

COMMISSIONERS JOURNAL NO. 47 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD NOVEMBER 28, 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

PUBLIC COMMENT

RESOLUTION NO. 05-1566

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD NOVEMBER 21, 2005 AS CONTAINED IN THE COUNTY’S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Evans, seconded by Mr. Ward to approve the resolutions and records of the proceedings from regular meeting held November 21, 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. 05-1567

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1123 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR1123:

It was moved by Mr. Ward, seconded by Mr. Evans to approve payment of warrants in batch numbers CMAPR1123, memo transfers in batch numbers MTAPR1123 and Purchase Orders and Vouchers as listed:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
<b>PO's</b>			
Mays Consulting	Infrared Thermographic Survey	66011912-5380	\$ 9,600.00
<b>Increases</b>			
Quality Control Inspection	Inspection Service	65111904-5301	\$ 25,000.00
Ohio Edison	Utility	66011912-5338	\$ 5,000.00
Englefield Oil Co.	Gasoline/Service Center	10011106-5228	\$ 3,100.00
<b>Vouchers</b>			
Bound Tree Parr	Mark I Kits	21511309-5243	\$ 8,701.20
Foremost Safety Solutions	Initial 50% payment for SOS supplies	21511309-5345	\$ 8,626.56
AEP	Electric Service	10011105-5338	\$ 14,378.16
BP Products N. America	Regular Unleaded Fuel	10011106-522822801	\$ 15,521.38
MKC Associates	Jail Renovation	40411414-5410	\$ 26,692.64
Council Older Adults	Election Site Study/Legal	40411414-5410	\$ 92,273.53
Jess Howard	Electric Jail	40411414-5410	\$ 99,456.06
Henry Painting	Painting Jail	40411414-5410	\$ 28,986.30
Trucco Construction	Perry Taggart Sewer	65511918-5415	\$ 779,304.19
BP Products	Fuel	65211919-5228	\$ 5,873.98
AEP	Utility	65211905-5338	\$ 29,457.51
AEP	Utility	65211919-5338	\$ 30,468.90
Quality Control Inspection	Inspection Sewer	65111904-5301	\$ 11,383.44
Camp Dresser	Contract Sewer Master Plan	65211905-5410	\$ 6,110.43
URS Corporation	Consulting for New Transfer Station	68011916-5301	\$ 17,741.31
Help Line	1 and 2 Qt. for Ohio Children’s Trust	22811609-5301	\$ 7,601.50
Maddox NBD	Professional Services	40211405-5410	\$ 9,959.50
Liberty TWP Fire Dept.	Runs September 2005 and Adjustment	10011303-5345	\$ 28,124.70
Motorola	Radio Purchase	21511312-5260	\$ 172,907.59

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

RESOLUTION NO. 05 -1568

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Department of Job and Family Services is requesting that Donna Eckman attend a training Seminar “Building Inclusive Communities Focus on Latino Culture” at Hamilton Williams in Delaware, Ohio December 6, 2005, at the cost of \$40.68.

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

COMMISSIONERS JOURNAL NO. 47 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD NOVEMBER 28, 2005

RESOLUTION NO. 05-1569

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS AND TRANSFER OF FUNDS  
FOR THE CLERK OF COURTS OFFICE:

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

Supplemental Appropriation		Amount
24820101-5001	Georgetown Title/Compensation	\$416.00
24820102-5001	Northpointe Title/Compensation	\$870.00
Transfer of Funds		
FROM	TO	
24820101-5801	10011102-4601	
Georgetown Title/Transfers	Commissioners General/Interfund Revenue	\$100,000.00
Vote on Motion	Mr. Evans      Aye      Mr. Jordan      Aye      Mr. Ward      Aye	

RESOLUTION NO. 05-1570

IN THE MATTER OF AUTHORIZING AN AMENDMENT OF AN ENTERPRISE ZONE AGREEMENT WITH  
OPTIMUM PLASTICS, INC. AND MCBRIDE FAMILY LLC AND TRANSFER OF SAID AGREEMENT TO  
EVANS CAPITAL INVESTMENTS, LTD.:

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

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

WHEREAS, the Delaware County Board of Commissioners, the City of Delaware, Optimum Plastics, Inc., and South Houk Partners did enter into an Enterprise Zone Agreement (Agreement #1) dated July 10, 1996, in conjunction with a PROJECT to construct a 52,500 square foot manufacturing facility, of which Optimum Plastics was to initially occupy approximately 22,000 square feet, to be located on a 14-acre site in the Delaware Industrial Park, at 1201 South Houk Road, Delaware, Ohio, Delaware County Tax Parcel No. 41922001018003 known as the existing PROJECT site; and

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

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

WHEREAS, Agreement #1 was subsequently amended on September 26, 2002, to recognize that Optimum Plastics, Inc. was ceasing operations at the existing PROJECT site and relocating from the existing PROJECT site to the new PROJECT site, located at 1188 S. Houk Road, Delaware, Ohio 43015, Delaware County Tax Parcel No. 41922001017005 and commencing operations at the new PROJECT site, and that tax exemptions granted for investment in personal property consisting of machinery and equipment, furniture and fixtures, and inventory granted to Optimum Plastics, Inc. through Enterprise Zone Agreement #1 would remain on said personal property at the new PROJECT site; and that the tax exemptions on real property improvements associated with said Agreement #1 at the existing PROJECT site be retained at the existing PROJECT site conditioned on the timing of construction of the new facility at the new PROJECT site and the timing of the subleasing of said approximately 22,000 square feet of space at the existing PROJECT site to an eligible tenant; and

WHEREAS, Evans Capital Investments, LTD (“ECI”) is in the process of acquiring or has acquired the property at 1201 S. Houk Road from McBride Family LLC, and has requested an amendment of Enterprise Zone Agreement #1 in order to transfer the tax exemptions granted under Agreement #1, and as amended, on real property from McBride Family LLC to ECI.

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

COMMISSIONERS JOURNAL NO. 47 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD NOVEMBER 28, 2005

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- SECTION I. That the Delaware County Board of Commissioners hereby authorize entering into an agreement to amend the Enterprise Zone agreement between the County, the City of Delaware, Optimum Plastics, Inc., and McBride family LLC, to transfer real property tax exemptions per said agreement to Evans Capital Investments, LTD (“ECI”).
- SECTION II. This Amendment Agreement is attached to this resolution and is stated below:
- SECTION III. That this resolution shall take effect and be in force immediately after its passage.
- SECTION IV: Upon passage of this resolution, a copy shall be forwarded to the Delaware City School District, Delaware Area Career Center and the Ohio Department of Development.

**AMENDMENT OF AN ENTERPRISE ZONE AGREEMENT WITH OPTIMUM PLASTICS, INC. AND MCBRIDE FAMILY LLC AND TRANSFER OF SAID AGREEMENT TO EVANS CAPITAL INVESTMENTS, LTD.**

This Amendment to an Ohio Enterprise Zone Agreement (this “Amendment”) is made and entered into by and among the City of Delaware, Ohio with its main offices located at 1 South Sandusky Street, Delaware, Ohio 43015 (the “City”), the Board of County Commissioners of Delaware County, Ohio with its main offices located at 101 North Sandusky Street, Delaware, Ohio 43015 (the “County”), Optimum Plastics, Inc. (“Optimum Plastics”) with its main offices located at 1188 S. Houk Road, Delaware, Ohio 43015, The McBride Family, LLC (“The McBride Family”) with its main offices located at 77 East Wilson Bridge Road, Worthington, Ohio, 43085-2324, and Evans Capital Investments, Ltd. (“ECI”) with its main offices located at 925 Old Henderson Road, Columbus, Ohio 43220.

WITNESSETH:

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

WHEREAS, the Delaware County Board of Commissioners, the City of Delaware, Optimum Plastics, Inc., and South Houk Partners did enter into an Enterprise Zone Agreement (Agreement #1) dated July 10, 1996, in conjunction with a PROJECT to construct a 52,500 square foot manufacturing facility, of which Optimum Plastics was to initially occupy approximately 22,000 square feet, to be located on a 14-acre site in the Delaware Industrial Park, at 1201 South Houk Road, Delaware, Ohio, Delaware County Tax Parcel No. 41922001018003 known as the existing PROJECT site; and

