

**OCTOBER 21 – MEETING 42
VOLUME 27**

The Ross County Board of Commissioners met on this day, October 21, 2024, in regular session.

Commissioner Dwight Garrett called the meeting to order at 9:00 a.m., with Commissioners James E. Lowe and Jack A. Everson, in attendance.

Commissioner Garrett led the Pledge of Allegiance.

MINUTES APPROVED

Mr. Lowe moved, Mr. Everson seconded, the minutes of the October 15, 2024, meeting be approved as submitted. On call of the roll, the vote was: Mr. Everson, yes; Mr. Lowe, yes; Mr. Garrett, yes. Motion carried.

BILLS APPROVED FOR PAYMENT

Mr. Everson moved, Mr. Lowe seconded, the following bills of the county be approved for payment:

DEPARTMENT	PAY TO NAME	TOTAL VALUE	DEPARTMENT	PAY TO NAME	TOTAL VALUE
Adult Probation	Stepmobile LLC	104	Planning Commission	The Mannik & Smith Group, Inc	75324.88
Auditor	Glo Fiber	269.76	Planning Commission	DESIGNING LOCAL LTD	31700
Auditor	Glo Fiber	400	Planning Commission	Schooley Caldwell Associates	78209.42
Auditor	Glacier Mountain Bottled Water	29	Planning Commission	Choice One Engineering Corp	46900
Auditor	Newman, Steven C.	125	Planning Commission	DESIGNING LOCAL LTD	18800
Auditor	Rutherford, Chase Colin	125	Planning Commission	Ross County Treasurer	11606.45
Auditor	Bunstine Law Office	279.23	Planning Commission	Ohio Conference of Communit	400
Auditor	Brehm, Eric	1136	Planning Commission	Quill Corporation	25
Auditor	Benson, Melinda J	75	Planning Commission	Amazon Capital Services	50.43
Auditor	Glo Fiber	745.88	Planning Commission	Schooley Caldwell Associates	4644.72
Auditor	Clark, John K. Jr.	525	Planning Commission	Choice One Engineering Corp	1870
Auditor	Clark, John K. Jr.	899.5	Planning Commission	C. T. CONSULTANTS INC	28720
Auditor	Rutherford, Chase Colin	300	Planning Commission	Choice One Engineering Corp	1540
Auditor	Rutherford, Chase Colin	375	Planning Commission	Kim Hardesty	197.12
Automatic Data Processing Board of Elections	Gordon Flesch Co, Inc.	160.23	Probate Court	Cutright, James K.	200
Board of Elections	US Postal Service	2000	Prosecuting Attorney	Lexis-Nexis	401.31
Clerk of Courts	Sunrush Water	22.15	Prosecuting Attorney	Lexis-Nexis	551.61
Clerk of Courts	Modern Leasing	139.29	Prosecuting Attorney	Gordon Flesch Co, Inc.	20.07
Commissioners	Central Center Hardware	345.8	Recorder	GOVOS INC	2678.4
Commissioners	State Electric Supply, Inc.	216	Ross County Court System	GFC Leasing	17.61
Commissioners	Worly Plumbing Supply, Inc.	838.83	Ross County Court System	CDW Government, Inc.	7532.9
Commissioners	A-1 Limestone	81.36	Ross County Court System	GFC Leasing	165.35
Commissioners	Sedgwick Claims Management	4625	Ross County Court System	US Bank Equipment Finance	858.24
Commissioners	State Electric Supply, Inc.	469.91	Sheriff	Glo Fiber	849.95
Commissioners	Schindler Elevator Corporation	2078.06	Sheriff	AutoZone	74.45
Commissioners	Gannett Ohio LocalIQ	670	Sheriff	Superior Uniform Sales, Inc	2886.07
Commissioners	B & B Roofing, Inc.	692	Sheriff	Zach McGoye	10
Commissioners	Veregy East, LLC	52820	Sheriff	Kevin Pierce	130
Commissioners	Dynotec, Inc	2325	Sheriff	Penwell, Julia	229.44
Common Pleas Court #1	Printex Printing	1047.12	Sheriff	FBI- LEEDA	795
Common Pleas Court #1	Chillicothe Gazette	87.45	Sheriff	Insight Public Sector, Inc	213.2
Coroner	Kent Harshbarger, M.D.	2197	Sheriff	Insight Public Sector, Inc	88.56
Coroner	International Assoc. of Coroners	300	Sheriff	Insight Public Sector, Inc	26.24
Dog Warden	Sports Plus	52	Sheriff	Modern Office Methods, Inc.	268.75
Emergency Management	Gordon Flesch Co, Inc.	42.01	Sheriff	Modern Office Methods, Inc.	107.5
Engineer	Advance Auto Parts	150.19	Sheriff	Modern Office Methods, Inc.	215
Engineer	County Engineers Association	916	Sheriff	Modern Office Methods, Inc.	53.75
Engineer	G&J Asphalt & Materials, Inc.	659.47	Sheriff	Esoamilla, Vanessa	240
Engineer	G&J Asphalt & Materials, Inc.	207.26	Sheriff	Jonina Johnson	287
Engineer	Gem City Tires, LLC	1063.92	Sheriff	Welch, David Michael	328
Engineer	Jack's Tire & Auto Center, Inc.	840.24	Sheriff	Davis Tire of Chillicothe	75.9
Engineer	Office City Express	81.43	Sheriff	Charm-Tex, Inc.	380.4
Engineer	Ohio Machinery Co	455.83	Sheriff	Aramark Services, Inc	8087.58
Engineer	Rumpke Of Ohio, Inc	220.7	Sheriff	Adena Medical Group, LLC	99.62
Engineer	Southeastern Equipment Co.	90.9	Sheriff	Adam H Buckler DDS, LLC	404.84
Engineer	Sunbelt Rentals, Inc	201	Sheriff	Dell Marketing L.P.	4277.1
Engineer	Hart, Linda	500	Sheriff	Shaw, Ronald L.	394.42
Juvenile Court	Amazon Capital Services	174.39	Sheriff	Glo Fiber	171.74
Juvenile Court	King, Kristen	990	Sheriff	Glo Fiber	79.95
Juvenile Court	BILLIE LYTLE	14.96	Sheriff	Printex Printing	260
Planning Commission	HARDLINES DESIGN COMPANY	49287.15	Treasurer	Glacier Mountain Bottled Water	8.75
					\$465,907.74

