

COMMISSIONERS JOURNAL NO. 51 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 29, 2008

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

Brian Galligher, Director EMA Update On Wind Storm Event

RESOLUTION NO. 08-1144

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 25, 2008 AS CONTAINED IN THE COUNTY’S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Ward, seconded by Mr. Evans to approve the resolutions and records of the proceedings from regular meeting held September 25, 2008 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. 08-1145

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0926 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0926:

It was moved by Mr. Evans, seconded by Mr. Ward to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0926, memo transfers in batch numbers MTAPR0926 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO's			
Del /Union Educ Svc. Cntr.	FCFC Coordinator	70161603-5301	\$ 10,100.00
Del /Union Educ Svc. Cntr.	FCFC Coordinator	70161607-5301	\$ 10,100.00
Health Dept.	TANF/Help Me Grow SFY09	70161607-5348	\$ 155,000.00
Health Dept.	GRF Help Me Grow SFY09	70161606-5348	\$ 49,112.36
Health Dept.	Help Me Grow SFY09 Part C	70161602-5348	\$ 46,478.43
Increases			
Franklin University	JFS Program	22311611-5348	\$ 5,000.00
Brandy Alford	Child Care	22411606-5305	\$ 2,200.00
Sojourners	Residential Treatment	22511607-5342	\$ 10,000.00
Modern Office Methods	Maintenance Contract	22411605-5325	\$ 2,000.00
2K General	Willis Building	40411412-5410	\$ 6,300.00
Add A Line			
Allied Tech/Allied Pump	Emergency Pumping Svcs 9/14 & 9/15	66290408-5335	\$ 12,000.00
Vouchers			
Farm Plan R2	Fuel	66290302-5228	\$ 7,454.58
Kiddie Academy/Lewis Center	Day Care	22411610-5348	\$ 32,738.18
Ben Bro Enterprises	Bldg/Land Rental/Oct.	10011105-5335	\$ 19,276.80
Pitney Bowes	Postage/Mailroom	10011105-5331	\$ 20,000.00
Christian Childrens Home	Residential Treatment	22511607-5342	\$ 9,169.80
Starr Commonwealth	Residential Treatment	22511607-5342	\$ 22,870.56
Del Area Career Center	Jump Start	22411601-5348	\$ 18,515.54
Central OH Contractors	Sludge Disposal	66290403-5380	\$ 8,044.50
Prudential Group Life	September Life Premiums	60211902-5370	\$ 2,224.95
Prudential Group Life	September LTD Premiums	60211902-5370	\$ 7,937.34
AEP	Electric/140 N. Sandusky St	10011005-5338	\$ 10,640.66
Kindercare 10655 Sawmill	Day Care	22411610-5348	\$ 7,722.30
Kindercare Neverland	Day Care	22411610-5348	\$ 11,518.21
Kindercare Neverland	Day Care	22511607-5348	\$ 484.47
Oberlands	Landscaping CFOA	43111424-5410	\$ 44,442.92
Memo Transfer Voucher			
From	To		
DCJFS	Commissioners	Sept 08	\$ 29,628.25
22411605-5380	10011101-4231	Indirect Cost	
Vote on Motion	Mr. Jordan	Aye	Mr. Evans Aye Mr. Ward Aye

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RESOLUTION NO. 08 -1146

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Sheriff’s Office is requesting that Mark Kern attend a Training Class in Richfield, Ohio October 6-10, 2008, at the cost of \$883.53.

The Department of Job and Family Services is requesting that Jacqueline Schonauer attend a Fiscal Training in Columbus, Ohio October 16, 2008, at the cost of \$129.00.

The Administrative Services Department is requesting that Brad Euans attend an Ohio Self-Insured Seminar in Dublin, Ohio October 3, 2008, at the cost of \$35.00.

The Engineer’s Office is requesting that Ryan Mraz attend An Engineering Plan Development & Application Course and Property Description Course in Indianapolis, Indiana November 10-12, 2008, at the cost of \$1,235.00.

The Court of Common Pleas (Adult Court Services) is requesting that Mark Taglione, Chris Bates and Zac Dean attend a Probation Officers Training in Columbus, Ohio October 9-10, 2008, at the cost of \$675.00.

Juvenile Court is requesting that Kenneth Spicer attend a 2008 Ohio Judicial Association Conference in Columbus, Ohio October 9-10, 2008, at the cost of \$200.00.

The Environmental Services Department is requesting that Chad Antle attend a Professional Development Class for PE License Continuing Education in Columbus, Ohio October 8, 2008, at the cost of \$25.00.

The Prosecutor’s Office is requesting that Aric Hochstettler attend a Construction Claims Seminar in Dublin, Ohio November 17, 2008, at the cost of \$259.00.

