

**MINUTES OF MEETING
FULTON COUNTY BOARD OF COMMISSIONERS
COMMISSIONERS SESSION ROOM
July 7, 2011**

[9:00:43 AM](#)

Call Meeting to Order

Pledge of Allegiance

Opening Prayer

Roll Call Attendance - All members present

[9:02:27 AM](#)

Resolution 2011-666 Approve Minutes of July 7, 2011

Commissioner Genter made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:02:49 AM](#)

Resolution 2011- 667 Approve Agenda As Amended

Commissioner Rupp made the motion to amend the agenda to give an airport update and Commissioner Barnaby seconded the motion. Motion carried unanimously.

[9:04:22 AM](#)

OLD BUSINESS:

· **Resolution 2011-668** Approve Payment of Bills

Commissioner Genter made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:05:36 AM](#)

· Review Auditor/Treasurer Tie-Out Report

[9:07:47 AM](#)

· Review Amended Certificate

[9:09:57 AM](#)

· Review Certificate of Non-Compliance

[9:10:23 AM](#)

Commissioner Rupp - Airport Update

Following this month's Airport Authority Board meeting, Commissioner Rupp informed the Board that a suggestion was made to get drivers licenses for anyone using the courtesy car. He too agrees this to be a good idea.

Board member, Art Duval, inquired if there was any liability insurance for Board members. Commissioner Genter responded stating that they are an independent board and this would be their own responsibility. Commissioner Rupp asked the Clerk to pull the ORC on this to further research the issue.

He stated that they are pursuing a storage building for more hangar space. This will be paid for out of airport hangar rental funds. They have estimated this building to be in the \$45,000 range. Commissioner Rupp feels this amount to be low. Commissioner Genter inquired if this was for a temporary structure? Commissioner Rupp stated that it was for a pole barn. Tim Worline, Board member, is looking into the design and site development for this.

They plan to paint a compass rose on the taxiway and tie-down area. There is no cost involved in doing so other than the surveyor. He will ask Frank Onweller if his surveyor, Joe Fenicle, could be used for this.

The pavement marking proposals are due to come in on the 18th. This project is estimated to be at less than \$25,000. Board VP, Glen Lammon, has sent a request to 6 contractors for proposals.

The tree clearing project still needs accepted. After they come to an agreement, he would like to get someone else out there to grade it and make it farmable. He has obtained a drawing of the area that shows contours.

The Airport is currently not pursuing any new T-Hangars.

[9:15:46 AM](#)

NEW BUSINESS:

RESOLUTIONS:

· **Resolution 2011-669** Award Bid for 2011 Asphalt Resurfacing Project
Bids were received on July 5th for the 2011 Asphalt Resurfacing Project. One bid was received. The Board accepted the recommendation of the County Engineer and awarded the bid to Gerken Paving, Inc. in the amount of \$1,220,469.80. This is below the engineer's estimate of \$1,349,714.00. Commissioner Barnaby made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.

[9:17:01 AM](#)

· **Resolution 2011-670** Approve Pay Request No. 1 for Asphalt Resurfacing of County Road D (Rd 11-SR109)

Pay Request No. 1 in the amount of \$292,493.98 was approved for The Shelly Company. Commissioner Barnaby made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.

[9:18:51 AM](#)

· **Resolution 2011-671** Increase and Transfer Appropriations in Various Funds for Sanitary Engineer

Commissioner Genter made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:19:32 AM](#)

· **Resolution 2011-672** Authorize Board President to Execute OPWC Grant Agreement for Reconstruction of County Road T (Road 7-SR 64)

Commissioner Rupp made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.

[9:20:09 AM](#)

· **Resolution 2011-673** Authorize Board President to Execute OPWC Loan Agreement for Replacement of Bridge T64.9

Commissioner Rupp made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.

[9:22:03 AM](#)

· **Resolution 2011-674** Approve Then and Now Purchase Orders

Commissioner Barnaby made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.

