



**SANDUSKY CITY COMMISSION
REGULAR SESSION AGENDA
JULY 22, 2019 at 5 p.m.
CITY HALL, 240 COLUMBUS AVENUE**

| | |
|-------------------------------|--|
| INVOCATION | Naomi Twine |
| PLEDGE OF ALLEGIANCE | |
| CALL TO ORDER | |
| ROLL CALL | N. Lloyd, W. Poole, N. Twine, D. Murray, G. Lockhart, D. Brady & D. Waddington |
| APPROVAL OF MINUTES | July 8, 2019 |
| AUDIENCE PARTICIPATION | |
| COMMUNICATIONS | Motion to accept all communications submitted below |
| CURRENT BUSINESS | |

REGULAR AGENDA ITEMS

SECOND READING

ITEM #1 – Submitted by Greg Voltz, Planner

PROPOSED VACATION OF 20' ALLEY BETWEEN 1643 & 1649 CLEVELAND ROAD

Budgetary Information: There is no impact to the general fund.

ORDINANCE NO. _____: It is requested an ordinance be passed vacating a portion of an alley located north of Cleveland Road between 1643 and 1649 Cleveland Road - and between 1649 Cleveland Road and Lots 118 – 121 on South Larchmont Drive, within the city, as set forth on the vacation plat, a copy of which is marked Exhibit A-2, attached to this ordinance and incorporated herein.

ITEM #2 – Submitted by Angela Byington, Planning Director

AUTHORIZATION TO FILE GRANT APPLICATION WITH U.S. DEPARTMENT OF TRANSPORTATION FOR SANDUSKY BAY PATHWAY PROJECT

Budgetary Information: The total budgetary impact to the city would not exceed \$7,746,819.02, which includes a pledge of city funds for construction up to \$4,922,027.28 and design, environmental and right-of-way services totaling \$2,824,791.74. The total city cost would be paid with capital project funds (pedestrian bike path construction) the downtown/Battery Park TIF fund and the Cleveland Road TIF fund. It is expected that the city will issue notes or bonds to finance the city's total cost.

RESOLUTION NO. _____: It is requested a resolution be passed authorizing and ratifying the filing of a grant application with the U.S. Department of Transportation through the U.S. Department of Transportation for the FY 2019 Better Utilizing Investments to Leverage Development (BUILD) Discretionary program grant for the Sandusky Bay Pathway; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #3 – Submitted by Aaron Klein, Director of Public Works

AUTHORIZATION TO ENTER INTO CONTRACT WITH BARNES NURSERY, INC. FOR RUNOFF REDUCTION THROUGH STRATEGIC TREE PLANTING PROJECT

Budgetary Information: The estimated cost of the project based on bids, including legal advertisement and recording fee, is \$86,683.15, of which \$61,683.15 will initially be paid with City funds and then reimbursed through the GLRI grant funded by the U.S. EPA and the remaining balance of \$25,000 will be paid with Storm Water funds from the Sewer Fund.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with Barnes Nursery, Inc., of Huron, Ohio for the runoff reduction through strategic tree planting project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #4 – Submitted by John Storey, Economic Development Specialist

APPROVAL OF SMALL BUSINESS ASSISTANCE GRANT TO LORIS PRINTING

Budgetary Information: The city will be responsible for providing a total of \$15,000 in grant proceeds from the economic development capital projects fund on a reimbursable basis at the completion of the project.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and approving a grant in the amount of \$15,000 through the small business assistance grant program to Loris Printing, Inc., in relation to the property located at 2111 Cleveland Road; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #5 – Submitted by Matt Lasko, Chief Development Officer

CHANGE ORDER #2 WITH BARNES NURSERY FOR DEMOLITION OF 624 CAMP STREET (TIME ONLY)

Budgetary Information: There is no budgetary impact with this legislation. This is merely impacting the deadline for completion.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to approve the second change order for work being performed by Barnes Nursery of Huron, Ohio, for the asbestos abatement and demolition of 624 Camp Street project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

CITY MANAGER’S REPORT

OLD BUSINESS

ITEM TABLED: Authorization to bid 2018 Cedar Point Chaussee Water Tower

NEW BUSINESS

AUDIENCE PARTICIPATION: Open discussion on any item (5 minute limit)

EXECUTIVE SESSION(S)

ADJOURNMENT

Buckeye Broadband broadcasts on Channel 76:

Monday, July 22 at 8:30 p.m.

Tuesday, July 23 at 5 p.m.

Monday, July 29 at 8:30 p.m.

Online:

www.ci.sandusky.oh.us – Click “Play” 



PLANNING DEPARTMENT

222 Meigs Street
Sandusky, Ohio 44870
419.627.5715
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Greg Voltz, Planner

Date: June 24, 2019

Subject: July 8, 2019 Commission Agenda Item – petition for vacation of 20' Alley located between 1643 and 1649 Cleveland Road and parcel on Larchmont Drive.

Item for Consideration: Carmelo Ruta, has submitted a petition for the vacation of a 20' alley located north of Cleveland Road between 1643 Cleveland Road (BV 235 PG 389) and 1649 Cleveland Road (BV 430 PG 283) and Parcels on Larchmont Drive (Eastwood Subdivision No. 3 PV 16 PG 27 lots 118, 119, 120, 121).

Purpose: Generally, it is important for the City Commission to analyze and preserve streets and alleys for future planning endeavors or projects when possible. Street and Alley vacations should only be considered when the City can definitively determine there will not be a public use in the future and when the vacation will not land lock any parcels, nor adversely impact traffic circulation or adjacent properties.

Background Information: At the May 22, 2019 Planning Commission meeting the Commission unanimously recommended approval for the vacation of the above referenced alley. The applicant, Carmelo Ruta, applied to vacate this area to create a more developable parcel. Planning staff recognizes that the mentioned alley has been functioning as a vacated alley for a period of time already and that the other abutting parcel owners, have also sign the petition to vacate this alley. The proposed vacations will not land lock any property and the right-of-way is no longer of use for the public. Staff believes that the adjacent property owners will not be impacted, nor will it deny access to any properties.

Correlation to the Comprehensive Plan:

The Comprehensive Plan calls for reimagining this section of Cleveland Road corridor. The proposed vacation will assist in the redevelopment of the Cleveland Road corridor.

Budgetary Impact:

There is no impact to the general fund.

Action Requested: It is requested that City Commission approve the proposed a petition for the vacation of a 20' alley located north of Cleveland Road between 1643 Cleveland Road (BV 235 PG 389) and 1649 Cleveland Road (BV 430 PG 283) and Parcels on Larchmont Drive (Eastwood Subdivision No. 3 PV 16 PG 27 lots 118, 119, 120, 121).

I concur with this recommendation:

Eric Wobser, City Manager

Angie Byington, Planning Director

cc: Kelly Kresser, Clerk of City Commission, Hank Solowiej, Finance Director, Trevor Hayberger, Law Director

Petition for Vacation
City Right-Of-Way

John A. Feick, Agent for Carmelo Ruta

224 E Water Street

Sandusky OH 44870

419-625-3241

The undersigned owners of lots in the vicinity

Cleveland Road, Roosevelt Street and S. Larchmont Drive

Respectfully petition that a portion of said street/alley/right-of-way described as follows:

Alley north of Cleveland Road, east of Roosevelt Street, and south of S. Larchmont Drive in the rear of properties owned by Carmelo Ruta, Inc, Carmelo Ruta, John Jacobs, Kristofer M. Parsons, Gerold J. Bradley and James R. & Marjorie L. Cremean.

