

IN THE MATTER OF APPROVING THE CONTRACT AND BOND OF SAND RIDGE EXCAVATING FOR THE ZINK DITCH PROJECT..

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 8th day of April, 2008 with the following members present:

John N. Bergman Ivo J. Kramer

Mr. Kramer moved the adoption of the following

RESOLUTION

WHEREAS, the Engineer's office has filed with this Board a contract and bond with Sand Ridge Excavating for labor and materials for said Zink Ditch project; and,

WHEREAS, the Board of County Commissioners has been requested to approve and execute the contract and bond, as all appears to be in order.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, does hereby approve the contract and bond with Sand Ridge Excavating, as presented, for the Zink Ditch project, executing same; and,

BE IT FURTHER RESOLVED that the Clerk of the Board is hereby directed to record said contract and bond in the Commissioners' Journal; and,

BE IT FURTHER RESOLVED that the Engineer's Secretary prepare assessment billing notices in accordance with the list of assessments as presented by the County Engineer; for each parcel of land, each public corporation and each department, office, or institution of the State of Ohio as given; and,

BE IT FURTHER RESOLVED that the County Auditor is hereby directed to place unpaid assessments, after due payment period, on the County tax duplicates.

Mr. Bergman seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
8th day of
April, 2008

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes
John N. Bergman

ABSENT
Douglas A. Spencer

Ivo J. Kramer, YES
Ivo J. Kramer

cc: ✓ County Engineer

DITCH CONTRACT

Revised Code, Sec. 6131.41

In the Matter of the

ZINK DITCH

SINGLE County Ditch Petitioned for by

LUCIA METZ-ZINK

and others.

THIS AGREEMENT, *made and entered into on this* _____ *day of* _____, 2008,

by and between the County Commissioners of

AUGLAIZE COUNTY

, Ohio, and hereinafter designated as "First Party," and

SAND RIDGE EXCAVATING

of 20251 ROAD I-17 CLOVERDALE, OHIO 45827

hereinafter designated as "Second Party."

WITNESSETH, THAT SAID "SECOND PARTY," For and in consideration of the sum

of THIRTY SIX THOUSAND SEVEN HUNDRED FIFTY-NINE AND 50/100

(\$36,759.50) Dollars, to be paid as hereinafter specified, hereby agree to furnish unto said

"First Party." all the necessary materials, and do all the work and labor required to construct the

ZINK DITCH improvement petitioned for by LUCIA METZ-ZINK, and others,

in accordance with plans, drawings and specifications for the same hereto attached, which plans,

drawings and specifications are hereby declared to be a part of this contract.

Said "Second Party" further agrees to furnish said materials and to do the said work and labor promptly, in a good substantial and workmanship manner, under the direction of the County Engineer in charge, without hindrance or delay to any other branch or class of work on said

ZINK DITCH, and to work in harmony with and to render such assistance to other

branches of work as their connection therewith and the progress of the ZINK DITCH

may require. The whole to be completed to the satisfaction and acceptance of said "First Party" on or before

the 30th day of SEPTEMBER, 2008.

AND SAID "FIRST PARTY," for and in consideration of the true and faithful performance of

said work and labor and furnishings of said materials as aforesaid, hereby agree to pay unto the said "Second

Party" said sum of THIRTY SIX THOUSAND SEVEN HUNDRED FIFTY-NINE AND

50/100 (\$36,759.50) Dollars, in installment from time to time, upon the certificate of acceptance

of the County Engineer and as provided by law.

Now if the said

SAND RIDGE EXCAVATING

of 20251 ROAD I-17 CLOVERDALE, OHIO 45827

shall faithfully perform and complete such work and labor and furnish such materials within the time and as above specified and conditioned, according to the tenor of said Contract, and in accordance with the plans, descriptions and specifications required and made a part of said Contract, then this obligation shall be void; otherwise it shall be and remain in full force and virtue in law.

Executive in Presence of

Joel [Signature]

signed - owner

Kevin [Signature]

witness

Sand Ridge Excavating

company - contractor

20251 Rd. I-17

street

witness

Cloverdale, OH 45827

city, state, zip

The above CONTRACT and attached BOND being good and sufficient is approved this *8th* day of *April*, 2008.

John N Bergman
commissioner - Auglaize County

[Signature]
commissioner - Auglaize County

commissioner - Auglaize County

BOND OF DITCH CONTRACTOR

Revised Code, Sec. 6131.42

In the Matter of the ZINK DITCH

Single County Ditch No.

Petitioned for by LUCIA METZ-ZINK

and others.

