

**IN THE MATTER OF APPROVING THE CONTRACT AND BOND OF GENE TOPP DRAINAGE SERVICE,
FOR THE KETTLER DITCH PROJECT.**

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 20th day of October, 2009.

Commissioner Regula moved the adoption of the following

RESOLUTION

WHEREAS, the Engineer's office has filed with this Board a contract and bond with Gene Topp Drainage Service for labor and materials for said Kettler Ditch project petitioned under Senate Bill 160; 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 Gene Topp Drainage Service, as presented, for the Kettler Ditch project; 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 Secretary of the County Engineer 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 Bergman seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
20th day of
October, 2009

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 KETTLER DITCH

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

THIS AGREEMENT, *made and entered into on this* 14th *day of* October 2009,
by and between the County Commissioners of AUGLAIZE COUNTY ,
Ohio, and hereinafter designated as "First Party," and GENE TOPP DRAINAGE SERVICE *of*
06672 C.R. 66A, NEW BREMEN, OHIO 45869 *hereinafter designated as "Second Party."*

WITNESSETH, THAT SAID "SECOND PARTY," *For and in consideration of the sum*
of THREE HUNDRED NINETEEN THOUSAND EIGHT HUNDRED SEVENTY-ONE
AND 78/100 (\$ 319,871.78) *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
KETTLER DITCH *petitioned for by* SENATE BILL 160 , *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 KETTLER
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 KETTLER 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, 2010[?] *2009.*

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 THREE HUNDRED NINETEEN THOUSAND EIGHT HUNDRED
SEVENTY-ONE AND 78/100 (\$ 319,871.78) *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

GENE TOPP DRAINAGE SERVICE

of 06672 C.R. 66A, NEW BREMEN, OHIO 45869

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

Gene P. Topp member
signed

Gene Topp Drainage Service
company

06672 CR 66A
street

New Bremen, Ohio 45869
city, state, zip

[Signature]
witness

Amy A. Canturigha
witness

The above Contract being good and sufficient is approved this *20th* day of *Oct*, 2009.

Joseph A. Sencer
commissioner

Don Requa
commissioner

John N. Bergman
commissioner

BOND OF DITCH CONTRACTOR

Revised Code, Sec. 6131.42

In the Matter of the

KETTLER DITCH

Single County Ditch No.

ON CONTRACT FOR WORK AND LABOR
AND MATERIALS

Petitioned for by SENATE BILL 160 *and others*

KNOW ALL MEN BY THESE PRESENTS, *That we,* GENE TOPP DRAINAGE SERVICE,
having an address of 06672 C.R. 66A NEW BREMEN, OHIO, 45869, *as Principal and*
LETTER OF CREDIT, FIRST NATIONAL BANK IN NEW BREMEN, *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
THREE HUNDRED NINETY-NINE THOUSAND EIGHT HUNDRED FORTY AND
00/100 (\$399,840.00) *Dollars, WHICH IS 125% OF THE DITCH CONTRACT, 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 14th *day of* October, 2009

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT, whereas, the above Bound

GENE TOPP DRAINAGE SERVICE, *having an address of* 06672 C.R. 66A
NEW BREMEN, OHIO, 45869 *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
KETTLER DITCH *improvement petitioned for by* SENATE BILL 160 *and others specified in*
said Contract, to the satisfaction and acceptance of the County Engineer, on or before the 31st day of
DECEMBER, 2010, *for the compensation of* THREE HUNDRED NINETEEN
THOUSAND EIGHT HUNDRED SEVENTY-ONE AND 78/100 (\$ 319,871.78) *Dollars.*
(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 GENE TOPP DRAINAGE SERVICE, having an address of 06672 C.R. 66A NEW BREMEN, OHIO, 45869, 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

Gene P. Topp member
Signed

[Signature]
witness

Gene Topp Drainage Service
company

Amy A. Cantwright
witness

6672 CR 66A
street

New Bremen OH 45869
city, state, zip

The above Bond being good and sufficient is approved this 20th day of October, 2009.

