

IN THE MATTER OF AUTHORIZING THE FORCE ACCOUNT REIMBURSEMENT TO THE VILLAGE OF WAYNESFIELD FOR THE WATER TOWER CONTROLS PROJECT; USING THE F.Y. '11 CDBG FORMULA PROGRAM GRANT FUNDING.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 6th day of December, 2012.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, the Board of County Commissioners allocated \$35,000.00 from the F.Y. 2011 Community Development Block Grant (CDBG) Formula Program funds to be used for the Village of Waynesfield Water Tower Controls Project; and,

WHEREAS, in Resolution #12-325 the bid was awarded to The Bergren Associates in the amount of \$33,263.00; and,

WHEREAS, the Village of Waynesfield in connection with the Water Tower Control Project has incurred some labor costs for the project in the amount of \$1,737.00; and,

WHEREAS, the Village of Waynesfield has submitted the necessary Force Account Project Assessment Form to request the reimbursement.

THEREFORE, BE IT RESOLVED that the Board of Commissioners, Auglaize County, Ohio, does hereby accept the request for reimbursement as mentioned above and does approve the Force Account amount for the Force Account Reimbursement for the labor costs incurred for the Village of Waynesfield's Water Tower Controls Project; FY 2011 CDBG Formula Program funding will be used to complete the reimbursement.

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

Adopted this
6th day of
December, 2012

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer, Yes
Douglas A. Spencer

Don Regula, yes
Don Regula

John N. Bergman, yes
John N. Bergman

cc: Poggemeyer Design Group – Dianne Guenther
Village of Waynesfield
Co. Administrator – Michael Hensley

County Commissioners Office
Auglaize County, Ohio
December 6, 2012

NO. 12-522

IN THE MATTER OF ACCEPTING THE WITHDRAWAL OF AN ANNEXATION PETITION TO THE VILLAGE OF WAYNESFIELD.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 6th day of December, 2012.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, on November 2, 2012, Dale M. Vandemark, appointed agent, filed, with the Board of County Commissioners a petition to annex 1.04 acres for the Village of Waynesfield from Michael Rolston and Andrea Rolston located in Section 17, Wayne Township; and,

WHEREAS, upon review of said petition by the County Engineer, it was determined that the petition, as filed, and was valid; and,

WHEREAS, the filing of the municipal statement of services and the filing of municipal statement of incompatible use and zoning buffer were not filed before the 20 days after the filing of the petition; and,

WHEREAS, on December 3, 2012, Dale M. Vandemark, agent for Michael and Andrea Rolston, submitted correspondence to the Board of County Commissioners, stating that Michael and Andrea Rolston officially withdraw their Request for Annexation of 1.04 acres from Wayne Township to the Village of Waynesfield.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio does hereby accept the withdrawal of the petition for the annexation of 1.04 acres to the Village of Waynesfield.

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

Adopted this
6th day of
December, 2012

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer, Yes
Douglas A. Spencer

Don Regula, yes
Don Regula

John N. Bergman, yes
John N. Bergman

cc: County Engineer
County Auditor
Wayne Township Trustees
Dale M. Vandemark, Agent
Village of Waynesfield

NOTIFICATION OF WITHDRAWAL OF ANNEXATION PETITION

TO: AUGLAIZE COUNTY BOARD OF COMMISSIONERS
FROM: DALE M. VANDEMARK, AGENT FOR PETITIONERS
DATE: December 3, 2012
IN RE: NONWITHDRAWAL ANNEXATION PETITION FILED WITH THE
AUGLAIZE COUNTY BOARD OF COMMISSIONERS

Now come the undersigned, Michael and Andrea Rolston, by and through their agent, Dale M. Vandemark, and hereby give notice of their withdrawal of the petition filed with the Auglaize County Commissioners on October 29, 2012.



