



**SANDUSKY CITY COMMISSION
REGULAR SESSION AGENDA
APRIL 13, 2020 AT 5 P.M.
CITY HALL, 240 COLUMBUS AVENUE**

| | |
|-------------------------------|--|
| INVOCATION | Blake Harris |
| PLEDGE OF ALLEGIANCE | |
| CALL TO ORDER | |
| ROLL CALL | W. Poole, B. Harris, D. Murray, D. Brady, N. Twine, M. Meinzer & D. Waddington |
| APPROVAL OF MINUTES | March 23, 2020 |
| AUDIENCE PARTICIPATION | |
| COMMUNICATIONS | Motion to accept all communications submitted below |
| CURRENT BUSINESS | |

CONSENT AGENDA ITEMS

SECOND READING

A. Submitted by Josh Snyder, Assistant City Engineer

CONTRACT AWARD TO PRECISION PAVING, INC. FOR 2020 LOCAL STREET RESURFACING PROJECT

Budgetary Information: The total cost of the project based on the construction bid is \$1,119,450.79 which will be funded by \$300,000 in street funds, \$699,450.79 in capital projects funds, \$100,000 from the sewer fund and the remaining \$20,000 will come from the water fund.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with Precision Paving, Inc., of Milan, Ohio, for the 2020 local street resurfacing project.

B. Submitted by Jane Cullen, Assistant City Engineer

VENICE ROAD EASEMENTS TO COLUMBIA GAS FOR WEST SIDE UTILITY PROJECT

Budgetary Information: Columbia Gas of Ohio, Inc. will be responsible for recording fees associated with filing the easement at the Erie County Recorder's Office. There will be no impact on the city's budget to approve these easements.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to grant easements to Columbia Gas of Ohio, Inc. for the purpose of relocating a gas line along Venice Road necessary for the city's west side utility and connectivity improvements project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

C. Submitted by Jane Cullen, Assistant City Engineer

VENICE ROAD RIGHT-OF-WAY DEDICATION – OWNED BY BEN B. BAILEY AND MARY J. BAILEE, TRUSTEES

Budgetary Information: There will be a fee for the recording of the right-of-way dedication plat at the Erie County Recorder's Office which will be paid with the water fund.

ORDINANCE NO. _____: It is requested an ordinance be passed accepting the dedication plat and confirming the dedication to the public use as public right-of-way a portion of land north of Venice Road and west of Edgewater Avenue, with a total area of 0.1119 acres, as Venice Road right-of-way, as set forth on the dedication plat; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

D. Submitted by Jane Cullen, Assistant City Engineer

VENICE ROAD RIGHT-OF-WAY DEDICATION – OWNED BY TOFT DAIRY, INC.

Budgetary Information: There will be a fee for the recording of the right-of-way dedication plat at the Erie County Recorder's Office which will be paid with the water fund.

ORDINANCE NO. _____: It is requested an ordinance be passed accepting the dedication plat and confirming the dedication to the public use as public right-of-way a portion of land north of Venice Road and west of Edgewater Avenue, with a total area of 0.2364 acres, as Venice Road right-of-way, as set forth on the dedication plat; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

E. Submitted by Josh Snyder, Assistant City Engineer

CHANGE ORDER WITH BAUMANN ENTERPRISES, INC. FOR WATER TOWER DEMOLITION (DEDUCT ONLY)

Budgetary Information: Change Order #1 and final is a deduction of \$5,000 which will revise the original contract amount of \$83,480 to \$78,480 and will be paid entirely with the city's water fund.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to approve the first and final change order for work performed by Baumann Enterprises, Inc., of Garfield Heights, Ohio, for the Cedar Point Chaussee water tower demolition project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

F. Submitted by Aaron Klein, Director of Public Services

GRANT APPLICATION TO ODOT FOR SAFETY IMPROVEMENTS PROJECT

Budgetary Information: The total project cost, including inflation for the state’s fiscal year 2024 is \$6,676,400. The grant application request for those items recommended in ODOT’s safety study is \$6,342,580 (95%). The city’s share would be \$333,820 (5%). It is unknown how these funds would be divided annually until the final project award is granted because a portion will be needed for design and other aspects. Staff will seek to leverage funding from private sources for construction, like Metropolitan Planning Organization funding, the Ohio Public Works Commission, and any other potential revenue stream available at the time. Funding distribution will be explicit prior to construction.

RESOLUTION NO. _____: It is requested a resolution be passed authorizing the filing of a grant application with the Ohio Department of Transportation for financial assistance through the Highway Safety Improvement program to the Cleveland Road roundabout and safety improvement project; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

G. Submitted by Jason Werling, Recreation Superintendent

GRANT APPLICATION TO ERIE METROPARKS FOR RECREATION DEPARTMENT

Budgetary Information: The Sandusky Recreation Department is applying for two of the three levels of grant funding with priority to the mid-level.

- Level I (up to \$1,000) – Funds to assist the purchase of a Gaga Pit game for use outside the Recreation Department’s offices at 222 Meigs Street later this summer.
- Level II (between \$1,000 and \$3,000) – Funds to assist in the purchase of three stencils of the United States map, World map and State of Ohio map for use on the basketball court surfaces in several parks throughout the city.
- Level III (over \$3,000 and not to exceed \$10,000) – No grant funding requested at this level.

RESOLUTION NO. _____: It is requested a resolution be passed authorizing the submission of a grant application to the Erie MetroParks Board of Park Commissioners for financial assistance through the 2020 local park capital improvement grant program for the Recreation Department; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

H. Submitted by Kelly Kresser, Commission Clerk

TRANSFER OF LIQUOR PERMIT FOR MORAN FOODS, LLC dba SAVE A LOT

Budgetary Information: There is no budgetary impact for this item.

The city is in receipt of a Notice to Legislative Authority from the Ohio Division of Liquor Control for a new C1 (*beer only in original sealed container for carry out only*) liquor permit for Moran Foods LLC dba Save A Lot #8084, 709 West Perkins Avenue. It is requested the Commission Clerk be authorized to notify the Division the city does not request a hearing on this matter.

I. Submitted by Kelly Kresser, Commission Clerk

TREX LIQUOR PERMIT FOR NEW BEGINNINGS ENTERPRISES, INC. dba EN FIFTY EIGHT EVENT CENTER

Budgetary Information: There is no budgetary impact for this item.

The city is in receipt of a Notice to Legislative Authority from the Ohio Division of Liquor Control for D5 (*spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers until 2:30 a.m.*) and D6 (*sale of intoxicating liquor on Sunday between the hours of 10 a.m. or 11 a.m. and midnight*) liquor permits for New Beginnings Enterprises, Inc. dba Ten Fifty Eight Event Center, 1058 Cleveland Road. It is requested the Commission Clerk be authorized to notify the Division the city does not request a hearing on this matter.

J. Submitted by Kelly Kresser, Commission Clerk

TRANSFER OF LIQUOR PERMIT FOR RAINBOW KITTEN ENTERTAINMENT LLC dba CROWBAR

Budgetary Information: There is no budgetary impact for this item.

The city is in receipt of a Notice to Legislative Authority from the Ohio Division of Liquor Control for the transfer of D5 (*spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers until 2:30 a.m.*) and D6 (*sale of intoxicating liquor on Sunday between the hours of 10 a.m. or 11 a.m. and midnight*) liquor permits for Rainbow Kitten Entertainment LLC dba Crowbar, 206 West Market Street. It is requested the Commission Clerk be authorized to notify the Division the city does not request a hearing on this matter.

REGULAR AGENDA ITEMS

ITEM #1 - Submitted by John Storey, Economic Development Specialist

ENTERPRISE ZONE AGREEMENT WITH FOR FEICK BUILDING, LLC, 158 – 160 EAST MARKET STREET

Budgetary Information: The project will have an ongoing positive impact on the general fund as 25% of the increase in assessed value will be subject to real estate taxes during the abatement period. The project will also help sustain employment in the local economy and will create a minimum of 111 permanent full-time positions, once the building is fully leased, subject to city income tax. The project is located in the downtown Tax Incremental Financing district and all new real estate taxes generated from the project for a period of 30 years will be deposited into that fund for infrastructure improvements.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into an enterprise zone agreement with Feick Building, LLC, relating to property located at 158 – 160 East Market Street, and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #2 - Submitted by John Storey, Economic Development Specialist

GRANT AGREEMENT WITH FOR FEICK BUILDING, LLC, 158 – 160 EAST MARKET STREET

Budgetary Information: The city will be responsible for providing a total of \$1,300,000 in grant proceeds from the capital projects fund to be payable in three disbursements:

- \$500,000 within 30 days after full execution of this agreement;
- \$500,000 upon completion of all envelope improvements, including, but not limited to new and/or renovation of the roof, windows, doors, tuck pointing, and ground floor facade, completed to the satisfaction of the city pursuant to inspection by the city’s Chief Building Official or his designee; and
- \$300,000 upon completion of white box improvements, completed to the satisfaction of the city pursuant to inspection by the city’s Chief Building Official or his designee.

The city intends to finance this amount through the issuance of urban renewal revenue notes or bonds. These notes or bonds will use proceeds from the Chesapeake TIF to pay such debt service.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and approving a grant in the amount of \$1,300,000 to Feick Building, LLC, in relation to the property located at 158 – 160 East Market Street; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

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

CONTRACT WITH ODOT FOR URBAN PAVING PROJECT

Budgetary Information: The final engineer’s estimate of \$2,145,792.42 of which the city’s portion is \$1,074,955. This cost increased by \$208,444.85 since the City Commission passed Resolution 011-19R on March 11, 2019, which was based on preliminary design. These estimates are prepared by ODOT’s central office based on final plan design and are non-negotiable for the project to move forward. The five-year capital improvement plan breaks down payment accordingly:

| | |
|--|------------------|
| ODOT | \$1,070,837.42 |
| Capital Funds (street) | 830,602.00 |
| Street Funds (new gas tax) | 110,000.00 |
| Sewer Funds (storm Sewer - catch basins) | 40,000.00 |
| Sewer Funds (sanitary - manholes) | 35,000.00 |
| Water Funds (valve boxes) | 30,000.00 |
| Issue 8 Funds (street) | <u>29,353.00</u> |
| Total | \$2,145,792.42 |

ODOT’s policy is to collect the full payment from the local agency prior to entering into an agreement with the low bidder. They have requested payment and all documentation no later than April 17, 2020. The amount requested from ODOT is based on the final design, whereas Ordinance 011-19R was a budgetary number based on preliminary design.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with the Director of the Ohio Department of Transportation for the ODOT resurfacing, urban paving City of Sandusky project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #4 – Submitted by Aaron Klein, Director of Public Works

MEMORANDUM OF AGREEMENT WITH ERIE SOIL & WATER FOR ANNUAL FEE

Budgetary Information: The annual amount under the previous contract was \$10,000 each year. For continued participation with the Erie County NPDES Phase II program, annual amounts which are paid with storm water funds are as follows:

| | |
|---------------|---------------|
| 2020 and 2021 | \$13,000/year |
| 2022 and 2023 | 14,000/year |
| 2024 | 15,000/year |

If payment is received in full by May 1 of each year, the Erie Soil & Water Conservation District will receive matching dollars from the State of Ohio, which allows each participant’s costs to be what is listed in their individual agreement.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a Memorandum of Agreement with the Erie Soil & Water Conservation District for participation in the Erie County National Pollutant Discharge Elimination System Phase II program; authorizing and directing the City Manager and/or Finance Director to expend the necessary funds for participation; and declaring that this ordinance shall take immediate effect in accordance with section 14 of the city charter.

ITEM #5 – Submitted by Todd Gibson, Facilities & Properties Supervisor

PURCHASE OF NEW BOBCAT TRACK LOADER FROM STREAKER TRACTOR SALES, INC. FOR SEWER MAINTENANCE

Budgetary Information: The total cost of the Bobcat is \$62,968.42 and will be paid from sewer funds which will be budgeted in the 2020 Capital Improvement Plan and have been accounted for in the 2020 rate review. It was listed in the 2019 Capital Improvement Plan as well.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to purchase a 2020 T770 T4 Bobcat compact track loader from Streaker Tractor Sales, Inc. of Fremont, Ohio, through the State of Ohio Department of Administrative Services cooperative purchasing program for the Sewer Maintenance Division; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

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:

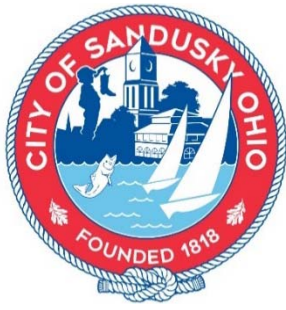
Monday, April 13 at 8:30 p.m.

Tuesday, April 14 at 5 p.m.

Monday, April 20 at 8:30 p.m.

Online:

www.ci.sandusky.oh.us – Click “Play” 



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Joshua R. Snyder, P.E.

Date: March 10, 2020

Subject: Commission Agenda Item – Award Contract for 2020 Local Street Resurfacing Project

ITEM FOR CONSIDERATION: Legislation awarding a contract to Precision Paving of Milan, Ohio for the 2020 Local Street Resurfacing Project.

BACKGROUND INFORMATION: This project consists of addressing seventy-five (75) of the worst asphalt street sections in the City, based on an independent survey completed by TransMap in 2015. Proposed work consists primarily of a thin asphalt overlay in the replacement of the surface of these segments. In particular, segments needing more than just surface work will receive additional “milling” and possibly excavation to address structural problem areas in the pavement. Most of these streets have not seen new pavement in over 20 years, with some reportedly in the range of 30-40 years. The complete list of roadway segments is attached herein (exhibit “A”). Said list may be amended to resurface Ontario St. from Fifth to Third Streets, in lieu of the Hancock segment between Washington and Market, due to the private developer work in that area. The developer is OK with this segment of Hancock not being paved until the 2021 program.

A total of 1 bid were received on Tuesday, March 3, 2020 at a formal public bid opening;

CONTRACTOR NAME: PRECISION PAVING, INC. BID: \$1,119,450.79 (5.89% over estimate)
CITY, STATE: MILAN, OH
BOND: 100% BID BOND

The engineer’s estimate for the project was set at \$1,057,165.42. Per Contract Article 5.1.1 Limits on Award, no contract shall be entered into if the price of the contract is in excess of 10% above the engineer’s estimate. The bid received was below the 10% threshold amount of \$1,162,881.96.

The contractual schedule for completion of this project is Monday, August 10, 2020.

BUDGETARY INFORMATION: The total cost of the project based on the construction bid is \$1,119,450.79 which will be funded by \$300,000 in Street Funds, \$699,450.79 in Capital Projects Funds, \$100,000 from the Sewer Fund and the remaining \$20,000 will come from the Water Fund.

ACTION REQUESTED: It is recommended that proper legislation be prepared to award a contract to Precision Paving of Milan, Ohio for the 2020 Local Street Resurfacing Project in an amount not to exceed \$1,119,450.79 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 complete the project prior to the construction completion deadline of August 10, 2020.

I concur with this recommendation:

Eric Wobser
City Manager

Aaron M. Klein, P.E.
Director

cc: K. Kresser, Commission Clerk; M. Reeder, Finance Director; T. Hayberger, Law Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PRECISION PAVING INC., OF MILAN, OHIO, FOR THE 2020 LOCAL STREET RESURFACING PROJECT.

WHEREAS, TransMap performed a citywide pavement survey in 2015, which was updated through late 2019, and the updated survey indicated there is a great need for asphalt pavement repair throughout the City; and

WHEREAS, the 2020 Local Street Resurfacing Project involves the resurfacing of seventy-five (75) of the worst asphalt street segments in the City and depending on the condition of the street, the work may include milling and possibly excavation to address structural problems in the pavement and the sections encompass over six (6) miles of road; and

WHEREAS, this City Commission declared the necessity to proceed with the proposed 2020 Local Street Resurfacing Project by Resolution No. 004-20R, passed on January 27, 2020; and

WHEREAS, upon public competitive bidding as required by law one (1) appropriate bid was received and the bid from Precision Paving, Inc., of Milan, Ohio, was determined to be the lowest and best bid; and

WHEREAS, the total construction cost of this project based on bid is \$1,119,450.79 of which \$300,000.00 will be paid with Street Funds, \$699,450.79 will be paid with Capital Projects Funds, \$100,000.00 will be paid with Sewer Funds, and the remaining balance of \$20,000.00 will be paid with Water Funds; 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 Public Works, of the City of Sandusky, Ohio 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 Precision Paving, Inc., of Milan, Ohio, for the 2020 Local Street Resurfacing Project in an amount **not to exceed** One Million One Hundred Nineteen Thousand Four Hundred Fifty and 79/100 Dollars (\$1,119,450.79) consistent with the bid submitted by Precision Paving, Inc., of Milan, 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 shall take effect at the earliest time allowed by Law.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: April 13, 2020 (effective after 30 days)



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Jane E. Cullen, P.E.

Date: March 30, 2020

Subject: **Commission Agenda Item – 10' wide Columbia Gas Easement for Parcel no. 60-68004.000 and 60-68005.000**

ITEM FOR CONSIDERATION: Requesting legislation to grant easements to Columbia Gas of Ohio, Inc. for a new 6" gasline relocation along Venice Road.

BACKGROUND INFORMATION: This agreement for the two easements are necessary so that Columbia Gas can relocate approximately 2000 feet of existing 6" gasline so that it does not conflict with the new 10" waterline and storm sewer conduit and structures that are proposed for the north side of Venice Road through the West Side Utility & Connectivity Improvements Project. The relocated gasline will run parallel with the existing right of way of Venice Road. There are six property owners that Columbia Gas is securing easements from for the relocation work. The city owned parcel numbers 60-68004.000 (14'x43') and 60-68005.000 (20'x40') are located along the north side of Venice Road between Edgewater Drive and Cold Creek Boulevard. Both parcels contain leases with Hart Advertising for the purposes of billboard advertising. Columbia Gas is proposing to directional bore the new gasline so as to limit open trenching as much as possible. The new gasline location is far enough away not to impact the existing billboards.

BUDGETARY INFORMATION: Columbia Gas of Ohio, Inc. will be responsible for recording fees associated with filing the Easement at the Erie County Recorder's office. There will be no impact on the City's budget to approve these easements.

ACTION REQUESTED: It is recommended that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order for the necessary documents to be fully executed and recorded to allow Columbia Gas to complete their gasline relocation project so that their work is completed prior to the City's contractor, Speer Bros. begin their contract work on the north side of Venice Road through the West Side Utility & Connectivity Improvements Project. Columbia Gas was given the deadline of July 17, 2020 by the Public Works department to complete their relocation work.

I concur with this recommendation:

Eric Wobser
City Manager

Aaron M. Klein, P.E.
Director

cc: K. Kresser, Commission Clerk; Michelle Reeder, Finance Director; T. Hayberger, Law Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO GRANT EASEMENTS TO COLUMBIA GAS OF OHIO, INC. FOR THE PURPOSE OF RELOCATING A GASLINE ALONG VENICE ROAD NECESSARY FOR THE CITY'S WEST SIDE UTILITY & CONNECTIVITY IMPROVEMENTS PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City Commission declared the necessity to proceed with the proposed West Side Utility & Connectivity Improvements Project by Resolution No. 041-19R, passed on October 28, 2019, and subsequently approved a contract with Speer Brothers, Inc., of Sandusky, Ohio, for said project by Ordinance No. 20-002, passed on January 13, 2020; and

WHEREAS, the proposed easements will allow Columbia Gas of Ohio, Inc. to relocate approximately 2000 feet of an existing 6" gas line along the north side of Venice Road that will run parallel with the existing right-of-way of Venice Road and this relocation is necessary for the installation of a new 10" waterline and storm sewer conduit and structures as part of the City's West Side Utility & Connectivity Improvements Project; and

WHEREAS, the easements run through City owned Parcel Nos. 60-68004.000 (14'x43') and 60-68005.000 (20'x40') located along the north side of Venice Road between Edgewater Drive and Cold Creek Boulevard which contain leases for advertising purposes on existing billboards; 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 for the Easement Agreement to be immediately executed and recorded to allow Columbia Gas to complete the gas line relocation by the City's deadline of July 17, 2020, and prior to the City's contractor beginning work on the north side of Venice Road for the West Side Utility & Connectivity Improvements Project; 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 authorizes and directs the City Manager to grant easements to Columbia Gas of Ohio, Inc., for the purpose of relocating a gas line along Venice Road necessary for the City's West Side Utility & Connectivity Improvements Project, a copy of which is attached, marked Exhibit "1" and is specifically incorporated if fully rewritten herein.

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 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 upon its passage, and its due authentication by the President, and the Clerk of the City Commission of the City of Sandusky, Ohio.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: April 13, 2020

Easement No. _____

EASEMENT

FOR AND IN CONSIDERATION of One Dollar (\$1.00) and other good and valuable consideration to it in hand paid, receipt of which is hereby acknowledged, **THE CITY OF SANDUSKY, OHIO, a municipal corporation** (hereinafter called the Grantor), does hereby grant to **COLUMBIA GAS OF OHIO, INC.**, with principal offices at 290 West Nationwide Boulevard, Columbus, Ohio 43215, (hereinafter called the Company), its successors and assigns, the right to lay pipelines, including lateral pipeline connections, together with service connections, over and through the premises hereinafter described, and to operate and maintain without restriction or limitation, repair, replace, or change the size of its pipes without interruption to service and remove same, together with valves and other necessary appurtenances on lands situated in The City of Sandusky, Erie County, State of Ohio, Being the lands of the Grantor as described in Exhibit "A" attached hereto and made a part hereof, and more particularly described as follows:

Recorded In: Deed Volume 322 Page 539

Permanent Parcel No.: 60-68004.000 and 60-68005.000

Property Address: Venice Rd. Sandusky, Ohio 44870

The pipelines laid pursuant to the terms and conditions of this agreement shall be located within the limits of a ten foot (10') wide easement as shown on Exhibit B attached hereto and made part hereof.

