

**COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 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

10:00 AM Bid Opening Date And Time For The Sale And Relocation/ Removal Of The House At 116 N Sandusky Street

1:30 PM Viewing For Consideration Of A Ditch Petition Filed By Members Of The Homeowners Association For The Riverby Section 2, 3, 4 Subdivision

PUBLIC COMMENT

RESOLUTION NO. 06-1595

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD DECEMBER 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 December 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. 06-1596

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1215:

It was moved by Mr. Jordan, seconded by Mr. Evans to approve payment of warrants in batch numbers CMAPR1215 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO's			
Human Resources	Property and Casualty	66011911-5370	\$ 52,857.29
Columbus Signworks	Striping for All EMS Vehicles	10011303-5450	\$ 6,512.50
Increases			
CEBCO	Premiums	60211902-5370	\$ 30,000.00
Enchanted Care Learning	Day care	22411610-5348	\$ 6,000.00
Verizon	Utility	10011105-5330	\$ 8,250.00
BP Gasoline	Fuel	10011106-5228	\$ 15,000.00
Vouchers			
Alert Tracking Systems	20% Purchase Price Payment	21411306-5320	\$ 21,403.40
Kindercare Neverland	Day Care	22411610-5348	\$ 26,630.30
McWherters Petroleum	Gasoline	10011105-5228	\$ 14,684.32
Quality Control Inspection	Various Locations	65111904-5301	\$ 5,560.11
Ben Bro Enterprises Inc.	Bldg/Land Rental/ N. Sand. St.	10011105-533533502	\$ 14,625.00
2081 Rt. 23 Company Ltd.	Bldg/Land Rental/Jan 2007	10011105-533533502	\$ 7,700.00
Schindler Elevator	Jail Elevators Maint. Agreement	10011105-5325	\$ 5,002.39
Software House International	SQL Server License	21411306-5320	\$ 14,856.00

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

RESOLUTION NO. 06 -1597

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The EMS Department is requesting that Brad Fisher attend a Weapons of Mass Destruction Court for EMS in Anniston, Alabama January 29-February 3, 2007, at no cost

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

RESOLUTION NO. 06-1598

IN THE MATTER OF APPROVING A PETITION FROM THE CITY OF WESTERVILLE TO CHANGE THE

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BOUNDARY LINES OF ORANGE TOWNSHIP TO MAKE THE BOUNDARIES OF LAND ANNEXED TO CITY OF WESTERVILLE BY THEIR ORDINANCE 05-08 (8.876 ACRES FROM ORANGE TOWNSHIP TO THE CITY OF WESTERVILLE) COTERMINOUS WITH THE CORPORATE BOUNDARIES OF THE CITY OF WESTERVILLE:

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

Whereas, pursuant to R.C. 503.07, the City of Westerville, Ohio has petitioned the Commissioners that the boundaries of Orange Township, approved for annexation by the Commissioners with Resolution 04-1492 and annexed to the City of Westerville by Ordinance 05-08 (8.876 acres from Orange Township To The City Of Westerville), be hereby changed to be coterminous with the corporate boundaries of the City of Westerville; and

Whereas, pursuant to R.C. 709.192 and 709.023(H), The City of Westerville, in RESOLUTION 06-12 approved on September 5, 2006, and Orange Township, in RESOLUTION 06-380 approved on August 7, 2006, entered into an annexation agreement in favor of this boundary change; and

Whereas, the proceedings of the City of Westerville having been authenticated by certification of the Clerk of Council for the City of Westerville.

Therefore, Be It Resolved, the Delaware County Board of Commissioners grants the City of Westerville petition to change the boundaries of Orange Township to be coterminous with the corporate boundaries of the City of Westerville.

Be It Further Resolved, the Clerk shall transmit copies of this Resolution to the County Auditor, County Recorder, County Engineer's Map Department and the Delaware Board of Elections along with description and map.

