

County Commissioners Office
Auglaize County, Ohio
June 15, 2017

NO. 17-254

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 15th day of June, 2017.

Commissioner Spencer 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 #</u>	<u>Amount</u>	<u>Vendor</u>
415551	\$ 182.00	U.S. Bank
415551	\$ 224.67	U.S. Bank
415570	\$ 569.74	Dominion

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

Adopted this
15th day
June, 2017

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

IN THE MATTER OF AUTHORIZING THE PRESIDENT OF THE BOARD TO EXECUTE A SUBORDINATION AGREEMENT FOR THE BENEFIT OF CHIP RECIPIENT, DONNA L. SELBY.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 15th day of June, 2017.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, on October 2, 2017, Donna L. Selby executed a deed of mortgage in the amount of \$41,453.00 (Book 646 page 1598 – 1601) to the Board of County Commissioners for housing rehabilitation for her residence at 518 Locust Street, St. Marys, Ohio, under the Community Housing Improvement Program (CHIP); and,

WHEREAS, Ms. Selby now requests the Board to execute a subordination agreement so as to obtain a reduction in the interest rate from Freedom Mortgage Corporation thus lowering her monthly payment on the original loan amount; and,

WHEREAS, the subordination agreement and the loan amount is not to exceed \$67,000.00; and,

WHEREAS, the Board finds the request to be reasonable as the appraised value of the property is \$76,500.00.

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 Donna L. Selby; and,

BE IT FURTHER RESOLVED that a fully executed copy of this agreement to 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
15th day of
June, 2017

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes
John N. Bergman

Douglas A. Spencer, yes
Douglas A. Spencer

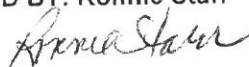
Don Regula, yes
Don Regula

Attachment

cc: Donna L. Selby
Freedom Mortgage Corporation
CHIP file
Prosecuting Attorney – Ed Pierce
County Recorder – Chris Lambert

RECORDING REQUESTED AND PREPARED BY: **Ronnie Starr**

Freedom Mortgage Corporation
907 Pleasant Valley Avenue
Mount Laurel, NJ 08054



WHEN RECORDED MAIL TO:
Freedom Mortgage Corporation
Attn: Final Docs
PO Box 8001, Fishers, IN 46038-8001

SUBORDINATION OF MORTGAGE/DEED OF TRUST

NOTICE: THIS SUBORDINATION AGREEMENT RESULTS IN YOUR SECURITY INTEREST IN THE PROPERTY BECOMING SUBJECT TO AND OF LOWER PRIORITY THAN THE LIEN OF SOME OTHER OR LATER SECURITY INSTRUMENT.

THIS AGREEMENT is made this 23rd day of May, 2017
by **AUGLAIZE COUNTY BOARD OF COMMISSIONERS**, (hereinafter "Lien-holder")
AND **FREEDOM MORTGAGE CORPORATION**, a New Jersey corporation (hereinafter
"Lender") whose address is 907 Pleasant Valley Avenue Mount Laurel, New Jersey 08054;

RECITALS

1. Grantee/Lien-holder now owns or holds an interest as grantee/beneficiary of a certain MORTGAGE/DEED OF TRUST, dated **October 2, 2014** and recorded on **October 10, 2014** in **Book 646, Page 1598** In instrument # **201400004982**, in the office of the official Records of **Auglaize County, Ohio** in the original amount of **\$41,453.00** and now showing as a lien on certain premises with a property address of **518 Locust St. Saint Marys, OH 45885** which premises are more fully described in **Exhibit A** attached hereto and incorporated herein by reference ("Property");

2. **Donna Selby**, ("Owners") are the present owners of the Property and is about to execute a Mortgage/Deed of Trust and Note in the sum of an amount not to exceed **\$67,000.00** in favor of Lender.

3. Lender is willing to make such loan to Owners provided that Lender obtains a first lien on the Property and Grantee/Lien-holder agrees to unconditionally subordinate its lien to the lien in favor of Lender in the manner hereinafter described.

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged by First Lien-holder, and to induce Lender to make a loan to Owners, Lien-holder, **AUGLAIZE COUNTY BOARD OF COMMISSIONERS**, hereby agrees with Lender, **FREEDOM MORTGAGE CORPORATION**, that the mortgage/deed of trust securing the note in favor of Lender, **FREEDOM MORTGAGE CORPORATION**, and any renewals, extensions or modifications of it, will be and shall remain a lien on the Property prior and superior to the lien in favor of Grantee/Lien-holder, **AUGLAIZE COUNTY BOARD OF COMMISSIONERS**, in the same manner as if Lender's mortgage/deed of trust had been executed

and recorded prior in time to the execution and recordation of Lien-holder's lien.

