

**COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 28, 2009**

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

Present: Todd Hanks, Ken O'Brien, Tommy Thompson

RESOLUTION NO. 09-1199

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 24, 2009:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on September 24, 2009; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous meeting.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-1200

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM SPECIAL MEETING HELD SEPTEMBER 25, 2009:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in Special session on September 25, 2009; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous special meeting.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

PUBLIC COMMENT

RESOLUTION NO. 09-1201

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0925, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0925:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0925, memo transfers in batch numbers MTAPR0925, and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
None			

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-1202

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

The Engineer's Office is requesting that Pat Blayney, Ryan Mraz, Rob Riley, Doug Riedel, Erik Mackling attend the 2009 Traffic Engineering Conference in Columbus, Ohio October 27-28, 2009, at the cost of \$896.00 (Fund Number 29214001)

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Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-1203

IN THE MATTER OF A LIQUOR LICENSE TRANSFER REQUEST FROM ZOSO INC TO ONE POWELL SPORTS PUB LLC DBA NORTH POINTE TAVERN AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following resolution:

Whereas, the Ohio Division of Liquor Control has notified both the Delaware County Board of Commissioners and the Liberty Township Trustees that One Powell Sports Pub LLC DBA North Pointe Tavern has requested a transfer of the D1, D2, D3 D3A and D6 permits from Zoso Inc both business located at 9999 Sawmill PKWY Liberty Township Powell, Ohio 43065, and

Whereas, the Liberty Township Trustees have not filed an objection, the Delaware County Sheriff has responded--no known reason for a hearing to be requested and the Delaware County Commissioners have received no objections.

Therefore Be it Resolved, The Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-1204

IN THE MATTER OF A LIQUOR LICENSE TRANSFER REQUEST FROM ARUN INC. TO SAIM INC. DBA RED BANK FOOD AND BEVERAGE AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following resolution:

Whereas, the Ohio Division of Liquor Control has notified both the Delaware County Board of Commissioners and the Genoa Township Trustees that Saim Inc. DBA Red Bank Food and Beverage has requested a transfer of the C1, C2, and D6 permits from Arun Inc. both business located at 7001 Sunbury Road Suite A Genoa Township Westerville, Ohio 43082, and

Whereas, the Genoa Township Trustees have not filed an objection, the Delaware County Sheriff has responded--no known reason for a hearing to be requested and the Delaware County Commissioners have received no objections.

Therefore Be it Resolved, The Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-1205

IN THE MATTER OF AMENDING THE CHILD CARE PROVIDER CONTRACTS BETWEEN THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES, THE DELAWARE COUNTY COMMISSIONERS AND CHILD CARE PROVIDERS AS LISTED:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Whereas, Delaware County contracts with Child Care providers in accordance with state and federal regulations, and

Whereas, the Director of Job & Family Services recommends approval of the following contract amendments;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following contract amendments for Child Care providers:

Kim Smith

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 1

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between

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the Delaware County Department of Job and Family Services and Kim Smith entered into on the 4th day of March, 2009

<u>RATE CHANGES:</u>	Full Time	Part Time	Hourly
Infants	\$ 120.23	\$ 71.28	\$ 2.99
Toddler	\$ 112.90	\$ 68.43	\$ 2.95
Pre-K	\$ 107.69	\$ 62.00	\$ 2.82
School Age	\$ 85.54	\$ 67.06	\$ 2.92
Summer	\$ 106.38	\$ 71.34	\$ 2.92

Kindercare Learning Center-Neverland

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 1

This amendment, effective August 19, 2009, is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Kindercare Learning Center 96 Neverland Dr. entered into on the 1st day of January 2009.

Article 4. Cost and Delivery of Purchased Services:

(A) Payment Rates: The total amount of services to be reimbursed under this contract is increased from \$325,000.00 to \$500,000.00.

