

**IN THE MATTER OF AMENDING THE ANNUAL APPROPRIATION DUE TO THE AMENDED CERTIFICATE OF ESTIMATED RESOURCES AS REPORTED BY THE COUNTY AUDITOR: SAME BEING FOR THE AUGLAIZE ACRES APPROPRIATION; AUTHORIZING BUDGET ADJUSTMENTS IN THE AUGLAIZE ACRES FUND.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 10th day of September, 2009.

Commissioner Bergman moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, under date of January 8, 2009, the Annual Appropriation for Auglaize County was accepted, having been prepared with the 2009 Annual Amended Official Certificate of Estimated Resources which was given to the Board of County Commissioners by the County Auditor; and,

**WHEREAS**, County Auditor Janet Schuler informed the Board that an amendment was made to the Annual Amended Official Certificate for the Auglaize Acres appropriation. The 2009 Annual Appropriation should be amended to include the following:

**In County Home(Auglaize Acres) Fund:**

<b>Increase 097.0097.530600 - Contract Services</b>	<b>\$200,000.00</b>
<b>Increase 097.0097.530300 - Supplies</b>	<b>\$ 50,000.00</b>

**THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Auglaize County, Ohio, does hereby order the 2009 Annual Appropriation Resolution be amended to show the changes as tabulated above; and,

**WHEREAS**, the following budget adjustments were requested to be authorized by the Board of County Commissioners:

<u>From</u>	<u>To</u>	<u>Amount</u>
097.0097.530900 (Other Expenses)	097.0097.530500 (Contract Repair)	\$5,000.00
097.0097.530900 (Other Expenses)	097.0097.535000 (Unemployment)	\$2,500.00
097.0097.530900 (Other Expenses)	097.0097.530300 (Supplies)	\$8,956.28

**THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Auglaize County, Ohio, does hereby order the above mentioned budget adjustments for the Auglaize Acres Fund 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  
10th day of  
September, 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 Janet Schuler  
✓ Auglaize Acres

**IN THE MATTER OF COMMISSIONERS' FINDING AFFIRMING FORMER ORDER, CONFIRMING THE ASSESSMENTS, AND ORDERING THE LETTING OF THE CONTRACTS FOR FREEMAN SINGLE COUNTY DITCH PROJECT.**

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The Board of Auglaize County Commissioners met in regular session on the 10th day of September, 2009.

Commissioner Bergman made the motion to adopt of the following:

**RESOLUTION**

**WHEREAS**, on August 25, 2009 the Board of County Commissioners held the reconvened final hearing for the Freeman Single County Ditch project on the Reports and Schedules of the County Engineer, on the estimated assessments, on claims for compensation or damages and on the proceedings for the improvement, and on application filed for change of route or change in the nature, kind and extent of the work proposed to be done; and,

**WHEREAS**, said Board finds that due and legal notice of this final hearing has been given as required by law; and,

**WHEREAS**, said Board has heard all the evidence offered in the proceedings and received and considered all the schedules and reports filed by the County Engineer; and,

**WHEREAS**, at the time the assessment process was reviewed and assessments were discussed, landowners present were in favor of the project, with said landowners requesting that eight (8) year [sixteen (16) semi-annual payment] financing should be sought for the note for the balance of moneys needed to complete payment of project after the thirty day assessment payment period has passed.

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners, Auglaize County, Ohio, does hereby rule in favor of this improvement as in its former order; and,

**BE IT STILL FURTHER RESOLVED** that said Board does approve the maps, profiles, plans, schedules, and reports prepared and presented by the County Engineer at the final hearing; and,

**BE IT STILL FURTHER RESOLVED** that the Board of County Commissioners, Auglaize County, Ohio, does hereby set September 29, 2009, at 1:30 p.m. as the date and time to receive and publicly open bids in the Commissioners Chambers for the construction of this project; and,

**BE IT FURTHER RESOLVED** that the completion date for this project is December 31, 2010; and,

**BE IT FURTHER RESOLVED** that the County Engineer is hereby authorized to proceed with the necessary legal steps to cause the above set bid opening.