On call of the roll, the vote was: Mr. Lowe, yes; Mr. Everson, yes; Mr. Garrett, yes. Motion carried.

THEN & NOW CERTIFICATES APPROVED

Mr. Everson moved, Mr. Lowe seconded, the Ross County Board of Commissioners approve "Then & Now" Certificates, dated October 7 through October 21, 2024, in the amount of \$8,531.73 prepared by the Office of the Ross County Auditor and certified by the auditor as to the appropriation of funds for the purpose of encumbering the sum of the contract(s) or order(s) outlined therein, or the imminent collection of funds for credit to the appropriated fund(s) of the county, and as to the availability of funds for transfer within the appropriate department(s).

On call of the roll, the vote was: Mr. Lowe, yes; Mr. Everson, yes; Mr. Garrett, yes. Motion carried.

APPROPRIATION OF FUNDS

Mr. Lowe moved, Mr. Everson seconded, to appropriate \$48,000.00 from General fund into account codes 100-04-00-7001 Salaries employees (\$5,000.00) and account code 100-04-00-7014 Group Insurance Pros. Attorney (\$43,000.00), per a request of October 21, 2024, from the Ross County Prosecutor.

On call of the roll, the vote was: Mr. Everson, yes; Mr. Lowe, yes; Mr. Garrett, yes. Motion carried.

Mr. Everson moved, Mr. Lowe seconded, to appropriate \$75,000.00 from 2024-RO-ETF-R575 fund into account codes 420-29-0-11-7100 Travel (\$1,871.46), account code 420-29-11-7550 Other Costs (\$24,750.00) and account code 420-29-11-7104 Confidential Funds (\$48,378.54) per a request, of October 21, 2024 from the Ross County US 23 Major Crimes Task Force.

On call of the roll, the vote was: Mr. Lowe, yes; Mr. Everson, yes; Mr. Garrett, yes. Motion carried.

Mr. Lowe moved, Mr. Everson seconded, to appropriate the following, per a request, of October 21, 2024 from the Ross County Prosecutor from the VOCA/SVAA grant.

Salaries	420-99-39-7001	\$ 92,706.20
PERS	420-99-39-7012	\$ 13,832.00
Workers Comp	420-99-39-7013	\$ 1,462.76
Medicare	420-99-39-7017	\$ 1,451.84
Group Insurance	420-99-39-7014	\$ 29,314.44
Telephone	420-99-40-7106	\$ 2,683.00
Printing	420-99-40-7101	\$ 264.00
Other	420-99-40-7550	\$ 450.00
Supplies	420-99-40-7150	\$ 1,460.00
Contract Services	420-99-40-7103	\$ 1,100.00

On call of the roll, the vote was: Mr. Everson, yes; Mr. Lowe, yes; Mr. Garrett, yes. Motion carried.

