



**SANDUSKY CITY COMMISSION  
REGULAR SESSION AGENDA  
AUGUST 14, 2017  
CITY HALL, 222 MEIGS STREET**

**INVOCATION**

**G. Lockhart**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**CALL TO ORDER**

**N. Twine, G. Lockhart, N. Lloyd, D. Murray, D. Brady, W. Poole & D. Waddington  
July 24, 2017**

**APPROVAL OF MINUTES**

**PROCLAMATIONS**

**WarmChoice® Program – Columbia Gas  
Drive Sober Crackdown Weeks**

**PRESENTATIONS**

**Erin Cremean, Internship Coordinator – Sandusky City Schools  
Global Internship Program  
Mike Dauch, Backflow Integrity Specialist – Water Distribution Division  
Backflow Prevention**

**AUDIENCE PARTICIPATION**

**COMMUNICATIONS**

**CURRENT BUSINESS**

**CONSENT AGENDA ITEMS**

**A. Submitted by Amanda McClain, Housing Manager**

**ACCEPTING TWO PARCELS THROUGH LAND BANK PROGRAM**

**Budgetary Information:** The cost of acquisition of 1129 East Parish Street will be approximately \$100.50 for the deed preparation and transfer fees. There will be no cost to acquire 424 Scott Street because the current owner has agreed to pay for the costs of acquisition. The property located at 1129 East Parish Street is tax exempt and will remain so upon transfer into the land bank inventory. The property located at 424 Scott Street has the real estate taxes paid to date and will become tax exempt upon transfer into the land bank inventory.

**RESOLUTION NO. \_\_\_\_\_:** It is requested a resolution be passed approving and accepting certain real property for acquisition in to the land reutilization program; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

**B. Submitted by Amanda McClain, Housing Manager**

**PURCHASE & SALE AGREEMENT TO HABITAT FOR HUMANITY THROUGH LAND BANK PROGRAM**

**Budgetary Information:** The cost associated with this purchase and sale agreement is the total amount of the title search, lot combination and survey, closing costs, deed preparation and any other customary fees that may be due and payable in the ordinary course of the sale and purchase transaction. The city will recoup the cost of the expenses from the sale. The taxing districts will begin collecting approximately \$1,669 per year in real estate taxes.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed declaring that certain real property owned by the city as part of the land reutilization program identified as Parcel #56-00766.000, located at 506 Meigs Street is no longer needed for any municipal purpose and authorizing the execution of a purchase agreement with respect to that real property; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**C. Submitted by Amanda McClain, Housing Manager**

**TRANSFER OF PROPERTY TO ERIE COUNTY LAND REUTILIZATION CORPORATION**

**Budgetary Information:** There is no cost associated with the transfer of this property other than the total amount of staff time expended to prepare the property deeds and transfer title.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed declaring that certain real property owned by the city as part of the land reutilization program is no longer needed for any municipal purpose and authorizing the transfer of said property to the Erie County Land Reutilization Corporation for the purpose of utilizing grant funding from the Ohio Housing Finance Agency for the Neighborhood Initiative program; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**D. Submitted by Aaron Klein, Director of Public Works**

**SUBMERGED LANDS LEASE PAYMENT – PAPER DISTRICT MARINA**

**Budgetary Information:** The cost of the submerged lands lease, File #SUB-1731-ER for the period of September 1, 2011 through August 31, 2016 is \$41,030.80 and the cost for submerged lands lease File #SUB-0324-ER for the period of September 1, 2016 through August 31, 2017 is \$1 for a total cost of \$41,031.80 and these costs shall be paid with general funds. Per this agreement, each subsequent year starting September 1, 2017, the cost owed to ODNR will be \$1 provided no modifications to the terms of the agreement. The city will be reimbursed fifty percent of the rental fee from ODNR pursuant to Ohio Revised Code 1506.11 (C)(2) which provides that local municipalities receive fifty percent of the rental fees charged.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the City Manager to enter into a replacement submerged lands lease with the State of Ohio, Ohio Department of Natural Resources, for property located at 611 West Shoreline Drive; authorizing the City Manager and/or Finance Director to make payment to the Ohio Treasurer of State for the submerged lands lease File No's. SUB-0324-ER and SUB-1731-ER for the period of September 1, 2011 through August 31, 2017; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**E. Submitted by Mario D'Amico, Interim Fire Chief**

**DONATION OF EQUIPMENT FROM SANDUSKY FIRE DEPARTMENT**

**Budgetary Information:** There will be no proceeds from the donation of 37 air packs, 108 2216 psi cylinders, 40 breathing masks, 22 turnout gear costs and 31 turnout gear pants.

**RESOLUTION NO. \_\_\_\_\_:** It is requested a resolution be passed authorizing the disposal of firefighting clothing and equipment as being unnecessary and unfit for city use; approving their donation to the Ehow Career Center/Fire Academy, Catawba Island Township fire Department and City of Huron Fire Department; and declaring that this resolution take immediate effect in accordance with Section 14 of the city charter.

**F. Submitted by Matt Lasko, Chief Development Officer**

**LEASE RENEWAL WITH BGSU FOR PROPERTY AT BIG ISLAND WATER WORKS**

**Budgetary Information:** Under the Renewal of the Access and License agreement, the Licensee is to pay to the City of Sandusky an annual license fee of \$240 due no later than September 30 of each calendar year. The licensee shall also reimburse the City of Sandusky for any costs incurred by the city in connection with this Renewal of the Access and License agreement to be deposited into the water fund. Both annual license fees for 2015 and 2016 were paid.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the City Manager to enter into a renewal and license agreement with Bowling Green State University – Firelands College – to permit continued access to certain portions of Big Island Water Works for the purposes of conducting research related to water quality and ecosystems for the period of May 1, 2017 through April 30, 2019; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**G. Submitted by Angela Byington, Planning Director**

**AWARD OF AMTRAK RENOVATION & MODERNIZATION PROJECT TO STUDER-OBINGER, INC.**

**Budgetary Information:** The total construction cost of the project based on the bid is \$55,700 of which 80% will be reimbursed with Ohio Transit Preservation Partnership program grant funds and 20% will be paid with grant funds from local foundations through Serving Our Seniors.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with Studer-Obringer, Inc., of New Washington, Ohio, for the Amtrak Depot renovation and modernization project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**H. Submitted by Jeff Meinert, Waste Water Treatment Plant (WWTP) Superintendent**

**RATIFICATION OF GAS DETECTION SYSTEM EQUIPMENT PURCHASE FOR WWTP**

**Budgetary Information:** The cost of \$14,020 for equipment purchase will be paid from the sewer fund.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the City Manager and/or Finance Director to expend funds for the emergency purchase of a confined space gas detection system for the digesters at the WWTP from Mine Safety Appliances through Gilson Engineering Sales, Inc. of Perrysburg, Ohio, in the amount of \$14,020; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**I. Submitted by Aaron Klein, Director of Public Works**

**ENCROACHMENT FOR PROPERTY LOCATED AT 172 – 186 EAST MARKET STREET**

**Budgetary Information:** There are no budgetary impacts to the city resulting from this legislation.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing the City Manager to enter into a license agreement with H2 Productions, LLC, to provide for the use of a certain portion of the city's rights-of-way as described in the grant of a license for encroachment, for purposes of retaining the existing awnings; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**REGULAR AGENDA ITEMS**

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**ITEM #1 - Submitted by Matt Lasko, Chief Development Officer**

**DONATION OF STEAM WHISTLE FROM FORMER AMERICAN CRAYON COMPANY PROPERTY**

**Budgetary Information:** There will be no budgetary impact with the proposed disposal of the steam whistle from the former American Crayon site.

**RESOLUTION NO. \_\_\_\_\_:** It is requested resolution be passed authorizing the disposal of a non-operational steam whistle from the former American Crayon site as being unnecessary and unfit for city use; approving the donation of the whistle to the Heritage Society of Erie County; and declaring that this resolution take immediate effect in accordance with section 14 of the city charter.

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**ITEM #2 - Submitted by Stuart Hamilton, IT Manager**

**PURCHASE OF REPLACEMENT PHONE SYSTEM FROM TTx, INC.**

**Budgetary Information:** The cost for this purchase will not exceed \$109,975.39 and will be paid by the capital fund in the amount of \$54,987.70, by the water fund in the amount of \$27,493.85 and by the sewer fund in the amount of \$27,493.84.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the City Manager and/or the Finance Director to expend funds for the emergency purchase of a ShoreTel phone system from TTx, Inc., of Maumee, Ohio, in the amount of \$109,975.39; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

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**CITY MANAGER’S REPORT**

**OLD BUSINESS**

**NEW BUSINESS**

**AUDIENCE PARTICIPATION**

Open discussion on any item (5-minute limit)

**EXECUTIVE SESSION(S)**

**ADJOURNMENT**

**Buckeye Broadband broadcasts on Channel 76:**

**Monday, August 14 at 8:30 p.m.**

**Tuesday, August 15 at 5 p.m.**

**Monday, August 21 at 8:30 p.m.**

**YouTube:** [https://www.youtube.com/channel/UCBxZ482ZeTTixa\\_Rm16YWTQ](https://www.youtube.com/channel/UCBxZ482ZeTTixa_Rm16YWTQ)

# PROCLAMATION

WHEREAS, the City of Sandusky strives to be a sustainable energy leader through energy efficient programming such as the Home Energy Audit and Rebates program and the WarmChoice® program provided by Columbia Gas of Ohio; and

WHEREAS, by participating in the Sandusky Neighborhood Energy Efficiency program, citizens of Sandusky have the opportunity to save money on utility bills, receive instant rebates on energy efficiency upgrades including insulation and air sealing, conserve energy, and to help voluntarily reduce greenhouse gas emissions by reducing their annual natural gas usage; and

WHEREAS, Sandusky residents who participate will not only make a positive environmental impact but will also enjoy savings on future energy bills and, in many cases, have a more comfortable home; and

WHEREAS, as part of the city's continuing efforts to promote energy efficiency and environmental stewardship in our community, residents are encouraged to install qualified energy efficiency improvements through participation in Columbia Gas of Ohio's programs including the WarmChoice® program and the Home Energy Audit program;

NOW THEREFORE, I, Dennis E. Murray, Jr., President of the Sandusky City Commission, do hereby endorse Columbia Gas of Ohio's energy efficiency programs including the Home Energy Audit program and the WarmChoice® program, and encourage the citizens of Sandusky to participate by having a home energy audit conducted in their home.

Dated this 14<sup>th</sup> day of August, 2017.

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Dennis E. Murray, Jr., President  
Sandusky City Commission  
City of Sandusky, Ohio

# PROCLAMATION

WHEREAS, from August 16 through Labor Day, law enforcement nationwide will be joining the National Highway Traffic Safety Administration in the high visibility *Drive Sober or Get Pulled Over* crackdown campaign; and

WHEREAS, the crackdown will include high-visibility enforcement throughout Sandusky, and will run from August 16 through September 4, 2017; and

WHEREAS, officers in the Sandusky Police Department will be aggressively looking for drunk drivers during the crackdown and will arrest anyone caught driving drunk; and

WHEREAS, although it is illegal in all 50 states, the District of Columbia and Puerto Rico to drive drunk (having a blood alcohol concentration of .08 or higher), far too many people across the nation get behind the wheel after consuming too much alcohol; and

WHEREAS, every year, more than one third (38%) of all motor vehicle traffic deaths involve drivers who were drunk and holidays such as Labor Day are particularly dangerous; and

WHEREAS, drunk driving takes a particularly heavy toll among young drivers; and

WHEREAS, research has shown that high-visibility enforcement like the 'Drive Sober or Get Pulled Over' campaign reduces drunk driving fatalities by as much as 20 percent and by joining this nationwide effort, Sandusky's roadways will be made safer for everyone throughout the Labor Day period; and

WHEREAS, the Sandusky Police Department wants to remind everyone that getting behind the wheel drunk is a terrible idea as it impairs your ability to operate a vehicle safely, impairs your judgment and good sense about whether you can, or should drive; and

WHEREAS, being arrested for driving drunk brings a wide range of negative consequences into one's life such as jail time, loss of driver licenses, and steep financial consequences such as higher insurance rates, attorney fees, court costs, lost time at work and the potential loss of one's job along with tremendous personal embarrassment; and

WHEREAS, driving drunk is simply not worth the risk;

NOW THEREFORE I, Dennis E. Murray, Jr., President of the Sandusky City Commission, do hereby proclaim and announce August 16, 2017 through September 4, 2017 as

## **“Drive Sober or Get Pulled Over 2017 Crackdown Weeks”**

in the City of Sandusky, and urge all citizens to Drive Sober or Get Pulled Over while traveling on our roadways.

Dated this 14<sup>th</sup> day of August, 2017.

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Dennis E. Murray, Jr., President  
Sandusky City Commission  
City of Sandusky, Ohio



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*City of Sandusky Code Enforcement Division  
222 Meigs Street, Sandusky, OH 44870  
(419) 627-5913*

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TO: Eric Wobser, City Manager

FROM: Amanda McClain, Housing Manager

DATE: July 31, 2017

RE: City Commission Agenda Item

**ITEM FOR CONSIDERATION:** Legislation requesting approval to accept two (2) parcels of nonproductive land situated within the City of Sandusky through the City of Sandusky's Land Reutilization Program for the purpose of facilitating reutilization of the nonproductive land.

**BACKGROUND INFORMATION:** Pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code to acquire vacant and abandoned tax delinquent property with the future goal of productive reuse of the land. The City's ability to assemble land for reuse and redevelopment is critical to stabilizing and rebuilding Sandusky's neighborhoods and is necessary for neighborhood revitalization.

The goal of the City of Sandusky's Land Reutilization Program is to return vacant and abandoned tax delinquent property to productive use that benefits the community. If a property is not producing tax revenues, less money is collected and available for enhancements back in to the community. Also, because the property is abandoned, it is not maintained and often becomes an illegal dumping ground. The City spends thousands of dollars a year maintaining weeds and nuisance conditions on abandoned properties. By returning the property back to a long-term tax producing status, more revenue is generated and available for community improvements and the City will not have to expend funds to maintain it.

The vacant parcel located at 1129 E. Parish Street was approved by a quorum of the Land Bank Committee on April 17, 2017 and the fire damaged structure located at 424 Scott Street was approved by a quorum of the Land Bank Committee on July 17, 2017. The two (2) parcels requested for acquisition have been deemed to be necessary and/or beneficial to the Land Reutilization Program efforts and the acquisition is necessary to protect, improve, and preserve the stability of the neighborhood they are located in.

The vacant lot located at 1129 E. Parish Street will be transferred from the Erie County Land Reutilization Corporation to the City. The City demolished a condemned structure at this location and

the Erie County Land Reutilization Corporation acquired the vacant lot through forfeiture. It is located in the Sunnyside Acre Acquisition Zone and is approximately 40' x 130'. The two (2) adjoining vacant lots to the east are currently in the Land Bank inventory.

The structure located at 424 Scott Street is a three family residential structure that caught fire on December 4, 2016. The owner would like to donate the property to the Land Bank. Upon acquisition, the property would be demolished. The lot size is 50' X 132' and could possibly be utilized for parking by the restaurant on Warren Street that adjoins 424 Scott Street at the rear.

**BUDGET IMPACT:** The cost of acquisition of 1129 E. Parish Street will be approximately one hundred dollars and fifty cents (\$100.50) for the deed preparation and transfer fees. There will be no cost to acquire 424 Scott Street because the current owner has agreed to pay for the costs of acquisition. The property located at 1129 E. Parish Street is tax exempt and will remain so upon transfer into the Land Bank Inventory. The property located at 424 Scott Street has the real estate taxes paid to date and will become tax exempt upon transfer into the Land Bank Inventory.

**ACTION REQUESTED:** It is requested legislation be adopted allowing the City Manager to acquire two (2) parcels of land through the City of Sandusky's Land Reutilization Program. It is further requested that the legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter in order to expedite the demolition of the fire damaged structure to protect, improve, and preserve the stability of the neighborhood.

