

COMMISSIONERS JOURNAL NO. 54 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 28, 2010

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

9:30 AM Reconvening Of The Final Hearing For The Scott #604 And Dutcher #477 Watershed Ditch Petition Project For The Board To Hear All Claims For Compensation Or Damages For Lateral 2

RESOLUTION NO. 10-836

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JUNE 24, 2010:

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 June 24, 2010; 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. Hanks Aye Mr. O'Brien Aye

PUBLIC COMMENT

RESOLUTION NO. 10-837

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0625:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0625 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
Delaware Motive	Auto Parts	10011106-5228	\$ 10,000.00
Public Defender	Public Defender Services	10011202-5301	\$ 600,000.00
Elford	Hayes Building	41411435-5410	\$ 17,476.00
Setterlin	Jail	41411434-5410	\$ 8,661.02

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Desc</u>	<u>Line Account</u>	<u>Line Amount</u>	<u>Line Number</u>
R1004024	STARR COMMON WEALTH	RESIDENTIAL TREATMENT	22511607-5342	\$10,000.00	0001

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

RESOLUTION NO. 10-838

IN THE MATTER OF APPROVING THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0625GC:

It was moved by M. Hanks, seconded by Mr. Thompson to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0625GC.

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

RESOLUTION NO. 10-839

IN THE MATTER OF APPROVING PURCHASE ORDER REQUEST FOR BUCKEYE RANCH:

COMMISSIONERS JOURNAL NO. 54 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 28, 2010

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve Purchase Orders as listed below:

PR Number	Vendor Name	Line Desc	Line Account	Line Amount	Line Number
R1004011	BUCKEYE RANCH	RESIDENTIAL TREATMENT	22511607-5342	\$80,000.00	0001

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

RESOLUTION NO. 10-840

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Department of Job and Family Services is requesting that Patti Clements attend the 2010 Leadership Delaware Program in Delaware, Ohio, at the cost of \$750.00 (Fund Number 22411604).

The Facilities Department is requesting that Jon Melvin attend a 2010 Ohio Courts Summit in Columbus, Ohio June 30, 2010, at the cost of \$35.00 (Fund Number 10011105).

The Child Support Enforcement Agency is requesting that Joyce Rhodes attend Fiscal Training in Columbus, Ohio June 29, 2010, at the cost of \$85.00 (Fund Number 23711630).

The EMS Department is requesting that Rob Farmer attend an EMD Course (as the Instructor) In Flint, Michigan July 9-11, 2010 at the cost of \$135.00 (Fund Number 21411306)

The Administrative Services Department is requesting that Gina Fasone and Brad Euans attend a HR Conference in Cleveland, Ohio July 28, 2010, at no cost.

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

RESOLUTION NO. 10-841

IN THE MATTER OF APPROVING THE SCHEDULE OF ASSESSMENTS FOR THE COSTS FOR THE PROCEEDINGS FOR THE DISMISSED RHODES #7 WATERSHED DITCH PETITION:

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

WHEREAS, with Resolution No. 09-1260 The Delaware County Commissioners approved that the costs for the proceedings of the dismissed RHODES #7 Ditch Petition be distributed to the landowners in the same ratio as determined in the final estimated assessments presented at the hearing; and

WHEREAS, the date for the landowners to pay for the costs for the proceedings upfront rather than having it placed on their real estate tax bill, has passed;

THEREFORE BE IT RESOLVED, The Delaware County Commissioners approves the schedule of assessments for the costs for the proceedings for the dismissed RHODES #7 Ditch Petition. (Copy available in the Commissioner's Office until no longer of administrative value).

FURTHER BE IT RESOLVED, THAT The Commissioners' Office will supply to the Auditor's Office the schedule of assessments. Two 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 no interest rate on the installments.

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

RESOLUTION NO. 10-842

IN THE MATTER OF ACCEPTING THE TREASURER'S REPORT FOR THE MONTH OF MAY 2010:

It was moved by Mr. Hanks, seconded by Mr. Thompson to accept the Treasurer's Report for the month of May 2010.

(Copy available for review at the Commissioners' Office until no longer of administrative value.)