ON CONTRACT FOR WORK AND LABOR
and materials

KNOW ALL MEN BY THESE PRESENTS, *That we,* SAND RIDGE EXCAVATING
of 20251 ROAD I-17 CLOVERDALE, OHIO 45827 , as Principal, and
MERCHANTS BONDING COMPANY , as sureties, are held and firmly bound unto
the state of Ohio for the benefit of AUGLAIZE COUNTY and for the benefit of any owner
having a right of action thereon as is provided by law, in the penal sum of THIRTY SIX
THOUSAND SEVEN HUNDRED FIFTY-NINE AND 50/100 (\$36,759.50) Dollars,
to the payment of which sum, well and truly to be made, we do hereby jointly and severally bind ourselves,
our heirs, executors and administrators.

Signed by us, and dated this _____ day of _____, 2008

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT, *Whereas, the above*
bound SAND RIDGE EXCAVATING of 20251 ROAD I-17 CLOVERDALE, OHIO
have entered into a Contract with said Board of County Commissioners, First, to furnish the materials and
perform the work and labor for the construction of the ZINK DITCH *improvement*
petitioned for by LUCIA METZ-ZINK *and others specified in said Contract, to*
the satisfaction and acceptance of the County Engineer, on or before the 30th day of SEPTEMBER,
2008, *for the compensation of* THIRTY SIX THOUSAND SEVEN HUNDRED
FIFTY-NINE AND 50/100 (\$36,759.50) Dollars,

Second, to save the County from any loss caused by delay in completing the work or furnishing the
material within the time and in the manner expressed in the contract, bid and specifications;

Third, for the payment of claims of any person, arising out of the unlawful acts or negligence of the
contractor in the performance of his contract;

And Forth, to perform the contract in the time stated in the contract, to furnish and use in the improvement all materials of the grade, kind and quality as stated in the contract and specifications; and to construct the improvement in the manner stated in the contract and specifications.

Now if the said SAND RIDGE EXCAVATING of 20251 ROAD I-17 CLOVERDALE, OHIO 45827 shall faithfully perform and complete such work and labor and furnish such materials within the time and as above specified and conditioned, according to the tenor of said Contract, and in accordance with the plans, descriptions and specifications required and made a part of said Contract, then this obligation shall be void; otherwise it shall be and remain in full force and virtue in law.

Executive in Presence of

[Handwritten Signature]

signed - owner

[Handwritten Signature]

witness

SAND RIDGE EXCAVATING

company - contractor

witness

20251 RD I-17

street

Cloverdale OH 45827

city, state, zip

The above bond being good and sufficient is approved this *7th* day of *April*, 2008.

[Handwritten Signature]

commissioner - Auglaize County

[Handwritten Signature]

commissioner - Auglaize County

commissioner - Auglaize County

RECEIVED
APR 04 2008

BY: _____

AUGLAIZE COUNTY
COMMON PLEAS COURT
FILED

2008 MAR 31 AM 10:47

JANE ELLEN KOHLER
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS
OF AUGLAIZE COUNTY, OHIO

CITY OF ST. MARYS, OHIO,

Plaintiff,

vs.

AUGLAIZE COUNTY BOARD
OF COMMISSIONERS,

Defendant.

CASE NO. 2002 CV 0129

JUDGE STEELE
(By Assignment)

AGREED FINAL ENTRY OF JUDGMENT

This matter having come before the Court pursuant to the Decisions of the Ohio Supreme Court and the Third District Court of Appeals in this action, and this Court's Judgment Entry filed January 2, 2008 (Vol. 172 Page 716), and the parties having agreed to the damages and other relief to be awarded pursuant to the foregoing, and to the entry of a final judgment in accordance with the terms set forth herein, the Court hereby enters judgment as follows:

1. Judgment is hereby entered in favor of Plaintiff, City of St. Marys, Ohio ("St. Marys"), and against Defendant, Auglaize County Board of Commissioners (the "County"), in the amount of Two Million Sixty Six Thousand Seven Hundred Forty Four and 86/100 Dollars (\$2,066,744.86). Further, no interest shall accrue on this judgment, and St. Marys shall not execute on this judgment, for so long as the County makes payments on the judgment in accordance with the following schedule and complies fully with all other provisions of this Entry:

A. The County shall pay to St. Marys by Tuesday, April 1, 2008, the sum of One Hundred Thirty Thousand and 00/100 Dollars (\$130,000.00).

B. Beginning May 1, 2008 and continuing thereafter for each succeeding month, the County shall pay to St. Marys the sum of One Hundred Thirty Thousand and 00/100 Dollars (\$130,000.00) per month, due and payable by the first business day of each month, until the amount of this judgment has been paid in full.

