

RESOLUTION NO. 183-18

The Board of County Commissioners of Clermont County, Ohio, met in regular session on the 28th day of November 2018, with the following members present:

Edwin H. Humphrey, President

David L. Painter, Vice President

David H. Uible, Member

Mr. Uible 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 LEXINGTON RUN
BUGLER'S SOUND SUBDIVISION, PHASE 4 IN BATAVIA
TOWNSHIP.**

WHEREAS, the Board has previously by Resolution dated October 7, 2015 as appears in Commissioners' Journal 312, accepted a Combined Performance and Maintenance Bond of The Fischer Development Company as principal and Westchester Fire Insurance Company as surety for the development and construction of Triple Crown Court and Keeneland Run and related improvements of Lexington Run Bugler's Sound Subdivision, Phase 4, 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.

Code. Painter
Mr. _____ seconded the motion and upon roll call, the

vote was as follows:

Mr. Humphrey aye; Mr. Painter yes; Mr. Uible yes;

DATED: November 29, 2018

ATTEST:

Judith Kocica
JUDITH KOCICA, CLERK
Board of County Commissioners

RESOLUTION NO. 184-18

The Board of County Commissioners of Clermont County, Ohio, met in regular session on the 28th day of November 2018, with the following members present:

- Edwin H. Humphrey, President
- David L. Painter, Vice President
- David H. Uible, Member

Mr. Uible 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 LEXINGTON RUN
CHAMPION'S CROSSING SUBDIVISION, PHASE 4 IN BATAVIA
TOWNSHIP.**

WHEREAS, the Board has previously by Resolution dated December 2, 2015 as appears in Commissioners' Journal 312, accepted a Combined Performance and Maintenance Bond of The Fischer Development Company as principal and RLI Insurance Company as surety for the development and construction of Bluegrass Boulevard and related improvements of Lexington Run Champion's Crossing Subdivision, Phase 4, 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. Painter seconded the motion and upon roll call, the

vote was as follows:

Mr. Humphrey aye; Mr. Painter yes; Mr. Uible yes;

DATED: NOVEMBER 28, 2018

ATTEST:

JUDITH KOCICA

JUDITH KOCICA, CLERK
Board of County Commissioners

RESOLUTION NO. 185-18

The Board of County Commissioners of Clermont County, Ohio, met in regular session on the 28th day of November 2018, with the following members present:

Edwin H. Humphrey, President

David L. Painter, Vice President

David H. Uible, Member

Mr. Uible 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 CROSSPOINTE PUD
SUBDIVISION, SECTION THREE, BLOCK B IN BATAVIA
TOWNSHIP.**

WHEREAS, the Board has previously by Resolution dated December 9, 2015 as appears in Commissioners' Journal 312, accepted a Combined Performance and Maintenance Bond of The Drees Company as principal and Liberty Mutual Insurance Company as surety for the development and construction of Legacy Greens Drive and related improvements of Crosspointe PUD Subdivision, Section Three, Block B, 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. Painter seconded the motion and upon roll call, the

vote was as follows:

Mr. Humphrey Aye; Mr. Painter Yes; Mr. Uible Yes;

DATED: November 29, 2018

ATTEST:

Judith Kocica
JUDITH KOCICA, CLERK
Board of County Commissioners

Moved by Mr. Painter, seconded by Mr. Uible

Recommendation that the Board of County Commissioners adopt Resolution Number 186-18 resolving to approve payment to vendors **in the total amount of \$3,472,104.40** as set forth in the BCC Approval Invoice Report(s) For **Checks Dated November 28, 2018**, 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 11/26/2018, 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>
David L. Painter,	<u>yes</u>
David H. Uible,	<u>yes</u>

Date Adopted: November 28, 2018

Edwin H. Humphrey
Edwin H. Humphrey, President

David L. Painter
David L. Painter, Vice-President

David H. Uible
David H. Uible, Member

OR

Thomas J. Eigel, County Administrator

RESOLUTION NO. 187 -18

The Board of County Commissioners, Clermont County, Ohio, met in regular session on the 28th day of November, 2018, with the following members present:

Edwin H. Humphrey, President

David L. Painter, Vice President

David H. Uible, Member

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

RESOLUTION GRANTING ANNEXATION OF 3.1637 ACRES OF LAND OWNED BY CHERYL SUE AND ROY DAMON SMITH TO THE VILLAGE OF FELICITY IN CLERMONT COUNTY, OHIO

WHEREAS, the Petition for Annexation of 3.1637 acres of land constituting territory adjacent to the Village of Felicity in Franklin Township, Clermont County, Ohio was filed by Frank G. Wood II, Agent for the Petitioners, Cheryl Sue and Roy Damon Smith, who constitute 100% of the owners of the real estate sought to be annexed, with the Board of County Commissioners of Clermont County, Ohio on August 2, 2018 pursuant to Ohio Revised Code Section 709.02; and

WHEREAS, Notice of the filing of the petition with the Board of County Commissioners, the date and time of the filing, and the date, time and place of the hearing was delivered to the Mayor of the Village of Felicity and the Fiscal Officer of Franklin Township, by personal service on August 7, 2018 within 5 days of the filing of the petition and upon being notified of the date of the hearing pursuant to Ohio Revised Code Section, Section 709.03(B)(1); and

WHEREAS, Frank G. Wood II, Agent for the petitioners has indicated by affidavit of service of notice that a copy of the petition for annexation of territory with all Exhibits was

mailed by first class mail to the owners of all adjoining property on August 8, 2018, within 10 days of filing the petition pursuant to Section 709.03(B)(2) of the Ohio Revised Code and a follow up notice was sent by first class mail to correct a scrivener's error in the body of the first notice on August 13, 2018; and

WHEREAS, The map or plat and legal description of the perimeter of the territory proposed for annexation is accurate;

WHEREAS, any procedure defect in the annexation process is deemed to be cured pursuant to section 709.015 of the Ohio Revised Code;

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

SECTION I

In accordance with Ohio Revised Code Section 709.033(A), The Board of County Commissioners, based upon a preponderance of the substantial, reliable, and probative evidence on the whole record finds that all of the 6 conditions in that section have been met as follows:

- A. The petition meets all requirements set forth in and was filed in the matter provided in Section 709.02 of the Revised Code.
- B. The persons who signed the petitions are the owners of the 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 the real estate in that territory.
- C. The Municipal Corporation to which the territory is proposed to be annexed has complied with the division (D) of Section 709.03 of the Ohio Revised Code.

- D. The territory proposed to be annexed is not unreasonably large.
- E. 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.
- F. No street or highway will be divided or segmented by the boundary line between a township and the Municipal Corporation as to create a road maintenance problem.

SECTION II

That the Board of County Commissioners having found that based upon a preponderance of a substantial, reliable, and probative evidence on the whole record, that each of the six conditions in 709.033(A) have been met, the Petition for Annexation of territory described therein to the Village of Felicity, 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 the resolution granting annexation and to deliver a certified copy of the Resolution of the Board, to the agent of the Petitioners, the Clerk of the Village of Felicity, and the Franklin Township Fiscal Officer.

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

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

Mr. Humphrey	<u>Aye</u>
Mr. Painter	<u>Yes</u>
Mr. Uible	<u>Yes</u>

This Resolution was duly passed on the 28th day of November, 2018.

Date: November 28, 2018

ATTEST:

Judith A. Kocica
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: Allan L. Edwards
Allan L. Edwards
Assistant Prosecuting Attorney