

Wayne County Commissioners' Agenda

- Pledge of Allegiance to the Flag
- Call to Order Regular Session of January 17, 2024
- Announcement of Commissioners in Attendance
- Approval of Agenda
- Approval of minutes from January 10, 2024 through January 16, 2024

Date	Res. #	Resolution Title
1/17	2024-27	Approval of County Bills
1/17	2024-28	Appropriation Transfer Approval
1/17	2024-29	Fund Transfer Approval
1/17	2024-30	Personnel Change Approval
1/17	2024-31	Travel/Training Expense Approval
1/17	2024-32	Organizational Membership Approval
1/17	2024-33	Disposal Authorization of Used Equipment
1/17	2024-34	Amendment to Res. 2023-589 - Approval of Amendment 1 to Ohio Department of Transportation Local Public Agency Grant Agreement No. 38104 for WAY-CR 225-0.54 Criswell Road Bridge Replacement (PID Number 117403)
1/17	2024-35	Approval of Application of the 2024 Ohio Pet Fund Grant
1/17	2024-36	Bid Advertisement Authorization for Guardrail Installation (WAY-CR-VAR-GR-FY2024) Project (PID 109302)
1/17	2024-37	Resolution to Approve an Agreement on the True Course and Boundaries of Smyser Road in Plain Township, Wayne County, Ohio, to Approve the True Plat and Description, and to Approve the Acquisition of Three Perpetual Easements for Highway Use at that Location
1/17	2024-38	Approval of Agreement Between the Wayne County Children Services Board and the Office of the Wayne County Prosecuting Attorney for Child Welfare Matters

Resolution

No. 2024-27

Board of Wayne County Commissioners

Ron Amstutz Jonathan Hofstetter Sue A. Smail

Adopted: January 17, 2024

Subject: **Approval of County Bills**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

Computer run dated **January 16, 2024** for County Bills in the amount of **\$896,959.58**;
Interagency Transaction/Payment **batch #8646 & 8647** in the amount of **\$3,732.94**;
and any Then & Now Certificates are hereby approved for payment.

As taxing authority, the Then & Now Certificates submitted as of this date for Board of Elections; Children Services; Department of Developmental Disabilities; Mental Health & Recovery Services; Soil & Water; and Veterans Services are approved for processing by the Auditor.

The vote is as follows: Ron Amstutz yea Jonathan Hofstetter yea Sue A. Smail yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.


Diane L. Austen, Clerk

Resolution

No. 2024-28

Board of Wayne County Commissioners
Ron Amstutz Jonathan Hofstetter Sue A. Smail

Adopted: January 17, 2024

Subject: **Appropriation Transfer Approval**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

The following appropriation amounts are to be transferred by the Wayne County Auditor.

Dept./Amount		Account Description	Account	GEMS
Veterans	To transfer appropriations where needed			
\$25,000.00	From	Relief Allowances (Veterans)	A009-C06	001.2400.06.5940.000.000
	To	Medical Relief (Veterans)	A009-C11	001.2400.06.5445.000.000
Common Pleas Adult Probation	To transfer appropriations where needed			
\$370.00	From	TCAP Electronic Monitoring	T039-T27	115.3102.03.5550.000.TC3
	To	Local Jail Confinement	T039-T29	115.3102.03.5520.000.TC3
\$1,456.96	From	TCAP Drug Testing	T039-T26	115.3102.03.5500.000.TC3
	To	Local Jail Confinement	T039-T29	115.3102.03.5520.000.TC3
\$373.31	From	TCAP Outpatient Counseling	T039-T28	115.3102.03.5430.000.TC3
	To	Local Jail Confinement	T039-T29	115.3102.03.5520.000.TC3
\$37.95	From	TCAP G.O.E.	T039-T25	115.3102.03.5170.000.TC3
	To	Local Jail Confinement	T039-T29	115.3102.03.5520.000.TC3
Soil & Water	To transfer appropriations where needed			
\$2,000.00	From	Other Expenses (Soil & Water)	L000-L13	507.2800.07.5900.000.000
	To	Contract Services (Soil & Water)	L000-L05	507.2800.07.5430.000.000

The vote is as follows: Ron Amstutz yea Jonathan Hofstetter yea Sue A. Smail yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.


