

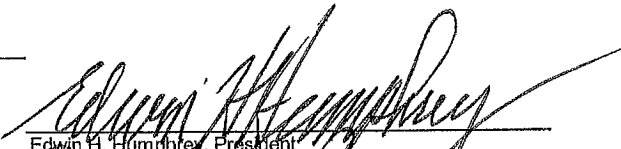
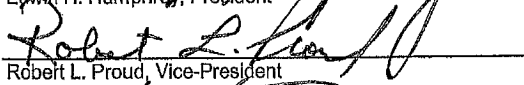

Moved by Mr. Proud, seconded by Mr. Uible,

Recommendation that the Board of County Commissioners adopt Resolution Number 104-19 resolving to approve payment to vendors in the total amount of \$1,157,623.53 as set forth in the BCC Approval Invoice Report(s) For Checks Dated November 4, 2015, 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 11/02/2015, 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:

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

Date Adopted: November 4, 2015

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

RESOLUTION NO. 165 -15

The Board of County Commissioners, Clermont County, Ohio, met in regular session on the 4th day of November 2015, with the following members present:

Edwin H. Humphrey, President

Robert L. Proud, Vice President

David H. Uible, Member

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

RESOLUTION FINDING THAT ENCLAVE, LLC FAILED TO COMPLETE THE TERMS OF THE THREE YEAR PERFORMANCE BOND FOR SIDEWALKS DATED THE 26th DAY OF OCTOBER 2005, SECURED BY AN INSURANCE BOND NUMBER B98802013991 OF THE AMERICAN SOUTHERN INSURANCE COMPANY, ATLANTA, GEORGIA, AND AUTHORIZING RECOVERY AGAINST SAID BOND FOR COMPLETION OF THE PERFORMANCE ASPECTS OF THE BOND

WHEREAS, Enclave, LLC submitted a Performance Bond for the construction of sidewalks covering the subdivision known as The Enclave at O'Bannon Creek, Goshen Township, Clermont County, Ohio, which Bond was dated the 26th day of October 2005, and secured by an Insurance Bond number B98802013991 of American Southern Insurance Company, 3715 Northside Pkwy, NW, Bldg 400, Ste 800, Atlanta, Georgia, 30327; and

WHEREAS, upon recommendation of the Office of the County Engineer, the Board finds that the performance to be undertaken has not been completed in a timely manner in accordance with the terms and conditions of the Bond.

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

That the Board of County Commissioners hereby certifies that Enclave, LLC has defaulted on its contract obligations to the County pursuant to the sidewalk Performance Bond from Enclave, LLC executed the 26th day of October, 2005, by failing to perform the completion, construction, repair and maintenance of sidewalks, and the Board of County Commissioners therefore certifies that Enclave, LLC has not fulfilled its contract obligations as called for in the subdividers contract for The Enclave at O'Bannon Creek Subdivision, and therefore the Board of County Commissioners is obligated to complete said performance in the amount represented by the accompanying draft which is due and owing to Clermont County.

SECTION II

That the Board hereby determines that the amount necessary to complete and perform such construction and/or maintenance activities to cure the default of Enclave, LLC is in the amount of \$36,740.00 and that the County Engineer is hereby authorized and directed to present to American Southern Insurance Company, a certified copy of this Resolution, together with a demand in the amount of \$36,740.00 for payment under terms and conditions of the Insurance Bond Number B98802013991.

SECTION III

That the County Engineer, upon review and approval by the Office of the Prosecuting Attorney of Clermont County is hereby authorized to execute all necessary documents, including sending written notice to Enclave, LLC and American Southern Insurance Company that the bond has been declared in default on behalf of Clermont County and/or the Clermont County Board of Commissioners to take any actions for the collection of the sum necessary to perform the completion, construction, repair and maintenance of sidewalks from the aforementioned Insurance Bond.

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 this Board, and that all deliberations of the Board and its Committees, if any, which resulted in formal action, were taken in meeting open to the public, in full compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code.

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

Mr. Humphrey

Aye

Mr. Proud

Yea

Mr. Uible

Yes

This Resolution was duly passed on the 4th day of November 2015.

ATTEST:

Judith Kocica

Judith Kocica, Clerk
Board of County Commissioners

APPROVED:

Patrick J. Manger

Patrick J. Manger, County Engineer

Certification of Clerk

State of Ohio }
 } ss:
 County of Clermont }

I, Judie Kocica, duly appointed Clerk of the Board of County Commissioners, being duly cautioned and sworn state as follows:

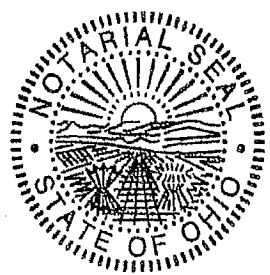
1. I am the duly appointed Clerk of the Board of County Commissioners of Clermont County, Ohio and as such, am the custodian of records of said public body.
2. As such custodian, I hereby attest that the foregoing Resolution is a true and accurate copy of the official action of the Board of Commissioners finding that Enclave, LLC has not performed on the contract between Enclave, LLC and the Board of County Commissioners, Clermont County, Ohio, relative to the completion, construction, repair and maintenance of sidewalks in The Enclave at O'Bannon Creek Subdivision, Clermont County, Ohio.
3. That this Resolution was adopted in accordance with the laws of the State of Ohio to recover on Insurance Bond Number B98802013991, issued by American Southern Insurance Company, dated the 26th of October, 2005.
4. Further the Affiant sayeth not.

Judith A. Kocica
 Judith A. Kocica

Sworn to and subscribed before me this 4th day of November, 2015.

Elizabeth D. Haddad
 Notary Public

This Resolution was prepared and approved as to form by the Office of the Prosecuting Attorney of Clermont County Ohio.
 By: *Allan T. Edwards*
 Allan T. Edwards
 Assistant Prosecuting Attorney
 Date: 9-30-15



ELIZABETH D. HADDAD
 NOTARY PUBLIC
 STATE OF OHIO
 Recorded in
 Clermont County
 My Comm. Exp. 12/19