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

RESOLUTION NO. 06-1599

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE PROSECUTOR'S OFFICE:

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

Transfer of Appropriation		Amount
23512102-5001	23512102-5101	220.00
Delinquent Tax/Compensation	Delinquent Tax/Hospital Insurance	
23612302-5310	23612302-5101	
Victims of Crime Grant/Services & Charges	Victims of Crime/Hospital Insurance	100.00

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

RESOLUTION NO. 06-1600

IN THE MATTER OF APPROVING PLATS FOR LITTLE BEAR VILLAGE SECTION 1, PHASE B AND WAYNE HOMES AND DITCH MAINTENANCE PETITIONS FOR OLENTANGY CROSSINGS SOUTH SECTION 1, DERBY GLEN FARMS SECTION 1 AND LITTLE BEAR VILLAGE SECTION 1, PHASE B:

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

Little Bear Village Section 1, Phase B

Situated In The State Of Ohio, County Of Delaware, Township Of Orange, And In Farm Lot 4, Quarter Township 3, Township 3, Range 18, United States Military Lands. Containing 52.401 Acres Of Land, More Or Less, Said 52.401 Acres Being Comprised Of Part Of Those Tracts Of Land Conveyed To Little Bear Development, Llc. By Deeds Of Record In Official Record 683, Page 1901 (28.828 Acres Of Land) And Official Record 700, Page 27 (23.573 Acres Of Land), All Reference Refer To The Records Of The Recorder's Office, Delaware County, Ohio. Cost \$144.00.

Wayne Homes

Situated In The Township Of Berlin, County Of Delaware, State Of Ohio, And Being A Part Of Farm Lot 4, Section 4, Township 4, Range 18, United States Military Survey Lands And Being All Of A 1.099 Acre Tract And All Of Lot 301 Of Hey Estates (P.B. 15, Page 101) Conveyed To Wayne Homes, Llc. As Recorded In

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Instrument Number 199800012790 County Recorder's Office Delaware, Ohio. Cost \$3.00.

Ditch Maintenance Petition- Olentangy Crossings South Section 1

We the undersigned owners of 34.824 acres in Orange Township, Delaware County, Ohio propose to create a subdivision known as **Olentangy Crossings South Section 1** as evidenced by the attached subdivision plat and other exhibits (Exhibit "A" which is available at the County Engineer's Office). The plat for **Olentangy Crossings South Section 1** has been submitted for approval to the Delaware County Regional Planning Commission and the Delaware County Engineer. Drainage improvements related to these subdivisions 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 Drainage 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 **Olentangy Crossings South Section 1 Plat**.

The cost of the drainage improvements is \$198,788.00 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 within this development. The Developed residential area totaling 41 lots (25.457 acres) will receive benefit (cost) of the project on a per acre basis. The basis for calculating the assessment for each lot is therefore, \$4,848.49 per lot. An annual maintenance fee equal to 2% of this basis \$96.97/lot will be collected for each tributary lot within **Olentangy Crossings South Section 1**.

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 \$3975.76 has been paid to Delaware County.

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

Ditch Maintenance Petition- Derby Glen Farms Section 1

We the undersigned owners of 20.48 acres in Liberty Township, Delaware County, Ohio propose to create a subdivision known as **Derby Glen Farms section 1** as evidenced by the attached subdivision plat (Exhibit "A" which is available at the County Engineer's Office). These plats have 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 **Derby Glen Farms Section 1 Subdivision**.

The cost of the drainage improvements is \$168,562.00 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. 18 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, \$9,364.56 per lot. An annual maintenance fee equal to 2% of this basis \$187.29 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 \$3,371.24 has been paid to Delaware County.

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

Ditch Maintenance Petition-Little Bear Village Section 1, Phase B

We the undersigned owners of 60.36 acres in Orange Township, Delaware County, Ohio propose to create a subdivision known as **Little Bear Village Section 1, Phase B** as evidenced by the attached subdivision plats (Exhibit "A" which is available at the County Engineer's Office). These plats have 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

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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 **Little Bear Village Section 1, Phase B** Subdivision.