In addition to the permanent ten foot wide easement area defined above, Grantor hereby grants Company, its successors and assigns, an easement to temporarily use an additional ten feet of space on either side of and adjoining said permanent easement area, for the purpose of enabling Company to initially construct the pipeline and to later alter, replace, repair or relocate said pipeline (within the permanent easement area) and to conduct all activities incident thereto, including restoration or clean-up activities. Each time such temporary construction easement is utilized, Company shall restore the area disturbed.

With the right of ingress and egress to and from the same, the Grantor may fully use and enjoy the said premises, except for the purposes hereinbefore granted to the said Company and will not in any way impair the ability of the Company to operate, maintain, repair, replace or remove any such facility.

Grantor shall not construct or permit to be constructed or place any house, structure, trees, shrubbery taller than five (5) feet, leach beds, septic tanks or other obstructions on or over said easement area that will interfere with the construction, maintenance, operation, replacement or repair of the pipelines or appurtenances constructed hereunder.

Grantor acknowledges and agrees that Company has the right from time to time to: (a) clear the easement of all obstructions and (b) clear, cut, trim and remove any and all vegetation, trees, and brush and overhanging branches from the easement by various means, including the use of herbicides approved by the State of Ohio or the United States Environmental Protection Agency (or successor in-duty).

All pipes shall be buried so as not to interfere with the present use of the land.

The Company shall replace and restore the area disturbed by the laying, construction, operation and maintenance of said pipelines to as near as practical to its original condition.

The Grantor and the Company have agreed as a part of the consideration hereof that any damages to lawn, driveways, permitted shrubbery, drain tiles, crops or permitted fences on said premises, the amount of which cannot be mutually agreed upon, shall be determined by a panel of arbitrators composed of three disinterested persons, of whom the Grantor and the Company shall appoint one each and the two arbitrators so appointed shall appoint the third, the award of any two of whom shall be final and a condition precedent to the institution of any legal proceedings

hereunder.

With regard to the lands encompassed by this easement, ("Easement Area"), Grantor represents that, to the best of its knowledge:

1. No pollutants, contaminants, petroleum or hazardous substances have been disposed or released on or under the Easement Area which would cause or threaten to cause an endangerment to human health or the environment or require clean up,
2. Neither the Easement Area, nor any portion thereof, is legally or contractually restricted as to its use or is subject to special environmental protection that would affect the use of the Easement Area for Company's intended use, and,
3. The Easement Area is not currently and has not previously been used for commercial or industrial purposes.

Grantor further represents that it has informed Company, prior to execution of this Agreement, of any and all pollutants, contaminants, petroleum, hazardous substances and endangerments which the Grantor knows or has reason to know exist or may exist on or under the Easement Area.

Grantor and Company agree that, except to the extent caused by the acts or omissions of the Company or its representatives and contractors, the Company shall not be liable for, and is hereby released from, any and all claims, damages, losses, judgments, suits, actions and liabilities, whether arising during, prior to or subsequent to the term of this Agreement, related to the presence of pollutants, contaminants, petroleum, hazardous substances or endangerments in, beneath or along the Easement Area.

The rights, privileges and terms hereby shall extend to and be binding upon the Grantor and the Company and their respective representatives, heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantor hereto has hereunto set its hand this _____ day
of _____, 20____.

THE CITY OF SANDUSKY, OHIO

By:_____

Print Name_____

Print Title_____

By:_____

Print Name_____

Print Title_____

STATE OF OHIO

COUNTY OF _____

)

) SS:

)

BEFORE ME, a Notary Public in and for said County and State, personally appeared _____ of the aforementioned
THE CITY OF SANDUSKY, OHIO who represented that _____ duly authorized in the
premises, and who acknowledged that _____ did sign the foregoing instrument, and that the
same is _____ free act and deed as such (title)_____, and is the free act and
deed of said **THE CITY OF SANDUSKY, OHIO**

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

My Commission Expires:

THIS INSTRUMENT PREPARED BY:
COLUMBIA GAS OF OHIO, INC.
JO#: 19-0109227-00 mm

Notary Public

Exhibit A

Parcels 60-68004.000 and 60-68005.000 Venice Rd. (Original parcel description)

All that parcel of land situated in the City of Sandusky, County of Erie and State of Ohio, being parts of Outlots 25, 26, 27, 28, 29 and 30 of the Annexation to Margaretta Township (now City of Sandusky), bounded and described according to a plan of survey made by National Survey Service dated September 6, 1976, and revised to November 4, 1985, as follows; viz:

BEGINNING at a point where the Westerly line of the parcel of land containing 226,811.229 square feet, more or less, or 5.207 acres, more or less, which has been conveyed by The Penn Central Corporation to Ben B. Bailey, Mary J. Bailey and Mark A. Bailey by Deed dated December 12, 1984, meets the centerline of Venice Road (U.S. Route 6), said beginning point being at the distance of 1015.42 feet measured North 80°54'02" West, along said centerline of Venice Road, from a monument in the centerline of Edgewater Avenue;

Extending from said beginning point the following nine courses and distances;

(1) North 80°54'02" West, along said centerline of Venice Road, 2371.43 feet to a point in the Westerly line of the right-of-way formerly conveyed to The Lake Shore and Michigan Railway Company by Deed dated January 18, 1877, and recorded in Volume 38 of Deeds, Page 227, Erie County, Ohio Records; the following two courses and distances being along said Westerly line of right-of-way; thence

(2) North 0°36'31" East, 164.20 feet to a point of curve; thence

(3) Northwardly, on a curve to the left having a radius of 930.37 feet, the chord of which bears North 8°26'22" West for a length of 292.62 feet, the arc distance of 293.84 feet to a point on the southerly line of a 0.31 acre parcel conveyed to The New York Central Railroad Company by Deed dated August 28, 1926 and recorded as aforesaid in Volume 131 of Deeds, Page 77; thence

(4) North 72°22'10" West along said Southerly line, 563.44 feet to a point; thence

(5) North 48°30'49" West, 150.78 feet to a point at the Southeastly corner of a parcel of land containing 3.113 acres, more or less, conveyed or about to be conveyed by The Penn Central Corporation to John W. Martin and Lucille M. Martin by Deed dated November 15, 1985.

(6) North 40°12'25" East, along the southeasterly line of the last mentioned parcel of land, 363.47 feet to a point on a curve, which is 32.00 feet southwardly and radially from the centerline of track number 247 of the railroad of Consolidated Rail Corporation; the following two courses and distances being parallel with said centerline of track number 247; thence

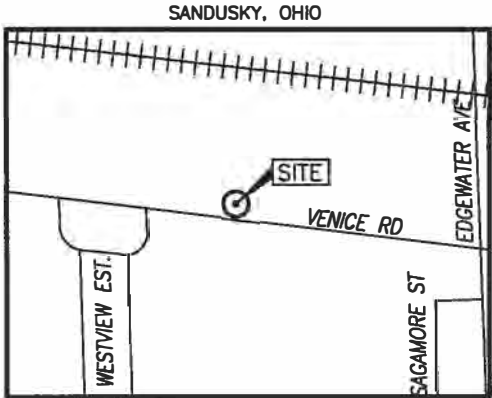
(7) Eastwardly, on a curve to the left having a radius of 5772.67 feet, the chord of which bears South 72°58'38" East for a length of 1543.28 feet, the arc distance of 1547.92 feet to a point of tangent; thence

(8) South 80°39'33" East 1343.12 feet to a point in said Westerly line of the parcel of land containing 226,811.229 square feet, more or less, or 5.207 acres, more or less, conveyed as aforesaid to Ben B. Bailey, Mary J. Bailey and Mark A. Bailey; and thence

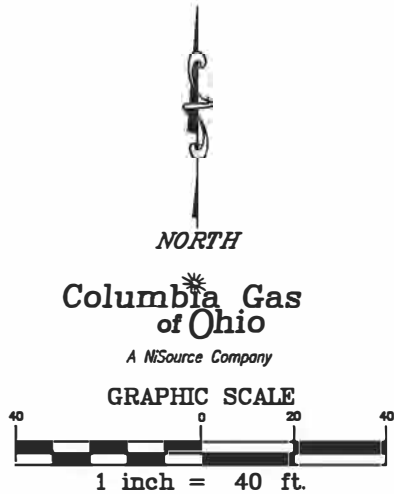
(9) South 0°14'07" West along said westerly line 707.01 feet to the place of beginning,

Containing 44.460 acres, more or less.

EXHIBIT 'B'



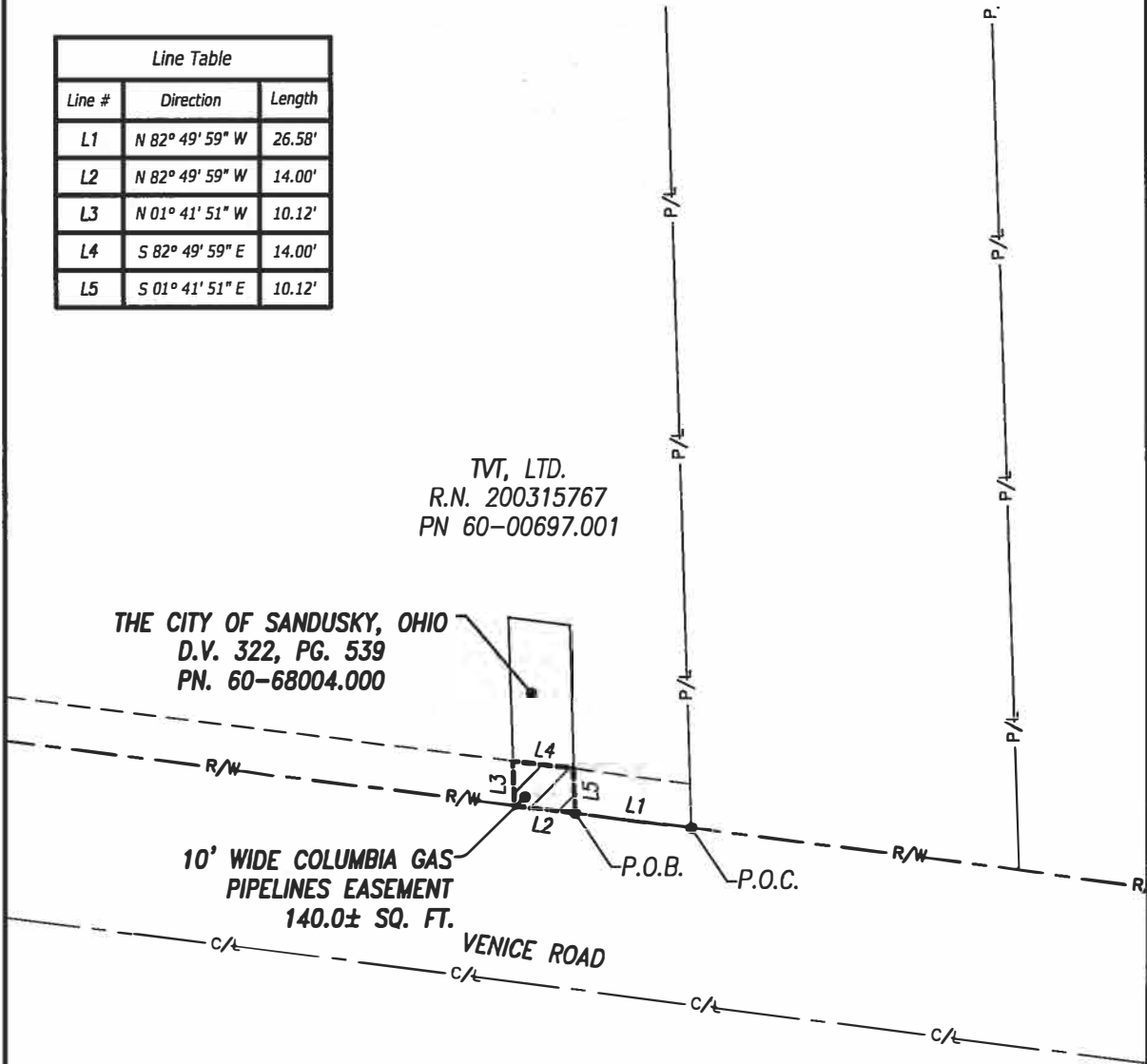
SITE VICINITY MAP
NTS



| Line Table | | |
|------------|-----------------|--------|
| Line # | Direction | Length |
| L1 | N 82° 49' 59" W | 26.58' |
| L2 | N 82° 49' 59" W | 14.00' |
| L3 | N 01° 41' 51" W | 10.12' |
| L4 | S 82° 49' 59" E | 14.00' |
| L5 | S 01° 41' 51" E | 10.12' |

TVT, LTD.
R.N. 200315767
PN 60-00697.001

THE CITY OF SANDUSKY, OHIO
D.V. 322, PG. 539
PN. 60-68004.000



THIS EXHIBIT IS DRAWN FOR THE LIMITED USE OF COLUMBIA GAS OF OHIO TO IDENTIFY THE EASEMENT LOCATION, AND IS NOT INTENDED TO REPRESENT AN ACCURATE SURVEY OF THE PROPERTY.
PREPARED BY TEAM FISHEL SURVEYING & ENGINEERING

COMPANY COLUMBIA GAS OF OHIO, INC.

PROJECT 10' STRIP EASEMENT
ON THE PROPERTY OF
THE CITY OF SANDUSKY, OHIO

DATE 2/21/2020

ENGINEER CGO

SCALE 1"=40'

TECHNICIAN CLW

PAGE 1 OF 4

MAPS

REVISION

FISHEL ORDER # 05183000

JOB ORDER 19-0109227-00

WORK ORDER

LOCATION SANDUSKY

COUNTY ERIE

STATE OHIO

CK'D BY MLH DRAWING NO. EXHIBIT B

EXHIBIT 'B'

DESCRIPTION OF A COLUMBIA GAS OF OHIO, INC. (A Nisource Company)

NON-EXCLUSIVE STRIP EASEMENT

Situate in the State of Ohio, County of Erie, City of Sandusky, being parts of Outlots 25, 26, 27, 28, 29 & 30 of the Annexation to Margareta Township (now City of Sandusky), said parcel being currently conveyed to **THE CITY OF SANDUSKY, OHIO** (Hereon referred to as Grantor) of record in Deed Volume 322, Page 539 (Parcel #60-68004.000) in the Erie County Recorder's Office, Sandusky, and being more particularly described as follows:

Commencing, for reference, at a point in the Northerly Right-of-Way line of Venice Road and being the Southeast property corner of TVT, LTD of record in R.N. 200315767. Thence, **N-82°-49'-59"-W** for a distance of **26.58** feet to the Point of Beginning.

Thence, with the following Four (4) courses and distances of which cross over and through said parcel of the Grantor herein and are described as follows:

- 1) Thence, **N-82°-49'-59"-W** for a distance of **14.00** feet to the Southwest property corner of said Grantor;
- 2) Thence, **N-01°-41'-36"-W** for a distance of **10.12** feet to a point in the Westerly property line of said Grantor;
- 3) Thence, **S-82°-49'-59"-E** for a distance of **14.00** feet to a point in the Easterly property line of said Grantor;
- 4) Thence, **S-01°-41'-50"-E** for a distance of **10.12** feet to the **Point of Beginning**.

Said easement as surveyed contains **140.00** Square Feet of land more or less.

By:

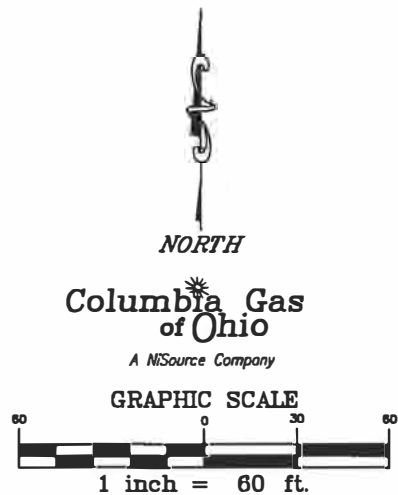
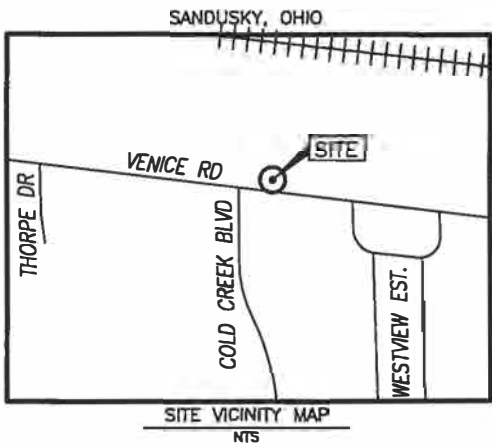
Mark L. Hannah

Professional Surveyor #7500



19-0109227
SANDUSKY-EX1

EXHIBIT 'B'

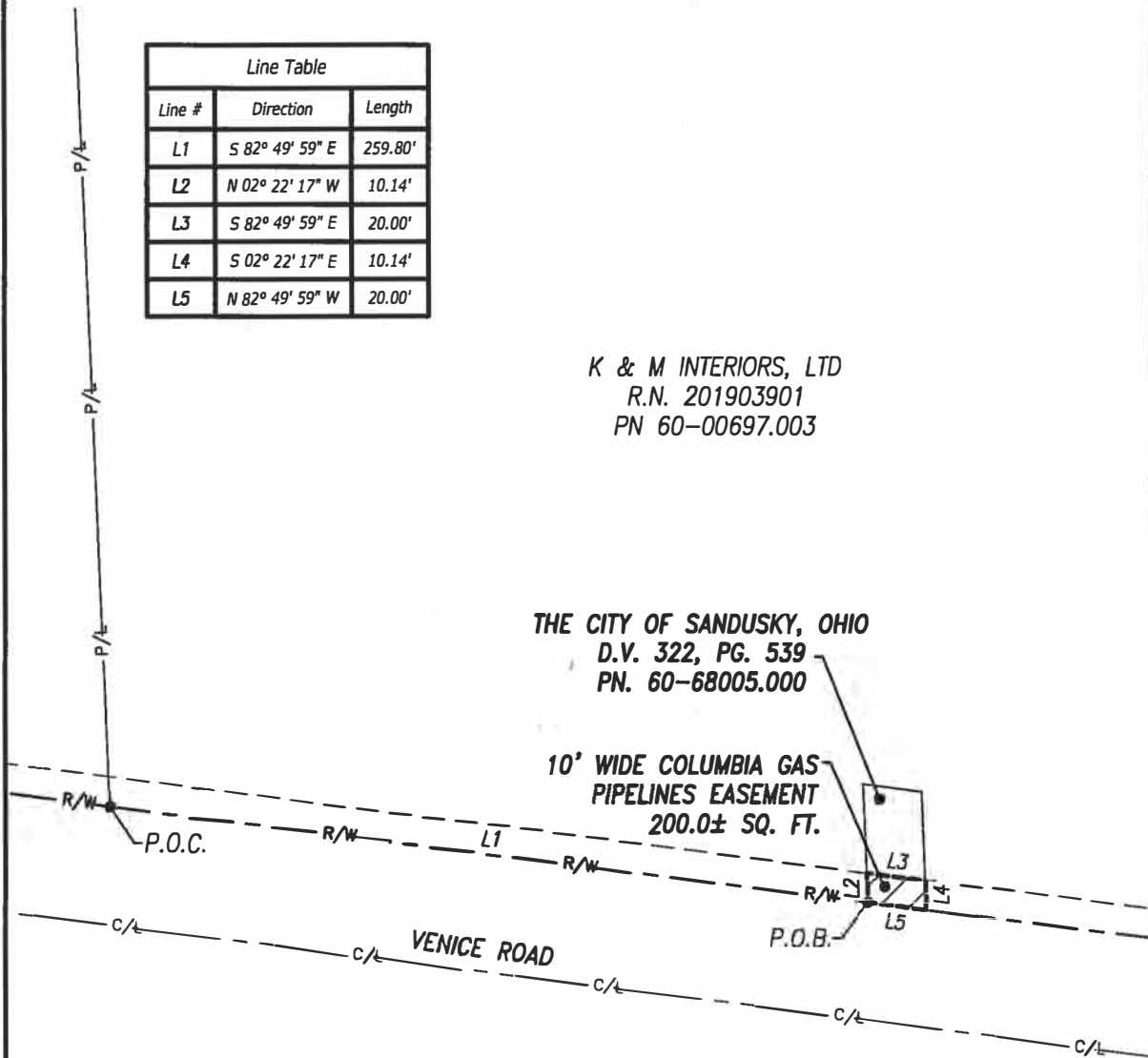


| Line Table | | |
|------------|-----------------|---------|
| Line # | Direction | Length |
| L1 | S 82° 49' 59" E | 259.80' |
| L2 | N 02° 22' 17" W | 10.14' |
| L3 | S 82° 49' 59" E | 20.00' |
| L4 | S 02° 22' 17" E | 10.14' |
| L5 | N 82° 49' 59" W | 20.00' |

K & M INTERIORS, LTD
R.N. 201903901
PN 60-00697.003

THE CITY OF SANDUSKY, OHIO
D.V. 322, PG. 539
PN. 60-68005.000

10' WIDE COLUMBIA GAS
PIPELINES EASEMENT
200.0± SQ. FT.



THIS EXHIBIT IS DRAWN FOR THE LIMITED USE OF COLUMBIA GAS OF OHIO TO IDENTIFY THE
EASEMENT LOCATION, AND IS NOT INTENDED TO REPRESENT AN ACCURATE SURVEY
OF THE PROPERTY.

PREPARED BY TEAM FISHEL SURVEYING & ENGINEERING

COMPANY

COLUMBIA GAS OF OHIO, INC.

