

RESOLUTION – 2023-139

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. *2145* Petitioned) Fulton County, Ohio
for by *Tracy Busch*) *February 9, 2023*

The Board of County Commissioners of Fulton County, Ohio met in *regular* session on February 9, 2023, at the office of said board with the following members present:

Jon Rupp
Jeff Rupp
Joe Short

Commissioner Jon Rupp moved the adoption of the following Resolution:

WHEREAS, This being the day fixed by said Board, in its order dated January 12, 2023, for the continued 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 May 3, 2022; 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 May 3, 2022, is hereby affirmed; and

WHEREAS, Objections to the proposed assessment having been filed 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, 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 **\$ 80,880.50** 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 **\$9,672.56** found to benefit County Roads or Highways is hereby assessed against the County, and

BE IT FURTHER RESOLVED, that 10 *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 that bonds or notes of said County **shall** be issued and sold in anticipation of the collection of said assessments, and

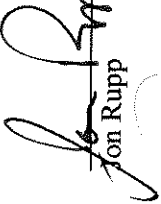
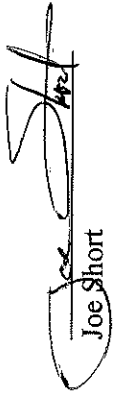
BE IT FURTHER RESOLVED, that interest shall be added to said installments of assessments at the same rate as is drawn by the bonds or notes issued to pay for said improvement; provided any owner may pay the assessment on his land in cash within thirty days after the final hearing, without paying any interest thereon; and

BE IT FURTHER RESOLVED, *that* subject to pending right-of-way acquisitions, the *18th day of April 2023 at 9:00 AM.* 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

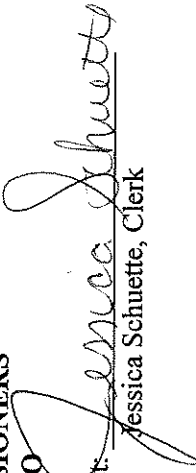
BE IT FURTHER RESOLVED, That the County Engineer be and he is hereby directed to give at least two weeks' public notice as required by law of the time when and the place where bids will be received for furnishing any material for the improvement, or for the construction of the improvement, or any part 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 as required by the Ohio Revised Code; and

Commissioner Joe Short 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	<u>Jon Rupp</u>	<u>Jon Rupp</u>
 Jeff Rupp	<u>Jeff Rupp</u>	<u>Jeff Rupp</u>
 Joe Short	<u>Joe Short</u>	<u>Joe Short</u>

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

Attest: 
Jessica Schuette, Clerk