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Amanda J. McClain, Housing Manager

I concur with this recommendation:

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Matt Lasko, Chief Development Officer

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Eric L. Wobser, City Manager



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## Erie County GIS



## Notes

57-02035.000 - 1129 E. Parish

Land Bank Owned:

57-04809.000

57-60656.000

57-03707.000



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## Erie County GIS



Notes

424 Scott

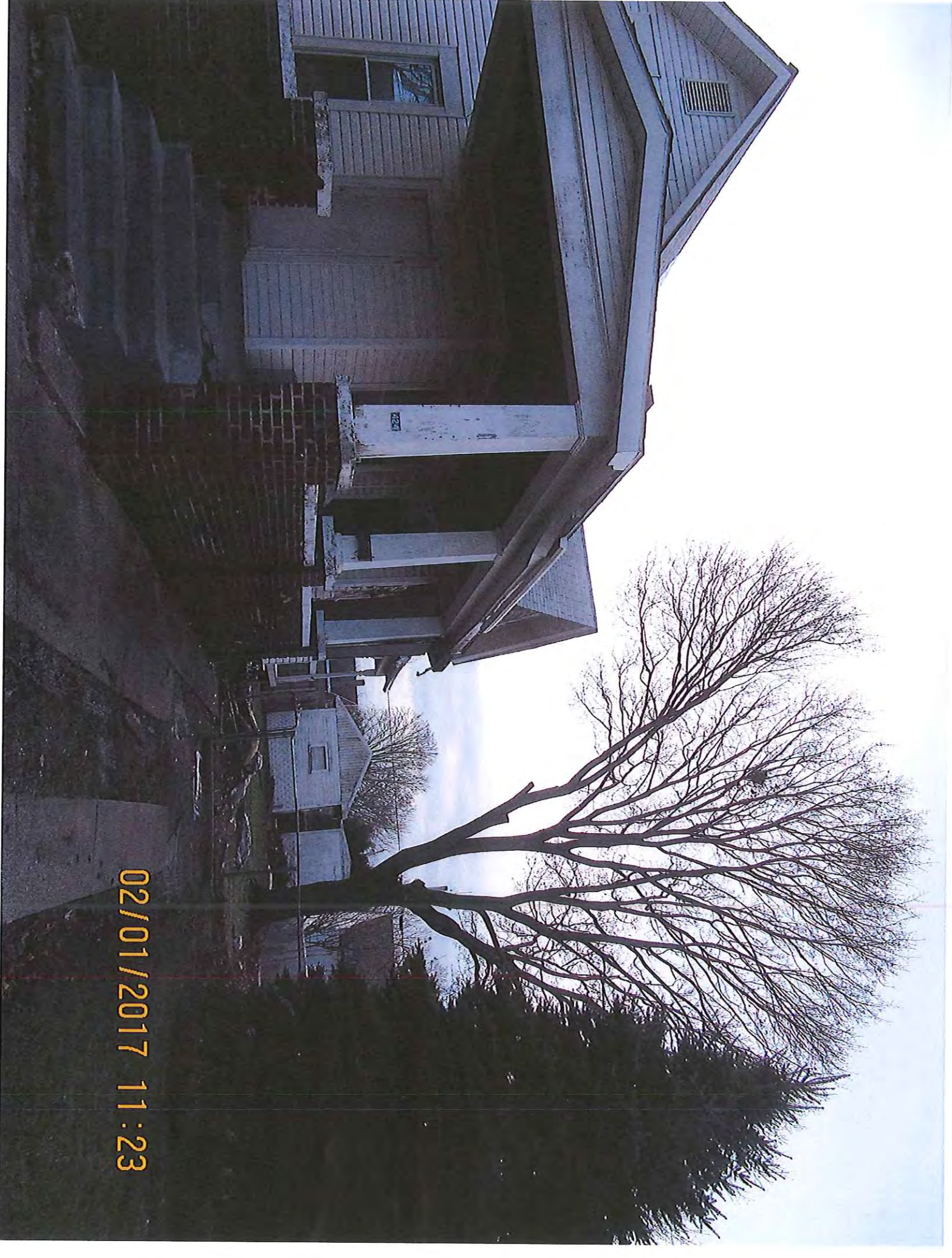


02/01/2017 11:23





02/01/2017 11:23





**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING AND ACCEPTING CERTAIN REAL PROPERTY FOR ACQUISITION INTO THE LAND REUTILIZATION PROGRAM; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

**WHEREAS**, it is requested that the City accept two (2) parcels of nonproductive land situated within the City of Sandusky as further described in attached Exhibit "A", for placement in the Land Reutilization Program Inventory; and

**WHEREAS**, it is necessary to acquire the nonproductive land parcels in accordance with the City of Sandusky's Land Reutilization Program in order to facilitate reutilization of the nonproductive land to support neighborhood revitalization and development within the City; and

**WHEREAS**, upon City Commission approval, a vacant parcel located at 1129 E. Parish Street, which is in the Sunnyside Acre Acquisition Zone, will be transferred from the Erie County Land Reutilization Corporation and placed into the Land Bank inventory; and

**WHEREAS**, upon City Commission approval, a three-family residential structure that caught fire on December 4, 2016, and located at 424 Scott Street, will be donated by the owner to the Land Bank and upon acquisition will be demolished and possibly be utilized for parking by the restaurant on Warren Street that adjoins the rear of the Scott Street property; and

**WHEREAS**, these two (2) parcels of land requested for acquisition have been deemed to be necessary and/or beneficial to the Land Reutilization Program efforts by the Land Bank Committee on April 17, 2017, and July 17, 2017; and

**WHEREAS**, any future sales of the parcels requested for acquisition will be presented to the City Commission by Ordinance for approval of disposition and sale; and

**WHEREAS**, the estimated cost for the acquisition of 1129 E. Parish Street is \$100.50, which includes deed preparation and transfer fees, and will be recouped by the City upon sale of the property; there is no cost for the acquisition of 424 Scott Street as the current owner has agreed to pay for the costs of acquisition; and

**WHEREAS**, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City in order to expedite the demolition of the fire damaged structure to protect, improve, and preserve the stability of the neighborhood; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Community Development, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter; and NOW, THEREFORE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission hereby approves and accepts for acquisition into the Land Reutilization Program two (2) parcels of nonproductive land situated within the City of Sandusky, as further described in Exhibit "A", a copy of which is attached to this Resolution and specifically incorporated herein.

Section 2. This City Commission authorizes and directs the City Manager to acquire the nonproductive land in accordance with the City of Sandusky's Land Reutilization Program in order to facilitate reutilization of the nonproductive land to support neighborhood revitalization and development within the City.

Section 3. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its



**PAGE 3 - RESOLUTION NO. \_\_\_\_\_**

adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 14, 2017

# Exhibit A

Parcel	Address	Owner(s)	Del. Taxes	Assessments	P&I*	Total Owed	Yearly Taxes and Assessments
57-02035.000	1129 E. Parish	Erie County Land Reutilization Corp.	0.00	0.00	0	0.00	0.00
<b>Proposed Use:</b>	This is a vacant lot where a condemned home has been demolished. It is located in the Sunnyside Acquisition Zone and is in close proximity to other vacant lots in the Land Bank Inventory. The goal is to obtain more vacant lots for a larger redevelopment plan.						
57-04879.000	424 Scott	Shannon Warren	0.00	0	0	0.00	0.00
<b>Proposed Use:</b>	This is a three family residential structure with 1,326 sq. ft. of living space. It has been damaged by fire. Upon acquisition, it will be demolished. It is possible that the vacant lot could provide parking for the commercial business on Warren Street.						



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*City of Sandusky Code Enforcement Division  
222 Meigs Street, Sandusky, OH 44870  
(419) 627-5913*

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TO: Eric Wobser, City Manager

FROM: Amanda McClain, Housing Manager

DATE: August 3, 2016

RE: City Commission Agenda Item

**ITEM FOR CONSIDERATION:** The purpose of this communication is to request approval of legislation allowing the City Manager to execute a 'Purchase & Sale Agreement' for one (1) parcel of land currently in the City of Sandusky's Land Reutilization Program, that is no longer needed for any municipal purpose located at 506 Meigs Street and further identified by the Auditor as Erie County Parcel No. 56-00766.000.

**BACKGROUND INFORMATION:** Pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code. The City Commission approved acquisition of the parcel on January 25, 2016 pursuant to Resolution 004-16 and received a Sheriffs Deed on October 11, 2016, through foreclosure for delinquent real estate taxes. Firelands Habitat for Humanity has requested acquisition of this vacant nonproductive land and the Land Bank Committee approved the acquisition and sale on August 1, 2017.

A condemned residential structure was demolished on this parcel leaving a buildable lot size of approximately 53' x 99'. Firelands Habitat for Humanity will construct a single family residential structure on the parcel that will be owner occupied. Firelands Habitat for Humanity has previously purchased five (5) parcels of vacant nonproductive land from the Land Reutilization Program and have successfully built single-family, owner occupied structures on the lots located at 1722 Pierce Street, 1312 McKinley Street, 2242 Wilbert Street (built on two combined parcels) and 1915 Clay Street.

Because the property is located in the Cove District, which is a targeted neighborhood for the Sandusky Neighborhood Initiative, the Land Bank Committee negotiated the appearance and street appeal of the home. Habitat has agreed to alter their architectural construction to build an upscale fisherman's cottage with cedar shake shingles and an elevated front porch. Although the structure

will be a single story, 1200 square foot home, it will have a steep pitched roof and an attic space that will give the appearance of a two-story structure. The purchase and sale of this property is subject to City Commission approval.

The property will be sold for three thousand dollars (\$3,000.00), which is the fair market value that was determined by a market analysis performed by realtor John Bauer.

The sale of the parcel to Firelands Habitat for Humanity will provide new residential in-fill housing that will protect and enhance surrounding property values. Not only will this vacant non-productive parcel be put back into tax producing status, but the new residential construction will provide increased revenue for the taxing districts.

**BUDGET IMPACT:** The cost associated with this purchase & sale agreement is the total amount of the title search, lot combination and survey, closing costs, deed preparation, and any other customary fees that may be due and payable in the ordinary course of the sale and purchase transaction. The City will recoup the cost of the expenses from the sale. The taxing districts will begin collecting approximately one thousand six hundred and sixty nine dollars (\$1,669.00) per year in real estate taxes.

**ACTION REQUESTED:** It is requested legislation be adopted allowing the City Manager to enter into a purchase & sale agreement with Firelands Habitat for Humanity to sell the property no longer needed for any municipal purpose located at 506 Meigs Street, and further identified by the Auditor as Erie County Parcel No. 56-00766.000 for a purchase price of three thousand dollars (\$3,000.00). Firelands Habitat for Humanity would like to break ground as soon as possible in order to complete construction of the home before winter, therefore it is further requested that the legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter in order to promptly execute the closing.

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Amanda J. McClain, Housing Manager

I concur with this recommendation:

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Matthew D. Lasko  
Chief Development Officer

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Eric L. Wobser, City Manager

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE DECLARING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY AS PART OF THE LAND REUTILIZATION PROGRAM IDENTIFIED AS PARCEL NO. 56-00766.000, LOCATED AT 506 MEIGS STREET IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT WITH RESPECT TO THAT REAL PROPERTY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

**WHEREAS**, this City Commission previously authorized the acquisition of the property located at 506 Meigs Street, Parcel No. 56-00766.000 by Resolution No. 004-16R, passed on January 25, 2016, under said Land Reutilization Program, which property is more specifically described in Exhibit "A" (the "Property") attached to a certain Purchase Agreement, a copy of which is marked Exhibit "1" with respect thereto (the "Purchase Agreement"), which property is no longer needed for any municipal purposes; and

**WHEREAS**, Firelands Habitat for Humanity has requested to acquire this vacant nonproductive land for the purpose to construct a single family residential structure; and

**WHEREAS**, since the property is located in the Cove District, which is a targeted neighborhood for the Sandusky Neighborhood Initiative, Firelands Habitat for Humanity made alterations to the architectural construction to build an upscale fisherman's cottage with cedar shake shingles, an elevated front porch, a steep pitched roof, and an attic space that will give the appearance of a two-story structure; and

**WHEREAS**, a market analysis was performed on the property in which the estimated fair market value was determined to be \$3,000.00; and

**WHEREAS**, the Land Bank Committee met on August 1, 2017, and approved the acquisition and sale of this property to Firelands Habitat for Humanity; and

**WHEREAS**, the total cost associated with this purchase and sale agreement is the cost of the title search, lot combination and survey, closing costs, deed preparation, and any other customary fees that may be due and payable in the ordinary course of the sale and purchase transaction and any such costs will be recouped by the City upon sale; and

**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to promptly execute the closing within (30) days as usual and customary in the sale of real estate and to allow Firelands Habitat for Humanity to break ground and complete construction prior to the Winter season; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of



the Municipal Departments, including the Department of Community Development, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission finds, determines and declares that the Property, Parcel No. 56-00766.000, located at 506 Meigs Street, Sandusky, more specifically described in Exhibit "A", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein, is no longer needed for any municipal purpose and that the execution of the Purchase Agreement providing for the sale, pursuant to Section 25 of the Charter of this City, to the Purchaser of the Property at the purchase price set forth in the Purchase Agreement, is in the economic interest of the City and in furtherance of the City's Land Reutilization Program referenced in those preambles in accordance with the provisions of Chapter 5722 of the Ohio Revised Code. The City Manager is hereby authorized and directed to execute the Purchase Agreement on behalf of the City, substantially in the same form as attached to this Ordinance, marked Exhibit "1", and specifically incorporated as if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the City's public purpose. Upon the exercise by the Purchaser to purchase the Property pursuant to that Purchase Agreement, the City Manager is also hereby authorized and directed on behalf of the City to execute a quit claim deed conveying the Property to the Purchaser, which quit claim deed shall be in a form satisfactory to the Law Director. The City Manager, Law Director, Finance Director, and other City officials, as appropriate, are each hereby authorized to execute and deliver such instruments, certificates and other documents and take such actions as are necessary and in the best interests of the City in order to carry out and consummate the foregoing actions authorized by this Ordinance.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions

thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 14, 2017

## **PURCHASE AND SALE AGREEMENT**

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2017, by and between the City of Sandusky, Erie County, Ohio, a Municipal Corporation, 222 Meigs Street, Sandusky, Ohio hereinafter referred to as the "Seller" and Firelands Habitat for Humanity, a Non-profit Corporation, 7602 Milan Road, Sandusky, Ohio 44870 hereinafter referred to as the "Purchaser".

WITNESSETH:

In consideration of the premises and the mutual promises and covenants hereinafter contained, the parties do hereby agree as follows:

1. The Seller agrees to sell to the Purchaser and the Purchaser agrees to purchase from the Seller, one unimproved parcel of real property located at 506 Meigs Street, Sandusky, Ohio, and identified as Erie County Parcel No. 56-00766.000, and more fully described in the legal description marked Exhibit "A" and attached hereto.
2. The total purchase price for the real property located at 506 Meigs Street, Sandusky, Ohio, shall be three thousand dollars (\$3,000.00), which is not less than the fair market value.
3. Seller shall furnish to Purchaser a quit claim deed conveying to Purchaser all of the Seller's interest in the Property. The Property shall be free and clear of the liens, taxes, assessments, penalties and interest prior to the date of closing. Purchaser shall pay all of the taxes and assessments due and payable after the date of closing.
4. Purchaser shall construct one (1) single-family residential dwelling on the Property in accordance with the plans attached hereto and incorporated herein as Exhibit "B", which shall be owner occupied. Completion of construction shall occur within twelve (12) months from the date Purchaser acquires title. If the Purchaser fails to complete construction within twelve (12) months from the date Purchaser acquires title, the title to the Property together with all improvements made or erected shall automatically be forfeited and revert to and vest in the City of Sandusky. The City shall have the right to

re-enter and take possession of the property. An extension of twelve (12) additional months may be granted by the Land Bank Committee upon written request from the Purchaser.

5. The closing date of this transaction shall be no later than September 11, 2017 or at such other time as may be mutually agreed upon, in writing, by the parties. The escrow agent herein shall be Fidelity National Title Insurance Company of Sandusky, Ohio, 402 Columbus Avenue, Sandusky, Ohio 44870. All funds and documents required to close this transaction shall be deposited with said escrow agent on or before the closing date. An executed counterpart of this Agreement shall be deposited with the escrow agent by the Seller and this Agreement shall serve as the escrow instructions. The escrow agent may attach its standard conditions of acceptance thereto; provided, however, that in the event such standard conditions are inconsistent or in conflict with the terms of this Agreement, this Agreement shall control.

5. The Seller and the Purchaser represent that no real estate broker or agent was involved in this transaction and that no brokerage fees, commissions, or other compensation is due any real estate broker or agent because of this transaction.

6. On the closing date, the escrow agent shall file for record the deeds, and other instruments, if any, required to be recorded pursuant to this Agreement and thereupon deliver to each of the parties, the funds and documents to which they shall be respectively entitled, together with its escrow statement.

7. The expenses of closing shall be paid in the following manner:

- 1) The cost of securing a title insurance commitment and policy of insurance shall be paid by Purchaser.
- 2) The cost of preparing, executing, and acknowledging any deeds or other instruments required to convey title to Purchaser in the manner described in this Agreement shall be paid by Purchaser.
- 3) Each party hereto shall be responsible for their own attorney fees relating to this Agreement and its implementation.

- 4) The cost of transfer and recording of the deed shall be paid by Purchaser.
- 5) Any tax imposed on the conveyance of title to the property to Purchaser shall be paid by Purchaser.
- 6) Any fee charged by the escrow agent shall be equally shared between the Seller and the Purchaser.

8. Purchaser shall be entitled to possession of the Property upon the closing of this transaction.

9. The Purchaser has examined the Property, has had the opportunity to fully inspect and ask questions about conditions of the same, and acknowledges that they are accepting the Property "AS IS" subject to no warranties as of the date of the execution of this Agreement and that there have been no representations by the Seller as to the condition of this property.

11. In the event that the Purchaser breaches this Agreement by not closing this transaction on or before September 11, 2017, earnest money deposited, if any, shall be immediately paid to the Seller, which payment may be treated as liquidated damages (the precise amount of damages being difficult or impossible to ascertain).

12. This Agreement sets forth the entire understanding between the parties with respect to the subject matter hereof, and no agreements or understandings nor any representations concerning the same shall be binding upon the parties unless specifically set forth herein.

13. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instruments.

14. This Agreement shall be binding upon and inure to the benefit of Seller and Purchaser and their respective heirs, legal representative, and assigns.