Creative Child Care – North

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 1

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Creative Child Care - North entered into on the 17th day of July, 2009

<u>RATE CHANGES:</u>	Full Time	Part Time	Hourly
Toddlers	\$ 190.01	\$ 118.65	\$ 13.07
Pre-K	\$ 163.44	\$ 79.87	\$ 6.81
School Age	\$ 94.56	\$ 63.00	\$ 5.75
Summer	\$ 149.76	\$ 100.33	\$ 6.72

Tammy Goodman

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 1

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Tammy Goodman entered into on the 7th day of November, 2008

<u>RATE CHANGES:</u>	Full Time	Part Time	Hourly
Infants	\$ 120.23	\$ 71.28	\$ 2.99
Toddler	\$ 112.90	\$ 68.43	\$ 2.95
Pre-K	\$ 107.69	\$ 62.00	\$ 2.82
School Age	\$ 85.54	\$ 67.06	\$ 2.92
Summer	\$ 106.38	\$ 71.34	\$ 2.92

Nicole Otten

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 1

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Nichole Otten entered into on the 1st day of January, 2009

<u>RATE CHANGES:</u>	Full Time	Part Time	Hourly
Infants	\$ 122.02	\$ 106.47	\$ 5.17

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Toddlers	\$ 143.00	\$ 96.02	\$ 5.49
Pre-K	\$ 121.54	\$ 95.08	\$ 5.13
School Age	\$ 99.68	\$ 70.95	\$ 5.28
Summer	\$ 122.53	\$ 98.32	\$ 6.08

Nicole Otten

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 3

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Nichole Otten entered into on the 1st day of January, 2009

RATE CHANGES:

	Full Time
Toddler	\$ 152.18

Kindercare/Sawmill Rd.

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 1

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Kindercare /Sawmill Rd. entered into on the 1st day of January, 2009

RATE CHANGES:

	Full Time	Part Time	Hourly
Infants	\$ 215.73	\$ 143.90	\$ 6.62
Toddlers	\$ 190.01	\$ 118.65	\$13.07
Pre-K	\$ 163.44	\$ 79.87	\$ 6.81
School Age	\$ 94.56	\$ 63.00	\$ 5.75
Summer	\$ 149.76	\$ 100.33	\$ 7.49
Before or After	\$ 94.56	\$ 63.00	\$ 5.75

Buckeye Valley SACC

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 2

This amendment, effective August 23, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Buckeye Valley / Sacc entered into on the 1st day of January, 2009

RATE CHANGES:

	Hourly
Summer School Age	\$ 6.40

Kimberly Van Dyke

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 3

This amendment, effective September 1, 2009 is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Kimberly VanDyke entered into on the 16th day of July, 2009

ADDRESS CHANGE:

From: 5881 Carters Corner Rd., Sunbury, Oh 43074
To: 1189-D RIVERCREST DR., DELAWARE, OH 43015

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-1206

IN THE MATTER OF APPROVING A DITCH MAINTENANCE PETITION AND THE DITCH MAINTENANCE ASSESSMENTS FOR BHARATIYA HINDU TEMPLE:

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It was moved by Mr. Hanks, seconded by Mr. Thompson to approve the following:

WHEREAS, on September 23, 2009 a Ditch Maintenance Petition for the Bharatiya Hindu Temple was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, the Petition sets forth the drainage improvements that have been or will be constructed within the subdivision; and

WHEREAS, the Petitioners have requested that the drainage improvements be accepted into the Delaware 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; and

WHEREAS, the Petitioners represent 100% of the property owners to be assessed for maintenance related to this drainage improvement and have waived their rights to a public viewing and hearing; and

WHEREAS, based on a review of the Petition and all accompanying documents, the Board has determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program;

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

Section 1. The Board hereby grants the Petition, the Board having found and determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

Section 2. The Board hereby approves the maintenance assessments, in accordance with the Petition, as follows:

The cost of the drainage improvements being \$8,917.00 for the benefit of a total of 18 acres, the basis for calculating the assessment for each lot is, therefore, \$495.39 per acre. An annual maintenance fee equal to two percent (2%) of this basis (\$175.00) shall be collected per acre. The basis for calculating the maintenance assessment shall be reviewed and subject to revision every six (6) years. The first year's assessment for all of the lots in the amount of \$175.00 has been paid to Delaware County, receipt of which is hereby acknowledged.

Section 3. This Board finds and determines that all formal actions taken by 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 that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-1207

IN THE MATTER OF APPROVING PROJECT AGREEMENT FOR ALUM CROSSING SECTION 2, PHASE A:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve the following agreement:

Whereas, the County Engineer recommends approval of the following project agreement;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following project agreement:

Alum Crossing Section 2, Phase A

PROJECT AGREEMENT
PROJECT NUMBER: 09016

THIS AGREEMENT, executed on this 28th day of September, 2009 between ROCKFORD HOMES, hereinafter called "OWNER" and the BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY OHIO (COUNTY COMMISSIONERS), for the project described as ALUM CROSSING SECTION 2, PHASE A, further identified as Project Number 09016 is governed by the following considerations to wit:

Said OWNER is to construct, install or otherwise make all public improvements shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications, all of which are a part of this AGREEMENT.

