

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

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 22nd day of September, 2011.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, the Engineer's office has filed with this Board a contract and bond Cy Schwieterman, Inc. for labor and materials for said Jacob 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 Cy Schwieterman, Inc. as presented, for the Jacob 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
22nd day of
September, 2011

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

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

cc: County Engineer

DITCH CONTRACT

Revised Code, Sec. 6131.41

In the Matter of the JACOB DITCH

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

THIS AGREEMENT, *made and entered into on this* 22nd *day of* September, 2011.

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 FIFTY ONE THOUSAND FOUR HUNDRED ONE AND 50/100 (\$ 51,401.50)
Dollars, to be paid as hereinafter specified, hereby agree to furnish unto said "First Party." all the
necessary materials, and do all the work and labor required to construct the JACOB 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 JACOB 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 JACOB DITCH *may require. The whole to*
be completed to the satisfaction and acceptance of said "First Party" on or before the 15th *day of*
APRIL, 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 FIFTY ONE THOUSAND FOUR HUNDRED ONE AND 50/100
(\$ 51,401.50) *Dollars, in installment from time to time, upon the certificate of acceptance of the County*
Engineer and as provided by law.

Now if the said

CY SCHWIETERMAN, INC.

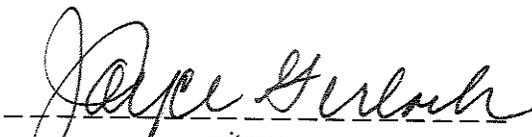
of

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 C Schwieterman
signed


witness

Cy Schwieterman, Inc.
company


witness

10097 Kohler Rd.
street

wapakoneta Oh 45895
city, state, zip

The above Contract being good and sufficient is approved this 22nd day of September, 2011.


commissioner


commissioner


commissioner

BOND OF DITCH CONTRACTOR

Revised Code, Sec. 6131.42

In the Matter of the JACOB 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

SIXTY FOUR THOUSAND TWO HUNDRED FIFTY-ONE AND 88/100

(\$ 64,251.88) 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 22nd day of September, 2011

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 JACOB 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 1st day of APRIL,

2012, for the compensation of FIFTY ONE THOUSAND FOUR HUNDRED ONE

AND 50/100 (\$ 51,401.50) 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 C Schwieterman

Signed

Cy Schwieterman, Inc.

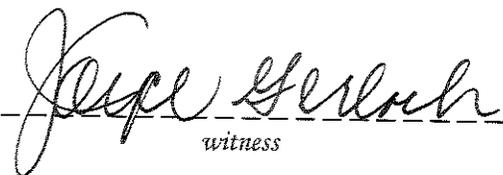
company

10097 Kohler Rd.

street

Wapakoneta Oh 45895

city, state, zip



witness



witness

The above Bond being good and sufficient is approved this **22nd** day of September, 2011.



commissioner



commissioner



commissioner

IN THE MATTER OF APPROVING THE CONTRACT AND BOND OF CY SCHWIETERMAN, INC. FOR THE WARMAN #3 DITCH PROJECT.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 22nd day of September, 2011.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, the Engineer's office has filed with this Board a contract and bond Cy Schwieterman, Inc. for labor and materials for said Warman #3 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 Cy Schwieterman, Inc. as presented, for the Warman #3 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
22nd day of
September, 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

DITCH CONTRACT

Revised Code, Sec. 6131.41

In the Matter of the WARMAN #3 DITCH

SINGLE County Ditch Petitioned for by DENNY LIETTE and others.

THIS AGREEMENT, made and entered into on this 22nd day of September, 2011.

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 FORTY TWO THOUSAND FIVE HUNDRED EIGHTEEN AND 00/100 (\$42,518.00) 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 WARMAN #3 DITCH improvement petitioned for by DENNY LIETTE 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 WARMAN #3 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 WARMAN #3 DITCH may require. The whole to be completed to the satisfaction and acceptance of said "First Party" on or before the 1st day of MAY, 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 FORTY TWO THOUSAND FIVE HUNDRED EIGHTEEN AND 00/100 (\$ 42,518.00) 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 C. Schwieterman

David C Schwieterman

signed

Joseph Gerlach
witness

Cy Schwieterman, Inc.

company

10097 Kohler Rd.

street

Christine Lottes
witness

Wapakoneta Oh 45895

city, state, zip

The above Contract being good and sufficient is approved this 22nd day of September, 2011.

John N Bergman
commissioner

Douglas A Spence
commissioner

Don Regula
commissioner

BOND OF DITCH CONTRACTOR

Revised Code, Sec. 6131.42

In the Matter of the WARMAN #3 DITCH

Single County Ditch No.

ON CONTRACT FOR WORK AND LABOR
AND MATERIALS

Petitioned for by DENNY LIETTE 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'

FIFTY-THREE THOUSAND ONE HUNDRED FORTY-SEVEN AND 50/100

(\$ 53,147.50) 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 22nd day of September , 2011

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 WARMAN #3 DITCH improvement

petitioned for by DENNY LIETTE and others specified in said Contract, to

the satisfaction and acceptance of the County Engineer, on or before the 1st day of MAY,

2012, for the compensation of FORTY TWO THOUSAND FIVE HUNDRED EIGHTEEN

AND 00/100 (\$ 42,518.00) 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 C 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 22nd day of September, 2011.



commissioner



commissioner



commissioner

**IN THE MATTER OF AUTHORIZING THE PRESIDENT OF THE BOARD TO EXECUTE A
SUBORDINATION AGREEMENT FOR THE BENEFIT OF CHIP RECIPIENT, KATHLEEN T. WIRTH.**

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 22nd day of September, 2011.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, on January 31st, 2005, Kathleen T. Wirth, executed a Mortgage in favor of the Board of Auglaize County Commissioners as the Board authorized the expenditure of CHIP funds in the total amount of \$30,085.00 for the renovations of the property where Kathleen T. Wirth now reside in the Township of St. Marys; and,

WHEREAS, Kathleen T. Wirth have now requested the Board to execute a subordination agreement so as to allow her to secure a loan in the amount of \$19,000.00; and

WHEREAS, the Board finds the request to be reasonable as the appraised value of the property is \$58,000.00.

