

**COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 18, 2006**

**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**

1. Don Howard, President of the Delaware County Agricultural Society, thanked the Commissioners for their continued support of the Delaware County Fair and for the financial assistants this past year on various Fair Ground projects.

2. Local minister, Mark Butler, informed the Commissioners that he felt he was racially profiled, by Delaware County Court House security on Wednesday September 13, 2006. Mr. Butler was interested in meeting with someone from the Courts to talk about starting substance abuse programs for Delaware County Jail inmates. He was denied entrance to the Delaware County Court House and filed a report with Delaware County Human Resources Director, Kevin Williams.

The Commissioners thanked Mr. Bulter for informing them of his experience. They will look into the matter. The Commissioners shared that they too must follow rules when entering the Court House and they are also asked to empty their pockets and tell the guard why they are entering the Court House. Court House Security is a very important and serious matter to the Board, but they also realize the Court House is a Public Building.

County Administrator, Dave Cannon, has talked to both Mr. Bulter and the Court House Security guards. The guards did not feel that they were profiling only doing their job. Mr. Cannon will continue to following up on the report.

In addition, Mark Butler, mentions to the Commissioners that he feels the Religious Programs offered at the Delaware County Jail should be expand and also include help with dealing with Substance Abuse issues.

**RESOLUTION NO. 06-1195**

**IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 14, 2006 AS CONTAINED IN THE COUNTY'S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:**

It was moved by Mr. Evans, seconded by Mr. Jordan to approve the resolutions and records of the proceedings from regular meeting held September 14, 2006 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. 06-1196**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0915:**

It was moved by Mr. Jordan, seconded by Mr. Evans to approve payment of warrants in batch numbers CMAPR0915 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
<b>PO's Increases</b>			
T & J Junior Academy	Day Care (add a line)	22511607-5348	\$ 5,000.00
Patricia Jones	Day Care	22411610-5348	\$ 5,000.00
<b>Vouchers</b>			
2081 Rt 23 Company	Bldg/Land Rental	10011105-533533502	\$ 6,160.88
Liberty Community Center	Day Care	22411610-5348	\$ 12,712.53
Delaware City Schools	Summer SACC	22411610-5348	\$ 5,403.50
Learning Center of Sunbury	Day Care	22411610-5348	\$ 10,659.53

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

**RESOLUTION NO. 06 -1197**

**IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:**

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

The Child Support Enforcement Agency is requesting that Kelly Mills, Teresa Farlee and Joyce Rhodes attend a Diversity Meeting in Trumbull County October 19, 2006, at the cost of \$22.50.

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The Administrative Services Department is requesting that Kevin Williams attend an OHPELRA Absenteeism and Discipline Seminar in Columbus, Ohio October 6, 2006, at the cost of \$145.00.

The EMS Department is requesting that Tom Shover attend a WMD Incident Command Course in Anniston, Alabama November 5-10, 2006 at no cost.

The EMS Department is requesting that Kevin Pugh attend a WMD Incident Command Course in Anniston, Alabama October 10-14, 2006 at no cost.

The Auditor's Office is requesting an additional \$5.00 for registration for Dedra Hall to attend a previously approved Preparing For Year End Seminar now scheduled for November 17, 2006 in Columbus, Ohio.

The EMS Department is requesting that Multiple Employees attend a Manage Projects, Priorities and Effective Delegation Audio Conference October 12, 2006, at the cost of \$199.00.

The Auditor's Office is requesting that Merrill Sheets and Paul Howard attend a Weights and Measures Training School in Columbus, Ohio October 24-26, 2006, at the cost of \$284.00.

The Child Support Enforcement Agency is requesting that Joyce Rhodes attend a Support Disbursement Bureau/County Work Group Seminar in Columbus, Ohio September 28, 2006.