Diane L. Austen, Clerk

Resolution

No. 2024-29

Board of Wayne County Commissioners
Ron Amstutz Jonathan Hofstetter Sue A. Smail

Adopted: January 17, 2024

Subject: **Fund Transfer Approval**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

Department	Amount	From (Fund)	From Approp Acct	To (Fund)	To Receipt Acct
Juv. / Probate Court	\$1,608.83	Fund 022 (B-40) Juv./Probate Ct. Computerization	B040-B02 Transfers 022.3255.02.6150.000 .000	Fund 023 (B-50) Court System Computerization	B050-B11 Transfers in Juv. Ct. 023.3200.00.4904.000 .000
Court ordered transfer of computerization funds					

The vote is as follows: Ron Amstutz yea Jonathan Hofstetter yea Sue A. Smail yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.


Diane L. Austen, Clerk

Resolution

No. 2024-30

Board of Wayne County Commissioners
Ron Amstutz Jonathan Hofstetter Sue A. Smail

Adopted: January 17, 2024

Subject: **Personnel Change Approval**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

Department	Name	Title	Effective Date	Status Change
Care Center	Beth Knopp	Admin. Asst.	1/29/2024	New hire
Care Center	Sue Boss	Hosp. Aide	1/16/2024	Return from Disability Separation
Job & Family	Sarah Mensching	Custodial Worker	1/5/2024	Resigned
Sewer	John Groff	Wastewater Op. in Trng.	1/22/2024	New hire

The vote is as follows: Ron Amstutz yea Jonathan Hofstetter yea Sue A. Smail yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.


Diane L. Austen, Clerk

Resolution

No. 2024-313

Board of Wayne County Commissioners
Ron Amstutz Jonathan Hofstetter Sue A. Smail

Adopted: January 17, 2024

Subject: Travel/Training Expense Approval

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

Dept./Person	Where	Date	Travel	Travel (taxable)	Seminar, Conf., Mtg., etc.
Child Support					
Shayne Oehlhof	Columbus / Westerville	1/17, 2/14-15, 5/15-16, 9/18-19, 11/20-21/2024	145.00	0	OCDA Exec. Board/General Membership
Shayne Oehlhof, Nathan Franck	Mineral City Hartville	6/10/2024 12/9/2024	75.00	0	OCDA Cleveland/Canton Dist. Mtgs.
Nathan Franck	Westerville	1/17/2024	170.00	0	OCDA Board & Committee Chair Retreat
Nathan Franck	Columbus	1/18/2024	0	0	Case Manager Collaboration Committee Mtg.
Tara Hand, Daniel Starett	Marysville	3/7/2024	50.00	0	Human Resources Bootcamp Event
Clerk of Courts					
Tim Neal, and/or Clerk of Court Staff	Lewis Center	Duration of 2024	0	0	OCCA / OAMCCC Conferences & Trainings
Commissioners					
Barb Winey	Columbus	1/29-30/2024	579.00	0	OHPELRA Annual Conf.
Barb Winey, John Drumm	Wooster	2/1/2024	98.00	0	Clemans Nelson Update
Emerg. Mgmt.					
Barbara Pittard	Columbus	1/24/2024	15.00	0	State Interoperability Exec. Committee Mtg.
Engineer					
Scott Miller	Columbus	2/1-2/2024	510.00	0	CEAO Engineer's Conf.
Job & Family					
Sarah Fairchild	Coshocton	1/31/2024	47.85	0	CCMEP Info. Sharing
Lisa Gunnels	Marysville	3/7/2024	135.00	0	Human Resources Bootcamp

The vote is as follows: Ron Amstutz yea Jonathan Hofstetter yea Sue A. Smail yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.


Diane L. Austen, Clerk

Resolution

No. 2024-32

Board of Wayne County Commissioners
Ron Amstutz Jonathan Hofstetter Sue A. Smail

Adopted: January 17, 2024

Subject: **Organizational Membership Approval**

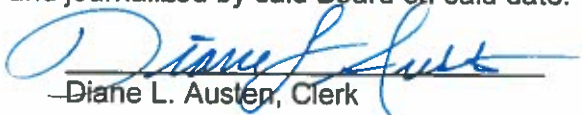
It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

Department	Organization	Person / Entity	Total
Child Support	Ohio CSEA Directors Assoc. Canton/Cleveland Dist.	Shayne Oehlhof	80.00
Clerk of Courts	Ohio Clerk of Courts Assoc. (OCCA)	Tim Neal, Greg Bolek, Diana Charbonneau	3,191.84
Clerk of Courts	Ohio Assoc. of Municipal County Clerk of Courts (OAMCCC)	Greg Bolek, Tim Neal, Tammy Walk, Doris Stutzman	500.00
Common Pleas	Wayne County Bar Assoc.	Allyson Blake	80.00
Common Pleas	Wayne County Bar Assoc.	Jennifer Svec	80.00
Municipal Court	Ohio Assoc. for Court Administration	David Baney	150.00

The vote is as follows: Ron Amstutz yea Jonathan Hofstetter yea Sue A. Smail yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.