Debra A. Spore
commissioner

Don Regula
commissioner

John N. Bergman
commissioner

**LETTER OF CREDIT - BONDING CONTRACT WITH
THE BOARD OF COUNTY COMMISSIONERS
OF AUGLAIZE COUNTY**

To: Board of County Commissioners
Auglaize County, Ohio

In Re: PERFORMANCE BONDING FOR THE KETTLER DITCH

Gentlemen:

We, the undersigned, do hereby establish a CONTRACT FOR PERFORMANCE BONDING in the favor of the Auglaize County Commissioners, and have established an account under the name of GENE TOPP DRAINAGE SERVICE, having an address of 06672 C.R. 66A NEW BREMEN, OHIO, 45869. The minimum amount established for this CONTRACT FOR PERFORMANCE BONDING has been determined by the Board of County Commissioners as being 125% of the estimated costs to complete the KETTLER DITCH improvement. The Estimated Construction Costs for said Ditch Improvement plus an additional 25%, has been established at THREE HUNDRED NINETY-NINE THOUSAND EIGHT HUNDRED FORTY AND 00/100 (\$399,840.00) dollars, and will be subject to the following terms and conditions:

1. *That the amount of the bond as set forth herein is 125% of the total Estimated Construction Costs and Ditch Contract amount for the proposed Ditch Improvement known as the KETTLER DITCH.*

2. *The undersigned Contractor for said improvement shall be under contract with the Board of County Commissioners, and shall be completed on or before the 31st day of DECEMBER, 2010 to complete the necessary work as detailed on the plans, profiles, and specifications on file with the Board of County Commissioners. Failure to do so will be subject to all penalties as provided in the Ohio Revised Code.*

If an Extension of Time to complete the Ditch Improvement is needed to be granted in order to complete the KETTLER DITCH , then the Contract for Performance Bonding must also be extended for the same Extension of Time in the amount of THREE HUNDRED NINETY-NINE THOUSAND EIGHT HUNDRED FORTY AND 00/100 (\$399,840.00) dollars, however, it cannot be construed that the Board of County Commissioners will grant such an extension of time unless extreme hardship or severe weather effects the established date of completion for said Ditch Improvement.

3. It is guaranteed by the undersigned Contractor that the Ditch Improvements as set forth on the plans, profiles, and specifications will be completed to it's entirety and approved by the Auglaize County Engineer on or before the 31st day of DECEMBER, 2010. If such a guarantee is breached, then the Board of County Commissioners shall, upon notice of such failure received by us in writing, be authorized to issue drafts against the Performance Bonding Agency, under the name of

GENE TOPP DRAINAGE SERVICE, having an address of 06672 C.R. 66A NEW BREMEN, OHIO, 45869 up to and including the amount of the Estimated Construction Costs plus an additional 25% for the proposed Ditch Improvement known as the KETTLER DITCH herein mentioned, for the sole purpose of completing the improvements according to said plans, profiles, and specifications on file with the Board of County Commissioners and shall be in the amount of THREE HUNDRED NINETY-NINE THOUSAND EIGHT HUNDRED FORTY AND 00/100 (\$399,840.00) dollars.

4. Upon the enactment of any of the forementioned drafts against the Performance Bonding Agency under the name of FIRST NATIONAL BANK IN NEW BREMEN does further guarantee payment of such drafts to complete the Ditch Improvement, regardless of default, insolvency, or bankruptcy by the Contractor under the name of GENE TOPP DRAINAGE SERVICE having an address of 06672 C.R. 66A NEW BREMEN, OHIO, 45869 and regardless of any objections of said GENE TOPP DRAINAGE SERVICE, the Contractor, or litigation or disagreement between the Board of County Commissioners of Auglaize County, FIRST NATIONAL BANK IN NEW BREMEN, the Performance Bonding Company.

5. *Such drafts shall be accompanied by a statement setting forth the fact of failure to complete the Ditch Improvement, and further, that the improvement will be under the authority of the Board of Commissioners of Auglaize County, complete to the extent of the funds for which the draft is drawn to the complete satisfaction of the Board of Commissioners of Auglaize County, with the Auglaize County Engineer having supervisory jurisdiction over such work on behalf of the Board of Commissioners of Auglaize County. All such statements shall be in writing, and shall be received ten days prior to the date on which such funds will be required.*

6. *The amount and date of such drafts drawn hereunder must be endorsed on the face hereof by of*