C. In the event of a failure by the County in making a payment by the due date or within three (3) business days after the due date, then beginning from the date of such default interest shall accrue at the rate provided by law on the amount of the judgment that is outstanding, and St. Marys shall be free to execute and enforce this judgment and the County shall be obligated to reimburse St. Marys for all attorneys' fees, court costs and other expenses incurred by St. Marys in connection with St. Marys' efforts to enforce the judgment and to collect the amount of the judgment still outstanding.

2. The County has complete responsibility for all environmental monitoring and capital costs necessary to accomplish the environmental monitoring at the St. Marys Landfill in accordance with the December 1988 Agreement between St. Marys and the County, attached as Exhibit A to the Amended Complaint, and the County is responsible to pay the costs for such environmental monitoring and capital costs necessary to accomplish the environmental monitoring that are incurred after February 12, 2008.

3. The City shall participate with the RFP process to select any third party consultants or vendors to provide environmental monitoring services or as part of the capital expenditures necessary to accomplish the environmental monitoring at the St. Marys Landfill. The City shall indicate which candidates are acceptable and the County may contract with any

candidate deemed acceptable with the City. Further, the City shall not unreasonably withhold approval of any candidate.

4. St. Marys agrees to dismiss with prejudice its pending appeals of the Auglaize County Solid Waste Management District's solid waste management plans before the Ohio Environmental Review Appeals Commission within thirty (30) days after this Final Judgment Entry is approved by the Court.

5. The County and St. Marys each agree not to appeal this Final Judgment Entry or the Court's Judgment Entry filed January 2, 2008 (Vol. 172 Page 716).

6. The Court shall retain jurisdiction to enforce the terms of this Judgment and the parties' December 1988 Agreement.

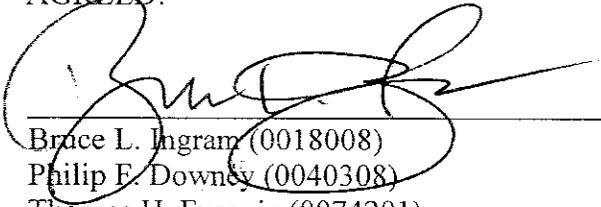
7. The County shall pay all Court costs.

IT IS SO ORDERED.



JUDGE STEELE

AGREED:



Bruce L. Ingram (0018008)
Philip E. Downey (0040308)

Thomas H. Fusonie (0074201)
Vorys, Sater, Seymour and Pease LLP
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Columbus, Ohio 43216-1008
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Henry N. Heuerman (0017962)
Albin Bauer, II (0061245)

Eastman & Smith Ltd.
One SeaGate Plaza, 24th Floor
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Toledo, OH 43699-0032
Phone: 419-241-6000
Fax: 419-247-1777

*Attorneys for Defendant Auglaize County
Board of Commissioners*

Kraig E. Noble (0010383)
Law Director, City of St. Marys
Noble, Montague & Moul
130 East Spring Street
St. Marys, OH 45885
Phone: 419-394-7441
Fax: 419-394-7694

*Attorneys for Plaintiff
City of St. Marys, Ohio*

IN THE MATTER OF DOCUMENTING THE RECEIPT OF BIDS FOR BITUMINOUS MATERIALS TO BE USED BY THE HIGHWAY DEPARTMENT.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 8th day of April, 2008 with the following members present:

John N. Bergman Ivo J. Kramer

Mr. Kramer moved the adoption of the following:

RESOLUTION

WHEREAS, this being the date set in Resolution #08-127, dated March 25, 2008, the Board of County Commissioners received bids from the following companies for bituminous materials to be used by the County Highway Department during the summer season:

- From: Asphalt Materials, Inc., 940 N. Wynn Rd., Oregon, OH 43616
- Shelly Materials, Inc., 1700 Fostoria Ave., Ste. 200, P.O. Box 3100, Findlay, OH 45840
- Marathon Petroleum Company LLC, 11001 Bower Rd., North Bend, Ohio 45052
- Terry Asphalt Materials, Inc., 8600 Berk Blvd., Hamilton, Ohio 45015

THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby document the receipt of the above bids; and,

BE IT FURTHER RESOLVED that as the purpose of receiving above mentioned bids is to establish prices for the purchasing of bituminous materials by the County Engineer throughout the 2007 season; said bids were given to the Engineer; to be used at his own discretion throughout the season in the best interest of the county.