Be vacated for the reason that it is no longer of use to the public and its vacation will not be detrimental to the general interest.

By signing this petition, we herby support the proposed vacation and waive our right to public notice. Further, we realize that we shall be responsible for providing a completed petition including a complete legal description and a plat prepared by a professional, suitable for recording, and approved by the County Surveyor.

| Name | Address | Date Signed |
|---|-----------------------------|----------------|
| <i>John M. Jacobs</i> | <i>1636 S. LARCHMONT DR</i> | <i>4.11.16</i> |
| <i>CARMELO RUTA Inc by Carmelo RUTA</i> | | |
| <i>Carmelo RUTA</i> | | |
| | | |
| | | |
| | | |
| | | |

(You may attach an additional sheet of paper if the space provided is not adequate)

Office use only:
_____ \$500.00 filing fee
_____ Plat as detailed in "Right-of-Way Vacation Procedures", and approved by the County Surveyor
_____ Legal Description approved by the County Surveyor
_____ Completed form containing required signatures

Peter J. McGary Atty/Agent for Carmelo Ruta

RECEIVED APR 13

1401 Cleveland Rd

Sandusky OH 44870

419 626-0055 office

419 239 9613 cell

Petition for Vacation
City Right-Of-Way

John A. Feick, Agent for Carmelo Ruta

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| Name | Address | Date Signed |
|-----------------------|----------------------|-------------|
| <i>John M. Jacobs</i> | 1636 S. LARCHMONT DR | 4.11.16 |
| X <i>[Signature]</i> | 1640 S Larchmont DR | 11.11.18 |
| X <i>[Signature]</i> | 1640 S. Larchmont DR | 11.11.19 |

(You may attach an additional sheet of paper if the space provided is not adequate)

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_____ \$500.00 filing fee

_____ Plat as detailed in "Right-of-Way Vacation Procedures", and approved by the County Surveyor

_____ Legal Description approved by the County Surveyor

_____ Completed form containing required signatures

Petition for Vacation City Right-Of-Way

John A. Feick, Agent for Carmelo Ruta
224 E Water Street
Sandusky OH 44870
419-625-3241

Peter J. McGary Atty/Agent for
Carmelo Ruta

RECEIVED APR 13

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| Name | Address | Date Signed |
|------------------------|----------------------|-------------|
| John M. Sparto | 1636 S. LARCHMONT DR | 4-11-18 |
| X Kristofer M. Parsons | 1640 S Larchmont Dr. | 11-11-18 |
| X Gerold J. Bradley | 1640 S. Larchmont Dr | 11-11-18 |
| X James R. Cremean | 1648 S Larchmont Dr | 11-28-18 |
| X Marjorie L. Cremean | 1648 S Larchmont Dr | 11-27-18 |

(You may attach an additional sheet of paper if the space provided is not adequate)

Office use only:

_____ \$500.00 filing fee

_____ Plat as detailed in "Right-of-Way Vacation Procedures", and approved by the County Surveyor

_____ Legal Description approved by the County Surveyor

_____ Completed form containing required signatures

Petition for Vacation
City Right-Of-Way

John A. Feick, Agent for Carmelo Ruta

224 E Water Street

Sandusky OH 44870

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| Name | Address | Date Signed |
|-----------------------|-----------------------------|----------------|
| <u>John M. Jacobs</u> | <u>1636 S. LARCHMONT DR</u> | <u>4-11-16</u> |

| | | |
|--------------------------|------------------------------|-----------------|
| <u>Bradley J. Gerold</u> | <u>1644 S. Larchmont Dr.</u> | <u>11-19-18</u> |
|--------------------------|------------------------------|-----------------|

(You may attach an additional sheet of paper if the space provided is not adequate)

Office use only:

_____ \$500.00 filing fee

_____ Plat as detailed in "Right-of-Way Vacation Procedures", and approved by the County Surveyor

_____ Legal Description approved by the County Surveyor

_____ Completed form containing required signatures



CITY OF SANDUSKY APPLICATION FOR PLANNING COMMISSION APPROVAL

TYPE OF APPLICATION:

☐ Conditional Use Permit
☒ Flood Plain Variance
☒ Other Vacation of Alley

☐ Similar Main Use
☐ Front Yard Fence

APPLICANT/AGENT INFORMATION:

Property Owner Name: Carmelo Ruta Inc. / Carmelo Ruta

Property Owner Address: 2407 Deerpath Drive Sandusky
44870

Property Owner Telephone: _____

Authorized Agent Name: John Ferick Peter J. McGory

Authorized Agent Address: 224 E. Water St 1401 Cleveland Rd
Sandusky O. 44870 Sandusky O. 44870

Authorized Agent Telephone: 419 625 3241 419 626-0055
444-239-9613

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: Alley between 1643 and 1649 Cleveland Rd
and behind 1649 Cleveland Rd Sandusky OH 44870

Legal Description of Property (check property deed for description):
See attached

Parcel Number: _____ Zoning District: _____

DETAILED SITE INFORMATION:

Land Area of Property: Alley is .6086 (~~sq. ft.~~ or acres)

Total Building Coverage (of each existing building on property):

Building #1: _____ (in sq. ft.)

Building #2: _____

Building #3: _____

Additional: _____

Total Building Coverage (as % of lot area): N/A

Gross Floor Area of Building(s) on Property (separate out the square footage of different uses – for example, 800 sq. ft. is retail space and 500 sq. ft. is storage space: N/A

Proposed Building Height (for any new construction): N/A

Number of Dwelling Units (if applicable): N/A

Number of Off-Street Parking Spaces Provided: N/A

Parking Area Coverage (including driveways): N/A (in sq. ft.)

Landscaped Area: N/A (in sq. ft.)

PROPOSED DEVELOPMENT (check those that apply):

☐ New Construction (new building(s))
☐ Addition to Existing Building(s)
☐ Change of Use in Existing Building(s) > NONE

Description of Proposed Development (Describe in detail your development plans, for example – proposed use, size of building or proposed addition, hours of operation, days of operation, seating capacity, etc.):

request to vacate unused alley which runs
between and behind parcels owned by applicant
or applicants corporation. All adjoining property owners
consent. No immediate plans for redevelopment of
applicant's parcels but alley vacation is logical step
in any plan for redevelopment

15 copies of a site plan/off-street parking plan for property

Conditional Use Permit:\$100.00

Flood Plan Variance: \$100.00

Other: check with staff for fee

APPLICATION AUTHORIZATION:

seal. X Carmelo Ro19.

12/17/18

Date _____

As owner of _____ (municipal street address of property), I hereby authorize _____ to act on my behalf during the Planning Commission approval process.

Date _____

Planning Commission File Number: _____

PLANNING COMMISSION REPORT

PETITION FOR VACATION OF 20' ALLEY
LOCATED BETWEEN 1643 AND 1649
CLEVELAND RD AND PARCELS ON SOUTH
LARCHMONT DRIVE.

