

**RESOLUTION NO. 15-24**

**COMMISSIONERS' FINDING AFFIRMING FORMER ORDER, CONFIRMING THE ASSESSMENTS AND ORDERING THE LETTING OF CONTRACTS FOR THE SCHULTZ DITCH/LACARPE CREEK SINGLE COUNTY DITCH PROJECT AS PETITIONED FOR BY JASON RIFFLE AND OTHERS**

The Board of Ottawa County Commissioners met in regular session on the 4<sup>th</sup> day of June, 2015 with the following members present:

Jo Ellen Regal          James M. Sass          Steven M. Arndt

It was moved by Commissioner Arndt and seconded by Commissioner Sass to adopt the following resolution:

WHEREAS, This being the day fixed by said Board, in its action dated the 28<sup>th</sup> day of May 2015, for the discussion on the Engineer's reports, on the estimated assessments, and on the proceedings for the improvement to clean or reconstruct all drainage structures or waterways necessary to alleviate flooding for areas draining into both the Schultz Ditch and a section of La Carpe Creek located in various sections of Salem, Carroll, and Erie Townships, and

WHEREAS, The Board finds that due and legal notice of this final hearing has been given as required by law, and

WHEREAS, The Board has heard all the evidence offered in the proceedings and received and considered all the schedules, plans and reports filed by the County Engineer; and

WHEREAS, That the Board reviewed and reconsidered its former order made and dated the 1<sup>st</sup> day of October 2013, in favor of the improvement; and be it further

RESOLVED, That No Objections to the proposed assessment have been filed in writing and the Board having heard the objections and all evidence offered for or against the assessment proposed to be levied against any owner or on any land, as shown by the schedule of assessments filed by the County Engineer and any competent evidence on the question of benefits, and from an actual view of the premises; therefore, be it

RESOLVED, This Board has considered the cost of location and construction, the compensation for land taken, the effect on land along or in the vicinity of the route of the improvement, the effect on land below the lower terminus of the improvement that may be caused by constructing the improvement, the sufficiency of the outlet, the benefits to the public welfare, and the special benefits to land needing the improvement, etc; therefore, be it

RESOLVED, That the Board hereby approves the maps, profiles, plans, schedules and reports prepared by the County Engineer, in its order dated the 9<sup>th</sup> day of April 2015, and

RESOLVED, That the former order finding in favor of the improvement made at the first hearing on the 1<sup>st</sup> day of October 2013 is hereby affirmed; and

RESOLVED, that the final assessments shall not exceed \$148,680.60 for the Schultz Ditch Section and \$59,274.55 for the Brokate Road Section for benefits to the general public by reason of the improvement being conducive to the public welfare and shall be paid by the public and assessed against the County and \$3,276.23 for the Schultz Ditch Section and \$268.30 for the Brokate Road Section found to benefit County roads or highways is hereby assessed against the County, and \$2,495.58 for the Schultz Ditch Section and \$4,587.79 for the Brokate Road Section found to benefit the Carroll Township roads or highways; \$253.47 is for the Schultz Ditch Section found to benefit the Erie Township roads or highways; and \$10.00 for the Schultz Ditch Section found to benefit the Salem Township roads or highways, and be it further


RESOLVED, that five years shall be the period of time, in semiannual installments, as taxes are paid, given the owners of land benefited, to pay the assessments that may be made for the improvement; and be it further

RESOLVED, that interest shall be added to said installments of assessments at the same rate as the county receives on investments in the quarter immediately preceding final assessment final assessment notices; provided any owner may pay the assessment on his land in cash within thirty days after the final hearing, without paying any interest thereon; and be it further;

RESOLVED, that the County Engineer be and he is hereby directed to give at least two weeks' public notice as required by law of the time when and the place where bids will be received for furnishing any material for the improvement, or for the construction of the improvement, or any part thereof, and in case manufactured material is required for the construction of the improvement, the County Engineer is hereby directed to send copies of the notice by mail to dealers and manufacturers, and all bids shall be received at 315 Madison Street, Room 106; and be it further;

RESOLVED, That, whereas the estimated cost of the construction and material required in the improvement exceeds six thousand dollars, the notice of letting be given by posting and advertising shall also be made for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the County.

Vote on Motion: Jo Ellen Regal, yes; James M. Sass, yes; Steven M. Arndt, yes.

  
Clerk/Assistant Administrator  
Board of County Commissioners  
Ottawa County, Ohio

c: County Engineer

<sup>1</sup> Not less than 25 days after the date of this order.