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

Adopted this  
10th day of  
September, 2009

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer . Yp  
Douglas A. Spencer

Don Regula . yes  
Don Regula

John N. Bergman . yes  
John N. Bergman

cc: ✓ County Engineer

**IN THE MATTER OF AUTHORIZING A TRANSFER OF FUNDS FROM DITCH DEBT SERVICE FUND TO APPROPRIATE MAINTENANCE FUNDS AS REQUESTED BY COUNTY AUDITOR.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 10th day of September, 2009.

Commissioner Bergman moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, the following correspondence was received by the Board of County Commissioners:  
September 4, 2009

Board of County Commissioners  
609 S. Blackhoof St.  
Wapakoneta OH 45895

Dear Board Members,

I wish to make the following transfers from ditch debt service to the appropriate maintenance fund. The notes are now paid in full.

From	To	Amount
251.0251.540300	793.0100.400200	\$ 2.02
258.0258.540300	795.0100.400200	\$27.59

Thank you for your attention to this matter.

Sincerely,  
s/Janet Schuler  
Janet Schuler  
Auglaize County Auditor

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Auglaize County, Ohio does hereby authorize the County Auditor to make the above listed transfers of funds for the Egley #2 Ditch and the Copeland Ditch, respectively as mentioned in the request of the County Auditor.

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

Adopted this  
10th day of  
September, 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

RE: **BOARDS OF ALLEN AND AUGLAIZE COUNTY COMMISSIONERS CERTIFIES COLLECTION ASSESSMENT FOR MAINTENANCE ON VARIOUS DITCHES TO AUDITOR.**

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The Board of County Commissioners of Allen County, Ohio met in regular session on the 2nd day of September, 2009 with the following members present: Greg Sneary, W. Dan Reiff and Sam Bassitt

Commissioner Bassitt moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, Andrea Rode, Assistant Drainage Engineer, Allen County, Ohio, is requesting that the Boards of Commissioners of Allen and Auglaize County, Ohio, approve the assessments for permanent maintenance on the following ditches; and

(See Attached "Exhibit A")

**WHEREAS**, Andrea Rode, Assistant Drainage Engineer, recommends that the rates as outlined in the attached, be certified to the Auditors of Allen and Auglaize County so that the amount of assessment for maintenance can be placed on the tax duplicate for the attached listed ditches; and

**WHEREAS**, the Board concurs with the recommendation of the Assistant Drainage Engineer and hereby orders certification; now therefore

**BE IT RESOLVED THAT THE BOARDS OF COUNTY COMMISSIONERS OF ALLEN AND AUGLAIZE COUNTY, OHIO**, hereby certifies to the Allen County Auditor and Auglaize County Auditor, the attached listed ditches and the amount of assessment for maintenance be placed on the 2009 tax duplicate to be collected in 2010.

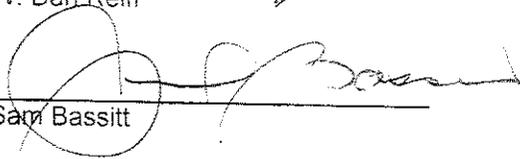
Commissioner Sneary seconded the resolution and upon the roll being called, the vote resulted as follows:  
**Commissioner Sneary, Yes; Commissioner Reiff, Yes; Commissioner Bassitt, Yes.**

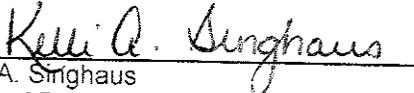
Adopted this 2nd  
day of September, 2009