Reference Number: PC-01-19

Date of Report: 05-09-2019

Report Author: Greg Voltz, Planner



City of Sandusky, Ohio

Planning Commission Report

BACKGROUND INFORMATION

Carmelo Ruta has submitted a petition for the vacation of a 20' alley located between 1643 and 1649 Cleveland Road and parcels on South Larchmont Drive. The following information is relevant to this application:

Applicant: Carmelo & Nunzia Ruta
2407 Deerpath Drive
Sandusky, Ohio 44870

| | | |
|----------------------|----------------------|----------------------|
| Authorized Agent(s): | John A. Feick | Peter J. McGory |
| | 224 E Water Street | 1401 Cleveland Rd |
| | Sandusky, Ohio 44870 | Sandusky, Ohio 44870 |

Site Location: Alley located between 1643 Cleveland Road (DBV 235 PG 389), 1649 Cleveland Road (BV 430 PG 283), and Parcels on South Larchmont Drive (Eastwood Subdivision lots 118, 119, 120, and 121).

Zoning: City right-of-way
Adjacent Zoning: North: "R1-50" – Single-Family Residential
South: "GB" – General Business
East: "GB" – General Business
West: "GB" – General Business

Site Area: Alley – 0.6086 Acre

Existing Use: Undeveloped – City right-of-way

Proposed Use: The proposed vacated area will split between parcels currently owned by Carmelo Ruta and adjacent property owners.

SITE DESCRIPTION

The Alley located between 1643 Cleveland Road (DBV 235 PG 389), 1649 Cleveland Road (57-04103.000), and Parcels on South Larchmont Drive (Eastwood Subdivision lots 118, 119, 120, and 121). The parcels adjacent to the right-of-ways are currently zoned as “GB”/ General Business and “R1-50” / Single Family.

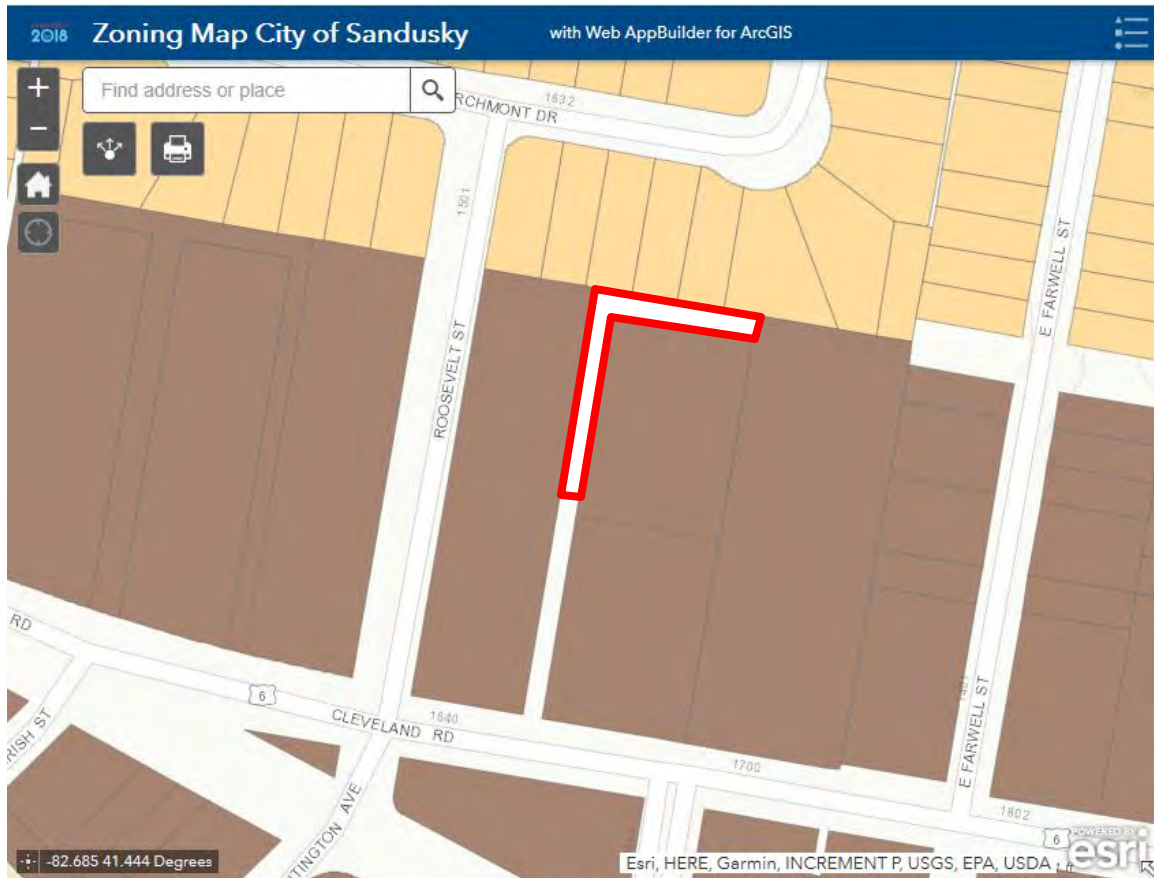
Per the Ohio Revised Code the proposed vacation of the alley and street would be divided between the adjacent property owners, in this case between Carmelo Ruta and all adjacent property owners. All adjacent property owners have signed the petition for this alley vacation. The applicant proposes to vacate the parcel to clean up the property and create more marketable parcels.

The applicant previously requested a vacation on the opposite side of Roosevelt Street that is currently going through the approval process at City Commission.

Please see below for an aerial photo, and zoning map of the subject property.

Alley Outlined in Red





PUD - Planned Unit Development



TRO - Transient Rental Overlay



Zoning

- AG - Agriculture
- CA - Commercial Amusement
- CR - Commercial Recreation
- CS - Commercial Service

DBD - Downtown Business

GB - General Business

GM - General MANufacturing

LB - Local Business

LM - Local Manufacturing

P - Auto Parking

PF - Public Facilities

R1-40 - Single Family Residential

R1-50 - Single Family Residential

R1-60 - Single Family Residential

R1-75 - Single Family Residential

R2F Two-Family Residential

RB - Roadside Business

RMF - Multi-Family Residential

RRB - Residential/Business

RS - Residential Suburban

ENGINEERING STAFF COMMENTS

The City's Engineering staff has reviewed the proposed vacation and has no issues. The owners would also need to coordinate with Ohio Edison for any electrical service.

BUILDING STAFF COMMENTS

The City Building Official has reviewed the proposed vacation and has no issues.

POLICE DEPARTMENT COMMENTS

The Police Department has reviewed the proposed vacation and has no issues.

FIRE DEPARTMENT COMMENTS

The Fire Department has noted that they have reviewed the proposed vacation and has no issues.

CONCLUSION/RECOMMENDATION

In conclusion, planning staff has no objection to the Sandusky City Planning Commission recommending approval of the requested vacations to the City Commission because vacation of the alley will not adversely impact the adjoining properties and all the adjacent property owners have signed the petition. This right-of-way is no longer of use for the public, and does not create a land locked parcel. With this in mind planning staff recommends that a recommendation of approval to City Commission is granted.




Department of Planning

222 Meigs St.
Sandusky, OH 44870
Phone: 419.627.5973
Fax: 419.627.5933
www.ci.sandusky.oh.us

May 24th, 2019

Planning Commission at the May 22nd, 2019 meeting recommended approval to the City Commission for the proposed petitions for vacation of a 20' alley located between 1643 and 1649 Cleveland Road.



