

RESOLUTION – 2019-578

COMMISSIONERS' FINDING AFFIRMING FORMER ORDER,  
CONFIRMING THE ASSESSMENTS, AND ORDERING THE LETTING OF  
THE CONTRACTS

Revised Code, Sec. 6131.21 to 24  
Form 22025

In the Matter of the Single ) Office of County Commissioners,  
County Ditch No. 2137 Petitioned ) Fulton County, Ohio  
for by Douglas Rupp & Others ) July 11, 2019

The Board of County Commissioners of Fulton County, Ohio met in regular session on July 11, 2019, at the office of said board with the following members present:

Jon Rupp  
Bill Rufenacht  
Jeff Rupp

Commissioner *Jon Rupp* moved the adoption of the following Resolution:

**WHEREAS**, This being the day fixed by said Board, in its order dated March 2, 2019, for the final hearing on the Report, Plans, and Schedules of the County Engineer, on the estimated assessments, on claims for compensation or damages and on the proceeding for the improvement, and on application filed for change of route or change in the nature, kind and extent of the work proposed to be done; 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;

**THEREFORE BE IT RESOLVED**, That the Board hereby approve the maps, profiles, plans, schedules, and reports prepared by the County Engineer, and review and reconsider its former order made and dated March 2, 2019; and

**WHEREAS**, 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 former order finding in favor of the improvement made at the first hearing on November 15, 2018 is hereby affirmed; and

**WHEREAS**, NO objections to the proposed assessment having been filed by any party;

**THEREFORE BE IT RESOLVED**, That the assessments are hereby attached, and

**BE IT FURTHER RESOLVED**, That the County Engineer's assessments as presented are hereby approved and confirmed; and

**BE IT FURTHER RESOLVED**, That \$23642.49 is hereby assessed 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 by the County, and \$174.93 found to benefit Township Roads or right-of-ways is hereby assessed against the Township, and \$1066.21 found to benefit County Roads or Highways is hereby assessed against the County; and

**BE IT FURTHER RESOLVED**, That 5 year (s) shall be the period of time, in semi-annual 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, subject to pending right-of-way acquisitions, August 22, 2019 at 9:00 a.m. at office of said board is hereby fixed as the time and place

for the County Engineer to receive bids, and that the County Engineer is hereby directed to prepare the necessary bid documents and legal advertisements; 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 office of said Board; and

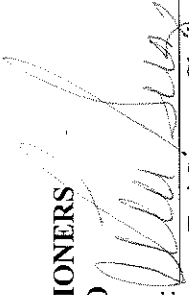
**BE IT FURTHER RESOLVED,** That, whereas the estimated cost of the construction and material required in the improvement exceeds six thousand dollars, the notice of letting be given by posting in a newspaper of general circulation within the county as required by law;

Commissioner Jeff Rupp seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye thereon:	Voting Nay thereon:	Abstain:
 Jon Rupp	Jon Rupp	Jon Rupp.
 Bill Rufenacht	Bill Rufenacht	Bill Rufenacht
 Jeff Rupp	Jeff Rupp	Jeff Rupp

**BOARD OF COUNTY COMMISSIONERS  
FULTON COUNTY, OHIO**

Attest:

  
Teri Suarez, Clerk

Ditch 2124 Branch 4 Fewless Creek

Ditch No.: 2137  
 Project: Branch 4 Grass Run  
 Petitioner: Rupp/Kinsman  
 April 8, 2019

**DITCH 2137 Branch 4 Grass Run - SCHEDULE B**

Construction	Direct	Cnstrctn + Drct	Engineering	Clerk	First Year Maint
\$ 16,227.09	\$ 784.00	\$ 17,011.09	\$ 7,248.00	\$ 300.00	\$ 324.54
0.0514186547			0.0229666816	0.0009506077	0.0010283674