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

**RESOLUTION NO. 06-1198**

**A RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT OF A COMMUNITY REINVESTMENT AREA (CRA) AGREEMENT AND ENTERPRISE ZONE AGREEMENT WITH CITICORP NORTH AMERICA, INC., CITIGROUP TECHNOLOGY, INC., LIBERTY TOWNSHIP AND DELAWARE COUNTY:**

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

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

WHEREAS, on April 3, 2006, the Liberty Township Board of Trustees passed Resolutions No. 2006-104 and No. 2006-105, and on July 5, 2006 the Liberty Township Board of Trustees passed Resolution No. 2006-190, and on April 6, 2006 the Delaware County Board of Commissioners passed Resolutions No. 06-438 and No. 06-439, and on June 19, 2006, the Delaware County Board of Commissioners passed Resolutions 06-782 and 06-783, authorizing the execution of a CRA agreement and Enterprise Zone agreement with Citicorp North America Inc. and Citigroup Technology, Inc.; and

WHEREAS, the Delaware County Board of Commissioners, Liberty Township, Citicorp North America, Inc. and Citigroup Technology, Inc. did enter into a CRA Agreement and an Enterprise Zone Agreement both dated July 24, 2006, in conjunction with a PROJECT to be undertaken by Citicorp North America, Inc. and Citigroup Technology, Inc. consisting of new investment and new job and payroll creation at a PROJECT site located on Delaware County, Ohio Tax Parcel Number 41944005007000; and

WHEREAS, it is anticipated that said new jobs may consist of both direct employees of Citicorp North America, Inc. and Citigroup Technology, Inc. and contract employees associated with Citicorp North America, Inc. and Citigroup Technology, Inc.; and

WHEREAS, said CRA Agreement and Enterprise Zone Agreement have been submitted to the Ohio Department of Development (ODOD), and ODOD has recommended that said Agreements be amended to more clearly define direct employees of Citicorp North America, Inc. and Citigroup Technology, Inc. and establish a minimum number of direct employees at the PROJECT site; and

WHEREAS, while the location of the PROJECT has remained unchanged, the Delaware County Tax Parcel Number associated with the PROJECT site has changed as a result of acquisition of the PROJECT site.

NOW THEREFORE, the Delaware County Board of Commissioners; the Liberty Township Board of Trustees; Citicorp North America, Inc. and Citigroup Technology, Inc. agree that the CRA Agreement and Enterprise Zone Agreement for the PROJECT, originally dated July 24, 2006, are hereby amended to include the following:

1. Section 2 of the CRA Agreement and the Enterprise Zone Agreement both dated July 24, 2006, shall be revised, with a new Section 2 stating the following, and replacing the original Section 2:

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The COMPANIES shall create and maintain a minimum number of direct employment positions (direct employees of the COMPANIES) at the PROJECT site, within a time period not exceeding 36 months after the completion of construction by Citicorp North America, Inc. and subsequent occupancy by the COMPANIES of the proposed PROJECT (estimated to be no later than December 31, 2007) of the aforesaid facility, consisting of the equivalent of 2 new full-time permanent job opportunities, 0 new part-time permanent job opportunities, 0 full-time temporary job opportunities, and 0 part-time temporary job opportunities, for a total of 2 full-time equivalent (FTE) job opportunities to be created by the PROJECT. In addition, the COMPANIES shall retain a minimum of 0 full-time equivalent (FTE) existing jobs, currently consisting of 0 full-time and 0 part-time jobs, at the PROJECT site.

The COMPANIES' schedule for retaining and creating full-time permanent, part-time permanent, and temporary job opportunities consisting of direct employees of the COMPANIES is as follows: 0 FTE jobs retained at the PROJECT site, 0 full-time permanent jobs, 0 part-time permanent jobs and 0 temporary jobs created in Year One - 2007; 2 full-time permanent jobs, 0 part-time permanent jobs and 0 temporary jobs created by the end of Year Two - 2008; 0 full-time permanent jobs, 0 part-time permanent jobs and 0 temporary jobs created by the end of Year Three - 2009. The job creation period begins with the effective date of this Agreement and all retained and newly created jobs will be in place by December 31, 2009. It is expected that this increase via the full implementation of the PROJECT will result in minimum additional annual payroll for the COMPANIES of approximately \$130,000 (One Hundred Thirty Thousand Dollars) for full-time permanent employees, approximately \$0.00 (Zero Dollars) for part-time permanent employees, and \$0.00 (Zero Dollars) for temporary employees, for a minimum total of \$130,000 (One Hundred Thirty Thousand Dollars) of additional annual payroll for direct employees of the COMPANIES at the PROJECT site. It is estimated that the retaining of at least 0 FTE jobs shall result in \$0.00 (Zero Dollars) of retained annual payroll for the COMPANIES at the PROJECT site. For purposes of compliance with Chapters 3735 and 5709 of the ORC, minimum job creation shall pertain only to direct employment positions created and maintained by the COMPANIES at the PROJECT site.