THEREFORE, BE IT RESOLVED that the Board of Commissioners, Auglaize County, Ohio, does hereby authorize the President of the Board to execute the subordination agreement for the benefit of CHIP recipient Kathleen T. Wirth; and,

BE IT FURTHER RESOLVED that a fully executed copy of this agreement be hereto attached and thus become a part of this Resolution.

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

Adopted this
22nd day of
September, 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

Attachment

- Cc: ~~Kathleen T. Wirth~~
- ~~American Title Resources Inc. - Carrie~~
- ~~CHIP file~~
- ~~Prosecuting Attorney - Ed Pierce~~
- ~~County Recorder - Chris Lambert~~

SUBORDINATION AGREEMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the undersigned Board of County Commissioners, being the owners and holders of a certain Mortgage dated the 31st day of January, 2005, and recorded in Volume 519, Page 2691, of the Mortgage Records of Auglaize County, Ohio, upon the following described premises:
SEE EXHIBIT "A" ATTACHED

do hereby waive the priority of said Mortgage in favor of a certain Mortgage to JPMorgan Chase Bank, N.A., in the amount not to exceed \$19,000.00, made by Kathleen T. Wirth, under date of _____, and recorded in Volume _____, Page _____ in the office of the Recorder of Auglaize County, Ohio, and upon part of the premises above described so that the lien of Board of County Commissioner's said Mortgage shall be subordinate to the Mortgage to JP Morgan Chase Bank, N.A. in the same manner and with like effect as though the said later encumbrance has been executed and recorded prior to the filing of Board of County Commissioner's said Mortgage, but without in any other manner released or relinquishing the lien of said earlier encumbrance upon said premises.

IN WITNESS WHEREOF, the said Board of County Commissioner's by John N. Bergman, President have hereunto set his hand this 22nd day of September, 2011.

Board of County Commissioner's

John N. Bergman
By: John N. Bergman, President

State of Ohio)
) §:
County of Auglaize)

Sworn to before me and subscribed in my presence by the said Board of County Commissioner's by John N. Bergman, President this 22 day of September, 2011.

Joseph R. Lenhart
Notary Public

This Instrument Prepared By:
Margaret Hayes, Attorney at Law, LLC.
Greenville, Ohio 45331

JOSEPH R. LENHART
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires 8-17-15

JOSEPH R. LENHART
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires 8-17-15

**IN THE MATTER OF AUTHORIZING REDUCTIONS TO THE 2011 APPROPRIATION
BUDGETED AS REQUESTED BY THE COUNTY TREASURER.**

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 22nd day of September, 2011.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, April Bowersock, County Treasurer has submitted the following request to the Board of County Commissioners:

09/15/2011

Please amend the 2011 appropriations as follows:

DECREASE:	
049.0049.510200 Salaries	- \$ 1,226.76
049.0049.530300 Supplies	- \$ 500.00
049.0049.530400 Equipment	- \$ 500.00
049.0049.530600 Contract Services	- \$ 4,500.00
049.0049.530700 Travel	- \$ 500.00
049.0049.530800 Advertising	- \$ 1,400.52
049.0049.530900 Other	- \$ 500.00
049.0049.536400 Workers Comp	- \$ 218.73
049.0049.536600 Health Insurance	- <u>\$16,000.00</u>
 TOTAL DRETAC	 - \$25,346.01

THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio does hereby authorize the County Auditor to make the appropriation budget reductions as requested and listed 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
22nd day of
September, 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 – Janet Schuler
✓County Treasurer – April Bowersock

**IN THE MATTER OF SETTING DATE, TIME AND LOCATION AT WHICH TO CONVENE
SPECIAL SESSION OF THE AUGLAIZE COUNTY BOARD OF COMMISSIONERS.**

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 22nd day of September, 2011.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, pursuant to Ohio Revised Code Section 305.07, "the Board of County Commissioners may provide by Resolution for the holding of special sessions"; and,

WHEREAS, the Board must set a special session on Monday, September 26, 2011 from 7:00 p.m. to 8:00 p.m. to attend an informational meeting sponsored by the Auglaize County Farm Bureau at the St. Joseph's Catholic Church Parish Center in Wapakoneta or until the conclusion of the business for the purpose stated above.

THEREFORE BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby set Monday, September 26, 2011 from 7:00 p.m. to 8:00 p.m. or until such time as the meeting is concluded, at the location so named above as the date, time and place to convene a special sessions for said Board; and,

BE IT FURTHER RESOLVED that a copy of this Resolution be provided to The Evening Leader, The Wapakoneta Daily News, The Lima News and The Daily Standard to ensure adequate public notice of these special sessions.

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

Adopted this
22nd day of
September, 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: newspapers