PROJECT

10' STRIP EASEMENT
ON THE PROPERTY OF
THE CITY OF SANDUSKY, OHIO

| REVISION | |
|----------------|---------------|
| FISHEL ORDER # | 05183000 |
| JOB ORDER | 19-0109227-00 |
| WORK ORDER | |
| LOCATION | SANDUSKY |
| COUNTY | ERIE |
| STATE | OHIO |
| CK'D BY | DRAWING NO. |
| MLH | EXHIBIT B |

DATE
2/21/2020

ENGINEER
CGO

PAGE 3 OF 4

MAPS

SCALE
1"=60'

TECHNICIAN
CLW

EXHIBIT 'B'

DESCRIPTION OF A COLUMBIA GAS OF OHIO, INC. (A Nisource Company)

NON-EXCLUSIVE STRIP EASEMENT

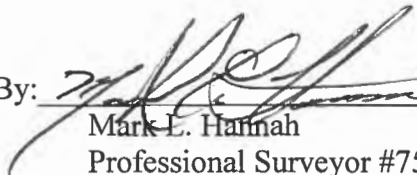
Situate in the State of Ohio, County of Erie, City of Sandusky, being parts of Outlots 25, 26, 27, 28, 29 & 30 of the Annexation to Margarett Township (now City of Sandusky), said parcel being currently conveyed to **THE CITY OF SANDUSKY, OHIO** (Hereon referred to as Grantor) of record in Deed Volume 322, Page 539 (Parcel #60-68005.000) in the Erie County Recorder's Office, Sandusky, and being more particularly described as follows:

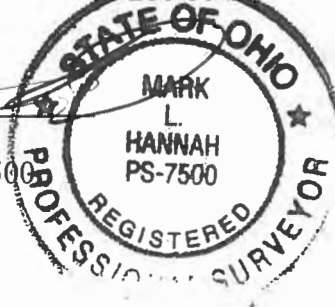
Commencing, for reference, at a point in the Northerly Right-of-Way line of Venice Road and being the Southwest property corner of K & M Interiors, LTD of record in R.N. 201903901. Thence, **S-82°-49'-59"-E** for a distance of **259.80** feet to the Point of Beginning.

Thence, with the following Four (4) courses and distances of which cross over and through said parcel of the Grantor herein and are described as follows:

- 1) Thence, **N-02°-22'-17"-W** for a distance of **10.14** feet to a point in the Westerly property line of said Grantor;
- 2) Thence, **S-82°-49'-59"-E** for a distance of **20.00** feet to a point in the Easterly property line of said Grantor;
- 3) Thence, **S-02°-22'-17"-E** for a distance of **10.14** feet to a point in the Northerly Right-of-Way line of Said Venice Road
- 4) Thence, **N-82°-49'-59"-W** for a distance of **20.00** feet to the **Point of Beginning**.

Said easement as surveyed contains ~~200.00~~ Square Feet of land more or less.

By: 
Mark L. Hannah
Professional Surveyor #7500



19-0109227
SANDUSKY-EX2



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Jane E. Cullen, P.E.

Date: March 27, 2020

Subject: Commission Agenda Item – Dedication of Venice Road Right-of Way for 0.1119 acres split from parcel no. 60-00662.000

ITEM FOR CONSIDERATION: Requesting legislation approving and accepting the plat and right of way dedication of the 0.1119 acres of land split off from parcel no. 60-00662.000 which was owned by Ben B. Bailey and Mary J. Bailey, Trustees, et al.

BACKGROUND INFORMATION: As part of the West Side Utility & Connectivity Improvements project, additional right-of-way was required to install the proposed 10" waterline and the 10' wide multi-use path along the northern side of Venice Road and west of Edgewater Avenue in front of Bailey's Tree and Landscaping property located at 3811 Venice Road

Ordinance No. 20-032 was passed at the February 10, 2020, City Commission meeting to execute the sales agreement for the additional right-of-way

Following the guidelines for dedication of land for public use, the dedication plat was presented to the Sandusky Planning Commission at its meeting on March 18th, 2020. Attached is a copy of the planning department letter stating the city planning commission has resolved to approve the request for the dedication plat and a copy of the plat signed by the planning commission chairman, Peter McGory.

BUDGETARY INFORMATION: There will be a fee for the recording of the right-of-way dedication plat at the Erie County Recorder's office which will be paid with the Water Fund.

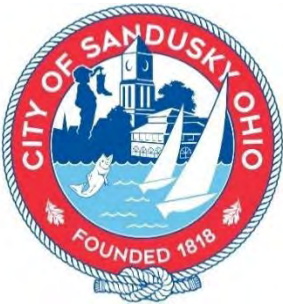
ACTION REQUESTED: It is recommended that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter so the dedication plat can be approved and the City can accept the parcel as public right of way and the plat can be recorded. The contractor is scheduled to begin work on the West Side Utility and Connectivity Improvements Project in mid to late April.

I concur with this recommendation:

Eric Wobser
City Manager

Aaron M. Klein, P.E.
Director

cc: K. Kresser, Commission Clerk; Michelle Reeder, Finance Director; T. Hayberger, Law Director



DEPARTMENT of PLANNING

240 Columbus Ave
Sandusky, Ohio 44870
419.627.5891
www.cityofsandusky.com

3/24/20

Jane Cullen, Assistant City Engineer
240 Columbus Ave
Sandusky OH 44870

RE: Dedication of Venice Road Right-of-Way for Bailey's Property Acquisition for West Side Utility and Connectivity Improvements Project

This will confirm that the above application was considered by the Sandusky Planning Commission at its meeting on March 18th, 2020. After reviewing the application, the Planning Commission has resolved to approve the request for the Dedication of the Venice Road Right-of-Way for Bailey's Property Acquisition located at 3811 Venice Rd.

Should you require any further information on this file, please contact the Planning Department.

Sincerely,

Greg Voltz
Planner

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING THE DEDICATION PLAT AND CONFIRMING THE DEDICATION TO THE PUBLIC USE AS PUBLIC RIGHT-OF-WAY A PORTION OF LAND NORTH OF VENICE ROAD AND WEST OF EDGEWATER AVENUE, WITH A TOTAL AREA OF 0.1119 ACRES, AS VENICE ROAD RIGHT-OF-WAY, AS SET FORTH ON THE DEDICATION PLAT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, as part of the West Side Utility & Connectivity Improvements Project on the north side of Venice Road, the City is replacing an existing waterline, replacing existing storm sewers, and installing a new storm system and multi-use asphalt path; and

WHEREAS, in order to install the new waterline for the West Side Utility & Connectivity Improvements Project, additional frontage property was necessary to allow the proper horizontal clearance between utilities as required by the Ohio Environmental Protection Agency; and

WHEREAS, this City Commission approved a Contract for Sale and Purchase of Real Property with Ben B. Bailey, Mary J. Bailey, and Mark A. Bailey for a portion of Parcel No. 60-00662.000, located at 3811 Venice Road, Sandusky, for the West Side Utility & Connectivity Improvements Project by Ordinance No. 20-032, passed on February 10, 2020; and

WHEREAS, the Department of Public Works has recommended to the Planning Commission this dedication of right-of-way and the Planning Commission at their meeting on March 18, 2020, resolved to recommend approval of the dedication plat to the City Commission; and

WHEREAS, this City Commission approves the dedication for public use the portion of land north of Venice Road and west of Edgewater Avenue as Venice Road right-of-way and authorizes the recording of the Dedication Plat in the office of the Erie County Recorder; 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 for the Dedication Plat to be immediately approved and recorded as the contractor is scheduled to begin work on the West Side Utility & Connectivity Improvements Project in mid to late April, 2020; 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 accepts and approves the Dedication Plat for a portion of land north of Venice Road and west of Edgewater Avenue, with a total area of 0.1119 acres, as set forth on the Dedication Plat, a copy of which is marked exhibit "A", attached to this Ordinance and incorporated herein, to be included as part of the Venice Road right-of-way and its dedication to the public use as a right-of-way is accepted and confirmed.

Section 2. The Clerk of the City Commission is authorized to cause the Dedication Plat to be recorded in the office of the Erie County Recorder.

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 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 upon its passage, and its due authentication by the President, and the Clerk of the City Commission of the City of Sandusky, Ohio.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: April 13, 2020

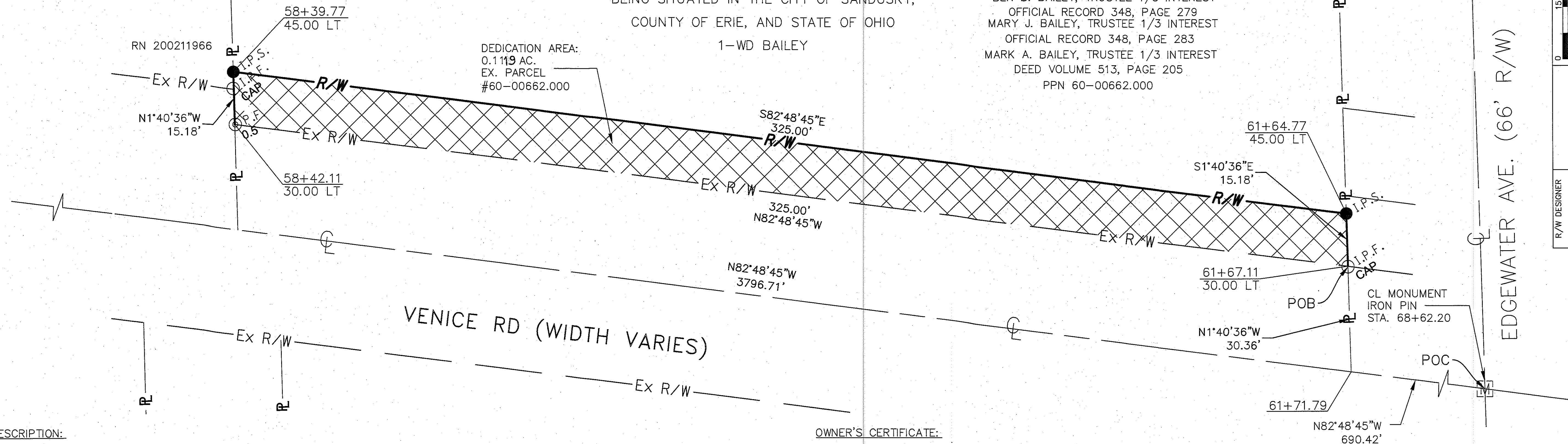
X:\Shared\Office\Cols\Survey\Proj\1822\6001\00\EXHIBITS\SAN_P_ESMT_1.dwg 12-Feb-20 10:39 AM

RIGHT-OF-WAY DEDICATION PLAT VENICE ROAD

BEING SITUATED IN THE CITY OF SANDUSKY,
COUNTY OF ERIE, AND STATE OF OHIO
1-WD BAILEY

BEN B. BAILEY, TRUSTEE 1/3 INTEREST
OFFICIAL RECORD 348, PAGE 279
MARY J. BAILEY, TRUSTEE 1/3 INTEREST
OFFICIAL RECORD 348, PAGE 283
MARK A. BAILEY, TRUSTEE 1/3 INTEREST
DEED VOLUME 513, PAGE 205
PPN 60-00662.000

DEDICATION AREA:
0.1119 AC.
EX. PARCEL
#60-00662.000



DESCRIPTION:

Being a parcel of land lying on the left side of the centerline of existing right-of-way of US Route 6 also known as Venice Road (60' R/W) more particularly described as follows:

BEGINNING at a one inch iron pin found in a monument box at the intersection of the centerline of Venice Road US 6 (60' R/W) with the centerline of Edgewater Avenue (66' R/W), said point being at Venice Road station 68+62.20. Thence along the centerline of Venice Road, North 82 degrees 48 minutes 45 seconds West for a distance of 690.42 feet to a point being at Venice Road station 61+71.79. Thence North 01 degrees 40 minutes 36 seconds West for a distance of 30.36 feet to a capped iron pin found at the southeasterly corner of said land of the Grantor, said corner being 30.00 feet left of the centerline of existing right-of-way of Venice Road station 61+67.11 and being the TRUE POINT OF BEGINNING of the parcel herein described.

Thence along the northerly right-of-way of Venice Road, North 82 degrees 48 minutes 45 seconds West for a distance of 325.00 feet to a 1/2" iron pin found at the southwesterly corner of said land of the Grantor, said corner being 30.00 feet left of the centerline of existing right-of-way of Venice Road station 58+42.11;

Thence along the westerly line of said Grantor's land being the easterly line of land owned by Ben B. Bailey, Trustee, Mary J. Bailey, Trustee and Mark A. Bailey, Trustee recorded in RN 200211966, North 01 degrees 40 minutes 36 seconds West for a distance of 15.18 feet to an iron pin set being 45.00 feet left of the centerline of existing right-of-way of Venice Road station 58+39.77;

Thence crossing through the lands of the Grantor, South 82 degrees 48 minutes 45 seconds East for a distance of 325.00 feet to an iron pin set being 45.00 feet left of the centerline of existing right-of-way of Venice Road station 61+64.77;

Thence along the easterly line of said Grantor's land being the westerly line of land owned by Toft Dairy, Inc., An Ohio Corp. recorded in Deed Volume 517, Page 985, South 01 degrees 40 minutes 36 seconds East for a distance of 15.18 feet to the TRUE POINT OF BEGINNING, containing 0.1119 acres, more or less, subject to legal highways and other easements of record.

CITY COMMISSION CERTIFICATE:

The plat and dedication of right-of-way has been approved and accepted by the City Commission of the City of Sandusky, Ohio by Ordinance No. _____ passed this _____ day of _____, 2020.

President of Commission

Clerk of Commission

CITY PLANNING COMMISSION CERTIFICATE:

The plat and dedication of right-of-way has been approved and accepted by the City Planning Commission of the City of Sandusky, Ohio passed this _____ day of _____, 2020.

Chairman

Secretary

COUNTY AUDITOR'S CERTIFICATE:

Transferred this _____ day of _____, 2020,
and fees of _____ were collected.

Erie County Auditor

COUNTY RECORDER'S CERTIFICATE:

Recorded this _____ day of _____, 2020,
in Plat Volume _____ Page _____

Erie County Recorder

OWNER'S CERTIFICATE:

The undersigned Owners hereby certify that the attached plat correctly represents their dedication plat. We hereby assent to and adopt the dedication and acknowledge the same as our free act and deed and hereby dedicate the right-of-way thereon shown to the use of the public forever.

In witness whereof _____ have heretofore set their hands this _____ day of _____, 2020

Witness _____

Signed _____
OWNER

OWNER _____

STATE OF OHIO, COUNTY OF ERIE S.S.

Before me, a Notary Public in and for said County, personally came the Owners, who personally acknowledged the signing of the foregoing instrument to be their voluntary act and deed for the use and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this _____ day of _____, 2020

My Commission Expires _____

Notary Public Erie County, Ohio

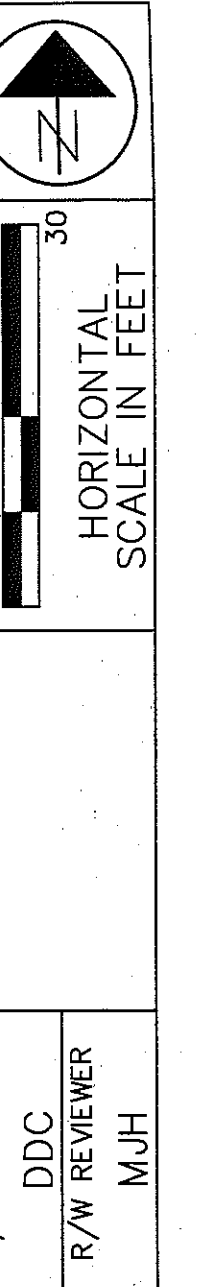
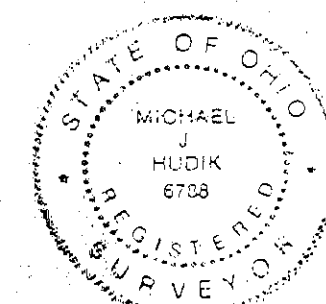
SURVEYOR'S CERTIFICATE:

"I hereby certify that this plat represents a survey made under my direct supervision and that I have found or set the pins and monuments as shown.

Michael J. Hudik, P.S. 2-12-20
Michael J. Hudik, Ohio Registered Professional Surveyor, S-6788

APPROVED as per Erie County Requirements
And Sections 4733-37 thru 4733-37-07 of the Ohio
Administrative Code only. No Field Verifications
Required.

Engineer/Surveyor: Erie County Engineer's
Date: 2/12/20





DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Jane E. Cullen, P.E.

Date: March 27, 2020

Subject: **Commission Agenda Item – Dedication of Venice Road Right-of Way for 0.2364 acres split from parcel no. 60-00568.000**

ITEM FOR CONSIDERATION: Requesting legislation approving and accepting the plat and right of way dedication of the 0.2364 acres of land split off from parcel no. 60-00568.00 which was owned by Toft Dairy, Inc. An Ohio Corporation.

BACKGROUND INFORMATION: As part of the West Side Utility & Connectivity Improvements project, additional right-of-way was required to install the proposed 10" waterline and the 10' wide multi-use path along the northern side of Venice Road and west of Edgewater Avenue in front of Toft Dairy's property located at 3717 Venice Road.

Ordinance No. 20-033 was passed at the February 10, 2020, City Commission meeting to execute the sales agreement for the additional right-of-way

Following the guidelines for dedication of land for public use, the dedication plat was presented to the Sandusky Planning Commission at its meeting on March 18th, 2020. Attached is a copy of the planning department letter stating the city planning commission has resolved to approve the request for the dedication plat and a copy of the plat signed by the planning commission chairman, Peter McGory.

BUDGETARY INFORMATION: There will be a fee for the recording of the right-of-way dedication plat at the Erie County Recorder's office which will be paid with the Water Fund.

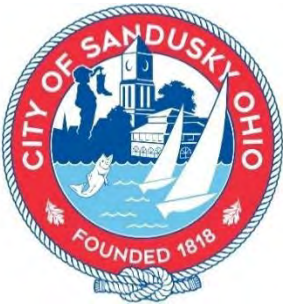
ACTION REQUESTED: It is recommended that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter so the dedication plat can be approved and the City can accept the parcel as public right of way and the plat can be recorded. The contractor is scheduled to begin work on the West Side Utility and Connectivity Improvements Project in mid to late April.

I concur with this recommendation:

Eric Wobser
City Manager

Aaron M. Klein, P.E.
Director

cc: K. Kresser, Commission Clerk; Michelle Reeder, Finance Director; T. Hayberger, Law Director



DEPARTMENT of PLANNING

240 Columbus Ave
Sandusky, Ohio 44870
419.627.5891
www.cityofsandusky.com

3/24/20

Jane Cullen, Assistant City Engineer
240 Columbus Ave
Sandusky OH 44870

RE: Dedication of Venice Road Right-of-Way for Toft's Property Acquisition for West Side Utility and Connectivity Improvements Project

This will confirm that the above application was considered by the Sandusky Planning Commission at its meeting on March 18th, 2020. After reviewing the application, the Planning Commission has resolved to approve the request for the Dedication of the Venice Road Right-of-Way for Toft's Property Acquisition located at 3717 Venice Rd.

Should you require any further information on this file, please contact the Planning Department.

Sincerely,

Greg Voltz
Planner

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING THE DEDICATION PLAT AND CONFIRMING THE DEDICATION TO THE PUBLIC USE AS PUBLIC RIGHT-OF-WAY A PORTION OF LAND NORTH OF VENICE ROAD AND WEST OF EDGEWATER AVENUE, WITH A TOTAL AREA OF 0.2364 ACRES, AS VENICE ROAD RIGHT-OF-WAY, AS SET FORTH ON THE DEDICATION PLAT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, as part of the West Side Utility & Connectivity Improvements Project on the north side of Venice Road, the City is replacing an existing waterline, replacing existing storm sewers, and installing a new storm system and multi-use asphalt path; and

WHEREAS, in order to install the new waterline for the West Side Utility & Connectivity Improvements Project, additional frontage property was necessary to allow the proper horizontal clearance between utilities as required by the Ohio Environmental Protection Agency; and

WHEREAS, this City Commission approved a Contract for Sale and Purchase of Real Property with Toft Dairy, Inc. for a portion of Parcel No. 60-00568.000, located at 3717 Venice Road, Sandusky, for the West Side Utility & Connectivity Improvements Project by Ordinance No. 20-033, passed on February 10, 2020; and

WHEREAS, the Department of Public Works has recommended to the Planning Commission this dedication of right-of-way and the Planning Commission at their meeting on March 18, 2020, resolved to recommend approval of the dedication plat to the City Commission; and

WHEREAS, this City Commission approves the dedication for public use the portion of land north of Venice Road and west of Edgewater Avenue as Venice Road right-of-way and authorizes the recording of the Dedication Plat in the office of the Erie County Recorder; 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 for the Dedication Plat to be immediately approved and recorded as the contractor is scheduled to begin work on the West Side Utility & Connectivity Improvements Project in mid to late April, 2020; 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 accepts and approves the Dedication Plat for a portion of land north of Venice Road and west of Edgewater Avenue, with a total area of 0.2364 acres, as set forth on the Dedication Plat, a copy of which is marked exhibit "A", attached to this Ordinance and incorporated herein, to be included as part of the Venice Road right-of-way and its dedication to the public use as a right-of-way is accepted and confirmed.

Section 2. The Clerk of the City Commission is authorized to cause the Dedication Plat to be recorded in the office of the Erie County Recorder.