The cost of the drainage improvements is \$669,095.00 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. 48 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, \$13,939.48 per lot. An annual maintenance fee equal to 2% of this basis \$278.79 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 \$13,381.90 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. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 06-1601

IN THE MATTER OF ACCEPTING ROADS AND APPROVING RECOMMENDED SPEED LIMITS FOR THE VILLAGE AT SCIOTO RESERVE:

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

The Village at Scioto Reserve

- **Turning Leaf Place**, to be known as **Township Road Number 1517**

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

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

RESOLUTION NO. 06-1602

IN THE MATTER OF ESTABLISHING STOP CONDITIONS FOR THE VILLAGE AT SCIOTO RESERVE:

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

Stop Conditions –The Village at Scioto Reserve

- On Township Road Number 1517, Turning Leaf Place, at its intersection with Township Road Number 1223, Tree Lake Boulevard

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

RESOLUTION NO. 06-1603

IN THE MATTER OF ACCEPTING MAINTENANCE BOND FOR SHEFFIELD PARK SECTION 2, PHASE B:

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

Sheffield Park Section 2, Phase B

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 2007 construction season.

In accordance with the Subdivider's Agreement, The Engineer recommends that the maintenance bond be set at **\$76,800** for the duration of the one-year maintenance period. A Bond in that amount is available. He also request approval to return the Bond being held as construction surety to the developer, Centex Homes.

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

RESOLUTION NO. 06-1604

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IN THE MATTER OF ACCEPTING PERFORMANCE CONSTRUCTION BONDS FOR LITTLE BEAR VILLAGE SECTION 1, PHASE B:

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

Little Bear Village Section 1, Phase B

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 **\$434,654** for the combination of Section 1, Phase A and Section 1, Phase B. Letters of Credit totaling that amount have been submitted to this office. Prior to the posting of these Letters, a Letter of Credit in the amount of \$249,788 was posted as a construction surety for Section 1, Phase A. As the remaining construction costs for that section of the project are included in the \$434,654 total, The Engineer request approval to return the Letter of Credit in the amount of \$249,788 to the developer, Little Bear Development, LLC.

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

RESOLUTION NO. 06 -1605

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

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

Permit #	Applicant	Location	Type of Work
U06158	Consolidated Electric	Horseshoe Road	Set new pole
U06160	American Electric Power	Norton Road	Overhang primary span
U06162	Columbia Gas of Ohio	Hempstead Road	Install gas main
U06163	American Electric Power	Gorsuch Road	Set one pole

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

RESOLUTION NO. 06 -1606

IN THE MATTER OF APPROVING AN EASEMENT AND RIGHT OF WAY WITH AMERICAN ELECTRIC POWER/COLUMBUS SOUTHERN POWER COMPANY FOR 800 CHESHIRE ROAD:

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

Easement and Right of Way

The Board of Commissioners of Delaware County, Ohio, “Grantor(s)” in consideration of \$1.00, the easement terms, and other good and valuable consideration from Columbus Southern Power Company, an Ohio corporation, 700 Morrison Dr., Gahanna, OH 43230-6605, “Grantee”, the receipt and sufficiency of which is acknowledged, grants and conveys with general warranty covenants to Grantee, a right of way and easement “Easement”, for electric, other energy or communication purposes for current/future uses, overhead and underground, in, on, over, through and across the following described lands situated in Liberty Township, Delaware County, Ohio, being situated in Lot 20, Section 4, Township 4, Range 19, United States Military Lands, containing 13.240 acres of land more or less, as found in ORV 655 Page 983 dated 9-28-2005 of the Delaware County Recorder’s Office.

Said lines and facilities shall be constructed within the limits of a ten (10) foot wide strip of land the centerline being the pole, guy wire, overhead and underground electric cable as installed. The approximate location of which is shown on the attached drawing marked Exhibit “A”, and made a part hereof.

