

IN THE MATTER OF GRANTING AN ANNEXATION OF 142.525 ACRES, MORE OR LESS, TO THE CITY OF WAPAKONETA FROM PUSHETA TOWNSHIP; PETITIONED BY VITA HOLDINGS, LLC, JOHN P. KNUVE AND CITY OF WAPAKONETA; FILED BY GREGORY MYERS, AGENT.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 7th day of November, 2017.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, on November 6, 2017, a petition for annexation of a total of 142.525 acres, more or less, was filed as an Expedited Type 1, with the Office of the Board of County Commissioners by Gregory Myers; and,

WHEREAS, the requirements for the filing of said petition were all met, including:

- 1.) The petition meets all the requirements set forth in, and was filed in the manner provided, in the Ohio Revised Code Section 709.022.
- 2.) The persons who signed the petition represent 100% of the owners of the property; signatures 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).
- 7.) An annexation agreement by and between the City of Wapakoneta, Pusheta Township and the Board of County Commissioners of Auglaize County as provided for in ORC 709.192.

and,

WHEREAS, the petitioner requested that the special procedure be used and waived their right to appeal any action taken by the Board of County Commissioners; 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 142.525 acres, more or less, to the City of Wapakoneta as petitioned by VITA Holdings, LLC, John P. Knueve and City of Wapakoneta filed by Gregory Myers, Agent, pursuant to ORC Section 709.022.

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

Adopted this
7th day of
November, 2017

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman
John N. Bergman

Douglas A. Spencer
Douglas A. Spencer

Don Regula
Don Regula

- cc: ✓ County Auditor
 ✓ County Engineer
 ✓ Gregory Myers, Agent
 ✓ Pusheta Township Trustees
 ✓ City of Wapakoneta – Clerk

PETITION FOR ANNEXATION

(ORC 709.022)

RECEIVED

NOV - 6 2017

Board of County Commissioners
Auglaize County, Ohio

To: Board of County Commissioners of Auglaize County, Ohio

The undersigned petitioners, VITA Holdings, LLC, John Knueve, and City of Wapakoneta (the Petitioners”), being the owners of certain real estate proposed for annexation consisting of 145.525 acres, more or less, (the “Territory”), hereby petition to annex the Territory to the City of Wapakoneta, Auglaize County, Ohio (the “City”) and from the Township of Pusheta, Auglaize County, Ohio (the “Township”).

The Territory proposed for annexation is adjacent and contiguous with the City of Wapakoneta and part of permanent parcels numbered I2500800800, I2500900200, I2500900100, and I2500400400.

Accurate legal descriptions of the perimeter of the parcels comprising the Territory proposed for annexation are attached to and made part of this petition as Exhibit “B”.

Please take notice that, simultaneously with the filing of this petition, the Petitioners, are also filing a list of all tracts, lots or parcels in the Territory proposed for annexation and all tracts, lots or parcels located adjacent to the Territory, as well as an Annexation Agreement between the City, Township, and Auglaize County as required by ORC 709.022.

WHOEVER SIGNS THIS PETITION IS EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD’S DECISION IN THIS MATTER IN LAW OR IN EQUITY.

We, the undersigned petitioners, hereby agree that Gregory Myers, Executive Director of the Wapakoneta Area Economic Development Council, 30 E. Auglaize Street, Wapakoneta, Ohio 45895, shall act as our agent in submitting this petition.



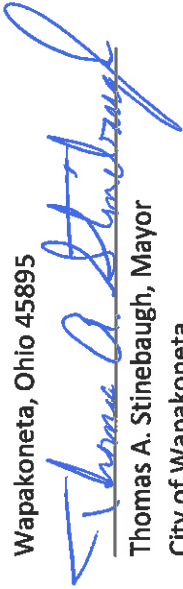
Michael J. Ruhe, Managing Member
VITA Holdings, LLC
107 Willow Run
Ottawa, Ohio 45875

10/31/17
Date



John P. Knueve
14128 Short Road
Wapakoneta, Ohio 45895

10/31/17
Date



Thomas A. Stinebaugh, Mayor
City of Wapakoneta
701 Parlette Court
Wapakoneta, Ohio 45895

10/31/17
Date

TRACTS OF LAND IN THE TERRITORY PROPOSED FOR ANNEXATION

Owner	Address	Parcel Number(s)
VITA Holdings, LLC	107 Willow Drive Ottawa, Ohio 45875	I2500800800 I2500900200
John Kneuve	14128 Short Road Wapakoneta, Ohio 45895	I2500900100 I2500400400
City of Wapakoneta	701 Parlette Court Wapakoneta, Ohio 45895	I2500800801

LIST OF TRACTS ADJACENT TO THE TERRITORY PROPOSED FOR ANNEXATION

Owner	Address	Parcel Number(s)
Vita Holdings, LLC	107 Willow Court Ottawa, Ohio 45875	I2500800800 I2500900200
John P. Kneuve	14128 Short Road Wapakoneta, Ohio 45895	I2500900100 I2500400400
Nancy L. Freymuth	County Road 25A Wapakoneta, Ohio 45895	I2500502001
G.A. Wintzer & Son	PO Box 406 Wapakoneta, Ohio 45895	I2500800500
City of Wapakoneta	701 Parlette Court Wapakoneta, Ohio 45895	I2500800900 I4500401501

ANNEXATION AGREEMENT

This Agreement is entered into on or as of the 14th day of July, 2006, by and between THE CITY COUNCIL OF WAPAKONETA, the legislative authority of the City of Wapakoneta, Auglaize County, Ohio (the "City"), THE BOARD OF TRUSTEES OF PUSHETA TOWNSHIP, the legislative authority of Pusheta Township, Auglaize County, Ohio (the "Township"), and THE BOARD OF COUNTY COMMISSIONERS OF AUGLAIZE COUNTY, the legislative authority of Auglaize County, Ohio (the "County").