In addition, 53 other full-time permanent job opportunities consisting of contract employment positions (direct or indirect employees of the COMPANIES), are estimated to be created at the PROJECT site, consisting of direct employees of the COMPANIES, employees engaged directly by either one of the COMPANIES as independent contractors to which one of the COMPANIES issues an IRS Form 1099, or employees of contractors, joint venture partners or licensees operating under agreement with either one of the COMPANIES that are performing functions or services for either one of the COMPANIES at the Project site. The estimated new annual payroll to be created from these contract employment positions is \$2,670,000 (Two Million Six Hundred Seventy Thousand Dollars). All contract employment positions are scheduled to be in place by December 31, 2009. As of March 9, 2006, the COMPANIES had 0 full-time permanent employees, 0 part-time permanent employees, 0 full-time temporary employees, and 0 part-time temporary employees for a total of 0 FTE jobs at the PROJECT site. As of March 9, 2006, the COMPANIES had a total of 1 full-time permanent employee, 0 part-time permanent employees, 0 full-time temporary employees, and 0 part-time temporary employees for a total of 1 employee (0 FTE) in the State of Ohio.

2. All references to Delaware County Tax Parcel Number 41944005007000 in the CRA Agreement and Enterprise Zone Agreement as the PROJECT site are hereby amended to state that the PROJECT site now consists of Delaware County Tax Parcel Number 41944005007001.
3. The Delaware County Director of Economic Development is directed to formally notify the Olentangy Local School District, the Delaware Area Career Center, the Delaware County Auditor, the Ohio Department of Development, and the Ohio Department of Taxation in writing of this amendment.

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

**RESOLUTION NO. 06-1199**

**IN THE MATTER OF APPROVING THE REQUEST TO THE OHIO DEPARTMENT OF DEVELOPMENT, OFFICE OF HOUSING AND COMMUNITY PARTNERSHIPS TO INCREASE THE COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP) 2004 PRIVATE REHABILITATION ACTIVITY FUND LIMITS:**

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

WHEREAS, the State of Ohio, Department of Development, provides financial assistance to local governments under the Community Development Block Grant (CDBG) Program for the purpose of addressing local government needs; and

WHEREAS, Delaware County was awarded Community Housing Improvement Program (CHIP) 2004 funds to facilitate housing activities in the County; and

WHEREAS, assistance to provide Private Rehabilitation opportunities for eligible low-moderate income

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households, is considered a National Objective under the CDBG Program; and

WHEREAS, Delaware County received \$238,000 in grant funds within the CHIP 2004 grant for Private Rehabilitation activities, with the goal of completing seven (7) units; and

WHEREAS, Delaware County has completed four (4) units, with three (3) units remaining to be completed (Units #1, #2, and #3); and

WHEREAS, the estimated cost of completing said remaining units has increased due to various unforeseen construction related circumstances; and

WHEREAS, Delaware County received a six (6) month extension to complete these remaining units and the CHIP 2004 program, and in order to fund the completion of these units, the County must request and receive approval from the Ohio Department of Development (ODOD) / Office of Housing and Community Partnerships (OHCP) to exceed the CHIP 2004 Program per unit maximum cost limit of \$30,000 - \$35,000 for private rehab activities; and

WHEREAS, the funds to address these additional costs would come from remaining Private Rehabilitation Activity funds that have been awarded by ODOD / OHCP but have not to date been spent within the CHIP 2004 grant program; and

WHEREAS, if the funds required to complete the remaining units exceeds the funds available in the Private Rehabilitation activity, the County must request and receive approval from ODOD / OHCP to also utilize Program Income funds, generated from past CHIP Programs.