This Easement conveys all necessary and convenient rights for the Easement’s use, including, without limitation, the rights to: construct, operate, maintain, inspect, protect, replace, enlarge, upgrade, relocate within the Easement, extend or remove utility facilities, with poles, anchors, guys, supporting structures, conductors, conduits, service pedestals, grounding systems, foundations, manholes, devices and associated equipment, as it may deem appropriate, adding thereto from time to time; perform grading or filling for such facilities; cut, trim, remove and/or otherwise control, at Grantee’s option, without any liability to Grantor, any trees, overhanging limbs or branches, brush, shrubs, undergrowth, of whatever size, (including those that are dead, diseased, weak, or leaning), buildings, structures, or other obstructions that in Grantee’s reasonable judgment endangers or will endanger the safety of, interfere with or encroach upon the use of its facilities, both within and adjoining the Easement. Within the Easement, Grantor shall not: place any buildings, structures, pile or debris, interfere with lateral support, construct any swimming pool, change the level of the ground by excavation or mounding without Grantee’s written consent, allow any construction that would be inconsistent with the National Electric Safety Code or Grantee’s design standards, and, for underground lines, permit or cause any excavation, except for other utilities, provided such

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utilities rights do not conflict with this Easement. This Easement also conveys the right of ingress and egress in and over any reasonable routes at all times. If any governmental authority requires Grantee to relocate the facilities contemplated by this grant, this Easement conveys the right to relocate such facilities to a comparable location.

Grantor may use its property for all purposes not inconsistent with the full enjoyment of the Easement, but Grantor acknowledges high voltage electric lines will be constructed within the Easement and Grantor shall conduct construction/maintenance activities on its property consistent with all applicable safety rules and regulations for working near electric lines. Safety/required clearance issues may be referred to Grantee's Engineering Group and if Grantor initiates any construction or building activities on its property, always call the applicable utility protection service before the activity begins. Grantee shall restore the premises or pay reasonable damages done to fences, drains, seeded lawns (not landscaping), gates, ditches and crops caused by Grantee's use of the Easement. Grantor has authority to grant this Easement. No delay or omission by Grantee in exercising any right hereunder shall operate as a waiver or forfeiture of such right. This Easement grant is effective and binding upon the parties, their respective successors, assigns, lessees, licensees, heirs and legal representatives, and if any term hereunder is held invalid, the remainder shall not be affected thereby. Easement attachments, if any, are incorporated herein by this reference.

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

RESOLUTION NO. 06-1607

IN THE MATTER OF REACTIVATING AND RENAMING AN ORGANIZATIONAL KEY AND APPROVING SUPPLEMENTAL APPROPRIATIONS AND TRANSFER FUNDS FOR JUVENILE COURT:

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

Reactivate/Rename Org Key		
27626316	Juvenile Court Special Projects/Fines	
Supplemental Appropriation		AMOUNT
10026322-5801	Special Projects/Cash Transfer	\$ 19,431.80
27626316-4601	Juvenile Court Special Projects/Fines -Interfund Revenues	\$ 19,431.80
Transfer of Funds		
From	To	
10026322-5801	27626316-4601	\$19,431.80
Special Projects/Cash Transfer	JV Court Special Projects/Fines-Interfund Revenues	

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

RESOLUTION NO. 06-1608

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE EMERGENCY SERVICES DEPARTMENT:

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

Transfer of Appropriation	To	Amount
9-1-1		
10011304-5101	10011304-5001	\$ 6,000.00
9-1-1 Dispatching/Benefits	9-1-1 Dispatching/Compensation	
EMA		
21511307-5101	21511307-5370	\$ 2,000.00
EMA/Benefits	EMA/Insurance Premiums and Claims	

COUNTYWIDE RADIO COMMUNICATION

41111421-5450	41111421-5250	\$ 969.95
Countywide Radio/Machinery and Equipment	Countywide Radio/Minor Tools and Equipment	