WHEREAS, City, Township and County are political subdivisions located entirely within the State of Ohio and the County of Auglaize; and

WHEREAS, City, Township and County wish to cooperate in creating and pursuing jobs and employment opportunities, and to cooperate in inducing and fostering economic development within the State of Ohio, and more particularly within the territory to which this Agreement pertains; and

WHEREAS, City, Township and County wish to allow for and establish the conditions under which the municipal powers of the City may be extended to the territory to which this Agreement pertains and recognize that such an extension of municipal powers will operate to the collective benefit of City, Township and County and to those businesses and residents who reside or choose to locate within the territory to which this Agreement pertains; and

WHEREAS, City, Township and County wish to cooperate in improving and advancing the welfare of the citizens of the County residing within the territory to which this Agreement pertains in a number of ways, which include promoting economic development in a manner compatible with the character of the area and addressing mutually satisfactory planning and development standards; and

WHEREAS, City, Township and County believe that the development of the territory to which this Agreement pertains for manufacturing projects is consistent with the comprehensive plans and community strategies for all parties hereto; and

WHEREAS, City, Township and County believe it is in the best interest of all parties to support the City's application for a Job Ready Sites grant through the Ohio Department of Development to enable the City to acquire and develop the territory to which this Agreement pertains; and

WHEREAS, City has enacted Ordinance No. 2006-37, effective on the 10th day of July, 2006, the Township has enacted Resolution No. 2-06, effective on the 11th day of July, 2006, and the County has enacted Resolution No. 06-207, effective on the 21st day of July, 2006, which authorize the respective parties to enter into this Agreement all in accordance with Section 709.192 of the Ohio Revised Code.

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE I
PURPOSE

The purpose of this Agreement is to undertake certain commitments to support the City's application for a Job Ready Sites ("JRS") grant for the acquisition and development of certain territory located in the Township and County. If a JRS grant is secured, the territory will be certified and marketed through the Ohio Department of Development to attract manufacturing projects to the territory to which this Agreement pertains. The location of manufacturing projects to the subject territory will provide employment opportunities, further the economic welfare of the residents and enhance the financial stability for the City, Township and County.

City agrees to do all things necessary to submit an application for a JRS grant by July 19, 2006. City agrees that it will provide funding to match the JRS grant for the development of the territory to which this Agreement pertains as required by the Ohio Department of Development. Township and County agree to cooperate with the City in supporting the City's application for a JRS grant and in additional matters necessary to market and develop the subject territory for manufacturing projects; provided, however, any expenditures by the Township or County in connection with this commitment to cooperate shall be at the sole discretion, respectively, of the Township or County.

ARTICLE II
DESIGNATION OF TERRITORY

This Agreement is entered into in accordance with and governed by Sections 709.022 and 709.192 of the Ohio Revised Code and is applicable to the tracts of property east of CR25A and south of US 33 located in Pusheta Township, Auglaize County that are identified on Exhibit A (hereinafter the "Territory").

ARTICLE III
ANNEXATION

Section 1. Cooperation. During the term of this Agreement, City, Township and County agree to cooperate fully and act in good faith to achieve successful annexations of the Territory to the City, subject to the terms and conditions contained herein.

Section 2. Initiation of Annexation. At such time as the City determines, in the City's sole discretion, that all or a portion of the Territory is likely to be the location for a manufacturing project, the City will initiate annexation of all or a portion of the Territory from the Township to the City (hereinafter, the portion of the Territory to be annexed pursuant to the City's determination in accordance with this sentence shall be referred to, singly or collectively, as the context requires, as the "Designated Portion"). If the Designated Portion has not been acquired by the City at the time of initiation of

annexation, the City will coordinate the execution of an annexation petition signed by all of the owners of the Designated Portion and shall file said annexation petition in accordance with Sections 709.021 and 709.022 of the Ohio Revised Code. If the City has acquired the Designated Portion at the time of initiation of the annexation, the City will proceed with annexation in accordance with Sections 709.14 through 709.16 of the Ohio Revised Code.

Section 3. Approvals. The County agrees to approve said annexation at the earliest possible date as provided under the Ohio Revised Code and to forward immediately its approval and the annexation record to the City for acceptance. City agrees to accept said annexation by emergency ordinance if so permitted by the City's charter. City, County and Township agree to submit any necessary legislation and/or affidavits supporting annexation of all or any portion of the Territory, provide appropriate service or other resolutions and take all required action in a timely fashion to approve annexation of all or any portion of the Territory. This Agreement shall serve as evidence that all parties hereto consent to the annexation of the Territory.

ARTICLE IV SERVICES

Prior to annexation of all or any portion of the Territory, Township and County agree to continue to provide those governmental services to non-annexed portions of the Territory that are currently available to the Territory. Upon completion of the annexation of any Designated Portion, City shall provide the following governmental services to the Designated Portion to the same extent and same quality as City provides to other areas within its jurisdiction: sanitary and storm sewer services; water services; street maintenance; fire and emergency medical services; and police services.