Mr. Bergman seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
8th day of
April, 2008

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes
John N. Bergman

ABSENT
Douglas A. Spencer

Ivo J. Kramer, Yes
Ivo J. Kramer

cc: ✓ Auglaize County Engineer -
Doug Reinhart

County Commissioners' Office
Auglaize County, Ohio
April 8, 2008

No. 08-146

IN THE MATTER OF AUTHORIZING A HOUSING REHABILITATION PROJECT UNDER THE C.H.I.P. PROGRAM.

The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 8th day of April, 2008 with the following members present:

John N. Bergman

Ivo J. Kramer

Mr. Kramer moved the adoption of the following:

RESOLUTION

WHEREAS, the Board of County Commissioners did receive a \$500,000.00 grant through the State of Ohio's Comprehensive Housing Improvement Program for the acquisition & rehabilitation of housing units within the County; and

WHEREAS, the following project is ready to proceed:

Applicant: Michelle Burgoon

1006 Murray St., Wapakoneta

Project Cost: \$ 14,112.00

Contractor: Heise General Contracting

THEREFORE, BE IT RESOLVED that the Board of County Commissioners does hereby authorize the housing project as noted above.

Mr. Bergman seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this 8th day
Of April, 2008

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes
John N. Bergman

Absent
Douglas A. Spencer

Ivo J. Kramer, YES
Ivo J. Kramer

cc: ✓ Gayle Flaczynski – Poggemeyer Design Group
✓ Patricia Hill – Assistant Clerk

County Commissioners' Office
Auglaize County, Ohio
April 8, 2008

No. 08-147

**IN THE MATTER OF AUTHORIZING A HOUSING REHABILITATION PROJECT UNDER
THE C.H.I.P. PROGRAM.**

The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 8th day of April, 2008 with the following members present:

John N. Bergman

Ivo J. Kramer

Mr. Kramer moved the adoption of the following:

RESOLUTION

WHEREAS, the Board of County Commissioners did receive a \$500,000.00 grant through the State of Ohio's Comprehensive Housing Improvement Program for the acquisition & rehabilitation of housing units within the County; and

WHEREAS, the following project is ready to proceed:

Applicant: Brian Jackson

614 S. Blackhoof St., Wapakoneta

Project Cost: \$ 29,987.00

Contractor: Heise General Contracting

THEREFORE, BE IT RESOLVED that the Board of County Commissioners does hereby authorize the housing project as noted above.

Mr. Bergman seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this 8th day
Of April, 2008

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman
John N. Bergman

Absent
Douglas A. Spencer

Ivo J. Kramer YES
Ivo J. Kramer

Cc: Gayle Flaczynski – Poggemeyer Design Group
Patricia Hill – Assistant Clerk

08-148

The Board of County Commissioners of the County of Auglaize, Ohio met in regular session on April 8, 2008, with the following members present:

John N. Bergman Ivo J. Kramer

Mr. Kramer introduced the following resolution and moved its adoption:

RESOLUTION

RESOLUTION AUTHORIZING THE COUNTY OF AUGLAIZE, OHIO TO EXECUTE AND DELIVER A PUBLIC HOSPITAL AGENCIES AGREEMENT IN CONNECTION WITH THE ISSUANCE OF HOSPITAL FACILITIES REVENUE BONDS OF THE COUNTY OF ALLEN, OHIO; APPROVING THE ISSUANCE OF SUCH BONDS; AND AUTHORIZING OTHER DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS.

WHEREAS, Catholic Healthcare Partners is a nonprofit Ohio corporation (the "Corporation") that, through its subordinate and affiliated nonprofit corporations (the "Affiliates"), owns and operates healthcare facilities at various locations in Ohio, including Hospital Facilities, as defined in Section 140.01 of the Ohio Revised Code, in Auglaize County, Ohio (the "County") and the Corporation has determined to acquire, construct and equip certain additional Hospital Facilities located in the County (collectively, the "Local Facilities"), and has requested the County of Allen, Ohio (the "Issuer") to issue its bonds therefor; and

WHEREAS, Chapter 140 of the Ohio Revised Code provides a procedure by which "Public Hospital Agencies," as defined therein and including counties and municipal corporations, may enter into an agreement pursuant to which a Public Hospital Agency may issue its revenue bonds to fund the capital needs of Hospital Facilities located in the jurisdictions of each of the Public Hospital Agencies which are parties to such agreement, for the public purpose of better providing for the health and welfare of the people of the State of Ohio by enhancing the availability, efficiency and economy of Hospital Facilities and the services rendered thereby;