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

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RESOLUTION NO. 06-1609

RESOLUTION AUTHORIZING THE ASSIGNMENT / AMENDMENT OF AN ENTERPRISE ZONE AGREEMENT FROM DAISYTEK INTERNATIONAL, DIGITAL STORAGE, INC. (DSI #2) TO DEXXON HOLDING GROUPE AND DEXXON DIGITAL STORAGE:

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

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

WHEREAS, on September 30, 1996, the Orange Township Board of Trustees passed Resolution 96-138, and on September 9, 1996 the Delaware County Board of Commissioners passed Resolution 96-727, authorizing the execution of an Enterprise Zone agreement with Digital Storage, Inc. (DSI#1), Distribution and Logistics Services, Inc., and FREM II Ltd. (FREM); and

WHEREAS, the Delaware County Board of Commissioners, Orange Township Board of Trustees, and DSI #1, Distribution and Logistics Services, Inc., and FREM did enter into an Enterprise Zone Agreement dated September 30, 1996, in conjunction with a PROJECT to be undertaken for the purpose of constructing a new 60,000 square foot corporate office and distribution center facility, and to make certain investment in new tangible personal property at a site in Orange Township located at 7611 Green Meadows Drive, Lewis Center, Ohio (PROJECT site); and

WHEREAS, pursuant to said Enterprise Zone Agreement, DSI #1, Distribution and Logistics Services, Inc., and FREM were to receive certain tax incentives as the presumed owners and investors in real property improvements and personal property and creators of new full-time equivalent (FTE) job opportunities and annual payroll, and retainer of existing full-time equivalent jobs at the PROJECT site; and

WHEREAS, on February 22, 2000, the Orange Township Board of Trustees passed Resolution 2000-26, and on February 22, 2000, the Delaware County Board of Commissioners passed Resolution 00-174, authorizing the execution of an amendment of the Enterprise Zone Agreement, dated February 23, 2000, with DSI #1 recognizing that Distribution and Logistics Services, Inc. (known as "SubmitOrder.com, Inc.) had vacated the PROJECT site, and that DSI #1 would be the tenant at the PROJECT site responsible for all job & payroll creation and investment levels as required in the Agreement dated September 30, 1996; and

WHEREAS, on July 2, 2001 the Orange Township Board of Trustees passed Resolution 01-170, and on July 9, 2001, the Delaware County Board of Commissioners passed Resolution 01-722, authorizing the execution of an amendment of the Enterprise Zone Agreement, dated July 1, 2001, with DSI #1, Digital Storage LLC (DSLCC), and FREM, recognizing the addition of DSLCC as an additional PROJECT participant; and

WHEREAS, DSI #1 subsequently sold the assets of DSLCC to Daisytek International Corporation (DIC), and a new corporation was formed known as Digital Storage, Inc. (DSI #2) from these purchased assets, and that DSI #2 has taken over the operations of the former DSLCC at the PROJECT site, and that FREM subsequently sold the land and building known as the PROJECT site to 7611 Green Meadows Drive, Ltd. (7611 GMD); and

WHEREAS, on November 4, 2002 the Orange Township Board of Trustees passed Resolution 02-297, and on November 12, 2002, the Delaware County Board of Commissioners passed Resolution 02-1425, authorizing the execution of an amendment of the Enterprise Zone Agreement, dated November 12, 2002, with Daisytek International (DIC), 7611 Green Meadows Drive Limited (7611 GMD), Digital Storage, Inc. (DSI #1), Digital Storage LLC (DSLCC), Digital Storage, Inc. (DSI #2), and FREM II, LTD. (FREM), recognizing the addition of DIC, DSI #2 and 7611 GMD as additional PROJECT participants; and