TRANSFER OF FUNDS

Mr. Lowe moved, Mr. Everson seconded, to transfer \$3,859.05 from account code 420-29-04-7001 Salaries, into account code 420-29-04-7550 Other Expense, per a request October 21, 2024 from the Ross County Marine Patrol.

On call of the roll, the vote was: Mr. Everson, yes; Mr. Lowe, yes; Mr. Garrett, yes. Motion carried.

Mr. Everson moved, Mr. Lowe seconded, to transfer \$10,000.00 from account code 210-58-66-7204 Contract/Projects, into account code 210-58-67-7014 Group Insurance Bridge, per a request October 21, 2024 from the Ross County Motor Vehicle & Gasoline Tax.

On call of the roll, the vote was: Mr. Lowe, yes; Mr. Everson, yes; Mr. Garrett, yes. Motion carried.

Mr. Lowe moved, Mr. Everson seconded, to transfer \$17,289.50 from account code 100-00-00-0010 General, into account code 420-99-39-5901 VOCA/SVAA, per a request October 21, 2024 from the Ross County Auditor.

On call of the roll, the vote was: Mr. Everson, yes; Mr. Lowe, yes; Mr. Garrett, yes. Motion carried.

Mr. Everson moved, Mr. Lowe seconded, to transfer \$3,462,875.00 from account code 100-00-00-0010 General fund, into account code 212-29-00-5901 Correctional & LE, \$28,125.00 from account code 100-00-00-0010 General into account code 207-01-00-5901 Litter and \$41,250.00 from account code 100-00-00-0010 General into account code 203-02-00-5901 Dog & Kennel, per a request September 3, 2024 from the Ross County Auditor.

On call of the roll, the vote was: Mr. Lowe, yes; Mr. Everson, yes; Mr. Garrett, yes. Motion carried.

COUNTY EMPLOYEE BENEFIT CONSORTIUM OF OHIO (CEBCO) 2025 INSURANCE RATES

Mr. Everson moved, Mr. Lowe seconded, to accept the rates for the Ross County 2025 Wellness/Non Wellness Rates for Medical, Prescription Drug, Vision and EAP Program and No Change in the rates for the Dental or Vision Plan. The rates are as follows:

2025 Rates:			
WELLNESS (Base Sa):	Medical/RX	Dental	Vision
Single:	\$777.25	\$22.09	\$5.99
Family	\$2138.07	\$62.94	\$12.84
WELLNESS (Buy-Up – 2a) :	Medical/RX	Dental	Vision
Single:	\$934.91	\$22.09	\$5.99
Family	\$2623.03	\$62.94	\$12.84
NON-WELLNESS (Base Sa) :	Medical/RX	Dental	Vision
Single:	\$943.91	\$22.09	\$5.99
Family	\$2471.41	\$62.94	\$12.84
NON-WELLNESS (Buy-Up 2a) :	Medical/RX	Dental	Vision
Single:	\$1101.57	\$22.09	\$5.99
Family	\$2956.37	\$62.94	\$12.84

On call of the roll, the vote was: Mr. Lowe, yes; Mr. Everson, yes; Mr. Garrett, yes. Motion carried.

Mr. Lowe moved, Mr. Everson seconded, to transfer \$250.00 from account code 208-02-00-7550 Other Expenses, into account code 208-02-00-7014 Group Ins., \$3,250.00 from account code 208-02-00-7200 Equipment into account code 208-02-00-7014 Group Insurance, \$1,000.00 from account code 208-02-00-7157 Postage into account code 208-02-00-7014 Group Insurance and \$5,250.00 from account code 208-02-00-7150 Supplies into account code 208-02-00-7014 Group Insurance, per a request October 21, 2024 from the Ross County Auditor.

On call of the roll, the vote was: Mr. Everson, yes; Mr. Lowe, yes; Mr. Garrett, yes. Motion carried.

REQUEST FOR USE OF COURTHOUSE STEPS AND PORTICO

Mr. Lowe moved, Mr. Everson seconded, to allow use of the Courthouse steps and portico for Yellow Day on May 2, 2025, from 8:30 am to 1:30 pm.

On call of the roll, the vote was: Mr. Everson, yes; Mr. Lowe, yes; Mr. Garrett, yes. Motion carried.