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 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 upon its passage, and its due authentication by the President, and the Clerk of the City Commission of the City of Sandusky, Ohio.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: April 13, 2020

RIGHT-OF-WAY DEDICATION PLAT VENICE ROAD

BEING SITUATED IN THE CITY OF SANDUSKY,
COUNTY OF ERIE, AND STATE OF OHIO

TOFT DAIRY, INC., AN OHIO CORPORATION
DEED VOLUME 517, PAGE 985
PPN 60-00568.000

2-WD TOFT

DEDICATION AREA:
0.2364 AC.
EX. PARCEL
#60-00568.000

R=91.50'
Δ=10°09'54"
L=16.23'
CH D=16.21'
CH B=S87°53'42"E

N87°01'21"E
61.90'
67+58.92
46.44 LT

68+19.86
57.36 LT

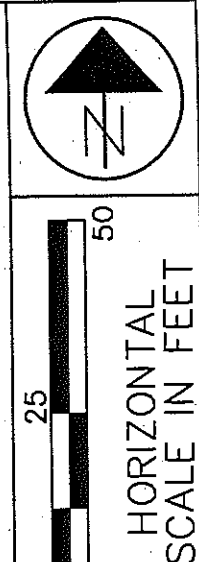
S1°40'36"E
27.69'
N7°11'15"E
30.00'

68+24.13
30.00 LT

68+24.13

S82°48'47"E
38.08'
CL MONUMENT
IRON PIN
STA. 68+62.20

POC
CL P.F.
CAP



R/W DESIGNER
DDC
R/W REVIEWER
MJH

DESCRIPTION:

Being a parcel of land lying on the left side of the centerline of existing right-of-way of US Route 6 also known as Venice Road (60' R/W) more particularly described as follows:

BEGINNING at a one inch iron pin found in a monument box at the intersection of the centerline of Venice Road US 6 (60' R/W) with the centerline of Edgewater Avenue (66' R/W), said point being at Venice Road station 68+62.20. Thence along the centerline of Venice Road, North 82 degrees 48 minutes 45 seconds West for a distance of 38.08 feet to a point being at Venice Road station 68+24.13. Thence North 07 degrees 11 minutes 15 seconds East for a distance of 30.00 feet to a point being 30.00 feet left of the centerline of existing right-of-way of Venice Road station 68+24.13 and being the TRUE POINT OF BEGINNING of the parcel herein described.

Thence along the northerly right-of-way of Venice Road, North 82 degrees 48 minutes 45 seconds West for a distance of 657.02 feet to a capped iron pin found at the southwesterly corner of said land of the Grantor, said corner being 30.00 feet left of the centerline of existing right-of-way of Venice Road station 61+67.11;

Thence along the westerly line of said Grantor's land being the easterly line of land owned by Ben B. Bailey, Trustee, Mary J. Bailey, Trustee and Mark A. Bailey recorded in Official Record 348, Page 283, Official Record 348, Page 279 and Official Record 513, Page 205, North 01 degrees 40 minutes 36 seconds West for a distance of 15.18 feet to an iron pin set being 45.00 feet left of the centerline of existing right-of-way of Venice Road station 61+64.77;

Thence crossing through the lands of the Grantor, South 82 degrees 48 minutes 45 seconds East for a distance of 578.01 feet to an iron pin set at a point of curvature, said iron pin set being 45.00 feet left of the centerline of existing right-of-way of Venice Road station 67+42.78;

Thence crossing through the lands of the Grantor following the arc of a circle curving to the left having a central angle of 10°09'54", a radius of 91.50 feet, an arc length of 16.23 feet and a long chord which bears South 87 degrees 53 minutes 42 seconds East for a distance of 16.21 feet to an iron pin set at a point of tangency, said iron pin set being 46.44' left of the centerline of existing right-of-way of Venice Road station 67+58.92;

Thence crossing through the lands of the Grantor, North 87 degrees 01 minutes 21 seconds East for a distance of 61.90 feet to an iron pin set being 57.36 feet left of the centerline of existing right-of-way of Venice Road station 68+19.86;

Thence along the easterly line of said Grantor's land being the westerly right-of-way of Edgewater Avenue, South 01 degrees 40 minutes 36 seconds East for a distance of 27.69 feet to the TRUE POINT OF BEGINNING, containing 0.2364 acres, more or less, subject to legal highways and other easements of record.

CITY COMMISSION CERTIFICATE:

The plat and dedication of right-of-way has been approved and accepted by the City Commission of the City of Sandusky, Ohio by Ordinance No. _____ passed this _____ day of _____, 2020.

President of Commission

Clerk of Commission

CITY PLANNING COMMISSION CERTIFICATE:

The plat and dedication of right-of-way has been approved and accepted by the City Planning Commission of the City of Sandusky, Ohio passed this _____ day of _____, 2020.

Chairman

Secretary

OWNER'S CERTIFICATE:

The undersigned Owners hereby certify that the attached plat correctly represents their dedication plat. We hereby assent to and adopt the dedication and acknowledge the same as our free act and deed and hereby dedicate the right-of-way thereon shown to the use of the public forever.

In witness whereof _____ have heretofore set their hands this _____ day of _____, 2020

Witness

Signed
OWNER

OWNER

STATE OF OHIO, COUNTY OF ERIE S.S.

Before me, a Notary Public in and for said County, personally came the Owners, who personally acknowledged the signing of the foregoing instrument to be their voluntary act and deed for the use and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this _____ day of _____, 2020

My Commission Expires

Notary Public Erie County, Ohio

COUNTY AUDITOR'S CERTIFICATE:

Transferred this _____ day of _____, 2020, and fees of _____ were collected.

Erie County Auditor

COUNTY RECORDER'S CERTIFICATE:

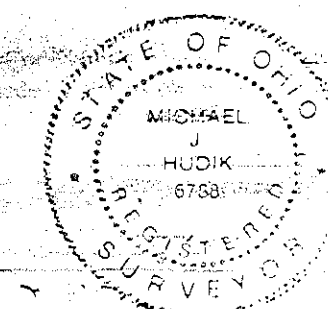
Recorded this _____ day of _____, 2020, in Plat Volume _____ Page _____

Erie County Recorder

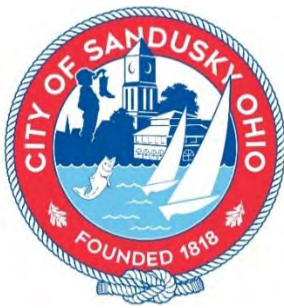
SURVEYOR'S CERTIFICATE:

"I hereby certify that this plat represents a survey made under my direct supervision and that I have found or set the pins and monuments as shown."

Michael J. Hudik P.S. 2-12-20
Michael J. Hudik, Ohio Registered Professional Surveyor, S-6788



APPROVED as per Erie County Resolution
And Sections 4733-37 thru 4733-37-07 of the Ohio
Administrative Code only. No Field Verifications
for Accuracy made.
Engineer/Surveyor: Eric County Engineer's
Date: 02/12/20



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Joshua R. Snyder, P.E.

Date: March 24, 2020

Subject: Commission Agenda Item- Cedar Point (Chaussee) Water Tower Demolition Project Change Order #1 & Final

ITEM FOR CONSIDERATION: Requesting legislation for approval of Change Order No. 1 and Final for the Cedar Point (Chaussee) Water Tower Demolition Project.

BACKGROUND INFORMATION: This project was awarded to Baumann Enterprises, INC at the September 9, 2019 city commission meeting per ordinance 19-156 in the amount of \$83,480.

This project provided for the removal of the unused water distribution tower at approximately 735 Cedar Point Rd. (Chaussee). This tower was not on City-owned property and hadn't been used in years and presented a maintenance liability. With the tower down, the property now reverts back to its owner to be use residentially. The owner of the property has approved the site work to be acceptable and is appreciative of the removal.

Change Order No. 1 and Final, a deduct in the amount of \$5,000, represents final quantities installed in the field by the contractor. See attached summary sheet of all quantities.

BUDGETARY INFORMATION:

Change Order No. 1 and Final is a deduction of \$5,000, which will revise the original contract amount of \$83,480.00 to \$78,480.00 and will be paid entirely with the City's Water Fund.

ACTION REQUESTED: It is requested that legislation be prepared to allow for the approval of Change Order No. 1 and Final for a reduction in work quantities for the Cedar Point (Chaussee) Water Tower Demolition Project. It is further requested that this be passed in accordance with Section 14 of the City Charter so that the contractor can be paid for work already performed and to close out the completed project.

I concur with this recommendation:

Eric Wobser
City Manager

Aaron Klein, P.E.
Director

cc: K. Kresser, Commission Clerk; M. Reeder, Finance Director; T. Hayberger, Law Director

Chaussee Water Tower Demolition
Construction Work Order No.: 1 & Final

CONTRACT: 2928
ORDINANCE NO. 19-156

Order is hereby issued and accepted for the following additions to or deductions from the quantities as specified in the original contract.

[illegible]

| | |
|-------------------------|-------------|
| Total Difference | \$ 5,000.00 |
|-------------------------|-------------|

Date: 5-18-20, 2019

Date: _____, 2019

| | | |
|----------------------------|----|-----------|
| Original Contract Price = | \$ | 83,480.00 |
| Contract Price after CO1 = | \$ | 78,480.00 |
| % Increase = | | -6.0% |
| Original Budget/Estimate = | \$ | 97,000.00 |
| % Increase = | | -19.1% |

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED BY BAUMANN ENTERPRISES, INC., OF GARFIELD HEIGHTS, OHIO, FOR THE CEDAR POINT (CHAUSSEE) WATER TOWER DEMOLITION PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Cedar Point (Chaussee) Water Tower Demolition Project involved the removal of the water tank, appurtenances, foundation and embankment, erosion control measures, capping of the existing water main, and disposal of materials; and

WHEREAS, the Cedar Point water tank was taken out of service in 2012 after years of repairs going beyond general maintenance; and

WHEREAS, the Cedar Point Water Tower was no longer salvageable and no longer needed for service and an application was submitted to the Ohio EPA on August 1, 2016, with proposed plans for decommissioning the Cedar Point Water Tank and the City received an approval letter on August 23, 2016, which was good for a five (5) year period; and

WHEREAS, this City Commission declared the necessity to proceed with the proposed Cedar Point (Chaussee) Water Tower Demolition Project by Resolution No. 030-19R, passed on August 12, 2019; and

WHEREAS, this City Commission approved the awarding of the contract to Baumann Enterprises, Inc., of Garfield Heights, Ohio, for work to be performed for the Cedar Point (Chaussee) Water Tower Demolition Project by Ordinance No. 19-156, passed on September 9, 2019; and

WHEREAS, this First & Final Change Order reflects the actual work performed in the field by the contractor and the actual quantities used; and

WHEREAS, the original contract with Baumann Enterprises, Inc., of Garfield Heights, Ohio, was \$83,480.00, and with the **deduction** of this First & Final Change Order in the amount of \$5,000.00, the final contract cost is \$78,480.00 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 make final payment to the contractor for work already performed and to close out the completed project; 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 Services, 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 First & Final Change Order for work performed for the Cedar Point (Chaussee) Water Tower Demolition Project and to deduct from the contract amount the sum of Five Thousand and 00/100 Dollars (\$5,000.00) resulting in the final contract cost of Seventy Eight Thousand Four Hundred Eighty and 00/100 Dollars (\$78,480.00) with Baumann Enterprises, Inc., of Garfield Heights, Ohio.

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.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: April 13, 2020



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager
From: Aaron M. Klein, P.E.
Date: March 31, 2020
Subject: **Commission Agenda Item – Safety Study Application**

ITEM FOR CONSIDERATION: Legislation to authorize submission of a grant application to the Ohio Department of Transportation (ODOT) for the Cleveland Road Roundabout and Safety Improvement Project and acceptance of funding through the Highway Safety Improvement Program (HSIP), if awarded.

BACKGROUND INFORMATION: Staff would like to submit an application to the Ohio Department of Transportation (ODOT) for safety funding. Items requested within the application were brought about by the US 6 Corridor Safety Study, commissioned by ODOT and Erie County.

With support from the City of Sandusky, Erie Regional Planning Commission (ERPC) performed a Safety Study on 1) Cleveland Road (State Route 6) between Rye Beach Road in Huron and Sycamore Line in Sandusky, 2) Butler Street in Sandusky and 3) Rye Beach Road between BGSU Firelands and Cleveland Road. The concept was initiated by the City of Sandusky to evaluate and improve traffic related to Cedar Point, Sports Center, Castaway Bay and local neighborhoods. Safety along the full corridor is crucial due to future increased tourist traffic using these roadways into and out of the City. Transystems was hired to complete the study and ODOT was involved throughout the process.

The study, which was completed in August of 2019, recommended several safety-related improvements at various locations along the corridor. Implementation of these recommendations could be performed through the HSIP program. The HSIP grant dollars are not available for non-safety related pedestrian improvements, such as bike paths and beautification, but the HSIP money can be used for intersection improvements that would facilitate better traffic flow, including traffic and pedestrian signals, access management and geometric upgrades at intersections. Staff is requesting approval to submit an application to ODOT for the most beneficial portions of the project that would not only include many of the recommended safety improvements, primarily between Sycamore Line and Remington Ave., along Cleveland Rd. Staff is also proposing a construction year of 2024 for this project. This timeframe will ensure completion of other resurfacing and bikeway projects that are currently planned and allow staff time to seek alternate sources of grant funding for the City's share.

Proposed improvements include design, construction, environmental, surveying, geotechnical, acquisition and inspection related to:

1. Signal improvements at Milan Road/Sycamore Line, Cleveland Road/Sycamore Line, Cleveland Road/Avondale, Cleveland Road/Butler, Cleveland Road/Cowdery, Cleveland Road/Harbour Parkway, Cleveland Road/Remington

2. A two-lane roundabout at Cleveland Road and Cedar Point Drive that will mimic improvements implemented recently for continuous turning movements designed around current traffic volumes.
3. Sidewalks on Cleveland Road between Cedar Point Drive and East Shoreway Drive, where there currently isn't existing or planned walkway
4. Extending turn lanes at Sycamore Line (southbound and westbound) and Remington (westbound)

Public meetings will be held prior to full plan development and construction to explain details of the design elements being utilized in this area of US 6. There have already been 2 public meetings during the study and the comments were considered when Transystems made final recommendations.

Based on conversations with ODOT, the project would be a Local LET project, meaning that the City would assume project management control over preliminary engineering, final design and inspection as well as all other aspects of the project.

BUDGETARY INFORMATION: The total project cost, including inflation for SFY 2024, is \$6,676,400. The grant application request for those items recommended in ODOT's Safety Study is \$6,342,580 (95%). The City's share would be \$333,820 (5%). It is unknown how these funds would be divided annually until the final project award is granted because a portion will be needed for design and other aspects.

Staff will seek to leverage funding from private sources for construction, like Metropolitan Planning Organization (MPO) funding, Ohio Public Works Commission (OPWC) and any other potential revenue stream available at the time. Funding distribution will be explicit prior to construction.

ACTION REQUESTED: It is recommended that proper legislation be prepared allowing the city manager to submit a grant application to ODOT 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 submit the application for funding and accept funds if awarded, which would allow this project to proceed and quickly reduce the traffic, pedestrian and other safety concerns along US 6 (Cleveland Rd.).

I concur with this recommendation:

Eric Wobser

City Manager

cc: K. Kresser, Commission Clerk; M. Reeder, Finance Director; T. Hayberger, Law Director

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FINANCIAL ASSISTANCE THROUGH THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FOR THE CLEVELAND ROAD ROUNDABOUT AND SAFETY IMPROVEMENT PROJECT; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Ohio Department of Transportation (ODOT) dedicates funds annually through the Highway Safety Improvement Program to provide for safety improvements on any public roadway in the State and works with Local and State organizations to make investments that improve safety on all public roads; and

WHEREAS, the Erie Regional Planning Commission performed a study on 1) Cleveland Road (State Route 6) between Rye Beach Road in Huron and Sycamore Line in Sandusky, 2) Butler Street in Sandusky, and 3) Rye Beach Road between BGSU Firelands and Cleveland Road with the concept to evaluate and improve traffic related to Cedar Point, Sports Center, Castaway Bay and local neighborhoods and this study was completed in August of 2019 and several safety recommendations were made; and

WHEREAS, the Cleveland Road Roundabout and Safety Improvement Project involves improvements to Cleveland Road (S.R. 6), primarily between Sycamore Line and Remington Avenue, including signal improvements, a two-lane roundabout at Cleveland Road and Cedar Point Drive, sidewalks between Cedar Point Drive and East Shoreway Drive, and extending turn lanes at Sycamore Line and Remington Avenue and includes construction, environmental, surveying, geotechnical, acquisition, and inspection as well; and

WHEREAS, the total estimated cost of the project, including inflation, is \$6,676,400.00 and the City will be applying for financial assistance in the amount of \$6,342,580.00 (95%) and the City's share will be \$333,820.00 (5%) of which City Staff will seek to leverage funding from private sources such as Metropolitan Planning Organization (MPO), Ohio Public Works Commission (OPWC) and any other potential revenue stream available at the time; 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 immediately submit the application to the Ohio Department of Transportation and, if awarded, allow the project to proceed and reduce the safety concerns along Cleveland Road at the earliest opportunity; 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 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 **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. The City Manager is hereby authorized to execute and file a grant application on behalf of the City of Sandusky with the Ohio Department of Transportation for financial assistance through the Highway Safety Improvement Program (HSIP) for the Cleveland Road Roundabout and Safety Improvement Project and 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. 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.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: April 13, 2020



RECREATION

222 Meigs Street
Sandusky, Ohio 44870
419.627.5886
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager
From: Jason Werling, Recreation Superintendent,
Date: April 7, 2020
Subject: Commission Agenda Item

ITEMS FOR CONSIDERATION: Requesting legislation ratifying the submission of a grant application to the Erie MetroParks 2020 Local Park Capital Improvement Grant Program for the Recreation Department.

BACKGROUND INFORMATION:

- Erie MetroParks Local Park Capital Improvement Grant Program occurs annually and includes three levels of grant funding: grants under \$1,000, grants between \$1,000-3,000 and grants requests higher than \$3,000.

BUDGETARY INFORMATION:

The Sandusky Recreation Department is applying for two of the three levels of grant funding with priority to the mid-level.

Level I (Up to \$1,000)- Funds to assist the purchase of a Gaga Pit game for use outside the Recreation Department's offices at 222 Meigs Street later this summer.

Level II (between \$1,000 and \$3,000)- Funds to assist in the purchase of three stencils of the United States Map, World Map, and State of Ohio Map for use on the basketball court surfaces in several parks throughout the city.

Level III (Over \$3,000, not to exceed \$10,000)- No grant funding requested at this level.

ACTION REQUESTED: It is requested that the proper legislation be prepared to allow for the approval of the application to be submitted to Erie MetroParks. It is further requested that this be passed to take immediate effect in accordance with Section 14 of the City Charter in order to immediately ratify the submission of the grant application which was submitted to Erie MetroParks by the deadline of April 24, 2020.

I concur with this recommendation.

Approved:

Jason Werling, Recreation Superintendent

Eric Wobser, City Manager

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE ERIE METROPARKS BOARD OF PARK COMMISSIONERS FOR FINANCIAL ASSISTANCE THROUGH THE 2020 LOCAL PARK CAPITAL IMPROVEMENT GRANT PROGRAM FOR THE RECREATION DEPARTMENT; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, in 2018, Erie MetroParks reinstated a Local Parks Capital Improvement Grant program for the purpose to improve local outdoor recreation opportunities in Erie County and the program is administered by the Erie MetroParks Board of Park Commissioners; and

WHEREAS, the Erie MetroParks Local Parks Capital Improvement Grant is an annual grant program which provides three (3) funding level categories as follows: Category 1 (less than \$1,000), Category 2 (\$1,000 up to \$3,000), and Category 3 (more than \$3,000); and

WHEREAS, the City of Sandusky desires to submit a grant application for funding available through the 2020 Erie MetroParks Local Park Capital Improvement Grant Program for the following projects:

- Category 1 funding for the purchase of a Gaga Pit game to be used outside the Recreation Department's offices; and
- Category 2 funding to assist in the purchase of three (3) stencils of the United States map, World map, and State of Ohio map for use on the basketball court surfaces at several parks throughout the City; 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 submit the grant application to the Erie MetroParks Board of Park Commissioners by the deadline of April 24, 2020; 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 Recreation, 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 the submission of a grant application to the Erie MetroParks Board of Park Commissioners for financial assistance through the 2020 Local Park Capital Improvement Grant Program and agrees to cooperate for the purpose of increasing and improving outdoor

recreation opportunities under the terms and conditions of the 2020 Local Park Capital Improvement Grant Program.

Section 2. This City Commission authorizes and directs the City Manager to provide all information and documentation required for possible financial assistance and to execute any grant agreements and lawfully expend funds consistent with the application and agreement should they be awarded.

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

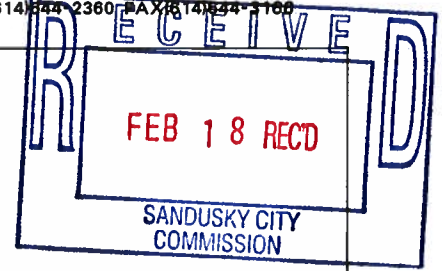
Passed: April 13, 2020

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614) 344-2360 FAX (614) 344-3160

| | | | |
|----------------|-----|------|--|
| 61433920375 | | NEW | TO MORAN FOODS LLC DBA SAVE A LOT 8084 709 W PERKINS AVE STE H SANDUSKY OH 44870 |
| PERMIT NUMBER | | TYPE | |
| ISSUE DATE | | | |
| 03 06 2020 | | | |
| FILING DATE | | | |
| C1 | | | |
| PERMIT CLASSES | | | |
| 22 | 077 | B | C66414 |
| TAX DISTRICT | | | RECEIPT NO. |

FROM 03/10/2020



| | | |
|----------------|--|-------------|
| PERMIT NUMBER | | TYPE |
| ISSUE DATE | | |
| FILING DATE | | |
| PERMIT CLASSES | | |
| TAX DISTRICT | | RECEIPT NO. |



MAILED 03/10/2020

RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/10/2020

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

B NEW 6143392-0375

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

**CLERK OF SANDUSKY CITY COUNCIL
240 COLUMBUS AVE
SANDUSKY OHIO 44870**

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

This online service will allow you to obtain ownership disclosure information for issued and pending retail liquor permit entities within the State of Ohio.

