

IN THE MATTER OF AUTHORIZING A PAY INCREASE FOR MICHELLE BOWEN - EMPLOYEE AT THE AUGLAIZE COUNTY DEPARTMENT OF JOBS AND FAMILY SERVICES.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 11th day of August, 2011.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, on February 1, 2011, in Resolution #11-051, the Board of County Commissioners authorized the following employment at the Auglaize County Department of Job and Family Services:

- Michelle Bowen, effective February 3, 2011, as Social Service Supervisor 1 position of said Department; and,

WHEREAS, said Board has now received a memorandum from Department Director Michael Morrow stating that "The following employee has successfully passed her 180 day probationary period and is now eligible for a 2% pay raise effective August 4, 2011. Michelle Bowen new hourly rate of pay will be \$18.87.

THEREFORE, BE IT RESOLVED that the Board of Commissioners, Auglaize County, Ohio does hereby authorize the 2% pay increase for the employee at the Auglaize County Department of Job and Family Services upon the above recommendation of Job & Family Department Director Michael Morrow; and,

BE IT FURTHER RESOLVED that the Board does hereby make the pay increases effective August 4, 2011.

Commissioner Regula seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
11th day of
August, 2011

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes
John N. Bergman

Douglas A. Spencer, yes
Douglas A. Spencer

Don Regula, yes
Don Regula

- ✓ cc: County Department of Job & Family Services –
Michael Morrow
- ✓ Deputy Auditor – Marty Metz

IN THE MATTER OF AUTHORIZING BUDGET ADJUSTMENT.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 11th day of August, 2011.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, the Board has been requested to authorize budget adjustment as follows: and,

Arrowhead Estates Fund:

Amount:	From:	To:
\$ 3,300.00	108.0016.535800 (Transfers)	108.0016.530500 (Repairs)

THEREFORE BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby authorize the budget adjustment to show the changes as tabulated above.

Commissioner Regula seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
11th day of
August, 2011

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes
John N. Bergman

Douglas A. Spencer, yes
Douglas A. Spencer

Don Regula, yes
Don Regula

✓ cc: County Auditor
✓ County Engineer

IN THE MATTER OF AUTHORIZING THE COUNTY AUDITOR, AS REQUESTED BY THE SANITARY ENGINEER, TO REIMBURSEMENT THE COUNTY GENERAL FUND FROM VARIOUS SEWER ACCOUNTS FOR LABOR OF THE COUNTY HIGHWAY PERSONNEL.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 11th day of August, 2011.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, the County Sanitary Engineer, Douglas Reinhart requested that the Board of County Commissioners authorizing the following fund reimbursements from various sewer accounts, as listed, to the County General for labor completed by his employees:

Grand Lake

Amount:
\$ 8,562.00

From:
100.0016.535800 (Transfers)

To:
001.0700.401802 (Red. from other funds)

Villa Nova

\$ 549.42
\$ 810.72

101.0016.535800 (Transfers)
101.0016.535800 (Transfers)

001.0700.401802 (Red. from other funds)
001.0700.401802 (Red. from other funds)

Sharlon

\$ 1,000.00

102.0016.535800 (Transfers)

001.0700.401802 (Red. from other funds)

Beverly Hills

\$ 393.03
\$4,000.00

103.0016.530500 (Safety)
103.0016.535800 (Transfers)

001.0700.401802 (Red. from other funds)
001.0700.401802 (Red. from other funds)

Sherwood Forest

\$4,000.00

105.0016.535800 (Transfers)

001.0700.401802 (Red. from other funds)

Pleasantview

\$ 500.00
\$8,000.00

106.0016.535800 (Safety)
106.0016.535800 (Transfers)

001.0700.401802 (Red. from other funds)
001.0700.401802 (Red. from other funds)

K/Z

\$1,000.00

107.0016.535800 (Transfers)

001.0700.401802 (Red. from other funds)

Arrowhead

\$ 163.39

108.0016.530500 (Safety)

001.0700.401802 (Red. from other funds)

East Lake

\$1,219.99

120.0016.535800 (Transfers)

001.0700.401802 (Red. from other funds)

Forest Lane

\$3,000.00

121.0016.535800 (Transfers)

001.0700.401802 (Red. from other funds)

Sandy Beach

\$4,705.55

122.0016.535800 (Transfers)

001.0700.401802 (Red. from other funds)

WHEREAS, the County Sanitary Engineer also requested that the Board of County Commissioners authorize the following reimbursement for work done in 2007 at Sherwood Forest Payment 4 of 5 to the MVGT Fund:

Sherwood Forest

\$1,889.61

105.0016.535800 (Transfers)

002.0500.400100 (Rev. - Reimbursement)

WHEREAS, the County Sanitary Engineer also requested payment 2 of 3 for K/Z sewer account to the MVGT Fund:

K/Z

\$1,726.23

107.0016.535800 (Transfers)

002.0500.400100 (Rev. - Reimbursement)

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, does hereby authorize County Auditor to complete the reimbursement of funds as requested above by County Sanitary Engineer.