PROFESSIONAL SERVICES AGREEMENT TETRA TECH

Mr. Everson moved, Mr. Lowe seconded, to enter into an agreement with Tetra Tech to provide consulting services to Ross County Planning and Development to support the collection of required documentation and development of corrective action plans for properties identified during the Ohio Department of Natural Resources (ODNR) Community Assistance Visit (CAV) in support of Ross County's Floodplain Management Program. Tetra Tech will develop Corrective Action Plans to mitigate the violations listed for each property in the Development Review Worksheets. The Corrective Action Plans will be included in the response letter to ODNR. Tetra Tech will complete the evaluation and develop required corrective action plans for the lump sum cost of \$3,700.

On call of the roll, the vote was: Mr. Lowe, yes; Mr. Everson, yes; Mr. Garrett, yes. Motion carried.

APPALACHIAN COMMUNITY GRANT PROGRAM CONTRACTS BETWEEN OWNER AND GRANTEE

Mr. Lowe moved, Mr. Everson seconded, to authorize Commissioner Garrett, to sign on the Commissioners behalf, the following agreement by and between the Ross County Board of Commissioners and the Village of Georgetown for the purpose of Georgetown Streetscape and Visitor Center at a total cost not to exceed \$7,429,960.00. This agreement represents the entire and integrated agreement between the Owner and the Architect and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both the Owner and Architect.

On call of the roll, the vote was: Mr. Everson, yes; Mr. Lowe, yes; Mr. Garrett, yes. Motion carried.

APPLICATION APPROPRIATION TO ATTEND MEETING CONVENTION

Mr. Everson moved, Mr. Lowe seconded, to permit EMA Director Mark Thompson and Assistant Director Josh Garrett, to attend the G2300 Course (Intermediate EOC Operations) at the Hocking County EOC in Logan, at a cost of \$161.30 to the county, on October 28-30, 2024.

On call of the roll, the vote was: Mr. Lowe, yes; Mr. Everson, yes; Mr. Garrett, yes. Motion carried.

QUOTE COMBS HEATING & COOLING

Mr. Lowe moved, Mr. Everson seconded, to approve a quote request from Combs Heating & Cooling to replace the expansion tank in the LCNB building, to provide heating/cooling, for the estimated cost of \$7,800.00.

On call of the roll, the vote was: Mr. Everson, yes; Mr. Lowe, yes; Mr. Garrett, yes. Motion carried.

BID OPENING WPCLF 2024 BATCH 2

Bids were opened as advertised at 12:00am in the Commissioner's office. Two bids were received, D&W Excavation, \$36,377.00 and Burnette Dirtworks, \$34,168.00, for repair or replacement of three home sewage disposal systems. The bid will be given to the Health District for review and to award the contract.

EXECUTIVE SESSION CALLED

Mr. Lowe moved, Mr. Everson seconded, the Ross County Board of Commissioners adjourn into executive session at 1:07pm, to discuss pending litigation.

On call of the roll, the vote was: Mr. Lowe, yes; Mr. Everson, yes; Mr. Garrett, yes. Motion carried.

REGULAR SESSION RESUMED

The executive session called at 1:07pm was adjourned, and the regular meeting resumed at 2:03pm. No action was taken.

The following resolutions were passed at the regular meeting of the Ross County Board of Commissioners, October 15, 2024, with Dwight A. Garrett, James E. Lowe, and Jack A. Everson in attendance.

RESOLUTION 2024-49

DECLARING THE NECESSITY OF ACQUIRING OR APPROPRIATING CERTAIN REAL PROPERTY BY QUICK TAKE FOR THE PUBLIC PURPOSE OF MAKING OR REPAIRING ROADS; AUTHORIZING APPROPRIATION OF SUCH INTEREST(S) IN REAL PROPERTY BY SETTLEMENT OR BY QUICK TAKE; AND AUTHORIZING LEGAL COUNSEL TO FILE SUIT TO APPROPRIATE SUCH REAL PROPERTY, IF NECESSARY

WHEREAS, the Ross County Board of Commissioners (the "Board"), after extensive consideration, has determined that as part of the road project known as the Charleston Pike Realignment and Bridge Replacement (the "Project"), it is necessary that the Board acquire certain real estate interests currently owned by Graceland Farms, Inc. ("Owner"), including fee simple title to approximately 4.949 acres, and temporary easements of approximately .734 acres, all of with Ross, the Ohio, and county/parcel as more ID number particularly of: 33060described in 4005000, the legal located in description Springfield attached as Township, Exhibit county A (the "Property");

WHEREAS, the respective name and place of residence of the Owner of the Property and other person(s) or entities who has or may claim to have an interest in the Property, as are known and with reasonable diligence are ascertainable, are:

Graceland Farms, Inc.
Attn: Mr. Clark Jones
1235 Schrader Rd, Chillicothe, Ohio 45601
American Electric Power dba Ohio Power Company
1 Riverside Plaza, Columbus, Ohio 43215