Searching Instructions

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The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

SEARCH CRITERIA**Permit Number**

6143392

Permit Name / DBA**Member / Officer Name****Search****Reset****Main Menu**

| Member/Officer Name | Shares/Interest | Office Held |
|--|-----------------|-------------|
| Permit Number: 6143392; Name: MORAN FOODS LLC ATTN: LICENSING GROUP; DBA: ; Address: 11840 VALLEY VIEW RD EDEN PRAIRIE 55344 | | |
| JAMES KEVIN PROCTOR | 5% VOTING | PRESIDENT |
| KENNETH MCGRATH | 5% VOTING | CEO |
| SAL AQUISITION CORP | MANAGE MEM | |
| KAREN PROCELL | 5% VOTING | VICE PRES. |

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Kelly Kresser

From: Greg Voltz
Sent: Monday, March 23, 2020 9:18 AM
To: Kelly Kresser; John Orzech; Stephen Rucker
Subject: RE: New Liquor Permit

Thank you,

709 W Perkins Avenue is zoned "GB" – General Business. This is a permitted use.



Greg Voltz | Planner
PLANNING DEPARTMENT
240 Columbus Avenue | Sandusky, OH 44870
T: 419.627.5973 | F: 419.627.5945
www.ci.sandusky.oh.us



From: Kelly Kresser <kkresser@ci.sandusky.oh.us>
Sent: Sunday, March 22, 2020 2:13 PM
To: John Orzech <JOrzech@ci.sandusky.oh.us>; Stephen Rucker <srucker@ci.sandusky.oh.us>; Greg Voltz <gvoltz@ci.sandusky.oh.us>
Subject: New Liquor Permit

Attached is a Notice to Legislative Authority for a new C1 (*beer only in original sealed container for carryout only*) liquor permit for Moran Foods, LLC dba Save A Lot located at 709 West Perkins Avenue.

Please provide comments regarding the transfer of this liquor permit.

Kelly Kresser

From: Stephen Rucker
Sent: Monday, March 23, 2020 9:56 AM
To: Kelly Kresser; John Orzech; Greg Voltz
Subject: RE: New Liquor Permit

No issues



Steve Rucker | *Fire Marshal*
SANDUSKY FIRE DEPARTMENT
600 W. Market Street | Sandusky, OH 44870
T: 419.627.5823 | F: 419.627.5820
srucker@ci.sandusky.oh.us
www.ci.sandusky.oh.us

From: Kelly Kresser <kkresser@ci.sandusky.oh.us>
Sent: Sunday, March 22, 2020 2:13 PM
To: John Orzech <JOrzech@ci.sandusky.oh.us>; Stephen Rucker <srucker@ci.sandusky.oh.us>; Greg Voltz <gvoltz@ci.sandusky.oh.us>
Subject: New Liquor Permit

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Please provide comments regarding the transfer of this liquor permit.

Kelly Kresser

From: John Orzech
Sent: Monday, March 23, 2020 9:40 AM
To: Kelly Kresser; Stephen Rucker; Greg Voltz
Subject: RE: New Liquor Permit

No issues police



John Orzech | Chief of Police
SANDUSKY POLICE DEPARTMENT
222 Meigs Street | Sandusky, OH 44870
T: 419.627.5869 | F: 419.627.5862
www.ci.sandusky.oh.us



From: Kelly Kresser <kkresser@ci.sandusky.oh.us>
Sent: Sunday, March 22, 2020 2:13 PM
To: John Orzech <JOrzech@ci.sandusky.oh.us>; Stephen Rucker <srucker@ci.sandusky.oh.us>; Greg Voltz <gvoltz@ci.sandusky.oh.us>
Subject: New Liquor Permit

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Please provide comments regarding the transfer of this liquor permit.

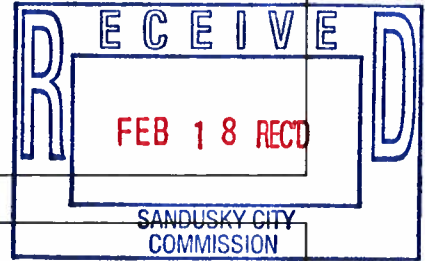
NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

| | | | | | |
|---------------|-----|----------------|--------|----------------------------------|--|
| 5287960 | | TREX | | NEW BEGINNINGS ENTERPRISES INC | |
| PERMIT NUMBER | | TYPE | | DBA TEN FIFTY EIGHT EVENT CENTER | |
| 10 | 01 | 2019 | | | |
| ISSUE DATE | | | | | |
| 03 | 05 | 2020 | | | |
| FILING DATE | | | | | |
| D5 | D6 | PERMIT CLASSES | | | |
| 22 | 077 | B | F23805 | | |
| TAX DISTRICT | | RECEIPT NO. | | | |

FROM 03/09/2020



| | | | | | |
|---------------|-----|----------------|--|---------------|--|
| 98943810005 | | | | ZHUG LLC | |
| PERMIT NUMBER | | TYPE | | 1ST FL & BSMT | |
| 10 | 01 | 2019 | | | |
| ISSUE DATE | | | | | |
| 03 | 05 | 2020 | | | |
| FILING DATE | | | | | |
| D5 | D6 | PERMIT CLASSES | | | |
| 18 | 165 | | | | |
| TAX DISTRICT | | RECEIPT NO. | | | |



MAILED 03/09/2020

RESPONSES MUST BE POSTMARKED NO LATER THAN.

04/09/2020

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES

B TREX 5287960

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF SANDUSKY CITY COUNCIL
240 COLUMBUS AVE
SANDUSKY OHIO 44870

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

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To do another search, click the "Reset" button.

SEARCH CRITERIA**Permit Number**

5287960

Permit Name / DBA**Member / Officer Name****Search****Reset****Main Menu**

| Member/Officer Name | Shares/Interest | Office Held |
|--|-----------------|-------------|
| Permit Number: 5287960; Name: NEW BEGINNINGS ENTERPRISES INC; DBA: DBA TEN FIFTY EIGHT EVENT CENTER; Address: 1058 CLEVELAND RD SANDUSKY 44870 | | |
| MATTHEW FAGLEY | 18.86 | PRESIDENT |
| JULIE FAGLEY | 0.00 | VICE PRES. |
| NEW BEGINNINGS ENT INC RET PLAN | 181.13 | |

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Kelly Kresser

From: Greg Voltz
Sent: Monday, March 23, 2020 9:22 AM
To: Kelly Kresser; John Orzech; Stephen Rucker
Subject: RE: TREX Liquor permit, new transfer

Thank you,

1058 Cleveland Road is zoned "GB" – General Business. This is a permitted use.



Greg Voltz | Planner
PLANNING DEPARTMENT
240 Columbus Avenue | Sandusky, OH 44870
T: 419.627.5973 | F: 419.627.5945
www.ci.sandusky.oh.us



From: Kelly Kresser <kkresser@ci.sandusky.oh.us>
Sent: Sunday, March 22, 2020 2:13 PM
To: John Orzech <JOrzech@ci.sandusky.oh.us>; Stephen Rucker <srucker@ci.sandusky.oh.us>; Greg Voltz <gvoltz@ci.sandusky.oh.us>
Subject: TREX Liquor permit, new transfer

Attached is a Notice to Legislative Authority for a D5 (*spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers until 2:30 a.m.*) and D6 (*sale of intoxicating liquor on Sunday between the hours of 10 a.m. or 11 a.m. and midnight*) TREX liquor permit from Zhug, LLC in Cleveland Heights, Ohio, for New Beginnings Enterprises, Inc. dba Ten Fifty Eight Event Center located at 1058 Cleveland Road.

Please provide comments regarding the transfer of this liquor permit.

Kelly Kresser

From: Stephen Rucker
Sent: Monday, March 23, 2020 9:56 AM
To: Kelly Kresser; John Orzech; Greg Voltz
Subject: RE: TREX Liquor permit, new transfer

No issues.



Steve Rucker | *Fire Marshal*
SANDUSKY FIRE DEPARTMENT
600 W. Market Street | Sandusky, OH 44870
T: 419.627.5823 | F: 419.627.5820
srucker@ci.sandusky.oh.us
www.ci.sandusky.oh.us

From: Kelly Kresser <kkresser@ci.sandusky.oh.us>
Sent: Sunday, March 22, 2020 2:13 PM
To: John Orzech <JOrzech@ci.sandusky.oh.us>; Stephen Rucker <srucker@ci.sandusky.oh.us>; Greg Voltz <gvoltz@ci.sandusky.oh.us>
Subject: TREX Liquor permit, new transfer

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Please provide comments regarding the transfer of this liquor permit.

Kelly Kresser

From: John Orzech
Sent: Monday, March 23, 2020 9:41 AM
To: Kelly Kresser; Stephen Rucker; Greg Voltz
Subject: RE: TREX Liquor permit, new transfer

No issues police



John Orzech | Chief of Police
SANDUSKY POLICE DEPARTMENT
222 Meigs Street | Sandusky, OH 44870
T: 419.627.5869 | F: 419.627.5862
www.ci.sandusky.oh.us



From: Kelly Kresser <kkresser@ci.sandusky.oh.us>
Sent: Sunday, March 22, 2020 2:13 PM
To: John Orzech <JOrzech@ci.sandusky.oh.us>; Stephen Rucker <srucker@ci.sandusky.oh.us>; Greg Voltz <gvoltz@ci.sandusky.oh.us>
Subject: TREX Liquor permit, new transfer

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Please provide comments regarding the transfer of this liquor permit.

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

| | | | |
|---------------|-------------|----------------|--------|
| 7175545 | | TRFO | |
| PERMIT NUMBER | | TYPE | |
| 02 | 01 | 2020 | |
| ISSUE DATE | | | |
| 03 | 17 | 2020 | |
| FILING DATE | | | |
| D5 | D6 | PERMIT CLASSES | |
| 22 | 077 | B | F23857 |
| TAX DISTRICT | RECEIPT NO. | | |

RAINBOW KITTEN ENTERTAINMENT LLC
DBA CROWBAR
1ST FL & PATIOS & FRONT BSMT
206 W MARKET ST
SANDUSKY OH 44870

| | |
|-----------------------------|--|
| RECEIVED | |
| MAR 23 REC'D | |
| SANDUSKY CITY COMMISSION | |

FROM 03/19/2020

| | | | |
|---------------|-------------|----------------|--|
| 1834575 | | | |
| PERMIT NUMBER | | TYPE | |
| 02 | 01 | 2020 | |
| ISSUE DATE | | | |
| 03 | 17 | 2020 | |
| FILING DATE | | | |
| D5 | D6 | PERMIT CLASSES | |
| 22 | 077 | | |
| TAX DISTRICT | RECEIPT NO. | | |

CROWBAR LLC
DBA CROWBAR
1ST FL & PATIOS & FRONT BSMT
206 W MARKET ST
SANDUSKY OH 44870



MAILED 03/19/2020

RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/20/2020

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

B TRFO 7175545

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF SANDUSKY CITY COUNCIL
240 COLUMBUS AVE
SANDUSKY OHIO 44870

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SEARCH CRITERIA**Permit Number**

7175545

Permit Name / DBA**Member / Officer Name****Search****Reset****Main Menu**

| Member/Officer Name | Shares/Interest | Office Held |
|--|-----------------|-------------|
| Permit Number: 7175545; Name: RAINBOW KITTEN ENTERTAINMENT LLC; DBA: DBA CROWBAR 1ST FL & PATIOS & FRONT BSMT; Address: 206 W MARKET ST SANDUSKY 44870 | | |
| CYNTHIA GUNDERSON | 5% MEMBER | |
| SHAD GUNDERSON | 5% MEMBER | |

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- [Ohio Department of Commerce](#)

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Kelly Kresser

From: Greg Voltz
Sent: Monday, March 23, 2020 2:31 PM
To: Kelly Kresser; John Orzech; Stephen Rucker
Subject: RE: Transfer of Liquor Permit

Thank you,

206 West Market street is zoned "DBD" – Downtown Business. This is a permitted use.



Greg Voltz | Planner
PLANNING DEPARTMENT
240 Columbus Avenue | Sandusky, OH 44870
T: 419.627.5973 | F: 419.627.5945
www.ci.sandusky.oh.us



From: Kelly Kresser <kkresser@ci.sandusky.oh.us>
Sent: Monday, March 23, 2020 1:58 PM
To: Greg Voltz <gvoltz@ci.sandusky.oh.us>; John Orzech <JOrzech@ci.sandusky.oh.us>; Stephen Rucker <srucker@ci.sandusky.oh.us>
Subject: Transfer of Liquor Permit

Attached is a Notice to Legislative Authority from the Ohio Division of Liquor Control for the transfer of D5 (*spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers until 2:30 a.m.*) and D6 (*sale of intoxicating liquor on Sunday between the hours of 10 a.m. or 11 a.m. and midnight*) liquor permits from Crowbar LLC to Rainbow Kitten Entertainment LLC dba Crowbar, 206 West Market Street.

Please provide comments regarding this proposed permit transfer.

Kelly Kresser

From: Stephen Rucker
Sent: Monday, March 23, 2020 2:06 PM
To: Kelly Kresser; Greg Voltz; John Orzech
Subject: RE: Transfer of Liquor Permit

No issues



Steve Rucker | *Fire Marshal*
SANDUSKY FIRE DEPARTMENT
600 W. Market Street | Sandusky, OH 44870
T: 419.627.5823 | F: 419.627.5820
srucker@ci.sandusky.oh.us
www.ci.sandusky.oh.us

From: Kelly Kresser <kkresser@ci.sandusky.oh.us>
Sent: Monday, March 23, 2020 1:58 PM
To: Greg Voltz <gvoltz@ci.sandusky.oh.us>; John Orzech <JOrzech@ci.sandusky.oh.us>; Stephen Rucker <srucker@ci.sandusky.oh.us>
Subject: Transfer of Liquor Permit

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Please provide comments regarding this proposed permit transfer.

Kelly Kresser

From: John Orzech
Sent: Monday, March 23, 2020 2:34 PM
To: Kelly Kresser; Greg Voltz; Stephen Rucker
Subject: RE: Transfer of Liquor Permit

No objections police



John Orzech | Chief of Police
SANDUSKY POLICE DEPARTMENT
222 Meigs Street | Sandusky, OH 44870
T: 419.627.5869 | F: 419.627.5862
www.ci.sandusky.oh.us



From: Kelly Kresser <kkresser@ci.sandusky.oh.us>
Sent: Monday, March 23, 2020 1:58 PM
To: Greg Voltz <gvoltz@ci.sandusky.oh.us>; John Orzech <JOrzech@ci.sandusky.oh.us>; Stephen Rucker <srucker@ci.sandusky.oh.us>
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Please provide comments regarding this proposed permit transfer.



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: March 31, 2020
Subject: Commission Agenda Item – Enterprise Zone (EZ) Tax Abatement Agreement between City of Sandusky and FEICK BUILDING LLC (158-160 E. Market Street)

Items for Consideration: Legislation approving an Enterprise Zone Tax Abatement Agreement (the “Agreement”) to be entered into between the City of Sandusky (“the City”) and FEICK BUILDING LLC (the “Company”), an Ohio Limited Liability Company, for the purposes of furthering economic development efforts in the City.

Background Information: In conjunction with its affiliated company, Marous Development Group, the Company submitted an enterprise zone application to the City of Sandusky for the purposes of redeveloping the Feick Building under the Enterprise Zone (EZ) abatement program for the renovation of the approximately one acre vacant building and parking lot (the “Building”), which is located at 158-160 E. Market Street, Sandusky, Ohio 44870 and the parking lot which is located on Wayne Street, Sandusky, Ohio 44870 (the “Property”). The identifying Permanent Parcel Numbers are: #56-00354.000, 56-00183.000, 56-00184.000. The Company is now redeveloping this century-old 8-story steel, approximately 60,000 square foot building in downtown for office and commercial use and tenancy. The Company will invest approximately \$9,899,300 into this project, including \$712,500 for acquisition and \$9,186,800 in build out and improvements to the Building (the “Project”), which Project will preserve or create employment opportunities within the boundaries of the aforementioned Enterprise Zone.

Construction shall be fully completed on the Project by December 31, 2021. However, there will be a five-year lease up period spanning from 2021-2025. Upon stabilization and substantial occupancy, the Property will employ an estimated one hundred eleven (111) full-time permanent employees with a minimum stabilized payroll for the tenants leasing the Property of \$16,500,000.

Based upon this investment and the importance of this Project to activate a dormant Building and critical block east of Downtown, staff is recommending the approval of a 10-year, 75% real estate tax abatement on the increase to the assessed valuation of the property. Pursuant to Ohio Revised Code Section 5709.83, the Sandusky City Schools have been afforded the appropriate notice based on a certain school notification letter delivered on March 30, 2020.

Budgetary Information: The project will have an ongoing positive impact on the general fund, as 25% of the increase in assessed value will be subject to real estate taxes during the abatement period. The project will also help sustain employment in the local economy and will create a minimum of one hundred and eleven (111) permanent full-time positions, once this Building is fully leased, subject to City income tax. The Project is located in the Downtown TIF and all new real estate taxes generated from the Project for a period of thirty (30) years will be deposited into that fund for infrastructure improvements.

Action Requested: It is requested that the proper legislation be prepared to allow the City to enter into an Enterprise Zone Tax Abatement Agreement with the Company. It is further requested that this legislation be passed in accordance with Section 14 of the City Charter in order to immediately approve the Enterprise Zone Tax Abatement Agreement to ensure the full benefit of the abatement is realized.

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
Michelle Reeder, Finance Director



March 30, 2020

Ms. Yvonne Anderson
Sandusky City Schools
407 Decatur Street

Sandusky, Ohio 44870

240 Columbus Avenue, 4th Floor
Sandusky, Ohio 44870
419.627.5832
www.ci.sandusky.oh.us

Re: FEICK BUILDING LLC- REQUEST FOR ENTERPRISE ZONE TAX ABATEMENT

Dear Ms. Anderson:

The City of Sandusky has received a request for tax abatement from FEICK BUILDING LLC (the "Company") under the Enterprise Zone (EZ) abatement program for the renovation of the approximately one acre vacant building and parking lot, more famously known as the Feick Building, which is located at 158-160 E. Market Street, Sandusky, Ohio 44870 and the parking lot which is located on Wayne Street, Sandusky, Ohio 44870 (the "Property"). The identifying Permanent Parcel Numbers are: #56-00354.000, 56-00183.000, 56-00184.000. The Company is now redeveloping this century-old 8-story steel, approximately 60,000 square foot building in downtown for office and commercial use and tenancy. The Company will invest approximately \$9,899,300 into this project, including \$712,500 for acquisition and \$9,186,800 in build out and improvements to the Building (the "Project"), which Project will preserve or create employment opportunities within the boundaries of the aforementioned Enterprise Zone.

The City's Community Development Department has reviewed this request and is recommending that an Enterprise Zone Agreement be approved consistent with the terms and conditions set forth below. These terms and conditions have been accepted by the Company.

1. Abatement of taxes of new real estate taxes for improvements made at the Property for a period of ten (10) years at 75% is recommended. The company will be granted abatement on the appraised value of the new real improvements.
2. The Company's investment includes the substantial repair and rehabilitation of the Property into leasable office and commercial space with first floor retail. The estimated value of the improvement including acquisition costs is approximately \$9,899,300.
3. The Company will pay an annual monitoring fee of \$200 payable to the City of Sandusky no later than April 15th of the year following each year the agreement is in effect.
4. Construction shall be fully completed on the Project by December 31, 2021. However, there will be a five-year lease up period spanning from 2021-2025. Upon stabilization and substantial occupancy, the Property will employ an estimated one hundred eleven (111) full-time permanent employees with a minimum stabilized payroll for the tenants leasing the Property of \$16,500,000.
5. All other terms and conditions apply.

We believe that this mixed-use project is another great example of transforming a dormant property into a productive and populated building on a critical thoroughfare in the city's core. Succinctly stated, the return of this vacant and storm-damaged property into a revenue generating endeavor is in the interests of all parties and we hope that the Sandusky Schools agree.

Pursuant to Ohio Revised Code Section 5709.83 the Sandusky City Schools are hereby notified that the City of Sandusky will consider the request at its Commission meeting on APRIL 13, 2020.

We have attached the company's Enterprise Zone Application as well as a draft of the Enterprise Zone Agreement. Please review these documents and contact the undersigned at 419-627-5783 or via e-mail at jstorey@ci.sandusky.oh.us with any questions, corrections or suggestions you may have.