-Diane L. Austen, Clerk

Resolution

No. 2024-33

Board of Wayne County Commissioners

Ron Amstutz Jonathan Hofstetter Sue A. Smail

Adopted: January 17, 2024

Subject: **Disposal Authorization of Used Equipment**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the used equipment listed below is inoperable and hereby approved for disposal.

Veterans:

Computer Tower - It's just the shell with the insides gutted

Microfilm Reader

Shredder

The vote is as follows: Ron Amstutz yea Jonathan Hofstetter yea Sue A. Smail yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.


Diane L. Austen, Clerk

Resolution

No. 2024-34

Board of Wayne County Commissioners
Ron Amstutz Jonathan Hofstetter Sue A. Smail

Adopted: January 17, 2024

Subject: **Amendment to Res. 2023-589 - Approval of Amendment 1 to Ohio Department of Transportation Local Public Agency Grant Agreement No. 38104 for WAY-CR 225-0.54 Criswell Road Bridge Replacement (PID Number 117403)**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that approval is hereby granted to amend the Grant Amount to be received from \$750,000.00 to \$775,000.00 for the LPA Grant Agreement No. 38104 for WAY-CR 225-0.54, Criswell Road Bridge Replacement, PID Number 117403.

The vote is as follows: Ron Amstutz yea Jonathan Hofstetter yea Sue A. Smail yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.


Diane L. Austen, Clerk

Resolution

No. 2024-35

Board of Wayne County Commissioners
Ron Amstutz Jonathan Hofstetter Sue A. Smail

Adopted: January 17, 2024

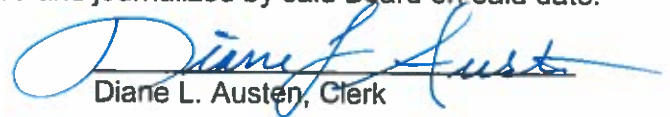
Subject: **Approval of Application of the 2024 Ohio Pet Fund Grant**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that authorization is hereby granted for application of the 2024 Ohio Pet Fund Grant, in the amount of \$2,500.00, for assistance with the spay/neuter program at the Wayne County Dog Shelter.

The vote is as follows: Ron Amstutz yea Jonathan Hofstetter yea Sue A. Smail yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.


Diane L. Austen, Clerk

Resolution

No. 2024-36

Board of Wayne County Commissioners
Ron Amstutz Jonathan Hofstetter Sue A. Smail

Adopted: January 17, 2024

Subject: **Bid Advertisement Authorization for Guardrail Installation (WAY-CR-VAR-GR-FY2024) Project (PID 109302)**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

WHEREAS, the Wayne County Engineer has requested that said public improvement project be publically advertised and bid; and

WHEREAS, the Ohio Department of Transportation (ODOT) has approved advertisement of the bid packet.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Wayne County, Ohio, that:

Section 1. The County Administrator, on behalf of the Board, is authorized to advertise for, receive, and open bids for the following public improvement project:

Project	Engineer's Estimate
Guardrail Installation Project	\$98,155.00
The Installation of Guardrail on Apple Creek Road (CR044) between Bechtel Road (TR144) and Back Orrville Road (CR023), in Green Township. (WAY-CR-VAR-GR-FY24).	(LPA project is 100% funded utilizing Federal Funds.)


Section 2. The Board of Wayne County Commissioners hereby incorporate into this resolution all of the aforesaid recitals and they are rendered to be findings by the Board.

Section 3. The Board of Wayne County Commissioners also finds that all formal actions of its Board concerning and relating to the passage of this Resolution were passed in an open meeting of this Board that was properly noticed.

The vote is as follows: Ron Amstutz yea Jonathan Hofstetter yea Sue A. Smail yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.


