ohio May 20, 2005, at the cost of \$145.00.

The Administrative Services Department is requesting that Dawn Huston attend a Employee Leave and Abuse Conference in Columbus, Ohio May 18, 2005, at the cost of \$179.00.

The Administrative Services Department is requesting that Kevin Williams attend a CEBCO Board Meeting in Loudenville, Ohio May 5-6, 2005, at the cost of \$71.75.

The Prosecutor’s Office is requesting that Marianne Hemmeter and Alison Skinner attend a Finding Words Ohio Seminar in Columbus, Ohio July 11-15, 2005, at the cost of \$419.75.

The Prosecutor’s Office is requesting that Kim Nocera, Amanda Mack and Mary Myers attend an Ohio

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Prosecuting Attorneys Association Support Staff Training in Columbus, Ohio May 19, 2005, at the cost of \$367.56.

The Prosecutor’s Office is requesting that Terri Scott and Janice Roller attend an Ohio Prosecuting Attorneys Association Support Staff Training in Columbus, Ohio May 20, 2005, at the cost of \$261.08.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 05-508

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, JAMES M. DIETZ, ESQ, REQUESTING ANNEXATION OF 9.556 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

It was moved by Mr. Evans, seconded by Mr. Ward to acknowledge that on April 27, 2005, the Clerk to the Board of Commissioners received an annexation petition request to annex 9.556 acres from Liberty Township to the City of Powell.

Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 05-509

IN THE MATTER OF DECLARING MAY 8 THROUGH MAY 14 HIGHWAY RAILROAD CROSSING SAFETY WEEK IN DELAWARE COUNTY:

It was moved by Mr. Ward, seconded by Mr. Evans to approve the following resolution:

WHEREAS, The Delaware County Railroad Crossing Task Force is requesting the Commissioners declare May 8 through May 14, Highway Railroad Crossing Safety Week in Delaware County which is in coordination with the National Operation Lifesaver’s Highway Railroad Crossing Safety Week; and

WHEREAS, Delaware County has recently completed the final phase of a \$2.5 million dollar project to upgrade all crossings on the CSX-West Corridor to include lights and gates and pedestrian gates where warranted, where these tracks pass through the county starting at Liberty Street in Powell, and ending at Norton Road in Radnor Township; and

WHEREAS, The Roberts Road crossing has been eliminated through a road realignment that was completed in 2004, completing the corridor project; and

WHEREAS, Delaware County currently has several railroad crossings that are not fully protected including:

- 1. FRANKLIN STREET
- 2. BERLIN STATION
- 3. CURVE ROAD
- 4. CURVE ROAD SPUR
- 5. HARRIS ROAD
- 6. WALTON
- 7. LEONARDSBURG
- 8. MALONEY
- 9. SHOEMAKER
- 10. TAYLOR
- 11. WILLEY
- 12. TROUTMAN
- 13. RADNOR

WHEREAS, It is recognized that driving through crossings that are unprotected can present a serious hazard to motorists of Delaware County, and

WHEREAS, “Anytime is Train Time” in Delaware County due to there being no set schedule for train traffic, and

WHEREAS, The Delaware County Railroad Crossing Task Force conducts Operation Lifesaver awareness training at no charge for any group interested by calling (740) 833-2409; and

THEREFORE BE IT RESOLVED, the Delaware County Commissioners do hereby declare the week of May 8 through May 14 to be Railroad Crossing Safety Week in Delaware County.

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

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RESOLUTION NO. 05-510

IN THE MATTER OF PROCLAIMING THE WEEK OF MAY 15TH THROUGH MAY 21ST, 2005,
NATIONAL POLICE WEEK IN THE COUNTY OF DELAWARE:

It was moved by Mr. Evans, seconded by Mr. Ward approve the following resolution:

WHEREAS, On April 10, 1962, President John F. Kennedy signed into Public Law, proclaiming May 15th be declared “Peace Officers’ Memorial Day” and that the week each year containing May 15th be proclaimed National Police Week, and

WHEREAS, The Board of Commissioners of Delaware County recognizes the dedication and sacrifice the Peace Officers of this County make for the protection and well being of all citizens, and

WHEREAS, The Police Officers of Delaware County will be honoring their fallen and deceased brothers and sisters across the nation during the week of May 15th through May 21st.

