

IN THE MATTER OF AUTHORIZING BUDGET ADJUSTMENTS.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 8th of August, 2024.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, the Board has been requested to authorize budget adjustments from County Engineer as follows:

Auglaize River Enhancement Fund:

Amount:	From:	To:
\$82.00	458.0458.535900 (Maintenance)	458.0458.530600 (Contract Services)

THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio does hereby authorize the County Auditor to complete the budget adjustments as mentioned above.

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

Adopted this
8th day of
August, 2024

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer, Yes
Douglas A. Spencer

David Bambauer, yes
David Bambauer

John N. Bergman, yes
John N. Bergman

cc: County Auditor
/ Engineer

IN THE MATTER OF AUTHORIZING THE REAL ESTATE AND EASEMENT PURCHASE AGREEMENT FOR B05-019-005-11 CONTAINING 0.326 ACRES MORE OR LESS AND A PERMANENT EASEMENT FOR SANITARY PURPOSES CONTAINING 0.326 ACRES MORE OR LESS FOR THE SHERWOOD FOREST SEWER DISTRICT.

The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 8th day of August, 2024.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, the County Engineer presented a real estate purchase agreement between the Schlenker Developments, Inc. ("Seller") and Auglaize County Board of Commissioners ("Buyer") for a part of parcel commonly referred to as Parcel #B05-019-005-11 containing 0.326 acres more or less, more fully described in Exhibit A (the "Real Property"); and,

WHEREAS, a permanent easement for sanitary purposed containing 0.326 acres, more fully described in Exhibit A (the "Easement Property"). Together the Real Property and the Easement Property are here in referred to as (the "Premises"); and,

WHEREAS, the Buyer shall purchase the Real Property for an amount of Four Thousand Dollars (\$4,000.00). The Buyer shall purchase the permanent property over the Easement Property for an amount of Four Thousand Dollars (\$4,000.00); and,

WHEREAS, the County finds the purchase and easement necessary for the preservation and promotion of the public health and welfare and to remain compliant under the findings and orders issued for Sherwood Forest.

THEREFORE BE IT RESOLVED by the Board of Commissioners of Auglaize County, Ohio does hereby approve and authorize the Real Estate and Easement Purchase Agreement for the list of parcel number IDs (Exhibit A & B) for the Sherwood Forest Sewer District.

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

Adopted this
8th day of
August, 2024

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

 Douglas A. Spencer , Yes
Douglas A. Spencer

 David Bambauer , yes
David Bambauer

 John N. Bergman , yp
John N. Bergman

cc: Sanitary Engineer
Schlenker Developments, Inc.

Easement Purchase Agreement

This Easement Purchase Agreement ("**Agreement**") is made and entered into as of the 30th day of July, 2024, by and between the Sellers and the Buyer as identified below for the purchase of a certain real estate easement (herein the "**Premises**") described as follows:

Being a part of a parcel commonly referred to as Parcel #B05-019-005-11, a permanent easement for utility purposes containing 0.326 acres. Complete descriptions of said Premises are further described in Exhibit "A"

RECITALS:

1. The Sellers are Schlenker Developments Inc.
2. The Buyer is the Auglaize County Board of Commissioners.
3. The Sellers desire to sell and the Buyer desires to buy the Premises.


NOW THEREFORE, in consideration of their mutual promises made herein, and for other good and valuable consideration, and intending to be legally bound, the Sellers and the Buyer agree as follows:

1. **Recitals.** The parties agree that the foregoing recitals are true and correct and incorporated herein by this reference.
2. **Agreement to Sell.** Sellers agree to sell and convey to Buyer and Buyer agrees to purchase from Sellers the Premises, as described in Exhibit "A", upon the terms and conditions set forth herein.
3. **Purchase Price.** The purchase price of said premises shall be the sum of Four Thousand Dollars (\$4,000.00) as full consideration for the Premises.
4. **Easement Document.** Sellers shall execute and deliver to Buyer the Utility Easement as in substantially the same form as attached hereto as Exhibit "B".
5. **General Provisions.** The following general provisions shall apply to this Agreement.
 - a. It is understood that this Agreement contains all of the terms and conditions agreed upon between the Sellers and Buyer, and there are no outside conditions, representations, warranties or agreement.
 - b. Each party hereby acknowledges receipt of a copy of this Agreement.

- c. This Agreement shall be governed by the laws of the State of Ohio.
- d. Time is of the essence in all provisions of this Agreement.
- e. This Agreement shall not be assigned by either party without the consent of the other party.
- f. This Agreement shall be binding upon and inure to the benefits of the parties, their heirs, executors, administrators, and assigns if such assignment is approved.
- g. The individual signing this agreement shall have legal authority to sign and agree to the terms listed within this document on behalf of the Sellers.