**SIGNATURE PAGES TO FOLLOW**





PURCHASER:

FIRELANDS HABITAT FOR HUMANITY

---

Michael G. McCall  
Executive Director

STATE OF OHIO )

) ss:

ERIE COUNTY )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me, a Notary Public in and for said County and State, personally appeared Michael G. McCall, Executive Director of Firelands Habitat for Humanity and acknowledged his execution of the foregoing instrument as said Executive Director of said Firelands Habitat for Humanity on behalf of said Firelands Habitat for Humanity and by its authority and that the same is his voluntary act and deed as said Executive Director on behalf of said Firelands Habitat for Humanity and the voluntary act and deed of said Firelands Habitat for Humanity.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

---

NOTARY PUBLIC

Approved as to Form:

---

Justin Harris  
Ohio Supreme Court #0078252  
Law Director  
City of Sandusky

**EXHBIT A**

**Situated in the City of Sandusky, County of Erie and State of Ohio:**

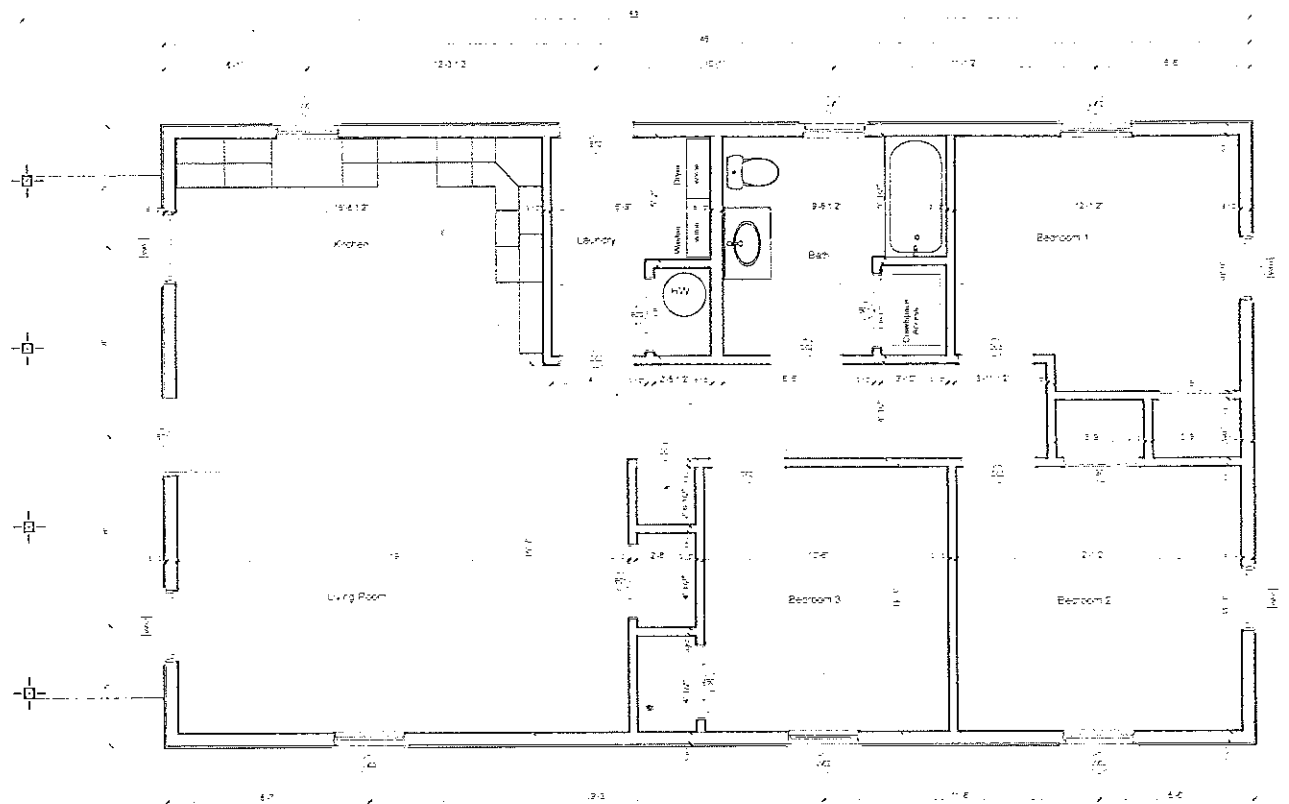
**And Being Lot Number Twelve (12) on Meigs Street in Hendry and McKnight's Addition  
as per Plat recorded in Volume 6 of Deeds Page 81, Erie County, Ohio Records.**

**PP#56-00766.000**

Firelands Habitat for Humanity House No. 98



**The Fisherman's Cottage in the Cove**

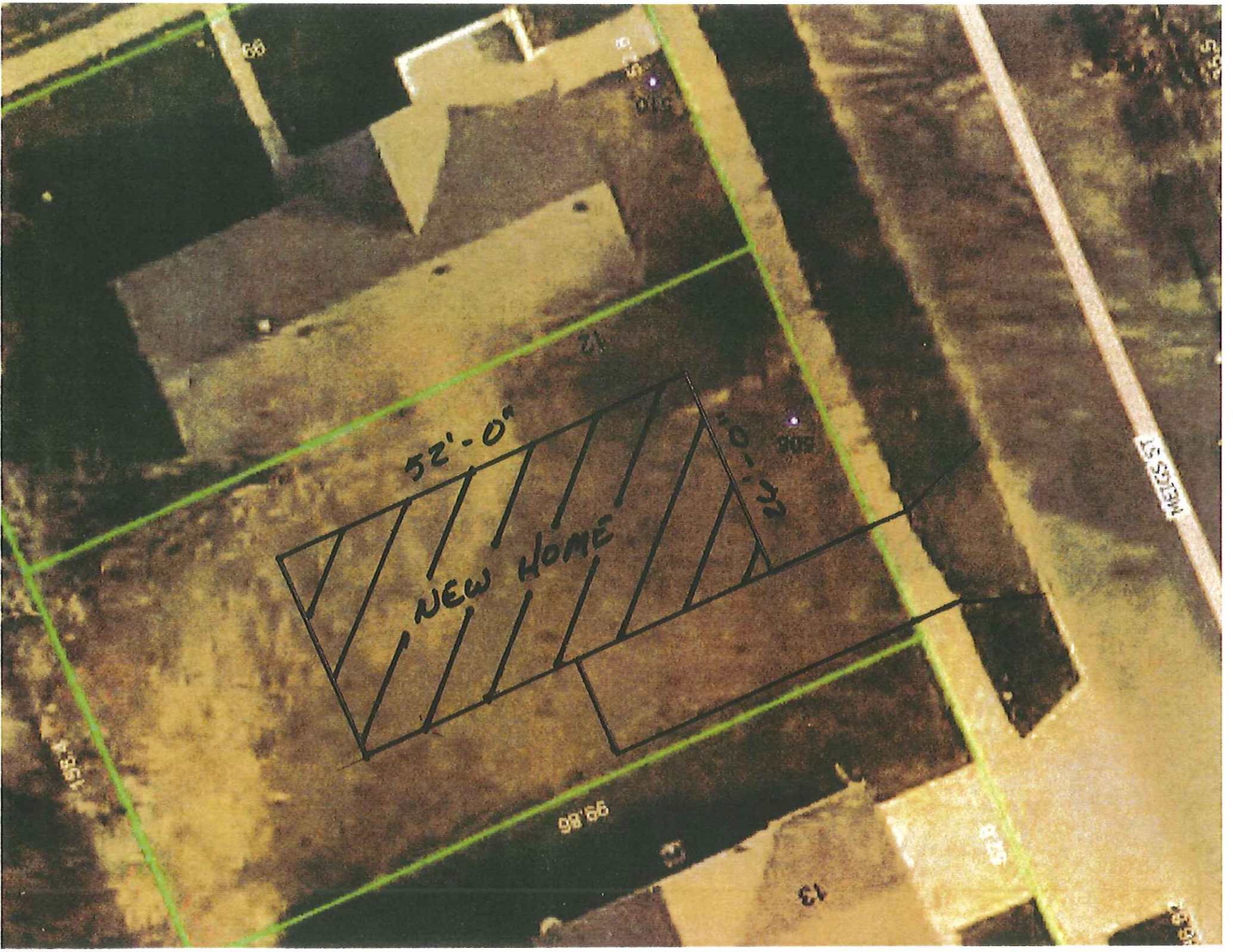


Firelands Habitat for Humanity  
 7602 Main Road Sandusky, Ohio 44870  
 419.621.7515 x204 Construction Coordinator

Floor Plan  
 Scale: 3/8" = 1'-0"

Project: House #93  
 506 Meigs Street  
 Sandusky, Ohio 44870





52'-0"

NEW HOME

30'-0"

15

13





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*City of Sandusky Code Enforcement Division  
222 Meigs Street, Sandusky, OH 44870  
(419) 627-5913*

---

TO: Eric Wobser

FROM: Amanda McClain, Housing Manager

DATE: August 3, 2017

RE: City Commission Agenda Item

**ITEM FOR CONSIDERATION:** The purpose of this communication is to request approval of legislation allowing the City Manager to transfer a property from the City of Sandusky's Land Reutilization Program, that is no longer needed for any municipal purpose, to the Erie County Land Reutilization Corporation under an existing Memorandum of Understanding that was adopted by the Sandusky City Commission through Resolution 035-14R on August 25, 2014 in order to administer a demolition program in partnership with the City of Sandusky's Land Reutilization Program within the City of Sandusky utilizing grant funding from the Ohio Housing Finance Agency for Neighborhood Initiative Program.

**BACKGROUND INFORMATION:** The Erie County Land Reutilization Corporation (ECLRC) submitted a grant application to the Ohio Housing Finance Agency (OHFA) and received one million forty three thousand one hundred seventy eight dollars and ninety seven cents (\$1,043,178.97) from Round 5 of the Neighborhood Initiative Program (NIP). The State of Ohio created the NIP, an Ohio Hardest Hit Fund Project, to strategically target traditional and urban core neighborhoods. The purpose of the NIP is to stabilize property values by removing and greening vacant and blighted properties in Targeted Areas in an effort to prevent future foreclosures for existing homeowners because demolition is a critical component of strategies to stabilize home values. In Ohio, 31% of homeowners with loans owe at least 125% more than their estimated home value and when negative equity combines with other factors such as loss of income, the risk of foreclosure is high because homeowners do not have the option to sell a home they can no longer afford and these foreclosures result in distressed sales that further depress property values and continue the downward spiral too often resulting in vacant and blighted homes. Demolition is a critical component of strategies to stabilize home values. Demolition will also eliminate abandoned structures which become a breeding ground for crime and further depress housing prices. The grant funds will be used primarily to strategically demolish vacant and blighted structures within Erie County, which includes specifically targeted Sandusky neighborhoods listed in a Target Area

Plan.

The City of Sandusky's Land Reutilization Program currently owns one (1) single family residential structure, located at 1511 W. Monroe Street (Parcel No. 59-01112.000), that is condemned and requires demolition. The NIP guidelines require that the ECLRC must acquire, or already own the property being demolished and a mortgage lien shall be placed upon the premises for the amount of the demolition costs. The mortgage lien will remain in place for a three (3) year period, but may be released prior to the expiration period if the mortgage lien amount is paid in full or if the vacant lot is transferred to an eligible end-user, whichever comes first. ECLRC will maintain ownership and will be responsible to mow and maintain the vacant lots after the structures are demolished utilizing NIP funds until the lien is released or the lots are sold to an eligible end-user. ECLRC will utilize the City of Sandusky's Land Reutilization Program Policy and Procedures and the Mow to Own Program Policy when administering the sale of the vacant lots and will receive approval of the Land Bank Committee before consummating any sale. ECLRC will pay all costs incurred in the sale of the vacant lots out of the proceeds received from the sale, and all net proceeds shall first be applied to the payment of the mortgage lien and the balance remaining, if any will be refunded and distributed to the Taxing Districts in accordance with Ohio Revised Code Section 5722.08(B) and (C). After the expiration of the three (3) year period in which a mortgage lien is placed on the vacant lots and the vacant lots have not been sold by ECLRC, the mortgage lien will be released and a clean title, free and clear of any liens, or other encumbrances, shall be transferred back to the City of Sandusky's Land Reutilization Program.

**BUDGET IMPACT:** There is no cost associated with the transfer of this property other than the total amount of staff time expended to prepare the property deeds and transfer title.

**ACTION REQUESTED:** It is requested legislation be approved allowing the City Manager to transfer property from the City of Sandusky's Land Reutilization program that is no longer needed for any municipal purpose to the Erie County Land Reutilization Corporation under an existing Memorandum of Understanding that was adopted by the Sandusky City Commission through Resolution 035-14R on August 25, 2014 in order to administer a demolition program in partnership with the City of Sandusky's Land Reutilization Program within the City of Sandusky utilizing grant funding from the Ohio Housing Finance Agency for Neighborhood Initiative Program. It is further requested that the legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter in order to administer demolition activities within the required timeframe of the Ohio Housing Finance Agency (OHFA).

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Amanda J. McClain, Housing Manager

I concur with this recommendation:

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Matt Lasko, Chief Development Officer

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Eric L Wobser, City Manager

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE DECLARING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY AS PART OF THE LAND REUTILIZATION PROGRAM IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING THE TRANSFER OF SAID PROPERTY TO THE ERIE COUNTY LAND REUTILIZATION CORPORATION (ECLRC) FOR THE PURPOSE OF UTILIZING GRANT FUNDING FROM THE OHIO HOUSING FINANCE AGENCY (OHFA) FOR THE NEIGHBORHOOD INITIATIVE PROGRAM (NIP); AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City Commission previously authorized the execution of a Memorandum of Understanding with the Erie County Land Reutilization Corporation (ECLRC) to administer a demolition program in partnership with the City's Land Reutilization Program utilizing grant funding from the Ohio Housing Finance Agency for the Neighborhood Initiative Program (NIP) by Resolution No. 035-14R, passed on August 25, 2014; and

**WHEREAS**, the Erie County Land Reutilization Corporation (ECLRC) received grant funds in the amount of \$1,043,178.97 from the Ohio Housing Finance Agency (OHFA) from Round 5 of the Neighborhood Initiative Program (NIP); and

**WHEREAS**, the Ohio Housing Finance Agency (OHFA) requires the Erie County Land Reutilization Corporation (ECLRC) to acquire title to all properties being demolished utilizing Neighborhood Initiative Program (NIP) funds in order to place a three (3) year mortgage as lien against each property in an amount equal to the cost of demolition; and

**WHEREAS**, the City owns property located at 1511 W. Monroe Street, Parcel No. 59-01112.000, as part of the Land Reutilization Program and requests authorization to transfer the property to the Erie County Land Reutilization Corporation (ECLRC) for demolition using NIP funds; and

**WHEREAS**, after demolition of the property, the Erie County Land Reutilization Corporation (ECLRC) shall have the option of holding and maintaining the property for a period of three (3) years until the mortgage is released, or transferring the property to a responsible end user or to a political subdivision for use in a public project; and

**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to administer demolition activities within the required timeframe of the Ohio Housing Finance Agency (OHFA); and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Community Development, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission finds, determines and declares that the property located at 1511 W. Monroe Street, Parcel No. 59-01112.000, more specifically described in Exhibit "A", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein, is no longer needed for any municipal purpose and authorizes the transfer of said property to the Erie County Land Reutilization Corporation (ECLRC) for the purpose of utilizing grant funding from the Ohio Housing Finance Agency (OHFA) for the Neighborhood Initiative Program (NIP). The City Manager is hereby authorized and directed on behalf of the City to execute a quit claim deed conveying the property to the Erie County Land Reutilization Corporation (ECLRC), which quit claim deed shall be in a form satisfactory to the Law Director. The City Manager, Law Director, Finance Director, and other City officials, as appropriate, are each hereby authorized to execute and deliver such instruments, certificates and other documents and take such actions as are necessary and in the best interests of the City in order to carry out and consummate the foregoing actions authorized by this Ordinance.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 14, 2017

<b>Transferred</b>	
In Compliance with sections 319-202 and 322-02 of the Ohio Revised Code.	
FEE \$	
Exempt:	<input checked="" type="checkbox"/>
R.E. TRANSFER:	
\$	
Richard H. Jeffrey Erie County Auditor	
Trans. Fees: \$	1.00
Date: 6/30/17	By: [Signature]

Barbara A. Sessler  
County Recorder, Erie County OH

201705822 Total Pages: 2  
06/30/2017 02:27:44 PM Fees: \$0.00

Per O.R.C. 319.203

Erie County Auditor/Engineer

Date

**SHERIFF'S DEED**  
**Revised Code Sec. 2329.36**

I, Paul A. Sigsworth, Sheriff of Erie County, and pursuant to the Confirmation of Sale entered on May 23, 2017, and the statutory provisions of O.R.C. 5722, does hereby **GRANT, SELL AND CONVEY** unto the **CITY OF SANDUSKY** all rights, title and interest of the parties in Court of Common Pleas, Erie County, Ohio, case 2016-CV-0360, Pamela Ferrell, Erie County Treasurer vs. Jeffrey P. Smith, et al., and all pleadings therein incorporated herein by reference in and to the following Lands and Tenements situated in the County of Erie, City of Sandusky, and State of Ohio, whose Prior Owner was Jeffrey Smith, and whose Prior Deed Reference is Deed Volume 547 at Page 518, Erie County, Ohio Deed Records, and, is known and further described as follows:

Situated in the City of Sandusky, County of Erie and State of Ohio:

And being the west thirty-four (34) feet of Lots Numbers Forty-four (44) and Forty-six (46) on Pearl Street; also a triangular piece of land off of the east side of Lot Number Three (3) on Monroe Street, and being one and one-half feet front on said Monroe Street and extending and tapering northerly therefrom to a point to the northwest corner of Lot Number Forty-four (44) on Pearl Street, said strip adjoining the west ends of said Lots Numbers Forty-four (44) and Forty-six (46) on Pearl Street; all in the Western Liberties Addition in the City of Sandusky, Erie County, Ohio.