WHEREAS, the Corporation has represented to the County that it has organized under a master trust indenture the financing of certain debt of the Corporation and the Affiliates, including debt incurred to fund the capital needs of the Local Facilities, and from time to time will undertake the financing and refinancing of Hospital Facilities, including the Local Facilities, thereby enhancing the availability, efficiency and economy of Hospital Facilities and the services rendered thereby in the County;

WHEREAS, the County desires to enter into the Public Hospital Agencies Agreement with the Issuer and certain additional political subdivisions (collectively with the County, the "Participating Public Hospital Agencies") pursuant to Section 140.03, Ohio Revised Code, for the purpose of (a) financing and refinancing through the Issuer certain capital equipment and construction needs of the Corporation and its Affiliates, including the Local Facilities, located within the jurisdiction of the County, including the reimbursement of costs advanced for those purposes, and (b) refunding and retiring outstanding prior indebtedness incurred for such purpose;

WHEREAS, the Corporation anticipates that the Issuer will issue its Hospital Facilities Revenue Bonds, Series 2008 (Catholic Healthcare Partners), in one or more series (the "Series 2008 Bonds"), to (a) finance and refinance the acquisition, construction and equipping of Hospital Facilities located in the jurisdiction of the Participating Public Hospital Agencies and (b) refund and retire certain outstanding prior indebtedness, and the Issuer may, from time to time, determine to issue additional revenue bonds, in order to finance and refinance the costs of Hospital Facilities, for the benefit of the Participating Public Hospital Agencies;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that prior to their issuance, the Series 2008 Bonds must be approved by the "applicable elected representative" (as defined in such Section 147(f) of the Code) of the Issuer and of certain political subdivisions in which Hospital Facilities will be financed, including the County;

WHEREAS, this Board of County Commissioners is the applicable elected representative of the County;

WHEREAS, based on information provided by the Corporation, a public hearing was held with respect to the issuance of the Series 2008 Bonds prior to the consideration of this resolution; and

WHEREAS, it is necessary and desirable, in connection with the issuance of the Series 2008 Bonds and for the public purpose hereinbefore recited, for the County to enter into the Public Hospital Agencies Agreement by authorization of the execution of a Public Hospital Agencies Agreement and to approve the issuance of the Series 2008 Bonds by the County of Allen, Ohio;

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

SECTION 1. That any two members of this Board be and they are hereby authorized and directed to execute and deliver on behalf of the County a Public Hospital Agencies Agreement with the Issuer, for the purpose of permitting the Issuer to issue its revenue bonds to finance and refinance the costs of Hospital Facilities within the jurisdiction of the Participating Public Hospital Agencies, including the Local Facilities, and to refund and retire certain outstanding indebtedness.

SECTION 2. That the Public Hospital Agencies Agreement shall be substantially in the form presented to this Board and on file with the Clerk of this Board, subject to such changes, insertions and omissions as may be approved by this Board, which approval shall be conclusively evidenced by the execution of the Public Hospital Agencies Agreement as aforesaid, and it is hereby determined that the Public Hospital Agencies Agreement will promote the public purposes set forth in Section 140.02, Ohio Revised Code, will better provide for the health and welfare of the people of the State of Ohio by enhancing the availability, efficiency and economy of Hospital Facilities, that any contribution made by the County under the Public Hospital Agencies Agreement will be fair consideration for value and benefit to be derived by the County under the Public Hospital Agencies Agreement, and that the County will be duly benefited thereby.

SECTION 3. That any revenue bonds issued under the authority of the Public Hospital Agencies Agreement shall not be, and are not, general obligations, debt or bonded indebtedness of the County or any Participating Public Hospital Agency and the holders or owners of such revenue bonds shall not have the right to have excises or taxes levied by the County or any Participating Public Hospital Agency for the payment of principal of, or interest or premium, if any, on such revenue bonds. Such payment shall be made only from funds provided by the Corporation or its Affiliates.

SECTION 4. That this Board, as the "applicable elected representative" of the County for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended, hereby approves the issuance of the Series 2008 Bonds by the County of Allen, Ohio, in the maximum principal amount of \$1,100,000,000. It is anticipated, based on information provided by the Corporation, that the proceeds of the Series 2008 Bonds will be used to (i) finance, refinance, or reimburse the costs of, the acquisition, construction and equipping of equipment, real property and improvements to Hospital Facilities, at some or all of the following locations: (A) 1256 Bellefontaine Street, Wapakoneta, Ohio, known as Mammography Center; (B) 1100 Defiance Street, Wapakoneta, Ohio, known as St. Rita's Health and Fitness Center; and (C) Route 50, Suites 2 and 4, Wapakoneta, Ohio, known as Lincoln Medical Center, the initial owner, operator or manager of each of the preceding locations is St. Rita's Medical Center, an Ohio non-profit corporation; and (ii) pay costs of issuance of the Bonds. It is anticipated that not more than \$145,000,000 of the proceeds of the Series 2008 Bonds will be allocated to any one facility comprising the Project. A portion of the proceeds of the Series 2008 Bonds will also be used to finance and refinance Hospital Facilities at locations outside the County, in the State of Ohio.