GENE TOPP DRAINAGE SERVICE, *having an address of 06672 C.R. 66A*

NEW BREMEN, OHIO, 45869 *We do hereby guarantee the Board of Commissioners of Auglaize County that all drafts drawn under and in compliance with the terms of this CONTRACT FOR PERFORMANCE BONDING shall meet with due honor upon presentation and delivery of documents in accordance with the terms and conditions hereof.*

7. *This CONTRACT FOR PERFORMANCE BONDING is limited to the sum herein mentioned and set forth, and in the event this CONTRACT FOR PERFORMANCE BONDING is exercised by the Board of County Commissioners, the amounts payable hereunder shall be the face value of at THREE HUNDRED NINETY-NINE THOUSAND EIGHT HUNDRED FORTY AND 00/100 (\$399,840.00) dollars, which less any amounts of improvements as performed by the undersigned Contractor towards completing said Ditch Improvement in accordance with the plans and specifications, and under the approval of the Auglaize County Engineer. It is also hereby understood that the Board of County Commissioners and/or the Auglaize County Engineer shall not arbitrarily or unreasonably withhold approval of the installations or improvements made for said improvement, and shall specifically state the nature and extent of any objections to these improvements made by the undersigned Contractor before invoking payment under this CONTRACT FOR PERFORMANCE BONDING.*

In Witness Hereof, FIRST NATIONAL BANK IN NEW BREMEN the Performance Bonding Agency, has hereunto set its hand and seal of the undersigned person (s) who are duly authorized by the Board of Directors to execute this agreement,

by  official signature from BONDING AGENCY OR BANK
JERRY S. LEHMAN, JR., VICE PRESIDENT

for FIRST NATIONAL BANK IN NEW BREMEN
BONDING AGENCY OR BANK

435 S. WASHINGTON STREET
address

NEW BREMEN, OHIO 45869
city, state, zip

419-629-2761
phone

All terms and conditions of the this CONTRACT FOR PERFORMANCE BONDING
for the development of the KETTLER DITCH accepted by the Board of Commissioners of
Auglaize County, pursuant to Resolution No. _____, passed this _____ day
of _____, 2009.



commissioner - Auglaize County



commissioner - Auglaize County



commissioner - Auglaize County

All terms and conditions accepted this 14th day of October, 2009.



authorized signature for CONTRACTOR

GENE TOPP DRAINAGE SERVICE
COMPANY

06672 C.R. 66A
address

NEW BREMEN, OHIO 45869
city, state, zip

(419) 629-3360
phone

IN THE MATTER OF APPROVING THE CONTRACT AND BOND OF CY SCHWIETERMAN, INC. FOR THE FREEMAN DITCH PROJECT.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 20th day of October, 2009.

Commissioner Regula moved the adoption of the following

RESOLUTION

WHEREAS, the Engineer's office has filed with this Board a contract and bond with Cy Schwieterman, Inc. for labor and materials for said Freeman Ditch project petitioned under Senate Bill 160; 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 Cy Schwieterman, Inc., as presented, for the Freeman Ditch project; 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 Secretary of the County Engineer 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 Bergman seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
20th day of
October, 2009

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 FREEMAN DITCH

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

THIS AGREEMENT, made and entered into on this 12th day of October 2009, by and between the County Commissioners of AUGLAIZE COUNTY, Ohio, and hereinafter designated as "First Party," and CY SCHWIETERMAN, INC. of 10097 KOHLER ROAD, WAPAKONETA, OHIO 45895 hereinafter designated as "Second Party."

WITNESSETH, THAT SAID "SECOND PARTY," For and in consideration of the sum of THIRTY FIVE THOUSAND SEVEN HUNDRED EIGHT AND 00/100 (\$ 35,708.00) 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 FREEMAN DITCH improvement petitioned for by SENATE BILL 160 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 FREEMAN 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 FREEMAN 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, 2010.

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 FIVE THOUSAND SEVEN HUNDRED EIGHT AND 00/100 (\$ 35,708.00) 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

CY SCHWIETERMAN, INC.

of

10097 KOHLER ROAD, WAPAKONETA, OHIO

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

David G. Schwieterman
David Schwieterman

signed

Jospe Gerlach
witness

Cy Schwieterman, Inc.

company

10097 Kohler Rd.

street

Bruce Hottes
witness

Wapakoneta Oh 45895

city, state, zip

The above Contract being good and sufficient is approved this 20th day of Oct, 2009.