Property Address: 1511 W. Monroe, Sandusky, OH 44870

Tax ID No.: 59-01112.000

Tax Mailing Address: 222 Meigs Street, Sandusky, Ohio 44870

This deed does not reflect any restrictions, conditions or easements of record.

Executed this 25<sup>th</sup> day of MAY, 2017.

  
Paul A. Sigsworth, Sheriff of Erie County, Ohio


STATE OF OHIO    )  
                              ) SS:  
COUNTY OF ERIE    )

The foregoing was acknowledged before me this 25<sup>th</sup> day of MAY  
2017 by Paul A. Sigsworth, Sheriff of Erie County, Ohio.

  
Notary Public

State of Ohio

My Commission Expires: \_\_\_\_\_

  
**JOSEPH C. PFEIFFER**  
Notary Public, State of Ohio  
My Commission Expires 01-13-18

This instrument was prepared by:  
Vicki R. Palmer #0021346  
Assistant Prosecutor, Erie County  
247 Columbus Ave. Suite 319  
Sandusky, Ohio 44870





## DEPARTMENT OF PUBLIC WORKS

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AARON M. KLEIN, P.E.  
Director

222 Meigs Street  
Sandusky, Ohio 44870  
Phone 419/627-5829  
Fax 419/627-5933  
[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

To: Eric Wobser, City Manager

From: Aaron M. Klein, P.E.

Date: July 31, 2017

Subject: **Commission Agenda Item – Replacement Submerged Land Lease for 611 West Shoreline Drive, Paper District Marina**

**ITEM FOR CONSIDERATION:** Legislation to enter into a replacement Submerged Lands Lease (SLL) with the State of Ohio, Ohio Department of Natural Resources (ODNR), for the property located at 611 West Shoreline Drive, known as the Paper District Marina.

**BACKGROUND INFORMATION:** The original submerged lands leases for the former Tricor Property area was signed June 30, 2000, and then the property was purchased by the City in 2004 which then led to the modification of the submerged lands leases on September 29, 2004.

As the City moved forward with plans to revitalize the property into the Paper District Marina the City submitted an application to ODNR to modify the existing submerged lands leases (File Numbers SUB-0324-ER and SUB-1731-ER) to more accurately delineate the uses of the property located at the Paper District Marina for the construction of a 62 slip marina, amphitheater, out lots and outer revetment walls. The updated lease was approved by City Commission on July 12, 2010, Resolution 021-10R.

Construction of the Paper District Marina was completed and opened in July of 2011 and since that time the City has been working with ODNR to modify and update the SLL.

The City received final determination from ODNR on May 19, 2017, that detailed the requirements of the replacement SLL, which will ultimately combine the two existing Leases, File Number SUB-0324-ER and SUB-1731-ER into one Lake Erie Submerged Lands Lease under File Number SUB-0324-ER.

**BUDGETARY INFORMATION:** The cost of the Submerged Lands Lease File Number SUB-1731-ER for the period of September 1, 2011, through August 31, 2016, is \$41,030.80, and the cost for Submerged Lands Lease File No. SUB-0324-ERr, for the period of September 1, 2016 through August 31, 2017 is \$1.00 for a total cost of \$41,031.80 and these costs shall be paid with General Funds. Per this agreement, each subsequent year starting September 1, 2017, the cost owed to ODNR will be \$1.00 provided no modifications to the terms of the agreement.

The City will be reimbursed 50% of the rental fee from ODNR pursuant to Ohio Revised Code 1506.11(C)(2) which provides that local municipalities receive 50% of the rental fees charged.

**ACTION REQUESTED:** It is recommended that an ordinance authorizing and directing the City Manager to enter into a replacement Submerged Lands Lease with the State of Ohio, Ohio Department of Natural Resources, for the property located at 611 West Shoreline Drive be approved and that the necessary legislation be passed



under suspension of the rules and in accordance with Section 14 of the City Charter in order to expedite the execution of the replacement Submerged Lands Lease and forward payment with the executed document to the Ohio Department of Natural Resources as requested in timely manner.

I concur with this recommendation:

---

Eric Wobser  
City Manager

cc: K. Kresser, Commission Clerk; H. Solowiej, Finance Director; J. Harris, Law Director

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A REPLACEMENT SUBMERGED LANDS LEASE WITH THE STATE OF OHIO, OHIO DEPARTMENT OF NATURAL RESOURCES, FOR PROPERTY LOCATED AT 611 WEST SHORELINE DRIVE; AUTHORIZING THE CITY MANAGER AND/OR FINANCE DIRECTOR TO MAKE PAYMENT TO THE OHIO TREASURER OF STATE FOR THE SUBMERGED LANDS LEASE FILE NOS. SUB-0324-ER AND SUB-1731-ER FOR THE PERIOD OF SEPTEMBER 1, 2011, THROUGH AUGUST 31, 2017; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City approved the Bayfront Paper District Redevelopment Project by passage of Resolution No. 006-04, passed on March 8, 2004, in order to carry out the City's public purpose of elimination of conditions of blight and deterioration, and to obtain redevelopment, including the Keller, Tricor, and Chesapeake properties, pursuant to a revitalization plan in order to prevent the recurrence or spread of conditions of blight and deterioration, and to undertake City activities for such public purposes in the Bayfront Paper District Area and subsequently purchased the Tricor property in September of 2004; and

**WHEREAS**, in 2010, the City submitted an application to the Ohio Department of Natural Resources (ODNR) Division of Coastal Management to modify the existing submerged lands leases fronted on Lake Erie located at 611 W. Shoreline Drive (File Nos. SUB-0324-ER and SUB-1731-ER) to more accurately delineate the uses of the property located at the Paper District Marina Project site for the construction of a 62 slip marina, amphitheater, out lots and outer revetment walls; and

**WHEREAS**, as part of the lease modification process, the City Commission authorized and consented to the submission of an application to the Director of the Ohio Department of Natural Resources and determined that the representations contained in the City's application comply with all applicable land use regulations and that a Submerged Lands Lease may be entered into by the State's Director of Natural Resources by Resolution No. 021-10R, passed on July 12, 2010; and

**WHEREAS**, the Paper District Marina was completed and opened in July of 2011 and since that time the City has been working with the Ohio Department of Natural Resources to modify and update the submerged lands leases (File Nos. SUB-0324-ER and SUB-1731-ER); and

**WHEREAS**, this replacement Submerged Lands Lease combines the two (2) existing Lake Erie Submerged Lands Leases, File Nos. SUB-0324-ER and SUB-1731-ER into one (1) Lake Erie Submerged Lands Lease under File No. SUB-0324-ER; and

**WHEREAS**, the cost for Submerged Lands Lease File No. SUB-1731-ER, for the period of September 1, 2011, through August 31, 2016, is \$41,030.80, and the cost for Submerged Lands Lease File No. SUB-0324-ER, for the period of September 1, 2016, through August 31, 2017, is \$1.00 for a total cost of

\$41,031.80, and these costs will be paid with General Funds, with 50% of the rental fee to be reimbursed from ODNR pursuant to Ohio Revised Code 1506.11(C)(2) which provides that local municipalities receive 50% of the rental fees charged; and

**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to expedite the execution of the replacement Submerged Lands Lease and forward payment with the executed document to the Ohio Department of Natural Resources as requested and in a timely manner; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission approves the form of the replacement Lake Erie Submerged Lands Lease, File No. SUB-0324-ER, a copy of which is marked Exhibit "1", attached to this Ordinance and specifically incorporated as if fully rewritten herein, and authorizes and directs the City Manager to execute the Submerged Lands Lease and forward to the appropriate State Officials for approval and execution.

Section 2. The City Manager and/or Finance Director is authorized and directed to make payment to the Ohio Treasurer of State for Submerged Lands Lease File No. SUB-1731-ER for the period of September 1, 2011, through August 31, 2016, in the amount of Forty One Thousand Thirty and 80/100 Dollars (\$41,030.80), and for Submerged Lands Lease File No. SUB-0324-ER for the period of September 1, 2016, through August 31, 2017, in the amount of One and 00/100 Dollar (\$1.00) for a total amount **not to exceed** Forty One Thousand Thirty One and 80/100 Dollars (\$41,031.80), consistent with the invoices submitted to the City.

Section 3. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 14, 2017

STATE OF OHIO  
LAKE ERIE SUBMERGED LANDS LEASE  
FILE NUMBER SUB-0324-ER

REPLACES EXISTING LAKE ERIE SUBMERGED LANDS LEASE FILE NUMBERS  
SUB-0324-ER THAT COMMENCED SEPTEMBER 1, 2006 AND  
SUB-1731-ER THAT COMMENCED SEPTEMBER 1, 2006

This Lease of Lake Erie Submerged Lands is entered into by and between the State of Ohio, hereinafter referred to as the State, acting through the Director, Ohio Department of Natural Resources, hereinafter referred to as the Director, and the City of Sandusky, an Ohio chartered municipal corporation, its successors or assigns, whose address is 222 Meigs Street, Sandusky, Ohio 44870, hereinafter referred to individually and collectively as Lessee, pursuant to the provisions of Sections 1501.01, 1506.10 and 1506.11, Ohio Revised Code and the rules promulgated under Chapter 119, Ohio Revised Code, and authorized by Section 1506.02, Ohio Revised Code.

WHEREAS Lessee is the owner of land fronting on Lake Erie located at 611 West Shoreline Drive, Sandusky, Ohio 44870, hereinafter referred to as the Upland Property.

WHEREAS Lake Erie Submerged Lands Lease File Number SUB-0324C-ER dated June 30, 2000 and modified on September 29, 2004 concerning submerged lands adjacent to the Upland Property replaced the following Lake Erie Submerged Lands Lease File Numbers also concerning submerged lands adjacent to the Upland Property: SUB-0019-ER, (a.k.a. SUB-19-ER) dated August 24, 1971 recorded in the official Lease records of the Erie County Recorder the "Official Record", Volume 030 Page 326, as amended August 31, 1982, Official Record Volume 037 Page 686, SUB-0324A-ER, (a.k.a. SUB-324-A-ER and SUB-324-ER, A) dated August 29, 1975, Official Record Volume 032 Page 796 and SUB-0324B-ER (a.k.a. SUB-324-B-ER and SUB-324-ER, B) dated August 29, 1975 Official Record Volume 032 Page 801 as amended August 31, 1982.

WHEREAS Lessee holds its interest to the Lease Property pursuant to Lake Erie Submerged Lands Lease File Number SUB-0324C-ER dated June 15, 2000 as modified on September 29, 2004 by way of Consent to Assignment dated August 17, 2004.

WHEREAS Lake Erie Submerged Lands Lease File SUB-0324-ER dated August 15, 2006, concerning submerged lands adjacent to the Upland Property replaced and superseded Lake Erie Submerged Lands Lease File Number SUB-0324C-ER.

WHEREAS, the Director, in his capacity pursuant to the provisions of Section 1506.10, Ohio Revised Code and Section 1501-6-06, Ohio Administrative Code, where practicable will cover governmental uses and purposes under one instrument for each political subdivision.

WHEREAS the Lessee, a political subdivision is the current Lessee under Lake Erie Submerged Lands Lease File Numbers SUB-0324-ER dated August 15, 2006 and SUB-1731-ER dated August 15, 2006 concerning submerged lands adjacent to the Upland Property.

WHEREAS, Lessee has submitted to the Director an application for a Lake Erie Submerged Lands Lease for a governmental non-income producing facility (breakwater, armor stone revetment, transient marina basin and facilities, and earth fill placed prior to March 15, 1989 supporting a public amphitheater and parking).

WHEREAS, the Director, in his capacity pursuant to the provisions of Sections 1501.01, 1506.10 and 1506.11, Ohio Revised Code, has signed a Environmental Covenant pursuant to the provisions of Sections 5301.80 to 5301.92, Ohio Revised Code for the Lease Property.

WHEREAS, the Director has determined that a Lake Erie Submerged Lands Lease may be entered into with Lessee for the following described Submerged Lands herein referred to as the Lease Property.

#### DESCRIPTION

SEE EXHIBITS "A" (Plat), "B" (description) and "C" (description) ATTACHED HERETO AND MADE A PART HEREOF...

NOW THEREFORE, the State, in consideration of the mutual covenants and agreements hereinafter set forth, does hereby grant this Lease to Lessee, under the following terms and conditions:

#### 1. TERM

This Lease shall be for a period of fifty (50) years, commencing September 1, 2016 and ending August 31, 2066.

Upon the expiration of the term of this Lease, Lessee may apply to the State for a new lease in accordance with any and all laws and regulations pertaining to the leasing of Lake Erie submerged lands in effect at that time.

2. CONSIDERATION

The annual rental for the term of this Lease or renewals shall be based on the following calculations: Rent for a governmental non-income producing facility (breakwater, armor stone revetment, transient marina basin and facilities, and earth fill placed prior to March 15, 1989 supporting a public amphitheater and parking) occupying a total of 301,189 square feet of submerged lands equals \$1.00 per year for the term of the Lease or renewals. The rent shall not be modified except as provided in Section 3 and Section 7 herein.

The first rental payment shall be computed from September 1, 2016, and shall be due upon receipt of a billing statement from the Ohio Department of Natural Resources. All subsequent rental payments shall be due by September 1, in each and every year hereafter. If any payment is not received by the due date, whether or not a demand for payment is made, the State, at its option, may terminate this Lease pursuant to Section 11 herein.

All rental payments are to be made payable to Treasurer, State of Ohio, and delivered to the Ohio Department of Natural Resources, Office of Coastal Management, 105 West Shoreline Drive, Sandusky, Ohio 44870 or as otherwise may be directed in writing by the Ohio Department of Natural Resources. Obligations of the State are subject to the provisions of Section 126.07 of the Ohio Revised Code.

3. USE

Lessee shall use and occupy the Lease Property for a governmental non-income producing facility (breakwater, armor stone revetment, transient marina basin and facilities, and earth fill placed prior to March 15, 1989 supporting a public amphitheater and parking). Any future improvements to the existing facilities, the construction of new facilities, or any change in the existing use of the Lease Property shall require the prior written approval of the Director. Any change in use approved by the Director, may also result in a re-evaluation of the rent, and this Lease, shall, accordingly, be modified to reflect the proper rent as assigned by the Director based on such change in use. Routine maintenance shall not require the prior written approval of the Director. Routine maintenance does not include 1) additional improvements or developments of the Lease Property, 2) improvements to the existing facilities, 3) construction of new facilities, or 4) any change in the use of the Lease Property as stated above

This Lease is made subject to all prior leases or grants on any portion of the Lease Property, and to the renewal thereof. The State also reserves the right to grant utility easements or leases across, under, on or in the Lease Property.

Lessee shall not place any structures or fill material outside the limits of the Lease Property, and shall be liable for any and all damages resulting from such violation and shall be subject to subsequent termination of this Lease under the default provision provided in Section 11 herein.

This Lease shall be subject to any and all local, state or federal laws or regulations. The issuance of this Lease does not release the Lessee from obtaining any and all other permits or documents from any local, state or federal agency as required for the use of the Lease Property. Failure to obtain any required permits or documents shall be a violation of this Lease and cause this Lease to be subject to termination under the default provisions provided in Section 11 herein.

This Lease does not express or imply any control of fisheries or aquatic wildlife now vested in the Department of Natural Resources, Division of Wildlife.

This Lease does not authorize the Lessee to prejudice the littoral rights of any owner of land fronting on Lake Erie. Lessee shall at all times respect the littoral rights of neighboring upland owners, as well as the public's right to the free and unrestricted use of the waters outside the limits of the Lease Property.

The Lease Property shall be subject to the public's right of navigation in and around any structures and/or fill material on the Lease Property. However, the public's right of navigation shall be limited to the extent that it does not interfere with Lessee's safe use of Lessee's structures and/or fill material. Lessee shall not refuse, during storms or other adverse conditions, safe harbor refuge to any vessel seeking such refuge, provided that the harbor can accommodate such vessel.

Lessee shall provide public access for the west breakwater during the term of this Lease.

The interest conveyed hereby is subject to the Environmental Covenant-recorded in the official records of the Erie County Recorder on January 3, 2012, as Record Number 201200028. The Environmental Covenant contains the following activity and use limitations:

The entire property shall be subject to the groundwater use limitation described in Section 5 of the Environmental Covenant.

The Former Tricor Property and associated Submerged Lands are hereby limited to commercial or industrial land use limitation as defined in Ohio Administrative Code 3745-300-08(C)(2)(c)(ii) and (C)(2)(c)(iii).



4. MAINTENANCE/REPAIR

Lessee shall maintain and manage the Lease Property in a responsible manner, keeping it clean, sanitary and free from any debris. Lessee agrees to make every attempt to ensure that there is no excessive buildup of unsightly debris on the Lease Property as a direct result of Lessee's improvements.

5. LIABILITY

The State of Ohio is self-insured for the indemnification of its officers and employees in the maximum aggregate amount of one million dollars per occurrence in accordance with section 9.87 of the Ohio Revised Code. The parties agree that Lessee shall be solely responsible for any and all claims, demands, or causes of action arising from Lessee's actions, performance and obligations under this Lease. Each party to this Lease must seek its own legal representation and bear its own costs, attorney fees and expenses, in any litigation that may arise from the performance of this Lease. Both parties being governmental entities in the state of Ohio, it is specifically understood and agreed that neither party indemnifies the other. Nothing in this Lease shall be construed to be a waiver of the sovereign immunity of the State of Ohio or the immunity of any of its employees or agents for any purpose. In no event shall Lessor be liable for indirect, consequential, incidental, special, liquidated, or punitive damages, or lost profits that may be attributable to the actions of the Lessee.