[9:22:28 AM](#)

· **Resolution 2011-675** Approve Purchase Orders and Travel Requests

Commissioner Genter made the motion and Commissioner Rupp seconded the motion. Motion carried unanimously.

[9:23:14 AM](#)

Recess

[9:31:52 AM](#)

· **Dog Warden Update**

Pete Skeldon, County Dog Warden, was present for the update. He stated that last week was really slow until the 4th of July fireworks started. Dogs that are not confined run when the fireworks go off because they are scared. There are traps set to catch as many dogs as possible. He noted that 2 days ago, a dog that ran because of the fireworks was found 8 miles from its home. Commissioner Rupp inquired what kind of traps they use? Mr. Skeldon stated they use box traps. In the past these have been stolen. They were expensive traps. They now use cheaper ones and will only use them on the dog owner's property where they can keep an eye out.

Commissioner Barnaby stated that he heard of a coyote reported between Roads 4 and 6. Mr. Skeldon stated that he only knew of one report from 11-F which only turned out to be a skittish dog.

Discussion was held on the warden's uniforms. Mr. Skeldon stated that they wash their own. Commissioner Genter asked if they are still paying Aramark? The Clerk stated that they are still being billed for rental. Commissioner Genter stated that if the wardens can come up with an agreeable uniform they can be paid for a clothing allowance instead. This is working out well for the maintenance department. He instructed Mr. Skeldon to bring back their ideas for a uniform for their next meeting.

Commissioner Barnaby stated that the reports they are submitting are looking good.

[9:38:47 AM](#)

Recess

[10:00:37 AM](#)

1st Hearing on Ditch Improvement Petition 2114-Vandenbusch

Commissioner Barnaby opened the hearing and turned it over to Chief Deputy Engineer, Rod Creager. Mr. Creager explained the ditch laws as prescribed by ORC 6131.

Mr. Creager displayed an aerial map of the watershed and presented the following report:

PROJECT INITIATION

This drainage improvement was initiated through a single county drainage petition filed by Larry Vandebusch and others. The petition calls for the cleaning and brush cleaning of an open ditch known as Branch 7a of Ten Mile Creek, located in the Sections 8 and 9, T-9-S, R-4-E in Amboy Township, Fulton County, Ohio.

The last drainage improvement of record on Branch 7a of Ten Mile Creek was petitioned by Mr. Ralph Barnaby in 1959. At that time the open ditch was cleaned and brush cleaned along the same route and course as the current petition. Since that time the open ditch has been maintained by the adjacent landowners.

A viewing of the proposed project site was conducted by the Board of County Commissioners, Fulton County, on Monday June 6, 2011.

The watershed involves approximately 285 acres. There are a total of seventeen (17) parcels of land within the watershed. Eighty-seven percent (87%) of the area is agricultural land and thirteen percent (13%) is classified as rural residential.

PROJECT OBJECTIVES

The objectives of this improvement are to remove the nuisance brush and accumulated sediment to reestablish an adequate drainage outlet for the Branch 7a of Ten Mile Creek watershed and to establish an ongoing maintenance program to keep the drainage improvement in good condition throughout its useful life.

PROBLEMS OBSERVED

The problems observed along Branch 7a are consistent with the problems usually found on open ditches that have not been regularly and consistently maintained. Brush has been mowed or sprayed from time to time along the upper half of the ditch. However, the lower half of the proposed improvement has moderate to heavy brush to its lower terminus at Branch 7 of Ten Mile Creek. Nuisance brush on channel banks impedes the flow of storm water in the channel.

Sediment has accumulated in the bottom of the channel along the entire length of the proposed improvement. Standing water was observed in the channel upstream from the reaches having heavy brush. Sediment can block the tile outlets that are needed to remove excess storm water from the root zone in cropland areas. Sediment can also block outlets for the accelerated runoff from roadways and developed properties in the watershed.

There was some evidence of over bank erosion at the upper terminus of this proposed project and some minor over bank washing was observed along the open ditch, but in general

there were no major washouts evident at the time of inspection. There was also little evidence of any erosion on channel turns.