Debra A. Sauer
commissioner

Don Regula
commissioner

John N. Bergman
commissioner

BOND OF DITCH CONTRACTOR

Revised Code, Sec. 6131.42

In the Matter of the FREEMAN DITCH

Single County Ditch No.

ON CONTRACT FOR WORK AND LABOR
AND MATERIALS

Petitioned for by SENATE BILL 160 and others

KNOW ALL MEN BY THESE PRESENTS, That we, CY SCHWIETERMAN, INC.

of 10097 KOHLER ROAD, WAPAKONETA, OHIO, as Principal, and

LETTER OF CREDIT, FIRST NATIONAL BANK IN NEW BREMEN, 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-FOUR THOUSAND SIX HUNDRED THIRTY-FIVE AND (\$44,635.00) Dollars,
WHICH IS 125% OF THE DITCH CONTRACT, 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 12th day of October, 2009

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT, whereas, the above Bound

CY SCHWIETERMAN, INC. of 10097 KOHLER ROAD, WAPAKONETA, 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 FREEMAN DITCH
improvement petitioned for by SENATE BILL 160 and others specified in said Contract, to the
satisfaction and acceptance of the County Engineer, on or before the 31st day of DECEMBER,
2010, for the compensation of THIRTY FIVE THOUSAND SEVEN HUNDRED EIGHT
AND 00/100 (\$ 35,708.00) Dollars. (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 **CY SCHWIETERMAN, INC.**

of **10097 KOHLER ROAD, WAPAKONETA, OHIO**

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



David Schwieterman

Signed



witness

Cy Schwieterman, Inc.

company

10097 Kohler Rd.

street



witness

wapakoneta, Oh 45895

city, state, zip

The above Bond being good and sufficient is approved this *20th* day of *October*, 2009.



commissioner



commissioner



commissioner

**LETTER OF CREDIT - BONDING CONTRACT WITH
THE BOARD OF COUNTY COMMISSIONERS
OF AUGLAIZE COUNTY**

To: Board of County Commissioners
Auglaize County, Ohio

In Re: PERFORMANCE BONDING FOR THE FREEMAN DITCH

Gentlemen:

We, the undersigned, do hereby establish a CONTRACT FOR PERFORMANCE BONDING in the favor of the Auglaize County Commissioners, and have established an account under the name of CY SCHWIETERMAN, INC. , having an address of 10097 KOHLER ROAD WAPAKONETA, OHIO 45895. The minimum amount established for this CONTRACT FOR PERFORMANCE BONDING has been determined by the Board of County Commissioners as being **125%** of the estimated costs to complete the FREEMAN DITCH improvement. The Estimated Construction Costs for said Ditch Improvement plus an additional 25%, has been established at FORTY FOUR THOUSAND SIX HUNDRED THIRTY-FIVE AND 00/100 (\$44,635.00) dollars, and will be subject to the following terms and conditions:

1. That the amount of the bond as set forth herein is **125%** of the total Estimated Construction Costs and Ditch Contract amount for the proposed Ditch Improvement known as the FREEMAN DITCH.

2. The undersigned Contractor for said improvement shall be under contract with the Board of County Commissioners, and shall be completed on or before the 31st day of DECEMBER, 2010 to complete the necessary work as detailed on the plans, profiles, and specifications on file with the Board of County Commissioners. Failure to do so will be subject to all penalties as provided in the Ohio Revised Code.

If an Extension of Time to complete the Ditch Improvement is needed to be granted in order to complete the FREEMAN DITCH , then the Contract for Performance Bonding must also be extended for the same Extension of Time in the amount of FORTY FOUR THOUSAND SIX HUNDRED THIRTY-FIVE AND 00/100 (\$44,635.00) dollars, however, it cannot be construed that the Board of County Commissioners will grant such an extension of time unless extreme hardship or severe weather effects the established date of completion for said Ditch Improvement.