During the term of this Lease, Lessee, at its sole cost and expense, shall carry and maintain a policy of Comprehensive General Liability insurance with the broad form endorsement against claims for bodily injury, personal injury, wrongful death and property damage covered together with all costs of defense.

Said policy shall designate as an additional named insured the State of Ohio as its interest may appear. The policy limits shall be no less than the following:

Bodily Injury		\$250,000 per person
		\$500,000 per occurrence
Property Damage	\$100,000 per occurrence	\$500,000 aggregate
	OR	
Combined single limit		\$1,000,000 per occurrence

Said policy shall contain a clause providing that thirty (30) days written notice of cancellation, nonrenewal, or decrease in coverage will be given to the Director. A copy of the Certificate of Coverage shall be filed with and is subject to the approval of the Director.

The State reserves the right, but has no obligation, to periodically review the liability limits for the insurance policies required. If at any time the State reasonably determines that the then required policy limits are insufficient to adequately protect the State's interests and/or do not meet current industry guidelines, the State may require an increase in the policy limits. The Lessee shall have sixty (60) days following notification by the State of the new policy requirements to obtain insurance meeting the new requirements and to file with the State proof of insurance conforming to the new requirements. Failure to comply with this clause shall constitute a material breach of this Lease and cause this Lease to be subject to termination under the default provision provided in Section 11 herein.

6. MINERAL RIGHTS

This Lease reserves to the State all mineral rights as required by Section 1506.11 of the Ohio Revised Code, and should the State cause any such minerals to be removed from the Lease Property, their removal will be conducted in a manner that will not damage any improvements of the Lessee on the Lease Property.

7. ASSIGNMENT/MORTGAGE/SUBLETTING

Lessee shall not assign or mortgage this Lease or sublet any part of the Lease Property in a manner inconsistent with Rule 1501-6-05(D) of the Ohio Administrative Code. There shall be no assignment, sublease or mortgage of the Lease without the written consent of the Director whose consent shall not be unreasonably withheld or unreasonably conditioned.

Lessee shall deliver a written request to assign, sublet or mortgage this Lease to the Director not less than ninety (90) days prior to the proposed effective date thereof. The Director shall respond to Lessee within thirty (30) days of the Director's receipt of Lessee's request. If the Director fails to act in any manner within ninety (90) days of the receipt of Lessee's request, the request shall be deemed approved by the Director.

If Lessee transfers the Upland Property, Lessee must assign this Lease to the transferee of the Upland Property prior to or on the date of the transfer of the Upland Property. If assigned prior to the date of transfer, Lessee shall instruct the closing officer of the title company or bank or Lessee's attorney to hold the assignment in escrow until the transfer of the Upland Property is completed. In the event that the transfer of the Upland Property is not consummated, the assignment of this Lease shall automatically be null and void. Failure to comply with this clause shall constitute a material breach of this Lease and cause this Lease to be subject to termination under Section 11, including Lessee's duty to remove all personal property, structures and fixtures constructed or placed on the

Lease Property and to restore the Lease Property to a condition satisfactory to the State.

Any Consent to assignment, sublease and/or mortgage shall contain a notice in the following form:

The interest conveyed hereby is subject to the Environmental Covenant recorded in the official records of the Erie County Recorder on January 3, 2012, as Record Number 201200028. The Environmental Covenant contains the following activity and use limitations:

The entire property shall be subject to the groundwater use limitation described in Section 5 of the Environmental Covenant.

The Former Tricor Property and associated Submerged Lands shall be subject to the commercial or industrial land use limitation as described in Section 5 of the Environmental Covenant.

Rental rates and other lease terms shall be subject to revision at the time of assignment of this Lease.

Applicants for the Director's consent to assign, mortgage or sublet this Lease shall be entitled to an administrative review of and appeal from any decision of the Director pursuant to Section 119.06, Ohio Revised Code.

8. TAXES

Lessee shall be responsible for any and all federal, state, and/or local taxes and/or assessments levied against the Lease Property.

9. ACCESS

The State may, without prior notice, at all reasonable times and without interfering with the operations of the Lessee, enter into and upon the Lease Property to determine if the Lessee is complying with the terms of this Lease or for any other lawful purpose.

10. DISCRIMINATION PROHIBITED

Lessee shall not discriminate against any person or entity on the basis of race, color, religion, sex, ancestry, handicap, disability, age or national origin.

11. STATE'S RIGHT TO TERMINATE

If Lessee breaches or defaults on any of the terms or conditions of this Lease, and if such breach or default is not remedied within thirty (30) days after written notification by the State of the breach or default, the State may terminate this Lease.

The State shall give written notice of any termination made under this Section and Lessee shall then surrender possession of the Lease Property to the State. Lessee shall have ninety (90) days from the date on the written notice to remove all personal property, structures and fixtures constructed or placed on the Lease Property, and to restore the Lease Property to a condition satisfactory to the State which satisfaction shall not be unreasonably withheld. If the Lease Property is not restored to a condition satisfactory to the State, the State may have the Lease Property restored at expense of Lessee.

A termination made under this Section shall not be deemed to be a condemnation or appropriation of the interest of the Lessee in the Lease Property and the only right to compensation the Lessee shall be entitled to is a pro-rated refund of any rental monies previously paid to Lessor. Lessor shall not be liable for any damages or loss to the Lessee arising out of a termination made pursuant to this Section.

12. LESSEE'S TERMINATION OPTION

(a) In the event Lessee should wish to discontinue its use of or is unable to continue its use of the Lease Property, prior to the expiration of this Lease as stated in the Term provision herein, then Lessee shall have the option ("Termination Option") to terminate this Lease, subject to and in accordance with the following terms and conditions:

- (i) Lessee shall deliver a written request to terminate this Lease to the Director. There shall be no termination of this Lease without the written consent of the Director, which consent shall not be unreasonably withheld or unreasonably conditioned. In the event that the Director consents to Lessee's request to terminate this Lease prior to its date of expiration, Lessee will execute a Lease Termination Agreement prepared by the State ("Termination Agreement");
- (ii) Lessee shall have the time specified in the Termination Agreement to remove all personal property, structures and fill constructed or placed upon the Lease Property, and to restore the Lease Property to a condition satisfactory to the Director. If the Lease Property is not restored to a condition satisfactory to the Director, the Director

may have the Lease Property restored at the expense of Lessee;  
and

(iii) Lessee must not be in default under this Lease and all rent, additional rent, and other charges payable under this Lease shall be paid through and apportioned as of the effective date of termination of this Lease, unless waived in writing by the Director.

(b) The Termination Option shall automatically become null and void upon the earlier to occur of: (i) the termination of Lessee's right to possession of the Lease Property or (ii) the failure of Lessee to timely or properly exercise the Termination Option.

13. EMINENT DOMAIN

This Lease is subject to the State's right of eminent domain as provided for in Section 1506.11(E), and elsewhere in the Ohio Revised Code.

14. EXPIRATION

Upon the expiration of this Lease and the subsequent failure of Lessee to apply to the State for a new lease pursuant to Section 1 herein, Lessee shall remove all personal property, structures and fixtures constructed or placed on the Lease Property, and restore the Lease Property to a condition satisfactory to the State. If the Lease Property is not restored to a condition satisfactory to the State, the State may have the Lease Property restored at the expense of the Lessee.

15. REPRESENTATIVES/AGENTS

Where this Lease refers to either the State or the Lessee, those terms shall include the agents, employees, or authorized representatives of each party.

16. QUIET ENJOYMENT

The State covenants that if, and so long as, Lessee pays the rent when due and performs the covenants hereof, Lessee may quietly occupy the Lease Property, during the term, without any hindrance by the State or any person or persons lawfully claiming under the State. The State is not obligated to warrant or defend the Lease Property or this Lease against any claim asserted by any other person or entity. A taking by eminent domain shall not be deemed to be a breach of this covenant.

17. OTHER MATTERS

This Lease replaces and supersedes Lake Erie Submerged Lands Lease File Number SUB-0324-ER dated August 15, 2006 that commenced September 1, 2006 and Lake Erie Submerged Lands Lease File Number SUB-1731-ER dated August 15, 2006 that commenced September 1, 2006.

The remainder of this page left intentionally blank  
[Signature pages to follow]

**Witnesses to Lessee City of Sandusky, an Ohio chartered municipal corporation**  
**(2 witnesses)**

**City of Sandusky, LESSEE**

\_\_\_\_\_  
Witness Signature                      Date

\_\_\_\_\_  
Print Witness Name

By: \_\_\_\_\_

Signature

Date: \_\_\_\_\_

\_\_\_\_\_  
Witness Signature                      Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Title

\_\_\_\_\_  
Print Witness Name

The foregoing Lease of Lake Erie Submerged Lands is hereby approved.

THE STATE OF OHIO, LESSOR

\_\_\_\_\_  
Scudder D. Mackey, Ph.D., Chief  
Office of Coastal Management  
As Designee for James Zehringer, Director  
Ohio Department of Natural Resources

STATE OF OHIO,

ERIE COUNTY, ss:

Before me, a notary public in and for State of Ohio, County of \_\_\_\_\_, personally appeared the above-named Scudder D. Mackey, Ph.D., Chief, Office of Coastal Management, Ohio Department of Natural Resources, on behalf of LESSOR, State of Ohio, who acknowledged that he did sign the foregoing instrument and that the same was his free act and deed.

In testimony whereof, I hereunto set my hand and official seal at \_\_\_\_\_, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Notary Public (Signature)

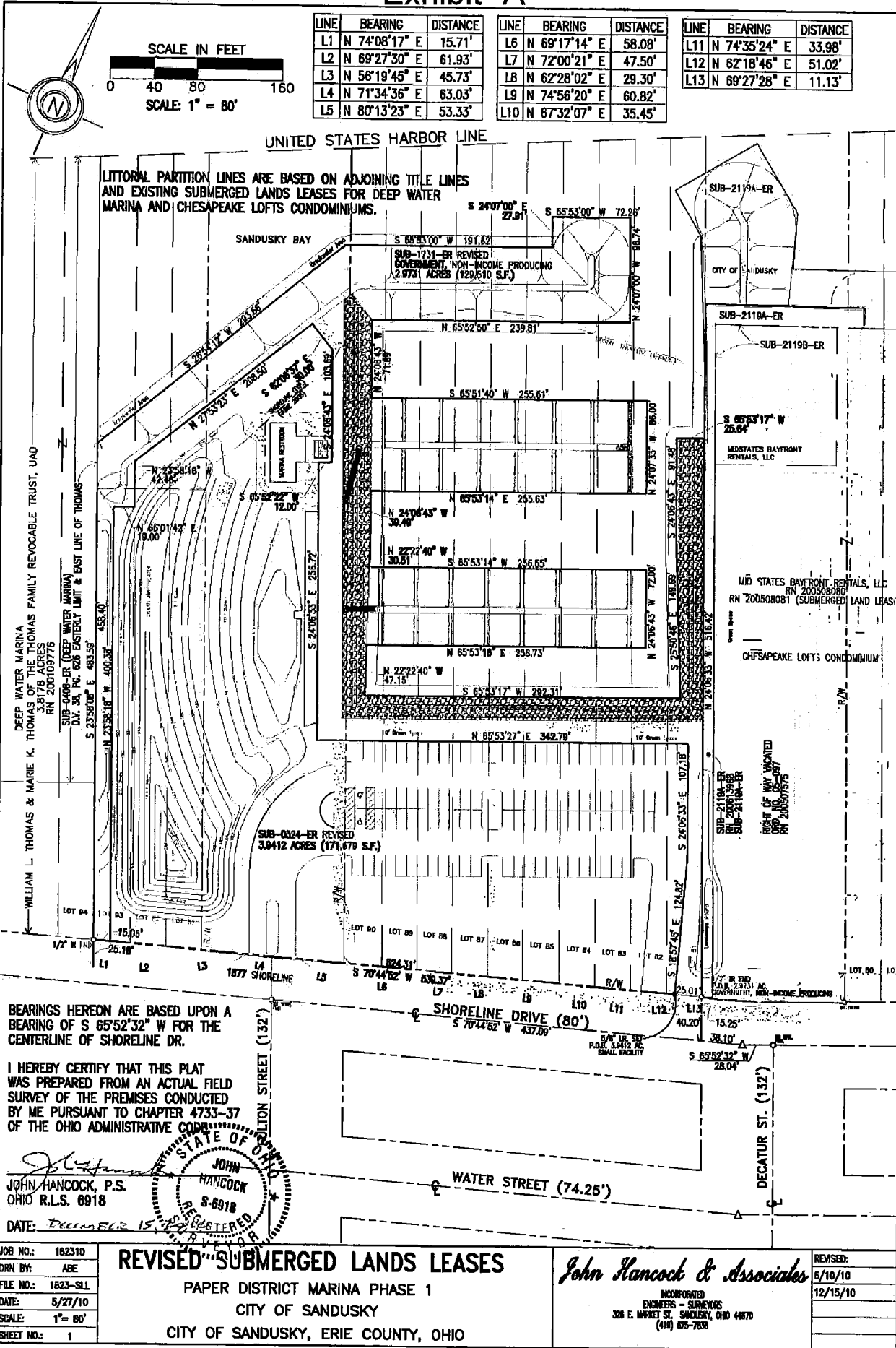
\_\_\_\_\_  
Notary Public (Print Name)

My Commission Expires: \_\_\_\_\_

This instrument was prepared by Gerald E. Dailey, Assistant Attorney General.



# Exhibit "A"



## Exhibit "B"

### **CITY OF SANDUSKY PAPER DISTRICT MARINA SUBMERGED LANDS LEASE SUB-0324-ER REVISED LEGAL DESCRIPTION (3.9412 ACRES) (171,679 S.F.)**

Situate in the State of Ohio, County of Erie, City of Sandusky, and being part of Water Lots 81 through 93 inclusive, and part of Fulton St. (132 feet in width) extended northward from Shoreline Dr. lying between Water Lots 90 and 91, all references herein to the records of the Erie County Recorder, and being more particularly described as follows:

Beginning, for reference, at a railroad spike found marking the intersection of centerlines of Shoreline Drive, formerly Railroad Street, the same being 80 feet in width and Decatur Street (132 feet in width); thence, S 65°52'32" W with the centerline of Shoreline Drive, a distance of 28.04 feet to a point of deflection in said centerline; thence, S 70°44'52" W with the centerline of Shoreline Drive, a distance of 38.10 feet to a point; thence, N 24°06'33" W, a distance of 40.20 feet to a ½" iron rod found in the northerly line of Shoreline Drive and the easterly line of Water Lot 81; thence, S 70°44'52" W with the northerly line of Shoreline Drive, a distance of 25.01 feet to a 5/8" iron rod set and the **TRUE POINT OF BEGINNING** for this description;

Thence continuing, S 70°44'52" W with said northerly line, a distance of 524.31 feet to a point;

Thence, N 23°58'18" W, a distance of 400.38 feet to a point;

Thence, N 66°01'42" E, a distance of 19.00 feet to a point;

Thence, N 23°58'18" W, a distance of 42.46 feet to a point;

Thence, N 27°53'23" E, a distance of 208.50 feet to a point;

Thence, S 62°06'37" E, a distance of 30.00 feet to a point;

Thence, S 24°06'43" E, a distance of 103.69 feet to a point;

Thence, S 65°52'22" W, a distance of 12.00 feet to a point;

Thence, S 24°06'33" E, a distance of 256.72 feet to a point;

Thence, N 65°53'27" E, a distance of 342.79 feet to a point;

Thence, S 24°06'33" E, a distance of 107.18 feet to a point;

## Exhibit "B"


Page 2 of 2

City of Sandusky Submerged Land Lease SUB-0324-ER Revised

Thence, S 18°57'45" E, a distance of 124.82 feet to the point of beginning, containing 3.9412 acres (171,679 S.F.) of land, more or less.

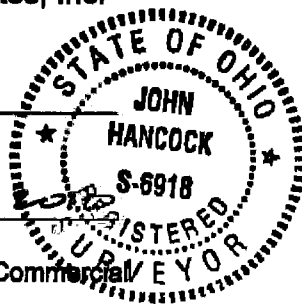
This description is prepared by John Hancock, P.S. No. 6918 from a survey conducted in June, 2004. Bearings herein are based upon a bearing of S 65°52'32" W for the centerline of Shoreline Dr. east of Decatur St.

John Hancock & Associates, Inc.

  
John Hancock, P.S.