OPTIONS:

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1. Should **OWNER** elect to record the plat prior to beginning construction, **OWNER** shall execute bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction as shown in **Exhibit "A"** attached hereto.
2. Should **OWNER** elect to proceed to construction prior to recording the plat, no approved financial warranties are necessary until such time as **OWNER** elects to record the plat. Such plat cannot be recorded until the County Engineer has determined the construction of the project is at least 80% complete.

OWNER hereby elects to use Option 2 for this project.

The financial warranties are to insure faithful performance of this **AGREEMENT** and the completion of all improvements in accordance with the **Delaware County Design, Construction and Surveying Standards and any supplements thereto**. The **OWNER** shall pay the entire cost and expense of said improvements, unless otherwise specifically noted herein.

The **OWNER** shall indemnify and save harmless **Delaware County and all Townships and/or Villages** within Delaware County and all of their officials, employees or agents from all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any actions or omissions of any contractor or subcontractor or from any material, including explosives, or any method used in said work or by or on account of any accident caused by negligence or any other act or omission of any contractor or his agents or employees. **All public improvement construction** shall be performed within one (1) year from the date on which this **AGREEMENT** is executed by the **COUNTY COMMISSIONERS**.

The **OWNER** further agrees that any violations of or noncompliance with any of the provisions and stipulations of this **AGREEMENT** shall constitute a breach of contract, and the **COUNTY** shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the public improvements within this subdivision.

It is further agreed that upon execution of the **AGREEMENT**, the **OWNER** shall deposit **FORTY-TWO THOUSAND SIX HUNDRED DOLLARS (\$42,600)** estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer**. When the fund has been depleted to ten percent (10%) of the original amount deposited, the **OWNER** shall replenish the account upon notice by the **Delaware County Engineer**. Upon completion of the maintenance period and acceptance of the improvements by the **Delaware County Commissioners**, the remaining amount in the fund shall be returned to the **OWNER**.

Upon completion of construction, the **OWNER** shall be responsible for the maintenance, repair or construction of any and all defective materials or workmanship for a period of **one year**. Said **OWNER'S** bond, certified check, irrevocable letter of credit or other approved financial warranties may be reduced to 10% of the originally approved construction estimate as shown in **Exhibit "A"** for said maintenance. The reduction may be approved only after the **County Engineer** has been provided evidence that all work has been accomplished according to the approved plan and/or to the **County Engineer's** satisfaction. All work is to be done in accordance with the **Delaware County Design, Construction and Surveying Standards, and any supplements thereto**.

Acceptance of the project into the public system shall be completed only after written notice to the **COUNTY COMMISSIONERS** from the **County Engineer** of his approval. The **OWNER'S** maintenance responsibility as described above shall be completed upon formal acceptance by the **COUNTY COMMISSIONERS**.

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

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

The **OWNER** shall, within thirty (30) days of completion of construction, furnish to the **COUNTY COMMISSIONERS** an itemized statement showing the cost of improvements and an affidavit that all material and labor costs have been paid. The **OWNER** shall indemnify and hold harmless **Delaware County and all Townships and/or Villages** within Delaware County and all their officials, employees or agents from expenses or claims for labor or material incident to said construction of improvements.

The **OWNER** shall obtain all other necessary utility services incident to the construction of the improvements and for their continued operation. The **OWNER** shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the **OWNER** and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the **County**.

Should the OWNER become unable to carry out the provisions of this AGREEMENT, the **OWNER'S** heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions and requirements of this **AGREEMENT**.

In consideration whereof, the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants the **OWNER** or his agent, the right and privilege to make the improvements stipulated herein.

EXHIBIT "A"

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CONSTRUCTION BOND AMOUNT	N/A
MAINTENANCE BOND AMOUNT	\$ 53,324
INSPECTION FEE DEPOSIT	\$ 42,600

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-1208

IN THE MATTER OF ACCEPTING AN ADDITIONAL DRAINAGE EASEMENT FOR LOT 579 IN KILLDEER MEADOWS SECTION 2:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve the following:

Whereas, the County Engineer recommends accepting the following Drainage Easement:

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve and accept the following Drainage Easement:

**Drainage Easement
Lot 579 Killdeer Meadows Section 2**

To better facilitate the maintenance of the drainage facilities associated with the above referenced project, it was determined that an additional drainage easement on Lot 579 within the project would be beneficial. The Engineer has, therefore, been granted the additional easement by the property owner per the attached description. The Engineer asks for your acceptance of this additional easement which will be recorded upon your acceptance.