WHEREAS, an appraisal in compliance with an effective date of March 27, 2024 has been prepared by Jeffrey R. Helbig, a qualified independent appraiser who has prepared a written report stating the total fair market for the Property;

WHEREAS, the County Engineer, acting in conjunction with AECOM as right of way specialist and agent of the Board, established an amount that believed to be "just compensation" for the Property, being an amount not less than the appraised value; provided or caused to provide the Owner with a Notice of Intent to Acquire and Good Faith Offer on or about Jmw 20, 2024; and has engaged in and/or has caused the negotiations with the Owner for the purchase of the Property since that time; and

WHEREAS, after negotiations the County hopes that it has come to terms for the transfer of the Property to the County upon the payment of total financial compensation to the Owner in the amount of Seventy Thousand Dollars (\$70,000.00) (the "Proposed Terms");

WHEREAS, the County will continue to work with the Owner and will attempt to formalize the Proposed Terms in a contractual arrangement with the Owner and complete the transfer of the Property to the County as expeditiously as possible;

WHEREAS, the Project deadlines may nonetheless require the Board to conclude that any delay in completing the transfer of the Property is a result of the parties being unable to timely reach an agreement on the purchase and sale of the Property between the time of the delivery of the Initial Good Faith Offer and the time of this Resolution, such that the County is required to exercise its eminent domain authority to begin appropriation proceedings for the Property through Court in order to keep the Project on schedule;

NOW, THEREFORE, BE IT RESOLVED by the Ross County Board of County Commissioners:

Section 1. The Board hereby authorizes and/or ratifies the actions of the County Engineer in obtaining an appraised value for the Property; establishing an amount to be considered "just compensation" for the Property, being an amount not less than the appraised value; providing the Owner with a written Notice of Intent to Acquire and Good Faith Offer stating and summarizing the basis for said amount; and attempting negotiations with the Owner for agreement on the purchase and sale of the Property and/or the amount of compensation/damages for the Property, subject to the Board's final approval.

Section 2. The Board hereby declares the necessity of its appropriation of the Property for the public purpose of carrying out and completing the Project. The County's acquisition of the real property described herein is necessary for the public purpose of making or repairing roads that will be open to the public without charge, and the property is hereby appropriated for a public use. The Board finds that the acquisition of property for these purposes is in the public interest and a proper public purpose.

Section 3. The Board hereby authorizes the County Engineer or County Administrator, in consultation with legal counsel, to prepare and execute a contract and close upon the transfer of fee simple title to the Property from the Owner to the County upon the Proposed Terms and other such terms as are beneficial to the County, and to take all such action as they may deem necessary to expeditiously complete the same in order to comply with the Project Schedule;

Section 4. If the transfer of the Property upon the Proposed Terms is unable to be completed in time to comply with the Project schedule, the Board hereby authorizes and directs the law firm of Bricker Graydon LLP to prepare and file a petition for appropriation of the Property in a court of competent jurisdiction, to deposit the amount of up to \$37,114 with the court of common pleas and take immediate possession of the Property, and to have a jury impaneled to make inquiry into and assess the just compensation/any damage(s) to be paid for the Property.

Section 5. The filing of the petition does not eliminate the authority granted by Section 3 hereof to complete the transfer of the Property upon the Proposed Terms, whereupon the petition will be promptly dismissed with prejudice. Bricker Graydon LLP and the County Engineer shall have continuing authority, before and after the appropriation is filed, to negotiate with the Owner in an effort to complete the transfer of the Property upon the Proposed Terms, or upon such other terms for the Property's transfer to the County as may be subsequently authorized by the Board.

Section 6. The costs and expenses of either consummating the transfer upon the Proposed Terms or the filing of the petition for appropriation are to be paid out of the appropriate County fund (210-58-66-7204).

Section 7. All formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all

legal requirements including Section 121.22 of the Ohio Revised Code The County's special legal counsel, Bricker Graydon LLP, is hereby authorized to file a petition for appropriation of the Property on the County's behalf in a court of competent jurisdiction for the purposes of assessing the compensation of said real property.

Section 8. This Resolution shall take effect and be in full force immediately after its passage.