Now Therefore Be it Resolved, The Delaware County Commissioners do hereby proclaim the week of May 15th through May 21st, 2005, National Police Week in the County of Delaware, Ohio to honor America’s Peace officers who have made the supreme sacrifice while carrying out their duties to our nation and its communities, and to the Peace Officers of Delaware County who have dedicated their lives to law enforcement.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 05-511

IN THE MATTER OF APPROVING PLATS FOR LIGHTHOUSE CENTER AND CROSS CREEK SECTION 3, PHASE B AND DITCH MAINTENANCE PETITION FOR CROSS CREEK SECTION 3, PHASE B:

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

Lighthouse Center

Situated In The State Of Ohio, County Of Delaware, Berlin Township, Being Part Of Farm Lot 5, Section 1, Township 4, Range 18, United States Military Lands And Being All Of The Lands Conveyed To BGT Group Llc. As Described In Official Record 585, Page 2459, County Recorder’s Office, Delaware Ohio. Cost \$12.00.

Cross Creek Section 3, Phase B

Situated In The State Of Ohio, County Of Delaware, Township Of Orange, Section 1, Township 3, Range 18, United States Military Lands, Containing 11.423 Acres, More Or Less, Including 2.683 Acres Of Right-Of-Way Ares, Said 11.423 Acres Being Out Of The 65.302 Acre Tract Conveyed To Homewood Corporation, By Deed Of Record In Deed Book 583, Page 784, Records Of The Recorder’s Office, Delaware County, Ohio. Cost \$75.00.

Ditch Maintenance Petition- Cross Creek Section 3, Phase B

We the undersigned owners of 7.61 acres in Orange Township, Delaware County, Ohio propose to create a subdivision known as **Cross Creek Section 3, 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 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 **Cross Creek Section 3, Phase B** Subdivision.

The cost of the drainage improvements is \$22,766.24 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 25 lots being created in this subdivision. Twenty-five (25) 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, \$910.65 per lot. An annual maintenance fee equal to 2% of this basis \$18.21 will be collected for each

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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 \$455.32 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. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 05-512

IN THE MATTER OF APPROVING SUBDIVIDER'S AGREEMENTS FOR WHISPER TRACE AND
LIGHTHOUSE CENTER:

It was moved by Mr. Evans, seconded by Mr. Ward to approve the following agreements:

Whisper Trace

SUBDIVIDER'S AGREEMENT

THIS AGREEMENT executed on this 2nd day of May 2005, between **WHISPER TRACE, LLC**, as evidenced by the **WHISPER TRACE** 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 3/23/05, 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.

ROADWAY AND STORM DRAINAGE

It is further agreed that upon execution of the **AGREEMENT**, the **SUBDIVIDER** shall deposit **FORTY-THREE THOUSAND SEVEN HUNDRED DOLLARS** estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer** and, if deemed necessary by the **Delaware County Engineer**, testing by an independent laboratory. 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**, with the exception of a nominal amount for the final inspection at the end of the maintenance period.

The **County** reserves the right during construction and thereafter to permit connection of adjoining properties within the original drainage basin to the storm sewer system.