Commissioner Regula seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
11th day of
August, 2011

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes
John N. Bergman

Douglas A. Spencer, yes
Douglas A. Spencer

Don Regula, yes
Don Regula

✓ cc: County Sanitary Engineer
✓ County Auditor

IN THE MATTER OF ACCEPTING THE JACOB DITCH PROJECT FROM THE AUGLAIZE COUNTY SOIL AND WATER CONSERVATION DISTRICT; SETTING DATE AND TIME TO RECEIVE BIDS FOR SAID PROJECT.

The Board of Auglaize County Commissioners met in regular session on the 11th day of August, 2011.

Commissioner Spencer made the motion to adopt of the following:

RESOLUTION

WHEREAS, the Board of County Commissioners received the following letter of recommendation from the Board of Supervisors of the Auglaize Soil and Water Conservation District:

**AUGLAIZE SOIL AND WATER CONSERVATION DISTRICT'
BOARD OF SUPERVISORS MEETING
July 26, 2011**

The Auglaize Soil and Water Conservation District Board of Supervisors met in official session following the legal hearing of the Jacob Ditch Project in the Commissioners Chambers at Auglaize Acres located at 13093 Infirmary Road., Wapakoneta, Ohio on Tuesday, July 26, 2011.

John Schwarck called the meeting to order at 10:11 a.m. Other board members present were Jack Rohrbach, Lou Brown and Karl Marshall.

Lou Brown moved to certify the project and the plans to the Auglaize County Commissioners. Karl Marshall seconded motion. Jack Rohrbach, yes; Lou Brown, yes; Karl Marshall, yes; John Schwarck, yes; motion carried.

The following certification is being sent to the Auglaize County Commissioners asking them to adopt the Rules and Regulations of Sections 1515.20 to 1515.29 inclusive of the Ohio Revised Code.

We, the Auglaize Soil and Water Conservation District Board of Supervisors certify our findings after due notice, and conduct of a Public Hearing that on this 26th day of July, 2011 in accordance with the requirements of Section 1515.20 of the Ohio Revised Code. The foregoing findings set forth by the Auglaize Board of Supervisors are as follows:

- Construction of improvement will improve water management and development in the project area.
- Cost of improvement was less than benefits to the project area.
- Improvement will benefit the lands by promoting the economical and social development of the area.
- County maintenance will be carried out as required by Section 6137 of the Ohio Revised Code.
- The proposed Jacob Ditch Project addresses the replacement of an existing subsurface tile originally installed thorough a ditch petition in 1909.
- For the health, safety and welfare of area, the Ohio EPA mandates that an adequate subsurface tile exist for all discharges of septic systems for single-family homes.
- Proposed assessments (varied rate) for each parcel, determined by the Auglaize County Engineer and approved by the Auglaize County Commissioners, were sent by the Soil & Water Conservation Board of Supervisors, by certified mail, return receipt, to each landowner prior to the public hearing as required under section 1515.24 of the Ohio Revised Code.
- Said legal notice clearly stated: "If you are unable to attend the public hearing and have objections concerning the proposed project, notify the Auglaize SWCD Office in writing at least *five days prior* to the hearing. Failure to notify the Auglaize SWCD of your objections will indicate support for the project."

- The Auglaize County Commissioners and County Engineer were in attendance at said public hearing to explain the method of the assessment determination and hear comments for, and objections against the Jacob Subsurface Drainage Ditch.
- At said legal hearing the SWCD Board and County Commissioners heard objections to the proposed improvement representing assessments amounting to 0% of the estimated cost of the improvement. Therefore landowners bearing 100% of the cost of the improvement were in favor of the construction of the Jacob Subsurface Ditch.
- Group agreed to set the completion date April 15, 2012 and the length of finance would be 8 years.

Attached is a plan of the improvement and an outline of the total project area and the areas benefited by the improvement, in sufficient detail to permit you to approve the improvement in accordance to sections 1515.20 to 1515.29 inclusive of the Ohio Revised Code. We recommend your approval and cooperation.

The meeting was adjourned at 11:12 a.m.

Auglaize Soil and Water Conservation District
s/John L. Schwarck

and,

WHEREAS, the Board of County Commissioners, Auglaize County, Ohio does recognize the need for the Jacob Subsurface Ditch project as recommended by the Auglaize County Soil and Water Conservation District Board of Supervisors; pursuant to the findings by said Board of Supervisors as shown in the above minutes.