Grantee/Lien-holder, **AUGLAIZE COUNTY BOARD OF COMMISSIONERS**, further agrees that:

1. Lien-holder, **AUGLAIZE COUNTY BOARD OF COMMISSIONERS** will not exercise any foreclosure rights with respect to the property and will not exercise or enforce any right or remedy which may be available to Mortgagee with respect to the Property without prior written notice to the Lender, **FREEDOM MORTGAGE CORPORATION**. All such notices should be sent to:

**FREEDOM MORTGAGE CORPORATION
907 PLEASANT VALLEY AVENUE SUITE 3
Mount Laurel, New Jersey 08054**

2. This Agreement is made under the laws of the State in which the Property is located. It cannot be waived, changed or terminated, except by a written document signed by both parties. This Agreement shall be binding upon Grantee/Lien-holder and the heirs/representatives, successors and assigns of Lien-holder, and shall inure to the benefit of and shall be enforceable by Lender and its successors and assigns; Grantee/Lien-holder waives notice of Lender's acceptance of this Agreement.

IN WITNESS THEREOF, the undersigned has caused this instrument to be executed the day and year first above written.

Witness:

AUGLAIZE COUNTY BOARD OF COMMISSIONERS

By: John N. Bergman
John N. Bergman, President Auglaize County Board of Commissioners
(Print Name) Commissioners

STATE OF Ohio COUNTY OF Auglaize

On this 15th day of June, 2017, before me, the undersigned, a Notary Public in and for said county, personally appeared

John N. Bergman To me personally known or satisfactorily proven by production of the following identification, and who being duly sworn, did say that he is the President of **AUGLAIZE COUNTY BOARD OF COMMISSIONERS**, the entity whose name appears on the foregoing instrument and that he/she is so authorized and did execute said instrument as on behalf of said entity as a voluntary act for the purposes heretofore mentioned.

WITNESS my hand and notarial seal the day and year last above written.

Esther M. Leffel
NOTARY PUBLIC



ESTHER M. LEFFEL
Notary Public, State of Ohio
My Commission Expires 02/12/2022

Exhibit A
LEGAL DESCRIPTION

LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS ALL THAT CERTAIN PROPERTY SITUATED IN THE COUNTY OF AUGLAIZE, AND STATE OF OH AND BEING DESCRIBED IN A DEED DATED 08/26/2014 AND RECORDED 08/26/2014 IN BOOK / PAGE / INSTRUMENT NUMBER:645 / 707 / 201400004150 AMONG THE LAND RECORDS OF THE COUNTY AND STATE SET FORTH ABOVE, AND REFERENCED AS FOLLOWS:

SITUATE IN THE CITY OF ST. MARYS, AUGLAIZE COUNTY, OHIO; PART OF OUTLOT 130 DESCRIBED AS FOLLOWS:

STARTING AT A STONE IN THE CENTER OF DEFIANCE STREET, WHICH IS 783.55 FEET NORTH OF STONE IN THE CENTER OF THE INTERSECTION OF DEFIANCE STREET AND MADISON AVENUE;

THENCE S 89 DEGREES 58' 00" W. 561.07 FEET. TO THE PLACE OF BEGINNING;

THENCE S 00 DEGREES 32' 00" E. 167.15 FEET TO A POINT ON THE NORTH LINE OF THE TOLEDO & OHIO CENTRAL RAILWAY'S (T&OC) RIGHT OF WAY;

THENCE WEST, 93.30 FEET, ALONG SAID RIGHT OF WAY TO A POINT;

THENCE N 00 DEGREES 45' 00" W, 167.15 FEET, TO A POINT;

THENCE N 89 DEGREES 58' 00" E. 93.30 FEET, TO THE PLACE OF BEGINNING;

SUBJECT TO HOWEVER TO EASEMENTS IN 20 FEET OFF OF THE ENTIRE LENGTH OF THE NORTH SIDE OF SAID TRACT RESERVED BY PRIOR GRANTORS, THEIR HEIRS, ASSIGNS AND THE GENERAL PUBLIC TO USE FOR STREET AND SIDEWALK PURPOSES; AND SAVE AND EXCEPT 12 FEET OFF OF THE ENTIRE LENGTH OF THE SOUTH SIDE OF SAID TRACT HEREIN LAST DESCRIBED RESERVED BY PRIOR GRANTORS, THEIR HEIRS, ASSIGNS AND THE GENERAL PUBLIC TO USE FOR ALLEY PURPOSES, THESE EXCEPTIONS AND RESERVATIONS ARE ONLY FOR THE PURPOSES HEREINBEFORE MENTIONED AND FOR THESE PURPOSES ARE TO BE PERPETUAL AND A UTILITY AND STREET EASEMENT IN THE NORTH 25 FEET THEREOF TO THE CITY OF ST. MARYS IN OR 97 PAGE 0929.