Parcel	Owner	R-T-S	LegalDescription	Acres	Drained	BENEFIT		Construction	Direct Costs	Total Construction Plus Direct Costs	Engineering	Clerk's Costs	First Year Maint	Total - Cash	
						% Benefit	Net Benefits								
1 15-027016-00.000	BECK ARLAN D & BRENDA K	5E-7N-15	5E-7N-15 S 39 A E 1/2 SE EX N 10.15 AC	28.85	28.85	4.000	70.0%	\$ 1,832.60	\$ 94.23	\$ -	\$ 94.23	\$ 42.09	\$ 1.74	\$ 1.88	\$ 139.95
2 15-027344-00.000	RUPP DOUGLAS D & NANCY N TRUSTEES	5E-7N-21	5E-7N-21 E1521 N1/2 N1/2 SE EX N31.78	21.930	21.930	15.000	75.0%	\$ 8,489.25	\$ 436.51	\$ -	\$ 436.51	\$ 194.97	\$ 8.07	\$ 8.73	\$ 648.28
3 15-027368-00.000	LIECHTY DAVID P & ANGIE N	5E-7N-21	5E-7N-21 E517 N422 S915 SE NE	5.010	5.010	5.010	100.0%	\$ 4,403.63	\$ 226.43	\$ -	\$ 226.43	\$ 101.14	\$ 4.19	\$ 4.53	\$ 336.28
4 15-027368-01.000	GARROW ALAN D & KIMBERLY J (JS)	5E-7N-21	5E-7N-21 IRREG PAR S1/2 S CRK NE & N31.78	E1521.65 SE	25.570	25.570	100.0%	\$ 17,239.15	\$ 886.41	\$ -	\$ 886.41	\$ 395.93	\$ 16.39	\$ 17.73	\$ 1,316.46
5 15-027368-02.000	RUPP DOUGLAS D & NANCY N TRUSTEES	5E-7N-21	5E-7N-21 IRREG PAR S1/2 N CRK NE EX PAR 50.680 AC		50.680	50.680	100.0%	\$ 37,938.67	\$ 1,950.76	\$ 424.00	\$ 2,374.76	\$ 871.33	\$ 36.06	\$ 39.01	\$ 3,321.16
6 15-027376-00.000	KINSMAN FARMS LLC	5E-7N-21	5E-7N-21 W 17A N1/2 NW SE & N 1/2 NE SW-E 1/2 NW S OF C		68.280	5.000	100.0%	\$ 3,780.70	\$ 194.40	\$ 36.00	\$ 230.40	\$ 86.83	\$ 3.59	\$ 3.89	\$ 324.71
7 15-027380-00.000	BAER JOHN P & KATHRYN E (JS)	5E-7N-22	5E-7N-22 E PT W1/2 SE EX PAR	16.989 AC	16.989	5.000	70.0%	\$ 2,695.00	\$ 138.57	\$ -	\$ 138.57	\$ 61.90	\$ 2.56	\$ 2.77	\$ 205.80
8 15-027380-01.000	BAER JOHN P & KATHRYN E (JS)	5E-7N-22	5E-7N-22 IRREG PAR S PT E PT W1/2 SE	7.302 AC	7.302	2.400	70.0%	\$ 1,832.60	\$ 94.23	\$ -	\$ 94.23	\$ 42.09	\$ 1.74	\$ 1.88	\$ 139.95
9 15-027384-00.000	WIXOM JADEA & LEO F III	5E-7N-22	5E-7N-22 E950.43 S550 NE	12.000 AC	12.000	7.000	70.0%	\$ 4,010.48	\$ 206.21	\$ -	\$ 206.21	\$ 92.11	\$ 3.81	\$ 4.12	\$ 306.26
10 15-027384-01.000	WADELICH THOMAS L & LORI I	5E-7N-22	5E-7N-22 S 222.7 N 1231 E 978 NE	5.00A	5.000	5.000	70.0%	\$ 3,152.07	\$ 162.08	\$ -	\$ 162.08	\$ 72.39	\$ 3.00	\$ 3.24	\$ 240.71
11 15-027384-02.000	MILLER TERRY L & AMY J	5E-7N-22	5E-7N-22 S1410 AVG E1/2 NE EX PARS	16.20AC	16.200	16.200	70.0%	\$ 9,069.54	\$ 466.34	\$ -	\$ 466.34	\$ 208.30	\$ 8.62	\$ 9.33	\$ 692.59
12 15-027384-02.003	KECKLEY TYLER M & AMY J (JS)	5E-7N-22	5E-7N-22 NE PT SE NE14.323AC		14.323	14.323	70.0%	\$ 7,637.41	\$ 392.71	\$ -	\$ 392.71	\$ 175.41	\$ 7.26	\$ 7.85	\$ 583.23
13 15-027384-03.000	AESCHLIMAN JEFFREY L	5E-7N-22	5E-7N-22 N1232 AVG E1/2 NE EX PAR	32.250 AC	32.250	32.250	80.0%	\$ 18,889.02	\$ 971.25	\$ -	\$ 971.25	\$ 433.82	\$ 17.96	\$ 19.42	\$ 1,442.45