Diane L. Austen, Clerk

Resolution

No. 2024-37

Board of Wayne County Commissioners

Ron Amstutz Jonathan Hofstetter Sue A. Smail

Adopted: January 17, 2024

Subject: **Resolution to Approve an Agreement on the True Course and Boundaries of Smyser Road in Plain Township, Wayne County, Ohio, to Approve the True Plat and Description, and to Approve the Acquisition of Three Perpetual Easements for Highway Use at that Location**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that the following resolution be adopted:

WHEREAS, Donna M. Anderson, Trustee of the Amended Restated Trust Agreement originally executed on March 6, 1998, restated on April 17, 2012 and amended on March 15, 2017 ("Anderson") owns Permanent Parcel No. 44-00002.000 ("Parcel") situated in Plain Township, Wayne County, Ohio, known as being part of land conveyed to Anderson in Volume 124; Page 724 of Wayne County Official Records; and

WHEREAS, the Plain Township road named Smyser Road (TR35) traverses the Parcel; and

WHEREAS, the existing road bed for Smyser Road between Heyl Road (CR139) and Wile Road (TR 181) in Plain Township is outside of the existing easement that was originally described in the original road records kept at the Wayne County Engineer's office, and as a result, the true course and boundaries of Smyser Road are uncertain; and

WHEREAS, this section of Smyser Road lies completely in the Parcel, owned by Anderson; and

WHEREAS, Section 5553.21 of the Ohio Revised Code provides that, whenever the place of beginning, true course, or boundaries of a road within a county in the State of Ohio are uncertain from any other cause, and the adjacent landowners are able to agree on the true course and boundaries of such road, they may call upon the county engineer to make a true plat and description thereof; and

WHEREAS, such plat and description must first be approved by the engineer and the board of county commissioners; and

WHEREAS, such plat and description shall be signed and acknowledged by such adjacent landowners and placed upon the proper road records of the county; and

WHEREAS, thereafter, the plat and description contained in the road records shall constitute the true course and boundaries of such road; and

WHEREAS, Anderson, the only adjacent landowner, has called upon the Wayne County Engineer, Scott Miller ("the Engineer"), to make a true plat and description of Smyser Road where it traverses the Parcel; and

WHEREAS, the Engineer has made a true plat and description thereof ("the Plat") attached hereto and incorporated herein as Exhibit A; and

WHEREAS, the Plat has been approved by the Engineer and will be approved by the Board of County Commissioners of Wayne County, Ohio (the Board") and will be signed and acknowledged by Anderson; and

WHEREAS, Anderson wishes to grant, bargain, sell, convey, release, and assign forever, three (3) perpetual easements and rights-of-way on portions of the Parcel, further depicted on the Plat attached hereto and incorporated herein as Exhibit A and more fully described in the Highway Easement Deed attached hereto and incorporated herein as Exhibit B, for public highway use to the Board; and

WHEREAS, Anderson and the Board wish to execute an Agreement, attached hereto and incorporated herein as Exhibit C ("the Agreement"), establishing the true course and boundaries of Smyser Road with the Plat and description and three (3) perpetual easements; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Wayne County, Ohio, that

- Section 1. The aforesaid recitals are rendered to be the findings of this Board and are hereby incorporated into this Resolution.
- Section 2. The Board approves the Plat and description, attached hereto and incorporated herein as Exhibit A, and thereby is in agreement with Anderson and the Engineer that the Plat and description shall constitute the true course and boundaries of Smyser Road between Heyl Road and Wile Road and it shall be placed upon the proper road records of Wayne County.
- Section 3. The Board is hereby authorized to execute the Agreement, attached hereto and incorporated herein as Exhibit C, establishing the true course and boundaries of Smyser Road, as well as all documents related to such Agreement along with said easements and rights-of-way.
- Section 4. The Board hereby approves and accepts the three (3) perpetual easements and rights-of-way for public highway use located on the Parcel from Anderson to the Borad as depicted in the Plat, attached hereto and incorporated herein as Exhibit A, and as more fully described in the Highway Easement Deed, attached hereto as Exhibit B.
- Section 5. In consideration of Anderson's conveyance of the three (3) perpetual highway easements to the Board pursuant to the Agreement and the Highway Easement Deed, the Board hereby authorizes the payment of One Thousand Dollars (\$1,000.00) to Anderson as consideration for said easements.
- Section 6. The three highway easements so conveyed are for the public convenience and welfare.
- Section 7. This Board met in an open meeting pursuant to notice duly given in accordance with the provisions of Ohio's Open Meeting Act.