THEREFORE BE IT RESOLVED that as the Board of County Commissioners, Auglaize County, Ohio, having been in attendance at the Jacob Subsurface Ditch legal hearing held July 26, 2011 and hearing all testimony for, and objections against the improvement, is in agreement with the Auglaize Soil and Water Conservation District on the following findings:

- Construction of improvement will improve water management and development in the project area.
- Cost of improvement was less than benefits to the project area.
- Improvement will benefit the lands by promoting the economical and social development of the area.

and,

BE IT FURTHER RESOLVED pursuant to the Ohio Revised Code, Section 1515.21, said Board does hereby accept the recommendation for the need of the construction of Jacob Subsurface Ditch located in Clay Township; and does further certify the estimated assessments for this project; and,

BE IT FURTHER RESOLVED, that the Board witnessed at the SWCD public hearing held July 26, 2011 that the landowners determined: the completion date for the project will be April 15, 2012 and the financing for those not paying their assessment in cash shall be eight years (16 semi-annual installments); and

BE IT FURTHER RESOLVED, that the Board does set the date and time to receive bids for the Jacob Subsurface Ditch project for **September 1, 2011 at 9:15 a.m.**, in the office of the Auglaize County Commissioners, Auglaize Acres Building, Commissioners Chambers - Acres, 13093 Infirmary Road, Wapakoneta, Ohio; and,

BE IT STILL FURTHER RESOLVED that said Board authorizes the County Engineer to proceed with the necessary legal steps to cause the above mentioned sale; and,

BE IT STILL FURTHER RESOLVED that the records, hereby show that a set of plans and specifications for the Jacob Subsurface Ditch are on file in the office of the Auglaize County Engineer, thus making a permanent record in said Engineer's office for further reference.

Resolution – continued
August 11, 2011
Jacob Ditch – bid date
Page 3

Commissioner Regula seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the resolution as follows:

Adopted this
11th day of
August, 2011

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes
John N. Bergman

Douglas A. Spencer, yes
Douglas A. Spencer

Don Regula, yes
Don Regula

✓cc: County Engineer
✓ Soil & Water Conservation Office

IN THE MATTER OF ACCEPTING THE CROW #2 DITCH PROJECT FROM THE AUGLAIZE COUNTY SOIL AND WATER CONSERVATION DISTRICT; SETTING DATE AND TIME TO RECEIVE BIDS FOR SAID PROJECT.

The Board of Auglaize County Commissioners met in regular session on the 11th day of August, 2011.

Commissioner Spawck made the motion to adopt of the following:

RESOLUTION

WHEREAS, the Board of County Commissioners received the following letter of recommendation from the Board of Supervisors of the Auglaize Soil and Water Conservation District:

**AUGLAIZE SOIL AND WATER CONSERVATION DISTRICT'
BOARD OF SUPERVISORS MEETING
July 28, 2011**

The Auglaize Soil and Water Conservation District Board of Supervisors met in official session following the legal hearing of the Crow #2 Ditch Project in the Commissioners Chambers at Auglaize Acres located at 13093 Infirmity Road., Wapakoneta, Ohio on Thursday, July 28, 2011.

John Schwarck called the meeting to order at 10:10 a.m. Other board members present were Jack Rohrbach, Lou Brown and Karl Marshall.

Jack Rohrbach moved to certify the project and the plans to the Auglaize County Commissioners. Lou Brown seconded motion. Jack Rohrbach, yes; Lou Brown, yes; Karl Marshall, yes; John Schwarck, yes; motion carried.

The following certification is being sent to the Auglaize County Commissioners asking them to adopt the Rules and Regulations of Sections 1515.20 to 1515.29 inclusive of the Ohio Revised Code.

We, the Auglaize Soil and Water Conservation District Board of Supervisors certify our findings after due notice, and conduct of a Public Hearing that on this 28th day of July, 2011 in accordance with the requirements of Section 1515.20 of the Ohio Revised Code. The foregoing findings set forth by the Auglaize Board of Supervisors are as follows:

- Construction of improvement will improve water management and development in the project area.
- Cost of improvement was less than benefits to the project area.
- Improvement will benefit the lands by promoting the economical and social development of the area.
- County maintenance will be carried out as required by Section 6137 of the Ohio Revised Code.
- The proposed Crow #2 Ditch Project addresses the replacement of an existing subsurface tile originally installed thorough a ditch petition in 1907.
- For the health, safety and welfare of area, the Ohio EPA mandates that an adequate subsurface tile exist for all discharges of septic systems for single-family homes.
- Proposed assessments (varied rate) for each parcel, determined by the Auglaize County Engineer and approved by the Auglaize County Commissioners, were sent by the Soil & Water Conservation Board of Supervisors, by certified mail, return receipt, to each landowner prior to the public hearing as required under section 1515.24 of the Ohio Revised Code.
- Said legal notice clearly stated: "If you are unable to attend the public hearing and have objections concerning the proposed project, notify the Auglaize SWCD Office in writing at least *five days prior* to the hearing. Failure to notify the Auglaize SWCD of your objections will indicate support for the project."