Mike Zuithof
Planning Commission Chair

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF AN ALLEY LOCATED NORTH OF CLEVELAND ROAD BETWEEN 1643 AND 1649 CLEVELAND ROAD AND BETWEEN 1649 CLEVELAND ROAD AND LOTS 118-121 ON SOUTH LARCHMONT DRIVE, WITHIN THE CITY, AS SET FORTH ON THE VACATION PLAT, A COPY OF WHICH IS MARKED EXHIBIT "A-2", ATTACHED TO THIS ORDINANCE AND INCORPORATED HEREIN.

WHEREAS, Section 723.04 of the Ohio Revised Code provides for statutory proceedings to vacate a street, alley, or portion thereof by the legislative authority upon petition by a person owning a lot in the immediate vicinity of the street or alley; and

WHEREAS, the petitioners, John A. Feick and Peter J. McGory, on behalf of Carmelo Ruta, and all abutting property owners are consenting to and signed the Petition for Vacation which dispensed with the notice requirement contained in Section 723.06 of the Ohio Revised Code; and

WHEREAS, the alley proposed for vacation will be split between parcels currently owned by Carmelo Ruta and adjoining properties owners; and

WHEREAS, the City's Engineering Department, Police Department, Fire Department, and Building Department have reviewed the petition for vacation and do not object; and

WHEREAS, the Planning Commission considered this vacation request at its May 22, 2019, meeting and resolved unanimously to recommend approval of the requested vacation; and

WHEREAS, pursuant to the requirements of Section 723.04 of the Ohio Revised Code, the City Commission held a public hearing at its July 8, 2019, regularly scheduled meeting to consider the Planning Commission's recommendation for **approval** pursuant to Section 713.02 of the Ohio Revised Code; and

WHEREAS, this City Commission finds that there is good cause for such vacation as prayed for and that such vacation will not be detrimental to the general interest and is conducive to the general interests of the public and the area is no longer needed for any municipal purpose, and that it should be made; 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 of the City of Sandusky, that this vacation be made; **NOW, THEREFORE**,

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

Section 1. A portion of an alley located north of Cleveland Road between 1643 and 1649 Cleveland Road and between 1649 Cleveland Road and Lots 118-121 on South Larchmont Drive, within the City, labeled as described on the vacation plat, with a total area of approximately 0.1912 acre, more or less, as provided in the

following legal description:

Being situated in the State of Ohio, County of Erie, City of Sandusky, Second Ward, Part Amended Plat of D.L.C. Ransom Subdivision (PV 7 PG 1) and being more definitely described as follows:

Commencing at a monument box, found, marking the intersection of the centerline of Cleveland Road with the centerline of Roosevelt Street (66 FT); Thence North 09°58'39" East along the centerline of Roosevelt Street, a distance of 497.24 feet to a point on the South line of Eastwood Subdivision No. 3 (PV 16 PG 27); Thence North 80°01'21" East along the South line of said Eastwood Subdivision No. 3, a distance of 156.00 feet to a point, marking the Northeast corner of a parcel owned by Carmelo Ruta, Inc. (BV 235 PG 389) and the point of beginning;

1. Thence South 08°01'21" East continuing along the South line of said Eastwood Subdivision No. 3, a distance of 176.00 feet to a point, marking the Northwest corner of a parcel owned by Carmelo Ruta, Inc. (BV 247 PG 920);

2. Thence South 09°58'39" West along the West line of said Ruta parcel, a distance of 25.00 feet to a point, marking the Northeast corner of a parcel owned by Carmelo & Nunzia Ruta (DV 393 PG 413);

3. Thence North 80°01'21" West along the North line of said Ruta parcel, a distance of 156.00 feet to a point, marking the Northwest corner of said Ruta parcel; and

4. Thence South 09°58'39" West along the West line of said Ruta parcel, a distance of 196.39 feet to a point; and

5. Thence North 80°17'51" West a distance of 20.00 feet to a point on the East line of said Carmelo Ruta, Inc. parcel;

6. Thence North 09°58'39" East along the East line of said Ruta, Inc. parcel, a distance of 221.48 feet to the point of beginning, containing 0.1912 acre, more or less, but being subject to all legal highways, easements and restrictions of record.

And as more fully described in the legal description and vacation plat marked Exhibits "A-1" and "A-2", attached to this Ordinance and specifically incorporated herein, be and the same are hereby vacated pursuant to the Ohio Revised Code, Section 723.08 and is a revocation of the acceptance thereof by this City Commission.

Section 2. The said vacation be and hereby is subject to the permanent easements for public utility purposes in such vacated premises as set forth in Section 723.041 of the Ohio Revised Code.

Section 3. The Clerk of the City Commission be instructed to endorse upon the plat, the City Commission action in vacating such portion of the street and to cause said plat to be recorded in the office of the Erie County Recorder and to notify the Auditor of Erie County of such vacation, by sending him a copy of this Ordinance.

Section 4. 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 5. 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 6. That for the reasons set forth in the preamble hereto, this Ordinance shall take effect at the earliest time allowed by Law.

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

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: July 22, 2019 (effective after 30 days)

Proposed Vacation of a 0.1912 Acre Parcel
City of Sandusky

Being situated in the State of Ohio, County of Erie, City of Sandusky, Second Ward, Part Amended Plat of D.L.C. Ransom Subdivision (PV 7 PG 1) and being more definitely described as follows:

Commencing at a monument box, found, marking the intersection of the centerline of Cleveland Road with the centerline of Roosevelt Street (66 FT); Thence North $09^{\circ}58'39''$ East along the centerline of Roosevelt Street, a distance of 497.24 feet to a point on the South line of Eastwood Subdivision No. 3 (PV 16 PG 27); Thence South $80^{\circ}01'21''$ East along the South line of said Eastwood Subdivision No. 3, a distance of 156.00 feet to a point, marking the Northeast corner of a parcel owned by Carmelo Ruta, Inc. (BV 235 PG 389) and the point of beginning;

(1) Thence South $80^{\circ}01'21''$ East continuing along the South line of said Eastwood Subdivision No. 3, a distance of 176.00 feet to a point, marking the Northwest corner of a parcel owned by Carmelo Ruta, Inc. (BV 247 PG 920);

(2) Thence South $09^{\circ}58'39''$ West along the West line of said Ruta parcel, a distance of 25.00 feet to a point, marking the Northeast corner of a parcel owned by Carmelo & Nunzia Ruta (DV 393 PG 413);

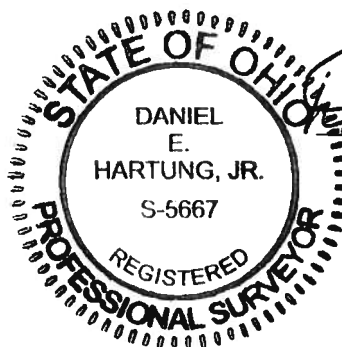
(3) Thence North $80^{\circ}01'21''$ West along the North line of said Ruta parcel, a distance of 156.00 feet to a point, marking the Northwest corner of said Ruta parcel;

(4) Thence South $09^{\circ}58'39''$ West along the West line of said Ruta parcel, a distance of 196.39 feet to a point;

(5) Thence North $80^{\circ}17'51''$ West a distance of 20.00 feet to a point on the East line of said Carmelo Ruta, Inc. parcel;

(6) Thence North $09^{\circ}58'39''$ East along the East line of said Ruta, Inc. parcel, a distance of 221.48 feet to the point of beginning, containing 0.1912 acre, more or less, but being subject to all legal highways, easements and restrictions of record.

