

IN THE MATTER OF APPROVING THE CONTRACT AND BOND OF CY SCHWIETERMAN, INC. FOR THE SPENCER #2 DITCH PROJECT..

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 15th day of April, 2010.

Commissioner Bergman 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 Spencer #2 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 Spencer #2 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 Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
15th day of
April, 2010

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

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

cc: County Engineer

DITCH CONTRACT

Revised Code, Sec. 6131.41

In the Matter of the SPENCER DITCH NO. 2

SINGLE County Ditch Petitioned for by RON SPENCER, JAMES GOSSARD *and others.*

THIS AGREEMENT, *made and entered into on this* *day of* 2010,
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 ONE THOUSAND NINE HUNDRED SEVENTEEN AND 00/100
(\$ 41,917.00) *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
SPENCER DITCH NO. 2 *improvement petitioned for by* RON SPENCER, JAMES GOSSARD,
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 SPENCER DITCH
NO.2, *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 SPENCER DITCH NO. 2 *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 FORTY ONE THOUSAND NINE HUNDRED SEVENTEEN AND
00/100 (\$ 41,917.00) *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


signed


witness

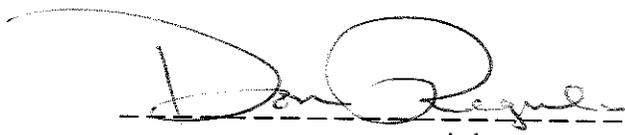
Cy Schwieterman, Inc.
company

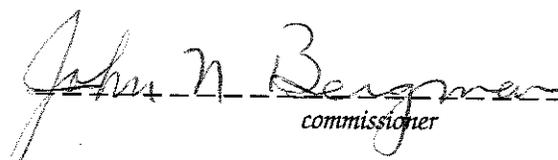

witness

10097 Kohler Rd.
street

Wapakoneta, Oh. 45895
city, state, zip

The above Contract being good and sufficient is approved this 15th day of April, 2010.


commissioner


commissioner


commissioner

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



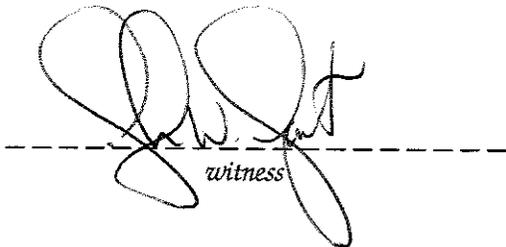
Signed



witness



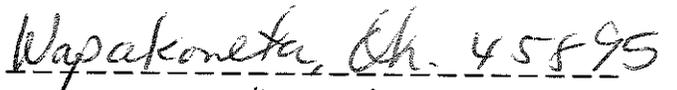
company



witness



street



city, state, zip

The above Bond being good and sufficient is approved this **15th** day of **April**, 2010.



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 SPENCER DITCH NO. 2

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 SPENCER DITCH NO. 2 improvement. The Estimated Construction Costs for said Ditch Improvement plus an additional 25%, has been established at FIFTY TWO THOUSAND THREE HUNDRED NINETY-SIX AND 25/100 (\$ 52,396.25) 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 SPENCER DITCH NO. 2.

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 SPENCER DITCH NO. 2 , then the Contract for Performance Bonding must also be extended for the same Extension of Time in the amount of FIFTY TWO THOUSAND THREE HUNDRED NINETY-SIX AND 25/100 (\$ 52,396.25) 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 SPENCER DITCH NO. 2 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 FIFTY TWO THOUSAND THREE HUNDRED NINETY-SIX AND 25/100 (\$ 52,396.25) 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 FIFTY TWO THOUSAND THREE HUNDRED NINETY-SIX AND 25/100
(\$ 52,396.25) *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

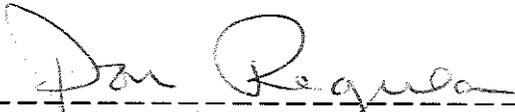
419-629-2761

phone

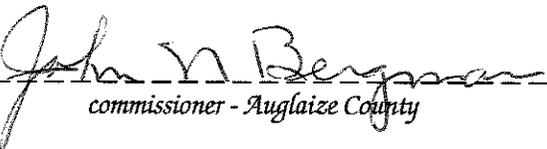
All terms and conditions of the this **CONTRACT FOR PERFORMANCE BONDING**

for the development of the **SPENCER DITCH NO. 2** accepted by the Board of Commissioners
of

Auglaize County, pursuant to Resolution No. 10-133 passed this 15th day
of April, 2010.



commissioner - Auglaize County



commissioner - Auglaize County



commissioner - Auglaize County

All terms and conditions accepted this _____ day of _____, 2010.



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 DOCUMENTING RECEIPT OF QUOTATIONS FOR THE DEMOLITION AND REMOVAL OF SOLID WASTE AT 17908 BUCKLAND RIVER ROAD UNDER THE NEIGHBORHOOD STABILIZATION PROGRAM.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 15th day of April, 2010.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, in Resolution #10-108, dated March 25, 2010, the Board of County Commissioners set April 8, 2010 as the date to receive and publicly open quotes for the demolition and removal of all solid waste at 17908 Buckland River Road; this residence was deemed acceptable for the Neighborhood Stabilization Program; and,

WHEREAS, the following quotes were opened:

- From: **Chuck Samples General Contractor, Inc.** **\$7,590.00**
1460 E. Wayne St., Celina, Ohio 45822
- Donald A. Sommer Inc.** **\$8,440.00**
13167 St. Rt. 274, Anna, Ohio 45302
- Wells Bros. Inc.** **\$9,270.00**
105 Shue Drive, Anna, Ohio 45302
- Hume Supply Inc.** **\$11,500.00**
1359 E. Hanthorn Rd., Lima, Ohio 45804
- Saintignon Excavating Company** **\$12,630.00**
8851 Co. Rd. 219A, Celina, OH 45822
- Stroh Excavating Inc.** **\$13,872.00**
P.O. Box 723, St. Marys, OH 45885
- Dennis Steinke DBA Steinke Backhoe** **\$13,873.35**
16623 Co. Rd. 25A, Wapakoneta, OH 45895
- Schaub Excavating Inc.** **\$16,250.00**
13549 Linzee Road, Wapakoneta, Ohio 45895.

THEREFORE BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, after review of received demolition quotations, does hereby authorize Chuck Samples General Contractor, Inc. to complete the demolition and removal of all solid waste at 17908 Buckland River Road under the Neighborhood Stabilization Program.

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

Adopted this
15th day of
April, 2010

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Don Regula *Yes*
Don Regula

John N. Bergman *Yes*
John N. Bergman

Douglas A. Spencer *Yes*
Douglas A. Spencer

IN THE MATTER OF AMENDING THE ANNUAL APPROPRIATION DUE TO MONEYS CERTIFIED AND NOT APPROPRIATED IN THE EMPG FUND.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 15th day of April, 2010.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, the Board has been requested to amend the Annual Appropriation with moneys that the County Auditor has certified and were unappropriated for the EMPG Fund; and,

THEREFORE BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby authorize the 2010 Annual Appropriation Resolution be amended as follows:

Increase 941.0941.532000 – EMPG Special Project by \$7,787.50.

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

Adopted this
15th day of
April, 2010

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Don Regula, yes
Don Regula

John N. Bergman, yes
John N. Bergman

Douglas A. Spencer, yes
Douglas A. Spencer

cc: County Auditor
 EMA