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

RESOLUTION NO. 10-843

COMMISSIONERS JOURNAL NO. 54 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 28, 2010

IN THE MATTER OF DECLARING THE NECESSITY FOR IMPROVEMENTS TO PANHANDLE ROAD BRIDGE, INCLUDING REPLACEMENT OF AN EXISTING STRUCTURALLY DEFICIENT BRIDGE OVER HORSESHOE RUN WITH MINIMAL ROADWAY APPROACH IMPROVEMENTS, APPROVING PLANS, SPECIFICATIONS, ESTIMATES AND SETTING THE BID DATE FOR THE PROJECT KNOWN AS DEL-CR-215-1.55 PANHANDLE ROAD BRIDGE OVER HORSESHOE RUN:

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 by a majority vote that the public convenience and welfare require the improving of any part of any public road, may fix the route and termini of the Improvement and may authorize such Improvement, and;

Whereas the County Engineer has determined that the existing bridge on Township Road Number 215, Panhandle Road, is structurally deficient and requires replacement along with minimal roadway approach improvements and recommends that the Board proceed with Improvements thereof, and;

Whereas the County Engineer has prepared plans, specifications and estimates for the Improvement, and;

Whereas the County Engineer has estimated the construction cost of the Improvement to be \$385,000.00;

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

Section 1: The public convenience and welfare require the replacement of the structurally deficient bridge on Panhandle Road known as DEL-CR-215-1.55 and minimal improvement of the roadway approach to the bridge, and that the Improvement known as DEL-CR-215-1.55 PANHANDLE ROAD BRIDGE OVER HORSESHOE RUN be initiated for such purpose, and;

Section 2: The costs for said Improvement will be paid for from any funds appropriated for road and bridge construction and that no special levies or assessments shall be made to pay for the Improvement, and;

Section 3: The plans, specifications and estimates for the project known as DEL-CR-215-1.55 PANHANDLE ROAD BRIDGE OVER HORSESHOE RUN are hereby approved, and;

Section 4: The County Engineer is authorized to advertise for and receive bids on behalf of the Board in accordance with the following Invitation to Bid:

Sealed bids will be received at the Office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015, until 10:00 a.m. on July 20, 2010, at which time they will be publicly opened and read aloud, for the project known as DEL-CR-215-1.55, Panhandle Road Bridge over Horseshoe Run.

The proposals must be made on the forms provided in the Contract Documents or a copy thereof and shall contain the full name and address of the bidder. All bids shall be sealed and plainly marked "SEALED BID FOR DEL-CR-215-1.55". Bid shall be accompanied by a Bid Security in the form of a bid bond in the amount of one hundred percent (100%) of the bid or a certified check in the amount of ten percent (10%) of the bid. In addition to the Bid Security, a one (1) year Maintenance/Performance Bond is required for this project in the amount of one hundred percent (100%) of the total project cost, and may be submitted with the Bid Proposal.

Copies of the plans and specifications must be obtained from the Delaware County Engineer's Office, 50 Channing Street, Delaware, Ohio 43015. Cost for printed copies of each set of plans & specifications is \$20 and the cost is non-refundable. Plans and specifications may also be downloaded, free of charge, from the Delaware County Engineer's website at www.co.delaware.oh.us/ebids. All bidders must register as a plan holder with the Delaware County Engineer's Office in person or through the website.

The Owner requires that all work associated with the project be completed before October 29, 2010. The estimated commencement of work date is August 2, 2010.

This is a prevailing wage contract in accordance with Ohio Revised Code Chapter 4111 and the requirements of the Ohio Department of Commerce, Division of Labor and Worker Safety, Wage and Hour Bureau. Bidders shall comply with all applicable provisions.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best Bidder as determined by the Delaware County Board of Commissioners in the best interest of the County. The Board reserves the right to reject any or all bids.

Delaware Gazette Advertisement Dates:

COMMISSIONERS JOURNAL NO. 54 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 28, 2010

July 2, 2010
July 9, 2010

Therefore Be it Resolved, that the Board of Commissioners approve of the plans, estimate, bid specifications and bid opening date and time for the project known as DEL-CR-215-1.55, Panhandle Road Bridge over Horseshoe Run.