DESCRIPTION OF 0.018 ACRE TRACT
SOUTH OF CHESHIRE ROAD
NORTH OF DUSTIN ROAD
WEST OF ROME CORNERS ROAD

Situated in the State of Ohio, County of Delaware, Township of Berkshire, in Farm Lots 27, Quarter Section 3, Township 4, Range 17, United States Military Lands, being 0.018 acres in Lot 579 of Killdeer Meadows Section Two Phase A & B as recorded in Plat Cabinet 3, Slide 492-492D (all references refer to records in the Delaware County Recorder’s Office, Ohio) and more fully described as follows:

Beginning for reference at a point at the northeast lot corner of said Lot 579 being the Point of Beginning;

Thence South 19°25’51” West a distance of 24.39 feet, along the easterly line of said Lot 579, to a point being the Point of Beginning;

Thence South 19°25’51” West a distance of 2.35 feet, along the easterly line of said Lot 579, to a point;

Thence North 85°21’53” West a distance of 99.07 feet to a point;

Thence North 3°27’39” East a distance of 13.31 feet to a point;

Thence South 79°03’48” East a distance of 100.55 feet to the Point of Beginning containing 776 square feet or 0.018 acres more or less.

Bearings are based upon the west line of Lot 579 of Killdeer Meadows Section Two Phase A & B as recorded in Plat Cabinet 3, Slide 492-492D and bearing North 3°27’39” East and all other bearings based upon this meridian.

This legal description was written from plats of previous record and not an actual field survey.
HOCKADEN AND ASSOCIATES, INC.
Consulting Engineers and Surveyors
Frank C. Long
Professional Surveyor No. 6615
42691/10.1-082709-L2

EASEMENT

M/I HOMES OF CENTRAL OHIO, LLC, an Ohio limited liability company (“Grantor”) whose tax mailing address is 3 Easton Oval, Suite 500, Columbus, Ohio 43019, for valuable consideration paid by the **DELAWARE COUNTY COMMISSIONERS** (“Grantee”), the receipt and sufficiency of which is hereby acknowledged, grants to Grantee, its successors and assigns forever, a non-exclusive, perpetual easement in, over,

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under and through the real estate described in Exhibit A and depicted on Exhibit B, attached hereto and made a part hereof (the "Easement Area"), for the purpose of constructing, installing, reconstructing, replacing, removing, repairing, maintaining and operating storm water drainage swales and other storm water drainage facilities (the "Improvements").

All Improvements shall be located underground except for those Improvements which are, by their nature and design, intended to be located at or above the surface of the ground (e.g., manholes and the like). No above grade structures, dams or other obstructions to the flow of storm water runoff are permitted within the drainage easement area as delineated on Exhibit "B". Grantee shall, as soon as practicable after use of the Easement Area for any purpose permitted hereby, restore the Easement Area to its former condition as nearly as is reasonably possible. Grantor may use the surface of the Easement Area provided such use does not unreasonably interfere with Grantee's rights and privileges under this Easement.

The Grantor hereby covenants with Grantee to be the true and lawful owner of the Easement Area by virtue of a deed of record in Official Record Volume 809, page 1843, in the office of the Recorder, Delaware County, Ohio, subject to taxes and assessments not yet due and payable; easements, conditions and restrictions of record, legal highways and zoning ordinances. Grantor has the full power and authority to grant this Easement.

This Easement shall run with the land and be binding upon and inure to the benefit of the respective heirs, personal representatives, successors, transferees, and assigns of the Grantor and the Grantee.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-1209

IN THE MATTER OF APPROVING A COOPERATION AGREEMENT WITH PORTER TOWNSHIP FOR THE PORTER TOWNSHIP ROAD IMPROVEMENT PROJECT (PLANTATION ROAD) OPWC CAPITAL IMPROVEMENTS FUNDING:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following

Whereas, the County Engineer recommends approval of the following cooperation agreement;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following cooperation agreement:

COOPERATION AGREEMENT
Porter Township
Plantation Road (POR054)

PORTER TOWNSHIP RESOLUTION NUMBER 09-31 Date 7-14-09

DELAWARE COUNTY RESOLUTION NUMBER 09-1209 Date 09-28-09

Porter Township and Delaware County hereby enter into a cooperative agreement to submit an application to the Ohio Public Works Commission for the Project known as Porter Township Road Improvement Project (Plantation Road)

Porter Township will provide funds totaling 13.1% of the cost of the Project. Such funds will come from the General fund.

