

Moved by Mr. Uible, seconded by Mr. Humphrey

Recommendation that the Board of County Commissioners adopt Resolution Number 105-14 resolving to approve payment to vendors in the total amount of \$1,601,458.83 as set forth in the BCC Approval Invoice Report(s) For Checks Dated June 22, 2016, BCC Directed Pre-Paid Invoices Report(s), 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 6/20/2016, 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:

Robert L. Proud,	<u>yes</u>
David H. Uible,	<u>yes</u>
Edwin H. Humphrey,	<u>aye</u>

Date Adopted: June 22, 2016

Robert L. Proud  
Robert L. Proud, President

David H. Uible  
David H. Uible, Vice-President

Edwin H. Humphrey  
Edwin H. Humphrey, Member

RESOLUTION NO. 106-16

The Board of County Commissioners of Clermont County, Ohio, met in regular session on the 22<sup>nd</sup> day of June 2016, with the following members present:

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

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

**RESOLUTION ACCEPTING RECOMMENDATION OF ENGINEER;  
TERMINATING PERFORMANCE BOND AND ACTIVATING  
MAINTENANCE BOND OF COMBINED PERFORMANCE AND  
MAINTENANCE BOND DOCUMENTS FOR THE RESERVES OF  
WETHERBY FARMS SUBDIVISION, SECTION 8B, IN UNION  
TOWNSHIP.**

WHEREAS; the Board has previously by Resolution dated January 8, 2014 as appears in Commissioners' Journal 310, accepted a Combined Performance and Maintenance Bond of M/I Homes of Cincinnati, LLC., as principal and The International Fidelity Insurance Company as surety for the development and construction of Ellson Road, and London Court and related improvements of The Reserves of Wetherby Farms, Section 8B, and

WHEREAS, the office of the County Engineer has inspected the right-of-way and related improvements, and approves they have been constructed according to the plans and specifications previously approved; and

WHEREAS, the Combined Performance and Maintenance Bond by its own terms requires a conversion to a Maintenance Bond for a period of one year to insure that the above-referenced principal maintain the improvements in accordance with the subdivision regulations of Clermont County, Ohio.

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

1. That the performance provisions of the above referenced bond have been completed and the bond is released as to the performance aspects. The surety represented by the previously referenced bond shall continue as surety for the maintenance aspects of the bond.
2. That the Maintenance Bond provisions of the Combined Performance and Maintenance Bonds are hereby effective and activated and that the said principal and sureties shall remain firmly bound to Clermont County, Ohio in the penal sum of \$10,000.00 as previously provided and shall continue to be so responsible for a period of one year of use from the date of this conversion during which period the Maintenance Bond shall remain in full force and effect upon the terms previously specified in said Bond.
3. That the Clerk shall certify this Resolution to the County Engineer who shall notify the principal and sureties of this conversion of the bond pursuant to its terms.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of the Resolution were taken in an open meeting 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 the applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr. Uible seconded the motion and upon roll call, the

vote was as follows:

Mr. Proud Yes; Mr. Uible Yes; Mr. Humphrey Yes;

DATED: SEP 22, 2010

ATTEST:

Judith Kocica  
JUDITH KOCICA, CLERK  
Board of County Commissioners

RESOLUTION NO. 107-16

The Board of County Commissioners of Clermont County, Ohio, met in regular session on the 22<sup>nd</sup> day of June 2016, with the following members present:

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

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

**RESOLUTION ACCEPTING RECOMMENDATION OF ENGINEER;  
TERMINATING PERFORMANCE BOND AND ACTIVATING  
MAINTENANCE BOND OF COMBINED PERFORMANCE AND  
MAINTENANCE BOND DOCUMENTS FOR THE RESERVES OF  
WETHERBY FARMS SUBDIVISION, SECTION 8C, IN UNION  
TOWNSHIP.**

WHEREAS, the Board has previously by Resolution dated September 24, 2014 as appears in Commissioners' Journal 310, accepted a Combined Performance and Maintenance Bond of M/I Homes of Cincinnati, LLC., as principal and The Hanover Insurance Company as surety for the development and construction of London Court and related improvements of The Reserves of Wetherby Farms, Section 8C, and

WHEREAS, the office of the County Engineer has inspected the right-of-way and related improvements, and approves they have been constructed according to the plans and specifications previously approved; and

WHEREAS, the Combined Performance and Maintenance Bond by its own terms requires a conversion to a Maintenance Bond for a period of one year to insure that the above-referenced principal maintain the improvements in accordance with the subdivision regulations of Clermont County, Ohio.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the performance provisions of the above referenced bond have been completed and the bond is released as to the performance aspects. The surety represented by the previously referenced bond shall continue as surety for the maintenance aspects of the bond.
2. That the Maintenance Bond provisions of the Combined Performance and Maintenance Bonds are hereby effective and activated and that the said principal and sureties shall remain firmly bound to Clermont County, Ohio in the penal sum of \$10,000.00 as previously provided and shall continue to be so responsible for a period of one year of use from the date of this conversion during which period the Maintenance Bond shall remain in full force and effect upon the terms previously specified in said Bond.
3. That the Clerk shall certify this Resolution to the County Engineer who shall notify the principal and sureties of this conversion of the bond pursuant to its terms.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of the Resolution were taken in an open meeting 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 the applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr. Uible seconded the motion and upon roll call, the

vote was as follows:

Mr. Proud yes; Mr. Uible yes; Mr. Humphrey aye

DATED: JUN 22, 2016

ATTEST:

Judith Kocica  
JUDITH KOCICA, CLERK  
Board of County Commissioners

**RESOLUTION NO. 108 -16**

The Board of County Commissioners, Clermont County, Ohio, met in regular session on the 22<sup>nd</sup> day of June, 2016, with the following members present:

Robert L. Proud, President

David H. Uible, Vice President

Edwin H. Humphrey, Member

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

**RESOLUTION GRANTING ANNEXATION OF 0.1963 ACRES OF LAND OWNED BY ALMA JEAN MILLER AND TERRY DYER TO THE VILLAGE OF AMELIA IN CLERMONT COUNTY, OHIO**

**WHEREAS**, the Petition for Annexation of 0.1963 acres of land constituting territory contiguous to the Village of Amelia in Batavia Township, Clermont County, Ohio was filed by Todd Hart, agent for the Petitioners, Alma Jean Miller and Terry Dyer, which constitute the sole owners of the real estate sought to be annexed, with the Board of County Commissioners of Clermont County, Ohio on March 14, 2016 pursuant to **Ohio Revised Code Section 709.02**; and

**WHEREAS**, said Petition meets all the requirements set forth in, and was filed in the manner provided in, Section 709.02 of the Revised Code; and

**WHEREAS**, the persons who signed the petition are the sole owners of real estate located in the territory proposed to be annexed in the petition and, as of the time the petition was filed with the Board of County Commissioners, the number of valid signatures on the petition constituted a majority of the owners of real estate in that territory; and

**WHEREAS**, the municipal corporation to which the territory is proposed to be annexed, the Village of Amelia, has complied with division (D) of section 709.03 of the Revised Code by passing Ordinance O-2016-15 in compliance with said section and filing the Ordinance with the

Board of County Commissioners more than twenty days before the date of the public hearing on the annexation petition; and

**WHEREAS**, we find, based on the arguments of the agent for petitioners as well as the opinion of the Clermont County Engineer's Office that the revised plat and legal description are acceptable for annexation purposes, that the territory proposed to be annexed is not unreasonably large; and

**WHEREAS**, this board received no correspondence evidencing any detriment to be caused by the proposed annexation, nor did any person speak against the proposed annexation at the public hearing held pursuant to notice on June 8, 2016; and

**WHEREAS**, following the public hearing and based upon a preponderance of the substantial, reliable, and probative evidence on the whole record, this Board finds that, on balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding area will outweigh the detriments to the territory proposed to be annexed and the surrounding area, if the annexation petition is granted; and

**WHEREAS**, the street or highway that will be divided or segmented by the boundary line between a township and the municipal corporation will be maintained by the municipality as an agreed condition to the annexation,

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of Clermont County, Ohio,

That, pursuant to Ohio Revised Code Section 709.033(A), we find, based upon a preponderance of the substantial, reliable, and probative evidence on the whole record, that each of the six (6) conditions of this statute have been met and the Petition for Annexation of territory

described therein to the Village of Amelia, Clermont County, Ohio, be and hereby is granted; and the Clerk of the Board of County Commissioners of Clermont County, Ohio, is hereby directed to enter on the journal all of the orders of and relating to the annexation and to deliver a certified copy of the entire record of the annexation proceedings, including resolution of the Board, signed by a majority of the members of the Board, the Petition, map, and all other papers on file to the Clerk of the Village of Amelia.

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 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.

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

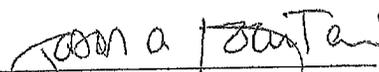
Mr. Proud	<u>Yea</u>
Mr. Uible	<u>Yes</u>
Mr. Humphrey	<u>Aye</u>

This Resolution was duly passed on the 22nd day of June, 2016.