Mr. Pete Carr from the Soil and Water Conservation District was present and stated that they can help with CRP's

Mr. Creager presented pictures taken of the watershed beginning on the Conrad property and then downstream. He noted that the closer you get to the wooded area, the more standing water you encounter due to heavy trees and brush in the channel. The pictures further illustrated that there were few washouts but there was some crop damage due to flooding.

WORK PROPOSED

The proposed work plan for this project is straight forward. Nuisance brush that interferes with channel flow will be removed from both banks of the lower half Branch 7a of Ten Mile Creek. Brush will be flush cut and treated with herbicide to prevent regrowth and will be piled along the line of the improvement for disposal by adjacent landowners. Some bank mowing will be included in the work plan for the upper reach.

The work plan will also include the removal of sediment and the leveling of spoils from the lower terminus at Br. 7 of Ten Mile Creek to the upper terminus of the proposed project on the Conrad property, a distance of 7,500 feet. The channel will be excavated to a design grade line and spoils will be leveled in adjacent fields. Through the wooded areas, one-sided construction techniques will be used. Culverts will be evaluated as to their size and elevation and any culvert replacement will be included in the project. Culverts that are of the proper size and that are on grade will be cleaned.

Channel banks will be re-seeded daily as needed during the course of construction. A 15-foot wide berm will be seeded along the top of both channel banks except through areas of one-sided construction.

Rock channel protection will be provided at the upper terminus, at culvert outlets and on banks where erosion is expected to occur. Other erosion control measures such as temporary seeding will be included in the work plan as required.

CONSTRUCTION ESTIMATE

The total estimated cost for all of the work proposed including contingencies, construction financing, engineering and administrative costs is \$36,959.76.

Assessments for the proposed improvement will be based on the benefits received from the improved drainage outlet. The type and quantity of drainage runoff contributed by each parcel will be a considered. The location of a parcel relative to the location of the work will also be given consideration.

PROJECT BENEFITS AND ESTIMATED ASSESSMENTS

It is expected that the benefits derived from the proposed improvements over their estimated 20-year useful life will exceed the project costs. Rural residential properties will benefit from improved drainage by increasing or maintaining their property values. Standing water can flood septic systems and contribute to mosquito control problems and other health risks.

MAINTENANCE

The Ohio Revised Code requires that all drainage improvement projects be placed on a permanent maintenance program. Maintenance activity is limited to the maintenance of the items originally constructed. Maintenance is paid for by periodic ditch maintenance assessments to the parcels in the watershed. The amount of the maintenance assessment is in proportion to the original ditch assessment for each parcel.

The revised code provides for the right of access to drainage tiles and open ditches constructed through ditch improvement petitions in order to perform necessary maintenance activities. The permanent maintenance access easement for this improvement will be twenty-five (25) in width along both sides.

PROJECT FEASIBILITY

This project work plan is feasible and can be economically completed through the drainage improvement petition process.

At 10:34 AM Commissioner Barnaby performed a mass swearing in for everyone wishing to provide testimony.

Larry Vandebusch – in favor of the petition

Rich Root – in favor of the petition

Commissioner Barnaby asked if there were any further testimony. None was given. The Hearing was closed for testimony at 10:35 AM.

The Board began deliberations. Commissioner Genter stated that after the view of the area and the slides shown today, this is something that needs taken care of. Commissioner Barnaby stated that he also believes this should be and needs to be done.

Resolution 2011-676 Find for Improvement 2114-Vandebusch

Commissioner Rupp made the motion to find for the improvement and order the Engineer's office to complete the survey and plans and Commissioner Genter seconded the motion. Motion carried unanimously.

Commissioner Barnaby reminded the landowners to get the Soil and Water Conservation District involved to help with costs.

[10:40:58 AM](#)

ADJOURN

Commissioner Genter made the motion and Commissioner Rupp seconded the motion.