Delaware County, through the County Engineer will provide matching funds totaling 13.1%, not to exceed the amount of funds provided by Scioto Township, of the cost of the Project. Such funds will come from the road and bridge fund. The County Engineer will also provide design engineering and construction management services at no cost to the Township.

Delaware County authorizes Porter Township to be the lead applicant and to sign all necessary documents.

Porter Township agrees to pay its percentage of Project costs as construction invoices are due.

Delaware County, through the Delaware County Engineer's OPWC Grant Enhancement Program agrees to pay its share (not to exceed \$50,000) of the cost upon receipt of construction contract invoices. The Delaware County Engineer's OPWC Grant Enhancement Program is a dollar for dollar local match up to \$50,000.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-1210

IN THE MATTER OF APPROVING A COOPERATION AGREEMENT WITH HARLEM TOWNSHIP FOR THE ROBINS ROAD PROJECT FOR OPWC CAPITAL IMPROVEMENTS FUNDING:

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It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following

Whereas, the County Engineer recommends approval of the following cooperation agreement;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following cooperation agreement:

COOPERATION AGREEMENT
Harlem Township and Delaware County
Robins Road (HAR036)

HARLEM TOWNSHIP RESOLUTION NUMBER 9-8-29-T17 Date 08-19-09

DELAWARE COUNTY RESOLUTION NUMBER 09-1210 Date 09-28-09

Harlem Township and Delaware County hereby enter into a cooperative agreement to submit an application to the Ohio Public Works Commission for the Project known as Robins Road (HAR036)

Harlem Township will provide funds totaling 15% of the cost of the Project. Such funds will come from the OI-L-03 fund.

Delaware County, through the County Engineer will provide matching funds totaling 15%, not to exceed the amount of funds provided by Harlem Township, of the cost of the Project. Such funds will come from the road and bridge fund. The County Engineer will also provide design engineering and construction management services at no cost to the Township.

Delaware County authorizes Harlem Township to be the lead applicant and to sign all necessary documents.

Harlem Township agrees to pay its percentage of Project costs as construction invoices are due.

Delaware County, through the Delaware County Engineer's OPWC Grant Enhancement Program agrees to pay its share (not to exceed \$50,000) of the cost upon receipt of construction contract invoices. The Delaware County Engineer's OPWC Grant Enhancement Program is a dollar for dollar local match up to \$50,000.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-1211

IN THE MATTER OF APPROVING A COOPERATION AGREEMENT WITH BROWN TOWNSHIP FOR THE SKINNER ROAD PROJECT FOR OPWC CAPITAL IMPROVEMENTS FUNDING:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following

Whereas, the County Engineer recommends approval of the following cooperation agreement;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following cooperation agreement:

COOPERATION AGREEMENT
Brown Township and Delaware County
Skinner Road (BRN085)

BROWN TOWNSHIP RESOLUTION NUMBER 01-08-09 Date 08-11-09

DELAWARE COUNTY RESOLUTION NUMBER 09-1211 Date 09-28-09

Brown Township and Delaware County hereby enter into a cooperative agreement to submit an application to the Ohio Public Works Commission for the Project known as Skinner Road (BRN085)

Brown Township will provide funds totaling 16.18% of the cost of the Project. Such funds will come from the fund.

Delaware County, through the County Engineer will provide matching funds totaling 16.18%, not to exceed the amount of funds provided by Brown Township, of the cost of the Project. Such funds will come from the road and bridge fund. The County Engineer will also provide design engineering and construction management services at no cost to the Township.

Delaware County authorizes Brown Township to be the lead applicant and to sign all necessary documents.

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Brown Township agrees to pay its percentage of Project costs as construction invoices are due.