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

RESOLUTION NO. 08-1147

IN THE MATTER OF APPROVING A DITCH MAINTENANCE PETITION FOR WOODLAND HALL SECTION 2:

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

Ditch Maintenance Petition- Woodland Hall Section 2

We the undersigned owners of 53.440 acres in Liberty Township, Delaware County, Ohio propose to create a subdivision known as **Woodland Hall Section 2** as evidenced by the attached subdivision plat (Exhibit “A” which is available at the County Engineer’s Office). This plat has been approved and signed by the Delaware County Regional Planning Commission and the Delaware County Engineer. Drainage improvements related to this subdivision have been constructed (or are bonded and will be constructed within a period of one year as evidenced by the Subdivider’s agreement Exhibit “B” available at the County Engineer’s Office). In accordance with Section 6137 of the Ohio Revised Code, we (I) hereby request that the improvements delineated on Exhibit “C” (available at the County Engineer’s Office), be accepted as part of the County Ditch Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for each lot in the subject subdivision to cover the cost of current and future maintenance of the improvements.

We (I) represent 100% of the property owners to be assessed for maintenance related to this drainage improvement. We (I) hereby waive our rights to a public viewing and hearing and ask that your board approve this action in conjunction with the approval of the **Woodland Hall Section 2** Subdivision.

The cost of the drainage improvements is \$213,235.97 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. 35 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, \$6,092.46 per lot. An annual maintenance fee equal to 2% of this basis \$121.85 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 \$4,264.72 has been paid to Delaware County.

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

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

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RESOLUTION NO. 08-1148

IN THE MATTER OF APPROVING AN AGREEMENT BETWEEN NORTHSTAR GOLF, LLC, AND THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY FOR THE NORTHSTAR GOLF COURSE DRAINAGE EASEMENTS:

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

Drainage Easements Northstar Golf Course

Available for your approval are some additional drainage easements for the above referenced project. These easements are to cover the maintenance area of the drainage facilities.

AGREEMENT FOR DRAINAGE EASEMENTS

THIS AGREEMENT ("Agreement") is made this 29th day of September, 2008, by and between **NORTHSTAR GOLF, LLC**, an Ohio limited liability company, whose mailing address is 41 South High Street, Suite 1010, Columbus, Ohio 43215 (herein referred to as "Grantor") and the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO**, or its duly authorized agents or contractors, successors and assigns, with offices at 101 North Sandusky Street, Delaware, Ohio 43015 (herein referred to as "Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner of those tracts of land in the State of Ohio, County of Delaware, Township of Berkshire, referred to in this Agreement as "Tract 1" as depicted on Exhibit "A-1" and as more specifically described on Exhibit "A" with said exhibits attached hereto and made a part hereof by this reference; "Tract 2" as depicted on Exhibit "B-1" and as more specifically described on Exhibit "B" with said exhibits attached hereto and made a part hereof by this reference; and "Tract 3" as depicted on Exhibit "C-1" and as more specifically described on Exhibit "C" with said exhibits attached hereto and made a part hereof by this reference, "Tract 4" as depicted on Exhibit "D-1" and as more specifically described on Exhibit "D" with said exhibits attached hereto and made a part hereof by this reference, "Tract 5" as depicted on Exhibit "E-1" and as more specifically described on Exhibit "E" with said exhibits attached hereto and made a part hereof by this reference, and "Tract 6" as depicted on Exhibit "F-1" and as more specifically described on Exhibit "F" with said exhibits attached hereto and made a part hereof by this reference,

WHEREAS, Grantee, or its duly authorized agents or contractors, successors and assigns are desirous of a drainage easement on said lands described on the attached exhibits in order to enter and use said lands for the construction, installation, development, erection, operation, inspection, repair and replacement of water and sewer pipes and fittings for the purpose of storm water and ground water drainage.

NOW THEREFORE, Grantor, for One Dollar and No/100 (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, grants to Grantee drainage easements over and across the following tracts of land: "Tract 1" as depicted on Exhibit "A-1" and as more specifically described on Exhibit "A"; "Tract 2" as depicted on Exhibit "B-1" and as more specifically described on Exhibit "B"; "Tract 3" as depicted on Exhibit "C-1" and as more specifically described on Exhibit "C"; "Tract 4" as depicted on Exhibit "D-1" and as more specifically described on Exhibit "D"; "Tract 5" as depicted on Exhibit "E-1" and as more specifically described on Exhibit "E"; and, Tract "6" as depicted on Exhibit "F-1" and as more specifically described on Exhibit "F"; (together, all six tracts referred to as "Easement Areas") for the purpose of entering and using said lands for the construction, installation, development, erection, operation, inspection, repair and replacement of water and sewer pipes and fittings for the purpose of storm water and ground water drainage. Grantor shall not erect any buildings, fences, structures or other obstructions of any type upon the Easement Areas described herein without the written consent of the Grantee. Grantor, for itself, its successors and assigns, covenants with Grantee, its successors and assigns, that the Grantor is lawfully seized of the premises in fee simple, that said premises are free and clear from all liens and encumbrances, and that it will forever warrant and defend the same unto the Grantee, its successors and assigns, against all claims of all persons whomsoever.