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

Section 1. The Delaware County Board of Commissioners hereby authorizes a waiver request to the ODOD / OHCP, to increase the per unit limit, as stated in the CHIP 2004 grant, from (\$30,000-35,000) to a maximum of \$38,008 for Unit #1, \$35,035 for Unit #2, and \$48,722 for Unit #3, and utilize the remaining Private Rehabilitation Activity funds within the CHIP 2004 grant to complete the residential rehab of these units.

Section 2: The Delaware County Commissioners hereby authorizes a wavier request to ODOD / OHCP to utilize Program Income in an amount not to exceed \$5,000, if needed, to complete the Private Rehabilitation activity.

Section 3. That this resolution shall take effect and be in force immediately after its passage.

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

**RESOLUTION NO. 06-1200**

**IN THE MATTER OF APPROVING THE RESOLUTION OF NECESSITY FOR PURCHASE OF AUTOMOBILE FOR THE USE OF THE COUNTY COMMISSIONERS; ANY COUNTY DEPARTMENT, BOARD, COMMISSION, OFFICE OR AGENCY; OR ANY ELECTED COUNTY OFFICIAL OR HIS OR HER EMPLOYEES:**

It was moved by Mr. Evans, seconded by Mr. Jordan to approve the resolution of necessity:

WHEREAS; the Board of County Commissioners of Delaware County, Ohio are required by Ohio Revised Code §307.41, to find, by resolution of necessity, that it is necessary to expend county monies for the purchase or lease of a new automobile to be used by the County Commissioners, by any county department, board, commission, office or agency, or by any elected county official or his or her employees, and

WHEREAS; the Board of County Commissioners of Delaware, County, Ohio has before it a request from the Maintenance Department, to expend county monies for the purchase of one new 2007 Ford E350 Super Duty Cargo Van; and

WHEREAS; the Board of County Commissioners have legally appropriated monies from the proper fund for the acquisition of vehicles

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

Section 1.                      That the Board of County Commissioners of Delaware County, Ohio, does hereby declare that a necessity exists to purchase one 2007Ford E350 Super Duty Cargo Van for use by the Maintenance Department.

Section 2.                      That the Board of County Commissioners of Delaware County, Ohio, does hereby declare that the number of motor vehicles required is one for replacement of a current vehicle.

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Section 3. That the Board of County Commissioners of Delaware County, Ohio, does hereby declare that the estimated cost of said purchase or lease will not exceed \$22,500.00.

Section 4. That the Board of County Commissioners of Delaware County, Ohio, does hereby declare that the purchase or lease of said vehicle will be in conformity with the public bidding requirements of Ohio Revised Code 307.86 through 307.92.

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

**RESOLUTION NO. 06-1201**

**IN THE MATTER OF APPROVING PERSONNEL ACTIONS:**

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

William Whitelock has resigned his position with The Code Compliance Department; effective October 1, 2006.

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

**RESOLUTION NO. 06-1202**

**IN THE MATTER OF WAIVING HALF OF THE TIPPING FEES FOR DELAWARE COUNTY FAIR TRASH:**

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

WHEREAS, the Board of County Commissioners of Delaware County sustains a Solid Waste Transfer Station Operation Agreement with County Environmental of Ohio, Inc., a subsidiary of Allied Waste Services, for the operation of the Delaware County Solid Waste Transfer Station, and

WHEREAS, the Delaware County Fair has requested relief related to its tipping fees, and

WHEREAS, County Environmental of Ohio has agreed to provide tickets at half price to haulers of solid waste generated by the Delaware County Fair,

NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioners of Delaware County does hereby recognize this arrangement and County Environmental of Ohio's support of this important community event.

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

**RESOLUTION NO. 06-1203**

**IN THE MATTER OF APPROVING PERSONNEL ACTIONS:**

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

Ryan Strohl has accepted a full-time paramedic position with EMS Department (station #4 Radnor); effective date September 25, 2006.

Darin Elliott has resigned his position as a Telecommunications Officer I with the 911 Center; effective date September 22, 2006.