Date: DECEMBER 15, 2010

File: 182310/docs/1823-SLL Commercial



## Exhibit "C"

**CITY OF SANDUSKY PAPER DISTRICT MARINA  
SUBMERGED LANDS LEASE SUB-1731-ER REVISED  
GOVERNMENT, NON-INCOME PRODUCING  
LEGAL DESCRIPTION (2.9731 ACRES) (129,510 S.F.)**

Situate in the State of Ohio, County of Erie, City of Sandusky, and being part of Water Lots 81 through 93 inclusive, Fulton St. (132 feet in width) extended northward from Shoreline Dr. lying between Water Lots 90 and 91, and part of the right of way of Shoreline Drive (formerly Railroad Street) lying upland of said Water Lots and Fulton Street to the limit of the Public Trust as defined by an interpretation of the 1877 shoreline published by the Ohio Department of Natural Resources Office of Coastal Management, all references herein to the records of the Erie County Recorder, and being more particularly described as follows:

Beginning, for reference, at a railroad spike found marking the intersection of centerlines of Shoreline Drive, formerly Railroad Street, the same being 80 feet in width and Decatur Street (132 feet in width); thence, S 65°52'32" W with the centerline of Shoreline Drive, a distance of 28.04 feet to a point of deflection in said centerline; thence, S 70°44'52" W with the centerline of Shoreline Drive, a distance of 38.10 feet to a point; thence, N 24°06'33" W, a distance of 40.20 feet to a ½" iron rod found in the northerly line of Shoreline Drive and the easterly line of Water Lot 81 and the **TRUE POINT OF BEGINNING** for this description;

Thence, with Submerged Lands Lease SUB-2119A-ER of 1.3713 acres described in RN 200613968, N 24°06'33" W, a distance of 516.42 feet to a point;

Thence, S 65°53'17" W, a distance of 25.64 feet to a point;

Thence, S 24°06'43" E, a distance of 91.48 feet to a point;

Thence, S 25°50'46" E, a distance of 149.69 feet to a point;

Thence, S 65°53'17" W, a distance of 292.31 feet to a point;

Thence, N 22°22'40" W, a distance of 47.15 feet to a point;

Thence, N 65°53'16" E, a distance of 258.73 feet to a point;

Thence, N 24°06'43" W, a distance of 72.00 feet to a point;

Thence, S 65°53'14" W, a distance of 256.55 feet to a point;

Thence, N 22°22'40" W, a distance of 30.51 feet to a point;

Thence, N 24°06'43" W, a distance of 39.49 feet to a point;

## Exhibit "C"

Page 2 of 4

City of Sandusky Submerged Lands Lease SUB-1731-ER Revised  
Government, Non-Income Producing

Thence, N 65°53'14" E, a distance of 255.63 feet to a point;

Thence, N 24°07'33" E, a distance of 86.00 feet to a point;

Thence, S 65°51'40" W, a distance of 255.61 feet to a point;

Thence, N 24°06'43" W, a distance of 71.89 feet to a point;

Thence, N 65°52'50" E, a distance of 239.81 feet to a point;

Thence, N 24°07'00" W, a distance of 96.74 feet to a point;

Thence, S 65°53'00" W, a distance of 72.26 feet to a point;

Thence, S 24°07'00" E, a distance of 27.91 feet to a point;

Thence, S 65°53'00" W, a distance of 191.62 feet to a point;

Thence, S 26°54'12" W, a distance of 293.66 feet to a point;

Thence, S 23°58'08" E with lands of William & Marie Thomas Trustees, RN  
200109776 and a Submerged Lands Lease SUB-0408-ER described in D.V. 38,  
Pg. 626, a distance of 458.40 feet to a 1/2" Iron rod found;

Thence, N 70°44'52" E with the northerly line of Shoreline Dr., a distance of  
15.06 feet to a point;

Thence, N 23°58'18" W, a distance of 400.38 feet to a point;

Thence, N 66°01'42" E, a distance of 19.00 feet to a point;

Thence, N 23°58'18" W, a distance of 42.46 feet to a point;

Thence, N 27°53'23" E, a distance of 208.50 feet to a point;

Thence, S 62°06'37" E, a distance of 30.00 feet to a point;

Thence, S 24°06'43" E, a distance of 103.69 feet to a point;

Thence, S 65°52'22" W, a distance of 12.00 feet to a point;



## Exhibit "C"

Page 3 of 4

City of Sandusky Submerged Lands Lease SUB-1731-ER Revised  
Government, Non-Income Producing

Thence, S 24°06'33" E, a distance of 256.72 feet to a point;

Thence, N 65°53'27" E, a distance of 342.79 feet to a point;

Thence, S 24°06'33" E, a distance of 107.18 feet to a point;

Thence, S 18°57'45" E, a distance of 124.82 feet to a 5/8" iron rod set;

Thence, S 70°44'52" W with the northerly line of Shoreline Drive, a distance of 539.37 feet to a 1/2" iron rod found;

Thence S 23°58'08" E with the southerly projection of the east line of Lot 94, a distance of 25.19 feet to the aforementioned 1877 shoreline;

Thence with said shoreline and through the public right-of way of Shoreline Dr. the following fourteen (14) courses:

1. N 74°08'17" E, 15.71 feet,
2. N 69°27'30" E, 61.93 feet,
3. N 56°19'45" E, 45.73 feet,
4. N 71°34'36" E, 63.03 feet,
5. N 80°13'23" E, 53.33 feet,
6. N 69°17'14" E, 58.08 feet,
7. N 72°00'21" E, 47.50 feet,
8. N 62°28'02" E, 29.30 feet,
9. N 74°56'20" E, 60.82 feet,
10. N 67°32'07" E, 35.45 feet,
11. N 74°35'24" E, 33.98 feet,
12. N 62°18'46" E, 51.02 feet,
13. N 69°27'28" E, 11.13 feet,

Thence, N 24°06'33" W, a distance of 15.25 feet to the point of beginning, containing 2.9731 acres (129,510 S.F.) of land, more or less.

## Exhibit "C"

Page 4 of 4

City of Sandusky Submerged Lands Lease SUB-1731-ER Revised  
Government, Non-Income Producing

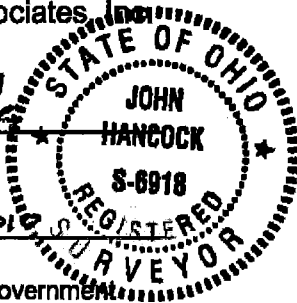
This description is prepared by John Hancock, P.S. No. 6918 from a survey conducted in June, 2004. Bearings herein are based upon a bearing of S 65°52'32" W for the centerline of Shoreline Dr. east of Decatur St.

John Hancock & Associates, Inc.

  
John Hancock, P.S.

Date: JUNE 16, 2010

File: 182310/1823-SLL Government



August 1, 2017

M E M O R A N D U M

TO: Eric Wobser, City Manager

FROM: Mario D'Amico, Interim Fire Chief

RE: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Requesting legislation authorizing the disposal of (37) air packs, (108) 2216 psi cylinders, (40) breathing masks, 22 turnout gear coats, and 31 turnout gear pants. These items will be donated to area fire departments and EHOVE Career Center / Fire Academy.

**BACKGROUND INFORMATION:** The following list of fire department equipment has been deemed obsolete, unnecessary and unfit for the Sandusky Fire Department per the Fire Chief.

EHOVE Career Center / Fire Academy – 22 turnout gear coat, 31 turnout gear pants, 33 air packs, 51 2216 cylinders and 32 breathing masks.

Catawba Island Township Fire Department – 4 air packs, 57 2216 cylinder and 8 breathing masks.

City of Huron Fire Department – 15 breathing masks

These items will be donated and accepted in "as is" condition.

**BUDGETARY INFORMATION:** There will be no proceeds from the donation of 37 air packs, 108 2216 psi cylinders, 40 breathing masks, 22 turnout gear coats, and 31 turnout gear pants.

**ACTION REQUESTED:** It is requested that the proper legislation be prepared declaring the fire equipment obsolete, unnecessary and unfit for the Sandusky Fire Department. It is further requested that this be passed in accordance with Section 14 of the City Charter in order to provide the Catawba Island Township Fire Department, City of Huron Fire Department and EHOVE Career Center / Fire Academy with the items for immediate use in their Fire & Rescue Training.

Approved:

I concur with this recommendation:

---

Mario D'Amico, Interim Fire Chief

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Erie Wobser, City Manager

CC: Eric Wobser, City Manager  
Hank Solowiej, Finance Director  
Justin Harris, Law Director  
Kelly Kresser, Commission Clerk

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE DISPOSAL OF FIREFIGHTING CLOTHING AND EQUIPMENT AS BEING UNNECESSARY AND UNFIT FOR CITY USE; APPROVING THEIR DONATION TO THE EHOVE CAREER CENTER / FIRE ACADEMY, CATAWBA ISLAND TOWNSHIP FIRE DEPARTMENT, AND CITY OF HURON FIRE DEPARTMENT; AND DECLARING THAT THIS RESOLUTION TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the Sandusky Fire Department has twenty two (22) Turnout Coats, thirty one (31) Turnout Pants, thirty three (33) Air Packs, fifty one (51) 2216 Cylinders, and thirty two (32) Breathing Masks that have been determined by the Fire Chief to be unnecessary and unfit for City use and it is being recommended to dispose of this equipment that is no longer of any use to the Fire Department by donating it to the EHOVE Career Center / Fire Academy; and

**WHEREAS**, the Sandusky Fire Department has four (4) Air Packs, fifty seven (57) 2216 Cylinders, and eight (8) Breathing Masks that have been determined by the Fire Chief to be unnecessary and unfit for City use and it is being recommended to dispose of this equipment that is no longer of any use to the Fire Department by donating it to the Catawba Island Township Fire Department; and

**WHEREAS**, the Sandusky Fire Department has fifteen (15) Breathing Masks that have been determined by the Fire Chief to be unnecessary and unfit for City use and it is being recommended to dispose of this equipment that is no longer of any use to the Fire Department by donating it to the City of Huron Fire Department; and

**WHEREAS**, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to provide the firefighting clothing and equipment to the EHOVE Career Center / Fire Academy, Catawba Island Township Fire Department, and City of Huron Fire Department as soon as possible so the items will be available for their immediate use for fire & rescue training; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Fire Department, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission finds and determines that the twenty two (22) Turnout Coats, thirty one (31) Turnout Pants, thirty three (33) Air Packs, fifty one (51) 2216 Cylinders, and thirty two (32) Breathing Masks are unnecessary and unfit for City use pursuant to Section 25 of the City Charter and authorizes and

directs the City Manager to dispose of the Firefighting Clothing and Equipment by donating the items to the EHOVE Career Center / Fire Academy.

Section 2. This City Commission finds and determines that the four (4) Air Packs, fifty seven (57) 2216 Cylinders, and eight (8) Breathing Masks are unnecessary and unfit for City use pursuant to Section 25 of the City Charter and authorizes and directs the City Manager to dispose of the Firefighting Equipment by donating the items to the Catawba Island Township Fire Department.

Section 3. This City Commission finds and determines that the fifteen (15) Breathing Masks are unnecessary and unfit for City use pursuant to Section 25 of the City Charter and authorizes and directs the City Manager to dispose of the Firefighting Equipment by donating the items to the City of Huron Fire Department.

Section 4. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 6. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 14, 2017





## Department of Community Development

---

Matthew D. Lasko  
mlasko@ci.sandusky.oh.us

222 Meigs St.  
Sandusky, OH 44870  
Phone: 419.627.5707  
Fax: 419.627.5933  
[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

**To:** Eric L. Wobser, City Manager

**From:** Matthew D. Lasko, Chief Development Officer

**Date:** July 25, 2017

**Subject:** Commission Agenda Item – Renewal of Access and License Agreement – Big Island Water Works

**Items for Consideration:** Legislation authorizing and directing the City to execute a Renewal of a previously entered into Access and License Agreement with Bowling Green State University – Firelands College (the “Licensee”) to permit continued access to certain portions of Big Island Water Works for the purposes of conducting research related to water quality and ecosystems.

**Background Information:** Licensee has desired to create a field research station in Sandusky in order to study the overall health of both Lake Erie and the Sandusky Bay. The research that continues to be undertaken by Licensee and their students explores such topics as water quality, algal blooms, invasive species and other issues that may affect the ecosystems of both bodies of water – and has been ongoing since May 1, 2015.

Big Island Water Works provides a suitable facility and environment for carrying out the above objectives. Under the proposed Renewal of Access and License Agreement, Licensee shall have access to private office and storage space while also being able to share the existing laboratory and kitchen space. Licensee will have access to electricity and water service and on-site parking. Licensee will also be permitted to securely store their boat at Big Island Water Works.

The term of the Renewal of Access and License Agreement will extend retroactively from May 1, 2017 - April 30, 2019. Outside of the dates of the proposed Renewal of Access and License Agreement and due date of License Fee – all other terms, provisions and conditions of the original Access and License Agreement remain unchanged.

**Budgetary Information:** Under the Renewal of the Access and License Agreement, the Licensee is to pay to the City of Sandusky an annual License Fee of \$240.00 per year due no later than September 30 of each calendar year. The Licensee shall also reimburse the City of Sandusky for any costs incurred by the City in connection with this Renewal of the Access and License Agreement. All revenues generated from this Renewal of Access

and License Agreement are to be deposited into the Water Fund. Both annual License Fees for 2015 and 2016 were paid.

**Action Requested:** It is requested that the proper legislation be prepared to allow the City to enter into a Renewal of the previously executed Access and License Agreement with Bowling Green State University – Firelands College. It is further requested that this legislation be passed in accordance with Section 14 of the City Charter to expedite passage in order for Licensee to continue operations at Big Island Water Works uninterrupted.

I concur with this recommendation:

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Eric L. Wobser  
City Manager

---

Matthew D. Lasko, MUPDD, MSSA  
Chief Development Officer

cc: Kelly Kresser, Clerk of the City Commission  
Justin Harris, Law Director  
Hank Solowiej, Finance Director  
Aaron Klein, Public Works Director

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A RENEWAL OF ACCESS AND LICENSE AGREEMENT WITH BOWLING GREEN STATE UNIVERSITY (BGSU) - FIRELANDS COLLEGE TO PERMIT CONTINUED ACCESS TO CERTAIN PORTIONS OF BIG ISLAND WATER WORKS (BIWW) FOR THE PURPOSES OF CONDUCTING RESEARCH RELATED TO WATER QUALITY AND ECOSYSTEMS FOR THE PERIOD OF MAY 1, 2017, THROUGH APRIL 30, 2019; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City Commission authorized and directed the City Manager to enter into an Access and License Agreement with Bowling Green State University – Firelands College to permit access to certain portions of BIWW for the period of May 1, 2015, through April 30, 2017; and

**WHEREAS**, Bowling Green State University - Firelands College created a field research station in Sandusky in order to study the overall health of both Lake Erie and the Sandusky Bay that included exploring such topics as water quality, algal blooms, invasive species and other issues that may affect the ecosystems of both bodies of water; and

**WHEREAS**, Big Island Water Works provides a suitable facility and environment for carrying out these objectives and Bowling Green State University - Firelands College desires to renew the agreement to continue to have access to private office and storage space while also being able to share the existing laboratory and kitchen space in addition to having access to electricity and water service, on-site parking and being permitted to securely store their boat at Big Islands Water Works; and

**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to expedite execution of the First Renewal of Access and License Agreement which commenced on May 1, 2017, and allow Bowling Green State University - Firelands College to continue operations at the BIWW Plant uninterrupted; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of Municipal Departments, including the Department of Community Development, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is hereby authorized and directed to enter into a Renewal of Access and License Agreement with Bowling Green State

University - Firelands College, to permit continued access to certain portions of Big Island Water Works (BIWW) for the purposes of conducting research related to water quality and ecosystems for the period of May 1, 2017, through April 30, 2019, substantially in the same form as Exhibit "1", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein together with such revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with carrying out the terms of this Ordinance.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 14, 2017

## **RENEWAL OF ACCESS AND LICENSE AGREEMENT**

This **RENEWAL OF THE ACCESS AND LICENSE AGREEMENT** is entered into by and between the City of Sandusky, Ohio ("Owner" or "City"), a municipal corporation organized and existing under the laws of the State of Ohio and its Charter, whose address is 222 Meigs Street, Sandusky, Ohio and Bowling Green State University – Firelands College ("Licensee"), a State University of the State of Ohio, whose address is One University Drive, Huron, Ohio.

**WHEREAS**, the parties to this renewal have previously entered into an access and license agreement dated April 29<sup>th</sup>, 2015; and

**WHEREAS**, parties desire to renew the access and license agreement pursuant to Section 3 entitled "Miscellaneous," subsection 4; and

**NOW THEREFORE**, in consideration of the mutual promises contained herein, and for other good and valuable consideration, the receipt, adequacy, and sufficiency of which are hereby acknowledged, the parties hereto hereby covenant and agree follows:

1. The Parties do hereby agree to renew the Access and License Agreement dated April 29<sup>th</sup>, 2015 upon the same terms (including Exhibits A-F) of said Agreement as if fully rewritten here, subject to the following:

a. Term: the term set forth in Section 2 "License and Property Access" subsection 1 is hereby changed to reflect a term commencing on May 1<sup>st</sup>, 2017 and expiring on April 30<sup>th</sup>, 2019.

2. All other terms and conditions to remain the same.

**IN WITNESS WHEREOF**, Owner and Licensee have caused this 1<sup>st</sup> Renewal Access and License Agreement to be executed.

City of Sandusky, Ohio

Bowling Green State University –Firelands College

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: Eric Wobser

Name:

Title: City Manager

Title:

Approved as to Form:

Approved as to Form:

\_\_\_\_\_  
Justin Harris, Law Director

City of Sandusky, Ohio

\_\_\_\_\_  
Ohio Attorney General, Office of General Counsel

Ohio Attorney General, Office of General Counsel



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City of Sandusky Department of Planning  
222 Meigs Street, Sandusky, OH 44870  
(419) 627-5715

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**TO:** Eric Wobser, City Manager

**FROM:** Angela Byington, Planning Director

**DATE:** July 25, 2017

**SUBJECT:** Commission Agenda Item- Award Amtrak Depot Renovation and Modernization Project.

**ITEM FOR CONSIDERATION:** Ordinance awarding a contract to Studer-Obringer, Inc. of New Washington, Ohio.

**BACKGROUND INFORMATION:** The city owned Amtrak Depot, located at 1230 N. Depot St., was built in 1892, and renovated in 1999 by the City of Sandusky at a cost of \$821,000. The renovation was a partnership between the City, State and the Federal Government. The proposed scope of renovation for this contract includes interior work. The interior work consists of demolition, masonry, carpentry, doors and windows, drywall and painting, heating and cooling, electrical and renovation of a conference room.