THIS EASEMENT IS MADE SUBJECT TO THE FOLLOWING:

1. Grantor shall have the right to use and enjoy "Tract 1", "Tract 2", "Tract 3", "Tract 4", "Tract 5" and "Tract 6" subject to the easement rights hereby granted.
2. The easements granted hereunder are permanent easements and will continue in full force and effect only so long as the easements are used by Grantee, its successors and assigns for the purposes mentioned herein.
3. If any provision of this Agreement shall be declared invalid, illegal, or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall not be affected thereby, and this Agreement shall be construed as if that provision were not contained herein.
4. This Agreement may be executed in counterparts, each of which shall constitute an original, although not fully executed, but all of which when taken together shall constitute but one Agreement.
5. The recitals set forth above and the Exhibits attached hereto are deemed part of and are by this reference incorporated into this Agreement.

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**DRAINAGE EASEMENT
13.380 ACRE**

Situated in the State of Ohio, County of Delaware, Township of Berkshire, lying in United States Military Lands, and being across that 30.756 acre tract of land conveyed to Northstar Golf LLC by deed of record in Official Record 417, Page 1036 (all references refer to the records of the Records Office, Delaware County, Ohio) being more particularly described as follows:

BEGINNING, at the northwesterly corner of said 30.756 acre tract and a southerly common corner of the remainder of that tract 967.787 acre tract as conveyed to Northstar Land Development, Inc. by deed of record in Official Record 692, Page 839, and being a point in the Kinston Township and the Berkshire Township line;

Thence South 86° 41' 58" East, a distance of 1488.41 feet, with said Township Line, and the common line of grantor's tract and said remainders tract, to a point;

Thence across grantor's tract the following bearings and distances:

South 44°48'30" East, a distance of 90.10 feet to a point;

North 80°29'51" East, a distance of 118.58 feet to a point;

South 44°43'12" East, a distance of 71.59 feet to a point in the northerly right-of-way of Wilson Road as dedicated in the subdivision entitled Northstar Section 1 Phase A of record in Official Record 817, Page 2747;

Thence with said northerly right-of-way line, the following courses and distances:

South 45°10'36" West, a distance of 394.47 feet to a point;

South 46°04'47" West, a distance of 317.38 feet to a point;

Thence across grantor's tract the following bearings and distances:

North 48° 56' 10" West, a distance of 48.46 feet, to a point;

North 51° 28' 55" West, a distance of 82.93 feet, to a point;

North 48° 03' 56" West, a distance of 13.33 feet, to a point;

South 41° 41' 46" West, a distance of 134.76 feet, to a point;

North 57° 12' 07" West, a distance of 115.00 feet, to a point;

North 35° 37' 01" West, a distance of 40.00 feet, to a point;

North 09° 07' 31" West, a distance of 130.00 feet, to a point;

North 42° 01' 08" West, a distance of 57.00 feet, to a point;

North 79° 42' 28" West, a distance of 140.00 feet, to a point;

North 06° 20' 43" West, a distance of 339.80 feet, to a point;

North 86° 59' 19" West, a distance of 197.27 feet, to a point;

North 03° 04' 47" East, a distance of 6.35 feet, to a point;

North 88° 10' 18" West, a distance of 334.95 feet, to a point;

South 08° 37' 35" West, a distance of 189.57 feet, to a point;

South 41° 46' 31" East, a distance of 260.99 feet, to a point;

South 27° 27' 47" East, a distance of 101.45 feet, to a point;

South 03° 35' 45" East, a distance of 95.93 feet, to a point;

South 21° 02' 07" East, a distance of 80.00 feet, to a point

South 70° 14' 14" West, a distance of 131.26 feet, to a point;

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South 23° 10' 34" West, a distance of 35.05 feet, to a point;

South 84° 34' 45" West, a distance of 68.58 feet, to a point;

North 04° 58' 31" West, a distance of 104.83 feet, to a point;

North 62° 53' 54" West, a distance of 171.10 feet, to a point in the grantor's westerly line and common to the remainder of said 967.787 acre tract;

Thence with said common line the following courses and distances;

North 02° 24' 36" West, a distance of 150.75 feet, to an angle point in said common line;

North 03° 18' 02" East, a distance of 201.14 feet, to a point;

Thence across grantor's tract the following bearings and distances:

North 88° 54' 47" East, a distance of 75.60 feet, to a point;

North 08° 37' 35" East, a distance of 193.87 feet, to a point;

North 86° 50' 24" West, a distance of 40.24 feet, to a point;

North 86° 33' 09" West, a distance of 53.13 feet, to a point in the grantor's westerly line and common to said 967.787 acre tract;

Thence North 03° 18' 02" East, a distance of 25.00 feet, with said common line, to the POINT OF BEGINNING, containing 13.380 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.
Edward J. Miller Registered Surveyor No. 8250

**DRAINAGE EASEMENT
2.906 ACRES**

Situated in the State of Ohio, County of Delaware, Township of Berkshire, Farm Lot Numbers 2 & 3, East Tier, Quarter Township 2, Township 4, Range 17, United States Military District, being a strip of land across Lot 741 of that subdivision entitled "Northstar Section 1 Golf Course" of record in Official Record 822, Pages 2863-2866, (all references refer to the records of the Recorder's Office, Delaware County, Ohio), and described as follows:

Beginning for reference, at the north westerly corner of said lot 741, being the easterly right-of-way of North Galena Road (County Road 34) of that subdivision entitled "Northstar Section 1" of record in Official Record 817, Pages 2747-2755, and being a southerly corner of the remainder of said original 705.013 acre tract;

Thence North 04° 00' 13" East, a distance of 822.77, along said easterly right-of-way line of said North Galena Road;

thence South 85° 59' 47" East, a distance of 1247.57 feet, across the remainder of said original 705.013 acre tract, crossing a westerly line of said Lot 741, at 1180.88 feet to THE TRUE POINT OF BEGINNING;

thence across said lot 741, the following courses and distances:

North 25° 02' 47" West, a distance of 23.01 feet to a point;

North 64° 57' 13" East, a distance of 20.00 feet to a point;

South 25° 02' 47" East, a distance of 34.96 feet to a point;

South 62° 41' 55" East, a distance of 180.68 feet to a point;

North 78° 54' 25" East, a distance of 88.73 feet to a point;

North 63° 26' 37" East, a distance of 114.59 feet to a point;

South 73° 12' 54" East, a distance of 53.32 feet to a point;

South 14° 07' 56" West, a distance of 171.29 feet to a point;

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South 65° 14' 19" West, a distance of 259.80 feet to a point;

South 40° 18' 26" East, a distance of 236.01 feet to a point in the northerly line of Conservation and Drainage Easement of record in Official Record 827, Page 626;

North 87° 46' 39" West, a distance of 279.02 feet, with said northerly line, to a point;

North 07° 37' 01" West, a distance of 116.16 feet to a point;

North 51° 40' 41" East, a distance of 73.17 feet to a point;

North 38° 54' 36" West, a distance of 93.10 feet to a point;

North 13° 32' 30" East, a distance of 53.00 feet to a point;

North 06° 44' 15" West, a distance of 35.94 feet to a point;

North 56° 41' 39" West, a distance of 86.80 feet to a point;

North 33° 18' 21" East, a distance of 118.22 feet to a point;

North 25° 02' 47" West, a distance of 10.78 feet to the TRUE POINT OF BEGINNING and containing 2.906 acres of land, more or less.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.
Edward J. Miller Registered Surveyor No. 8250

**DRAINAGE EASEMENT
0.899 ACRE**

Situated in the State of Ohio, County of Delaware, Township of Berkshire, Farm Lot Numbers 2 & 3, East Tier, Quarter Township 2, Township 4, Range 17, United States Military District, being on, over, and across 705.013 acre tract as conveyed to Northstar Land Development by deed of record in Official Record 692, Page 839 (all references refer to the records of the Recorder's Office, Delaware County, Ohio), and described as follows:

Beginning, for reference, at a southwesterly corner of said 705.013 acre tract, at a northwesterly corner of Lot 741 of that subdivision entitled "Northstar Section 1 Golf Course" of record in Official Record 822, Pages 2863 thru 2866, being on the easterly right-of-way line of North Galena Road;

thence South 85° 59' 47" East, with the southerly line of said 705.013 acre tract, a distance of 322.04 feet to the TRUE POINT OF BEGINNING;

thence across said 705.013 acre tract, the following courses and distances:

North 44° 07' 58" West, a distance of 44.83 feet to a point;

North 39° 33' 16" West, a distance of 65.65 feet to a point;

South 51° 45' 40" West, a distance of 8.34 feet to a point;

North 34° 48' 10" West, a distance of 6.38 feet to a point;

North 24° 00' 20" West, a distance of 45.80 feet to a point;

South 86° 36' 30" East, a distance of 393.20 feet to a point;

North 19° 53' 39" East, a distance of 98.42 feet to a point;

South 70° 06' 21" East, a distance of 20.00 feet to a point;

South 19° 53' 39" West, a distance of 101.16 feet to a point on the easterly line of said 705.013 acre tract;

thence South 43° 29' 00" West, with said easterly line, a distance of 139.88 feet to a point;

thence across said 705.013 acre tract, the following courses and distances:

North 77° 47' 11" West, a distance of 10.02 feet to a point;

North 74° 53' 18" West, a distance of 60.31 feet to a point;

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South 31° 30' 06" West, a distance of 20.82 feet to a point on the southerly line of said 705.013 acre tract;
thence North 85° 59' 47" West, with said southerly line, a distance of 133.70 feet to the TRUE POINT OF BEGINNING and containing 0.899 acre of land, more or less.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.
Edward J. Miller Registered Surveyor No. 8250

DRAINAGE EASEMENT
0.605 ACRE

Situated in the State of Ohio, County of Delaware, Township of Berkshire, lying in United States Military Lands, and being across the remainder of that 967.787 acre tract of land conveyed to Northstar Land Development, Inc. by deed of record in Official Record 692, Page 839 (all references refer to the records of the Records Office, Delaware County, Ohio) being more particularly described as follows:

BEGINNING, at the northwesterly corner of that 30.756 acre tract conveyed to Northstar Golf, LLC by deed of record in Official Record 417, Page 1036 and a southerly common corner of said 967.787 acre tract, and being a point in the Kinston Township and the Berkshire Township line;

Thence across grantor's tract the following bearings and distances:

North 03° 18' 02" East, a distance of 5.00 feet, to a point;

South 86° 33' 08" East, a distance of 53.09 feet, to a point;

South 86° 50' 24" East, a distance of 56.54 feet, to a point;

South 88° 10' 18" East, a distance of 348.74 feet, to a point;

North 03° 04' 47" East, a distance of 7.02 feet, to a point;

South 89° 24' 08" East, a distance of 125.00 feet, to a point;

North 00° 00' 00" East, a distance of 121.20 feet, to a point;

South 74° 48' 52" East, a distance of 24.80 feet, to a point;

South 69° 48' 40" East, a distance of 24.12 feet, to a point;

South 71° 37' 47" East, a distance of 1.59 feet, to a point;

South 73° 26' 55" East, a distance of 35.53 feet, to a point;

South 66° 06' 08" East, a distance of 20.27 feet, to a point;

South 54° 57' 49" East, a distance of 15.25 feet, to a point;

South 39° 18' 18" East, a distance of 34.42 feet, to a point;

South 35° 49' 54" East, a distance of 15.75 feet, to a point;

South 30° 35' 35" East, a distance of 37.53 feet, to a point;

South 24° 01' 44" East, a distance of 41.18 feet, to a point;

South 18° 19' 13" East, a distance of 7.27 feet, to a point on the line common to said 30.756 and 967.787 acre tracts and the Kingston and Berkshire Township Line;

Thence North 86° 41' 58" West, a distance of 767.29 feet, with said Township Line and said common line, to the POINT OF BEGINNING, containing 0.605 acres, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.
Edward J. Miller Registered Surveyor No. 8250

DRAINAGE EASEMENT
0.137 ACRES

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Situated in the State of Ohio, County of Delaware, Township of Berkshire, Farm Lot Number 3, East Tier, Quarter Township 2, Township 4, Range 17, United States Military District, being a strip of land across Lot 741 of that subdivision entitled “Northstar Section 1 Golf Course” of record in Official Record 822, Pages 2863-2866, said lot being part of that 705.013 acre tract of land originally conveyed to Northstar Land Development, Inc. of record in Official Record 692, Page 839, (all references refer to the records of the Recorder’s Office, Delaware County, Ohio), and described as follows:

Beginning for reference, at the north westerly corner of said lot 741, being the easterly right-of-way of North Galena Road (County Road 34) of that subdivision entitled “Northstar Section 1” of record in Official Record 817, Pages 2747-2755, and being a southerly corner of the remainder of said original 705.013 acre tract;

thence South 85° 59' 47" East , a distance of 327.44 feet, with the common line of said 705.013 acre tract and said lot 741, to THE TRUE POINT OF BEGINNING;

South 85° 59' 47" East, a distance of 128.31 feet, continuing with said common line, to a point;

thence across said lot 741, the following courses and distances:

South 40° 53' 30" West, a distance of 81.33 feet to a point;

North 67° 55' 18" West, a distance of 95.84 feet to a point;

North 22° 13' 22" East, a distance of 37.18 feet to the TRUE POINT OF BEGINNING and containing 0.137 acres of land, more or less.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.
Edward J. Miller Registered Surveyor No. 8250

DRAINAGE EASEMENT
0.136 ACRE

Situated in the State of Ohio, County of Delaware, Township of Berkshire, Farm Lot Numbers 2 & 3, East Tier, Quarter Township 2, Township 4, Range 17, United States Military District, being on, over, and across that 232.018 acre tract as conveyed to Northstar Golf, LLC by deed of record in Official Record 417, Page 1036 (all references refer to the records of the Recorder’s Office, Delaware County, Ohio), and described as follows:

Beginning, for reference, at a southwesterly corner of said 232.018 acre tract, at a southeasterly corner of that 705.013 acre tract as conveyed to Northstar Land Development by deed of record in Official Record 692, Page 839, being on a northerly line of Lot 741 of that subdivision entitled “Northstar Section 1 Golf Course” of record in Official Record 822, Pages 2863 thru 2866;

thence North 43° 29’ 00” East, with the westerly line of said 232.018 acre tract, a distance of 14.43 feet to the TRUE POINT OF BEGINNING;

thence North 43° 29’ 00” East, continuing with said westerly line, a distance of 131.13 feet to a point;

thence across said 232.018 acre, the following courses and distances:

South 58° 36’ 33” East, a distance of 19.81 feet to a point;

South 03° 22’ 29” West, a distance of 90.99 feet to a point;

North 86° 37’ 31” West, a distance of 101.97 feet to the TRUE POINT OF BEGINNING and containing 0.136 acre of land, more or less.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.
Edward J. Miller Registered Surveyor No. 8250