ARTICLE V LAND USE AND ZONING

Township agrees immediately following execution of this Agreement to initiate proceedings pursuant to Ohio Revised Code Section 519.12 to amend the zoning resolution and the zoning map of the Township to designate the Territory as zoned for manufacturing use. The Territory may, however, continue to be used for agricultural purposes and for existing single-family residential purposes that are ancillary to agricultural purposes (e.g., "farmhouses") until such time as the Territory is annexed to the City. Township Board of Trustees shall not initiate or support any zoning amendment or development plan application which would cause the Territory to be zoned or used for any purpose other than manufacturing purposes, agricultural purposes and for existing single-family residential purposes that are ancillary to agricultural purposes prior to annexation and shall amend the Township's comprehensive plan, to the extent one exists, to designate the Territory for future manufacturing use. Notwithstanding the foregoing, the Township board of zoning appeals shall continue to accept and process applications for variances and conditional use permits in accordance with Ohio Revised Code §519.14.

Upon annexation, the City agrees to re-zone the Designated Portion to a zoning district under the City zoning code that is most comparable to the Township manufacturing zoning.

ARTICLE VI
ECONOMIC DEVELOPMENT INCENTIVES

At such time as the City determines, in the City's sole discretion, that all or a portion of the Territory is likely to be the location for a manufacturing project, the City, Township and County agree to cooperate in approving, to the extent such approval is necessary, at least the following economic development incentives with respect to the Designated Portion that will be the site of the project:

1. A Community Reinvestment Area Agreement with a term of fifteen (15) years that provides for a minimum real property tax exemption of fifty percent (50%);
and
2. Tax Increment Financing with an exemption percentage of 100% and with a term of thirty (30) years, which will include a hold-harmless provision for the school district or will be accompanied by a school district compensation agreement.

The above-referenced economic development incentives shall be overlapping and shall be the minimum incentives provided to the Designated Portion, unless the end user or end users of the Designated Portion requests a lesser amount of economic development incentives. City, County and Township shall coordinate in evaluating other possible economic development incentives that may be necessary to encourage manufacturing projects to locate in the Territory.

ARTICLE VII
NO EXCLUSION FROM TOWNSHIP / NO CONFORMANCE OF BOUNDARIES

Following annexation, the Designated Portion shall not be excluded from the Township. Consequently, the Designated Portion shall remain subject to the Township's real and personal property taxes for general fund purposes.

The City further agrees that, following annexation of the Designated Portion, it shall not exclude the Designated Portion from the Township by conforming boundaries under Chapter 503 of the Ohio Revised Code or any future or similar statute of like tenor or effect.

ARTICLE VIII
TERM

The initial term of this Agreement shall be for a period of twelve (12) years, commencing on the date of this Agreement as set forth above. At the expiration of the

initial term of this Agreement, the Agreement shall automatically be renewed for subsequent five (5) year periods, unless the legislative authority of any of the parties hereto affirmatively acts to terminate this Agreement by providing one hundred eighty (180) days written notice to all parties hereto. Notwithstanding the foregoing, the City may terminate this Agreement by providing ninety (90) days written notice if the City is not awarded a JRS grant during the 2006 application year or any subsequent application year.

ARTICLE IX GENERAL PROVISIONS

Section 1. Support of Agreement. In the event that this Agreement, or any of its terms, conditions or provisions, is challenged by any third party or parties in a court of law, the parties agree to cooperate with one another and to use their best efforts in defending this Agreement with the object of upholding this Agreement. Each party shall bear its own costs in any such proceeding challenging this Agreement or any terms or provisions hereof.

Section 2. Signing Other Documents. The parties agree to cooperate with one another and to use their best efforts in the implementation of this Agreement and to sign or cause to be signed, in a timely fashion, all other necessary instruments, legislation, petitions and similar documents, and to take such other actions as either party may reasonably request in order to effectuate the purposes of this Agreement.

Section 3. Amendments. This Agreement may be amended in writing by a document executed and approved by the legislative authorities of the parties hereto by means of appropriate legislation authorizing such amendment.

Section 4. Immunities Preserved. By entering into this Agreement, neither City, Township nor County intend to relinquish or waive any of the immunities they now have or may hereafter be provided under state and/or federal laws, including, without limitation of any such immunities, all those immunities afforded to governmental entities and their officers and employees under Chapter 2744 of the Ohio Revised Code.

Section 5. Powers Preserved. This Agreement is not intended to be in derogation of the powers granted to municipal corporations, townships or counties under the Ohio Revised Code or the Ohio Constitution. Notwithstanding the foregoing or anything to the contrary contained herein, the parties hereby acknowledge their belief as to the lawfulness of this Agreement.

Section 6. Beneficiaries. This Agreement shall inure to the benefit of and shall be binding upon City, Township and County and their respective successors and assigns; subject however, to the specific provisions hereof.

Section 7. Severability. This Agreement shall be construed in accordance with the laws of the State of Ohio. If any part of this Agreement is held to be invalid or

unenforceable for any reason, the remainder of this Agreement shall continue in full force and effect.

Section 8. Entire Agreement. This Agreement, which includes recitals hereto, constitutes the entire understanding of the parties hereto and shall not be altered, changed, modified, or amended, except as provided herein.

Section 9. Additional Expenditures Not Required. This Agreement shall not be construed to require the County or Township to make expenditures that the County and Township are not otherwise obligated to make in the absence of this Agreement. Any expenditures by the Township or County shall be at the sole discretion, respectively, of the Township or County.

IN WITNESS WHEREOF, City, Township and County have caused this Agreement to be signed as of the day first written above.