- The Auglaize County Commissioners and County Engineer were in attendance at said public hearing to explain the method of the assessment determination and hear comments for, and objections against the Crow #2 Subsurface Ditch.
- At said legal hearing the SWCD Board and County Commissioners heard objections to the proposed improvement representing assessments amounting to 0% of the estimated cost of the improvement. Therefore landowners bearing 100% of the cost of the improvement were in favor of the construction of the Crow #2 Subsurface Drainage Ditch.
- Group agreed to set the completion date April 15, 2012 and the length of finance would be 8 years.

Attached is a plan of the improvement and an outline of the total project area and the areas benefited by the improvement, in sufficient detail to permit you to approve the improvement in accordance to sections 1515.20 to 1515.29 inclusive of the Ohio Revised Code. We recommend your approval and cooperation.

The meeting was adjourned at 11:11 a.m.

Auglaize Soil and Water Conservation District
s/John L. Schwarck

and,

WHEREAS, the Board of County Commissioners, Auglaize County, Ohio does recognize the need for the Crow #2 Subsurface Ditch project as recommended by the Auglaize County Soil and Water Conservation District Board of Supervisors; pursuant to the findings by said Board of Supervisors as shown in the above minutes.

THEREFORE BE IT RESOLVED that as the Board of County Commissioners, Auglaize County, Ohio, having been in attendance at the Crow #2 Subsurface Ditch legal hearing held July 28, 2011 and hearing all testimony for, and objections against the improvement, is in agreement with the Auglaize Soil and Water Conservation District on the following findings:

- Construction of improvement will improve water management and development in the project area.
- Cost of improvement was less than benefits to the project area.
- Improvement will benefit the lands by promoting the economical and social development of the area.

and,

BE IT FURTHER RESOLVED pursuant to the Ohio Revised Code, Section 1515.21, said Board does hereby accept the recommendation for the need of the construction of Crow #2 Subsurface Ditch located in Duchouquet Township; and does further certify the estimated assessments for this project; and,

BE IT FURTHER RESOLVED, that the Board witnessed at the SWCD public hearing held July 28, 2011 that the landowners determined: the completion date for the project will be April 15, 2012 and the financing for those not paying their assessment in cash shall be eight years (16 semi-annual installments); and

BE IT FURTHER RESOLVED, that the Board does set the date and time to receive bids for the Crow #2 Subsurface Ditch project for **September 1, 2011 at 9:00 a.m.**, in the office of the Auglaize County Commissioners, Auglaize Acres Building, Commissioners Chambers - Acres, 13093 Infirmery Road, Wapakoneta, Ohio; and,

BE IT STILL FURTHER RESOLVED that said Board authorizes the County Engineer to proceed with the necessary legal steps to cause the above mentioned sale; and,

BE IT STILL FURTHER RESOLVED that the records, hereby show that a set of plans and specifications for the Crow #2 Subsurface Ditch are on file in the office of the Auglaize County Engineer, thus making a permanent record in said Engineer's office for further reference.

Resolution – continued
August 11, 2011
Crow #2 Ditch – bid date
Page 3

Commissioner Regula seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the resolution as follows:

Adopted this
11th day of
August, 2011

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman yes
John N. Bergman

Douglas A. Spencer yes
Douglas A. Spencer

Don Regula yes
Don Regula

cc: County Engineer
Soil & Water Conservation Office

IN THE MATTER OF ACCEPTING THE PETITION AND BOND FOR THE HEADAPOHL DITCH PROJECT; FIXING DATE OF VIEW AND HEARING FOR SAME.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 11th day of August, 2011.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, on August 8, 2011, the County Engineer Doug Reinhart filed with the Board of County Commissioners of Auglaize County, Ohio, a petition signed by Lowell Headapohl, Gene Kuck and others, as petitioners, to locate, install subsurface tile and catch basins and place under permanent maintenance; the substance and prayer of which said petition is, that the construction of the improvement is necessary and will be conducive to the public welfare, and prays for the making of such improvement on the following described course:

Commencing at the outlet of an existing subsurface tile with Owl Creek being more particularly located at: 2060' north and 670' east of the intersection of Kohler and Burr Oak Roads in Section 13 of Washington Township, Auglaize County; thence in a southerly direction in the general location as the existing subsurface tile a distance of 2060 feet to and through the Burr Oak Road; thence continuing southerly through Burr Oak Road a distance of 700' to the southerly boundary of the Headapohl property and there to terminate.

Said improvement is to be known as the Headapohl Ditch.

The exact location, diameter and grade will be determined at the time of the complete engineering study between the first and second hearings and upon approval by the NRCS in determining the extent of draining the farmed wetland within the watershed.