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

RESOLUTION NO. 08-1149

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

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

Permit #	Applicant	Location	Type of Work
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U08-106	EMBARQ	CHESHIRE RD	PLACE CABLE IN ROW
U08-105	EMBARQ	ROBINS RD	PLACE CABLE IN ROW
U08-097	COLUMBIA GAS	GOODING BLVD	INSTALL GAS MAIN
U08-104	WOW	ABBEEY KNOLL DR	PLACE CABLE IN ROW
U08-103	DEL-CO WATER	GREEN COOK RD	ROAD BORE
U08-102	DEL-CO WATER	BURNT POND RD	ROAD BORE/BURY WATERLINE
U08-101	DEL-CO WATER	OSTRANDER RD	ROAD BORE/BURY WATERLINE
U08-100	AT&T	TUSSIC STREET RD	TRENCH & BORE ROAD
U08-099	AT&T	TUSSIC STREET RD	BORE ROAD
U08-098	AT&T	FREEMAN RD	TRENCH UNDER RD
U08-107	VERIZON	TROY RD	BURY CABLE & BORE RD

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

RESOLUTION NO. 08-1150

IN THE MATTER OF APPROVING A CONTRACT MODIFICATION #1 FOR ME COMPANIES
ENGINEERING CONTRACT FOR THE EAST ORANGE ROAD IMPROVEMENTS:

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

CONTRACT (Modification) # 1

MODIFICATION AGREEMENT made and entered into this 29TH day of September, 2008, by and between the **DELAWARE COUNTY COMMISSIONERS**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and **ME Companies, Engineers**, hereinafter designated as **SECOND PARTY**.

THIS MODIFICATION AGREEMENT herein after modifies the original agreement by and between the **DELAWARE COUNTY COMMISSIONERS and ME Companies, Engineers**.

That said **FIRST AND SECOND PARTY**, hereby agree to increase the current contract amount of **\$287,622** [(\$224,750 basic engineering services, plus \$62,872.00 in “if authorized” items,)], by **\$192,055.00 for additional services as required by First Party**.

The revised contract amount is, therefore, increased to a **TOTAL of Four Hundred Seventy Nine Thousand Six Hundred Seventy Seven Dollars and zero cents, (\$479,677.00)** to be paid as specified in the terms of the original agreement.

Compensation is to be paid on a monthly basis as the estimated percentage of total work completed. Said estimated completion percentage shall be submitted by the Second Party and approved by the Delaware County Engineer.

SAID SECOND PARTY further agrees to perform the said work promptly, in a skillfully and competent manner in accordance with the normally accepted standards applicable to this work, and under the direction of the Delaware County Engineer. Work shall be deemed complete upon final acceptance of plans and documents by the Delaware County Engineer.

THE SECOND PARTY hereby agrees to hold **Delaware County** free and harmless from any and all claims for loss, damages, injury, liability, costs, expenses, judgments or decrees, resulting from any negligent acts or omissions of the **SECOND PARTY**, its employees, agents, subcontractors, and their employees and agents’ subcontractors and their employees agents but only to the extent that the same is actually covered and paid under the foregoing policies of the insurance.

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

RESOLUTION NO. 08-1151

IN THE MATTER OF APPROVING ESTIMATE, BID SPECS AND BID OPENING DATE FOR THE SHEETS
#318 DITCH IMPROVEMENT PROJECT:

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

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INVITATION TO BID

Sealed proposals will be received at the **Office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015, until 10:00 a.m. local time on MONDAY OCTOBER 20 , 2008** for furnishing all labor, materials and equipment necessary to complete the project known as **SHEETS #318 Ditch Improvement Project**, and bids will be opened and read aloud. Contract documents, bid sheets, plans and specifications can be obtained at the **Office of the Delaware County Engineer. Bidder must make arrangements to obtain bid packet; they will not be mailed.**

Each bidder is required to furnish with its proposal a Bid Guaranty and Contract Bond in accordance with **Section 153.54 of the Ohio Revised Code**. Bid security furnished in Bond form shall be issued by a Surety Company or Corporation licensed in the State of Ohio to provide said surety. Each proposal must contain the full name of the party or parties submitting the proposal and all persons interested herein. Each bidder must submit evidence of its experiences on projects of similar size and complexity, and a complete listing of all subcontractors to be used. **The owner intends that this project be finished no later than December 19th, 2008.**

The engineer’s estimate for this project is \$ _62,292.93

Bids shall be placed in a sealed envelope marked “**SEALED BID FOR SHEETS #318 DITCH IMPROVEMENT PROJECT**”.

The Delaware County Commissioners reserve the right to waive irregularities and to reject any and/ or all bids.

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

RESOLUTION NO. 08-1152

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Holly Stratton is resigning her position as an Income Maintenance Worker with Job and Family Services; effective September 12, 2008.

Karol Hoyle is retiring from her position with the Department of Job and Family Services; effective October 31, 2008.