3. It is guaranteed by the undersigned Contractor that the Ditch Improvements as set forth on the plans, profiles, and specifications will be completed to it's entirety and approved by the Auglaize County Engineer on or before the 31st day of DECEMBER, 2010. If such a guarantee is breached, then the Board of County Commissioners shall, upon notice of such failure received by us in writing, be authorized to issue drafts against the Performance Bonding Agency, under the name of CY SCHWIETERMAN, INC. , having an address of 10097 KOHLER ROAD WAPAKONETA, OHIO 45895, up to and including the amount of the Estimated Construction Costs plus and additional 25% for the proposed Ditch Improvement known as the FREEMAN DITCH herein mentioned, for the sole purpose of completing the improvements according to said plans, profiles, and specifications on file with the Board of County Commissioners and shall be in the amount of FORTY FOUR THOUSAND SIX HUNDRED THIRTY-FIVE AND 00/100 (\$44,635) dollars.

4. Upon the enactment of any of the forementioned drafts against the Performance Bonding Agency under the name of FIRST NATIONAL BANK IN NEW BREMEN, does further guarantee payment of such drafts to complete the Ditch Improvement, regardless of default, insolvency, or bankruptcy by the Contractor under the name of CY SCHWIETERMAN, INC. having an address of 10097 KOHLER ROAD WAPAKONETA, OHIO 45895, and regardless of any objections of said CY SCHWIETERMAN, INC., the Contractor, or litigation or disagreement between the Board of County Commissioners of Auglaize County, FIRST NATIONAL BANK IN NEW BREMEN, OHIO, the Performance Bonding Company.

5. Such drafts shall be accompanied by a statement setting forth the fact of failure to complete the Ditch Improvement, and further, that the improvement will be under the authority of the Board of Commissioners of Auglaize County, complete to the extent of the funds for which the draft is drawn to the complete satisfaction of the Board of Commissioners of Auglaize County, with the Auglaize County Engineer having supervisory jurisdiction over such work on behalf of the Board of Commissioners of Auglaize County. All such statements shall be in writing, and shall be received ten days prior to the date on which such funds will be required.

6. The amount and date of such drafts drawn hereunder must be endorsed on the face hereof by of
CY SCHWIETERMAN, INC. , having an address of 10097 KOHLER ROAD
WAPAKONETA, OHIO 45895. We do hereby guarantee the Board of Commissioners of
Auglaize County that all drafts drawn under and in compliance with the terms of this CONTRACT
FOR PERFORMANCE BONDING shall meet with due honor upon presentation and delivery of
documents in accordance with the terms and conditions hereof.

7. This CONTRACT FOR PERFORMANCE BONDING is limited to the sum herein
mentioned and set forth, and in the event this CONTRACT FOR PERFORMANCE BONDING
is exercised by the Board of County Commissioners, the amounts payable hereunder shall be the face
value of at FORTY FOUR THOUSAND SIX HUNDRED THIRTY-FIVE AND 00/100
(\$44,635.00) dollars, which less any amounts of improvements as performed by the undersigned
Contractor towards completing said Ditch Improvement in accordance with the plans and specifications,
and under the approval of the Auglaize County Engineer. It is also hereby understood that the Board of
County Commissioners and/or the Auglaize County Engineer shall not arbitrarily or unreasonably
withhold approval of the installations or improvements made for said improvement, and shall
specifically state the nature and extent of any objections to these improvements made by the
undersigned Contractor before invoking payment under this CONTRACT FOR PERFORMANCE
BONDING.

In Witness Hereof, FIRST NATIONAL BANK IN NEW BREMEN *the Performance*
Bonding Agency, has hereunto set its hand and seal of the undersigned person (s) who are duly authorized
by the Board of Directors to execute this agreement,

by  U-P
official signature from BONDING AGENCY OR BANK
JERRY S. LEHMAN, JR., VICE PRESIDENT

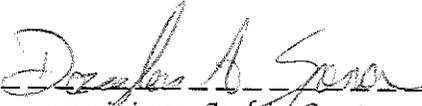
for FIRST NATIONAL BANK IN NEW BREMEN
BONDING AGENCY OR BANK

435 S. WASHINGTON STREET
address

NEW BREMEN, OHIO 45869
city, state, zip

419-629-2761
phone

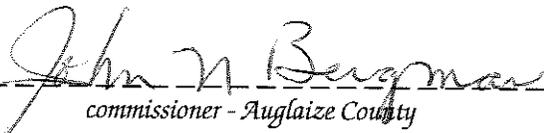
All terms and conditions of the this **CONTRACT FOR PERFORMANCE BONDING**
for the development of the **FREEMAN DITCH** accepted by the Board of Commissioners of
Auglaize County, pursuant to Resolution No. _____, passed this _____ day
of _____, 2009.