Upon completion of construction, the **SUBDIVIDER** shall be responsible for the maintenance, repair or reconstruction of any and all defective materials or workmanship for a period of one year. Said **SUBDIVIDER'S** bond or certified check or irrevocable letter of credit may be reduced to an amount estimated by the **County Engineer** for said maintenance. The reduction may be approved only after the **County Engineer** has been provided evidence that all work has been accomplished according to the approved plan and/or to the

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County Engineer's satisfaction. All work is to be done in accordance to the **Ohio Department of Transportation Specifications.**

Acceptance of the roads and drainage structures in said subdivision into the public system shall be completed only after written notice to the **COUNTY COMMISSIONERS** from the **County Engineer** of his approval. The **SUBDIVIDER'S** maintenance responsibility as described above shall be completed upon formal acceptance by the **COUNTY COMMISSIONERS.**

Any snow and ice removal or other safety requirements deemed necessary by the **County Engineer** during the period of construction or maintenance shall be the responsibility of the **SUBDIVIDER.** All of the funds set forth in the **AGREEMENT** shall be made available to the **County Engineer** to ensure proper safety compliance.

CONSTRUCTION

The **SUBDIVIDER** shall, within thirty (30) days following the completion of construction and prior to final acceptance, furnish to **Delaware County**, as required, "as-built" drawings of the improvements, which plans shall become the property of the **County** and remain in the office of the **Delaware County Engineer.**

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 material incident to said construction of improvements.

The **SUBDIVIDER** shall, during 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 the improvements and for their continued operation. The **SUBDIVIDER** shall be responsible for all utility charges and installation costs. 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 **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants the **SUBDIVIDER** or his agent the right and privilege to make the improvements stipulated herein.

Lighthouse Center

SUBDIVIDER'S AGREEMENT

THIS AGREEMENT made and entered into this 2nd day of May 2005, by and between the **COUNTY OF DELAWARE** (acting by and through its **BOARD OF COUNTY COMMISSIONERS**), hereinafter called the **COUNTY**, and **AMERICAN HERITAGE HOMES**, hereinafter called the **SUBDIVIDER**, as evidenced by the Engineering and Construction Plan entitled "**LIGHTHOUSE CENTER**" which was approved by the County Engineer, hereinafter called the **PLAN**, 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 their portion of said improvements.
3. The **SUBDIVIDER** is to provide an irrevocable letter of credit or other approved financial warranties in the amount of **TWENTY-SIX THOUSAND DOLLARS** payable to the **BOARD OF COUNTY COMMISSIONERS** to insure the faithful performance of this **AGREEMENT** and the completion of all of the said improvements in accordance with the current "**Delaware County Engineering and Surveying Standards for Subdivision Development**" and the current "**Subdivision Regulations of Delaware County, Ohio**".
4. The **SUBDIVIDER** shall deposit **ONE THOUSAND SIX HUNDRED DOLLARS** estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer.**
5. The **SUBDIVIDER** is to complete all construction to the satisfaction of the **COUNTY** as evidenced by an approval letter from the **Delaware County Engineer.**
6. 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.
7. The **SUBDIVIDER** shall perform and complete all said improvements prior to **SEPTEMBER 30, 2005.**
8. 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**".
9. 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.
10. 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.**

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11. 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**.
12. 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.

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 05-513

IN THE MATTER OF ACCEPTING MAINTENANCE BONDS FOR STONE’S THROW SUBDIVISION:

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

Stone’s Throw Subdivision

The roadway construction has been completed for the referenced subdivision and, as the results of The Engineer’s recent field review, he has determined that minor remedial work will be required during the 2005 construction season.

In accordance with the Subdivider’s Agreement, The Engineer recommends that the maintenance bond be set at **\$27,250** for the duration of the one year maintenance period. A Letter of Credit in that amount is available. He also request approval to return the Letter of Credit being held as construction surety to the developer, DeCenzo Custom Homes.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 05-514

IN THE MATTER OF APPROVING THAT ACTION BE TAKEN AGAINST THE BONDS OF DOMINION HOMES FOR CONSTRUCTION OF ESTATES OF GLEN OAK SECTION 2 AND GENOA FARMS SECTION 3, PHASE B:

It was moved by Mr. Evans, seconded by Mr. Ward to approve taking action against the bonds of Dominion Homes:

Estates of Glen Oak Section 2

In May, 2003, your Board entered into agreement with Dominion Homes, the developer for the above referenced project. In March, 2005, this office sent Dominion a pre-final punchlist outlining the items needed to complete this project. As of this date, Dominion has failed to complete these items. The Engineer sent a letter via certified mail to Dominion advising that, should they fail to complete the items by May 14, 2005, the date of the expiration of their maintenance bond, the County will take action against their surety. Therefore, should Dominion fail to respond to our requests by that date, The Engineer ask approval to take action against the project’s surety.

Genoa Farms Section 3, Phase B

In May, 2003, your Board entered into agreement with Dominion Homes, the developer for the above referenced project. In March, 2005, this office sent Dominion a pre-final punchlist outlining the items needed to complete this project. As of this date, Dominion has failed to complete these items. The Engineer sent a letter via certified mail to Dominion advising that, should they fail to complete the items by May 21, 2005, the date of the expiration of their maintenance bond, the County will take action against their surety. Therefore, should Dominion fail to respond to our requests by that date, The Engineer ask approval to take action against the project’s surety.

Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 05 -515

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

It was moved by Mr. Ward, seconded by Mr. Evans to approve the following work permits:

Permit #	Applicant	Location	Type of Work
U05075	Sprint	Hartford Road	Construct buried cable
U05079	American Electric Power	Tussic Street Road	Relocate facilities
U05080	Consolidated Electric	Brindle Road	Bore under road

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U05081	Consolidated Electric	Patrick Road	Set pole
U05082	Consolidated Electric	Wilson Road	Replace pole, set new pole
U05083	American Electric Power	Orange Road	Relocate poles

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 05-516

IN THE MATTER OF APPROVING A GENERAL WARRANTY DEED AND LEGAL DESCRIPTION OF A
RIGHT-OF-WAY TO BE TRANSFERRED FROM THE BOARD OF EDUCATION OF OLENTANGY
SCHOOL DISTRICT TO DELAWARE COUNTY FOR THE ALIGNMENT OF WALKER WOOD
BOULEVARD:

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

Acceptance of Right-of-Way McCammon Estates/Walker Wood Boulevard

Please find a General Warranty Deed and Legal Description of right-of-way to be transferred from the Board of Education of Olentangy School District to Delaware County. This right-of-way will permit the alignment of Walker Wood Boulevard needed for the McCammon Estates Subdivision. Upon your approval, this right-of-way will then be recorded and transferred to Delaware County.

3.590 ACRES

Situated in the State of Ohio, County of Delaware, Orange Township, lying in Farm Lot 4, Section 4, Township 3, Range 18, United States Military Lands, and being part of the 1.598, 25.643, and 38.383 acre tracts of land conveyed to the BOARD OF EDUCATION OF THE OLENTANGY LOCAL SCHOOL DISTRICT by deeds of record in Official Record 327, Page 1304, Official Record 327, Page 1309, and Official Record 327, Page 1312, respectively, (all references refer to the records of the Recorder's Office, Delaware County, Ohio) and more particularly bounded and described as follows:

BEGINNING at a point in the centerline of East Orange Road at a common corner of said 1.598 acre tract and a 5.013 acre tract of land conveyed to William G. Miller and Patricia L. Miller by deed of record in Deed Book 665, Page 112, said point being witnessed by a railroad spike found 0.81 feet South;

thence South 03° 00' 18" West, a distance of 1448.62 feet, passing a 5/8" rebar found at 31.05 feet and 5/8" rebars found capped "STULTS" at 506.40 feet and 941.06 feet, with the easterly lines of said 1.598, 25.463, and 38.383 acre tracts and the westerly lines of said 5.013 acre tract and a 94.987 acre tract of land conveyed to Paul W. McCammon, Trustee of The Paul W. McCammon Revocable Living Trust Dated October 12, 1999 (1/2 Interest) by deed of record in Official Record 5, Page 1223 and Clara M. McCammon, Trustee of The Clara M. McCammon Revocable Living Trust Dated October 12, 1999 (1/2 Interest) by deed of record in Official Record 5, Pg. 1226, to an iron pin set;