The vote is as follows: Ron Amstutz yea Jonathan Hofstetter yea Sue A. Smail yea

CERTIFICATE

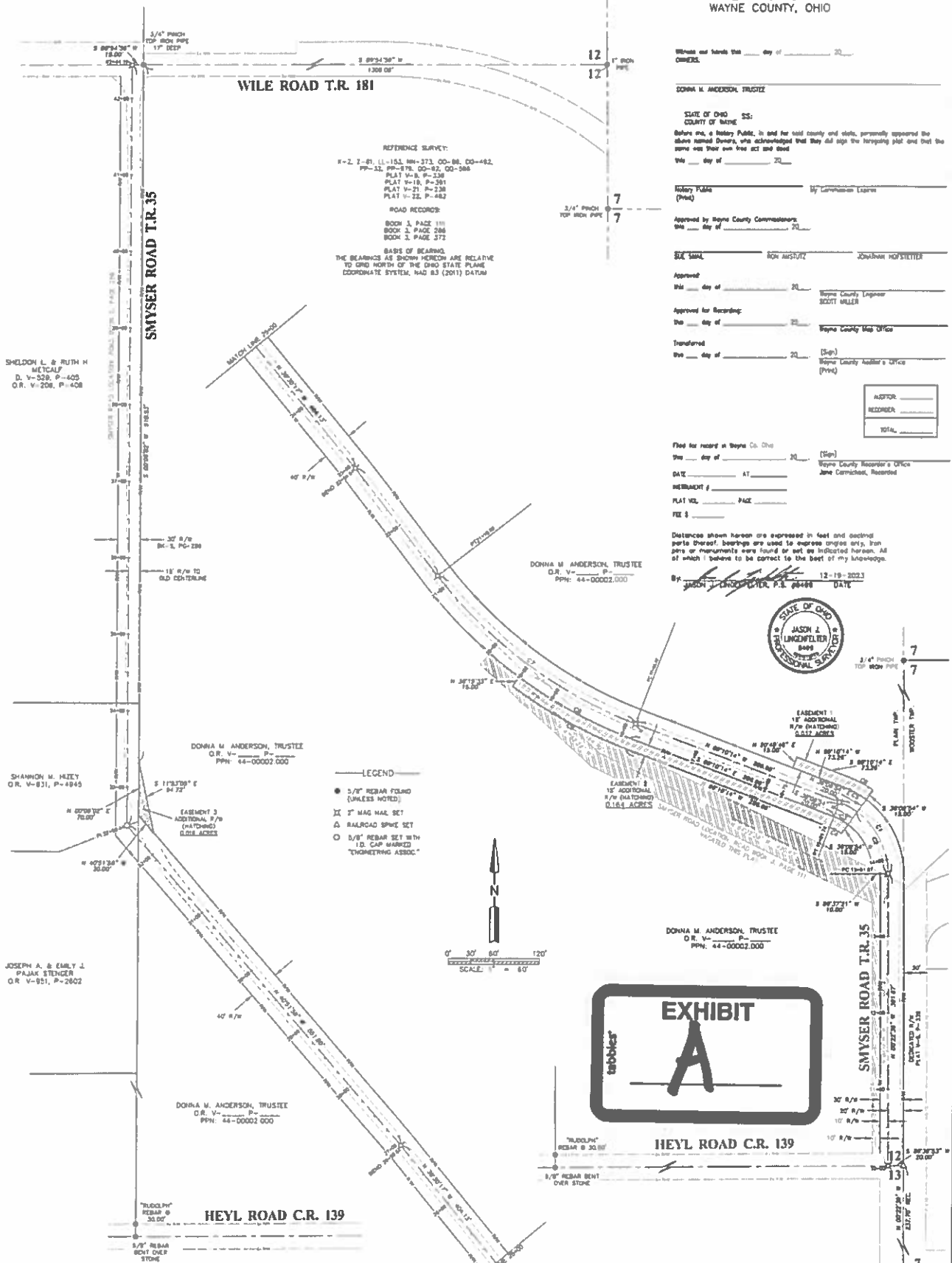
I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.