RESOLUTION 2024-50

DECLARING THE NECESSITY OF ACQUIRING OR APPROPRIATING CERTAIN REAL PROPERTY BY QUICK TAKE FOR THE PUBLIC PURPOSE OF MAKING OR REPAIRING ROADS; AUTHORIZING APPROPRIATION OF SUCH INTEREST(S) IN REAL PROPERTY BY SETTLEMENT OR BY QUICK TAKE; AND AUTHORIZING LEGAL COUNSEL TO FILE SUIT TO APPROPRIATE SUCH REAL PROPERTY, IF NECESSARY

WHEREAS, the Ross County Board of Commissioners (the "Board"), after extensive consideration, has determined that as part of the road project known as the Charleston Pike Realignment and Bridge Replacement (the "Project") it is necessary that the Board acquire fee simple title to approximately .09 acres of land owned by Joseph A. Janes ('Owner'), with the county/parcel ID number of: 340604008000 located in Springfield Township, county of Ross Ohio and as further described in the legal description attached as Exhibit A (the "Property");

WHEREAS, the respective name and place of residence of the Owner of the Property and other person(s) or entities who has or may claim to have an interest in the Property, as are known and with reasonable diligence are ascertainable are:

Joseph A. Janes
1023 Charleston Pike, Chillicothe, Ohio 45601
Ross County Water Company, Inc.
663 Fairgrounds Road, Chillicothe, Ohio 45601
Columbus and Southern Ohio Electric Company aka American
Electric Power aka AEP Ohio
1 Riverside Plaza, Columbus, Ohio 43215

WHEREAS, a value analysis has been prepared by Jeffrey R. Helbig, a qualified, independent appraiser who has prepared a written value finding report, stating the total fair market value for the Property;

WHEREAS the County Engineer, acting in conjunction with AECOM as right of way specialist and agent of the Board, established an amount that believed to be "just compensation" for the Property, being an amount not less than the appraised value; provided or caused to provide the Owner with a Notice of Intent to appropriate and Good Faith Offer on or about July 31, 2024; and has engaged in and/or has caused the negotiations with the Owner for the purchase of the Property since that time; and

WHEREAS, after negotiations the County believes that it has come to terms for the transfer of the Property to the County as follows: (a) total financial compensation to the Owner in the amount of Ten Thousand Six Hundred Thirty Dollars (\$10,630); (2) the Project plans will call for a road closure of sixty (60) days; (3) timber felled on the Property will be left on the Owner's adjacent property for removal or use by Owner; and (4) the County Engineer will document the condition of the driveway on the Owner's remainder property prior to commencement of the Project and will meet with Owner regularly during the Project to ensure that any damage to the driveway caused by the Project is quickly remedied (collectively, the "Proposed Terms");

WHEREAS, the County will continue to work with the Owner and will attempt to document the agreed terms with the Owner and complete the transfer of the Property to the County as expeditiously as possible;

WHEREAS, the Project deadlines may nonetheless require the Board to conclude that any delay in completing the transfer of the Property is a result of the parties being unable to timely reach an agreement on the purchase and sale of the Property between the time of the delivery of the Initial Good Faith Offer and the time of this Resolution, such that the County is required to exercise its eminent domain authority to begin appropriation proceedings for the Property through Court in order to keep the Project on schedule;

NOW, THEREFORE, BE IT RESOLVED by the Ross County Board of County Commissioners:

Section 1. The Board hereby authorizes and/or ratifies the actions of the County Engineer in obtaining an opinion of value for the Property; establishing an amount to be "just compensation" for the Property, being an amount not less than the appraised value- providing the Owner with a written Notice of Intent to Acquire and Good Faith Offer stating and summarizing the basis for said amount; and attempting negotiations with the Owner for agreement on the purchase and sale of the Property and/or the amount of compensation/damages for the Property, subject to the Board's final approval.

Section 2. The Board hereby declares the necessity of its appropriation of the Property for the public purpose of carrying out and completing the Project. The County's acquisition of the real property described herein is necessary for the public purpose of making or repairing roads that will be open to the public without charge, and the property is hereby appropriated for a public use. The Board finds that the acquisition of property for these purposes is in the public interest and a proper public purpose.

Section 3. The Board hereby authorizes the County Engineer, in consultation with legal counsel, to prepare and execute a contract and close upon the transfer of fee simple title to the Property from the Owner to the County upon the Proposed Terms, and to take all such action as they may deem necessary to expeditiously complete the same in order to comply with the Project Schedule;

Section 4. If the transfer of the Property upon the Proposed Terms is unable to be completed in time to comply with the Project schedule, the Board hereby authorizes and directs the law firm of Bricker Graydon LLP to prepare and file a petition for appropriation of the Property in a court of competent jurisdiction, to deposit the amount of up to Four Thousand Six Hundred Thirty Dollars (\$4,630) with the court of common pleas and take immediate possession of the Property, and to have a jury impaneled to make inquiry into and assess the just compensation/any damage(s) to be paid for the Property.