All costs of engineering, construction and future maintenance shall all be assessed to the benefitting parcels of ground as outlined in Section 6131 of the Ohio Revised Code; and,

WHEREAS, it appears to said Board that the proper bond has been filed with the petition, approved, conditioned for the payment of costs of notices, plus any other incidental expenses, except the cost made by the Engineer in making his survey, maps, plans, profiles and schedules, if the prayer of the petition is not granted, or if said petition is for any cause dismissed.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, does hereby accept the petition and bond for the Headapohl Ditch Project; setting the 27th day of September, 2011, at 10:00 a.m., local time, meeting on Burr Oak Road quarter of a mile east of Kohler Road, as the time and place for the view thereon; and,

BE IT FURTHER RESOLVED that the 20th day of October, 2011, at 10:00 a.m., local time, in the Commissioners Chambers, Auglaize Acres – 2nd Floor, 13093 Infirmery Road, Wapakoneta, 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 requested by law.

Commissioner Regula seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the resolution as follows:

Adopted this
11th day of
August, 2011

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman . yes
John N. Bergman

Douglas A. Spencer . yes
Douglas A. Spencer

Don Regula . yes
Don Regula

cc: County Engineer

Single COUNTY DITCH PETITION

Revised Code, Secs. 6131.04; 6133.02, .03

Wapakoneta, Ohio, August 8, 2011
Petition to
Locate, install a subsurface tile with catch basins

RECEIVED
AUG 17 2011
Board of County Commissioners
Auglaize County, Ohio

To the board of County Commissioners, Auglaize County, Ohio:

The undersigned hereby petition your honorable body to
Locate, install a subsurface tile with catch basins

On the course hereinafter set forth.

The construction of the improvement is necessary, and will be conducive to the public welfare.

The following is the course and termini of said proposed improvement, to-wit:

Commencing at the outlet of an existing subsurface tile with Owl Creek being more particularly located at: 2060' north and 670' east of the intersection of Kohler and Burr Oak Roads in Section 13, Washington Township, Auglaize County;
Thence in a southerly direction in the general location as the existing subsurface tile a distance of 2060 feet to and through the Burr Oak Road;
Thence continuing Southerly through Burr Oak Road a distance of 700' to the southerly boundary of the Headapohl property and there to terminate.
Said Improvement is to be known as the Headapohl Ditch.

The exact location, diameter and grade will be determined at the time of the complete engineering study between the first and second hearings and upon approval by the NRCS in determining the extent of draining the farmed wetland within the watershed.

All cost of engineering, construction and future maintenance shall be assessed to the benefitting parcels of ground as detailed in Section 6131 of the Ohio Revised Code.

The following is the nature of the work petitioned for: Location and installation of a subsurface drain tile and catch basins.

Petitioners:

Lowell Headapohl

Gene A Kueh

Ther B Forns and Ben Saw

Louis Klyfferts

Eric Klyfferts

Brett Eisert

Lorn Klatterman

A list of the names and addresses, where known, of all owners of the land which the petitioner claims will be benefitted or damaged by the construction of the proposed improvement is attached.

BOND
(TO BE FILED WITH DITCH PETITION)

Revised Code, SEC. 6131.06

RECEIVED
2011-8-24
State of County Commissioners
Auglaize County, Ohio

KNOW ALL MEN BY THESE PRESENTS, That we, Lowell Headapohl, as principal,
and

as suret , are held and firmly bound unto the State of Ohio, in the sum of five hundred 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 is and dated at Wapakoneta, Ohio, this 8th day of August, 2011

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That, Whereas, on the 8th day of August, 2011

Lowell Headapohl has filed his petition with the Clerk of the County Commissioners to

Locate and install subsurface tile and catch basins,

petitioned for by Lowell Headapohl and others,
the following being the course and termini of said proposed improvement, to-wit:

Commencing The following is the course and termini of said proposed improvement, to-wit:

Commencing at the outlet of an existing subsurface tile with Owl Creek being more particularly located at: 2060' north and 670' east of the intersection of Kohler and Burr Oak Roads in Section 13, Washington Township, Auglaize County;

Thence in a southerly direction in the general location as the existing subsurface tile a distance of 2060 feet to and through the Burr Oak Road;

Thence continuing Southerly through Burr Oak Road a distance of 700' to the southerly boundary of the Headapohl property and there to terminate.

The exact location, diameter and grade will be determined at the time of the complete engineering study between the first and second hearings and upon approval by the NRCS in determining the extent of draining the farmed wetland within the watershed.

All cost of engineering, construction and future maintenance shall be assessed to the benefitting parcels of ground as detailed in Section 6131 of the Ohio Revised Code.