The City received a \$95,000 Ohio Transit Preservation Partnership Program (OTPPP) Grant. The grant provided \$76,000 and the required match of \$19,000 was donated to the City by local foundations through Serving our Seniors. The grant was awarded for the Amtrak Depot Renovation and Modernization project, which includes renovation of the Amtrak and technology upgrades. The proposed contract with Studer-Obringer is **only** for the construction portion of the project.

The following was the only bid that was received on June 30, 2017.

Studer-Obringer Inc.	\$55,700 (includes alternate)
New Washington, Ohio	\$100% Bond

The Engineer's estimate, including the alternate, was \$59,270.

We anticipate a completion date no later than November 1<sup>st</sup>, 2017.

**BUDGETARY INFORMATION:** The total construction cost of the project based on the bid is \$55,700, of which 80% will be reimbursed with OTPPP grant funds and 20% will be paid with grant funds from local foundations through Serving our Seniors.

**ACTION REQUESTED:** It is requested that legislation be approved awarding a contract to Studer-Obringer Inc., of New Washington, Ohio, for the Amtrak Depot Renovation and Modernization Project. It is further requested that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order to expedite completion of the project to comply with the grant requirements and ODOT time restrictions.

I concur with this recommendation:

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Eric Wobser  
City Manager

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Angela Byington  
Director of Planning



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH STUDER-OBINGER INC., OF NEW WASHINGTON, OHIO, FOR THE AMTRAK DEPOT RENOVATION AND MODERNIZATION PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City Commission authorized the filing of a grant application with the Ohio Department of Transportation (ODOT) for Ohio Transit Preservation Partnership Program (OTPPP) grant funds for the Sandusky Transit System by Resolution No. 001-12R, passed on January 23, 2012, and subsequently was awarded funds; and

**WHEREAS**, this City Commission declared the necessity to proceed with the proposed Amtrak Depot Renovation and Modernization Project by Resolution No. 035-17R, passed on June 12, 2017; and

**WHEREAS**, the Amtrak Depot Renovation and Modernization Project involves general renovations and improvements to the Amtrak facility including interior demolition, masonry, rough and finish carpentry, doors and windows, drywall and painting, heating and cooling and electrical for the Operation Manager's Office, information technology closet, driver staging area, dispatch area and customer reception area and has an alternate bid for construction related improvements for the conference room; and

**WHEREAS**, upon public competitive bidding as required by law one (1) appropriate bid was received and the bid from Studer-Obringer Inc., of New Washington, Ohio, was determined to be the lowest and best bid; and

**WHEREAS**, the total construction cost for this project based on the bid is \$55,700.00 of which 80% will be reimbursed with Ohio Transit Preservation Partnership Program (OTPPP) grant funds and the required local match of 20% will be paid with grant funds from local foundations through Serving Our Seniors; and

**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to expedite completion of the project to comply with the grant requirements and ODOT time restrictions; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Community Development, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is authorized and directed to enter into a

contract with Studer-Obringer Inc., of New Washington, Ohio, for the Amtrak Depot Renovation and Modernization Project in an amount **not to exceed** Fifty Five Thousand Seven Hundred and 00/100 Dollars (\$55,700.00) consistent with the bid submitted by Studer-Obringer Inc., of New Washington, Ohio, currently on file in the office of the Director of Public Works.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 14, 2017



## DEPARTMENT OF PUBLIC WORKS

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AARON M. KLEIN, P.E.  
Director

222 Meigs Street  
Sandusky, Ohio 44870  
Phone 419/627-5829  
Fax 419/627-5933  
aklein@ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Jeffrey Meinert, WWTP Superintendent

Date: August 2, 2017

Subject: **Commission Agenda Item – WWTP Digester Confined Space Gas Detection System**

**ITEM FOR CONSIDERATION:** Legislation approving the emergency purchase of gas monitoring safety equipment for the confined space below the digesters at the Wastewater Treatment Plant (WWTP) from Mine Safety Appliances through Gilson Engineering Sales Inc. of Perrysburg, Ohio.

**BACKGROUND INFORMATION:** At the wastewater treatment plant, there is a confined space galley in the digester area that has audible and visual alarms in case the atmosphere is dangerous. The equipment in the galley is operational, but the relays and equipment that send the alarm signals to the plant SCADA system has failed. The SCADA system is what the operators watch 24 hours per day to ensure proper operation and safety throughout the plant. The alarm at the SCADA computer is to provide advanced warning to operators not to enter the galley until the environment is appropriate. There are also audible and visual alarms in the galley itself that let an employee know to leave the space immediately because they are already in a problematic atmosphere.

Being a safety concern, Sandusky City Commission voted to approve the purchase of equipment at the July 24, meeting. Since there is only one vendor for the equipment that would be compatible with other existing equipment, staff proceeded with purchasing the equipment for \$14,020. The new equipment will have additional capabilities as well, such as sending text messages to the operator's phone in case the operator is not sitting in front of the SCADA screen when the visual alarm triggers. Please refer to the attached quotations.

**BUDGETARY INFORMATION:** The cost of \$14,020 for equipment purchase will be paid from the Sewer Fund.

**ACTION REQUESTED:** It is recommended that legislation be approved for the emergency purchase of gas monitoring safety equipment at the Wastewater Treatment Plant (WWTP) from Mine Safety Appliances through Gilson Engineering Sales Inc. of Perrysburg, Ohio, under suspension of the rules and in full accordance with Section 14 of the City Charter in order to allow for timely payment of the equipment that has already been ordered and to immediately address safety concerns.

I concur with this recommendation:

---

Eric Wobser  
City Manager

---

Aaron Klein, PE  
Director

cc: K. Kresser, Commission Clerk; H. Solowiej, Finance Director; J. Harris, Law Director

Please Address order to: **Mine Safety Appliances (MSA)**



**c/o Gilson Engineering Sales Inc**

**26953 Mingo Drive**

**Perrysburg, OH 43551-1071**

**419-874-1178 Fax: 419-874-5333**



Quote # 599002010

To: Jeff Meinert

CITY OF SANDUSKY

WATER POLLUTION CONTROL

304 HARRISON ST

SANDUSKY OH 44870

Phone: 419-627-5970 X

Fax: 419-627-5800

jmeinert@ci.sandusky.oh.us

Date: 6/29/2017

Terms: Net 30 days

FOB Pittsburgh

Validity: 30 days

Shipment Prepaid & Add

Delivery: 2-3 weeks

Quoted by: Jon Boykan

Direct # 412-348-3006

Email: [jb@gilsoneng.com](mailto:jb@gilsoneng.com)

Ref: Gas Detector Control Panel Upgrade

This quotation is based solely on specifications in our possession or given to us verbally. Anything not covered in the specifications may affect pricing such as, but, not limited to additional drawings, instruction manuals, and other such items etc. Start-up service, if required, can be provided at an additional cost. ( see quoted service below). **NO RETAINAGES ALLOWED.**

Item	Qty	Description	Price net ea.
1	2	Model # A-GasGardXL8100 GasGard XL Controller Fully configurable via USB or RS485 Modbus connection Large Graphic Display with intuitive icons Event log uploadable thru ethernet, USB or RS485 ports Expandable upto 8 channels Includes common Relays for 2 levels of alarm, horn and Failure Includes Internal 85db Horn Number of Channels: 8 Relay Cards: 1 relay board (8 total relays) Battery Backup: No Options: None Includes USB-B cable which is required for configuration	\$5,872.50

Net Total Of All Items: \$11,745.00

Suitability and or performance of product:

Buyer agrees to review all technical data and make final determination as to the suitability of the product for the buyer 's intended application.

Please note that electronic (.pdf) copies of manuals can be provided upon request. They are also available for download from the Process Catalog at <http://www.gilsoneng.com>.

Please address order to:



**Moore Industries, Inc.**  
**c/o Gilson Engineering Sales Inc**  
**26953 Mingo Drive**  
**Perrysburg, OH 43551-1071**  
**419-874-1178 Fax: 419-874-5333**



Page 1 of 1

## Quotation

### Quote#

To: Jeff Meinert

CITY OF SANDUSKY

WATER POLLUTION CONTROL

304 HARRISON ST

SANDUSKY OH 44870

Phone: 419-627-5970 X

Fax: 419-627-5800

jmeinert@ci.sandusky.oh.us

Ref: Signal Splitters for Gas Detection Panels

Date:

6/29/2017

Terms:

Net 30 Days

FOB North Hills, CA

Validity

30 Days

Shipment Prepaid & Add

Delivery: 1 week

Quoted By: Jon Boykan

Direct #: 412-348-3006

Email:

jb@gilsoneng.com

Thank you for your interest in our products. In accordance with your request, we are pleased to submit the following proposal:

<u>Item</u>	<u>Qty</u>	<u>Description</u>	<u>Price Net Ea.</u>
1	7	Model # ECT/4-20mA/2x4-20mA/117VAC/-TX [Din] Isolator: Complete Input/Output/power Isolation up to 1500Vrms Signal Splitter-One-4-20mA input and Two 4-20ma outputs Output: 4-20mA into 1000 ohms Input Power: 117VAC, 50/60Hz, +/-10% RFI/EMI Protection: Inherent 10V/m immunity Housing: Din Includes 24vdc 2 wire transmitter excitation	\$325.00

Net Total Of All Items: \$2,275.00

Suitability and or performance of product:

Buyer agrees to review all technical data and make final determination as to the suitability of the product for the buyer 's intended application.

Please note that electronic (.pdf) copies of manuals can be provided upon request. They are also available for download from the Process Catalog at <http://www.gilsoneng.com>.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER AND/OR THE FINANCE DIRECTOR TO EXPEND FUNDS FOR THE EMERGENCY PURCHASE OF A CONFINED SPACE GAS DETECTION SYSTEM FOR THE DIGESTERS AT THE WASTEWATER TREATMENT PLANT (WWTP) FROM MINE SAFETY APPLIANCES THROUGH GILSON ENGINEERING SALES INC. OF PERRYSBURG, OHIO, IN THE AMOUNT OF \$14,020.00; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the relays and equipment at the Wastewater Treatment Plant that signal operators through the SCADA system that there is a dangerous atmosphere in the confined space galley below the digesters has failed and in order to ensure safety new equipment was ordered on an emergency basis; and

**WHEREAS**, Mine Safety Appliances through Gilson Engineering Sales Inc. of Perrysburg, Ohio, is the only supplier for this equipment which is compatible with the other existing equipment; and

**WHEREAS**, the City Manager notified this City Commission at their July 24, 2017, regularly scheduled meeting of the emergency nature of the situation and necessity to procure equipment and a motion was passed approving the immediate purchase of the equipment; and

**WHEREAS**, the cost for the Digester Confined Space Gas Detection System is \$14,020.00 and will be paid with Sewer Funds; and

**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to allow for timely payment of the equipment which has already been ordered and to immediately address safety concerns; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager and/or Finance Director is authorized and directed to expend funds for the emergency purchase of a Confined Space Gas Detection System for the Digesters at the Wastewater Treatment Plant (WWTP) from Mine Safety Appliances through Gilson Engineering Sales Inc., of Perrysburg,



Ohio, at an amount **not to exceed** Fourteen Thousand Twenty and 00/100 Dollars (\$14,020.00).

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST:

\_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 14, 2017



## DEPARTMENT OF PUBLIC WORKS

---

AARON M. KLEIN, P.E.  
Director

222 Meigs Street  
Sandusky, Ohio 44870  
Phone 419/627-5829  
Fax 419/627-5933  
aklein@ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Aaron M. Klein, P.E.

Date: July 31, 2017

Subject: **Commission Agenda Item – Granting of an Encroachment License to H2 Productions, LLC for property located at 172 – 186 E Market St**

**ITEM FOR CONSIDERATION:** Legislation approving a License for Encroachment to H2 Productions, LLC, for property located at 172-186 E. Market Street.

**BACKGROUND INFORMATION:** The City of Sandusky granted a license for encroachment to the previous property owners of 172 – 186 E Market Street on April 18, 2012. The license for encroachment permitted the encroachment of 258.325 square feet total for awnings attached to the building which encroached into City rights-of-way on Market & Wayne Streets.

The property transferred ownership on July 7, 2017, to H2 Productions LLC, whose tax mailing address is listed as 5235 Castle Hills Drive, San Diego, CA 92109. The current license for encroachment does not run with the land and is considered temporary. This license for encroachment will allow the new property owner to retain the existing encroachment located within the City's right-of-way for so long as the licensee complies with the requirements of the agreement and licensee acknowledges that this grant of a license for encroachment is terminable at the will of the City.

**BUDGETARY INFORMATION:** There are no budgetary impacts to the City resulting from this legislation.

**ACTION REQUESTED:** It is requested that the proper legislation be prepared approving the Grant of a License for Encroachment to H2 Productions, LLC, for the property located at 172-186 E. Market Street. It is further requested that this legislation be passed in accordance with Section 14 of the City Charter to expedite passage and allow the new property owner to retain the existing awnings.

I concur with this recommendation:

---

Eric Wobser  
City Manager

cc: K. Kresser, Commission Clerk; H. Solowiej, Finance Director; J. Harris, Law Director

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LICENSE AGREEMENT WITH H2 PRODUCTIONS, LLC, TO PROVIDE FOR THE USE OF A CERTAIN PORTION OF THE CITY'S RIGHTS-OF-WAY, AS DESCRIBED IN THE GRANT OF A LICENSE FOR ENCROACHMENT, FOR PURPOSES OF RETAINING THE EXISTING AWNINGS; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, certain property of the City is currently platted as City right-of-way including the property identified and more fully described in Exhibit "A"; and

**WHEREAS**, this proposed License for Encroachment will allow the property owner, H2 Productions, LLC, who recently purchased the property located at 172-186 E. Market Street, to utilize and maintain existing awnings on City right-of-way located on the south side of Market Street and the west side of Wayne Street; and

**WHEREAS**, this City Commission, under powers of Local self-government granted to the City by Article XVIII of the Ohio Constitution and Section 3 and Section 25 of the Charter of the City of Sandusky, has the power to change the use of City property to a use that would be of greater benefit and use to the public; and

**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to expedite the execution of the Grant of a License for Encroachment to allow the property owner to retain the existing awnings located at 172-186 E. Market Street; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is authorized and directed to enter into the Grant of a License for Encroachment Agreement with H2 Productions, LLC, substantially in the same form as contained in Exhibit "1", which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein together with such revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with carrying out the City's public purpose as set forth in the preamble hereto.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for

any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST:

\_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 14, 2017

**GRANT OF A LICENSE FOR ENCROACHMENT  
ON THE SOUTH SIDE OF MARKET STREET &  
WEST SIDE OF WAYNE STREET**

This License Agreement is made this \_\_\_\_ day of \_\_\_\_\_, 2017, between the City of Sandusky, Ohio ("City") whose tax mailing address is 222 Meigs Street, Sandusky, Erie County, Ohio, 44870, and H2 Productions, LLC ("Licensee") whose tax mailing address is 5235 Castle Hills Drive, San Diego, San Diego County, CA 92109, under the following conditions and circumstances:

A. The City of Sandusky, Erie County, Ohio, is the Owner and Trustee for the general public of the rights-of-way as defined in the Ohio Revised Code, Section 4511.01(uu), including Market and Wayne Streets and is more fully described in Exhibit "A" which is attached to this License Agreement and is specifically incorporated as if fully rewritten herein.

B. Licensee is the owner in fee simple of the real estate adjoining the south side of Market Street right-of-way and the west side of the Wayne Street right-of-way located at 172-186 E. Market Street.

C. Licensee desires to retain and maintain the existing awnings within the City's rights-of-way (the "Encroachment"), located at 172-186 E. Market Street, Sandusky, Ohio, and as more fully described in Exhibits "A" and "B" which are attached to this License Agreement and are specifically incorporated as if fully rewritten herein.

D. The City is willing to grant to Licensee a temporary license to maintain the Encroachment for so long as Licensee remains the owner of the property to the south side of Market Street right-of-way and west side of the Wayne Street right-of-way and provided the Encroachment is not substantially altered.

**NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION PAID, THE**

**PARTIES AGREE AS FOLLOWS:**

1. The City grants to Licensee the license and permission to retain and maintain the Encroachment as more fully described in Exhibits "A" and "B" which are attached to this License Agreement and are specifically incorporated as if fully rewritten herein, for so long as Licensee remains the owner of real property located at 172-186 E. Market Street, Sandusky, Ohio, and provided that the Encroachment is not substantially altered and Licensee complies with all legal requirements and Licensee acknowledges that this grant of a license is terminable at the will of the City;

2. Licensee agrees that, except for the license granted pursuant to this Agreement, Licensee makes no claim of right and has no interest or title in any part of the property and Licensee further agrees that the maintenance of the Encroachment shall not, at any time, be deemed or construed to be an adverse possession of any part of the City's right-of-way;

3. Licensee agrees to maintain the Encroachment for use by the general public in conjunction with Licensee's facilities located at 172-186 E. Market Street, Sandusky, Ohio, and further agrees to indemnify and hold harmless the City of Sandusky (it's officials, employees, boards, commissions and agents) from any and all loss, damage, expense, or liability arising from the maintenance of the Encroachment;

4. This Agreement shall not be construed to run with the land and is only a temporary license, terminable at the will of the City.