This approval is intended to comply with the provisions of Section 147(f) of the Code, and does not constitute a finding of the Board as to the compliance or noncompliance by the Corporation or the County of Allen, Ohio with any legal requirements imposed upon them in connection with the issuance of the Series 2008 Bonds.

SECTION 5. That the Clerk of this Board and any member of this Board be and they hereby are authorized to execute and deliver on behalf of the County such other certificates, documents and instruments in connection with the issuance and public sale of the Series 2008 Bonds and of revenue bonds issued from time to time under authority of the Public Hospital Agencies Agreement, and the delivery of the Public Hospital Agencies Agreement, as may be required, necessary or appropriate, including, without limitation, applicable elected

representative approvals, conveyances of title to real and personal property, terminations of financing statements and other releases of security interests in property. Such documents, including the ones specifically authorized hereby, shall be subject to such changes, insertions and omissions as may be approved by this Board, which approval shall be conclusively evidenced by the execution thereof by the proper officers of this Board.

SECTION 6. That the provisions of this Resolution are hereby declared to be severable and, if any section, phrase or provision shall, for any reason, be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Resolution.

SECTION 7. All resolutions, orders or parts thereof in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

SECTION 8. It is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code, and the rules of this Board in accordance therewith.

Mr. Bergman seconded the motion and the roll being called for adoption of the foregoing resolution, the vote thereon resulted as follows:

Ayes: *John Bergman*
Joe Kramer

Nays:

ADOPTED this 8th day of April, 2008.

Conne Cordomus
Clerk, Board of County Commissioners,
Auglaize County, Ohio

IN THE MATTER OF APPROVING THE CONTRACT AND BOND OF SAND RIDGE EXCAVATING FOR THE SIMMS RUN DITCH PROJECT..

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 8th day of April, 2008 with the following members present:

John N. Bergman Ivo J. Kramer

Mr. Kramer moved the adoption of the following

RESOLUTION

WHEREAS, the Engineer's office has filed with this Board a contract and bond with Sand Ridge Excavating for labor and materials for said Simms Run Ditch project; and,

WHEREAS, the Board of County Commissioners has been requested to approve and execute the contract and bond, as all appears to be in order.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, does hereby approve the contract and bond with Sand Ridge Excavating, as presented, for the Simms Run Ditch project, executing same; and,

BE IT FURTHER RESOLVED that the Clerk of the Board is hereby directed to record said contract and bond in the Commissioners' Journal; and,

BE IT FURTHER RESOLVED that the Engineer's Secretary prepare assessment billing notices in accordance with the list of assessments as presented by the County Engineer; for each parcel of land, each public corporation and each department, office, or institution of the State of Ohio as given; and,

BE IT FURTHER RESOLVED that the County Auditor is hereby directed to place unpaid assessments, after due payment period, on the County tax duplicates.

Mr. Bergman seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
8th day of
April, 2008

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes
John N. Bergman

ABSENT
Douglas A. Spencer

Ivo J. Kramer, Yes
Ivo J. Kramer

cc: County Engineer

DITCH CONTRACT

Revised Code, Sec. 6131.41

In the Matter of the

SIMMS RUN DITCH

SINGLE County Ditch Petitioned for by

TOM FISHER

and others.

THIS AGREEMENT, *made and entered into on this* _____ *day of* _____, 2008,

by and between the County Commissioners of

AUGLAIZE COUNTY

,

, Ohio, and hereinafter designated as "First Party," and

SAND RIDGE EXCAVATING

of 20251 ROAD I-17 CLOVERDALE, OHIO 45827

hereinafter designated as "Second Party."

WITNESSETH, THAT SAID "SECOND PARTY," For and in consideration of the sum

of FORTY SEVEN THOUSAND FIVE HUNDRED THIRTY-TWO AND 50/10

(\$47,532.50) Dollars, to be paid as hereinafter specified, hereby agree to furnish unto said

"First Party." all the necessary materials, and do all the work and labor required to construct the

SIMMS RUN DITCH *improvement petitioned for by* TOM FISHER, *and others,*

in accordance with plans, drawings and specifications for the same hereto attached, which plans,

drawings and specifications are hereby declared to be a part of this contract.