Diane L. Austen, Clerk

ESTABLISHING THE TRUE LINE OF SMYSER ROAD BY AGREEMENT (ORC. 5553.21) AND PURCHASE OF ADDITIONAL HIGHWAY EASEMENT

SE QUARTER OF SECTION 12
T-19-N, R-14-W
PLAIN TOWNSHIP
WAYNE COUNTY, OHIO

CHAIN	BEARING	ARC LENGTH	CHORD LENGTH	CHORD BEARING	BEARING ANGLE
C1	100.00	120.00	171.46	N. 67°29'51" W	67°29'51"
C2	100.00	81.33	89.88	N. 77°04'51" W	51°22'29"
C3	80.00	27.73	27.73	S. 81°30'40" E	12°19'04"
C4	75.00	17.50	17.50	N. 81°30'40" E	15°18'58"
C5	100.00	10.00	11.89	N. 81°30'40" W	15°18'08"
C6	135.00	34.00	35.89	S. 81°30'40" E	15°18'08"
C7	600.00	312.23	325.12	S. 87°27'21" E	37°20'47"
C8	200.00	166.88	168.44	S. 81°31'21" E	12°25'21"
C9	632.00	171.00	170.48	N. 87°27'21" W	12°25'43"



Witness and date this _____ day of _____ 20____

OWNERS:

DONNA M. ANDERSON, TRUSTEE

STATE OF OHIO
COUNTY OF WAYNE

Before me, a Notary Public, in and for said county and state, personally appeared the above named Owners, who acknowledged that they did sign the foregoing plat and that the same was their own free act and deed.

On _____ day of _____ 20____

Notary Public
(Print) _____
By _____
Wayne County Engineer
SCOTT MILLER

Approved by Wayne County Commissioner:
On _____ day of _____ 20____

SEA SEAL: _____
JOHN AMSTUTZ JOHANN HOFSTETTER

Approved for Recording:
On _____ day of _____ 20____
Wayne County Map Office

Transferred:
On _____ day of _____ 20____ (Sign)
Wayne County Auditor's Office
(Print)

Filed for record in Wayne Co. Ohio
On _____ day of _____ 20____ (Sign)
Wayne County Recorder's Office
Jane Carrickson, Recorder

DATE _____ AT _____
INSTRUMENT # _____
PLAT VOL. _____ PAGE _____
FILE # _____

Distances shown hereon are expressed in feet and decimal parts thereof. Bearings are used to express angles only. Iron pins or monuments were found or set as indicated hereon. All of which I believe to be correct to the best of my knowledge.

By: _____ 12-19-2023 DATE
JASON J. LANGFELTER, P.L. 06468

REFERENCE SURVEY:
R-2, I-81, (L)164, NW-373, OO-88, OO-82,
PP-32, PP-878, OO-82, OO-268
PLAT V-8, P-238
PLAT V-18, P-384
PLAT V-21, P-238
PLAT V-22, P-482

ROAD RECORDS:
BOOK 1, PAGE 110
BOOK 1, PAGE 288
BOOK 1, PAGE 372

BASE OF BEARING:
THE BEARINGS AS SHOWN HEREON ARE RELATIVE
TO GRID NORTH OF THE OHIO STATE PLANE
COORDINATE SYSTEM, NAD 83 (2011) DATUM

SHELDON L. & RUTH H
METCALF
D. V-329, P-405
O.R. V-206, P-408

SHANNON M. HEEZY
O.R. V-831, P-4945

JOSEPH A. & EMILY J.
PAJAK STENCER
O.R. V-951, P-2802

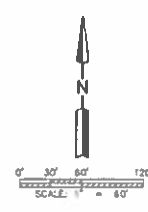
DONNA M. ANDERSON, TRUSTEE
O.R. V-____ P-____
PPN: 44-00002.000

DONNA M. ANDERSON, TRUSTEE
O.R. V-____ P-____
PPN: 44-00002.000

DONNA M. ANDERSON, TRUSTEE
O.R. V-____ P-____
PPN: 44-00002.000

DONNA M. ANDERSON, TRUSTEE
O.R. V-____ P-____
PPN: 44-00002.000

- LEGEND
- 5/8" REBAR FOUND (UNLESS NOTED)
 - ⊗ 2" MAG NAIL SET
 - RAILROAD SPIKE SET
 - 5/8" REBAR SET WITH 1/2" CAP MARKED "ENGINEERING ASSOC."