Thence across said 38.383, 25.643, and 1.598 acre tracts the following courses and distances:

North 12° 47' 20" West, a distance of 176.04 feet, to an iron pin set at a point of curvature;

with the arc of a curve to the right, having a central angle of 15° 47' 38", a radius of 585.00 feet, an arc length of 161.26 feet, and a chord which bears North 04° 53' 31" West, a chord distance of 160.75 feet, to an iron pin set at a point of tangency;

North 03° 00' 18" East, a distance of 400.00 feet, to an iron pin set;

North 00° 48' 33" West, a distance of 451.00 feet, to an iron pin set;

North 03° 00' 18" East, a distance of 206.52 feet, to an iron pin set at a point of curvature;

with the arc of a curve to the left, having a central angle of 89° 18' 05", a radius of 25.00 feet, an arc length of 38.97 feet, and a chord which bears North 41° 38' 44" West, a chord distance of 35.14 feet, to an iron pin set at a point of tangency;

North 86° 17' 47" West, a distance of 738.06 feet, to an iron pin set;

North 86° 32' 47" West, a distance of 459.71 feet, to an iron pin set in the line common to said 38.383 acre tract, a 16.041 acre tract of land conveyed to the BOARD OF EDUCATION OF THE OLENTANGY LOCAL SCHOOL DISTRICT by deed of record in Official Record 327, Page 1307, and Farm Lot Nos. 1 and 4;

thence North 02° 57' 01" East, a distance of 40.00 feet, with said common line, to a railroad spike found in the centerline of said East Orange Road at a common corner of said 16.041 and 38.383 acre tracts and Farm Lot Nos.

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1 and 4;

thence South 86° 32' 47” East, a distance of 460.15 feet, with the centerline of said East Orange Road and the northerly lines of said 38.383 and 25.643 acre tracts, to a magnetic nail set in the centerline of said East Orange Road and northerly line of said 25.643 acre tract;

thence South 86° 17' 47” East, a distance of 862.37 feet, with the centerline of said East Orange Road and the northerly lines of said 25.643 and 1.598 acre tracts, to the POINT OF BEGINNING. Containing 3.590 acres, more or less, of which 0.796 acres is from said 1.598 acre tract, 2.129 acres is from said 25.643 acre tract, and 0.665 acres is from said 38.383 acre tract.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the Ohio State Plane Coordinate System as per NAD83. Control for bearings was from coordinates of Delaware County Geodetic Survey Monument Numbers 97-157 & 97-034, using Global Positioning System procedures and equipment.
EVANS, MECHWART, HAMBLETON & TILTON, INC. James M. Pearsall Registered Surveyor No. 7840

Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 05-517

IN THE MATTER OF REDUCING THE LEGAL LOAD LIMIT OF BRIDGE NUMBER 114-00.03 ON WEST ORANGE ROAD:

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

Bridge Number	SFN	Road Name	Posted Weight	Gen. Appraisal	Bridge Type
114-00.03	2132184	W ORANGE	3 tons	3P	STEEL TRUSS
Whereas, it has been ascertained that the above mentioned bridge is, by reason of damage, deterioration or original design, not able to safely bear full legal loads as established by the Ohio Revised Code chapters 5577 and 5591. Therefore the above bridge has been posted with a reduced weight limit as indicated above. Weight limit signs have been erected for one day or more at the above bridge.					
Whereas, The above mentioned bridge has been posted at the tonnage listed as “Posted Weight” for one day or more as required by ORC Section 5591.42.					
Now Therefore, Be it Resolved by the Board of Commissioners of Delaware County, Ohio that:					
By virtue of Section 5591.42, Revised Code of Ohio, the legal load limit of the above bridge is hereby reduced as shown above..					