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

RESOLUTION NO. 08-1153

IN THE MATTER OF APPROVING THE CONTRACTS BETWEEN THE DELAWARE COUNTY COMMISSIONERS; THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AND CHILD PLACEMENT SERVICE PROVIDERS AS LISTED:

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

Child Placement Service	Per diem cost and per diem reimbursement for the following categories
Buckeye Ranch 5665 Hoover Road Grove City, Ohio 43123	A. Maintenance B. Administration C. Case Management D. Transportation E. Other Direct Services (e.g., special diets, clothing, insurance, respite care) F. Behavioral Healthcare G. Other costs - (any other cost the Agency has agreed to participate in)
Christian Children’ Home of Ohio 2685 Armstrong Road Wooster, Ohio 44691	A. Maintenance B. Administration C. Case Management D. Transportation E. Other Direct Services (e.g., special diets, clothing, insurance, respite care) F. Behavioral Healthcare

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	G. Other costs - (any other cost the Agency has agreed to participate in)
Starr Commonwealth 301 Obetz Road Columbus, Ohio 43207	A. Maintenance B. Administration C. Case Management D. Transportation E. Other Direct Services (e.g., special diets, clothing, insurance, respite care) F. Behavioral Healthcare G. Other costs - (any other cost the Agency has agreed to participate in)
Advantage Foster Care 44 E. 4th Street Mansfield, Ohio 44902	A. Maintenance B. Administration C. Case Management D. Transportation E. Other Direct Services (e.g., special diets, clothing, insurance, respite care) F. Behavioral Healthcare G. Other costs - (any other cost the Agency has agreed to participate in)

(A copy of each of these contacts is available in the Commissioners’ Office until no longer of Administrative Value).

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

RESOLUTION NO. 08-1154

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS AND SUPPLEMENTAL APPROPRIATIONS FOR JOB AND FAMILY SERVICES:

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

Appropriation Transfers	
From	To
22511607-5342	22511607-5215
Children Services/Med & Health Related Services	Children Services/Program Supplies
	\$ 3,000.00
Supplemental Appropriation Increase	
22411602-5215	
JFS PRC/Program Supplies	\$ 20,000.00
22411602-5348	
JFS PRC/Program Professional Services	\$ 46,000.00

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

RESOLUTION NO. 08-1155

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Sarah Butler is resigning her position with the Child Support Enforcement Agency; effective date August 28, 2008.

Cathleen Ross is resigning her position with the Child Support Enforcement Agency; effective date September 24, 2008.

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

RESOLUTION NO. 08-1156

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE CODE COMPLIANCE DEPARTMENT:

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

Transfer of Appropriation						
From	To					
10011301-5001 Code Compliance/Compensation	10011301-5319 Code Compliance/Reimbursements			\$		5,000.00
10011301-5001 Code Compliance/Compensation	10011301-5301 Code Compliance/Professional Services			\$		4,000.00
10011301-5217 Code Compliance/Books	10011301-5325 Code Compliance/Maintenance Contracts			\$		2,400.00
10011301-5260 Code Compliance/Inventoried Tools	10011301-5330 Code Compliance/Communications			\$		500.00
10011301-5260 Code Compliance/Inventoried Tools	10011301-5380 Code Compliance/Other Services			\$		2,900.00
10011301-5255 Code Compliance/Office Furniture	10011301-5380 Code Compliance/Other Services			\$		700.00
10011301-5217 Code Compliance/Books	10011301-5380 Code Compliance/Other Services			\$		500.00
Vote on Motion	Mr. Ward	Aye	Mr. Jordan	Aye	Mr. Evans	Aye

RESOLUTION NO. 08-1157

IN THE MATTER OF APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND CENTRAL OHIO CONTRACTOR FOR THE OPERATION OF THE SOLID WASTE TRANSFER STATION AND THE DISPOSAL OF SOLID WASTE:

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

Whereas Commissioner’s resolution 07-536 executed an agreement with Central Ohio Contractors, Inc. (COC) to operate the Solid Waste Transfer Station, and

Whereas COC has performed well in the execution of the operation agreement, and

Whereas diesel fuel prices have increased nearly forty eight (48) percent since the time of bid for the operations of the transfer station, and

Whereas COC has requested a fuel surcharge to combat drastic rise in diesel fuel costs over the last year, and

Whereas the County has determined the request to be reasonable and justifiable, and

Therefore be it resolved that the Board of County Commissioners execute Amendment One to the Agreement for Operation of the Solid Waste Transfer Station and Disposal of Solid Waste.