**BOARD OF COUNTY COMMISSIONERS  
ALLEN COUNTY, OHIO**

  
\_\_\_\_\_  
Greg Sneary

  
\_\_\_\_\_  
W. Dan Reiff

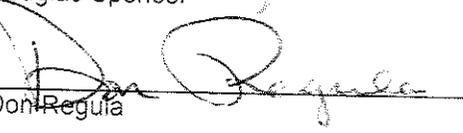
  
\_\_\_\_\_  
Sam Bassitt

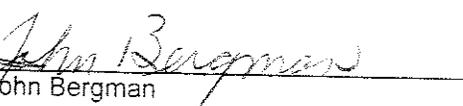
  
\_\_\_\_\_  
Kelli A. Singhhaus  
Clerk of Board  
Allen County, Ohio

Accepted and approved by:

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

  
\_\_\_\_\_  
Douglas Spencer

  
\_\_\_\_\_  
Don Regula

  
\_\_\_\_\_  
John Bergman

**IN THE MATTER OF CERTIFYING DELINQUENT SEWER BILLS TO THE COUNTY AUDITOR FOR  
PLACEMENT ON THE PROPER REAL ESTATE TAX DUPLICATES; RATIFYING THE EXECUTION OF  
SEWER DELINQUENCIES LISTING AS SUBMITTED BY THE SANITARY ENGINEER'S DEPT.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 10th day of September, 2009.

Commissioner Bergman moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, the Sanitary Engineer's Secretary, Ronette Kill, informed the Board of County Commissioners that county property owners using county owned sewage treatment plants, have delinquent charges on their quarterly sewer bills; and,

**WHEREAS**, the County Prosecuting Attorney Ed Pierce advised the Board that it is necessary for said Board to certify these delinquent charges to the County Auditor for placement on the proper real estate tax duplicates for collection; and,

**WHEREAS**, a list showing these delinquencies was presented to the Board by the Auglaize County Sanitary Dept., along with a request for the delinquencies to be certified to the County Auditor for placement on real estate tax duplicates.

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners, Auglaize County, Ohio, does hereby ratify the execution of the Sewer Delinquencies assessments list by the President of the Board of County Commissioners, Douglas A. Spencer; and,

**BE IT FURTHER RESOLVED** that this sewer delinquencies assessments list is hereby certified to the County Auditor for placement of said delinquencies on the proper real estate tax duplicates for collection.

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

Adopted this  
10th day of  
September, 2009

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer, ye  
Douglas A. Spencer

Don Regula, ye  
Don Regula

John N. Bergman, yes  
John N. Bergman

attachment

cc:  County Sanitary Engineer  
 County Auditor

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

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The Board of Auglaize County Commissioners met in regular session on the 10th day of September, 2009.

Commissioner Bergman 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  
August 27, 2009**

The Auglaize Soil and Water Conservation District Board of Supervisors met in official session following the legal hearing of the Kettler Ditch Project at the Auglaize County Administrative Building located at 209 S. Blackhoof St., Wapakoneta, Ohio on Tuesday, August 27, 2009.

John Schwarck called the meeting to order at 4:27 pm. Other board members present were Jerry Lehman, Bill Tostrick and Allen Imwalle.

Jerry Lehman moved to certify the project and the plans to the Auglaize County Commissioners. Allen Imwalle seconded motion. Bill Tostrick, yes; Jerry Lehman, yes; Allen Imwalle, 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 27th day of August, 2009 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 Kettler Ditch Project addresses the replacement of an existing subsurface tile originally installed through 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 Kettler Subsurface Ditch.
- At said legal hearing the SWCD Board and County Commissioners heard objections to the proposed improvement representing assessments amounting to 7% of the estimated cost of the improvement. Therefore landowners bearing 93% of the cost of the improvement were in favor of the construction of the Kettler Subsurface Drainage Ditch.

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 4:28 p.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 Kettler Subsurface Drainage 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 Kettler Subsurface Drainage Ditch legal hearing held August 27, 2009 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.
- 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.