5/8" REBAR FOUND
310' EAST OF
SECTION CORNER

HIGHWAY EASEMENTS

Donna M. Anderson, Trustee of the Amended Restated Trust Agreement originally executed on March 6, 1998, restated April 17, 2012 and amended on March 15, 2017 (hereinafter called "Grantor") whose tax mailing address is 2614 Wile Road, Wooster, OH 44691, for good and valuable consideration paid, receipt of which is hereby acknowledged, does hereby forever grant, bargain, sell, convey, and release unto Wayne County by and through the Board of County Commissioners of Wayne County, Ohio, (hereinafter called "Grantee") its successors and assigns, whose tax mailing address is 428 West Liberty Street, Wooster, OH 44691, perpetual easements and rights of way for public road maintenance and operation, construction, reconstruction, removal, maintenance, and operation of roads, curbs, ditches, sidewalks, water mains, storm and sanitary sewers, culverts, street lights, and traffic control devices, including all appurtenances to the foregoing, and public utilities including gas, telephone, electric, and cable television facilities, clear of all obstructions which interfere with the improvement and/or maintenance of the above items, in, upon, through, and over the land hereinafter described and depicted on the same as the perpetual easements:

Being Easement 1 fifteen (15) feet in width and comprising 0.037 acres additional right-of-way adjacent to and parallel with the center of the tract described in Exhibit 1 and shown in Exhibit 4 attached hereto;

Being Easement 2 fifteen (15) feet in width and comprising 0.0164 acres additional right-of-way adjacent to and parallel with the center of the tract described in Exhibit 2 and shown in Exhibit 4 attached hereto; and

Being Easement 3 additional right-of-way comprising 0.016 acres described in Exhibit 3 and shown in Exhibit 4 attached hereto.

See legal descriptions attached as Exhibit's 1, 2, and 3 and incorporated by reference as though set forth in full.

See the plat attached as Exhibit 4 and incorporated by reference as though set forth in full.

Prior Instrument Reference: Vol. 660, Page 543, Instrument No. 199000482273 of the County Recorder of Wayne County, Ohio.

Grantor, herself and her successors and assigns, covenants with Grantee, its successors and assigns, that she is the true and lawful owner in fee simple of the property upon, through, and over wherein the above-described easements are located, and she has the right and power to grant, convey, and release the above-described easements.



Grantor hereby binds herself and her heirs, successors, and assigns to warrant and forever defend the above-described easements and rights unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

The easements are being conveyed for public road purposes. Grantor shall not build upon, construct on, or in any way obstruct the area of said easements.

This instrument shall be binding on, and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of the parties hereto.

IN WITNESS WHEREOF, the Parties have executed this instrument by and through their undersigned and duly elected members, if applicable, this 12th day of January, 2024.

GRANTOR
DONNA M. ANDERSON, TRUSTEE

Donna M. Anderson Trustee

By:

GRANTEE
BOARD OF COUNTY
COMMISSIONERS OF WAYNE
COUNTY, OHIO

Ron Amstutz, County Commissioner

Jonathan Hofstetter, County Commissioner

Sue Smail, County Commissioner

STATE OF OHIO]
WAYNE COUNTY] SS:

Before me, a Notary Public in and for said County and State, personally appeared the above-named County Commissioners of Wayne County, Ohio, being Ron Amstutz, Jonathan Hofstetter, and Sue Smail, who acknowledge that they did sign the foregoing instrument and that the same is their free act and deed, both individually and as such County Commissioners.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Wooster, Ohio, this _____ day of _____, 20____.

Notary Public

STATE OF OHIO]
WAYNE COUNTY]^{SS:}

Before me, a Notary Public in and for said County and State, personally appeared Donna M. Anderson, Trustee, who did acknowledge that she did sign the foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Wooster, Ohio, this 12th day of January, 20 24.


Notary Public

This instrument was prepared by:

Thomas M. McCarty (#0020302)
Wayne County Prosecutor's Office
115 W. Liberty St.
Wooster, OH 44691
Ph: (330) 262-3030
Fax: (330) 287-5412



WILLIAM ANFANG
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION DATE
SECTION 147.030 R.C.