WHEREAS, in the Enterprise Zone Amendment Agreement executed as a result of Orange Township Resolution 02-297 and Delaware County Resolution 02-1425, the remaining duties, benefits, obligations, liabilities and commitments for DSI #1 and DSLCC, as stated in the Enterprise Zone Agreement dated September 30, 1996 and as amended on February 22, 2000 and July 9, 2001, were assigned to and assumed by DSI #2 and DIC, and the remaining duties, benefits, obligations, liabilities and commitments for FREM as stated in the Enterprise Zone Agreement, dated September 30, 1996 and as amended on February 22, 2000 and July 9, 2001 were assigned to and assumed by 7611 GMD; and

WHEREAS, DIC and DSI#2 subsequently entered into Chapter 11 Bankruptcy in May of 2003; and

WHEREAS, it is now understood by all parties of the original Enterprise Zone Agreement, and as amended, that DIC has subsequently sold the assets of DSI #2 to DEXXON GROUPE HOLDING (DGH), and that a new corporation known as DEXXON DIGITAL STORAGE, INC. (DDS) has been formed from these purchased assets, and that DDS has taken over the operations of the former DSI #2 at the PROJECT site; and

WHEREAS, the Digital Storage project was to have retained 39 existing FTE jobs and create 30 new FTE jobs; and

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on March 10, 2006, the Orange Township / Delaware County Tax Incentive Review Council (TIRC) determined that as of December 31, 2005, only 30 of the project's FTE jobs had been retained and only 8 new FTE jobs had been created at the project site; and as a result of the project not meeting this job creation obligation, the TIRC recommended that Digital Storage pay a \$7,000 penalty; and this recommendation was accepted on May 1, 2006 by the Orange Township Board of Trustees through Resolution 06-219, and this recommendation was accepted on May 8, 2006 by the Delaware County Board of Commissioners through the adoption of Resolution 06-591; and on July 13, 2006, DDS did pay a \$7,000 penalty to the Olentangy Education Foundation; and

WHEREAS, on September 19, 2006, the Orange Township / Delaware County Tax Incentive Negotiating Committee (TINC) recommended that the minimum number of FTE jobs to be maintained at the project site by DDS for the remaining term of the Enterprise Zone Agreement be 38 FTE jobs.

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

1. The remaining duties, benefits, obligations, liabilities and commitments provided for DIC and DSI #2 in the Enterprise Zone Agreement, dated September 30, 1996, and as amended on February 22, 2000, July 9, 2001, and November 12, 2002 are hereby assigned to and assumed by DGH and DDS as additional PROJECT participants.

7611 GMD remains a project participant and continues to be entitled to all such benefits and be obligated to perform all remaining duties, obligations, liabilities and commitments under the Enterprise Zone Agreement dated September 30, 1996, and as amended on February 22, 2000, July 9, 2001, and November 12, 2002.

DGH and DDS are hereafter entitled to all such benefits and do hereby agree to assume and shall perform all remaining duties, obligations, liabilities and commitments previously provided for DSI #2 and DIC.

DSI #2 and DIC shall remain jointly and severally liable for their obligations and commitments under the Enterprise Zone Agreement dated September 30, 1996, and as amended on February 22, 2000, July 9, 2001, and November 12, 2002.

2. DGH and DDS shall be responsible for the remaining duties, benefits, obligations, liabilities and commitments provided for DSI#2 and DIC as stated in the Enterprise Zone Agreement dated September 30, 1996, and as amended February 22, 2000, July 9, 2001, and November 12, 2002.

If DGH, DDS, or 7611 GMD materially fail to fulfill their remaining duties, obligations, and commitments under this agreement, or if Delaware County determines that the certification as to delinquent taxes required by this agreement is fraudulent, Delaware County and Orange Township may terminate or modify the exemptions from taxation granted all parties under this agreement, and may require the repayment, from DIC, DSI #2, 7611 GMD, DGH, or DDS of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement.