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

RESOLUTION NO. 10-844

IN THE MATTER OF APPROVING THE CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS; THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AND BUCKEYE RANCH FOR CHILD PLACEMENT SERVICES:

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

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

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

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

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)

(A copy of the contract is available in the Commissioners' Office until no longer of administrative value).

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

RESOLUTION NO. 10-845

IN THE MATTER OF APPROVING THE CONTRACT 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. O'Brien, seconded by Mr. Hanks to approve the following:

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

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

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

Child Placement Service	Per diem cost and per diem reimbursement for the following categories
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

COMMISSIONERS JOURNAL NO. 54 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 28, 2010

	has agreed to participate in)
--	-------------------------------

(A copy of this contract is available in the Commissioners' Office until no longer of administrative value).

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

RESOLUTION NO. 10-846

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

The Director of Job and Family Services recommends accepting the resignation of Ashely Wyatt a Social Services Worker III with the JFS Department; effective June 17, 2010.

Therefore Be It Resolved, that the Commissioners accept the resignation of Ashely Wyatt a Social Services Worker III with the JFS Department; effective June 17, 2010.

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

RESOLUTION NO. 10-847

IN THE MATTER OF APPROVING AN EASEMENT AGREEMENT WITH EDLIN STRAYER AND DAVID STRAYER, CO-EXECUTORS OF THE DOROTHY LOIS JONES ESTATE FOR THE CHESHIRE ELEMENTARY SCHOOL SANITARY SEWER IMPROVEMENTS PROJECT:

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

Whereas the Board of County Commissioners have previously executed a resolution of necessity for the Cheshire Elementary School Sanitary Sewer Improvements Project, and

Whereas both temporary and permanent easements are needed from Edlin Strayer and David Strayer, Co-Executors of the Dorothy Lois Jones Estate property at 3648 Cheshire Road, to facilitate the proposed improvements, and

Whereas the required easements are detailed in Exhibit 1, and

Whereas County Sewer District Staff negotiated a value of Thirty Eight Thousand, One Hundred Dollars (\$38,100) for the required easements, and,

Whereas County Sewer District Staff recommends this negotiated value for the proposed easements,

Therefore be it resolved that the Board of County Commissioners execute the easement agreement with Edlin Strayer and David Strayer, Co-Executors of the Dorothy Lois Jones Estate for the purchase of the easements as described in Exhibit 1.

Furthermore be it resolved that the Board of County Commissioners approve a voucher for payment in the amount of \$38,100 to Edlin Strayer and David Strayer, Co-Executors of the Dorothy Lois Jones Estate from 66711905-5401.

(A copy of Exhibit 1 available is in the Sanitary Engineer's Department until no longer of administrative value.)

EASEMENT AGREEMENT

THIS AGREEMENT made at Delaware, Ohio, this 28TH day of June, 2010, by Edlin Strayer and David Strayer, Co-Executors of The Dorothy Lois Jones Estate, SELLER, and the Delaware County Commissioners, BUYER;

WITNESSETH:

In consideration of the promises and covenants herein after contained, the SELLER agrees to sell and convey and the BUYER agrees to purchase and to pay for an Easement across the real estate described on attached Exhibits 1 and 2.

The total amount due SELLER is Thirty-Eight Thousand One Hundred Dollars (\$38,100), which includes the credited capacity fee provided herein.

BUYER agrees that the 54" oak tree near Cheshire Road as depicted on Exhibit 2 may not be cut down.

**COMMISSIONERS JOURNAL NO. 54 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 28, 2010**

In order to preserve the existing 54" oak tree, BUYER agrees to allow no open cutting of the ground inside Area A as depicted on Exhibit 2. BUYER also agrees keep to an absolute minimum the cutting of any roots belonging to the existing 54" oak tree which may extend into the proposed permanent sanitary sewer easement.

The BUYER agrees that, because construction activities for the proposed sewer may cause the SELLER's existing leach field and septic system to be permanently damaged and therefore unusable, the SELLER's residence at 3648 Cheshire Road shall be connected to the County sanitary sewer at no expense to the SELLER. The aforementioned sewer connection shall include the capacity fee, plumbing from the house to the sewer, and crushing or filling of the current underground tanks with sand or other appropriate material. The SELLER will be required to pay all service charges associated with the aforementioned sewer connection. The SELLER agrees to allow the BUYER's contractors and sub-contractors access to portions of the SELLER's property in Area B on Exhibit 2, solely for purposes of performing this sewer connection.