Approved:

Paul D. Barnaby

Dean A. Genter

Perry L. Rupp

Attest:

Jennifer L. Connors, Clerk

A signed copy of the minutes or a recording of the meeting in its entirety can be obtained in the office of the Clerk of the Board at 152 S. Fulton St, Ste 270, Wauseon, Ohio 43567.

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RESOLUTION 2011-666

In the Matter of Resolution Approving) Office of County Commissioners
Minutes of July 5, 2011) Fulton County, Ohio
) July 7, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on July 7, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter and Perry Rupp

Commissioner _____ moved for the adoption of the resolution herein.

THEREFORE BE IT RESOLVED, that after review, the Fulton County Commissioners hereby approve the minutes of Regular Session held July 5, 2011 as presented; and

BE IT FURTHER RESOLVED, by the Board of County Commissioners, County of Fulton, State of Ohio that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Commissioner _____ seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:

Voting Nay thereon:

Abstain:

Paul D. Barnaby

Paul D. Barnaby

Paul D. Barnaby

Dean A. Genter

Dean A. Genter

Dean A. Genter

Perry L. Rupp

Perry L. Rupp

Perry L. Rupp

**BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO**

Attest: _____
Jennifer L. Connors, Clerk

RESOLUTION 2011-667

In the Matter of Resolution to approve) Office of County Commissioners
Agenda as Amended or Presented) Fulton County, Ohio
) July 7, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on July 7, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter, and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, Commission Staff, to the best of its ability, has prepared the agenda for the day, and

WHEREAS, the Board of County Commissioners has reviewed said agenda and find it to be satisfactory as presented or as officially amended on the record in open session.

THEREFORE, BE IT RESOLVED, that the Board of Fulton County Commissioners hereby approve the agenda as amended or presented for: July 7, 2011; and

BE IT FURTHER RESOLVED that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

This resolution was seconded by Commissioner _____ and upon calling the roll, the following vote was taken:

Voting Aye thereon:	Voting Nay thereon:	Abstain:
_____ Paul Barnaby	_____ Paul Barnaby	_____ Paul Barnaby
_____ Dean Genter	_____ Dean Genter	_____ Dean Genter
_____ Perry Rupp	_____ Perry Rupp	_____ Perry Rupp

**BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO**

Attest: _____
Jennifer L. Connors, Clerk

cc: File

RESOLUTION 2011-670

In the Matter of Resolution to Approve Pay) Office of County Commissioners
Request No. 1 for the Shelly Company for) Fulton County, Ohio
Asphalt Resurfacing of County Road D) July 7, 2011
(Rd 11-SR 109) Project)

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on July 7, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Commissioners Paul Barnaby, Dean Genter, and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, a pay request (1) has been submitted by the Shelly Company in the amount of \$292,453.98 for work performed under Contract 2011-56 for the Asphalt Resurfacing of County Road D, between Road 11 and SR 109, project; and

WHEREAS, the County Engineer has reviewed said pay request and recommends the approval as submitted; and

THEREFORE BE IT RESOLVED, that the Fulton County Board of Commissioners hereby approves the pay request (1) for the Shelly Company as submitted in the amount of \$292,453.98; and

BE IT FURTHER RESOLVED that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Commissioner _____ seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:	Voting Nay thereon:	Abstain:
_____ Dean Genter	_____ Dean Genter	_____ Dean Genter
_____ Paul Barnaby	_____ Paul Barnaby	_____ Paul Barnaby
_____ Perry Rupp	_____ Perry Rupp	_____ Perry Rupp

**BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO**

Attest: _____
Jennifer L. Connors, Clerk

cc: Eng.; Project File

RESOLUTION 2011-672

In the Matter of Resolution to Authorize Board) Office of County Commissioners
President to Execute Grant Agreement with the Ohio) Fulton County, Ohio
Public Works Commission for the County Road T,) July 7, 2011
From Road 7 and SR 64, Reconstruction Project)