The above description was prepared from an actual survey by Daniel E. Hartung Jr., Professional Surveyor No. 5667 in April 2019. The bearings were assumed only for the purpose of indicating angles.



Daniel E. Hartung Jr. 4/4/2019
Daniel E. Hartung Jr., PE, PS



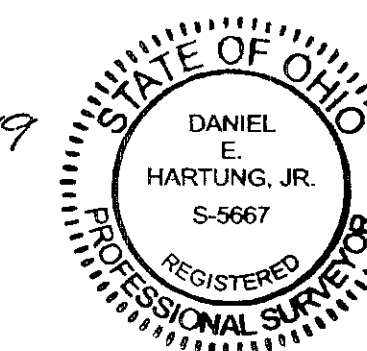
PLAT PREPARED
FOR
CARMELO RUTA
SHOWING
PROPOSED VACATION
OF CITY PROPERTY
IN THE

AMENDED PLAT OF PORTION OF CITY OF SANDUSKY
D.L.C. RANSOM SUBDIVISION PLAT VOL. 7 PAGE 1
SECOND WARD CITY OF SANDUSKY ERIE COUNTY, OH
APRIL 25, 2016 SCALE 1"=60'

REV. NOV. 1, 2018
REV. MAR. 6, 2019

I HEREBY CERTIFY THE WITHIN
TO BE A TRUE REPRESENTATION
OF A SURVEY MADE BY ME. THE
BEARINGS ARE BASED ON THE
ODOT VRS.

Daniel E. Hartung Jr. 4/4/2019
DANIEL E. HARTUNG, JR., PE, PS



HARTUNG & ASSOCIATES
ENGINEERS & SURVEYORS

P.O. BOX 426, 346 NORTH MAIN ST., HURON, OH 44839-0426
(419) 433-4321 FAX (419) 433-7879

DANIEL E. HARTUNG JR., PE, PS



PLANNING DEPARTMENT

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5832
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager
From: Angela Byington, Planning Director
Date: July 9, 2019

Subject: Commission Agenda Item – Ratification of the submittal of the Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant, and if awarded authorization for the City Manager to execute the grant agreement.

ITEM FOR CONSIDERATION: Ratification of the submittal of the BUILD Grant, which was submitted to the US Department of Transportation, and if awarded permission for the City Manager to execute, the BUILD Transportation Discretionary Grant, which has been submitted to the US Department of Transportation. If awarded, the BUILD Grant would provide additional funding for the Sandusky Bay Pathway.

BACKGROUND INFORMATION: The City applied for the BUILD Grant in 2018 but unfortunately was not successful. The City has had conversations with the Department of Transportation, who confirmed that the City's application was one of the top ranked and who provided areas of the application the City could improve upon. This second request continues to be for funding to construct the remaining portions of the Sandusky Bay Pathway. The City's grant request will be based on a total project construction cost (not including design) of \$19,688,109.11 and will request \$14,766,081.83 of grant funds. The City will pledge 25% of City funds towards the final project construction cost (without design), which would not exceed \$4,922,027.28.

The City will also pay for project design, which will be \$2,824,791.74. The total City cost would not exceed \$7,746,819.02, which is 34% of the total construction and design cost. This will be provided through the Downtown/Battery Park TIF Fund, the Cleveland Road TIF Fund and the Capital Fund (Pedestrian Bike Path Construction).

The Bicentennial Vision, adopted in 2016, set the implementation of the Sandusky Bay Pathway as a priority. The City has recently approved a contract for the final design of the Sandusky Bay Pathway. If awarded, the BUILD Grant would supplement construction costs. This grant replaced the pre-existing Transportation Investment Generating Economic Recovery (TIGER) grant program. The FY2019 transportation grants are being made available for investments in highway, bridge, or other road projects, public transportation projects, passenger and freight rail transportation project, port infrastructure investments, and intermodal projects. Special consideration will be given to projects which emphasize improved access to reliable, safe, and affordable transportation for communities in rural areas, such as projects that improve infrastructure condition, address public health and safety, promote regional connectivity or facilitate economic growth or competitiveness.

The FY 2019 Appropriations Act appropriated \$900 million to be awarded by the Department of Transportation for the BUILD program. A minimum of \$450 million must be awarded to projects in rural areas. Sandusky is designated as a rural area. The maximum project award is \$25 million and no more than \$90 million can be awarded to a single state.

BUDGETARY INFORMATION: The total budgetary impact to the City would not exceed \$7,746,819.02, which includes a pledge of City funds for construction up to \$4,922,027.28 and design, environmental and right-of-way services totaling \$2,824,791.74. The total City cost would be paid with Capital Project Funds (Pedestrian Bike Path Construction) the Downtown/Battery Park TIF Fund and the Cleveland Road TIF Fund. It is expected that the City will issue notes or bonds to finance the City's total cost.

ACTION REQUESTED: It is requested that City Commission ratify the submittal of the BUILD Grant, and if awarded, authorize the City Manager to execute the grant agreement. It is requested that this legislation be passed under Section 14 of the City Charter to allow ratification in a timely manner of the submission of the BUILD grant application which was submitted by the deadline of July 15, 2019.

I concur with this recommendation:

Eric Wobser, City Manager

cc: K. Kresser, Commission Clerk; H. Solowiej, Finance Director; T. Hayberger, Law Director

A. Klein, Public Works Director

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AND RATIFYING THE FILING OF A GRANT APPLICATION WITH THE U.S. DEPARTMENT OF TRANSPORTATION THROUGH THE US DEPARTMENT OF TRANSPORTATION FOR THE FY 2019 BETTER UTILIZING INVESTMENTS TO LEVERAGE DEVELOPMENT (BUILD) DISCRETIONARY PROGRAM GRANT FOR THE SANDUSKY BAY PATHWAY; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the U.S. Department of Transportation (DOT) has allocated \$900 million in discretionary grant funding through the Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grants program with a maximum grant award of \$25 million, and no more than \$90 million to a single State, as specified in the Consolidated Appropriations Act of 2019; and

WHEREAS, FY 2019 BUILD Transportation grants are for investments in surface transportation infrastructure and are to be awarded on a competitive basis for projects that will have a significant local or regional impact and BUILD funding can support roads, bridges, transit, rail, ports or intermodal transportation; and

WHEREAS, this City Commission authorized the filing of a grant application to the U.S. Department of Transportation for financial assistance through the FY 2018 BUILD Discretionary Grant Program for the Sandusky Bay Pathway by Resolution No. 027-18, passed on July 9, 2018, and although the City's application was one of the top ranked, did not receive any grant funding; and

WHEREAS, the City has made application for FY 2019 BUILD funds and if awarded, these funds will be used to construct the remaining portions of the Sandusky Bay Pathway; and

WHEREAS, the construction cost of the project is \$19,688,109.11 and the City applied for grant funds in the amount of \$14,766,081.83 with a proposed 25% contribution of \$4,922,027.28 and the design cost for the project, which is not eligible for grant funding, is \$2,824,791.74; and

WHEREAS, the total estimated project cost is \$22,512,900.85 of which \$14,766,081.83 will be paid with 2019 BUILD Discretionary Grant funds, if awarded, and the remaining balance of \$7,746,819.02 (34% of total project cost) will be paid with Capital Project Funds (Pedestrian Bike Path Construction), Downtown/Battery Park TIF Funds, and Cleveland Road TIF Funds; 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 ratify the submission of the grant application for the FY 2019 BUILD Discretionary Grant program which was submitted to the U.S. Department of Transportation by the submission deadline of July 15, 2019; 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 **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 hereby approves and ratifies the submission of a grant application to the U.S. Department of Transportation for financial assistance through the FY 2019 BUILD Discretionary Grant program pursuant to the Consolidated Appropriations Act 2019 and authorizes and directs the City Manager to execute any contracts or agreements on behalf of the City and lawfully expend funds consistent with the application should they be awarded.