Now, if the said Lowell Headapohl and will pay the cost of notices, plus any other incidental expenses, except the cost made by the Engineer in making his survey, maps, plans, profiles, and schedules, if the prayer of the petition is not granted or if said petition is for any cause dismissed, then this obligation shall be void; otherwise it shall be and remain in full force and virtue in law.

x Lowell Headapohl

x Gene Schul

The above bond is approved this

8 day of August, 2011

Gene Schul

IN THE MATTER OF RATIFYING THE EXECUTION OF AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND THE DEPARTMENT OF NATURAL RESOURCES FOR THE IMPROVEMENT AND CONSTRUCTION OF TWO CULVERTS FOR THE KELLERMYER DITCH BENEATH THE MIAMI & ERIE CANAL.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 11th day of August, 2011.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, County Engineer Doug Reinhart informed the Board of County Commissioners of the need to replace and improve a section of Kellermeyer Ditch that flows beneath the Miami and Erie Canal. The crossing is located approximately one mile south of the City of St. Marys, Auglaize County. The existing crossing consists of two 36-inch diameter corrugated metal pipe culverts. The pipes, owned and maintained by the Ohio Department of Natural Resources, are deteriorated and in their current state threatens the integrity of the canal; and,

WHEREAS, this improvement project consists of removing the existing culverts and replacing it with 14 feet by 2.5 feet concrete box culvert. Anti-seepage collars shall be installed near each end of the new box culvert. A new concrete drop box shall be installed. The canal banks, berms and towpath shall be re-constructed to their original profile after installation of the new pipe. This project should take approximately three months and the Miami & Erie Canal, and this will restore the integrity of the canal at this location and allow Kellermeyer Ditch to carry the design flow from a 10-year frequency flood event; and,

WHEREAS, State of Ohio, Department of Natural Resources has agreed to contribute \$45,000.00 to be used toward the total cost of said replacement project; and,

WHEREAS, County Engineer Doug Reinhart presented an agreement to the Board depicting the provisions and conditions which govern the implementation and construction of this replacement project; with the Engineer requesting that the Board execute said agreement.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners does hereby approve the project agreement between Auglaize County and Ohio Department of Natural Resources for the Kellermeyer Ditch culvert replacement project beneath the Miami and Erie Canal; and,

BE IT FURTHER RESOLVED does ratify the execution of said agreement.

Commissioner Regula seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this 11th day
of August, 2011

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes
John N. Bergman

Douglas A. Spencer, yes
Douglas A. Spencer

Don Regula, yes
Don Regula

AGREEMENT

This Agreement is made and entered into by and between the State of Ohio, Department of Natural Resources acting by and through the Director of the Department of Natural Resources, hereinafter referred to as the "State", pursuant to Section 1501.02 of the Ohio Revised Code, and the Commissioners of Auglaize County, Ohio hereinafter referred to as the "Commissioners".

WITNESSETH THAT:

WHEREAS, Kellermeyer Ditch crosses the Miami and Erie Canal approximately one mile south of the City of St. Marys, Auglaize County, Ohio; and

WHEREAS, the existing crossing consists of two severely deteriorated corrugated metal pipe culverts threatening the integrity of the canal; and

WHEREAS, the Commissioners and the State desire to replace the two culverts by constructing the Kellermeyer Ditch Culvert Improvements Project as defined in Attachment "A"; and

WHEREAS, the Project will protect the natural resources of the State of Ohio and members of the general public; and

NOW, THEREFORE, it is mutually agreed by the State and the Commissioners that the following are the provisions and conditions, which govern the implementation and construction of said Project:

1. The State agrees to pay the Commissioners a sum of \$45,000.00 (Forty Five Thousand dollars and no cents) to be used toward the total cost of the Project. Funds for this Project in the amount of \$45,000.00 (Forty Five thousand dollars and no cents) have been released by the Controlling Board as of _____, 2011, encumbered by Contract Encumbrance Record Number _____, and are so certified by the Director of Budget and

Management on _____, 2011. Obligations of the State are subject to the provisions of Section 126.07 of the Ohio Revised Code.

2. The Project plans, specifications and estimates shall be provided by the Commissioners to the State for approval prior to receiving bids for construction. If part of the Project is to be completed by Auglaize County personnel and equipment (force account), this part shall be clearly identified in the plans, and the estimated cost of that part shall show hours, classifications of personnel and rates to be charged to the Project. Rates shall be broken down to show pay, benefits and administrative chargeback costs.
3. After final plans, specifications and estimates have been approved by the State, the Commissioners agree to serve as the contracting agency, with full responsibility for advertising for construction bids, awarding contracts and inspecting project work and materials. A performance bond in the full amount of the construction contract shall be required to be furnished by the successful bidder prior to execution of a contract. The Commissioners shall forward all proposed contracts and bid tabulations relating thereto, together with its recommendations to the State, for approval by the State before entering into any binding contract relating thereto.
4. The Commissioners are responsible for obtaining all federal, state and local permits and licenses that may be required for this Project.
5. Upon execution of this agreement by the Commissioners and the State, the Commissioners shall immediately forward to the State for its approval a Project Disbursement Schedule. Based upon the approved Project Disbursement Schedule, the Commissioners shall submit to the State for approval and payment an invoice in triplicate, for an advancement of funds, 45 days in advance of the anticipated Project expenditures to be incurred by the Commissioners. Any

adjustments to the approved Project Disbursement Schedule must be approved by the State in writing.