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on July 7, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Paul Barnaby, Dean Genter, and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, Fulton County requested financial assistance from the Ohio Public Works Commission (OPWC) for the County Road T, from Road 7 to State Route 64, Reconstruction Project, in the amount of \$275,000; and

WHEREAS, the Board of Commissioners has received notice from the Ohio Public Works Commission thereby indicating approval for the request of financial assistance in the form of a **grant** in the amount of \$275,000; and

WHEREAS, a Grant Agreement has been submitted for the Commissioners review and approval on behalf of the County Engineer; and

WHEREAS, OPWC’s approval and Grant Agreement is dated July 1, 2011 and the grant has been assigned **Project Number CE090** by OPWC;

THEREFORE BE IT RESOLVED, the Fulton County Board of Commissioners hereby approve the Grant Agreement as attached hereto and incorporated herein and authorize Board President, Paul Barnaby, to execute the **Grant Agreement** with the Ohio Public Works Commission as presented for the **County Road T, from Road 7 to SR 64 Reconstruction Project, OPWC Project Number CE090;** and

BE IT FURTHER RESOLVED, that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Commissioner _____ seconded the motion and upon calling the roll, the following vote was taken:

Voting Aye thereon:	Voting Nay thereon:	Abstain:
_____ Paul Barnaby	_____ Paul Barnaby	_____ Paul Barnaby
_____ Dean Genter	_____ Dean Genter	_____ Dean Genter
_____ Perry Rupp	_____ Perry Rupp	_____ Perry Rupp

**BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO**

Attest: _____
Jennifer L. Connors, Clerk

Copy to: Contract File, Engineer; OPWC

RESOLUTION 2011-673

In the Matter of Resolution to Authorize Board) Office of County Commissioners
President to Execute Loan Agreement with the Ohio) Fulton County, Ohio
Public Works Commission for the Bridge T64.9) July 7, 2011
Replacement Project)

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on July 7, 2011, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Paul Barnaby, Dean Genter, and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

WHEREAS, Fulton County requested financial assistance from the Ohio Public Works Commission (OPWC) for the Bridge T64.9 Replacement Project, in the amount of \$125,405.00; and

WHEREAS, the Board of Commissioners has received notice from the Ohio Public Works Commission thereby indicating approval for the request of financial assistance in the form of a **loan** in the amount of \$125,405.00; and

WHEREAS, a Loan Agreement has been submitted for the Commissioners review and approval on behalf of the County Engineer; and

WHEREAS, OPWC’s approval and Loan Agreement is dated July 1, 2011 and the loan has been assigned **Project Number CE380** by OPWC;

THEREFORE BE IT RESOLVED, the Fulton County Board of Commissioners hereby approve the Loan Agreement as attached hereto and incorporated herein and authorize Board President, Paul Barnaby, to execute the **Loan Agreement** with the Ohio Public Works Commission as presented for the **Bridge T64.9 Replacement Project, OPWC Project Number CE380,** on behalf of the County Engineer; and

BE IT FURTHER RESOLVED, that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Commissioner _____ seconded the motion and upon calling the roll, the following vote was taken:

Voting Aye thereon:	Voting Nay thereon:	Abstain:
_____ Paul Barnaby	_____ Paul Barnaby	_____ Paul Barnaby
_____ Dean Genter	_____ Dean Genter	_____ Dean Genter
_____ Perry Rupp	_____ Perry Rupp	_____ Perry Rupp

**BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO**

Attest: _____
Jennifer L. Connors, Clerk

Copy to: Contract File, Engineer; OPWC

RESOLUTION 2011-675

In the Matter of Resolution Approving) Office of County Commissioners,
Purchase Orders and Travel Requests) Fulton County, Ohio
) July 7, 2011

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on July 7, 2011, at 152 South Fulton Street, Wauseon, Ohio, with all members present:

Commissioners Paul Barnaby, Dean Genter, and Perry Rupp

Commissioner _____ moved for the adoption of the following resolution:

BE IT RESOLVED , that the Fulton County Commissioners will sign a Purchase Order computer edit list prepared by the Fulton County Auditor, in addition to signing each individual purchase order, if necessary. Said Purchase Order Edit List will be on file in the Fulton County Commissioners Office in lieu of being journalized, and;

BE IT FURTHER RESOLVED, that the Board of Commissioners approve travel requests as submitted, and;

BE IT FURTHER RESOLVED that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Commissioner _____ seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:

Voting Nay thereon:

Abstain:

Paul Barnaby

Paul Barnaby

Paul Barnaby

Dean Genter

Dean Genter

Dean Genter

Perry Rupp

Perry Rupp

Perry Rupp

**BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO**

Attest: _____
Jennifer L. Connors, Clerk

Copy To: File

RESOLUTION 2011-676

**COMMISSIONER'S FINDING FOR THE IMPROVEMENT;
DIRECT COUNTY ENGINEER TO CONDUCT SURVEY, CREATE PLANS, MAPS, AND
PROFILES, AND CALCULATE ESTIMATED ASSESSMENTS**

Revised Code, Sec. 6131.12

*In the Matter of the Single) Office of County Commissioners,
County Ditch No. 2114 Petitioned) Fulton County, Ohio
for by LARRY VANDENBUSCHE) July 7, 2011*

*The Board of County Commissioners of Fulton County, Ohio met in **regular** session on the **7th day of July, 2011** at the office of said board with the following members present:*

**Commissioner Paul Barnaby
Commissioner Dean Genter
Commissioner Perry Rupp**

Commissioner RUPP moved the adoption of the following Resolution:

WHEREAS, *This being the day fixed by the Board in its order dated the **4th day of April, 2011**, for the hearing on the petition in the above named improvement, the Board met at office of said Board, and conducted the hearing by causing the petition to be publicly read, together with all applications for and against the improvement, and*

WHEREAS, *After proper examination, 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 Board made an actual view of the proposed improvement on **June 6, 2011** 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 therefor; and*

WHEREAS, *The Board has given consideration to the protection of environmentally significant areas when those areas could be adversely affected by the construction of the proposed improvement and has given consideration, where necessary to alternative plans providing for that protection as well as for construction of the proposed improvement.*

THEREFORE, BE IT RESOLVED, *by the Board of County Commissioners of Fulton County, Ohio, that it is hereby found that the proposed improvement petitioned for is necessary and will be conducive to the public welfare, and it is reasonably certain that the cost thereof will be less than the benefits, and the prayer of the petition is hereby granted; and it further finds that the following described route and termini of the proposed improvement and of the branches, spurs and laterals thereof, and the manner of constructing the same are the best and the same are hereby adopted and prescribed by the Board:*

Commencing approximately 400 feet west and 800 feet north of the Southeast Corner of the Southwest Quarter of Section 8T-9S-R4E in Amboy Township, Fulton County, Ohio.

Thence, continuing to the east, following the course of the present open ditch, to Branch 7 of Ten Mile Creek and there to terminate.

This ditch is known as Branch 7a of Ten Mile Creek.

BE IT FURTHER RESOLVED, *That the County Engineer be and he is hereby directed to cause to be made 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 cutting 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 Revised Code of Ohio, and*

BE IT FURTHER RESOLVED, That the 20th day of **October, 2011**, at **10:00 a.m.** is hereby fixed as the time for filing with the Clerk of the County Commissioners all of the plans, maps, profiles, schedules and reports prepared by the County Engineer; and

BE IT FURTHER RESOLVED, That further hearing on the improvement is hereby adjourned to the date above fixed for the filing of the reports, plans, and schedules by the County Engineer.

Commissioner GENTER seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye thereon:

Voting Nay thereon:

Abstain:

Paul Barnaby

Paul Barnaby

Paul Barnaby

Dean Genter

Dean Genter

Dean Genter

Perry Rupp

Perry Rupp

Perry Rupp

**BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO**

Attest: _____
Jennifer L. Connors, Clerk

CC: Rod Creager
File