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

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

WHEREAS, Agreement #1 was subsequently amended on September 26, 2002, to recognize that Optimum Plastics, Inc. was ceasing operations at the existing PROJECT site and relocating from the existing PROJECT site to the new PROJECT site, located at 1188 S. Houk Road, Delaware, Ohio 43015, Delaware County Tax Parcel No. 41922001017005 and commencing operations at the new PROJECT site, and that tax exemptions granted for investment in personal property consisting of machinery and equipment, furniture and fixtures, and inventory granted to Optimum Plastics, Inc. through Enterprise Zone Agreement #1 would remain on said personal property at the new PROJECT site; and that the tax exemptions on real property improvements associated with said Agreement #1 at the existing PROJECT site be retained at the existing PROJECT site conditioned on the timing of construction of the new facility at the new PROJECT site and the timing of the subleasing of said approximately 22,000 square feet of space at the existing PROJECT site to an eligible tenant; and

WHEREAS, Evans Capital Investments, LTD (“ECI”) is in the process of acquiring or has acquired the property at 1201 S. Houk Road from McBride Family LLC, and has requested an amendment of Enterprise Zone Agreement #1 in order to transfer the tax exemptions granted under Agreement #1, and as amended, on real property from McBride Family LLC to ECI.

NOW THEREFORE, the Board of Commissioners, County of Delaware, State of Ohio, the City of Delaware, Delaware County, State of Ohio, McBride Family LLC, Inc. Optimum Plastics, Inc., and Evans Capital Investments,

COMMISSIONERS JOURNAL NO. 47 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD NOVEMBER 28, 2005

LTD hereby agree that Enterprise Zone Agreement #1 for the OPTIMUM PLASTICS PROJECT, originally dated July 10, 1996, and as amended on September 24, 1999, and September 26, 2002, is hereby modified to include the following consideration:

1. Effective as of the date of the passage of Resolution \_\_\_\_\_ by the City of Delaware, and passage of Resolution \_\_\_\_\_ by the Delaware County Board of Commissioners, the tax exemptions granted to McBride Family LLC, Inc. for investment in real property at the PROJECT site located at 1201 S. Houk Road in the City of Delaware, Ohio, shall be transferred to Evans Capital Investments LTD. This transfer of exemption benefits is conditioned on ECI implementing an “Amended Project” at the Project site. The real property improvements currently receiving tax exemptions under Agreement #1 shall continue to receive tax exemptions, conditioned on the ECI fulfilling the obligations established under this amendment agreement. Said exemptions shall remain in place for the duration of the existing term and at the same level of exemption as established in Agreement #1. No new exemptions are granted under this amendment agreement.
2. The “Amended Project” shall consist of Evans Capital Investment LTD acquiring the existing Project site, an affiliate of ECI occupying approximately 30,000 square feet of said existing Project Site, and investing, plus or minus ten percent, [i] an amount of \$3,025,000 in new personal property to be located at the PROJECT site including \$2,900,000 in new machinery and equipment, \$25,000 in furniture and fixtures and \$100,000 in new inventory, and (ii) \$150,000 to improve and maintain the existing real property improvements. The Amended Project is scheduled to begin on or about October 1, 2005, and all acquisition, construction and installation shall be completed no later than December 31, 2005.”
3. As part of the Amended Project, ECI shall create 4 job opportunities at the Project site, as follows: 4 full-time permanent job opportunities with a total annual payroll of approximately \$175,000; 0 full-time temporary employment job opportunities and 0 part-time employment job opportunities. Employment positions created in connection with the Amended Project and employed by an entity other than ECI but located at the Project Site shall be counted as positions created or caused to be created by ECI. ECI shall create all new full-time jobs no later than March 31, 2006. ECI shall put forth a best faith effort to ensure that at least 15% of the new hires must come from Delaware County residents.
4. Upon completion of the Amended Project, ECI shall be considered to be a “Tenant of Similar Quality” as defined in the September 26, 2002 amendment agreement for Enterprise Zone Agreement.
5. As part of this Amendment Agreement, the exemptions granted to Optimum Plastics, Inc., in Agreement #1 and as amended, for investment in new tangible personal property, shall continue for the remaining term of said Agreement. Optimum Plastics, Inc. shall remain responsible for all duties, obligations, and commitments associated with Agreement #1, and as amended, as applicable to said investment in new tangible personal property.
6. ECI shall assume all duties, obligations, and commitments associated with the Amended Project and those formerly the responsibility of South Houck Partnership and McBride Family LLC related to investment in new real property improvements as stated in Agreement #1, and as amended, as applicable. Section 8 of Agreement #1 is hereby amended to delete all references to “DTE 23” and replace such references with “DTE 24”.
7. The Delaware County Director of Economic Development is directed to formally notify the Delaware County Auditor, the Ohio Department of Development, the Ohio Department of Taxation, the Delaware City School District and the Delaware Area Career Center of this action.