Sincerely,

John O. Storey

John O'Neill Storey
Development Specialist

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH FEICK BUILDING LLC, RELATING TO PROPERTY LOCATED AT 158-160 EAST MARKET STREET, AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the State of Ohio has provided for the establishment of “Enterprise Zones” pursuant to Sections 5709.61 to 5709.914 of the Ohio Revised Code (the “Act”), and for the provision of tax incentives to private enterprise in order to promote and encourage expansion programs by private enterprise in such Enterprise Zones, and the creation and/or preservation of jobs and economic development in connection therewith; and

WHEREAS, the City Commission, by Resolution No. 05-183 adopted December 27, 2005, designated an area as an Enterprise Zone pursuant Section 5709.61(A)(1)(a) and (f) of the Act; and

WHEREAS, effective April 18, 2006, the Director of Ohio Development Services Agency of the State of Ohio determined that the geographic area designated in said Resolution No. 05-183 contains the characteristics set forth in Section 5709.61(A)(1)(a) and (f) of the Act and certified said area as an Enterprise Zone under the Act; and

WHEREAS, Feick Building LLC, in conjunction with its affiliated development company, Marous Development Group, LLC, is redeveloping the century-old 8 story steel, approximately 60,000 square foot building located at 158-160 E. Market Street and commonly known as the Feick Building, for office and commercial use and tenancy, and project includes the parking lot on E. Market Street and the parking lot on Wayne Street; and

WHEREAS, Feick Building LLC, will invest approximately \$9,899,300.00 into this project, including \$712,500.00 for acquisition and \$9,186,800.00 in buildout and improvements, which will preserve or create employment opportunities within the boundaries of the Enterprise Zone; and

WHEREAS, the City received a request for Enterprise Zone tax abatement from Feick Building LLC for their redevelopment project; and

WHEREAS, it is recommended to approve a 10-year, 75% real estate tax abatement on the increase to the assessed valuation of the property, based on the investment and the importance of the project to activate a dormant building and critical block east of Downtown; and

WHEREAS, pursuant to Ohio Revised Code §5709.83, the Board of Education of the Sandusky City Schools was notified in writing of the request for tax exemption by letter dated March 30, 2020; and

WHEREAS, this project will have an ongoing positive impact the City's General Fund as 25% of the increase in assessed value will be subject to real estate taxes during the abatement period and the project will help sustain employment in the local economy by creating a minimum of one hundred and eleven (111) permanent full-time employment positions once the building is fully leased that will be subject to City income tax; and

WHEREAS, it is being requested in companion legislation to approve a grant in the amount of \$1,300,000.00 for redevelopment of the Feick Building located at 158-160 E. Market Street; 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 to immediately execute the agreement and ensure the full benefit of the agreement is realized; 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 Commission hereby approves the Enterprise Zone Agreement with Feick Building LLC, pursuant to the terms and conditions contained therein, a copy of which is marked Exhibit "1" attached to this Ordinance and is specifically incorporated as if fully rewritten herein.

Section 2. The City Manager is hereby authorized and directed to execute the Enterprise Zone Agreement with Feick Building LLC, on behalf of the City in accordance with the terms and conditions as contained in the form of the agreement marked Exhibit "1" attached to this Ordinance 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 terms of this Ordinance.

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.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: April 13, 2020

ENTERPRISE ZONE AGREEMENT

This ENTERPRISE ZONE AGREEMENT (the "Agreement") is made and entered into by and between the City of Sandusky, Ohio, an Ohio municipal corporation with a Commission-Manager form of government with its main offices located at 240 Columbus Avenue, Sandusky, Ohio 44870 (the "City"), and FEICK BUILDING LLC, an Ohio limited liability company, with mailing address of 38025 Second Street, Willoughby, Ohio 44094 (the "Company").

WITNESSETH:

WHEREAS, the City has encouraged the development of real property and the acquisition of personal property located in the area designated as an Enterprise Zone; and

WHEREAS, the Company owns the below-referenced parcels and corresponding Feick Building and adjacent parking lot within the City of Sandusky (the "Building"). The parcels are less than one acre, the Feick Building is located at **158-160 E. Market Street**, and the parking lot is located on Wayne Street, Sandusky, Ohio 44870 and further identified as Permanent Parcel Numbers: **#56-00354.000, 56-00183.000, 56-00184.000** which may be amended, consolidated or subdivided, as the case may be. The Company is now desirous of redeveloping this century-old 8-story steel, approximately 60,000 square foot building in downtown for office and commercial use and tenancy. The Company will invest approximately \$9,899,300 into this project, including \$712,500 for acquisition and \$9,186,800 in build out and improvements to the Building (the "Project"), which Project will preserve or create employment opportunities within the boundaries of the aforementioned Enterprise Zone, provided that the appropriate development incentives are available to support the economic viability of said Project; and

WHEREAS, the Sandusky City Commission of the City of Sandusky, Ohio by Resolution No. 05-183 adopted April 18, 2006, designated the area as an "Enterprise Zone" pursuant Chapter 5709.61(A)(1)(a) and (f) of the Ohio Revised Code; and

WHEREAS, effective April 18, 2006, the Director of the Ohio Development Services Agency of the State of Ohio determined that the aforementioned area designated in said Resolution No. 05-183 contains the characteristics set forth in Section 5709.61(A)(1)(a) and (f) of the Ohio Revised Code and certified said area as an Enterprise Zone under said Chapter 5709; and

WHEREAS, the City having the appropriate authority for the stated type of project is desirous of providing the Company with incentives available for the development of the Project in said Enterprise Zone under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, the Company has submitted a proposed agreement application (herein attached as Exhibit A) to the City (the "Application"); and

WHEREAS, the Company has remitted the required state application fee of \$750.00 made payable to "Treasurer of the State of Ohio" with the application to be forwarded with the final agreement; and

WHEREAS, the Chief Development Officer of the City has investigated the application of the Company and has recommended the same to the Sandusky City Commission on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Enterprise Zone and improve the economic climate of the City; and

WHEREAS, the project site as proposed by the Company is located in the Sandusky City School District and the Board of Education of the Sandusky City Schools have been notified in accordance with Section 5709.83 and been given a copy of the application; and

WHEREAS, pursuant to Section 5709.62(C) and in conformance with the format required under Section 5709.631 of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

1. The Company shall renovate and buildout white-boxed commercial and office space to be utilized for commercial and office uses and as necessary, certain tenant improvements. The Company estimates an anticipated real estate investment for the Project of minimally \$9,899,300 including acquisition costs. The Project represents a significant new investment on the site. The construction is expected to commence by April 1, 2020 and be completed by December 31, 2021.
2. The Project is anticipated to create, within the below delineated time frames, 20-111 new full-time equivalent job positions between December 31, 2021 and December 31, 2025. The projected hiring schedule is as follows:

| <u>Hired By Date</u> | <u>New Full-Time Equivalent Positions</u> |
|----------------------|---|
| 12/31/21 | 20 |
| 12/31/22 | 45 |
| 12/31/23 | 70 |
| 12/31/24 | 95 |
| 12/31/25 | 111 |

The above full-time equivalent job positions must be sustained throughout the duration of this Agreement. The increase in the number of employees per above will result in approximately \$16,500,000 of new annual payrolls at the Project by the end of 2025.

The Company will employ an average of forty (40) full-time equivalent construction workers at the Project during the construction period. Total construction payroll is estimated at \$3,500,000.

There are currently –0- employees and –0- existing payroll at the Project.

3. The Company shall provide to the proper Tax Incentive Review Council any information reasonably required by the council to evaluate the enterprise's compliance with the agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised Code if requested by the council.

4. The Company will use its best efforts to hire employees from Erie County, with a preference to residents of the City. Furthermore, the Company shall use Erie County contractors for work related to the Project to the greatest extent possible.

5. The City hereby grants the Company a tax exemption for real property improvements made to the Project site pursuant to Section 5709.62 of the Ohio Revised Code for ten (10) years and shall be in the following amounts:

| <u>Year of Tax Exemption</u> | <u>Tax Exemption Amount</u> |
|------------------------------|-----------------------------|
| YR 1 | 75% |
| YR 2 | 75% |
| YR 3 | 75% |
| YR 4 | 75% |
| YR 5 | 75% |
| YR 6 | 75% |
| YR 7 | 75% |
| YR 8 | 75% |
| YR 9 | 75% |
| YR 10 | 75% |

The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption under this Agreement shall commence after 2022 nor extend beyond 2031.

The Company must file the appropriate tax forms with the County Auditor and with the State Department of Taxation (#913) to effect and maintain the exemptions covered in the agreement. The #913 Ohio tax form **must** be filed annually.

6. The Company shall pay an annual monitoring fee equal to two hundred dollars (\$200.00).

The fee shall be made payable to the City once per year, due no later than April 15th of each year. The fee is to be paid to the Director of Finance by check made out to the City of Sandusky. This fee shall be deposited in a special fund created for such purpose and shall be used exclusively for the purpose of complying with section 5709.68 of the Ohio Revised Code and by

the Tax Incentive Review Council created under section 5709.85 of the Ohio Revised Code exclusively for the purposes of performing the duties prescribed under that section.

7. The Company shall pay such real and tangible personal property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, all incentives granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.

8. The City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

9. If for any reason the Enterprise Zone designation expires, the Director of the Ohio Development Services Agency revokes certification of the zone, or the City revokes the designation of the zone, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless the Company materially fails to fulfill its obligations under this agreement and the City terminates or modifies the exemptions from taxation granted under this agreement.

10. If the Company materially fails to fulfill its obligations under this agreement, other than with respect to the number of employee positions estimated to be created or retained under this agreement, or if the City determines that the certification as to delinquent taxes required by this agreement is fraudulent, the City may terminate or modify the exemptions from taxation granted under this agreement.

11. In any three-year period during which this agreement is in effect, if the actual number of employee positions created or retained by the Company is not equal to or greater than seventy-five per cent of the number of employee positions estimated to be created or retained under this agreement during that three-year period, the Company shall repay the amount of taxes on property that would have been payable had the property not been exempted from taxation under this agreement during that three-year period. In addition, the City may terminate or modify the exemptions from taxation granted under this agreement.

12. The Company hereby certifies that at the time this agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio and does not owe delinquent taxes for which the Company is liable under Chapter 5733, 5735, 5739, 5741, 5743, 5747, or 5753. of the Revised Code, or, if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against the Company.

For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes.

13. The Company affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

14. The Company and the City acknowledge that this agreement must be approved by formal action of the legislative authority of the City as a condition for the agreement to take effect. This agreement shall take effect upon the later of the date of such legislative approval or the date all parties have signed this agreement.

15. The City has developed a policy to ensure recipients of Enterprise Zone tax benefits practice non-discriminating hiring in its operations. By executing this agreement, the Company is committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, sexual orientation, gender identity or expression, disability, color, national origin, or ancestry.

16. Exemptions from taxation granted under this agreement shall be revoked if it is determined that the Company, any successor enterprise, or any related member (as those terms are defined in Section 5709.61 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.62 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

17. The Company affirmatively covenants that it has made no false statements to the State or local political subdivision in the process of obtaining approval for the Enterprise Zone incentives. If any representative of the Company has knowingly made a false statement to the State or local political subdivision to obtain the Enterprise Zone incentives, the Company shall be required to immediately return all benefits received under the Enterprise Zone Agreement pursuant to ORC Section 9.66(C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to ORC Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to ORC 2921.13(D)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

18. This agreement is not transferrable or assignable without the express, written approval of the City.

[Signature page follows.]

IN WITNESS WHEREOF, the City of Sandusky, Ohio, by Eric Wobser, its City Manager, and pursuant to Ordinance No. _____, has caused this instrument to be executed this ____ day of _____, 2020 and FEICK BUILDING LLC by Adelbert P. Marous Jr., its Manager, has caused this instrument to be executed on this ____ day of _____, 2020.

CITY OF SANDUSKY, OHIO

By: _____
Eric Wobser, City Manager

FEICK BUILDING LLC
An Ohio limited liability company

By: _____
Adelbert P. Marous Jr., Manager

Approved as to form:

By: _____
Director of Law

Date: _____, 2020

EXHIBIT A

[Attach Application]

DRAFT

**OHIO DEVELOPMENT SERVICES AGENCY
OHIO ENTERPRISE ZONE PROGRAM**

PROPOSED AGREEMENT for Enterprise Zone Tax Incentives between the _____ (local legislative authorities) _____ located in the County of Erie and _____ (enterprise) _____.

- 1a. Name of business, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

Feick Building LLC
enterprise name

John E. Spear
contact person

216-905-9768
telephone number

38025 Second Street Willoughby, OH 44094
address

- 1b. Project site: 158-160 E. Market Street Sandusky OH 44870-2579

John E. Spear
contact person

216-905-9768
telephone number

38025 Second Street Willoughby, OH 44094
address

- 2a. Nature of business (manufacturing, distribution, wholesale or other).

Developer / Owner of a Commercial real estate

- 2b. List primary 6 digit NAICS # _____ .
Business may list other relevant SIC numbers.

- 2c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred)

N/A

- 2d. Form of business of enterprise (corporation, partnership, proprietorship, or other).

Limited Liability Corporation

3. Name of principal owner(s) or officers of the business (attach list if necessary).

Adelbert P. Marous Jr., John E. Spear, and Michael J. Marous

4. Is business seasonal in nature? Yes ___ No x

- 5a. State the enterprise's current employment level at the proposed project site:

None

- 5b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Note that relocation projects are restricted in non-distress based Ohio Enterprise Zones. A waiver from the Director of the Ohio Department of Development is available for special limited circumstances. The business and local jurisdiction should contact ODOD early in the discussions.

Yes ___ No x

- 5c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

- 5d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):

- 5e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets:

- 5f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?

- 6a. Has the Enterprise previously entered into an Enterprise Zone Agreement with the local

legislative authorities at any site where the employment or assets will be relocated as a result of this proposal? Yes ___ No x

6b. If yes, list the local legislative authorities, date, and term of the incentives for each Enterprise Zone Agreement:

7. Does the Enterprise owe :

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?

Yes___ No x

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes___ No x

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

Yes___ No x

d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets if necessary).

8. Project Description (attach additional pages if necessary):

See Exhibit A

9. Project will begin March , 20 20 and be completed December , 20 21 provided a tax exemption is provided.

10a. Estimate the number of new employees the business intends to hire at the facility that is the project site (job creation projection must be itemized by full and part-time and permanent and temporary): 40 estimated FTE temporary construction jobs - 3.25 estimated FTE permanent property management jobs - 50-111 estimated FTE permanent tenant jobs over a 5 year period

10b. State the time frame of this projected hiring: 1-5 years

10c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary

employees): 40 FTE construction jobs to be created through March 2020 to December 2021 - 53.25-114.25 total FTE permanent jobs to be created in January 2021 and over five years

- 11a. Estimate the amount of annual payroll such new employees will add \$ _____ (new annual payroll must be itemized by full and part-time and permanent and temporary new employees).

Temporary construction FTE jobs - \$3,577,600 +/- estimated in total - Tenant FTE Jobs - \$21,049,000 +/- estimated over five years - Property Management FTE jobs - \$767,500 estimated over five years.

- 11b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ 0

12. Market value of the existing facility as determined for local property taxation.
\$ 109,280

- 13a. Business's total current investment in the facility as of the proposal's submission.
\$ 712,500

- 13b. State the businesses' value of on-site inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year (stated in average \$ value per most recent 12 month period) in which the agreement is entered into (baseline inventory):
\$ 0

14. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

| | <u>Minimum</u> | <u>Maximum</u> |
|---------------------------------------|---------------------|---|
| A.Acquisition of Buildings: | \$ 712,500 | \$ 712,500 |
| B.Additions/New Construction: | \$ | \$ |
| C.Improvements to existing buildings: | \$ 9,186,800* | \$ 9,186,800* * Includes project soft costs |
| D.Machinery & Equipment: | \$ | \$ |
| E.Furniture & Fixtures: | \$ | \$ |
| F.Inventory: | \$ | \$ |
| Total New Project Investment: | \$ 9,899,300 | \$ 9,899,300 |

15. a. Business requests the following tax exemption incentives: 75 % for 10 years covering real x and/or personal property including inventory _____ as described above. Be specific as to type of assets, rate, and term.

A 75% exemption on the increased value of improvements for ten (10) years.

b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)

Because of the complexity of the Project's redevelopment, its financial capital needs and costs for rehabilitation,

while still being able to reach achievable market rate revenues and net operating income to service debt

requirements and adequate investment returns, the foundation of our financial assumptions and underwriting

do not make the redevelopment of the Project possible without the requested tax abatement.

Submission of this application expressly authorizes (name of the local jurisdiction) and/of (name of county) to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item #7 and to review applicable confidential records. As part of this application, the business may also be required to directly request from the Ohio Department of Taxation or complete a waiver form allowing the Ohio Department of Taxation to release specific tax records to the local jurisdictions considering the incentive request.

Applicant agrees to supply additional information upon request.

The applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefit as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

Feick Building LLC

Name of Enterprise

3/5/20
Date

Signature

John E. Spear, Authorized Agent

Typed Name and Title

* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

** Attach to Final Enterprise Zone Agreement as Exhibit A

Please note that copies of this proposal must be included in the finalized Enterprise Zone Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Development Services Agency within fifteen (15) days of final approval.

Exhibit A

FEICK PROJECT NARRATIVE

158-160 E. Market Street, Sandusky, OH

OVERVIEW

The Feick Building is an 8-story steel framed building with concrete slab floors in Sandusky, OH. The first three floors were built in 1908, and the upper five floors (the Tower), plus a 3-story Annex, were built in 1923. The upper five floors were served by one elevator now de-commissioned.

The upper 7 floors have housed office uses since construction, while the Ground Floor originally housed a secretarial school, and, since 1923, a bank. Thus all uses at the time of construction were B – Business.

The planned re-use of the building is for office uses on the upper seven floors, with a restaurant or other retail uses on the Ground Floor. This changes the use of the Ground Floor from B – Business to A-2 Assembly. Renovation of the building will conform to the requirements of Chapter 34 of the Ohio Building Code for renovations to existing buildings. Elements of this planned re-use include, but are not limited to, the following:

- 100% sprinklered
- New dry standpipe and Siamese street connection
- 1 new code-compliant elevator in enlarged shafts
- Approved exitways and travel paths
- All new fixed-glazed exterior windows

This approach has received an Adjudication Letter approval from the Sandusky Building Department, in conjunction with the Sandusky Fire Department.

The building areas are:

| FLOOR | GSF | LEASABLE |
|-----------------------|---------------|---------------|
| Basement | 9,510 | 1,349 |
| Ground Floor | 9,469 | 7,274 |
| Mezzanine | 546 | 546 |
| 2 nd Floor | 8,420 | 8,268 |
| 3 rd Floor | 8,420 | 7,578 |
| 4 th Floor | 4,660 | 4,612 |
| 5 th Floor | 4,660 | 4,612 |
| 6 th Floor | 4,660 | 4,612 |
| 7 th Floor | 4,660 | 4,612 |
| 8 th Floor | 4,660 | 4,523 |
| TOTALS | 59,665 | 47,989 |

RENOVATION SCOPE

All floors, including the Basement, will have all asbestos and lead-based paint abated by a licensed abatement company.

The existing elevators will be removed, the shafts and pits enlarged, and a new elevator (Schindler 3300 – 3,000# rated) will be installed along with all new controls.

Floors 2-8 will have all interior partitions, fixtures, and windows removed, the floors will be patched as necessary for a level surface, new energy-efficient exterior windows will be installed, and rated doors and hardware will be placed in all exitways and stairwells as required by Code. All exterior walls and interior columns will have new drywall surfaces and insulation as required.

The relatively small footprints of each of Floors 4-8 lend themselves to single or double tenancies per floor. Floor 2 of the Annex could potentially house a set of micro-offices with common meeting and kitchenette facilities. Each floor will have the proper number of ADA-compliant toilet facilities as determined by occupant loads.

A completely new HVAC system will be installed. It will be a Variable Refrigerant Flow (VRF) system that will permit simultaneous heating and cooling of up to five zones per floor. A single Direct Outside Air System (DOAS) will be installed on the roof of the 8th Floor to serve Floors 2-8 of the Tower portion of the building footprint via a separate shaft enclosed in the enlarged elevator shaft. The condensing units for these floors will be placed on the roof of the Mezzanine. Floors 2-3 of the Annex will be served by a separate DOAS and rooftop condensing units located on the roof of the 3rd Floor.

All existing electrical service equipment will be removed and replaced with new. Electrical service to each floor will be via a vertical run adjacent to the new elevator shafts, with panelboards and metering at each floor as required by tenant layouts.

The building exterior has been the subject of a thorough exterior envelope assessment by Technical Assurance Inc. Any defective lintels or masonry will be removed and replaced, and the remainder will receive a thorough tuckpointing for weather resistance. The existing precast concrete skin at the Ground Floor will be removed and replaced with a storefront closely matching the original bank storefront of 1923.

Our current schedule shows Floors 2-8 being completed to white box ready for tenant improvements between September and December of 2020. The decorative ceiling and columns of the Ground Floor Banking Hall will be exposed and restored, with the remainder of the Ground Floor build awaiting a tenant. As this occupancy is projected to be a restaurant, a custom buildout will occur in due time.



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: March 30, 2020
Subject: Commission Agenda Item – Grant Agreement between City of Sandusky and FEICK BUILDING LLC

Items for Consideration: Legislation approving a Grant Agreement to be entered into between the City of Sandusky (“the City”) and FEICK BUILDING LLC (the “Company”), an Ohio Limited Liability Company, for the purposes of furthering economic development efforts in the City.

Background Information: In conjunction with its affiliated development company, Marous Development Group, the Company is now redeveloping this century-old 8-story steel, approximately 60,000 square foot building at 158-160 E. Market Street for office and commercial use and tenancy (the “Building”). The Company will invest approximately \$9,899,300 into this project, including \$712,500 for acquisition and \$9,186,800 in build out and improvements to the Building (the “Project”), which Project will preserve or create a plethora of employment opportunities once completed.

This Project encompasses what is essentially a complete repurposing and rebuild to the interior of the Building to facilitate first floor retail space along E. Market Street and upper floor commercial and retail uses. Based on these Project costs, the Company has requested grant assistance in the amount of approximately \$1,300,000 through the City’s Capital Projects Fund. Due to the importance of this project and the transformative nature of redeveloping one of the City’s most iconic buildings in the heart of its downtown core, it is the recommendation of staff based upon recent grants to similar projects in terms of scope and cost to grant \$1,300,000, towards the costs of the Project, to be payable in three (3) disbursements: (i) Five Hundred Thousand Dollars (\$500,000.00) within thirty (30) days after full execution of this Agreement; (ii) Five Hundred Thousand Dollars (\$500,000.00) upon completion of all envelope improvements, including, but not limited to new and/or renovation of the roof, windows, doors, tuck pointing, and ground floor facade, completed to the satisfaction of the City pursuant to inspection by the City’s Chief Building Official or his designee; and (iii) Three Hundred Thousand Dollars (\$300,000.00) upon completion of white box improvements, completed to the satisfaction of the City pursuant to inspection by the City’s Chief Building Official or his designee.