BUYER agrees to provide the SELLER a total of 5 additional wyes, (not including the wye which is to serve the building at 3648 Cheshire Road), spaced more or less at 100 foot intervals along the sewer alignment.

BUYER agrees to include in the contract documents for the Cheshire Elementary School Sanitary Sewer Improvements project the following statement: "It will be the contractor's responsibility to replace all damaged field and/or drain tile on the property at 3648 Cheshire Road (The Dorothy Lois Jones Estate) to provide functioning drainage in a condition equal to or better than that which existed prior to construction.

The temporary construction easement as described on Exhibit 1 shall be effective for a nine-month period, with an effective date that shall be determined by Delaware County. Delaware County will provide notice of the effective date via written documentation through certified mail to the SELLER.

This transaction is to be closed at the SELLERS convenience, on or before July 12th, 2010 at which time the SELLER will execute and deliver to the BUYER the attached Deed of Easement for the above-described real estate.

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

RESOLUTION NO. 10-848

IN THE MATTER OF CERTIFYING, THAT THE DELAWARE METROPOLITAN HOUSING AUTHORITY STREAMLINED ANNUAL PLAN 2010 IS CONSISTENT WITH THE DELAWARE COUNTY COMMUNITY HOUSING IMPROVEMENT STRATEGY (CHIS):

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

Whereas, the Delaware Metropolitan Housing Authority (DMHA) has submitted its Streamlined Annual 2010 Plan for review by Delaware County; and

Whereas, upon review, the Delaware County Economic Development Department has determined that the DMHA Streamlined Plan is consistent with the County's CHIS.

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

SECTION I. The Delaware County Board of Commissioners certifies that the DMHA Streamlined Plan 2010 is consistent with Delaware County CHIS.

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

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

Commissioner O'Brien
-Nothing To Report At This Time

Commissioner Hanks
-Transfers
Dispatch Articles on Broad Band

Commissioner Thompson
-Memorial For Libby Speese
-State Science Farm

RESOLUTION NO. 10-849

**COMMISSIONERS JOURNAL NO. 54 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 28, 2010**

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION OR COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to adjourn into Executive Session at 9:16AM.

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

RESOLUTION NO. 10-850

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to adjourn out of Executive Session at 9:30AM.

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

COMMISSIONER O'BRIEN HAS PREVIOUSLY RECUSED HIMSELF FROM THE SCOTT #604 AND DUTCHER #477 WATERSHED DITCH PETITION PROJECT

RESOLUTION NO. 10-851

9:30AM RECONVENING OF THE FINAL HEARING FOR THE SCOTT #604 AND DUTCHER #477 WATERSHED DITCH PETITION PROJECT FOR THE BOARD TO HEAR ALL CLAIMS FOR COMPENSATION OR DAMAGES FOR LATERAL 2:

It was moved by Mr. Hanks, seconded by Mr. Thompson to reconvene the final hearing for The Scott #604 And Dutcher #477 Watershed Ditch Petition Project for the board to hear all claims for compensation or damages for Lateral 2.

Vote on Motion Mr. O'Brien Absent/Recused Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 10-852

IN THE MATTER OF APPROVING, FOR A SPECIFIC OCCURRENCE, A SUSPENSION OF RULE 3-SPEAKER REGISTRATION; RULE 4-LIMITATIONS AND RULE 7-PUBLIC COMMENT PROCEDURE FROM THE RULES GOVERNING PUBLIC COMMENT BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve, for a specific occurrence, a suspension of Rule 3-Speaker Registration; Rule 4-Limitations; Rule 7-Public Comment Procedure from the Rules Governing Public Comment Before The Board Of County Commissioners Of Delaware County, Ohio

Vote on Motion Mr. Thompson Aye Mr. Hanks Aye Mr. O'Brien Absent/Recused

RESOLUTION NO. 10-853

CLOSING THE FINAL HEARING FOR THE SCOTT #604 AND DUTCHER #477 WATERSHED DITCH PETITION PROJECT FOR THE BOARD TO HEAR ALL CLAIMS FOR COMPENSATION OR DAMAGES FOR LATERAL 2:

It was moved by Mr. Hanks, seconded by Mr. Thompson to close the final hearing for The Scott #604 And Dutcher #477 Watershed Ditch Petition Project for the board to hear all claims for compensation or damages for Lateral 2.