14 15-027392-00.000	KINSMAN FARMS LLC	5E-7N-22	5E-7N-22 E1/2 SW EX PAR	74.844 AC	74.844	40.000	80.0%	\$ 24,640.00	\$ 1,266.96	\$ -	\$ 1,266.96	\$ 565.90	\$ 23.42	\$ 25.34	\$ 1,881.62
15 15-027396-00.000	BAER FREDERICK ZILBA & ELIZABETH ZILBA	5E-7N-22	5E-7N-22 M PT W1/2 SE	11.409 AC	11.409	3.500	70.0%	\$ 2,425.50	\$ 124.72	\$ -	\$ 124.72	\$ 55.71	\$ 2.31	\$ 2.49	\$ 185.22
16 15-027400-00.000	KELLY LESLIE KINSMAN & FORTIER DAVID TRUSTEES	5E-7N-22	5E-7N-22 N 5/8 NW EX PARCEL	70.531 AC	70.531	11.400	82.8%	\$ 7,268.18	\$ 373.72	\$ -	\$ 373.72	\$ 166.93	\$ 6.91	\$ 7.47	\$ 555.03
17 15-027404-00.000	KINSMAN FARMS LLC	5E-7N-22	5E-7N-22 NW SW EX PAR & S3/8 NW	88.352 AC	88.352	86.152	100.0%	\$ 64,969.52	\$ 3,340.65	\$ -	\$ 3,340.65	\$ 1,492.13	\$ 61.76	\$ 66.81	\$ 4,961.35
18 15-027404-01.000	KELLY LESLIE KINSMAN & FORTIER DAVID TRUSTEES	5E-7N-22	5E-7N-22 IRREG PAR PT OF N516.38 S1001.7 W592.74 SW NW		6.793	2.400	67.5%	\$ 1,211.02	\$ 62.27	\$ -	\$ 62.27	\$ 27.81	\$ 1.15	\$ 1.25	\$ 92.48
19 15-027404-02.000	KINSMAN DOUGLAS K & VALERIE K (JS)	5E-7N-22	5E-7N-22 IRREG PARNW SW	5.014AC	5.014	4.614	76.0%	\$ 3,249.03	\$ 167.06	\$ -	\$ 167.06	\$ 74.62	\$ 3.09	\$ 3.34	\$ 248.11
20 15-027408-00.000	KLOPFENSTEIN SHIRLEY ANN & MERLE	5E-7N-22	5E-7N-22 SW COR OF N851FT OF E704FT NW	26.67A	26.670	16.500	80.0%	\$ 10,472.00	\$ 538.46	\$ -	\$ 538.46	\$ 240.51	\$ 9.95	\$ 10.77	\$ 799.69
21 15-027416-00.000	RUPP OHIO LIMITED PARTNERSHIP	5E-7N-22	5E-7N-22 W & N PT W1/2 SE	44.30A	44.300	24.100	70.0%	\$ 12,989.90	\$ 667.92	\$ -	\$ 667.92	\$ 298.33	\$ 12.35	\$ 13.36	\$ 991.96
22 15-027420-00.000	RUPP OHIO LIMITED PARTNERSHIP	5E-7N-22	5E-7N-22 W1/2 NE EX PAR.	77.00A	77.000	63.700	90.0%	\$ 44,144.10	\$ 2,269.83	\$ -	\$ 2,269.83	\$ 1,013.84	\$ 41.96	\$ 45.40	\$ 3,371.03
23 15-027420-01.000	SHAFER GRACE L	5E-7N-22	5E-7N-22 E 450' N 290' NW NE	3.00 AC.	3.000	1.300	70.0%	\$ 970.20	\$ 49.89	\$ -	\$ 49.89	\$ 22.28	\$ 0.92	\$ 1.00	\$ 74.09
24 16-028424-00.000	NAFZIGER JACOB W & NAFZIGER SHIRLEY M TRUST	5E-7N-14	5E-7N-14 W1/2 SW EX .25A & 5 AC.	74.75A	74.750	0.500	70.0%	\$ 134.75	\$ 6.93	\$ -	\$ 6.93	\$ 3.09	\$ 0.13	\$ 0.14	\$ 10.29
25 16-028460-00.000	NAFZIGER SHIRLEY M TRUSTEE	5E-7N-23	5E-7N-23 W1/2 NW -EX PARCELS	75.00A	75.000	20.000	70.0%	\$ 10,133.20	\$ 521.04	\$ -	\$ 521.04	\$ 232.73	\$ 9.63	\$ 10.42	\$ 773.81
26 88-888888-88.888	GERMAN TOWNSHIP		Road F R/W		8.00	1.700	70.0%	\$ 2,290.75	\$ 117.79	\$ -	\$ 117.79	\$ 52.61	\$ 2.18	\$ 2.36	\$ 174.93
27 99-999999-99.999	FULTON COUNTY		Road R/W Roads 21 and 22		16.00	6.600	76.5%	\$ 9,719.33	\$ 499.75	\$ 324.00	\$ 823.75	\$ 223.22	\$ 9.24	\$ 10.00	\$ 1,066.21
									\$ 16,227.09	\$ 784.00	\$ 17,011.09	\$ 7,248.00	\$ 300.00	\$ 324.54	\$ 24,883.63

27 Parcels

On stream owners  
 Updates in RED

\$ 315,587.60  
 Net Benefits