Section 5. The filing of the petition does not remove the authority granted by Section 3 hereof to complete the transfer of the Property upon the Proposed Terms, whereupon the petition will be promptly dismissed with prejudice. Bricker Graydon LLP and the County Engineer shall have continuing authority, before and after the appropriation is filed, to negotiate with the Owner in an effort to complete the transfer of the Property upon the Proposed Terms, or upon such other terms for the Property's transfer to the County as may be subsequently authorized by the Board.

Section 6. The costs and expenses of either consummating the transfer upon the Proposed Terms or the filing of the petition for appropriation are to be paid out of the appropriate County Fund (210-58-66-7204).

Section 7. All formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code The County's special legal counsel, Bricker Graydon LLP, is hereby authorized to file a petition for appropriation of the Property on the County's behalf in a court of competent jurisdiction for the purposes of assessing the compensation of said real property.

Section 8. This Resolution shall take effect and be in full force immediately after its passage.

RESOLUTION 2024-51

DECLARING THE NECESSITY OF ACQUIRING OR APPROPRIATING CERTAIN REAL PROPERTY BY QUICK TAKE FOR THE PUBLIC PURPOSE OF MAKING OR REPAIRING ROADS; AUTHORIZING APPROPRIATION OF SUCH INTEREST(S) IN REAL PROPERTY BY SETTLEMENT OR BY QUICK TAKE; AND AUTHORIZING LEGAL COUNSEL TO FILE SUIT TO APPROPRIATE SUCH REAL PROPERTY, IF NECESSARY

WHEREAS, the Ross County Board of Commissioners (the "Board"), after extensive consideration, has determined that as part of project known as the Charleston Pike Realignment and Bridge Realignment and Bridget Replacement (the "Project"), it is necessary that the Board acquire certain real estate interests currently owned by Carmi V. Jones, III, Trustee of the Carmi V. Jones III trust dated May 23, 2014, Clark L. Jones and Kay S. Jones, Trustees of the Kay S. Jones Trust dated May 23, 2014 (together, the "Owner"), including fee simple title to approximately 8.711 acres, and temporary easements of approximately 1.092 acres, affecting the county/parcel ID 330604007000, 30604066000, and 330604003000, located in Springfield Township, county of Ross, Ohio, and as more particularly described in the legal descriptions attached as Exhibit A (the "Property");

WHEREAS, the respective name and place of residence of the Owner of the Property and other person(s) or entities who has or may and claim to have an interest in the Property, as are known and with reasonable diligence are ascertainable, are:

Carmi V. Jones, III Trustee of the Carmi V. Jones III Trust Carmi dated July 28, 2014
1235 Schrader Road, Chillicothe, Ohio 45601
Clark L. Jones and Kay S. Jones, Trustees of the Clark L. Jones Trust dated May 23, 2014
1210 Schrader Road, Chillicothe, 45601
American Electric Power dba Ohio Power Company
1 Riverside Plaza, Columbus, Ohio 43215

WHEREAS, an appraisal of the Property has been prepared by Jeffrey R. Helbig, a qualified, independent appraiser who has prepared a written report stating the total fair market value for the Property;

WHEREAS, the County Engineer, acting in conjunction with AECOM as right of way specialist and agent of the Board, established an amount that he believed to be "just compensation" for the Property, being an amount not less than the appraised value; provided or caused to provide the Owner with a Notice of Intent to Acquire and Good Faith Offer on or about June 20, 2024; and has engaged in and/or has caused the negotiations with the Owner for the purchase of the Property since that time; and

WHEREAS, after negotiations, the County hopes that it has come to terms for the transfer of the Property to the County upon the payment of total financial compensation to the Owner in the amount of One Hundred Fifty Five Thousand dollars (\$155,00.00) (the "Proposed Terms");

WHEREAS, the County will continue to work with the Owner and will attempt to formalize the Proposed Terms in a contractual arrangement with the Owner and complete the transfer of the Property to the County as expeditiously as possible;

WHEREAS, the Project deadlines may nonetheless require the Board to conclude that any delay in completing the transfer of the Property is a result of the parties being unable to timely reach an agreement on the purchase and sale of the Property between the time of the delivery of the Initial Good Faith Offer and the time of this Resolution, such that the County is required to exercise its eminent domain authority to begin appropriation proceedings for the Property through Court in order to keep the Project on schedule;

NOW, THEREFORE, BE IT RESOLVED by the Ross County Board of County Commissioners:

Section 1. The Board hereby authorizes and/or ratifies the actions of the County Engineer in obtaining an appraised value for the Property; establishing an amount to be considered "just compensation" for the Property, being an amount not less than the appraised value; providing the Owner with a written Notice of Intent to Acquire and Good Faith Offer stating and summarizing the basis for said amount; and attempting negotiations with the Owner for agreement on the purchase and sale of the Property and/or the amount of compensation/damages for the Property, subject to the Board's final approval.