CITY OF WAPAKONETA, OHIO:

By: Donald R. Martin
Mayor, [Mayor or Safety-Service Director]

By: [Signature]
_____, Council President

By: OAD
By Resolution No. 2006-06 dated July 10, 2006
Verified and Certified:

Carolene S. Kerk
_____, Council Clerk

PUSHETA TOWNSHIP, AUGLAIZE COUNTY,
OHIO

by the Board of Township Trustees of
Pusheta Township, Auglaize County,
Ohio, by

John J. Haack
Township Trustee

Robert Howard
Township Trustee

Jim. Carl Schaub
Township Trustee

By Resolution No. 3-0b dated July 4, 2006
Verified and Certified:

M.P. Zuehl
Clerk

AUGLAIZE COUNTY, OHIO

by the Board of County Commissioners of Auglaize County, Ohio, by

Hugh A. Lore,
Commissioner

Lee Hamer,
Commissioner

John W. Burghman,
Commissioner

By Resolution No. 06-302 dated July 13, 2006
Verified and Certified:

_____, Clerk

Approved as to Form:

Edwin H. Pried

Prosecuting Attorney
Auglaize County, Ohio

CRW

City Law Director
Wapakoneta, Ohio

EXHIBIT B

RECEIVED

NOV - 3 2017

Board of County Commissioners
Auglaize County, Ohio

LEGAL DESCRIPTION

ANNEXATION OF 142.525 ACRES TO THE CITY OF WAPAKONETA, OHIO

SITUATE IN THE SOUTHWEST QUARTER OF SECTION 4, THE NORTHEAST CORNER OF SECTION 8, AND THE NORTHWEST QUARTER OF SECTION 9, TOWN 6 SOUTH, RANGE 6 EAST, PUSHETA TOWNSHIP, AUGLAIZE COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at a monument box found at the northwest corner of the southwest quarter of the southwest quarter of Section 4 and being on the centerline of Short Road and being the northwest corner of a 1.000-acre tract of land owned by the City of Wapakoneta, Ohio as conveyed in Official Record 561, Page 705 and being the northeast corner of a 72.934-acre tract of land owned by Nancy L. Freymuth as conveyed in Official Record 657, Page 2012;

thence, South 89°-13'-19" East, 150.00 feet, along the north line of the southwest quarter of the southwest quarter of Section 4 and the centerline of Short Road to a Mag nail found at the northeast corner of said 1.000-acre City of Wapakoneta tract and being the principal place of beginning of the tract herein annexed;

thence, South 89°-13'-19" East, 180.00 feet, along the north line of the southwest quarter of the southwest quarter of Section 4 and the centerline of Short Road to a Mag nail found;

thence, South 00°-41'-48" West, 1332.82 feet, to an iron pin with cap found on the south line of the southwest quarter of Section 4, passing for reference an iron pin with cap found at 20.00 feet;

thence, South 01°-10'-21" West, 516.77 feet, to an iron pin with cap found;

thence, South 89°-01'-24" East, 1393.61 feet, to an iron pin with cap found;

thence, South 00°-58'-36" West, 1499.00 feet, to an iron pin with cap found;

thence, North 89°-01'-24" West, 3680.20 feet, to a Mag nail found on the centerline of County Road 25A, passing for reference an iron pin with cap found at 3622.91 feet;

thence, North 05°-07'-57" West, 1573.88 feet, along the centerline of County Road 25A to a Mag nail found at the northwest corner of a 2.338-acre tract of land owned by the City of Wapakoneta, Ohio as conveyed in Official Record 571, Page 1708;

thence, on a curve to the left with a radius of 473.69 feet, an arc distance of 252.93 feet, a delta angle of 30°-35'-35", and a chord bearing South 73°-43'-37" East, 249.93 feet, along the north line of said 2.338-acre City of Wapakoneta tract to an iron pin with cap found, passing for reference an iron pin with cap found at 174.73 feet;

thence, South 89°-01'-24" East, 1883.01 feet, along the north line of said 2.338-acre City of Wapakoneta tract and its extension to an iron pin with cap found on the east line of the northeast quarter of Section 8;

thence, North 01°-10'-21" East, 515.22 feet, along the east line of the northeast quarter of Section 8 to a concrete post found at the southwest corner of the southwest quarter of Section 4 and being the southeast corner of said 72.934-acre Freymuth tract;

thence, North 00°-41'-48" East, 1042.83 feet, along the west line of the southwest quarter of Section 4 and the east line of said 72.934-acre Freymuth tract to an iron pin with cap found at the southwest corner of said 1.000-acre City of Wapakoneta tract;

thence, South 89°-13'-19" East, 150.00 feet, along the south line of said 1.000-acre City of Wapakoneta tract to an iron pin with cap found;

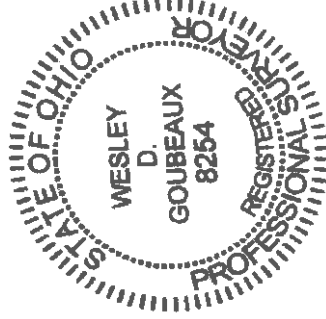
thence, North 00°-41'-48" East, 290.40 feet, along the east line of said 1.000-acre City of Wapakoneta tract to the principal place of beginning, passing for reference an iron pin with cap found at 270.40 feet.

Containing 142.525 acres more or less and all being subject to any legal highways and easements of record.

The bearings are based on NAD 83 CORS 2011 adjustment, Ohio North Zone, ODOT VRS CORS Network.