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

**RESOLUTION NO. 06-1204**

**IN THE MATTER OF APPROVING THE PURCHASE OF A NEW MEDIC UNIT FOR DELAWARE COUNTY EMERGENCY MEDICAL SERVICE (EMS):**

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

WHEREAS, the Board of County Commissioners desire to ensure continued emergency medical coverage for our citizens residing in Delaware County, and

WHEREAS, an additional Medical vehicle for Delaware County EMS is required to ensure that a sufficient number of vehicles are maintained to provide daily coverage, and

WHEREAS, the County conducted reviews of apparatus offered on State Bid,

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NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners of Delaware County hereby approves the purchase and accompanying Purchase Order for a 2006 model Ford F450 chassis from Horton Industries, Inc., at a not to exceed cost of \$125,000.00 for Delaware County EMS and further approves the expenditure of up to \$7,500.00 for the purchase of a patient cot and 800 MHz radio for communications.

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

**RESOLUTION NO. 06-1205**

**IN THE MATTER OF ADOPTING A RESOLUTION APPROVING THE DELAWARE COUNTY HAZARDOUS MATERIALS PLAN AS RECOMMENDED BY THE DELAWARE COUNTY OFFICE OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT UNDER THE AUTHORITY OF ORC 3750.04:**

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

WHEREAS, the Delaware County Local Emergency Planning Committee (LEPC) and Office of Homeland Security and Emergency Management has completed the required documentation for the County's SARA Title III Chemical Emergency Preparedness Plan in accordance with NRT-1 and other pertinent guidance; and,

WHEREAS, the state Emergency Response Commission has directed the various County's to forward their plan directly to the Ohio Emergency Management Agency for all reviews; and,

WHEREAS, the Delaware County Office of Homeland Security and Emergency Management recommends approval of the updated Delaware County Hazardous Materials Plan for the protection of our citizens;

NOW THEREFORE, BE IT RESOLVED: That the Board of County Commissioners of Delaware County hereby resolve to forward the Delaware County Chemical Emergency Preparedness Plan for annual review to the State Emergency Response Commission and to the Ohio Emergency Management Agency.

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

**RESOLUTION NO. 06-1206**

**IN THE MATTER OF ACCEPTING AN AMENDED AND RESTATED VOLUNTARY ASSESSMENT PETITION FOR THE SAWMILL PARKWAY IMPROVEMENT AND RATIFYING ALL LEGISLATION AND ACTIONS PREVIOUSLY ADOPTED OR PERFORMED IN CONNECTION WITH THE ORIGINAL ASSESSMENT PETITION FILED ON MARCH 25, 2005 FOR THE SAWMILL PARKWAY IMPROVEMENT:**

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

WHEREAS, on March 25, 2005 Triangle Properties, Inc., ("*Triangle*") acting through its authorized representative, filed a Petition for Special Assessments and Affidavit (the "*Original Petition*") with this Board pursuant to Chapter 5555 of the Ohio Revised Code, petitioning the County to extend Sawmill Parkway from a point commencing at the intersection of Home Road and Sawmill Parkway and proceeding northerly for approximately 5,000 linear feet by excavating, grading, paving, drainage, street lighting, conduit, curbs and gutters, traffic pavement markings, and street signs, together with all necessary and related appurtenances (the "*Improvement*") and further, that \$2,100,000 of the actual costs of that Improvement be assessed against the real property (described on Exhibit A attached to the Original Petition which real property is referred to herein as the "*Property*"), provided that such assessment may be increased to include any amount necessary to reflect any financing costs incurred by the County in connection with the issuance by the County of notes or bonds in anticipation of the collection of the special assessments; and

WHEREAS, on April 14, 2005, this Board adopted Resolution No. 05-433 accepting the Original Petition, and on August 1, 2005 this Board adopted Resolution No. 05-1035 determining the necessity of the Improvement and Resolution No. 05-1036 determining to proceed with the construction of the Improvement (referred to collectively as the "*Sawmill Parkway Legislation*"); and

WHEREAS, it has been discovered that by inadvertent mistake, Triangle executed and filed the Original Petition as the owner of the Property; and

WHEREAS, Triangle has acknowledged that it is not the owner of the Property and that the owner of the Property is Golf Village North, LLC (the "*Property Owner*"); and

WHEREAS, Triangle further acknowledges that it is the sole member of the Property Owner; and

WHEREAS, the Property Owner has filed an Amended and Restated Petition for Special Assessments and Affidavit (the "*Amended Petition*") with this Board and represented therein that it is the owner of the Property; and