3. The minimum number of FTE jobs to be maintained at the project site by DDS for the remaining term of the Enterprise Zone Agreement shall be 38 FTE jobs.
4. Delaware County shall grant the real property tax exemption called for under the Agreement for the referenced PROJECT in recognition of this assignment and the terms and conditions established therein.
5. 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. 06-1610

A RESOLUTION AUTHORIZING EXECUTION OF AN ENGAGEMENT AGREEMENT BY DELAWARE COUNTY WITH THE DELAWARE COUNTY PORT AUTHORITY AND SQUIRE, SANDERS, & DEMPSEY L.L.P. ESTABLISHING REQUIREMENTS FOR LEGAL ASSISTANCE ASSOCIATED WITH THE CITICORP NORTH AMERICA, INC. PROJECT:

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

Whereas, the Delaware County Board of Commissioners (the "County") created the Delaware County Port Authority (the "DCPA") per Resolution No. 06-506, adopted on April 24, 2006, and the County provides administrative assistance to the DCPA; and

Whereas, the DCPA has determined that it requires legal assistance in structuring a lease financing revenue bond issue for the Citicorp North America, Inc. data center project at the Park at Greif in Liberty Township, Delaware County; and

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WHEREAS, Squire, Sanders, & Dempsey (SSD) L.L.P. provides legal counsel to both the County and the DCPA, and, as a result, it is desirable to have an Engagement Agreement between SSD, the DCPA and the County in order to avoid any conflicts of interest or other coordination issues in structuring the financing for the Citicorp North America, Inc. Project.

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 Board of County Commissioners authorizes entering into an Engagement Agreement with Squire, Sanders, & Dempsey L.L.P. and the Delaware County Port Authority pertaining to legal services to be provided by Squire, Sanders, & Dempsey L.L.P. relating to the Citicorp, North America, Inc. Project, consistent with the Engagement Agreement dated October 19, 2006, which is on file with the Delaware County Board of Commissioners.

Section 2. That this Resolution shall take effect and be in force immediately after its passage.

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

RESOLUTION NO. 06-1611

IN THE MATTER OF ESTABLISHING NEW ORGANIZATIONAL KEYS :

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

- Establish New Org Keys**
- 40311426 - DI Sherwood
- 40311427 - DI Zimmerman
- 40311428 - DI Delaware Run
- 40311429 - DI Wilson Russo Lowe

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

RESOLUTION NO. 06-1612

IN THE MATTER OF APPROVING TRANSFER OF FUNDS AND SUPPLEMENTAL APPROPRIATIONS FOR TARTAN FIELDS:

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

Supplemental Appropriation	AMOUNT
40640405-4104 Tartan Fields/Special Assessment	3,610.19
40640405-5801 Tartan Fields/Transfer	22,593.53
40640405-5375 Tartan Fields/Election Settlement Services	(350.60)
Transfer of Funds	
From To	
40640405-5801 50311120-4601	
Tartan Fields/Transfers Bond Retirement Tartan Fields/Interfund Revenue	22,593.53

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

RESOLUTION NO. 06-1613

A RESOLUTION DECLARING THE NECESSITY FOR THE TRANSFER OF PUBLIC FUNDS OF THE COUNTY AND AUTHORIZING THE PREPARATION AND FILING OF A PETITION FOR THE TRANSFER OF THOSE FUNDS, ALL IN ACCORDANCE WITH SECTIONS 5705.15 AND 5705.16 OF THE OHIO REVISED CODE:

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

WHEREAS, the County has previously and by proper legislation declared the necessity to construct certain ditch improvements pursuant to Ohio Revised Code Chapter 6131 (the "Improvement"); and

WHEREAS, the County heretofore created and maintains the Ditch Construction Fund (#405) and within that fund the following subaccounts, Sherwood (#40404), Zimmerman (#40412), Delaware Run (#40413), Wilson Russo Lowe (#40414) and Ditch Construction Primmer (#40417), all of which are maintained in the

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County treasury (collectively, the “*Ditch Construction Fund (#405)*”); and

WHEREAS, the proceeds of special assessments heretofore collected by the County in connection with the construction of the Improvement together with other moneys transferred by the County from its General Fund are on deposit in the Ditch Construction Fund (#405); and