The above description was prepared by Wesley D. Goubeaux, Ohio Professional Surveyor Number 8254, based on a field survey performed under his direct supervision and dated October 30, 2017.

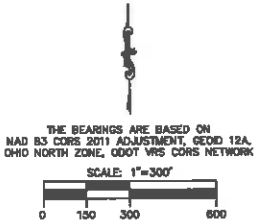

Wesley D. Goubeaux, PS #8254



10/30/2017
Date

RECEIVED
NOV - 8 2017
Board of County Commissioners
Auglaize County, Ohio

ANNEXATION OF TERRITORY TO
THE CITY OF WAPAKONETA, OHIO
SECTIONS 4, 8, & 9,
T 6 S, R 6 E,
PUSHETA TOWNSHIP,
AUGLAIZE CO., OHIO

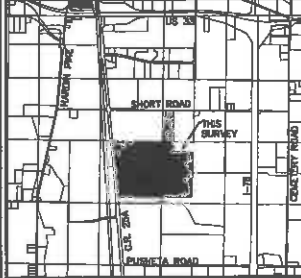


THE BEARINGS ARE BASED ON
NAD 83 CORRS 2011 ADJUSTMENT, GEOID 12A,
OHIO NORTH ZONE, 0001 VRS CORRS NETWORK

LEGEND

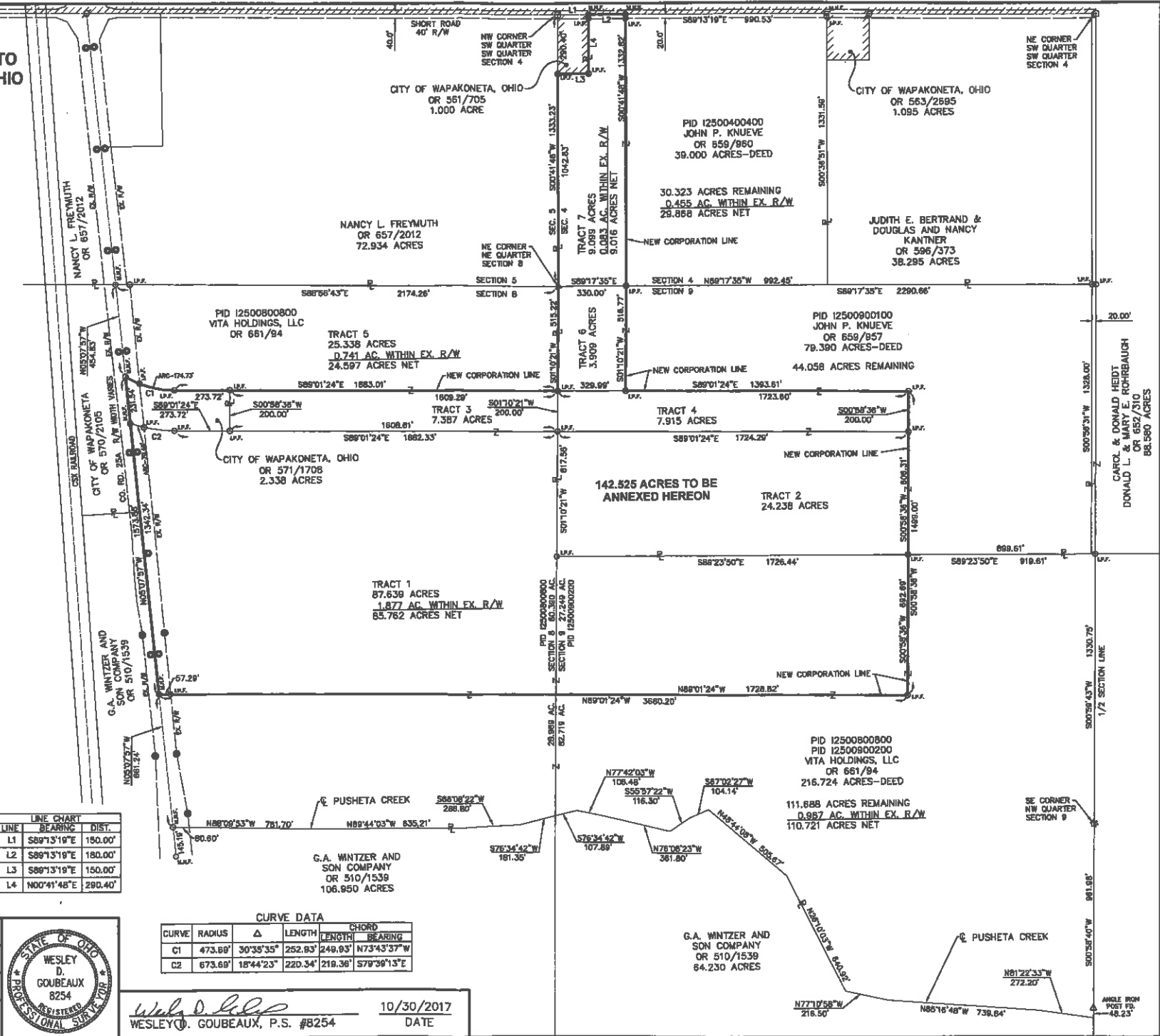
- 5/8" X 30" REBAR W/CAP SET
- IRON PIN FOUND
- ⊙ MAG NAIL SET
- ⊙ MAG NAIL FOUND
- ⊙ IRON PIPE FOUND
- ⊙ RAILROAD SPIKE FOUND
- ⊙ POST FOUND
- ⊙ CONCRETE MON. FOUND
- ⊙ STONE FOUND
- ⊙ MON. BOX W/P FOUND
- ▨ EXISTING CORPORATION LIMITS