commissioner - Auglaize County



commissioner - Auglaize County



commissioner - Auglaize County

All terms and conditions accepted this _____ day of _____, 2009.



authorized signature for CONTRACTOR

CY SCHWIETERMAN, INC.
COMPANY

10097 KOHLER ROAD
address

WAPAKONETA, OHIO 45895, OHIO 45869
city, state, zip

(419) 753-2566
phone

**IN THE MATTER OF AUTHORIZING A BUDGET ADJUSTMENT FOR VOCA (035)
APPROPRIATION.**

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 20th day of October, 2009.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, the Board of County Commissioners was requested by County Administrator Joseph R. Lenhart to make the following budget adjustment in the VOCA (035) Fund:

Decease the following accounts:

035.0035.510200 Salary by	\$ 18,967.00
035.0035.510201 Medicare by	\$ 276.00
035.0035.6400 Worker Comp by	\$ 698.00
035.0035.536600 Hospitalization by	\$ 3,398.00
035.0035.536700 PERS by	\$ 2,655.00

THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio does hereby authorize the County Auditor to make the budget adjustment as requested by Joseph R. Lenhart County Administrator and mentioned above.

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

Adopted this
20th day of
October, 2009

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

IN THE MATTER OF AUTHORIZING A CONTRIBUTION TO THE BUSINESS ENTERPRISE CENTER OF WRIGHT STATE UNIVERSITY.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 20th day of October, 2009.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, Wright State University has successfully provided, since 2003, a Business Enterprise Center which has given counseling to many Auglaize Countians and conducted training classes at the University Lake Campus for business owners over a variety of topics; and,

WHEREAS, the University is now conducting an annual campaign to continuously fund the counseling program and has requested the support of Auglaize County for its continued financial assistance in supporting the Center's counseling efforts for small businesses within the area; and,

WHEREAS, any contribution which Auglaize County would submit would be used for Auglaize County businesses only.

THEREFORE BE IT RESOLVED, that the Board of County Commissioners, Auglaize County, Ohio does hereby authorize the contribution of \$1,500.00 to be presented to Wright State University for its Business Enterprise Center for counseling as mentioned above; and,

BE IT FURTHER RESOLVED that said Board authorizes the Clerk of the Board to proceed with the necessary steps to cause the payment of \$1,500.00, made payable to Wright State University, from the Economic Development Fund.

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

Adopted this
20th day of
October, 2009

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: ✓ Clerk of the Board
Wright State University – Julie Miller

IN THE MATTER OF AUTHORIZING A BUDGET ADJUSTMENT FOR MVGT FUND AS REQUESTED BY DOUGLAS REINHART.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 20th day of October, 2009.

Commissioner Regula moved the adoption of the following:
RESOLUTION

WHEREAS, the following correspondence was submitted by County Engineer Douglas Reinhart:

Dear Gentlemen:

Please authorize the Auglaize County Auditor to move \$70,000 from 002.0015.550100 (Contract Projects) to 002.0014.538400 (Materials).

Respectfully,

Douglas Reinhart
County Engineer

THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio does hereby authorize the County Auditor to make the following budget adjustment within MVGT as mentioned above:

From: 002.0015.550100 – Contract Projects
Amount: \$70,000.00
To: 002.0014.538400 – Materials

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

Adopted this
20th day of
October, 2009

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
Co. Engineer

IN THE MATTER OF AUTHORIZING THE COUNTY AUDITOR TO DRAW WARRANTS FOR THEN AND NOW CERTIFICATE PAYMENTS.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 20th day of October, 2009.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, the practice of using "Then and Now Certificates" has been instituted by the County Auditor.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, the taxing authority for Auglaize County, having thirty (30) days to approve payment by resolution from receipt of "Then and Now Certificates", does hereby approve the following:

<u>Check No.</u>	<u>Amount</u>	<u>Vendor</u>
332585	1534.55	Delta Airport Consulting
332585	29153.00	Delta Airport Consulting
332611	154.80	Lowe's
332636	61044.03	Northwoods Consulting

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

Adopted this
20th day of
October, 2009

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer
Douglas A. Spencer

Don Regula
Don Regula

John N. Bergman
John N. Bergman

cc: ✓ County Auditor