

COMMISSIONERS JOURNAL NO. 58 - DELAWARE COUNTY  
MINUTES FROM SPECIAL MEETING HELD MARCH 18, 2013

THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN A SPECIAL JOINT SESSION WITH THE BOARD OF COMMISSIONERS OF UNION COUNTY ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:

Present:

Ken O'Brien, Delaware County Commissioner  
Dennis Stapleton, Delaware County Commissioner  
Gary Merrell, Delaware County Commissioner

Gary Lee, Union County Commissioner  
Charles Hall, Union County Commissioner  
Steve Stolte, Union County Commissioner

RESOLUTION NO. 13-01

IN THE MATTER OF ORGANIZING A JOINT BOARD OF THE DELAWARE COUNTY AND UNION COUNTY BOARDS OF COMMISSIONERS TO ADDRESS THE CITY OF COLUMBUS UPGROUND RESERVOIR SITE NO. 2 (PROJECT NO. 690370) DRAINAGE PETITION FILED BY THE CITY OF COLUMBUS DEPARTMENT OF PUBLIC UTILITIES:

It was moved by Mr. Hall, seconded by Mr. Merrell to approve the following:

Whereas, ORC 6133.06 requires that upon receipt of a Drainage Petition the clerk of the Board of Commissioners of the county with whom the petition is filed shall call a joint meeting of the boards of county commissioners of all the counties interested for the purpose of organizing the joint board, and

Whereas, ORC 6133.04 required that on the date fixed by the clerk of the board of county commissioners with whom the petition was filed, the boards of county commissioners from each of the counties affected by a proposed joint county improvement shall organize a joint board of commissioners by electing one of their number president, and

Whereas, the clerk of the board of county commissioners of the county in which the petition is filed shall act as clerk of the joint board and shall enter the findings of the joint board in the journal of the board of county commissioners of his/her county, shall do all things required to be done by the clerk, and shall make the final record of the improvement in his/her county,

Therefore Be It Resolved, on March 18, 2013, the Delaware County Board of Commissioners and the Union County Board of Commissioners met and established a joint Board to address the City of Columbus Upground Reservoir Site No. 2 (Project No. 690370) Drainage Petition filed by the City of Columbus Department of Public Utilities; and

Further Be It Resolved, that Commissioner Ken O'Brien, of Delaware County is elected President of the Joint Board.

Vote on Motion:

Gary Merrell, Delaware County Commissioner                   Aye  
Ken O'Brien, Delaware County Commissioner                   Aye  
Dennis Stapleton, Delaware County Commissioner               Aye

Gary Lee, Union County Commissioner                           Aye  
Charles Hall, Union County Commissioner                       Aye  
Steve Stolte, Union County Commissioner                       Aye

RESOLUTION NO. 13-02

IN THE MATTER OF SETTING DATE AND TIME FOR VIEWING AND PUBLIC HEARING FOR CONSIDERATION OF A JOINT COUNTY DRAINAGE PETITION FILED BY THE CITY OF COLUMBUS DEPARTMENT OF PUBLIC UTILITIES FOR THE CITY OF COLUMBUS UPGROUND RESERVOIR SITE NO. 2 (PROJECT NO. 690370):

It was moved by Mr. Stapleton, seconded by Mr. Lee to approve the following:

WHEREAS, the Clerk of this Board gave notice to the Joint Board of Delaware and Union County Commissioners and the County Engineer of Delaware County, Ohio, on the filing with her of a petition signed by the City of Columbus Department of Public Utilities, to:

- 1) Perform standard maintenance of the perimeter ditches including cleaning, mowing, and removing obstructions on the course hereinafter set forth. Any damages caused by flows out of the Upground Reservoir Overflow Structure to the ditches maintained by the County will be repaired by the City at the expense of the City.

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2. The following is the course and termini of said proposed improvement, to wit: Commencing in Delaware County, Thompson Township and Union County, Claibourne Township and following the course of the proposed drainage improvements as shown by the City of Columbus Upground Reservoir Site No. 2 (Project No. 690370) engineering documents (Exhibit A) and construction schedule (Exhibit B).

3. To generally maintain the drainage, both surface and subsurface, to a good and sufficient outlet as shown by the City of Columbus Upground Reservoir Site No. 2 (Project No. 690370) engineering documents dated March 14, 2011 (See attached Exhibit A). Also, see attached Exhibit C showing the general location of improvements and Parcel Identification numbers of affected parcels. All future maintenance costs and construction inspection costs associated with this request shall be assessed in perpetuity to the City of Columbus, Department of Public Utilities, Division of Water per Chapters 6131, 6133, and 6137 of the Ohio Revised Code. The City of Columbus further petitions to construct all of the necessary improvements in lieu of County contract in accordance with section 6131.47 of the Ohio Revised Code. The cost of the drainage improvements is \$1,083,820.00. (A detailed cost estimate is attached in Exhibit D.) Delaware County has determined that an annual maintenance fee equal to approximately 5% of this cost (\$54,191.00) will be collected each year. The basis for calculating the assessment is therefore the cost of the improvements (\$1,083,820.00) divided by the number of acres (1,213.39) affected by the improvement which is \$893.22 per acre. The basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years.

WHEREAS, the proper bond has been filed with the Clerk to the Board of Delaware County Commissioners, approved, conditioned for the payment of costs of notices, plus any other incidental expenses, except the cost incurred by the Engineer in making his preliminary reports, if the prayer of this petition is not granted, or if the petition is for any cause dismissed, unless the Board decides to pay the Engineer's cost from the bond in accordance with Section 6131.09 of the Revised Code;

THEREFORE, BE IT RESOLVED, BY THE Joint Board of Board of Delaware and Union County Commissioners, that **Monday April 29, 2013, at 1:30PM at 10065 Tawa Road Richwood, OH 43344 (Taway Rd becomes Tawa Rd/CR-264)** be and the same is hereby fixed as the time and place for the view thereon, and

BE IT FURTHER RESOLVED, That **Monday May 13, 2013, at 10:30AM** at the Office of the Board of Delaware County Commissioners, 101 North Sandusky Street Delaware, Ohio be and the same is hereby fixed as the time and place for the first hearing on the petition, and

BE IT FURTHER RESOLVED, that notice of said view and hearing be given, as required by law.

Vote on Motion:

<b>Gary Merrell, Delaware County Commissioner</b>	<b>Aye</b>
<b>Ken O'Brien, Delaware County Commissioner</b>	<b>Aye</b>
<b>Dennis Stapleton, Delaware County Commissioner</b>	<b>Aye</b>
<b>Charles Hall, Union County Commissioner</b>	<b>Aye</b>
<b>Gary Lee, Union County Commissioner</b>	<b>Aye</b>
<b>Steve Stolte, Union County Commissioner</b>	<b>Aye</b>

There being no further business, the meeting adjourned.

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Gary Merrell, Delaware County Commissioner

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Ken O'Brien, Delaware County Commissioner

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Dennis Stapleton, Delaware County Commissioner

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Charles Hall, Union County Commissioner

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Gary Lee, Union County Commissioner

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Steve Stolte, Union County Commissioner

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Jennifer Walraven, Clerk to the Commissioners