**AGREEMENT ESTABLISHING TRUE LINE OF SMYSER ROAD
AND PURCHASE OF EASEMENTS**

THIS AGREEMENT is entered into by and between Donna M. Anderson, Trustee of the Amended Restated Trust Agreement originally executed on March 6, 1998, restated on April 17, 2012 and amended on March 15, 2017, whose tax mailing address is 2614 Wile Road, Wooster, Ohio ["Anderson"], and the BOARD OF COUNTY COMMISSIONERS OF WAYNE COUNTY, OHIO, the contracting authority for the County of Wayne, Ohio ["County"].

WHEREAS, Section 5553.21 of the Ohio Revised Code provides that, whenever the place of beginning, true course, or boundaries of a road within a county in the State of Ohio are uncertain, for whatever reason, and the adjacent landowners are able to agree on the true course and boundaries of such road, they may call upon the county engineer to make a true plat and description thereof; and

WHEREAS, such plat and description shall first be approved by the engineer and the board of county commissioners; and

WHEREAS, such plat and description shall be signed and acknowledged by the adjacent landowners, and placed upon the proper road records of the county and thereafter the plat and description contained in the road records shall constitute the true course and boundaries of such road; and

WHEREAS, the place of beginning, true course, and boundaries of Smyser Road in Plain Township, Wayne County, Ohio, where it traverses the property owned by Anderson, are uncertain; and

WHEREAS, Anderson, the only adjacent landowner, agrees on the true course and boundaries of that portion of Smyser Road and she has called upon the Wayne County Engineer, Scott Miller ("Engineer"), to make a true plat and description of Smyser Road where it traverses her property; and

WHEREAS, the Engineer has made a true plat and description thereof ("the Plat"), attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the Plat and description have been approved by the Engineer and the County; and

WHEREAS, Anderson intends to sign and acknowledge the Plat; and

WHEREAS, Anderson intends to convey to the County, and the County intends to purchase from Anderson, three (3) additional highway easements immediately adjacent to the true course and boundaries of Smyser Road as set forth in the Plat, for the public convenience and welfare.

NOW, THEREFORE, in consideration of mutual agreements herein contained, Anderson and the County do hereby agree as follows:

1. The Plat, being the true plat and description of that portion of Smyser Road that traverses Anderson's property, is the true course and boundaries of Smyser Road.
2. Anderson shall convey to the County, and the County shall purchase from Anderson, for the sum of One Thousand Dollars (\$1,000.00), the three (3) additional highway easements



described in the Plat, and more fully described by the Highway Easement Deed, a copy of which is attached hereto and incorporated herein by reference as Exhibit B.

3. The County will undertake the filing of the Plat and the Highway Easement Deed, Exhibits A and B respectively, with the Wayne County Recorder's Office.
4. This Agreement will be effective this ____ day of December, 2023.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed this ____ day of December, 2023 by Anderson and the County, pursuant to enabling legislation passed during an open public meeting by the Board of County Commissioners of Wayne County, Ohio.

APPROVED AS TO FORM:



William F. Anfang III
Attorney at Law
Counsel for Donna M. Anderson, Trustee
of the Amended Restated Trust Agreement
originally executed on March 6, 1998,
and amended on March 15, 2017, restated
on April 17, 2012



Donna M. Anderson, Trustee of the
Amended Restated Trust Agreement
originally executed on March 6, 1998,
restated on April 17, 2012 and amended
on March 15, 2017, restated on April 17,
2012

APPROVED AS TO FORM:

Angela Poth-Wypasek
Prosecuting Attorney
Wayne County, Ohio

**BOARD OF COUNTY
COMMISSIONERS
WAYNE COUNTY, OHIO**

Sue Smail, Commissioner

Jonathan Hofstetter, Commissioner

Ron Amstutz, Commissioner

Resolution

No. 2024-38

Board of Wayne County Commissioners

Ron Amstutz Jonathan Hofstetter Sue A. Smail

Adopted: January 17, 2024

Subject: **Approval of Agreement Between the Wayne County Children Services Board and the Office of the Wayne County Prosecuting Attorney for Child Welfare Matters**

It was moved by Commissioner Amstutz and seconded by Commissioner Smail that approval is hereby granted of an Agreement between the Wayne County Children Services Board and the Office of the Wayne County Prosecuting Attorney for child welfare matters.

The vote is as follows: Ron Amstutz yea Jonathan Hofstetter yea Sue A. Smail yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.


Diane L. Austen, Clerk