Section 2. The Board hereby declares the necessity of its appropriation of the Property for the public purpose of carrying out and completing the Project. The County's acquisition of the real property described herein is necessary for the public purpose of making or repairing roads that will be open to the public without charge, and the property is hereby appropriated for a public use. The Board finds that the acquisition of property for these purposes is in the public interest and a proper public purpose.

Section 3. The Board hereby authorizes the County Engineer or County Administrator, in consultation with legal counsel, to prepare and execute a contract and close upon the transfer of fee simple title to the Property from the Owner to the County upon the Proposed Terms and other such terms as are beneficial to the County, and to take all such action as they may deem necessary to expeditiously complete the same in order to comply with the Project Schedule;

Section 4. If the transfer of the Property upon the Proposed Terms is unable to be completed in time to comply with the Project schedule, the Board hereby authorizes and directs the law firm of Bricker Graydon LLP to prepare and file a petition for appropriation of the Property in a court of competent jurisdiction, to deposit the amount of up to \$81,955 with the court of common pleas and take immediate possession of the Property, and to have a jury impaneled to make inquiry into and assess the just compensation/any damage(s) to be paid for the Property.

Section 5. The filing of the petition does not eliminate the authority granted by Section 3 hereof to complete the transfer of the Property upon the Proposed Terms, whereupon the petition will be promptly dismissed with prejudice. Bricker Graydon LLP and the County Engineer shall have continuing authority, before and after the appropriation is filed, to negotiate with the Owner in an effort to complete the transfer of the Property upon the Proposed Terms, or upon such other terms for the Property's transfer to the County as may be subsequently authorized by the Board.

Section 6. The costs and expenses of either consummating the transfer upon the Proposed Terms or the filing of the petition for appropriation are to be paid out of the appropriate County fund 210-58-66-7204.

Section 7. All formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code. The County's special legal counsel, Bricker Graydon LLP, is hereby authorized to file a petition for appropriation of the Property on the County's behalf in a court of competent jurisdiction for the purposes of assessing the compensation of said real property.

On call of the roll, the vote was: Mr. Lowe, yes; Mr. Everson, yes; Mr. Garrett, yes. Motion carried.

GRANT AGREEMENT AMERICAN RESCUE ACT

Mr. Everson moved, Mr. Lowe seconded, to approve the grant request to utilize a portion of its American Rescue Plan Act - State and Local Fiscal Recovery Funds ("ARPA") in support of the design and construction of a force main and gravity sewer system from the Ross County Shoemaker Airport South to the Chillicothe Correction Institution Sewage Treatment Plant (the "Project"). Specifically, the \$13.7 million Project involves the decommissioning of existing waste water treatment infrastructure and sending that flow, via multiple pump stations and eight miles of piping, to the waste water treatment facility that serves the local state prisons waste water needs. The Board desires to fund the Services herein by directing the unencumbered balance of the Standard Allowance, an amount equal to \$8,694,417.26, to offset some or all the total budgeted cost of the Proposal.

On call of the roll, the vote was: Mr. Lowe, yes; Mr. Everson, yes; Mr. Garrett, yes. Motion carried.

OTHER BUSINESS

Departmental Budget Meetings were held

Fixed Base Operator Ross County Shoemaker Airport – Attorney for TRM Aviation and TRM Avionics, John Kozich, Ryan McDaniel, Owner Duncan Oil and Cindy McNamee, Attorney for Duncan Oil, discussed the possible sale of TRM businesses to Duncan Oil. This was the Commissioners first meeting with the potential buyer. After conversation, the buyer has a more in depth vision of what the Commissioners envision for the airport. Another conversation will take place in the near future.

ADJOURN

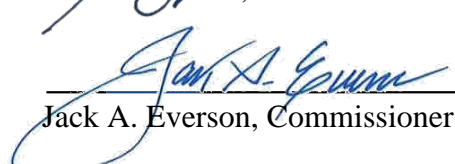
Mr. Dwight A. Garrett, President, adjourned the regular meeting of October 21, 2024, at 2:15 p.m. Board of Commissioners of Ross County, Ohio



Dwight A. Garrett, President



James E. Lowe, Vice President



Jack A. Everson, Commissioner