**SIGNATURE PAGES TO FOLLOW**



IN WITNESS WHEREOF, the parties have hereunto set their hands on the  
dates indicated below:

SIGNED AND ACKNOWLEDGED  
IN THE PRESENCE OF:

CITY:  
CITY OF SANDUSKY

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Eric L. Wobser, City Manager

State of Ohio    )  
                          ) ss:  
County of Erie )

Before me a Notary Public for the State of Ohio, appeared the above  
named, Eric L. Wobser, City Manager of the City of Sandusky, who  
acknowledged that he signed the foregoing instrument and that the signing  
was a free act.

IN TESTIMONY WHEREOF, I have hereto subscribed my name and affixed  
my seal this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

SIGNED AND ACKNOWLEDGED  
IN THE PRESENCE OF:

LICENSEE: H2 PRODUCTIONS, LLC

\_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_

\_\_\_\_\_  
(Printed Name & Title)

State of Ohio    )  
                              )   ss:  
County of Erie    )

Before me a Notary Public for the State of Ohio, appeared the above named, \_\_\_\_\_, who acknowledged that they signed the foregoing instrument and that the signing was a free act.

IN TESTIMONY WHEREOF, I have hereto subscribed my name and affixed my seal this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

Instrument prepared by:

\_\_\_\_\_  
Justin D. Harris #0078252  
Law Director  
City of Sandusky

## LEGAL DESCRIPTION ENCROACHMENT LICENSE AGREEMENT

Situate in the State of Ohio, County of Erie, City of Sandusky, Ward 1, and being part of the south right-of-way of Market St. (82.50 feet in width) and part of the west right of way of Wayne St. (82.50 feet in width), all references herein to the records of the Erie County Recorder's Office, more particularly described as follows:

Beginning, for reference, at an iron pin found in a monument box marking the intersection of centerlines of Washington Street and Wayne Street; thence, North  $27^{\circ}08'08''$  West with the centerline of Wayne Street, a distance of 433.48 feet to a point; thence, South  $62^{\circ}51'52''$  West through the westerly right-of-way of Wayne St., a distance of 38.75 feet to a point and the **True Point of Beginning** for this description;

Thence, South  $62^{\circ}51'52''$  West, a distance of 2.50 feet to a point in the westerly right-of-way line of Wayne Street, the same being the easterly line of lands of Christopher D. Romick and Mary B. Mischler, RN#201200946;

Thence, North  $27^{\circ}08'08''$  West with said right-of-way line and with the easterly edge of a building, a distance of 17.00 feet to a point in the southerly right-of-way line of Market Street;

Thence, South  $62^{\circ}51'52''$  West with said right-of-way line and with the north edge of a building, a distance of 86.33 feet to a point;

Thence, North  $27^{\circ}08'08''$  West through the southerly right-of-way of Market Street, a distance of 2.50 feet to a point;

Thence, North  $62^{\circ}51'52''$  East through said right-of-way, a distance of 86.33 feet to a point;

**EXHIBIT**  
**"A"**

Page 2 of 2  
Encroachment License Agreement

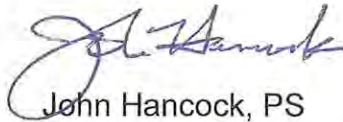
Thence, South 27°08'08" East through said right-of-way, a distance of 2.50 feet to a point;

Thence, North 62°51'52" East through the westerly right-of-way of Wayne Street, a distance of 2.50 feet to a point;

Thence, South 27°08'08" East through said right-of-way, a distance of 17.00 feet to the point of beginning, containing 258.325 square feet of land, more or less, of which 215.825 square feet of which is in the southerly right-of-way of Market Street and 42.50 square feet of which is in the westerly right-of-way of Wayne St., subject to an easement for operation and maintenance of existing utilities.

This description was prepared by John Hancock, PS No. 6918 from a survey conducted in March, 2012. Bearings herein are based on the centerline of Wayne Street bearing North 27°08'08" West.

John Hancock & Associates, Inc.

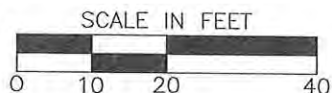
  
John Hancock, PS

Date: 3/23/2012



# ENCROACHMENT LICENSE AGREEMENT

SOUTH SIDE MARKET ST. R/W & WEST SIDE WAYNE ST. R/W, WARD 1  
CITY OF SANDUSKY, ERIE COUNTY, OHIO

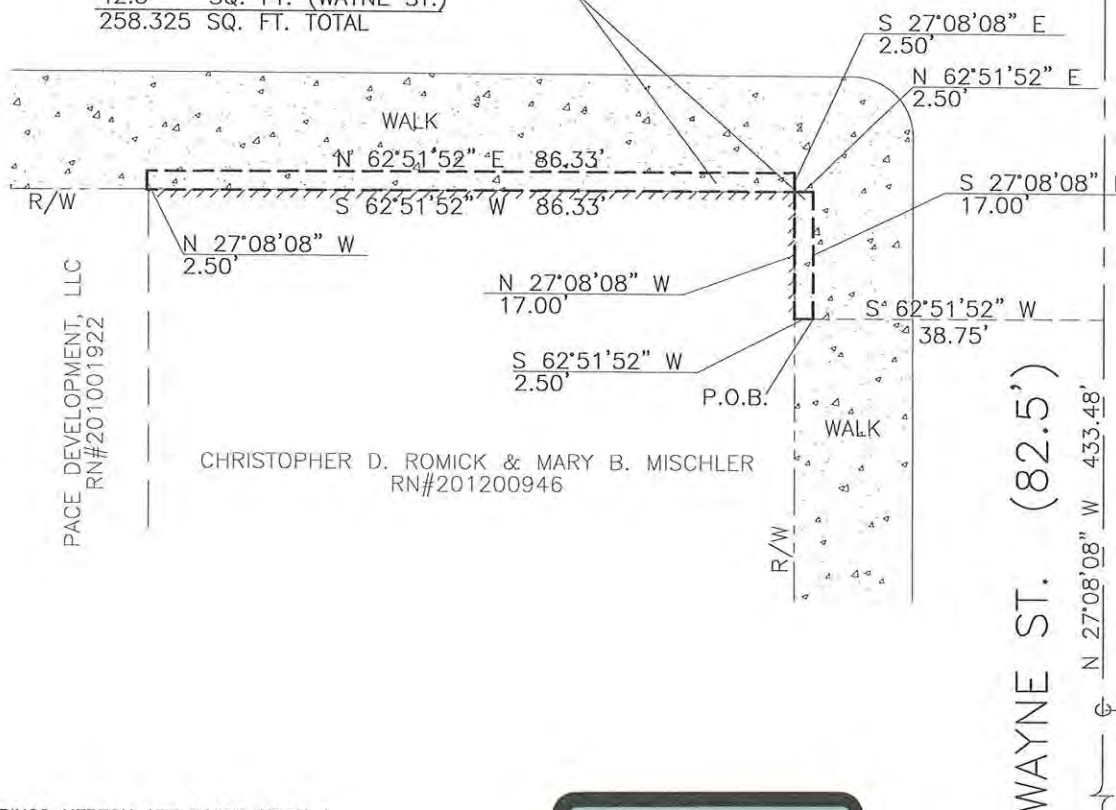


SCALE: 1" = 20'

MONUMENT BOX  
FOUND @  
WATER ST.

MARKET ST. (82.5')

PROPOSED ENCROACHMENT AGREEMENT  
215.825 SQ. FT. (MARKET ST.)  
42.5 SQ. FT. (WAYNE ST.)  
258.325 SQ. FT. TOTAL



PACE DEVELOPMENT, LLC  
RN#201001922

CHRISTOPHER D. ROMICK & MARY B. MISCHLER  
RN#201200946

EXHIBIT

"B"

MONUMENT BOX  
FOUND @  
WASHINGTON ST.

SURVEY FOR:  
MARY MISCHLER  
3904 GALLOWAY RD.  
SANDUSKY, OH 44870

ALL DIMENSIONS HEREON ARE BASED UPON A  
ASSUMED BEARING OF N 27°08'08" W FOR  
THE CENTERLINE OF WAYNE STREET.

I HEREBY CERTIFY THAT THIS PLAT  
WAS PREPARED FROM AN ACTUAL FIELD  
SURVEY OF THE PREMISES CONDUCTED  
BY ME PURSUANT TO CHAPTER 4733-37  
OF THE OHIO ADMINISTRATIVE CODE.

*John Hancock*

JOHN HANCOCK, P.S.  
O.R.L.S. 6918

E: 3/23/2012

FILE NO.: 201812 DWG NO.: 2018-survey  
REV'D: JAG, DMM DRAWN: JAG CHK'D: JH



*John Hancock & Associates*

INCORPORATED  
ENGINEERS - SURVEYORS  
326 E. MARKET STREET SANDUSKY, OHIO 44870  
(419) 625-7838





## Department of Community Development

---

Matthew D. Lasko  
mlasko@ci.sandusky.oh.us

222 Meigs St.  
Sandusky, OH 44870  
Phone: 419.627.5707  
Fax: 419.627.5933  
[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

TO: Eric Wobser, City Manager

FROM: Matthew D. Lasko, Chief Development Officer

DATE: August 2, 2017

RE: Commission Agenda Item – Disposal of Property

**ITEM FOR CONSIDERATION:** A request for legislation authorizing the disposal of unneeded City owned property pursuant to Section 25 of the City Charter – specifically the disposal of a non-operational steam whistle (photos attached to communication) mounted atop one of the remaining buildings at the former American Crayon site by donating it to the Heritage Society of Erie County.

**BACKGROUND INFORMATION:** The City has been in ongoing conversations with representatives of the Old House Guild and Heritage Society of Erie County regarding the ability to salvage, preserve and display certain items of interest from the former American Crayon site – which the City now owns and is set to demolish. Based upon a site visit completed on July 28, 2017, representatives requested the ability to secure ownership of a non-operational steam whistle mounted atop one of the remaining buildings. For decades, the aforementioned steam powered whistle beckoned hundreds of Erie County workers to work each morning, announced the “dinner” hour and signaled the end of the work shift each day.

If secured by the Heritage Society of Erie County, the condition of the whistle will be evaluated and then decided whether it will be put on display “as is”, or to restore and make functional once again. The display area will be in the Heritage Barn at the Erie County Fairgrounds next to the other American Crayon artifacts in their collection – where it will be used as an educational tool for the children (and even the adults) of Sandusky City and Erie County.

**BUDGET IMPACT:** There will be no budgetary impact with the proposed disposal of the steam whistle from the former American Crayon site.

**ACTION REQUESTED:** It is requested that legislation be approved declaring the non-operational steam whistle at the former American Crayon site unnecessary and unfit for



City use and allowing the whistle to be donated to the Heritage Society of Erie County. It is further requested this legislation take immediate effect in full accordance with Section 14 of the City Charter in order to allow salvage and disposal of the aforementioned steam whistle, which has no value to the City, prior to the commencement of demolition activities at the site scheduled this month.

I concur with this recommendation:

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Eric Wobser  
City Manager

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Matthew D. Lasko  
Chief Development Officer

cc: Kelly Kresser, Clerk of City Commission  
Hank Solowiej, Finance Director  
Justin Harris, Law Director









RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE DISPOSAL OF A NON-OPERATIONAL STEAM WHISTLE FROM THE FORMER AMERICAN CRAYON SITE AS BEING UNNECESSARY AND UNFIT FOR CITY USE; APPROVING THE DONATION OF THE WHISTLE TO THE HERITAGE SOCIETY OF ERIE COUNTY; AND DECLARING THAT THIS RESOLUTION TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City recently acquired the former American Crayon property located at 1706 Hayes Avenue which is in the process of demolition; and

**WHEREAS**, the City and the Old House Guild and Heritage Society of Erie County have been in conversations regarding the ability to salvage, preserve, and display certain items of interest from the former American Crayon site and subsequent to a site visit on July 29, 2017, it was requested to secure ownership of a non-operational steam whistle mounted atop one of the remaining buildings; and

**WHEREAS**, the Heritage Society of Erie County intends to evaluate the condition of the steam powered whistle and either display “as is” or restore to its original function, which for decades beckoned hundreds of Erie County workers to work each morning, announced the “dinner” hour, and signaled the end of the work shift each day, and be placed in the Heritage Barn at the Erie County Fairgrounds along with the collection of other American Crayon artifacts; and

**WHEREAS**, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to salvage the steam whistle prior to the commencement of demolition activities at the American Crayon site scheduled later this month; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Community Development, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission finds and determines that the non-operational steam whistle mounted atop one of the buildings at the former American Crayon site is unnecessary and unfit for City use pursuant to Section 25 of the City Charter and authorizes and directs the City Manager to dispose of the non-operational steam whistle by donating it to the Heritage Society of Erie County.

Section 2. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction,

such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 14, 2017



## ADMINISTRATIVE SERVICES

222 Meigs Street  
Sandusky, Ohio 44870  
Phone: 419-627-5969  
shamilton@ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Stuart Hamilton

Date: August 8<sup>th</sup>, 2017

Subject: **Commission Agenda Item –Purchase of ShoreTel phone system for the City of Sandusky.**

**ITEM FOR CONSIDERATION:** Requesting legislation authorizing the City of Sandusky to expend funds for the purchase of a new phone system solution from TTx, Inc of Maumee, OH.

### **BACKGROUND INFORMATION:**

On July 24<sup>th</sup> 2017, the Commission voted to proceed with the emergency purchase of a replacement phone system under Section 24 of the City Charter.

On Friday July 21<sup>st</sup> 2017 we had a phone system failure. When we recovered the phone system and got it back up, we had lost one drive and the second drive was behaving erratically (the first and second drives contained the same information so if one fails then the other takes over. We have now lost this redundancy) The system hardware suffered failures, some which were replaced. Other parts cannot be replaced.

While we have the system functioning at this point. I am extremely concerned about the longevity of this current hardware set. I would like to say that we put a band aid on it Friday until we can move quickly to get a new phone system in place, but a better terminology would be that the last existing band-aid fell off.

If we lose this system again and it does not come back online, (which is what we suspect may happen) and end up without a functional phone system, we, as a City would lose our main ability to communicate for an undetermined amount of time (a week, possibly more depending on availability).

This current system is now 15 years old and has been out of support for many years. If we had to try to fully recover this phone system on new hardware we would not be able to relicense it due to its age. We cannot purchase any new equipment for it, and anything we do find is used, in poor repair and unreliable.

### **Proposed Solution:**

Having worked with varying phone systems for an extended amount of time, a decision was made to proceed with a ShoreTel solution based on functionality and manageability. We had a company referred to us from multiple sources over the years and reached out to them to assess availability of hardware and willingness to supply and support the installation. This company is TTx of Maumee OH.

The ShoreTel system is a brilliantly simple Unified Communications (UC) solutions based on its award-winning IP business phone system. With their Unified Communications solution, enterprises trade complexity for plug-and-

play simplicity in integrated voice, video, data, and mobile communication. ShoreTel delivers an award-winning UC system that is purpose-built for IP, and designed to be as easy to manage and scale across sites and geographies as it is to deploy and use making it the perfect system for the City.

**BUDGETARY INFORMATION:** The cost for this purchase will not exceed \$109,975.39, and will be paid by the Capital Fund in the amount of \$54,987.70, by the Water Fund in the amount of \$27,493.85, and by the Sewer Fund in the amount of \$27,493.84.

**ACTION REQUESTED:** It is recommended that the proper legislation be prepared to expend funds for the purchase of a ShoreTel phone system, from TTx, Inc of Maumee, OH. It is requested that this legislation take effect in full accordance with Section 14 of the City Charter in order to replace the City's phone system at the earliest opportunity to avoid any loss of telephone communications in the future.

I concur with this recommendation:

---

Eric Wobser  
City Manager

---

Stuart Hamilton  
I.T Manager

cc: K. Kresser, Commission Clerk; H. Solowiej, Finance Director; J. Harris, Law Director



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER AND/OR THE FINANCE DIRECTOR TO EXPEND FUNDS FOR THE EMERGENCY PURCHASE OF A SHORETEL PHONE SYSTEM FROM TTX, INC., OF MAUMEE, OHIO, IN THE AMOUNT OF \$109,975.39; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City's current phone system is fifteen (15) years old and has been out of support for many years and recently had a failure causing a lost drive and the second drive behaving erratically along with hardware failures, some of which parts cannot be replaced, and the Information Technology Manager has determined that a real and present emergency exists and it is necessary to replace City's phone system as soon as possible to avoid complete loss of telephone communications; and

**WHEREAS**, the City Manager notified this City Commission at their July 24, 2017, regularly scheduled meeting of the emergency nature of the situation and a motion was passed approving the replacement of the City's telephone system on an emergency basis; and

**WHEREAS**, pursuant to Section 24 of the City Charter the emergency nature of the purchase obviates the necessity to comply with formal competitive bidding and advertising and the ShoreTel phone system from TTx, Inc., of Maumee, Ohio, was selected based upon the knowledge and expertise of the City's IT Manger having worked with various phones systems for an extended amount and time and the system's simplicity, functionality and manageability, making it the best system for the City; and

**WHEREAS**, the total cost for the ShoreTel Phone System is not to exceed \$109,975.39 and will be paid with Capital Funds in the amount of \$54,987.70, Water Funds in the amount of \$27,493.85, and Sewer Funds in the amount of \$27,493.84; and

**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to replace the City's phone system at the earliest opportunity to avoid any loss of telephone communications in the future; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Information Technology, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager and/or Finance Director is authorized and directed to expend funds for the emergency purchase of a ShoreTel Phone System from TTx, Inc. of Maumee, Ohio, at an amount **not to exceed** One Hundred Thousand Nine Hundred Seventy Five and 39/100 Dollars (\$109,975.39).

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

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DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST:

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KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 14, 2017