

**November 3, 2021**

The Clark-Shawnee Local Board of Education met in a special session on November 3, 2021 at Shawnee Elementary School, 1841 East Possum Road. The meeting was called to order at 6:30 p.m. by President Pierce. Those answering the roll by Mr. Faulkner:

Mr. Galbreath  
Mrs. Garrett  
Mrs. Pierce  
Dr. Page  
Mr. DeHart

Also present: Mr. Brian Kuhn, Superintendent  
Mr. Brian Masser, Asst. Superintendent

All stood and recited the Pledge of Allegiance.

**ACCEPTANCE OF THE AGENDA (2021 - 1218)**

Mrs. Garrett moved to accept the agenda.

Mr. Galbreath Seconded the motion.

Ayes: Garrett, Pierce, Page, DeHart, Galbreath.

The President declared the motion carried.

**REQUESTS AND CONCERNS OF THE GENERAL PUBLIC**

None

**RESOLUTION AUTHORIZING APPROVAL OF EASEMENT AND  
INTERGOVERNMENTAL AGREEMENT WITH BOARD OF COMMISSIONERS,  
CLARK COUNTY OHIO (2021-1215)**

Mr. DeHart moved to approve the following:

WHEREAS, Ohio Revised Code Section 3313.33 authorizes a board of education of a local school district to enter into contracts and specifically to make all other necessary provisions for the schools under its control; and

WHEREAS, Ohio Revised Code Section 3313.43 provides that when the board of education of any school district owns or holds lands for school purposes and said lands are not accessible by reason of the want of any street or public highway leading thereto and it becomes necessary that streets and highways be dedicated and opened for the purpose of making such lands accessible and available for the public use, and in so doing it becomes necessary to use and occupy part of said school lands for street or highway purposes, such board may, by resolution, authorize that a true map or plat of said lands be made by a competent engineer, delineating thereon the proposed streets or highways, and shall authorize the president and treasurer of the board to execute and acknowledge thereon a certificate of dedication of such lands as are embraced therein as streets and highways, for the use of the general public as such. The legislative authority of any municipal corporation, within which such lands are situated may, by ordinance, accept such lands so dedicated as public streets, and the same shall thereafter be under the control and supervision of such legislative authority as streets and highways; and

WHEREAS, the Board of County Commissioners, Clark County, Ohio, ("County") seeks to acquire the necessary road rights of way for the construction of a CLA-CR 351 7.92 project, for the improvement of 0.14 miles of County Route 351 (Selma Pike) and 0.26 miles of Township Road 234 (East Possum Road), for the construction of a single lane modern roundabout at the intersection of Selma Pike and East Possum Road ("Project"); and

WHEREAS, the Clark-Shawnee Local School District Board of Education ("Board") is the title owner of two parcels of land, portions of which the County seeks to

acquire by temporary and perpetual easements, the portions of the two parcels of land owned by the Board specifically identified by the County as needing to be acquired by the County for purposes of the Project being as follows:

- 1) (identified by the County as Parcel #10-SH, T): net of 0.449 acres located on the southwest corner of Selma Pike and E. Possum Road, Clark County Recorder, Deed Book Volume 482, Page 67; and
- 2) (identified by the County as Parcel #12-SH, T1, T2): net of 0.372 acres located on the southeast corner of Selma Pike and E. Possum Road, Clark County Recorder, Official Record Book 2176, Page 5260; and

WHEREAS, the Board and the County have engaged in good faith negotiations with respect to the County's acquisition of both the temporary and perpetual easements proposed on the two portions of the two parcels owned by the Board, identified above herein; and

WHEREAS, through the good faith negotiations process, the Superintendent has recommended that the Board approve dedication of the aforementioned portions of the two parcels owned by the Board by way of proposed temporary and permanent easement to the County for purposes of the Project, and which are incorporated in this Resolution by reference:

Parcel #10-SH Perpetual Easement for Highway Purposes

Parcel 10-T Temporary Easement for the Purpose of Performing the Work Necessary to Construction Sidewalk, Grade and Seed for 18 Months from Date of Entry by the County

Parcel #12-SH Perpetual Easement for Highway Purposes

Parcel 12-T1 Temporary Easement for the Purpose of Performing the Work Necessary to Grade and Seed for 18 Months from Date of Entry by the County



Parcel 12-T2 Temporary Easement for the Purpose of Performing the Work Necessary to Grade and Seed for 18 Months from Date of Entry by the County; and

WHEREAS, the Board has determined this to be a proper public purpose for such dedication pursuant to Ohio Revised Code Section 3313.43; and

WHEREAS, as part of the good faith negotiation process, the County and the Board have tentatively agreed to the terms of an Inter-Governmental Agreement ("IGA"), which outline the Parties' mutual understandings, obligations and agreements with respect to the Project under the terms of the aforementioned easement documents, and which IGA is incorporated by reference in this resolution; and

WHEREAS, the Superintendent has presented the Board with a recommendation that the Board approve and authorize execution of all documents required and as referenced above herein related to Board property to be used for the Project;

NOW, THEREFORE BE IT RESOLVED that the Clark-Shawnee Local School District Board of Education ("Board") hereby acts to approve the dedication of the portions of the parcels of land owned by the Board, as fully described and set forth in the aforementioned temporary and permanent easement documents proposed by Board of County Commissioners, Clark County, Ohio, ("County") in order for the County to acquire the necessary road rights of way for the construction of a CLA-CR 351 7.92 project, for the improvement of 0.14 miles of County Route 351 (Selma Pike) and 0.26 miles of Township Road 234 (East Possum Road), for the construction of a single land modern roundabout at the intersection of Selma Pike and East Possum Road ("Project")

on the terms as presented and as stated in said easement documents, which are incorporated in this resolution by reference;

BE IT FURTHER RESOLVED THAT, the Clark-Shawnee Local School District Board of Education hereby acts to approve the Inter-Governmental Agreement ("IGA") between the Board and the County, on the terms as presented in the IGA, which is incorporated in this resolution by reference;

BE IT FURTHER RESOLVED THAT, the Clark-Shawnee Local School District Board of Education hereby authorizes its Board President, Superintendent and Treasurer to execute and issue all documentation on the Board's behalf, and to receive all such executed and issued documentation on the Board's behalf, in order to effectuate the terms of this Resolution forthwith.

Mrs. Garrett Seconded the motion.

Ayes: Pierce, DeHart, Galbreath, Garrett.

Nays: Page.

The President declared the motion carried.

### **ADJOURNMENT**

Mr. Galbreath moved to adjourn the meeting at 7:12 pm.

Mrs. Garrett Seconded the motion.

Ayes: Page, DeHart, Galbreath, Garrett, Pierce.

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President

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Treasurer