Dale M. Vandemark
Agent for Petitioners
330 N. Main Street
Lima, Ohio 45801
(419) 225-2015

RECEIVED

DEC - 3 2012

Board of County Commissioners
Auglaize County, Ohio

IN THE MATTER OF AUTHORIZING BUDGET ADJUSTMENTS.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 6th day of December, 2012.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

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

Juvenile Probation Fund:

Amount:	From:	To:
\$100,000.00	000.0206.530900 (Detention)	001.0205.530400 (Equipment)

THEREFORE BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby authorize the budget adjustments 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
6th day of
December, 2012

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer, Yes
Douglas A. Spencer

Don Regula, yes
Don Regula

John N. Bergman, yes
John N. Bergman

cc: County Auditor
Judge Spees

**IN THE MATTER OF APPROVING THE CONTRACT AND BOND OF GERDING DITCHING, LLC FOR THE
HIGHLAWN DITCH PROJECT.**

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 6th day of December, 2012.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, the Engineer's office has filed with this Board a contract and bond from Gerding Ditching, LLC for labor and materials for said Highlawn 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 Gerding Ditching, LLC as presented, for the Highlawn 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.

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

Adopted this
6th day of
December, 2012

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer . Yes
Douglas A. Spencer

Don Regula . yes
Don Regula

John N. Bergman . yes
John N. Bergman

✓cc: County Engineer

DITCH CONTRACT

Revised Code, Sec. 6131.41

In the Matter of the **HIGHLAWN DITCH**

SINGLE County Ditch Petitioned for by **SENATE BILL 160 PROJECT** and others.

THIS AGREEMENT, made and entered into on this **6th** day of **December** 2012,
by and between the County Commissioners of **AUGLAIZE COUNTY**,
Ohio, and hereinafter designated as "First Party," and **GERDING DITCHING, LLC** of
15105 ROAD 15M COLUMBUS GROVE, OH. 45830 hereinafter designated as "Second Party."

WITNESSETH, THAT SAID "SECOND PARTY," For and in consideration of the sum
of **SEVENTY THREE THOUSAND ONE HUNDRED FIFTY AND 56/100** (\$ 73,150.56)
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 **HIGHLAWN DITCH** improvement
petitioned for by **SENATE BILL 160 PROJECT** 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 **HIGHLAWN 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 **HIGHLAWN DITCH** may require. The whole to be completed to
the satisfaction and acceptance of said "First Party" on or before the **31st** day of **DECEMBER, 2012**.

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 **SEVENTY THREE THOUSAND ONE HUNDRED FIFTY AND 56/100**
(\$ 73,150.56) 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 GERDING DITCHING, LLC

of 15105 ROAD 15M COLUMBUS GROVE, OH. 45830

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

William Gerding
signed

Billie Jean Gerding
witness

Gerding Ditching LLC
company

Debra Gerding
witness

15105 Rd 15-M
street

Col. Grove Oh 45830
city, state, zip

The above Contract being good and sufficient is approved this 6th day of December, 2012.

Don Regula
commissioner

Don Regula
commissioner

John N. Bergman
commissioner

BOND OF DITCH CONTRACTOR

Revised Code, Sec. 6131.42

In the Matter of the **HIGHLAWN DITCH**

Single County Ditch No.

ON CONTRACT FOR WORK AND LABOR
AND MATERIALS

Petitioned for by **SENATE BILL 160 PROJECT** and others

KNOW ALL MEN BY THESE PRESENTS, That we, **GERDING DITCHING, LLC**
of **15105 ROAD 15M COLUMBUS GROVE, OH. 45830** as Principal, and
AUTO OWNERS MUTUAL INSURANCE 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 **SEVENTY THREE**
THOUSAND ONE HUNDRED FIFTY AND 56/100 (\$ 73,150.56) 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 **6th** day of **December**, 2012

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT, whereas, the above Bound
GERDING DITCHING, LLC of **15105 ROAD 15M COLUMBUS GROVE, OH. 45830**
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 **HIGHLAWN DITCH** improvement
petitioned for by **SENATE BILL 160 PROJECT** and others specified in said Contract, to
the satisfaction and acceptance of the County Engineer, on or before the **31st** day of **DECEMBER**,
2012, for the compensation of **SEVENTY THREE THOUSAND ONE HUNDRED FIFTY**
AND 56/100 (\$ 73,150.56) Dollars, which is the actual **DITCH CONTRACT AMOUNT**

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 GERDING DITCHING LLC of 15105 ROAD 15M COLUMBUS GROVE, OH. 45830 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

William Gerding
Signed

Billie Jean Gerding
witness

Gerding Ditching LLC
company

Debra Gerding
witness

15105 Rd 15-M
street

Col. Grove Oh 45830
city, state, zip

The above Bond being good and sufficient is approved this 6th day of December, 2012.

Debra A. Gance
commissioner

Don Regula
commissioner

John M. Bergman
commissioner