Parcel ID(s): K3205601100

IN THE MATTER OF ENTERING INTO AN AGREEMENT WITH AUGLAIZE COUNTY EDUCATIONAL SERVICE CENTER FOR SUMMER TRANSPORTATION AND AUTHORIZING THE PRESIDENT OF BOARD OF COUNTY COMMISSIONERS TO EXECUTE SAID AGREEMENT.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 15th day of June, 2017.

Commissioner Spencer moved the adoption of the following:
RESOLUTION

WHEREAS the Auglaize County Commissioners need vehicles to provide summer transportation for probation students doing community service; and,

WHEREAS the Auglaize County Educational Service Center has one school van that is not being used during the summer months, and,

WHEREAS the parties agree as follows:

1. The Auglaize County Educational Service Center hereby agrees to provide one school van to the Auglaize County Commissioners for use by the Juvenile Court from June 2, 2017 through August 11, 2017; and,
2. The Auglaize County Commissioners agree to provide accident and liability coverage on the vehicle during the agreement. The Auglaize County Commissioners agree to return the vehicle in the same clean and good condition as they were received; and,
3. The Auglaize County Commissioners agree that the vehicle will only be driven by authorized County employees for transporting juveniles to and from summer work sites, and,
4. The Auglaize County Board of Commissioners hereby agrees to pay the sum of \$1,000 for use of one (1) van during these summer months of 2017; and,
5. Both parties reserve the right to sever this relationship if either feels that the agreement has been breached.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, does hereby approve said agreement as presented by Auglaize County Educational Service Center for summer transportation as mentioned above; and,

BE IT FURTHER RESOLVED that the Board of County Commissioners does authorize the President to execute the said agreement with Auglaize County Educational Service Center.

Commissioner Regula 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
June, 2017

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: Auglaize County ESC
Sally Imondi – Juvenile Probation



Auglaize County Educational Service Center

Shawn Brown, Superintendent

Telephone: (419) 738-3422 Fax #: (419) 738-1267
www.auglaizeesc.org

1045 Dearbaugh, Suite 2
Wapakoneta, OH 45895

RECEIVED

JUN 12 2017

Board of County Commissioners
Auglaize County, Ohio

AGREEMENT Between the Auglaize County Board of Commissioners And the Auglaize County Educational Service Center

WHEREAS the Auglaize County Commissioners need vehicles to provide summer transportation for probation students doing community service and

WHEREAS the Auglaize County Educational Service Center has two school vans that are not being used during the summer months,

NOW THEREFORE, in consideration of the mutual agreements contained herein, the parties agree as follows:

1. The Auglaize County Educational Service Center hereby agrees to provide one school vans to the Auglaize County Commissioners for use by the Juvenile Court from June 2 through August 11, 2017:
2. The Auglaize County Commissioners agree to provide accident and liability coverage on the two vehicles during the agreement. The Auglaize County Commissioners agree to return both vehicles in the same clean and good condition as they were received;
3. The Auglaize County Commissioners agree that the vehicle will only be driven by authorized County employees for transporting juveniles to and from summer work sites,
4. The Auglaize County Board of Commissioners hereby agrees to pay the sum of \$1,000 for use of one (1) van during these summer months of 2017; and
5. Both parties reserve the right to sever this relationship if either feels that the agreement has been breached.

Auglaize County Educational Service Center:

Kristy J. Weakos
ACESC Treasurer

5-18-17
Date

Auglaize County Board of Commissioners:

Shawn N. Brown
Signature of Board of County Commissioners

June 15, 2017
Date

IN THE MATTER OF RATIFYING THE EXECUTION OF AN AGREEMENT WITH CENTRAL OHIO YOUTH CENTER COMMUNITY RESIDENTIAL CENTER FOR THE CORRECTIONAL TREATMENT PROGRAM FOR CHRONIC JUVENILE OFFENDERS.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 15th day of June, 2017.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, Juvenile Judge Mark Spees has presented an Agreement for Services for Youth between the Board of Auglaize County Commissioners and Central Ohio Youth Center Community Residential Center at the Correctional Treatment Unit for the provision of a 90-day secure correctional treatment program for chronic juvenile offenders; and,

WHEREAS, said agreement would be for the effective period of July 1, 2017 through June 30, 2018 at the cost of \$185.00 per day/per resident; and,

WHEREAS, Judge Spees does approve this Agreement with Central Ohio Youth Center Community Residential Center and recommends that the Board of Auglaize County Commissioners approve and execute said agreement.

THEREFORE BE IT RESOLVED, that the Board of County Commissioners, Auglaize County, Ohio, does hereby approve the Agreement for Services to Youth with Central Ohio Youth Center Community Residential Center for the correctional treatment program for chronic juvenile offenders as stipulated in said agreement and does ratify the execution of said Agreement.

