

Moved by Mr. Humphrey, seconded by Mr. Proud,

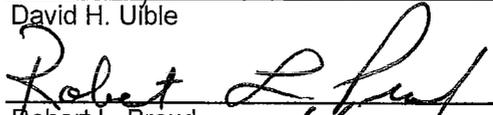
Recommendation that the Board of County Commissioners adopt Resolution Number 38-14 resolving to approve payment to vendors **in the total amount of \$2,425,316.45** as set forth in the BCC Approval Invoice Report(s) For Checks Dated **April 9, 2014**, Vendor Invoice List Report(s), Items paid by Fund and Check Date Range report and/or Procurement Card Transaction Report presented by the County Auditor 4/7/2014 and further authorizing the County Auditor to issue warrants for same pursuant to Section 319.16 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

David H. Uible,	<u>YES</u>
Robert L. Proud,	<u>YEA</u>
Edwin H. Humphrey,	<u>Aye</u>

Date Adopted: April 9, 2014


David H. Uible


Robert L. Proud


Edwin H. Humphrey

The Board of County Commissioners of Clermont County, Ohio, met in Regular Session on the 9th day of April 2014, at the Office of said Board with the following members present:

David H. Uible, President
Robert L. Proud, Vice President
Edwin H. Humphrey, Member

Mr. Humphrey moved for the adoption of the following Resolution:

RESOLUTION NUMBER 39-14

RESOLUTION AUTHORIZING THE OHIO DEPARTMENT OF TRANSPORTATION TO PROCEED WITH ODOT PROJECT NUMBER CLE SR 125-6.90, PID NUMBER 85233 (FORMERLY IDENTIFIED AS 82533), TO PERFORM WATER AND SANITARY SEWER UTILITY RELOCATION WORK WITHIN THE RIGHT-OF-WAY ALONG STATE ROUTE 125 FOR INTERSECTION IMPROVEMENTS AT STATE ROUTE 125 AND STATE ROUTE 132 LOCATED IN BATAVIA AND PIERCE TOWNSHIPS

WHEREAS, the Clermont County Water Resources Department has previously installed water and sanitary sewer mains and appurtenances in the right-of-way of State Route 125 located in Batavia and Pierce Townships, Clermont County, Ohio, as part of the County Waterworks and Wastewater Systems; and

WHEREAS, the Board of County Commissioners of Clermont County, Ohio, has been notified by the Ohio Department of Transportation (ODOT) that water and sanitary sewer utility relocation work must be completed in conjunction with ODOT Project Number CLE SR 125-6.90, PID Number 85233 (formerly identified as 82533), for intersection improvements at State Route 125 and State Route 132 located in Batavia and Pierce Townships, Clermont County, Ohio, which project consists of relocation of portions of a 6 and 8 inch water main and appurtenances and adjusting sanitary sewer manholes to grade; and

WHEREAS, on December 11, 2013, the Board of County Commissioners of Clermont County, Ohio, adopted Resolution Number 180-13 proposing cooperation with ODOT for intersection improvements at State Route 125 and State Route 132 located in Batavia and Pierce Townships, Clermont County, Ohio; and

WHEREAS, the Board of County Commissioners of Clermont County, Ohio, desires to cooperate with ODOT in the above described project as follows:

1. The Board of County Commissioners agrees to pay 100% of the cost of the project necessary for relocating approximately 30 linear feet of 6 inch water main and appurtenances, 30 linear feet of 8 inch water main and appurtenances, and adjusting three sanitary sewer manholes to grade along State Route 125 in Batavia and Pierce Townships within the existing ODOT right-of-way easement as indicated in the construction plans.
2. The Board of County Commissioners agrees to pay 100% of the cost of any construction items requested by the County on the entire improvement, which are not necessary for the improvement, as determined by the State and Federal Highway Administration; and

WHEREAS, the share of the cost to the County is now estimated by ODOT to be Thirty Two Thousand Six Hundred Fifty Dollars (\$32,650.00), but said estimated amount is to be adjusted in order that the County's ultimate share of the improvement shall correspond with said percentages of actual costs when the actual costs are determined; and

WHEREAS, ODOT has approved the legislation proposing cooperation and has caused to make plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to the Board of County Commissioners of Clermont County, Ohio; and

WHEREAS, the Board of County Commissioners desires the Director of ODOT to proceed with the above described highway improvement.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Clermont County, Ohio, with at least two-thirds of its members concurring as follows:

SECTION 1. That the Board of County Commissioners of Clermont County, Ohio, agrees to appropriate the estimated sum of Thirty Two Thousand Six Hundred Fifty Dollars (\$32,650.00) in accordance with the Fiscal Officer's Certificate, attached hereto and made a part hereof, and agrees to pay said sum upon the requisition of the Director of Transportation to pay the cost and expense of the County's portion of ODOT Project Number CLE SR 125-6.90, PID Number 85233, in and as it relates to water and sanitary sewer utility relocation work along State Route 125 located in Batavia and Pierce Townships, and to pay in the first instance the cost and expense attributable to the County's portion of the improvement over and above the amount to be paid from Federal Funds.

SECTION 2. That the Board of County Commissioners of Clermont County, Ohio, hereby requests the Director of ODOT to proceed with the above described highway project.

SECTION 3. That the Board of County Commissioners of Clermont County, Ohio, enters into an Agreement with the Ohio Department of Transportation, providing for the payment by the County of the money set forth herein for the described project.

SECTION 4. That a certified copy of this Resolution along with the Agreement, Official Highway Invoice Number 10352 and payment be transmitted to the Ohio Department of Transportation.

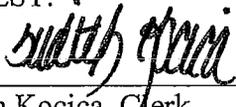
SECTION 5. This Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

The motion was seconded by Mr. Proud and, upon call of the roll, the vote was as follows:

Mr. Uible Yes; Mr. Proud Yea; Mr. Humphrey Aye.

PASSED: April 9, 2014.

ATTEST:



Judith Kocica, Clerk
Board of County Commissioners
Clermont County, Ohio

This Resolution was approved as to form by the
Office of the Clermont County Prosecutor's Office



Allan Edwards, Ass't Prosecuting Attorney

Date: 3-19-14

RESOLUTION NO. 40 -14

The Board of County Commissioners, Clermont County, Ohio, met in regular session on the 9th day of April 2014, with the following members present:

David H. Uible, President

Robert L. Proud, Vice President

Edwin H. Humphrey, Member

Mr. Proud moved for the adoption of the following Resolution:

RESOLUTION RESCINDING RESOLUTION NUMBER 163-12 AUTHORIZING THE TRANSFER OF REAL PROPERTY LOCATED IN PIERCE TOWNSHIP AND KNOWN AND DEDICATED AS PARCEL NUMBERS 28-28-07A-104. AND 28-28-07A-146. OF THE RECORDS OF THE CLERMONT COUNTY AUDITOR TO THE CLERMONT COUNTY CIC, INC.

WHEREAS, the Ohio Attorney General issued Opinion No. 2014-003 on February 4, 2014 advising, in part, that a board of county commissioners has no authority to transfer real property other than lands or interest in lands owned by the county to an economic development corporation; and

WHEREAS, said opinion states that a board of county commissioners has no authority to convey buildings to an economic development corporation, thus rendering impractical the action taken by this Board on October 24, 2012, Resolution Number 163-12; and

WHEREAS; and the Clermont County CIC, Inc. did not take formal action to accept the property and did not record the deed with the Clermont County Recorder;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Clermont County, Ohio with at least two-thirds of its members thereto concurring as follows:

SECTION I

Resolution Number 163-12 is hereby rescinded; and the subject real property shall remain titled in the Board of County Commissioners of Clermont County, Ohio, aka The County of Clermont, State of Ohio.

SECTION II

This rescission renders all actions taken in furtherance of Resolution Number 163-12 including deed preparation, execution, delivery and acceptance to be null and void *ab initio*. This action shall place both parties – the Board of County Commissioners and the Clermont County CIC, Inc. – back in the respective positions they occupied prior to the October 24, 2012 resolution.

SECTION III

That the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Mr. Humphrey seconded the motion and on roll call, the vote resulted as follows:

Mr. Humphrey	<u>Aye</u>
Mr. Uible	<u>Yes</u>
Mr. Proud	<u>Yea</u>

This Resolution was duly passed on the 9th day of April, 2014.

ATTEST:

Judith A. Kocija
Judith A. Kocija, Clerk of the
Board of County Commissioners

This Resolution was prepared and approved as to form by the Office of the Prosecuting Attorney of Clermont County, Ohio

By: Michael McLachlan

Assistant Prosecuting Attorney

Date: April 22, 2014