Vote on Motion Mr. O'Brien Absent/Recused Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 10-854

IN THE MATTER OF COMMISSIONERS DENYING THE CLAIMS FOR DAMAGES FILED BY WILLIAM AND LINDA GRUBB FOR THE SCOTT #604 AND DUTCHER #477 WATERSHED DITCH PETITION PROJECT:

It was moved by Mr. Hanks, seconded by Mr. Thompson to accept the claims for damages filed by **William and Linda Grubb** For The Scott #604 and Dutcher #477 Watershed Ditch Petition Project, (Claim labeled "Exhibits E, G and J" and is available in the Commissioners' Office file for The Scott #604 and Dutcher #477 Watershed Ditch Petition Project).

Whereas, on December 10, 2003, a Ditch Petition For The Scott #604 and Dutcher #477 Watershed Ditch

COMMISSIONERS JOURNAL NO. 54 - DELAWARE COUNTY
 MINUTES FROM REGULAR MEETING HELD JUNE 28, 2010

Petition Project was filed with the Board of Commissioners of Delaware County (the "Board"); and

Whereas, the Board on May 3, 2004 with Resolution 04-557 directed The Delaware County Engineer To Proceed With Preparation Of Plans, Reports, And Schedules For The Scott #604 and Dutcher #477 Watershed Ditch Petition Project; and

Whereas, the Board held a public hearing on The Scott #604 and Dutcher #477 Watershed Ditch Petition Project on Monday the 7th day of June 2010; and

Whereas, before the start of the Monday the 7th day of June 2010 public hearing claims for damages were filed by **William and Linda Grubb** for The Scott #604 and Dutcher #477 Watershed Ditch Petition Project (Claim labeled "Exhibits E, G and J" and is available in the Commissioners' Office file for The Scott #604 and Dutcher #477 Watershed Ditch Petition Project), and

Whereas, with Resolution No. 10-745 the Board adjourned the final hearing for The Scott #604 And Dutcher #477 Watershed Ditch Petition Project For Lateral 2 To Monday June 14, 2010 to hear all claims for compensation or damages, and

Whereas, on June 14, 2010, with Resolution No. 10-789, the Board continued the final hearing for The Scott #604 And Dutcher #477 Watershed Ditch Petition Project For Lateral 2 To Monday June 28, 2010 to hear all claims for compensation or damages, and

Whereas, after hearing testimony from property owner the Board is prepared to issue its findings on the claims;

Therefore, Be It Resolved, by the Board of Commissioners of Delaware County, Ohio denies the claims for damages filed by **William and Linda Grubb** for The Scott #604 and Dutcher #477 Watershed Ditch Petition Project (Claim labeled "Exhibits E, G and J" and is available in the Commissioners' Office file for The Scott #604 and Dutcher #477 Watershed Ditch Petition Project).

Vote on Motion Mr. Thompson Aye Mr. Hanks Aye Mr. O'Brien Absent/Recused

RESOLUTION NO. 10-855

IN THE MATTER OF THE COMMISSIONERS' DISMISSING THE LATERAL #2 PART OF THE SCOTT #604 AND DUTCHER #477 WATERSHED DITCH PETITION PROJECT DUE TO THE COST EXCEEDING THE BENEFITS OF THE PROJECT:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve dismissing The Lateral #2 Part Of The Scott #604 and Dutcher #477 Watershed Ditch Petition Project due to the cost exceeding the benefits of the project.

Vote On Motion Mr. Thompson Aye Mr. O'Brien Absent/Recused Mr. Hanks Aye

RESOLUTION NO. 10-856

IN THE MATTER OF ADJOURNING THE MEETING:

It was moved by Mr. Hanks, seconded by Mr. Thompson to adjourn the meeting.

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

 Todd Hanks

 Ken O'Brien

 Tommy Thompson

COMMISSIONERS JOURNAL NO. 54 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 28, 2010

Letha George, Clerk to the Commissioners