VICINITY MAP



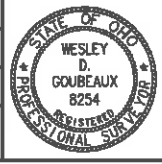
LINE	BEARING	DIST.
L1	S89°13'19"E	150.00'
L2	S89°13'19"E	180.00'
L3	S89°13'19"E	150.00'
L4	N00°41'48"E	290.40'

CURVE	RADIUS	Δ	LENGTH	CHORD	
				LENGTH	BEARING
C1	473.69'	30°35'35"	252.93'	249.93'	N73°43'37"W
C2	673.69'	18°44'23"	220.34'	218.36'	S79°39'13"E



ChoiceOne Engineering

DATE: 10-30-2017
DRAWN BY: WDG
JOB NUMBER: AUGWAP1717SUR
SHEET NUMBER: 1 OF 1



Wesley D. Goubeaux
WESLEY D. GOUBEAUX, P.S. #8254
10/30/2017
DATE

G.A. WINTZER AND SON COMPANY OR 510/1539 64.230 ACRES

PID 12500800800
PID 12500800200
VITA HOLDINGS, LLC OR 661/84
216.724 ACRES-DEED
111.688 ACRES REMAINING
0.987 AC. WITHIN EX. R/W
110.721 ACRES NET

TRACT 1
87.639 ACRES
1.877 AC. WITHIN EX. R/W
85.762 ACRES NET

TRACT 3
7.387 ACRES

TRACT 5
25.338 ACRES
0.741 AC. WITHIN EX. R/W
24.597 ACRES NET

142.825 ACRES TO BE ANNEXED HEREON

TRACT 6
3.909 ACRES

TRACT 7
9.089 ACRES
0.083 AC. WITHIN EX. R/W
9.016 ACRES NET

PID 12500400400
JOHN P. KNUEVE OR 659/860
39.000 ACRES-DEED
30.323 ACRES REMAINING
0.455 AC. WITHIN EX. R/W
29.868 ACRES NET

JUDITH E. BERTRAND & DOUGLAS AND NANCY KANTNER OR 596/373
38.295 ACRES

PID 12500900100
JOHN P. KNUEVE OR 659/857
79.390 ACRES-DEED
44.058 ACRES REMAINING

PID 12500800800
VITA HOLDINGS, LLC OR 661/84

CITY OF WAPAKONETA, OHIO OR 571/1708
2.338 ACRES

CITY OF WAPAKONETA, OHIO OR 561/705
1.000 ACRE

NANCY L. FREYMUTH OR 657/2012
72.934 ACRES

CITY OF WAPAKONETA, OHIO OR 563/2685
1.095 ACRES

NE CORNER SW QUARTER SECTION 4

NW CORNER SW QUARTER SECTION 4

NE CORNER NE QUARTER SECTION 8

SE CORNER NW QUARTER SECTION 9

CAROL & DONALD HEIDT
DONALD L. OR 652/310
88.580 ACRES

1/2 SECTION LINE

ANGLE FROM PORT FD. 48.23°

IN THE MATTER OF AUTHORIZING BUDGET ADJUSTMENTS.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 7th day of November, 2017.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, the Board has been requested to authorize budget adjustments as follows: and,

<u>Veterans Finance Fund:</u>			
<u>Amount:</u>	<u>From:</u>	<u>To:</u>	
\$ 4,000.00	001.0903.530301 (Fuel)	001.0903.530400 (Equipment)	
\$ 4,000.00	001.0903.530700 (Travel)	001.0903.530400 (Equipment)	
\$ 7,000.00	001.0903.530600 (Contract Services)	001.0903.530400 (Equipment)	
<u>County Home Fund:</u>			
<u>Amount:</u>	<u>From:</u>	<u>To:</u>	
\$ 1,000.00	097.0097.53600 (Hospitalization)	097.0097.530900 (Other Expenses)	

THEREFORE BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby authorize the budget adjustments to show the changes as tabulated above.

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

Adopted this
7th day of
November, 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
 County Administrator
 Veteran Service Officer – Rob Wiss
 Acres – Kim Sudhoff

**IN THE MATTER OF DOCUMENTING THE RECEIPT OF BIDS FOR THE BLASÉ #2 DITCH PROJECT;
AWARDING THE CONTRACT TO MARIA STEIN TRENCHING & EXCAVATING.**

The Board of Auglaize County Commissioners met in regular session on the 7th day of November, 2017.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, on September 21, 2017, Resolution #17-380 the Board of County Commissioners set October 31, 2017 at 10:00 a.m. as the date to receive bids for the Blasé #2 Ditch Project; and,

WHEREAS, the following bids for labor and materials was received:

From: Maria Stein Trenching & Excavating	\$153,541.41;
Cy Schwieterman Inc.	\$162,965.45;
Crooks & Son	\$168,644.18;
Braun Excavating	\$170,151.50;
Sand Ridge Excavating	\$171,560.70;
Gerding Ditching	\$177,749.50;

Engineer's Estimate was \$175,049.61; and,

WHEREAS, the bid was given to the County Engineer personnel for review and comparison and upon review of the bids, as received, the County Engineer recommended the award be presented to Maria Stein Trenching & Excavating for the Blasé #2 Ditch project as its bid is a best and lowest bid.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, does hereby award the bid for the construction of Blasé #2 Ditch project to Maria Stein Trenching & Excavating in the amount of \$153,541.41; and,

BE IT FURTHER RESOLVED that the County Engineer is hereby directed to prepare the contract and bond and, having secured the signatures of said bidder and its surety, present the same to the Board of County Commissioners for approval and execution; and,

BE IT STILL FURTHER RESOLVED that the construction shall be completed by October 1, 2018.