6. The State shall make periodic fund advances to the Commissioners for the payment of incurred Project costs.
7. All periodic invoices for expenses incurred or for work performed on this Project, which have been approved by the Commissioners, shall be forwarded to the State for approval prior to making payment by the Commissioners. Approval by the State is not required in advance of payment by the Commissioners of payroll costs incurred by county personnel on approved force account work.
8. The fund advancement invoice submitted by the Commissioners for payment by the State of the actual cost of the Project construction shall be accompanied by a detailed statement listing the estimated item expenditures to be incurred during the invoice period. Beginning with the second invoice request, each invoice shall be based on Project expenditures previously approved by the State as made by the Commissioners. Additionally, beginning with the second invoice request, all requests for advanced funds shall show deducted therefrom any unencumbered previously advanced State funds. The Commissioners shall furnish to the State a copy of all Project invoices paid by the Commissioners and a certified recapitulation of payroll costs for county personnel charged to the Project during the previous invoice period. This recapitulation of payroll costs shall include names of personnel, dates and hours worked, rates and total charged to the Project.
9. Upon payment of the final invoice by the Commissioners for work performed on this Project, the Commissioners shall refund to the State any and all unexpended State Project funds which were advanced to the Commissioners.
10. The Commissioners shall establish a separate special account for the deposit of the advanced Project funds and the disbursement of funds for payment of Project

costs. The State reserves the right to audit this project fund, both during and after completion of the Project. All records shall be available to the State for a minimum of three years after the Project completion date designated in Clause #16 of this Agreement.

11. If, in the opinion of the Commissioners, work should be performed which is not specifically covered in the approved Project plans and specifications, such additional work must be first mutually agreed upon in writing by the State and the Commissioners. In the event that the State does not agree that such additional work should be performed, no such work shall be performed. No changes, additions or deletions shall be made in the approved plans and specifications for the Project, without the prior expressed, written approval by the State.
12. If, during the construction of this Project, some condition is encountered which requires an overrun in quantities beyond those contained in the original contract, the Commissioners shall immediately call the matter to the attention of the State and no further work shall be performed on the item on which the overrun occurs until the amount thereof and the method of payment therefore is mutually agreed to by the State and the Commissioners.
13. The final invoice for construction shall not be approved by the State until the Project has been inspected and approved by the Chief Engineer of the Department of Natural Resources.
14. The Commissioners agree to erect and maintain a Project Construction Sign from the start of construction activity at the site until final acceptance of the project by the State. The design and specifications for the Project Construction Sign are attached to this agreement as Attachment "B".
15. The County agrees that the Project shall be completed and open and available for use by the public on December 31, 2012. If unforeseen circumstances

preclude completing the Project by the date specified, a revised completion date may be agreed upon in writing by the Commissioners and the State.

16. The Commissioners agree that the hiring of employees for the performance of work under this contract shall be done in accordance with Section 153.59, Section 153.591 and Section 125.111 of the Ohio Revised Code.
17. The Commissioners shall not discriminate against any employee or applicant for employment, because of race, color, religion, national origin, ancestry, age, handicap, or sex. The Commissioners shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, national origin, ancestry, handicap, or sex. Such action shall include, but is not limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination, rate of pay or other forms of compensation; and selection for training, including apprenticeship. The Commissioners agree to post in conspicuous places, available to employees and applicants for employment, notices as may be provided by the Department, setting forth the provisions of this nondiscrimination clause.
18. The Commissioners shall in all solicitations for advertisements for employees placed by or on behalf of the Commissioners state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, ancestry, age, handicap, or sex.
19. The Commissioners agree that the commissioners shall fully cooperate with the State Equal Opportunity Coordinator, with any other official or agency of the State or Federal Government which seeks to eliminate unlawful employment discrimination, and with all other State and Federal efforts to assure equal employment practices under this contract. The Commissioners shall comply

promptly with all requests and directions from the State or any of its officials and agencies in this regard, both before and during performance.