Section 2. This City Commission hereby approves and ratifies the execution and filing with the City's application all understanding, certifications and assurances or any other documentation required by the U.S. Department of Transportation.

Section 3. The City Manager is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the City's application.

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: July 22, 2019



DEPARTMENT OF PUBLIC WORKS

222 Meigs Street
Sandusky, Ohio 44870
419.627.5829
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Aaron M. Klein, P.E.

Date: July 11, 2019

Subject: Commission Agenda Item – Award the City of Sandusky Runoff Reduction through Strategic Tree Planting Project

ITEM FOR CONSIDERATION: Legislation awarding a contract to Barnes Nursery of Huron, Ohio for the City of Sandusky Runoff Reduction through Strategic Tree Planting Project.

BACKGROUND INFORMATION: The City of Sandusky Runoff Reduction through Strategic Tree Planting Project includes planting approximately two-hundred and seventy (270) trees at strategic locations around the City. The locations this project would target are publicly owned properties that lack desirable and/or sufficient tree canopies.

The following bids were received on June 28, 2019:

Brookside Construction Services

Medina, Ohio

| | | |
|-----------|--------------|-----------|
| 100% Bond | \$128,987.50 | Total Bid |
|-----------|--------------|-----------|

Corso's Landscape

Sandusky, Ohio

| | | |
|-----------|--------------|-----------|
| 100% Bond | \$106,332.67 | Total Bid |
|-----------|--------------|-----------|

Johnson's Inc.

Mentor, Ohio

| | | |
|-----------|--------------|-----------|
| 100% Bond | \$133,105.00 | Total Bid |
|-----------|--------------|-----------|

Barnes Nursery, Inc.

Huron, Ohio

| | | |
|------------------|--------------------|------------------|
| 100% Bond | \$86,478.55 | Total Bid |
|------------------|--------------------|------------------|

Davey Resource Group Inc.

Kent, Ohio

| | | |
|-----------|-------------|-----------|
| 100% Bond | \$98,166.50 | Total Bid |
|-----------|-------------|-----------|

The engineer's estimate for the base bid, \$125,000.

We are required to have this project complete, with all tree plantings and ground restoration prior to December 1, 2019.

BUDGETARY INFORMATION: The estimated cost of the project based on bids, including legal advertisement and recording fee, is \$86,683.15, of which \$61,683.15 will initially be paid with City funds and then reimbursed through the GLRI grant funded by the U.S. EPA and the remaining balance of \$25,000 will be paid with Storm Water funds from the Sewer Fund.

ACTION REQUESTED: It is recommended that proper legislation be prepared to award a contract to Barnes Nursery Inc. of Huron, Ohio for the City of Sandusky Runoff Reduction through Strategic Tree Planting Project in an amount not to exceed \$86,478.55 be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter to allow the contractor to ensure that the project is completed prior to grant deadline for completion date of December 1, 2019.

I concur with this recommendation:

Eric Wobser
City Manager

cc: K. Kresser, Commission Clerk; H. Solowiej, Finance Director, T. Hayberger, Law Director

**CHIEF FINANCIAL OFFICER'S CERTIFICATION OF
FUNDS AVAILABLE**

In the matter of: Barnes Nursery - eng.

It is hereby certified that the moneys required to meet the obligations of the City of Sandusky have been lawfully appropriated for such purposes and are in the treasury of the City of Sandusky or are in the process of collection to an appropriate fund, free from any previous encumbrances. This certificate is given in compliance with Ohio Rev. Code Sections 5705.41 and 5705.44.

Hank Solowiej
Hank S. Solowiej, CPA
Finance Director

7/11/19
Date

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BARNES NURSERY, INC. OF HURON, OHIO, FOR THE RUNOFF REDUCTION THROUGH STRATEGIC TREE PLANTING PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Runoff Reduction Through Strategic Tree Planting Project involves the planting of approximately two-hundred and seventy (270) trees at strategic locations around the City and will target publicly owned properties that lack desirable and/or sufficient tree canopies and are located near the shoreline and adjacent to streams and water bodies; and

WHEREAS, this City Commission approved and ratified the submission of a grant application to the U.S. Forest Service for financial assistance through the 2018 Great lakes Restoration Initiative (GLRI) to support the City's Runoff Reduction Through Strategic Tree Planting Project by Resolution No. 022-18R, passed on May 29, 2018, and subsequently was awarded funds; and

WHEREAS, this City Commission declared the necessity for the City to proceed with the proposed Runoff Reduction through Strategic Tree Planting Project by Resolution No. 018-19R, passed on May 13, 2019; and

WHEREAS, upon public competitive bidding as required by law five (5) appropriate bids were received and the bid from Barnes Nursery, Inc. of Huron, Ohio, was determined to be the lowest and best bid; and

WHEREAS, the total estimated cost of this project based on bids, including advertising, and recording fee is \$86,683.15 of which \$61,683.15 will initially be paid with City funds and then reimbursed through the 2018 GLRI grant program and the remaining balance of \$25,000.00 will be paid with Storm Water funds from the Sewer Fund; 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 the contractor to complete the project prior to the grant deadline for completion of December 1, 2019; 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 a contract with Barnes Nursery, Inc. of Huron, Ohio, for the Runoff Reduction Through Strategic Tree Planting Project in an amount **not to exceed** Eighty Six Thousand Four Hundred Seventy Eight and 55/100 Dollars (\$86,478.55) consistent with the bid submitted by Barnes Nursery, Inc. of Huron, Ohio, 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: July 22, 2019



COMMUNITY DEVELOPMENT

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5715
www.ci.sandusky.oh.us

To: Eric L. Wobser, City Manager
From: John Storey, Economic Development Specialist
Date: July 10, 2019
Subject: Commission Agenda Item – Grant Agreement between City of Sandusky and Loris Printing, Inc.

Items for Consideration: Legislation approving a Grant Agreement to be entered into between the City of Sandusky (“the City”) and Loris Printing, Inc., (“Loris Printing”), an Ohio corporation, for the purposes of furthering economic development efforts in the City.

Background Information: Loris Printing is headquartered and has maintained operations at 2111 Cleveland Road since 2012. Due to its continued growth and recent acquisition of another local business, the current operating space needs to be expanded within the existing building to permit additional operations and employees.