All Grant dollars shall be disbursed from the Capital Projects Fund. The City intends to finance this amount through the issuance of urban renewal revenue notes or bonds. These notes or bonds will use proceeds from the Chesapeake TIF to pay such debt service. This Grant amount will not increase if Project costs increase or if the Company chooses to make additional improvements beyond what has been set forth in the Grant Agreement.

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, 2021. Although no formally considered for approval by the City's Economic Development Incentive Committee (EDIC), since the source of funding is not EDIC funds, the application and grant amount was supported by EDIC nonetheless with the recommendation to present to City Commission for consideration and ultimate approval. The City Commission previously declared the City's intention to invest up to \$1.3 million in the redevelopment of the Feick Building by Resolution No. 016-18R, passed on March 26, 2018.

Budgetary Information: The City will be responsible for providing a total of \$1,300,000.00 in grant proceeds from the Capital Projects Fund to be payable in three disbursements as set forth above. The City intends to finance this amount through the issuance of urban renewal revenue notes or bonds. These notes or bonds will use proceeds from the Chesapeake TIF to pay such debt service.

Action Requested: It is requested that the proper legislation be prepared to allow the City to enter into a Grant Agreement with the Company. 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 ensure the full benefit of the agreement is realized.

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
Michelle Reeder, Finance Director

CERTIFICATE OF FUNDS

In the Matter of: Feick Building Agreement

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the City of Sandusky under the foregoing Contract 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 compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Dated: 4/8/2020

By: Michelle Reeder

Michelle Reeder

Finance Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND APPROVING A GRANT IN THE AMOUNT OF \$1,300,000.00 TO FEICK BUILDING LLC, IN RELATION TO THE PROPERTY LOCATED AT 158-160 EAST MARKET STREET; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City Commission declared the City's intention to invest in the redevelopment of the Feick Building located at 158-160 E. Market Street by granting funds up to \$1.3 Million to Marous Development Group, LLC, by Resolution No. 016-18R, passed on March 26, 2018; and

WHEREAS, Feick Building LLC, in conjunction with its affiliated development company, Marous Development Group, LLC, is redeveloping the century-old 8 story steel, approximately 60,000 square foot building located at 158-160 E. Market Street and commonly known as the Feick Building, for office and commercial use and tenancy; and

WHEREAS, Feick Building LLC, will invest approximately \$9,899,300.00 into this project, including \$712,500.00 for acquisition and \$9,186,800.00 in buildout and improvements, to essentially repurpose and rebuild the interior of the building to facilitate first floor retail space along E. Market Street and upper floor commercial and retail uses; and

WHEREAS, due to the importance of this project and the transformative nature of redeveloping one of the City's most iconic buildings, Staff is recommending to approve a grant to Feick Building LLC, in the amount of \$1,300,000.00 to assist with project costs for the purpose of furthering economic development efforts in the City and the grant will be paid with Capital Funds financed through the issuance of urban renewal revenue notes or bonds and the notes or bonds will use proceeds from the Chesapeake TIF to pay such debt service; 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 the citizens of the City; and

WHEREAS, it is being requested in companion legislation to approve an Enterprise Zone Agreement with Feick Building LLC, for tax abatement; 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 execute the Grant Agreement and ensure the full benefit of the agreement is realized; 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 Feick Building LLC, for financial assistance 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 Feick Building LLC, and the Finance Director is directed to expend funds to Feick Building LLC, in an amount **not to exceed** One Million Three Hundred Thousand and 00/100 Dollars (\$1,300,000.00) from the 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 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.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: April 13, 2020

GRANT AGREEMENT

This GRANT AGREEMENT (the "Agreement") is made and entered into as of the ____ day of _____, 2020 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 FEICK BUILDING LLC, or its assigns ("the Company"), an Ohio Limited Liability Company.

WITNESSETH:

WHEREAS, the Company is majority-owned indirectly by Adelbert (Chip) P. Marous, Jr. who, through his affiliated companies has for over 40 years executed development and construction services on adaptive reuse projects in Northern Ohio, including the Columbus Avenue Revitalization Project in downtown Sandusky that now houses our new City Hall;

WHEREAS, the location of this proposed project is the iconic Feick Building, which is located at 158-160 East Market Street, which along with the adjacent parking lot owned by the Company, being Permanent Parcel Numbers: #56-00354.000, 56-00183.000, 56-00184.000 (the "Building");

WHEREAS, the Company and City have undertaken extensive discussion regarding the conversion and ultimate end use of the Building and have previously entered into legislation, dated March 26, 2018, which was then centered around the Building becoming mixed-use with the upper floors supporting residential;

WHEREAS, the Company has determined that the proper and best use for the Building will be to renovate the Building for office uses on the upper seven floors and/or first floor retail or restaurant (the "Project");

WHEREAS, the Company has invested over \$1.1 million to date including the acquisition, pre-development and certain Project improvements and projects to invest approximately \$10,000,000 to bring this Project to fruition. The Company estimates the addition of between 20 and 111 full time permanent employees once this Project is completed and the space is fully tenanted;

WHEREAS, to induce the Project, the City has agreed to provide economic incentive grants 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 One Million Three Hundred Thousand Dollars (\$1,300,000.00) to the Company, towards the costs of the Project, to be payable in three (3) disbursements:

(a) Five Hundred Thousand Dollars (\$500,000.00) within thirty (30) days after full execution of this Agreement;

(b) Five Hundred Thousand Dollars (\$500,000.00) upon completion of all envelope improvements, including, but not limited to new and/or renovation of the roof, windows, doors, tuck pointing, and ground floor facade, completed to the satisfaction of the City pursuant to inspection by the City's Chief Building Official or his designee; and

(c) Three Hundred Thousand Dollars (\$300,000.00) upon completion of white box improvements, completed to the satisfaction of the City pursuant to inspection by the City's Chief Building Official or his designee.

All funds shall be disbursed from the Capital Projects Fund. The City intends to finance this amount through the issuance of urban renewal revenue notes or bonds. These notes or bonds will use proceeds from the Chesapeake TIF to pay such debt service. This Grant amount will not increase if Project costs increase or if the Company chooses to make additional improvements beyond what has been summarized in this Grant Agreement. Construction and/or renovation must be done in accordance with and to the reasonable satisfaction of the City, which includes, but is not limited to, compliance with all Planning and Zoning codes, including Landmarks Commission and Planning Commission approval, and any other obtaining permits. Furthermore, the Company agrees to display a sign during construction and for at least one (1) year upon completion of the Project noting the City's support.

The Company shall promptly notify the City following the completion of the Project benchmarks consistent with the foregoing paragraph and provide the City with any documents reasonably requested related to Project costs and construction schedules. The City shall promptly review such documents and inspect the site and inform the Company if they have satisfied the conditions set forth in this Section and, if not, describe- in writing- what is found to be deficient.

The City shall pay the City Grant for each respective disbursement by check placed in the U.S. Regular Mail within fourteen (14) days following confirmation of the satisfactory completion of the Project phases to the notice address provided in Section 6 below.

Section 2. **Authority to Sign.** The Company and City represent that this Agreement has been approved by formal action of the duly authorized representatives of each party.

Section 3. **Non-Assignment or Transfer.** The Company agrees and acknowledges that this Agreement is not transferable or assignable without the written consent and approval of the City.

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:

TO THE CITY: City Manager
 c/o: Chief Development Officer
 City Hall
 240 Columbus Avenue
 Sandusky, Ohio 44870

TO THE COMPANY: Feick Building LLC
 c/o: Mr. John E. Spear
 38025 Second Street
 Willoughby, Ohio 44094

- (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 executed in several counterparts, each of which shall be deemed 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 entities identified herein, on the date first written above.

FEICK BUILDING LLC,
an Ohio limited liability company

By: _____
Name: _____
Its: _____

CITY OF SANDUSKY, OHIO

By: _____
CITY MANAGER

The legal form of the within instrument is hereby approved.

Director of Law
City of Sandusky



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Aaron M. Klein, P.E.

Date: March 30, 2020

Subject: Commission Agenda Item – Consent to enter into an agreement with ODOT and for payment to ODOT for Urban Paving Project

ITEM FOR CONSIDERATION: Legislation authorizing the City to enter into a contract with the Ohio Department of Transportation (ODOT) to complete the Resurfacing-Urban Paving City of Sandusky Project - ERI-006-06.41 from (Venice Rd) to 11.34 (Sandusky ECL) ERI-250-0.00 (Concrete Repairs) (Sycamore Line/Cleveland Rd) to 0.49 (Butler St) and to expend the necessary funds for the City's share of the project. Preliminary legislation was passed by the City Commission on March 11, 2019, Resolution 011-19R.

BACKGROUND INFORMATION: Per state law, maintenance of state routes and US routes within the municipal corporation limits are the responsibility of the municipality. However, ODOT began a state-wide Urban Paving program several years ago that would allocate funds towards resurfacing of dedicated state routes. To prioritize these projects, ODOT completes a pavement analysis on all state routes on a routine basis, and all of State Route 6 within the corporation limits were scheduled for reconstruction between 2020 and 2023.

In 2019, ODOT agreed to pay 80%, with the City agreeing to pay 20%, of the roadway resurfacing and construction inspection costs, which include pavement planning, asphalt overlay, shoulder treatments on Cleveland Road, height adjustments to existing guardrail, pavement markings, temporary and fast dry concrete, adjustments to utility castings, mailbox supports and approaches, and work zone signs.

All other items, such as curbs, gutters, curb ramps, base repairs or any alterations for roadway improvements would be completed at 100% cost to the City. In addition to replacement of some of the concrete on side streets (within the Cleveland Road right of way), City staff requested additional curb repairs along the concrete portion of Sycamore Line and along Washington Park. Unfortunately, the project will not be able to replace all of the damaged curb along the entire project, but we will do as much as possible with the money allocated for the project.

Per the City's request several years ago, ODOT agreed to include concrete repairs on Milan Road between Sycamore Line and the Butler Street overpass at a 50% cost to the City.

ODOT has assumed full responsibility for design costs and will act as the lead agency to administer the project during construction. Public Works will have an engineer and inspector available as well as field crews for any decisions to ensure the project creates as little impact to the public as possible. To date, staff from Street, Sewer and Water departments have been heavily involved in the planning and design

process. These divisions with Public Works have been in the process of repairing known failing underground infrastructure within work limits to minimize excavation within the reconstructed roadway.

Bids will be accepted by ODOT on April 23 and construction is scheduled to begin this spring and last throughout the season. When a more detailed schedule is created by the contractor awarded the project, we will make sure to notify everyone via press releases and other media.

A second project on State Route 6 between the west corporation limit and the new west side overpass is scheduled for 2022 or 2023. To accommodate that project, the City is proceeding with the West Side Utility & Connectivity project which schedule for completion in 2021.

BUDGETARY INFORMATION: The final engineer's estimate is \$2,145,792.42 of which the City's portion is \$1,074,955.00. This cost increased by \$208,444.85 since City Commission passed Resolution 011-19R on March 11, 2019, which was based on preliminary design. These estimates are prepared by ODOT's Central Office based on final plan design and are non-negotiable for the project to move forward. The 5-year capital improvement plan breaks down payment accordingly:

| | |
|--|---------------------|
| ODOT | \$1,070,837.42 |
| Capital Funds (Street) | \$ 830,602.00 |
| Street Funds (new gas tax) | \$ 110,000.00 |
| Sewer Funds (Storm Sewer - catch basins) | \$ 40,000.00 |
| Sewer Funds (Sanitary - manholes) | \$ 35,000.00 |
| Water Funds (valve boxes) | \$ 30,000.00 |
| <u>Issue 8 Funds (Street)</u> | <u>\$ 29,353.00</u> |
| Total | \$2,145,792.42 |

ODOT's policy is to collect the full payment from the local agency prior to entering into an agreement with the low bidder. They have requested payment and all documentation no later than April 17, 2020. The amount requested from ODOT is based on the final design, whereas ordinance 011-19R was a budgetary number based on preliminary design.

ACTION REQUESTED: It is recommended that an ordinance authorizing the City to enter into a contract with the State of Ohio and to expend funds in the amount of \$1,074,955.00. for the completion of the Resurfacing-Urban Paving City of Sandusky Project - ERI-006-06.41 from (Venice Rd) to 11.34 (Sandusky ECL) ERI-250-0.00 (Concrete Repairs) (Sycamore Line/Cleveland Rd) to 0.49 (Butler St) 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 return the executed contract and provide payment to ODOT by the by April 17, 2020 deadline.

I concur with this recommendation:

Eric Wobser
City Manager

cc: K. Kresser, Commission Clerk; M. Reeder, Finance Director; T. Hayberger, Law Director

CERTIFICATE OF FUNDS

In the Matter of: ODOT Resurfacing – Urban Paving

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the City of Sandusky under the foregoing Contract 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 compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Dated: 4/8/2020

By: 

Michelle Reeder

Finance Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE ODOT RESURFACING - URBAN PAVING CITY OF SANDUSKY PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, pursuant to State law, maintenance of State routes and U.S. routes within a municipal corporation limits are the responsibility of the municipality, however, the Ohio Department of Transportation (ODOT) began a State-wide Urban Paving program several years ago that allocates funds towards resurfacing of dedicated State routes and to prioritize these projects, ODOT completes a pavement analysis on all State routes on a routine basis and all of State Route 6 within the corporation limits is scheduled for reconstruction between 2020 and 2023; and

WHEREAS, the ODOT Resurfacing - Urban Paving City of Sandusky Project consists of resurfacing U.S. 6 between the pavement joint just west of Venice Road / Sanford Street and the Sandusky southern corporation limit and U.S. 250 between Cleveland Road and 500 feet north of Butler Street, including pavement repair, concrete repair, structure maintenance, and pavement markings, lying within the City of Sandusky; and

WHEREAS, the City Commission previously adopted the preliminary legislation submitted by the Director of the Ohio Department of Transportation for the ODOT Resurfacing - Urban Paving City of Sandusky Project, PID No. 92889, by Resolution No. 011-19R, passed on March 11, 2019; and

WHEREAS, pursuant to the preliminary legislation, ODOT agreed to pay 80% with the City agreeing to pay 20% of the roadway resurfacing and construction inspection costs, which include pavement planning, asphalt overlay, shoulder treatments on Cleveland Road, height adjustments to existing guardrail, pavement markings, temporary and fast dry concrete, adjustments to utility castings, mailbox supports and approaches, and work zone signs; and

WHEREAS, all other items, such as curbs, gutters, curb ramps, base repairs or any alterations for roadway improvements will be completed at 100% cost to the City including the replacement of some of the concrete on side streets (within the Cleveland Road right-of-way) and additional curb repairs along the concrete portion of Sycamore Line and along Washington Park as requested by the City; and

WHEREAS, additional requests by the City previously agreed to by ODOT include concrete repairs on Milan Road between Sycamore Line and the Butler Street overpass and will be completed at a 50% cost to the City; and

WHEREAS, the final estimated project cost is \$2,145,792.42 of which the City’s portion is \$1,074,955.00 and will be paid as follows:

| | |
|--|---------------|
| Capital Funds (Street) | \$ 830,602.00 |
| Street Funds (new gas tax) | \$ 110,000.00 |
| Sewer Funds (Storm Sewer - catch basins) | \$ 40,000.00 |

| | |
|-----------------------------------|---------------------|
| Sewer Funds (Sanitary - manholes) | \$ 35,000.00 |
| Water Funds (valve boxes) | \$ 30,000.00 |
| <u>Issue 8 Funds (Street)</u> | <u>\$ 29,353.00</u> |
| Total | \$ 1,074,955.00 |

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 return the executed contract and provide payment to the Ohio Department of Transportation by the April 17, 2020, deadline; 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 Engineering 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 requests the Director of Transportation to proceed with the Highway Improvement Project (P.I.D. No. 92889) and approves the form of the Contract and authorizes and directs the City Manager to cooperate with the Director of Transportation and to enter into the contract with the Ohio Department of Transportation for the ODOT Resurfacing - Urban Paving City of Sandusky Project, substantially in the same form as attached to this Ordinance, marked Exhibit "A" and specifically incorporated as if fully rewritten herein, together with such revisions or additions as are approved by the Law Director as being consistent with the objectives and requirements of this Ordinance and with carrying out the City's public purposes.

Section 2. The Finance Director is authorized and directed to expend funds to the Treasurer of State for the ODOT Resurfacing - Urban Paving City of Sandusky Project in an amount **not to exceed** One Million, Seventy Four Thousand, Nine Hundred Fifty Five and 00/100 Dollars (\$1,074,955.00), consistent with carrying out the requirements of this Ordinance and the terms of the Contract.

Section 3. The Director of Public Works is authorized and directed to deliver a certified copy of this Ordinance together with all necessary documents to the Director of the Ohio Department of Transportation.

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 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.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: April 13, 2020

C O N T R A C T
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of Sandusky, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of resurfacing U.S. 6 between the pavement joint just west of Venice Road/Sanford Street and the Sandusky southern corporation limit and U.S. 250 between Cleveland Road and 500 feet north of Butler Street, including pavement repair, concrete repair, structure maintenance, and pavement markings, lying within the City of Sandusky.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **One Million Seventy-Four Thousand Nine Hundred Fifty-Five and - - - 00/100 Dollars, (\$1,074,955.00).**
5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
 - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
 - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;
 - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto,
 - C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
 - D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;

- E. To place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows:

City of Sandusky
240 Columbus Avenue
Sandusky, Ohio
44870

Ohio Department of Transportation
Office of Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, or age (40 years or older), sexual orientation, or military status (past, present, future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, future). If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.
6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XII: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile signature on any other party delivered in such a manner as if such signature were an original.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL
(If Applicable)

**OHIO DEPARTMENT OF
TRANSPORTATION**

**LOCAL PUBLIC AGENCY
City of Sandusky**

Director of Transportation

City Manager

Date

Date

Approved:
Dave Yost
Attorney General of Ohio

By:_____
Stephen H. Johnson
Chief, Transportation Section

Date:_____

**OHIO DEPARTMENT OF TRANSPORTATION
ACCOUNT RECEIVABLE**

Make check payable to: Treasurer of State

Mail to: Helene Ware

Senior Financial Analyst

Ohio Department of Transportation

Office of Estimating - #4160

1980 West Broad Street, 1st Floor

Columbus, Ohio 43223

PID No.

92889

Invoice No.

11215

**To: City of Sandusky
240 Columbus Avenue
Sandusky, Ohio
44870**

**Federal Project No. E150528
Erie County
City of Sandusky
U.S. 6/U.S. 250**

PLEASE ENCLOSE TWO COPIES OF THIS INVOICE TO IDENTIFY YOUR REMITTANCE

| Proposal of Participation | Type of Agreement | Amount |
|---------------------------|-------------------|-----------------------|
| | | \$1,074,955.00 |

Contract amount \$1,004,629.52
ODOT Engineering amount. \$ 70,325.48

For the improvement of that portion of **U.S. 6/U.S. 250**, more particularly described as follows:

The project consists of resurfacing U.S. 6 between the pavement joint just west of Venice Road/Sanford Street and the Sandusky southern corporation limit and U.S. 250 between Cleveland Road and 500 feet north of Butler Street, including pavement repair, concrete repair, structure maintenance, and pavement markings, lying within the City of Sandusky.

| | |
|-------------------------|-----------------------|
| Total Amount Due | \$1,074,955.00 |
|-------------------------|-----------------------|

Ohio Department of Transportation

By: Joseph Anthony
Construction Cost Manager
Office of Estimating



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Aaron M. Klein, P.E.

Date: March 15, 2020

Subject: **Commission Agenda Item - Erie Soil & Water Conservation District Annual Cost Sharing**

ITEM FOR CONSIDERATION: Legislation authorizing the City Manager to enter into the Memorandum of Agreement (MOA) between the Erie Soil and Water Conservation District (ESWCD) and City of Sandusky and to authorize payment for each of the annual cost sharing fees.

BACKGROUND INFORMATION: The City has participated in this program since 2011 and has received many benefits from ESWCD. The Memorandum of Agreement (MOA) provides funding for the Soil and Water District for professional services performed on behalf of the City of Sandusky to meet requirements of the Ohio Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) storm water program for the co-permittees jurisdictions. The co-permittees covered under the previous OEPA small Municipal Separate Storm Sewer Systems (MS4) permit were Year City of Sandusky, Erie County Engineer, City of Vermilion, Perkins Township, Margaretta Township and Village of Bay View. ESWCD has been so efficient and effective in their work that other communities in Erie County plan to participate in the next round as well. Have one body that assists individual communities is critical since storm water does not abide by political boundaries.

The Soil and Water Conservation District has been very instrumental in helping the City fulfill the required storm water permit requirements. Continued contractual assistance that will be provided by the storm water coordinator to meet state requirements will be to train city staff, conduct illicit discharge detection and elimination, and completion of the annual storm water report to the Ohio EPA. Additional duties that have been performed in the past have been evaluation of storm water pollution prevention plans (SWPPP's) for city-managed and private projects, required monthly inspections for these same projects, education of the public through storm water bike tours, coordination of "Lake Erie Starts Here" stenciling events in various neighborhoods, training contractors on clean water practices, rain barrel workshops, and organization of volunteers for bioretention maintenance at Lion's Park.

The proposed MOA is for five (5) years from 2020 to 2024. All other permit requirements are performed by city staff.