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 05-518

IN THE MATTER OF ADOPTING RESOLUTION DECLARING THE INTENT OF THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO APPROPRIATE PROPERTY OF MARCUS JAMES MANN AND KIMBERLY ANN MANN FOR WIDENING TUSSIC STREET ROAD, GENOA TOWNSHIP, DELAWARE, COUNTY, OHIO:

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

WHEREAS, the Board of Commissioners deems it necessary to widen Tussic Street Road in Genoa Township, County of Delaware, and

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

WHEREAS, it is necessary that additional land is needed for road widening,

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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 road widening purposes across and/or under certain real property owned by Marcus James Mann and Kimberly Ann Mann and described in Exhibit “A” attached hereto, and incorporated herein for the purpose of such expansion in Genoa Township;

SECTION 2: That a legal description of said perpetual easement and right-of-way 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; and

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

(Copies of exhibits A and B are available in the Delaware County Engineer’s Department).

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 05-519

IN THE MATTER OF ADOPTING RESOLUTION DECLARING THE INTENT OF THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO APPROPRIATE PROPERTY OF D. DEAN CONLEY AND CHRISTINE CONLEY FOR WIDENING TUSSIC STREET ROAD, GENOA TOWNSHIP, DELAWARE, COUNTY, OHIO:

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

WHEREAS, the Board of Commissioners deems it necessary to widen Tussic Street Road in Genoa Township, County of Delaware, and

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

WHEREAS, it is necessary that additional land is needed for road widening,

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 road widening purposes across and/or under certain real property owned by D. Dean Conley and Christine Conley and described in Exhibit “A” attached hereto, and incorporated herein for the purpose of such expansion in Genoa Township;

SECTION 2: That a legal description of said perpetual easement and right-of-way 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; and

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

(Copies of exhibits A and B are available in the Delaware County Engineer’s Department).

Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 05-520

IN THE MATTER OF ADOPTING RESOLUTION DECLARING THE INTENT OF THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO APPROPRIATE PROPERTY OF BETH A. ROWLAND (FEE OWNER) AND LARA AND TYRON GODBOLT (LAND CONTRACT HOLDERS) FOR WIDENING TUSSIC STREET ROAD, GENOA TOWNSHIP, DELAWARE, COUNTY, OHIO:

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

WHEREAS, the Board of Commissioners deems it necessary to widen Tussic Street Road in Genoa Township, County of Delaware, and

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

WHEREAS, it is necessary that additional land is needed for road widening,

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 road widening purposes across and/or under certain real property owned or held pursuant to contract rights by Beth A. Rowland, Lara Godbolt and Tyron Godbold and described in Exhibit “A” attached hereto, and incorporated herein for the purpose of such expansion in Genoa Township;

SECTION 2: That a legal description of said perpetual easement and right-of-way 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; and

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

(Copies of exhibits A and B are available in the Delaware County Engineer’s Department).

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 05-521

IN THE MATTER OF ACCEPTING AND AWARDING THE BID AND APPROVING THE CONTRACT WITH
SHELLY AND SANDS FOR THE TUSSIC STREET ROAD WIDENING PROJECT:

It was moved by Mr. Ward, seconded by Mr. Evans to accept the following Bid and approving the following contract:

Tussic Street Road Widening-Bid Opening of April 22, 2005

As the result of the referenced bid opening, The Engineer recommends that a bid award be made to Shelly and Sands of Columbus, Ohio, the low bidder for the project. A copy of the bid tabulation is available for your information.

CONTRACT

AGREEMENT, made and entered into this 2nd day of May 2005, by and between the **DELAWARE COUNTY COMMISSIONERS**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and **SHELLY AND SANDS**, hereinafter designated as **SECOND PARTY**.