Said "Second Party" further agrees to furnish said materials and to do the said work and labor promptly, in a good substantial and workmanship manner, under the direction of the County Engineer in charge, without hindrance or delay to any other branch or class of work on said

SIMMS RUN DITCH _____, *and to work in harmony with and to render such assistance to other branches of work as their connection therewith and the progress of the* SIMMS RUN DITCH *may require. The whole to be completed to the satisfaction and acceptance of said "First Party" on or before the* 30th *day of* SEPTEMBER, 2008.

AND SAID "FIRST PARTY," *for and in consideration of the true and faithful performance of said work and labor and furnishings of said materials as aforesaid, hereby agree to pay unto the said "Second Party" said sum of* FORTY SEVEN THOUSAND FIVE HUNDRED THIRTY-TWO AND 50/10 *(\$47,532.50) Dollars, in installment from time to time, upon the certificate of acceptance of the County Engineer and as provided by law.*

Now if the said

SAND RIDGE EXCAVATING

of 20251 ROAD I-17 CLOVERDALE, OHIO 45827

shall faithfully perform and complete such work and labor and furnish such materials within the time and as above specified and conditioned, according to the tenor of said Contract, and in accordance with the plans, descriptions and specifications required and made a part of said Contract, then this obligation shall be void; otherwise it shall be and remain in full force and virtue in law.

Executive in Presence of

John Egan

signed - owner

Kevin Scuderi

witness

Sand Ridge Excavating

company - contractor

20251 Rd. I-17

street

witness

Cloverdale, OH 45827

city, state, zip

The above CONTRACT and attached BOND being good and sufficient is approved this *8th* day of *April*, 2008.

John Bergman
commissioner - Auglaize County

Ann Kramer
commissioner - Auglaize County

commissioner - Auglaize County

BOND OF DITCH CONTRACTOR

Revised Code, Sec. 6131.42

In the Matter of the SIMMS RUN DITCH

Single County Ditch No.

Petitioned for by TOM FISHER

and others.

ON CONTRACT FOR WORK AND LABOR
and materials

KNOW ALL MEN BY THESE PRESENTS, *That we,* SAND RIDGE EXCAVATING
of 20251 ROAD I-17 CLOVERDALE, OHIO 45827 , as *Principal,* and
MERCHANTS BONDING COMPANY , as *sureties,* are held and firmly bound unto
the state of Ohio for the benefit of AUGLAIZE COUNTY and for the benefit of any owner
having a right of action thereon as is provided by law, in the penal sum of FORTY SEVEN
THOUSAND FIVE HUNDRED THIRTY-TWO AND 50/10 (\$47,532.50) Dollars,
to the payment of which sum, well and truly to be made, we do hereby jointly and severally bind ourselves,
our heirs, executors and administrators.

Signed by us, and dated this _____ day of _____, 2008

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT, *Whereas,* the above
bound SAND RIDGE EXCAVATING of 20251 ROAD I-17 CLOVERDALE, OHIO
have entered into a Contract with said Board of County Commissioners, First, to furnish the materials and
perform the work and labor for the construction of the SIMMS RUN DITCH improvement
petitioned for by TOM FISHER and others specified in said Contract, to
the satisfaction and acceptance of the County Engineer, on or before the 30th day of SEPTEMBER,
2008, for the compensation of FORTY SEVEN THOUSAND FIVE HUNDRED
THIRTY-TWO AND 50/10 (\$47,532.50) Dollars,

Second, to save the County from any loss caused by delay in completing the work or furnishing the
material within the time and in the manner expressed in the contract, bid and specifications;

Third, for the payment of claims of any person, arising out of the unlawful acts or negligence of the
contractor in the performance of his contract;

And Forth, to perform the contract in the time stated in the contract, to furnish and use in the improvement all materials of the grade, kind and quality as stated in the contract and specifications; and to construct the improvement in the manner stated in the contract and specifications.

Now if the said SAND RIDGE EXCAVATING of 20251 ROAD I-17 CLOVERDALE, OHIO 45827 shall faithfully perform and complete such work and labor and furnish such materials within the time and as above specified and conditioned, according to the tenor of said Contract, and in accordance with the plans, descriptions and specifications required and made a part of said Contract, then this obligation shall be void; otherwise it shall be and remain in full force and virtue in law.