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

Adopted this
7th day of
November, 2017

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
Bidders

////

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

The Board of Auglaize County Commissioners met in regular session on the 7th day of November, 2017.

Commissioner Regula 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
October 26, 2017**

The Auglaize Soil and Water Conservation District Board of Supervisors met in official session following the legal hearing of the Pleasant View Ditch Project at the Auglaize County Administrative Building located at 209 S. Blackhoof St., Wapakoneta, Ohio on Thursday, October 26, 2017.

Lou Brown called the meeting to order at 2:00 p.m. Other board members present were Paul Knueve, Ron Wilker and Rick Place.

The following certification is being sent to the Auglaize County Commissioners asking them to adopt the Rules and Regulations of Sections 1515.18 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 26th day of October, 2017 in accordance with the requirements of Section 1515.24 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 Pleasant View Ditch Project addresses the replacement of an existing subsurface tile.
- 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 Pleasant View Ditch.

- At said legal hearing the SWCD Board and County Commissioners heard objections to the proposed improvement representing assessments amounting to 0.00% of the estimated cost of the improvement. Therefore landowners bearing 100% of the cost of the improvement were in favor of the construction of the Pleasant View Ditch.
- The Group agreed to set a completion date for December 1, 2018, with no crop restrictions. Group agreed to set the length of finance to 8 years.

At the end of the hearing and after discussion, Lou Brown asked the board to act on this petition. Ron Wilker moved to certify the project and the plans to the Auglaize County Commissioners. Paul Knueve seconded motion. Roll call was taken: Rick Place, yes; Paul Knueve, yes; Lou Brown, yes; motion carried.

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 1515.18 to 1515.29 inclusive of the Ohio Revised Code. We recommend your approval and cooperation.

The meeting was adjourned at 3:00 p.m.
Auglaize Soil and Water Conservation District
and,

WHEREAS, the Board of County Commissioners, Auglaize County, Ohio does recognize the need for the Pleasant View 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 Pleasant View Ditch legal hearing held October 26, 2017 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.

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 Pleasant View 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 October 26, 2017 that the landowners determined: the completion date for the project will be December 1, 2018 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 Pleasant View Ditch project for **December 14, 2017 at 10:00 a.m.**, in the office of the Auglaize County Commissioners, Chambers – Administration Building, 209 S. Blackhoof Street – Room 201, 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 Pleasant View 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 Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the resolution as follows:

Adopted this
7th day of
November, 2017

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
✓ Soil & Water Conservation Office

County Commissioners Office
Auglaize County, Ohio
November 7, 2017

NO. 17-445

IN THE MATTER OF AUTHORIZING ENGINEERING AMENDMENT FIVE (5) TO THE BASE AGREEMENT WITH DELTA AIRPORT CONSULTANTS, INC. FOR ENGINEERING SERVICES AT NEIL ARMSTRONG AIRPORT FOR THE AIRPORT RUNWAY 8 APPROACH OBSTRUCTION REMOVAL (TREES) AND INSTALL OBSTRUCTION LIGHTS.

The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 7th day of November, 2017.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, on November 7, 2013, in Resolution #13-497, the Board of County Commissioners approved and executed a Base Agreement with Delta Airport Consultants, Inc. for professional services at the Neil Armstrong Airport for calendar year 2013 through 2017; and,

WHEREAS, Delta Airport Consultants, Inc. have, at this time, presented to the Board of County Commissioners the Amendment Five (5) to the Agreement for Professional Services on AIP Design No.: 3-39-0084-pending, ODOT Office of Aviation Project No.-pending and Delta Project No. 17075; same as follows:

Amendment 5: Includes increased costs associated with Runway 8 approach obstruction removal (trees) and install obstruction lights (DD/BD/CA) project for the Neil Armstrong Airport for an increase of \$38,800.00 a lump sum fee of \$218,390.00; and,

WHEREAS, compensation for specified professional services will be:

Amendment 5 – an increase sum of \$38,800.00, made up of \$36,860.00 from the reimbursement through the ODOT Office of Aviation and \$1,940.00 local match.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby approve and authorize Amendment Five (5) to the Base Agreement with Delta Airport Consultants, Inc. for engineering services for the Runway 8 Approach Obstruction Removal (trees) and Install Obstruction Lights Project at the Neil Armstrong Airport; and,

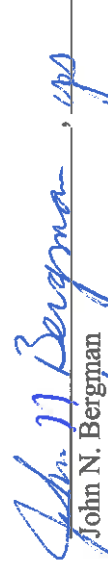
BE IT FURTHER RESOLVED that said Board authorizes the President of the Board, John N. Bergman, to execute Amendment No. 5 as presented; and,

BE IT FURTHER RESOLVED that the Board authorizes the local match to the ODOT Reimbursement Grant in the amount of \$1,940.00 for the Neil Armstrong Airport's Runway 8 Approach Obstruction Removal (trees) and Install Obstruction Lights Project No. 3-39-0084-pending, ODOT Office of Aviation Project No.-pending and, Delta Project No. 17075.