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

**RESOLUTION NO. 05-1571**

**IN THE MATTER OF APPROVING PLATS FOR SHEFFIELD PARK SECTION 2, PHASE B; ALUM CROSSING SECTION 1; SUMMERWOOD EXTENSION AND “DIVISION 1 OF THE PARK AT GREIF BROTHERS #3868” AND DITCH MAINTENANCE PETITIONS FOR SUMMERWOOD EXTENSION; ST. GEORGE’S COURT AND BROOKSHIRE BANQUET FACILITY:**

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

**Sheffield Park Section 2, Phase B**

Situated In The State Of Ohio, County Of Delaware, Township Of Genoa, Farm Lot 14, Quarter Township 2, Township 3, Range 17, United States Military Lands, Containing 32.251 Acres Of Land, More Or Less, Said 32.251 Acres Being Part Of Those Tracts Of Land Conveyed To Virginia Homes, Ltd By Deed Of Record In Official Record 115, Page 565, (5.883 Acres) And To Centex Homes, By Deed Of Record In Official Record 259, Page 1834 (25.826 Acres) And Official Record 495, Page 1509 (0.542 Acre) All Being Of Record In The Recorder’s Office, Delaware County, Ohio. Cost \$126.00

**COMMISSIONERS JOURNAL NO. 47 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD NOVEMBER 28, 2005**

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**Alum Crossing Section 1**

Situated In The State Of Ohio, County Of Delaware, Township Of Orange, And Being Part Of Farm Lot 21, Section 2, Township 3, Range 18, And Being Part Of 50.801 Acre Tract As Conveyed To Rockford Homes, Inc. As Described In Official Record 192, Page 2088, County Recorder's Office, Delaware, Ohio. Cost \$156.00.

**Summerwood Extension**

Situated In The State Of Ohio, County Of Delaware, Township Of Berlin, Located In Part Of Farm Lot 4, Section 4, Township 4, Range 18, United States Military Lands. Being A 83.116 Acre Subdivision, There Being 58.203 Acres Described In Deed To Summerwood/Delaware Development, Llc. By Official Record Volume 558, Page 103 And 24.912 Acres Described In Deed To Summerwood/Delaware Development, Llc By Official Record Volume 558, Page 103, All References Being To The Records Of The Recorder's Office, Delaware County, Ohio. Cost \$195.00.

**"Division 1 Of The Park At Greif Brothers #3868"**

Situated In The State Of Ohio, County Of Delaware, Township Of Liberty, Lying In Farm Lot 9, Section 4, Township 4, Range 19, United States Military District, And Being 2.875 Acres Out Of Lot 3868 Of The Park At Grief A Subdivision Of Record In Plat Cabinet 2, Slide 687-687b, Said Lot Conveyed To The Grief Bros. Corp., Of Ohio, Inc., A Delaware Corporation, By Deed Of Record In Official Record 5, Page 1960, All Records Herein Are From The Recorder's Office, Delaware County, Ohio. Cost \$3.00.

**Ditch Maintenance Petition- Summerwood Extension**

We the undersigned owners of 83.12 acres in Berlin Township, Delaware County, Ohio propose to create a subdivision known as **Summerwood Extension** as evidenced by the attached subdivision plat (Exhibit "A" which is available at the County Engineer's Office). **Summerwood Extension** 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 **Summerwood Extension Plat** Subdivision.

The cost of the drainage improvements is \$193,800.00 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 lots being created in this subdivision. Sixty-five (65) lots are created in these plats 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, \$2,982 per lot. An annual maintenance fee equal to 2% of this basis \$59.64 will be collected for each 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 \$3,876.00 has been paid to Delaware County.