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WHEREAS, in accepting the Amended Petition, it is the intent of this Board to ratify the Sawmill Parkway Legislation and any other legislation and actions adopted or performed relating to the filing of the Original Petition and the financing and construction of the Improvement, and desires to continue to proceed with the planning and construction of the Improvement as if the Amended Petition had been filed with this Board in lieu of the Original Petition;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, Delaware County, State of Ohio, that:

Section 1. The Board hereby accepts the Amended Petition and further ratifies the Sawmill Parkway Legislation and any other legislation and actions adopted or performed relating to the filing of the Original Petition and the financing and construction of the Improvement, and determines to continue to proceed with the planning and construction of the Improvement as if the Amended Petition had been filed with this Board in lieu of the Original Petition.

Section 2. This Resolution shall be in full force and effect immediately upon its adoption.

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

**RESOLUTION NO. 06-1207**

**IN THE MATTER OF LEVYING SPECIAL ASSESSMENTS FOR THE EXTENSION OF SAWMILL PARKWAY FROM A POINT COMMENCING AT THE INTERSECTION OF HOME ROAD AND SAWMILL PARKWAY AND PROCEEDING NORTHERLY FOR APPROXIMATELY 5,000 LINEAR FEET BY EXCAVATING, GRADING, PAVING, DRAINAGE, STREET LIGHTING, CONDUIT, CURBS AND GUTTERS, TRAFFIC PAVEMENT MARKINGS, AND STREET SIGNS, TOGETHER WITH ALL NECESSARY AND RELATED APPURTENANCES, AND DECLARING AN EMERGENCY:**

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

WHEREAS, the owners of 100% of the lots and lands to be assessed for the Improvement described in Section 1 have heretofore petitioned this Board (that Petition for Special Assessments and Affidavit dated March 24, 2005 together with the Amended and Restated Petition for Special Assessments and Affidavit dated April 17, 2006 is collectively referred to herein as the "*Petition*") for the construction of the Improvement, and further, that there be assessed against the real property described in the Petition certain costs of the Improvement; and

WHEREAS, this Board has heretofore adopted Resolution No. 05-433 on April 14, 2005 (the "*Resolution of Necessity*") accepting the Petition and declaring the necessity of making the Improvement and adopted Resolution No. 05-1035 on August 1, 2005 determining to proceed with the construction of the Improvement; and

WHEREAS, the Improvement has been completed and the final cost of that Improvement has been determined;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, Delaware, State of Ohio:

Section 1. The special assessments for the cost and expense of extending Sawmill Parkway from a point commencing at the intersection of Home Road and Sawmill Parkway and proceeding northerly for approximately 5,000 linear feet by excavating, grading, paving, drainage, street lighting, conduit, curbs and gutters, traffic pavement markings, and street signs, together with all necessary and related appurtenances (the "*Improvement*") pursuant to the Resolution of Necessity, amounting in total to \$2,100,000.00, which were filed and are on file with the Clerk of Council, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands provided for in the Resolution of Necessity and the Petition in the respective amounts set forth in the schedule of special assessments on file, which special assessments are in proportion to the special benefits and are consistent with the Petition.

Section 2. This Board finds and determines that the special assessments are in the same amount as originally requested pursuant to the Petition.

Section 3. The special assessment against each lot or parcel of land shall be payable in whole or in part by cash or check within 20 days after the adoption of this Resolution, or at the option of the owner in 20 annual installments (each annual installment to be payable semi-annually at the time real estate taxes in Delaware County, Ohio are payable) with interest at the same rate or rates of interest as borne by the Bonds to be issued in anticipation of the collection of the special assessments. All payments by cash or check shall be made to the Clerk of the Board of County Commissioners. All special assessments remaining unpaid at the expiration of those 20 days shall be certified by the Clerk of the Board of County Commissioners to the County Auditor of the County as provided by law to be placed on the tax duplicate and collected as taxes are collected.

Section 4. The Clerk of the Board of County Commissioners shall deliver a certified copy of this

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Resolution to the County Auditor within 20 days after its passage.

Section 5. This Resolution shall be in full force and effect immediately upon its adoption.

Vote on Motion            Mr. Jordan            Aye            Mr. Evans            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