

IN THE MATTER OF FINDING FOR THE IMPROVEMENT OF THE MUDDY CREEK JOINT COUNTY DITCH PROJECT; PETITIONED BY WAYNE BAMBAUER AND OTHERS; SETTING DATE TO RECEIVE ENGINEER'S REPORT ON SAID PROJECT.

The Joint Board of Auglaize and Shelby County Commissioners met in regular session on the 13th day of October with the following members present:

Auglaize County: Douglas A. Spencer, Don Regula, John N. Bergman

Shelby County: Dale DeLoye, Jack Toomey

Commissioner. DeLoye moved the adoption of the following
RESOLUTION

WHEREAS, October 6, 2009 was the day fixed by the Joint Board of County Commissioners by Resolution, dated August 20, 2009, for the first hearing of the petition in the matter of the Muddy Creek Joint County Ditch improvement, the Board met in the Assembly Room in the Auglaize County Administration Building, and conducted the hearing by causing the petition to be publicly read by Asst. County Engineer Kevin Schnell to those present; and,

WHEREAS, the Board finds that due and legal notice has been given in the manner and for the length of time required by law, to all owners of land affected by said improvement; and,

WHEREAS, the Joint Board has made an actual view of the proposed improvement on September 22, 2009, and has heard either in person or by counsel all evidence offered by any owner of land for or against the granting of the proposed improvement, or for or against the granting of any laterals, branches, spurs, or change of route, course, termini, or manner of construction described in the petition, or any application therefore; and,

WHEREAS, certain property owners requested an amendment to the project with the Joint Board viewing the amendment portion on this date, October 6, 2009; and,

WHEREAS, the County Engineer's Preliminary Report has determined that the route and termini of the proposed improvement meets the prayer of the petition with the amendment and that there are no reasonable alternative routes; and,

WHEREAS, the cost of the proposed improvement is less than the benefits derived.

THEREFORE, BE IT RESOLVED that the Joint Board of Auglaize and Shelby County Commissioners, does hereby direct the Auglaize County Engineer to proceed with the necessary survey for the proposed improvement, plans for the structures, maps showing the location of the land proposed to be assessed, and profiles showing the cuttings and gradient of the improvement, and make an estimate of the cost of the construction of the improvement; which shall include actual construction cost, the cost of engineering, and the cost of notices, publication and other incidental expenses; and set proper construction stakes, and perform such other duties as required by Section 6131.14 of the Ohio Revised Code; and,

BE IT FURTHER RESOLVED that the Joint Board does set March 30, 2010 at 10:00 a.m. as the date and time for the filing in the office of the Auglaize County Commissioners of the above mentioned County Engineer's Report.

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

Adopted this 13th day of October, 2009

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY

Douglas A. Spencer, Yes
Douglas A. Spencer

Don Regula, yes
Don Regula

John N. Bergman, yes
John N. Bergman

BOARD OF COUNTY COMMISSIONERS
SHELBY COUNTY

Dale DeLoye

Jack Toomey

Larry Kleinhans

cc: County Engineer
Shelby County Commissioners