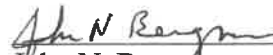
IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have hereunder set their hands this 8th day of August 2024.


SELLERS:




Philip J. Schlenker
Manager, Schlenker Developments, Inc.
President

BUYER:



John N. Bergman


Douglas A. Spencer


David Bambauer

Exhibit "A"

20' wide Utility Easement – 0.326 acres

Schlenker Developments, Inc. to Auglaize County Commissioners

Described below is a permanent easement to install and maintain a sanitary sewer infrastructure. Other utility service installations and road right of way may be allowed within this easement if necessary and feasible for future development.

Being located through parcel number B05-019-005-11 in the Southwest ¼ of Section 19, Town 5 South, Range 6 East, Duchouquet Township, Auglaize County, Ohio, and is more particularly described as follows:

Commencing from an iron pin (found) at the Northeast corner of the property owned by Schlenker Developments, Inc., parcel number B05-019-005-11 and described in Auglaize County Recorder's Records, OR 554, Page 2207;

Thence with a bearing of S. 00° 18' 53" W. along the East line of the aforementioned parcel at a distance of 40.80 feet to a point and being the beginning point for a 20' wide utility easement that is centered on the following course:

S. 33° 25' 55" W. at a distance of 636.13 feet to a point;

S. 03° 50' 39" E. at a distance of 36.06 feet to a point;

S. 27° 14' 49" W. at a distance of 45.85 to a point on the South line of the aforementioned parcel and also being a point on the South line of the Southwest Quarter of Section 19;

The above-described easement contains 0.295 acres, more or less, with 0.000 acres within highway right of way. This parcel is also subject to any additional legal highways and easements of record at the time of the survey.

This survey is a part of parcel number B05-019-005-11. Previous Deed References Vol. OR 554, Page 2204, the basis of bearing is the East line of parcel number B05-019-005-11 as S. 00° 18' 53" W. from the Ohio State Plane – North Coordinate System NAD-83.

The above description was prepared by Andrew J. Baumer, P.S. #8820



Andrew J. Baumer, P.E., P.S.
Auglaize County Engineer



Exhibit "B"

Easement

Know all men by these present:

That Schlenker Developments Inc., the grantor, in consideration of One (\$1.00) Dollar and other valuable consideration to them paid by the Auglaize County Board of Commissioners, the grantees, whose tax-mailing address is 209 S. Blackhoof Street, Room 201, Wapakoneta, OH 45895, the receipt whereof is hereby acknowledged do hereby Grant, Bargain, Sell and Convey to the said grantees, their successors and assigns forever, a perpetual easement and right-of-way for access in, upon, and over the lands described herein for the purposes of a utility easement:

SEE ATTACHED PARCEL NO. 1

To have and to hold said easement and right of way unto the grantees, their successors and assigns forever. And the said grantor, for itself and its successors and assigns, hereby covenant with said grantee, its successors and assigns that it is the true and lawful owners of said premises, and are lawfully seized of the same in fee simple, and have good rights and full power, to grant, bargain, sell, convey and release the same in the manner aforesaid, and that the same is free and clear from all liens and encumbrances whatsoever, and that it will warrant and defend the same against all claims of all persons whatsoever.

Executed this day:

Dated: July 30, 2024

Schlenker Developments Inc.

By: Philip E Schlenker
Name: Philip E Schlenker
Title: president

State of Ohio, County of Auglaize, ss:

Be it remembered, that on the 30 day of July in the year of our Lord of Two Thousand Twenty-Four (2024) before me, the subscriber, a Notary Public, in and for said county, personally came Schlenker Developments Inc. by Philip E Schlenker, the grantor in the foregoing easement, and acknowledged the signing thereof to be his/her voluntary act and deed, for the uses and purposes therein mentioned.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal, on the day and year aforesaid.

Kara Lynn Myers
Notary Public

This instrument was prepared by:

Erica L. Preston, Auglaize County, 209 S. Blackhoof Street, Rm. 201, Wapakoneta, OH 45895



KARA LYNN MYERS
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
June 01, 2026

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 8th day of August, 2024.

Commissioner Bergman 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>
481744	604.98	CITY OF ST. MARYS
481822	22356.00	KNOW BE 4, INC.
481900	119.96	ENBRIDGE GAS
481900	1427.01	ENBRIDGE GAS

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

Adopted this
8th day
August, 2024

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

 Douglas A. Spencer , Yes
Douglas A. Spencer

 David Bambauer , Yes
David Bambauer

 John N. Bergman , Yes
John N. Bergman

cc: County Auditor