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

Adopted this
7th day of
November, 2017

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO


John N. Bergman


Douglas A. Spencer


Don Regula

cc: Delta Airport Consultants, Inc. —
Steven Potoczak
✓ Airport Authority – Brent Richter
✓ Airport Manager – Ted Bergstrom
✓ FAA

**TASK ORDER NO. 5
PROFESSIONAL SERVICES AGREEMENT**



PROJECT: Runway 8 Approach Obstruction Removal (trees) and Install Obstruction Lights
(DD/BD/CA)

AIRPORT: Neil Armstrong Airport (AXV)

DELTA PROJECT NO.: 17075

DATE OF ISSUANCE: October 19, 2017



ATTACHMENTS: 1) Scope of Services
2) Estimated Plan Sheets

METHOD OF PAYMENT: Design thru Bidding - Lump Sum
Construction Engineering/Construction Oversight- Lump Sum

TASK ORDER AMOUNT: \$ 28,100 Design & Bidding
\$ 10,700 Construction Engineering/Construction Oversight

CONTRACT TIME: 30 Days to Submit Final Review Plans & Specifications from written Notice-to-Proceed

PROJECT DESCRIPTION: Runway 8 Approach Obstruction Removal (trees) and Install Obstruction Lights

<i>The original Agreement for Professional Services between the Auglaize County Commissioners (OWNER) and Delta Airport Consultants, Inc., (CONSULTANT) for Professional Services at Neil Armstrong Airport dated February 13, 2013, shall govern all TASK ORDERS executed under this AGREEMENT unless modified in writing and agreed to by CONSULTANT and OWNER.</i>	
ACCEPTED: by:  David W. Jones, P.E., C.M. Vice President Delta Airport Consultants, Inc. 20545 Center Ridge Road #450 Cleveland, OH 44116	APPROVED: by:  John N. Bergman President Auglaize County Board of Commissioners 209 Blackhoof Street Room 201 Wapakoneta, Ohio 45895

**IN THE MATTER OF AUTHORIZING PROPOSAL BY WELLMAN BROTHERS INC. FOR THE
INSTALLATION OF COPPER GUTTERS AND DOWNSPOUTS ON THE ADMINISTRATION
BUILDING.**

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 7th day of November, 2017

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, Maintenance Man Rick Bice reported that the lower level gutters and downspouts are needed for the Administration Building; and,

WHEREAS, several companies were contracted to inspect and prepare a cost estimate for the needed gutters and downspouts; and

WHEREAS, Wellman Brothers Inc. was selected for the project which will include the labor and material for the following work on the Administration Building for a total cost of \$11,370.00:

- Replace all lower steel gutters and downspouts (excluding the solarium gutter/downspouts) with copper gutters and downspouts that match the existing copper gutter/downspouts;
- Re-seal the seam on the solarium gutter and downspouts.

THEREFORE BE IT RESOLVED, that the Board of County Commissioners , Auglaize County, Ohio, does hereby approve the proposal to install copper gutters and downspouts located at the Administration Building; and,

BE IT FURTHER RESOLVED that said Board does accept the proposal from Wellman Brothers Inc. in the amount of \$11,370.00 for said project, and further authorizes Wellman Brothers Inc. to proceed with the project.

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

Adopted this
7th day of
November, 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: Wellman Brothers Inc.
Maintenance Supervisor – Rick Bice

IN THE MATTER OF RATIFYING THE EMPLOYMENT OF SETH BOWERSOCK SOCIAL SERVICES SUPERVISOR POSITION AT THE AUGLAIZE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES.

The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 7th of November, 2017.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, Michael S. Morrow, Director of the Auglaize County Department of Job & Family Services, informed the Board that the following position of Social Services Supervisor position was posted and interviews conducted with candidates, Seth Bowersock has been selected to fill the position; and,

WHEREAS, Director Morrow recommended that Mr. Bowersock to be hired to the position of Social Services Supervisor Position in the Auglaize County Department of Job and Family Services, effective November 16, 2017 at the pay rate per hour of \$22.22.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby ratify the employment of Seth Bowersock to the position so mentioned above in the Auglaize County Department of Job & Family Services; employment in accordance with the specifications as mentioned above.

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

Adopted this
7th day of
November, 2017

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman
John N. Bergman

Douglas A. Spencer
Douglas A. Spencer

Don Regula
Don Regula

cc: Auglaize County Department
of Job & Family Services
Lori Yahl – Deputy Auditor

IN THE MATTER OF TERMINATING COREY JOHNSON AS THE WASTE WATER TREATMENT PLANT OPERATOR I FOR THE SANITARY ENGINEER'S DEPARTMENT.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 7th day of November, 2017.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, Corey Johnson started employment with the Auglaize County Sanitary Department on September 18, 2017 with a one year probationary period; and,

WHEREAS, the Auglaize County Engineer, Douglas Reinhart submitted a letter informing the Board of Auglaize County Commissioners that Mr. Johnson's last day of employment with Auglaize County would be October 26, 2017; and,

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of Auglaize County does hereby accept the recommendation of the Auglaize County Engineer to terminate Corey Johnson as Waste Water Treatment Plant Operator I position and ratify the effective time and date of such termination as 4:00 p.m. on October 26, 2017; and,

BE IT FURTHER RESOLVED that the Board of County Commissioners of Auglaize County, Ohio does extend its best regards to Mr. Johnson.

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

Adopted this
7th day of
November, 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

✓ ec: Corey Johnson
✓ Deputy Auditor – Lori Yahl
✓ Sanitary Engineer