WITNESSETH, that said **SECOND PARTY**, for and in consideration of the sum of **FIVE MILLION EIGHTY-TWO THOUSAND THREE HUNDRED FIFTY-FIVE AND TWENTY-NINE CENTS** (\$5,082,355.29), based on unit prices on the attached **Bid Blank**, to be paid as hereinafter specified, hereby agrees to furnish unto said **FIRST PARTY**, all the necessary material, labor and equipment required to complete the project known as **TUSSIC STREET ROAD WIDENING PROJECT**, in accordance with plans, **drawings**, general specifications, Invitation to Bid for same hereto attached; which plans, drawings, general specifications and Invitation to Bid are hereby declared to be a part of this **Contract**.

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 **August 12, 2006**.

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

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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 Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 05-522

IN THE MATTER OF APPROVING CHANGE ORDER 12 FOR JG CONTRACTING FOR CONSTRUCTION AT THE DUNHAM ROAD TOWER SITE:

It was moved by Mr. Ward, seconded by Mr. Evans to approve change orders:

WHEREAS, concern over the 190’ tower site location at Route 36/37 and Africa Road for the Countywide 800 MHz radio system was brought to the attention of the Board of Commissioners, and;

WHEREAS, the Board of Commissioners directed that a study to relocate this tower at property on Dunham Road be conducted, and;

WHEREAS, the initial site assessment, propagation and microwave path studies have been completed and indicate that the Dunham Road site is acceptable as an alternate location to replace the tower site at Route 36/37 and Africa Road at an additional cost of \$41,573.00 including \$15,003.00 for site assessment, and;

WHEREAS, the remaining costs require additional construction by JG Contracting due to poor soil conditions,

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners of Delaware County approves Change Order 12 for JG Contracting as follows:

Original Contract	\$1,989,000.00
Previous Changes	\$ 612,910.00
Change Order 11	\$ 26,570.00
Revised Contract Amount	\$2,628,480.00

BE IT FURTHER RESOLVED: That the Board of County Commissioners approve and authorize the increase of the contract blanket Purchase Order at the same amount in Project Account #41111421.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 05-423

IN THE MATTER OF APPROVING A RESOLUTION AMENDING CHAPTERS I, VI, VII, VIII, AND X, AND ENACTING CHAPTERS XIII, XIV, XV AND XVI OF THE RULES, REGULATIONS, PROCEDURES AND GENERAL SPECIFICATIONS GOVERNING SANITARY SEWERAGE IN DELAWARE COUNTY, OHIO:

It was moved by Mr. Evans, seconded by Mr. Ward to approve the amendments in Chapters I, VI, VII, VIII, And X, And Enacting Chapters XIII, XIV, XV AND XVI Of The Rules, Regulations, Procedures And General Specifications Governing Sanitary Sewerage In Delaware County, Ohio.

(A copy of the Document is on file with the Sanitary Engineer.)

Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 05-524

IN THE MATTER OF AMENDING RESOLUTION 05-476 APPROVING THE CONTRACT BETWEEN THE DEPARTMENT OF JOB AND FAMILY SERVICES, THE DELAWARE COUNTY COMMISSIONERS AND CHILD CARE PROVIDER TRI-RIVERS CAREER CENTER:

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

Child Care		Basic Rates Full Time (25 Hrs. or More)	Adjustment to Basic Rates
Tri-Rivers Career Center 2222 Marion Mt. Gilead Rd	Infant Toddler	\$135.00 \$123.00	\$25.00 Registratio

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Marion, Ohio 43302	Preschool Schoolage	\$108.00 \$100.00	n Fee
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(A Copy of this contact is available in the Commissioners’ Office until no longer of Administrative Value).

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

There being no further business the meeting adjourned.

Glenn A. Evans

Kristopher W. Jordan

James D. Ward

Letha George, Clerk to the Commissioners