Easements to provide for the maintenance of the improvements have been provided on the plat.

**Ditch Maintenance Petition- St. George's Court**

We the undersigned owners of 5.122 acres in Liberty Township, Delaware County, Ohio propose to create a subdivision known as **St. George's Court** as evidenced by the attached subdivision plat (Exhibit "A" which is available at the County Engineer's Office). The plats for St. George's Court have been submitted for approval to 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.

COMMISSIONERS JOURNAL NO. 47 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD NOVEMBER 28, 2005

The cost of the drainage improvements is \$44,531.00 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 lots being created in their Development. The developed commercial area of 5.122 acres will receive benefits (costs) of the project as a per acre basis. The basis for calculating the assessment for each lot is therefore, \$8,694.06 per acre. An annual maintenance fee equal to 2% of this basis \$890.62 will be collected for each developed 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 \$890.62 has been paid to Delaware County.

Easements to provide for the maintenance of the improvements have been provided on the plat.

**Ditch Maintenance Petition-Brookshire Banquet Facility**

We the undersigned owners of 2.87 acres in Liberty Township, Delaware County, Ohio propose to create a commercial development known as **Brookshire Banquet Facility** as evidenced by the attached subdivision plat (Exhibit "A" which is available at the County Engineer's Office). This plat has been submitted for approval to the Delaware County Regional Planning Commission and the Delaware County Engineer. Drainage improvements related to this development 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.

The cost of the drainage improvements is \$34,091.80 and a detailed cost estimate is available at the County Engineer's office in Exhibit "D". An annual maintenance fee equal to 2% of this basis \$681.84 will be collected for the Development. 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 \$681.84 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. Jordan                      Aye                      Mr. Evans                      Aye                      Mr. Ward                      Aye

**RESOLUTION NO. 05-1572**

**IN THE MATTER OF APPROVING SUBDIVIDER'S AGREEMENT FOR DIVISION 1 OF THE PARK AT GREIF BROTHERS #3868":**

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

**"Division 1 Of The Park At Greif Brothers #3868"**

**SUBDIVIDER'S AGREEMENT**

**THIS AGREEMENT** made and entered into this 28<sup>th</sup> day of November 2005 by and between the **COUNTY OF DELAWARE** (acting by and through its **BOARD OF COUNTY COMMISSIONERS**), hereinafter called the **COUNTY**, and **EQUITY, INC.**, hereinafter called the **SUBDIVIDER**, as evidenced by the Engineering and Construction Plan entitled **"DIVISION 1 OF THE PARK AT GREIF BROTHERS #3868"** plan 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 **THIRTY-FOUR THOUSAND DOLLARS** 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 TWO 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**.

COMMISSIONERS JOURNAL NO. 47 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD NOVEMBER 28, 2005

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, 2006**.
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**.
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. Ward                      Aye                      Mr. Jordan                      Aye                      Mr. Evans                      Aye

**RESOLUTION NO. 05-1573**

**IN THE MATTER OF ACCEPTING MAINTENANCE BONDS FOR SUMMERWOOD EXTENSION:**

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

**Summerwood Extension**

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 2006 construction season.

In accordance with the Subdivider’s Agreement, The Engineer recommends that the maintenance bond be set at **\$183,300** for the duration of the one year maintenance period. A Bond in that amount is available.

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

**RESOLUTION NO. 05-1574**

**IN THE MATTER OF ACCEPTING PERFORMANCE CONSTRUCTION BONDS FOR ALUM CROSSING SECTION 1:**

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

**Alum Crossing Section 1**

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 **\$202,000** and a Bond in that amount is available to cover the bonding of this project

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

**RESOLUTION NO. 05 -1575**

**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
U05207	Verizon	Troy/Radnor Roads	Relocate aerial cable

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

**RESOLUTION NO. 05-1576**

COMMISSIONERS JOURNAL NO. 47 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD NOVEMBER 28, 2005

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 AND FOR PENDING OR IMMINENT LITIGATION:

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn into Executive Session at 9:20AM.

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

RESOLUTION NO. 05-1577

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn out of Executive Session at 11:10AM.

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

There being no further business the meeting adjourned.

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Glenn A. Evans

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Kristopher W. Jordan

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James D. Ward

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Letha George, Clerk to the Commissioners