BUDGETARY INFORMATION: The annual amount under the previous contract was \$10,000 each year. For continued participation with the Erie County NPDES Phase II Program, annual amounts which are paid with Storm Water Funds are as follows:

| | |
|-------------|-----------------|
| 2020 & 2021 | \$13,000.00 ea. |
| 2022 & 2023 | \$14,000.00 ea. |
| 2024 | \$15,000.00 |

If payment is received in full by May 1 of each year, ESWCD will receive match dollars from the State of Ohio, which allows each participant's costs to be what is listed in their individual agreement.

ACTION REQUESTED: It is recommended that the necessary legislation be approved and that it take immediate effect in accordance with Section 14 of the City Charter in order to provide Erie Soil and Water Conservation District with a commitment to continue to participate in the program and make payment to Erie Soil and Water Conservation District for the annual fees due in the first quarter of each year pursuant to the proposed Memorandum of Agreement.

I concur with this recommendation:

Eric Wobser
City Manager

cc: K. Kresser, Commission Clerk; M. Reeder, Finance Director; T. Hayberger, Law Director

CERTIFICATE OF FUNDS

In the Matter of: Erie County Soil & Water NPDES Stormwater Agreement

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the City of Sandusky under the foregoing Contract 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 compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Dated: 4/8/2020

By: _____

Michelle Reeder

Finance Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE ERIE SOIL & WATER CONSERVATION DISTRICT FOR PARTICIPATION IN THE ERIE COUNTY NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II PROGRAM; AUTHORIZING AND DIRECTING THE CITY MANAGER AND/OR FINANCE DIRECTOR TO EXPEND THE NECESSARY FUNDS FOR PARTICIPATION; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, as mandated by Congress under the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) Storm Water Program is a comprehensive two-phased national program for addressing the non-agricultural sources of storm water discharges that adversely affect the quality of our nation's waters and the program uses the NPDES permitting mechanism to require the implementation of six (6) minimum controls designed to prevent harmful pollutants from being washed by storm water runoff into local water bodies and the Phase II Final Rule, published in the Federal Register on December 8, 1999, requires NPDES permit coverage for storm water discharges from certain regulated small municipal separate storm sewer systems (MS4s); and

WHEREAS, the City has identified the Erie Soil & Water Conservation District (ESWCD) as the lead agency for the Erie County NPDES Small MS4 Program and recognizes the need for a close working relationship in carrying out the responsibilities of the NPDES Small MS4 Program for which each Co-Permittee is charged; and

WHEREAS, the City of Sandusky has participated in this program since 2011 and has received many benefits from ESWCD and the Memorandum of Agreement provides funding to the Soil and Water District for professional services performed on behalf of the City to meet requirements of the Ohio Environmental Protection Agency's (OEPA) NPDES Storm Water Program for the co-permittee's jurisdictions; and

WHEREAS, the co-permittees covered under the OEPA Small Municipal Separate Storm Sewer Systems (MS4) permit are the City of Sandusky, Erie County Engineer, City of Vermilion, Perkins Township, Margaretta Township and the Village of Bay View; and

WHEREAS, the term of this agreement is one (1) year with four (4) automatic renewals and the City's annual cost to continue to participate in the Erie County NPDES Storm Water Program this year is \$13,000.00 and the annual cost for the renewal years is \$13,000.00 for year 2021, \$14,000.00 for years 2022 and 2023, and \$15,000.00 for year 2024 and all annual fees 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 continue participation in the program and make payment to the Erie Soil &

Water Conservation District at the earliest opportunity as annual fees are due in the first quarter of each calendar year pursuant to the proposed Memorandum of Agreement and prior to May 1, 2020, in order for ESWCD to receive matching funds from the State of Ohio; 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 agreement and authorizes and directs the City Manager to enter into the Memorandum of Agreement with the Erie Soil & Water Conservation District for participation in the Erie county National Pollutant Discharge Elimination System (NPDES) Storm Water Program, 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. The City Manager and/or Finance Director is authorized and directed to expend funds to the Erie Soil & Water Conservation District for the annual fee to continue to participate in the Erie County National Pollutant Discharge Elimination System (NPDES) Storm Water Program in an amount **not to exceed** Thirteen Thousand and 00/100 Dollars (\$13,000.00) and to expend funds for the renewal years in the amount of \$13,000.00 for year 2021, \$14,000.00 for years 2022 and 2023, and \$15,000.00 for year 2024, pursuant to and in accordance with the terms of the 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 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.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST:

KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: April 13, 2020

Memorandum of Agreement
between
The Erie Soil & Water Conservation District
and
City of Sandusky, Ohio

Upon this _____ day of _____, 20____ this Memorandum of Agreement (Agreement) was entered into by and between the Erie Soil & Water Conservation District (District), and the City of Sandusky (City), Erie County.

Mandated by Congress under the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) Storm Water Program is a comprehensive two-phased national program for addressing the non-agricultural sources of storm water discharges that adversely affect the quality of our nation's waters. The Program uses the NPDES permitting mechanism to require the implementation of six minimum controls designed to prevent harmful pollutants from being washed by storm water runoff into local water bodies. The Phase II Final Rule, published in the Federal Register on December 8, 1999, requires NPDES permit coverage for storm water discharges from certain regulated small municipal separate storm sewer systems (MS4s).

According to 40 CFR 122.26(b)(8), "municipal separate storm sewer means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law)...including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into waters of the United States.

(ii) Designed or used for collecting or conveying stormwater;

(iii) which is not a combined sewer; and

(iv) which is not part of a Publicly Owned Treatment Works (POTW)"

The City has identified the District as the lead agency for the Erie County NPDES Small MS4 Program. Other Erie County municipalities and townships have joined the Erie County NPDES Small MS4 Program as co-permittees. Recognizing the need for a close working relationship in carrying out the responsibilities of the NPDES Small MS4 Program for which each is charged, the City and the District enter into this Memorandum of Agreement as the foundation for a cooperative relationship. Such cooperation allows for joint effort in the solution of problems relating to storm water management, land use planning, and the development of the soil and water resources within the urbanized areas of Erie County.

The District agrees to:

1. Employ a program coordinator qualified to guide the City in implementing the NPDES Small MS4 Program, including assistance to select and implement minimum control measures to ensure compliance with Ohio EPA's NPDES Small MS4 permit requirements.

2. Update and submit the revised Storm Water Management Plan (SWMP) and the NPDES Small MS4 permit application for the City to the Ohio Environmental Protection Agency (EPA) in compliance with regulations and deadlines.
3. Provide payment to Ohio EPA for the NPDES Small MS4 permit fee and annual discharge fees (Fees shall be paid from the yearly appropriation to District).
4. Collect data and reports from the City on the progress of the program, compile this information, and write and submit the NPDES Small MS4 Annual Report to Ohio EPA in compliance with applicable regulations and deadlines.
5. Provide informational resources and technical assistance as requested to assist in satisfying the SWMP requirements and to guide proper land use decisions.
6. Keep City informed of updates to NPDES Small MS4 permit rules and regulations
7. Carry out all duties and tasks within the Annual Plan of Work (Exhibit A), and provide the City with an updated Plan of Work each year of this agreement for review and approval by City staff

The City agrees to:

1. Appoint a minimum of one (1) representative and one (1) alternate to serve on the Erie County Stormwater Committee, which will guide the Erie County NPDES Small MS4 Program
2. Cooperate with the District to develop and implement programs that satisfy the NPDES Small MS4 permit in accordance with the SWMP
3. Support the District's efforts by following up on any private construction site Storm Water Pollution Prevention Plan (SWPPP) compliance issues within 30 days of original notice of violation, and take necessary actions to bring the site into compliance with state and local regulations by issuing stop work orders and/or the issuance of fines
4. Ensure the appropriate MS4 staff attend the annual Good Housekeeping/Pollution Prevention trainings and/or workshops hosted by the District, when possible
5. Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the SWPPP requirements of Ohio EPA's Industrial Storm Water General Permit for each subject municipal facility
6. Conduct annual dry-weather screening of the MS4 outfalls, ensuring 100% of the City's MS4 outfalls will be screened over the 5 year permit term
7. Conduct quarterly dry and wet-weather inspections and annual comprehensive inspections, complete the appropriate reports within ESRI GIS apps developed, and make necessary changes identified during these inspections to comply with Ohio EPA's Industrial Storm Water General Permit requirements, as needed
8. Develop and implement an Illicit Discharge Detection and Elimination Plan
9. Provide the District with data, reports and other collected information to be used in the NPDES Small MS4 Annual Report
10. Provide the following appropriations to the District, payable in the first quarter of each calendar year:

| | |
|------------------|-----------------|
| <i>Year 2020</i> | <i>\$13,000</i> |
| <i>Year 2021</i> | <i>\$13,000</i> |
| <i>Year 2022</i> | <i>\$14,000</i> |

Year 2023 \$14,000
Year 2024 \$15,000

An annual review will occur for any adjustments that need to be made due to planned program objectives which shall be approved by the City and the District prior to implementation of adjustments.

11. Utilize best efforts to observe the principles of sound soil and water conservation, giving considerations to the need for storm water quantity and quality, erosion and sediment control measures, and natural resource protection, and compliance with NPDES permit requirements.
12. Recognize the District has no regulatory authority to enforce NPDES rules and regulations.

It is mutually agreed:

1. The District and the City shall meet annually to review and, where possible, coordinate their individual progress and activities for maximum mutual benefit and update the Annual Plan of Work (Exhibit A) as necessary
2. The Erie County Commissioners will be the holder of the NPDES Small MS4 permit, but the City will be responsible for meeting the requirements of the NPDES Small MS4 Permit as it pertains to its operation
3. The District prohibits discrimination in programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status
4. This agreement is effective for the period of one (1) year beginning on the effective date above with an automatic one year renewal each year for four (4) additional years unless one or both parties terminate by written notice as outlined below
5. This agreement may be terminated upon 30 days written notice by either party
6. The Erie County Stormwater Committee shall meet quarterly or more often if deemed necessary by the majority of committee members

In witness whereof, this Agreement is executed and agreed to on the day, month, and year written above.

Erie Soil & Water Conservation District

City of Sandusky

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Exhibit A

Small MS4 Program Annual Plan of Work for Year 2020

City of Sandusky

General Program Administration

- Program technical assistance
- Annual reporting and collection of data
- Update and submit the storm water management plan
- Provide the City with relevant SW educational material and/or links to post on City's website

Minimum Control Measures 1&2 - Public Education & Public Involvement:

- Meet the education 10% target population reach (50% over 5 year permit)
- Conduct minimum of 1 volunteer/public engagement stormwater event
- Clean Water Contractor Program

Minimum Control Measure 3 - Illicit Discharge Detection & Elimination (IDDE):

- Collect required reportable info from Erie County Health District and Sewer Maintenance
- Maintain GIS feature layer of all off-lot discharging HSTS's
- Assist with updating the IDDE plan and ordinances based on the Small MS4 Permit OHQ000004
- Assist Sewer Maintenance with tracking and reporting of confirmed illicit discharges

Minimum Control Measure 4 - Construction Site Stormwater Runoff Control:

- Conduct SWPPP plan reviews on all regulated construction projects and provide comments
- Attend pre-construction meetings (for SWPPP purposes) when requested by the City
- Conduct a minimum of 1 oversight SWPPP inspection per month on any regulated construction project during active construction and provide the contractor and City representative with required report documentation
- Review fee schedule for plan submittal and assist in developing new schedule
- Continue to track all time spent per construction project for both review and inspections; invoice Public Works Department monthly until instructed otherwise
- Develop a standard inspection form for contractors to use for required weekly SWPPP inspections

Minimum Control Measure 5 - Post-Construction Stormwater Management

- Conduct inspections on all private existing SW Post-Construction BMPs and provide inspection reports to the City
- Continue to update the ESRI GIS map of existing private BMPs
- Collect, review and maintain records of maintenance agreements for any new SW Post-Construction BMPs
- Review incorporating a fee for filing/recording maintenance agreements

Minimum Control Measure 6- Good Housekeeping & Pollution Prevention for Municipal Operations

- Ensure appropriate staff complete all required quarterly & annual facility inspections
- Assist with training new staff on doing the quarterly & annual inspection protocols
- Assist in developing and implementation of a SWPPP for each regulated facility
- Provide required Good Housekeeping/Pollution Prevention annual training for MS4 staff
 - Spills/IDDE Training, January



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5884
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Todd Gibson, Facilities & Properties Supervisor

Date: March 30, 2020

Subject: Commission Agenda Item – Request to purchase equipment for Sewer

ITEM FOR CONSIDERATION: It is requested that the City Commission authorize legislation to purchase a 2020 T770 T4 Bobcat Compact Track Loader for the Sewer Maintenance.

BACKGROUND INFORMATION: The above listed equipment is available for a total purchase price of \$62,968.42, through Streaker Tractor Sales, Inc. of Fremont, Ohio through the State of Ohio Department of Administrative Services Cooperative Purchasing Program, Schedule 800704 and Index STS515.

Sewer Maintenance currently has a 2003 S250 Bobcat that no longer meets its use requirements and intended purpose within the division. Size and stability have resulted in limitations for heavy underground construction and sewers repairs. However, the Facilities and Properties Supervisor has determined that the equipment could fit a need for street maintenance and has requested it be transferred to the Streets Division. Intended uses include in-house resurfacing projects, roadway repair work for sewer and water trenches, snow removal to supplement plowing and general construction.

BUDGETARY INFORMATION: The total cost of the Bobcat is \$62,968.42 and will be paid from Sewer funds, which will be budgeted in the 2020 Capital Improvement Plan (CIP) and has been accounted for in the 2020 rate review. It was listed in the 2019 CIP as well.

ACTION REQUESTED: It is requested that legislation be approved authorizing the purchase of a 2020 T770 T4 Bobcat Compact Track Loader for Sewer Maintenance through Streaker Tractor Sales, Inc. of Fremont, Ohio in an amount not to exceed \$62,968.42. It is further requested that the legislation be passed under suspension of the rules in full accordance with Section 14 of the City Charter in order for the equipment to be ordered and received so Sewer Maintenance can begin using the equipment at the earliest opportunity.

I concur with this recommendation:

Eric Wobser
City Manager

Aaron Klein, P.E.
Director

cc: K. Kresser, Commission Clerk; M. Reeder, Finance Director; T. Hayberger, Law Director



Bobcat

Product Quotation

Quotation Number: HMM-20034v1
Date: 2020-02-17 10:22:01

| Customer Name/Location | Bobcat Delivering Dealer | ORDERS TO BE PLACED WITH: Contract Holder/Manufacturer |
|--|--|--|
| CITY OF SANDUSKY G902960 304 Harrison St Sandusky, OH 44870-2149 | Streacker Tractor Sales, Inc, Fremont, OH 1400 NORTH FIFTH STREET FREMONT OH 43420-9573 Phone: (419) 334-9775 Fax: (419) 334-9778 | Clark Equipment Company dba Bobcat Company PO Box 6000, 250 E Beaton Dr West Fargo, ND 58078 Ph# 701-241-8719 Fax# 855.608.0681 Heather Messmer E Mail: heather.messmer@doosan.com |

| Description | Part No | Qty | Price Ea. | Total |
|---|---|-----|-------------|-------------|
| T770 T4 Bobcat Compact Track Loader | M0285 | 1 | \$51,170.70 | \$51,170.70 |
| 92 HP Turbo Tier 4 Diesel Engine | Lift Arm Support | | | |
| Air Intake Heater (Automatically Activated) | Lift Path: Vertical | | | |
| Auxiliary Hydraulics: Variable Flow | Lights, Front & Rear | | | |
| Backup Alarm | Operator Cab | | | |
| Bob-Tach | <ul style="list-style-type: none"> Includes: Adjustable Suspension Seat, Top & Rear Windows, Seat Bar, Seat Belt Roll Over Protective Structure (ROPS) meets SAE-J1040 & ISO 3471 Falling Object Protective Structure (FOPS) meets SAE-J1043 & ISO 3449, Level I; (Level II is available through Bobcat Parts) | | | |
| Bobcat Interlock Control System (BICS) | Parking Brake: Spring Applied, Pressure Released (SAPR) | | | |
| Controls: Bobcat Standard | Tracks: Rubber, 17.7" wide | | | |
| Engine/Hydraulic Systems Shutdown | Warranty: 2 years, or 2000 hours whichever occurs first | | | |
| Horn | | | | |
| Instrumentation: Engine Temp & Fuel Gauges, Hourmeter, RPM and Warning Lights | | | | |

| | | | | |
|--------------------------------|------------------------------|---|------------|------------|
| A61 Option Package | M0285-P01-A61 | 1 | \$4,997.30 | \$4,997.30 |
| Cab Enclosure with Heat and AC | Power Bob-Tach | | | |
| Two Speed Travel | Hydraulic Bucket Positioning | | | |
| 3-Point Seat Belt | Cab Accessories Package | | | |

| | | | | |
|---|---------------|---|------------|------------|
| Selectable Joystick Controls (SJC) | M0285-R01-C04 | 1 | \$661.50 | \$661.50 |
| High Flow Hydraulics | M0285-R03-C03 | 1 | \$1,572.20 | \$1,572.20 |
| Heated Air Ride Suspension Seat - Cloth | M0285-R05-C12 | 1 | \$332.50 | \$332.50 |
| Radio | M0285-R26-C02 | 1 | \$348.60 | \$348.60 |
| 7-Pin Attachment Control | M0285-R28-C02 | 1 | \$171.50 | \$171.50 |
| Automatic Ride Control | M0285-R33-C02 | 1 | \$518.70 | \$518.70 |
| Telematics US | M0285-R51-C02 | 1 | \$0.00 | \$0.00 |
| Attachment Control Kit, 14-Pin (G-, K-, M- and M2-Series Loaders) | 6733136 | 1 | \$992.56 | \$992.56 |
| 5.5K Severe Duty Pallet Fork Frame | 7294332 | 1 | \$485.64 | \$485.64 |
| --- 48" 5.5K Severe Duty Pallet Fork Teeth | 6541518 | 1 | \$339.72 | \$339.72 |

Total for this Machine \$61,590.92

| Description | Part No | Qty | Price Ea. | Total |
|-------------------------------|---------|-----|-----------|----------|
| 74" Heavy Duty Bucket | 7272680 | 1 | \$855.00 | \$855.00 |
| --- Bolt-On Cutting Edge, 74" | 6718007 | 1 | \$230.00 | \$230.00 |

Total for these items \$1,085.00

| Description | Part No | Qty | Price Ea. | Total |
|----------------|---------|-----|-----------|----------|
| Service Manual | 7252384 | 1 | \$125.00 | \$125.00 |
| Parts Manual | 7275025 | 1 | \$125.00 | \$125.00 |

*Bobcat & parts
will directly
to city*

| | |
|--------------------------|-------------|
| Total of Items Quoted | \$62,925.92 |
| Dealer Assembly Charges | \$42.50 |
| Quote Total - US dollars | \$62,968.42 |

Notes:

**Prices per the Ohio STS – 800704 March 27, 2019 – March 31, 2021*
**Terms Net 30 Days. Credit cards accepted.*
**FOB Destination within the 48 Contiguous States.*
**Delivery: 60 to 90 days from ARO.*
**State Sales Taxes apply. IF Tax Exempt, please include Tax Exempt Certificate with placed order.*
**TID# 38-0425350*
**ORDERS MUST BE PLACED WITH: Clark Equipment Company dba Bobcat Company, Govt Sales,*
PO Box 6000, 250 E. Beaton Drive, West Fargo, ND 58078.

Prices & Specifications are subject to change. Please call before placing an order. Applies to factory ordered units only.

ORDER ACCEPTED BY:

SIGNATURE

DATED

PRINT NAME AND TITLE

PURCHASE ORDER #

SHIP TO ADDRESS: _____

BILL TO ADDRESS (if different than Ship To): _____



CERTIFICATE OF FUNDS

In the Matter of: 2020 Bobcat Compact Track Loader

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the City of Sandusky under the foregoing Contract 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 compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Dated: 4/8/2020

By: Michelle Reeder

Michelle Reeder

Finance Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE A 2020 T770 T4 BOBCAT COMPACT TRACK LOADER FROM STREAKER TRACTOR SALES, INC. OF FREMONT, OHIO, THROUGH THE STATE OF OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES COOPERATIVE PURCHASING PROGRAM FOR THE SEWER MAINTENANCE DIVISION; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Sewer Maintenance Division currently has a 2003 S250 Bobcat Compact Loader that is no longer fit for use for its intended purpose within the division due to its limitations for heavy construction and it is recommended to replace this loader with a 2020 T770 T4 Bobcat Compact Track Loader; and

WHEREAS, the 2003 S250 Bobcat Loader will be transferred to the Division of Streets for resurfacing projects, repair work for sewer and water trenches, snow removal to supplement plowing, and general construction; and

WHEREAS, the 2020 T770 T4 Bobcat Compact Track Loader is available from Streaker Tractor Sales, Inc. of Fremont, Ohio, through the State of Ohio Department of Administrative Services Cooperative Purchasing Program, thereby, allowing local political subdivisions to purchase items that have been competitively bid from the successful state vendor giving the City the benefit of the State's negotiated price and eliminating the necessity of formal bidding; and

WHEREAS, the total purchase price for the 2020 T770 T4 Bobcat Compact Track Loader is \$62,968.42 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 for the equipment to be ordered and received so the Sewer Maintenance Division can begin using the equipment at the earliest opportunity; 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 Sewer Maintenance Division, 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 purchase a 2020 T770 T4 Bobcat Compact Track Loader from Streaker Tractor Sales, Inc. of Fremont, Ohio, through the State of Ohio Department of Administrative Services Cooperative Purchasing Program, Contract #800704, for the Sewer Maintenance Division at an amount **not to exceed** Sixty Two Thousand Nine Hundred Sixty Eight and 42/100

Dollars (\$62,968.42).

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 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.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: April 13, 2020