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 Kettler Subsurface Drainage Ditch located in St. Marys 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 August 27, 2009 that the landowners determined: The completion date for construction will be December 31, 2010 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 Kettler Subsurface Drainage Ditch project for **September 29, 2009 at 1:45 p.m.**, in the office of the Auglaize County Commissioners, Auglaize County Administration Building, Commissioners Chambers, 209 S. Blackhoof St., 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 Kettler Subsurface Drainage 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.

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

Adopted this  
10th day of  
September, 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  
✓ Soil & Water Conservation Office

**IN THE MATTER OF GRANTING AN ANNEXATION OF 1.199 ACRES, MORE OR LESS, TO THE CITY OF ST. MARYS FROM ST. MARYS TOWNSHIP; PETITIONED BY AGAPE MINISTRIES; FILED BY TODD FLEAGLE, AGENT.**

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The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 10<sup>th</sup> day of September, 2009.

Commissioner Burgman moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, on August 12, 2009, a petition for annexation of 1.199 acres, more or less, was filed as an Expedited Type 2, (ORC 709.023) with the Clerk of the Board of County Commissioners by Todd Fleagle, named as Agent for petitioner, Agape Ministries; and,

**WHEREAS**, said annexation petition was placed in the Commissioners' Journal 107, pages 783 - 786 on August 13, 2009 pursuant to ORC 709.023; and,

**WHEREAS**, the requirements for the filing of said petition were all met by Agent Fleagle, including:

- 1.) The petition meets all the requirements set forth in, and was filed in the manner provided, in the Ohio Revised Code Section 709.021.
- 2.) The person who signed the petition represent 100% of the owner of the property or the representative thereof; signature having been obtained in the time frame required.
- 3.) An accurate legal description of the perimeter of the territory proposed to be annexed.
- 4.) An accurate map or plat of the territory.
- 5.) Named the party acting as agent for the petitioners.
- 6.) A list of all tracts, lots or parcels in the territory proposed to be annexed and all tracts, lots or parcels located adjacent to the territory to be annexed, listing the name of owner, mailing address and permanent parcel number from the County Auditor's system (ORC 319.28).

and,

**WHEREAS**, the petitioner requested that the special procedure be used and waived its right to appeal any action taken by the Board of County Commissioners; and,

**WHEREAS**, the following Conditions for Annexation under ORC 709.023 have been met:

- A. The petition meets all the requirements set forth in, and was filed in the manner provided in, ORC 709.021.
- B. The persons who signed the petition are owners of property located in the territory proposed to be annexed, and they constitute all owners in the territory.
- C. The territory proposed to be annexed does not exceed 500 acres.
- D. The territory proposed to be annexed shares a contiguous boundary with the municipality for a continuous length of at least 5% of the perimeter of the territory proposed to be annexed.

Resolution – continued  
Annexation to City of St. Marys  
1.199 Acres  
Petitioner: Agape Ministries  
September 10, 2009

- E. The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed to be annexed.
  - F. The municipality has agreed to provide the territory proposed to be annexed the services specified in the municipal services statement.
  - G. If a street or highway will be divided or segmented by the boundary line between the municipality and township as to create a road maintenance problem, the municipality has agreed as a condition of annexation to assume maintenance of that street or highway or to otherwise correct the problem ;
- and,

**WHEREAS**, the Board determined that this annexation is in order, meeting all criteria.

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners, Auglaize County, Ohio does hereby approve and grant the annexation of 1.199 acres, more or less, to the City of St. Marys as petitioned by the Agape Ministries pursuant to ORC Section 709.023.

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

Adopted this  
10th day of  
September, 2009

BOARD OF COUNTY COMMISSIONERS  
AUGLAIZE COUNTY, OHIO

<u>Douglas A. Spencer</u>	<u>yes</u>
Douglas A. Spencer	
<u>Don Regula</u>	<u>yes</u>
Don Regula	
<u>John N. Bergman</u>	<u>yes</u>
John N. Bergman	

- cc: ✓ County Auditor
- ✓ County Engineer
- ✓ Todd Fleagle, Agent
- ✓ St. Marys Township Trustees
- ✓ City of St. Marys