Commissioner Regula 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
June, 2017

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman , yp
John N. Bergman

Douglas A. Spencer , Yes
Douglas A. Spencer

Don Regula , yes
Don Regula

cc: Juvenile Judge Mark Spees

**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 15th day of June, 2017.

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 special session on Friday, June 16, 2017 from 9:00 a.m. – 11:00 p.m. to attend the Meet Representative Craig Riedel and the Auglaize County Commissioners to discuss the important state and county issues, held at Cloud Nine Café, 102 W. Auglaize Street, Wapakoneta, Ohio or until the conclusion of the business for the purposes stated above.

THEREFORE BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby set Friday, June 16, 2017 from 9:00 a.m. – 11:30 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 to be provided to The Evening Leader, The Wapakoneta Daily News, The Lima News and The Daily Standard to ensure adequate public notice of this special session.

Commissioner Regula 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
June, 2017

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

IN THE MATTER OF RECORDING THE PUBLIC HEARING FOR THE ANNEXATION OF 20.296 ACRES, MORE OR LESS, TO THE CITY OF WAPAKONETA, FILED BY DAVID P. SCHLENKER, AGENT FOR THE PETITIONER, ELFIE PROPERTIES, LLP; AND GRANTING THIS ANNEXATION AS PETITIONED.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 15th day of June, 2017.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, pursuant to its order of April 18, 2017 (Resolution #17-168) the Board of County Commissioners held a public hearing on this date June 15, 2017, in the office of the Commissioners for the annexation of 20.296 acres, more or less, to the City of Wapakoneta, petitioned by the Elfie Properties, LLC and filed by David P. Schlenker, named as Agent; and,

WHEREAS, those present for the hearing along with the Board were County Administrator Erica L. Preston, Clerk Esther Leffel, adjacent landowners: Dave Craft, Scott Spalling, Mr. & Mrs. Dav Helmlinger, Moulton Township Fiscal Officer Larry Johns, Duchouquet Township Trustee John Limbert, City of Wapakoneta Safety Service Director Chad Scott and David P. Schlenker Agent for Elfie Properties, LLP; and,

WHEREAS, adjacent landowner Dave Craft did express concern on the width of the road and Scott Spallinger did express his concern on the drainage for this annexation and no other objections were expressed during the public hearing either verbal or written, nor were there any other written objections submitted to the Board; and,

WHEREAS, the Board made the following finds in the above-mentioned annexation proceedings:

- 1.) The petition meets all of the requirements set forth in, and was filed in the manner provided in 709.02. The requirements are as follows:
 - a. Petition filed with Clerk of Board of County Commissioners;
 - b. Petition contains signatures of a majority of the owners of real estate in the territory proposed for annexation (the signatures shall be dated and cannot be over 180 days old at the time of the petition filing);
 - c. Petition must include an accurate legal description of the perimeter and an accurate map or plat of the territory proposed for annexation;
 - d. The name of the person(s) to act as the agent;
 - e. Must also file a list of all tracts, lots or parcels proposed for annexation and all tracts, lots or parcels located adjacent to that territory or directly across the road from it when the road is adjacent to it, including the name and mailing address of the owner of each tract, lot and parcel and the permanent parcel number (this is not part of the petition for annexation).
- 2.) The persons who signed the petition are owners of real estate located in the territory proposed to be annexed in the petition, and, as of the time the petition was filed with the Board of County Commissioners, the number of valid signatures on the petition constituted a majority of the owners of real estate in that territory.
- 3.) The municipal corporation to which the territory is proposed to be annexed adopted by ordinance or resolution, a statement indicating what services the municipal corporation will provide and an approximate date by which it will provide them. This was filed with the Board of County Commissioners at least 20 days before the hearing.

Resolution – continued

Annexation – 20.296 acres/ Elfie Properties, LLP

June 15, 2017

- 4.) The territory to be annexed is not unreasonably large.
- 5.) On balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding area will outweigh the detriments to the territory proposed to be annexed and the surrounding area, if the petition is granted. (Surrounding area means the territory within the unincorporated area of any township located one-half mile or less from any of the territory proposed to be annexed);
- 6.) No street or highway will be divided or segmented by the boundary line between a township and the municipal corporation as to create a road maintenance problem, or, if a street or highway will be so divided or segmented, the municipality has agreed, as a condition of the annexation, that it will assume the maintenance of that street or highway;

and,

WHEREAS, the Board has 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 20.296 acres, more or less, to the City of Wapakoneta as petitioned by Elfie Properties, LLP

Commissioner Regula 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
June, 2017

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes
John N. Bergman

Douglas A. Spence, Yes
Douglas A. Spence

Don Regula, yes
Don Regula

cc: County Auditor
County Engineer
Duchouquet Township Trustees
Moulton Township Trustees
David P. Schlenker, Agent
City of Wapakoneta