Delaware County, through the Delaware County Engineer's OPWC Grant Enhancement Program agrees to pay its share (not to exceed \$50,000) of the cost upon receipt of construction contract invoices. The Delaware County Engineer's OPWC Grant Enhancement Program is a dollar for dollar local match up to \$50,000.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-1212

IN THE MATTER OF APPROVING A COOPERATION AGREEMENT WITH BERLIN TOWNSHIP FOR THE BERLIN TOWNSHIP ROAD IMPROVEMENTS PROJECT FOR OPWC CAPITAL IMPROVEMENTS FUNDING:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following

Whereas, the County Engineer recommends approval of the following cooperation agreement;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following cooperation agreement:

COOPERATION AGREEMENT
Berlin Township and Delaware County
Berlin Township Road Improvements

BERLIN TOWNSHIP RESOLUTION NUMBER 09-09-16 Date 9-14-2009

DELAWARE COUNTY RESOLUTION NUMBER 09-1212 Date 09-28-09

Berlin Township and Delaware County hereby enter into a cooperative agreement to submit an application to the Ohio Public Works Commission for the Project known as Berlin Township Road Improvement Project

Berlin Township will provide funds totaling 22% of the cost of the Project. Such funds will come from the MVL Permissive fund, general fund, gasoline fund.

Delaware County, through the County Engineer will provide matching funds totaling 15.7%, not to exceed the amount of funds provided by Berlin Township, of the cost of the Project. Such funds will come from the road and bridge fund. The County Engineer will also provide design engineering and construction management services at no cost to the Township.

Delaware County authorizes Berlin Township to be the lead applicant and to sign all necessary documents.

Berlin Township agrees to pay its percentage of Project costs as construction invoices are due.

Delaware County, through the Delaware County Engineer's OPWC Grant Enhancement Program agrees to pay its share (not to exceed \$50,000) of the cost upon receipt of construction contract invoices. The Delaware County Engineer's OPWC Grant Enhancement Program is a dollar for dollar local match up to \$50,000.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-1213

IN THE MATTER OF APPROVING A COOPERATION AGREEMENT WITH GENOA TOWNSHIP FOR DEL-3-2.78 FREEMAN ROAD AND STATE ROUTE 3 INTERSECTION IMPROVEMENTS FOR OPWC CAPITAL IMPROVEMENTS FUNDING:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following

Whereas, the County Engineer recommends approval of the following cooperation agreement;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following cooperation agreement:

COOPERATION AGREEMENT
Delaware County and Genoa Township
DEL-3-2.78 Freeman Road and State Route 3 Intersection Improvements

GENOA TOWNSHIP RESOLUTION NUMBER 09-0917 Date 09-17-09

COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 28, 2009

DELAWARE COUNTY RESOLUTION NUMBER 09-1213 Date 09-28-09

Genoa Township and Delaware County hereby enter into a Cooperative Agreement to submit an application to the Ohio Public Works Commission for the DEL-3-2.78 Freeman Road and S.R. 3 Intersection Improvements.

Genoa Township will provide funds totaling 5% of the cost of the Improvement. Such funds will come from the permissive motor vehicle license (2231) fund.

Delaware County, through the County Engineer will provide funds totaling 5% of the cost of the Improvement. Such funds will come from the Road and Bridge (292) fund.

Delaware County authorizes Genoa Township to be the lead applicant and to sign all necessary documents.

Genoa Township agrees to pay its percentage of project costs as invoices are due.

Delaware County, through the Delaware County Engineer's OPWC Grant Enhancement Program agrees to pay its 5% of the cost through the design engineering services contract and any balance toward the construction of the project as invoices are due. The Delaware County Engineer's OPWC Grant Enhancement Program is a dollar for dollar local match up to \$50,000.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-1214

IN THE MATTER OF APPROVING A COOPERATION AGREEMENT WITH SCIOTO TOWNSHIP FOR THE NEWHOUSE ROAD PROJECT FOR OPWC CAPITAL IMPROVEMENTS FUNDING:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following

Whereas, the County Engineer recommends approval of the following cooperation agreement;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following cooperation agreement:

COOPERATION AGREEMENT
Delaware County and Scioto Township
Newhouse Road (SC1160)

SCIOTO TOWNSHIP RESOLUTION NUMBER 11-2009 Date 08-12-09

DELAWARE COUNTY RESOLUTION NUMBER 09-1214 Date 09-28-09

Scioto Township and Delaware County hereby enter into a Cooperative Agreement to submit an application to the Ohio Public Works Commission for the Project known as Newhouse Road (SC1160).

Scioto Township will provide funds totaling 16.5% of the cost of the Improvement. Such funds will come from the Road and Bridge fund.