Vote on Motion	Mr. Evans	Aye	Mr. Jordan	Aye	Mr. Ward	Aye
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RESOLUTION NO. 08-1158

SETTING THE TIME AND DATE TO RECEIVE BIDS FOR DCRSD 08-3: BIOSOLIDS HAULING AND DISPOSAL FOR THE DELAWARE COUNTY REGIONAL SEWER DISTRICT:

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

Whereas the wastewater treatment facilities of Delaware County generate biosolids as part of the treatment process, and

Whereas the biosolids need to be removed from the facilities and disposed of on a consistent basis, and

Whereas Delaware County has determined that it is economically more efficient to secure contract service for the removal and disposal of liquid biosolids, and

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Whereas Delaware County desires to purchase the services of a Contractor to haul and dispose of biosolids from the wastewater treatment facilities as needed, and

Whereas the Delaware County has estimated that greater than \$25,000 per year of the biosolids hauling services will be required for use, and

Whereas the Delaware County is required by state law to bid for the purchase of services to haul biosolids, and

Whereas the Delaware County Regional Sewer District desires to receive bids for public bid **DCRSD 08-3: Biosolids Hauling and Disposal** on October 15, 2008.

Therefore, be it resolved that the Board of County Commissioners will receive bids for the purchase of services to haul biosolids on **October 15, 2008 at 4:00 PM at 50 Channing Street, Delaware, Ohio.**

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

RESOLUTION NO. 08-1159

IN THE MATTER OF APPROVING THE FINAL SCHEDULE OF CONSTRUCTION ASSESSMENTS FOR THE JONES -TIMMS #516 DITCH PROJECT:

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

WHEREAS, With Resolution No. 08-1020 The Delaware County Commissioners Established A Drainage Maintenance Account (#0716) And Approved The Permanent Drainage Maintenance Easement For The Ditch Project, and

WHEREAS, the final schedule of construction assessments was to be approved after the bond was issued and the interest rates were determined, and

WHEREAS, the interest rate of the bond for the borrowing of the money is approximately 3.95%

THEREFORE BE IT RESOLVED, The Delaware County Commissioners approves the final schedule of construction assessments for the Jones-Timms #516 ditch project. (Copy available in the Commissioner’s Office until no longer of administrative value). As this project came in under the estimate, some property owners who paid in advance are due a refund, in addition several property owners whose total cost is below the minimum \$10.00 requirement will be increased to meet that requirement.

FURTHER BE IT RESOLVED, THAT The Commissioners’ Office will supply to the Auditor’s Office the final schedule of construction assessments with the interest rates for the assessments. Eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay their assessments with the interest rate on the installments.

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

RESOLUTION NO. 08-1160

IN THE MATTER OF ADOPTING RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR:

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

WHEREAS, The Board of County Commissioners has passed Resolution No. 07-543 to reduce the real property tax collection rate from 2.8 mills to 1.8 mills, beginning with tax year 2008 for collection in year 2009 and thereafter for a continuing period of time, pursuant to R.C. 5705.313(A); and

WHEREAS, The Board of County Commissioners has passed Resolution No. 07-544 to reduce the real property tax collection rate by an additional 0.8 mills from 1.8 mills to 1.0 mill for tax year 2008 for collection in year 2009, pursuant to R.C. 5705.313 (A); and

WHEREAS, the Budget Commission of Delaware County, Ohio has certified its action thereon to this Board together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board, and what part thereof is without, and what part within, the ten mill tax limitation;

THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Delaware County, Ohio that the amounts and rates as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further resolved, that there be and is hereby levied on the tax duplicate of said County the rate

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of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET
COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES

DELAWARE COUNTY TAX YEAR 2008 FUND	Amount	Amount	County Auditor's	
	Approved by	to Be Derived	Estimate of Tax Rate	
	Budget Commission	from levies	to be Levied	
	Inside 10 M.	Outside 10 M.	Inside 10 M.	Outside 10 M.
	Limitation	Limitation	Limit	Limit
General Fund	6,126,855		1.00	
Permanent Improvement Fund	612,685		0.10	
Developmental Disabilities Fund		12,694,959		2.10
9-1-1- Operations Fund		2,397,729		0.45
Senior Citizens		5,519,482		0.90
Debt Service		919,028		0.15
TOTAL	6,739,540	21,531,199	1.10	3.60

BE IT RESOLVED, that the Clerk of this Board be and she is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

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

RESOLUTION NO. 08-1161

IN THE MATTER OF APPROVING TRANSFER OF FUNDS AND SUPPLEMENTAL APPROPRIATIONS:

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

Transfer of Funds

From	To		
10011102-5850	23612302-4601		
Commissioners/Short Term Advance	Victims of Crime/Interfund Revenue	\$	756.00

Supplemental Appropriation

23612302-4601	Victims of Crime/Interfund Revenue	\$	756.00
23612302-5850	Victims of Crime/Short Term Advance	\$	756.00
50111117-5720	Bond Retirement/Interest	\$	(1,360,975.00)
50111117-5725	Bond Retirement/Principal	\$	(200,000.00)

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

RESOLUTION NO. 08-1162

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR PENDING OR IMMINENT
LITIGATION AND LAND ACQUISITION:

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn into Executive Session at 10:15AM.

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

RESOLUTION NO. 08-1163

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Ward, seconded by Mr. Evans to adjourn out of Executive Session at 10:47AM.

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

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There being no further business the meeting adjourned.

Glenn A. Evans

Kristopher W. Jordan

James D. Ward

Letha George, Clerk to the Commissioners