This renovation will allow for the full potential use of the building interior and will result in an increase from its present 6,200 square feet of operational space to approximately 9,000 square feet. The interior remodel and build-out will be completed prior to year-end 2019 and includes the following: (i) installation of new electrical hardware; (ii) upgrade to existing HVAC system; and (iii) upgrade and repair to existing plumbing and gas line; and renovation of the northern storage and garage area into operational printing and employee space. Total project costs are estimated at approximately \$80,064.00. Staff recommends that the City Commission approve a grant of up to \$15,000.00 to assist with the aforementioned renovations on a reimbursable basis at the completion of the project.

The above grant is conditioned upon the applicant complying with all Planning and Zoning codes and other applicable codes and regulations of the City and displaying signage noting the City of Sandusky’s support. The project is expected to be complete by December 31, 2019. The application and grant amount was approved at the July 9, 2019 Economic Development Incentive Committee meeting, in accordance with the Sandusky City Economic Development Programs.

Budgetary Information: The City will be responsible for providing a total of \$15,000.00 in grant proceeds from the Economic Development Capital Projects Fund on a reimbursable basis at the completion of the project.

Action Requested: It is requested that the proper legislation be prepared to allow the City to enter into a Grant Agreement with Loris Printing. It is further requested that this legislation be passed in accordance with Section 14 of the City Charter in order to immediately execute the grant agreement to allow Loris Printing to move forward with budgetary planning and facilitate rehabilitation.

John Storey
Economic Development Specialist

I concur with this recommendation:

Eric L. Wobser
City Manager

Matthew D. Lasko
Chief Development Officer

cc: Kelly Kresser, Clerk of the City Commission
Trevor Hayberger, Law Director
Hank Solowiej, Finance Director

**CHIEF FINANCIAL OFFICER'S CERTIFICATION OF
FUNDS AVAILABLE**

In the matter of: Leis Prutnig - ED

It is hereby certified that the moneys required to meet the obligations of the City of Sandusky have been lawfully appropriated for such purposes and are in the treasury of the City of Sandusky or are in the process of collection to an appropriate fund, free from any previous encumbrances. This certificate is given in compliance with Ohio Rev. Code Sections 5705.41 and 5705.44.

Hank Solowiej
Hank S. Solowiej, CPA
Finance Director

7/12/19
Date

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND APPROVING A GRANT IN THE AMOUNT OF \$15,000.00 THROUGH THE SMALL BUSINESS ASSISTANCE GRANT PROGRAM TO LORIS PRINTING, INC., IN RELATION TO THE PROPERTY LOCATED AT 2111 CLEVELAND ROAD; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Loris Printing, Inc. began operating in 1966 as a home-based printing business and is now on its second-generation of family ownership and has grown from a small storefront with multiple expansions to relocating to their current location at 2111 Cleveland Road in 2012 with twelve (12) full-time employees; and

WHEREAS, Loris Printing, Inc. recently acquired another local business and plans to renovate their existing property to expand its usable space by approximately 40% to nearly 9,000 square feet to allow for greater productivity and the hiring of additional employees; and

WHEREAS, renovations consist of interior remodeling and build-out, including installation of new electrical hardware, upgrades to existing HVAC system, upgrades and repairs to existing plumbing and gas lines, and the renovation of the northern storage and garage area into operational printing and employee space; and

WHEREAS, it has been determined that the development of this property with the project pursuant to this Agreement and the fulfillment generally of this Agreement are in the vital and best interests of the City and for the health and safety and welfare of its residents, and are necessary to improve the economic and general welfare of people of the City; and

WHEREAS, the Economic Development Incentive Committee met on July 9, 2019, and is recommending to approve a grant to Loris Printing, Inc. in the amount of \$15,000.00, in accordance with the Sandusky City Economic Development Programs, to assist with costs for the renovations for the purpose of furthering economic development efforts in the City; 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 immediately execute the Grant Agreement and allow Loris Printing, Inc to move forward with budgetary planning and facilitate rehabilitation; 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 authorizes and directs the City Manager to enter into a Grant Agreement with Loris Printing, Inc. for financial assistance through the Small Business Assistance Grant Program for the purpose of furthering economic development efforts in the City, substantially in the same form as Exhibit "A", 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. This City Commission authorizes and approves the grant funding to Loris Printing, Inc. in an amount **not to exceed** Fifteen Thousand and 00/100 Dollars (\$15,000.00) from the Economic Development Capital Projects Fund of the City of Sandusky pursuant to and in accordance with the terms of the Grant Agreement.

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's Commission and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements;

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: July 22, 2019

GRANT AGREEMENT

This Grant Agreement (the "Agreement") is made and entered into as of the ____ day of _____, 2019 between the CITY OF SANDUSKY, OHIO (the "City"), a municipal corporation and political subdivision duly organized and validly existing under the Constitution, its Charter, and the laws of the State of Ohio, and LORIS PRINTING, INC., ("the Company"), an Ohio corporation.

WITNESSETH:

WHEREAS, since its inception in 1966 as a home-based printing business in Sandusky, the Company is now on its second-generation of family ownership and has grown to 12 full-time employees (the "Business");

WHEREAS, over the past 30 years, the Company has grown from a small storefront with multiple expansions to the 2012 acquisition and relocation to 2111 Cleveland Road (the "Property");

WHEREAS, the Company recently acquired another local business which now requires the Company to renovate its existing Property to expand its usable space by approximately 40% to nearly 9,000 square feet thereby allowing for greater productivity and hiring of additional employees. All of the aforementioned shall hereinafter be referred to as the "Project"; and

WHEREAS, to induce the Project, the City has agreed to provide an economic incentive grant to the Company to assist in the payment of a portion of the costs of the Project as further described in Section 1 hereof; and

WHEREAS, the City has determined that the development of the Property with the Project pursuant to this Agreement and the fulfillment generally of this Agreement are in the vital and best interests of the City and for the health and safety and welfare of its residents, and are necessary to improve the economic and general welfare of people of the City;

NOW THEREFORE, in consideration of the premises and the covenants contained herein, the parties hereto agree as follows:

Section 1. City Grant.

The City agrees to grant up to \$15,000.00 to the Company toward the costs of the Project through the Small Business Assistance grant program, (the "City Grants"), payable upon completion. The City Grants will be expensed from the Economic Development Capital Projects account (#431-4070-53000). This grant amount will not increase if the applicant chooses to make additional improvements not contemplated in the grant application. The City reserves the right to decrease the awarded grant amount, if recommended by the Economic Development Incentive Committee, for changes to the Project scope. Construction must be done in accordance with and to the reasonable satisfaction of the City, which would include, but not limited to, compliance with all Planning and Zoning codes and other applicable codes and regulations of the

City of Sandusky, including obtaining permits. The Project must be completed by December 31, 2019. This date may be extended at the discretion of the City Manager. Furthermore, the Company agrees to display a sign for at least one year upon completion of the Project noting the City's support; and

The Company shall notify the City promptly following the completion of the Project consistent with this Section and provide the City with any documents it reasonably requests related to the construction and Project costs. The City shall then promptly review those documents and inspect the site and let the Company know if it has satisfied the condition set forth in this Section and, if not, describe what is found to be deficient.

The City shall pay the City Grant by check in the name of the Company placed in the U.S. regular mail within fourteen (14) days following confirmation of the satisfactory completion of construction to the notice address provided in Section 6 below.

Section 2. Authority to Sign.

The Company and the City both represent that this Agreement has been approved by formal action of the duly authorized representatives of both parties.

