

RESOLUTION NO. 144-20

The Board of County Commissioners of Clermont County, Ohio, met in regular session on the 2nd day of Sept. 2020, with the following members present:

David L. Painter, President

Edwin H. Humphrey, Vice President

Claire B. Corcoran, Member

Mr. S. Corcoran 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 DERBY PLACE
SUBDIVISION, SECTION 1, BLOCK A, IN BATAVIA TOWNSHIP.**

WHEREAS, the Board has previously by Resolution dated December 12, 2018 as appears in Commissioners' Journal 315, accepted a Combined Performance and Maintenance Bond of Grand Communities, LLC as principal and RLI Insurance Company as surety for the development and construction of Roses Run, Derby Place Road, and Paddock Crossing and related improvements of Derby Place Subdivision, Section 1, Block A, 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 \$15,000.00 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. Humphrey seconded the motion and upon roll call, the vote was as follows:

Mr. Painter Yes; Mr. Humphrey Aye; Mrs. Corcoran Yes

DATED: September 2, 2020

ATTEST:

Holly Cruey
Holly Cruey, Assistant Clerk
Board of County Commissioners

Moved by Mr(s). Humphrey, seconded by Mr(s). Corcoran,

Recommendation that the Board of County Commissioners adopt Resolution Number 145-20 resolving to approve payment to vendors **in the Revised Total Amount of \$1,137,100.97** as set forth in the BCC Approval Invoice Report for **Checks Dated September 2, 2020**, BCC Directed Pre-Paid Invoices Report(s) and/or the Procurement Card Transaction Report as presented by the County Auditor on 8/31/2020, 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 L. Painter,	<u>Yes</u>
Edwin H. Humphrey,	<u>Aye</u>
Claire B. Corcoran,	<u>Yes</u>

Date Adopted: 9/2/20

David L. Painter
David L. Painter, President

Edwin H. Humphrey
Edwin H. Humphrey, Vice-President

Claire B. Corcoran
pursuant to and in compliance with House Bill 147 of the 138th Ohio General Assembly effective 03/27/20 through 12/01/20.
Claire B. Corcoran, Member

OR

Thomas J. Eigel, County Administrator



COMMISSIONER'S JOURNAL #318 CLERMONT COUNTY REGULAR SESSION 09/02/20

IN RE: CLERMONT TRANSPORTATION CONNECTION...RESOLUTION NUMBER 146-20/RESOLUTION AUTHORIZING THE SIGNATURE OF THE PUBLIC TRANSPORTATION AGENCY SAFETY PLAN FOR THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION ...20-0813-003... ADOPTED

Moved by Commissioner Corcoran, seconded by Commissioner Humphrey, that the Board of County Commissioners approve the following recommendation:

Recommendation of William Harris, Director, Clermont Transportation Connection, with the concurrence of Thomas J. Eigel, County Administrator, to adopt **Resolution Number 146-20/** resolving to adopt the *Public Transportation Agency Safety Plan*, attached thereto and made a part thereof, by and between the Board of Clermont County Commissioners on behalf of the Clermont Transportation Connection and the Ohio Department of Transportation, 1980 West Broad St., Columbus, Ohio, 43223 and to authorize David L. Painter, President of the Board of County Commissioners, or in his absence, any other member of the Board of County Commissioners, to execute the signature page of the Public Transportation Agency Safety Plan drafted and certified by the Ohio Department of Transportation Office of Transit.

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

Commissioner Corcoran, Yes; Commissioner Humphrey, Aye; Commissioner Painter, Yes.

I, Holly Cruvey, Assistant Clerk of the Board of the Clermont County Commissioners, do hereby Certify the above to be a true and exact excerpt from the minutes of the Regular Session of the Board of County Commissioners, Clermont County, Ohio, on September 2, 2020.

ATTEST:



Holly Cruvey, Assistant Clerk
September 2, 2020

RESOLUTION NO. 147-20

The Board of County Commissioners, Clermont County, Ohio, met in regular session on the 2nd day of September, 2020, with the following members present:

David L. Painter, President

Edwin H. Humphrey, Vice President

Claire B. Corcoran, Member

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

RESOLUTION DETAILING ADDITIONAL SPECIFIC FINDINGS OF THE BOARD DENYING ANNEXATION OF 96.7449 ACRES OF LAND OWNED BY CLERMONT SAVINGS ASSOCIATION, JUDY DUNN ANSTAETT, CINCINNATI GAS & ELECTRIC CO, 5075 STATE ROUTE 276 LLC, 5069 STATE ROUTE 276 LLC, 5055 STATE ROUTE 276 REALTY LLC, ARTHUR STRICKER, RANDY CLEM & SHAWNA KAY CLEM, RANDALL L. WORKMAN, SARAH J ROSSELOT TRUSTEE, WILLIAM J & SARAH JO ANN ROSSELOT TO THE VILLAGE OF OWENSVILLE IN CLERMONT COUNTY, OHIO AS REQUESTED BY JUDGE HADDAD IN CASE NO. 2019 CVF 0026

WHEREAS, the Petition for Annexation of 96.7449 acres of land constituting territory adjacent to the Village of Owensville in Stonelick Township, Clermont County, Ohio was filed by Rick McEvoy, Agent for the Petitioners, William J. Rosselot, Sarah Jo Rosselot, Sarah Jo Rosselot, Trustee, Arthur Stricker, Randall L. Workman, Randy Clem and Shawna Clem, who constitute seven of the thirteen or 53.84% of the owners of the real estate sought to be annexed, with the Board of County Commissioners of Clermont County, Ohio on August 20, 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 Fiscal Officer of the Village of Owensville on August 30, 2018 and the Fiscal Officer of Stonelick Township, by personal service on August 28, 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, the Board has previously passed Resolution No. 200-18 denying the annexation and the denial was appealed to the Clermont County Common Pleas Court in Case No. 2019 CVF 0026 in which the Court remanded this matter back to the Board for it to issue specific findings as to why the

Board determined sections 709.033(A)(4) and (5) of the Ohio Revised Code were not met and the Board passed Resolution 157-19 issuing specific findings;

WHEREAS, the Court remanded this matter back to the Board for it to issue additional specific findings;

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 not been met as follows:

- A. The petition meets all requirements set forth in and was filed in the manner provided in Section 709.033 (A)(1)(2)(3) and (6) of the Ohio Revised Code.
- B. In regards to Section 709.033(A)(4) of the Ohio Revised Code, the Board found that the territory proposed to be annexed is unreasonably large. The area to be annexed contains 96.7449 acres which would represent a 37% increase in area to the Village. In addition, the area of contiguity with the Village and the proposed annexed area is 1.4% of the perimeter of the territory proposed to be annexed. Due to the lack of contiguity, the proposed annexation would alter the geographic character, shape and size of the territory to be annexed in the relationship to the territory to which it will be annexed. None of the petitioners own property contiguous to the existing Village boundary as indicated on the annexation plot filed of record, and the parcels that have been brought into the annexation exclusively for contiguity purposes create an unwieldy peninsula. Based upon these factors the territory to be annexed is unreasonably large.
- C. In regards to Section 709.033(A)(5) of the Ohio Revised Code the Board found that on balance, the general good of the territory proposed to be annexed will not be served, and the benefits to the territory proposed to be annexed and the surrounding area will not

outweigh the detriments to the territory proposed to be annexed and the surrounding area. The area to be annexed contains 96.7449 acres which would represent a 37% increase in area to the Village. In addition, the area of contiguity with the Village and the proposed annexed area is 1.4% of the perimeter of the territory proposed to be annexed. Only seven of the thirteen property owners signed the petition for annexation. None of the petitioning owners own property contiguous to the Village as indicated on the annexation plat. These owners are almost exclusively the remotest properties from the existing Village. Based upon these factors on balance the general good of the territory to be annexed to be served, and the benefits to the territory proposed to be annexed and the surrounding area will not outweigh the detriments to the territory proposed to be annexed and the surrounding area.

SECTION II

That the Board of County Commissioners having previously 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 not been met, the Petition for Annexation of territory described therein to the Village of Owensville, Clermont County, Ohio, has been denied; and the Clerk of the Board of County Commissioners of Clermont County, Ohio, is hereby directed to enter on the journal the resolution detailing these additional findings and to deliver a certified copy of the Resolution of the Board, to the agent of the Petitioners, the Clerk of the Village of Owensville, the Stonelick Township Fiscal Officer and to the Clerk of Courts for filing in Case No. 2019 CVF 0026.

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./Mrs. Corcoran seconded the motion and on roll call, the vote resulted as follows:

Mr. Painter	<u>Yes</u>
Mr. Humphrey	<u>Aye</u>
Mrs. Corcoran	<u>Yes</u>

This Resolution was duly passed on the 2nd day of September, 2020.

ATTEST:

Holly Cruey
Holly Cruey, 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

Date: 9-2-20