ATTEST:

  
\_\_\_\_\_  
Judith A. Kocica, 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:   
\_\_\_\_\_  
Jason A. Fountain  
Assistant Prosecuting Attorney

Date: June 16, 2016

**RESOLUTION NUMBER 109-16**

The Board of County Commissioners of Clermont County, Ohio, met in Regular Session on the 22<sup>nd</sup> day of June, 2016, with the following members present:

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

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

**RESOLUTION DETERMINING TO VACATE A PORTION OF EASTGATE SOUTH DRIVE (C-384) IN UNION TOWNSHIP, CLERMONT COUNTY, OHIO**

**WHEREAS**, the Board of County Commissioners has determined pursuant to Section 5553.04 of the Ohio Revised Code to investigate whether the vacation of a portion of Eastgate South Drive(C-384) in Union Township, Clermont County, Ohio, would be for the public convenience and welfare subsequent to the receipt of a request submitted by David F. Baker, Secretary, BSM Investments III, LLC, for and on behalf of BSM Eastgate Boulevard, LLC, 3011 Armory Drive, Suite 120, Nashville, Tennessee 37204, in and as it relates thereto; and,

**WHEREAS**, pursuant to Sections 5553.06 and 5553.07 of the Ohio Revised Code, the County Engineer has reviewed the area proposed to be vacated and has approved the appropriate legal description therefore; and,

**WHEREAS**, the Board of County Commissioners has viewed the proposed area to be vacated and has held a public hearing concerning the proposed vacation of a portion of Eastgate South Drive(C-384) in Union Township, on June 22, 2016, which is recorded in Commissioners' Journal Number 313, and,

**WHEREAS**, all appropriate statutory procedures have been followed according to the Ohio Revised Code;

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

**SECTION I**

That the Board of County Commissioners hereby determines that the public convenience and welfare would be best served by the vacation of a portion of Eastgate South Drive(C-384) in Union Township and in Mathews Military Survey Number 1138, and as described, is hereby vacated, to wit:

Commencing at the point of intersection of the centerline of State Route 32 and the centerline of Eastgate Boulevard as per the right of way drawings for Interstate Route 275, Section 6.68; Thence along the centerline of Eastgate Boulevard, S 17°58'27" W for a distance of 315.16 feet to a point of curvature;

Thence continuing with the centerline of said Boulevard along a curve to the right with the arc length of 322.56 feet, a radius of 572.96 feet, a chord bearing of S 34°06'08" W and a chord length of 318.32 feet to a point;

Thence continuing with the centerline of said Boulevard, S 50°13'50" W for a distance of 520.32 feet to a set mag nail at the southeast corner of Sears Roebuck & Company property as recorded in Official Record 2504, Page 1516;

Thence leaving the centerline of said Eastgate Boulevard, with the east line of said Sears parcel and the westerly right-of-way of Eastgate South Drive as recorded in Deed Book 719, Page 263, N 39°45'34" W for a distance of 30.00 feet to a set 5/8 inch iron pin with cap stamped CEC in the northerly right-of-way of Eastgate Boulevard and Eastgate South Drive;

Thence continuing with said east line of Sears, and the westerly right-of-way of Eastgate South Drive, N 18°25'16" E for a distance of 65.03 feet to a set 5/8 inch iron pin with cap stamped CEC, said point being S 82°21'36" W a distance of 5593.57 feet from Clermont County Monument 206Reset; and being the POINT OF BEGINNING for the herein described tract;

Thence continuing with said east line of Sears and the westerly right-of-way of Eastgate South Drive along the arc to the right with a radius of 117.00 feet, an arch length of 85.69 feet, a chord bearing N 18° 46'35" W, and a chord length of 83.79 feet to a found 1/2" iron pin with no cap;

Thence leaving the east line of Sears and said westerly right-of-way of Eastgate South Drive with a new severance line, the following three (3) courses:

1. S 39°46'10" E for a distance of 15.55 feet to a set 5/8 inch iron pin with CEC cap;
2. S 27°28'06" E for a distance of 52.15 feet to a set 5/8" iron pin with CEC cap;
3. S 18°25'16" W for a distance of 22.29 feet to the True POINT OF BEGINNING containing 0.025 acres more or less, subject to all legal highways and easements of record at the time of recording of the instrument.

The above basis of bearings is U.S State Plane, NAD83, Ohio South Zone. State Plane Coordinates taken to ground at Latitude N 39°05'48.29122", Longitude W 84°16'40.02081", Project Height 766.121', Ground scale factor of 1.0000881294.

The above legal description is based on a land survey performed under my supervision on March 10, 2016 by Civil & Environmental Consultants, Inc. Michael J. Wilson, Professional Surveyor No. 8281

**SECTION II**

That the Board of County Commissioners further finds that as to the issue of compensation and damages pursuant to Section 5553.09 of the Ohio Revised Code, no compensation and damages are necessary in this proceeding and none are awarded at this final hearing.

**SECTION III**

That the Clerk of the Board shall certify a copy of these proceedings to the Board of Union Township Trustees, the County Engineer, and the County Auditor.

**SECTION IV**

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 the 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 applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

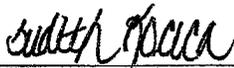
Mr. Uible seconded the foregoing Resolution and upon roll call the vote was as follows:

Mr. Humphrey, Aye;

Mr. Uible, Yes;

Mr. Proud, Yea.

ATTEST:



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

Adopted: June 22, 2016