20. In the event of the Commissioners ' noncompliance with the nondiscrimination clauses of this contract, this contract may be canceled, terminated or suspended in whole or in part.
21. To the extent permitted by Ohio Laws, the Commissioners agree to defend and hold the State harmless from loss, damage, or liability in the case of claim or suite made against the State by reason of any incident arising from, concerning, or in any way connected with the implementation, construction, operation or maintenance of the Project.
22. If for any reason the Project is not completed after the State has advanced the funds for the State's payment of Project costs, the Commissioners will return and refund to the State all funds which were advanced to the Commissioners by the State.
23. This agreement shall become effective as of the date of execution by all intended parties, and shall continue in full force and effect under the conditions set forth herein. If at any time sufficient funds are not appropriated to continue funding the payments due under this Agreement, this Agreement will terminate without any further obligation of the State. This agreement shall expire no later than June 30, 2012. The State may renew this Agreement and supplements on the same terms and conditions by supplemental agreement with 30 days written notice prior to the date of termination, should sufficient funds be appropriated to continue funding payments.
24. The Commissioners, by signature on this document, certify they: (1) have reviewed and understand the Ohio ethics and conflict of interest laws as found in Ohio Revised Code Chapter 102 and Ohio Revised Code Sections 2921.42 and 2921.43, and (2) will take no action inconsistent with those laws. The Provider

understands that failure to comply with Ohio's ethics and conflict of interest laws is, in itself, grounds for termination of this Agreement and may result in the loss of other contracts or grants with the State of Ohio.

25. The Contractor affirmatively represents and warrants to the State that it is not subject to a finding for recovery under R.C. 9.24, or that it has taken appropriate remedial steps required under R.C. 9.24 or otherwise qualifies under that section. Contractor agrees that if this representation or warranty is deemed to be false, the Contract shall be void *ab initio* as between the parties to this Contract, and any funds paid by the State hereunder immediately shall be repaid to the State, or an action for recovery immediately may be commenced by the State for recovery of said funds.

IN WITNESS WHEREOF, the Commissioners and the State have caused this Agreement to be executed by their respective officers duly authorized as of the date on which the Director of the Department of Natural Resources signs this Agreement. This Agreement shall be valid and enforceable only if Controlling Board approval is secured, and/or in the event that this Agreement extends in time beyond the current biennium, funds are appropriated and the Director of the Office of Budget and Management certifies that there is a balance in the appropriation not previously obligated to pay existing obligations.

AUGLAIZE COUNTY

STATE OF OHIO
DEPARTMENT OF NATURAL RESOURCES

By: John N Bergman
COUNTY COMMISSIONER

By: _____
David Mustine, Director

By: Debra K Stone
COUNTY COMMISSIONER

Date

By: Don Regula
COUNTY COMMISSIONER

Approved as to form:

Approved as to form:

Mike DeWine
Attorney General of Ohio

Date

Date

Attachment A

Auglaize County, Ohio

Miami & Erie Canal Kellermeyer Ditch Culverts Improvement

Auglaize County has proposed to improve Kellermeyer Ditch. A section of this ditch flows beneath the Miami and Erie Canal. This crossing is located approximately one mile south of the City of St. Marys, Auglaize County. The existing crossing consists of two 36-inch-diameter corrugated metal pipe culverts. The pipes, owned and maintained by the Ohio Department of Natural Resources, are deteriorated and in their current state threatens the integrity of the canal.

The improvement project consists of removing the existing culverts and replacing it with 14 feet by 2.5 feet concrete box culvert. Anti-seepage collars shall be installed near each end of the new box culvert. A new concrete drop box shall be installed. The canal banks, berms and towpath shall be re-constructed to their original profile after installation of the new pipe.

Construction of this project should take approximately three months and will restore the integrity of the canal at this location and allow Kellermeyer Ditch to carry the design flow from a 10-year frequency flood event.

Attachment B

SECTION 01580 PROJECT SIGNAGE

PART 1 - GENERAL

1.1 GENERAL REQUIREMENTS

Requirements stated in Division 1 of these Specifications shall apply to all work in this section.

1.2 DESCRIPTION OF WORK

The General Contractor shall supply all labor, equipment and materials necessary to fabricate and erect a temporary Project Construction Sign.

1.3 PAYMENT

No separate payment will be made for this work. Costs involved shall be incorporated into other items of construction.

PART 2 - PRODUCTS

- 2.1 The Project Construction Sign board shall be cut to the dimensions shown on the drawings from A-C exterior plywood. The sign shall be painted with one coat of white primer and turpentine and two coats of white exterior grade gloss enamel. All edges shall be smooth sanded and double primed. The letters, borders, stripes and graphic shall be painted or vinyl as shown in the drawing. Posts and cross brace shall be treated Southern Yellow Pine.

PART 3 - EXECUTION

- 3.1 Location of both the Project Sign and the *natureWORKS* Plaque will be determined by the Project Representative in the field.
- 3.2 The Project Construction Sign shall be bolted to the posts with cross-bracing provided as required. The sign shall be erected with the posts set in gravel base, as shown on the attached drawing. The contractor shall be responsible for removal of the sign as directed by the Project Representative.

End of Section