Executive in Presence of

Joel Utter

signed - owner

Kevin Sember
witness

SAND RIDGE EXCAVATING
company - contractor

20251 Rd I-17
street

witness

Cloverdale OH 45827
city, state, zip

The above bond being good and sufficient is approved this 8th day of April, 2008.

John Bergman
commissioner - Auglaize County

Ann Kramer
commissioner - Auglaize County

commissioner - Auglaize County

**IN THE MATTER OF SETTING A DATE AND TIME FOR THE SECOND PUBLIC HEARING FOR THE
FY2008 COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP).**

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 8th day of April, 2008 with the following members present:

John N. Bergman Ivo J. Kramer

Mr. Kramer moved the adoption of the following:

RESOLUTION

WHEREAS, Auglaize County is applying for a total of \$562,500 to fund County-wide Community Housing Improvement Program (CHIP) activities for FY 2008; and,

WHEREAS, on this date, February 23, 2006, the Board of County Commissioners held the first public hearing for the CDBG program; and,

WHEREAS, it is now necessary to set a date and time to hold a second public hearing for the CHIP activities.

THEREFORE, BE IT RESOLVED that the Board of Commissioners, Auglaize County, Ohio, does hereby set April 22, 2008 at 10:00 a.m., in the Chambers of said Board of County Commissioners, Auglaize County Administration Building, 209 S. Blackhoof St., Room 201, Wapakoneta, Ohio as the date, time and location for the second public hearing for the FY 2008 CHIP.

Mr. Bergman seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
8th day of
April, 2008

**BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO**

John N. Bergman, yes
John N. Bergman

ABSENT
Douglas A. Spencer

Ivo J. Kramer, YES
Ivo J. Kramer

cc: ✓ Poggemeyer Design Group – Gayle Flaczynski

*BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO
209 S. Blackhoof St., Wapakoneta, Ohio 45895*

Phone: 419-739-6710

Fax: 419-739-6711

April 8, 2008

TO: The Wapakoneta Daily News

FROM: Board of County Commissioners, Auglaize County, Ohio

RE: Public Notice to be published in The Wapakoneta Daily News and The Evening Leader

Please publish, in the **smallest print possible**, in the Non-Legal Section of both of your newspapers, the accompanying Public Notice on **Friday, April 11, 2008**.

Please send **Certificate of Publication to and invoice to:**

Board of County Commissioners
209 S. Blackhoof St., Room 201
Wapakoneta, OH 45895

Thank you.

NOTICE OF PUBLIC HEARING

**SECOND PUBLIC HEARING -
FY2008 COMMUNITY HOUSING IMPROVEMENT PROGRAM**

The Auglaize County Board of Commissioners intends to apply to the Ohio Department of Development (ODOD) for funding of Community Housing Improvement Program (CHIP) activities under the Community Development Block Grant (CDBG) Small Cities Program and the Federal HOME Investment Partnership Program (HOME), both federally-funded programs administered by the State of Ohio; and Ohio Housing Trust Fund (OHTF) funds. The CHIP Applications are due to the State by May 2, 2008.

On February 26, 2008, Auglaize County conducted the first public hearing to inform citizens about the CDBG program, how it may be used, what activities are eligible, and other program requirements.

The Auglaize County Board of Commissioners is proposing to undertake the following County-wide CHIP activities for FY2008: Private Owner Rehabilitation/Optional Temporary Relocation \$379,500 (\$342,000 HOME and not to exceed \$37,500 of CDBG Formula/Housing Program Income. Minimum \$20,000 CDBG Formula and maximum \$17,500 Housing Program Income.); Home Repair \$125,000 (\$100,000 OHTF and \$25,000 CDBG Formula); Fair Housing \$4,000 (CDBG); and Administration \$54,000 (\$23,000 CDBG and \$31,000 HOME). The County is applying for a total of \$500,000 to fund these activities and providing a local match of \$62,500 of CDBG Formula/Housing Program Income for a total program budget of \$562,500.

A public hearing will be held on Tuesday, April 22, 2008 at 10:00 a.m. in the County Commissioners Meeting Room at the County Administration Building, 209 South Blackhoof Street, Room 201, Wapakoneta, Ohio to allow citizens the opportunity to provide input on the activities.

Should any participant require auxiliary aids due to disability or non-English languages, please contact this office at least one week prior to the hearing date to ensure needs will be accommodated. Anyone wishing to submit written comments prior to the hearing date should address comments to the Auglaize County Board of Commissioners, 209 South Blackhoof Street, Room 201, Wapakoneta, Ohio 45895.

Auglaize County Board of Commissioners
John N. Bergman, President

Publication Date: To be No Later Than April 11, 2008