Section 3. Assignment or Transfer.

The Company agrees that this Agreement is not transferable or assignable without the express, written approval of the City Manager.

Section 4. Choice of Law.

This Agreement shall be governed and interpreted in accordance with the laws of the State of Ohio and the parties hereto agree that any dispute or other matter arising out of the interpretation or operation of this Agreement shall be determined in a Court of competent jurisdiction located within the State of Ohio and County of Erie.

Section 5. Binding Agreement.

This Agreement shall be binding on each of the parties and their respective successors and assigns.

Section 6. Miscellaneous.

(a) **Notice.** Any notice or communication required or permitted to be given under this Agreement by either party to the other shall be deemed sufficiently given if delivered personally or mailed by United States registered or certified mail postage prepaid or by overnight delivery and addressed as follows:

- (i) TO THE CITY: City Manager
c/o Economic Development Specialist
John Storey
City of Sandusky, Ohio
City Hall
240 Columbus Avenue
Sandusky, OH 44870
- (ii) TO THE COMPANY: LORIS PRINTING, INC.,
c/o: Mr. Craig Hofer, Vice President
2111 Cleveland Road
Sandusky, Ohio 44870

Any party may change its address for notice purposes by providing written notice of such change to the other party.

(b) Amendments. This Agreement may only be amended by written instrument executed by all parties.

(c) Effect of Agreement. This Agreement is signed by the parties as a final expression of all the terms, covenants and conditions of their agreement and as a complete and exclusive statement of its terms, covenants and conditions and is intended to supersede all prior agreements and understandings concerning the subject matter of this Agreement.

(d) Counterparts. This Agreement may be signed in several counterparts, each of which shall be an original, but all of which shall constitute but one and the same instrument.

Signatures Executed on the Following Page

IN WITNESS WHEREOF the parties hereto, by and through their duly authorized representatives, have executed this Agreement on behalf of the corporate entities identified herein, on the date first written above.

LORIS PRINTING, INC.,
an Ohio corporation

By: _____
TITLE: PRESIDENT

CITY OF SANDUSKY, OHIO

By: _____
City Manager

The legal form of the within instrument
Is hereby approved.

Director of Law
City of Sandusky



COMMUNITY DEVELOPMENT

Matthew D. Lasko
Chief Development Officer
mlasko@ci.sandusky.oh.us

222 Meigs Street
Sandusky, Ohio 44870
419-627-5707
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Matthew D. Lasko, Chief Development Officer

Date: July 12, 2019

Subject: Commission Agenda Item – Abatement and Demolition of 624 Camp Street – Change Order #2.

Item for Consideration: Ordinance authorizing and directing the City Manager to approve Change Order #2 for asbestos abatement and demolition of 624 Camp Street.

Background Information: On April 8, 2019, the City Commission authorized the City Manager to enter into a contract with Barnes Nursery (the “Company”) for asbestos abatement and demolition of 624 Camp Street after a public bidding process. The property caught fire in 2018 and the City, based on inspection by the Chief Building Official, determined the property to be over 50% deteriorated, damaged and decayed. The City formally entered into contract with the Company on May 1, 2019 for a cost of \$19,232.00.

The contract called for a completion date of May 31, 2019 and subsequently, via change order #1, permitted the demolition to be extended until July 15, 2019. The Company has completed the asbestos abatement of the property. The demolition portion of the contract has not been completed because the contractor was awaiting a utility disconnection which took longer than anticipated. It should be noted that as of the date of this communication, the utilities are now disconnected, however the demolition cannot occur by July 15, 2019. Therefore, the recommendation is to extend the completion deadline to August 15, 2019.

Budgetary Information: There is no budgetary impact with this legislation. This is merely impacting the deadline for completion.

Action Requested: It is requested that the proper legislation be prepared to permit the City Manager to approve Change Order #2 for the asbestos abatement and demolition of 624 Camp Street with Barnes Nursery 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 immediately approve the change order to extend the project completion date to August 15, 2019, to allow the contractor additional time to complete the project and avoid being charged for liquidated damages pursuant to the contract documents for completion work beyond the completion date of July 15, 2019.

I concur with this recommendation:

Eric Wobser
City Manager

Matthew D. Lasko
Chief Development Officer

cc: Kelly Kresser, Clerk of City Commission
Hank Solowiej, Finance Director
Trevor Hayberger, Law Director

Project: ASBESTOS ABATEMENT AND DEMOLITION OF 624 Camp Street
Construction Work Order No.: 2

Contractor: Barnes Nursery
3511 Cleveland Road, West
Huron, Ohio 44839

Order is hereby issued and accepted for the following extensions to certain substantial completion dates in the above referenced contract.

[illegible]

| | | | | |
|----------------------------|-------------------------------------|--------------------------------------|-------------------------------|-----------|
| Explanation: _____ | | DELETED UTILITY DISCONNECTION | Total Difference | \$ - |
| Accepted: <u>Kean Leon</u> | Date: <u>7/12/19</u> , 20 <u>18</u> | | Original Contract Price = \$ | 19,232.00 |
| Contractor | | | Contract Price after CO1 = \$ | 19,232.00 |
| | | | % Increase = | 0.0% |
| Accepted: _____ | Date: _____, 2018 | | Original Budget/Estimate = \$ | 19,232.00 |
| Chief Development Officer | | | % Increase = | 0.0% |

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE SECOND CHANGE ORDER FOR WORK BEING PERFORMED BY BARNES NURSERY OF HURON, OHIO, FOR THE ASBESTOS ABATEMENT AND DEMOLITION OF 624 CAMP STREET PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission declared the necessity for the City to proceed with the proposed Asbestos Abatement and Demolition of 624 Camp Street Project by Resolution No. 006-19R, passed on January 28, 2019; and

WHEREAS, the Asbestos Abatement and Demolition of 624 Camp Street involves the asbestos abatement and demolition of a single-family structure which caught fire in 2018 and is located at 624 Camp Street and identified as Parcel No. 59-00493.000; and

WHEREAS, this City Commission approved the awarding of the contract to Barnes Nursery of Huron, Ohio, for work to be performed for the Asbestos Abatement and Demolition of 624 Camp Street Project by Ordinance No. 19-066, passed on April 8, 2019; and

WHEREAS, this City Commission approved the First Change Order for work being performed by Barnes Nursery of Huron, Ohio, for the Asbestos Abatement and Demolition of 624 Camp Street Project by Ordinance No. 19-108, passed on June 24, 2019, to extend the final completion date from May 31, 2019, until July 15, 2019, to allow the contractor additional time to complete the demolition work as the project has been delayed waiting for a utility disconnection; and

WHEREAS, this Second Change Order provides for an another extension in the final completion date from July 15, 2019, until August 15, 2019, to allow the contractor additional time to complete the demolition work as the utilities were just disconnected on July 12, 2019; 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 immediately approve the change order to extend the project completion date which allows the contractor to complete the work beyond the completion date of July 15, 2019, and avoid being charged for liquidated damages pursuant to the contract documents; 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 hereby authorized and directed to approve this Second Change Order extending the final completion date from July 15, 2019, until August 15, 2019, for work being performed by Barnes Nursery of Huron, Ohio for the Asbestos Abatement and Demolition of 624 Camp Street Project.

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: July 22, 2019