WHEREAS, there is a total balance of \$145,340.50 in the Ditch Construction Fund (#405), including balances of \$48,045.86 in the Sherwood subaccount (#40404), \$20,351.49 in the Zimmerman subaccount (#40412), \$39,745.65 in the Delaware Run subaccount (#40413), \$6176.46 in the Wilson Russo Lowe subaccount (#40414), \$0.00 in the Primmer subaccount (#40417), and \$31,021.04 from the Delaware County General Fund; and

WHEREAS, pursuant to Ohio Revised Code Section 6131.50 (the “*Drainage Improvement Fund Statute*”), the County heretofore created the Drainage Improvement Fund (#403) for the purposes stated therein; and

WHEREAS, this Board has determined that (i) it mistakenly created the Ditch Construction Fund (#405), (ii) no funds on deposit in the Ditch Construction Fund (#405) constitute proceeds or balances of loans, bond issues, special levies for the payment of loans or bond issues, the proceeds or balances of funds derived from any excise tax levied by law for a specified purpose, or the proceeds or balances of any license fees imposed by law for a specified purpose, (iii) in order to correct the mistake and comply with the Drainage Improvement Fund Statute, that all funds on deposit in the Ditch Construction Fund (#405) should be transferred to the Drainage Improvement Fund (#403) and used for the same purposes for which the Ditch Construction Fund (#405) was originally created which is consistent with the purpose for which the Drainage Improvement Fund (#403) was created, and (iv) the Drainage Improvement Fund (#403) shall continue to collect the special assessments and provide for payment of any costs that may be incurred by the County for the construction of the Improvement; and

WHEREAS, Section 5705.16 of the Revised Code requires that this Board adopt a resolution declaring the necessity for a transfer of funds pursuant to Section 5705.15 of the Revised Code prior to the filing of a petition to transfer the money as set forth herein;

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

Section 1. This Board hereby finds, determines and declares that (a) it mistakenly created the Ditch Construction Fund (#405), (b) no funds on deposit in the Ditch Construction Fund (#405) constitute proceeds or balances of loans, bond issues, special levies for the payment of loans or bond issues, the proceeds or balances of funds derived from any excise tax levied by law for a specified purpose, or the proceeds or balances of any license fees imposed by law for a specified purpose, (c) in order to correct the mistake and comply with the Drainage Improvement Fund Statute, that all funds on deposit in the Ditch Construction Fund (#405) should be transferred to the Drainage Improvement Fund (#403) and used for the same purposes for which the Ditch Construction Fund (#405) was originally created which is consistent with the purpose for which the Drainage Improvement Fund (#403) was created, and (d) the Drainage Improvement Fund (#403) shall continue to collect the special assessments and provide for payment of any costs that may be incurred by the County for the construction of the Improvement.

Section 2. The County Prosecutor is hereby authorized and directed to prepare, in consultation with the members of this Board and other County officials and employees, as he may deem appropriate, and in accordance with the terms of this Resolution, a Petition to Transfer Funds (the “*Petition*”), and to submit the Petition, along with a copy of this Resolution, to the State Tax Commissioner for approval of the transfers set forth in Section 1 hereof, in accordance with Section 5705.16 of the Revised Code.

Section 3. Upon approval of the State Tax Commissioner, the County Prosecutor is authorized and directed to file the Petition with the Court of Common Pleas of Delaware County, Ohio (the “*Court*”).

Section 4. Upon the filing of the Petition with the Court, the Clerk of this Board is hereby authorized and directed to cause notice of the filing, object and prayer of the Petition, and the time when the Petition will be heard by the Court, to be published one time in two newspapers of general circulation in this County.

Section 5. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

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

RESOLUTION NO. 06-1614

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IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Tim Boland has resigned his position as the Economic Development Director; effective date January 1, 2007.

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

RESOLUTION NO. 06-1615

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 9:55AM.

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

RESOLUTION NO. 06-1616

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Evans, seconded by Mr. Jordan to adjourn out of Executive Session at 11:48AM.

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