Delaware County, through the County Engineer will provide matching funds totaling 16.5%, not to exceed the amount of funds provided by Scioto Township, of the cost of the Project. Such funds will come from the road and bridge fund. The County Engineer will also provide design engineering and construction management services at no cost to the Township.

Delaware County authorizes Scioto Township to be the lead applicant and to sign all necessary documents.

Scioto Township agrees to pay its percentage of project costs as invoices are due.

Delaware County, through the Delaware County Engineer's OPWC Grant Enhancement Program agrees to pay its share (not to exceed \$50,000) of the cost upon receipt of construction contract invoices. The Delaware County Engineer's OPWC Grant Enhancement Program is a dollar for dollar local match up to \$50,000.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-1215

IN THE MATTER OF APPROVING A COOPERATION AGREEMENT WITH THE CITY OF DELAWARE FOR US 36 & CHESHIRE/CHANNING STREET INTERSECTIONS IMPROVEMENTS FOR OPWC CAPITAL IMPROVEMENTS FUNDING:

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It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following

Whereas, the County Engineer recommends approval of the following cooperation agreement;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following cooperation agreement:

**“COOPERATION AGREEMENT”
CITY OF DELAWARE & DELAWARE COUNTY
US 36 & Cheshire/Channing Street Intersections**

DELAWARE CITY RESOLUTION NUMBER: 09-34 8/24/09_DATE
DELAWARE COUNTY RESOLUTION NUMBER 09-1215 09-28-09 DATE

Delaware City and Delaware County enter into a cooperative agreement to submit an application to the Ohio Public Works Commission for the improvements of the US 36 & Cheshire/Channing Street intersections.

Delaware City will provide funds totaling 43.3% of the cost of the improvements of the US 36 & Cheshire/Channing Street Intersections project. Such funds will come from the General fund.

Delaware County, through the County Engineer, will provide funds totaling 12.7% of the cost of the US 36 & Cheshire/Channing Street Intersections project. Such funds will come from the Gasoline and Motor Tax Fund.

Delaware County authorizes Delaware City to be the lead applicant and to sign all necessary documents.

Delaware City agrees to pay its \$170,024.00 of the cost as invoices are due.

Delaware County, through the Delaware County Engineer's OPWC Grant Enhancement Program, agrees to pay its \$50,000.00 of the cost towards construction.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-1216

IN THE MATTER OF DECLARING THE NECESSITY FOR IMPROVEMENTS TO RADNOR ROAD (COUNTY ROAD 198) INCLUDING REPLACEMENT OF THE BRIDGE OVER THE SCIOTO RIVER AND AUTHORIZING THE COUNTY ENGINEER TO PREPARE PLANS, SPECIFICATIONS AND ESTIMATES FOR THE IMPROVEMENT:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following

Whereas, Section 5555.022 of the Revised Code provides that a Board of County Commissioners may find that the public convenience and welfare require the improving of any public road or part thereof by grading, draining, paving, straightening, or widening such road and constructing or reconstructing any bridges and culverts necessary for such improvement, and may authorize the County Engineer to prepare surveys, plans, profiles, cross sections, estimates of cost, and specifications for the improvement;

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

Section 1: The public convenience and welfare require the replacement of the Radnor Road (County Road 198) bridge over the Scioto River and improvement of the approaches to the bridge, located approximately 0.1 miles east of State Route 257, for a length of approximately 1/4 mile, and that the Improvement known as DEL-CR198-0.01 Radnor Road over Scioto River be initiated for such purpose, and;

Section 2: The County Engineer is hereby authorized to prepare surveys, plans, profiles, cross sections, estimates of cost, and specifications for the Improvement, and;

Section 3: Costs for said Improvement be paid for from any funds appropriated for road and bridge construction.

This resolution initiates the Radnor Road over Scioto River bridge project, including replacement of the existing structurally deficient bridge with a 3-span steel beam bridge approximately 240 feet in length with approximately 1250 feet of associated roadway approach work. It authorizes the County Engineer to prepare plans, specifications and estimates for the project. Construction budget estimate is \$1.76 million. The Engineer's Office is applying for \$493,000 in OPWC funding for this project, with the remainder by county road and bridge funds. Construction is scheduled for July to December 2010.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

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RESOLUTION NO. 09-1217

IN THE MATTER OF AUTHORIZING TOMMY THOMPSON, DELAWARE COUNTY COMMISSIONER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following

AUTHORIZING LEGISLATION
Delaware County
Radnor Road over Scioto River DEL-CR198-0.01

IN THE MATTER OF AUTHORIZING TOMMY THOMPSON, DELAWARE COUNTY COMMISSIONER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED;

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the Delaware County Board of Commissioners is planning to make capital improvements to Radnor Road (CR 198) beginning at log point 0.01 and including replacement of the bridge over the Scioto River and improvement of bridge approaches, and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs,

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

Section 1: That Tommy Thompson is hereby authorized to apply to the OPWC for funds as described above.

Section 2: That Tommy Thompson is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-1218

IN THE MATTER OF ACCEPTING FROM THE OHIO DEPARTMENT OF DEVELOPMENT, OFFICE OF HOUSING AND COMMUNITY PARTNERSHIPS, THE AWARDING OF FISCAL YEAR 2009 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE SMALL CITIES FORMULA PROGRAM:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to accept the grant:

WHEREAS, the Ohio Department of Development (ODOD) has awarded \$146,000 in Fiscal Year 2009 Small Cities Community Development Block Grant (CDBG) funds under the Formula Program to Delaware County; and

WHEREAS, funding to Delaware County through the FY 2009 CDBG Formula Program, is intended to assist communities within Delaware County with necessary and useful public programs, which are responsive to State and National program objectives and qualification criteria for this program.

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 Commissioners accept the FY 2009 CDBG Formula Grant Program for Delaware County as follows:

	Proposed Project	Total Project Cost	Proposed CDBG Formula	Proposed RLF Funding	Proposed Other Funding	Description of Other Funding
1. Village of Ashley	Street Improvements	\$ 53,000	\$44,000	\$ 6,000	\$ 3,000	Village
2. Village of Ostrander	Street Improvements	\$ 92,800	\$74,000	\$ 6,000	\$12,800	Village
3. Fair Housing	Countywide	\$ 6,100	\$ 6,100			
4. Administrative	General	\$ 21,900	\$ 21,900			

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Totals		\$173,800	\$146,000	\$12,000	\$15,800	

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

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-1219

RESOLUTION OF NECESSITY FOR PURCHASE OR LEASE 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. Hanks, seconded by Mr. Thompson to approve the following:

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 Division of Environmental Service to expend county monies for the purchase of one new vehicle; and

WHEREAS the request is based on the need to replace an existing vehicle with nearly 170,000 miles, and

WHEREAS the vehicle is used as part of the efforts to maintain nearly 500 miles of sanitary sewer, and

WHEREAS; the Board of County Commissioners will, through this resolution, legally appropriate monies from the proper fund for the acquisition of this vehicle.

NOW, THEREFORE 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 new truck for use by the Regional Sewer District.

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

Section 3. That the Board of County Commissioners of Delaware County, Ohio, does hereby declare that the make and model of such vehicle is one Ford F-250 extended cab with 4 wheel drive for a total of \$25,104.50.

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

Section 5. The Board of County Commissioners does hereby approve a purchase order request for a total of \$25,104.50 to Bass Truck Center in Elyria, Ohio for one Ford F-250 with half of the amount (\$12,552.25) being from 66290301 – 5450 and half of the amount (\$12,552.25) being from 66290401 – 5450.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-1220

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR JUVENILE/PROBATE COURT:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Transfer of Appropriation

27426313-5001	27426313-5120		
Crime Victims Grant/Compensation	Crime Victims Grant/PERS	\$	22.64

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

**COMMISSIONERS' COMMITTEES REPORTS
(Refer To Cd Minutes For Entire Record)**

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Commissioner Hanks

- Received Information From Council For Older Adults About Alzheimer Association
- This Friday Is Main Streets First Friday Event

Commissioner O'Brien

EMA Special Meeting At 1:30pm

- Commissioner O'Brien Will Be Recusing Himself From Resolutions Pertaining To The 3C Rail Project Since Finding Out One Alternate Is Close To His Property

Commissioner Thompson

Workforce Development Meeting Tuesday Am

- Tuesday Will Also Be BOR
- Fair Networking Surrounding Counties; Market Delaware County

RESOLUTION NO. 09-1221

IN THE MATTER OF ADJOURNING THE MEETING:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to adjourn the meeting.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

Todd Hanks

Ken O'Brien

Tommy Thompson

Letha George, Clerk to the Commissioners